

MEETING NOTICE

A meeting of the
Bayside Planning Panel
will be held in the Committee Room, Botany Town Hall
Corner of Edward Street and Botany Road, Botany
on **Tuesday 24 July 2018 at 6:00 pm.**

ON-SITE INSPECTIONS

On-site inspection/s will precede the meeting.

AGENDA

1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Bayside Council respects the traditional custodians of the land, and elders past and present, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

2 APOLOGIES

3 DISCLOSURES OF INTEREST

4 MINUTES OF PREVIOUS MEETINGS

- 4.1 Minutes of the Bayside Planning Panel Meeting - 26 June 2018.....3
- 4.2 Minutes of the Bayside Planning Panel Meeting - 10 July 201819

5 REPORTS – PLANNING PROPOSALS

Nil

6 REPORTS – DEVELOPMENT APPLICATIONS

- 6.1 F18/404 - DA-2016/65 - 130-150 Bunnerong Road, Eastgardens.....24
- 6.2 SF18/1610 - DA-2015/98/07 - 577-579 Gardeners Road, Mascot.....120
- 6.3 SC17/784 - DA-2014/129/3 - 593 Gardeners Road, Mascot169
- 6.4 SF18/1333 - DA-2014/214 - 5 Myrtle Street, Botany246
- 6.5 SF18/1432 - DA-2017/1060 - 213 King Street, Mascot307
- 6.6 SF18/1603 - DA-2014/318/5 - 278 Bunnerong Road, Hillsdale395
- 6.7 DA-2015/322/A - DA-2015/322/A - 433-439 Princes Highway,
Rockdale503

Members of the public, who have requested to speak at the meeting, will be invited to address the Panel by the Chaiperson.

The meeting will be video recorded and live streamed to the community via Council's Facebook page.

Meredith Wallace
General Manager

Bayside Planning Panel

24/07/2018

Item No	4.1
Subject	Minutes of the Bayside Planning Panel Meeting - 26 June 2018
Report by	Anne Suann, Governance Officer
File	SC17/784

Recommendation

That the Minutes of the Bayside Planning Panel meeting held on 26 June 2018 be confirmed as a true record of proceedings.

Present

Jan Murrell, Chairperson and Independent Specialist Member
Michael File, Independent Specialist Member
Lindsey Dey, Independent Specialist Member
Christopher Middlemiss, Community Representative

Also Present

Luis Melim, Manager Development Assessment
Fausto Sut, Manager Governance & Risk
Josh Ford, Coordinator Statutory Planning
Marta Gonzalez-Valdes, Coordinator Development Assessment
Fiona Prodromou, Senior Development Assessment Planner
Angela Lazaridis, Senior Development Assessment Planner
Adam Iskander, Development Assessment Planner
Ian Vong, IT Technical Support Officer
Anne Suann, Governance Officer

The Chairperson opened the meeting in the Committee Room, Botany Town Hall, corner of Edward Street and Botany Road, Botany at 6.03 pm.

1 Acknowledgement of Traditional Owners

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land, elders past and present and future leaders, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

2 Apologies

There were no apologies received.

3 Disclosures of Interest

For Item 6.1 Michael File advised the meeting that he had previously, some seven years ago, worked with the Director of Perica & Associates Urban Planning P/L, the applicant's planner. However, he had no other relationship with Mr Perica. The Chair considered this to be 'a Less than Significant Non-Pecuniary Interest' and as such would participate to consider and determine this matter.

4 Minutes of Previous Meetings

4.1 Minutes of the Bayside Planning Panel Meeting - 12 June 2018

Decision

That the Minutes of the Bayside Planning Panel meeting held on 12 June 2018 be confirmed as a true record of proceedings.

5 Reports – Planning Proposals

5.1 Planning Proposal - 8 Princess Street, Brighton-Le-Sands

An on-site inspection took place at the property earlier in the day.

Recommendation to the Council

- 1 That pursuant to section 3.34 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) the draft Planning Proposal for land known as 8 Princess Street, Brighton-Le-Sands be submitted to the Department of Planning & Environment (DPE) for a Gateway determination; and
- 2 That should a Gateway determination be issued, a further report be presented to Council following the public exhibition period to demonstrate compliance with the Gateway determination and to provide details of any submissions received throughout that process.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lindsey Dey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael File	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Christopher Middlemiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Recommendation

The Panel is satisfied that the adjoining B4 zone could be extended over the subject site and this is not contrary to the strategic planning for the area.

6 Reports – Development Applications

6.1 DA-2017/195 - 1 Bruce Street, Bexley

An on-site inspection took place at the property earlier in the day.

The following person spoke:

- Mr Jason Perica, Planning consultant from Perica & Associates, spoke against the officer's recommendation and responded to the Panel's questions.

Determination

- 1 The Development Application No. DA-2017/195 is APPROVED pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to the Minutes and the consent conditions amended in the following manner:

- A By inserting the following conditions under the heading of 'Development Specific Conditions', at the end of Condition 12:

12A Post-operational acoustic monitoring at the applicant's expense be reported to Council six months after the child care centre is operational to demonstrate compliance with the predicted noise levels. If the centre is not operating within the criteria then ameliorative measures must be put in place, which may include management /operational measures.

12B The provision of a clearly marked safe, separate pedestrian access to the centre from the car park.

- B By deleting (i) and (iii) from Condition 68, and the condition renumbered to read as follows:

68. A Registered Surveyor's check survey certificate or compliance certificate shall be forwarded to the certifying authority detailing compliance with Council's approval at the following stage/s of construction:

- i) Prior to construction of each floor level showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved level.*
- ii) On completion of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.*
- iii) On completion of the drainage works (comprising the drainage pipeline, pits, overland flow paths, onsite detention or retention system, and other relevant works) verifying that the drainage has been constructed to the approved levels, accompanied by a plan showing sizes and reduced levels of the elements that comprise the works.*

C By amending Condition 89 to read as follows:

89. *Five (5) dedicated off-street car spaces (2 visitor (including 1 accessible) and 3 staff) shall be provided in accordance with the submitted plans. Such spaces shall be paved, line marked and made freely available at all times during business hours of the site for staff and visitors.*

D By amending Condition 101 to read as follows:

101. *Where applicable, the following works will be required to be undertaken in the road reserve adjacent to the site frontage at the applicant's expense:*

- i) Construction of a concrete footpath along the frontage of the development site;*
- ii) Construction of a new fully constructed concrete vehicular entrance/s;*
- iii) Removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;*
- iv) Reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;*
- v) Construction of paving between the boundary and the kerb;*
- vi) Removal of redundant paving;*
- vii) Construction of kerb and gutter.*

2 That the objectors be notified of the determination made by the Bayside Planning Panel.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lindsey Dey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael File	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Christopher Middlemiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Determination

The proposed child care centre is considered an appropriate use for the site and conditions will ensure safety of the users of the site in the future. Post-operational acoustic testing will also provide for the amenity of adjoining neighbours.

6.2 DA-2015/289/B - 533-537 Princes Highway, Rockdale

An on-site inspection took place at the property earlier in the day.

The following person spoke:

- Ms Linley Love, town planner from Planning Ingenuity, representing the applicant, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

The Application No DA-2015/289/B being a Section 4.55(1A) application to amend Development Consent Number DA-2015/289, for modifications to the layout of the approved building including the provision of additional services, new balcony to Unit 107, changes to terrace/courtyard areas and increase in height at 533-537 Princes Highway Rockdale is APPROVED with the consent amended in the following manner:

A By amending conditions as follows:

- The development must be implemented substantially in accordance with the plans listed below, the application form and on any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.*

Plan / Dwg No.	Drawn by	Dated	Received by Council
Landscape Plan LS-102 Rev A	greenplan pty ltd	10/05/2018	16/05/2018
Basement 2 Plan Rev D	Bechara Chan & Associates Pty Ltd	15/05/2018	16/05/2018
Basement 1 Plan Rev D	Bechara Chan & Associates Pty Ltd	15/05/2018	16/05/2018
Ground Floor Plan Rev C	Bechara Chan & Associates Pty Ltd	14/05/2018	16/05/2018
Level 1 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Level 2 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Level 3 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Level 4 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Level 5 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018

Level 6 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Level 7 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Level 8 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Level 9 Plan Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Roof Plan Rev C	Bechara Chan & Associates Pty Ltd	15/06/2018	19/06/2018
North Elevation Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
South Elevation Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
East Elevation Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
West Elevation Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Side Elevation West Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Side Elevation East Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018
Section AA Rev B	Bechara Chan & Associates Pty Ltd	11/05/2018	16/05/2018

[Amendment B - 4.55(1A) amended on 26/06/2018]

5. *The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 584079M_04 other than superseded by any further amended consent and BASIX certificate.*

Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -

(a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.

Note: Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."

*Note: For further information please see <http://www.basix.nsw.gov.au>.
[Amendment B - 4.55(1A) amended on 26/06/2018]*

11. *Parking spaces shall be allocated to residential apartments / non-residential units in the development in the following manner and this shall be reflected in any subsequent strata subdivision of the development:*

Allocated Spaces

Studio - 1 bedroom and 2 bedrooms - 1 space per unit

3 bedroom - 2 spaces per unit

Visitors - 9 spaces (2 shared with commercial)

Commercial 1 space per 40sq/m - 3 spaces

Accordingly a total of 65 residential spaces (including six (6) accessible spaces), 9 visitors, incorporating 2 shared retail/visitor spaces (including one (1) accessible space) and 1 designated commercial/retail space are to be provided on site. All residential visitor spaces, 1 car wash bay, 1 dedicated loading bay, a minimum of 7 bicycle and 4 motorcycle spaces shall be labelled as a common property on the final strata plan for the site.

Note: This parking allocation condition applies to any Strata Certificate issued with respect to a Consent issued in accordance with Section 81 (1)(A) of the Environmental Planning and Assessment Act 1979 or a Complying Development Certificate issued in accordance with Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

[Amendment B - 4.55(1A) amended on 26/06/2018]

39. *Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access, must be provided to and within six (6) residential units, and between these units and their allocated car parking spaces. The allocated parking space will be located in close proximity to the access points of the building. The adaptable units are to be unit numbers 302/502/602/702/802.*

Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access and the Building Code of Australia does not necessarily guarantee that the development meets the full requirements of the Disability Discrimination Act (DDA) 1992. It is the responsibility of the applicant to make the necessary enquiries to ensure that all aspects of the DDA legislation are met.

A revised Access Report shall be submitted to and approved by the PCA, prior to the issue of the Construction Certificate, which confirms an alternative solution is workable with respect of the dimension and design of accessible car parking spaces, and applicable shared areas within the development.

[Amendment B - 4.55(1A) amended on 26/06/2018]

87. 75 off-street car spaces including 9 visitor and 1 retail space with 2 visitors spaces shared with retail including seven (7) accessible spaces shall be provided in accordance with the submitted plans. All spaces shall be paved and line marked, with visitor / retail spaces and made freely available at all times during business hours of the site for staff and visitors.

Car spaces shall be provided in accordance with the submitted plan and shall be sealed and line marked 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.

[Amendment B - 4.55(1A) amended on 26/06/2018]

98. Positive covenants pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the storm water detention and treatment facility to provide for the maintenance of the detention and treatment facility, waste removal by private waste contractor and the basement traffic control systems for ongoing compliance.

[Amendment B - 4.55(1A) amended on 26/06/2018]

102. A positive covenant shall be created over the visitor parking spaces to ensure that the commercial units retain exclusive use of the spaces between 7.30am to 6.00pm Monday to Friday and 7.30am to 1.00pm on Saturdays and comply with the shared parking register. A suggested wording for the covenant is indicated below:

"The Registered Proprietors covenant as follows with Council with respect to the area of common property identified as 'Visitor Parking' spaces on the Strata Plan (herein called 'The Burdened Land').

The Registered Proprietor will:

- i) permit the registered proprietors and/or invitees of the registered proprietors of the three commercial lots inclusive to enter upon The Burdened Land with a vehicle or vehicles whether motorized or not and to park, leave or place such a vehicle upon The Burdened Land within the times commencing at 7.30am in the morning Monday to Saturday and ending at 6.00pm in the evening Monday to Friday and 1.00pm in the afternoon on Saturdays. The times referred to are Australian Eastern Standard time or Australian Eastern daylight saving time whichever is in effect at the time that the registered proprietor or invitee enters upon The Burdened Land.*
- ii) not obstruct or inhibit in any manner whatsoever access to or exclusive use of The Burdened Land in accordance with the prior cause.*
- iii) comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time stated in the notice."*

[Amendment B - 4.55(1A) amended on 26/06/2018]

B By inserting the following conditions:

73A. Traffic Signs, Signal & Loop Detector

- (i) *A traffic signals/signs, convex mirrors and loop detector are to be designed and installed to manage vehicular movement in driveways that provide safe vehicle access to the site and all basement levels. The arrangement shall control traffic to ensure safe movement of vehicles within basement car park at all times.*
- (ii) *Prior to issue of the relevant Construction Certificate, a suitably qualified and experienced engineer shall design traffic management facilities within the site to the requirements of AS2890.1:2004 and relevant Austroads Guidelines. The facilities designed by the engineer shall include signals/signs (including traffic signal heads, vehicular guide signs, regulatory signs and warning signs), line marking and pavement markers, and other controls such as passing bays, traffic islands, median or separator and convex mirror to ensure safe movement of vehicles within the site at all times.*

The access driveway shall be controlled by traffic signals with the following operational mode:

After a pre-set clearance time signals revert to red for outgoing and green for incoming.

[Amendment B - 4.55(1A) inserted on 26/06/2018]

Reason for additional condition 73A is:

- To ensure the safety of vehicles entering and exiting the site.*

73B. Waste & Recycling Collection, Removalist Drop-off's & Pick-ups - Operational Requirements

- (i) *Waste & recycling collection and servicing, including removalist trucks, must be carried out within the approved loading bay at all times.*
- (ii) *Waste & recycling collection, deliveries, removalists and/or any other servicing must not, at any time, be undertaken from the Forest Roads and Harrow Road or elsewhere within the site.*
- (iii) *Waste and recycling may be collected by a private waste contractor. A contract for waste and recycling collection must be entered into prior to issue of the Occupation Certificate. The company engaged must ensure that all recycling is collected separately from waste.*
- (iv) *Waste & recycling collection must be undertaken during off-peak times.*
- (v) *The maximum size truck permitted to access the site is a Small Rigid Vehicle (SRV).*

- (vi) *The loading bay must be allocated as 'common property' on any future strata plan of subdivision under the Strata (Freehold) Schemes Act.*

[Amendment B - 4.55(1A) inserted on 26/06/2018]

Reason for additional condition 73B is:

- To ensure appropriate loading, unloading and waste collection occurs on site.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lindsey Dey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael File	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Christopher Middlemiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Determination

The proposed application is consistent with the objectives of the zone and Council's LEP and DCP requirements.

6.3 DA-2017/168 - 356-368 Forest Road, Bexley

An on-site inspection took place at the property earlier in the day.

The following people spoke:

- Ms Fredericka Macrozonaris, affected neighbour, spoke against the officer's recommendation and responded to the Panel's questions.
- Mr Ronald Azzopardi, architect from ardesign, representing the applicant, spoke for the officer's recommendation and responded to the Panel's questions.
- Mr Ilo Ribarovski, owner, responded to the Panel's questions.

Determination

- 1 The Bayside Planning Panel approves the variation to the height standard, as contained in Clause 4.3 – Height of Rockdale LEP 2011, and considers the clause 4.6 submission of the applicant is well founded.
- 2 The Bayside Planning Panel approves the variation to the FSR development standard, as contained in Clause 4.4 – Floor Space Ratio of Rockdale LEP 2011, and considers the clause 4.6 of RLEP 2011 submission of the applicant is well founded.

- 3 The Development Application DA-2017/168 for the construction of a six (6) storey mixed use development comprising 22 residential units, 2 ground floor commercial tenancies, basement car parking, demolition of existing structures and strata subdivision is APPROVED subject to a DEFERRED COMMENCEMENT consent, pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, that includes satisfaction of the following matters:
- i Submission of a Wind Report confirming wind amelioration measures required on-site.
 - ii Submission of revised architectural plans, which illustrate:
 - a All required wind amelioration measures for the development.
 - b Unit 5 - Highlight or fixed obscure windows (not film) to both bedrooms and the living room with a minimum sill height of 1.7m. Fixed 1.8m high angled privacy screen to the eastern end of the balcony.
 - c Units 4 / 9 / 14 / 19 - Highlight or fixed obscure windows (not film) to living rooms with a minimum sill height of 1.7m. Fixed 1.8m high angled privacy screens to the eastern end of balconies.
 - d Integration of fire booster / hydrant within the building envelope.
 - e Provision of security access details to the driveway, loading / unloading area and basement level.
 - f Details of air conditioning units to residential units.
 - g Toilet and shower facilities provided to commercial tenancies.
 - iii Submission of a revised Landscape Plan which illustrates:
 - a Additional screen planting along the common boundary with 4 Harrow Road in lieu of a pedestrian walkway.
 - b Relocation of accessible ramp away from the common boundary with 4 Harrow Road.
 - c Details of fencing to delineate between communal open space and the adjoining outdoor area to retail space 1 at ground level.
 - d Productive gardens shall be incorporated into the deep soil area on site.
 - e Vegetation and proposed landscaping/fencing must not hinder driver sightlines to/from the driveway to road users on Forest Road.

The period of the Deferred Commencement is six (6) months from the date of this determination.

On the Deferred Commencement conditions above being approved by Council, the operational conditions of consent attached to the officer's report become effective.

- 4 That objectors be notified of the Bayside Planning Panel's decision.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lindsey Dey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael File	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Christopher Middlemiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Determination

The Panel recognises the constraints of this site. The Panel is of the opinion that the development generally complies with the Council's planning controls and guidelines and that the setback of 6 m from the adjoining property satisfactorily ameliorates the impact of overshadowing and privacy impacts.

6.4 DA-2017/199 - 205-207 President Avenue, Monterey

An on-site inspection took place at the property earlier in the day.

The following person spoke:

- Mr Jamie MacGillivray, architect on behalf of the applicant, responded to the Panel's questions.

Determination

- 1 The Bayside Planning Panel approves the Cl.4.6 submission for variations to Clause 4.3 - Height of Buildings, and Clause 4.4 - Floor Space Ratio under Rockdale Local Environmental Plan 2011.
- 2 The development application DA-2017/199 for the construction of a four(4) storey residential flat building comprising 16 residential units, basement parking, front fence and demolition of existing structures at 205-207 President Avenue, Monterey is APPROVED as a DEFERRED COMMENCEMENT pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979 subject to the following changes:
 - A By deleting from the attached 'Schedule A – Draft Deferred Commencement Conditions' the following:
 - 2 *The submission of an updated BASIX Certificate.*
 - 4 (1) Frontage setback
 - a) *All walls, and planter boxes and ramps shall be minimised. Planter boxes shall be deleted. Any raised terrace, raised ramp, above sub-basement car parking shall be softened with planting to comply with objection 3C-2 of the ADG.*

4 (2) Eastern boundary

- a) *Pedestrian circulation and stairs shall be relocated to allow screen planting along boundary. Screen planting shall be located adjacent to boundary, in deep soil area. Provide a mix of screen shrubs and trees, with a minimum height of 2.5 metres. The screen hedge shall include Waterhousea floribunda, Syzygium "Cascade", Elaeocarpus reticulatus, Melaleuca linarifolia and similar native screen shrubs and trees.*

B By amending the attached 'Schedule A– Draft Deferred Commencement Conditions' as follows:

4 (1) Frontage setback

- b) *Allow at least one (1) large native canopy tree to mature in a minimum area of three by three metres (3x3m). The tree shall be an Angophora costata or a native tree endemic to the area, to be supplied and planted at 200 litre pot size, with three (3) stakes.*

4 (6) Rear landscaped area

The two advanced Jacaranda mimosifolia trees shall be planted, one in each corner, a minimum of 3 metres from any boundary of the site. In addition one (1) Angophora costata, or native tree endemic to the area, shall be included in the rear landscape area, at a minimum distance of 2.5 metres from adjoining boundaries. The trees are to be supplied at minimum pot size of 200 litres, (height above container 3.5 metres, calliper at 300mm greater than 60mm, with a clear trunk height of 1.5 metres).

On the Deferred Commencement conditions being satisfied and approved by Council, the operational conditions of consent attached to the Minutes and as amended below, become effective.

C By deleting Condition 35 from the attached 'Schedule B - Draft Conditions of Consent:

- 35 *To improve the amenity of the future occupants and minimise bulk, the depth of the balcony on the front units east elevation (Units 5 and 9), shown on the plans as 4.153 metres shall be reduced to a maximum of 2 metres and shall be extended in width to join the adjacent open area to create a consolidated balcony. Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.*

3 That the objectors be advised of the Bayside Planning Panel's decision.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lindsey Dey	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Michael File ☒ ☐

Christopher Middlemiss ☒ ☐

Reason for Determination

The removal of the existing Jacaranda is approved because its location impacts unreasonably on the future development of the site. Whilst the removal of the existing large Jacaranda tree is regrettable, at the same time the development approval requires replacement canopy trees in appropriate locations on the site in deep soil, including two Jacarandas, a species of tree that can be seen to thrive in the surrounding area.

The proposed development is generally consistent with the existing controls and current guidelines for this isolated site of a constrained width. The panel is satisfied the development of a modern architectural style will create a positive new addition to the streetscape that will sit comfortably in a landscaped setting that will also provide in the future a significant contribution to the greening of the area. The design of the building also minimizes adverse amenity impacts on adjoining properties.

6.5 DA-2018/28 - 60 Monterey Street, Monterey

An on-site inspection took place at the property earlier in the day.

The following people spoke:

- Mr Terry Mourched from Architectural Consultants & Project Managers spoke for the officer's recommendation and responded to the Panel's questions.
- Mr Rabi Moussawel from Architectural Consultants & Project Managers responded to the Panel's questions.

Determination

- 1 The Bayside Planning Panel does not approve the variation to clause 4.3 Height of building under Clause 4.6 as submitted by the applicant.
- 2 The Development Application No.DA-2018/28 for the proposed alterations and additions to the roof top terrace including retention and use of 6 timber posts and wires for the purpose of roof top garden at 60 Monterey Street, Monterey is REFUSED pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 for the following reasons:
 - The additional structure above the height limit in the LEP is not supported.
 - There is concern about the potential for the adverse amenity impacts on the surrounding area resulting from an intensification of the rooftop open space.
- 3 That the objector be advised of the Bayside Planning Panel's decision.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lindsey Dey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael File	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Christopher Middlemiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Determination:

The Panel is not persuaded the proposal warrants approval and considers that the addition of structural elements on this large roof-top are unnecessary and unreasonable. The residential amenity of the surrounding area could potentially be adversely impacted in terms of privacy and noise by the large number of people that could be accommodated on a roof-top of this size with no measures to mitigate these impacts.

6.6 SF18/1297 - DA-2017/1222 - 200 Coward Street, Mascot

An on-site inspection took place at the property earlier in the day.

The following person spoke:

- Mr Walter Gordon, representing the applicant, responded to the Panel's questions.

Determination

- 1 The Bayside Planning Panel is not 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.
- 2 The Development Application No. 2017/1222 for alterations to the approved mixed use development by converting balconies into wintergardens at 200 Coward Street, Mascot, is REFUSED pursuant to section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 for the following reason:
 - The application removes the outdoor balcony open space for future residents which is a mandatory and current requirement for residential flat buildings. The proposed development does not meet the objectives of the current zone, Council's DCP requirement or the ADG.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lindsey Dey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael File	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Christopher Middlemiss



Reason for Determination:

The application is refused because it removes the outdoor balcony open space for future residents which is a mandatory and current requirement for residential flat buildings. The proposed development does not meet the objectives of the current zone, Council's DCP requirements, or the ADG.

The Chairperson closed the meeting at 8:25 pm.

Jan Murrell
Chairperson

Bayside Planning Panel

24/07/2018

Item No	4.2
Subject	Minutes of the Bayside Planning Panel Meeting - 10 July 2018
Report by	Lauren Thomas, Governance Officer
File	SC17/784

Recommendation

That the Minutes of the Bayside Planning Panel meeting held on 10 July 2018 be confirmed as a true record of proceedings.

Present

Robert Montgomery, Chairperson and Independent Specialist Member
Ross Bonthorne, Independent Specialist Member
Robert Furolo, Independent Specialist Member
Amber O'Connell, Community Representative

Also present

Luis Melim, Manager Development Services
Fausto Sut, Manager Governance & Risk
Marta Gonzalez-Valdes, Coordinator Development Assessment
Brendon Clendenning, Consultant, CPS Planning
Michael Maloof, Senior Development Assessment Planner
Rita Baker, Senior Development Assessment Planner
Matthew Torta, IT Support Officer
Lauren Thomas, Governance Officer

The Chairperson opened the meeting at 6:07 pm.

1 Acknowledgement of Traditional Owners

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land, elders past and present and future leaders, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

2 Apologies

There were no apologies received.

3 Disclosures of Interest

Robert Furolo declared a Less than Significant Non-Pecuniary Interest in Item 6.1 on the basis that in 2015 he met someone connected to a previous development application for an affordable housing development for the subject site.

Robert Furolo declared a Less than Significant Non-Pecuniary Interest in Item 6.3 on the basis that he knows the architect associated with the Development Application.

4 Minutes of Previous Meetings

4.1 Minutes of the Bayside Planning Panel Meeting - 26 June 2018

As there were no Panel Members present who had attended the Bayside Planning Panel meeting held on 26 June 2018, it was decided that the confirmation of the minutes of that meeting should be deferred to the next meeting of the Bayside Panel to be held on 24 July 2018.

Decision

That the Minutes of the Bayside Planning Panel meeting held on 26 June 2018 be DEFERRED for adoption at the next meeting of the Bayside Planning Panel to be held on 24 July 2018.

5 Reports – Planning Proposals

There were no Planning Proposals.

6 Reports – Development Applications

6.1 DA-2017/139 - 142 Queen Victoria Street, Bexley

An on-site inspection took place at the property earlier in the day.

The following people spoke:

- Mr Benjamin Black - Town Planner, Mr Nicholas Lycenko - Registered Architect and Mr William Karavelas - the Applicant, who each spoke against the officer's recommendation for refusal and responded to the Panel's questions. Mr Benjamin Black also presented the Panel with a written submission.

Determination

- 1 That Development Application DA2017/139 for construction of a four (4) storey residential flat building development, comprising 7 residential units, basement parking, and demolition of existing structures at 205-207 142 Queen Victoria Street, Bexley, be

DEFERRED and the applicant is requested to provide amended plans and supplementary documentation to address the relationship of the proposed building to surrounding development. In particular, the following matters are to be clarified:

- site coverage;
- setbacks;
- deep soil zones; and
- details of front fence construction.

The amended plans should address:

- privacy screens where required;
- the treatment of the balustrades;
- the resolution of the corner; and
- resolution of the roof element to level 4.

These matters were discussed with the applicant. In addition, the applicant should address the minimum width requirement of the DCP.

Name	For	Against
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Furolo	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reasons for the Panel's Decision:

The Panel is of the view that, subject to some design modifications and clarification, the proposal may be acceptable. Deferral is to allow the applicant time to respond to the matters raised in the report and by the Panel.

6.2 DA-2017/207 - 116 Clareville Avenue, Sandringham

An on-site inspection took place at the property earlier in the day.

The following people spoke:

- Mr Gregory Heathcote, affected neighbour, spoke against the officer's recommendation.
- Mr Richard Achram, the applicant's business partner, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- 1 That development application DA-2017/207 for construction of a new rooftop terrace to both dwellings 1 and 2 inclusive of internal stair access and flat sliding access hatch at 116 Clareville Avenue, Sandringham be APPROVED pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report. The reduction of the rooftop area as required by Condition No. 6B is to occur by increasing the setback to the eastern edge of the building, that is that the side setbacks at 1.675 metres are to remain.
- 2 An additional condition is to be included as follows:
Permanent landscape planter boxes are to be placed along the outside of the glass balustrades on the north, east and south.
- 2 That the objectors be advised of the Bayside Planning Panel's decision.

Name	For	Against
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Furolo	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amber O'Connell	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Reasons for the Panel's Decision

The applicant has reduced the area of the proposed terraces considerably to 29 square metres each.

The introduction of skylight-style access is a substantial improvement which is supported by the panel.

The Panel is of the view that the 24 square metre maximum size should be applied as per Condition No. 6B to ensure consistency for approvals across the city.

The Panel notes that Council is currently undertaking a review of relevant Local Environmental Plans and Development Control Plans. It would be appropriate for consistent standards for rooftop terraces to be developed and incorporated into this process.

6.3 DA-2017/340 - 413 - 425 Princes Highway, Rockdale

An on-site inspection took place at the property earlier in the day.

The following people spoke:

- Mr Rudy Jason and Mr Ziad Chanine of CD Architects, who both spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- 1 That Development Application No. 2017/340 for the demolition of the ancillary structures for the construction of a seven (7) storey hotel to accommodate eighty-eight (88) rooms and two (2) commercial tenancies at ground floor and basement car parking be approved as a deferred commencement pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, subject to the recommended conditions of consent with an additional deferred commencement condition as follows:

The amended plans should incorporate articulation to the glass wall facades concurrent with the evaluation of energy performance of the building.

- 2 That the objectors be notified of the Bayside Planning Panel decision.

Name	For	Against
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Furolo	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Panel Decision

The proposed development is satisfactory in terms of the relevant statutory requirements.

The proposed development presents a satisfactory design response to the the site and its surroundings, however may benefit from some additional articulationto the glass wall facades.

The Chairperson closed the meeting at 8:12 pm.

Jan Murrell
Chairperson

Bayside Planning Panel

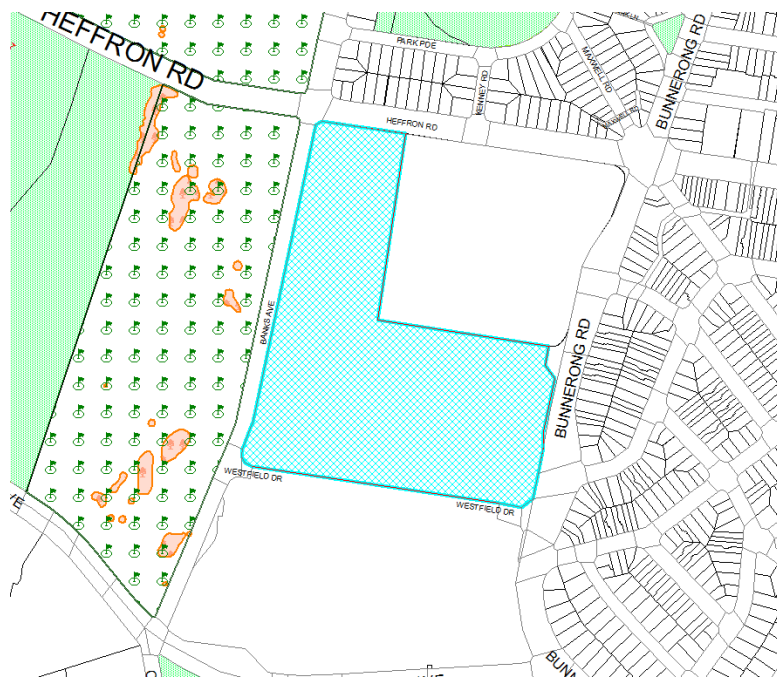
24/07/2018

Item No	6.1
Application Type	Development Application
Application No	F18/404
Lodgement Date	03/05/2016
Property	DA-2016/65 - 130-150 Bunnerong Road, Eastgardens
Ward	Port Botany
Owner	Karimbla Properties (No. 39) Pty Ltd
Applicant	Karimbla Constructions Services (NSW) Pty Ltd
Proposal	Embellishment of the public domain across the site. Embellishment works includes the construction of two public parks, and embellishing the road network with landscaping, street furniture, lighting and paving.
No. of Submissions	One objection
Cost of Development	\$10,775,489
Report by	Angela Lazaridis, Senior Development Assessment Planner

Officer Recommendation

- 1 That Development Application No.16/65 for the embellishment of the public domain across the site with works including the construction of two public parks, and embellishing the approved road network with landscaping, street furniture, lighting and paving at 130-150 Bunnerong Road Eastgardens be APPROVED, subject to the conditions of consent attached to this report.
 - 2 That any objectors be advised of the Bayside Planning Panel's decision.
-

Location Plan



Attachments

- 1 Planning Assessment Report
- 2 Public Domain Plans [↓](#)[↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	16/65
Date of Receipt:	3 May 2016
Property:	130-150 Bunnerong Road, Eastgardens Lot 2 in DP 1187426
Owners:	Karimbla Properties (No. 39) Pty Ltd
Applicant:	Karimbla Constructions Services (NSW) Pty Ltd
Proposal:	Embellishment of the public domain across the site. Works include the construction of two public parks, and embellishing the approved road network with landscaping, street furniture, lighting and paving.
Recommendation:	Approve the development, subject to conditions.
Value:	\$10,775,489
No. of submissions:	One (1) submission
Author:	Angela Lazaridis, Senior Development Assessment Planner
Date of Report:	12 June 2018

Key Issues

The former City of Botany Bay Council received Development Application No. 16/65 on 3 May 2016 seeking consent for the embellishment of the public domain across the site at 130-150 Bunnerong Road, Eastgardens. Works include the construction of two public parks, and embellishing the approved road network with landscaping, street furniture, lighting and paving.

The application was placed on public exhibition for a fourteen (14) day period from 15 June to 29 June 2016. One submission was received which generally raised issue with the existing trees and their removal and the interface between the site and local roads. This is discussed in greater detail in the report below.

The application is a Stage 2 application. The Stage 1 application (DA-14/96) was received by Council on 5 May 2014 and on the 12 September 2014, the applicant filed a Class 1 Appeal. The application was considered at a series of Section 34 conferences, whereby a series of amended plans were considered. Council and the applicant reached a Section 34 agreement and the appeal was upheld with court orders issued on 7 August 2015. The Stage 1 consent is a concept approval for the overall site including an indicative 2,223 apartments across 7 urban blocks.

The application was reviewed by Council's Landscape Architect as the majority of the works are related to this department. There were no objections to the proposal however appropriate conditions have been imposed relating to insufficient information on detail of the parks and tree species.

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

Recommendation

It is RECOMMENDED that the Bayside Planning Panel:

1. Approve Development Application No. 16/65 for the embellishment of the public domain across the site with works including the construction of two public parks, and embellishing the approved road network with landscaping, street furniture, lighting and paving at 130-150 Bunnerong Road Eastgardens, and subject to the conditions of consent attached to this report.
2. That any objectors be advised of the Bayside Planning Panel's decision.

Background

History

Stage 1 – Masterplan (DA-14/96)

Integrated Development Application No. 14/96 was received by Council on 5 May 2014 for the redevelopment of the site for a staged mixed use development involving subdivision and concept approval for the location of public road network, private access ways through the site, on-site stormwater detention including water sensitive urban design (WSUD), Building Envelopes and Building Heights facilitating approximately 2,733 dwellings on site, parking spaces in above ground and basement facilities, and provision of 8,000sqm of public open space. The Capital Investment Value CIV for these works was \$128,431,190.00, therefore the former Joint Regional Planning Panel (JRPP) was the consent authority. On 28 August 2014, this application was referred to the JRPP in accordance with Schedule 4A of the Environmental Planning & Assessment Act 1979 (EP&A Act) as it has a CIV in excess of \$20 million (Reference No. 2014/SYE/105).

On 12 September 2014, Karimbla Constructions (NSW) Pty Ltd filed a Class 1 Appeal against Council's 'deemed refusal' of the application. The application was considered at a series of Section 34 conferences, whereby a series of amended plans were considered. Council and the applicant reached a Section 34 agreement and the appeal was upheld. On 7 August 2015 the development consent was issued.

The Stage 1 Masterplan consent is a concept approval and does not grant consent for any demolition, remediation, excavation or building works. It is noted however that remediation works have commenced on-site as Category 2 works under the State Environmental Planning Policy No. 55 – Remediation of Land. The approval is limited to the massing, modulation, overall siting and setbacks, maximum height of buildings, maximum GFA, uses, maximum

FSR, public domain provisions, unit mix, minimum unit sizes, indicative unit numbers, and minimum car parking provisions.

The key details of the approved Masterplan are as follows:

- The applicant must enter into a Planning Agreement including the following:
 - Central Park embellished and dedicated to Council,
 - Roads within the site constructed, embellished and dedicated to Council,
 - Traffic lights and any other necessary traffic control systems constructed,
 - Monetary contribution of \$10.5 million towards the cost of providing transport infrastructure in the form of upgrade to the intersection of Page Street and Wentworth Avenue.
- Concept subdivision of the site
- Central Park of 8,000sqm.
- Linear Park of 2,703sqm.
- Building envelopes, setbacks, maximum GFA and FSR for each urban block.
- Indicative maximum of 2,223 residential apartments, up to 5,000sqm of retail space and four child care centres.
- Residential unit mix – max 20% 1 bedroom, 50% 2 bedroom, min 30% 3 bedroom.
- Residential unit sizes.
- Car parking rates including an indicative minimum number of 3,693 spaces.

The VPA has been entered into and currently the applicant seeks an amendment to it. It is noted that Part 9D of the BBDCP 2013 specifically relates to the redevelopment of the subject site, 130-150 Bunnerong Road, Eastgardens, and guided the Stage 1 consent. The Stage 1 consent includes conceptual details of the proposed buildings which have been altered from the provisions of Part 9D.

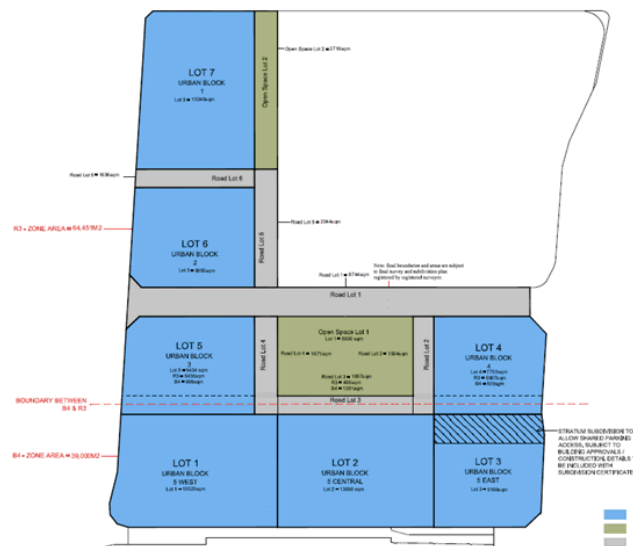


Figure 1. Approved Master plan concept subdivision plan DA-14/96



Figure 2. Approved open space and public domain plans

Stage 2 – East-West Boulevard and realignment of Sydney Water Stormwater Culvert (DA-14/159)

On 15 July 2014, Council received a Stage 2 Development Application (DA-14/159) which originally was for the construction of the entire road network and civil works associated with the Stage 1 DA. Over subsequent amendments, the proposed development was reduced to only include the kerb-to-kerb construction of East-West Boulevard and the realignment of the existing Sydney Water stormwater channel.

The application was determined by Council on 4 March 2015 by way of refusal. The reasons for refusal were as follows:

- The proposed development is not appropriate in the absence of an approved Master plan;
- It is not in the public interest to approve an aspect of a Master plan proposal when all other parameters are in dispute;
- A commitment to an aspect of the Master plan as a fixed point does not allow for the orderly and economic development of land.

On 9 March 2015, Karimbla Constructions (NSW) Pty Ltd filed a Class 1 Appeal against Council's refusal of the application. The application was considered in conjunction with the ongoing Section 34 conferences for the Stage 1 DA. Council and the applicant reached a Section 34 agreement and on 7 August 2015 the development consent was issued in conjunction with the Stage 1 (Master plan) consent.

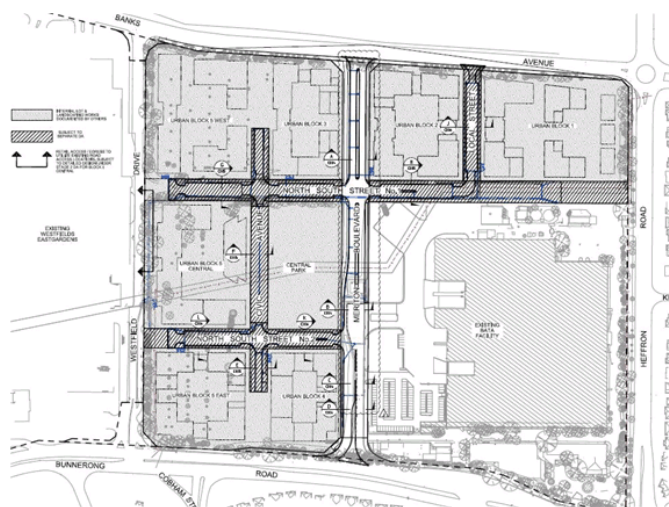


Figure 3. Approved Site Plan DA-14/159

Stage 2 – Subdivision of the site and construction of the road network (excluding East-West Blvd and the private access ways) and associated civil works (DA-15/104)

On 26 June 2015, Council received a Stage 2 Development Application (DA-15/104) for the construction of the road network (excluding the approved East-West Blvd) and associated civil works. The application was subsequently amended to also include the subdivision of the site in accordance with the Stage 1 Master plan and the private access roads were excluded from the proposal. The CIV for the works was \$2,707,356 and therefore Council was the consent authority.

The proposal was generally consistent with the Stage 1 consent DA-14/96 and was approved on 8 January 2016. Multiple modifications have been approved previously relating to construction of the internal roads with one of the modification including the internal private roads within the development. The most recent modification to the development application which relates to a minor boundary adjustment was approved on 4 December 2017.

Stage 2 - Integrated Development Application for the construction of a mixed use development incorporating 487 apartments and a childcare centre within a building consisting of a 5 storey podium including 847 car spaces sleeved with apartments and 2 x 16 storey and 2 x 20 storey towers above.

On 16 February 2016, Council received a Stage 2 Development Application (DA-16/18) which proposed the construction of a mixed use development incorporating 487 apartments and a childcare centre within the building consisting of a 5 storey podium including 847 car parking spaces sleeved behind the apartments and 2 x 16 storey and 2 x 20 storey towers above. The CIV for the works was \$116,742,078 and therefore was referred to the former Sydney East Joint Regional Planning Panel. On 9 June 2016, the development application was approved subject to conditions of consent amended at the Panel Meeting. Construction of this development has been completed and occupation has been carried out.

Stage 2 - Integrated Development Application for the construction of a residential flat building consisting of one level of basement car parking, a 3 storey podium including

car parking sleeved with apartments, and 2 x 6 storey, 1 x 8 storey and 1 x 16 storey towers above

On 17 August 2016, Council received a Stage 2 Development Application (DA-16/143) which proposed the construction of a residential flat building consisting of one level of basement car parking, a 3 storey podium including car parking sleeved with apartments, and 2 x 6 storey, 1 x 8 storey and 1 x 16 storey towers above. The CIV for the works was \$69,616,383.00 and therefore was referred to the Sydney Central Planning Panel. On 16 February 2017, the development application was approved subject to conditions of consent amended at the Panel Meeting. Construction is underway for this urban block.

Stage 2 – Integrated Development Application for the construction of a residential flat building consisting of one level of basement car parking, a podium and two towers, 1 x 6 storeys and 1 x 8 storeys

On 13 February 2017, Council received a Stage 2 Development Application (DA-2017/1022) which proposed the construction of a residential flat building consisting of one level of basement car parking, a podium and two towers, 1 x 6 storeys and 1 x 8 storeys. On 5 October 2017, the development application was approved subject to conditions of consent amended at the Panel meeting. Construction of this development has been completed and occupation has been carried out.

Stage 2 – Integrated Development Application for the construction of two residential apartment buildings up to 16 storeys (maximum building height of RL76m) comprising of 368 units with three basement levels

On 27 November 2017, Council received a Stage 2 Development Application (DA-2017/1224) which proposes the construction of two residential apartment buildings up to 16 storeys with a total of three basement levels. The development application is currently under assessment and will be determined by the Sydney Eastern City Planning Panel.

Stage 2 – Integrated Development Application for the construction of a mixed use development of six (6) residential towers with the tallest tower having a maximum building height of 21 storeys (RL 90.5m), ground floor retail tenancies, associated landscaping and site works. The development proposes a total of 515 apartment

On 11 January 2018, Council received a Stage 2 Development Application (DA-2018/1003) which proposes the construction of a mixed use development for the construction of six residential towers, ground floor retail tenancies and associated landscaping and site works. The development application is currently under assessment and will be determined by the Sydney Eastern City Planning Panel.

Application History

Amended plans were requested by the applicant on 11 August 2016. These amended plans were provided to Council in April 2017. Landscaping comments for the application were provided to the assessing officer on 3 April 2018.

Proposal

The application seeks consent, in its amended form, for the embellishment of the public domain across the site with works including the construction of two public parks, and embellishing the approved road network with landscaping, street furniture, lighting and paving. The following figure demonstrates the extent of the works proposed on the site.



Figure 4. Proposed landscaping and embellishment for the site

A description of the works to specific portions is as follows:

Central Park (Chauvel Green)

The central park is to include the following items:

- Kicakabout lawn
- Public toilet
- Children's play area
- Public BBQ and seating
- Shade trees with seating on turf
- Cycle parking and racks
- Pedestrian shareway link to retail
- Perimeter paths
- Exercise equipment stations
- Fenced junior play facilities
- Sloped lawn
- Potential artwork/signage

There are existing trees located along the western side of the park which are to be retained as part of the proposal.



Figure 5. Proposed Landscaping and embellishment of Central Park

Open Space Lot 2 (Linear Park)

Open Space Lot 2 is to include the following items:

- Street furniture/seating
- Shared path
- Lawn and shade trees
- Screen planting to boundary
- Possible community garden
- Small plaza/meeting space
- Links into residential courtyards



Figure 6. Proposed Landscaping and embellishment of Open Space Lot 2

Civic Avenue (Oscar Place)

Civic Avenue is to include the following items:

- Existing trees are to be retained where possible
- Alfresco dining areas/retail frontage
- Flexible hardspace/plaza
- Shared surface crossing area
- Avenue street trees
- Shaded seating under street trees
- Bike racks

The avenue is to be utilised as a shareway predominantly for pedestrian access. Removable bollards have been conditioned within the consent to allow maintenance vehicles for the park access however no vehicle movements are permissible.



Figure 7. Proposed landscaping and embellishment of Civic Avenue

Road Reserves

There are four different typologies for the road reserves which are for the east-west boulevard (Tingwell Boulevard), North-South Street 1 and 2 (Finch Drive and Studio Drive), Local Street and Civic Avenue (Oscar Place). The following applies for each:

East-West Boulevard (Tingwell Boulevard):

- Concrete shared path
- Street trees: Species *Angophora costata* with spacing of 12m
- On street parking
- Bio-swale: Species: *Melaleuca quinquenervia*
- Pedestrian path



Figure 8. Proposed landscaping and embellishment of east-west boulevard

Finch and Studio Drive (North-south Street 1 and 2):

- Concrete shared path
- Street trees: Species: *Eucalyptus punctata*- spacing 8m
- On street parking
- Bio-swale: Species: *Melaleuca quinquenervia*
- Street lighting



Figure 9. Proposed landscaping and embellishment of North-South Street 1 and 2

Local Street:

- Concrete pedestrian park
- Street trees: Species: *Eucalyptus punctata* spacing 8m
- On street parking
- Street lighting



Figure 10. Proposed landscaping and embellishment of Local Road

Civic Avenue (Oscar Place):

- Paved pedestrian area
- Street trees: Species: *Fraxinus* spacing 8m
- Car parking
- Civic avenue shared zone



Figure 11. Proposed landscaping and embellishment of Civic Avenue

Remediation, construction and embellishment of the parks is required prior to them being dedicated to Council in accordance with the timing approved under Condition No. 11 of the Stage 1 consent. The Stage 1 consent required the central park to be dedicated to Council prior to the issue of any occupation certificate for the final building for UB5C while Open Space Lot 2 is required to be dedicated prior to any occupation certificate of final building for UB1. The roads such as Tingwell Boulevard (East-West Boulevard), Oscar Place (Civic Avenue) and Finch and Studio Drives (North-South Streets 1 and 2) are to be dedicated to Council prior to the occupation certificate of the final building for UB5C.

Site Description

The overall Stage 1 Master plan site is contained within the block bound by Bunnerong Road to the east, Banks Avenue to the west, Heffron Road to the north, and Westfield Drive to the south. The north eastern portion of this block is the consolidated British American Tobacco Australia (BATA) operations which does not form part of the subject site. The site is made up of one allotment legally described as Lot 2 in DP 1187426, with a total site area of 103,547m².

The site is irregular in shape with frontages to Bunnerong Road, Heffron Road, Banks Avenue and Westfield Drive of 194.21m, 107.22m, 419.85m and 342.34m respectively. The site also has two internal boundaries of 237.75m and 238.20m with the remaining BATA site.

The southern portion of the site has been cleared of all structures and construction works are underway on the roads and stormwater works approved under the Stage 2 DA's No.14/159 and 15/104. In the north-western portion of the site, a large warehouse building from the former BATA operations remains.

A variety of development is located in the vicinity of the site. To the north is Pagewood consisting primarily of low density residential development. To the east is Maroubra which is also primarily low density residential development. To the immediate south of the site is Westfield Eastgardens which is a large regional shopping centre. To the immediate west is the Bonnie Doon Golf Course.

The site is generally flat however it is slightly elevated and retained by a wall along Banks Avenue in the north-west (up to 2m), retained by a lower 450-600mm wall in the south to Banks Avenue and is cut below the level of Bunnerong Road in the south-east by up to 5m.

In terms of vegetation, landscaping beds including medium and large sized mature trees form the perimeter of the site along the Bunnerong Road, Westfield Drive, Banks Avenue, and Heffron Road frontages. Internally, the most significant vegetation is an avenue of large Lemon Scented Gum trees running north-south in the southern half of the site.

External vehicular access to the site is provided via an existing road that provides access to the BATA facility from Bunnerong Road. External vehicular access is also available from Banks Avenue and Westfield Drive.

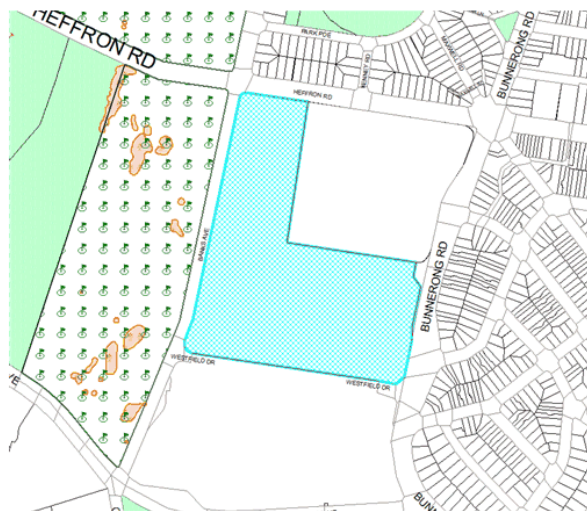


Figure 12. Cadastre of the subject site



Figure 13. Aerial photograph of the subject site dated 5 May 2016 (Source: nearmap.com.au)



Figure 14. Aerial photograph of the subject site dated June 2018 (Source: nearmap.com.au)

Statutory Considerations

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

Division 4.4 of the Environmental Planning and Assessment Act 1979 – Concept Development Applications

The Stage 1 Master plan consent DA-14/96 is the first of a Staged Development Application as per Section 4.22 of the Environmental Planning and Assessment Act. The subject application is a Stage 2 Development Application and as per the Section 4.24 it cannot be inconsistent with the Stage 1 consent. Below is an assessment of the proposed development against the relevant requirements of the Stage 1 consent.

Condition	Requirements	Proposal	Consistent
Embellish roads and dedicate (Condition 41)	Embellish road network and dedicate to Council.	The subject development application involves the embellishment of the road network. Dedication to Council	Yes

Condition	Requirements	Proposal	Consistent
		will be in accordance with Condition No. 11 of the consent.	
Central Park (Condition 42)	Min 8,000sqm Remediated prior to dedication Embellished and dedicated	8,000sqm central park (Chauvel Green) is proposed. Appropriate conditions relating to remediation has been included within consent.	Yes
Central park details (Condition 43)	a) Details of playground b) Active recreation areas c) Pedestrian permeability d) Lighting e) Furniture f) Interesting use of materials g) Design considering socialisation h) Incorporate WSUD i) Public art proposal j) Way finding signage k) Public toilets	Insufficient information has been provided to satisfy Council particularly relating to details of the playground and recreation areas, use of materials, design considering socialisation and way finding signage. Appropriate conditions have been imposed in the consent.	Condition
Open space lot 2 (Condition 44)	Min 2,703sqm Remediated prior to dedication Embellished and dedicated	2,703sqm Open Space Lot 2 (linear park) is proposed. Appropriate conditions relating to remediation has been included within consent. Road to be embellished and dedicated in accordance with Condition No. 11.	Yes
Open space lot 2 details (Condition 45)	a) Community garden b) Furniture c) Natural space d) WSUD e) Pedestrian permeability f) Linkages through park g) Natural play areas	Insufficient information has been provided relating to natural space and community garden. Appropriate conditions have been imposed.	Condition
Basic requirement for park designs (Condition 46)	a) Solar access to influence design b) Visual surveillance from streets and buildings c) Variety of plant species d) Lawn and shaded seating e) Deep soil for large canopy trees f) Specimen trees for focal points g) Mixture of paving and treatments h) Terracing for vertical height i) Consistency in materials j) Photomontages in context of buildings k) Sample board of materials	Both open space areas have a northern orientation. Appropriate sunlight to these spaces are provided. Overshadowing from the development within the north-eastern site that is not within the masterplan site will be considered at the planning proposal stage. Visual surveillance from surrounding buildings have been achieved. Deep soil is provided for large canopy trees within the parks, paving treatments will be subject to Council approve, variety of	Yes

Condition	Requirements	Proposal	Consistent
		<p>plant species have been provided.</p> <p>The applicant did not provide a photomontage or a sample board of materials however this is acceptable.</p>	
Public domain and footpath perimeter of site (Condition 50)	Public domain and footpath along perimeter of masterplan site upgraded with new paving, landscaping, lighting etc. Completed prior to OC for each stage with corresponding frontage.	All works relating to street frontages external to the site have been conditioned as part of individual development applications approved for each urban block.	Yes
Road embellishment (Condition 52)	<ul style="list-style-type: none"> a) Road construction in accordance with AUS SPEC b) Footpaths provided with kerb ramps c) Street furniture coordinated in precinct and to Councils City Identity specs d) Street furniture located in a 1m zone along kerb line out of pedestrian area e) Street name signs to Council standards at all intersections f) Detailed traffic control signage g) Street lighting coordinated and standardised h) Street lighting evenly space in accordance with AS1158 i) All existing and new power lines to be underground 	<p>All roads are constructed in accordance with AUS-SPEC. Appropriate conditions relating to kerb ramps on footpaths have been conditioned. Approval of the street furniture will be from Council. There is no street furniture located in a 1 metre zone along kerb line of pedestrian area.</p> <p>Street lighting has been conditioned to adopt a P rating and has been evenly spread out based on street lighting plan and to be approved by Council. All existing powerlines within the site are to be undergrounded.</p>	Yes, condition
Street landscape principles and plans (Condition 53)	Street landscape principles and plans to be submitted in accordance with PD strategy May 2015.	The principles are generally consistent with the PD Strategy of May 2015.	Yes
Timing of landscaping details (Condition 55)	Detailed landscaping construction documentation to be prior to issue of relevant CC for each stage.	Each individual development application for the urban blocks have been conditioned to provide detailed landscaping construction documentation.	Yes
Remediation (Condition 68)	Prior to CC for relevant urban block including parks, a Site Audit Statement (Part B) to be submitted stating that landscape has been remediated in accordance with Remedial Action Plan (RAP) and suitable	This has been conditioned for each individual urban block DA and each site will be remediated.	Yes

Condition	Requirements	Proposal	Consistent
	for proposed residential and public park use.		

S.4.15(1) - Matters for Consideration – General

S.4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 have been considered in the assessment of the Development Application, along with the requirements of Part 3K of the Botany Bay Development Control Plan 2013 relating to Contaminated Land. Clause 7 of SEPP No. 55 requires Council to be certain that the site is or can be made suitable for its intended use at the time of determination of an application.

The Stage 1 consent included the following documents relating to site contamination:

- Detailed Site Investigation Report ref: 71631.11 Revision O dated 4 September 2013 prepared by Douglas Partners; and
- Updated Remedial Action Plan ref: 71631.12 Revision O dated 4 September 2013 prepared by Douglas Partners.

The application was assessed by Council's Environmental Scientist who has no objection to the proposal subject to conditions of consent imposed in the attached schedule. A Stage 4 – Site Validation Report, a site audit statement and remediation works are to be carried out with the recommendations adopted within the documents above have been conditioned at the relevant timing.

Given the above, Council is certain the site is suitable for its intended use at the time of the determination of this application. Therefore, the proposed development satisfies the relevant provisions of SEPP No. 55.

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:

Principal Provisions of BBLEP 2013	Complies Yes/No	Comment
Land use Zone	N/A	The site is zoned R3 Medium Density Residential and B4 Mixed Use under the BBLEP 2013.
Is the proposed use/works permitted with development consent?	Yes	The proposed recreation areas and embellishment to the roads and public open space areas are consistent with the approved masterplan. Recreation open space is a permissible use within the zone.

Principal Provisions of BBLEP 2013	Complies Yes/No	Comment
Does the proposed use/works meet the objectives of the zone?	Yes	<p>The proposed development is consistent with the following objectives in the BBLEP 2013:</p> <p>B4- Mixed Use Zone</p> <ul style="list-style-type: none"> To provide a mixture of compatible land uses. To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. <p>R3- Medium Density Residential Zone</p> <ul style="list-style-type: none"> provide for the housing needs of the community within a medium density residential environment. To provide a variety of housing types within a medium density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To encourage development that promotes walking and cycling.
What is the height of the building?	N/A	The proposal is for embellishment and construction of the parks and road reserves on the site. FSR is not applicable.
What is the proposed FSR?	N/A	The proposal is for embellishment and construction of the parks and road reserves on the site. Height is not applicable as any structure within the park will be of a single storey height.
Is the land affected by road widening?	N/A	The subject site is not identified as being affected by road widening.
Is the site listed in Schedule 5 as a heritage item or within a Heritage Conservation Area?	N/A	The subject site is not identified as a Heritage Item or within a Heritage Conservation Area.

Principal Provisions of BBLEP 2013	Complies Yes/No	Comment
The following provisions in Part 6 of the LEP apply to the development:		
6.1 – Acid sulfate soils (ASS)	Yes	The site is not identified as being affected by ASS. Regardless, the Stage 1 consent includes a condition which requires that every Stage 2 application include an ASS Management Plan. In accordance with the Stage 1 consent, an ASS Management Plan prepared by Consulting Earth Scientists was submitted with the application. Council's Environmental Scientist has reviewed the plan and raised no objection subject to conditions which have been included in the consent.
6.2 – Earthworks	Yes	The development proposes minimal excavation for the park construction therefore did not require concurrence from Water NSW.
6.3 – Stormwater management	Yes	Appropriate conditions have been imposed relating to the stormwater system on the site.

The objectives and provisions of Botany Bay Local Environmental Plan 2013 have been considered in relation to the subject development application. The proposal is considered satisfactory in terms of the Botany Bay Local Environmental Plan 2013.

S4.15(1)(a)(ii) - Provisions of any Draft EPI's

There are no current Draft EPIs applicable to this development.

S4.15(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 (BBDCP) 2013 as follows:

Part 3A- Access and Mobility

An access report has been prepared by Wall to Wall Design and Consulting and accompanies the application. The access report undertakes a review of the proposed design and makes recommendations that addresses the Disability Discrimination Act 1992. It is considered that the recommendations within the report achieve these requirements particularly relating to access to the two parks and the requirements of Part 3C of the BBDCP 2013 are achieved.

Part 3I – Crime Prevention, Safety and Security

The proposal will include lighting along the streets and within the parks. The facilities within the park i.e. the kiosk and the public toilet will be appropriately maintained. Casual surveillance

opportunities will be available from the surrounding residential flat buildings as well as the parks have not been designed to have any hidden areas or is unsafe. Therefore the requirements under this area has been addressed.

Part 3L – Landscaping

The proposed landscaping meets the objectives of Part 3L as it will improve the visual and environmental amenity of the site, adjoining residential flat buildings that are existing or to be constructed and is appropriate for the parks. The proposal includes continuous deep soil across the two main parks and new pathways for walking and cycling. The approved works and their embellishments will improved the pedestrian connectivity within the site. The application was reviewed by Council's Landscape Architect who provided appropriate conditions within the consent which related to the greater detail required about landscaping species, street and playground furniture, bonds and amended plans. The proposal seeks to provide a full basketball court however this is not supported and a condition of consent has been imposed to provide two x half basketball courts to allow for greater use of the space and allow for greater landscaping in the area.

The existing vegetation is proposed to be predominantly retained particularly the existing line of trees that are located along the western end of the central park. New trees are proposed along the street verges, parks and central to the Tingwell Boulevard road reserve. This is acceptable subject to appropriate conditions.

Part 9D – 130-150 Bunnerong Road Eastgardens

Part 9D of the BBDCP 2013 specifically relates to the redevelopment of the subject site, 130-150 Bunnerong Road, Eastgardens, and guided the Stage 1 consent. The Stage 1 consent includes conceptual details of the proposed buildings which have been altered from the provisions of Part 9D. While the Stage 1 consent takes precedence over the DCP, the key points of the chapter that helped inform the Stage 1 consent are as follows:

Part 9D.2.2 of the BBDCP 2013 discusses open space and circulation vision for the site. The Stage 1 consent and consequential Stage 2 consents were approved with a street hierarchy of a main east-west boulevard and civic avenue with smaller roads linking the two. These links are bounded by central park and Open Space Lot 2 which will provide active recreation areas for the site. The DCP required the developer to be responsible for the carrying out of the proposed public domain works on the site.

Part 9D.2.4- Public Domain and Open Spaces discusses the requirement to provide a 8,000sqm central park. According to the DCP, the provision of public open space was required for the population- both residential and employee and is to be dedicated to Council after contamination and embellishment works have been completed. The nature of this DA is to address this requirement.

Therefore based on the above, the proposal has met with the requirements of the DCP and is acceptable.

S.4.15(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.4.15(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.4.15(1)(c) - Suitability of the site

Adequate information has been submitted to demonstrate that the site is suitable for the proposed development. Council's Environment Scientist has reviewed the proposal and raised no objection subject to conditions.

The proposed development was approved in concept under the Stage 1 consent DA-14/96, is permissible in the zone, and achieves the zone objectives.

Accordingly, the site is considered suitable for the proposed development being for a residential apartment development.

S.4.15(1)(d) - Public Submissions

In accordance with Part 2 of the Botany Bay DCP 2013 – Notification and Advertising, the application was placed on public exhibition for a fourteen (14) day period from 15 June to 29 June 2016. One (1) objection has been received and a summary of the issues is as below:

- *Impact on the existing streetscape*

Applicant's comment:

Concern is raised relating to the existing streetscape which is a critical and integral component of the urban design of the locality. The regional panel (former JRPP) were concerned with the retention of the existing perimeter trees and steps to be taken to retain the existing trees as a focal street scope and urban design feature of the development. The proposed landscaped masterplan flouts the approach outline by the Panel. The proposal depletes the amount of trees along the perimeter of the site rather than their embellishment. The cumulative impact of the modification application of DA-15/104 and the subject application contravenes the direction provided by the regional panel. The concept development should therefore resort to a genuine and responsible traffic management plan.

Officer's comment:

Due to the longevity of the application, the site has approved a number of applications which relate to the approved concept urban blocks. In particular, UB5W which is located on the south-western corner of the entire site and UB3 which is on the western side of the site along Banks Avenue have approval for the buildings and for excavation. Within each proposal, the developer provided council with arborist reports which specified the trees to be removed and retained. The trees along Bunnerong Road and Banks Avenue have been mostly removed due to their health or impact on the existing retaining wall and have been replaced with new trees as per the direction of Council's Landscape Architect. Approval by Council's Tree Preservation Officer has been provided for the trees on the perimeter of the site. Any trees internal to the development that are mature and that are of a healthy disposition are to be retained and appropriate bonds have been conditioned within the consent. While the perimeter planting has been slightly reduced, the applicant will be replacing these trees with new street trees which will be subject to individual building DAs for each urban block.

S.4.15(1)(e) - Public interest

It is considered that granting approval to the proposed development is in the public interest as it will embellish approved recreational park and road reserves which can be utilised by the public and will have no significant adverse impact on the public interest.

Other Matters

Referrals

The application was referred to both internal departments and external authorities. Council's Development engineer, landscape architect, environmental health officer, environmental scientist provided conditions for the proposal. In regard to external authorities, Ausgrid, Sydney Water and NSW Police provided conditions which have been imposed in the consent. No objections were raised for the proposal by the authorities.

Conclusion

Development Application No. 16/65 was received on 3 May 2018 for the embellishment of the public domain across the site including the construction of two public parks, and embellishing the approved road network with landscaping, street furniture, lighting and paving at 130-150 Bunnerong Road, Eastgardens.

The proposal has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal is permissible within the zone and consistent with the approved masterplan consent (DA-14/96) for the site. The open space areas and embellishment of the parks and road reserves will provide well-constructed recreation area and public amenities within the development site that will be utilised by the residents of the surrounding developments that are currently constructed, under construction or to be approved. The public open space areas will provide a tangible public benefit without generating any unreasonable planning impact on the surrounding area. Therefore the proposal is recommended for approval subject to the conditions of consent in the attached Schedule.

Attachment

Premises: 130-150 Bunnerong Road Eastgardens

DA No.: DA-16/65

SCHEDULE OF CONDITIONS OF CONSENT

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
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Public Domain Report and Landscape Plans- Rev 10	Arcadia Landscape Architect	Dated April 2017; Received 28 April 2017
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Reference Document(s)	Author	Date Received
Statement of Environmental Effects	Meriton Group	Dated 21 April 2016; Received 3 May 2016
Materials Schedule	Arcadia Landscape Architect	Received April 2017
Automatic Irrigation System Overall Plan-Sheets 1-3 Rev 1	Hydroplan	Dated 4 March 2016; Received 3 May 2016
DWG. 6542-ES-2- Internal Road Lightning Location Layout	Shelmerdines Consulting Engineers	Dated 22 March 2016; Received 3 May 2016
DWG. 6543-ES-1- Lightning Layout Central Park	Shelmerdines Consulting Engineers	Dated 18 March 2016; Received 3 May 2016
DWG. 6543-ES-2- Lighting Layout Linear Park	Shelmerdines Consulting Engineers	Dated 22 March 2016; Received 3 May 2016
Waste Management Plan	-	Dated 8 April 2016; Received 3 May 2016
Access Report	Wall to Wall Design and Consulting	Dated 11 April 2016; Received 3 May 2016
Acid Sulfate Soils Management Plan	Consulting Earth Scientists	Dated 21 January 2016; Received 3 May 2016

2. This Consent relates to land in Lot 2 in DP 1187426 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
3. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
4. This development is a Stage 2 consent. The development must comply with all conditions of the Stage 1 consent DA-14/96 unless modified and agreed upon by Council within this consent.
5. All public domain works approved and associated with DA-16/65 shall be embellished and dedicated at no cost to Council.
6. 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.
7. A separate site audit statement for the park that is to be dedicated to council is required and Council will require that there is no ongoing management of any land that is to be dedicated to Council.
- 8.
- a) Service Alterations – All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the applicant's expense.
 - b) In designing the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.
 - c) All telecommunication and utility services are to be placed underground along the Street frontages. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of undergrounding utility services around the park street frontages.
 - d) Street trees are to be provided in accordance with the Botany Street Tree Master Plan 2014. The designated species are *Quercus ilex* (Holm Oak) for Bunnerong Road, *Araucaria columnaris* (Cook Pine) for Banks Avenue, *Eucalyptus botryoides* on the southern side of Heffron Road.
 - e) In designing the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

Where relevant, the following external authority conditions apply:

9. The following conditions are imposed by **Ausgrid**:
- a) Any work undertaken near Overhead Power lines needs to be done in accordance with
 - i) WorkCover Document ISSC 23 "Working Near Overhead Power Lines"
 - ii) Ausgrid Network Standards
 - iii) Ausgrid Electrical Safety Rules

- b) The location of underground cables by using Dial Before You Dig and comply with the requirements of Ausgrid's Network Standard 156: Working Near or Around Underground Cables before any excavation works are undertaken.
- c) 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.
- d) The developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/ or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (eg. whether a substation is required on site).
- e) The developer is to ensure that the proposed works do not contravene Ausgrid's technical standards and statutory requirements, in regards to the safe and reliable operation of Ausgrid's network.

10. The following conditions are imposed by **Sydney Water**:

- a) 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.
- b) The Sydney Water [Tap in™](#) online self-service replaces our Quick Check Agents as of 30 November 2015. 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.

Sydney Water's [Tap in™](#) online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

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

11. The proposed development shall comply with the following:

- a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a structure/building is being carried out:
 - i) Stating that unauthorised entry to the work site is prohibited;
 - ii) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - iii) The Development Approval number; and
 - iv) The name of the Principal Certifying Authority including an afterhours contact telephone number.
- (a) Any such sign is to be removed when the work has been completed.
- 12. Prior to the commencement of any demolition, excavation or remediation works, the applicant must inform Council, in writing, of:
 - a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
 - b) The name and permit number of the owner-builder who intends to do the work;
 - c) The Council also must be informed if: -
 - i) A contract is entered into for the work to be done by a different licensee; or
 - ii) Arrangements for the doing of the work are otherwise changed.
- 13. A dilapidation report, including a photographic survey prepared by a Practising Structural Engineer, 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 Accredited Certifier (AC) or Council prior to Commencement of Works. The insurance cover shall be a minimum of \$10 million.
- 14. 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.
- 15. Prior to commencement of the relevant 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.
16. Erosion and sediment control devices shall be installed and in function prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
17. A sufficient area shall be provided onsite to enable separate stockpiling of excavated materials for sampling and analysis prior to removal or re-use on site. Details of this area shall be provided in the Soil and Water Management Plan (SWMP). This plan shall incorporate and reference the construction environmental management plan and address site limitations.
18. Building plans must be lodged at a Sydney Water Quick Agent for approval prior to commencement of works.
19. Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:
- a) demolition and construction of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
 - b) Each toilet provided:
 - i) must be standard flushing toilet; and,
 - ii) must be connected:
to a public sewer; or

if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,

if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.

- c) The provisions of toilet facilities in accordance with this condition must be in place before work commences.
- 20. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
- 21. Prior to the commencement of any works, the site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
- 22. A Soil and Water Management Plan (SWMP) shall be prepared in accordance with the *Landcom Managing Urban Stormwater – Soils and Construction* 4th Edition (2004). All management measures recommended and contained within the Soil and Water Management Plan (SWMP) shall be implemented in accordance with the *Landcom Managing Urban Stormwater – Soils and Construction* 4th Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times. A copy of the SWMP shall be kept on-site at all times and made available to Council Officers on request.
- 23. In accordance with the Contaminated Land Management Act 1997, notification of all category 2 remediation work to Council is required at least 30 days prior to commencement of works.
- 24. All telecommunication and utility services are to be placed underground along the flowing streets:
 - a) Civic Avenue (recently gazetted name: Oscar Place),
 - b) North-South Street 1 (recently gazetted name: Finch Drive),
 - c) North-South Street 2 (recently gazetted name: Studio Drive), and
 - d) Meriton Boulevard (recently gazetted name: Tingwell Boulevard) Street frontages.

The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of the relevant work.

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

- 25. Prior to the issue of any Construction Certificate, the following fees are to be paid:-
 - a) Development Control \$3,000.00

- | | | |
|----|------------------------------------|----------------------------|
| b) | Footpath Crossing Deposit | \$415,471.00 (See below) |
| c) | Tree Preservation Bond | \$1,136,565.00 (See below) |
| d) | Tree Maintenance Bond | \$25,000.00 (See below) |
| e) | Street Tree Planting Bond | \$25,000.00(See below) |
| f) | Public Works Defect Liability Bond | \$25,000.00 (See below) |
26. Prior to the issue of any Construction Certificate, the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service payments Act 1986 must 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. Prior to the issue of any Construction Certificate, the applicant shall lodge a Footpath Crossing Deposit of \$415,471.00 (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the 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.
28. 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.
29. Prior to the issue of any Construction Certificate, a Construction Management Program shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. The program shall detail:
- 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,
 - The proposed phases of construction works on the site and the expected duration of each construction phase,
 - 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,
 - The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process,
 - 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,
 - j) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation,
 - k) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval, and
 - l) The methodology to control dust on site;
 - m) Tree protection management measures for all protected and retained trees shall be implemented at all times to ensure the healthy retention of the line of existing Lemon Scented Gums on the western edge of Central Park (Chauvel Green). This information is to be informed by an Arborist report detailing protection requirements and is to refer to the landscape plans and civil plans for proposed works within and proximate to the TPZ of the trees.
30. Prior to the issue of any Construction Certificate, a detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the relevant road authority (Council or Roads and Maritime Services). 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.

31. 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.
32. Prior to the issue of the relevant Construction Certificate, to ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:
- a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services,
 - b) Negotiate with the utility authorities (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.

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.

33. All publically accessible areas including Chauvel Green (Central Park), Open Space Lot 2 (Linear Park) and footpaths should be designed to a minimum category P7 rating. Plans are to indicate the Australian Standard P rating that the lighting has been designed to. Lighting details are to be provided for Civic Avenue (Oscar Place), lighting in Open Space Lot 2 should be alternated and the locations for meter/switchboards and finish/treatment for both parks is required prior to the issue of the relevant Construction Certificate.
34. Prior to the issue of the relevant Construction Certificate, detail design and construction plans in relation to stormwater management and disposal system for the parks shall be submitted to the Principal Certifying Authority or Council for approval. (The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's Development Control Plan 'Stormwater Management Technical Guidelines', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. All drawings shall correspond with the approved architectural plans.)
35. Prior to the issue of the relevant Construction Certificate, appropriately dimensioned set-out plan(s), finishes/levels plan(s) and construction details are to be submitted and approved by Council for all landscape works. All product details are to be referenced in a full landscape specification schedule and cross referenced on the drawings, specifically:
- a) Specifications and details of the proposed pavement types, finishes, level, edging, garden beds, turf, imported soil;
 - b) Signage and branding details need to be defined;

- c) Landscape Specification and Maintenance Schedule;
 - d) All hard-work details are to be provided including compliant paving slip resistance and tactile contrast/luminance. This is to be demonstrated within any Access Report;
 - e) Split kerb details for median swales;
 - f) Surface materials legend/palette to correspond with the plan and all associated construction and edging detail;
 - g) The in-situ concrete seating wall is to be Class 1 finish and requires skate restrictors; and
 - h) Tree grove surfacing.
36. Prior to the issue of the Construction Certificate for Oscar Place (Civic Avenue), the following amendments to the plans are to be carried out and submitted to Council's Landscape Architect for review:
- a) Bollards- Oscar Place shall include removable bollards at both ends, to allow access of maintenance and emergency services to the park. Also include fitted bollards where necessary to prevent general car access to pedestrian areas and park.
 - b) Tree pit details are required. The current pits shown are 1.3m. Larger pits with low planting are suggested to increase the quantum of landscaping and water and air exchange to tree roots. Larger grated pits are to be considered. The pits are to be irrigated and a modular subsurface root cell system utilised. Porous paving modules should also be investigated.
 - c) Soft Landscape- Tree planter pits shall provide a generous area for root development, and enhance the lower strata with accent plants, low shrubs and groundcovers. Tree pits in Oscar Place shall be open and size maximised as a WSUD principle.
 - d) 108-A Civic Avenue Private Access Way, and Park- More detail is required to be provided as the planting plan on southern verge is not specified. This is adjacent to UB5W.
 - e) Seat, Bins and Bicycle Racks- Consideration of seats, bins and bicycle racks are to be included along Oscar Place. There are no bins, seating or bike racks shown in Oscar Place (Dwg 104) but depicted in Dwg 16. Oscar Place could include seating on the southern row of *Fraxinus pennsylvanica* with three or four seats with back and rest arms.
 - f) Public Art- Oscar Place is a suitable location for public art installation.
 - g) Pavement treatment- Different pavement treatment to distinguished between pedestrian and share zones are to be provided.
 - h) Consider lighting hierarchy example wall/uplighting and coordination with lighting engineer.

- i) Include the use of a modular subsurface root cell system similar to Citygreen's Stratacell or Strata vault to promote the healthy growth of trees and their roots planted within paved areas.
 - j) Consider the use of a share zone of raised threshold and pavers/cobbles at the intersection of Oscar Place and both Finch Drive (North-South Street 1) and Studio Drive (North-South Street 2) given proximity to Chauvel Green and pedestrian nature of area.
 - k) Consider the use of a raingardens.
 - l) All tree pits require irrigation.
37. Prior to the issue of the Construction Certificate for Central Park (Chauvel Green), the following amendments to the plans are to be carried out and submitted to Council's Landscape Architect for review:
- a) The existing trees on the western edge of the park are to be numbered to correspond with the Arborist report and ensure the landscape design of Oscar Place (Civic Avenue) is sympathetic to their retention with respect to surface treatments etc.
 - b) The triangular shaped grassed area, corner Civic Avenue/ North South Street No.1, proposes a grid of paved bands with trees at each intersection & seats at various points along the bands. The bands and relationship to trees is very problematic – and impractical. The area should be simplified. The banding should be deleted, and seating provided on existing paved areas such as along Civic Avenue, and the diagonal path.
 - c) Use evergreen trees around the fitness area to reduce future maintenance/liability associated with leaf drop, similarly near the playground.
 - d) Provide a bush recreation area on western turfed open area. The area shall be 400 square meters, measuring 25 x 32 x 10 meters approx. The planting design shall consider CPTED principals. Bush area shall consist of a mixed of native indigenous canopy trees, shrubs and groundcovers, with mulch, feature stones, boulders and large rocks.
 - e) Furniture should be provided in the large lawn area near to trees for passive supervision/recreation.
 - f) Substitute the Lappsett fitness equipment with Council's standard supplier – ParkFit for Parks for ease of maintenance selecting equipment to projected younger resident age groups.
 - g) There is no playground shade structure indicated in the palette/plans. This is to be provided.
 - h) A Statement of Conformance of inclusions to current Australian Standards is to be provided on plans and specifications for all playground elements. Following approval and construction, an independent post installation inspection by a fully qualified recognised independent playground certifier of all installed playground equipment to assess conformity to current Australian Standards for playgrounds, playground equipment, and surfacing (AS4685, AS4422 as a minimum) is to be

provided to Council. The applicant is to resolve any reported issues to the satisfaction of Council prior to handover to and acceptance by Council.

- i) Detailed specifications need to be provided for the proposed play equipment, playground finishes, fitness equipment, basketball court, BBQ area, pergolas, seating and picnic table settings. All of these elements will need to be approved by Council prior to approval of the plans.
 - j) Planting within the park is to promote decorative foliage or flowering shrubbery rather than native grasses which can feature along roadways due to lower maintenance requirements. Decorative specimen plants will enhance the space, especially for passive users.
 - k) Provide more/larger feature shrub beds around the lawn area.
 - l) Basketball court shall be replaced with two half basketball courts. The basketball courts area shall be restrained physically from Meriton Boulevard, to avoid incidents with balls in the carriageway. This can be achieved by providing a bigger planter bed along Tingwell Boulevard walkway, a built seat/retaining wall and planting considering CPTED principals contemporaneously.
38. Prior to the issue of the relevant Construction Certificate, the irrigation plans are to be updated as follows:
- a) The southern half of Chauvel Green and the western boundary planting shall be included within the irrigation system
 - b) A separate controller to Chauvel Green is to be provided as this option is more cost effective and allows greater control of the open spaces with different irrigation needs.
 - c) Detail is required regarding the meter location, backflow and subsurface for Chauvel Green and Oscar Place (Civic Avenue).
 - d) Planters around the active areas (playground, BBQ areas) are to be included.
39. Prior to the issue of the relevant Construction Certificate, all paved materials and construction specifications in Oscar Place and Chauvel Green Park shall be submitted and approved by Council.
40. Prior to the issue of the relevant Construction Certificate, paving details are required for the tree pits within Open Space Lot 2. The use of a modular root cell system in paved areas to promote healthy tree growth is to be included.
41. Prior to the issue of the Construction Certificate for Central Park (Chauvel Green Park), the following information is to be submitted to Council's Landscape Architect for review:
- a) Details regarding the proposed amenities/kiosk buildings;
 - b) Public art designs and locations shall be defined. The proposed public art installations (type and locations) may require further review by Council management;
 - c) Playground certifications and specifications shall be provided;

- d) Define surfacing to the playground, BBQ area, ping pong, fitness area and the two half-court basketball courts;
 - e) Supply details for pergolas, fences, arbors and shelters as the plan appearance provided for submission does not correlate with shelters in the materials palette. A shade structure is to be included over the playground;
 - f) Details regarding to the location of timber benched atop concrete seating walls is to be demonstrated on revised plans and specifications;
 - g) The materials palette is to include lighting types in addition to water bottle refill stations/bubblers and dog bubbler;
 - h) The plans are to be amended to include a bush play area with indigenous species and rocks along the western side of the central turf area adjacent to the playground;
 - i) The verge along the western side of the park shall be planted with native groundcovers and not turf;
 - j) Civic Avenue/Oscar Place shall redesign tree pits providing avenue to include seating bands in planter bed around a number of avenue tree. Planter beds shall be bigger to include accent plants and groundcovers. This is to be provided in a seating plan to be approved by Council; and
 - k) Treatment to the northern verge of the park adjacent to the basketball courts is to be improved to keep balls from accessing the carriageway. This could include mounding or fencing.
42. Prior to the issue of the relevant Construction Certificate, amended landscaped plans are to be submitted to Council demonstrating the following:
- a) Bunnerong Road frontage- Replace *Angophora costata* with *Quercus ilex*, pot size 400 Litre. These trees shall be pre-ordered to ensure availability when planting. If supply of *Quercus ilex* is not possible in a proper size, replacement with *Quercus virginiana* shall be requested to Council. Bunnerong Street tree planting shall be with *Quercus ilex*, as per Botany Bay Street Tree Management Plan 2014. Trees shall be planted every 10 meters between footpath and kerb. Planter pit shall be planted with *Dianella 'Cassa Blue'*, 150mm pot size. Tree provided shall conform to NATSPEC guide. Container volume shall be not less than 400Litre, height above container 5.5meters, calliper at 300mm greater than 70mm, with a clear trunk height of 1.5 meters. Trees supplied shall be healthy and vigorous, free of pest and disease, free from injuries. Interface between turf and tree pit shall be concrete edge to be constructed as a flush kerb finished level with the front edge of footpath and top of kerb. The flush kerb to be 150mm wide and 200mm deep. The finish level of the nature strip can then be adjusted to match.
 - b) Banks Avenue- Street Tree Master Plan 2014, defines Banks Av. as a main Road managed by LGA, and the proposed long term vision species is *Araucaria columnaris* (Cook Pine). The corner of Banks Avenue and Westfield Drive already have four Cook Pines established on the road verge. Banks Avenue shall be planted with *Araucaria columnaris* as a grand avenue to tie in with others already planted.

- c) Tingwell Boulevard- On Dwg No. 106B, the median is very narrow (600mm), groundcovers were added, but not supportive of tree planting. Area shall be as wide as feasible possible. Proposed *Angophora costata* and *Corymbia citriodora*, with 14-16 m tree spacing is suitable.
- 43. Prior to the issue of the relevant Construction Certificate, the Arborist shall submit to Council a management plan for the remaining existing trees on the eastern alignment of Finch Drive. The plan shall encompass an ongoing watering and mulching program to ensure the sustainability and viability of the trees as well as suitable methods and intervals for soil improvement and fertilizer cultural applications to improve the growing conditions of the trees during construction to minimize street impacts to the trees. The management plan shall stipulate the intervals for the above and inspection timeframes and is to be submitted for review to Council's Landscape and Tree Officers for review.
- 44. Prior to the Issue of the Construction Certificate, the applicant is to submit payment for a Tree Preservation Bond of \$1,136,565.00 to ensure protection of trees No. 1-14, 22-39 and 47-50 (trees along the eastern alignment of Finch Drive (North-South Street 1) and within the central park) from damage that have failed prior to construction due to vandalism and the insufficient maintenance including watering. The duration of the Bond shall be limited to a period of 24 months after issue (or cease upon issue of) of the Occupation Certificate. At the completion of the maintenance period the Tree Preservation Bond shall be refunded pending a satisfactory inspection by Council or a qualified Arborist. If the trees were found to be in decline, damaged (including roots), dead, excessively pruned or removed without Council permission or, if tree protection measures were not satisfied at any time, then all or part thereof of the bond shall be forfeited. The Tree Preservation Bond was calculated using the Thyer Tree Evaluation method.
- 45. The applicant is to submit payment of a Tree Maintenance Bond of \$25,000.00. The duration of the Bond shall be limited to a period of 6 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 the 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 instruction from Council.
- 46. Prior to the issue of the Construction Certificate, the applicant is to submit payment for a Street Tree Planting Bond of \$25,000.00 to ensure the installation and establishment of street trees within the site (species to be advised) in accordance with Condition mentioned below and Councils Street Tree Master Plan. Establishment includes watering for a period of six months following installation. The duration of the Bond shall be limited to a period of 6 months after Council approval of the planted tree. At the completion of the 6 month period the Street Tree Planting Bond shall be refunded pending a satisfactory inspection by Council. If the tree was found to be in decline, damaged, dead, excessively pruned or removed then all or part thereof of the bond shall be forfeited to allow Council to replace or maintain the tree.
- 47. Prior to the issue of the Construction Certificate, the applicant is to submit payment for a Public Works Defects Liability Bond of \$25,000.00. The duration of the Bond shall be limited to a period of 12 months after Council approval of all public domain works. At the completion of the 12 month period the Bond shall be refunded pending a satisfactory inspection of the new public domain work by Council. If rectification or maintenance work is required in this period then Council will forfeit all or part of the bond to undertake the required work, unless the Applicant undertakes this work.

48. A frontage works approval be submitted to council prior to any construction certificate being issued. Prior to the issue of the relevant Construction Certificate, a public domain improvements plan be completed and submitted for approval by Council. The Plan will 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, maintenance and finishing details. 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.

CONDITIONS WHICH MUST BE SATISFIED DURING WORKS

49. Construction operations shall comply with the following:
- a) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council.
 - b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
 - c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
 - d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
 - e) Concrete trucks and trucks used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land.
 - f) 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.
 - g) All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.
50. Vibration levels induced by the demolition activities shall 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. Prior to commencement a specific vibration monitor shall be set up to monitor and record the vibration levels affecting surrounding buildings.
51. During demolition, excavation and construction, care must be taken to protect Council's infrastructure and surrounding buildings, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and

safe condition throughout the course of demolition, excavation and construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure and surrounding buildings (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.

52. During demolition, excavation, construction and deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's land.
53. During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.
54. Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:
 - a) SafeWork NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos.
 - b) Protection of the Environment Operations Act 1997.
 - c) Protection of the Environment Operations (Waste) Regulation 2014.
 - d) NSW Environment Protection Authority Waste Classification Guidelines 2014.
55. The development is to be constructed to meet the following construction noise requirements:
 - a) Construction Noise
 - i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Interim Construction Noise Guideline and the Protection of the Environment Operations Act 1997.
 - b) Level Restrictions
 - i) Construction period of 4 weeks and under:
 - 1 The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10dB(A).
 - ii) Construction period greater than 4 weeks and not exceeding 26 weeks:
 - 1 The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
 - c) Time Restrictions

- i) Monday to Friday 07:00am to 06:00pm;
 - ii) Saturday 07:00am to 03:00pm
 - iii) No Construction to take place on Sundays or Public Holidays.
- d) Silencing
 - i) All possible steps should be taken to silence construction site equipment.
- 56. The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
 - a) The Soil and Water Management Plan if required under this consent;
 - b) "Managing Urban Stormwater - Soils and Construction" (2004) ('The Blue Book'); and
 - c) Protection of the Environment Operations Act 1997.
- 57. Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately. All work on site shall cease until the council is notified and appropriate measures to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines is completed by an appropriately qualified and experienced environmental consultant.
- 58. The management of potential and actual acid sulfate soils shall be conducted in accordance with all recommendations within the '*Acid Sulfate Soils Management Plan – 130-150 Bunnerong Road, Pagewood, NSW*', Reference CES130805-MG-AD by Consulting Earth Scientists dated 21 January 2016.
- 59. 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 'Updated Remediation Action Plan - Proposed Mixed Use / Medium Density Residential Zone, Part Lot 1 in D.P. 776089, Westfield Drive, Eastgardens, NSW' prepared by Douglas Partners, Project 71631.12, dated September 2013 and
 - e) The 'Proposed Remediation Action Plan Amendment – Revision 1 Part 130 - 150 Bunnerong Road, Pagewood' prepared by Douglas Partners, Project 85009 Rev 1 dated 2 September 2015.
- 60. For any water from site dewatering to be permitted to go to stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for Marine Water. All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into Councils stormwater system. If the groundwater does not meet these guideline levels a Trade Waste permit from Sydney Water must be sought to put the groundwater to sewer.

61. 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.
62. 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 stormwater a permit to discharge to the stormwater shall be obtained from Council. Dewatering shall not commence until this is issued by Council.
63. 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.
 - d) 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.
64. During demolition, excavation, construction and any associated delivery activities, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any construction-related vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's lands.
65. The approved Waste Management Plan shall be complied with at all times during demolition, construction and on-going use of the site.
66. Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:
 - a) WorkCover NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos.
 - b) Protection of the Environment Operations Act 1997.
 - c) Protection of the Environment Operations (Waste) Regulation 2014.
 - d) NSW Environment Protection Authority Waste Classification Guidelines 2014.
67. 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.
68. All tree related works are to comply with the following:
 - a) Australian Standard AS4373-2007 – Pruning of amenity trees
 - b) Australian Standard AS4970-2009 – Protection of trees on development sites

c) WorkCover NSW Code of Practice: Amenity Tree Industry, 1998

69. Landscape construction should be carried out by a qualified landscape contractor to ensure that adequate standards of workmanship are achieved. Landscape contractors who are members of the Landscape Contractors Association of NSW should be engaged.
70. In accordance with councils DCP, the following activities are prohibited beneath the canopy drip line of any tree required to be retained and protected unless otherwise approved under the development consent/plans:
 - a) Excavations and trenching (with exception of the approved foundations and underground services);
 - b) Ripping or cultivation of soil;
 - c) Mechanical removal of vegetation;
 - d) Soil disturbance or movement of natural rock;
 - e) Soil level changes including the placement of fill material (excluding and suspended floor slab);
 - f) Movement and storage of plant, equipment & vehicles;
 - g) Erection of site sheds;
 - h) Affixing of signage or hoardings to trees;
 - i) Storage of building materials, waste and waste receptacles;
 - j) Disposal of waste materials and chemicals including paint, solvents,

In accordance with AS 4970 – 2009, inspections shall be conducted by the Project Arborist in accordance with the following key milestones:

Prior to any work commencing on-site (including demolition, earthworks or site clearing) and following installation of tree protection fences, tags and trunk protection;

During any excavations, building works and any other structure within the TPZ of the tree to be retained & protected, including any landscape works; A minimum of every month during the construction phase from Commencement to issue of the Occupation Certificate; and Following completion of the building works.

The Project Manager shall be responsible to notify the Project Arborist prior to any works within the Tree Protection Zones of protected tree within a minimum of 24 hours' notice.

71. In order to ensure that the trees nos. 1-14, 22-39 and 47-50 listed in the arborist report in Condition No. 1 above are protected during all stages of construction, and their health and structural stability ensured, the following is required:
 - a) Engage the Consultant Arborist for all tree root and canopy work to trees. Comply with recommendations and requirements and management plan contained within the Arborist's report.

- b) Trees to be retained are to be tagged with clearly visible marking tape at a height of approx. 2 metres from ground and numbered with the corresponding number in the Tree Report/Landscape Plan.
- c) Comply with all recommendations of the Tree Management Plan to be submitted as a condition of approval and any other Council requirement.
- d) Prior to commencing demolition/any works the tree/s is/are to be physically protected by fencing underneath the canopy dripline using 1.8 metre high chainwire fence or 1.5 metre steel pickets and nylon para-webbing/hessian to form the Tree Protection Zone (TPZ). The fence shall remain in place until construction is complete.
 - i) The area within the fencing is to be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken during construction.
 - ii) Fencing shall be erected to ensure the public footway is unobstructed.
 - iii) If there is insufficient space to erect fencing in a particular area, wrap the trunk with hessian or carpet underlay to a height of 2.5 metres or to the tree's first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails).
- e) Before any works commence on site, the Applicant is required to contact Council for an inspection and/or provide photographic evidence of the fenced TPZ's. Council approval is required prior commencement of any work.
- f) All detailed Construction Certificate plans shall show trees to be protected and the TPZ.
- g) All TPZ's as well as the entire Council nature strip are a "No-Go" zone. There shall be no access to the property excluding the existing crossover, no stockpiling, storage or sorting of waste or building materials, no construction work, no concrete mixing, strictly no washing down of concrete mixers or tools, no chemicals mixed/disposed of, no excavation or filling, no service trenching. Any unavoidable work within the fenced zone shall be under the direction of Council's Tree Officer (or Consultant Arborist).
- h) Where unavoidable foot access is required in the TPZ, provide temporary access with timber sheets to minimise soil compaction, spillage or root damage.
- i) Excavation within the canopy dripline or within an area extending 3 metres outward of the canopy dripline of any tree shall be carried out manually using hand tools to minimise root damage or disturbance.
- j) Tree roots 40mm in diameter or greater that require pruning shall be done only under the direction of Council's Tree Officer (or the consulting Arborist) after a site inspection so as not to unduly impact or stress the tree.
- k) It is the Applicant's responsibility to ensure that there is no damage to the canopy, trunk or root system (including the surrounding soil) of any tree. There shall be no canopy pruning unless approval has been granted by Council's Tree Officer under separate application. Approved pruning shall be undertaken by a qualified Arborist in accordance with AS 4373.

- l) Masonry boundary fencing/walls or retaining walls shall be of pierced or bridged construction to minimise damage to major or structural tree roots. Trench or strip footings are not permitted. If a tree root 40mm diameter or greater is in the location of a pier and the root cannot be cut without compromising the tree (must be obtained after Council inspection and advice), the pier will need to be relocated and the root bridged.
 - m) There shall be no walls retaining or otherwise, pavements, change in levels, trenching for new subsurface utilities or the location of new overhead services within the primary root zone or canopy of any tree. Any such structures in close proximity to trees must accommodate tree roots without damage or pruning.
 - n) All waste concrete and debris shall be removed from areas to be landscaped on the site, not buried, to minimise soil contamination.
 - o) The Applicant shall undertake any tree maintenance/remedial pruning as required by Council (or the Consultant Arborist) at the completion of construction.
 - p) Required Council or Arborist inspections and certifications at various stages of the construction process.
 - q) If there is any contravention of these tree preservation conditions, or a tree was found to be damaged (including roots), in decline, dead or pruned without permission, then Council may claim all or part of the lodged security bond prior to its release as well as require remedial pruning work. Epicormic growth is evidence of root damage.
72. If kerb and gutter and footpath replacement is required **all work** must be undertaken under the supervision and direction of Council's Tree Management Officer. This includes the demolition of existing structures, to be undertaken with small machinery only, excavation for required subgrades/drainage and the construction of formwork. Tree roots 35mm in diameter or greater that require pruning shall be done **only** under the direction of Council's Tree Management Officer after site inspection so as not to impact or harm the existing street tree.
73. To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscape areas, installed by a qualified landscape contractor prior to landscaping works commencement. The system shall provide full coverage of all planted areas with no more than 300mm between drippers, automatic controller and backflow prevention device and shall be connected to a recycled water source, where provided. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.
74. 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.

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

- 75. 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.
- 76. 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.
- 77. Prior to the issue of the relevant Occupation Certificate, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and all relevant standards.
- 78. The work to public footpath shall be constructed in accordance with Council specifications *outlined in the 'Frontage Works Approval'* Council document. The footpath dimensions, location, paver type and construction methods shall be in accordance with this specification only. Pavers shall be ordered accounting for adequate lead time for manufacture.

Construction hold points and Council inspections are required at the following points:

- a) after formwork installation and to prior pouring the concrete blinding slab,
- b) at the commencement of paving works, and
- c) at final completion.

All dedicated roads to Council – including 'Tingwell Boulevard' (East-West Boulevard (lot 1)), Finch Drive (North-South Street 1), Studio Drive (North-South Street 2), Oscar Place (Civic Avenue) shall comply with Council frontage works approval prior to the issue of the relevant Occupation Certificate.

- 79. Prior to the issue of the relevant Occupation Certificate, a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development where required. The

following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:

- a) Restriction on Use of Land for On-Site Detention System. Refer to Appendix B of the SMTG for suggested wording, and
- b) Restriction on Use of Land for Stormwater Quality Improvement Device. Refer to Appendix E of the SMTG for suggested wording.

The terms of the 88E instruments are to be submitted to Council for review and approval and Proof of registration at the Lands and Property Information Office shall be submitted to the Principal Certifying Authority and Council prior to occupation.

- 80. 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 the issue of the interim Occupation Certificate. 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.
- 81. Prior to the issues of the relevant Occupation Certificate, the following must comply and approved by Council:
 - a) All footpaths are to be provided with kerb ramps at intersections to facilitate access for the less mobile and disables;
 - b) All street furniture including bins, bollards, seating and drinking fountains are to be coordinated throughout the Precinct and to Council's city identity specification;
 - c) Street furniture should be located in a one-metre zone along the kerb line that is out of the main line of pedestrian traffic;
 - d) Street name signs as per Council's Graphics Standard Manual are to be located at all street intersections;
 - e) Street lighting should be evenly spaced and meet the relevant requirements of AS/NZS1158 – Public Lighting Code; and
 - f) All existing and new aboveground power lines and cables are required to be located below ground.
- 82. Prior issue of an Occupation Certificate the Council footpath in front of the property is to be suitably repaired and made good after completion of construction works to Council specification and at the Applicant's expense. If existing pavers are damaged, subject to Council inspection and instruction, the Applicant is to source and purchase new pavers to match existing pavers in the street. If a significant number of new pavers are required Council may require that the entire frontage be replaced to allow for a uniform appearance. The footpath shall be maintained in a clean and tidy state at all times by the occupiers. Maintenance includes the removal of weeds and rubbish and periodic cleaning.
- 83. 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 Bayside Council prior to the Issue of an Occupation Certificate.

84. 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.

85. 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 for clearly demonstrating that the site is suitable for the proposed development. A separate SAS shall be provided for any land dedication to council, such as parks or roadways and the site audit statement shall not be subject to any ongoing management measures. This shall be provided

Any conditions imposed on the SAS shall form part of this consent. The accredited site auditor shall provide Council with a copy any Site Audit Report (SAR) and Site Audit Statement (SAS) prior to the release of any applicable Occupation Certificate or applicable dedication of land to Council. 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.

86. All Lighting, fences, signage/artwork, pathways, bike stands, furniture, playground and exercise equipment, tree pits, irrigation, toilet block, kiosk, bbq facilities, lawn, paving and kerbs to be inspected prior to the issue of the relevant Occupation Certificate by Council Public Domain Engineer and Landscape Architect.
87. Prior to the issue of the Occupation Certificate, a site works review is required demonstrating:
- a) Extent and minimum dimensions of the site dedicated to landscaping comply with the Detailed landscaping plans
 - b) All detailed works comply with detailed schedules and specifications included in the detailed landscape plans
 - c) Any modifications to the design were an equivalent or better solutions to the requirements of the detailed landscape plans and do not affect the ability of the landscape treatment to achieve the design intent.
 - d) Site cultivation, quality and depth of soil and mulches as a minimum complies with Council specifications and standards.

- e) Drainage of all open space and soft landscaping complies with detailed landscape plans and to Council standards
88. Prior to the issue of the Occupation Certificate, the following applies for landscape works specification for construction documents:
- a) The Specification is to be read in conjunction with the Landscape Drawing Set, all other Consultant's documentation and revisions. Discrepancies are to be noted and clarified through a 'Request For Information' prior to construction. Allowance is to be made for all specified products. Equivalent alternatives to be documented when required and updated on As-Built. All Australian Standards nominated in this Specification are to be the current issue.
89. Entry and directional signage is to be provided consistent with Council's signage requirements. The signage is to be provided at the entry to each precinct and appropriate directional signage to relevant amenities and facilities within the park.
90. Prior to the issue of the relevant Occupation Certificate, the following is to be complied with:
- a) Dedicate to Council and at no expense to the Council and generally in accordance with the Public Domain Plans prepared by Arcadia Landscape Architecture Issue 10, dated April 2017 and the timing within Condition No. 11 of DA-14/96, the following:
 - i) Dedicate the portion of land to Council for the purpose of a public park central to the site (Chauvel Green). The total area of public domain dedication shall be 8,000sqm. Construction of paving and landscaping within this area is to be in accordance with the approved landscape plans identified in Condition No.1 of DA-16/65;
 - ii) Dedicate the portion of land to Council for the purpose of a public park at Open Space Lot 2 (Linear Park). The total area of public domain dedication shall be 2,703sqm. Construction of paving and landscaping within this area is to be in accordance with the approved landscape plans identified in Condition No. 1 of DA-16/65;
 - iii) Dedicate the portion of land to Council for the purpose of a road reserve as follows:
 - 1 Tingwell Boulevard (East-West Boulevard)- total area of 8,744sqm
 - 2 Oscar Place (Civic Avenue)- total area of 1,857sqm
 - 3 Finch Drive (North- South Street 1)- total area of 1,671sqm
 - 4 Studio Drive (North-South Street 2)- total area of 1,504sqm
 - 5 Local Road (Road Lot 6)- total area of 1,636sqm
 - iv) Embellishment of the road reserves and open spaces is to be carried out in accordance with the approved public domain plan within DA-16/65;
91. Prior to the issue of the Occupation Certificate, ensure that there is no vehicular access off Westfield Avenue from Finch Drive (North-South Street 1). The private road is

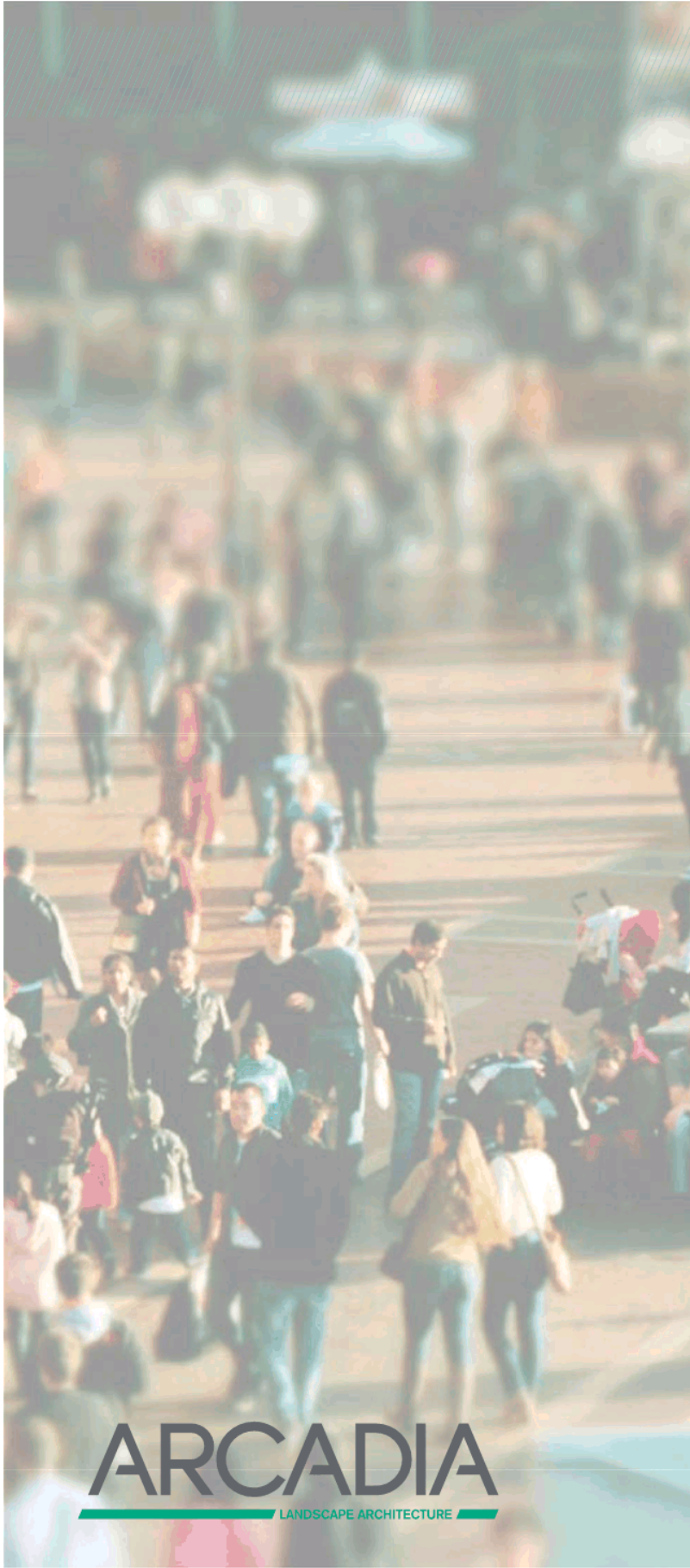
approved with a Right of Way for pedestrian access only. Bollards and/or a pocket park is to be installed.

92. 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

93. The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.
94. The landscaped areas on the property shall be maintained in accordance with the approved landscape documentation, the conditions of development approval and Council's Landscape DCP at all times. The Landscape Contractor shall be engaged weekly for a minimum period of 52 weeks from completion of the landscape installation to maintain the landscaping. After that time regular maintenance is required.
95. The automatic drip irrigation system shall be repaired and maintained in working order and in accordance with the approved landscape plan at all times.
96. The landscaped areas on the property shall be maintained in a clean and tidy state and with a dense, even coverage of plants to Council's satisfaction, and in accordance with conditions of consent and Council's Landscape DCP, at all times.
97. New street trees shall be maintained by the Applicant for the duration of the landscape bond period after planting. Maintenance includes periodic watering at a frequency to sustain adequate growth, annual feeding and weed removal but does not include trimming or pruning of the trees under any circumstances.
98. Ongoing maintenance of the road verges and footpaths on Tingwell Boulevard, Oscar Place, Studio Drive and Finch Drive nature strips shall be undertaken by the owner until dedication to Council has been completed. Maintenance includes mowing, watering and maintaining the landscaping in these areas at all times. Maintenance does not include trimming or pruning of the trees under any circumstances.
99. The landscaped areas on the property shall be maintained in accordance with the Council stamped and approved landscape documentation, and the conditions of development consent.





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NOTE: All drawings included in this public domain document are preliminary for concept intent. It is envisaged that further detailed design of the landscape will be undertaken as part of future stage s in consultation with Council.

130-150 BUNNERONG RD PAGEWOOD
PUBLIC DOMAIN DEVELOPMENT APPLICATION

PREPARED BY Arcadia Landscape Architecture DATE APR 2017
CLIENT MERITON ISSUE 10

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SITE CONTEXT

002 1.1

PROJECT INTRODUCTION

This master plan document aims to establish a set of principles to guide the future detailed development of the old British American Tobacco Site (BATA) in Pagewood, Sydney.

The master plan site, for which the Public Domain Development Application applies, is described as Lot 2 DP 1187426. The vision for the former industrial site is to transform it into a thriving new residential community. The proposed development will contain residential flat buildings, significant public domain elements such as a large public park and adjoining civic plaza, and create significant new access links for the local community.



REGIONAL CONTEXT

LOCAL CONTEXT



LOCAL CONTEXT

The site located in Pagewood is bounded by Heffron Road to the North, Westfield Drive to the South, Bunnerong Road to the East and Bank Avenue to the West.

The site is a significant component of BATA (British American Tobacco Australia), which is to retain the North-Eastern portion of the site. The development site forms an L-shaped parcel approximately 10.45 ha in size.

HERITAGE + HISTORY

003 1.2



2015

In 1985 separate factory operations in Sydney and Melbourne were combined into one site at Pagewood, Sydney which took on the name Virginia Park. In 1989 W.D & H.O.Wills (Australia) became a subsidiary of the British American Tobacco Industries group of companies.

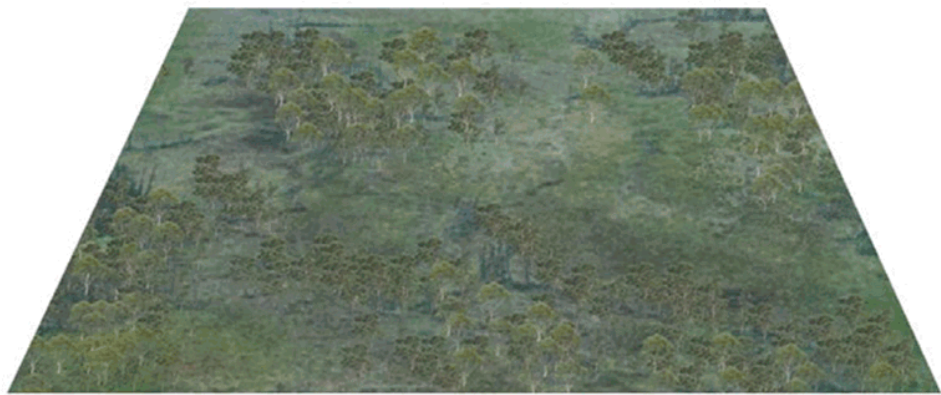
The former industrial site is now located close to residential developments, commercial districts, public open spaces and the Lachlan Swamps and is only 8 Km away from Sydney CBD.



1919

Large number of Aboriginal occupied the land before Endeavour's entry into the area in 1770. It was estimated that approximately 1500 people moved to the neighboring land by 1788. In 1913 the site was considered to be quite rural.

In 1913 W.D & H.O.Wills (Australia) Ltd began manufacturing tobacco and by 1919 Pagewood began developing as a new suburb.



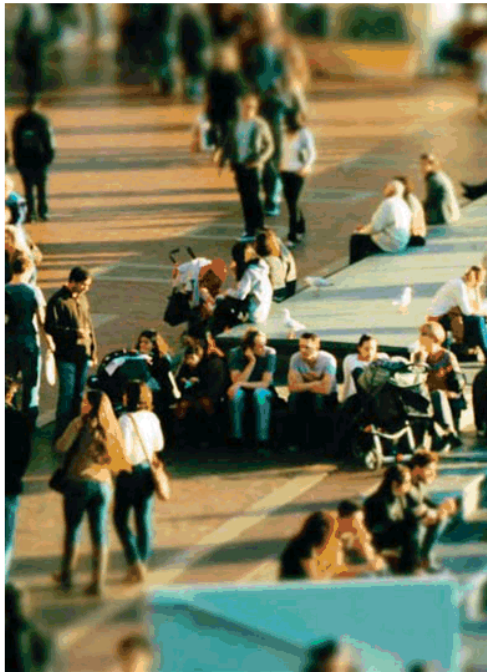
PRE EUROPEAN SETTLEMENT - NATURAL LANDSCAPE

The natural landscape of the site comprised of sand dune wetland, covered by dense heath and scrub which was part of Botany Basin.

There was a mixture of freshwater Melaleuca and sedge swamps, as well as mangroves and saltmarsh lining Shea's Creek. A rich variety of shrubs covered the sand dunes including banksias and grass trees, while on the floodplain of Waterloo Swamp the paperbark would have thrived.

KEY PRINCIPLES

004 **1.3**



12 STEPS TO GREAT PUBLIC SPACE

- 1/ Protection from traffic
- 2/ Protection from crime
- 3/ Protection from the elements
- 4/ A place to walk
- 5/ A place to stop and stand
- 6/ A place to sit
- 7/ Things to see
- 8/ Opportunities for conversations
- 9/ Opportunities for play
- 10/ Human-scale
- 11/ Opportunities to enjoy good weather
- 12/ Aesthetic quality

- JAN GEHL + LARS GEMZOE



KEY PUBLIC REALM PRINCIPLES

- / Activation - all day / all year
- / Adaptable / flexible space
- / Pedestrian scale - fine grain detail
- / Provide desirable retail / restaurant environment
- / Engaging + playful spaces
- / Strong connections between spaces
- / Manage solar access
- / Mitigate wind effects
- / Connection to wider landscape and setting
- / Safe and accessible
- / Integrated WSUD + natural processes
- / Robust materiality

ARCADIA
LANDSCAPE ARCHITECTURE

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KEY PRINCIPLES - THE 5 P'S

THE 5 P's

The 5 P's summarise the considerations given to Public Space in order to deliver truly integrated and successful places. Experience tells us that for the community to adopt these spaces as their own, ensuring their longterm success and viability, all of these elements must be represented.

These principles were originally developed by Gilbert Rochecouste of placemaking company Village Well who Arcadia maintain a working relationship with.



PEOPLE

Community and trader engagement, neighbourhood development, governance, culture, heritage, social networks, resilience



PHYSICAL ENVIRONMENT

Landmarks, landscapes, public realm, precincts, connections, scale, micro climate, movement patterns, infrastructure, transport, vegetation, navigation, materiality



PLANET

Sustainable transport, water-sensitive design, energy and waste reduction, wildlife, ecosystems



PRODUCT

Retail mix and positioning, non-retail uses, community facilities, clustering, branding



PROGRAM

Capacity for community events and festivals, social programs, business development programs, marketing and communications

005 1.4



GUIDING PHILOSOPHY

006 **1.5**

VISION STATEMENT

Develop a series of well connected exterior spaces that engage with the local community and provide a platform for social interaction and inclusion.

The public domain will reflect community aspirations with a strong connection to the local landscape character, history and heritage.



The landscape master plan will respond to the social, economic and cultural needs of the community, enhancing well being and ensuring Pagewood is a great place to visit and live.



2.0 MASTERPLAN STRATEGY

PARKS + OPEN SPACE STRATEGY

008 2.1



The public domain / open space of the site will take a primary role in ensuring this development creates a sense of neighbourhood

Generally spaces within the residential built form will be utilised as private communal open space with all exterior space given over to public access, despite ownership. This enables fluid circulation through the site with a strong sense of pedestrian priority.

An activated through-site link has been incorporated running north-south through the linear park, and along the edge of the central park and civic plaza, connecting Heffron Road to the Eastgardens Westfield Shopping Centre.

CENTRAL PARK (dedicated)

As the primary open space the Central Park is to function not only as a place of recreation but as the social heart of the development. Programming of spaces within the park will cater for a range of uses while ample space is dedicated to flexible program. There will be play for both adults and children.

CIVIC SPACE (private with public access)

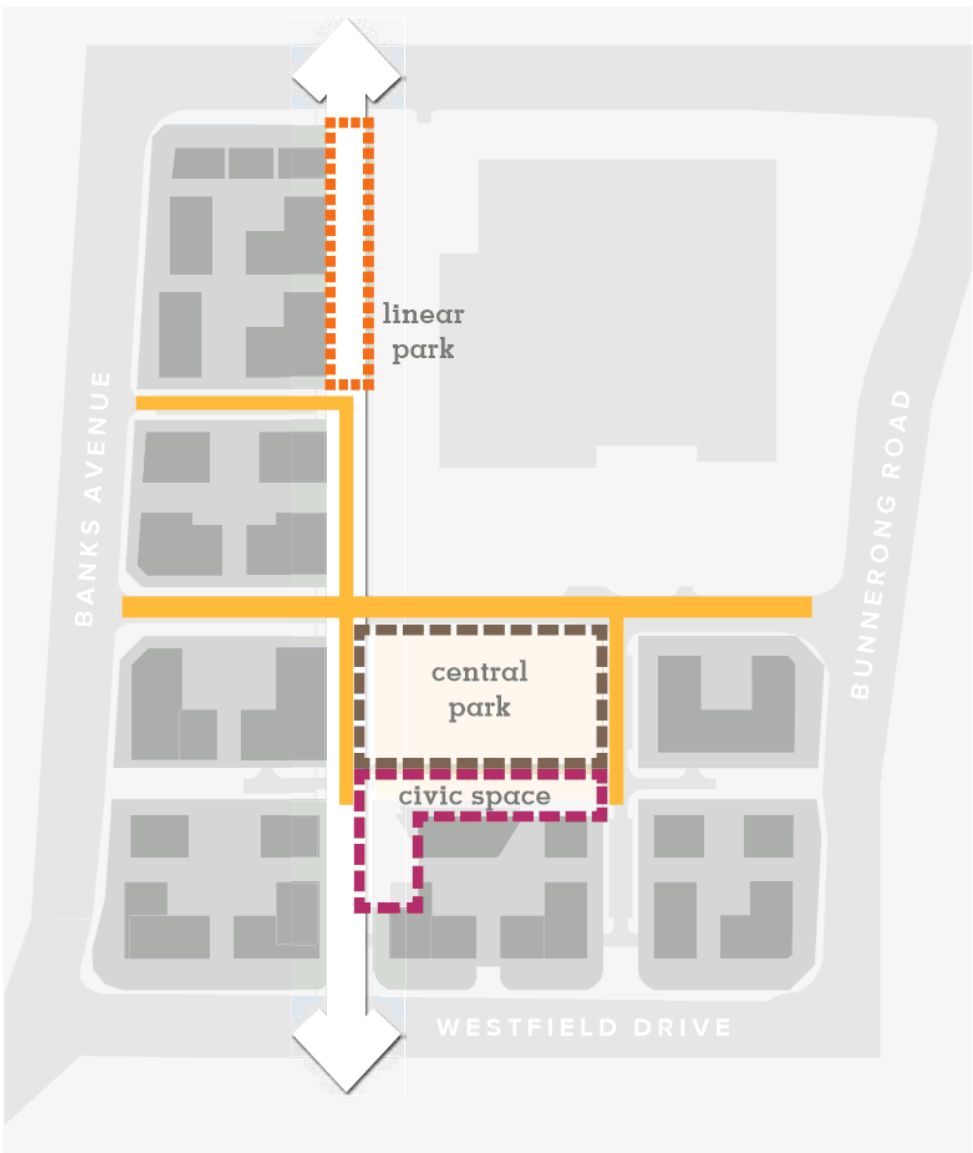
The civic space will reinforce the retail and commercial offerings function and provide a space for the community to congregate and engage. This zone includes the pedestrian priority shareway.

LINEAR PARK (dedicated)

The linear parks is functional space that facilitates the efficient north-south movement of pedestrians and cyclists through the site linking to the surrounding road network. It is sufficient in width to accommodate a range of activities for both residents and the local community alike.

STREETSCAPES (dedicated)

The streetscape environment is a significant part of the public domain, directly impacting on pedestrian amenity, and as such will receive high quality treatments. A street hierarchy is imposed through a series of streetscape typologies addressed on the following page.



STREET TYPOLOGIES

009 2.3



A clear street hierarchy has been established through a combination of road width, kerb arrangement, drainage infrastructure and streetscape vegetation.

These street typologies create variation across the site to assist in legibility, amenity and safety. These changes in hierarchy will allow for improved pedestrian and vehicular circulation with less conflicts due to a more established priority system.

These streetscape principles advocate a human-scaled urbanism, where the act of walking represents the basic unit of design. Instead of having a street simply provide a transportation service, they look to manage infrastructure in a way that enhances commercial, retail and restaurant opportunities and utilise the public realm for all users, not just motorists.

STREET TYPE A - Main Road

The main east-west road will be of primary significance, carrying the largest volume of traffic and being the first experience of the site when visited via car. The broad dimensions of the road reserve will allow for a central avenue of trees within a bioswale as well as verge street trees and a shared pathway.

Passing traffic will be able to take in views across the Central Park towards the Civic Plaza and associated retail area at the heart of the precinct.

STREET TYPE B - Connector Road

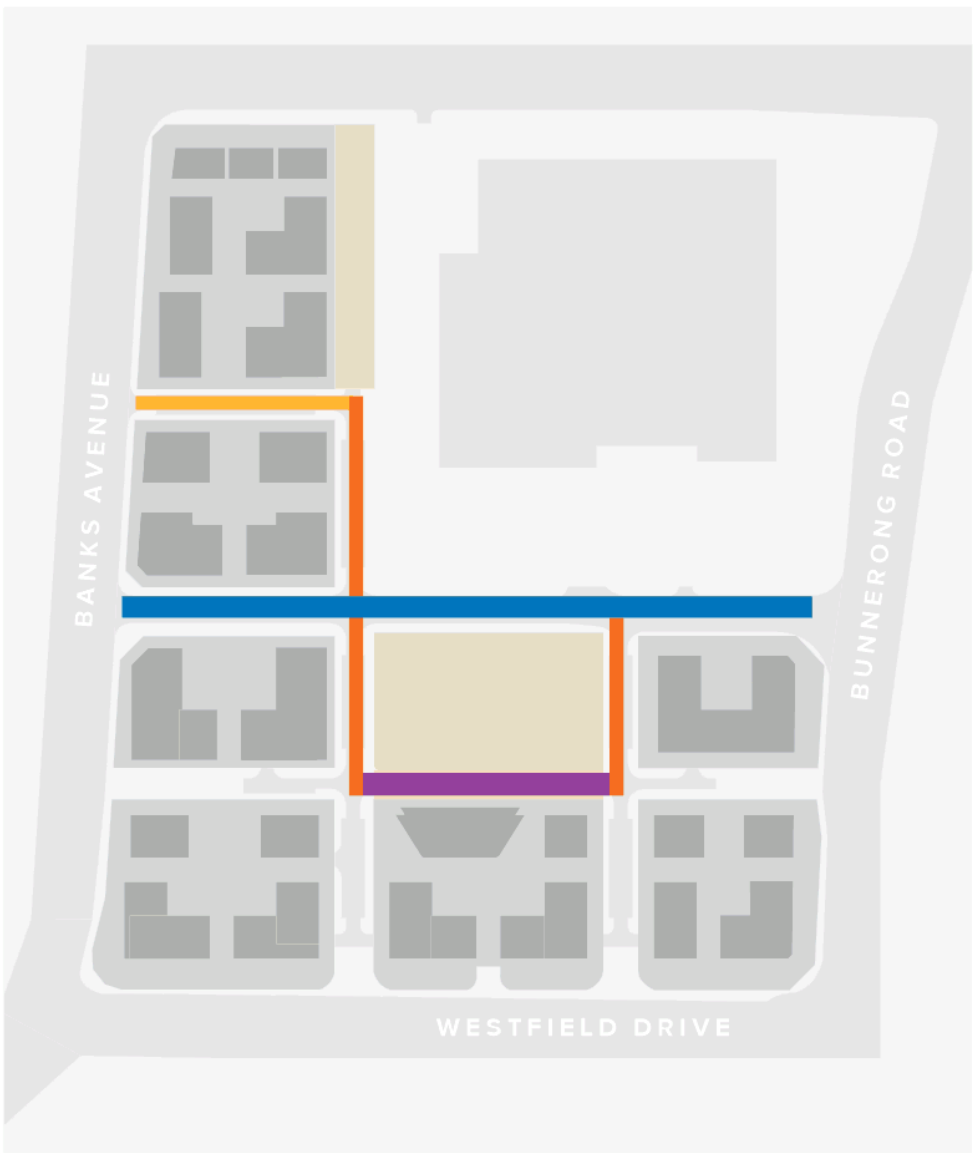
The north-south streets provide for secondary vehicular circulation as well as a shared pedestrian and cycle path. Their width allows for a centrally located bioswale with avenue trees.

STREET TYPE C - Local Road

The Local Street provides a shaded connection between residential blocks allowing for avenue street trees and on street parking. Landscaped setbacks between the footpaths and the adjacent ground floor apartments will give the streets a generous landscaped proportion.

STREET TYPE D - Shared Way

The Civic Avenue will utilise treatments that provide a strong connection between the retail area and the Central Park. The removal of traditional kerb and gutter treatments will communicate to traffic the pedestrian priority in this zone.



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WSUD STRATEGY

010 2.4

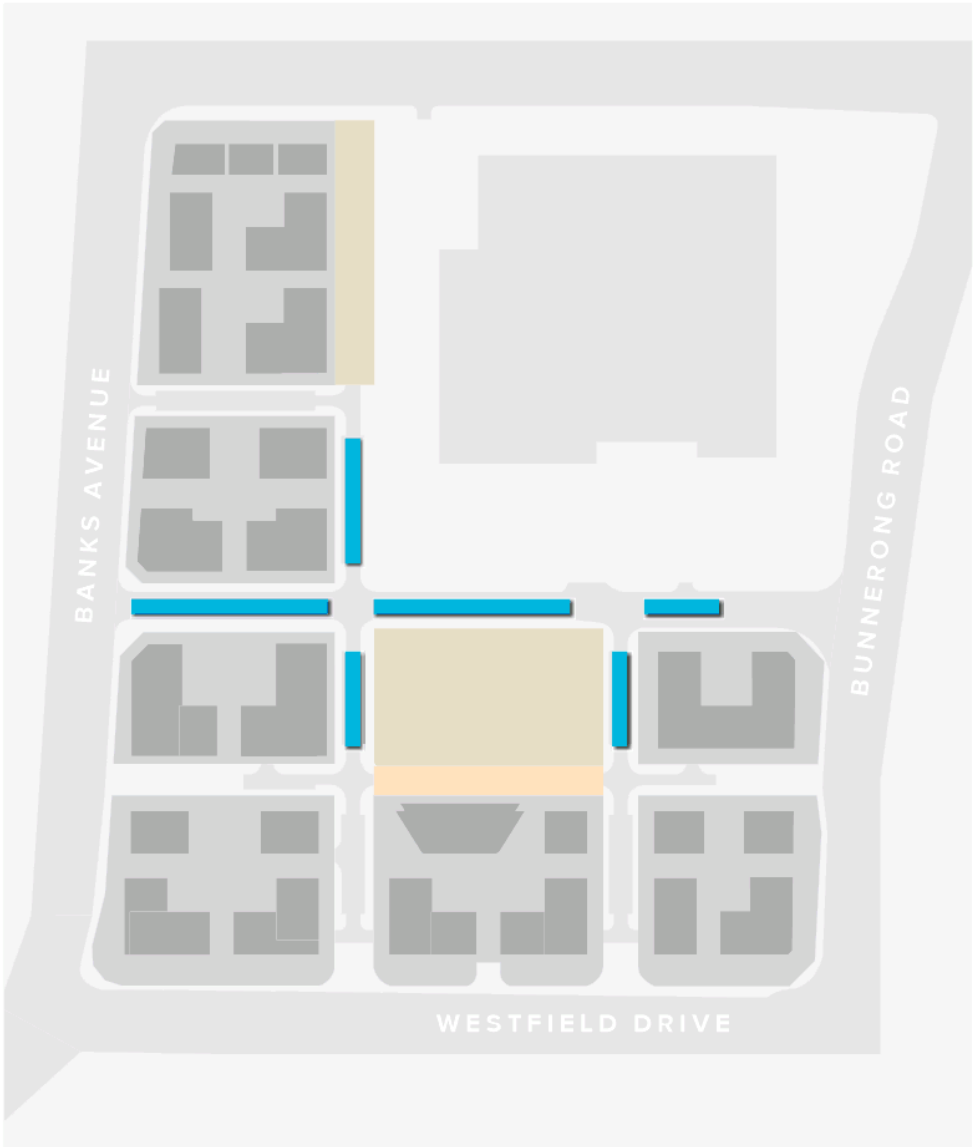
Integrated Hydrology

A best practice approach to urban stormwater management – water sensitive urban design (WSUD) - provides for the sustainable management and improvement of water quality entering waterways from urban regions; opportunities for stormwater reuse; and innovative reductions in potable water demand.

WSUD contributes to urban sustainability and provides the conditions for attractive, human-scale living environments through integration of urban planning and design with the management, protection and conservation of the whole water cycle.

- Through collaborative efforts WSUD is being incorporated into the development. Strategies applicable include:
- / Collection and treatment of rainwater to be stored and reused in landscapes
 - / Permeable paving – incorporate permeable paving systems where appropriate
 - / Street tree planting – kerb inlets can be connected to tree pits and medians to slow initial flows and provide irrigation
 - / Sediment control programs during construction
 - / Integrate stormwater management WSUD design in new infrastructure

Indicative images



LEGEND

Bioswale within central median



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PUBLIC ART STRATEGY

011 2.5

The amenity of the development will be greatly enhanced by the careful integration of unique contemporary art works that respond to the sites natural qualities and histories.

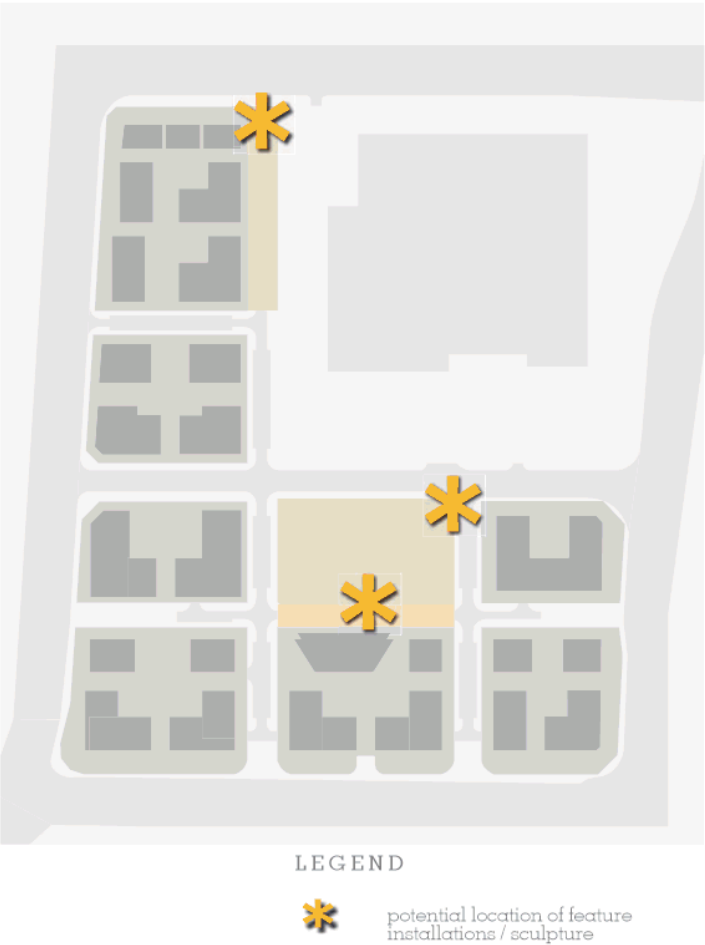
Public art will assist in creating a place that rewards exploration while engaging the community, telling stories and fostering pride of place.

A schematic public art strategy plan has been developed that shows possible locations for feature artworks located at focal entrance zones of the development.

Indicative images



Schematic Public Art Strategy



PLACEMAKING STRATEGY

012 2.6



The key to great public spaces is people. Great public spaces are where social and economic exchanges take place, friends run into each other and cultures mix. The master plan site public domain represents a place for commonality, where some form of common identity and spirit of place can be created, where people of different ages, social classes, ethnic and racial groups and lifestyles can mix and mingle in informal and unplanned ways.

Project for Public Spaces (PPS) have identified four key qualities to public space:

- / They are accessible
- / People are engaged in activities there
- / The space is comfortable and has a good image
- / It is a sociable place

Initiatives identified in research findings by others that assist in contributing to great places include:

- / Physical elements to make people comfortable
- / Night time lighting for after dark use
- / Temporary/moveable furniture associated with alfresco dining
- / Incidental seating on walls and ledges in addition to furniture
- / Activity zones to bring community together
- / Overhead shelter / canopy
- / Observation points for people watching
- / Outlets for community spirit and cooperation (eg. community gardens)



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VEGETATION STRATEGY

013 2.7



Vegetation will play an important role in the creation of the desired character of the development. Along with setting a strong visual tone for the character of the overall site, the selected vegetation palette is a dominant factor in achieving the desired ambience, microclimate, enclosure and aesthetic of the variety of open spaces proposed.

The following influences will dictate the detailed design of the planting scheme:

SOIL LANDSCAPE

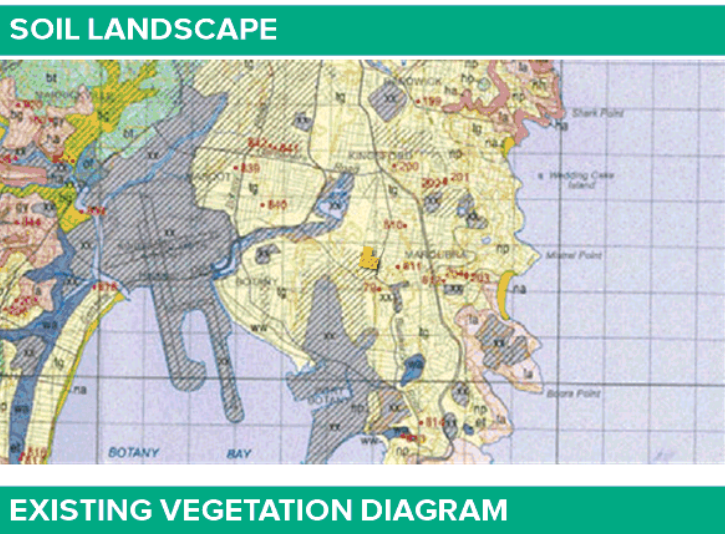
Based on the extensive dune system of the Botany Lowlands, the master plan site lies across Tuggerah Soils. Characterised by gently undulating plains and a north-south trending dune system, the historic landscape likely supported a tall sclerophyll open woodland containing smooth-barked apple *Angophora costata*, sydney peppermint *Eucalyptus piperita*, and old man banksia *Banksia aemula*.

HISTORICAL / EXISTING PLANTING

Existing trees on site are to be retained wherever possible. Stands of mature Eucalypts are evident against the edges of the site and pre-existing internal edges.

INDIGENOUS / NATIVE

The approach to the revegetation of the site will be to use predominately indigenous / native vegetation into streets and open spaces. A selection of exotic plants will supplement this planting where specific planting attributes are required, for instance where considerable shade is presented. This will allow some flexibility for planting





3.0 PUBLIC DOMAIN PLANS

PUBLIC DOMAIN MASTER PLAN

015 3.1

LEGEND

- 01/ central park
- 02/ play area
- 03/ shared zone / civic avenue
- 04/ civic plaza
- 05/ retail frontage
- 06/ east west link
- 07/ north south linear park
- 08/ community garden (subject to Council management)
- 09/ central bioswale

SCALE 1:1000 @ A1



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CENTRAL PARK | CHARACTER + PRINCIPLES

016 3.1

DESIGN PRINCIPLES

- A community focused public park.
- Catering for a variety of passive recreational activities including childrens play.
- Flexible space for events / markets.
- Accessible circulation for all including cycles.
- High quality robust street furniture.
- Incorporate design materials and/or public art that is representative of the emerging local community.
- Retain existing trees where possible.

EXPERIENCE

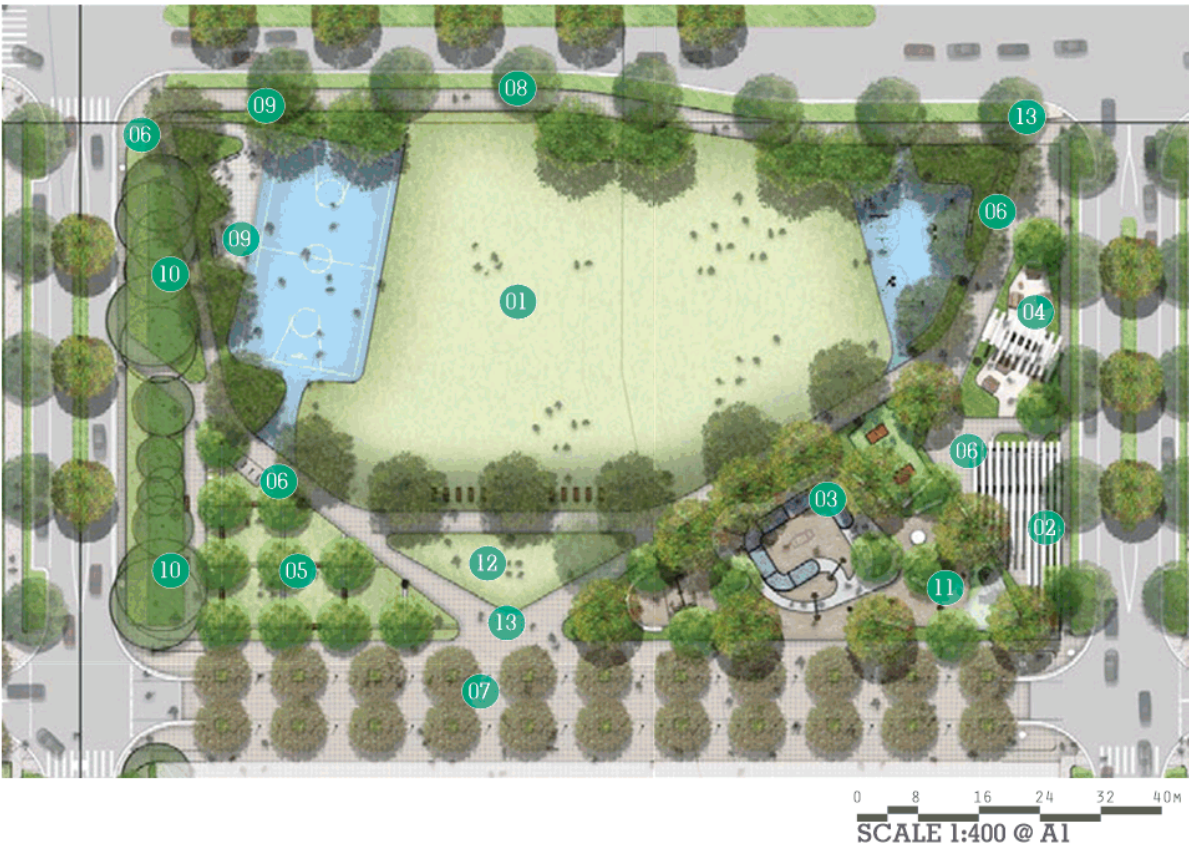
The Central Park will be a destination for local residents and the community. It will provide a predominantly green space with a central lawn for kickabout activities surrounded by smaller more intimate areas providing shaded seating, childrens play area, picnic lawns, terraced lawn seating, public bathrooms and small cafe/kiosk structure.

LEGEND

- | | |
|--|-----------------------------------|
| 01/ Kickabout lawn | 10/ Existing trees to be retained |
| 02/ Public toilet | 11/ Fenced Junior Play Facilities |
| 03/ Childrens play area | 12/ Sloped lawn |
| 04/ Public BBQ and seating | 13/ Potential artwork / signage |
| 05/ Shade trees with seating on turf | |
| 06/ Cycle parking/racks | |
| 07/ Pedestrian shareway link to retail | |
| 08/ Perimeter paths | |
| 09/ Exercise equipment/stations | |



KEY PLAN



ARCADIA
LANDSCAPE ARCHITECTURE

130-150 BUNNERONG RD PAGEWOOD
PUBLIC DOMAIN DEVELOPMENT APPLICATION

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CLIENT MERITON
DATE APR 2017
ISSUE 10

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CIVIC PLAZA | CHARACTER + PRINCIPLES

017 3.2

DESIGN PRINCIPLES

- A predominately hard landscape plaza space.
- Activated by surrounding retail.
- Opportunities for alfresco dining.
- Good passive surveillance from surrounding apartments.
- Reinforce links into the Central Park via shared surfacing.
- Opportunities for central focal features such as public art installations.

EXPERIENCE

The civic plaza is located at the heart of the precinct in close proximity to greatest residential density, the central park and ground floor retail space. It will be the active hub of the precinct and provide a meeting point for local residents and visitors. Contemporary design and materials will be used.

LEGEND

- 01/ Existing trees retained where possible
- 02/ Alfresco dining areas/retail frontage
- 03/ Flexible hardspace / plaza
- 04/ Shared surface crossing area (subject to RMS guidelines)
- 05/ Avenue street trees
- 06/ Shaded seating under street trees
- 07/ Bike Racks



KEY PLAN



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LINEAR PARK & EAST WEST LINKS | CHARACTER + PRINCIPLES

018 3.3

DESIGN PRINCIPLES

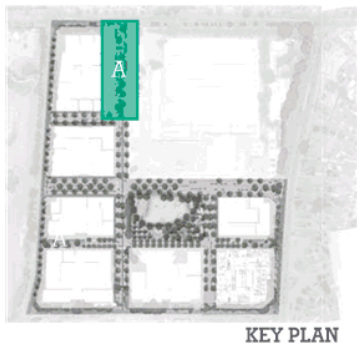
- Utilise/replace key areas of road reserve to increase recreational amenity.
- Provide attractive soft landscaped routes into and through the precinct.
- Create space for resident relaxation and impromptu social interaction.
- Incorporate WSUD elements.
- Ensure clear and safe sight lines.
- Provide a community garden for local residents (managed by Council).

EXPERIENCE

These parks provide important green space that improves the pedestrian experience through the precinct. As well as providing an improved microclimate for the streets they will create opportunities for smaller intimate spaces, shaded seating, WSUD elements and away from major traffic movements. It is envisaged that the larger linear park may provide a location for a community/council run vegetable garden.

LEGEND

- 01/ Street furniture / seating
- 02/ Shared path
- 03/ Lawn and shade trees
- 04/ Screen planting to boundary
- 05/ Possible Community garden
- 06/ Small plaza / meeting space
- 07/ Links into residential courtyards



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STREET TYPE A | CHARACTER + PRINCIPLES

019 3.4

DESIGN PRINCIPLES

- Provide a broad leafy boundary to the park.
- Incorporate a central bioswale.
- Provide separation between traffic and pedestrians.
- Provide a shared pathway for pedestrians/cyclists.
- Utilise distinctive soft landscape palette to define the street.
- Provide clear lines of sight for road safety
- Ensure casual surveillance (CPTED principles)

EXPERIENCE

Meriton Boulevard provides a broad leafy street running east-west along the northern boundary of the Central Park. The street will make use of its width to provide a centrally located planted bioswale and avenue street trees on either side.

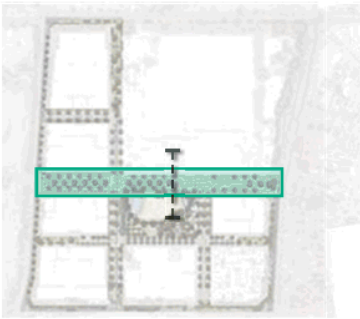
A shared pathway will boarder the park side of the street allow for off-road circulation for cyclists.

LEGEND

01/ Central Park	05/ Bio-Swale
02/ Concrete Shared Path	Species: <i>Melaleuca quinquenervia</i>
03/ Street Trees	06/ Pedestrian Path
Species: <i>Angophora costata</i>	07/ Adjacent Industrial Site
Spacing: 12m	
04/ On Street Parking	

0 1 2 3 4 5m

SCALE 1:50 @ A1



STREET TYPE A - Meriton Boulevard
Final details subject to approved civil design
Tree species selection subject to council approval



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STREET TYPE B | CHARACTER + PRINCIPLES

020 3.5

DESIGN PRINCIPLES

- Provide a broad leafy boundary to the park.
- Incorporate a central bioswale.
- Utilise avenue trees to provide pedestrian shade.
- Provide accessible on-street parking.
- Provide separation between traffic and pedestrians.
- Provide a shared pathway for pedestrians/cyclists.
- Utilise distinctive soft landscape palette to define the street character.
- Provide clear lines of sight for road safety.
- Ensure casual surveillance (CPTED principles).

EXPERIENCE

The North South Streets provides a avenue connection through the development with a centrally planted bioswale with street trees.

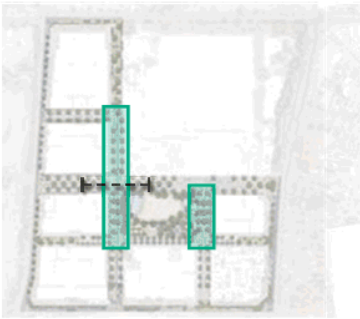
The street incorporates a shared pathway for pedestrians and cyclists that connects with the Central Park and Civic Plaza.

LEGEND

01/ Building Setback - Buffer Planting	05/ Bio-Swale
02/ Concrete Shared Path	Species: <i>Melaleuca quinquenervia</i>
03/ Street Trees	06/ Central Park
Species: <i>Eucalyptus punctata</i>	07/ Indicative street lighting by others
Spacing: 8m	
04/ On Street Parking	

0 1 2 3 4 5m

SCALE 1:50 @ A1



STREET TYPE B - North South Street
Final details subject to approved civil design.



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STREET TYPE C | CHARACTER + PRINCIPLES

021 3.5

DESIGN PRINCIPLES

- Utilise avenue trees to provide shaded pedestrian circulation.
- Provide accessible on-street parking.
- Provide separation between traffic and pedestrians.
- Utilise distinctive soft landscape palette to define the street character.
- Provide clear lines of sight for road safety
- Ensure casual surveillance (CPTED principles)

EXPERIENCE

The Local Street provides a shaded connection between residential blocks allowing for avenue street trees and on street parking.

Landscaped setbacks between the footpaths and the adjacent ground floor apartments will give the street a more generous landscaped proportion.

LEGEND

01/ Building Setback - Planting Buffer
02/ Concrete Pedestrian Path
03/ Street Trees
Species: *Eucalyptus punctata*
Spacing: 8m
04/ On Street Parking
05/ Indicative street lighting by others

0 1 2 3 4 5m

SCALE 1:50 @ A1



STREET TYPE C - Local Street
Final details subject to approved civil design.



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STREET TYPE D | CHARACTER + PRINCIPLES

022 3.5

DESIGN PRINCIPLES

- Provide a shared surface for pedestrians and cars.
- Reduce streetscape clutter to allow for easy pedestrian movement.
- Provide a strong pedestrian connection between the park and the adjacent retail.
- Utilise high quality hard materials that assist with slowing traffic.
- Provide clear lines of sight for road safety.

EXPERIENCE

The Civic Avenue will utilise a feature shared surface treatment to provide a strong connection between the retail area and the Central Park.

The removal of traditional kerb and gutter treatments and the use of differential surface treatments will communicate to traffic the shared priority in this zone.

LEGEND

01/ Mixed Use Setback	04/ Civic Avenue - Shared Zone
02/ Paved Pedestrian Area	05/ Interface with Central Park
03/ Street Trees	
Species: <i>Fraxinus</i>	
Spacing: 8m	
Car Parking	

0 1 2 3 4 5m

SCALE 1:50 @ A1



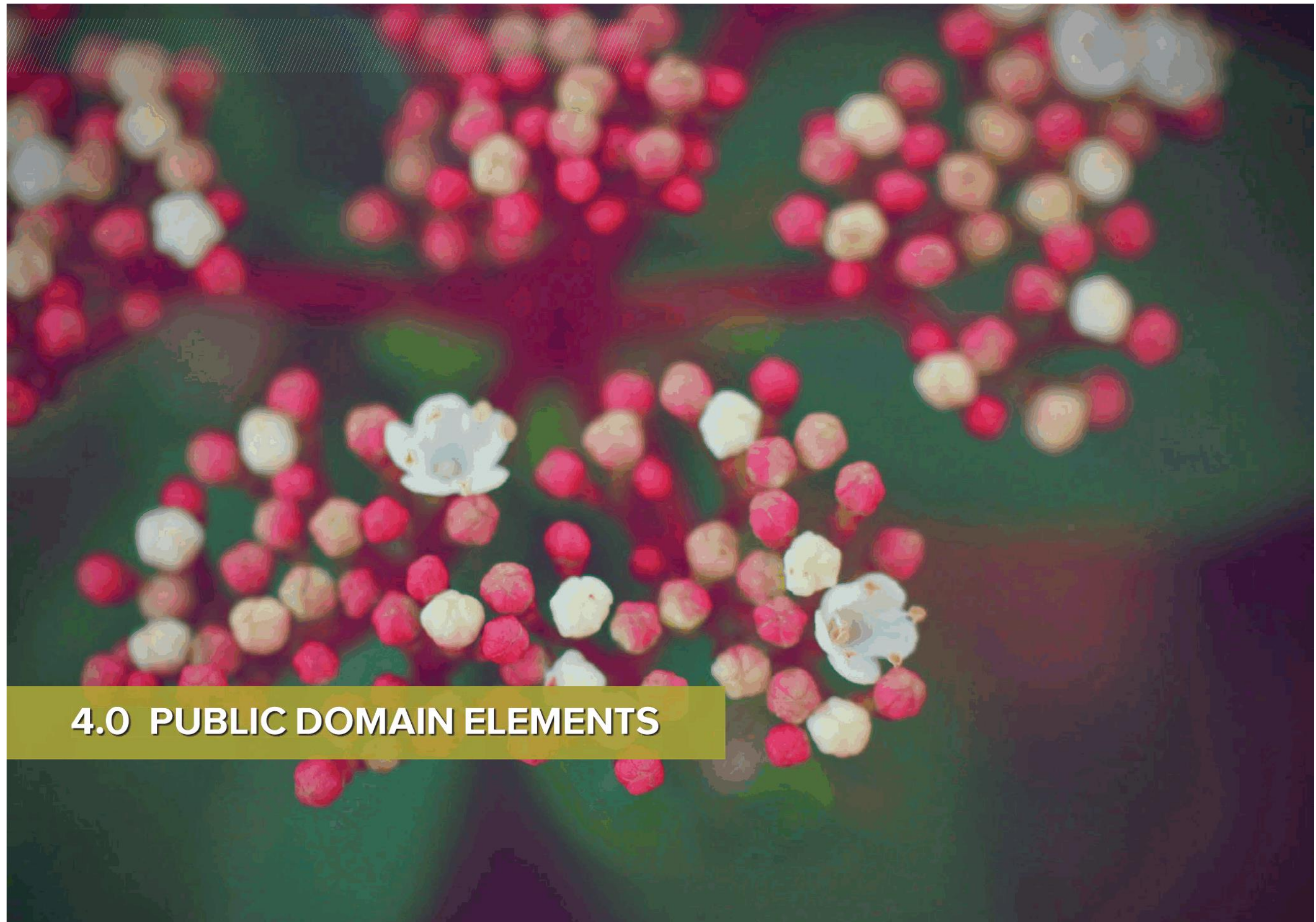
STREET TYPE D - Civic Avenue
Final details subject to approved civil design.



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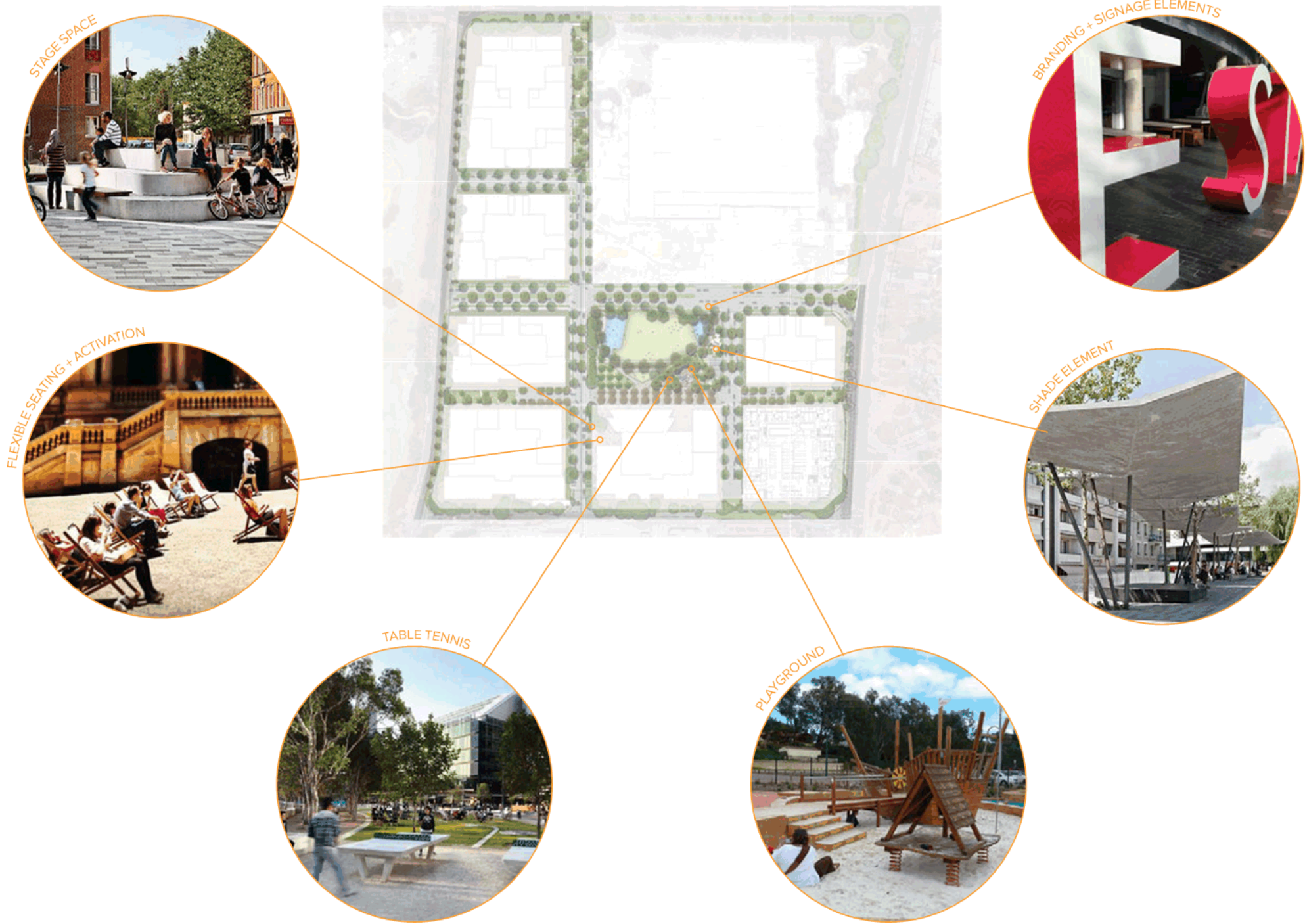
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ELEMENT PRECEDENTS

024 4.1



PUBLIC DOMAIN FURNITURE

025 4.2

SEATING ELEMENTS



DESCRIPTION
A range of seating elements are to be detailed to contribute to the master plan public domain urban environment.

A combination of concrete, hardwood timber, stone and stainless steel will be utilised to provide robust, durable and attractive settings.

Supplementary street furniture may be included through the streets and public zones. The Botton & Gardiner Urban Seat 1 & Bench Seat 12 are to be used subject to Council approval.

SIGNAGE / BRANDING



DESCRIPTION
Graphic language and signage are integral in the character & presentation of the spaces.

Large scale typographic elements are proposed to reinforce identity while offering a fun & visually appealing element to the urban fabric.

Smaller complementary elements will aid with wayfinding and interpretation.

PAVING



DESCRIPTION
A restrained but visually appealing paving palette is proposed.

The paving scheme will create interest at feature pedestrian zones with variations in format, finish and colour. Concrete footpaths are utilised for street edge circulation.

The final detailing of proposed paving layouts / pattern is to be undertaken in future stages of the process for approval by Council. All drawings included in this public domain document are preliminary for concept intent.

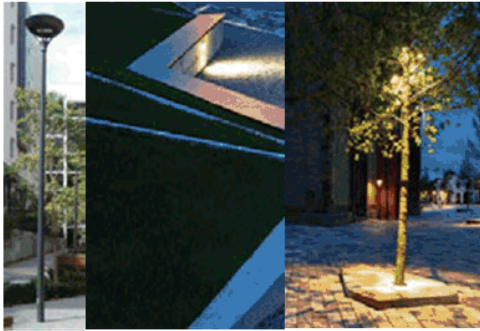
OTHER ELEMENTS



DESCRIPTION
A consistent palette of additional street furniture elements is required. The selections reflect considerations of functionality, maintenance, aesthetic appeal and cost.

Elements of simple, timeless design are preferred in general landscape applications with more customised, character driven elements focused in the areas where fine grain detail can be most appreciated by users.

LIGHTING



DESCRIPTION
The approach to the lighting for the public domain is one of both function and feature. Along with providing a safe and secure environment for pedestrians, cyclists & motorists there is opportunity within the lighting scheme to create a rich and varied public realm beyond daylight hours. Lighting levels to be determined by AS1158.3.1:1999 - Pedestrian area lighting, and is to be approved by Council.

INDICATIVE PLAY CHARACTER

026 4.4

Play helps a child become a fully functioning person by integrating all aspects of development. This includes enhancing cognitive, affective and psychomotor development.

Facilities for play and adventure within the BATA master plan public domain are integral to the lifestyle and character of the development. The following considerations are important when addressing the play facilities in more detail:

- / Promote sense of place

/ Sculptural / aesthetic qualities

/ Safe and accessible for all

/ Versatile + adaptable

/ Appropriately scaled

/ Environmental education + stewardship
- / Social equity

/ Community development + involvement

/ Robust materiality + low maintenance

/ Integrated WSUD

/ Habitat creation + restoration

/ Management of microclimate



INDICATIVE PLANTING PALETTE

027 4.5





5.0 APPENDIX

COVERSHEET

000

130-150 BUNNERONG ROAD

PAGEWOOD, NSW

DRAWING SCHEDULE

DRAWING NO.	DRAWING TITLE
000	COVER SHEET
100	MASTERPLAN
101	LANDSCAPE PLAN
102	LANDSCAPE PLAN
103	LANDSCAPE PLAN
104	LANDSCAPE PLAN
105	LANDSCAPE PLAN
106	LANDSCAPE PLAN
107	LANDSCAPE PLAN
108	LANDSCAPE PLAN
109	LANDSCAPE PLAN
110	LANDSCAPE PLAN
111	LANDSCAPE PLAN
112	LANDSCAPE PLAN
501	HARDSCAPE AND SOFTSCAPE DETAILS
502	SCHEDULES

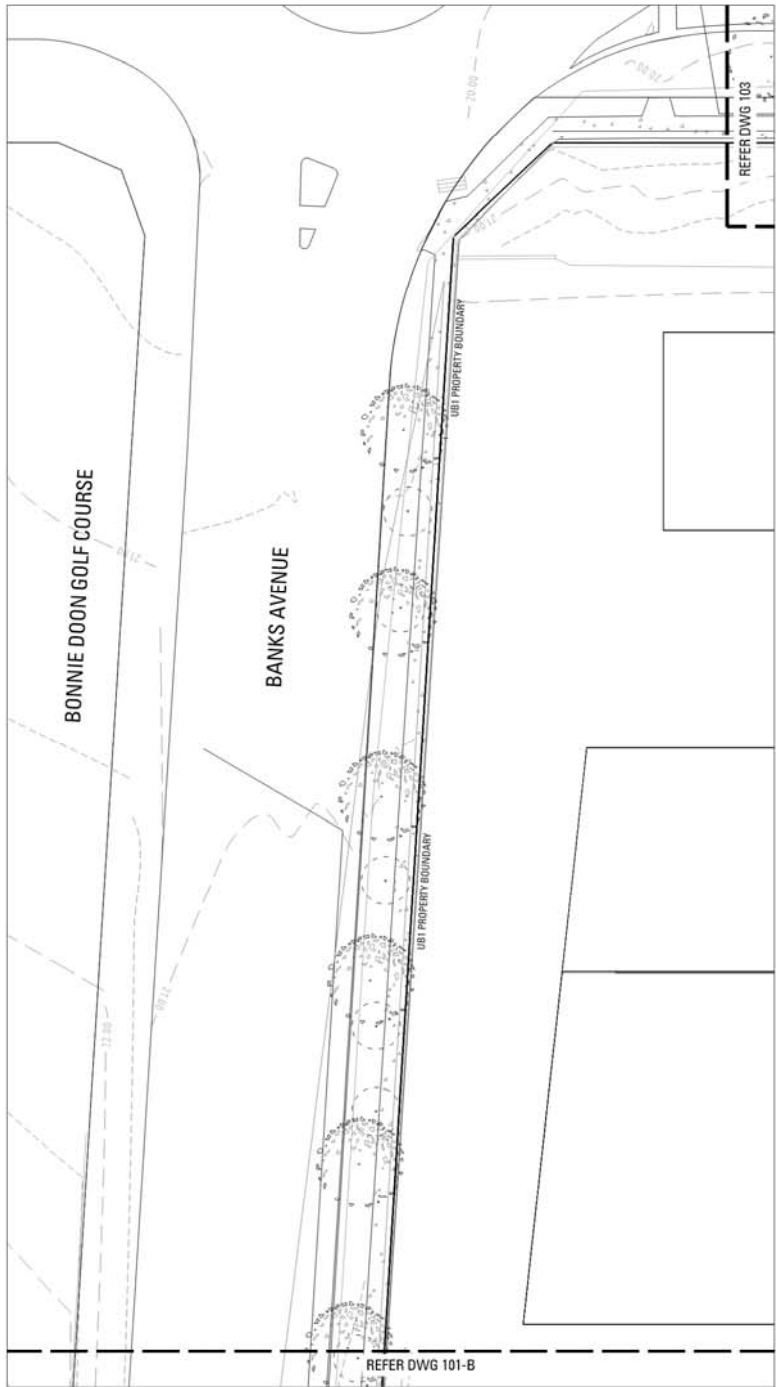
PLANTING SCHEDULE

14-208 EAST GARDENS MERITON PLANT SCHEDULE

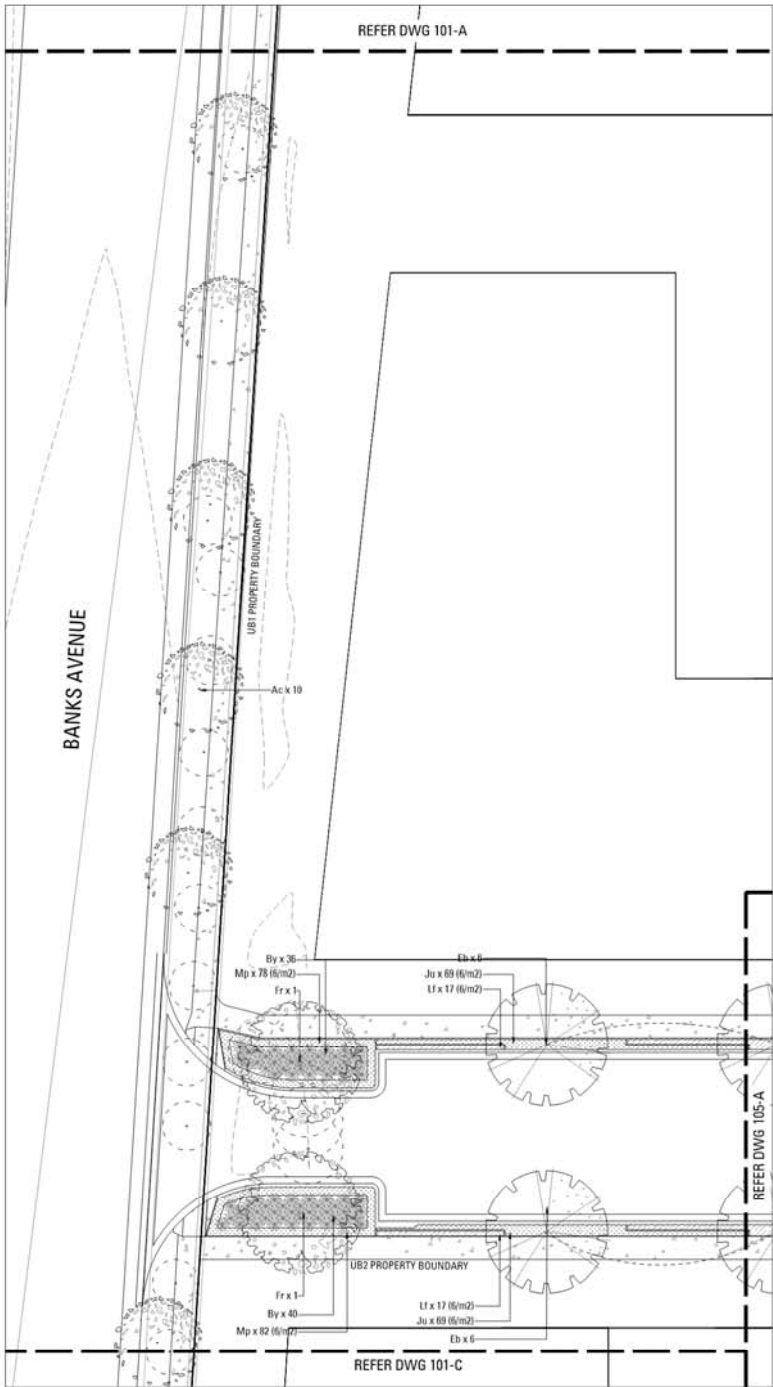
CODE	BOTANIC NAME	COMMON NAME	MATURE SIZE (h x w) (m)	POTS SIZE	QUANTITY CENTRAL	QUANTITY LINEAR	QUANTITY STREETS	QUANTITY TOTAL
TREES & PALMS								
Ac	Angophora costata	Smooth-Barked Apple	20 x 12	200L	10	33	30	74
Can	Casuarina antarctica	Tuckeroo	10 x 8	200L	15			15
Cal	Corymbia citriodora	Lemon Scented Gum	20 x 12	200L	6		17	23
Eb	Eucalyptus boryoides	Bongalay	30 x 12	200L			33	33
Fr	Ficus rubiginosa	Port Jackson Fig	20 x 15	200L	1		4	5
Fp	Fraxinus petiolaris	Fraxinus Urbanus	11 x 8	200L	1	17	36	54
Li	Lagerstroemia indica	Crape Myrtle	6 x 3	200L	3	8		11
Lo	Lophoceros confertus	Brush Box	15 x 12	200L			20	20
Ti	Tristania laurina	Water Gum	10 x 5	200L	6	10		16
SHRUBS & ACCENTS								
Agv	Anigozanthus hybrid 'Gold Vervet'	Gold Vervet	1 x 1	150mm	862			862
Ata	Anthyris odorata	Ranga Ranga Lily	1 x 1	200mm	99		12	111
By	Baccharis yuccifolia	Mexican Lily	1.5 x 1.5	300mm			365	365
Cb	Callistemon 'Better John'	Dwarf Bottlebrush	1.2 x 0.9	300mm		153		153
De	Doronicum eximium	Gymea Lily	3 x 1.5	25L	63		30	93
Db	Doronicum eximium	African Iris	0.8 x 0.8	200mm	553		478	1131
Ec	Elchea coccinea	Pride of Madeira	1.5 x 0.7	200mm	28			28
Px	Philadelphus 'Korona'	Xanadu	1 x 1	25L	230			230
Rs	Rhododendron 'Snow Maiden'	Snow Maiden	0.7 x 0.5	300mm	40	141	155	336
GRASSES & RUSHES								
Cap	Carex appressa	Swamp Sedge	1 x 1	150mm		546	482	1028
Ca	Cyperus angustatus	Cyperus	5 x 2	300mm	35			35
Dss	Dianella caerulea 'Silver Suede'	Silver Suede Flax Lily	0.5 x 0.5	150mm	881			881
Fa	Festuca nodosa	Knapweed Club Rush	0.8 x 0.8	150mm		546	785	1331
Ip	Ilex parvifolia	Pale Rush	0.7 x 0.7	150mm		546	831	1377
Ja	Juncus tenuis	Pale Rush	0.8 x 0.8	150mm		853	1481	2334
Li	Lomandra fluviatilis 'Star'	Lomandra Star	0.5 x 0.5	150mm	324	3.4	1107	1745
Lp	Lomandra perfoliata	New Zealand Iris	0.5 x 0.5	150mm	382	3.4		385
Lr	Lomandra perfoliata 'Just Right'	Lilyrust	0.45 x 0.45	150mm	47			47
Li	Lomandra perfoliata	Mar Rush	0.6 x 0.6	150mm		453	3237	3690
Pl	Phlox caerulea	Flax Lily	0.5 x 0.5	150mm	159	612	481	1242
Pn	Poa annua	Portulaca	1 x 1	150mm	564		22	586
Ta	Themeda australis	Kangaroo Grass	1 x 1	150mm	120	453		573
GROUNDCOVERS & CLIMBERS								
Cg	Casuarina glauca prostrata	Tree Fern	0.4 x 4	200mm	53			53
Da	Dianella argentea 'Silver Falls'	Silver Falls	0.2 x 1.5	200mm	320			320
Gbr	Grevillea 'Bronze Rambler'	Grevillea	0.25 x 1	150mm	588			588
Gz	Gazania linearis	Gazania	1.2 x spreading	150mm	214		455	669
Hv	Harrietbergia violacea	False Sarsaparilla	0.25 x spreading	150mm	419			419
Mp	Myoporum laetifolium	Creeper Boobialoa	0.15 x spreading	150mm	173	178	4408	4759



LANDSCAPE PLAN



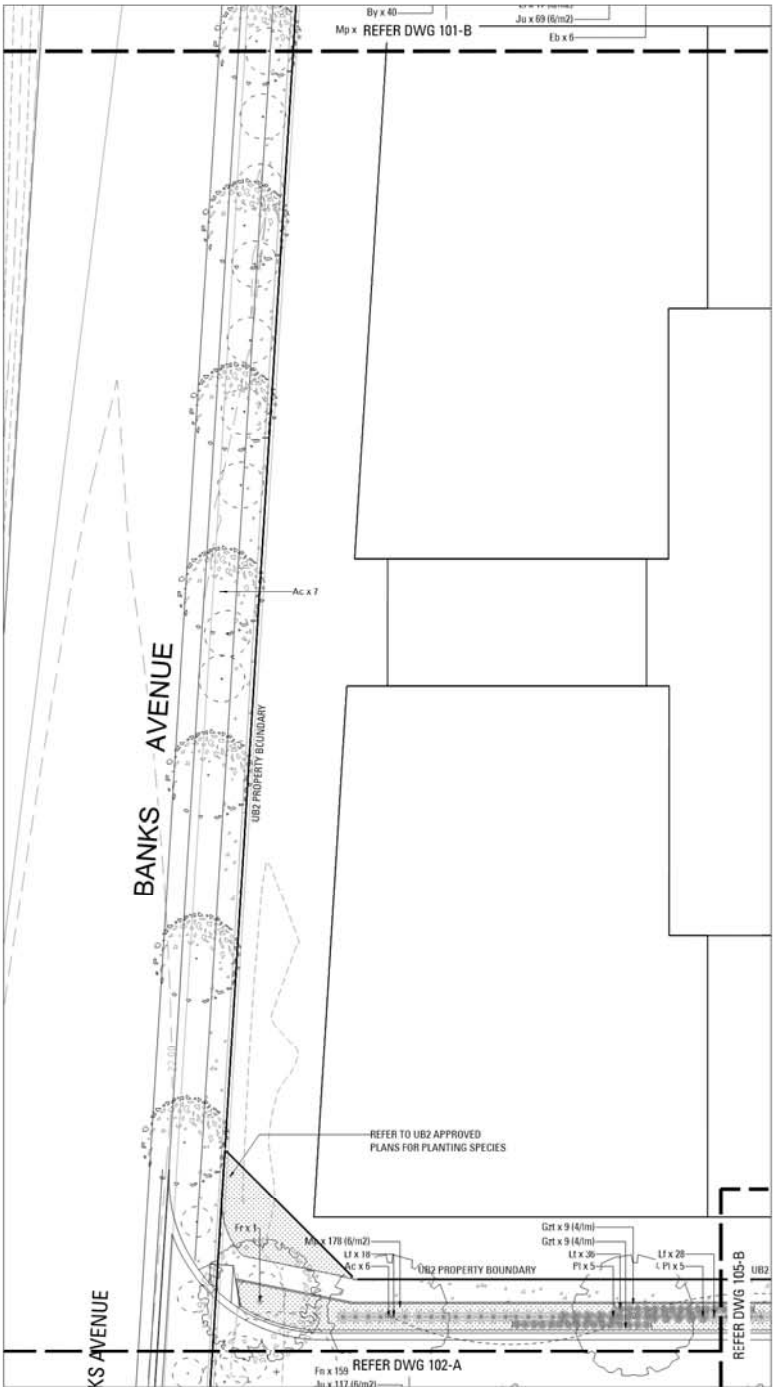
A LANDSCAPE PLAN
101 SCALE 1:200



B LANDSCAPE PLAN
101 SCALE 1:200

NOTE: THE LANDSCAPE TREATMENT ADJACENT TO EXISTING ROADS SUBJECT TO DESIGN CHANGES AND APPROVALS FROM RELEVANT AUTHORITIES TO ACCOMMODATE UNDERGROUNDING OF SERVICES

101



C LANDSCAPE PLAN
101 SCALE 1:200

1:200 @ A1

ARCADIA
LANDSCAPE ARCHITECTURE

130-150 BUNNERONG RD PAGEWOOD
PUBLIC DOMAIN DEVELOPMENT APPLICATION



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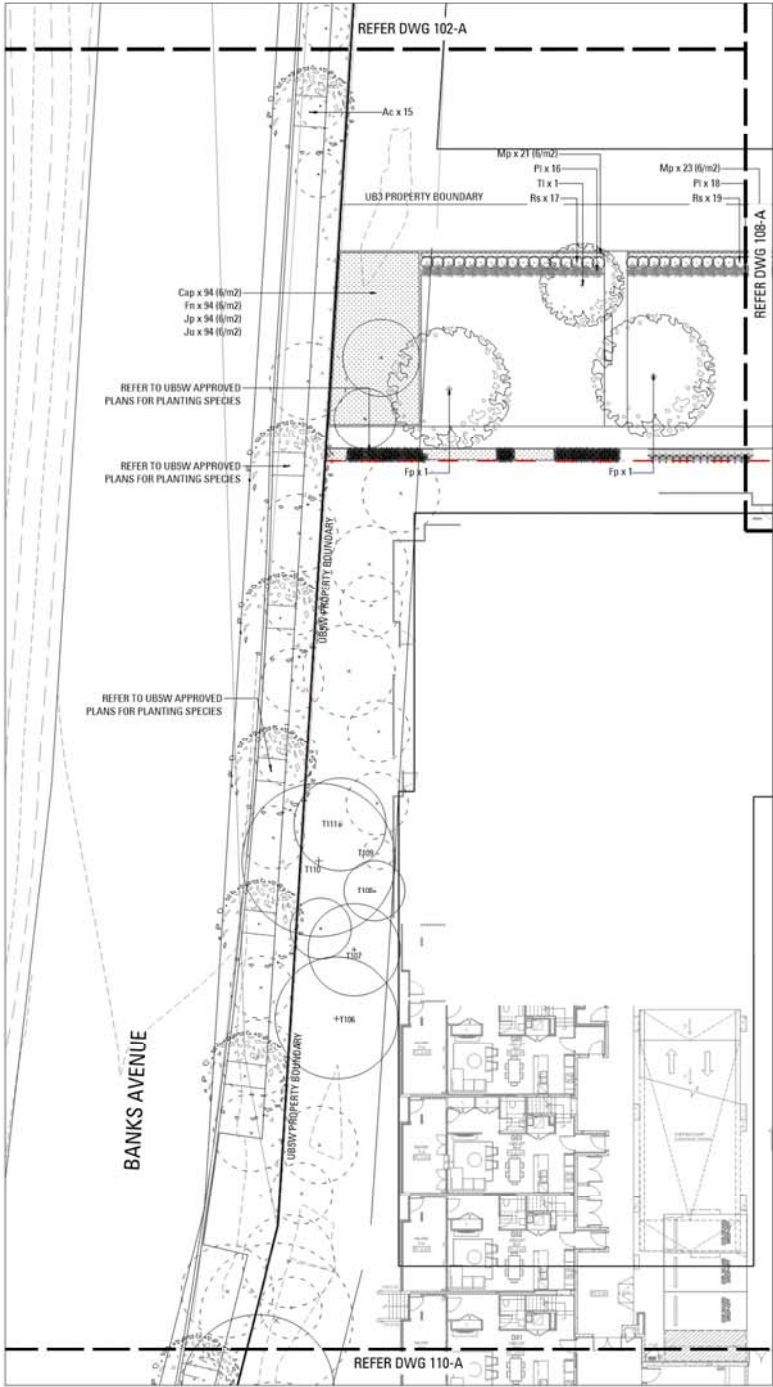
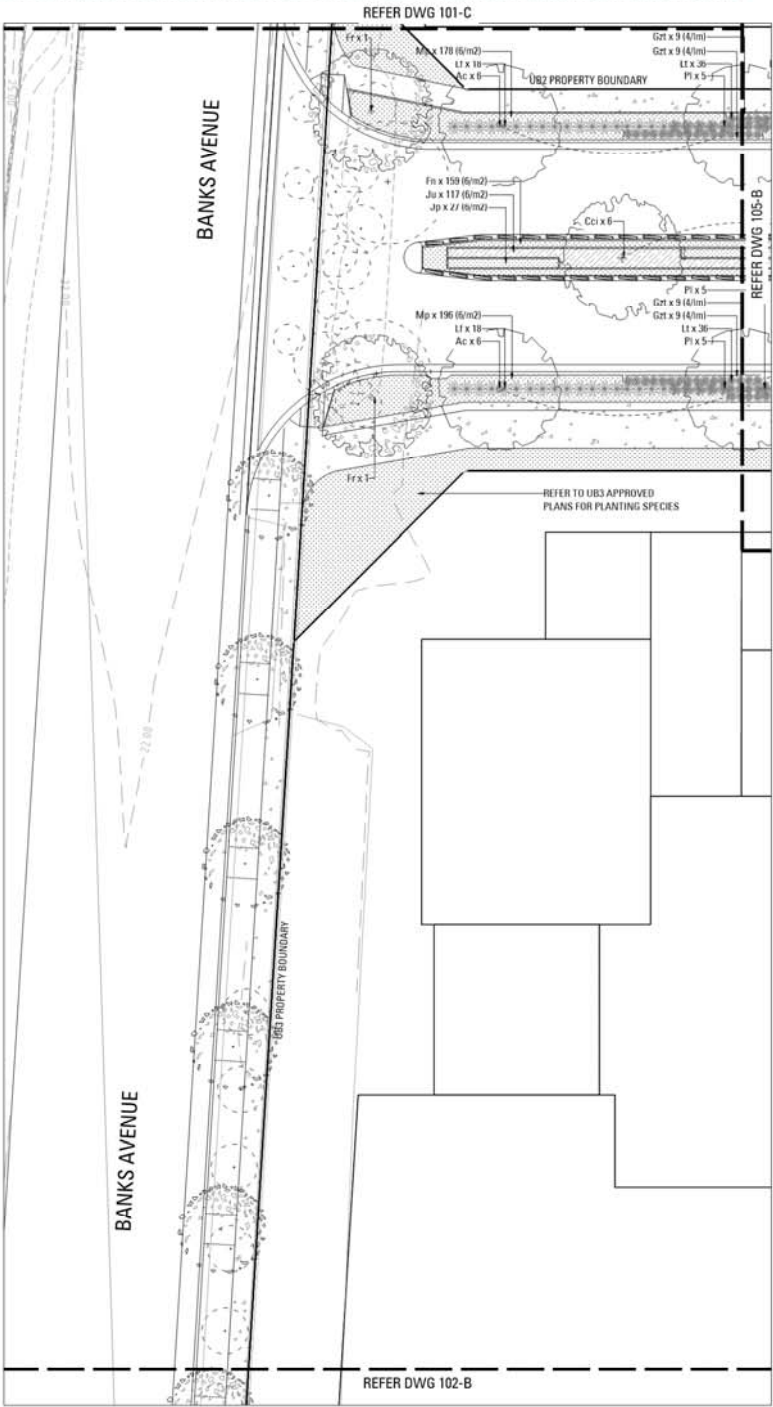
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LANDSCAPE PLAN

102

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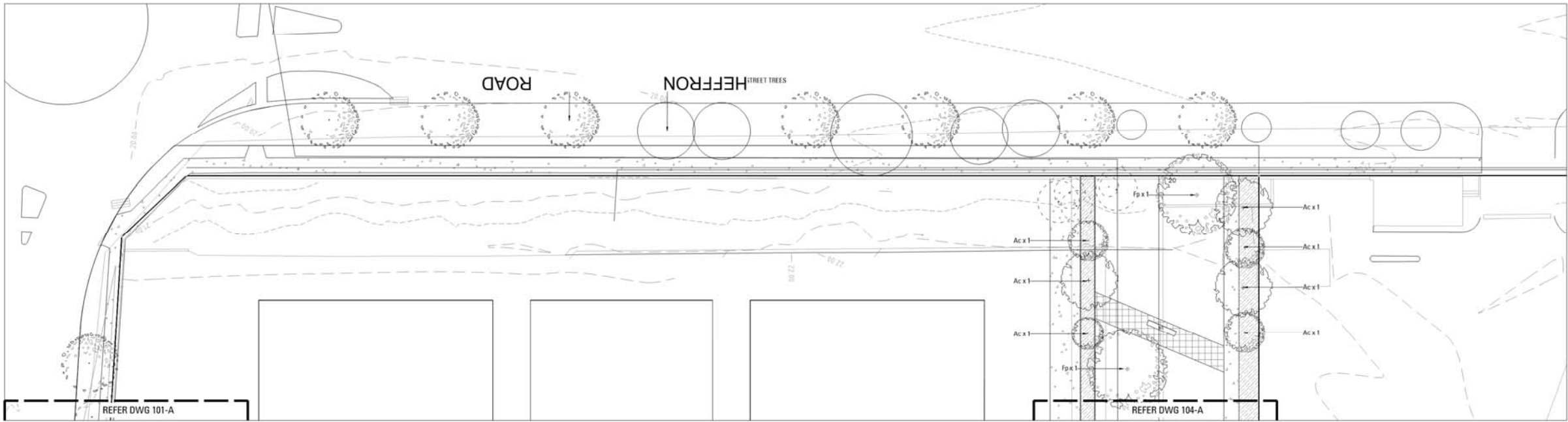
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LANDSCAPE PLAN

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103



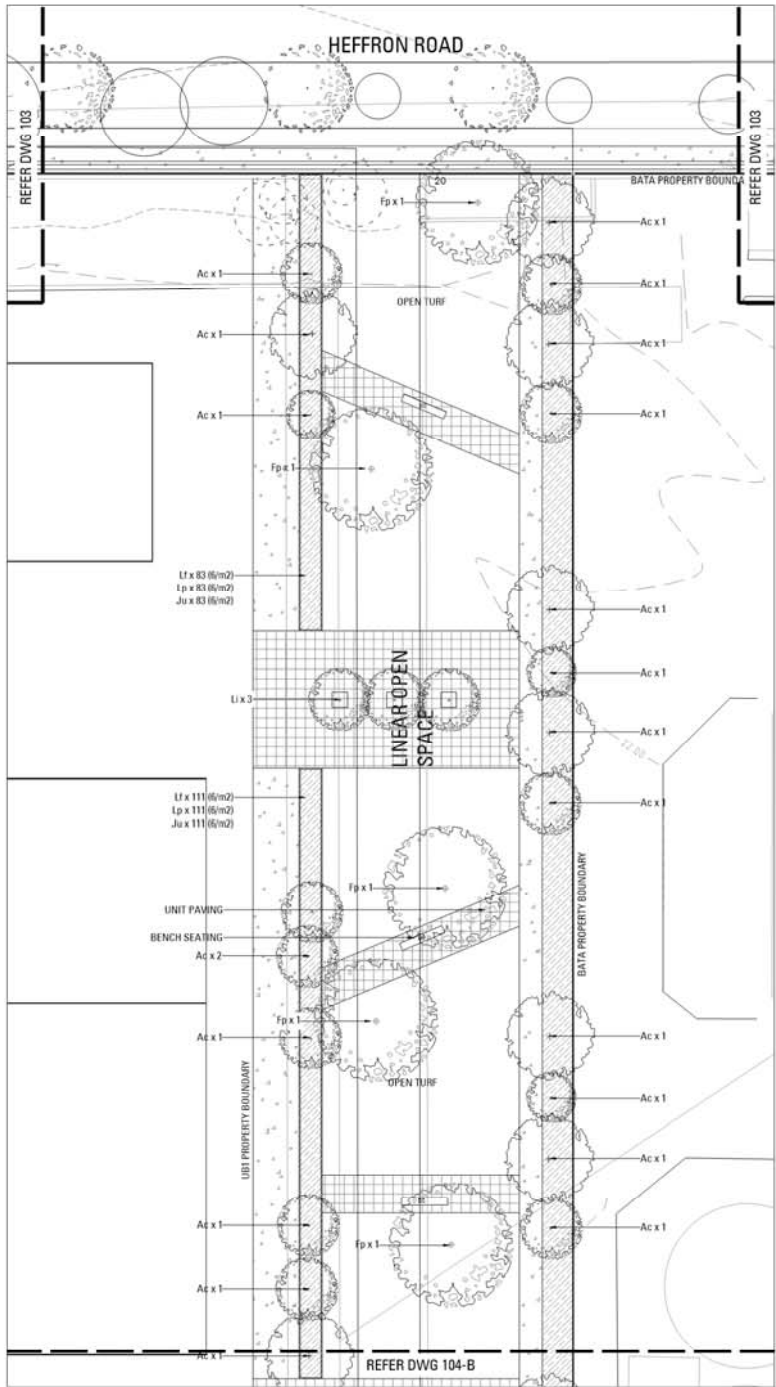
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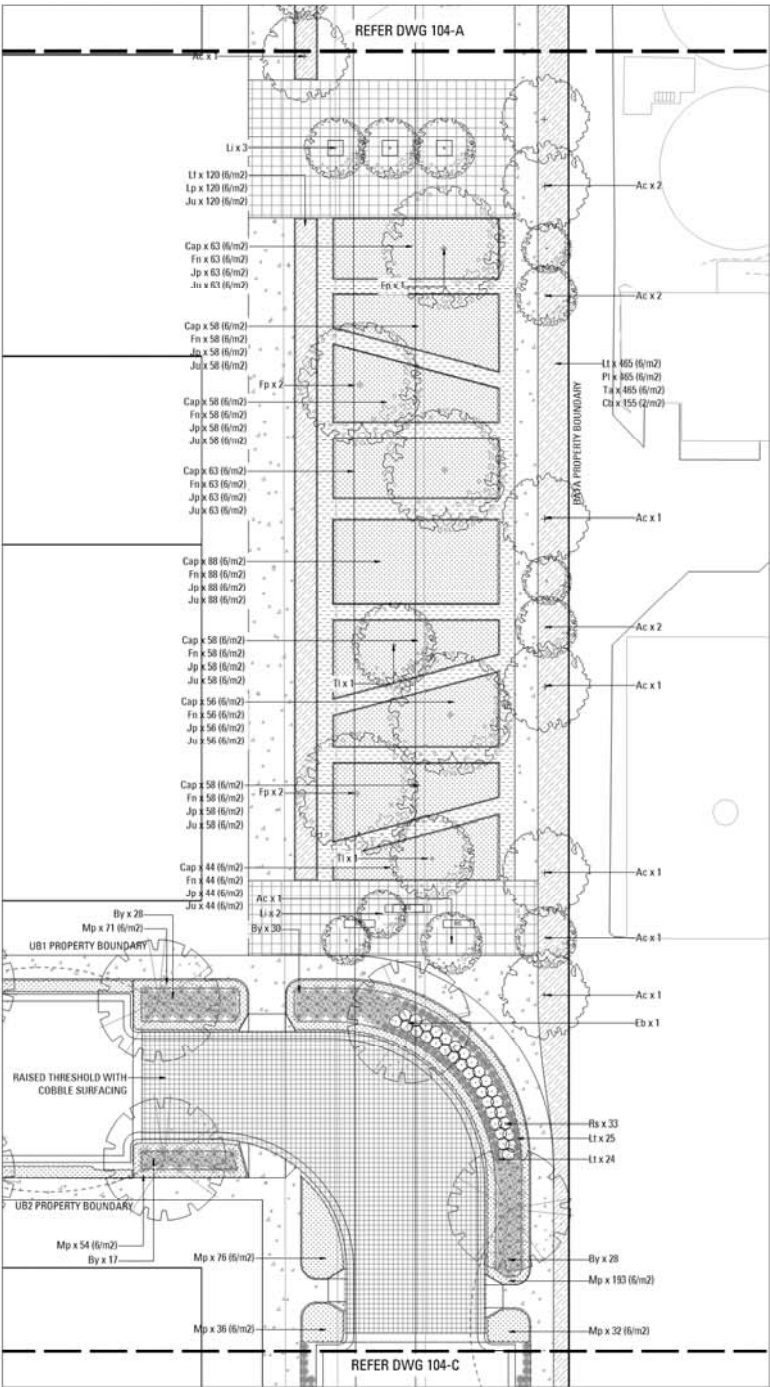
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LANDSCAPE PLAN



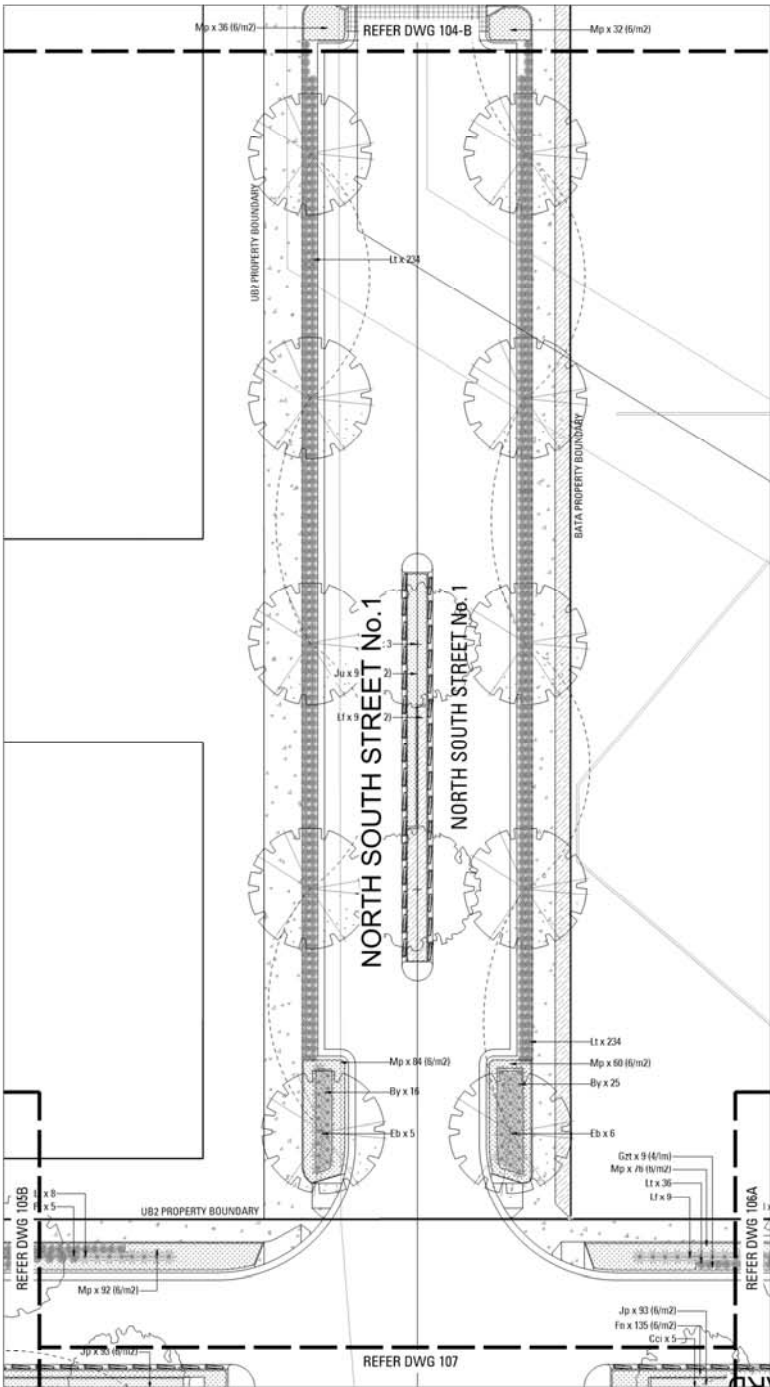
A LANDSCAPE PLAN
104 SCALE 1:200



B LANDSCAPE PLAN
104 SCALE 1:200

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104



C LANDSCAPE PLAN
104 SCALE 1:200

1:200 @ A1

ARCADIA
LANDSCAPE ARCHITECTURE

130-150 BUNNERONG RD PAGEWOOD
PUBLIC DOMAIN DEVELOPMENT APPLICATION



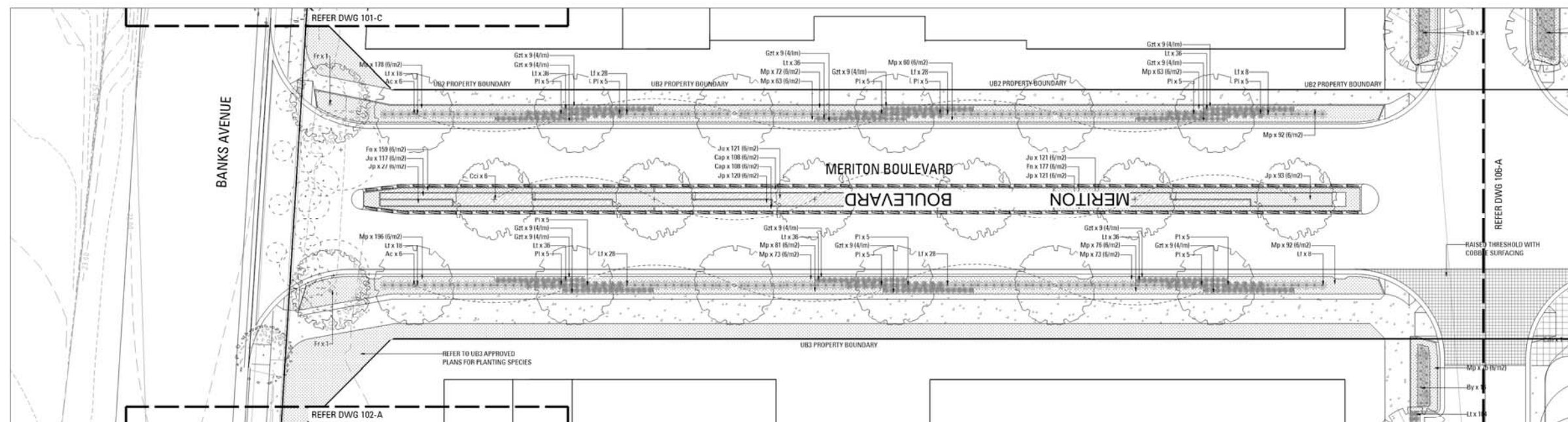
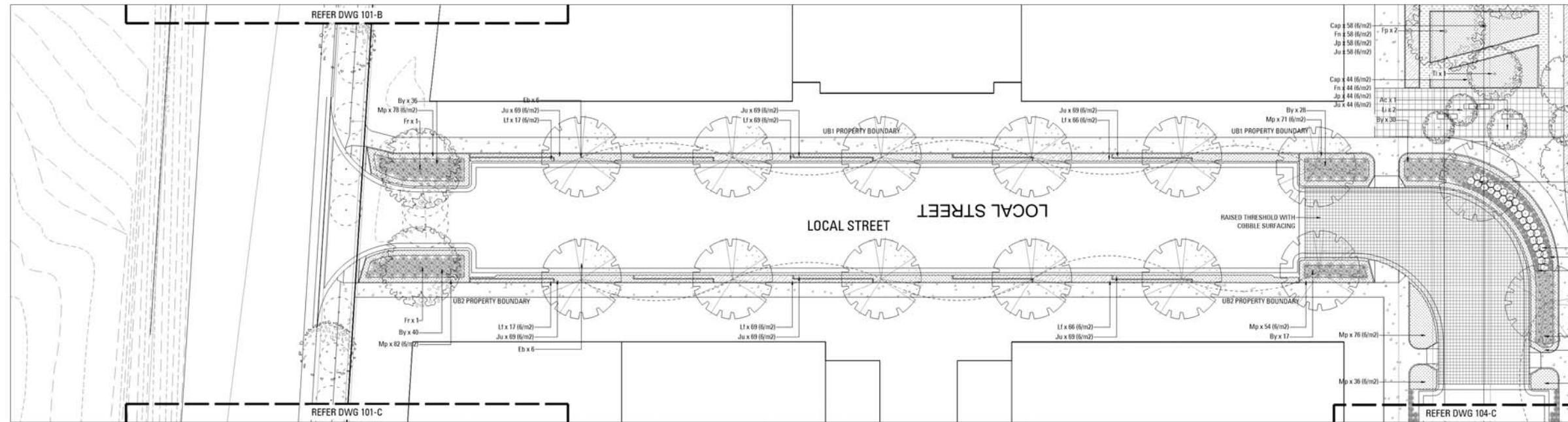
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105



1:200 @ A1



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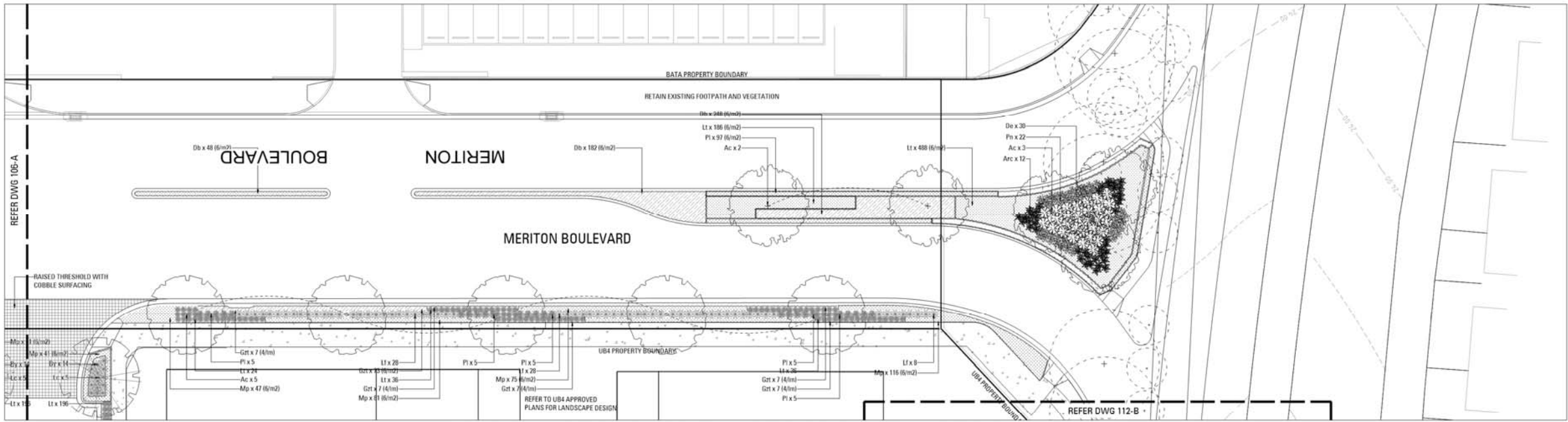
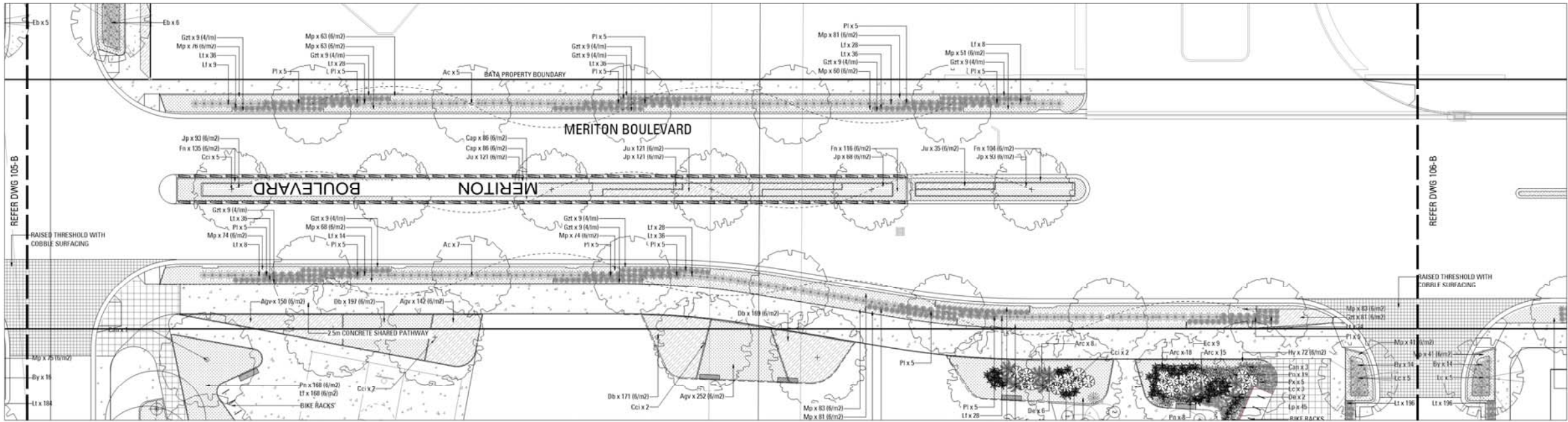
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LANDSCAPE PLAN

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106



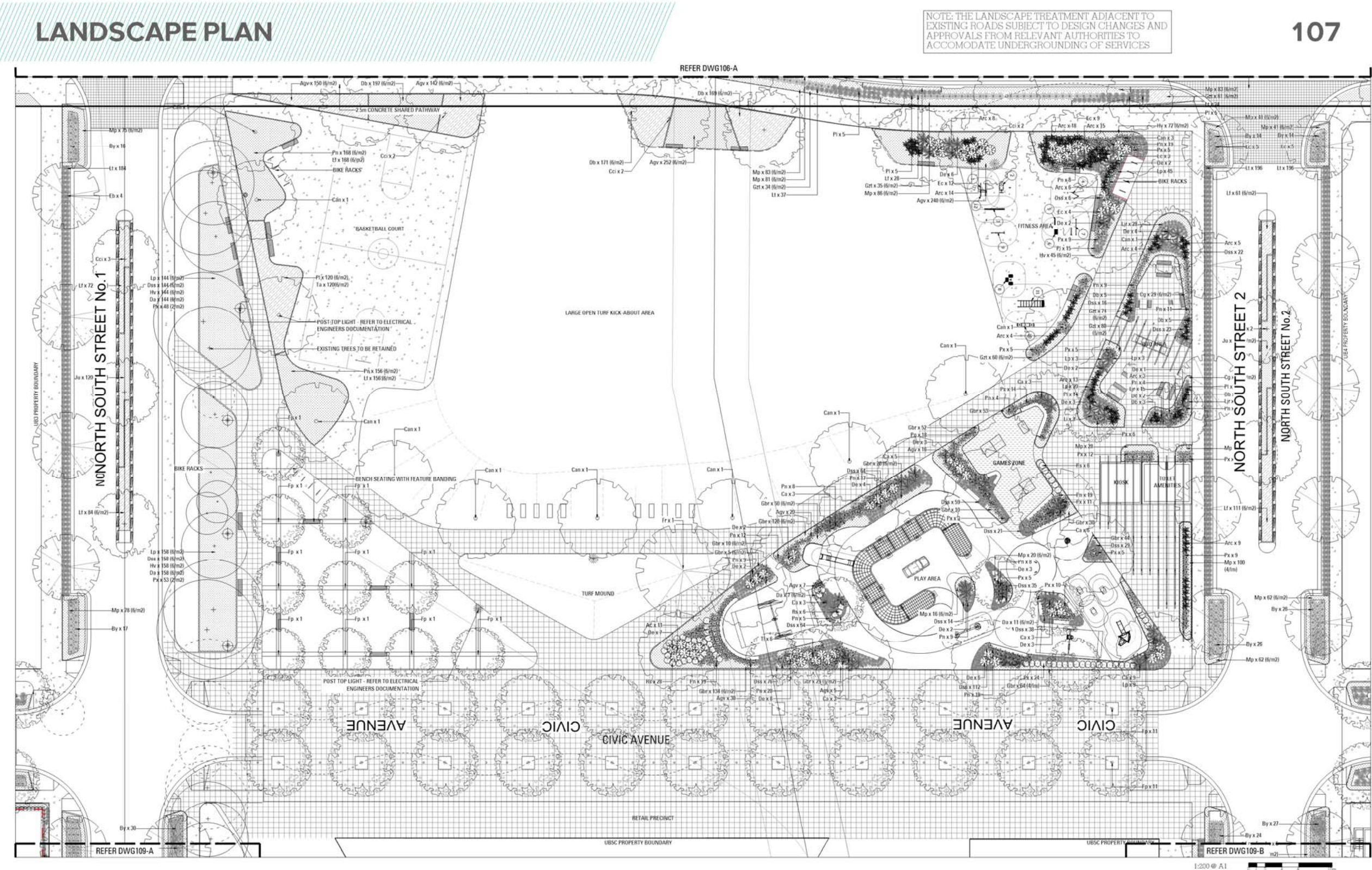
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SCALE 1:200 @ A1
ISSUE 10

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ARCADIA
LANDSCAPE ARCHITECTURE

130-150 BUNNERONG RD PAGEWOOD
PUBLIC DOMAIN DEVELOPMENT APPLICATION

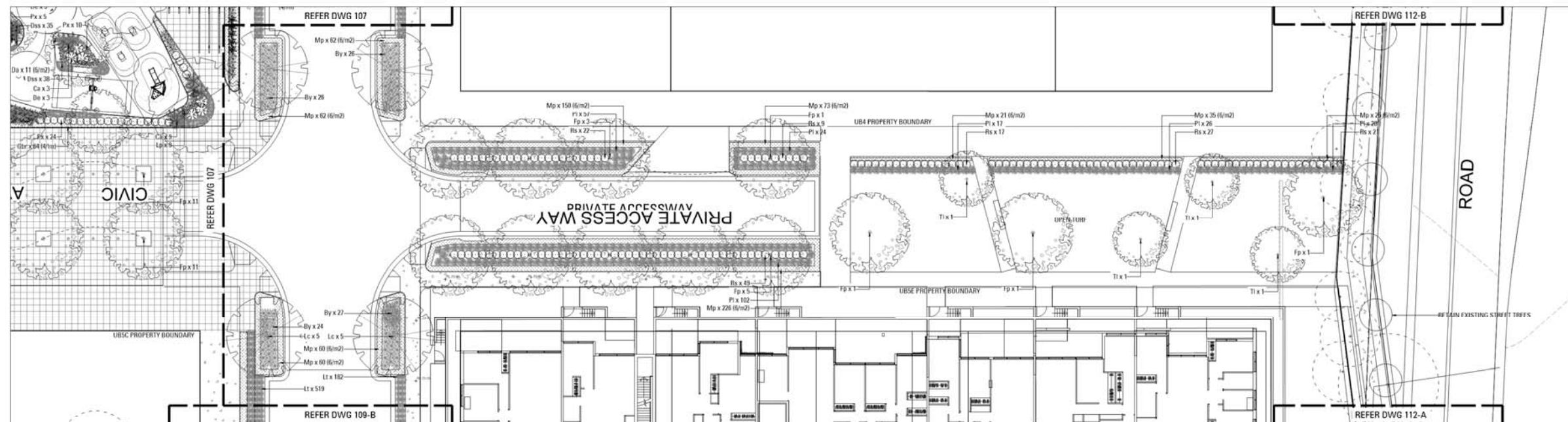
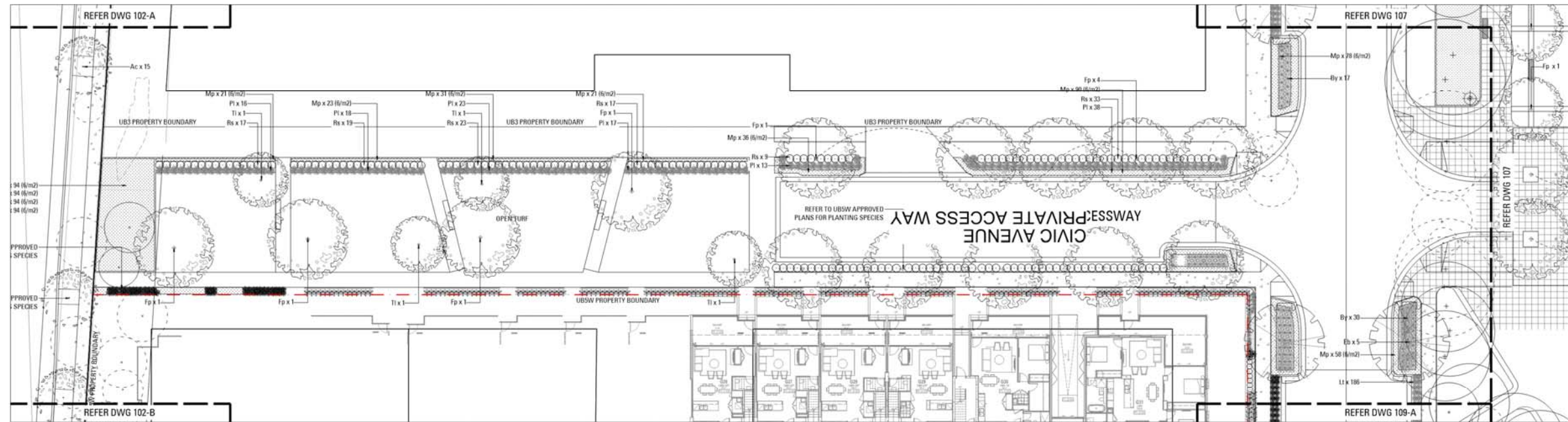


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NOTE: THE LANDSCAPE TREATMENT ADJACENT TO EXISTING ROADS SUBJECT TO DESIGN CHANGES AND APPROVALS FROM RELEVANT AUTHORITIES TO ACCOMMODATE UNDERGROUNDING OF SERVICES

108



ARCADIA
LANDSCAPE ARCHITECTURE

130-150 BUNNERONG RD PAGEWOOD
PUBLIC DOMAIN DEVELOPMENT APPLICATION

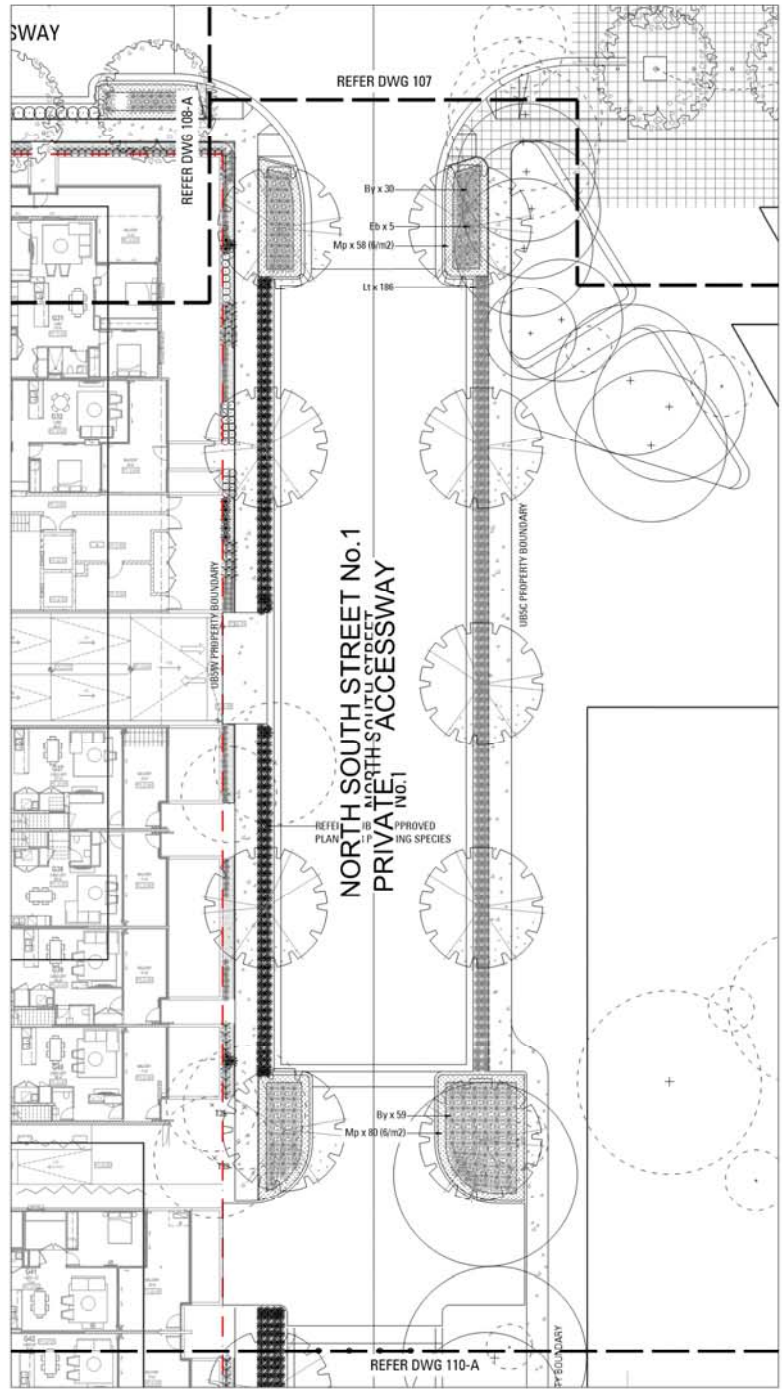


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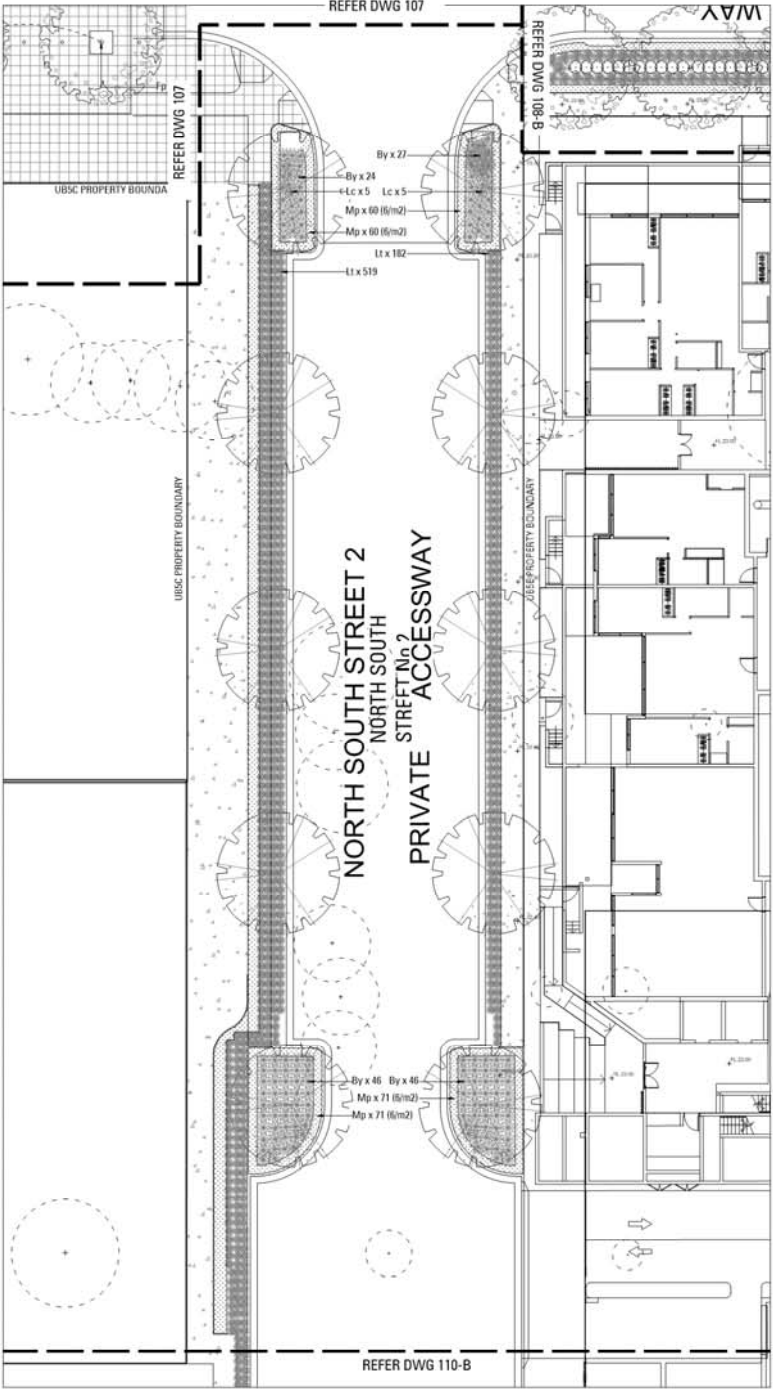
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LANDSCAPE PLAN



A LANDSCAPE PLAN
109 / SCALE 1:200



B LANDSCAPE PLAN
109 / SCALE 1:200

NOTE: THE LANDSCAPE TREATMENT ADJACENT TO EXISTING ROADS SUBJECT TO DESIGN CHANGES AND APPROVALS FROM RELEVANT AUTHORITIES TO ACCOMMODATE UNDERGROUNDING OF SERVICES

109

ARCADIA
LANDSCAPE ARCHITECTURE

130-150 BUNNERONG RD PAGEWOOD
PUBLIC DOMAIN DEVELOPMENT APPLICATION



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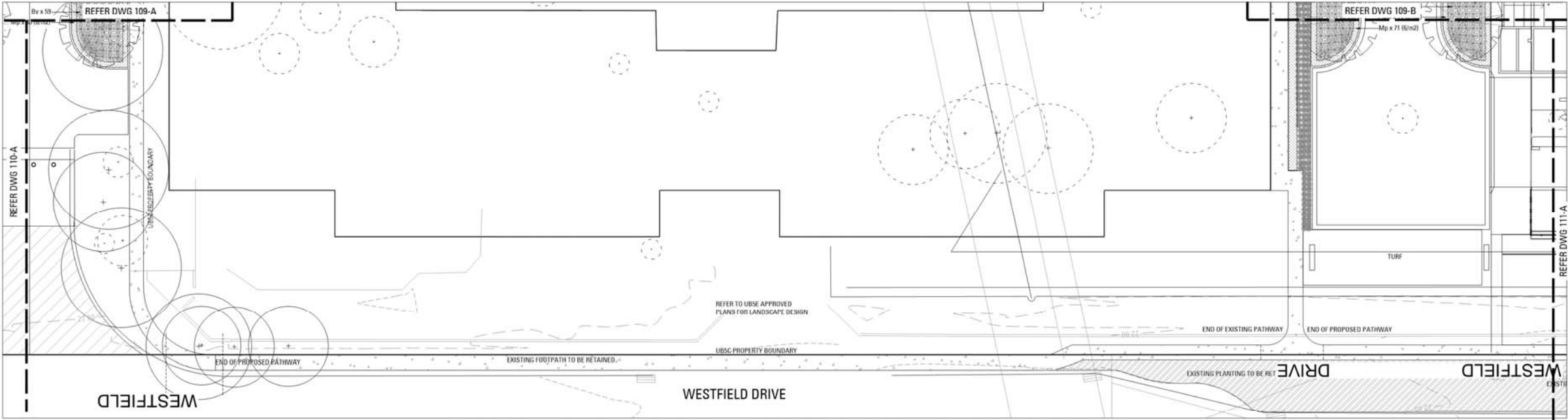
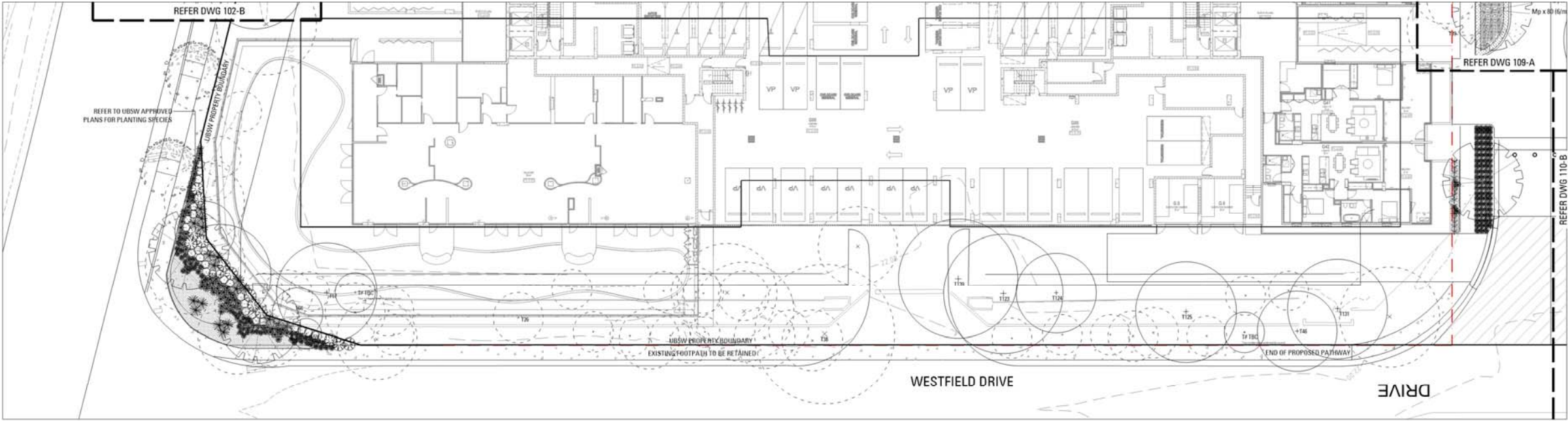
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LANDSCAPE PLAN

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ARCADIA
LANDSCAPE ARCHITECTURE

130-150 BUNNERONG RD PAGEWOOD
PUBLIC DOMAIN DEVELOPMENT APPLICATION



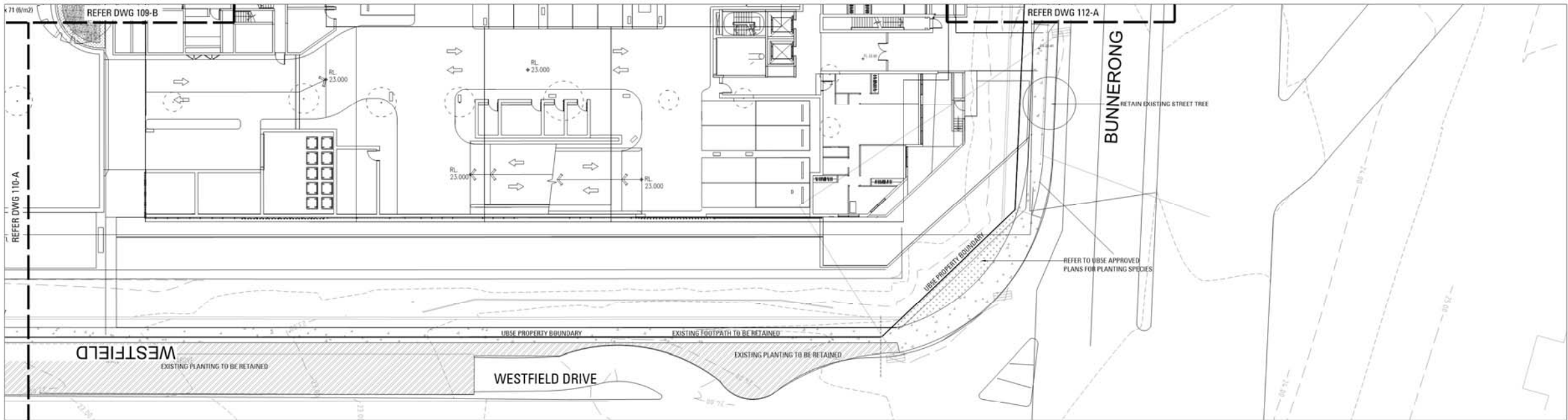
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LANDSCAPE PLAN

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ARCADIA
LANDSCAPE ARCHITECTURE

130-150 BUNNERONG RD PAGEWOOD
PUBLIC DOMAIN DEVELOPMENT APPLICATION



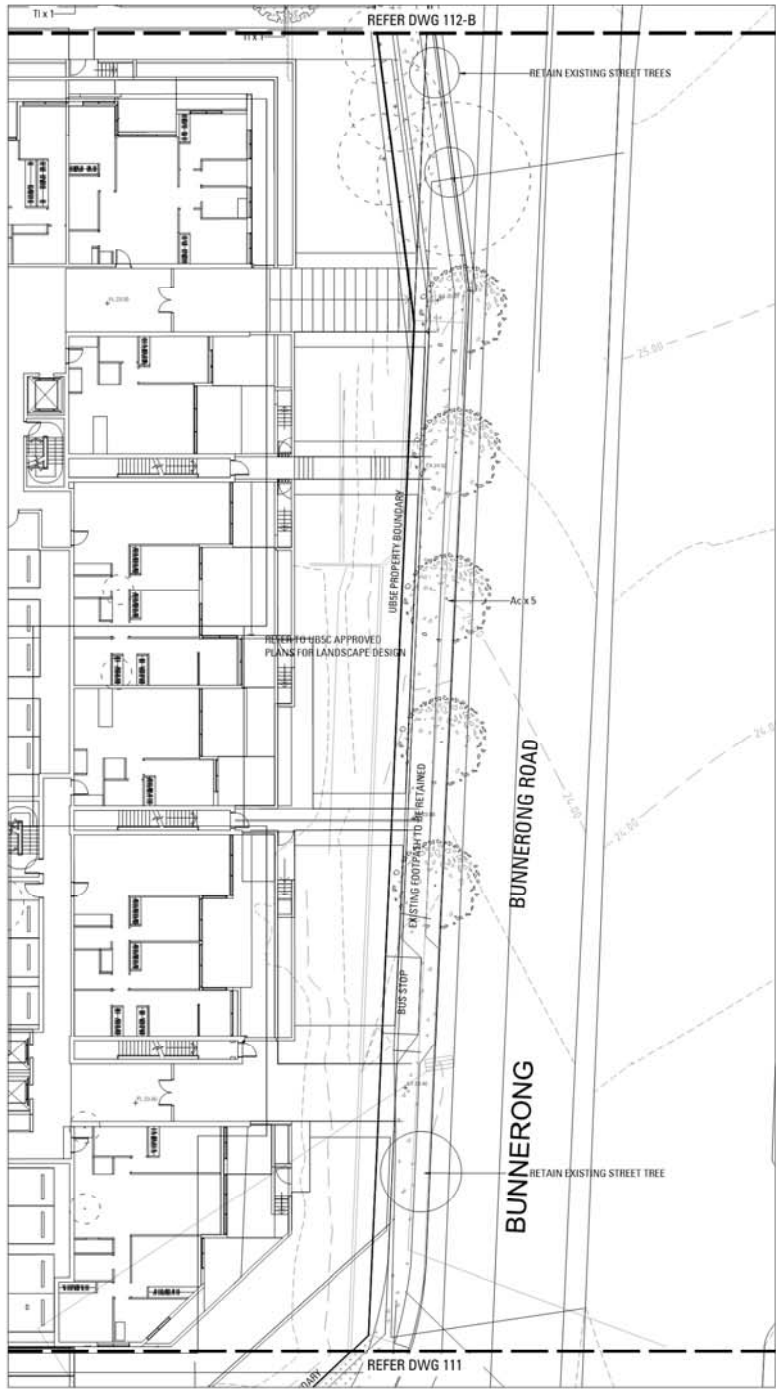
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LANDSCAPE PLAN

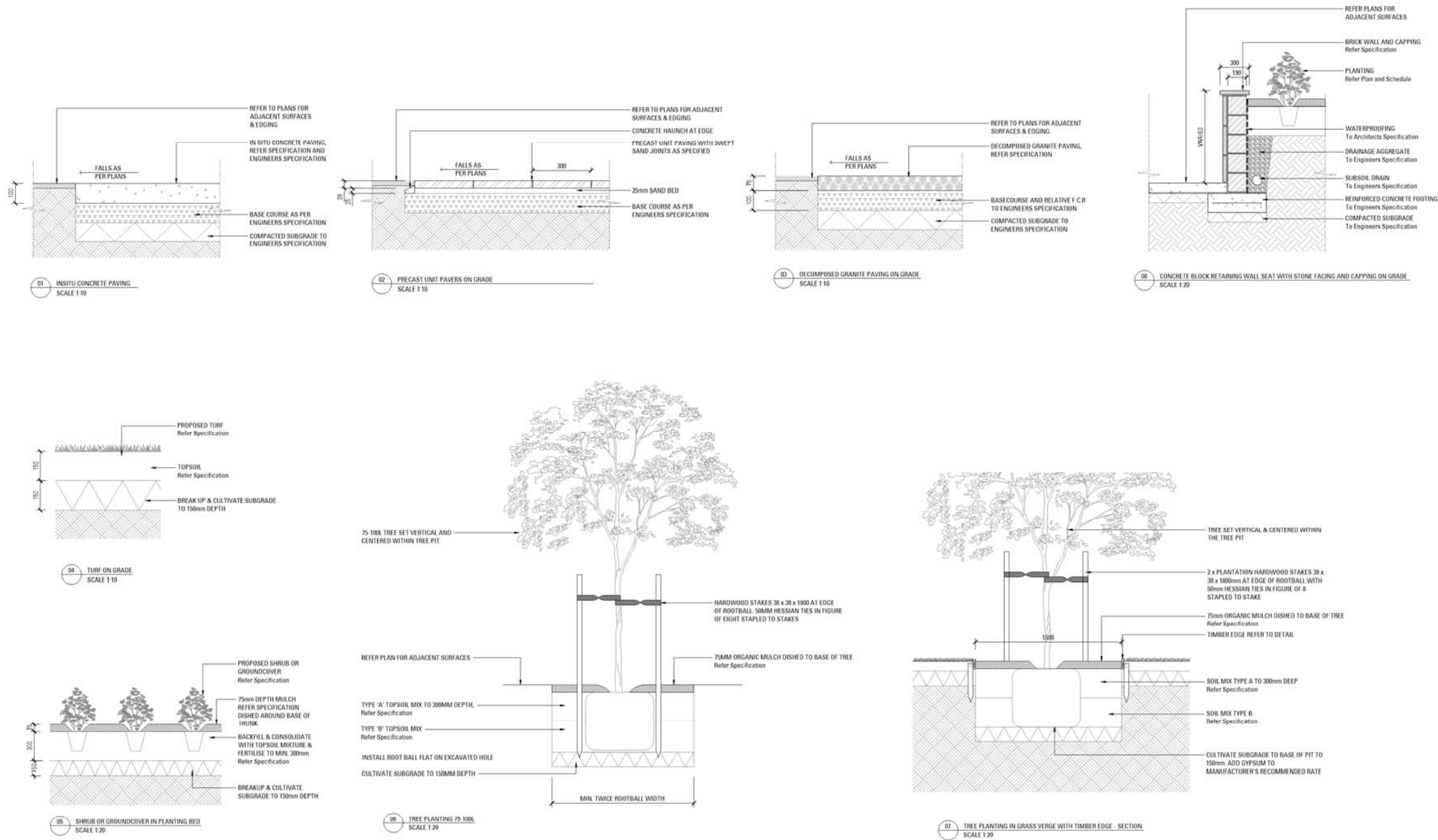
112



HARDSCAPE & SOFTSCAPE DETAILS

NOTE: THE LANDSCAPE TREATMENT ADJACENT TO EXISTING ROADS SUBJECT TO DESIGN CHANGES AND APPROVALS FROM RELEVANT AUTHORITIES TO ACCOMMODATE UNDERGROUNDING OF SERVICES

501



SCHEDULES

502

14-208 EAST GARDENS MERITON PLANT SCHEDULE								
CODE	BOTANIC NAME	COMMON NAME	MATURE SIZE (h x w) (m)	POT SIZE	QUANTITY CENTRAL	QUANTITY LINEAR	QUANTITY STREETS	QUANTITY TOTAL
TREES & PALMS								
Ac	<i>Angophora costata</i>	Smooth-Barked Apple	20 x 10	200L	11	33	80	124
Cm	<i>Cupressus macrocarpa</i>	Tuckeroo	10 x 8	200L	15		15	15
Cci	<i>Corymbia citriodora</i>	Lemon Scented Gum	20 x 10	200L	6		17	23
El	<i>Eucalyptus borysioides</i>	Bangalay	30 x 10	200L			33	33
Fr	<i>Ficus rubiginosa</i>	Port Jackson Fig	20 x 15	200L	1		4	5
Fp	<i>Fraxinus pennsylvanica</i>	Fraxinus Urbanite	11 x 8	200L	1	17	36	54
Li	<i>Lagerstroemia indica</i>	Crape Myrtle	6 x 3	200L	3	8		11
Lc	<i>Lophospermum cooperii</i>	Brash Box	15 x 10	200L			20	20
Ti	<i>Tristania laurina</i>	Water Gum	10 x 5	200L	6	10		16
SHRUBS & ACCENTS								
Agv	<i>Anigozanthus hybrid 'Gold Velvet'</i>	Gold Velvet	1 x 1	150mm	962			962
Arc	<i>Anthyrodium cinnatum</i>	Renga Renga Lily	1 x 1	200mm	99		12	111
By	<i>Besleria yuccoides</i>	Mexican Lily	1.5 x 1.5	300mm			565	565
Ch	<i>Callistemon 'Peter John'</i>	Dwarf Bottlebrush	1.2 x 0.9	300mm		155		155
Dc	<i>Doryanthes aeneas</i>	Gymea Lily	3 x 1.5	25L	63		20	93
Db	<i>Dieris bicolor</i>	African Iris	0.8 x 0.8	200mm	553		478	1031
Ec	<i>Echium candicans</i>	Pride of Madeira	0.5 x 0.7	200mm	28			28
Px	<i>Philodendron 'Xanadu'</i>	Xanadu	1 x 1	25L	230			230
Ra	<i>Rhapidochloa 'Snow Maiden'</i>	Snow Maiden	0.7 x 0.5	300mm	40	141	155	336
GRASSES & RUSHES								
Cag	<i>Carex appressa</i>	Swamp Sedge	1 x 1	150mm		548	482	1028
Os	<i>Oxyas angulata</i>	Oxyad	5 x 2	300mm	35			35
Dca	<i>Dianella caerulea 'Silver Streak'</i>	Silver Streak Flax Lily	0.5 x 0.5	150mm	881			881
Fk	<i>Ficinia nodosa</i>	Knobby Club Rush	0.8 x 0.8	150mm		546	785	1331
Jp	<i>Juncus pallidus</i>	Pale Rush	0.7 x 0.7	150mm		546	830	1376
Ju	<i>Juncus ustulatus</i>	Pale Rush	0.8 x 0.8	150mm		860	1480	2340
Li	<i>Loxandora divaricata 'Shara'</i>	Loxandora Subana	0.5 x 0.5	150mm	324	314	1107	1745
Lp	<i>Lobelia peruviana</i>	New Zealand Iris	0.5 x 0.5	150mm	382			696
Lir	<i>Liriope muscari 'Just Right'</i>	Lilyturf	0.45 x 0.45	150mm	47			47
Lt	<i>Loxandora 'Tussock'</i>	Mai Rush	0.6 x 0.6	150mm		405	3207	3672
Pl	<i>Dianella caerulea</i>	Flax Lily	0.5 x 0.5	150mm	159	602	481	1242
Pn	<i>Dieris bicolor</i>	Fortnight Lily	1 x 1	150mm	564		22	586
Tu	<i>Themeda australis</i>	Kangaroo Grass	1 x 1	150mm	120	465		585
GROUNDCOVERS & CLIMBERS								
Cg	<i>Ceanothus glaucus prostratus</i>	Free Fall	0.4 x 4	200mm	53			53
Dc	<i>Dicentra argentea 'Silver Falls'</i>	Silver Falls	0.2 x 1.5	200mm	320			320
Gbr	<i>Grevillea 'Bronze Rambler'</i>	Grevillea	0.25 x 1	150mm	588			588
Gst	<i>Gazania tenuifolia</i>	Gazania	0.2 x spreading	150mm	214		456	670
Hv	<i>Hardenbergia violacea</i>	False Gorse	0.25 x spreading	150mm	419			419
Mp	<i>Myoporum parvifolium</i>	Creeper Boobialla	0.15 x spreading	150mm	173	178	4408	4759

NOTE: THE LANDSCAPE TREATMENT ADJACENT TO EXISTING ROADS SUBJECT TO DESIGN CHANGES AND APPROVALS FROM RELEVANT AUTHORITIES TO ACCOMMODATE UNDERGROUNDING OF SERVICES

14-208 EAST GARDENS MERITON - MATERIALS SCHEDULE				
ITEM	RECOMMENDATION	QUANTITY	IMAGE	COMMENTS
STRUCTURING AND FIRMING				
1	Gravel (Crusher 10mm) Street Bedding	2000m ² x 100mm x 100mm		
2	Gravel (Crusher 10mm) Street Bedding	2000m ² x 100mm x 100mm		
3	Gravel (Crusher 10mm) Street Bedding	2000m ² x 100mm x 100mm		
4	Gravel (Crusher 10mm) Street Bedding	2000m ² x 100mm x 100mm		
5	Gravel (Crusher 10mm) Street Bedding	2000m ² x 100mm x 100mm		
6	Gravel (Crusher 10mm) Street Bedding	2000m ² x 100mm x 100mm		
7	Gravel (Crusher 10mm) Street Bedding	2000m ² x 100mm x 100mm		
8	Gravel (Crusher 10mm) Street Bedding	2000m ² x 100mm x 100mm		
9	Gravel (Crusher 10mm) Street Bedding	2000m ² x 100mm x 100mm		
10	Gravel (Crusher 10mm) Street Bedding	2000m ² x 100mm x 100mm		
FURNITURE				
11	Benches (Aluminum)	10 Benches x 1.8m x 0.4m		
12	Benches (Aluminum)	10 Benches x 1.8m x 0.4m		
13	Benches (Aluminum)	10 Benches x 1.8m x 0.4m		
14	Benches (Aluminum)	10 Benches x 1.8m x 0.4m		
15	Benches (Aluminum)	10 Benches x 1.8m x 0.4m		
16	Benches (Aluminum)	10 Benches x 1.8m x 0.4m		
17	Benches (Aluminum)	10 Benches x 1.8m x 0.4m		
18	Benches (Aluminum)	10 Benches x 1.8m x 0.4m		
19	Benches (Aluminum)	10 Benches x 1.8m x 0.4m		
20	Benches (Aluminum)	10 Benches x 1.8m x 0.4m		
PLAY / SPORT EQUIPMENT				
21	Play Equipment (Aluminum)	10 Play Equipment x 1.8m x 0.4m		
22	Play Equipment (Aluminum)	10 Play Equipment x 1.8m x 0.4m		
23	Play Equipment (Aluminum)	10 Play Equipment x 1.8m x 0.4m		
24	Play Equipment (Aluminum)	10 Play Equipment x 1.8m x 0.4m		
25	Play Equipment (Aluminum)	10 Play Equipment x 1.8m x 0.4m		
26	Play Equipment (Aluminum)	10 Play Equipment x 1.8m x 0.4m		
27	Play Equipment (Aluminum)	10 Play Equipment x 1.8m x 0.4m		
28	Play Equipment (Aluminum)	10 Play Equipment x 1.8m x 0.4m		
29	Play Equipment (Aluminum)	10 Play Equipment x 1.8m x 0.4m		
30	Play Equipment (Aluminum)	10 Play Equipment x 1.8m x 0.4m		

Bayside Planning Panel

24/07/2018

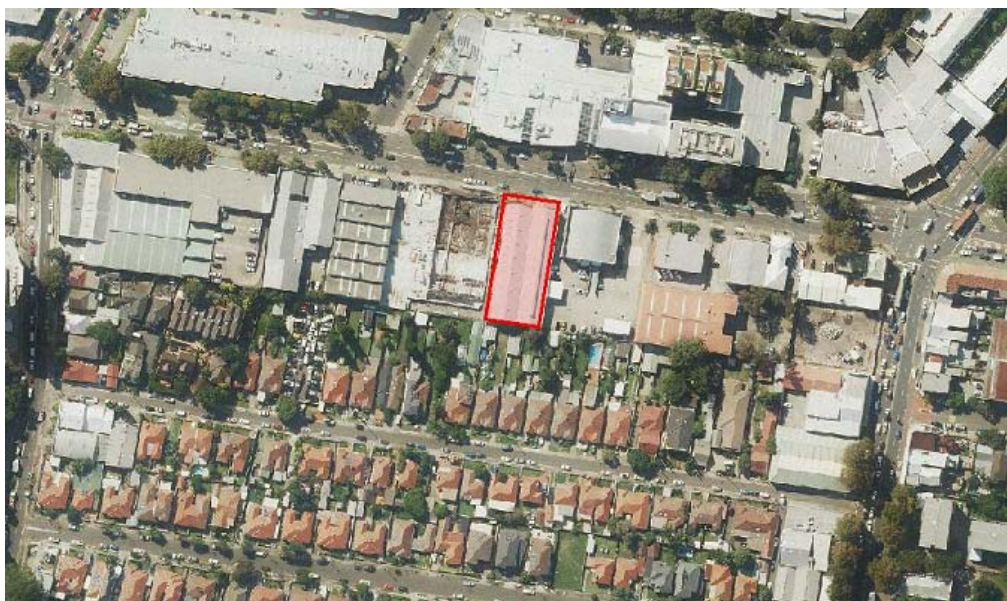
Item No	6.2
Application Type	Modification Application
Application No	SF18/1610
Lodgement Date	02/03/2018
Property	DA-2015/98/07 - 577-579 Gardeners Road, Mascot
Ward	Mascot
Owner	Yellos Developments No 1 PTY LTD
Applicant	Yellos Developments No 1 PTY LTD
Proposal	Deletion of Sydney Water conditions and replacement of louvre structure on rooftop plant with balustrades
No. of Submissions	Nil
Cost of Development	N/A
Report by	Andrew Ison, Senior Development Assessment Planner

Officer Recommendation

That the Section 4.55(1A) application for the deletion of Sydney Water conditions and replacement of louvre structure on rooftop plant with balustrades be APPROVED subject to the following:

- a) Amend Condition 1 to refer to amended plans.
- b) Delete Conditions 108 and 109.

Location Plan



Attachments

- 1 Planning Assessment Report
- 2 East Elevation
- 3 North Elevation
- 4 West Elevation
- 5 South Elevation
- 6 Cross Section B
- 7 Internal South Elevation [↓↓↓↓↓↓↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2015/98/07
Date of Receipt:	2 March 2018
Property:	577-579 Gardeners Road, Mascot
Lot & DP/SP No:	Lot 17 in DP 11589
Owner:	Yellos Developments No 1 PL
Applicant:	Yellos Developments No 1 PL
Proposal:	Deletion of Sydney Water conditions and replacement of louvre structure on rooftop plant with balustrades
Recommendation:	Approve the proposed amendments
Value:	Nil
Zoning:	B4 Mixed Use under Botany Bay Local Environmental Plan 2013
Author:	Andrew Ison, Senior Development Assessment Planner
No. of submissions:	Nil
Date of the Report:	24 July 2018

Key Issues

The key issues relate to the following:

- Removal of two Sydney Water imposed conditions; and
- Amended plans replacing the plant room screening with a balustrade on the northern tower (Gardeners Road tower).

Recommendation

That the Section 4.55(1A) application for the deletion of Sydney Water conditions and replacement of louvre structure on rooftop plant with balustrades is **APPROVED** subject to the following:

- (a) Amend Condition 1 to refer to amended plans; and
- (b) Delete Conditions 108 and 109.

Site Description

The subject site is commonly known as 577 Gardeners Road, Mascot (Lot 17 in DP 11589). The site is rectangular in shape, an area of 1,626m², and the mixed use development is currently under construction. The surrounding area is characterised primarily by various forms of residential, commercial and industrial developments and uses. The subject site is located on the southern side of Gardeners Road, between Botany Road to the west and O'Riordan Street to the east.

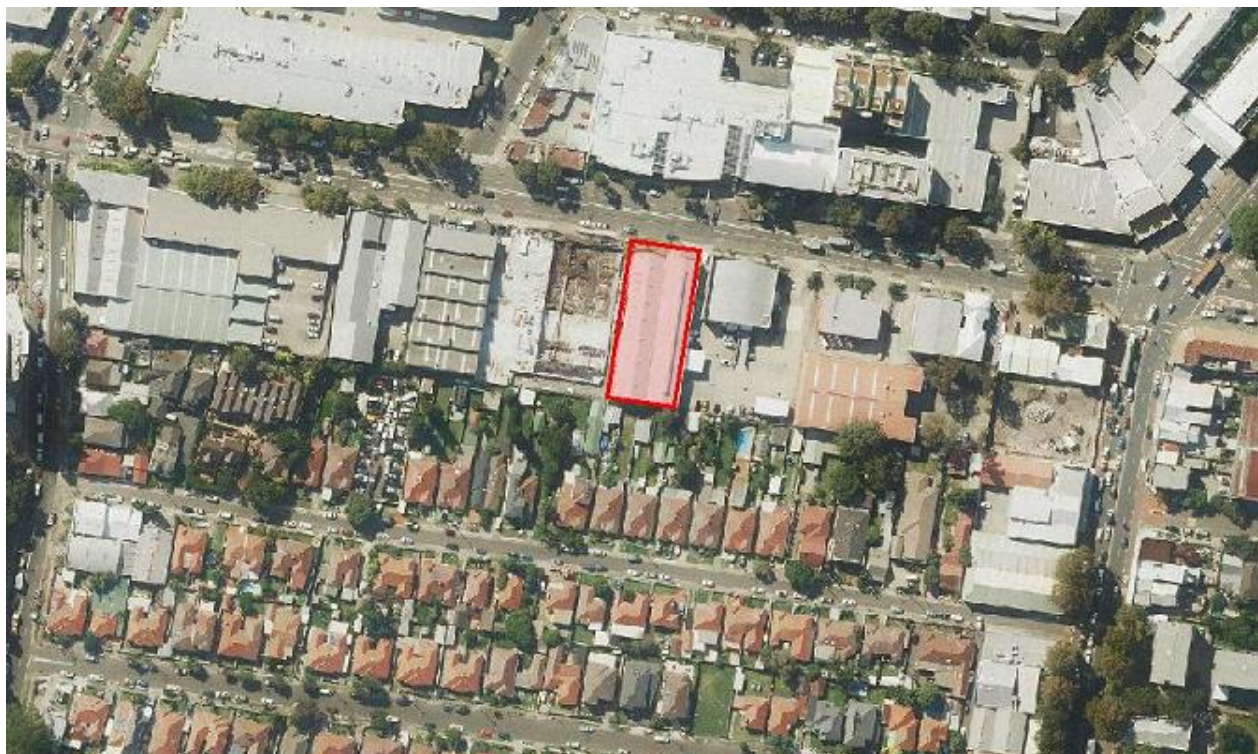


Figure 1: Aerial showing subject site, marked in red (Source: Bayside IntraMaps)

Description of approved development and proposed modifications

Approved Development DA-2015/98

Development Application (DA) 2015/98 was approved on 26 April 2016 by way of consent orders through the Land and Environment Court for the following:

- Demolition of all existing structures on site;
- Excavation of the site to construct one (1) basement level comprising of 52 car spaces and one at grade level comprising of 32 spaces. This is a total of 84 car spaces which includes 9 visitor spaces, 5 accessible car spaces and 2 car spaces to the commercial tenancies. The at-grade parking level will also comprise of storage, lift, stairs, garbage storage and a loading dock.
- Construction of one x eight (8) storey residential flat building (Building 1) containing 28 units and one 60m² commercial tenancy fronting Gardeners Road and one x four (4) storey residential flat building (Building 2) containing 15 units. The development will have a total of 43 residential apartments; and
- Communal open space to the centre of the site and associated landscaping.

Approved Modification DA-2015/98/02

On 2 March 2017, Council approved under delegated authority a modification under the former Section 96(AA) provisions (now Section 4.55(AA)) which related to the removal of the existing factory boundary

wall at the rear, new rooftop plant to both buildings, increase in the number of units from 43 to 46 units, modifications to the car parking, internal ramp configuration and driveway width, increase in the size of the commercial area and private open space for units, modifications to the podium level and floor to floor RL levels, minor façade and landscape design adjustments and modifications to conditions.

Approved Modification DA-2015/98/03

On 1 June 2017, Council approved under delegated authority a modification under the former Section 96(AA) provisions (now Section 4.55(AA)) for amendments to the balustrading along the northern elevation of Building 2 (southern building) and the southern elevation of Building 1 (northern building).

Approved Modification DA-2015/98/04

On 24 August 2017, Council approved under delegated authority a modification under the former Section 96(AA) provisions (now Section 4.55(AA)) modify conditions that were imposed by the Roads and Maritime Services (RMS) that related to the median strip and driveway along Gardeners Road.

Approved Modification DA-2015/98/05

On 25 July 2017, Council approved under delegated authority a modification under the former Section 96(AA) provisions (now Section 4.55(AA)) to extend the approved construction hours to 6pm Monday to Friday and to 4pm on Saturday.

Approved Modification DA-2015/98/06

On 29 September 2017, Council approved under delegated authority a modification under the former Section 96(AA) provisions (now Section 4.55(AA)) to reduce the commercial car spaces from 3 to 2.

Proposed Modifications DA-2015/98/07

The applicant seeks the following:

- The deletion of condition 108, which is currently worded as follows:

The following easements shall be extinguished with the prior approval of the beneficiary:

- (a) *Registered 9.345m wide "Easement for Sewerage Purposes" title reference D71754 shall be extinguished with the written approval from Sydney Water and Council.*

The applicant has stated that the registered easement cannot be removed. The sewer is still servicing neighbouring properties upstream. Correspondence has been received from the Water Service Coordinator.

- The deletion of condition 109, which is currently worded as follows:

The following easements shall be created in conjunction with Council and the beneficiary:

- (a) *Register a new "Easement for Sewerage Purposes" over the new sewer main in conjunction with Sydney Water and Council.*

The applicant has stated that Sydney Water specifications only puts easements on sewer pipes which are 600mm diameter or greater, as such a new easement will not be registered by them. Correspondence has been received from the Water Service Coordinator.

- Amended plans replacing the plant room screening with a balustrade on the northern tower (Gardeners Road tower).

The applicant states that the approved screening on the northern tower cannot be seen from the shorter southern tower on the site. It can also not be seen from other buildings in the area due to the height limits that apply. The screening also cannot be seen from the public domain. Accordingly, it is proposed to replace the screening with a balustrade.

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.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

S.4.55(1A) – Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) *it is satisfied that the proposed modification is of minimal environmental impact,*

The proposed modification is considered to be of minor environmental impact as it relates to screening of the plant room on the roof top and from a visual perspective will be of minimal environmental impact to the Gardeners Road streetscape.

(b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

As discussed above, the proposed modification is considered to be substantially the same development as it does not involve a physical increase in the size of the approved building.

(c) *it has notified the application in accordance with:*

- i. *the regulations, if the regulations so require, or*
- ii. *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

It was considered that notification was not required to be carried out in accordance with Part 2 of the Botany Bay Development Control Plan (DCP) 2013.

(d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

No submissions have been received.

S.4.15(1) - Matters for Consideration – General

S.4.15 (1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

Botany Bay Local Environmental Plan 2013 (LEP)

Botany Bay Local Environmental Plan 2013 has been considered in the assessment of the Development Application.

Clause 4.3 – Height of buildings

The proposed changes to the plant room with the removal of the grey metal louvres and replaced with a balustrade reduces the overall height from 29.1 metres (RL 38.3) to 28.4 metres (RL 37.7), which is considered acceptable as per the approved development.

S.4.15(1)(a)(ii) - Provisions of any Draft EPI's

There are no current Draft EPIs applicable to this development.

S4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

Botany Bay Development Control Plan 2013

Part 5 – Business Centres

With respect to Part 5.3.2.8 (Interface between business zones and adjoining land uses), it is considered that the proposed amendments with respect to the balustrade screening on the northern tower is acceptable. It replaces a grey metal louvres structure that had been previously approved under DA-2015/98/02 on 2 March 2017, and accordingly reduces the bulk on the roof top from RL 38.3 to RL 37.7. Furthermore, it cannot be seen from other buildings in the area due to the height limits that apply. Additionally, the screening also cannot be seen from the public domain.

S.4.15(1)(a)(iv) - Provisions of regulations

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

S.4.15(1)(b) - Likely Impacts of Development

Removal of conditions

Council received a response from Sydney Water on 29 May 2018 confirming that it supported the deletion of Conditions 108 and 109.

This will permit the retention of the existing easement so as to maintain services for the neighbouring properties upstream, and also not require the creation of a new sewer easement as the pipes do not exceed 600mm in diameter.

Roof top plant

As discussed previously in the report, the proposed amendments replacing the louvres with a balustrade is considered to be an acceptable outcome from an urban design perspective as it reduced the bulk.

It is noted that the removal of the louvre structure and replacement with a balustrade structure will make it more exposed. Accordingly, it was referred to our Health and Environmental Compliance team for assessment. It is satisfied that Condition 135 that was imposed on the consent is sufficiently worded to cover for any additional noise transmission that may arise from the modifications.

S.4.15(1)(c) - Suitability of the site

Site suitability was assessed as part of the original Development Application, and the modifications to the conditions do not change the deemed acceptable suitability of the approved development on the subject site.

S.4.15(1)(d) - Public Submissions

In accordance with Part 2 of the Botany Bay Development Control Plan 2013 – Notification and Advertising the development application was notified to surrounding property owners for a fourteen (14) day period. No submissions were received.

S.4.15(1)(e) - Public interest

Granting approval to the proposed development will have no adverse impact on the public interest. The proposal will facilitate the orderly development of the land.

Section 94 Contributions

The proposed modification does not change any Section 94 Contributions that are payable, and as prescribed in the original development consent (as amended).

Conclusion

Development Application No. 2015/98/07 for the deletion of Sydney Water conditions and replacement of louvre structure on rooftop plant with balustrades at 577-579 Gardeners Road, Mascot has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and is recommended for approval subject to modified conditions of consent.

Attachment

Schedule 1 – Conditions of Consent

Premises: 577 Gardeners Road, Mascot

DA No: 2015/98/07

SCHEDULE OF CONSENT CONDITIONS

GENERAL CONDITIONS

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

Drawing No.	Author	Dated Received
DA-1002- Rev D- Analysis Plan	Santos Architecture A+ Design Group	Dated 22 December 2015 Received 23 December 2015
DA-1010- Rev B- Demolition Plan		Dated 8 May 2015 Received 19 June 2015
DA-1003- Rev B- Context Plan		Dated 8 May 2015 Received 19 June 2015
DA-2000- Rev C- Site Plan A0.03- Issue 5- Site Plan		Dated 22 December 2015 Received 23 December 2015 Dated 11 November 2016 Received 24 January 2017
DA-2001- Rev C- Basement Plan A1.01- Issue 5- Issue 6 Basement 1		Dated 13 November 2015 Received 23 December 2015 Dated 11 November 2016 Received 24 January 2017 Dated 18 July 2017 Received 21 July 2017
DA-2002- Rev D- Ground Floor Plan A1.02- Issue 5- Ground Level Plan		Dated 22 December 2015 Received 23 December 2015 Dated 11 November 2016 Received 24 January 2017
DA-2003- Rev F- Level One Plan A1.03- Issue 7- Level 1 Plan		Dated 10 February 2016 Received 15 February 2016 Dated 11 November 2016 Received 24 January 2017
DA-2004- Rev E- Level Two Plan A1.04- Issue 5 6- Level 2 Plan		Dated 18 December 2015 Received 23 December 2015 Dated 11 November 2016 Received 24 January 2017 Dated 24 February 2017 Received 20 March 2017
DA-2005- Rev E- Level Three Plan A1.05- Issue 5-6- Level 3 Plan		Dated 18 December 2015 Received 23 December 2015 Dated 11 November 2016 Received 24 January 2017 Dated 24 February 2017 Received 20 March 2017

Drawing No.	Author	Dated Received
DA-2006- Rev E- Level Four Plan A1.06- Issue 5 6- Level 4 Plan	Santos Architecture A+ Design Group	Dated 18 December 2015 Received 23 December 2015 Dated 11 November 2016 Received 24 January 2017 Dated 24 February 2017 Received 20 March 2017
DA-2007- Rev D- Fifth Floor Plan A1.07- Issue 5 6- Level 5 Plan		Dated 22 December 2015 Received 23 December 2015 Dated 11 November 2016 Received 24 January 2017 Dated 24 February 2017 Received 20 March 2017
DA-2008- Rev D- Level Six Plan A1.08- Issue 5 6- Level 6 Plan		Dated 22 December 2015 Received 23 December 2015 Dated 11 November 2016 Received 24 January 2017 Dated 24 February 2017 Received 20 March 2017
DA-2009- Rev D- Level Seven Plan A1.09- Issue 5 6- Level 7 Plan		Dated 22 December 2015 Received 23 December 2015 Dated 11 November 2016 Received 24 January 2017 Dated 24 February 2017 Received 20 March 2017
DA-2010- Rev D- Roof Plan A1.10- Issue 4- Roof Plan		Dated 22 December 2015 Received 23 December 2015 Dated 11 November 2016 Received 24 January 2017
DA-2023- Rev B- Adaptable Unit- Pre		Dated 8 June 2015 Received 19 June 2015
DA-2024- Rev B- Adaptable Unit- Post		Dated 8 June 2015 Received 19 June 2015
DA-3001- Rev C- North (Street) Elevation A2.01- Issue 5- North Elevation (Gardeners Road) A2.01- Issue 6- North Elevation (Gardeners Road)		Dated 22 December 2015 Received 23 December 2015 Dated 11 November 2016 Received 24 January 2017 Dated 15 August 2016 Received 2 March 2018 Dated 1 March 2018 Received 2 March 2018
DA-3002- Rev C- East Elevation A2.02- Issue 7- East Elevation		Dated 22 December 2015 Received 23 December 2015 Dated 11 November 2016 Received 24 January 2017 Dated 1 March 2018 Received 2 March 2018
DA-3003- Rev C- West Elevation A2.03- Issue 5- West Elevation A2.03- Issue 6- West Elevation		Dated 22 December 2015 Received 23 December 2015 Dated 11 November 2016 Received 24 January 2017 Dated 1 March 2018 Received 2 March 2018
DA-3004- Rev C- South (Rear) Elevation		Dated 22 December 2015 Received 23 December 2015

Drawing No.	Author	Dated Received
A2.04- Issue 5 – South Elevation A2.04- Issue 5 – South Elevation		Dated 11 November 2016 Received 24 January 2017 Dated 24 February 2017 Received 20 March 2017 Dated 1 March 2018 Received 2 March 2018
DA-3005- Rev C- Internal (South) Elevation A2.06- Issue 5 Internal South Elevation A2.06- Issue 6- Internal South Elevation		Dated 22 December 2015 Received 23 December 2015 Dated 11 November 2016 Received 24 January 2017 Dated 1 March 2018 Received 2 March 2018
DA-3006- Rev C- Internal (North) Elevation A2.05- Issue 4- Internal North Elevation		Dated 22 December 2015 Received 23 December 2015 Dated 11 November 2016 Received 24 January 2017 Dated 24 February 2017 Received 20 March 2017
DA-3007- Rev C- Cross-Section A A.301- Issue 5 6- Cross- Section A		Dated 22 December 2015 Received 23 December 2015 Dated 11 November 2016 Received 24 January 2017 Dated 24 February 2017 Received 20 March 2017
DA-3008- Rev C- Cross-Section B A3.02 – Issue 5 – Cross Section B A3.02 – Issue 6 – Cross Section B		Dated 22 December 2015 Received 23 December 2015 Dated 11 November 2016 Received 24 January 2017 Dated 24 February 2017 Received 20 March 2017 Dated 1 March 2018 Received 2 March 2018
A4.01- Issue 1- Family Apartments		Dated 20 January 2017 Received 24 January 2017
A6.01- Rev 1- GFA Diagram		Dated 11 November 2016 Received 28 November 2016
DA-3009- Rev C- Rear South Elevation		Dated 22 December 2015 Received 23 December 2015
DA-3020- Rev A- Miles Street Elevation Study		Dated 22 December 2015 Received 23 December 2015
DA-3021- Rev A- Cross- Section Study		Dated 22 December 2015 Received 23 December 2015
DA-2051- Rev B- Waste Management Plan		Dated 8 May 2015 Received 19 June 2015
DA-2061- Rev B- Construction Management Plan		Dated 8 May 2015 Received 19 June 2015
Dwg. No. 2014463 HS- Rev 4- Soil and Water Management Plan	ANA Civil Pty Ltd	Dated 9 June 2015 Received 19 June 2015
Landscape Planting Plan- Rev C	Michael Siu Landscape	Dated 21 May 2015; Received 19 June 2015
LA-101-GL- Ground Level Landscape Plan- Rev D		Dated 15 November 2016 Received 17 November 2016

Drawing No.	Author	Dated Received
LA-102-L1- Level 1 Landscape Plan- Rev E	Urbis	Dated 15 November 2016 Received 17 November 2016
LA-103-L5- Issue B- Level 5 Landscape Plan		Dated 7 September 2016 Received 17 November 2016
LA-104-SE Rev C- Landscape Section A-A		Dated 10 November 2016 Received 17 November 2016
LA-105-DT- Rev C- Landscape Details		Dated 10 November 2016 Received 17 November 2016
LA-106- SP- Rev B- Specifications		Dated 7 September 2016 Received 17 November 2016
Dwg. No. 2014463 H1- Rev 4- Hydraulic Details- Sheet 1	ANA Civil Pty Ltd	Dated 9 June 2015 Received 19 June 2015
Dwg. No. 2014463 H2- Rev 4- Hydraulic Details- Sheet 2		Dated 9 June 2015 Received 19 June 2015
Dwg. No. 2014463 H3- Rev 4- Hydraulic Details- Sheet 3		Dated 9 June 2015 Received 19 June 2015
Dwg. No. 2014463 H4- Rev 4- Hydraulic Details- Sheet 4		Dated 9 June 2015 Received 19 June 2015

(DA-15/98/02) (DA-15/98/03) **(DA-15/98/06)** (DA-15/98/07)

Reference Document(s)	Author	Date Received
Detail and Levels	Jim Alvir Surveying	Dated 9 July 2014 Received 19 June 2015
BASIX Certificate No. 580959M_02 BASIX Certificate No. 757952M	Prepared by Building and Energy Consultants Prepared by Efficient Living Pty Ltd	Dated 9 June 2015 Received 19 June 2015 Dated 9 September 2016 Received 9 September 2016
Adaptable Housing Report	Design Confidence	Dated 28 May 2015 Received 19 June 2015
Statement of Environmental Effects- Job No. 14332	GSA Planning	Dated June 2015 Received 21 November 2015
Statement of Environmental Effects for s.96	Meriton Property Services (NSW) Pty Ltd	Dated 27 September 2016 Received 27 September 2016
Access Design Assessment Report	Design Confidence	Dated 28 May 2015 Received 19 June 2015
Wind Assessment Report	ANA Civil Pty Ltd	Dated 5 June 2015 Received 19 June 2015
Construction Traffic Management Plan- for Demolition, Excavation and Construction Stages	ANA Civil Pty Ltd	Dated 5 June 2015 Received 19 June 2015
Preliminary Stage 1- Environmental Site Assessment- Ref: E28046KCrpt	Environmental Investigation Services	Dated 9 February 2015 Received 19 June 2015
Waste Management Plan- Ongoing and Demolition Waste Management Plan – Rev C	Santos Architecture Elephants Foot recycling solutions	Dated 9 June 2015 Received 19 June 2015 Dated 15 November 2016 Received 17 November 2016
Preliminary Geotechnical Investigation- Ref: 28046L Crpt	JK Geotechnics	Dated 16 February 2015 Received 19 June 2015

Reference Document(s)	Author	Date Received
GFA Areas Calculation- Issue 1	Daw and Walton Consulting Surveyors A+ Design Group	Dated 9 June 2015 Received 19 June 2015 Dated 11 November 2016 Received 17 November 2016
SEPP No. 65- Verification Statement Design Verification Statement	Santos Architecture A+ Design Group	Dated 5 June 2015 Received 19 June 2015 Dated 29 August 2016 Received 9 September 2016
SEPP 65 – Apartment Design Guide- Compliance Check SEPP 65 and Apartment Design Guide Criteria	Santos Architecture A+ Design Group	Dated 16 November 2015 Received 21 November 2015 Dated 6 September 2016 Received 9 September 2016
Acoustic Report Reference No. 2014-463	Acoustic Noise and Vibration Solutions P/L	Dated 30 September 2014 Received 19 June 2015
Clause 4.6 – Exceptions to Development Standard -Height	GSA Planning	Dated June 2015 Received 21 November 2015
Carpark, Ramp and Driveway Certification- Ref: A1414037N	ML Traffic Engineers	Dated June 2015 Received 19 June 2015
Floor Management Report- Ref: FMR 2014-463	ANA Civil Pty Ltd	Dated 5 June 2015 Received 19 June 2015
Quantity Survey Report	Construction Consultants	Dated 16 June 2015 Received 19 June 2015
Traffic Control Plan for Gardeners Road Pedestrian Management	ML Traffic Engineers	Dated 27 December 2014 Received 19 June 2015
Traffic Control Plan for Gardeners Road Works Zone	ML Traffic Engineers	Dated 27 December 2014 Received 19 June 2015
Traffic and Parking Impact Report- Ref: A1414037N (Version 1a) Traffic Report	ML Traffic Engineers ARUP	Dated December 2014 Received 19 June 2015 Dated 9 September 2016 Received 9 September 2016
GTE803- Stage 2 Contamination Assessment	Ground Technologies Pty Ltd	Dated 12 April 2016; Received 13 April 2016
Thermal Comfort and BASIX Assessment- Issue B	eL efficient living	Dated 1 December 2016; Received 1 December 2016
Traffic Engineering Statement	ARUP	Dated 4 November 2016 Received 17 November 2016

(DA-15/98/02) **(DA-15/98/06)**

No construction works (including excavation) shall be undertaken prior to the issue of the Construction Certificate.

2.
 - a) The applicant must prior to the issue of the first Construction Certificate, pay the following bond and fee:
 - i) Builders Security Deposit \$79,560.00;
 - ii) Development Control \$13,185.00.
3.
 - a) This Consent relates to land in Lot 17 in DP 11589 and Lot 18 in DP 11589 and as such, building works must not encroach on to adjoining lands or the adjoining public place, other than public works required by this consent; and

- b) Separate development applications must be lodged with Council for the use of the individual retail tenancy and associated signage.
4. The consent given does not imply that works can commence until such time that:
- a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - i) The consent authority; or,
 - ii) An accredited certifier; and,
 - b) The person having the benefit of the development consent:
 - i) Has appointed a principal certifying authority; and
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
 - iii) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.
5. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 6.
- a) All plumbing stacks, vent pipes, stormwater downpipes 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;
 - b) The basement of the building must be designed and built so that on completion, the basement is a “fully tanked” structure, i.e. it is designed and built to prevent the entry of ground water / ground moisture into the inner part of the basement;
 - c) All air conditioning units shall be appropriately treated to ensure that they are concealed from view and compliant with Australian Standard AS1668.2;
7. Pursuant to clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the each building in the development are fulfilled.
- a) Note:
Relevant BASIX Certificate means:
 - i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
 - iii) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

8. The following conditions imposed by **Ausgrid** are as follows:
- a) The developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/ or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (eg. whether a substation is required on site).
 - b) In general, works to be considered by Ausgrid include, but are not limited to, the following:
 - i) Changes in electrical load requirements
 - ii) Changes to Ausgrids infrastructure (ie. asset relocations, decommissioning substations etc.)
 - iii) Works affecting Ausgrids easements, leases and/ or right of ways
 - iv) Changing the gradients of any roads or paths
 - v) Changing the level of roads or foot paths

- vi) Widening or narrowing of roads
- vii) Closing roads or laneways to vehicles
- viii) In all cases Ausgrid is to have 24 hour access to all its assets
- c) Any work undertaken near overhead power lines needs to be done in accordance with:
 - i) Workcover Document ISSC 23 "Working Near Overhead Power Lines"
 - ii) Ausgrids Network Standard
 - iii) Ausgrids Electrical Safety Rules
- d) The developer is to ensure that the proposed works do not contravene Ausgrids technical standards and statutory requirements, in regards to the safe and reliable operation and maintenance of Ausgrid's network.

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

Water

- a) The proposed development is located in the Mascot Station Urban Activation precinct;
- b) The 150mm drinking water main in Gardeners Road fronting the proposed development does not comply with the Water Supply Code of Australia (Sydney Water Edition- WSA 03-2002) requirement for minimum sized mains for the scope of development.
- c) The developer will be required to amplify the existing system providing a 200mm water main frontage to service the proposed development.
- d) Our investigation shows that the preferred option would be to amplify the existing 150mm drinking water main in Gardeners Road to a 200mm water main off the existing 375mm main in Botany Road to provide full frontage to the proposed development.
- e) Detailed drinking water requirements will be provided at Section 73 application phase.

Wastewater

- a) The wastewater main available for connection is the 450mm main traversing the property.
- b) 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. Subject to the scope of development, servicing options may involve adjustment/deviation and or compliance with the Guidelines for building over/adjacent to Sydney Water assets.
- c) Detailed wastewater requirements will be provided at the Section 73 application phase.

Sydney Water E-Planning

- a) Sydney Water has an email address for planning authorities to submit statutory or strategic planning documents for review. The email address is urbangrowth@sydneywater.com.au.

10. The following conditions are imposed by the **NSW Roads and Maritime Service (RMS)**.

- a) In accordance with AS2890.1-2004 (Parking Facilities, Part 1: Off-street car parking), the driveway shall be a minimum of 5.5 metres in width for a minimum distance of 6 metres from the property boundary to allow for two-way simultaneous entry and exit;
- ~~b) A triangular raised median shall be constructed within the property boundary and the driveway splayed/angled to restrict access to left in/left out movements only (to physically prevent vehicles turning rights to/from the development). An amended plan is to be submitted to Roads and Maritime for review prior to issue of the first construction certificate, demonstrating how the proposed driveway design will physically prevent right turn movements into/out of the subject site. The plan should show that the longest vehicle accessing the site can enter/exit the subject development in a forward direction without crossing the median on the driveway. (DA-15/98/04)~~
- c) The redundant driveways on the Gardeners Road shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Gardeners Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849213). Detailed design plans of the proposed kerb and gutter crossing are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works. A plan checking fee (amount to be advised) and lodgement of a performance bond

- may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime;
- d) 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 (6) 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:
Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124
Telephone 88492114
Fax 8849 2766
If it is 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 seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.
 - e) Council should ensure that the post-development storm water discharge from the subject site into the Roads and Maritime drainage system does not exceed the pre-development discharge.
 - f) 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:
The 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 the Roads and Maritime Project Engineer, External Works Ph: 88492114 or Fax: 88492766
 - g) The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.
 - h) It is recommended that the proposed development to be designed such that road traffic noise from Gardeners Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.
 - i) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various utility authorities and/or their agents.
 - j) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclist travelling along the footpath.
 - k) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Gardeners Road during construction activities.
 - l) 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 Gardeners Road.
 - m) All buildings and structures (other than pedestrian footpath awnings), 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 Gardeners Road boundary.
 - n) All vehicles are to enter and exit the site in a forward direction.
 - o) All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.
 - p) ~~The width of the driveway should cater for two-way simultaneous entry and exit. Concern is raised when a vehicle is waiting on the driveway to exit the site, the commercial vehicle~~

- ~~(the proposed longest vehicle) cannot enter the site at the same time and waits for the vehicle exiting the site and blocks the through traffic on Gardeners Road. A swept path plan should be provided showing while a vehicle is waiting on driveway to exit the site, the proposed longest vehicle can enter the site at the same time. (DA-15/98/04)~~
- q) ~~The proposed strip median within the driveway and also, the proposed raised vehicle driving path turning markers and signage do not adequately prevent right turn movements into/out of the subject site. As stated previously, a triangular raised median shall be constructed within the property boundary for this reason. In this regard, the plans should be amended showing the abovementioned issues are addressed and submitted to Roads and Maritime for review prior to the issue of the first construction certificate. The plans should show that the driveway is widened to address the above issues. (DA-15/98/04)~~
- r) The proposed vehicular access on Gardeners Road shall be physically restricted to left in/left out movements only. A raised concrete median shall be provided on Gardeners Road to prevent right turn movements at the access. (DA-15/98/04)
- s) The proposed central median along Gardeners Road shall be designed to meet Roads and Maritime requirements and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works.
The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to Roads and Maritime assessment of the detailed civil plans.
- Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works. (DA-15/98/04)
- t) The driveway shall be designed to cater for simultaneous entry and exit movements. The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council and Roads and Maritime for approval, which shows the proposed development, complies with this requirement. (DA-15/98/04)

11. The following conditions have been imposed by **Sydney Airport Corporation Limited (SACL)**. The proposed development is to comply with the following requirements issued by (SACL) dated 28 October 2015. The conditions are as follows:

Height Restrictions

- a) The property development at 577-579 Gardeners Road Mascot, lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulation, which limit the height of structures to 50 feet (15.24 metres) above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority;
- b) The Civil Aviation Safety Authority (CASA) have no objection to the erection of the building to a height of 38.5 metres above Australian Height Datum (AHD). The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc;
- c) Should you wish to exceed 38.5 metres above Australian Height Datum (AHD), a new application must be submitted;
- d) Should the height of any temporary structure and/or equipment be greater than 50 feet (15.24 metres) above existing ground height (AEGH), a new approval must be sought in accordance with the *Civil Aviation (Buildings Control) Regulations Statutory Rules 1988, No.161*;
- e) Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations;
- f) SACL advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct;

- g) Information required by Sydney Airport prior to any approval is to include:
 - i) the location of any temporary structure or equipment, i.e. construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994;
 - ii) the swing circle of any temporary structure/equipment used during construction;
 - iii) the maximum height, relative to Australian Height Datum (AHD), of any temporary structure or equipment i.e. construction cranes, intended to be used in the erection of the proposed structure/activity;
 - iv) the period of the proposed operation (i.e. construction cranes) and desired operating hours for any temporary structures.

Planning for Aircraft Noise and Public Safety Zones

- h) 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 and for Sydney Airport was endorsed by Air services Australia on 13 March 2009 (Sydney Airport 2029 ANEF).
- i) 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.

12. The following Terms of Approval are imposed by the **NSW Department of Primary Industries-Water.**

General

- a) An authorisation shall be obtained from NSW Office of Water for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
- b) The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be in contact with groundwater watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for reasonably foreseeable high water table elevations to prevent potential future inundation.
- c) Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
 - i) Any groundwater mounding at the edge of the structure shall be at a level not greater than 10% above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
 - ii) Any elevated water table is more than 1.0m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
 - iii) Where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
- d) Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
- e) DPI Water requires documentation (referred to as 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages; prior to construction commencing (initial report- which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

- f) The following measures shall be included in the initial report:
- i) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
 - ii) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
 - iii) details of the present and potential groundwater flow paths and hydraulic gradients is and around the site; the latter in response to the final volumetric emplacement of the construction.
 - iv) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.]
- g) The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
- h) The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
- i) Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
- j) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).
- k) A copy of a valid consent for the development shall be provided in the initial report.
- l) The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.
- m) Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

- n) Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
- o) Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.

- p) Measurement and monitoring arrangements to the satisfaction of DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
- q) Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/so The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
- r) Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
- s) The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
- t) Access to groundwater management works used in the activity is to be provided to permit inspection when required by DPI Water under appropriate safety procedures.

Following excavation

- u) Following completion of the dewatering operations, the applicant shall submit to DPI Water, Parramatta Office, the completion report which shall include:
 - i) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
 - ii) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
 - iii) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
- v) The completion report is to be assessed by DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.

13. The following conditions are imposed by the NSW Police Service in a letter dated 2 November 2015:

- a)
 - i) 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;
 - ii) 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); and
 - iii) 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.
- b) Any proposed landscaping and vegetation to the street frontage 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;
- c)
 - i) 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;
 - ii) Any storage cages in the underground car park areas should not be constructed in an isolated area. CCTV cameras must cover this area, as they are easy targets when they have little supervision. Solid steel housing and quality key locks should be used to prevent access.
- d) 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>.

PRIOR TO COMMENCEMENT OF DEMOLITION WORKS OR ANY DEVELOPMENT OR WORK

14. Prior to commencement of any works on-site, a dilapidation report of the adjoining properties (including residential properties in Miles Street) and public infrastructure (including Council and public utility infrastructure) shall be prepared by a qualified person and submitted to Council and to the subject property owners. The report shall include records and photographs of the following area that will be impacted by the development:

- a) All properties adjoining the site including properties in Miles Street; and
- b) Gardeners Road.

The applicant shall bear the cost of all restoration works to buildings/ structures and public infrastructure that been damaged during the course the excavation, site clearing and site remediation works. Any damage to buildings/structures, infrastructures, roads, lawns, trees, gardens and the like shall be fully rectified by the applicant/developer, at the applicant/developer's expense. In addition, the following issues shall also be complied with:

- i) A copy of the dilapidation report together with the accompanying photographs shall be given to all immediately adjoining properties owners and public utility authorities. The report shall be agreed by all affected parties as a fair record of existing conditions prior to commencement of any works;
- ii) A second dilapidation report, including a photographic survey shall then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report together with the accompanying photographs shall be given to Council, the subject adjoining property owners and public utilities authorities and all adjoining properties owners;
- iii) It is a condition of consent that should demolition, site clearing and site remediation works cause rise to public safety and/or workplace safety; works shall halt until absolute safety is restored.;

Note: Prior to commencement of the surveys, the applicant/ owner of the development shall advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information shall be submitted to the owners and to Council.

- 15.
- a) There shall be no loss of support to the Council's nature strip area as a result of the construction within the site. Details prepared by a practicing Structural Engineer of how this support will be maintained during the demolition works shall be submitted to Council prior to the commencement of works.
 - b) 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 Principal Certifying Authority along with Council's (or other) consent if the works intrude on Council's (or other) property.

16. Prior to the commencement of demolition work a licensed demolisher who is registered with WorkCover NSW must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy shall be sent to Council (if it is not the PCA). A copy of the Statement shall also be submitted to WorkCover NSW. The statement must be in compliance with AS2601:1991 – 'Demolition of Structures', the requirements of WorkCover NSW and conditions of the Development Approval, and shall include provisions for:
- a) Enclosing and making the site safe, any temporary protective structures must comply with the "Guidelines for Temporary Protective Structures (April 2001)";
 - b) Induction training for on-site personnel;
 - c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
 - d) Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
 - e) Disconnection of Gas and Electrical Supply;
 - f) Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
 - g) Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
 - h) Waterproofing of any exposed surfaces of adjoining buildings;
 - i) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the "Protection of the Environment Operations Act 1997";
 - j) Working hours, in accordance with this Development Consent;
 - k) Confinement of demolished materials in transit;
 - l) Proposed truck routes, in accordance with this Development Consent;
 - m) Location and method of waste disposal and recycling in accordance with the "Waste Minimisation and Management Act 1995".
 - n) Sewer – common sewerage system ad08.
17. 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 to determine the position and level of services;
 - b) Negotiate with the utility authorities (eg Energy Australia, Sydney Water and 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.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.
18. An Erosion and Sediment Control Plan (ESCP) shall be prepared in accordance with the Landcom *Managing Urban Stormwater – Soils and Construction* 4th Edition (2004). All management measures recommended and contained within the Erosion and Sediment Control Plan (ESCP) shall be implemented in accordance with the *Landcom Managing Urban Stormwater – Soils and Construction* 4th Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times. A copy of the ESCP shall be kept on-site at all times and made available to Council Officers on request.

19. 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.
20. Erosion and sediment control devices shall be installed and functioning prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines including the *Protection of the Environment Operations Act 1997*. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
21. For any water from site dewatering to be permitted to go to 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 shall be provided in this report.
Reports shall be provided to council prior to discharge of any groundwater to the stormwater system.
22. Prior to any excavation works an acid sulfate soil (ASS) assessment shall be undertaken to determine the presence and extent of any ASS at the site.
Should any potential acid sulfate soil (PASS) or actual acid sulfate soil (AASS) be identified then the an Acid Sulfate Soils Management Plan shall be prepared which shall include any site specific procedures and mitigation measures required and a site analysis from a NATA registered laboratory. All recommendations of the report shall be implemented prior to the commencement of excavation and building works.
23. A Hazardous Materials Audit (HMA) shall be carried out and a report provided to council to ensure that any hazardous materials that may have been used within the structural components of buildings and infrastructure are adequately addressed to protect site personnel and the public from the risk of exposure. This shall be undertaken by an appropriately qualified consultant and shall be submitted to the Principal Certifying Authority (and the Council if the Council is not the Principal Certifying Authority) prior to the demolition of any building or structure.
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 demolition of any building or structure. The report shall contain details regarding the type of hazardous material and the proposed methods of containment and disposal.
24. Prior to demolition of any building constructed before 1970, the person acting on this consent shall ensure compliance with Australian Standard AS2601-2001, *Demolition of Structures* by a person with suitable expertise and experience. This may involve a Work Plan that identifies any hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimize any dust nuisance and the disposal methods for hazardous materials, including:
 - a) Removal, cleaning and disposal of lead-based paint shall conform to the current EPA guidelines. Demolition of materials incorporating lead is to be conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the AS2601-1991 *Demolition of structure*.
 - b) Hazardous dust shall not be allowed to escape from the site. Any existing accumulations of dust (e.g.; ceiling voids and wall cavities) shall be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created

from work is to be suppressed by a fine water spray. Water shall not be allowed to enter the street and stormwater systems. Demolition is not to be performed during high winds, which may cause dust to spread beyond the site boundaries.

- c) All contractors and employees directly involved in the removal of hazardous dusts and substances wearing protective equipment conforming to Australian Standard AS1716 *Respiratory Protective Devices* and shall adopt work practices in accordance with the requirements of WorkSafe's *Control of Inorganic Lead At Work* (NOHSC: 102(1994) and NOHSC: 2015(1994).
- d) All lead-contaminated materials being disposed of in accordance with the Environment Protection Authorities Environmental Guidelines; *Assessment, Classification and Management of Liquid and Non Liquid Wastes* (1999) and *The Protection of the Environment Operations Act 1997* (NSW).

25.

- a) Demolition work shall be carried out in accordance with Australian Standards AS 2601-1991 Demolition of Structures and the requirements of the NSW WorkCover Authority; and
- b) The demolisher shall comply with Australian Standard 2601 - 1993 "*Demolition of Structures*".

26. 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).

27. 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.

28. Erosion and sediment control devices shall be installed and in function prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.

29. The Applicant must indemnify Council against all loss of or damage to the property of others and injury or death to any persons which may arise out of or in consequence of the carrying out of the work and against all claims, demands, proceedings, costs, charges and expenses whatsoever in respect thereof or in relation thereto. In this regard, the Applicant shall take out a public liability policy during the currency of the works in the sum of not less than \$20,000,000 and to be endorsed with City of Botany Bay Council as principal, and keep such policy in force at the Applicant's own expense. A certificate from the Applicant's insurers to this effect is to be LODGED WITH COUNCIL BEFORE ANY WORK IS COMMENCED. The amount of Common Law liability shall be unlimited.
30. 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;
- stating that unauthorised entry to the work site is prohibited;
 - 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;
 - the Development Approval number;
 - the name of the Principal Certifying Authority including an after hours contact telephone number; and
 - any such sign is to be removed when the work has been completed.
31. Toilet facilities are to be provided at or in the vicinity of the work site on which work involves the erection 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;
- Each toilet provided:
 - must be standard flushing toilet; and,
 - must be connected:
 - to a public sewer; or
 - if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
 - The provisions of toilet facilities in accordance with this clause must be completed before any other work is commenced.
32. 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:
- 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;
 - Prior to placement of concrete (kerb and gutter and footpath);
 - Prior to construction and placement of road pavement materials; and
 - 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.
33. During demolition, excavation, remediation and construction, the applicant shall ensure that all works and measures have been implemented in accordance with following approved plans at all times:
- Approved Erosion and Sediment Control Plan;
 - Approved Traffic Management Plan and;
 - Approved Construction Management Plan.

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

34. 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.
35. The City of Botany Bay being satisfied that the proposed development will increase the demand for public amenities within the area, and in accordance with Council's Section 94 Contributions Plans- City of Botany Bay Section 94 Contributions Plan 2005-2010 a contribution of ~~\$824,879.00~~ \$888,590.00 is required as follows:
- | | |
|--------------------------------|--------------|
| a) Community Facilities | \$80,066.70 |
| b) Administration | \$2,664.12 |
| c) Open Space & Recreation | \$689,621.23 |
| d) Transport Management | \$51,839.95 |
| e) Shopping (Centre) City Wide | \$687.00 |
- An additional contribution rate of \$63,711.00 for DA-15/98/02 under the Botany Bay Section 94 Contributions Plan 2005-2010 is required. The breakdown of the contribution is as follows:
- | | |
|---------------------------------|--------------|
| a) Community Facility | \$6,292.16 |
| b) Administration | \$228.857 |
| c) Open Space and Recreation | \$53,337.789 |
| d) Transport Management | \$3,617.19 |
| e) Shopping Centre Improvements | \$235.00 |

The Section 94 Contribution of ~~\$824,879.00~~ \$888,590.00 is to be paid to Council prior to the issue of the first Construction Certificate.

Note: The Section 94 Contribution fees are subject to annual review and the current rates are applicable for the 2015/2016 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. (DA-15/98/02)

36. The applicant shall lodge a Damage Deposit of \$79,560.00 (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
37. 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.
38. A Construction Management Program shall be submitted to, and approved in writing by the Council. The program shall detail:
- 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,
 - The proposed phases of construction works on the site and the expected duration of each construction phase,

- c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken,
 - d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process,
 - e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site,
 - f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period,
 - g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site,
 - h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent,
 - i) Proposed protection for Council and adjoining properties, and
 - j) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation.
 - k) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.
39. A detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the relevant road authority (Council or Roads and Maritime Services) for approval. The plan shall:
- a) be prepared by a RMS accredited consultant,
 - b) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police,
 - c) 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.
40. The following required section(s) are to be submitted to and approved by Council:
- a) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.1 and Council requirements including but not limited to Section 8(v) of the DCP Stormwater Management Technical Guidelines, and
 - b) For commercial 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.
41. The following required section(s) are to be submitted to and approved by Council:
- a) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.1 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 4.5m 4.0m is achieved in the driveway entrance and along the along the travel path, parking and manoeuvring areas of a *Small Rigid Vehicle (SRV) Medium Rigid Vehicle (MRV), including Council's Garbage Truck, with the maximum size vehicle (SRV) servicing the site being reflected in any future Strata Bylaws for the*

development prior to the issue of the occupation certificate which excludes Council at this time from servicing the site for waste collection, (DA-15/98/04)

- 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.
42. The following required section(s) are to be submitted to and approved by Council:
- a) Disabled car parking spaces shall be provided and clearly marked as per the Australian Standards AS 2890.6, SEPP 65 Design Code 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.
- 43.
- a) A plan (written and/or diagrammatic) shall be submitted and approved by the ~~Engineering and Regulatory Services Department~~ to Council and the Principal Certifying Authority, showing the method of access of building materials and plant to the property, and storage location on the property during construction and shall include all existing structures. (DA-15/98/02)
 - b) Prior to the issue of the relevant Construction Certificate, construction plans to show that compliance with the Apartment Design Guide minimum storage rates has been achieved as follows:
 - i) Bedroom apartments 6m³
 - ii) 2 Bedroom apartments 8m³
 - iii) 3 Bedroom apartments 10m³At least 50% of the required storage is to be located within the apartment. (DA-15/98/02)
44. 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.
45. 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 lighting pole on Gardeners Road, will need to be decommissioned and new lighting pole 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.
- 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.

- ~~46. The applicant shall lodge with Council detailed plans of the Public Domain Works to the satisfaction of Council as detailed in Condition No. 50 below. The applicant shall meet with Council prior to any submission to discuss Council's requirements. Detailed landscape construction documentation (plans and specifications), prepared by a suitably qualified Landscape Architect, must be submitted to the satisfaction of Council. (DA-15/98/02)~~
47. Fire booster assemblies and electrical kiosks / sub stations and the like are to be housed within the building structure or screened by a built screen enclosure and/or landscaping so as not to reduce the visual amenity of the development or the streetscape and public domain. The location of, and screening treatment surrounding these utilities is to be demonstrated on the Construction drawings and approved by Council's Landscape Architect prior to their installation.
48. Detail design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority and Council for approval. (The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's Development Control Plan 'Stormwater Management Technical Guidelines', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. All drawings shall correspond with the approved architectural plans.) The plans shall incorporate but not be limited to the following:
- ~~a) Provision of an On-site Infiltration System in accordance with but not limited to Part 5 of the SMTG,~~
 - ~~b) Any overflow from the On-site Infiltration System to Gardeners Road shall be limited to 10L/s,~~
 - ~~c) Provision of a minimum 10kL rainwater tank collection system for internal reuse in accordance with Section 4 of Botany Bay's SMTG,~~
 - ~~d) The rainwater tank size shall be designed based on a supply/demand management approach. In addition, please note that in order to contribute to environmental sustainability and apply Water Sensitive Urban Design (WSUD) principles, consideration can be given to offset the storage requirements of the onsite infiltration system provided that the rainwater tank for reuse and all downpipes are connected to the rainwater tank. The volume to be offset from the onsite infiltration system is equivalent to 50% of the size of the rainwater tanks,~~
 - e) No pump-out shall be used to drain seepage from the basement due to the elevated water table level. That is the basement shall be designed as a "fully tanked" structure,
 - f) The pump-out can only be utilized to dispose runoff that may enter the basement carpark from driveway access to the basement,
 - g) The pump out system from the basement carpark proposed shall discharge to the on-site stormwater infiltration detention system,
 - h) ~~If an OSD system is proposed,~~ Incorporate a Stormwater Quality Improvement system to ensure compliance with Section 16 of Botany Bay's SMTG,
 - i) ~~If an OSD system is proposed,~~ The On-Site Detention System (OSD) shall be designed according to Part 6 of the SMTG. It should be noted that OSD systems shall be designed to detain the stormwater runoff from the site for all storm events up to and including 1 in 100 year ARI storm and permissible site discharge (PSD) shall be based on 1 in 5 year ARI peak flow generated from the site under the "State of Nature" condition (i.e. the site is totally grassed/turfed), rather than pre-development condition,
 - j) ~~If an OSD system is proposed,~~ Discharge to Kerb and Gutter on Gardeners Road shall be limited to 10L/s. Alternatively, the discharge pipe shall be connected to RMS stormwater pit and pipe system,
 - k) The water quality improvement system and WSUD strategy proposal shall be designed to capture and treat at least 85% flows generated from the site.
 - l) A WSUD Strategy and MUSIC model must be prepared and submitted to Council for the development. The MUSIC model must be prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA). Sydney's Water's requirements are that the water quality improvement should meet or exceed the target as described in the "Botany Bay & Catchment Water Quality Improvement Plan" which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011, and

- m) The submission of detailed calculations including computer modelling where required to support the proposal.
49. All awnings or feature facades shall be pulled back so as not to protrude into the Gardeners Road public domain and impede the growth of street trees. The Level 1 awning shall be pulled back 770mm to be within the boundary of the site.
50. The private and public domain landscape areas shown on the ~~plan by the Michael Siu Landscape Architects, Plan L01/1-K19401 (Issue C dated May 2015)~~ approved landscape plans shall comprise detailed landscape construction documentation (plans and specifications) to be submitted to and approved by the City of Botany Bay Council Landscape Architect prior to Construction Certificate for the private and public landscaped areas. The landscape documentation is to be prepared by ~~Michael Siu Landscape Architects~~ a suitably qualified Landscape Architect and shall include, but not be limited to: (DA-15/98/02)
- a) A planting plan at 1:100 showing all plant locations/groupings and plant centres/species. There is to be a dense layered planting scheme consisting of trees, shrubs and groundcovers in all of these areas.
 - b) The following tree substitutions are required, in order to achieve a taller canopy appropriate to the scale of the buildings:
 - i) Substitute *Plumeria acutifolia* for a canopy tree species such as *Waterhousia floribunda* or *Banksia integrifolia*.
 - ii) Substitute minimum 2 *Tristaniaopsis laurina* 'Lucious' for canopy tree species such as *Corymbia maculate*
 - c) Increase the quantity of medium-large canopy tree planting within the setbacks to ameliorate the development and add amenity and screening to the site and adjoining the southern boundary.
 - d) Elevated planter box sectional details and drainage details. All planter box depths and dimensions shall be in accordance with Council's DCP and capable of supporting medium and large canopy trees.
 - e) Ensure cascading plants are incorporated into the planting scheme to soften walls as reflected in the various elevations.
 - f) All planter beds must be no less than 1 metre in width.
 - g) The Level 5 communal garden is to incorporate larger planters that can accommodate small trees and amenity seating.
 - h) Additional small trees and shrubs are to be incorporated into the landscape planters in the front setback in order to achieve a more layered landscaping scheme and improve amenity to the streetscape. Planters are to be of a sufficient depth accordingly.
 - i) Trees shall be used extensively throughout the site. Trees must be an appropriate species to ameliorate buildings and enhance open spaces (private and communal).
 - j) Indicate the location of all basement structures relative to the landscape areas.
 - k) Specifications detailing soil and mulch finishes, root barriers, irrigation, edging and other landscape hardworks such as retaining walls, steps, planter walls, feature walls, skateboard restrictors, tree pits, tree grates, tree guards, tree pit treatments and so on in accordance with Council's Draft Public Domain specifications.
 - l) Areas of paving, schedule of materials, edge treatments, tactiles and sectional construction details. Paving to Council Draft Public Domain schedule/specification.
 - m) Details of all fencing, privacy screening, arbors and the like – elevations and materials, impacting or visible to public domain areas.
 - n) Details of all other hardscape landscape elements such as street furniture, pedestrian amenity lighting, bins. Locations to be clearly identified on plan. Provide sectional construction details and elevations.
 - o) Rigid polyethylene sheet type tree root barriers are to be specified as required to protect structural elements.
 - p) Indicate the location of all basement structures relative to the landscape areas.
 - q) Minimum tree size required to be 100L in accordance with DCP 2013. Feature trees and canopy trees should contain larger pot sizes (200-400L). Street trees to be minimum 400L.

- r) Within the public domain, locations of electrical pillar boxes (associated with the undergrounding of power) shall be carefully considered and co-ordinated with the electrical consultant to ensure that pillar boxes are not sited within the footpath.
 - s) At the rear of the site, the planter shall have a minimum soil depth of 1000mm in order to effectively accommodate medium sized canopy trees and promote an effective buffer to the adjacent residential properties. (DA-15/98/02)
51. The building shall be constructed in accordance with *AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction*, the details of which must be prepared by a practicing professional acoustical consultant. The report shall be submitted to Principal certifying authority and the building plans endorsed with the required acoustical measures.
- The measures required in the acoustical assessment report prepared by **Acoustic Noise, dated 30/09/2014, report reference number 2014-463** shall be undertaken in accordance with the provisions of *AS 2021 – 2000: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction* to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021 – 2000 shall be incorporated into the construction of the building.
- The work detailed in the report includes:
- a) Appropriate acoustic glazing to stated windows and doors,
 - b) Detailed roof and ceiling construction,
 - c) Wall and ceiling corner details and,
 - d) External door specification,
 - e) Acoustically treated mechanical ventilation.
- Note:** In many cases the applicant chooses to install air conditioning to meet mechanical ventilation requirements above. If they do it will require consideration of the noise from the air conditioner (advice concerning noise from air conditioners is attached below).
- 52.
- 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.
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 Flat Apartment Development. (DA-15/98/02)
55. 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. Storage of Waste and recycling shall meet the following requirements:
- a) The rooms for the storage of garbage and recyclable materials shall be:
 - i) fully enclosed;
 - ii) adequately ventilated;
 - iii) Constructed with a concrete floor, concrete or cement rendered walls coved to the floor;
 - iv) The floor shall be graded to an approved sewer connection incorporating a sump and galvanized grate cover or basket in accordance with the requirements of Sydney Water Corporation.

- v) Washing facilities shall be provided within close proximity to the garbage and recycling storage area.
56. 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 (for loading area) and AS2890.6.
57. In order to maximise visibility in the basement car parks, the ceilings shall be painted a light colour. This requirement shall be reflected on the Construction Certificate plans.
58. 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.
59. An Erosion and Sediment Plan (ESCP) shall be prepared in accordance with the Landcom *Managing Urban Stormwater – Soils and Construction* 4th Edition (2004) and submitted to the Principal Certifying Authority prior to the release of any Construction Certificate. This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times during the construction works. A copy of the ESCP shall be kept on-site at all times and made available to Council Officers on request.
60. A sufficient area shall be provided onsite to enable separate stockpiling of excavated materials for sampling and analysis prior to removal or reuse on site. Details of this area shall be provided in the Erosion and Sediment Control Plan (ESCP) prior to the release of any construction certificate. This plan shall incorporate and reference the construction environmental management plan and address site limitations.
61. 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 Phase 2 Detailed Site Assessment for the site, it shall clearly state proposed clean-up objectives, and demonstrate how the site will be made suitable for the proposed use.
- The RAP shall be submitted to Council prior to commencement of any remedial action works or any excavation, demolition or other building works undertaken that are not associated with the preparation of the RAP.
62. 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 the 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.
63. The management of potential and actual acid sulfate soils shall be conducted in accordance with all recommendations within the Acid Sulfate Soil Management Plan required to be submitted prior to any construction certificate including:
- a) Site specific mitigation measures to both minimise the disturbance of acid sulfate soils as well as any measures relating to acid generation and acid neutralisation of the soil; and

- b) Management of acid sulfate affected excavated material;
- c) Measures taken to neutralise the acidity of any acid sulfate affected material; and
- d) Run-off control measures for the acid sulfate affected soil.

THE FOLLOWING CONDITIONS MUST BE SATISFIED DURING WORKS

64. 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.
65. 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.
66. Throughout the demolition and construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.
67. 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.
68. 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.
69. All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.
- 70.
- a) Existing structures and or services on this and adjoining properties shall not be endangered during any demolition associated with the above project. The Applicant is to provide details of any stabilisation works required to adjacent developments to Council.
 - b) 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.

71. 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.
72. 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.
73. Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately. All work on site shall cease until the council is notified and appropriate measures to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines is completed by an appropriately qualified and experienced environmental consultant.
74. 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.
75. Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:
 - a) SafeWork NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos.
 - b) Protection of the Environment Operations Act 1997.
 - c) Protection of the Environment Operations (Waste) Regulation 2014.
 - d) NSW Environment Protection Authority Waste Classification Guidelines 2014.
76. For any water from site dewatering to be permitted to go to stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for Marine Water. All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into Councils stormwater system.

If the groundwater does not meet these guideline levels a Trade Waste permit from Sydney Water must be sought to put the groundwater to sewer.
77. 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 stormwater a permit to discharge to the stormwater shall be obtained from Council. Dewatering shall not commence until this is issued by Council.
78. 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.
79. 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.
80. The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
- a) The Erosion and Sediment Control Plan and Soil and Water Management Plan;
 - b) "Managing Urban Stormwater - Soils and Construction" (2004) Landcom ('The Blue Book'); and
 - c) Protection of the Environment Operations Act 1997.
81. 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.
82. During demolition, excavation, construction and any associated delivery activities, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any construction-related vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's lands.
83. An experienced Landscape Contractor shall be engaged to undertake all landscaping (site and public domain) 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. The contractor shall be engaged weekly for a minimum period of 52 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.
84. To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscaped areas, inclusive of the street tree pits in Gardeners Road. The system shall be installed by a qualified landscape contractor and provide full coverage of planted areas with no more than 300mm between drippers, automatic controllers and backflow prevention devices, and should be connected to a recycled water source. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.
85. The public footpaths in Gardeners Road shall be constructed in accordance with the approved Public Domain Plan and Council specifications. The footpath dimensions, location, paver type and construction methods shall be in accordance with these specifications. Hold points and Council inspections are required after formwork setback and to prior pouring the concrete blinding slab, at the commencement of paving works and at final completion as a minimum. Pavers shall be ordered allowing for adequate lead time for manufacture (10-12 weeks).
86. New street trees, minimum 400L pot size, shall be installed in the accordance with the approved landscape plan. The trees shall be sourced from a reputable supplier that grows stock to the NATSPEC specifications. A Dial-Before-You-Dig enquiry is required prior to all planting - Council is not liable for any damage to subsurface infrastructure during public domain works. Two hold point inspections are required: prior planting trees to ensure plant stock is suitable and post-planting.
87. Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
- a) Ensure soil depths and dimensions in accordance with Council's DCP allowing a minimum soil depth of 1 metre to support trees. The base of the planter must be screened 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.
88. The operation shall not give rise to offensive odour or other air impurities in contravention of the Protection of the Environment Operations Act 1997. The Principle contractor shall ensure that all practical means are applied to minimise dust and odour from the site. This includes:
- a) Covering excavated areas and stockpiles,
 - b) The use of fine mists of hydrocarbon mitigating agents on impacted stockpiles or excavation areas,
 - c) Maintenance of equipment and plant to minimise vehicle exhaust emissions,
 - d) Erection of dust screens on the boundary of the property and/or closer to potential dust sources,
 - e) All loads entering or leaving the site are to be covered,
 - f) The use of water sprays to maintain dust suppression,
 - g) Keeping excavated surfaces moist.
- 89.
- a) In order to prevent vehicles tracking soil or other materials onto public roads and washing of materials into the street drainage system or watercourse, during excavation, construction and deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion;
 - b) Concrete trucks and any other trucks that used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land;
 - c) Building operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands;
 - d) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
 - e) During construction works the area in front of the premises and for the full width of the site, be maintained at all times and kept clean and tidy.
 - f) The operations of the site 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, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.
 - g) All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.
90. 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 L₁₀ sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20 dB(A).

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

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

b) Time Restrictions

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

Monday to Friday: 07:00 am to ~~05:00 pm~~ 6:00pm

Saturday: 08:00 am to ~~04:00 pm~~ 4:00pm

No Construction to take place on Sundays or Public Holidays.

c) Silencing

All possible steps should be taken to silence construction site equipment.
(DA-15/98/05)

91. Following the completion of the removal of asbestos from the site, an Asbestos Clearance Certificate is to be provided to Council following the final asbestos clearance inspection by a licensed inspector.
- 92.
- a) Demolition work shall be carried out in accordance with Australian Standards AS 2601-1991 Demolition of Structures and the requirements of the NSW WorkCover Authority; and
 - b) The demolisher shall comply with Australian Standard 2601 - 1993 "*Demolition of Structures*".
93. 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).
94. The following shall be complied with:
- a) The construction of the premises shall not give rise to transmission of vibration at any affected premises that exceeds the vibration in buildings criteria outlined in the NSW Environmental Noise Control Manual;
 - b) Vibration levels induced by the demolition and construction activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
 - c) Vibration levels induced by the demolition and construction activities shall not exceed 3mm/sec peak particle velocity (ppv) when measured at the footing of any unoccupied building.
 - d) The upper noise level from the demolition and construction operations measured over a period of 10 minutes must not exceed the background noise level by more than 10dB(A).
- 95.
- a) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council.
 - b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.

- c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
 - d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
96. 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.
97. During Demolition, Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's land.
98. If an excavation associated with the proposal extends below the level of the base of the footings of a building on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:
- a) Must preserve and protect the building/ fence from damage; and,
 - b) If necessary, underpin and support such building in an approved manner;
 - c) Must at least be 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 the 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;
- Any retained existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piercing, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
- If the soil conditions required it:
- a) Retaining walls associated with the erection of a building or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided, and
 - b) Adequate provision must be made for drainage.
99. During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.

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

100. 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.
101. 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.

102. 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.
103. A Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority to the effect that all reduced levels shown upon the approved plans, with relation to drainage, boundary and road reserve levels, have been strictly adhered to.
104. Documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and all relevant standards.
105. A restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:
 - a) Restriction on Use of Land for On-Site Infiltration System. Refer to Appendix A of the SMTG for suggested wording,
 - b) If an OSD is constructed, Restriction on Use of Land for On-Site Detention System. Refer to Appendix B of the SMTG for suggested wording, and
 - c) Restriction on Use of Land for Stormwater Quality Improvement Device. Refer to Appendix E of the SMTG for suggested wording.The terms of the 88 E instruments are to be submitted to Council for review and approval and Proof of registration at the Lands and Property Information Office shall be submitted to the Principal Certifying Authority and Council prior to occupation.
106. The applicant shall carry out the following works:
 - a) On Gardeners Road, adjacent to development, reconstruct existing Kerb and Gutter for the full length of the property in accordance with Council and RMS Infrastructure Specifications, and
 - b) On Gardeners Road, adjacent to development, demolish existing concrete footpath and construct new paved footpath as per Council's Infrastructure and Landscape Architect specifications.
107. 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.
- ~~108. The following easements shall be extinguished with the prior approval of the beneficiary:
 - a) Registered 9.435m wide "Easement for Sewerage Purposes" title reference D71754 shall be extinguished with the written approval from Sydney Water and Council. **(DA-15/98/07)**~~
- ~~109. The following easements shall be created in conjunction with Council and the beneficiary:
 - a) Register a new "Easement for Sewerage Purposes" over the new sewer main in conjunction with Sydney Water and Council. **(DA-15/98/07)**~~
110. Landscaping on the property and in the public domain shall be installed in accordance with the approved landscape construction documentation (stamped by Council Landscape Architect) ~~landscape plans by Michael Siu Landscape Architects~~, prior to the issue of any the relevant Occupation Certificate. The landscaped areas on the property shall be maintained in accordance with the Council stamped and approved landscape documentation, the conditions of development consent and Council's DCP all times. (DA-15/98/02)

111. ~~The Applicant is to submit payment for a Public Works Defects Liability Bond of \$250,000.00 for all hard structures, paving, drainage and so on within the public domain. The duration of the Bond shall be limited to a period of 12 months after Council approval of all public domain works. At the completion of the 12 month period the Bond shall be refunded pending a satisfactory inspection of the public domain work by Council. If rectification or maintenance work is required within this period then Council will forfeit all or part of the bond to undertake the required work, unless the Applicant undertakes this work. (DA-15/98/02)~~
112. The public footpath in Gardeners Road shall be re-constructed in accordance with Council specifications and the approved Public Domain Plan. The footpath dimensions, location, paver type and construction methods shall be in accordance with these specification and the approved landscape documentation. Construction hold points and Council inspections are required at the following minimum points:
- i) at the commencement of paving works, and
 - ii) at final completion.
- Council approval of public domain works is required prior issue of the Occupation Certificate.
Note: Pavers shall be ordered accounting for adequate lead time for manufacture (10-12 weeks).
No paver substitutes will be permitted.
113. The applicant is to submit payment of a Street Tree Maintenance Bond of \$3,000.00. The duration of the Bond shall be limited to a period of 12 months after final inspection of new street trees by Council. At the completion of the 12 month period the Bond shall be refunded pending a satisfactory inspection of the trees by Council. If any tree is found to be dead or dying then Council will forfeit all or part of the bond to replace or maintain the tree, unless the Applicant undertakes this work.
- ~~114. The Applicant is to enter into an agreement with Council, to be prepared by Council's solicitors, at the applicant's expense, providing for the lodgement of a bond in the sum of \$5,000.00 after practical completion of landscape works within all public domain areas, to ensure establishment and maintenance of the landscaping in accordance with the approved plans until handover to Council. The lodgement of the bond shall not preclude the Council from initiating legal proceedings, should the landscaping not be established and maintained in accordance with this Consent, and is not intended to limit the period of compliance with the landscaping requirements to five (5) years. The bond may be applied by Council to the establishment and maintenance of the landscaping in accordance with the plan and Council should be entitled to recover any monies expended in excess of the bond in establishing, re-establishing, or maintaining the landscape in accordance with the plan. The applicant is to note that the bond specified under this condition must be remitted to Council, either in the form of monies held in trust, or as a certified banker's guarantee, together with a sum of \$550 (cash or cheque) for disbursements associated with the preparation of the agreement, prior to the issue of any Occupation Certificate by the Principal Certifying Authority. (DA-15/98/02)~~
115. 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 the City of Botany Bay Council.
116. The public domain landscaping shall be installed in accordance with the approved landscape plan as stamped by Council's Landscape Architect prior to the issue of any Occupation Certificate. This amended plan supercedes the original landscape plan. The landscaped areas on the property shall be maintained in accordance with the approved landscape documentation and to Council's satisfaction at all times.
117. 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.

118. 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.
- 119.
- a) The ~~84~~ 53 car parking spaces shall be made available to residents and visitors at all times, with such spaces being clearly marked and signposted prior to issue of any Occupation Certificate;
 - b) Allocation of the car parking shall be as follows:
 - i) ~~Each studio/one (1) bedroom unit shall be allocated 1 car parking space;~~ Resident parking shall be allocated ~~40~~ 41 spaces;
 - ii) ~~Each two (2) bedroom unit shall be allocated 2 car spaces;~~ Visitor parking shall be allocated 10 spaces;
 - iii) ~~Five (5) disabled car parking spaces for the residential component. Commercial parking shall be allocated 3~~ 2 car space.
 - iv) ~~Nine (9) visitor car spaces shall be provided. Such spaces being located nearby the entrance to the development.~~
 - v) ~~Two (2) spaces for the commercial tenancy.~~
(DA-15/98/02)(**DA-15/98/06**)
120. 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.
121. The developer must submit to the Principal Certification Authority an acoustic report to verify that the measures stated in the acoustic report have been carried out and certify that the construction meets the above requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
122. An assessment of the status of asbestos in soil at the site 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 validation report shall provide a notice of completion of any required remediation works identified during the additional assessment of asbestos in soils at the site required prior to the issue of the construction certificate and commencement of works on the site, and include a clear statement on the suitability of the site for residential 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.
123. 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.

124. 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.
125. 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.

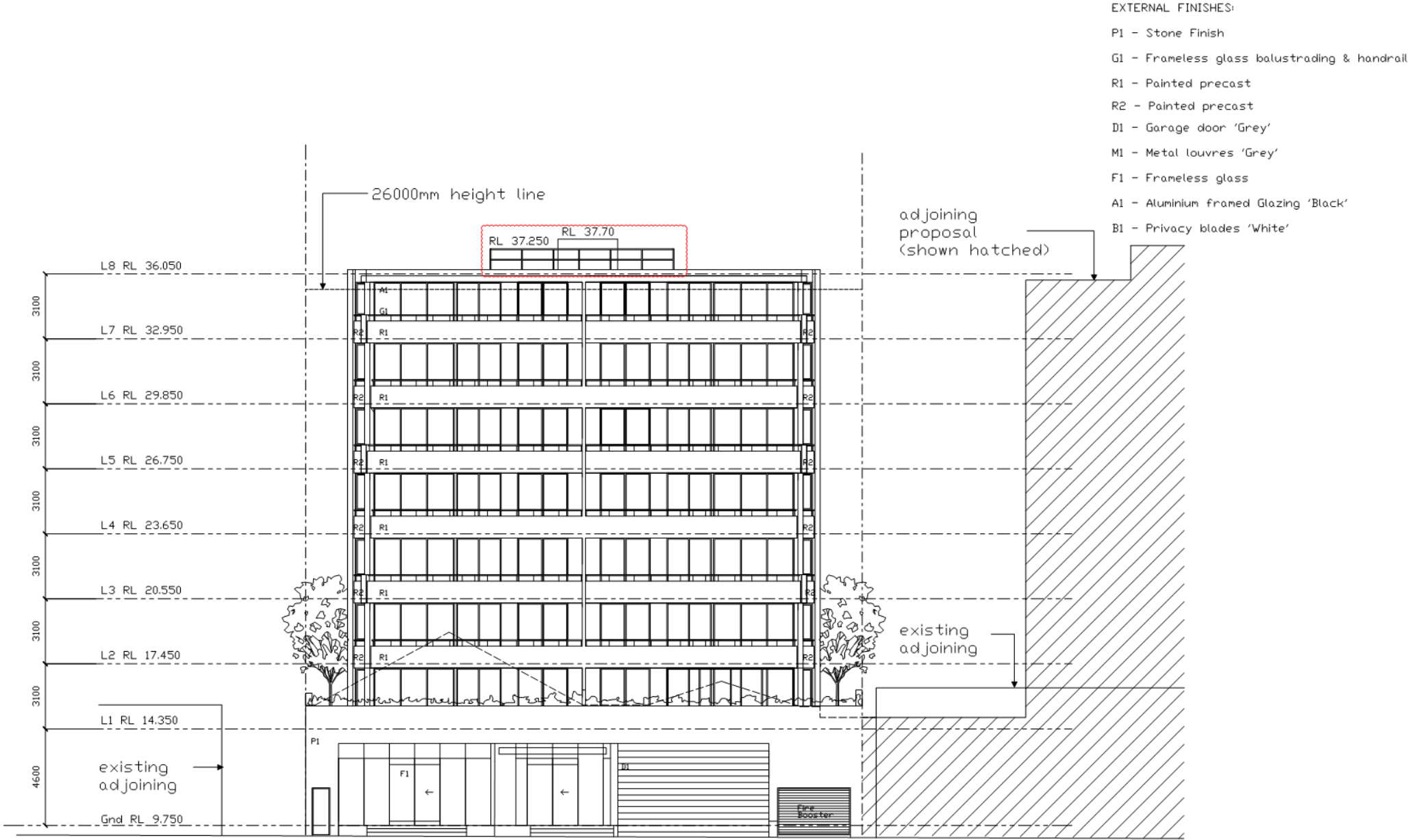
CONDITIONS WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT

126. New street trees shall be maintained by the Applicant/Owner/Strata Corporation for 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.
127. Ongoing maintenance of the road verges, footpaths and nature strips in Gardeners Road 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.
128. The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.
129. No roller shutters are to be installed to any of the commercial shopfronts that front Gardeners Road.
130. Council's footway (area between property boundary and street kerb) is to be kept clean, tidy, washed and maintained at the applicant's expense.
131. Any BBQ area shall be managed in a manner so as to not adversely impact the amenity of the surrounding residents.
132. Vehicles making deliveries (including goods, merchandise and the like) and accessing the site shall comply with the following requirements:
- a) The maximum size of vehicles making deliveries and accessing to the site shall be limited to B99 vehicles (5.2m in length, as denoted by the current version of AS/NZS 2890.1) only.
 - b) All loading and unloading of vehicles shall be carried out wholly within the site. No deliveries to the premises shall be made direct from a public places, public streets or any road related areas (eg. footpath, nature strip, road shoulder, road reserve, public car park, service station etc).

- c) Should the external fabric of the building(s), walls to landscaped areas and like constructions be subject to graffiti or similar vandalism, then within seven (7) days of this occurrence, the graffiti must be removed and the affected surface(s) returned to a condition it was in before defilement.
- 133.
- 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 apartments approved under this development consent are 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 identified by the NSW Police in Condition 20, shall be monitored by CCTV cameras at all times.
134. 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*.
135. 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.
136. 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.
137. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 15/98 dated as 19 June 2015 and as amended by Section 96AA Application 15/98/02 received by Council 09/09/2016 and as amended by Section 96AA Application 15/98/03 received by Council on 20 March 2017 and further amended by Section 96AA Application 15/98/05 received by Council on 11 May 2017 and further amended by Section 96AA Application 15/98/04 received by Council on 1 May 2017 **and further amended by Section 96AA Application 15/98/06 received by Council on 21 July 2017** and that any alteration, variation, or extension to the use, for which approval has been given, would require further Approval from Council. (DA-15/98/02)(DA-15/98/03)(DA-15/98/05) (DA-15/98/04)(**DA-15/98/06**)



Drawing Title East Elevation			Project No. A16079
SCALE 1 : 100 @ A1 1 : 200 @ A3	Date 15.08.2016	Drawing no: A2.02	ISSUE 7



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Rev	Description	Date
1	S96 Submission	25/08/2016
2	S96 Submission	31/08/2016
3	S96 Submission	06/09/2016
4	S96 Submission	13/10/2016
5	S96 Submission	11/11/2016
6	S96 Submission	01/03/2018

Client Name
Meriton

Project Name
577-579 Gardeners Rd, Mascot

Drawing Title
North Elevation (Gardeners Road)

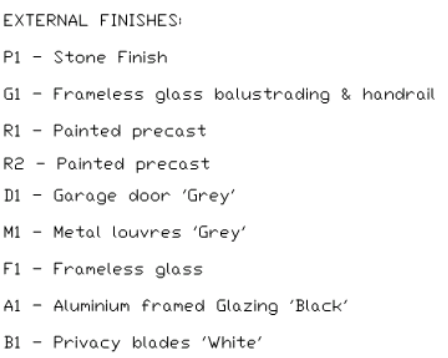
SCALE
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1 : 200 @ A3

Date
15.08.2016

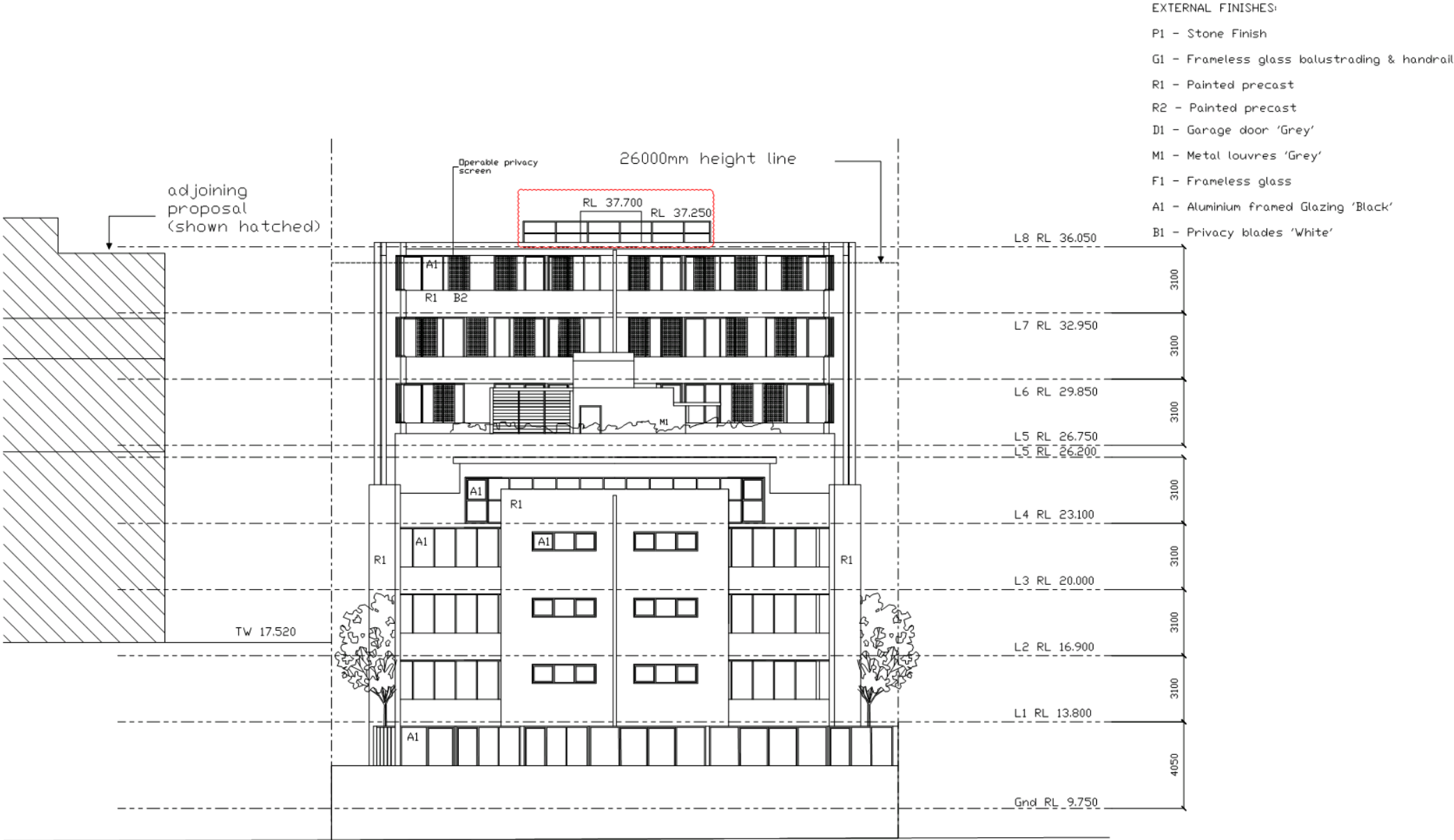
Drawing no:
A2.01

Project No.
A16079

ISSUE
6



Drawing Title West Elevation			Project No. A16079
SCALE 1 : 100 @ A1 1 : 200 @ A3	Date 15.08.2016	Drawing no: A2.03	ISSUE 6





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2	S96 Submission	31/08/2016
3	S96 Submission	06/09/2016
4	S96 Submission	08/09/2016
5	S96 Submission	11/11/2016
6	S96 Submission	01/03/2018

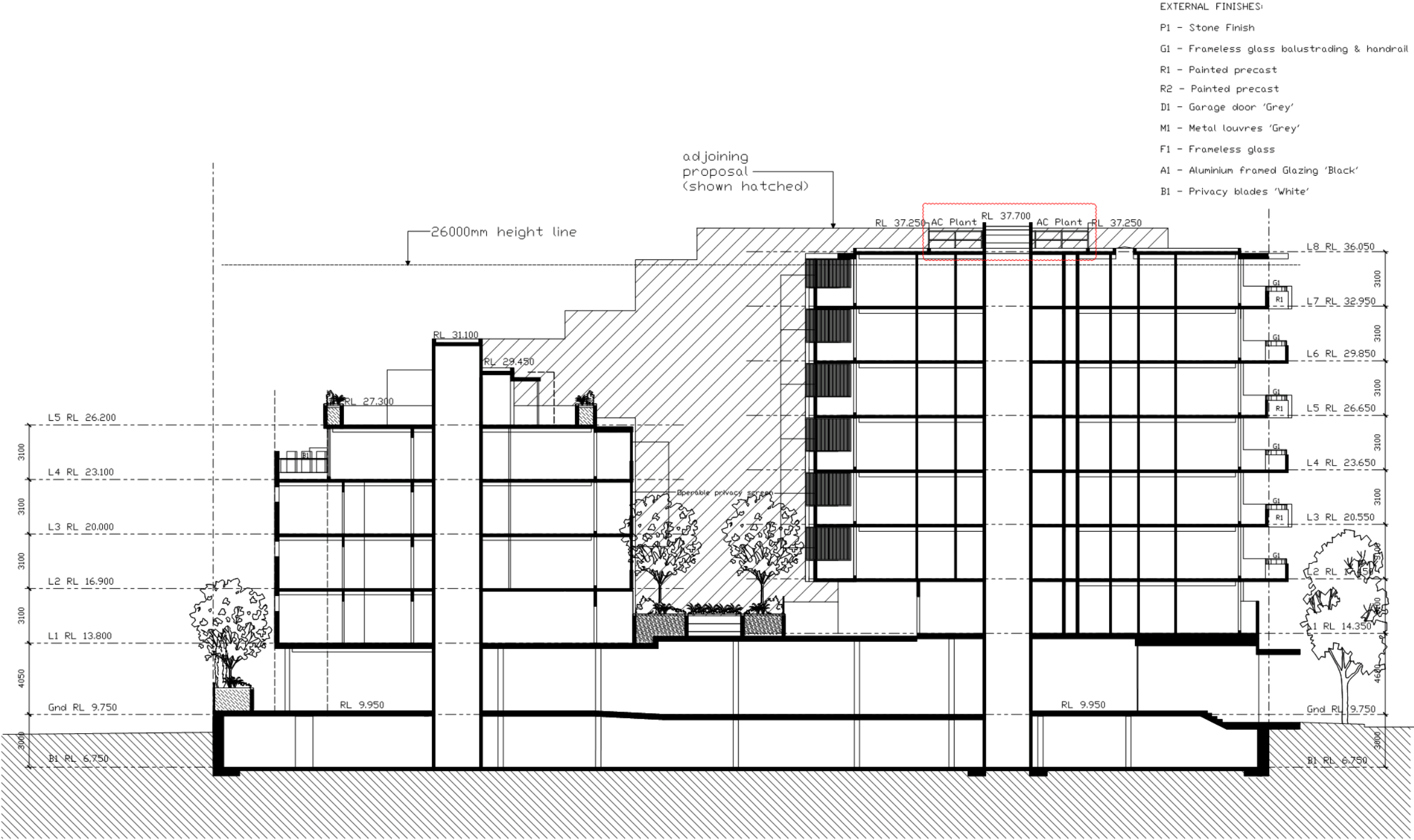
Client Name

Meriton

Project Name

577-579 Gardeners Rd, Mascot

Drawing Title		Project No.	
South Elevation		A16079	
SCALE	Date	Drawing no:	ISSUE
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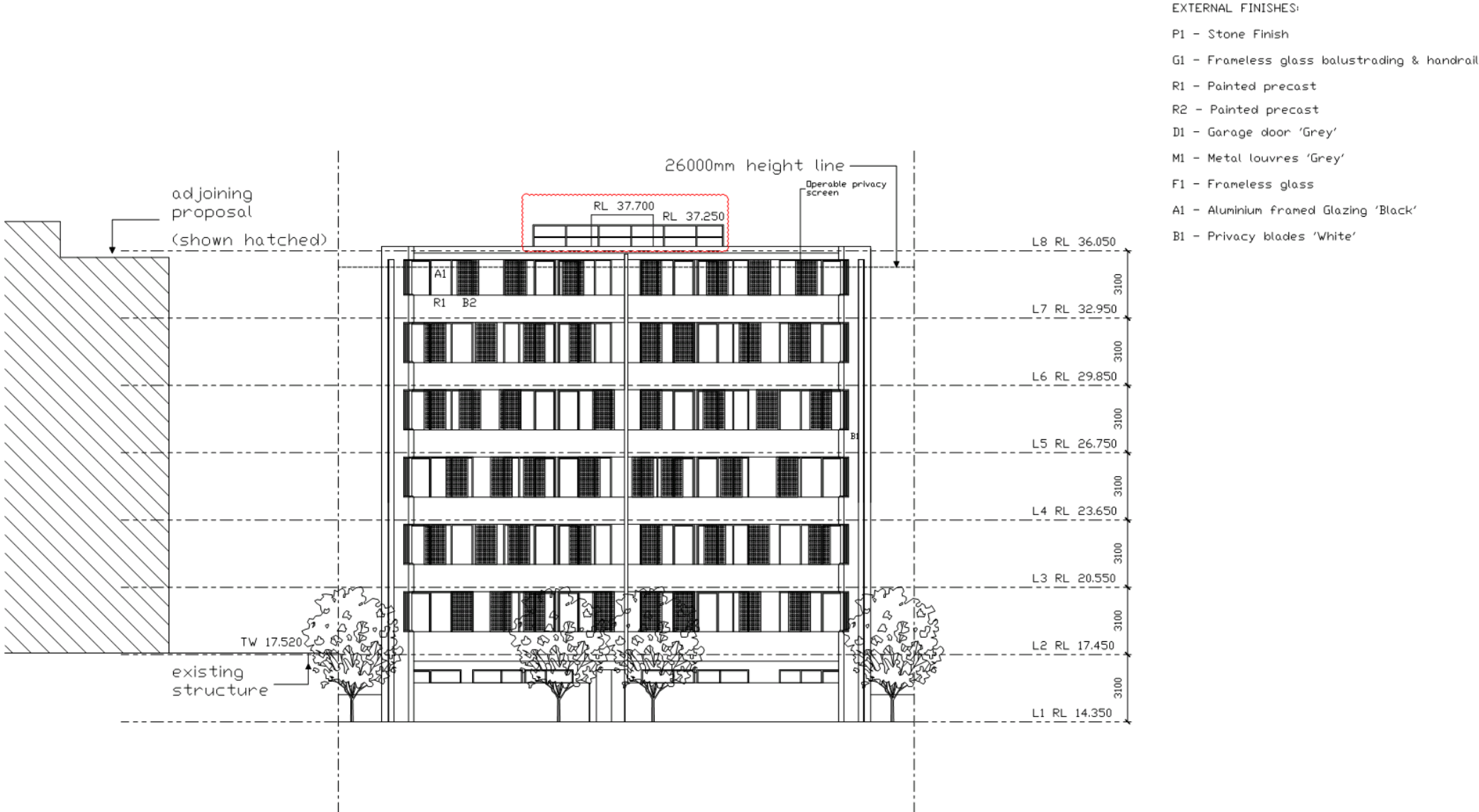
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Rev	Description	Date
1	S96 Submission	25/08/2016
2	S96 Submission	31/08/2016
3	S96 Submission	08/09/2016
4	Amended S96	19/09/2016
5	S96 Submission	11/11/2016
6	S96 Submission	01/03/2018

Client Name
Meriton

Project Name
577-579 Gardeners Rd, Mascot

Drawing Title			Project No.
Cross - Section B			A16079
SCALE	Date	Drawing no:	ISSUE
1:100 @ A1 1:200 @ A3	15.08.2016	A3.02	6



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NOMINATED ARCHITECT - TONY LEUNG no.7133

Rev	Description	Date
1	S96 Submission	25/08/2016
2	S96 Submission	31/08/2016
3	S96 Submission	08/09/2016
4	Amended S96	19/09/2016
5	S96 Submission	11/11/2016
6	S96 Submission	01/03/2018

Client Name
Meriton

Project Name
577-579 Gardeners Rd, Mascot

Drawing Title Internal South Elevation			Project No. A16079
SCALE 1 : 100 @ A1 1 : 200 @ A3	Date 15.08.2016	Drawing no: A2.06	ISSUE 6

Bayside Planning Panel

24/07/2018

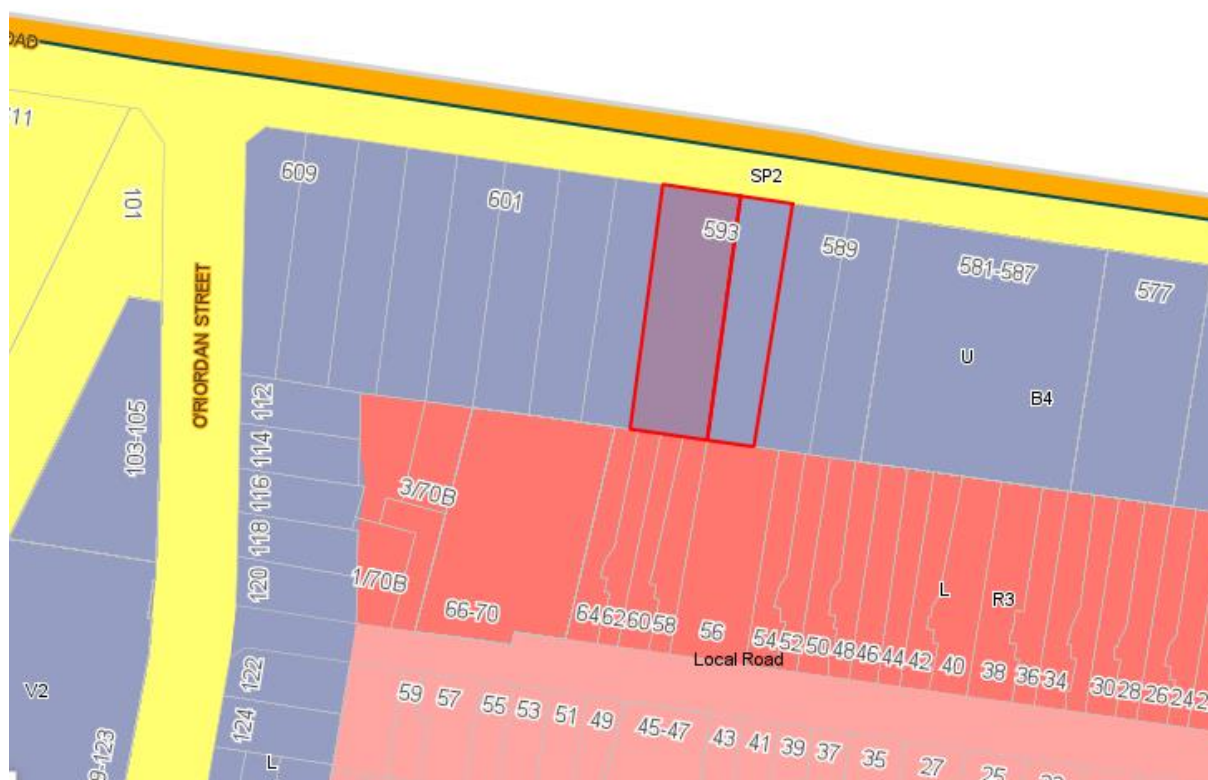
Item No	6.3
Application Type	Section 4.55 (1A) modification (Former S96 (1A))
Application No	SC17/784
Lodgement Date	20/11/2017
Property	DA-2014/129/3 - 593 Gardeners Road, Mascot
Ward	Mascot
Owner	APKC Pty Ltd
Applicant	ARKHAUS
Proposal	Modification Application to include the following: <ul style="list-style-type: none">• Removal of the two intermediate ramps;• Reshuffle of car parking spaces;• Adjustment of basement floor levels;• Additional one car space.
No. of Submissions	Nil
Cost of Development	N/A
Report by	Eric Alessi, Development Assessment Planner

Officer Recommendation

That the Bayside Planning Panel resolve pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, modify Development Consent No. 14/129 for the mixed use development, at 593-595 Gardeners Road, Mascot as indicated within the updated Schedule of Conditions and as follows:

- 1 Modify Condition 1 to refer to the amended plans.
 - 2 Modify Condition 47 to outline the required parking.
 - 3 Modify Condition 101 to make reference to this modification.
-

Location Plan



Attachments

- 1 Planning Assessment Report
- 2 Basement Plan 1
- 3 Basement Plan 2
- 4 East Elevation Plan
- 5 North Elevation Plans
- 6 Roof Terrace Plan
- 7 Section AA and CC
- 8 Section BB Plans
- 9 South Elevation Plans
- 10 West Elevation Plans
- 11 Parking Compliance Statement
- 12 Statement of Environmental Effects [↓↓↓↓↓↓↓↓↓↓↓↓↓↓](#)

Planning Assessment Report

Application Details

Application Number:	DA-2014/129/03
Date of Receipt:	20 November 2017
Property:	593 - 595 Gardeners Road, Mascot
Lot and DP No:	Lot 9 DP11589 Lot 10 DP11589
Owner:	APKC Pty Ltd
Applicant:	ARKHAUS Suite 401 / 77 Dunning Avenue, Rosebery 2018
Proposal:	Section 96 (1A) Application to modify Development Consent No. 2014/129, as follows: <ul style="list-style-type: none">• Removal of the two intermediate ramps;• Reshuffle of car parking spaces;• Adjustment of basement floor levels;• Additional one car space.
No. of submissions:	Nil
Zoning:	B4 – Mixed Use Botany Bay Local Environmental Plan 2013
Present Use:	Mixed Use building under construction
Author:	Eric Alessi – Development Assessment Planner
Date of Report:	8 May 2018

RECOMMENDATION

It is RECOMMENDED that the Bayside Planning Panel resolve pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, to modify Development Consent No. 14/129 for the mixed use development, at 593-595 Gardeners Road, Mascot as indicated within the updated Schedule of Conditions and as follows:

1. Modify Condition 1 to refer to the amended plans;
2. Modify Condition 47 to outline the required parking;
3. Modify Condition 101 to make reference to this modification

REASONS FOR THE RECOMMENDATION

1. The amended proposal is substantially the same as the original approved development.
2. The amendments do not result in any material impact on the surroundings.
3. There were no submissions.

EXECUTIVE SUMMARY

Development Application No. DA-2014/129/03 was approved by the Panel on 16 December 2015 for a *Integrated Development proposal for an eight storey mixed use development including the demolition of existing structures and site remediation; 175m² of retail floor space at ground level; 61 residential apartments (7 x studio, 17 x 1 bedroom and 37 x 2 bedroom) and 4 levels of basement car parking to accommodate 112 car spaces and bicycle parking.*

Bayside Council received Development Application No. 2014/129/03 on 23 December 2017 seeking consent to modify the approved development to reconfiguration of the internal layout of the basement parking areas and reduce the depth of excavations. The application was placed on public exhibition for a fourteen (14) day period from 8 December to 22 December 2017. No objections were received.

Key points that are discussed relate to car parking. The basement levels will be modified to remove 2 intermediate ramps and to reshuffle and rationalize the parking layout. There will be the addition of 1 car parking space.

The application does not significantly alter the approved building. The modification is considered to be substantially the same development is not considered to create any likely impacts to the surrounding development.

The Section 4.55(1A) Application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* and is recommended for approval.

BACKGROUND

The former Botany Bay Council received Development Application No. 14/129 on the 11 June 2014 seeking consent for the demolition of existing structures and site remediation; construction of an eight storey mixed use development comprising of 272m² of retail floor space fronting Gardeners Road; 65 residential apartments and 4 levels of basement car parking to accommodate 112 spaces.

The development application was required to be referred to the Joint Regional Planning Panel (JRPP) pursuant to Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979 (EP&A Act) as the Capital Investment Value of the proposal was \$28,437,092.20.

The Development is Integrated Development, pursuant to Section 91 of the EP&A Act as the development involves temporary construction dewatering and therefore requires approval from the NSW Office of Water. In a letter dated 11 July 2014, the NSW Office of Water has granted its General Terms of Approval to the proposed development. The development also required the concurrence of the RMS, as the proposal involves the relocation of access driveways on Gardeners Road (a classified road) and requires approval from RMS. Under a letter dated the 15 July 2014, NSW RMS provided conditions for the proposed development.

The application was recommended for a “Deferred Commencement” consent, as Council had considered that the development was not consistent with the development controls of BBDCP 2013, in respect of bulk, scale, height, visitor car parking, unit mix and unit/balcony sizes. The recommended deferred commencement condition would have required the reduction of the gross floor area by 439m² through the deletion of Level 7.

However, the JRPP resolved to approve the application without any requirement for “Deferred Commencement” conditions, but with the following requirement for additional conditions:

- *The three one bedroom units at the rear of the building on levels one, two and three shall be converted to 2 x 2 bedroom units*
- *The four rear units on level three shall be provided with skylights above the living areas to improve solar access.*

The above resulted in changes to the description of the approved development as follows:

Integrated Development proposal for an eight storey mixed use development including the demolition of existing structures and site remediation; 175m² of retail floor space at ground level; 61 residential apartments (7 x studio, 17 x 1 bedroom and 37 x 2 bedroom) and 4 levels of basement car parking to accommodate 112 car spaces and bicycle parking.

The development consent was signed on 16 December 2015.

A subsequent Section 96(1A) application (DA 2014/129/02) seeking to make modifications to the approved development was lodged on 3 November 2017 for the following amendments:

- Modification of Condition 1 pertaining to the amended plans;
- Modification of Condition 3 to delete required changes to the unit mix, and insert changes required due to flooding;
- Modification of Condition 47 to outline the required parking;
- Modification of Condition 101 making reference to the subject modification.

The abovementioned modifications were approved under delegated authority on 29 May 2017.

Construction of the development has commenced.

SITE LOCATION AND CONTEXT

The subject site is located in Mascot between O’Riordan Street to the west and Botany Road to the east, with a frontage to Gardeners Road to the north. The site is regular in shape and is known as Lots 9 and 10 in DP 11589, which make up a total site area of 1,195m².

The properties surrounding the site are commercial/warehousing in nature to the immediate north, east and west. Semi-detached residential dwellings adjoin the site to the south, facing Miles Street and immediately to the south is an open hardstand car park in association with 589 Gardeners Road, with access from Miles Street.

DESCRIPTION OF PROPOSED MODIFICATIONS

The proposed Section 4.55(1A) application seeks to make modifications to the approved development by removing the two intermediate ramps to reduce the amount of excavation. The Statement of Environmental Effects describes the proposed modifications as follows: “The proposed Section 4.55(1A) application seeks to make modifications to the approved development by amending the two (2) basement levels. The proposed amendments are contained wholly within the two (2) basement levels and include:

- Removal of the two (2) intermediate ramps;
- Reshuffle of the car parking spaces to further rationalise the layout;
- Adjustment of the basement floor levels;
- Additional one (1) car space.

A number of the car spaces have been adjusted to rationalise the basement layout. The approved Section 4.55 (DA 2014/129/02) resulted in 61 car spaces and this proposed Section 4.55 (DA 2014/129/03) will result in 62 car spaces. The location of the waste room and loading bay will remain. The waste management will remain the same under the proposed Section 96 (DA 2014/129/02). The head heights allow for waste vehicle to service the bin rooms. The overall proposal will simplify the basement, rationalise the layout and improve circulation.

The proposed Section 4.55 amendments are minor in nature and relate primarily to the provision of car parking and basements. There are no changes proposed to the building form, density of apartments or height of the approved development.

ASSESSMENT OF PROPOSED MODIFICATIONS

An assessment of the modifications is as follows:

Modification No. 1 – Reshuffle of the carparking spaces and removal of intermediate ramps

As part of DA-2017/1022/02 which modified the approved development the proposal sought to have two levels of basement with a total of 68 carparking spaces as per figure 1 and 2. The proposal reshuffles the basement carpark and remove two intermediate ramps and replace them with a single ramp as per figure 3 and 4. The proposal adds one additional carparking space.

Council's Development Engineer assessed the proposed parking layout and requested additional information for the application including the following:

- Provide turning path diagrams that show the movement of vehicles around the basement parking area.
- Ramp width and aisle widths area to be shown on the plans.
- Provide a cross section of all ramps including grades and height clearances
- Tandem parking spaces are to be used only for resident parking as per Botany DCP Part 3A Section 3.1C26
- The site is flood affected by the 1% event (9.5 m AHD). The crest of the driveway ramp to the basement parking is to be 300mm above this level (9.8m AHD) as per Botany DCP Part 10 Section 8

Revised plans were received addressing the above matters and the proposal is supported by Council's Development Engineer

The car parking redistribution is acceptable in this instance and supported.

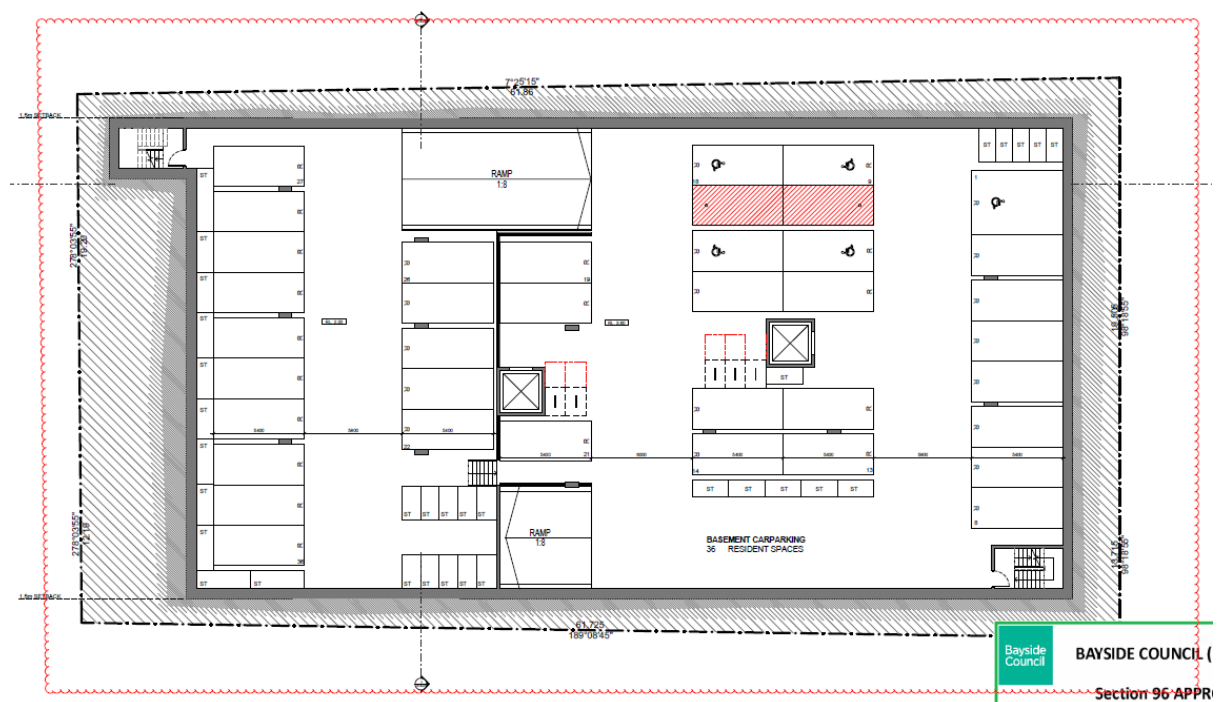


Figure 1. Approved level 2 basement

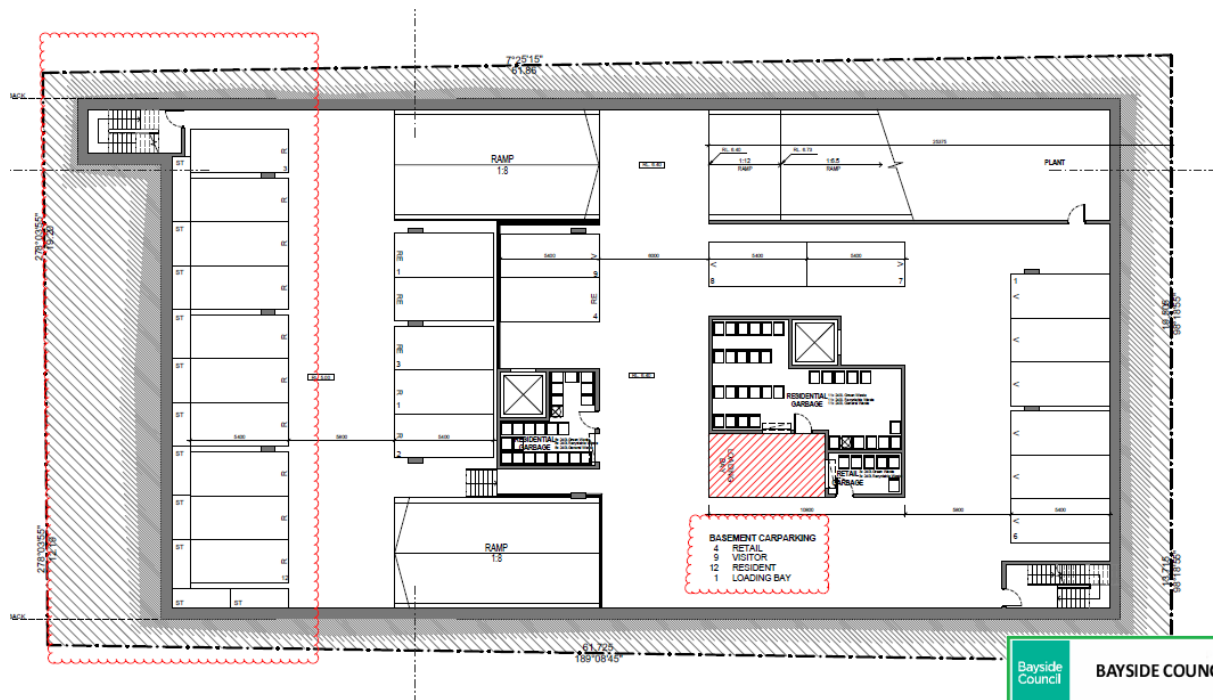


Figure 2. Approved level 1 basement

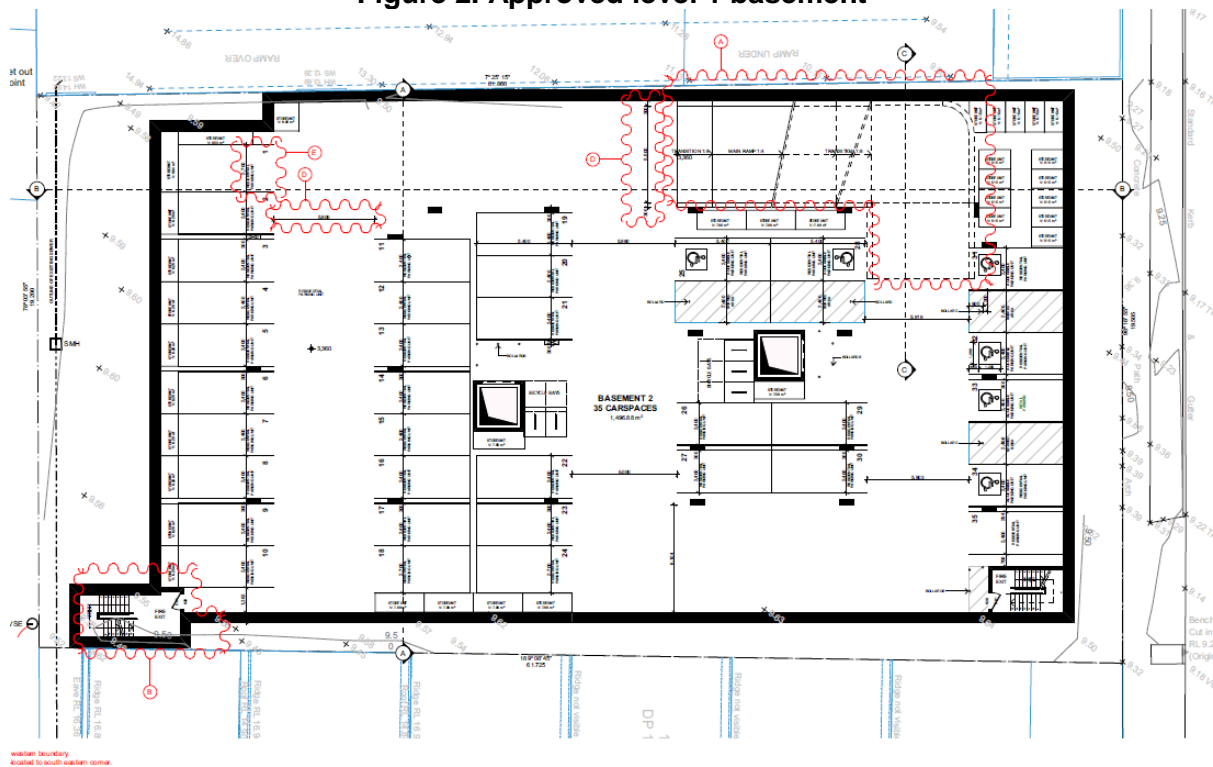


Figure 3. Proposed level 2 basement

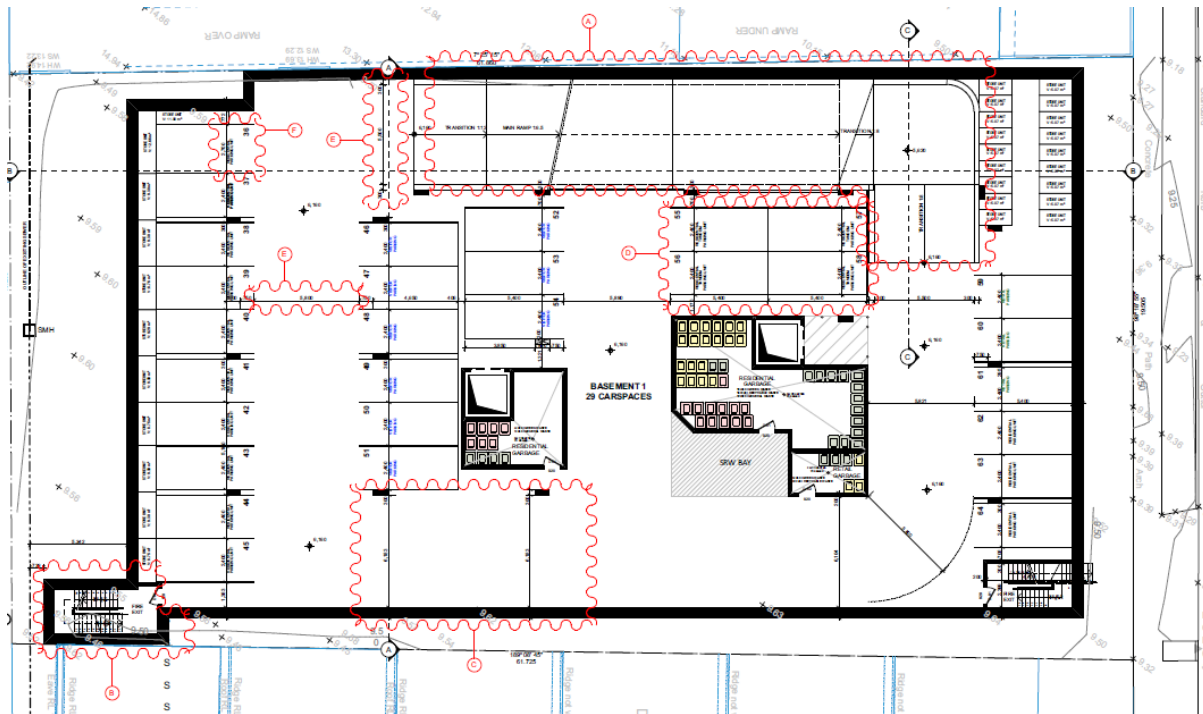


Figure 4. Proposed level 1 basement

Modification No. 2 – Change in excavation levels

The proposed modification changes the excavation levels for the level 1 and level 2 basement carpark. The approved levels are shown in figure 5 and the proposed levels are shown in figure 6. The amended proposal has been accompanied by a Parking Compliance statement. The statement demonstrates that the upper basement parking level can accommodate the turning movements of a Small Rigid Vehicle (SRV truck) and has adequate headroom for such vehicles.

The proposed level change is acceptable and supported as part of this application.

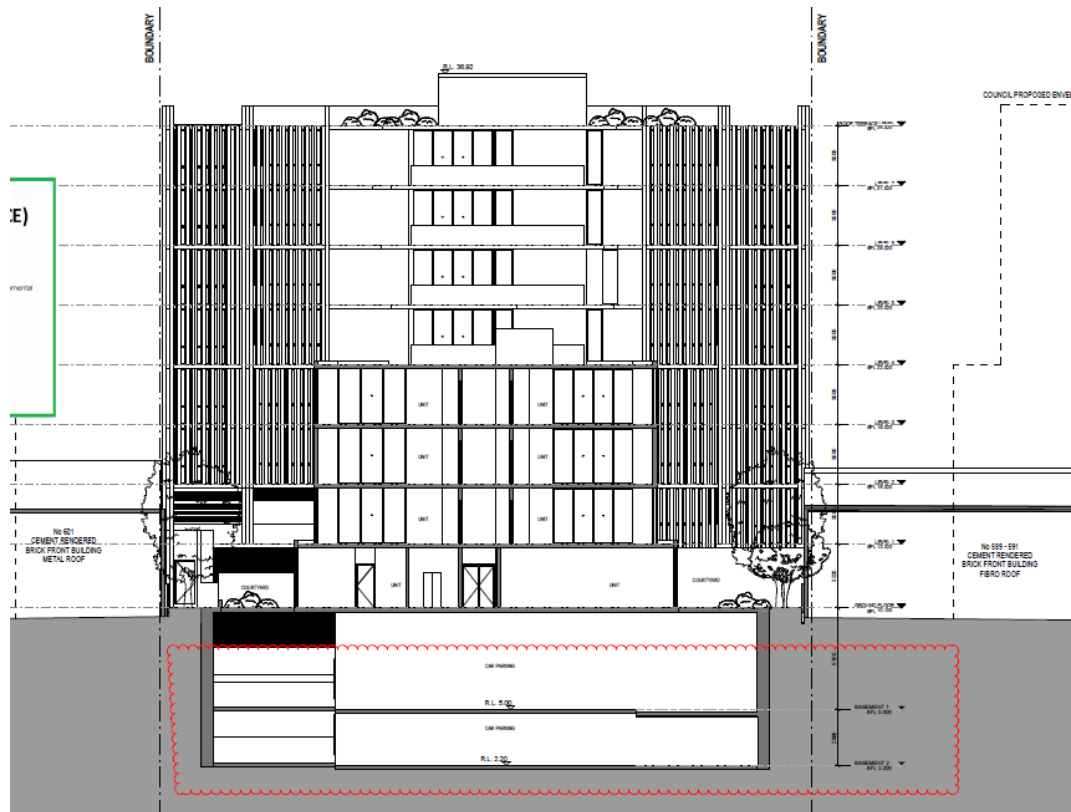


Figure 5. Approved level change shown on section

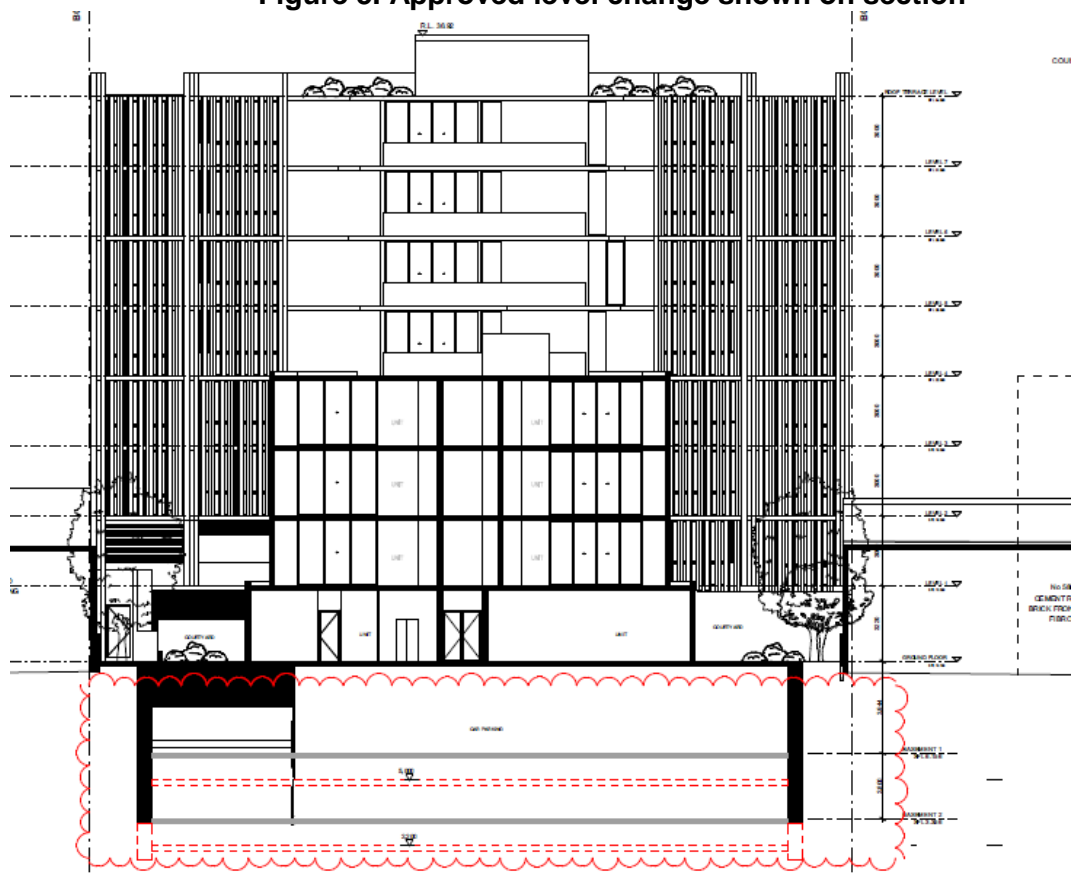


Figure 6. Proposed level change shown on section

Modification 3 – Modification to conditions

The proposed modifications will require three conditions to be modified.

Condition No.1

This condition will be modified to reflect the amended plans and documentation.

Condition No. 47

The condition is to be modified as below to reflect the correct car parking number breakdown.

The development shall make provision for the following car parking allocations:

Car Parking Rates	Required
Residential Parking	49 spaces
<i>1 space per studio/1 bedroom unit</i>	<i>24 spaces</i>
<i>2 spaces per 2 bedroom unit</i>	<i>74 spaces</i>
<i>1 visitor space per 7 dwellings</i>	<i>9 spaces</i>
<i>Commercial spaces</i>	<i>5 spaces</i>
Loading Bay, Accessible Parking, Bicycle Parking	As depicted on approved plans
TOTAL REQUIRED	112

- ***The parking area shall be reconfigured so as to allow for one commercial parking space to be provided for disabled parking. If required to comply with this requirement, one of the disabled residential spaces shown on the approved plans may be converted to a standard parking space***
- ***If required to provide minimum commercial parking in accordance with the table above, one visitor parking space may be deleted.***
The requirements of this condition ~~*This requirement shall be reflected on the Construction Certificate plans. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.*~~

Condition No. 101

This condition will be modified to reflect the subject application.

SECTION 4.55(1A) CONSIDERATIONS (previously Section 96(1A))

Section 4.55(1A) of the *Environmental Planning & Assessment Act 1979* states that “a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:”

- a) ***It is satisfied that the proposed modification is of minimal environmental impact, and***

The Section 4.55(1A) modification application relates to amendments to the approved development by reconfiguration of the internal layout of the basement parking areas and changing the depth of excavation, and as such, the modifications will result in substantially the same development as approved under DA-16/143 and then subsequently modified. It is considered that the proposed amendments are suitable in the context of the site and the locality.

- b) *It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and***

The Section 4.55(1A) modification application relates to minor modifications to the car parking layout and level of excavation, therefore the modification application is substantially the same development to which consent was originally granted.

- c) *It has notified the application in accordance with (i) the regulations, if the regulations so require, and (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and***

In accordance with Part 2 - Notification & Advertising of the Botany Bay Development Control Plan 2013, the Section 96(1A) Application was notified for a period of 14 days from 8 December 2017 to 22 December 2017.

- d) *It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.***

There were no submissions received during the public notification period.

SECTION 4.15 CONSIDERATIONS (previously section 79c)

The relevant matters for consideration pursuant to Section 4.15 are addressed as follows:

S.4.15(1)(a)(i) – Provisions of Environmental Planning Instruments

An assessment of the application has been carried out under the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979. The matters of relevance to this application have been considered as follows:

Clause 101 – Development with frontage to a Classified Road

Under the remit of Clause 101(2) of the SEPP (Infrastructure) 2007, a consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) *Where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) *The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) *The design of the vehicular access to the land, or*
 - (ii) *The emission of smoke or dust from the development, or*

- (iii) *The nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *The development is of a type that is not sensitive to traffic noise or vehicle emissions or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Vehicular access is approved to be provided off Gardeners Road. The proposal seeks to add 1 car parking space on site, and the proposal is satisfactory with respect to this Clause.

Clause 102 – Impact of road noise or vibration on non-road development

Pursuant to Clause 102, development on land in or adjacent to a road corridor with an annual average daily traffic volume of more than 40,000 vehicles must take appropriate measures to enquire that nominated LAeq levels are not exceeded. The proposed modification does not impact on compliance with this clause.

Clause 104 – Traffic generating development

Under the remit of Clause 104 of SEPP (Infrastructure) 2007, with regard to development specified within Schedule 3, a consent authority must:

- (a) *give written notice of the application to RMS within 7 days after the application is made, and*
- (b) *take into consideration:*
 - (i) *any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and*
 - (ii) *the accessibility of the site concerned, including:*
 - (iii) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (iv) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - (v) *any potential traffic safety, road congestion or parking implications of the development.*

The original application was referred to the RMS, who provided conditions for the proposed development. The proposed modifications would not significantly increase the traffic generated by the development, and no further referral is required.

State Environmental Planning Policy 65

State Environmental Planning Policy (SEPP) No. 65 was amended on 19 June 2015. Clause 31(2) of the SEPP states:

“If a development application or an application for the modification of a development consent has been made before the notification on the NSW legislation website of the making of State Environmental Planning Policy No 65- Design Quality of Residential Flat Development (Amendment No 3) and the application has not been finally determined before the commencement of that amendment, the application must be determined as if the amendment had not commenced.”

Therefore based on the above, the original application was assessed under the pre-June 2015 SEPP 65 and Residential Flat Design Code (RFDC), and not the new Apartment Design Guide (ADG).

However, the modification seeks for parking to be considered against the new ADG parking provisions. Council had raised concerns with this methodology and it was indicated to the

applicant that the proposal should be considered against the ADG in its entirety, rather than looking at specific ADG controls that suit the design amendment.

The applicant provided the following response:

“As proposed in the Section 96 application, all amendments are to the basement levels only and not to the residential apartments above”.

It is agreed that all approved parking is located within the basement and the proposed changes (aside from those which respond to conditions) do not impact on any above-ground aspects of the development.

Botany Bay Local Environmental Plan 2013

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

Principal Provisions of BBLEP 2013	Complies Yes/No	Comment
Land use Zone	N/A	The site is zoned B4 Mixed Use under the BBLEP 2013.
Is the proposed use/works permitted with development consent?	Yes	The proposed modifications are permissible within the zone.
Does Clause 2.5 and Schedule 1 – Additional Permitted Uses apply to the site?	N/A	Clause 2.5 does not apply to the subject site.
What is the height of the building?	N/A	There is no change proposed to the approved height of the buildings.
What is the proposed FSR?	N/A	There is no change to the approved FSR of the buildings.
Is the land affected by road widening?	N/A	The subject site is not identified as being affected by road widening.
<i>Is the site listed in Schedule 5 as a heritage item or within a Heritage Conservation Area?</i>	N/A	<i>The subject site is not identified as a Heritage Item or within a Heritage Conservation Area.</i>
<i>The following provisions in Part 6 of the LEP apply to the development:</i> 6.1 – Acid sulfate soils (ASS) 6.2 – Earthworks 6.3 – Stormwater management 6.8 - Airspace operations 6.9 – Development in areas subject to aircraft noise 6.16 – Design excellence	Yes	<i>The conclusions within DA-2014/129/03 have not changed.</i>

The proposed modifications will be consistent with the objectives of the BBLEP 2013 with regard to development in the B4 zone.

S.4.15(1)(a)(ii) - Provisions of any Draft EPI's

There are no current Draft EPIs applicable to this development.

S.4.15(1)(a)(iii) - Provisions of any Development Control PlanBotany Bay Development Control Plan 2013

DCP Provision	Proposed	Compliance
3A Parking and Access		
C1 All required car and bicycle parking must be provided on-site	Previously approved and proposed car parking spaces are located within the basement levels of the subject site.	Yes

Car Parking Rates	Required	Proposed within modification	Difference
1 space per studio/1 bedroom unit	24	49 (total residential)	-49
2 spaces per 2 bedroom unit	74		
1 visitor space per 7 dwellings	9	9	-
Commercial spaces	5	4	-1
Loading Bay	1	1	-
Accessible	8	6	-2

Additional 1 car space is proposed with the application. The proposal complies with the requirements of the RMS Guide to Traffic Generating Developments

As indicated in the following table, the addition of 1 residential car parking space, totalling 49 spaces is compliant with the maximum parking rate required by the ADG:

Dwelling Type	Required Parking & Dwelling Mix	Number of Dwellings	Total Required Parking
Studio	0.6	7	4.2
1 Bed	0.6	17	10.2
2 Bed	0.9	37	33.3
3+ Bed	1.4	-	0
Total Residential Parking			47.7

Accessible Parking

The BBDCP 2013 requires that 20% of units be provided as adaptable dwellings, and that half of these units be provided with disabled parking spaces. The approved development provides 6 adaptable apartments, which would require 3 disabled parking spaces. However, 8 disabled parking spaces – a surplus – were depicted on the approved plans, the modified application DA 2014/129/02 provided 5, and the current proposal involves 6 accessible car parking spaces which increases the surplus to 3 spaces. The BBDCP 2013 also requires that 1 disabled parking space per 50 spaces be provided for retail uses. The proposal provides for one disabled retail parking spaces.

Bicycle Parking

With respect to bicycle parking, no change is proposed to the approved bicycle parking provision.

Relevant matters pertaining to the proposal have been discussed above, and the proposed modifications are such that no further detailed consideration of any of the abovementioned Planning Instruments is required. It is considered that the recommended modifications will not be inconsistent with the objectives of the BBDCP 2013.

S.4.15(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.4.15(1)(b) - Likely Impacts of Development

The proposed modifications relate only to amendments to the approved development by reconfiguration of the internal layout of the basement parking areas and change the depth of excavation and as such, it is considered that the proposed amendment will have no significant adverse environmental, social or economic impacts on the locality. The proposed modifications will have no additional environmental impacts beyond those considered by Council during the assessment and determination of DA-2014/129/03.

S.4.15(1)(c) - Suitability of the site

The suitability of the site was addressed in the original approval of DA-2014/129/03.

S.4.15(1)(d) - Public Submissions

No objections were received.

S.4.15(1)(e) - Public interest

The proposed amendments will have no significant adverse impact upon the public interest.

CONCLUSION

The Section 4.55(1A) Application seeks to modify Development Consent No. 14/129/03 which approved the *Integrated Development proposal for an eight storey mixed use development including the demolition of existing structures and site remediation; 175m² of retail floor space at ground level; 61 residential apartments (7 x studio, 17 x 1 bedroom and 37 x 2 bedroom) and 4 levels of basement car parking to accommodate 112 car spaces and bicycle parking*. The modifications include amendments to the approved development which has subsequently been modified by adjusting the reconfiguration of the internal layout of the basement parking

areas and changing the level of excavation. The development, as modified, is substantially the same development as that originally approved. The proposed modification will not alter the built form or character of the development, and will continue to ensure the development is carried out in an orderly manner. Therefore it is recommended that the Panel approve the proposed modifications to the proposal.

Premises: 593 - 595 Gardeners Road, Mascot

DA: 14/129/03

SCHEDULE OF CONSENT CONDITIONS

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

Drawing No.	Author	Date Received
DA0.01 (Rev D - C) — Drawing List / Development Statistics	A+ Design Group	21 October 2015 10 May 2017
DA2.02 (Rev C)	A+ Design Group	27 March 2015
S96.00 Issue B - Basement 2 Plan	ARKHAUS	23.03.2018
S96.01 Issue B - Basement 1 Plan	ARKHAUS	23.03.2018
S96.02 Issue B – Ground Floor Plan	ARKHAUS	23.03.2018
S96.03 Issue B – First Floor Plan	ARKHAUS	23.03.2018
S96.04 Issue B – Typical Second to Third Floor Plan	ARKHAUS	23.03.2018
S96.05 Issue B - Typical Fourth to Seventh Floor	ARKHAUS	23.03.2018
S96.06 Issue B – Roof Terrace Plan	ARKHAUS	23.03.2018
S96.07 Issue B – North Elevation	ARKHAUS	23.03.2018
S96.08 Issue B – East Elevation	ARKHAUS	23.03.2018
S96.09 Issue B – South Elevation	ARKHAUS	23.03.2018
S96.10 Issue B – West Elevation	ARKHAUS	23.03.2018
S96.11 Issue A – Section A-A Section C-C	ARKHAUS	23.03.2018
S96.12 Issue A – Section B-B	ARKHAUS	23.03.2018
DA5.01 (Rev D)		21 October 2015
DA7.01 (Rev D)		21 October 2015

Drawing No.	Author	Date Received
DA7.02 (Rev D)		21 October 2015
Landscape Plans, 4121-01 Issue D 4121-02 Issue E	Peter Glass & Associates	27 March 2015
Survey Plan, Reference No. 140105_A	Geosurv	11 June 2014
Stormwater Concept Plans, Job No. 820.14, Drawing Nos.: D1 (Rev D) D2 (Rev E) D3 (Rev E)	LMW Design Group P/L	10 October 2014
Environmental Site & Management Plan, Sheets 1 & 2	LMW Design Group P/L	11 June 2014

Reference Document(s)	Author	Date Received
Statement of Environmental Effects	LJB Urban Planning P/L	11 June 2014
Amended Clause 4.6 Variation	LJB Urban Planning P/L	21 October 2015
SEPP 65 Design Verification Statement	Tony Leung	11 June 2014
BASIX Certificate No. 549477M	NSW DoPI	11 June 2014
BASIX Report No. WB903- 01F02 (Rev1)	Windtech	11 June 2014
Preliminary Stage 1/Stage 2 Environmental Site Assessment and Acid Sulfate Soils Assessment, Ref E27426KPrpt	Environmental Investigation Services	11 June 2014
Site Waste Minimisation and Management Plan	A+ Design Group	11 June 2014
Pedestrian Wind Environment Statement, WB903-01F03 (Rev 1), dated 5 June 2014	Windtech	11 June 2014
Acoustic Assessment No. TG637-01F02 (Rev 1)	Renzo Tonin & Associates	11 June 2014
DA Access Report, dated 5	Access Australia	11 June 2014

Reference Document(s)	Author	Date Received
June 2014		
Geotechnical Investigation, Ref: 27426SBprt, dated 27 May 2014	JK Geotechnics	11 June 2014
Traffic & Parking Assessment Report, Ref 14026, dated 6 June 2014	Varga Traffic Planning Pty Ltd	11 June 2014
Traffic & Parking Addendum dated 16 October 2014	Varga Traffic Planning Pty Ltd	16 October 2014
Flood Impact Assessment, dated 10 October 2014	Brown Consulting (NSW) Pty Ltd	10 October 2014
Shadow Analysis, dated 24 September 2014	A+ Design Group	10 October 2014

Note: The number of parking spaces provided shall be in accordance with the approved plans (or as amended by other conditions of consent).

(Condition modified – DA-14/129/02)

(Condition modified – DA-14/129/03)

- 2 This Consent relates to land in Lots 9 and 10 in DP 11589 and as such, building works must not encroach on to adjoining lands or the adjoining public place, except as permitted by this consent.

- 3 The following amendments shall be shown on the plans submitted with the Construction Certificate:
 - (a) ~~The three one bedroom units at the rear of the building on Levels 1, 2 and 3 shall be converted to 2 x 2 bedroom units; and~~
 - (b) ~~The four rear units on Level 3 shall be provided with skylights above the living areas to improve solar access.~~
 - (c) **The basement driveway shall have a crest of minimum RL 9.80m AHD to protect the basement carpark from flooding as per Section 8(v) of the Botany Bay Development Control Plan 2013 Stormwater Management Technical Guidelines.**
 - (d) **The finish floor level of the commercial unit shall be constructed at minimum RL 9.50m AHD to protect the premises from flooding.**
 - (e) **The finishes of the commercial unit be constructed from flood proof materials to RL 10.00m AHD.**

(Condition modified – DA-14/129/02)

- 4 The consent given does not imply that works can commence until such time that:
 - (a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:

- (i) The consent authority; or
 - (ii) An accredited certifier; and
 - (b) The person having the benefit of the development consent:
 - (i) Has appointed a principal certifying authority; and
 - (ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - (iii) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.
- 5 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 6
- (a) All plumbing stacks, vent pipes, stormwater downpipes 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;
 - (b) The basement of the building must be designed and built so that on completion, the basement is a “fully tanked” structure, i.e. it is designed and built to prevent the entry of ground water / ground moisture into the inner part of the basement;
 - (c) 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.
- 7 Pursuant to clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the each building in the development are fulfilled.
- (a) Note:
Relevant BASIX Certificate means:
 - (i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - (ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
 - (iii) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

- 8 The following condition is imposed by **Sydney Water** and is to be complied with:
Potable Water

- (a) The proposed development is located in the Mascot Station Urban Activation Precinct;
- (b) The 150 mm drinking water main in Gardeners Road fronting the proposed development does not comply with the Water Supply Code of Australia (Sydney Water Edition – WSA 03-2002) requirement for minimum sized mains for this scope of development. Therefore, the proponent will be required to amplify the existing system, providing a 200mm water main frontage to service the proposed development;
- (c) Preliminary investigation shows that the preferred option would be to amplify the existing 150mm drinking water main in Gardeners Road to a 200mm water main off the existing 375mm main in Botany Road, to provide full frontage to the proposed development;

Wastewater

- (d) The wastewater main available for connection is the 450mm main traversing the property constructed under DL 1815;
- (e) 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. Subject to the scope of development, servicing options may involve adjustment/deviation and or compliance with the Guidelines for building over/adjacent to Sydney Water assets;

Sydney Water Servicing

- (f) Sydney Water will further assess the impact of the developments when the proponent applies for a Section 73 Certificate. This assessment will enable Sydney Water to specify any works required as a result of the development and to assess if amplification and/or changes to the system are applicable. Sydney Water requests Council continue to instruct proponents to obtain a Section 73 Certificate from Sydney Water;
- (g) The proponent must fund any adjustments needed to Sydney Water infrastructure as a result of any development. The proponent should engage a Water Servicing Coordinator to get a Section 73 Certificate and manage the servicing aspects of the development. Details are available from any Sydney Water Customer Centre on 132092 or Sydney Water's website at www.sydneywater.com.au.

9 The following conditions are imposed by the **NSW Roads and Maritime Service (RMS)**.

- (a) All buildings and structures are to be clear of the Gardeners Road, road reservation (unlimited in height or depth);
- (b) The design and construction of the proposed gutter crossing off Gardeners Road shall be in accordance with AS2890.1-2004 and the Roads and Maritime's requirements. Further details of these requirements could be obtained from the Roads and Maritime Project Services Manager, Statewide Delivery Section, Parramatta Ph. 8849 2144;

A certified copy of the design plans shall be submitted to the Roads and Maritime for consideration and approval prior to release of a Construction Certificate and commencement of road works;

The Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of the works;

Any redundant driveways along the sites frontage are to be removed and replaced with kerb and gutter to match existing;

- (c) The proposed development should be designed such that road traffic noise from Gardeners Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007;
- (d) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to RMS for approval in accordance with Technical Direction (GTD 2012/001);

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

If it 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 seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work;

- (e) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of the Construction Certificate;
- (f) The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 1890.1-2004, AS 2890.2 – 2002 for heavy vehicle use and AS 2890.6:2009 for the disabled;
- (g) All vehicles are to enter and exit in a forward direction;
- (h) The post development storm water discharge from the subject site into the RMS drainage system must not exceed the pre-development discharge.

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the Roads and Maritime for approval, prior to the commencement of any works. Details should be forwarded to Sydney Asset Management at the above address;

- (i) All works and regulatory signposting associated with the development are to at no cost to RMS or Council.

- 10 The following conditions form the General Terms of Approval by **the NSW Office of Water** and must be complied with:

General and Administrative Issues

- (a) An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified;
- (b) The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below ground level that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation;
- (c) Construction methods and material used in and for construction shall not cause pollution of the groundwater;

Prior to Excavation

- (d) Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken and a report provided to the NSW Office of Water. A schedule and indicative plans of the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report;
- (e) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the calculation method shall be included in the report;
- (f) A copy of a valid development consent for the project shall be provided to the NSW Office of Water;
- (g) Groundwater quality testing shall be conducted and a report supplied to the NSW Office of Water. Samples must be taken prior to the commencement of pumping, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria;
- (h) The method of disposal of pumped water shall be nominated (i.e. street drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (tailwater) must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority;
- (i) Contaminated groundwater shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site;

During Excavation

- (j) Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows;

- (k) Piping or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge;
- (l) Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased;
- (m) Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with;
- (n) Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulphate soils management plan or remediation action plan) shall not be compromised by the dewatering activity;
- (o) The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation;
- (p) Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety precautions;

Following excavation

- (q) All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.

11 The following conditions are imposed by the **NSW Police Service**:

- (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) 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.
 - (d) 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;
 - (e) Any storage cages in the underground car park areas should not be constructed in an isolated area. CCTV cameras must cover this area, as they are easy targets when they have little supervision. Solid steel housing and quality key locks should be used to prevent access.
- 12 The following conditions are imposed by the **Sydney Airport Corporation Limited (SACL)** and must be complied with:
- (a) The property development at 593-595 Gardeners Road, Mascot lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations, which limit the height of structures to 50 feet (15.24 metres) above existing ground height (AEGH) without prior approval of this Corporation.
 - (b) The Civil Aviation Safety Authority (CASA) have no objection to the erection of the building to a height of 36.92 metres above Australian Height Datum (AHD).
 - (c) The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.
 - (d) Should you wish to exceed the above heights, a new application must be submitted. Should the height of any temporary structure and/or equipment be greater than 50 feet (15.24 metres) above existing ground height (AEGH), a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.
 - (e) Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations. SACL advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct. Information required by SACL prior to any approval is to include:
 - (i) the location of any temporary structure or equipment, ie. construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994 (MGA94);
 - (ii) the swing circle of any temporary structure/equipment used during construction;
 - (iii) the maximum height, relative to Australian Height Datum (AHD), of any temporary structure or equipment ie. construction cranes, intended to be used in the erection of the proposed structure/activity;
 - (iv) the period of the proposed operation (ie. construction cranes) and desired operating hours for any temporary structures.
 - (f) Any application for approval containing the above information, should be submitted to this Corporation at least 35 days prior to commencement of works in accordance with the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, which now apply to this Airport.

- (g) The development is to comply with the Civil Aviation Safety Authority (CASA) requirements as outlined in the Council's Development Application Guide for Multi-Unit Residential, Commercial and Industrial.

PRIOR TO COMMENCEMENT OF DEMOLITION WORKS

13

- (a) Prior to commencement of any works on-site, a dilapidation report of the immediate adjoining properties and public infrastructure (including Council and public utility infrastructure) shall be prepared by a qualified person and submitted to Council. The report shall include records and photographs of the following area that will be impacted by the development:
 - (i) All properties immediately adjoining the site;
 - (ii) Gardeners Road.
- (b) The applicant shall bear the cost of all restoration works to buildings/structures and public infrastructure that been damaged during the course the demolition, site clearing and site remediation works. Any damage to buildings/structures, infrastructures, roads, lawns, trees, gardens and the like shall be fully rectified by the applicant/developer, at the applicant/developer's expense.
- (c) A copy of the dilapidation report together with the accompanying photographs shall be given to all immediately adjoining properties owners and public utility authorities. The report shall be agreed by all affected parties as a fair record of existing conditions prior to commencement of any works;
- (d) A second dilapidation report, including a photographic survey shall then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report together with the accompanying photographs shall be given to Council, public utilities authorities and all adjoining properties owners;
Note: Prior to commencement of the surveys, the applicant/ owner of the development shall advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information shall be submitted to Council).

14

- (a) There shall be no loss of support to the Council's nature strip area as a result of the construction within the site. Details prepared by a practicing Structural Engineer of how this support will be maintained during the demolition works shall be submitted to Council prior to the commencement of works.
- (b) Council's property shall be supported at all times. Where any shoring is to be supporting (or located on) Council's property, certified engineering drawings showing all details including the extent of encroachment, the type of shoring and the method of removal, shall be submitted prior to the issue of the Construction Certificate. If the shoring cannot be removed, it shall be cut to 150mm below footpath level and the gap between the shoring and any buildings shall be filled with a 5Mpa lean concrete mix.

15

- (a) Prior to the commencement of demolition work, a licensed demolisher who is registered with the WorkCover Authority must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or

an accredited certifier) and a copy sent to Council (if it is not the PCA). A copy of the Statement must also be submitted to the WorkCover Authority.

- (b) The statement must be in compliance with: AS2601-1991 Demolition of Structures, the requirements of WorkCover Authority and conditions of the Development Approval, and must include provisions for:
- (i) Enclosing and making the site safe, any temporary protective structures must comply with the "Guidelines for Temporary Protective Structures (April 2001)";
 - (ii) Induction training for on-site personnel;
 - (iii) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
 - (iv) Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
 - (v) Disconnection of Gas and Electrical Supply;
 - (vi) Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
 - (vii) Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
 - (viii) Waterproofing of any exposed surfaces of adjoining buildings;
 - (ix) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the "Protection of the Environmental Operations Act 1997";
 - (x) Working hours, in accordance with this Development Consent;
 - (xi) Confinement of demolished materials in transit;
 - (xii) Location and method of waste disposal and recycling in accordance with the "Waste Minimisation and Management Act 1995";
 - (xiii) Sewer – common sewerage system; and
 - (xiv) On site monitoring both during asbestos removal and the remainder of demolition activities.

16 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 to determine the position and level of services;
- (b) Negotiate with the utility authorities (eg Energy Australia, Sydney Water and 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.
- 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.

- 17 Prior to demolition of any building constructed before 1970, the person acting on this consent shall ensure compliance with Australian Standard *AS2601-2001, Demolition of Structures* by a person with suitable expertise and experience. This may involve a Work Plan that identifies any hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimize any dust nuisance and the disposal methods for hazardous materials, including:
- (a) Removal, cleaning and disposal of lead-based paint shall conform to the current EPA guidelines. Demolition of materials incorporating lead is to be conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the *AS2601-1991 Demolition of structure*.
 - (b) Hazardous dust shall not be allowed to escape from the site. Any existing accumulations of dust (e.g.; ceiling voids and wall cavities) shall be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water shall not be allowed to enter the street and stormwater systems. Demolition is not to be performed during high winds, which may cause dust to spread beyond the site boundaries.
 - (c) All contractors and employees directly involved in the removal of hazardous dusts and substances wearing protective equipment conforming to Australian Standard *AS1716 Respiratory Protective Devices* and shall adopt work practices in accordance with the requirements of WorkSafe's *Control of Inorganic Lead At Work* (NOHSC: 102(1994) and NOHSC: 2015(1994).
 - (d) All lead-contaminated materials being disposed of in accordance with the Environment Protection Authorities Environmental Guidelines; *Assessment, Classification and Management of Liquid and Non Liquid Wastes* (1999) and *The Protection of the Environment Operations Act 1997 (NSW)*.
- 18 Prior to commencement of any works, the following approvals and permits on Council's property/road reserve under Roads Act 1993 and Local Government Act 1993 shall be made and obtained from Council's Customer Services Counter:
- (a) Permit to erect hoarding on or over a public place, including Council's property/road reserve;
 - (b) Permit for roads and footways occupancy (long term/ short term);
 - (c) 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;
 - (d) Permit to place skip/waste bin on footpath and/or nature strip;
 - (e) Permit to use any part of Council's road reserve or other Council lands;
 - (f) Permit to stand mobile cranes and/or other major plant on public roads and all road reserve area;
- (It should be noted that the issue of such permits may involve approval from RMS and NSW Police. In some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.)
- (g) Permit to establish "Works Zone" on public roads adjacent to the development site, including use of footpath area.
- (Application(s) shall be submitted minimum one (1) month prior to the planned commencement of works on the development site. The application will be referred to the Council's Traffic Engineer for approval, which may impose

special conditions that shall be strictly adhered to by the applicant(s)).

Copy of the approved permits shall be submitted to the Principal Certifying Authority attesting this condition has been appropriately satisfied.

- 19 Erosion and sediment control devices shall be installed and in function prior to the commencement of any demolition works upon the site in order to prevent sediment and silt from site works being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
- 20 The Applicant must indemnify Council against all loss of or damage to the property of others and injury or death to any persons which may arise out of or in consequence of the carrying out of the work and against all claims, demands, proceedings, costs, charges and expenses whatsoever in respect thereof or in relation thereto. In this regard, the Applicant shall take out a public liability policy during the currency of the works in the sum of not less than \$20,000,000 and to be endorsed with City of Botany Bay as principal, and keep such policy in force at the Applicant's own expense. A certificate from the Applicant's insurers to this effect is to be LODGED WITH COUNCIL BEFORE ANY WORK IS COMMENCED. The amount of Common Law liability shall be unlimited.
- 21 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.
- 22 A detailed Traffic Management Plan for the pedestrian and traffic management of the site during demolition, excavation and construction shall be prepared and submitted to the relevant road authority (Council or Roads and Traffic Authority) for approval prior to commencement of any works. The plan shall:
 - (a) be prepared by a RMS accredited consultant.
 - (b) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police.
 - (c) if required, implement a public information campaign to inform any road changes well in advance of each change.
 - (d) 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.

- (e) During construction, all works and measures shall be implemented in accordance with approved Traffic Management Plan at all times.
- 23 Toilet facilities are to be provided at or in the vicinity of the work site on which work involves the erection 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;
- (a) 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.
 - (ii) The provisions of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- 24 A detailed Construction Management Plan (CMP) shall be submitted to Council and the Principal Certifying Authority for approval prior to the commencement of any works. The plan shall address:
- (a) Excavation and construction vehicles access to and egress from the site;
 - (b) Parking for demolition and construction vehicles. All construction-related vehicles shall be parked on-site and no parking of these vehicles shall be allowed on Church Avenue or Haran Street;
 - (c) Locations of site office, accommodation and the storage of major materials related to the project;
 - (d) Protection of adjoining properties, pedestrians, vehicles and public assets;
 - (e) Location and extent of proposed builder's hoarding and Work Zones, if there is any.
 - (f) Active measures to control and suppress dust, grit and the like that are associated with construction activity.
 - (g) Measures to control the arrival of plant and equipment associated with the construction process and the delivery of such plant and equipment during reasonable hours of the working day;
 - (h) Public Notification where working hours are extended for a particular construction activity;
 - (i) Provision of on-site car parking for employees, contractors and site personnel during the construction phase of the development; and
 - (j) During construction, all works and measures shall be implemented in accordance with approved Construction Management Plan at all times.

- 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.
- 26 During demolition, excavation, remediation (if required) and construction, the applicant shall ensure that all works and measures have been implemented in accordance with following approved plans at all times:
- (a) Approved Erosion and Sediment Control Plan;
 - (b) Approved Traffic Management Plan and;
 - (c) Approved Construction Management Plan.

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

- 27 The applicant must prior to the issue of the Construction Certificate, pay the following:
- (a) Builders Security Deposit: \$50,000.00
 - (b) Development Control Fee: \$11,011.00
 - (c) Section 94 Contributions: **\$1,251,040.00** (See Condition 28)
- 28 The City of Botany Bay being satisfied that the proposed development will increase the demand for public amenities within the area, and in accordance with Council's Section 94 Contributions Plan, a contribution of **\$1,251,040.00**.
- The Section 94 Contribution of **\$1,251,040.00** is to be paid to Council prior to the issue of the first Construction Certificate for the erection of the building.
- 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.
- 29 Prior to the issue of the Construction Certificate, the applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram for, and adjacent to, the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. Any damage to utilities/services will be repaired at the applicant's expense.

- 30 Prior to the issue of the Construction Certificate, the concept landscape plans submitted by Peter Glass & Associates shall be the subject of **detailed, amended landscape documentation** to be submitted to and approved by the **City of Botany Bay's Landscape Architect**. The following amendments to the concept plan are to be incorporated in the detailed documentation :
- (a) All planter beds must be no less than 1 metre in width;
 - (b) The public footpath width and location in the road reserve and its construction shall be in accordance with Council landscape specification only;
 - (c) The street tree species are to be substituted with 400 litre *Corymbia maculata* (Spotted Gum) at maximum 10 metre spacing.
- 31 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 DCP Part 3L. 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 joint 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.
- 32 An Acid Sulphate Soils Management Plan (prepared by a suitably qualified and experienced environmental/geotechnical consultant) shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. This plan shall include any site specific procedures and mitigation measures required and shall include a site analysis from a NATA registered laboratory. The plan shall provide details of the following:
- (a) Site specific mitigation measures to both minimise the disturbance of acid sulphate soils as well as any measures relating to acid generation and acid neutralisation of the soil;
 - (b) Management of ASS affected excavated material;
 - (c) Measures taken to neutralise the acidity of any ASS affected material; and
 - (d) Run-off control measures for the ASS affected soil.
- All recommendations of the report shall be implemented prior to the commencement of building works.

- 33 Prior to the issue of the Construction Certificate, a Stage 2 Detailed Site Investigation shall be completed by a suitably qualified and experienced environmental consultant 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;
- and shall be provided to the Principal Certifying Authority (and the Council if the Council is not the Principal Certifying Authority) for approval prior to the issue of the Construction Certificate.
- Following completion of the Stage 2 Detailed Site Investigation, if required a Stage 3 Remedial Action Plan shall be prepared. Approvals from appropriate government departments where required shall be obtained and full details of the investigation and site remediation are to be submitted to Botany Bay City Council, in accordance with Section 80(A)2 of the Environmental Planning and Assessment Act 1979 prior to any Construction Certificate being issued for the proposed development.
- 34 To ensure that the Detailed Site Assessment (DSA) has been completed appropriately and any Remedial Action Plan (RAP) proposed for the site will result in the land being made suitable for the proposed use, a Section B 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 Detailed Site Assessment (DSA) and Remedial Action Plan (RAP) required to be prepared has been completed in accordance with the NSW guidelines and that the land can be made suitable for the proposed use by implementation of any specified Remedial Action Plan (RAP). This shall be provided to Council and the accredited certifier prior to the issue of any construction certificate.
- 35 A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to '*Do It Right On-Site*' *Soil and Water Management for the Construction Industry* (available from Council) and NSW EPA's *Managing Urban Stormwater: Construction Activities* and submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. This Plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times during the construction works. A copy of the Soil and Water Management Plan shall be kept on-site at all times and made available to Council Officers on request.
- 36 Prior to the issue of the Construction Certificate 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.
- 37 Prior to the issue of the Construction Certificate 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 Flat Development.

- 38 Prior to the issue of the Construction Certificate, the measures required in the Acoustic Assessment No. TG637-01F02 (Rev 1) prepared by Renzo Tonin & Associates dated 3 June 2014 shall be undertaken in accordance with the provisions of *AS2021-2000: 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.
- 39
- (a) Prior to the issue of the Construction Certificate, a compliance report from a suitably qualified acoustic consultant shall be submitted to Council indicating any required noise mitigation measures to the approved dwelling, as detailed in the NSW Road Noise Policy 2011 in accordance with AS 3671-1989 – Acoustic – Road Traffic Intrusion;
 - (b) Prior to the issue of the Construction Certificate details are to be provided on acoustic treatment to the entry and exit roller door to driveway of the development to comply with the Office of Environment & Heritage's Industrial Noise Policy and Noise Control Guidelines.
- 40 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. Storage of Waste and recycling shall meet the following requirements:
- (a) The rooms for the storage of garbage and recyclable materials shall be:
 - (i) fully enclosed;
 - (ii) adequately ventilated;
 - (iii) Constructed with a concrete floor, concrete or cement rendered walls coved to the floor;
 - (iv) The floor shall be graded to an approved sewer connection incorporating a sump and galvanized grate cover or basket in accordance with the requirements of Sydney Water Corporation.
 - (v) Washing facilities shall be provided within close proximity to the garbage and recycling storage area.
- 41 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 prior to the issue of a Construction Certificate and its location and specifications endorsed on the construction drawings.
- 42 Prior to the issue of the Construction Certificate, the following documentation shall be submitted to Principal Certifying Authority:
- (a) Longitudinal sections along centreline of all the ramps between each basement parking levels;
 - (b) Design certification, prepared by a suitably qualified engineer, showing the longitudinal sections shall be designed in accordance with AS2890.1 (including gradients and gradient transitions).

- 43 Prior to the issue of the Construction Certificate, detailed construction plans in relation to the development shall be revised and submitted to Council for approval. The plan shall be revised to include the following:
- (a) Any wall or fence or solid object on either side of the driveway/vehicular crossing where it meets the Council's road reserve at the boundary must comply with sight distances stipulated in AS 2890.2.
- 44
- (a) Prior to the issue of the Construction Certificate, detailed Stormwater Management Plans and specifications shall be prepared by a suitably qualified and experienced civil engineer and the design shall be submitted to Council for approval. These shall be generally in accordance with the Stormwater Concept Plans prepared by LMW Design Group P/L, Job No. 820.14, Drawing Nos. D1 (Rev D), D2 (Rev E) and D3 (Rev E) and received by Council on the 10 October 2014.
 - (b) The following issues to be complied with and shown on the plans:
 - (i) The stormwater drainage system from the roof and balcony of the building to the On-site detention (OSD) system shall be shown on the stormwater management plans. All stormwater runoff from the roof area and balcony shall be directed to the system.
 - (ii) The layout of the basement parking area and OSD system shown on the stormwater management plans shall correspond with the architectural plan. The location of the discharge control pit shall be revised accordingly.
 - (iii) The emergency overflow of OSD systems shall be shown on the plans to ensure any overflow from the OSD system will be conveyed to the public streets via surface overland flow.
 - (iv) Additional access grates shall be provided to each corner of the OSD tank.
 - (v) In order to protect the buildings from stormwater inundation, the OSD tank shall be water-tight.
 - (vi) The outlet pipes of the OSD system and the GPT shall be minimum 300mm diameter.
 - (vii) Rainwater tanks shall be provided with a minimum 5,000 L capacity and shall service any landscape systems.
 - (viii) All stormwater runoff from the site shall pass through a pollution control device capable of removing litter and sediment prior to entering the public stormwater system.
 - (c) The detailed drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's 'Guidelines for the Design of Stormwater Drainage Systems within City of Botany Bay', AS/NSZ 3500 – *Plumbing and Drainage Code* and the BCA.
- 45 Prior to the issue of the Construction Certificate, 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 (for loading area) and AS2890.6.

- 46 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.
- 47 The development shall make provision for the following car parking allocations:

Car Parking Rates	Required
<i>Residential Parking</i>	<i>49 spaces</i>
1 space per studio/1 bedroom unit	24 spaces
2 spaces per 2 bedroom unit	74 spaces
4 visitor space per 7 dwellings	9 spaces
Commercial spaces	5 spaces
<i>Loading Bay, Accessible Parking, Bicycle Parking</i>	<i>As depicted on approved plans</i>
TOTAL REQUIRED	112

- The parking area shall be reconfigured so as to allow for one commercial parking space to be provided for disabled parking. If required to comply with this requirement, one of the disabled residential spaces shown on the approved plans may be converted to a standard parking space***
- If required to provide minimum commercial parking in accordance with the table above, one visitor parking space may be deleted.***

The requirements of this condition This requirement shall be reflected on the Construction Certificate plans. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

(Condition modified – DA-14/129/02)

(Condition modified – DA-14/129/03)

DURING WORKS

- 48
- Any new information that comes to light during demolition, excavation, remediation and or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council;
 - 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.
- 49 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.

- 50 Throughout the demolition and construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.
- 51 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.
- 52 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.
- 53 All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.
- 54
- (a) Existing structures and or services on this and adjoining properties shall not be endangered during any demolition associated with the above project. The Applicant is to provide details of any stabilisation works required to adjacent developments to Council.
 - (b) 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.
- 55 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.
- 56 The operation shall not give rise to offensive odour or other air impurities in contravention of the Protection of the Environment Operations Act 1997. The Principle contractor shall ensure that all practical means are applied to minimise dust and odour from the site. This includes:
- (a) Covering excavated areas and stockpiles,
 - (b) The use of fine mists of hydrocarbon mitigating agents on impacted stockpiles or excavation areas,
 - (c) Maintenance of equipment and plant to minimise vehicle exhaust emissions,

- (d) Erection of dust screens on the boundary of the property and/or closer to potential dust sources,
- (e) All loads entering or leaving the site are to be covered,
- (f) The use of water sprays to maintain dust suppression,
- (g) Keeping excavated surfaces moist.

57

- (a) In order to prevent vehicles tracking soil or other materials onto public roads and washing of materials into the street drainage system or watercourse, during excavation, construction and deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion;
- (b) Concrete trucks and any other trucks that used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land;
- (c) Building operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands;
- (d) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
- (e) During construction works the area in front of the premises and for the full width of the site, be maintained at all times and kept clean and tidy.
- (f) The operations of the site 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, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.
- (g) All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.

58 The development is to be constructed to meet the following construction noise requirements:

- (a) Construction Noise
 - (i) 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.
- (b) Level Restrictions
 - (i) Construction period of 4 weeks and under:
 - (1) The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not

less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10dB(A).

- (ii) Construction period greater than 4 weeks and not exceeding 26 weeks:

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

- (c) Time Restrictions

- (i) Monday to Friday 07:00am to 06:00pm;
 - (ii) Saturday 08:00am to 04:00pm;
 - (iii) No Construction to take place on Sundays or Public Holidays.

- (d) Silencing

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

- 59 During demolition, excavation, remediation 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 construction. The area fronting the site and in the vicinity of the development shall also be 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.

60

- (a) All imported fill shall be validated in accordance with Department of Environment and Conservation approved guidelines to ensure that it is suitable for the proposed development from a contamination perspective. Imported fill shall be accompanied by documentation from the supplier, which certifies that the material is suitable for the proposed residential/recreational land use and not contaminated based upon analyses of the material.
- (b) To prevent contaminated soil being used onsite, all imported fill shall be certified VENM material and shall be validated in accordance with the Office of Environment and Heritage (OEH) approved guidelines to ensure that it is suitable for the proposed development. 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.
- (c) Any soil disposed of offsite shall be classified in accordance with the procedures in the Department of Environment and Climate Change Waste Classification Guidelines (2008).

- 61 If any material containing asbestos is found on site during the demolition process the material is to be removed and disposed of in accordance with WorkCover requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos.

- 62 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).
- 63 The following shall be complied with:
- (a) The construction of the premises shall not give rise to transmission of vibration at any affected premises that exceeds the vibration in buildings criteria outlined in the NSW Environmental Noise Control Manual;
 - (b) Vibration levels induced by the demolition and construction activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
 - (c) Vibration levels induced by the demolition and construction activities shall not exceed 3mm/sec peak particle velocity (ppv) when measured at the footing of any unoccupied building.
 - (d) The upper noise level from the demolition and construction operations measured over a period of 10 minutes must not exceed the background noise level by more than 10dB(A).

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

- 64
- (a) Prior to the issue of the Occupation Certificate, the development is to be constructed to meet the requirements detailed in the Acoustic Assessment No. TG637-01F02 (Rev 1) prepared by Renzo Tonin & Associates dated 3 June 2014, received by Council 11 June 2014; and
 - (b) All acoustic work including that acoustic work required at Condition No. 36 shall be completed prior to the issue of the Occupation Certificate and validated by a person with appropriate qualifications and experience.
- 65 Prior to the issue of the Occupation Certificate, the following is to be complied with:
- (a) Replace all the existing above ground electricity and telecommunication cables to underground cables within the site and from the road reserve area fronting Gardeners Road to the site in accordance with the guidelines and requirements of the relevant utility authorities. The applicant shall bear all the cost of the construction and installation of the cables and any necessary adjustment works. These works and payments shall be completed prior to the issue of the Occupation Certificate;

- (b) Provide appropriate and suitable street lighting to a suitable standard to both street frontages of the site, so to provide safety and illumination for residents of the development and pedestrians in the area. All street lighting shall comply with relevant electricity authority guidelines and requirements;
- (c) The public domain shall be upgraded with new paving and street tree planting, to be installed by the Applicant at the Applicant's expense in accordance with the approved landscape documentation. All improvements shall be in accordance with Council Landscaping and Engineering specifications and requirements, and shall be constructed and complete prior to the issue of an Occupation Certificate;
- (d) New street trees at min. 400 litre pot size specified shall be installed in the Gardeners Road verge in accordance with the approved landscape documentation plans. The trees shall be sourced from a reputable nursery/supplier that grows trees in accordance with the NATSPEC requirements. A Dial-Before-You-Dig enquiry is required prior planting - Council is not liable for any damage to subsurface infrastructure during public domain works. NOTE: Three (3) hold point inspections are required: during construction of tree pits, prior-planting street trees to ensure plant stock is suitable and post-planting to verify final finishes; and
- (e) The public footpath in Gardeners Road shall be re-constructed in accordance with Council specifications. The footpath dimensions, location, paver type and construction methods shall be in accordance with these specification and the approved landscape documentation. Construction hold points and Council inspections are required at the following minimum points:
 - (i) at the commencement of paving works, and
 - (ii) at final completion.

Council approval of public domain works is required prior issue of the Occupation Certificate. NOTE: Pavers shall be ordered accounting for adequate lead time for manufacture (10-12 weeks). No paver substitutes will be permitted.

- 66 All services (Utility, Council, etc) within the road reserve (including the footpath) shall be relocated/adjusted to match the proposed/existing levels as required by the development.
- 67 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 prior to the issue of the Occupation Certificate.
- 68 Prior to the issue of the Occupation Certificate, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the car parking area has been constructed generally in accordance with the approved construction plan(s) and comply with AS2890.1, AS2890.2 and AS2890.6 requirements. The internal parking facilities shall be clearly designated, sign posted and line marked. Signage and line marking shall comply with the current Australian Standards.

- 69 The following shall be complied with prior to the issue of the Occupation Certificate:
- (a) A new vehicular crossing including layback and/or gutter and any associated road restoration shall be constructed in accordance with Council's requirements. The applicant shall make a separate application to Council's Customer Service Counter for the construction/ reconstruction of vehicular crossing (either by Council or own forces) to the vehicular entry point of the site as shown on the submitted approved plan.
 - (b) The crossing shall be able to accommodate the turning movement of Small Rigid Vehicle (SRV) entering and leaving the site and at 90° to the kerb and gutter in plain concrete. All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and any associated construction works shall be carried out at the full cost to the Applicant.
 - (c) The redundant vehicular crossing, together with any necessary works shall be removed and the footpath, nature strip and kerb and gutter shall be reinstated in accordance with Council's specification.
 - (d) Written confirmation / completion certificate obtained from Council.
 - (e) Inspection report (formwork and/or final) for the works on road reserve obtained from Council's engineer.
 - (f) A copy of the approved public domain civil works plans showing Work-as-Executed details (together with an electronic copy) prepared by a registered surveyor.
 - (g) Driveways and vehicular access paths shall be designed and constructed to comply with the minimum requirements (including changes of grade) of AS/NZS 2890.1.
- 70 Prior to the issue of the Occupation Certificate, a Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority to the effect that all reduced levels shown upon the approved plans, with relation to drainage, boundary and road reserve levels, have been strictly adhered to.
- 71 The applicant is responsible for the installation and protection of all regulatory/ parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works shall be replaced at full cost to the applicant.
- 72
- (a) In order to ensure that the required on-site detention, infiltration and rainwater reuse systems will be adequately maintained, Positive Covenant and Restriction on the Use of Land on the Title under Section 88B/88E(3) of the Conveyancing Act 1919 shall be created in favour of Council as the benefiting authority for the as-built on-site detention, infiltration and rainwater reuse systems. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council. The relative location of the on-site detention, infiltration and rainwater reuse systems, in relation to the building footprint, shall be shown on a scale sketch, attached as an annexure to the plans/ forms. Proof of registration shall be submitted to the Principal Certifying Authority prior to occupation of the premises.

- (b) In order to ensure that the required pump-out system will be adequately maintained, Positive Covenant and Restriction on the Use of Land on the Title under Section 88B/88E(3) of the Conveyancing Act 1919 shall be created in favour of Council as the benefiting authority for the as-built pump-out system. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council. Proof of registration shall be submitted to the Principal Certifying Authority prior to occupation of the premises.
- 73 Prior to the issue of the Occupation Certificate:
- (a) The construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved stormwater management construction plan(s), Council's 'Guidelines for the Design of Stormwater Drainage Systems within City of Botany Bay', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. All downpipes shall be located within the property boundaries; and
- (b) Documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and accepted practice.
- 74 Any damage not shown in the dilapidation report required under Condition No. 12 submitted to Council before site works have commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to the issue of the Occupation Certificate.
- 75 The Council nature strips shall be suitably replaced in accordance with Council Specification and the approved landscape documentation at the completion of construction work and at the Applicant's expense.
- 76 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.
- 77 Prior to the issue of the Occupation Certificate, landscaped areas on the property and in the public domain shall be installed and maintained in accordance with the Council approved amended, detailed landscape documentation, the conditions of consent (inclusive of the above landscape amendments required) and Council's DCP at all times.
- 78 An experienced Landscape Contractor shall be engaged to undertake the landscaping work referred to in Condition 79 above and shall be provided with a copy of both the approved amended landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements. The contractor shall be engaged weekly for a minimum period of 26 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.
- 79 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 the City of Botany Bay.

- 80 New street trees at min. 400 litre pot size specified shall be installed in the Gardeners Road verge in accordance with the approved landscape documentation plans. The trees shall be sourced from a reputable nursery/supplier that grows trees in accordance with the NATSPEC requirements. A Dial-Before-You-Dig enquiry is required prior planting - Council is not liable for any damage to subsurface infrastructure during public domain works. NOTE: Three (3) hold point inspections are required: during construction of tree pits, prior-planting street trees to ensure plant stock is suitable and post-planting to verify final finishes.
- 81 Prior to the issue of the Occupation Certificate, the public footpath in Gardeners Road fronting the site shall be re-constructed in accordance with Council specifications. The footpath dimensions, location, paver type and construction methods shall be in accordance with these specification and the approved landscape documentation. Construction hold points and Council inspections are required at the following minimum points:
- (a) at the commencement of paving works, and
 - (b) at final completion.
- Council approval of public domain works is required prior issue of the Occupation Certificate. NOTE: Pavers shall be ordered accounting for adequate lead time for manufacture (10-12 weeks). No paver substitutes will be permitted.
- 82 Any air conditioning units are to be located so that they are not visible from the street or public place and are not obscure windows/window frames or architectural features of the development.
- 83 Prior to the issue of the Occupation Certificate; the footpath at the commercial tenancy frontages must for reasons of public safety and presence be illuminated between sunset one day and sunrise the day following - 7 days a week and in accordance with the following standard:
- (a) Lighting is to comply with the requirement for pedestrian areas in the current AS/NZS 1158;
 - (b) Lighting must be recessed into the facade;
 - (c) All associated wiring and conduits are to be completely concealed; and
 - (d) Light fittings should be readily accessible to support their regular maintenance.
- 84 Prior to the issue of the Occupation Certificate:
- (a) Lighting (lux) levels for this development must include the installation of low glare/high uniformity lighting levels in line with Australian Standard AS:1158. 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). 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. 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 premises;
 - (b) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill; and,
 - (c) All lighting shall comply with AS4282-1997 Control of the obtrusive effects.

- 85 Prior to the issue of the Occupation Certificate, 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'; and
 - (b) 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 for review and concurrence).
- 86 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 the 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 the 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.
- 87
- (a) 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.
 - (b) Condition Numbers 11 and 64 to 87 of this consent are pre-conditions to the issue of the Occupation Certificate.

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

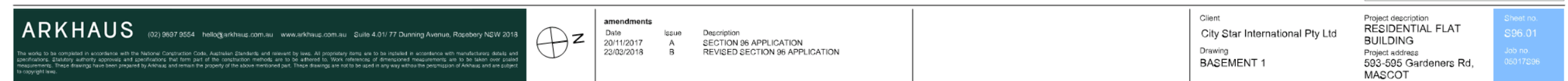
- 88 The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.
- 89 To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscape areas, installed by a qualified landscape contractor. The system shall provide full coverage of all planted areas with no more than 300mm between drippers, automatic controller and backflow prevention device and shall be connected to a recycled water source, where provided. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.

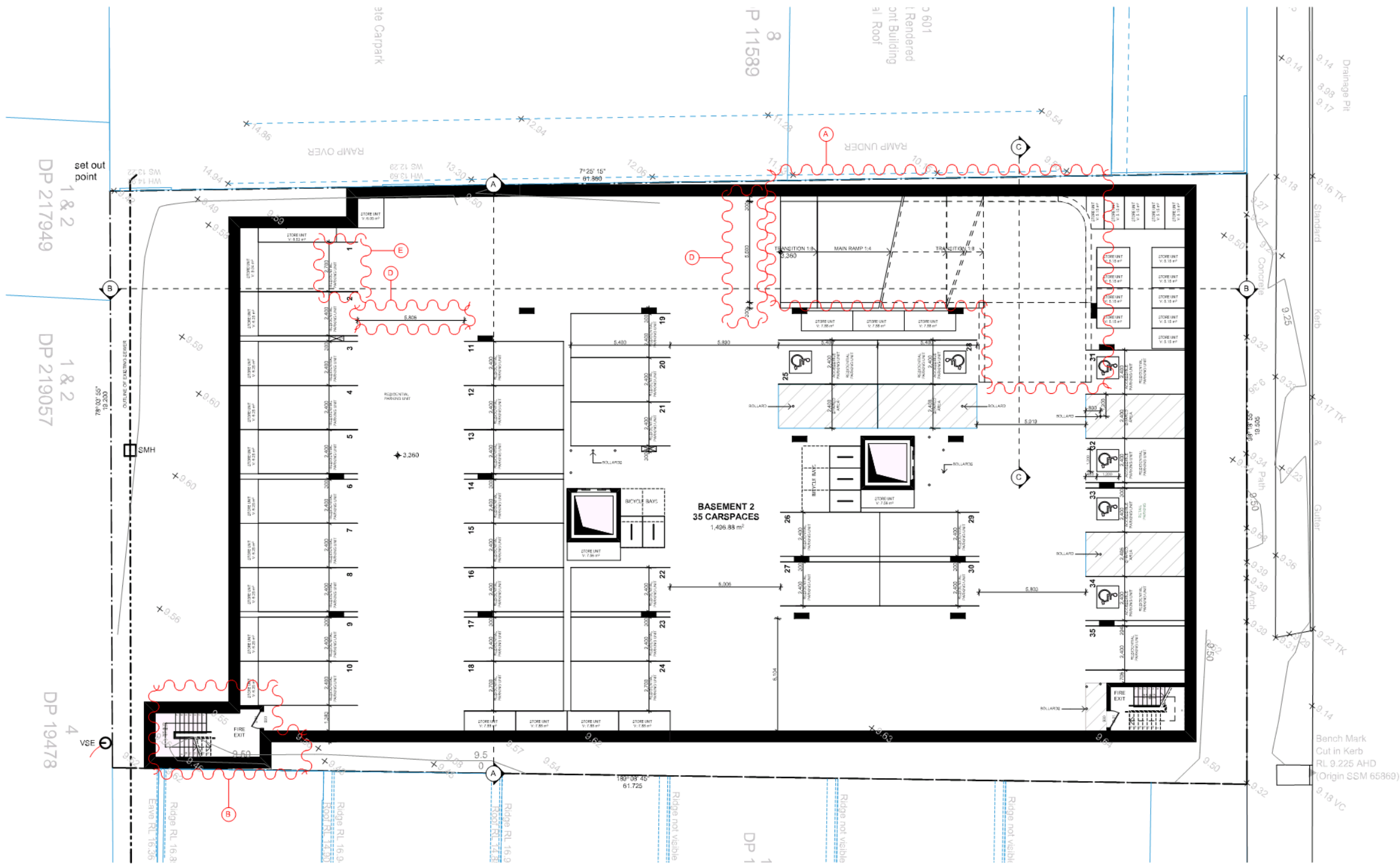
- 90 Vehicles making deliveries (including goods, merchandise and the like) and accessing the site shall comply with the following requirements:
- (a) The maximum size of vehicles making deliveries and accessing to the site shall be limited to B99 vehicles (5.2m in length, as denoted by the current version of AS/NZS 2890.1) only.
 - (b) All loading and unloading of vehicles shall be carried out wholly within the site. No deliveries to the premises shall be made direct from a public places, public streets or any road related areas (eg. footpath, nature strip, road shoulder, road reserve, public car park, service station etc).
 - (c) Should the external fabric of the building(s), walls to landscaped areas and like constructions be subject to graffiti or similar vandalism, then within seven (7) days of this occurrence, the graffiti must be removed and the affected surface(s) returned to a condition it was in before defilement.
- 91 The ongoing maintenance of the nature strip shall then be undertaken by the occupier/owner/strata body. Maintenance shall include mowing, watering and maintaining an even coverage of grass at all times. Maintenance does not include pruning, trimming, shaping, or any work to street trees located on the road verge/nature strip at any time the removal of weeds and rubbish and maintaining a good, even coverage of grass at any time.
- 92 The landscape contractor shall be engaged weekly for a minimum period of 26 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time monthly maintenance is required.
- 93 New street trees shall be maintained by the Applicant/Owner/Strata Corporation for a twelve (12) month period after planting. Maintenance includes watering twice weekly within the first four months then weekly thereafter to sustain adequate growth and health, annual feeding, weed removal within the mulched base and mulch replenishment at three (3) monthly intervals (to 75mm depth). It does not include trimming or pruning of trees under any circumstances.
- 94 No roller shutters are to be installed to any of the commercial shopfronts that front Gardeners Road.
- 95 The hours of operation of any future commercial use must be restricted to the hours of 7:00am to 10:00pm Monday to Saturday and 7:00am to 8:00pm Sunday and public holidays.
- 96 The use of the premises shall not give rise to any of the following when measured or assessed at “sensitive” positions within any other property. These “sensitive” positions should be selected to reflect the typical use of a property (ie any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.
- (a) The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).
 - (b) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.

- (c) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.
 - (d) For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.
- 97 Any air conditioning units shall comply with the following requirements:
- (a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the dwelling.
 - (b) A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
 - (i) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
 - (ii) Before 7 am or after 10 pm on any other day.
 - (c) The transmission of vibration to any place of different occupancy above the requirements of AS2670, Australian Standard AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction. Australian Standard AS2107 2000: Recommended Design Sound levels and Reverberation levels for Building Interiors.
 - (d) Any air-conditioning unit shall comply with the City of Botany Bay's General Noise Criteria detailed in Condition 113 above.
- 98
- (a) The residents of the building are not eligible to participate in a Resident Parking Scheme.
 - (b) Prior to the issue of the occupation certificate, a sign to this effect shall be located in a prominent place, to Council's satisfaction, such as a directory board or notice board, where it can easily be observed and read by persons entering the building;
 - (c) Where a building is to be Strata Subdivided, a condition should be placed in the by-laws advising residents that they are not eligible to participate in on-street resident parking scheme/s.
- 99
- (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 apartments approved under this development consent are 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 identified by the NSW Police in Condition 10, shall be monitored by CCTV cameras at all times.

- 100 The landscaped areas on the property shall be maintained in accordance with the approved landscape documentation and to Council's satisfaction at all times. The automatic drip irrigation system shall be maintained in working order at all times.
- 101 The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 14/129 dated as 11 June 2014 **and DA-14/129/02, lodged with Council on 3 November 2016, and DA-14/129/03, lodged with Council 23 December 2017** and that any alteration, variation, or extension to the use, for which approval has been given, would require further Approval from Council.
- (Condition modified – DA-14/129/02).**
- (Condition modified - DA-14/129/03).**





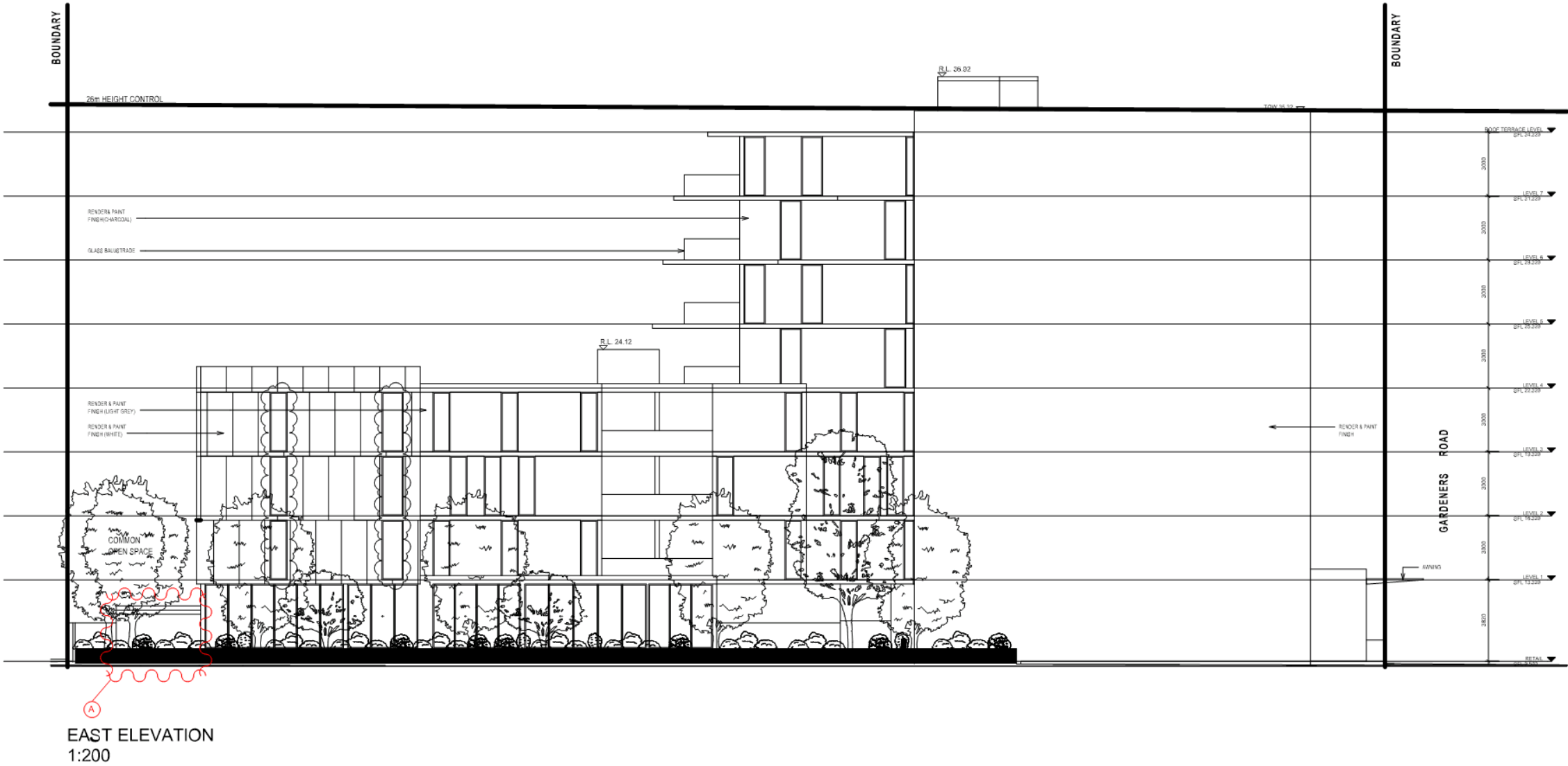
- A- Ramp shifted towards western boundary.
- B- Basement fire stair re-located to south eastern corner.
- C- New aisle. Car spaces removed and re-located.
- D- Dimensions of ramps and aisle widths.
- E- Car parking bays numbered and allocated usage.

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The works to be completed in accordance with the National Construction Code, Australian Standards and relevant by laws. All proprietary items are to be replaced in accordance with manufacturers details and specifications. Statutory authority approvals and specifications that form part of the construction methods are to be adhered to. Work references or dimensional measurements are to be taken over closed measurements. These drawings have been prepared by Arkhaus and remain the property of the above mentioned party. These drawings are not to be used in any way without the permission of Arkhaus and are subject to copyright law.

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amendments		
Date	Issue	Description
20/11/2017	A	SECTION 96 APPLICATION
23/03/2018	B	REVISED SECTION 96 APPLICATION

Client	Project description	Sheet no.
City Star International Pty Ltd	RESIDENTIAL FLAT BUILDING	\$96.00
Drawing	Project address	Job no.
BASEMENT 2	593-595 Gardeners Rd, MASCOT	05017026



A - Basement fire stair re-located to south eastern corner.

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amendments		
Date	Issue	Description
20/11/2017	A	SECTION 96 APPLICATION
23/03/2018	B	REVISED SECTION 96 APPLICATION

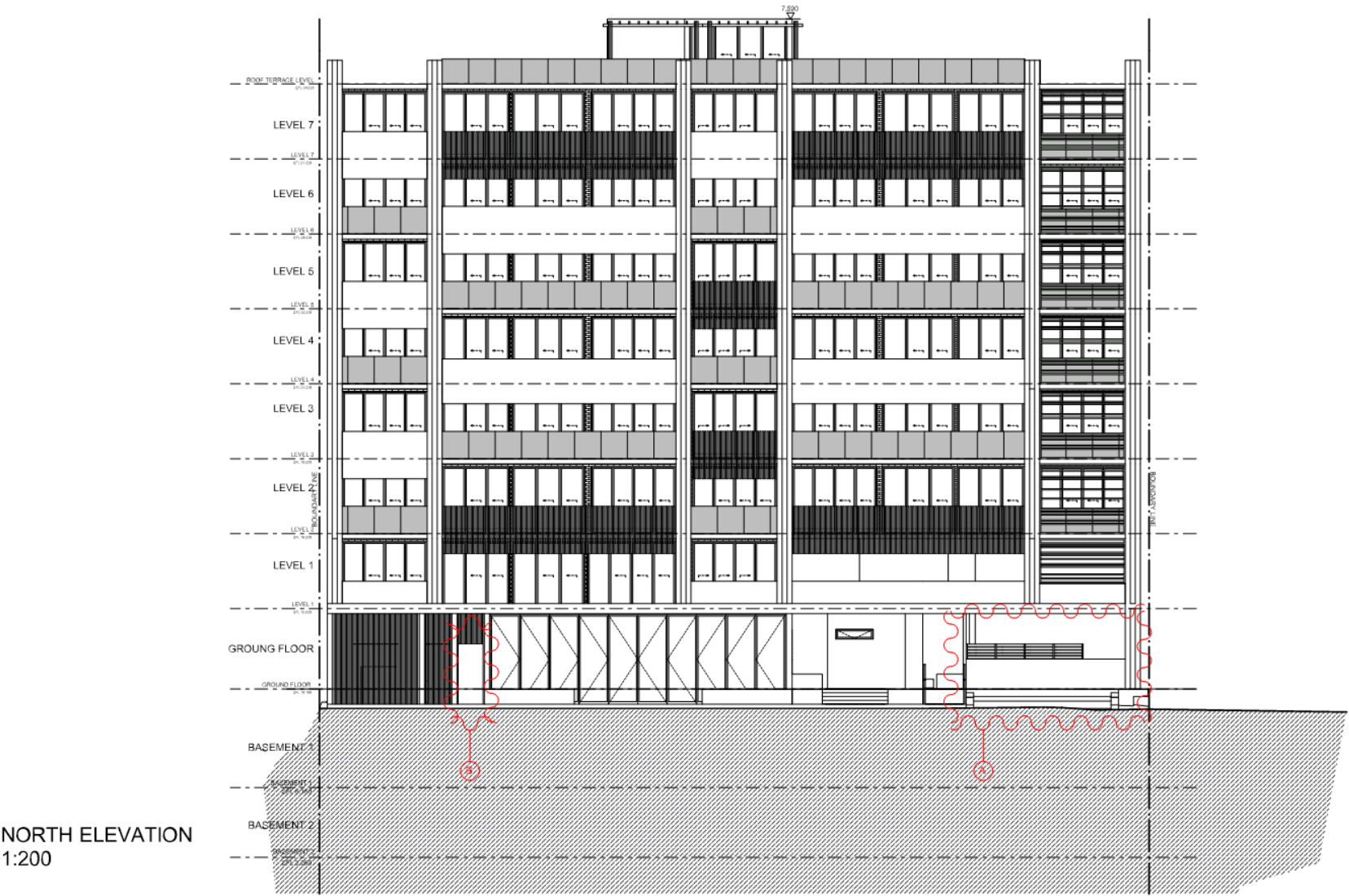
Client
City Star International Pty Ltd
Drawing
EAST ELEVATIONS

SECTION 96 APPLICATION

Project description
RESIDENTIAL FLAT
BUILDING
Project address
593-595 Gardeners Rd,
MASCOT

Sheet no
S96.08

Job no
05017806



A - Driveway ramp with a crest of 9.80 AHD. Compliant gradient ramp and head height for an SRV. Ramp shifted towards western boundary.
B - Fire exit to Gardeners Road as basement fire stair re-located to south eastern corner.

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amendments		
Date	Issue	Description
20/11/2017	A	SECTION 96 APPLICATION
23/03/2018	B	REVISED SECTION 96 APPLICATION

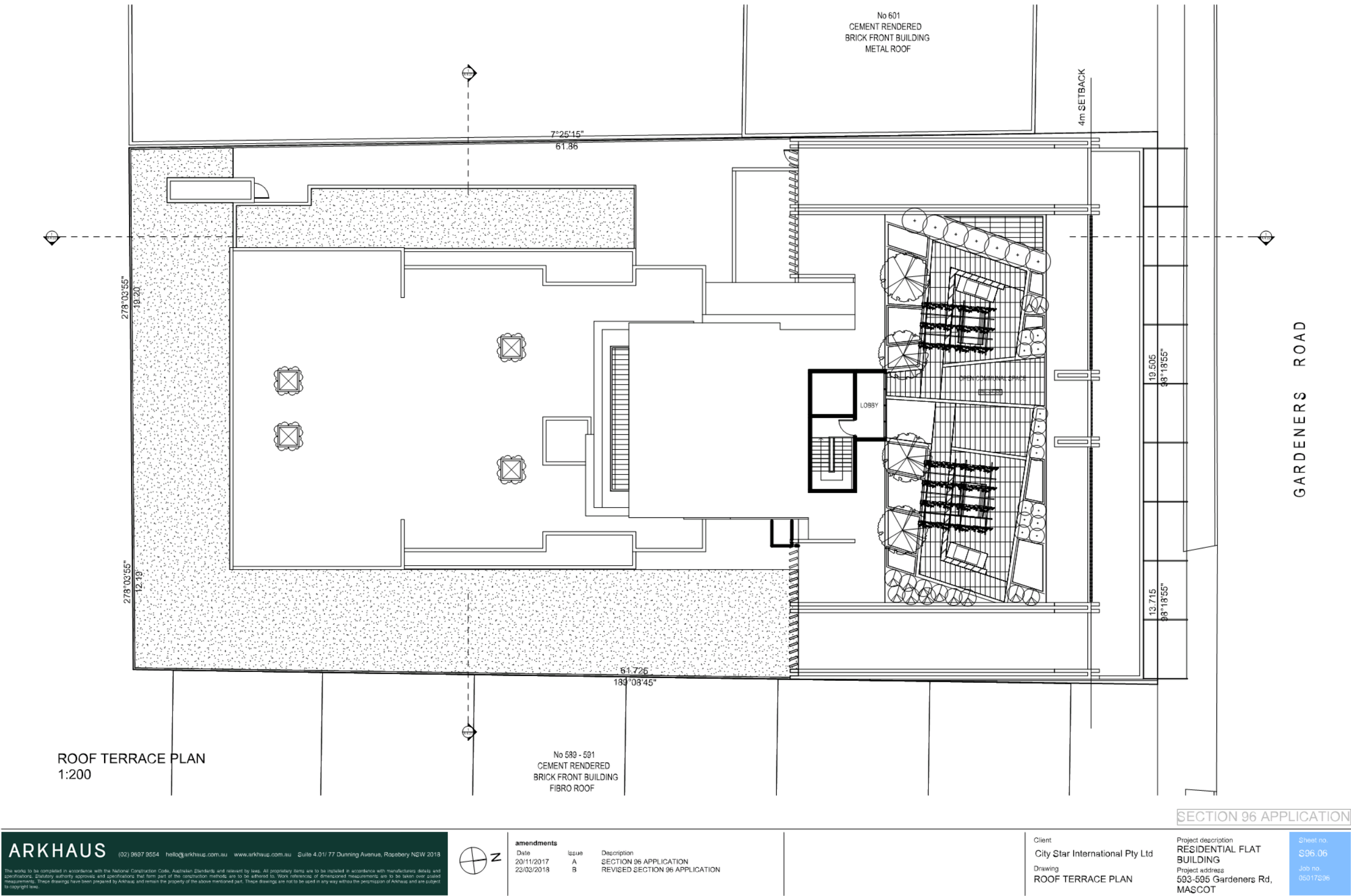
Client
City Star International Pty Ltd
Drawing
NORTH ELEVATIONS

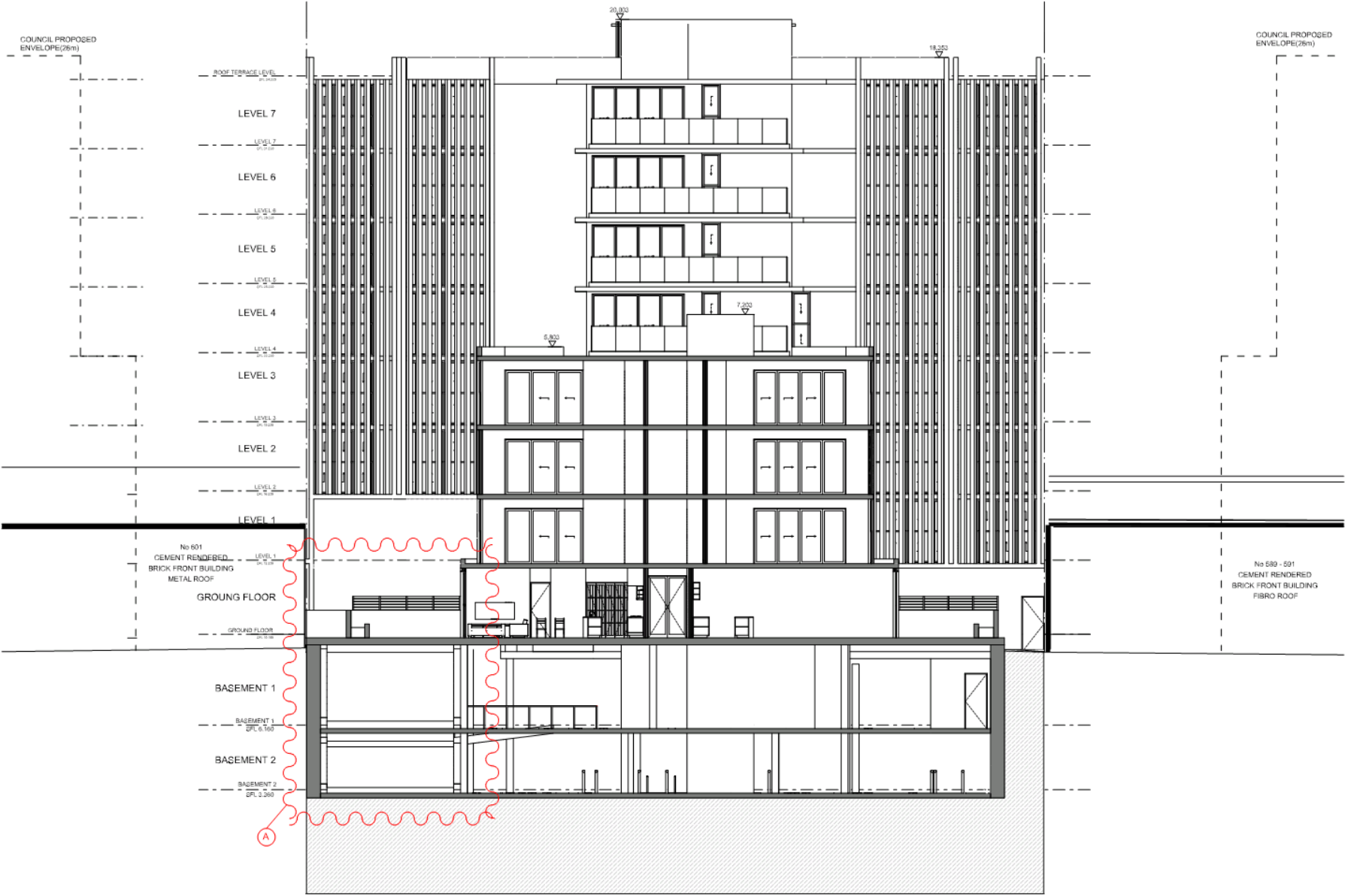
SECTION 96 APPLICATION

Project description
RESIDENTIAL FLAT
BUILDING
Project address
593-595 Gardeners Rd,
MASCOT

Sheet no
S96.07

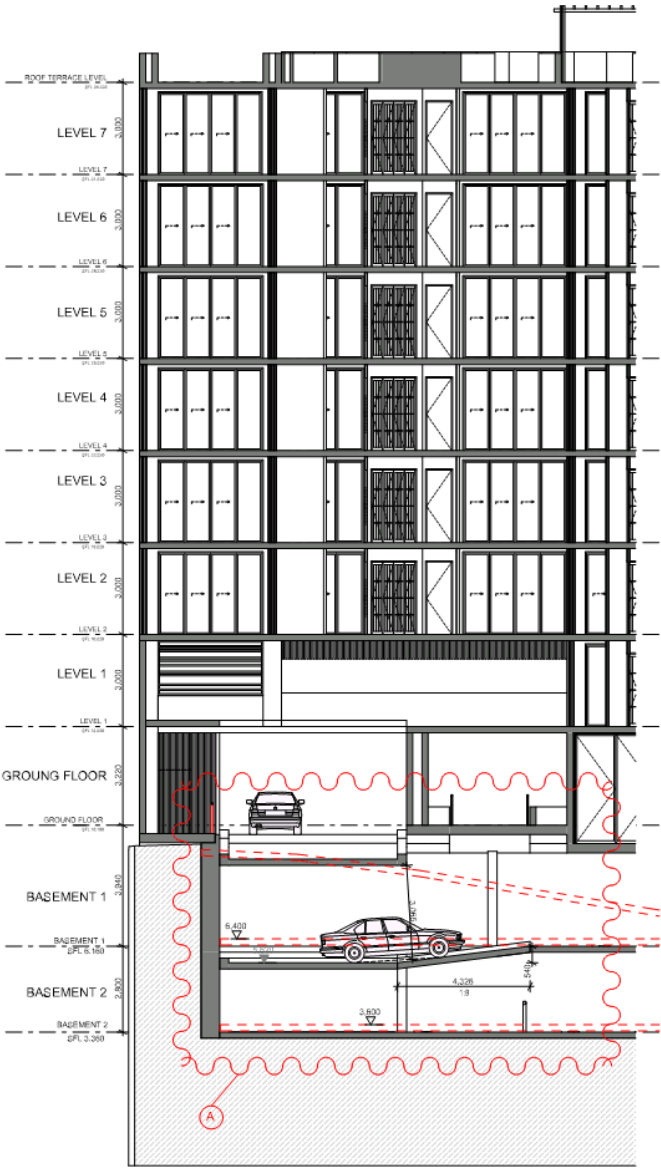
Job no
05017836





SECTION A-A
1:200

A - Ramp cross section with compliant ramp grades and head height for an SRV.



SECTION C-C
1:200

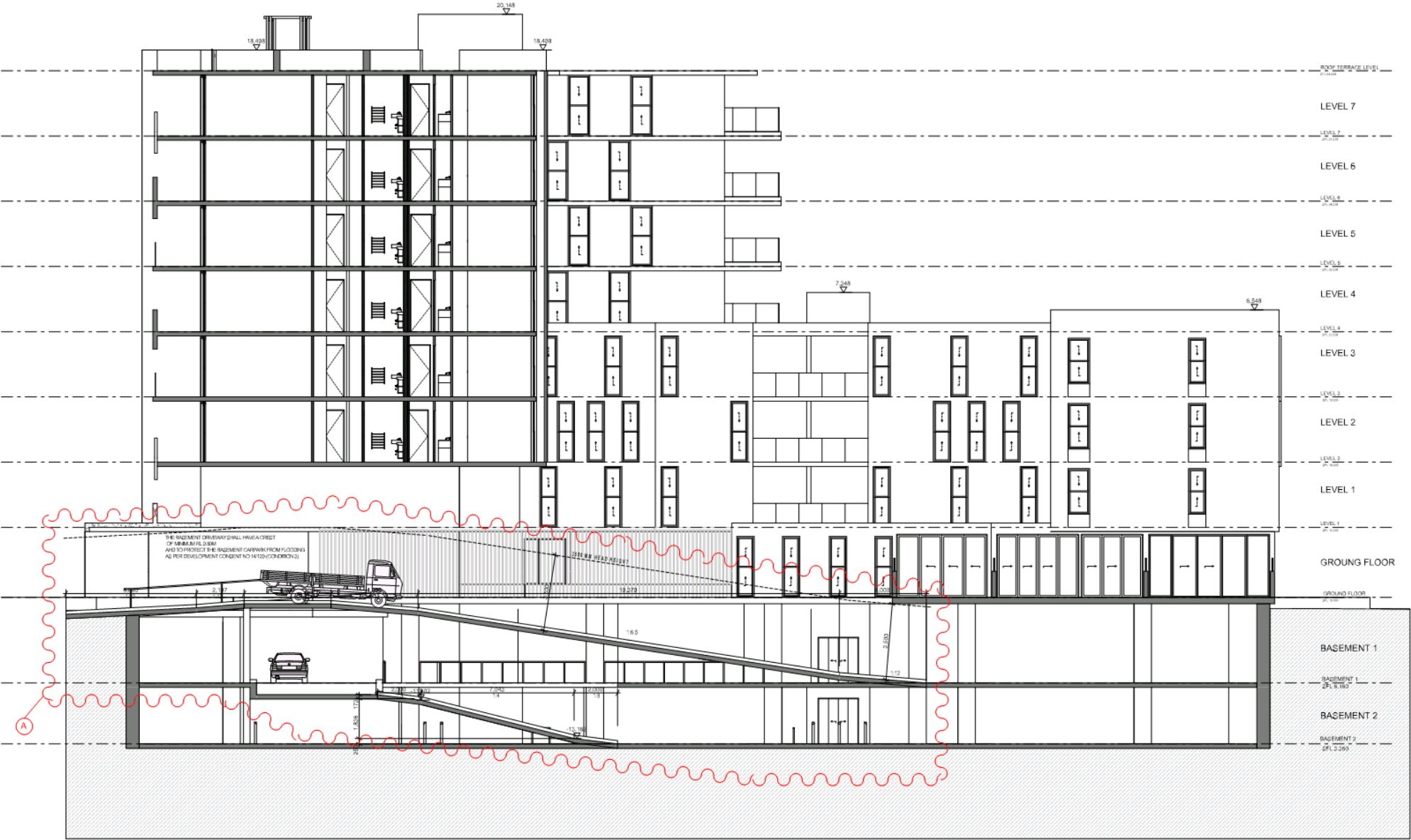
SECTION 96 APPLICATION

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The works to be completed in accordance with the National Construction Code, Australian Standards and relevant by laws. All proprietary items are to be included in accordance with manufacturers details and specifications. Statutory authority approvals and specifications that form part of the construction methods are to be adhered to. Work references or dimensional measurements are to be taken over coated measurements. These drawings have been prepared by Arkhaus and remain the property of the above mentioned party. These drawings are not to be used in any way without the permission of Arkhaus and are subject to copyright law.

amendments		
Date	Issue	Description
20/11/2017	A	SECTION 96 APPLICATION
23/03/2018	B	REVISED SECTION 96 APPLICATION

Client	City Star International Pty Ltd	Project description	RESIDENTIAL FLAT BUILDING	Sheet no	S96.11
Drawing	SECTIONS AA & CC	Project address	593-595 Gardeners Rd, MASCOT	Job no	05017036



SECTION B-B
1:200

A - Ramp cross section with compliant ramp grades and head height for an SRV. Driveway ramp with a crest of 9.80 AHD.

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The works to be completed in accordance with the National Construction Code, Australian Standards and relevant by laws. All proprietary items are to be installed in accordance with manufacturers' details and specifications. Statutory authority approvals and specifications that form part of the construction methods are to be adhered to. Work references or dimensions measurements are to be taken over coated measurements. These drawings have been prepared by Arkhaus and remain the property of the above mentioned party. These drawings are not to be used in any way without the permission of Arkhaus and are subject to copyright laws.

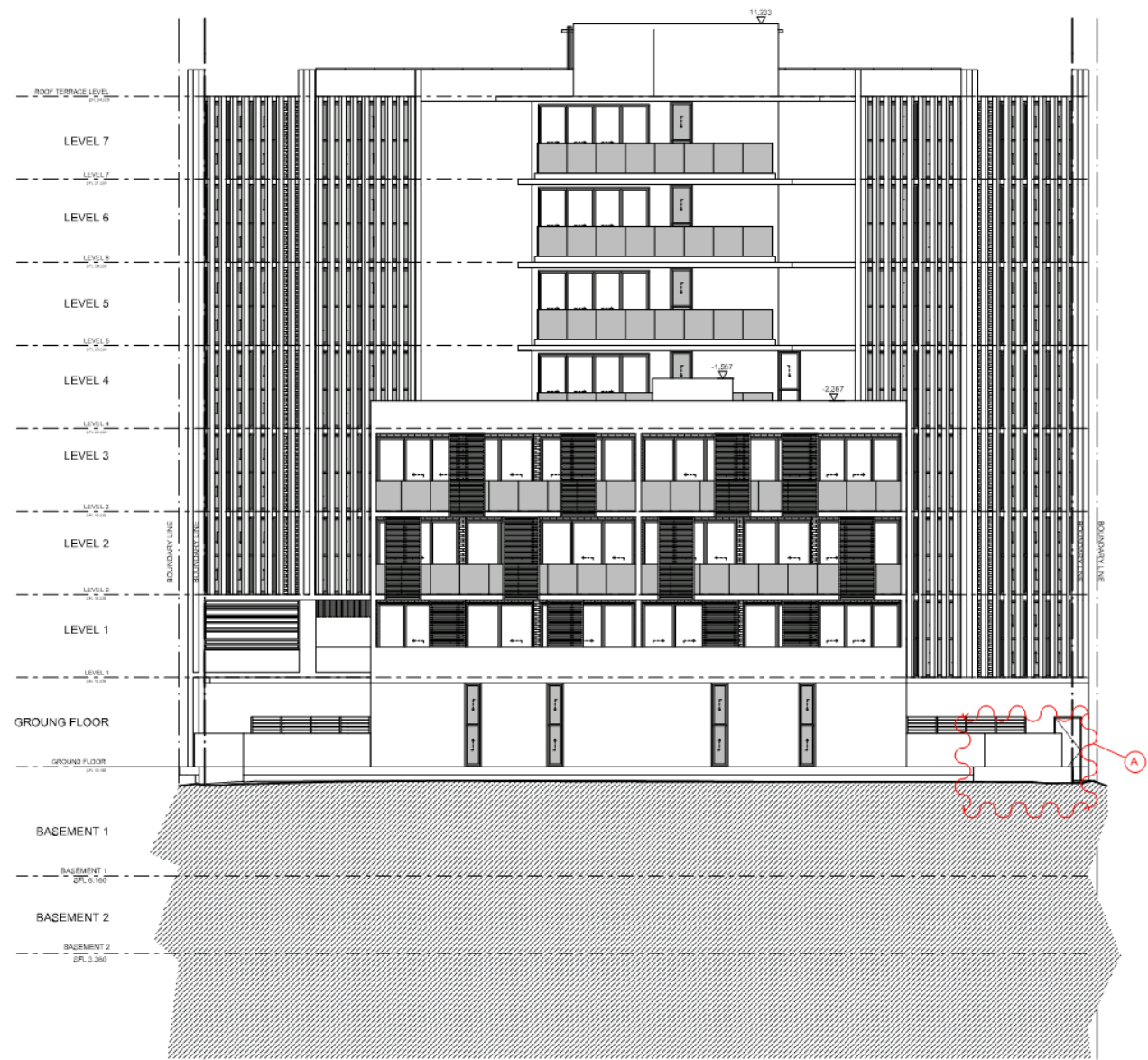
amendments		
Date	Issue	Description
20/11/2017	A	SECTION 96 APPLICATION
23/03/2018	B	REVISED SECTION 96 APPLICATION

Client
City Star International Pty Ltd
Drawing
SECTIONS BB

SECTION 96 APPLICATION

Project description
RESIDENTIAL FLAT BUILDING
Project address
593-595 Gardeners Rd,
MASCOT

Sheet no
S96.12
Job no
05017036



SOUTH ELEVATION
1:200

A - Basement fire stair re-located to south eastern corner.

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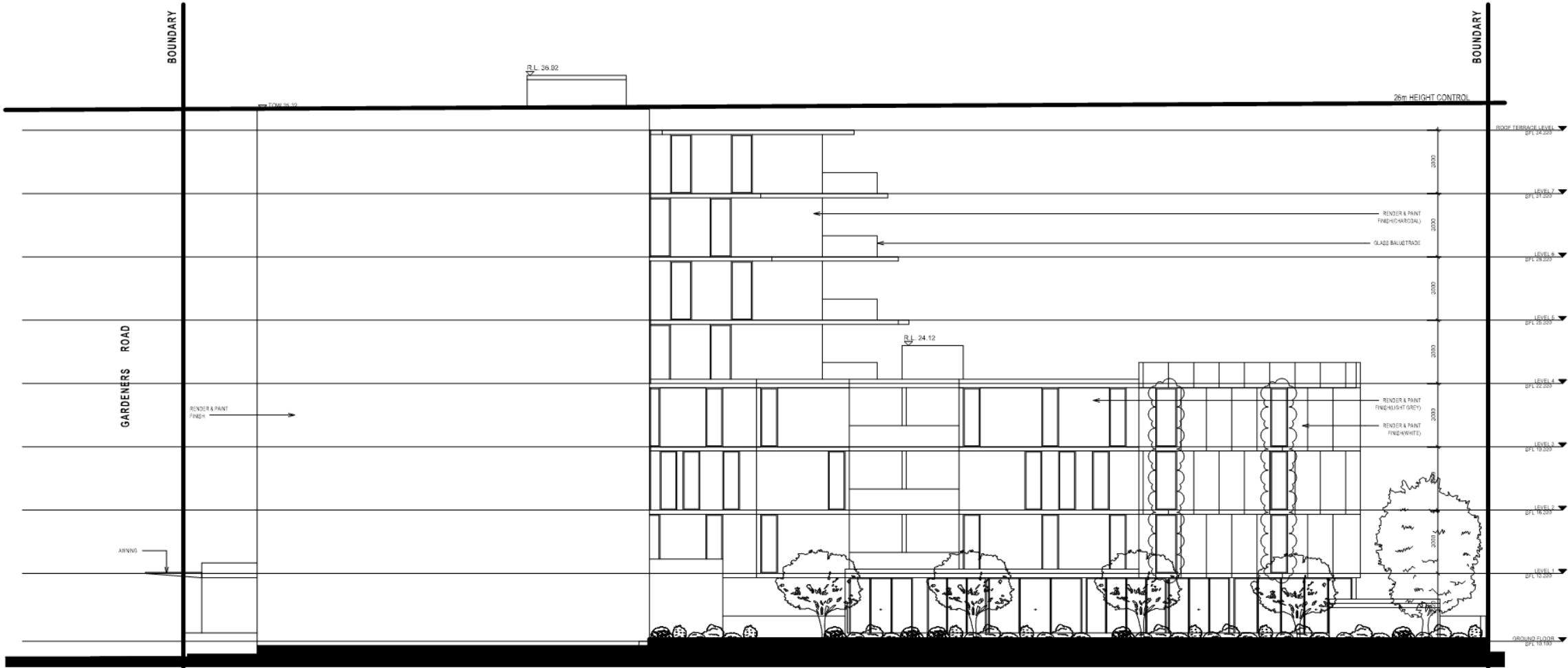
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amendments		
Date	Issue	Description
20/11/2017	A	SECTION 96 APPLICATION
23/03/2018	B	REVISED SECTION 96 APPLICATION

SECTION 96 APPLICATION		
Client City Star International Pty Ltd Drawing SOUTH ELEVATIONS	Project description RESIDENTIAL FLAT BUILDING	
	Project address 593-595 Gardeners Rd, MASCOT	
	Sheet no	S96.09
	Job no	05017036

Item 6.3 – Attachment 9

224



WEST ELEVATION
1:200

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The works to be completed in accordance with the National Construction Code, Australian Standards and relevant by laws. All proprietary items are to be installed in accordance with manufacturers' details and specifications. Statutory authority approvals and specifications that form part of the construction methods are to be adhered to. Work references or dimensional measurements are to be taken over coated measurements. These drawings have been prepared by Arkhaus and remain the property of the above mentioned party. These drawings are not to be used in any way without the permission of Arkhaus and are subject to copyright law.

amendments		
Date	Issue	Description
20/11/2017	A	SECTION 96 APPLICATION
23/03/2018	B	REVISED SECTION 96 APPLICATION

SECTION 96 APPLICATION		
Client	Project description	S96.10
City Star International Pty Ltd	RESIDENTIAL FLAT BUILDING	
Drawing	Project address	
WEST ELEVATION	593-595 Gardeners Rd, MASCOT	Job no. 05017006

VARGA TRAFFIC PLANNING Pty Ltd
Transport, Traffic and Parking Consultants

ACN 071 762 537 ABN 88 071 762 537



27 March 2018
Ref 17838

APKC Pty Ltd
c/- Arkhaus
Suite 4.03, 77 Dunning Avenue
ROSEBERY NSW 2018

Attn: Mr Michael Lesciesin
michael@arkhaus.com.au

Dear Michael,

DA 14/129/02
593-595 GARDENERS ROAD, MASCOT
REVIEW OF PROPOSED VEHICULAR ACCESS, CAR PARKING & LOADING ARRANGEMENTS

As requested, I have reviewed the vehicular access, car parking and loading arrangements proposed at the above location as illustrated on the attached architectural plans, Issue B, dated 23 March 2018 prepared by *Arkhaus*.

I can confirm that the above nominated plans comply with the relevant aspects of *AS2890.1*, *AS2890.2* and *AS2890.6* in terms of driveways, grades, turn paths, aisle widths, aisle lengths and parking bay dimensions and the site can satisfactorily accommodate a variety of light commercial vehicles and small trucks up to and including 6.4 metres long Small Rigid Vehicles in a dedicated service bay on basement level 1, in accordance with of DA Consent Conditions No's 9, 45 & 69.

I note in this regard that DA Consent Condition No. 69 required the upper basement parking level to be designed to accommodate the turning movements of a Small Rigid Vehicle (SRV truck), and that the revised parking layout shown on the attached plans satisfies those requirements.

A subsequent email from Council has requested that the basement car park layout be designed to accommodate an MRV rigid truck however this is contrary to the current DA Consent Conditions, and could not be achieved without substantial changes to the previously approved development.

Please do not hesitate to contact me on telephone 9904 3224 should you have any enquiries.

Yours sincerely

Robert Varga
Director/Varga Traffic Planning Pty Ltd

Suite 6, 20 Young Street, Neutral Bay NSW 2089 - PO Box 1868, Neutral Bay NSW 2089
Ph: 9904 3224 - Email: varga@vtp.net.au



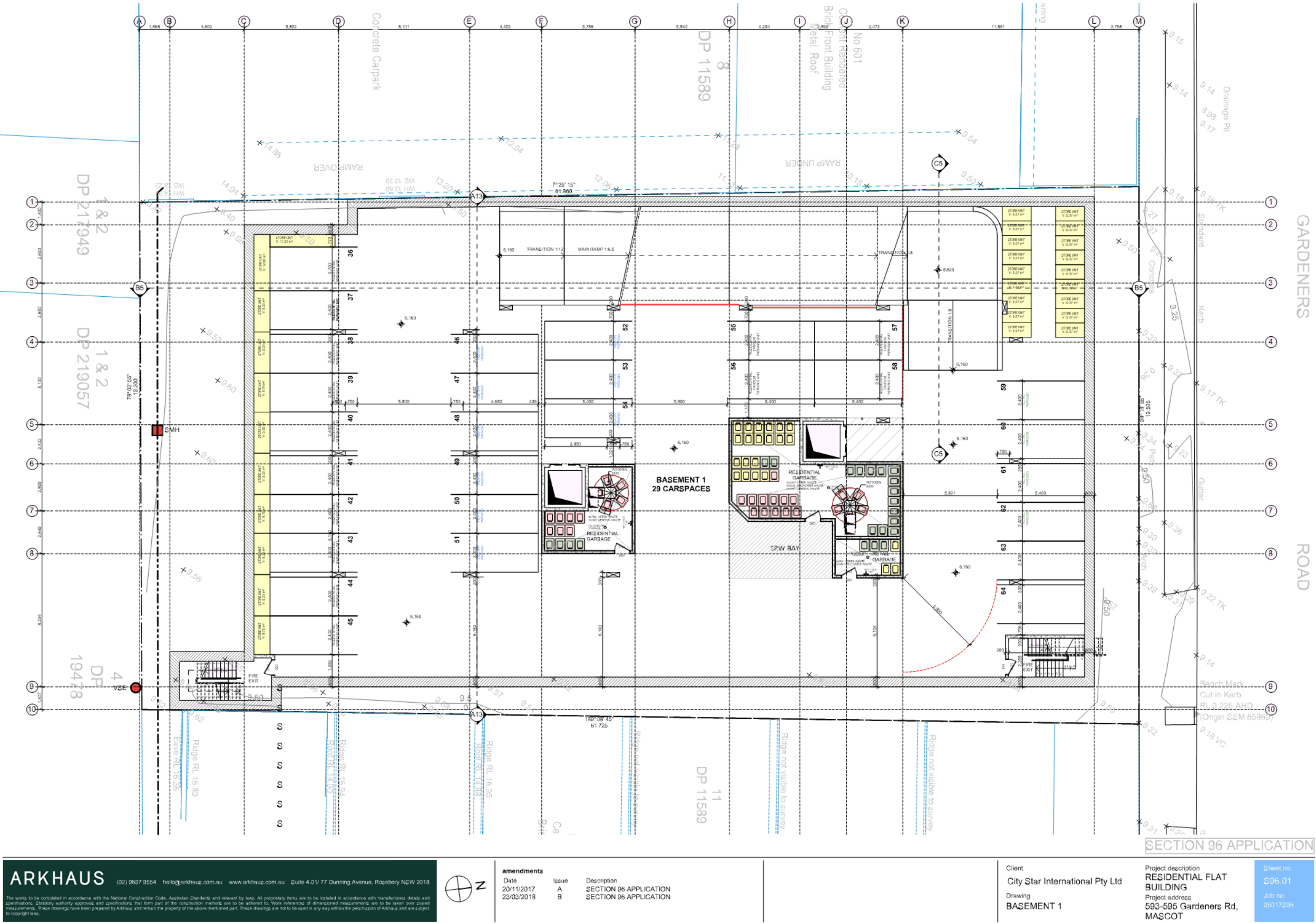
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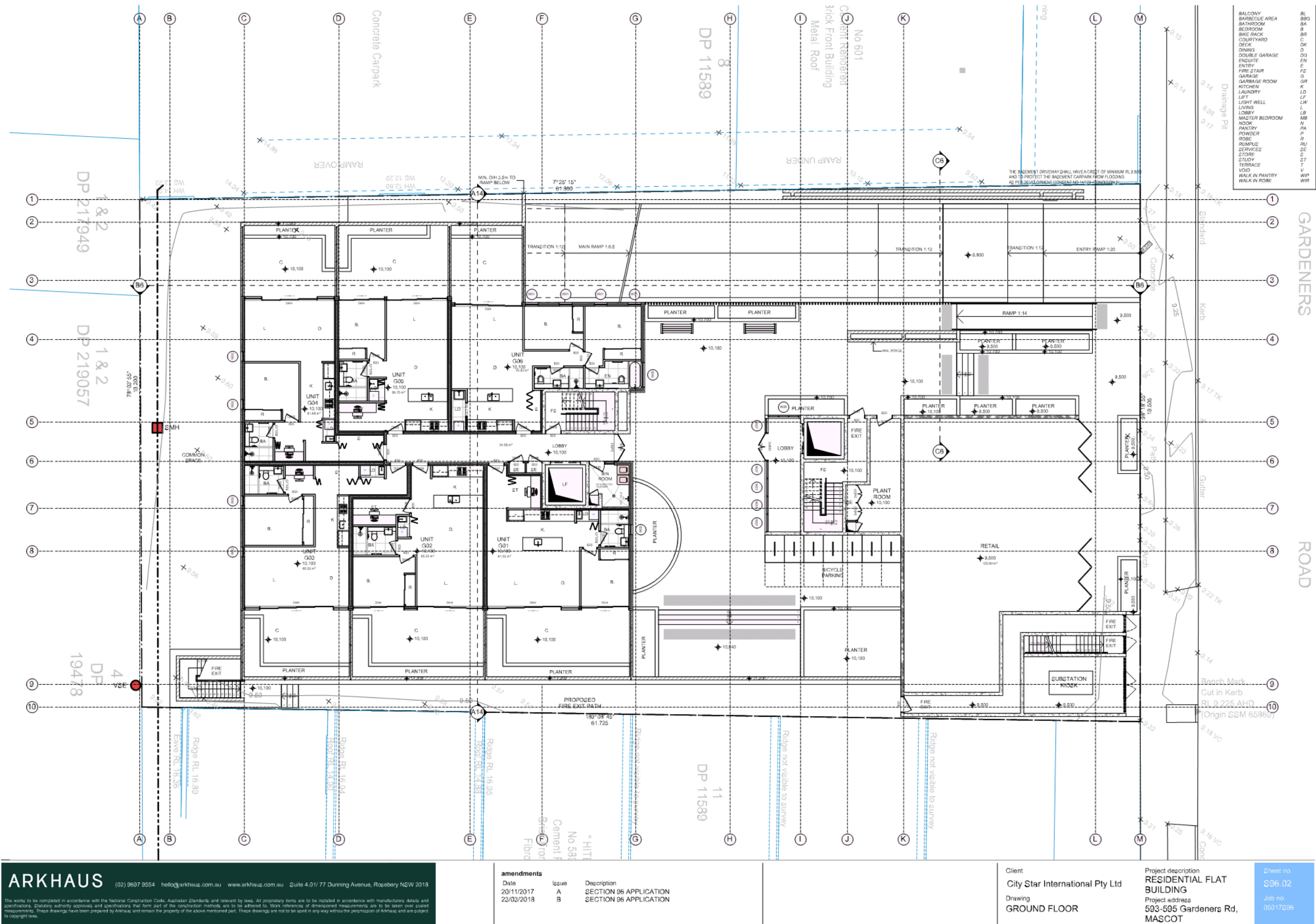
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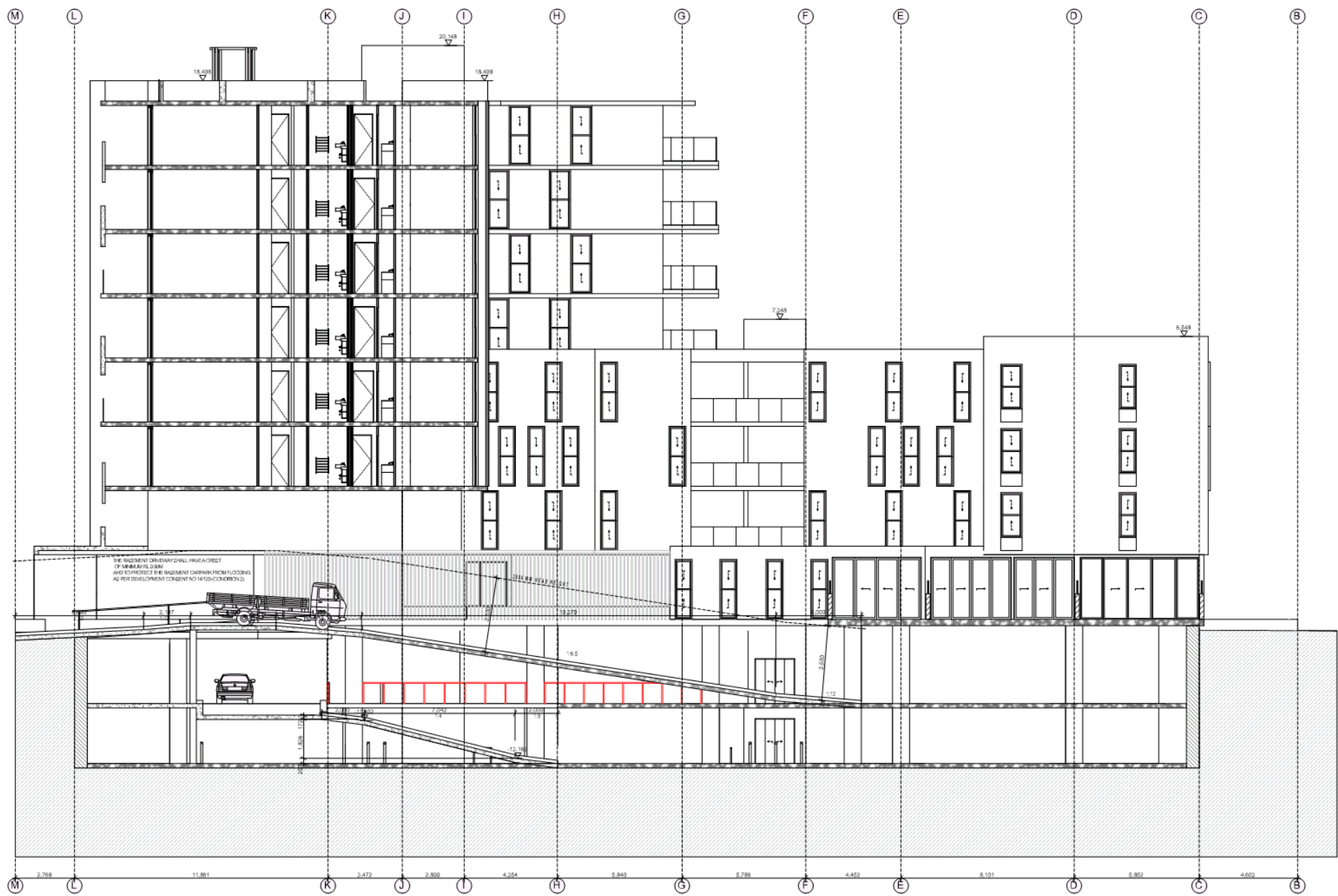
Issue

SECTION 9
SECTION 9

Sheet no.
S96.00
Job no.
05017S96







SECTION B-B
1:200

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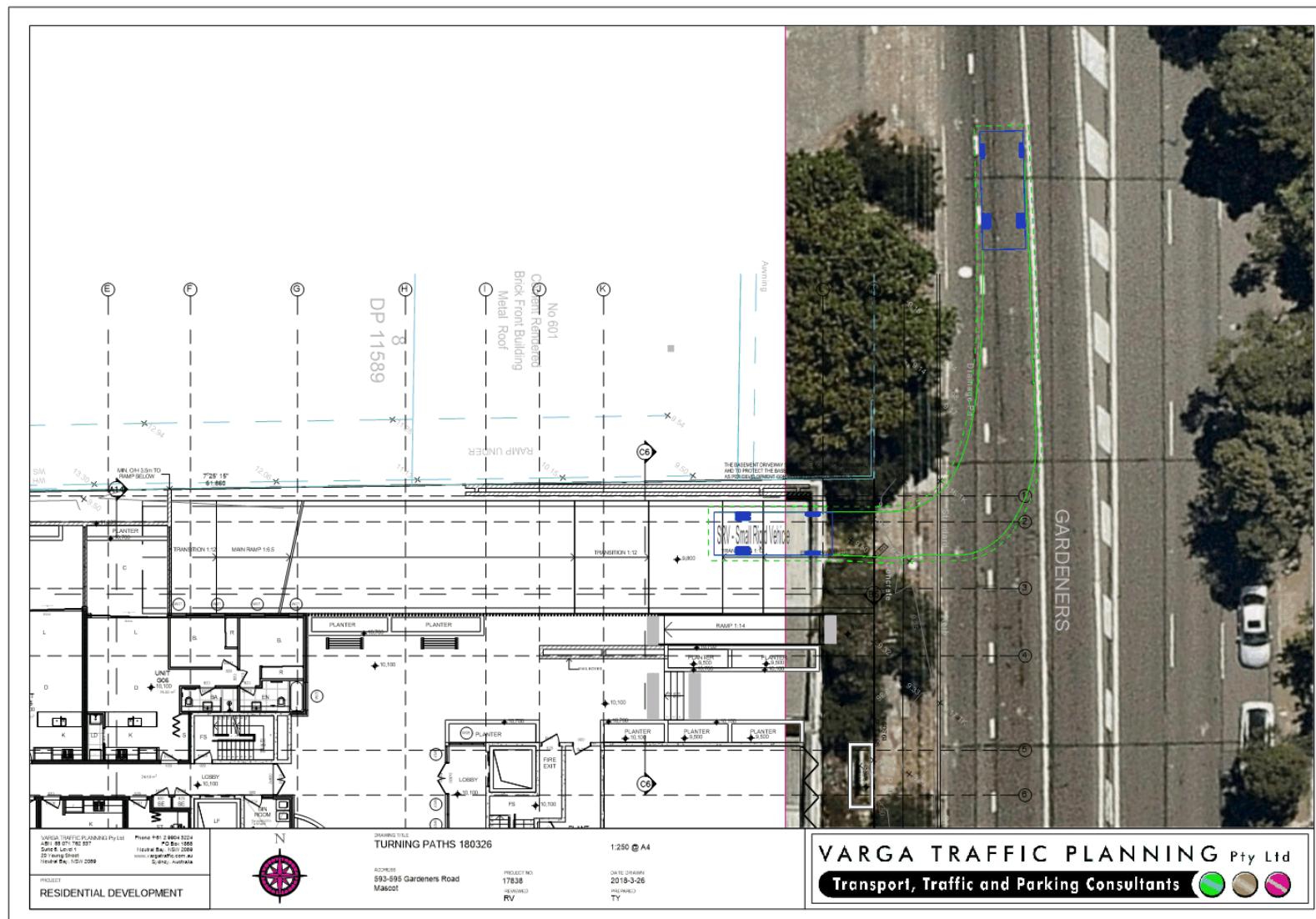
Client
City Star International Pty Ltd
Drawing
SECTIONS BB

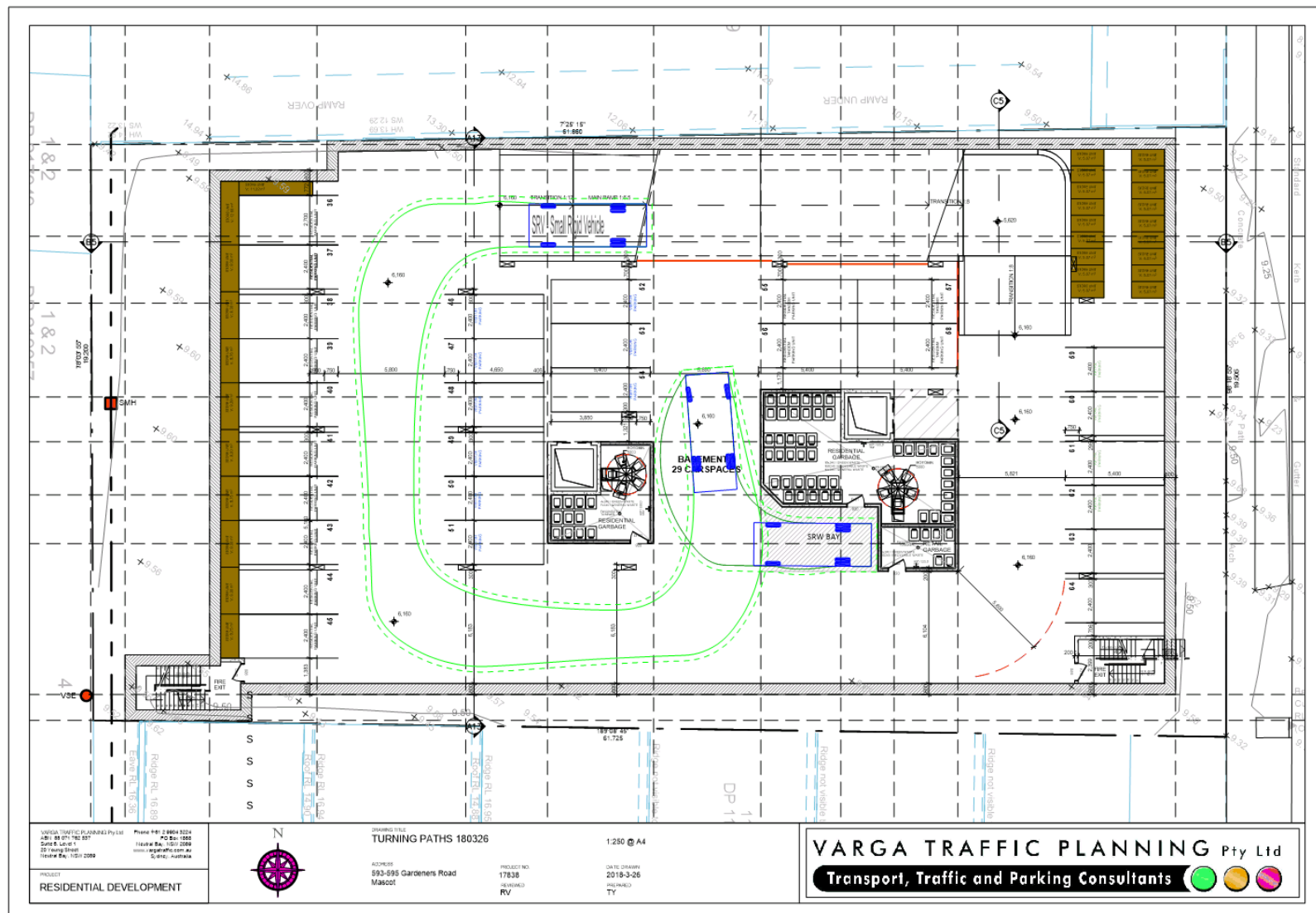
SECTION 96 APPLICATION

Project description
RESIDENTIAL FLAT BUILDING
Project address
593-595 Gardeners Rd,
MASCOT

Sheet no.
S06.12
Job no.
05017596













STATEMENT OF ENVIRONMENTAL EFFECTS

593 – 595 Gardeners Road, MASCOT

Section 96(1a) Modification

Submitted to Bayside Council
November 201

ARKHAUS

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STATEMENT OF ENVIRONMENTAL EFFECTS

593 - 595 GARDENERS ROAD, MASCOT

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1.0 Introduction

This Statement of Environmental Effects is prepared to accompany Section 96(1a) Modification to amend the approved development at 593-595 Gardeners Road, Mascot.

This statement should be read in conjunction with the architectural Section 96 drawings prepared by Arkhaus, dated November 2017.

This statement provides an outline of the subject and surrounding sites, a description of the proposal and an assessment under the relevant Planning Controls, including the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979.

The initial Development Application 14/129 was approved by Joint Regional Planning Panel on 16 December 2015. The approval comprised of:

- Integrated Development proposal for an eight storey mixed use development;
- Demolition of existing structures and site remediation;
- 175m² of retail floor space at ground level;
- 61 residential apartments (7 x studio, 17 x 1 bedroom and 37 x 2 bedroom) and
- 4 levels of basement car parking to accommodate 112 car spaces and bicycle parking.

A Section 96(1a) was lodged on 3 November 2016 was approved under delegation on 29 May 2017. The Section 96 (1a) approvals comprised of:

- Modify Condition 1 to refer to the amended plans.
- Modify Condition 3 to delete required changes to the unit mix, and insert changes required due to flooding.
- Modify Condition 47 to outline the required parking.
- Modify Condition 101 to make reference to this modification.

This proposed Section 96(1a) application seeks to make modifications to the layout of the approved basements. The proposed changes, as highlighted in the proposed section 96(1a) plans, include:

- Removal of the two (2) intermediate ramps;
- Reshuffle of the car parking spaces to further rationalise the layout;
- Adjustment of the basement floor levels;
- Increase floor to ceiling height to Basement 1 to cater for floor structure;
- Additional one (1) car space.

The proposed Section 96 is considered to be substantially the same development as previously approved. It is therefore considered that the proposed design is appropriate for the subject site and worthy of approval.

2.0 Site Location and Context

The subject site is located in the local government area of Bayside Council. The LGA contains a variety of residential and industrial land uses. Several areas are going through transitional change from traditional industrial land to residential land, with land uses co-existing throughout the LGA.

The subject site is located within the Mascot area and identified as a key site within the Mascot Station Precinct. Mascot is located in a prominent position within the City as it abuts the airport, contains Mascot Station and is linked to the major regional and State road

networks. As such the site has excellent accessibility to major transport and employment opportunities.

More traditional low density residential allotments are located at the eastern side of the suburb to the east of O'Riordan Street. With retail and shops located along Botany Road. Several parks are located nearby to the west being Mascot Park and Mascot Memorial Park.

2.1 Subject Site

The site is located at 593-595 Gardeners Road, Mascot. It contains 2 lots and is legally described as:

- Lot 9 DP 11589,
- Lot 10 DP 11589.

The site is located on the southern side of Gardeners Road to the east of the O'Riordan Street. The site is a regular shaped allotment with an area of 1995m², with a frontage to Gardeners Road of 33m.

The site is generally flat and has a relatively small fall of nearly 300mm to the north western corner of the site. The site contains an existing 2 storey warehouse building, occupied by Souvenir World Australia and an open car parking area to the rear. The warehouse has an approx. floor area of 2000m² and provides parking on site with access at the eastern end of Gardeners Road.

3.0 Proposed Section 96

The proposed Section 96(1a) application seeks to make modifications to the approved development by amending the two (2) basement levels. The proposed amendments are contained wholly within the two (2) basement levels and include:

- Removal of the two (2) intermediate ramps;
- Reshuffle of the car parking spaces to further rationalise the layout;
- Adjustment of the basement floor levels;
- Increase floor to ceiling height to Basement 1 to cater for floor structure;
- Additional one (1) car space.

The proposed Section 96(1a) application seeks to make modifications to the approved development by removing the two intermediate ramps to reduce the amount of excavation. The reduction in basement excavation reduces the potential impact on groundwater.

A number of the car spaces have been adjusted to rationalise the basement layout. The approved Section 96 resulted in 61 car spaces and this proposed Section 96 proposed 62 car spaces and that being an additional 1 car space.

The location of the waste room and loading bay will remain. The waste management will remain the same under the proposed Section 96. The head heights will allow for the appropriate structure and waste vehicle to service the bin rooms. The overall proposal will simplify the basement, rationalise the layout and improve circulation.

4.0 Environmental Planning and Assessment ACT 1979 Assessment

This Section 96(1a) application is not subject to the complying, prohibited, designated, or advertised development provisions of the Act. There are no issues relating to endangered flora or fauna, watercourses or bush fire.

The proposed Section 96 amendments are minor in nature and relate primarily to the provision of car parking and basements. There are no changes proposed to the building forms, density of apartments or height of the approved development.

The proposed amendments will have no additional adverse impact and are substantially the same development.

This application relates to minor changes within the basement levels only and that do not affect the essence of the original approval. The development as amended is substantially the same as development.

Due to the minor nature of the amendments, it should not require notification in accordance with Council's notification policy.

4.1 Planning Controls

The relevant planning controls applicable to the Section 96 application are listed below:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 65
- State Environmental Planning Policy No. 55
- Botany Bay Local Environmental Plan 2013
- Botany Bay DCP 2013
- Apartment Design Guide

4.2 State Environmental Planning Policy (Infrastructure) 2007

Under Clause 104 and Schedule 3, the previous development was referred to the RMS for comment as the development was classified as a traffic generating development. As the current Section 96 proposes a reduction in car parking consistent with the RMS Guideline for Traffic Generating Developments, referral to the RMS will not be required.

4.3 State Environmental Planning Policy No. 65

As proposed in the Section 96 application, all amendments are to the basement levels only and not to the residential apartments above.

4.4 State Environmental Planning Policy No. 55

Clause 7 of State Environmental Planning Policy No. 55 – Remediation of Land requires the consent authority to consider whether land is contaminated prior to granting of consent to the carrying out of any development on that land.

The approved development determined that the site was suitable for the proposed use. The proposed modifications will not affect the suitability of the site, which is acceptable.

4.5 Botany Bay Local Environmental Plan 2013

The subject site is zoned B4 Mixed Use. The development as approved is permissible with development consent.

The proposed Section 96 is related to the basement levels only and does not seek to increase or change the approved heights of the buildings.

The approved development provided a FSR of 2.5:1. The changes under this Section 96 application do not change the approved floor space area.

STATEMENT OF ENVIRONMENTAL EFFECTS

593 - 595 GARDENERS ROAD, MASCOT

4.6 Botany Bay DCP 2013

General Provisions	Comments	Compliance
3A Parking & Access		
3A.2. Parking Provisions of Specific Uses		
All required car parking and bicycle parking to be provided onsite.	No change under proposed Section 96.	-
Studio/1 bed = 1 space 2 or more beds = 2 spaces Visitor = 1 space per 5 dwellings. (MSPDCP permits 1 per 7) (round calculations up before being added together) Business Premises = 1 space per 40m ² (MSPDCP consistent with Mascot TMAP 1 space per 80m ²) As the site is within 800m of a railway station, the provisions of the ADG and Guide to Traffic Generating Developments applies. 0.4 spaces per 1 bed 0.7 spaces per 2 bed 1.2 spaces per 3 bed Visitors 1 per 7 units	The proposed Section 96 complies with the requirements of the RMS Guide to Traffic Generating Developments. Additional 1 car space are proposed under the Section 96.	Yes
3A.3.1 Car Park Design		
Comply with AS2890.1 and AS2890.6 (for people with disabilities).	No change under proposed Section 96.	-
Entry and exit in a forwards direction.	No change under proposed Section 96.	-
Small car spaces to comply with AS2890.1.	No change under proposed Section 96.	-
Off-streets parking not permitted within front setback, have safe and direct access and not to dominate the streets.	No change under proposed Section 96.	-
Separate pedestrian and vehicular entry points. Max of 1 entry per property. Provided from secondary street or lane where possible. Max gradient for first 6 metres 1 in 20 (5%). Location of vehicle control points to allow for sufficient queuing areas.	No change under proposed Section 96.	-
Landscaping to comply with Part 3L – Landscaping.	No change under proposed Section 96.	-
Basement parking preferred directly beneath building footprints. Ventilation grilles and screening to be integrated into the façade and landscape design.	No change under proposed Section 96.	-

STATEMENT OF ENVIRONMENTAL EFFECTS

593 - 595 GARDENERS ROAD, MASCOT

Internal circulation areas to be sealed.	No change under proposed Section 96.	-
Adequate lighting to be provided.	No change under proposed Section 96.	-
Accessible spaces to comply with AS2890.6 and be located near lifts. Spaces to have a permanent sign. Adaptable housing must be allocated accessible spaces.	No change under proposed Section 96.	-
Waste vehicles All loading to occur on level site. Min vertical clearance of 4.5m. Enter and exit in a forward direction. Max grades 1:20 for 1 st 6m then max 1:8 with a transition of 1:12 for 4 meters at the lower end. Min turning circle of 10.5m. Waste collection points to be located within the basement for residential developments.	No change under proposed Section 96. Location of waste room and loading bay to remain. Waste management to remain same under the proposed Section 96.	-
3A.3.2 Bicycle Park Design		
Comply with AS2890.3. Minimise conflict with vehicles. Be located underground in secure place.	No change under proposed Section 96.	-
3A.3.4 On-site Loading and Unloading Facilities		
1 service bay per 50 dwellings	No change under proposed Section 96. Service bay to remain as per previously approved section 96.	-

4.7 Apartment Design Guide

The proposed Section 96 is an application for modification to the basement only and the residential apartments will remain the same.

5.0 Likely Impacts

It is considered that the amendments sought under this application will have no impact. This application does not seek to amend the approved buildings or development density. The proposed amendments are contained wholly within the basement levels.

Overall, the proposed changes have been justified in the report and will not impact the locality.

5.1 The Suitability of the Site for the Development

As with the original development application, the site is suitable for the proposed development.

5.2 Submissions

Given the proposed amendments are contained wholly within the basement, notification will not be required.

5.3 The Public Interest

It is in the public interest to allow development that reasonably complies with planning controls, has no adverse environmental, economic or social impacts, and has general merit. The amendments sought to the approved development do not impact the public interest.

6.0 Conclusion

The proposed Section 96(1a) application seeks to make modifications to the approved development by amending the two (2) basement levels. The proposed amendments are contained wholly within the two (2) basement levels and include:

- Removal of the two (2) intermediate ramps;
- Reshuffle of the car parking spaces to further rationalise the layout;
- Adjustment of the basement floor levels;
- Increase floor to ceiling height to Basement 1 to cater for floor structure;
- Additional one (1) car space.

The proposed amendments are considered appropriate and satisfy the test under Section 96(1a) of the Environmental Planning & Assessment Act 1979.

The relevant planning controls have been considered in the assessment:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 65
- State Environmental Planning Policy No. 55
- Botany Bay Local Environmental Plan 2013
- Botany Bay DCP 2013
- Apartment Design Guide

A number of the car spaces have been adjusted to rationalise the basement layout. The approved Section 96 resulted in 61 car spaces and this proposed Section 96 proposed 62 car spaces and that being an additional 1 car space.

The location of the waste room and loading bay will remain. The waste management will remain the same under the proposed Section 96. The head heights will allow for the appropriate structure and waste vehicle to service the bin rooms. The overall proposal will simplify the basement, rationalise the layout and improve circulation.

The overall form and appearance of the building as recently approved will remain.

Accordingly, it is recommended that the modifications proposed to DA 14/129 under Section 96(1a) of the Environmental Planning and Assessment Act 1979 be approved.

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Bayside Planning Panel

24/07/2018

Item No	6.4
Application Type	4.55(2) Modification to amend approved residential flat building
Application No	SF18/1333
Lodgement Date	20/04/2018
Property	DA-2014/214 - 5 Myrtle Street, Botany
Ward	Botany Bay
Owner	Agility Assets Holding Pty Ltd
Applicant	As above
Proposal	Modification of residential flat/townhouse development to raise floor levels and building height, reconfigure second floor as single bedroom apartments, window changes and basement parking to add stackers.
No. of Submissions	Round One: Eight (8) submissions Round Two: Four (4) submissions
Cost of Development	N/A
Report by	Angela Lazaridis, Senior Development Assessment Planner

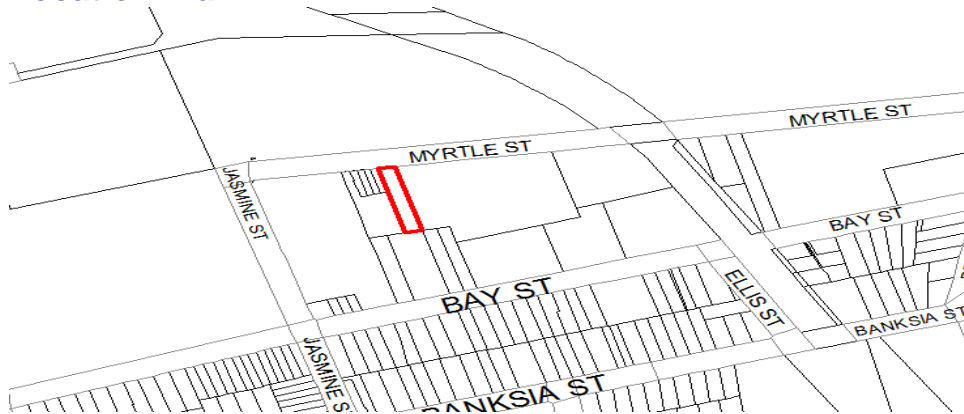
Officer Recommendation

1. That the Section 4.55(2) Application to modify Development Consent No. 14/214 to an approved residential flat building and townhouse development to raise floor levels and building heights, additional three units, reconfiguration of units, window changes and basement parking to add stackers at 5 Myrtle Street, Botany be **REFUSED** pursuant to Section 4.6(1)(b) of the Environmental Planning and Assessment Act 1979 for the following reasons:
 - a. The proposed modification is contrary to State Environmental Planning Policy – No. 65 – Design Quality of Residential Apartment Development and the design criteria and guidelines of the following sections of the Apartment Design Guide:
 - i. Part 2F – Building Separation
 - ii. Part 3F – Visual Privacy
 - iii. Part 4A – Solar and Daylight Access
 - iv. Part 4C – Ceiling Heights

(State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide)

- b. The proposed modification fails to satisfy the primary aims and objectives of the Botany Bay Local Environmental Plan 2013, and in particular the following specific Clauses 1.2(2):
 - f) to create a highly liveable urban place through the promotion of design excellence in all elements of the built environment and public domain;
 - g) to protect residential amenity.(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(i)).
 - c. That the Bayside Planning Panel is not satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of the Botany Bay Local Environmental Plan 2013 in regards to the height of building (Clause 4.3) and Floor Space Ratio (Clause 4.4). (Environmental Planning and Assessment Act 1979 s.4.15(1)(a)(i)).
 - d. The proposal is contrary to Table 1 of Part 3A.2 of the Botany Bay Development Control Plan 2013 as the proposal does not comply with the required car parking provisions for visitor car parking spaces. (Environmental Planning and Assessment Act 1979 s.4.15(1)(a)(iii))
 - e. The proposal is contrary to Control C1 of Part 4C.2.4- Landscaped Area and Deep Soil Planting of the Botany Bay Development Control Plan 2013 as the proposal further reduces the non-compliant landscaped area provided on the site. (Environmental Planning and Assessment Act 1979 s.4.15(1)(a)(iii))
 - f. The proposal is contrary with the Control C2 of Part 4C.4.1 – Dwelling Mix and Layout of the Botany Bay Development Control Plan 2013 as the proposal provides 46% one bedroom units which is inconsistent with the maximum 25% one bedroom units permissible for the site. (Environmental Planning and Assessment Act 14979 s.4.15(1)(a)(iii)).
 - g. The proposal is contrary to Control C5 and C6 of Part 4C.4.2 – Family Friendly Apartment Buildings of the Botany Bay Development Control Plan 2013 as the proposal has not adopted family friendly units for any of the two and four bedroom units/dwellings. (Environmental Planning and Assessment Act 1979s s.4.15(1)(a)(iii))
 - h. The proposed development is not suitable in the context of the site and locality and is considered to be an overdevelopment of the site. (Environmental Planning and Assessment Act 1979 s4.15(1)(c)).
 - i. Given the inadequate provision of parking, height and FSR exceedance, overshadowing, visual privacy and additional bulk, granting approval to the development will have an adverse impact on the public interest (Environmental Planning and Assessment Act 1979 s4.15(1)(e)).
2. That any objectors be notified of the determination made by the Planning Panel.
-

Location Plan



Attachments

- 1 Planning Assessment Report
- 2 Site Analysis/Roof Plan
- 3 Elevations
- 4 Section AA and Eastern Elevation
- 5 Shadow Diagram 1
- 6 Shadow Diagram 2
- 7 Elevation Shadow Diagram 1
- 8 Elevation Shadow Diagram 2
- 9 Diagram- GFA
- 10 Calculations
- 11 Clause 4.6 variation [↓↓↓↓↓↓↓↓↓↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-14/214/04
Date of Receipt:	20 April 2018
Property:	5 Myrtle Street, Botany Lot B DP 382442
Owners:	Agility Assets Holding Pty Ltd
Applicant:	Agility Assets Holding Pty Ltd
Proposal:	Section 4.55(2) Application to modify Development Consent No. 14/214 to an approved residential flat building and townhouse development to raise floor levels and building heights, additional three units, reconfiguration of units, window changes and basement parking to add stackers
Recommendation:	Refusal
Value:	N/A
No. of submissions:	Round One: Eight (8) submissions Round Two: Eight (8) submissions
Author:	Angela Lazaridis, Senior Development Assessment Planner
Date of Report:	6 July 2018

Key Issues

The former City of Botany Bay Council approved on 13 May 2015 at a Development Committee Meeting Development Application No. 14/214 for an integrated development for the demolition of all existing structures, excavation, remediation, construction of 3 x three storey residential flat buildings comprising of 2 x townhouses and 8 apartments with single level basement car parking to provide 17 car parking spaces and Stratum and Strata Title Subdivision to create 3 stratum Lots and 8 Strata Lots at 5 Myrtle Street, Botany.

Bayside Council received the subject application to modify DA-14/214 on 20 April 2018 seeking consent to modify the development to raise floor levels and building heights, additional three units, reconfiguration of units, window changes and basement parking to add stackers.

The application was placed on public exhibition for a fourteen (14) day period from 4 May to 18 May 2018. Eight (8) objections were received during the public notification period. The amended plans provided to Council were sent to the objectors on 3 July 2018 with a period of seven (7) days to comment. Eight (8) objections were received as part of the second round of notification. Discussion relating to the issues that were raised in the submissions are discussed in greater detail in the report below. The key points raised in the submissions include significant bulk concerns from the increase in height and FSR, privacy and overshadowing concerns, car parking non-compliances which will exacerbate the car parking provided on the street as well as garbage collection and construction management issues.

Item Bayside Planning Panel Meeting 24/07/2018

The points that were raised by the objectors are valid and support the argument to refuse the application.

Key issues in the assessment of the modified proposal include additional height and FSR which results in an overdevelopment of the site, non-compliances in car parking, building separation, overshadowing and visual privacy onto the neighbouring properties and landscaped and communal open space area. The proposal seeks to raise the basement to be partially above ground which will push the overall height of the development by 470mm to 1.37 metres above the 10 metre height requirement. This is partially due to the imposition of four car stackers within the car parking level to accommodate the additional units proposed. The proposal also will increase the FSR of the development from originally approved at 1.01:1 to 1.06:1 (based on Council's calculations) which is greater than the 0.85:1 FSR requirement for the site. The proposal seeks to provide a greater non-compliance to what was allowed within DA-14/214. The combination of both these variations compared to the size of the site results in an overdevelopment of the site.

In regards to overshadowing, as the proposal seeks a height increase, the degree of overshadowing onto the neighbouring properties to the south, west and east will worsen. This is demonstrated in the shadow diagrams that have been provided with the application. Additionally the increase in the floor level above the ground levels of the surrounding sites will contribute to additional visual privacy concerns to the private open space and principal living areas of the neighbouring properties. This is discussed in greater detail in the report below.

When considering the car parking required for the site, the proposal has a two car parking space shortfall as the development does not provide for 2 visitor spaces. The proposal has incorporated car stackers towards the rear of the car parking level however the applicant has not demonstrated how these stackers will work within the development.

In regards to landscaping, communal open space and building separation, the proposal seeks to reduce these areas to lower than acceptable levels and therefore cannot be supported.

The modification application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 (EPA Act) and is recommended for refusal, subject to the reasons of refusals.

Recommendation

1. That the Section 4.55(2) Application to modify Development Consent No. 14/214 to an approved residential flat building and townhouse development to raise floor levels and building heights, additional three units, reconfiguration of units, window changes and basement parking to add stackers at 5 Myrtle Street, Botany be REFUSED pursuant to Section 4.6(1)(b) of the Environmental Planning and Assessment Act 1979 for the following reasons:
 - a. The proposed modification is contrary to State Environmental Planning Policy – No. 65 – Design Quality of Residential Apartment Development and the design criteria and guidelines of the following sections of the Apartment Design Guide:
 - i. Part 2F – Building Separation
 - ii. Part 3F – Visual Privacy
 - iii. Part 4A – Solar and Daylight Access

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iv. Part 4C – Ceiling Heights

(State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide)

- b. The proposed modification fails to satisfy the primary aims and objectives of the Botany Bay Local Environmental Plan 2013, and in particular the following specific Clauses 1.2(2):
 - f) to create a highly liveable urban place through the promotion of design excellence in all elements of the built environment and public domain;
 - g) to protect residential amenity.
 (Environmental Planning and Assessment Act 1979 s4.15(1)(a)(i)).
- c. That the Bayside Planning Panel is not satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of the Botany Bay Local Environmental Plan 2013 in regards to the height of building (Clause 4.3) and Floor Space Ratio (Clause 4.4). (Environmental Planning and Assessment Act 1979 s.4.15(1)(a)(i)).
- d. The proposal is contrary to Table 1 of Part 3A.2 of the Botany Bay Development Control Plan 2013 as the proposal does not comply with the required car parking provisions for visitor car parking spaces. (Environmental Planning and Assessment Act 1979 s.4.15(1)(a)(iii))
- e. The proposal is contrary to Control C1 of Part 4C.2.4- Landscaped Area and Deep Soil Planting of the Botany Bay Development Control Plan 2013 as the proposal further reduces the non-compliant landscaped area provided on the site. (Environmental Planning and Assessment Act 1979 s.4.15(1)(a)(iii))
- f. The proposal is contrary with the Control C2 of Part 4C.4.1 – Dwelling Mix and Layout of the Botany Bay Development Control Plan 2013 as the proposal provides 46% one bedroom units which is inconsistent with the maximum 25% one bedroom units permissible for the site. (Environmental Planning and Assessment Act 1979 s.4.15(1)(a)(iii)).
- g. The proposal is contrary to Control C5 and C6 of Part 4C.4.2 – Family Friendly Apartment Buildings of the Botany Bay Development Control Plan 2013 as the proposal has not adopted family friendly units for any of the two and four bedroom units/dwellings. (Environmental Planning and Assessment Act 1979s s.4.15(1)(a)(iii))
- h. The proposed development is not suitable in the context of the site and locality and is considered to be an overdevelopment of the site. (Environmental Planning and Assessment Act 1979 s4.15(1)(c)).
- i. Given the inadequate provision of parking, height and FSR exceedance, overshadowing, visual privacy and additional bulk, granting approval to the development will have an adverse impact on the public interest (Environmental Planning and Assessment Act 1979 s4.15(1)(e)).

- 2. That any objectors be notified of the determination made by the Planning Panel.

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Background

History

Approved Development

Development Application No. 14/214 for an integrated development for the demolition of all existing structures, excavation, remediation, construction of 3 x three storey residential flat buildings comprising of 2 x townhouses and 8 apartments with single level basement car parking to provide 17 car parking spaces and Stratum and Strata Title Subdivision to create 3 stratum Lots and 8 Strata Lots at 5 Myrtle Street, Botany was approved by the Development Committee meeting on 13 May 2015.

The following table was the key controls assessed under the original DA that are relevant to the proposal:

Control	Required	Proposal	Complies
Site Area	N/A	The site has a total area of 969.7sqm.	N/A
GFA	824.245sqm (max) calculated based on permissible FSR under BBLEP 2013	986sqm	No however approved
FSR	0.85:1 under BBLEP 2013	1.01:1	
Site Coverage	45% (436.37sqm) under BBLEP 2013	552.8sqm (57%)	No however approved
Car Parking	For multi-dwelling housing/ residential flat building- 1 space/studio or one bedroom dwelling; 2 spaces/ two (2) or more bedrooms dwelling; 1 designated visitor space/ 5 dwellings	Total of 10 dwellings proposed – 17 car spaces provided (1 space per one bedroom units, 2 spaces per 2 bedroom units) 1 visitor car space/car wash bay	No however approved
Deep Soil	25% (242.4sqm)	122.4sqm (12.6% of site area)	No - Merit Assessment
Height	10 metres	Maximum height of 10m	Yes

The following figures demonstrate the approved development on the site:

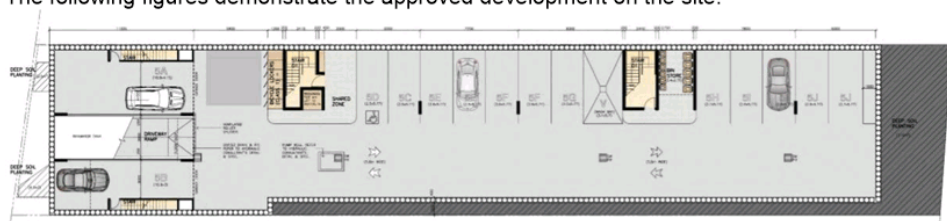


Figure 1. Approved Basement Layout

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Figure 2. Approved Northern Elevation

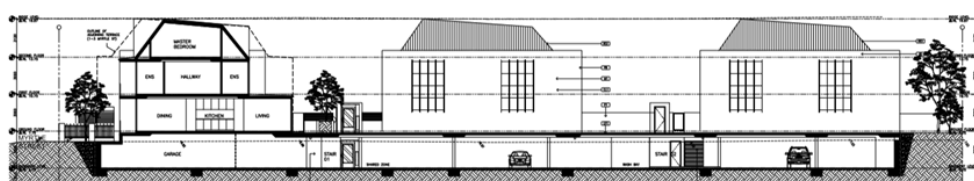


Figure 3. Approved Western Elevation

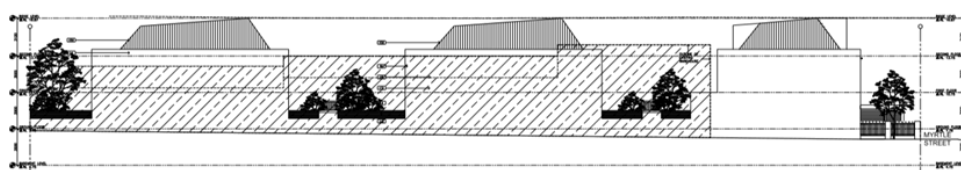


Figure 4. Approved Eastern Elevation

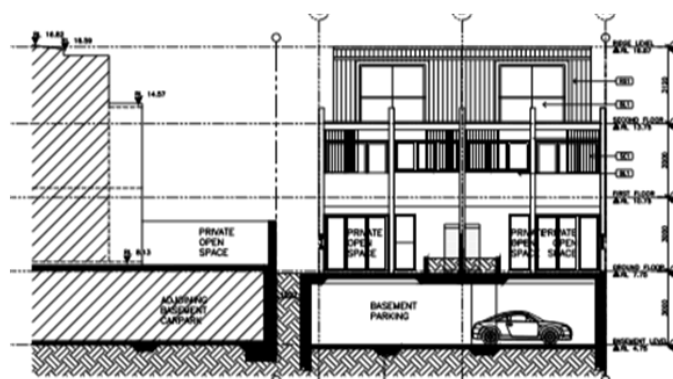


Figure 5. Approved Southern Elevation

Section 96(1A) Application (DA-14/214/02) to modify Development Consent No. 14/214 for minor internal reconfiguration to the two rear buildings (Units 5C, 5D, 5G and 5H) and to modify Condition Nos. 49 and 50 relating to the timing of a Site Validation Report and Site Audit Statement was approved under delegated authority on 22 February 2016.

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Section 96(1A) Application (DA-14/214/03) to modify Development Consent No. 14/214 to amend the external finish from face brick to cement render and white finish paint was approved under delegated authority on 8 April 2016.

Application History

Council sent the applicant an additional information letter by email on 7 June 2018 raising all the issues relating to the proposal and the following was sent:

- *Proposed height is excessive and not consistent with the direct neighbours to the east and west particularly at the street level and rear portion of the site. The neighbouring properties were approved with different controls and received bonus provisions as their site area is greater than 2,000sqm. This does not apply to the subject site;*
- *Any departure to the approved FSR of 1.01:1 will not be supported particularly as the proposal seeks to amend the FSR to 1.11:1. This is a 30.6% variance to the standard. Additionally the waste rooms have not been included within GFA therefore the FSR is likely to be increased further;*
- *The impact of shifting the car parking level above ground and increasing the height of the development has increased negative impacts onto the neighbours particularly relating to solar amenity and visual privacy;*
- *The unit mix for one bedroom units is at 67% which is excessively high in this area and will not be supported;*
- *The function of the car stackers has not been thought out particularly as they are located close to the edge of the basement wall therefore manoeuvring into and out of the space in a forward direction will not work;*
- *The additional four units results in the provision for additional visitor car spaces to be provided within the development. The original DA was approved with a shortfall of one space. The additional units will require a total of 3 visitor spaces where one has been provided;*
- *The floor levels do not align with the neighbouring dwellings along Myrtle Street therefore there is not a consistent streetscape character for the street. The increase height increases the bulk of the development particularly when comparing the direct neighbours to the east and west;*
- *Changes to the rear setback of the southern building result in a portion of the building encroaching within the 6 metre setback zone that was approved with the development application;*
- *From the plans particularly relating to the COS and the POS, it is noted that there has been in a reduction in the overall landscaped area approved on the site.*

A meeting was held on 13 June 2018 between Council and the applicant and the applicant was requested to address the above points. Amended plans were submitted to Council on 22 June 2018.

Site Description

The subject site is legally known as Lot B DP 382442. The site is situated on the southern side of Myrtle Street between Jasmine Street to the west and Sydenham Botany Goods Railway Line to the east. The site has a north-west to south-east orientation with north being the front of the site (Myrtle Street) and south being the rear of the site.

The site is trapezoidal in shape and is located in the R3 Medium Density Residential zone. The land is relatively flat with a slight fall of approximately 400mm from the southern to northern side of the site. The site has a splayed street frontage width of 13.525 metres, a rear

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boundary width of 13.43 metres, an eastern boundary length of 71.94 metres and western boundary length of 72.86 metres. It has a surveyed total area of 969.7sqm.

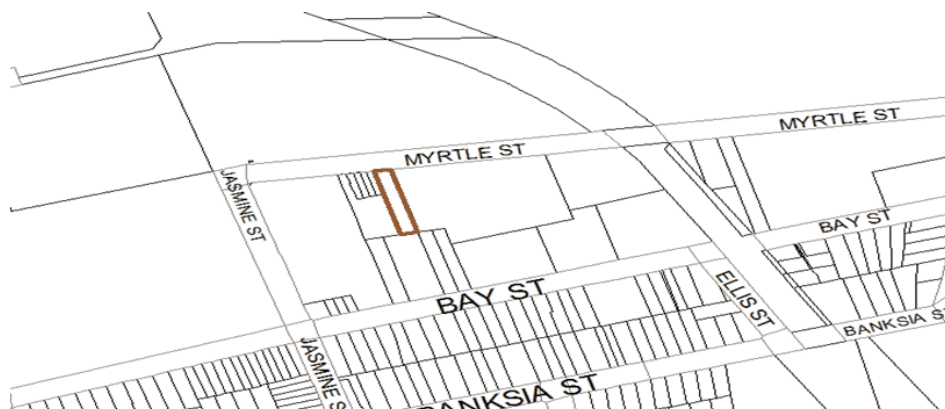


Figure 6. Locality Plan

The subject site comprises of a two storey brick light industrial building with flat metal roof ancillary office component at the front of the site with a single storey brick warehouse/factory to its rear. The existing building is setback approximately 10 metres from the front boundary with the front setback area being used for car parking and vehicle manoeuvring. The existing building which otherwise extends the length of the site is provided with varying setbacks ranging from 0m to approximately 3m.



Figure 7. Subject Site

The subject site is an isolated site being surrounded by recently constructed residential development within a R3 Medium Density Residential Zone. The light industry premise is currently vacant and is no longer in operation. There is no significant vegetation on the site and the site is not a heritage item or within a heritage conservation area.

The southern side of Myrtle Street supports a number of recently developed three storey residential apartments with basement car parking. The street frontage on the immediate adjoining properties to the east and west consist of two storey townhouses with a loft level and balconies facing the street. This is evident at 1-3 Myrtle Street (Figure 3) in which the proposed

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development has been designed in a similar manner. 1-3 Myrtle Street consists of twelve townhouses with basement parking. Four of these townhouses are Torrens Titled and face Myrtle Street while the remaining eight townhouses located behind, running parallel to the sites side boundaries. They have an east to west orientation with west being the front entries and east being their rear courtyards. The development has a maximum height of 9m and FSR of 0.96:1. This site was approved with bonus provisions as the site is greater than 2,000sqm.



Figure 8. Front elevation of 1-3 Myrtle Street



Figure 9. Front elevation of 9-19 Myrtle Street

The adjoining property to the east is 9-19 Myrtle Street (Figure 4) which comprises of sixty dwellings and basement car parking for 137 car spaces. There are seven separate buildings over the site with Buildings 1 to 6 containing two and three bedroom townhouses with attics in the roof space. Building 7 contains 28 apartments over six levels with the upper two storeys recessed so to present as a four level building with the two upper levels within the roof space. This building is located towards the centre of the site. The development has an FSR of 1.03:1. This site was approved with bonus provisions as the site is greater than 2,500sqm.

Description of the Proposed s.4.55 Modifications

The Section 4.55(2) modification application seeks consent, in its amended form, to raise floor levels and building heights, additional three units, reconfiguration of units, window changes and basement parking to add stackers.

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The specifics of the proposal are as follows:

- Underground basement has been raised to be partially above ground. This raises the height of the development from 10 metres by 470mm to 1.37 metres;
- Four sets of car stackers are proposed within the car parking level;
- Basement has been extended along the western boundary therefore loss of deep soil area;
- Increase the number of units/dwellings from 10 to 13;
- Unit sizes have been decreased to match the sizes within the apartment design guide;
- Change the unit mix to include 2 x 4 bedroom terrace dwellings; 4 x 2 bedroom units, 1 x 4 bedroom unit and 6 x 1 bedroom units;
- Increase in the FSR from the approved 1.01:1 to 1.06:1 (including the garbage room within the basement);
- Reduction in finished floor levels within the terrace dwellings from 3.1 metres to 3 metres;
- Access to private open space to the rear building on the ground floor has been modified due to basement change;
- New windows proposed along the western elevation of the central and rear building;
- Changes to the landscaped and communal area on the site;
- Building separation between the terrace dwellings and the central building has been reduced from 12 metres to 11.3 metres; and
- Reconfiguration of the units.

The figures below demonstrate the changes proposed as part of this modification:

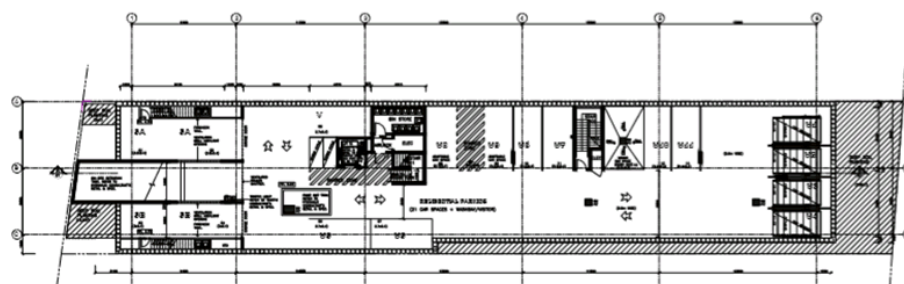


Figure 10. Proposed modification to basement level

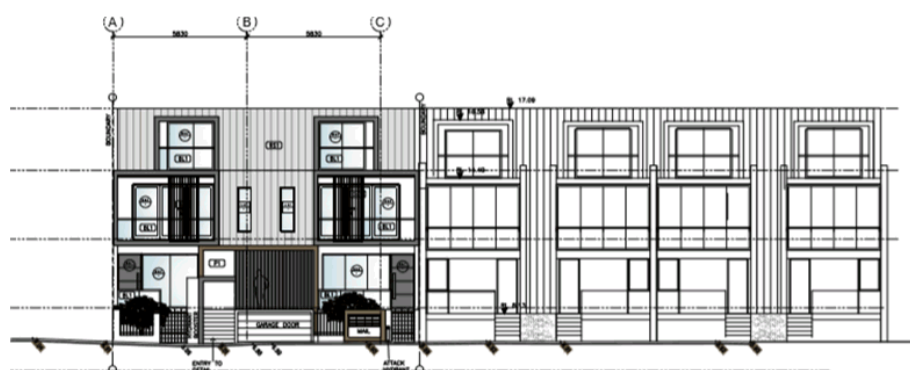


Figure 11. Proposed Northern Elevation

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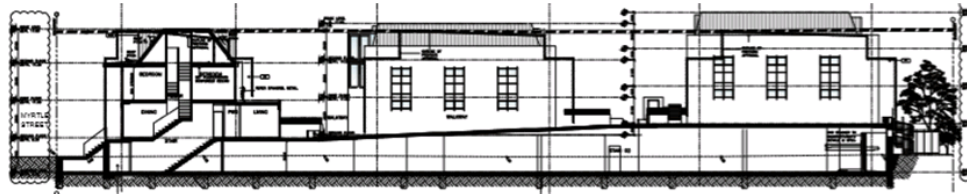


Figure 12. Proposed Western Elevation

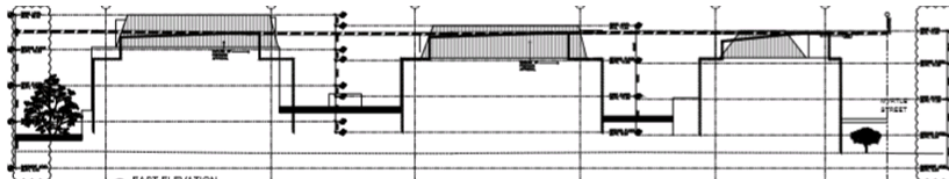


Figure 13. Proposed Eastern Elevation

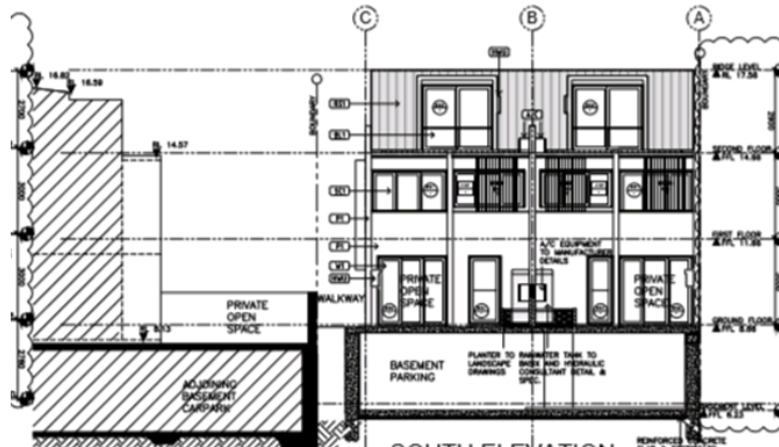


Figure 14. Proposed Southern Elevation

Assessment of the Proposed s.4.55 Modifications

Modification No. 1 – Increase in the height of the development as a result of raising the underground basement to be predominantly aboveground

The proposal seeks to amend the approved height of 10 metres for each of the buildings on the site. The front building facing Myrtle Street originally proposed a non-compliance in the height however amended plans were submitted which demonstrated the building to comply with 10 metres. The central building has been amended from 10 metres to 10.47 metres therefore there is a non-compliance of 470mm for this structure. The rear building has the largest non-compliance with a variation of 1.37 metres totalling a height of 11.37 metres. The result of the height exceedance is due to the applicant/owner not wanting to retain the basement belowground due to the cost of tanking and dewatering involved with the site located in a groundwater zone. The proposal originally had the basement completely above ground

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however the latest round of amended plans demonstrated that the basement car parking is partially above and below ground with it mostly above ground. The proposal also incorporates four car stackers which are located at the southern side of the basement level to accommodate the number of car parking spaces required for the development. The car stackers require additional height hence why the height and bulk of the rear building is greater than the two northern buildings.

The northern building which contains the two townhouses has slightly been elevated due to the car parking level however the height of 10 metres has been retained. This is due to the finished floor levels between each floor having been reduced from 3.1 metres to 3 metres. This is considered inadequate in allowing services to be provided between each floor while complying with the 2.7 metres ceiling height requirement under the BCA. It was also noted on the amended plans that the FFL that was provided on the floor plans was inconsistent with the FFL that were provided on the elevations.

The height of development will raise the basement out of the ground therefore there is approximately 1.25m to 2.5m of the car parking level above ground. This will impact on the levels of the subject site when compared to the neighbouring sites to the east and west and to a degree the site to the south. The eastern elevation has been approved to be built to the boundary therefore the additional height will result in a higher blank wall along this boundary which will contribute to greater negative amenity on these neighbours. The western elevation will have the car parking wall and possibly a retaining wall where the deep soil area is proposed that is located above the ground level of 1-3 Myrtle Street. In addition to this, the walkway which connects the front, central and rear blocks and communal open space will be elevated and will require at a minimum a 1.8 metre high fence to address privacy. Therefore the wall along this boundary will be at least 3 metres in height. This will contribute to bulk and overshadowing issues onto the private open space and the living areas to the townhouses and units as part of this development.

The change in the levels also impacts the rear elevation of the rear building. The floor level of the units will be located approximately 2.5 metres above the ground level private open space below and will be accessed by external stairs. This is contradictory to the requirements within both the ADG as well as Part 4C of the DCP 2013 which requires private open space to be at ground level connected to the principal living areas of the units. Additionally, there will be an issue from a surveillance point of view as you cannot directly view the POS from the living areas due to the change in levels.

The applicant has attempted to address the exceedance in height by providing a Clause 4.6 variation with the modification application. This has been discussed in greater detail in the report below.

The key impact of the additional height is overshadowing particularly to the neighbouring properties to the east, west and south. In the original proposal approved under DA-14/214, the approved development overshadowed a majority of the neighbouring private open space and balconies at 1-3 Myrtle Street between 9am to 11am mid-winter. It was considered as part of that development application, that the degree of overshadowing was acceptable and additional overshadowing would create a significant non-compliance onto the neighbouring site. Figure 15 below shows the degree of shadowing approved. Figure 16 demonstrates the degree of overshadowing that the current proposal will create onto 1-3 Myrtle Street. As demonstrated in the approved plans, the most overshadowing would occur during 9am and slowly would improve throughout the morning. The overshadowing was contained to the townhouses/units towards the centre and southern side of the development with the ground floor mostly impacted. The current proposal demonstrates that both the ground and first floors of the neighbouring developments would be impacted by the additional height between 9am to 11am with the ground floor of the previously impacted townhouses now not receiving any

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sunlight in the morning. This is also to their private open space areas which are orientated to the east of the townhouses. As demonstrated, 1-3 Myrtle Street are exposed to greater overshadowing impact.

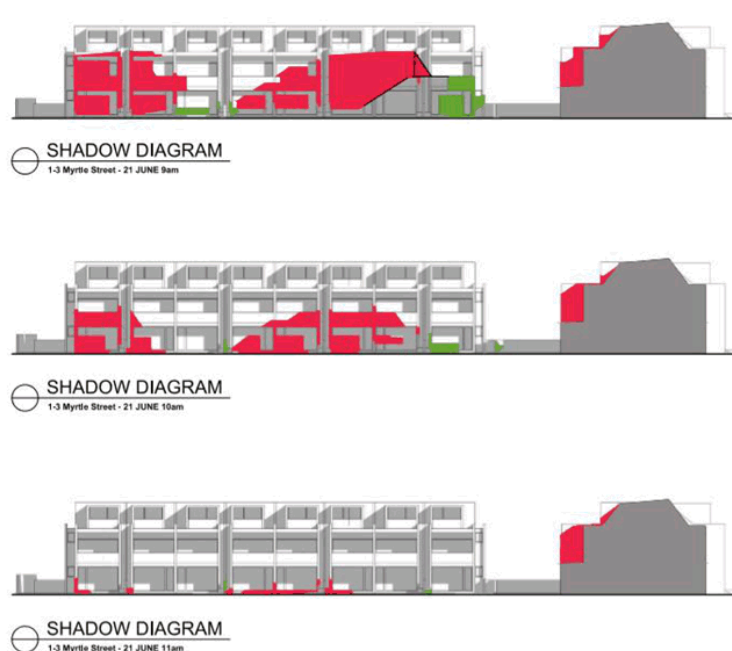


Figure 15. Approved solar analysis of the neighbouring site at 1-3 Myrtle Street (9am to 11am mid-winter)

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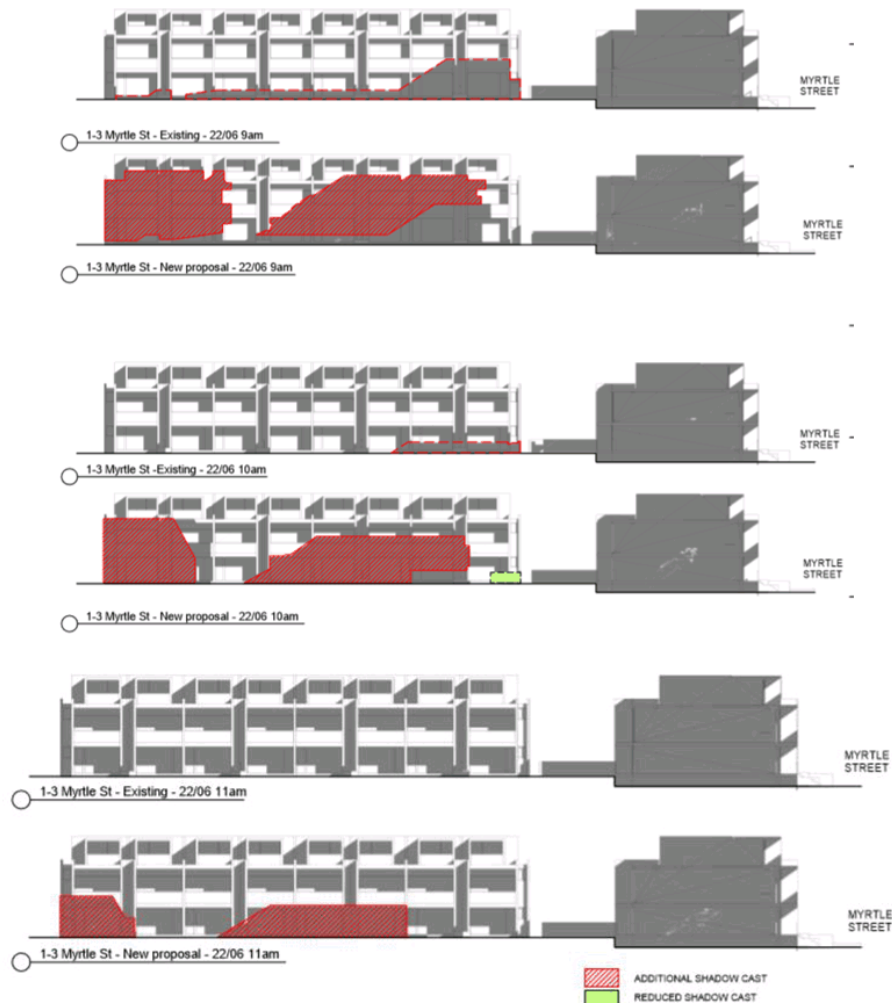


Figure 16. Proposed solar analysis of the neighbouring site at 1-3 Myrtle Street (9am to 11am mid-winter)

In comparison with 1-3 Myrtle Street, 9-19 Myrtle Street will be impacted by the development in the afternoon hours. As demonstrated in Figure 17, the approved development was only impacted at 3pm. The current proposal will increase the amount of overshadowing so that the ground floor to a number of units will receive some overshadowing at 2pm, while the overshadowing experienced at 3pm has worsened at mid-winter. The applicant has not provided shadow diagrams in spring equinox therefore Council cannot determine the degree of overshadowing at these times.

In regards to the southern neighbour which fronts Bay Street, when the development application was under consideration in 2014/2015, this development was under construction therefore the assessment of private open space and principal living areas was not significantly

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looked upon. However this site has completed construction and occupation and it is demonstrated on the plans that there will be overshadowing over onto their site. The applicant has not demonstrated on the plan the development and distances of the buildings or private open space areas of the neighbouring site onto the shadow diagrams therefore it is difficult to determine what will be impacted on the neighbouring site. As the site is north-south orientated, it is expected that the neighbouring site will receive overshadowing.

NO IMPACT AT 12PM, 1 PM & 2PM



Figure 17. Approved solar analysis of the neighbouring site at 9-19 Myrtle Street (2pm-3pm mid-winter)

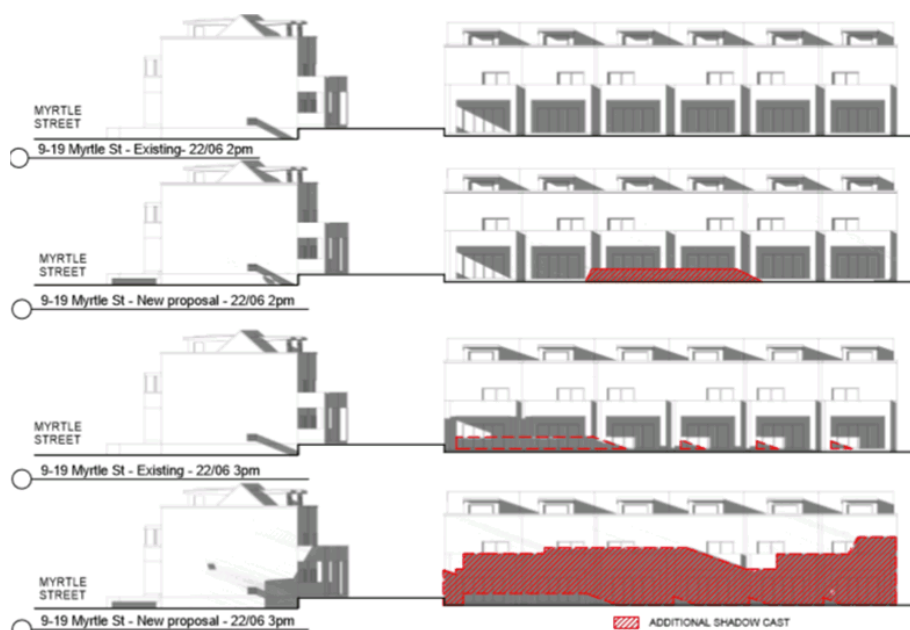


Figure 18. Proposed solar analysis of the neighbouring site at 9-19 Myrtle Street (2pm-3pm mid-winter)

As demonstrated in the points above, the additional height to the approved development will create additional bulk particularly to the rear. It will have adverse impacts to the amenity of the neighbouring sites particularly relating to solar amenity and visual privacy and bulk along the

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boundary walls. Therefore for these reasons, the proposal should not be supported and be refused.

Modification No. 2 – Modifications to the basement and car parking numbers

The proposal seeks to modify the basement and car parking numbers to match the proposed additional 3 units. The basement was originally approved below ground and contained a total of 17 car parking spaces which included 16 spaces for the residential component and one space as a visitor car parking space. The development approved a shortfall in one visitor car parking space.

The proposal currently seeks to amend the car parking level to raise the basement between 1.5 metres to 2.5 metres so that the majority of the level is located partially above ground. Due to the additional 3 units proposed and minor reconfiguration of the existing units, the number of car parking spaces is to be modified. The proposal contains two x townhouses, six x one bedroom units, one x four bedroom units and four x two bedroom units. Therefore the total number of car parking spaces required is 20 residential spaces. The proposal will require a total of three visitor car parking spaces therefore an overall total of 23 car parking spaces is required to be accommodated on the site.

The proposal demonstrates that there are 21 car parking spaces in the car parking level. This is a shortfall of 2 visitor car parking spaces. The proposal can accommodate the residential car parking spaces through the use of four car stackers proposed at the rear of the site. This results in an increase to the height of the basement as well as the overall height of the development. The car stackers do not present a suitable solution particularly as the applicant has not demonstrated how the stackers mechanically work particularly the one that is closest to the eastern wall as no swept path diagrams have been provided to show cars entering and exiting the space in a forward direction. Additionally, the approved building envelope of the basement has been increased with the western side extending into the deep soil area to allow for another car spaces to be provided to meet the additional units. This is not acceptable.

The proposal also removes an existing secondary lift access to the levels above located towards the centre of the site therefore the rear building does not provide for accessible access to the units on the first and second level as previously approved. The loss in visitor car parking spaces will exacerbate the car parking situation along Myrtle Street by relying on street parking for any visitors. It is also anticipated that the residents of the development may not use the car stackers if they cannot appropriately function and there is available car parking on the street. Therefore for the purposes of the additional units and the non-compliances within the development, the proposal is not supported.

Modification No. 3 – Increase in the number of dwellings/units from 10 to 13

The modified proposal seeks to increase the overall number of dwellings/units on the site from 10 to 13. The proposal seeks to add an additional three x one bedroom units as well as reconfigure a number of existing units to allow for greater number of two and four bedroom units. The development was originally approved two x 3 bedroom townhouses, 4 x 1 bedroom units and 4 x 2 bedroom units. The unit mix that was approved included 40% 1 bedroom units, 40% 2 bedroom units and 20% 3 bedroom units. As part of this proposal, the unit proposed will increase the overall percentage of 1 bedroom units across the site greater by providing 46% 1 bedroom units, 31% 2 bedroom units and 23% 4 bedroom units. The proposal does not comply with Control C2 of Part 4C.4.1- Dwelling Mix and Layout which requires a development with 10 or more dwellings to have a maximum of 25% one bedroom units. The original proposal had a total of 8 units therefore the control did not apply in this case however

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this current proposal will have 11 units. The increase in the number of one bedroom units is not supported.

Additionally, the increase in the number of units proposed results in an increase in the FSR proposed to allow for the units to have acceptable amenity and unit sizes. The proposal was approved with an FSR of 1.01:1. The applicant had originally provided a scheme which proposed an FSR of 1.11:1 which Council would not support. The amended plans provided a reduced scheme however the proposal continues to be greater in FSR with an overall FSR of 1.04:1 proposed by the applicant. Council has calculated the development to include the waste room which is partially aboveground within the FSR calculations therefore the overall FSR for the development is 1.06:1. The additional GFA is approximately 39sqm. While this may not be a large number, considering the size of the site, any additional GFA would add to the bulk of the development.

The proposal reduces the approved unit sizes of the development which originally were larger than the sizes currently proposed which match the sizes within the ADG. However, the two bedroom units do not comply with the requirements for the ADG which require a second bathroom to be provided. It is also noted that there is a change in the approved 12 metre building separation between the front and central building with the separation reduced to 11.3 metres. This does not comply with the minimum building separation between internal buildings of 12 metres as stipulated within the ADG.

The additional units also increase the amount of overlooking the development may have onto the neighbouring properties as additional windows are proposed along the western elevation of the central and rear buildings. This issue was raised in the originally development application and the number of windows along the western elevation were to be restricted. This has not been considered as part of this proposal as not privacy screens are proposed along this elevation.

In hindsight, the additional units and GFA and non-compliances with building separation and visual privacy concerns result in an overdevelopment of the site which will provide a yield greater than what was anticipated by Council. The gradual creep in FSR which was originally approved in DA-14/214 as a non-compliance will have adverse impacts onto the surrounding properties as well as on the site itself. Therefore the proposal is not supported.

Modification No. 4 – Changes to the landscaped and communal open space

The proposal seeks to modify the approved landscaping and communal open space areas on the ground floor. The proposal was originally approved with a total landscaped area of 228.4sqm (24%) and total communal open space area of 120sqm (12.4%). Both these controls were approved as a non-compliance. The proposal seeks to reduce the total amount of landscaped area to 222sqm (23%) and the amount of deep soil to 127.7sqm (13%). Any reduction in the amount of landscaped area particularly on a site as constrained as this one is not recommended and should be provided for greater landscaped relief between the buildings and the side and rear boundaries of the site. Therefore the proposal is not supported.

Statutory Considerations

Section 4.55(2) Modification Considerations

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Section 4.55(2) of the Environmental Planning & Assessment Act 1979 states that "a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:"

- a) *It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and***

The Section 4.55(2) Application relates to amendments to an approved development by increasing the height and FSR of the development, creating an additional three units, raising the basement level and providing four car stackers, and as such, the proposed amendments are not considered suitable in the context of the site and the locality as they will have a significant impact on the neighbouring properties.

- b) *It has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and***

The modification does not require consultation with the Minister.

- c) *It has notified the application in accordance with (i) the regulations, if the regulations so require, and (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and***

In accordance with Part 2 – Advertising and Notification of the Botany Bay Development Control Plan (BBDCP) 2013, the modification application was notified for 14 days between 4 May to 18 May 2018. The proposal underwent a second round of notification to the objectors for a period of 7 days between 3 July to 10 July.

- d) *It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.***

The proposal underwent two rounds of notification with the first round receiving 8 objections and the second round receiving 4 objections. As the proposal is recommended for refusal, a summary of the objections from the second round of notification is provided below. Council's officer is of the opinion that the issues that are raised contribute to the recommendation for refusal as the proposal is not in the public interest and is an overdevelopment of the site:

- *Height exceedance*

Objector's Comment: The proposal continues to exceed the height criteria by 470mm and 1.37 metres which will lead to significantly increased shadow effects on neighbouring properties to a higher degree than the approved application.

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Officer's Comments: The height exceedance will create additional overshadow and privacy issues onto the neighbouring properties. The bulk of the development particularly to the south is greater than what was approved with the basement being predominantly above ground. This issue is a reason for refusal of the proposal.

- *Privacy*

Objector's Comment: Privacy issues from the walkway on the western side of Blocks 2 and 3 will be located 650mm above the backyards of the townhouses at 1-3 Myrtle Street which may contribute to overlooking. Additionally, windows on the western side of blocks 2 and 3 would be overlooking the back yards and into the first floor bedrooms of the neighbouring development.

Officer's Comments: There is concerns relating to privacy from the western elevation windows that are proposed as well as the level difference between the subject site and the surrounding sites to the west, east and south. The proposal will contribute negatively to overlooking to the neighbouring sites. This issue is a reason for the refusal of the proposal.

- *Overdevelopment*

Objector's Comment: Severe overdevelopment of this small site- two townhouses and 11 strata units plus basement car parking cannot be accommodated within the site appropriately.

Officer's Comment: The proposal exceeds the height and FSR as what was originally approved and creates adverse impacts on the surrounding development which contributes to the site being overdeveloped. This issue is a reason for the refusal of the proposal.

- *Parking Issue*

Objector's Comment: Parking on the street is currently exacerbated by surrounding development who do not use their basement car parking spaces. Given that the proposal is reliant on highly ineffective car stacking mechanisms, coupled with a basement area that would be very 'tight' for ease of manoeuvring/parking, it is highly likely that a high proportion of the residents would seek to park on the street.

Officer's Comment: It is noted that there is a car parking issue in the area and as there is a non-compliance in car parking and the option for the development to go with car stackers demonstrates that the basement car park is constrained to accommodate the appropriate car parking numbers required, shows that there is an overdevelopment on the site.

- *Garbage Collection*

Objector's Comment: Inadequate area on the street is provided to allow for garbage collection to be carried out from the street. The development would rely on a building manager to move the garbage bins to the street. Such a small development cannot afford such a building manager/cleaner to undertake this task.

Officer's Comment: This issue was raised in DA-14/214. The approved development should not impede on the existing car parking arrangement on the street. In the case of

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a building manager, the development is to dedicate a person to move garbage bins onto the kerb and back into the development.

- *Issues relating to construction i.e. dust and noise mitigation, damage to neighbouring properties*

Objector's Comment: Issues relating to construction trucks and their impact onto neighbouring properties, as well as damage to the basement of the neighbouring property and other parts of the building as well as termites that are existing within the current structure and dust and noise mitigation are raised as concerns.

Officer's Comment: These issues were originally raised as part of DA-14/214 and Council conditioned dilapidation reports, construction and traffic management plans which also discussed dust mitigation. Specific hours of construction were also conditioned within the consent.

Section 4.55(2)(3) Modification Considerations

Section 4.55(2)(3) of the Environmental Planning and Assessment Act 1979 states that "In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application."

An assessment of the application has been carried out under the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979. The matters of relevance to this application have been considered.

- a) ***Section 4.15(1)(a) the provisions of any Environmental Planning Instrument and Development Control Plan and any other matters prescribed by the Regulations.***

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 modification application was accompanied by an amended BASIX Certificate No. 556595M_03 prepared by Partners Energy Management committing to environmental sustainable measures. As the proposal is recommended for refusal, the BASIX Certificate is not necessary.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP No. 55 have been considered in the assessment of the development application, as the proposed development involves excavation for a basement car park. Clause 7 of State Environmental Planning Policy 55 requires Council to be satisfied that the site is or can be made suitable for its intended use at the time of determination of an application. Consideration of SEPP No. 55 was carried out within the assessment of DA-14/214. Therefore SEPP No. 55 does not need to be assessed as part of this proposal particularly as there is no further excavation proposed.

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 Modification Application. The original proposal was assessed under the Residential Flat

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Design Code however the proposed changes to the units seek compliance with the criteria and guidelines specified within the Apartment Design Guide (ADG). The applicant has submitted an assessment against Part 3 and 4 of the ADG that relate to the proposed modifications. An assessment of the key criteria within the ADG has been carried out and is discussed below. The proposal has not shown adequate regard to the design quality principles and objectives specified in the ADG for the relevant design criteria. Key issues that relate to non-compliance include solar amenity, ceiling heights and building separation.

Note 1 – Solar Amenity

Part 4A of the ADG requires developments to provide at least 70% of apartments with a minimum of 2 hours solar access in mid-winter. The applicant has not provided any elevation shadow diagrams internally to demonstrate the additional shadowing that has resulted by the height increase. Therefore it is not clear if the units comply.

In regards to an assessment of the neighbouring sites and the overshadowing proposed, refer to the discussion under Modification No. 1 above.

The lack of information and the increase in overshadowing onto the neighbours to the east, south and west demonstrate that the proposal is not suitable for the site and should not be supported.

Note 2 – Ceiling heights

Part 4C of the ADG requires habitable areas to be provided with a 2.7 metre floor to ceiling height. The proposal demonstrates a floor to floor distance of 3 metres which was reduced from 3.1 metres. While the proposal may comply with the 2.7 metre floor to ceiling height, the 3 metres does not allow for services and lighting to be accommodated within the ceiling. Concern is raised that the proposal may not be built to comply with the BCA therefore should not be supported.

Note 3 – Building Separation

Part 2F of the ADG relates to building separation and requires development up to four storeys to have a 12 metre building separation between habitable rooms. The development was approved with a 12 metre building separation between the front townhouses and the central residential flat building. As part of this proposal, the separation has been reduced to 11.3 metres on the first floor with the ground level having an even reduced setback which was originally approved. There are some privacy screens that are proposed over the windows which will prevent any direct looking between the units however the reduction in building separation demonstrates that the applicant is trying to provide for more floor area onto a site that cannot accommodate additional bulk without it being an overdevelopment.

Note 4 – Visual Privacy

Part 3F of the ADG relates to visual privacy and requires minimum separation from development. The proposal was approved with a reduced setback from the side boundaries. However this a new development where the site layout and building orientation will need to be considered to minimise privacy. The proposal seeks to increase the basement to be partially above ground. This raises the development between 470mm to 1.37 metres towards the rear of the site therefore the walkways and windows along the western side of the site will create greater opportunity for overlooking onto 1-3 Myrtle

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Street as well as the development to the rear. Any additional overlooking is not supported by Council.

Botany Bay Local Environmental Plan 2013 (BBLEP)

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

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
Landuse Zone	Yes	The site is zoned R3 Medium Density Residential.
Is the proposed use/works permitted with development consent?	Yes	The application was approved as a residential flat building or multi-dwelling housing which continues to be permissible subject to Council's consent.
Does the proposed use/works meet the objectives of the zone?	Yes	The proposed development is consistent with the following objectives of the R3 Medium Density Residential zone: <ul style="list-style-type: none"> - To provide for the housing needs of the community within a medium density residential environment. - To provide a variety of housing types within a medium density residential environment.
What is the height of the building?	No – Refer to Note 5	The maximum permissible height is 10 metres in accordance with the BBLEP 2013.
Does the height of the building comply with the maximum building height?		The proposed modification to the development seeks to raise the below ground basement car parking level to be predominantly above ground. This increases the height of development by 470mm to 1.37m which results in an overall height between 10 metres to 11.37 metres. A Clause 4.6 variation was originally submitted with the application. Further discussion is provided below.
What is the proposed FSR?	No – Refer to Note 6	The maximum permissible FSR for the subject site is 0.85:1 (824.245sqm).
Does the FSR of the building comply with the maximum FSR?		DA-14/214 was approved with an FSR of 1.01:1 (986sqm).

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Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
		The current proposal seeks an FSR of 1.06:1 (1,025sqm)(based on Council's calculations)
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 FSR of 1.65:1?	N/A	The area of the subject site is 969.7sqm. No bonus provision applies.
Is the site listed in Schedule 5 as a heritage item or within a Heritage Conservation Area?	N/A	The subject site is not heritage listed nor is it within a heritage conservation area.
The following provisions in Part 6 of BBLEP apply– <ul style="list-style-type: none"> • 6.1 – Acid Sulfate Soils • 6.2 – Earthworks • 6.3 – Stormwater Management • 6.8 – Airspace Operations • 6.9 – Development in areas subject to aircraft noise 	N/A	There is no substantial change to the conclusions approved in DA-14/214.

Note 5 – Variation to the building height development standard

The modified proposal seeks to raise the overall height of the development by 470mm on the central building and 1.37 metres on the rear building, resulting in an overall height for the development meeting between 10 metres and 11.37 metres. The proposal is a modification application therefore a Clause 4.6 variation is not required in the assessment of the proposal however the applicant had provided one with lodgement to justify the non-compliance of the original scheme put forward which had a higher height proposed (12.2 metres). Subsequent to the amended plans, the clause 4.6 variation was not amended to reflect the amended heights.

Regardless of the above, Council has carried out an assessment of the impact of the additional height onto the subject approved development as well as the impact onto the neighbouring properties particularly relating to overshadowing. The reason for the height increase is by raising the basement car parking from previously approved below ground to now predominantly above ground. The reasons that were provided to Council included that a basement would not be feasible and costly to the owner as it meant excavation, dewatering and possibly remediation. Additionally an increase height was required to accommodate the four car stackers proposed as part of this proposal.

The applicant has demonstrated within their amended plans that the two terrace dwellings that are fronting Myrtle Street having a finished floor level (FFL) between each level of 3

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metres. This also extends to the residential units in the central and rear buildings. This FFL to FFL is considered inadequate to contain all the services necessary for a development of this type. It also limits the amenity of the future occupants of each dwellings by possibly having restricted and non-compliant ceilings.

Secondly, the increase in the height is predominantly evident along the rear building with a height of 1.37 metre variation above the height requirement proposed. As discussed above within Modification No. 1 point of the assessment of the proposal and within the ADG section of the report, the amended scheme will significantly increase the amount of overshadowing onto the neighbouring private open space areas and principal living areas of the neighbouring properties at 1-3 Myrtle Street and 9-19 Myrtle Street. The additional height will create an adverse impact onto these neighbours. Overshadowing was considered under DA-14/214 and it was demonstrated at that time that any additional height or FSR will increase the amount of overshadowing to the neighbours. Therefore the proposal is not in the public interest.

The additional height from raising the basement partially above ground will impact on the boundaries at both the western, southern and eastern sides of the site. The proposal will result in a higher boundary wall that will form the outer basement wall in addition to the side fence that is to be located over the wall. This results in a larger bulk when viewed on the neighbouring sites to the east, west and south and as discussed above, considerable overshadowing to their private open space.

The additional height proposed is not consistent nor complies with the objectives of the standard, as the proposal does not ensure a built form that has been designed in a coordinate or cohesive manner. The reduced FFL, the additional overshadowing and the necessity in having car stackers which push the bulk up demonstrate that the design is not cohesive. While there are taller buildings in close proximity, located within the Jasmine in the Park development on the western side of the street, the site does not allow for bonus provisions unlike the western site which allowed a height of 22 metres. The site was originally and still is a constrained site therefore any additional height or FSR would be considered an overdevelopment of the site. The 10 metre control was established and set within the BBLEP to reflect the desired future character of the area which is predominantly two/three storey townhouses or units. While the built form is maintained as a three storey structure from the street, the rear building is a four storey structure which was not originally envisaged as the desired future character in the area. This is a result of the site being isolated. Should the site have been consolidated with one of the neighbouring sites at time of their construction, bonus provisions and desired future character could have been considered favourably. In this case, it does not.

The proposal does not comply with clause 4.3(1)(d) of BBLEP 2013 which states that the proposal should minimise visual impact, disruption of view, loss of privacy and solar access. These points have not been addressed appropriately as there is loss in privacy, solar access and views and the bulk of the development would restrict views to the northern vistas.

As demonstrated above, there are a number of issues in supporting the additional height of the development particularly on how it provides an adverse impact onto the surrounding development relating to visual privacy, overshadowing, views and increased bulk. Council does not support the additional height and does not support any Clause 4.6 variation to this development standard.

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Note 6 – Variation to the Floor Space Ratio development standard

The modified proposal seeks to vary the approved FSR of 1.01(986sqm) to an FSR of 1.06:1 (1,025sqm) (as calculated by Council). The applicant has provided an FSR calculation of 1.04:1 however the waste room within the above-ground car park has not been calculated as FSR. The development standard for this is 0.85:1 therefore it is evident that the original development application (DA-14/214) was approved with a non-compliance. Similar to the building height non-compliance, the applicant has provided a Clause 4.6 variation which originally sought to amend the proposal to have an increased FSR of 1.11:1 which was not supported by Council. The clause 4.6 variation has not been amended however as the proposal is subject to a Section 4.55(2) Application, there is no requirement to provide a Clause 4.6 variation to justify the proposal.

The increase in FSR is a result in minor variations in the units that have been approved as well as the three new units proposed as part of this proposal. The additional FSR amends the approved building separation of 12 metres as originally approved to now 11.3 metres. This is discussed in greater detail in the report above. The additional FSR assists in providing compliant unit sizes which have been reduced in size to now ADG compliant unit sizes. The reconfiguration of units to allow for three additional units results in greater yield on the site to the point where the proposal is considered an overdevelopment. The original Development Application was approved with a non-compliance for the site as the site was constraint. Any additional non-compliance will create even more development on a site that cannot accommodate greater yield without creating adverse impacts to the surrounding properties.

The proposal is inconsistent with the objectives of Clause 4.4 of the BBLEP 2013. In regards to sub clause (a), the objective states that the proposal is to establish standard for the maximum development density and intensity of land use. To utilise the neighbouring sites which are over 2,000sqm in area each to justify allowing the subject site to adopt the bonus provision of 1.65:1 is not supported. The site is constrained and to allow any more floor area will result in non-compliances in car parking which is already evident as there was a non-compliance approved on original DA as well as reduced building separation and setbacks. The proposal is also inconsistent with the built form of the direct neighbours regarding height and bulk which are predominantly two and three storey in nature. Therefore inconsistent with sub-clause (b).

Sub-clause (c) states the proposal is to maintain an appropriate visual relationship between new development and the existing character of areas. The proposal seeks to retain the approved nil boundary setback along the eastern elevation and the setback approved along the western elevation however by internal reconfiguring the units and the addition of three new units proposed, the likelihood of greater overlooking onto the neighbouring sites is more prominent as the proposal seeks to provide more windows along the western elevation. The additional FSR in combination with the additional height proposed does not retain the visual relationship that was approved between the site and the surrounding medium density residential.

In regards to sub-clause (e), Clause 4.4 states that the proposal is to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain. The additional FSR and three units creates additional impacts on the eastern, western and southern direct neighbours and to their private open space and living areas. The additional overlooking and overshadowing as well as views are inhibited from the amended proposal. Detail regarding these three points have already been discussed elsewhere within the report.

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Finally sub-clause (f) states that the proposal is to provide an appropriate correlation between the size of a site and the extent of any development on that site. This sub-clause is the most relevant in this argument as the site is an isolated site and the owner/applicant seeks to maximise the development on the site in comparison to what has been approved around it. The size of the site is less than 1,000sqm where all surrounding sites have a site area of over 2,000sqm each and where development with a bonus. If the applicant was to adopt a bonus of that magnitude, the proposal would result in a higher development and would cover more expanse within the site. The amount of landscaped and communal open space area would be reduced and additional issues would come to the fore. As specified prior, Council had originally acknowledged within DA-14/214 that the site was constrained and allowed for some variance to the FSR. The applicant is now seeking a greater variance on the FSR that was previously varied. This is considered an overdevelopment of the site and Council is not in support of allowing FSR greater than what was originally approved.

As discussed, the proposal will be an overdevelopment on the site and is inconsistent with the objectives of Clause 4.4 of the BBLEP 2013. Therefore, the additional FSR is not supported.

Botany Bay Development Control Plan 2013 (BBDP)

The modified proposal has been assessed against the relevant controls contained in the Botany Bay Development Control Plan 2013 (BBDP 2013) and the following information has been provided:

Part 3A – Parking & Access

An assessment against Clause 3A.2 of the BBDP 2013 has been provided below. The proposal is considered to be satisfactory against Council's car parking requirements for multi-dwelling housing and residential apartments.

Part	Control	Proposed	Complies
3A.2. Parking Provisions of Specific Uses	C2 Multi dwelling housing/residential flat building	Total of 2 townhouses and 11 units.	
	<ul style="list-style-type: none"> 1 space/studio or one bedroom dwelling; 2 spaces/two (2) or more bedroom dwellings; 1 designated visitor parking space/5 dwellings 	Six x 1 bedroom = 6 car spaces Four x 2 bedroom = 8 spaces Three x 4 bedroom = 6 spaces 1 shared visitor/car wash bay parking space provided.	Yes Yes Yes No – Refer to Note 7

Note 7 – Car Parking

Part 3A.2 Control C2 Table 1 states that residential flat buildings require one parking space for each one bedroom unit, and two parking spaces for each two or more bedroom units. Additionally, 1 visitor parking space must be provided per 5 dwellings. The development generates 23 parking spaces but has provided only 21 parking spaces. The proposal meets the resident's car parking requirement yet falls short on visitor car parking space by two. The original DA had a shortfall in one car parking space however due to the additional units proposed and the requirement to provide an additional visitor space, the car parking shortfall has worsened. The car parking plan demonstrates the constraint

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of the car parking level with the necessity in providing car stackers to accommodate the additional car spaces generated from the extra units and unit reconfiguration. This demonstrates that the site is too small to accommodate all the car parking within one level.

Part 4C – Residential Flat Building

Part	Control	Proposed	Complies
4C.2.2 Streetscape Presentation	C1 New development must be compatible in building bulk and scale with adjoining residential developments and reflect the patterns of buildings in the streetscape. It must respond to building setbacks, building height and treatment of the building facades	The proposal raises the basement slightly at the street frontage level and the applicant has amended the plans to align with the floor levels of the neighbouring site to the west. However the proposal has resulted in reduced floor levels of 3 metres.	Unacceptable
4C.2.4 Landscaped Area and Deep Soil Planting	C1 A residential flat development must have a minimum landscaped area of 35% and a maximum unbuilt upon area of 20% .	Landscaped Area approved: 228.4sqm (24%) Landscaped Area proposed: 222sqm (23%)	No – Refer to Note 8
4C.3.2 Fences	C8 The maximum height of side or rear fences is 1.8 metres. Side fences located between the street frontage and its respective building line are not to exceed 1 metre in height.	Due to the ground levels between the subject site and adjoining sites being different with the subject site having a raised ground level, the boundary walls along the eastern and western side will increase where the basement is proposed. Particularly along the western side where there will be a wall in addition to fencing on top will create approximately 3 metre high structure which will create overshadowing onto the neighbouring private open space area.	No – Refer to Modification No. 1 above
4C.4.1 Dwelling Mix and Layout	C2 The combined total number of one-bedroom dwellings shall not exceed 25% of the total number of dwellings within any single site area in residential zones. All 2 and 3 bedroom apartments are to satisfy the family friendly controls.	The development proposes 4x one bedroom apartments which is equivalent to 40%.	No – Refer to Note 9
4C.4.2 Family Friendly	C5 Two bathrooms are required. One bathroom is to be a shared bathroom which is	The proposal provides for 3 x 4 bedroom units/townhouses and 4 x 2 bedroom units. The	No – Refer to Note 10

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Apartment Buildings	<p>accessible off a common corridor. This shared bathroom is to have a bathtub, and is to be large enough to allow for parental supervision.</p> <p>C6 The private outdoor space is to be clearly visible from the kitchen.</p> <p>C8 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.</p>	<p>four 2 bedroom units are located on the ground floor in the central and rear buildings. These were previously approved as one bedroom plus study. Each of the units do not provide for an additional bathroom and the rear building units do not have their private open space directly level with the principal living areas.</p>	
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Note 8 – Landscaped Area

Part 4C.2.4 Control C1 requires a minimum landscaped area of 35%. The site has a total area of 969.7sqm and the development was originally approved with 228sqm or 24%. The proposal seeks to reduce the landscaped area to 222sqm or 23%. The site is an isolated and narrow site and full compliance with landscaping is not possible and was considered in the parent DA however the proposal seeks to reduce further the amount of landscaped area on the site which is not supported as it removes landscaping that helps soften the built form of the buildings as well as landscaping buffering between the surrounding developments

Note 9 – Unit Mix

Part 4C.4.1 Control C2 states that the combined total number of one-bedroom dwellings should not exceed 25% of the total number of dwellings on a single site. The development was approved with four one bedroom units which had a unit mix of 40% however it was considered acceptable at the time as the site is an isolated site with a site area of 969.7sqm and the number of dwellings on site was limited to 10 units. The current proposal seeks consent for six one bedroom units which increases the unit mix of one bedrooms to 46%. This demonstrates that the applicant seeks to provide more units within the development within the existing envelope however the increase in the one bedroom units in combination with the other issues raised within the report further confirms that the proposal is an overdevelopment of the site. The additional units also will have implications with the car parking as there is a shortfall in visitor spaces.

Note 10 – Family Friendly Apartments

Pat 4C.4.2 requires 2 + bedrooms are to be meet the family friendly controls of the DCP 2013. When the original proposal was approved, the family friendly controls were not imposed as they were a later addition to the DCP however the current proposal seeks to convert a number of one bedroom units to two bedroom and the three bedroom units/townhouses into four bedroom. The two bedroom units do not comply with Control C5 as they do not provide a second bathroom. The rear building at the ground floor does not comply with Control C6 which requires kitchens and living areas to have direct views to the private open space as the floor levels proposed as a result of the basement change does not allow for direct surveillance to this area.

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S.4.55(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.4.55(1)(b) - Likely Impacts of Development

As outlined in the assessment above, the proposed development will have significant adverse environmental, social or economic impacts in the locality.

S.4.55(1)(c) - Suitability of the site

The proposal is not suitable for the constrained and narrow site as it is considered to be an overdevelopment of the site. The additional yield and height proposed will have impacts onto the neighbouring properties relating to overshadowing, privacy and bulk particularly to the rear.

Any other conclusions that were approved as part of the DA-14/214 have not been amended however as the proposal is recommended for refusal, the works approved under previous applications should be carried out.

S.4.55(1)(d) - Public Submissions

The application was placed on public exhibition for a fourteen (14) day period from 4 May to 18 May 2018. Eight (8) objections were received during the public notification period. The amended plans provided to Council were sent to the objectors on 3 July 2018 with a period of seven (7) days to comment. Eight (8) objections were received as part of the second round of notification. The submissions have been discussed above in the report.

S.4.55(1)(e) - Public interest

It is considered that granting approval to the proposed development will have significant adverse impact on the public interest predominantly relating to its impact onto the neighbouring sites considering overshadowing, visual privacy additional bulk and car parking non-compliances.

Conclusion

Council received Section 4.55(2) Application on 20 April 2018 to modify Development Consent No. 14/214 to an approved residential flat building and townhouse development to raise floor levels and building heights, additional three units, reconfiguration of units, window changes and basement parking to add stackers at 5 Myrtle Street, Botany.

The application underwent two rounds of notification with the first round receiving a total of eight objections while the second round received a total of eight objections. The issues listed in the objections related to overshadowing, visual privacy, bulk relating to height and FSR, car parking and garbage collection. The points raised support the argument to refuse the application.

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The modifications proposed result in an overdevelopment of the site. The additional height particularly to the rear will result in significant overshadowing to the properties to the east, west and south and overlooking as a result of the higher ground level proposed from raising the basement partially aboveground. The applicant has provided a Clause 4.6 variation for both the height and FSR which is not supported as it does not meet the objectives of the zone or Clause 4.3 and 4.4. Therefore the modifications are not suitable for the site.

The application has been assessed under the *Environmental Planning and Assessment Act 1979* and the development application is recommended for refusal.

Attachment

Schedule 1 – Reasons of Refusal

Premises: 5 Myrtle Street, Botany

DA No: 14/214/04

SCHEDULE OF REASONS OF REFUSAL

1. The proposed modification is contrary to State Environmental Planning Policy – No. 65 – Design Quality of Residential Apartment Development and the design criteria and guidelines of the following sections of the Apartment Design Guide:
 - a) Part 2F – Building Separation
 - b) Part 3F – Visual Privacy
 - c) Part 4A – Solar and Daylight Access
 - d) Part 4C – Ceiling Heights

(State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide)
2. The proposed modification fails to satisfy the primary aims and objectives of the Botany Bay Local Environmental Plan 2013, and in particular the following specific Clauses 1.2(2):
 - f) to create a highly liveable urban place through the promotion of design excellence in all elements of the built environment and public domain;
 - g) to protect residential amenity.

(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(i)).
3. That the Bayside Planning Panel is not satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of the Botany Bay Local Environmental Plan 2013 in regards to the height of building

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(Clause 4.3) and Floor Space Ratio (Clause 4.4). (*Environmental Planning and Assessment Act 1979 s.4.15(1)(a)(i)*).

4. The proposal is contrary to Table 1 of Part 3A.2 of the Botany Bay Development Control Plan 2013 as the proposal does not comply with the required car parking provisions for visitor car parking spaces. (*Environmental Planning and Assessment Act 1979 s.4.15(1)(a)(iii)*)
5. The proposal is contrary to Control C1 of Part 4C.2.4- Landscaped Area and Deep Soil Planting of the Botany Bay Development Control Plan 2013 as the proposal further reduces the non-compliant landscaped area provided on the site. (*Environmental Planning and Assessment Act 1979 s.4.15(1)(a)(iii)*)
6. The proposal is contrary with the Control C2 of Part 4C.4.1 – Dwelling Mix and Layout of the Botany Bay Development Control Plan 2013 as the proposal provides 46% one bedroom units which is inconsistent with the maximum 25% one bedroom units permissible for the site. (*Environmental Planning and Assessment Act 1979 s.4.15(1)(a)(iii)*).
7. The proposal is contrary to Control C5 and C6 of Part 4C.4.2 – Family Friendly Apartment Buildings of the Botany Bay Development Control Plan 2013 as the proposal has not adopted family friendly units for any of the two and four bedroom units/dwellings. (*Environmental Planning and Assessment Act 1979 s.4.15(1)(a)(iii)*)
8. The proposed development is not suitable in the context of the site and locality and is considered to be an overdevelopment of the site. (*Environmental Planning and Assessment Act 1979 s.4.15(1)(c)*).
9. Given the inadequate provision of parking, height and FSR exceedance, overshadowing, visual privacy and additional bulk, granting approval to the development will have an adverse impact on the public interest (*Environmental Planning and Assessment Act 1979 s.4.15(1)(e)*).

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P1 PHOTOGRAPH OF EXISTING DWELLING ON THE WEST SIDE



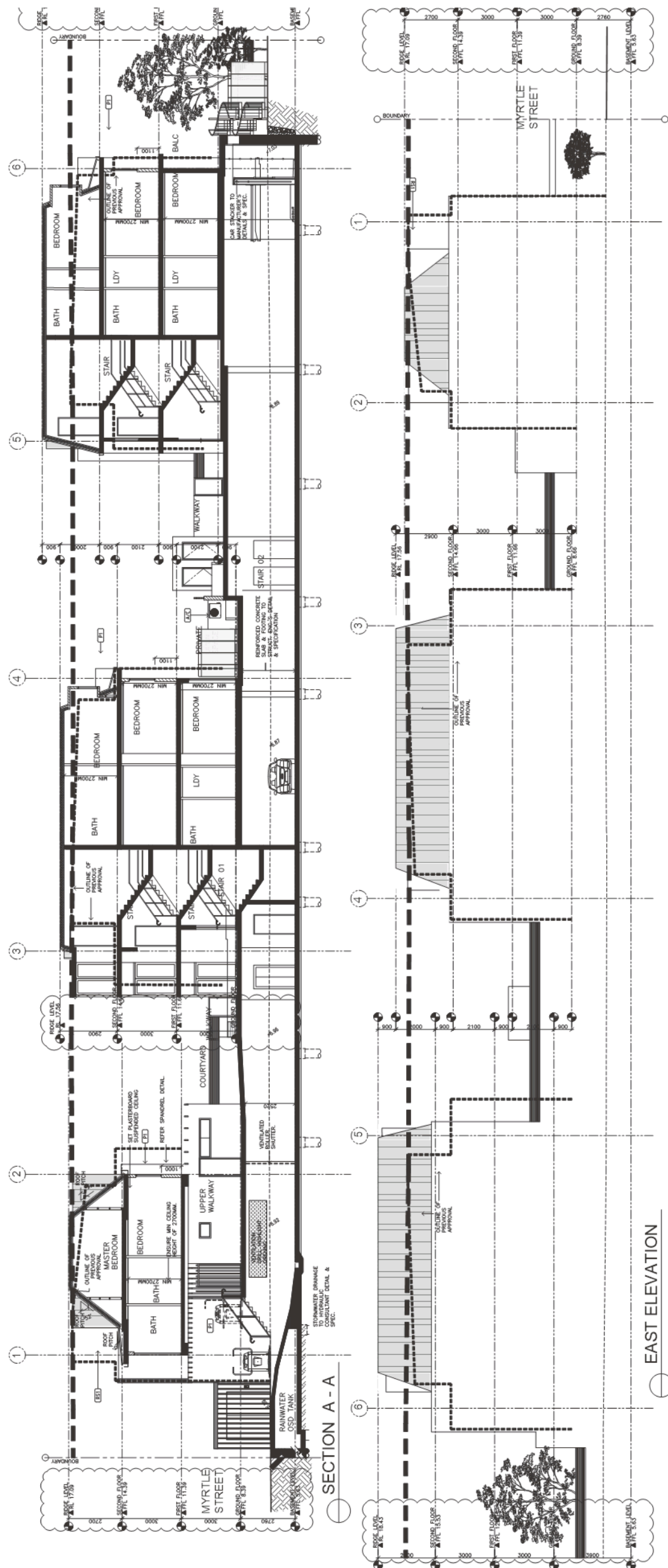
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Client
Agility Assets Holding Pty Ltd
C/- DEREK RATHBY ARCHITECTURE

ROAD
RESIDENTIAL DEVELOPMENT
Lot A.D.P. 382442, 5 Myrtle Street
BOTANY, NSW 2019
T86
SITE ANALYSIS / ROOF PLAN

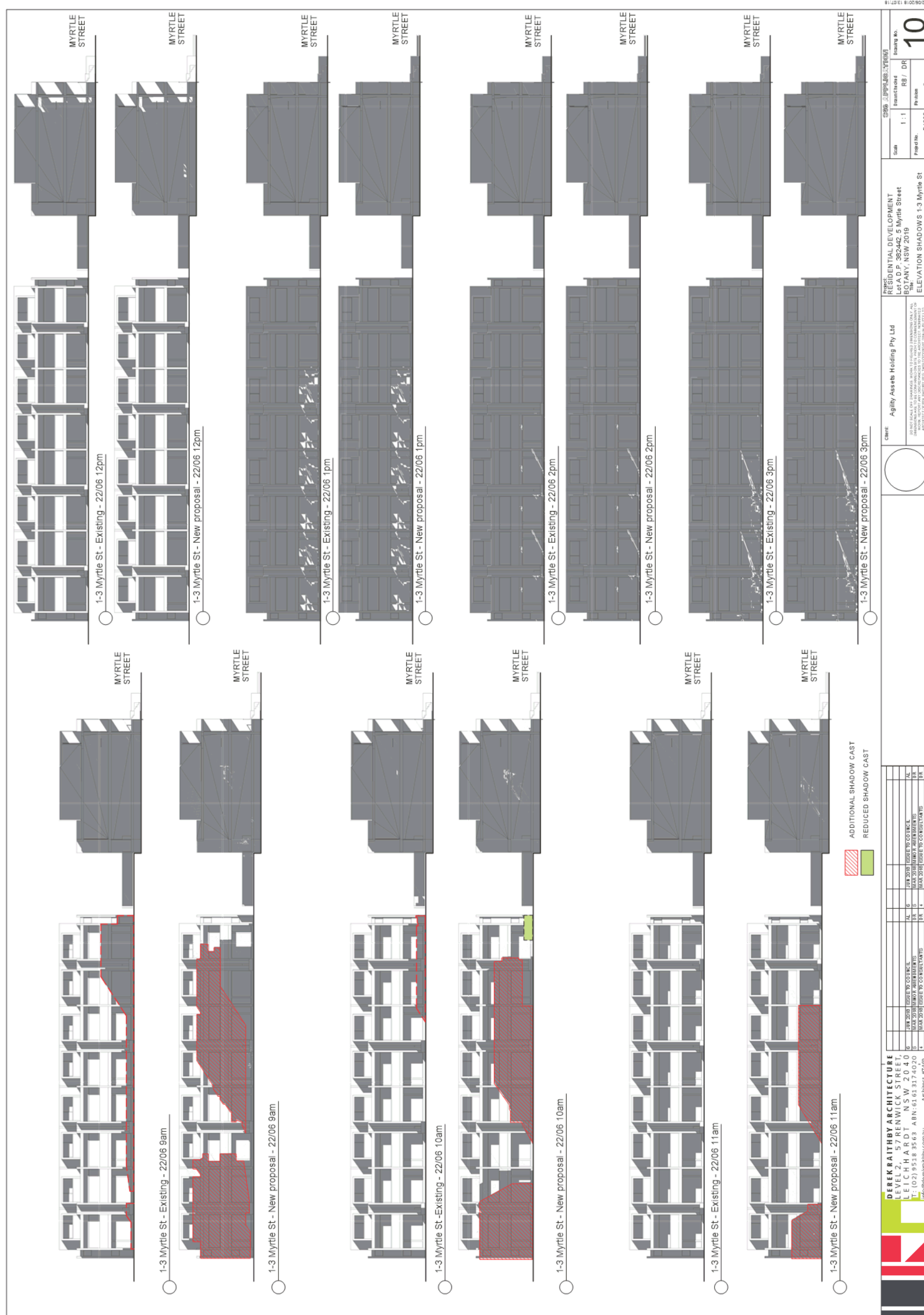
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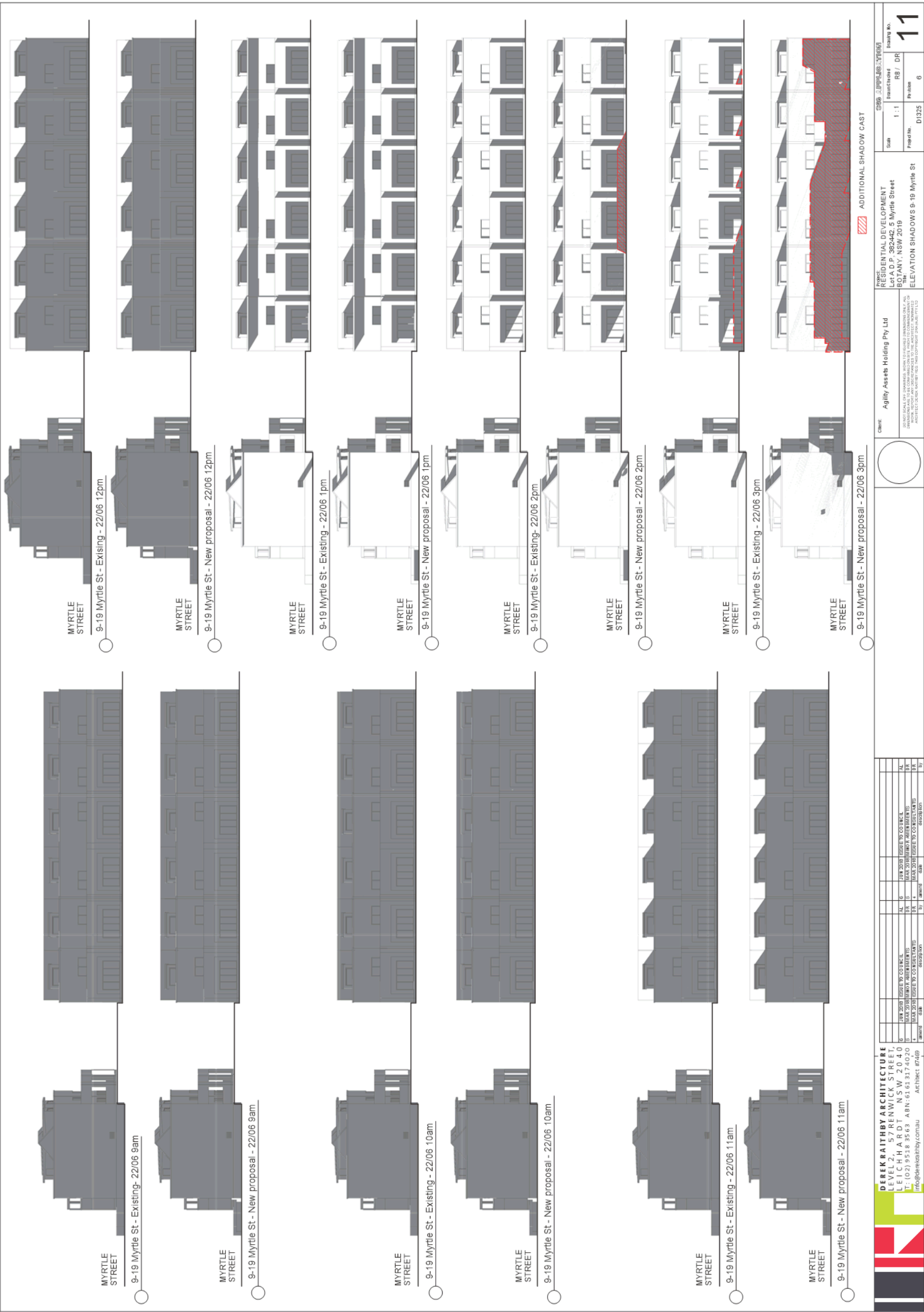


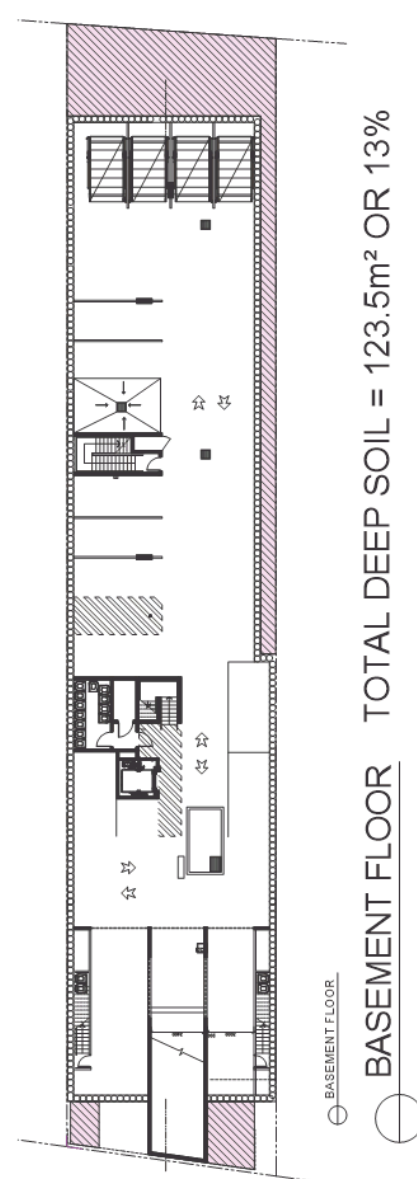
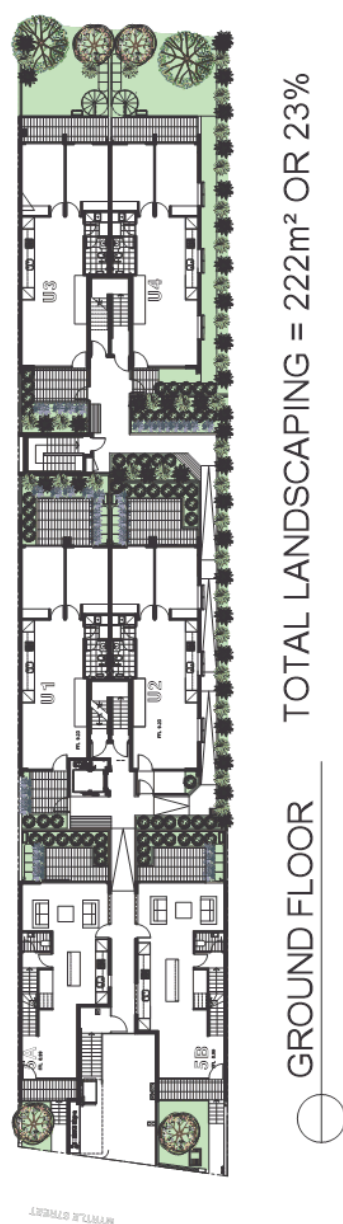
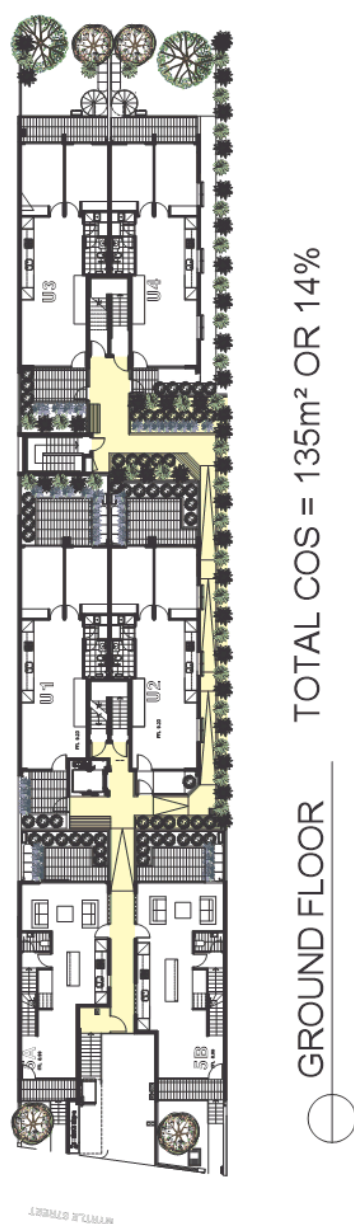
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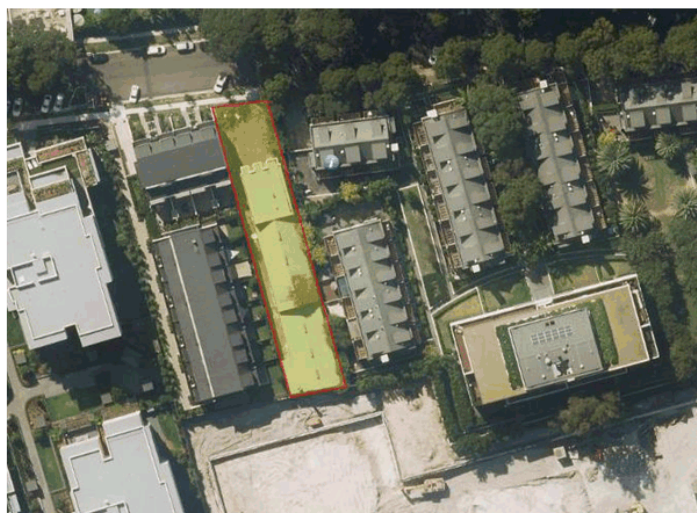






Exceptions to development standards written request – Building Height and Floor Space Ratio

Section 4.55(2) modification to development consent DA-14/214 issued for demolition, excavation, remediation and construction of three (3) x three (3) storey residential flat buildings, (comprising two (2) townhouses and eight (8) apartments) with basement parking for seventeen (17) cars, including stratum and strata subdivision to create three (3) Stratum Lots and eight (8) Strata Lots



5 Myrtle Street, Botany NSW 2019
Lot B Deposited Plan 382442

Prepared for: Agility Assets Holding Pty Ltd
Project No: C812
Date: April 2018

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If this document has not been signed for review and approval then it is deemed a preliminary draft.

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Authorised by: Ben Tesoriero - Director

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Clause 4.6 Written Request to Vary Development Standards**Botany Bay Local Environmental Plan 2013**

Applicant's name	Agility Assets Holding Pty Ltd
Site address	5 Myrtle Street, Botany NSW 2019
Proposal	Section 4.55(2) modification to development consent DA-14/214 issued for demolition, excavation, remediation and construction of three (3) x three (3) storey residential flat buildings, (comprising two (2) townhouses and eight (8) apartments) with basement parking for seventeen (17) cars, including stratum and strata subdivision to create three (3) Stratum Lots and eight (8) Strata Lots.
Environmental Planning Instrument	<i>Botany Bay Local Environmental Plan 2013 (BBLEP 2013)</i>
Development standards to be varied	<p><u>Clause 4.3 – Height of buildings</u></p> <p>The relevant subclause states:</p> <p><i>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map (10m).</i></p> <p><u>Clause 4.4 – Floor space ratio</u></p> <p>The relevant subclause states:</p> <p><i>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</i></p>

Below is the written request which relates to both of the proposed departures to the development standard contained within the BBLEP 2013. Each of the variations are discussed concurrently, as many of the reasons for the variations apply to both development standards, particularly in relation to the context of site isolation, and the character of surrounding development, which includes significantly higher buildings with higher floor space ratios.

Details of development standard sought to be varied**Height of Buildings**

Clause 4.3 of the BBLEP 2013 prescribes the maximum building height for the land to which the plan applies, and the maximum height of buildings is generally prescribed by the Height of Buildings Map, which is 10m for the subject site.

However, Clause 4.3 indicates that developments on larger allotments are subject to height limits that are different to those shown on the Height of Buildings Map. The entirety of Clause 4.3 is reproduced below:

4.3 Height of buildings

(1) *The objectives of this clause are as follows:*

- (a) *to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,*
- (b) *to ensure that taller buildings are appropriately located,*
- (c) *to ensure that building height is consistent with the desired future character of an area,*
- (d) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (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.*

(2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

(2A) *Despite subclause (2), if an area of land in Zone R3 Medium Density Residential or Zone R4 High Density Residential exceeds 2,000 square metres, the height of a building on that land may exceed the maximum height shown for the land on the Height of Buildings Map but must not exceed 22 metres.*

(2B) *Subclause (2A) does not apply to land identified as "Area 1" on the Height of Buildings Map.*

(2C) *Despite subclause (2), if an area of land identified as "Area 2" on the Height of Buildings Map has a site area exceeding 1,900 square metres, the maximum height for a building on that land may exceed the maximum height shown for the land on the Height of Buildings Map by no more than 2 metres.*

The subject site has a total site area of 969.7sqm and is therefore not affected by subclause (2A), (2B), or (2C), and so is subject to the height limit shown on the map. The approved development provided a maximum building height of 10m, which was compliant with the standard. The modified proposal seeks a maximum building height of 12.17m, which exceeds the standard by 2.2m, or 22%.

Floor Space Ratio

Clause 4.4 of the BBLEP 2013 prescribes the maximum floor space ratio for the land to which the plan applies, and the maximum floor space ratio is generally prescribed by the Floor Space Ratio Map, which is 0.85:1 for the subject site.

However, Clause 4.4 and Clause 4.4B also indicates that developments on larger allotments are subject to floor space ratio limits that are different to those shown on the Floor Space Ratio Map. The entirety of both Clause 4.4 and Clause 4.4B are reproduced below:

- (1) *The objectives of this clause are as follows:*
- (a) *to establish standards for the maximum development density and intensity of land use,*
 - (b) *to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,*
 - (c) *to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,*
 - (d) *to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities,*
 - (e) *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*
 - (f) *to provide an appropriate correlation between the size of a site and the extent of any development on that site,*
 - (g) *to facilitate development that contributes to the economic growth of Botany Bay.*
- (2) *The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*
- (2A) *Despite subclause (2), if an area of land in Zone R3 Medium Density Residential or Zone R4 High Density Residential exceeds 2,000 square metres, the floor space ratio of a building on that land may exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map but must not exceed 1.5:1.*
- (2B) *Subclause (2A) does not apply to land identified as "Area 1" on the Floor Space Ratio Map.*
- (2C) *Despite subclause (2), if an area of land identified as "Area 2" on the Floor Space Ratio Map has a site area exceeding 1,900 square metres, the maximum floor space ratio for a building on that land may exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map by no more than 0.65:1.*
- (2D) *Despite subclause (2), if a building is permissible under clause 9A of Schedule 1 on land identified as "Area 4" on the Floor Space Ratio Map, the maximum floor space ratio for the building must not exceed 1.5:1.*

- (1) *The objective of this clause is to encourage the development of larger sites (former industrial sites) to facilitate better built form and urban design.*
- (2) *This clause applies to land in Zone R3 Medium Density Residential and Zone R4 High Density Residential.*
- (3) *Despite clause 4.4, development consent may be granted to development for the purposes of multi dwelling housing and residential flat buildings on land to which this clause applies that results in a floor space ratio that does not exceed 1.65:1 if:*
- (a) *the site area is equal to or greater than 2,000 square metres, and*
 - (b) *the site area is land identified on the Acid Sulfate Soils Map, and*
 - (c) *the consent authority considers that the development is, or is likely to be, adversely affected by any of the following:*
 - (i) *contamination,*
 - (ii) *noise (including aircraft, rail or road noise), and*
 - (d) *the consent authority is satisfied that:*
 - (i) *the development will be compatible with the desired future character in terms of building bulk and scale, and*
 - (ii) *the development will contribute to the amenity of the surrounding locality, and*
 - (iii) *any consolidation of lots for the purposes of this clause is not likely to result in adjoining lots that cannot be developed in accordance with this Plan.*

Given the size of the subject site, the floor space ratio bonuses are also not available to this site, and the site is not affected by Clause 4.4(2A) or Clause 4.4B. The proposal is therefore subject to the floor space ratio limit shown on the map. The approved development provided a maximum floor space ratio of 1.01, which was not compliant with the standard.

A 4.6 variation was lodged with the approved development and was supported by Council. The proposal seeks to increase the floor space ratio to 1.11:1, which exceeds the standard by 0.26:1, or 30.6%.

Note: Although a 4.6 variation request is not a statutory requirement for a modification application (irrespective of whether or not the approved development was compliant), justifications to the departures from the development standards accompany this application in order to properly demonstrate the reasons why the departures from the standards are acceptable.

Clause 4.6 Exceptions to Development Standards - Botany Bay Local Environmental Plan 2013

Clause 4.6 of the BBLEP 2013 is the mechanism by which a consent authority is able to grant consent to a development despite non-compliance with prescribed development standards. Clause 4.6 is reproduced below:

- 1) *The objectives of this clause are as follows:*
 - (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.*
- (2) *Development 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. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development 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.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *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, and*
 - (b) *the concurrence of the Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Secretary must consider:*
 - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*
- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*
 - (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note. When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E3 Environmental Management or Zone E4 Environmental Living.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

- (a) a development standard for complying development,*
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
- (b1) clause 4.3 (2A),*
- (R3) clause 4.4B (3),*
- (c) clause 5.4.*

Although a 4.6 variation request is not a statutory requirement for a modification application, it is noted that Clause 4.6 does not preclude variations to the floor space ratio or height of buildings standard.

4.6(3) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and there are environmental planning grounds to justify the contravention of the standard

The authority established by *Four2Five Pty Ltd v Ashfield Council (2015)*, necessitates that environmental planning grounds for the proposed variations must be established aside from the consistency of the development with the objectives of the standards and the objectives of the zone.

In *Wehbe V Pittwater Council (2007) NSW LEC 827*, Preston CJ set out the following 5 different ways in which an objection (variation) may be well founded:

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
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;*
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 that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

It is generally understood that Clause 4.6(3) can be satisfied if it is established that a development satisfies one or more of points 2-5 above.

Having regard for the authority within *Wehbe*, compliance with the development standards has been determined to be unreasonable and unnecessary in the circumstances of the case, and the following outlines the environmental planning grounds for the proposed departures:

- Subclause 4.3(2A) of the BBLEP 2013 provides that the maximum height limit may be increased from 10m to 22m, if the development is on an area of land that exceeds 2,000 square metres. Further, Part 4C.6.3 of the Botany Bay Development Control Plan 2013 (BBDCP 2013) indicates that the portion of the building that exceeds the height limit must be a minimum of 30 metres from the front property boundary, and a minimum of 35 metres from any other property boundary, where the land adjoins a R2 Low Density Residential Zone.

The site is 969.7sqm in size and is therefore not affected by subclause 4.3(2A) of the BBLEP 2013 or Part 4C.6.3 of the BBDCP 2013. However, the urban block in which it is contained (bound by Myrtle Street, the Botany Goods Railway Line, Bay Street, and Jasmine Street), is characterised predominately by allotments that are in excess of 2,000 square metres in area, and are therefore subject to the aforementioned provisions.

- Similarly, with respect to floor space ratio, bonuses are available for larger sites pursuant to subclause 4.4(2A), and subclause 4.4B of the BBLEP 2013. The nearby sites that are in excess of 2,000 square metres are also subject to the bonus provisions relating to floor space.

Consequently, the majority of development sites within this block, contain buildings that were approved under these provisions, and therefore contain buildings that exceed at least 20m in height, and are provided with a floor space ratio that equates to greater than 1.65:1. The map below shows the range of larger sites that surround the development. Note that this aerial imagery does not show the now constructed development at 72-86 Bay Street.

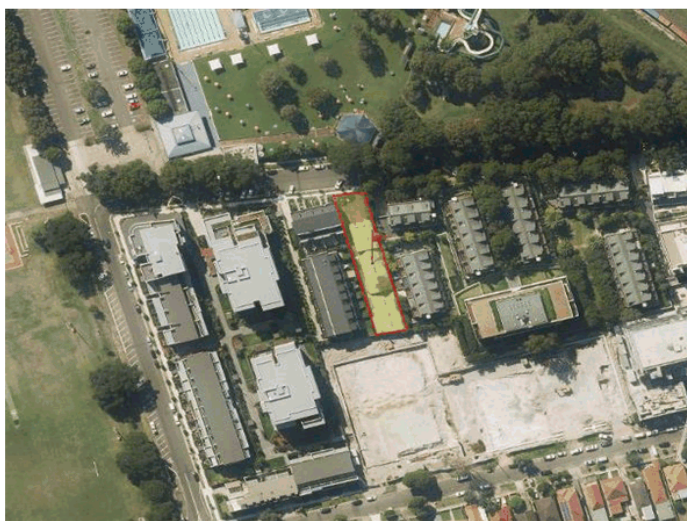


Figure 1 Larger development sites surrounding the subject site, which are provided with floor space ratios and building heights well in excess of that proposed at the subject site

Source: CPS

- The tallest building within the subject development is set back approximately 50m from Myrtle Street, well in excess of the 30m requirement outlined within the BBDCP 2013. Although the controls do not specifically apply to this site, the design ensures that the proposal follows the pattern of development within the block.

Developments which front Myrtle Street, particularly towards the corner of Jasmine Street, and other buildings fronting Jasmine Street and Bay Street, are typically much larger than the proposed development, and are not provided with the 30m setback required for taller buildings.

- The developments surrounding the proposal are provided with significantly higher residential densities than that which is currently proposed on the site. The scale of the development, particularly to the south and the west, is far greater than that proposed on the site.

- The neighbouring development to the east, at 9-19 Myrtle Street, sits at a higher point than the proposal, and the proposal sits higher than the development directly adjoining to the west, at 1-3 Myrtle Street. The proposal therefore provides a visual transition in height from 9-19 Myrtle Street 1-3 Myrtle Street. These three developments sit significantly lower than the other developments further to the west. The adjoining development to the east and west, despite being smaller than the majority of developments within the block, were each approved with floor space ratio variations.
- The site is isolated by virtue of the developments approved by Council to either side of the subject site. Development of a significant larger scale could have been approved at this site, particularly in the location of the two rear buildings, if the site were not isolated by neighbouring developments. The site isolation not only unduly constrains development potential at the site, but also limits the design options that are available at the site to overcome the constrained dimensions of the site.
- Further to the above, as other properties surrounding the site are provided with significantly larger developments, the approved dwellings are likely to be subject to significant privacy and bulk and scale impacts from neighbouring properties. The proposed development allows for a reduction in the apparent scale of neighbouring developments, through an increase in floor levels throughout the development. The proposed modification represents one of the few available design options to mitigate against the impacts associated with the site isolation, and the scale of neighbouring development.
- The approved development seeks a marginal penetration of groundwater underneath the site and requires the issue of an aquifer interference activity pursuant to Section 91 of the *Water Management Act 2000*. The disturbance to the aquifer is able to be avoided through a small increase in the finished floor level of the basement, and the provision of a car stacker. Insistence on compliance with the standard would result in additional groundwater penetration, with little associated visual benefit on the streetscape or to the amenity of the locality.
- Although the ground floor level is raised above the floor level within the street, entry staircases, and landscaping are provided to the front of the development, and the basement is completely concealed from view. In addition, passive surveillance is maintained at each level of the development, to ensure that the relationship with Myrtle Street is unaffected by the modification.
- The design provides three smaller buildings that each seek a minor exceedance of the height limit, rather than providing one or two buildings with larger floor plates that are each compliant with the height limit – the latter approach is found within the two developments adjoining on either side of the subject site. The approach to the subject development, provides several advantages:
 - The spacing of buildings enables solar access and natural light to the two adjoining properties to be maximised.

- The design allows for the minimisation of the number of balconies oriented towards neighbouring properties. Given the spacing of the buildings, the design allows for the majority of balconies to be oriented towards other buildings on the same site.
- The additional floor space to the upper levels is provided in order to enable improvements to the functionality of these spaces. The approved development was provided with limited floor area to the uppermost floor, with only master bedrooms provided to each of the three buildings, and with much of the building envelope occupied by balconies, roof planes, and stairwells. The modified proposal would enable these areas to be utilised for level internal areas, with much of the bulk associated with the balconies, pitched roofs, and additional staircases, able to be converted to floor area.
- The additional floor space that is provided enables the buildings to be of an overall size that is similar to that approved on the sites which adjoin on either neighbouring site, which themselves were not approved under bonus clauses. These developments are provided with various raised courtyards communal open space areas that add to the overall bulk of the development, but are not included within the calculation of floor space ratio.
- The development is located amongst larger allotments used for public and private recreation, including Booralee Park to the west, the Botany Aquatic Centre, opposite the site to the north, and the Eastlakes Golf Club further beyond to the north and northwest. The buildings within the subject block are readily visible from vantage points within these surrounding sites, and the buildings that features most prominently are the taller structures, built in accordance with the 22m height limit. Given the northern side of Myrtle Street does not contain any dwellings, the development will not otherwise be visually prominent when viewed from the north.

Clause 4(a)(ii) 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.

The objectives of the R3 Medium Density Residential Zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*

The proposal seeks to provide additional housing to meet the needs of the local community. In the context of the surroundings, the proposal provides residential development of a density that would be expected in this locality.

- *To provide a variety of housing types within a medium density residential environment.*

The proposal contributes to the provision of a suitable dwelling mix for a development of its size, noting that multi-level street-fronting dwellings are provided in addition to the apartments to the rear.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

This objective relates to the various non-residential uses that are permissible within the zone and does not strictly apply to the proposed development. However, the increased density proposed in the subject development will improve the viability of non-residential uses within the locality.

- *To encourage development that promotes walking and cycling.*

The development provides sufficient space to enable bicycle storage for future occupants, and given the proposal is located within proximity to local services and public transport options, the increased density associated with the proposed development better meets this objective than the approved development at the site.

Height of Buildings

The objectives of Clause 4.3 of BBLEP 2013 are as follows:

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

Strict compliance with the height of buildings development standard would result in a development which is less compatible with this objective than the proposal. The approved building is smaller than the building directly adjoining to the rear, and the proposed modification would result in a building that will remain significantly lower than many surrounding buildings. In this respect, the proposal will not offend this objective.

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

The proposal provides for larger buildings towards the rear of the site, consistent with the prevailing pattern of development on nearby sites, and the provisions of the BBDCP 2013.

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

The proposed building is smaller than the majority of the developments located within the block. In this respect the building height is consistent with the existing and future character of the area.

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

Each dwelling within the property is provided with courtyards that are oriented away from neighbouring properties, are consistent with the approved building separation distances, and are provided with privacy screening to reduce oblique views from neighbouring properties. Existing overlooking in the locality can be largely attributed to the design of neighbouring approved developments. An entire wall of balconies situated on the approved development at 72-86 Bay Street, will create overlooking to the two balconies on each level of the subject development, which are oriented towards the rear. In addition, private open spaces on the neighbouring narrow allotments are oriented towards the subject site, rather than to other dwellings within the site. The design response within the subject development seeks to reduce the impact of the overlooking through the internal orientation of the private open spaces.



Figure 2 View towards the south from the rear of the subject site showing overlooking from neighbouring properties.
Source: CPS

The proposed modification is unlikely to create any significant issues in relation to solar access to neighbouring properties, as the buildings on adjoining properties are provided with

relatively large side setbacks from the boundaries shared with the subject site. In addition, the ground levels of these two neighbouring properties are raised above natural ground level, similar to the approach within the subject design. Finally, as indicated earlier, the proposal provides three distinct building forms, which assists in minimising amenity impacts at neighbouring properties.

The skyline surrounding the subject site is characterised by buildings of 6-7 storeys in height. The approved development to the rear of the site sits at 7 storeys in height and when viewed from the north, can be seen currently beyond the subject site and neighbouring developments, as shown in the image below.



Source: CPS

In addition, the buildings to the west, towards the corner of Jasmine Street and Myrtle Street, are currently much greater in scale than the development proposed on the subject site, and the development on either side of the subject site.

5 MYRTLE STREET, BOTANY NSW 2018

April 2018



Figure 4 Larger developments towards the corner of Jasmine Street and Myrtle Street, viewed from Myrtle Street.

Source: CPS

The development will not be visible from any public places, aside from Myrtle Street, directly in front of the site. It will not be seen from beyond either neighbouring property when viewed from either end of Myrtle Street, and it will not be seen from either Booralee Park to the west, or nearby streets to the south, given the size of existing development within the subject block. The images below show the existing skyline from nearby public places.



Figure 5 View toward the east from Booralee Park, showing the 5-6 storey buildings on Jasmine Street

Source: CPS



Figure 6 View toward the northwest from the pedestrian overpass to the Botany goods line in Ellis Street, showing the 6-7 storey buildings on Bay Street

Source: CPS

The additional height of the proposal will not be perceptible from any neighbouring properties.

Floor Space Ratio

The objectives of Clause 4.4 of BBLEP 2013 are as follows:

(a) to establish standards for the maximum development density and intensity of land use,

The proposed modification will not undermine the integrity of the standard, and the capacity of Council to enforce the standard. The site is located amongst developments with significantly larger buildings than what is proposed at the subject site. There is little merit in strict enforcement of the standard in this location, given the unusually high densities surrounding the site. There are other locations within the area affected by the BBLEP 2013, in which strict enforcement of the standards is appropriate.

(b) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,

The proposed building is smaller than the majority of the developments located within the block. In this respect the density is consistent with the existing and future character of the area.

(c) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,

The existing character of the area has been established to contain larger buildings with significantly greater density than the proposal. Irrespective of the provision of additional floor space, the proposed development will be visually dominated by surrounding development within the locality. It is unlikely that this will transform to lower densities in the future.

(d) to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities,

A discussion of this objective is provided in relation to objective (e) of Clause 4.3.

(e) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,

A discussion of amenity impacts is provided in relation to objective (d) of Clause 4.3. The additional floor space will not impact on the enjoyment of the public domain, as there is no additional floor space proposed to the approved front two dwellings.

(f) to provide an appropriate correlation between the size of a site and the extent of any development on that site,

The additional floor space would have a negligible effect on the relationship between the built form and the size of the allotment. The building envelope will be generally unchanged as a consequence of the proposal, and the additional floor space is largely a consequence of changes to the layout of the upper floors.

(g) to facilitate development that contributes to the economic growth of Botany Bay.

The approved development, as modified, would continue to be consistent with this objective.

- Having regard to the judgement in *Wehbe*, the objectives of the zone, and the objectives of the standard, the reasons for the variations can be summarised as follows:
 - The marginal increase in the height of the proposal will allow for the avoidance of groundwater penetration. Insistence on compliance would result in additional environmental impacts, with little associated visual or amenity benefit.
 - The site is surrounded by significantly larger developments, and the height sought by the proposed modification better responds to the prevailing character than the approved development.
 - As a consequence of the size of surrounding development, the proposal will not be visible from any public places, aside from Myrtle Street, directly in front of the site.
 - No additional floor space is proposed within the front building, and the additional floor space will not be visible from any surrounding public place.

- The spacing of the buildings enables solar access and natural light to adjoining properties to be maximised. This also allows for the majority of balconies to be oriented towards other buildings on the same site, rather than on neighbouring properties.
- Much of the additional proposed floor area is a consequence of converting the bulk associated with approved balconies, pitched roofs, and additional staircases, and in this respect the additional floor space results in very little increase to visual bulk.
- The objectives of the zone are achieved notwithstanding non-compliance with the standard;
- The underlying object or purpose of the standards, primarily related to desired future character, would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

Therefore, compliance with the standard would be considered unnecessary and unreasonable.

Given the above it is considered that the requirements of Clause 4.6 have been satisfied and that the variation to the floor space ratio and height of buildings development standards can be approved.

Bayside Planning Panel

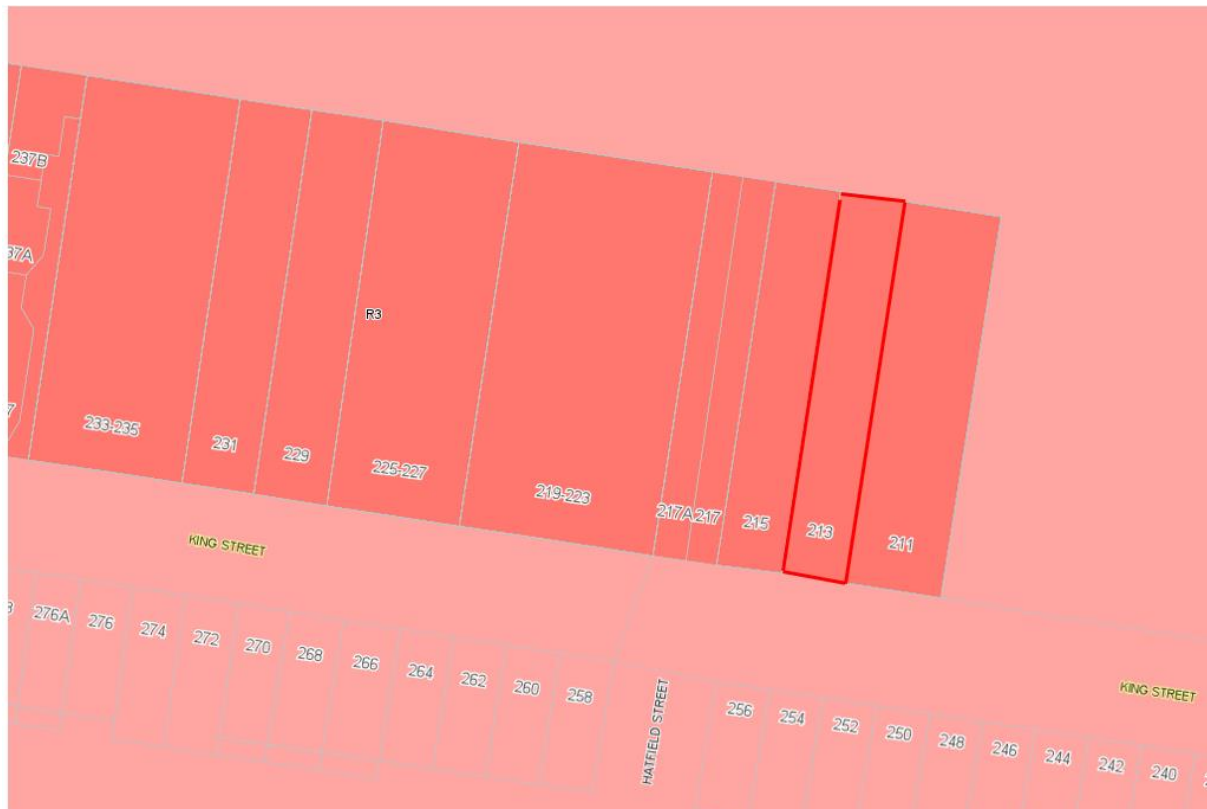
24/07/2018

Item No	6.5
Application Type	Development Application
Application No	SF18/1432
Lodgement Date	24/04/2017
Property	DA-2017/1060 - 213 King Street, Mascot
Ward	Mascot
Owner	George Christofi
Applicant	Arkhaus
Proposal	Integrated Development for the demolition of the existing dwelling and construction of a part three (3) part four (4) storey residential flat building containing 13 units and basement parking.
No. of Submissions	Original proposal – 12 submissions Amended proposal – 8 submissions
Cost of Development	\$3,371,756.00
Report by	Patrick Nash, Senior Development Assessment Planner

Officer Recommendation

- 1 That the Bayside Planning Panel supports the variation to Clause 4.3 – Height of Buildings in accordance with the Clause 4.6 justification provided by the applicant so far as it relates to the height breach in the middle and rear of the site; and
 - 2 That the Development Application No. 2017/1060 for the demolition of the existing dwelling and construction of a part three (3) part (4) storey residential flat building and basement parking at 213 King Street, Botany, be granted deferred commencement approval subject to the conditions attached to this report.
 - 3 That the objectors be notified of the Bayside Planning Panel's decision.
-

Location Plan



Attachments

- 1 Planning Assessment Report
- 2 Site Plan
- 3 Site Analysis Plan
- 4 Streetscape
- 5 Elevations
- 6 Survey Plan
- 7 Landscape Plan
- 8 Clause 4.6 - Height
- 9 Design Review Panel minutes [↓↓↓↓↓↓↓↓↓↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2017/1060
Date of Receipt:	24 April 2017
Property:	213 King Street, Mascot Lot 4 DP 10538
Owner:	George Christofi
Applicant:	Arkhaus
Proposal:	Integrated Development for the demolition of the existing dwelling and construction of a part three part four storey residential flat building containing 13 units and basement parking.
Recommendation:	Deferred Commencement
Value:	\$3,371,756.00
No. of submissions:	Original proposal - 12 submissions Amended proposal - 8 submissions
Author:	Patrick Nash- Senior Development Assessment Officer
Date of Report:	3 July 2018

Key Issues

Bayside Council received Development Application No. 2017/1060 on 24 April 2017 seeking consent for demolition of the existing dwelling and construction of a part three part four storey residential flat building containing 13 units and basement parking at 213 King Street, Mascot.

The proposed development was amended during the assessment of the application to address concerns raised by Council, neighbouring properties and the Design Review Panel. The amended plans are considered to satisfactorily resolve the issues raised, with the exception of the extent of the building height non-compliance proposed.

The applicant has provided a Clause 4.6 variation to the maximum permissible building height of 12 metres pursuant under Clause 4.3 of the Botany Bay LEP 2013. The proposed building height ranges from approximately 12.8 up to 14.89 metres. The departure is therefore 0.8m up to 2.89m. This maximum extent of the height breach represents a variation of 24%. The Clause 4.6 variation is not supported. The proposed development presents a 4 storey form to King Street which is inconsistent with the scale of buildings in its surroundings. As such, the 4th storey at the front of the side (comprising 1x3 bed dwelling) is not supported and recommended to be deleted.

The proposed development does not comply with the applicable car parking rates with a shortfall of 2 spaces, noting that the development cannot rely upon the RMS car parking rates in the Guide to Traffic Generating Developments because the site is not within 800m of Mascot Railway Station. Nevertheless, the deletion of the 3 bedroom dwelling on the upper-most

storey would result in a development that complies with the applicable off-street car parking rates in Botany Bay DCP 2013.

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 including a condition to remove the 4th storey at the front of the site.

Recommendation

It is RECOMMENDED:

1. That the Bayside Planning Panel supports the variation to Clause 4.3 – Building Height in accordance with the Clause 4.6 justification provided by the applicant, in so far as it relates to the height breach in the middle and rear of the site; and
2. That the Development Application No. 2017/1060 for the demolition of the existing dwelling and construction of a part three part four storey residential flat building and basement parking at 213 King Street, Botany, be granted deferred commencement approval subject to the conditions attached to this report. The deferred commencement condition is as follows:

The Consent given does not operate until the following condition is satisfied:

DC1 Amended plans being submitted to Council's satisfaction making the following design changes:

- i) *Unit 413 on the third floor shall be deleted and the design of the common lobby area re-designed accordingly;*
 - ii) *The floor to floor height of the ground floor, first floor and second floor in the entire development shall be 3.1 metres; and*
 - iii) *All windows proposed on the east elevation shall have a minimum sill height of 1.6 metres above the finished floor level or be fitted with obscure glazing.*
3. That the objectors be notified of the Bayside Planning Panel's decision.

Background

History

The history of the subject development application is summarised as follows:

- **24 April 2017** – DA2017/1060 was submitted to Council.
- **17 May 2017 – 26 June 2017** – The application was placed on neighbour notification in accordance with BBDCP 2013. 12 submissions were received.
- **23 November 2017** – The application was reviewed by the Design Review Panel (DRP).
- **19 December 2017** – An additional information letter was sent to the applicant. This correspondence detailed concerns raised by the DRP alongside additional concerns

with respect to ADG compliance, the extent of the building height non-compliance and various non-compliances with BBDCP 2013.

- **23 January 2018** – Council sent a further additional information letter to the applicant raising parking and flood planning concerns.
- **21 February 2018** – The applicant submitted amended plans addressing the concerns raised by Council. The assessment in this report is based on these plans.
- **21 March 2018** – The applicant submitted an Economic Report in support of the unit mix proposed in the subject application.
- **16 May 2018 to 15 June 2017** – The amended plans were re-notified. 8 submissions were received.

Proposal

The development application seeks consent for demolition of the existing dwelling and construction of a part three part four storey residential flat building containing 13 units and basement parking. The proposed development, in its amended form, is further described as follows:

Basement Level

- 17 car parking spaces;
- Lift;
- Fire stairs;
- Storage facilities;
- Garbage room; and
- Communal open space within the rear setback area.

Ground Floor Plan

- 4 apartments, comprised of 2 x 1 bed and 2 x 2 bed;
- Communal open space area adjacent to the eastern boundary;
- Pedestrian access to the building off King Street at the front of the site;
- New landscaping throughout various parts of the site; and
- Centrally located lobby, lift and fire stairs.

First Floor Plan

- 4 apartments, comprised of 4 x 1 bed; and
- Centrally located lobby, lift and fire stairs.

Second Floor Plan

- 4 apartments, comprised of 4 x 1 bed; and
- Centrally located lobby, lift and fire stairs.

Third Floor Plan

- 1 x 3 bedroom dwelling at the southern (front) end of the site;
- Outdoor communal open space area at the rear (northern) end of the site;
- Centrally located lobby, lift and fire stairs.

The proposal is essentially comprised of two built forms attached by a central lobby/walkway. The proposed development contains a total of 13 apartments comprised of 10 x 1 bed, 2 x 2

bed and 1 x 3 bed. Three (3) adaptable apartments are proposed, those being units 102, 206 and 310.

The proposed residential flat building has a contemporary appearance and incorporates a flat roof form. The external materials and finishes proposed include sandstone, colorbond cladding, rendered and paint finish and glass balustrades.

The rear of the site is flood affected, hence the elevated ground floor level in that location.

The amended elevations and perspective of the proposed development are re-produced below:



Figure 1 – Visual perspective: Front elevation of the proposed development

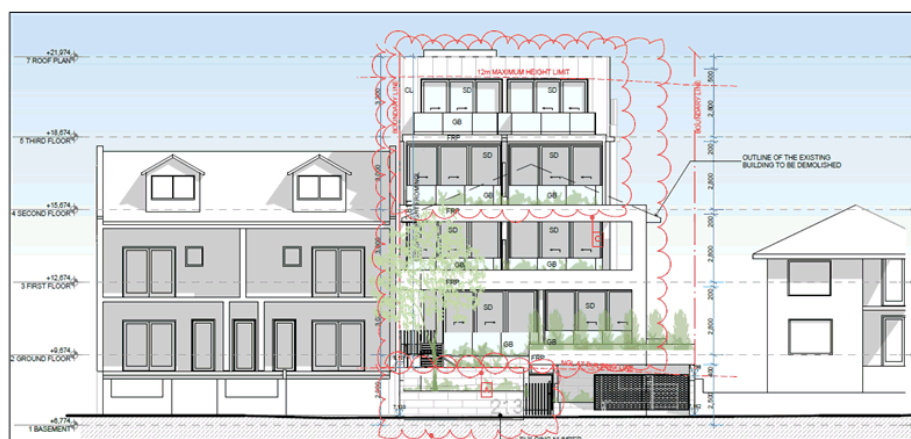
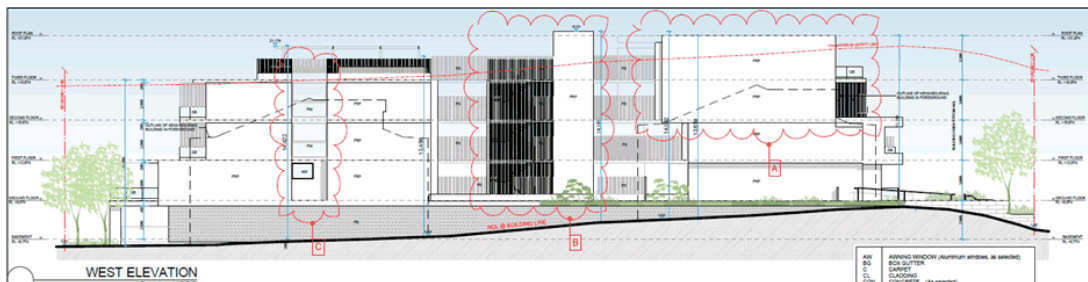
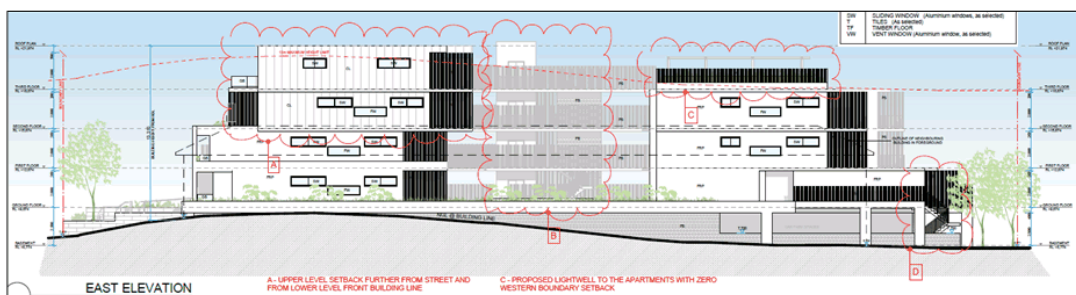
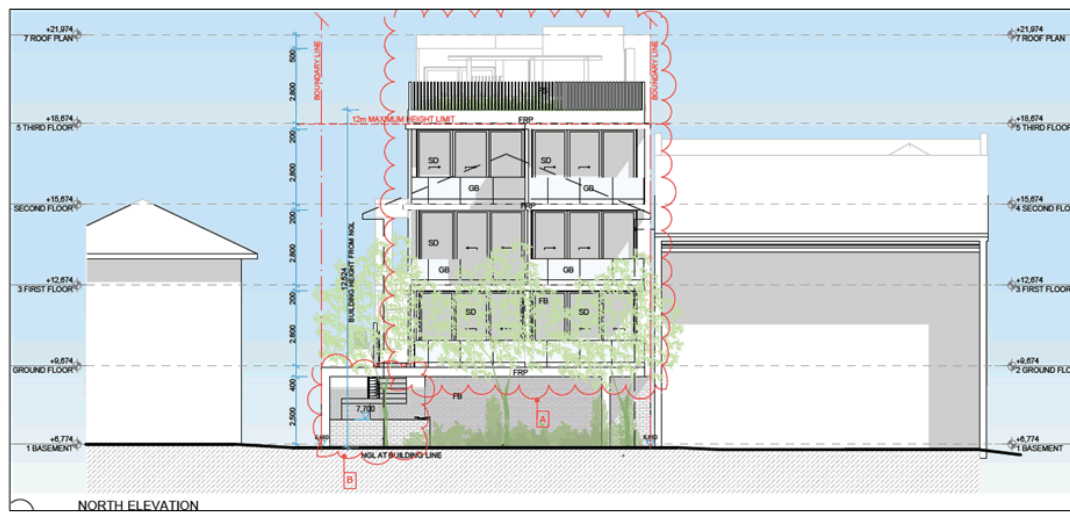


Figure 2 – Front (King Street) Elevation

**Figure 3 – West Elevation****Figure 4 – East Elevation****Figure 5 – North Elevation**

Site Description

The subject site is 213 King Street, Mascot and is legally described as Lot 4 in DP 10538. The site has a frontage to King Street of 12.19m and an overall site area of 884m². The subject site has varying topography which includes a 2m incline within the front 20m of the subject site, increasing from RL7.29 at the sites southern / King Street frontage, ascending to RL9.24m at approximately 20m within the depth of the site, before descending to RL6.67 at the sites northern boundary. The site does not contain any significant landscaping. The site currently accommodates an existing two (2) storey dwelling with detached metal garage at the rear.

Immediately adjoining the site to the west is No.215 King Street which contains 3 storey multi dwelling housing development which contains two built forms attached by a central walkway. To the east is No.211 King Street which is a 2 storey residential flat building. Adjoining the site at the rear is the sports oval component of Mascot Public School which is identified as a heritage item of local significance within Schedule 5 of Botany Bay Local Environmental Plan 2013. The remainder of development in the vicinity of the site on the northern side of King Street is characterised by multi-dwelling housing developments and detached single dwellings. Development on the opposite (southern) side of King Street is predominately single storey dwellings, all being within the R2 – Low Density Residential zone.

The site is located within walking distance (1.1km) of the Mascot train station and adjoins the Mascot Public School sports oval to the north of the site. The site is also located 700m north east of the Sydney Domestic Airport, 200m west of the local shops situated along Botany Road whilst also being 500m east of the light industries located to the west of O'Riordan Street.

The site location is illustrated in **Figure 6**. An aerial photo of the site and the existing development on the site are illustrated in **Figures 7 and 8**.

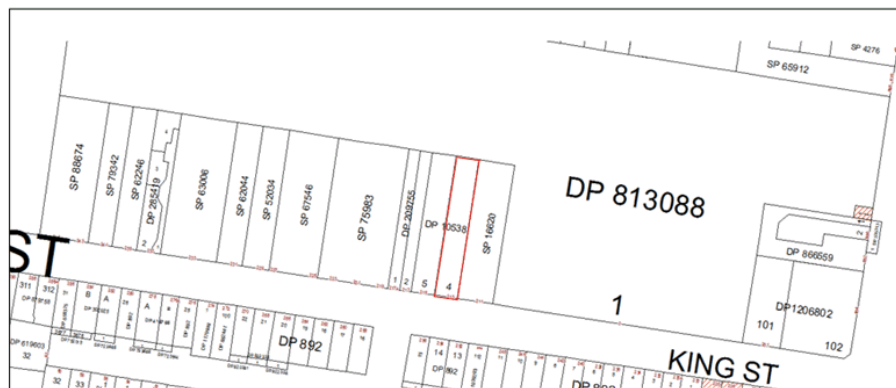


Figure 6- Cadastre of Locality



Figure 7 - Aerial photo of the site and surrounds



Figure 8 - Development site as viewed from King Street

Referrals

Internal

The development application was referred to Council's development engineer, landscape architect, environmental scientist, heritage planner and traffic engineer. Appropriate conditions have been recommended in the consent.

External

The development application was referred to 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*.

Environmental Planning and Assessment Act 1979 – Part 4, Division 4.8 – Special Procedures for Integrated Development and Environmental Planning and Assessment Regulations 2000 – Part 6, Division 3 – Integrated Development

The relevant requirements under Division 4.8 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 29 June 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.

S.4.15(1) - Matters for Consideration – General

S.4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

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 a compliant BASIX Certificate.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 have been considered in the assessment of the development application, along with the requirements of Part 3K- Contamination of the Botany Bay Development Control Plan 2013. The site currently contains a residential dwelling. Council's records indicate that historically, the site has been used for residential purposes. On this basis, the site is considered suitable in its present state for the proposed residential development.

No further investigations of contamination are considered necessary and the application satisfies clause 7 of SEPP 55.

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 23 November 2017. The key items which the Design Review Panel requested to be addressed are identified below:

The proposed development provides, at pedestrian level, a poor streetscape outcome with an excess of structure and walling out of context with the surrounding developments.

Officer's Comments: The streetscape entry has been consolidated to a single entry point that provides access to the apartments and to the basement. The extent of walling has been reduced and soft landscaping has been increased within the front setback area to be consistent with the existing local context.

While the building form reflects a contemporary architectural response, the proposed development would be dominant. It would be preferable for the upper two storeys to be recessed from the King Street frontage and the applicable building height limits respected. The Panel did not support any exceedance of the building height limits.

Officer's Comments: The upper two levels at the front of the site have been setback further from the front boundary so as to emphasise the lower levels. The upper levels are simplified with dark colour finishes which contrast and are recessive from the lower levels. Further, the deferred commencement condition recommends removal of the fourth storey (unit 413) at the front of the site, thereby addressing the concerns with the building height exceedance.

The Panel would support a zero offset on the western boundary to reflect the adjacent sheer walls and lack of windows on the adjoining building. The proposed non-trafficable roof areas between the sites are not supported.

Officer's Comments: The amended design incorporates a zero setback to the western boundary. This subsequently increased the setbacks to the eastern boundary, enables additional landscaping and removes the non-trafficable roof.

The lift overrun and the bulk and scale of the fire stairs are not clearly demonstrated on the provided documentation and cannot be supported in its current form. The applicant needs to provide better integration of the lift tower into the development and appropriate placement of the access and egress points in terms of its relationship to site access from the streetscape. The large fire stair structure and associated walkway results in a significant bulk and building scale related to the adjoining sites.

Officer's Comments: The lift overrun and fire stairs are clearly shown on the amended plans.. The proposed walkway is not considered to contain significant bulk. The structure is setback from both of the side boundaries, is un-roofed and incorporates relatively lightweight privacy screening along the eastern and western side elevations.

The Panel considered the density to acceptable.

Officer's Comments: No further comment required.

The Panel considered the development should include rainwater harvesting, photovoltaic panels and broader sustainability initiatives beyond the minimum.

Officer's Comments: Photovoltaic panels have been added. The proposal complies with the BASIX requirements which is acceptable.

The ground floor communal open space area and interface with the communal access path should be redesigned to provide a better design response and use of the podium landscaped area. The ground floor planting design does not provide suitable or adequate screening to the adjoining site eastern with the majority of plant species under 1.5 m in height. Review the proposed grades and levels to the pedestrian pathway and vehicular entry from the streetscape.

Officer's Comments: The ground floor podium and rooftop communal open spaces are amended to further improve amenity and use by the occupants and visitors. Additional planting suitable for screening are proposed and this will assist in maintaining privacy between neighbouring properties. The streetscape entry is consolidated to a single entry point that provides access to the apartments and to the basement. Landscaping is increased within the front setback area to reflect the existing local context.

There is a need to provide fire stairs from the basement carpark which will impact on the basement layout. The interface of the rooftop communal open space, walkway and lift tower, which currently dominates the adjoining development, provides little in the way of visual screening and privacy.

Officer's Comments: A privacy screen have been incorporated around the perimeter of the rear communal open space terrace area. Further, a condition of consent has been included requiring the landscape plan to be updated so as to provide planting suitable for screening around the perimeter of the communal open space area. Fire stairs have been added to the rear of the basement, providing a second egress point.

The current location of the accessible parking spaces which are not limited to the location of the lift facilities.

Officer's Comments: The accessible parking spaces have been re-positioned so that they are adjacent to the lift.

Interface between the vehicular ramp and the pedestrian ramped pathway with differences in landing pads areas and basement grades.

Officer's Comments: The design of the pedestrian access at the front of the site has been re-worked to ensure no conflicts existing with the vehicular access to the site. The pedestrian path and driveway ramp are clearly separated with screening and a gate.

The Panel generally supported the aesthetics of the proposed building form that provides for a contemporary architectural response with a robust mix of materials and finishes, subject to addressing the following:

- *Limiting exceedance of the height limit*
- *Limit the over scale presentation to the street frontage*

- *Enhancement of the poor entry relationship at streetscape level and access to the building lobby Accessible entry integration*
- *The bulk and scale of the fire stairs and walkways which are not clearly documented*

Officer's Comments: The design matters relating to accessible and entry integration have been addressed. The amended scheme sufficiently documents the bulk and scale of the fire stairs and walkways. The exceedance of the height limit and over scaled presentation to the street frontage is addressed through the recommended deferred commencement condition which requires the removal of the fourth storey (unit 413) at the front of the site.

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 Arkhaus and was submitted with the development application. This statement was accepted.

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 parking, 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 units: 50sqm 2 bed units: 75sqm 3 bed unit: 100sqm	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: 2.8m (per submitted plans)	No, does not include required services, ceilings and floor coverings 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)	93m ² (10.6%)	Yes

Communal Open Space	25% of site (221m ²)	296m ² (33%)	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	70% (9/13) of apartments will receive at least two hours of sunlight during June 21 st No adjoining residential properties will be adversely impacted by the proposed development.	Yes
Building Depth	Use a range of appropriate maximum apartment depths of 12-18 metres	The apartments do not exceed 18 metres in depth.	Yes
Building Separation	Up to 4 storeys (approx. 12m): 3m from non-habitable rooms to site boundary 6m from habitable rooms/balconies to site boundary	Western Boundary: zero side setback Eastern Boundary: <u>Ground Level:</u> 2m to 3.3m <u>First Floor and Second Floor:</u> 3.2m to 3.5m <u>Third Floor:</u> 3.1m to 3.8m Northern Boundary: <u>Ground Level:</u> 6m <u>First Floor and Second Floor:</u> 10.4m <u>Level 3 to 4:</u> 6m Building Separation between two residential components within the site is a minimum distance of 14m .	Acceptable due to surrounding built forms, Refer to Note 2
Balcony Sizes	1 bed: 8sqm 2 bed: 10sqm 3 bed: 12sqm Ground Floor: 15sqm	1 bed: 8m ² - 13m ² 2 bed: 15m ² 3 bed: 16m ²	Yes Yes Yes

		Ground Floor: 15m ² , unit's 101 and 102 have 10.6m ² front balconies and additional 9m ² rear balconies	Yes
Cross Ventilation	60%	100% (13/13 units)	Yes
Storage	1 bed: 6m ³ 2 bed: 8m ³ 3 bed: 10m ³	The combined unit and basement storage complies. Storage within the basement has been allocated to individual units.	Yes

Note 1 – Ceiling Heights

Part 4C of the ADG requires minimum 2.7m floor to ceiling heights to be provided in all habitable rooms. Figure 4C.5 in the ADG indicates that 3.1m floor to floor heights are required to ensure that the 2.7m can be achieved once the required services, ceilings and floor coverings are provided. The proposed apartments on the ground floor, first floor and second floor contain 3m floor to floor heights. A condition has been incorporated into recommendation requiring 3.1m floor to floor heights to be provided to ensure consistency with the ADG guidelines.

Note 2 – Building Separation

The proposed setbacks to the eastern side boundary are as follows:

Ground Level: 2m to 3.3m

First Floor and Second Floor: 3.2m to 3.5m

Third Floor: 3.1m to 3.8m

The eastern elevation contains a number of window openings. There are various existing window openings on the western elevation of the adjacent residential flat building at No.211 King Street.

The visual privacy outcomes are acceptable. The majority of the windows on the eastern elevation contain a high sill height with the exception of the kitchen splashback windows. A condition of consent has been included stating that all windows proposed along the eastern elevation must contain a minimum sill height of 1.6m or be fitted with obscure glazing to ensure that overlooking opportunities to the adjacent residential building are minimised.

Compliance is often difficult for new infill development, particularly under circumstances wherein the existing built form on the adjacent site does not provide equitable building separation, as is the case in this instance. Insisting on full 6m side setbacks to the eastern boundary would sterilise approximately half of the site (given the 12m allotment width) and result in a dis-jointed building composition which would not represent the orderly development of land.

The separation distances provided are satisfactory for the abovementioned reasons.

Botany Bay Local Environmental Plan 2013 (BBLEP 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 R3 Medium Density Residential zone under the BBLEP 2013.
Is the proposed use/works permitted with development consent?	Yes	The proposed residential flat building is permissible with Council's consent under the BBLEP 2013.
Does the proposed use/works meet the objectives of the zone?	Yes	The proposed development is consistent with the objectives of the R3 zone which are: <ul style="list-style-type: none"> To provide for the housing needs of the community within a medium density residential environment. To provide a variety of housing types within a medium density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To encourage development that promotes walking and cycling.
What is the height of the building?	-	A maximum height of 12 metres applies to the subject site.
Does the height of the building comply with the maximum building height?	No – Refer to Note 1	The proposed development has a maximum height of approximately 14.89 metres. This does not comply with the provisions of the BBLEP 2013. A clause 4.6 variation has been provided with the application.
What is the proposed Floor Space Ratio?	Yes	The maximum Floor Space Ratio requirement is 0.85:1. The proposed development has a compliant FSR of 0.85:1. It is noted that the effect of the deferred commencement condition is such that the FSR would decrease.
Does the Floor Space Ratio of the building comply with the maximum Floor Space Ratio?		
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.

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
If so, does it comply with the sliding scale for Floor Space Ratio in Clause 4.4A?		
<p>Consent to development in Zone R3 and Zone R4.</p> <p>Development consent must not be granted to development on land in Zone R3 or R4 unless the consent authority is satisfied that the development will:</p> <p>Achieve acceptable amenity outcomes in relation to adjoining land.</p> <p>Provide appropriate building setback.</p> <p>Provide a transition in building scale to development on adjoining land.</p> <p>Be compatible with the character of the area in terms of building bulk and scale.</p> <p>Not impede the fulfilment of an objective of clause 4.3 or 4.4B.</p>	Yes, subject to deferred commencement conditions	<p>The proposed development in its present form is not considered to be compatible with the character of the area in terms of building bulk and scale because the development would be discordant with the scale of buildings in its surroundings. A suitable transition in building scale to development on adjoining land is not achieved. The bulk and scale of the form proposed is reliant upon a breach of the building height development standard.</p> <p>The setbacks proposed are acceptable, noting that the front setback is compliant, the nil setback proposed to the west is consistent with the development at No.215 and the setbacks to the east have been increased in the amended plans. Refer to further discussion throughout this report.</p> <p>The amenity afforded to existing development on adjoining land in respect of, but not necessarily limited to, overshadowing, visual bulk, overlooking, comparative streetscape elevation and acoustics is acceptable. Refer to further discussion throughout this report.</p> <p>Council is satisfied that the proposed development is acceptable in respect of the matters in clause 4.4C subject to a condition of consent to delete the 4th storey at the front of the site.</p>
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	<p>The site is not listed as a heritage item, nor is it located within a Heritage Conservation Area.</p> <p>The northern (rear) boundary of the subject site adjoins a heritage item (I139), that being Mascot Public School. The application was accompanied by a Heritage Impact Statement which concludes that the proposed development will result in a negligible impact upon the adjacent heritage item, noting that the significant fabric comprised in the heritage item is not located in the vicinity of the shared</p>

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
		boundary with the subject site. Rather, the significant fabric constitutes the school building which is well separated from the subject site. The application was reviewed by Council's Strategic Planner who confirmed that the proposed development will not result in any adverse impacts upon the nearby heritage item.
The following provisions in Part 6 of Botany Bay Local Environmental Plan apply– <ul style="list-style-type: none"> 6.1 – Acid Sulfate Soils 	Yes	The site is located in a Class 4 Acid Sulfate Soils Area. Excavation greater than 2 metres is proposed. As such, an Acid Sulfate Soils Report was submitted with the DA. Council's Environmental Scientist has recommended suitable conditions of consent in this respect.
<ul style="list-style-type: none"> 6.2 – Earthworks 	Yes	The proposal includes excavation for the proposed basement level. The application was supported by a Geotechnical Report and appropriate conditions have been imposed in the consent.
<ul style="list-style-type: none"> 6.3 – Stormwater Management 	Yes	The application was reviewed by Council's Development Engineer who has no objection to the proposal, subject to various conditions. Those conditions have been incorporated into the recommendation.
<ul style="list-style-type: none"> 6.9 – Development in areas subject to aircraft noise 	Yes	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.

Note 1 – Clause 4.6 Variation relating to Height of Building development standard

The applicant has provided a Clause 4.6 variation to the maximum permissible building height of 12 metres under Clause 4.3 of the BBLEP 2013.

The proposal has a maximum building height of approximately 14.89 metres to the top of the lift overrun (RL22.27 minus RL7.38). This represents a breach of 2.89 metres or 24% at the worst point. The remainder of the building height breach varies across the site between 0.8m – 2.89m due to the topography of the land.

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 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. A copy of the submitted Clause 4.6 exception is provided as an attachment. The applicant's justification is summarised below:

- *Compliance with the standard is unreasonable or unnecessary in the circumstances of the case because the proposal complies with the objectives of the standard and the zone. Please see the assessment under 4 – The proposed development will be in the public interest because it is consistent with the objectives for development within the zone in which the development is proposed to be carried out – clause 4.6(4)(a)(i).*
- *In addition to consistency with the objectives of the standard and the zone, the proposed development represents a compatible streetscape outcome, with the four (4) storey height of the building correlating with the 12m height limit, as permitted by the BBLEP 2013. This ensures that the proposed height can be supported on the subject site and that strict compliance with the development standard is unreasonable or unnecessary, in the circumstances of the case.*
- *The proposed residential flat building has been designed to provide for an appropriate transition across the site, in response to the varied topography and flood affected nature, noting that the subject site rises from the King Street frontage by approximately 2m before sharply declining to a level rear yard. As a result, the proposed development provides for a 4 storey residential built form at the King Street frontage, above basement parking, whilst the northern / rear built form includes a semi-basement car park with 3 storeys of residential above a communal roof top terrace.*
- *The proposed development is generally compliant with the height limit at the King Street frontage, albeit the roof slab, with the declining topography exacerbating the exceedance along the northern / middle portion of the southern built form.*
- *The greatest exceedance being that associated with the lift overrun and pergola structure. Such elements provide for a communal benefit through the provision of equitable access to the roof communal roof top area, which has been designed in accordance with the ADG guidelines for communal open space. In this regard, the rooftop communal open space area incorporates BBQ facilities, lounge seating, a*

pergola structure, raised timber decking with integrated planter box and a range of landscaping species, as illustrated in the landscaping excerpt below. The north facing rooftop communal area comprises 64% of the total residential communal open space area and receives full solar access which is considered to afford residents with a high quality living environment.

- In regards to the southern / King Street portion of the building, the greatest exceedance is along the northern portion of the building which is not readily visible from the streetscape. The properties to the west have a dual orientation and it is therefore considered that their primary outlook would be to the north / rear of the property and therefore it is not considered that the bulk and scale would be visually dominating or result in a loss of amenity.*
- The height of the building is exacerbated by the nature of the topography and the requirement to provide a flood freeboard level of RL7.9 for habitable floors. It is noted that the proposed development complies with the allowable FSR of 0.85:1 and demonstrates a suitable design response to the sites infill nature, amongst two established medium density residential uses.*
- The proposed height is not responsible for any adverse external amenity impacts in regard to loss of view, overshadowing or privacy to neighbouring properties, beyond that of a compliant building. Given the lack of aural and visual privacy impacts, and overshadowing impacts above and beyond a compliant building envelope, there is no sound planning justification to reduce the proposed height.*
- The positive streetscape outcomes associated with the provision of the additional height which provides for an appropriate transition between the neighbouring developments to the east and west, in addition to the lack of impacts to surrounding properties as demonstrated on the accompanying shadow diagrams, demonstrates that there are sufficient environmental grounds to support the additional height in this instance.*
- Given the proposed development's compatibility with the existing and desired future character, it is considered that there are is no public benefit in maintaining the development standard.*
- The proposed development supports the economic and orderly development of land, as intended by the Botany Bay LEP and DCP controls. The proposal is consistent with the intent for development on the subject site and it is considered that the proposed built form represents a suitable infill development between two established medium density residential uses.*
- The increased height on the subject site is entirely reasonable and appropriate given that the development seeks to replace the existing dwelling house with a modern and contemporary residential flat building that is suitably located in proximity to a host of services including shops, public transport and high quality recreational areas.*

Officer's Comment:

Council supports the submitted clause 4.6 exception in so far as it relates to the height breach in the middle and rear portions of the site. However, the non-compliant building height at the front of the site shown highlighted below is not supported for the following reasons:

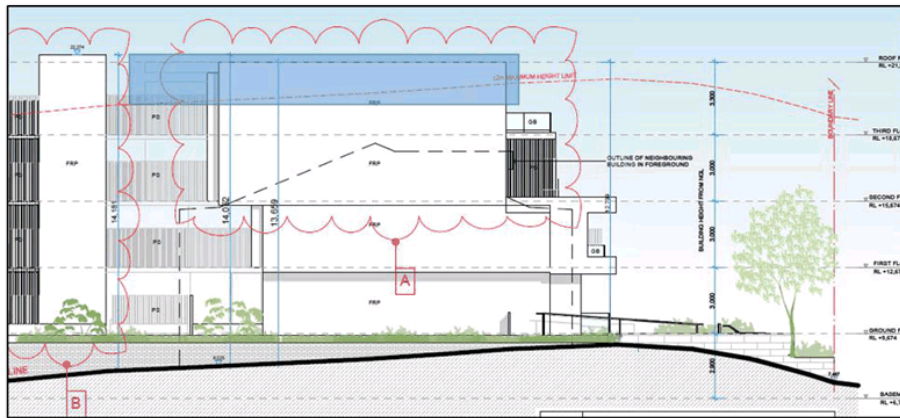


Figure 9 – West Elevation plan extract with area of height non-compliance not supported shown in blue

- The extent of the building height breach has been increased in the amended plans by 300mm. The front building form in the original scheme has a top RL of 21.67, whilst the amended scheme the subject of this report has an RL of 21.97. The application was not supported by an updated clause 4.6 exception providing justification for the proposed increase in building height.

Further to the above, the proposed floor to floor heights on the ground floor, first floor and second floor are 3m and therefore do not conform to the 3.1m guideline set out within Part 4C of the ADG. Compliance with the 3.1m guideline would increase the building height by an additional 300mm, therefore exacerbating the extent of the height breach and increasing the bulk and scale of the development.

- In its current form, the proposed development is not considered to satisfy clause 4.4C – Consent to development in Zone R3 and Zone R4 in that it does not present a comparative streetscape elevation, does not provide a transition in building scale to development on adjoining and would not be compatible with the character of the area in terms of bulk and scale.
- There are no other four (4) storey forms in the vicinity of the site that have a comparable scale to what is proposed. The proposed development would be discordant with the scale of buildings in its surroundings when viewed from the streetscape, particularly in relation to the adjoining development to the west at No.215 King Street as shown on the front elevation drawing below:



Figure 10 – Front elevation plan extract

In view of the above, this component of the development is not considered to satisfy objective (1)(e) within clause 4.3 of BBLEP 2013 which seeks 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*. The non-compliant building height at the front portion of the site is not considered to represent a better planning outcome than an otherwise compliant scheme and as such does not satisfy clause 4.6(1)(b) of BBLEP 2013. Accordingly, it is recommended that Unit 413 at the front (southern end) of the third floor is removed.

The building height breach proposed in the middle and rear portions of the site are supported. The following comments are made in addition to the justification substantiated in the applicant's clause 4.6 exception:

- The proposed development is compliant with the floor space ratio development standard within BBLEP 2013. The additional building height proposed is not caused by additional gross floor area;
- The building elements above the 12m height limit relate to the lift overrun, the privacy screening adjacent to the common walkway in the centre of the site and the communal open space area at the rear. These components are well setback rearward into the site and therefore would not have any significant streetscape presence;
- The rear of the site is flood affected and has a varied topography. There are therefore inherent site characteristics to justify the variation. It is conceivable that the proposed development would not rely on a building height breach if the site was not flood affected because it would enable the finished floor levels of the ground floor to be sited in a different manner;
- The proposed development is an acceptable response to an infill site that is adjoined by two (2) established residential buildings;
- The proposal is consistent with the objectives of the building height development standard and the objectives of the R3 – Medium Density Residential zone. The applicant has satisfactorily established that the proposed variation in the centre and rear of the site is appropriate and enforcing strict compliance would be unreasonable and unnecessary in the specific site circumstances; and

- The clause 4.6 request, in so far as it relates to the building elements in the middle and rear of the site, is well-founded and the departure to the building height development standard is not contrary to the public interest.

S.4.15(1)(a)(ii) - Provisions of any Draft EPI's

There are no current Draft EPIs applicable to this development

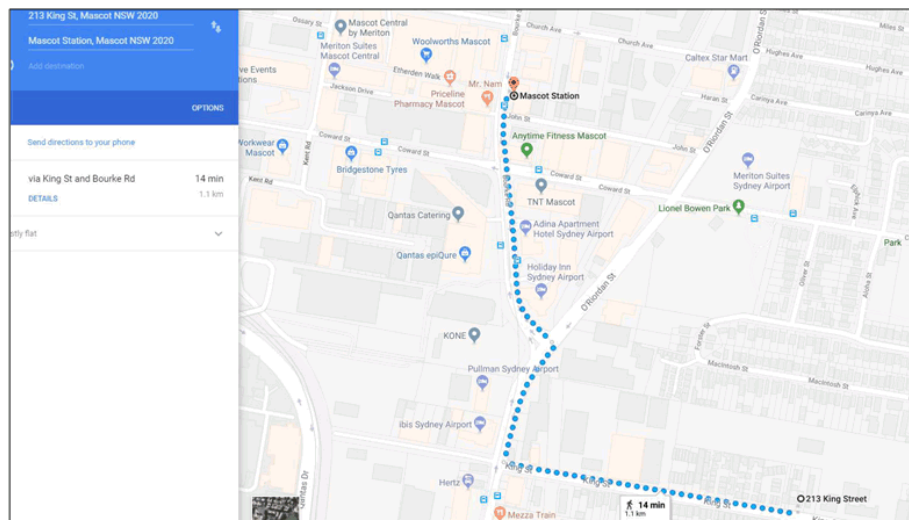
S.4.15(1)(a)(iii) - Provisions of any Development Control Plan

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

The information submitted in the Statement of Environmental Effects states that the site is within 800m of Mascot train station and as such, the RMS car parking rates are applied. However, the site is located 1.1km from Mascot railway station and therefore the development cannot rely upon the RMS car parking rates in the Guide to Traffic Generating Developments. See diagram below:



As such, the DCP rates are applied per below:

Applicable rate: BBDCP 2013: Table 1 – Car Parking Provisions by Land Use	Required number of spaces	Proposed number of spaces	Compliance (Yes/No)
1 space/ studio or one (1) bedroom dwelling; 2 spaces / two (2) or more bedrooms dwelling; 1 designated visitor space / 5 dwellings	10 x 1 bed = 10 spaces 2 x 2 bed = 4 spaces 1 x 3 bed = 2 spaces Visitor = 3 Total = 16 resident car parking spaces + 3 visitor spaces. Therefore, 19 spaces.	14 resident car parking spaces + 3 visitor car parking spaces. Therefore, 17 spaces.	No, the development is deficient by 2 spaces.

The proposed development does not provide the required amount of off-street parking. However, as previously discussed, the 3 bedroom apartments on the top floor is not supported and recommended to be removed. This apartment generates a requirement for 2 car parking spaces. As such, the proposed development would comply with the car parking requirements, should this apartment be removed as recommended.

Part 3B – Heritage

Refer to previous discussion in relation to Clause 5.10 – Heritage Conservation within Botany Bay LEP 2013.

Part 3C – Access & Mobility

The proposed development is accompanied by an Access Report prepared by Vista Access Architect which demonstrates that the proposed development provides for equitable access throughout all areas of the development and complies with the relevant Australian Standards.

The proposed development is required to provide a minimum of 20% of the dwellings as adaptable dwellings designed in accordance with Adaptable Housing AS 4299 Class B. The proposal provides 3 adaptable dwellings (units 102, 206 and 310) which complies. In addition, 2 accessible car parking spaces are proposed which are appropriately located adjacent to the lift.

Part 3E – Subdivision & Amalgamation

The proposed development does not include subdivision or amalgamation.

Part 3G – Stormwater Management

The application was reviewed by Council's Development Engineer who has no objection to the proposal subject to suitable conditions of consent. Those conditions have been incorporated into the recommendation.

Part H – Sustainable Design

A BASIX Certificate accompanies the proposal and demonstrates a commitment to sustainability measures.

Part I – Crime Prevention, Safety & Security

The proposal has been designed to have casual surveillance over King Street to the south and the Mascot Public School sports oval to the north, without compromising the privacy of students. Internally, the proposed development includes secure pedestrian and vehicle access, whilst the dual aspect and internal orientation of units provides for passive surveillance over the internal communal areas of the subject site.

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 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. Appropriate conditions have been recommended in the consent.

Part 3K – Contamination

Refer to SEPP No.55- Remediation of Land section of the report above. In summary, the proposal is suitable for the site due to its long standing reside

Part 3L – Landscaping & Tree Management

The proposed development is considered to be acceptable in respect of the applicable controls within Part 3L. The following comments are noted:

- The existing street tree at the front of the site is proposed to be protected and retained; and
- A detailed landscape plan was submitted with the application which incorporates deep soil areas adjacent to the front and rear boundaries that are proposed to be embellished with new soft landscaping, include new trees. Further landscaping is proposed throughout the ground floor plan, adjacent to the eastern boundary on the first floor and within the roof top communal open space area.

Part 3N- Waste Minimisation and Management

A Waste Management Plan (WMP) was submitted with the application. Conditions are included to ensure all waste generated will be stockpiled, managed and disposed of appropriately.

Part 4C – Residential Flat Buildings

The development application has been assessed against the controls contained in *Part 4C of the DCP – Residential Flat Buildings*. The following table compares the proposed development with the key, relevant provisions of this policy.

Part	Control	Proposed	Complies
4C.2.2 Streetscape Presentation	New development must be compatible in bulk and scale with adjoining residential developments and reflect the patterns of buildings in the streetscape.	The proposed four storey built form at the front of the site does not reflect or compliment the scale of existing buildings in the vicinity of the site. A three storey form along the front elevation is preferred. Suitable conditions of consent are recommended to remove the upper most storey at the front of the site.	Yes – subject to conditions.
4C.2.4 Landscaped Area and Deep Soil Planting	Min Landscaped Area: 35% Max hard landscaped area: 20% Planter beds are a minimum of 1 metre in width.	Proposed Landscaped Area = 32% Proposed hard landscaped area = 25% The development does not comply with the minimum landscaped area requirement and exceeds the maximum allowable hard landscaped area requirement. This is acceptable on the basis that the extent of the numerical breaches sought are not significant and the size and shape of the allotment and the requirement for compliant basement car parking makes it difficult to achieve full compliance. Further, the development complies with the ADG deep soil requirements.	No

		The planter beds proposed generally achieve the 1m minimum width requirement to ensure they are capable of supporting an appropriate soil depth and plant selection.	
4C.2.6 Setbacks	<p>All front, side and rear setbacks are to provide deep soil zones to allow unencumbered planting areas.</p> <p>Front setback must match the setback of adjoining properties, but must be a minimum of 3m or 4m if fronting a classified road.</p>	<p>The building setbacks proposed enable the provision of deep soil zones within the front and rear setbacks. However, the basement car parking footprint precludes deep soil zones adjacent to the side boundaries. This is acceptable in the site circumstances given the relatively narrow width of the allotment.</p> <p>The proposed front setback is 12.8m which is generally consistent with the adjoining building at No.211 and No.215 King Street.</p>	<p>Yes (in-part)</p> <p>Yes</p>
4C.3.1 Building Entries	A main pedestrian entry is to be provided. The entry is to be separate from car parks or car entries. Disabled access through the primary entrance to the building must be provided.	A legible entrance is provided at the front of the site which is separated from the vehicular access point. A chair lift has been incorporated into the primary entrance to ensure that disabled access can be achieved.	Yes
4C.3.2 Fences	Fences are to: <ul style="list-style-type: none"> (i) Provide privacy and security while not eliminating views, outlook, light and air (ii) Be visually permeable at the front of developments and designed in proportion to the height and size of the building 	The proposed development incorporates a new low front fence along the street boundary. The fence is proposed to be finished in sandstone which is acceptable.	Yes

	(iii) Use the designs and materials suitable for the desired future character of the area.		
4C.3.3 Materials and Finishes	A Schedule of Finishes and a detailed Colour Scheme for the building facade will accompany all Development Applications involving building works.	A colours and finishes schedule was submitted with the application. The proposal incorporates sandstone, colorbond cladding, render, aluminum doors and glass balustrades. The materials and finishes proposed are acceptable as they create a contemporary form which complements the streetscape.	Yes
4C.4.1 Dwelling Mix & layout	<p>C1 Developments with 10 or more apartments to provide a range of sizes including studio, 1, 2, 3 bedrooms</p> <p>C2 Developments with more than 10 apartments, 25% max no. of combined studio and 1bed units</p> <p>C1 Dwellings with 3 or more bedrooms are to have two separate living spaces.</p>	The development provides 10 x 1 bed, 2 x 2 bed and 1 x 3 bed. It is however noted that the conditions of consent recommend removal of the 3 bedroom apartment on the third floor. The proposal does not achieve the controls set out in Part 4C.4.1. To address this, the applicant submitted a market analysis report which demonstrates that the proposed dwelling mix is suitable for the locality.	No, acceptable on merit.
4C.4.2 Family Friendly Apartment Buildings	<p>C1 Family apartments are apartments with 2 or more bedrooms.</p> <p>C2 Family apartments are to include a study.</p> <p>C3 Bedrooms are to be large enough for a single bed, desk, and space for playing.</p> <p>C4 Floor surface of entry, dining and kitchen are to be water-resistant. No carpet.</p> <p>C5 Two bathrooms required. Bathtub to be provided in one bathroom.</p>	The development provides 2 x 2 bed apartments. The design of these apartments do not fully comply with the DCP requirements because they do not include study areas. However, these units comply with the ADG apartment layout requirements which supersede the DCP controls, noting that clause 6A of SEPP 65 states that DCP provisions in respect of apartment size and layout have no effect.	Yes

	<p>C6 Private open space to be visible from kitchen.</p> <p>C7 Entry and corridors to permit room for toys etc.</p> <p>C8 ADG sets out storage rates. Storage room is to be located near the entry.</p>		
4C.4.3 Internal Circulation	Provide multiple cores. More than 4 storeys require elevators.	The proposed development does not exceed 4 storeys and is therefore not required to provide multiple cores.	Yes
4C.4.4 Views	View sharing – Tenacity Consulting v Warringah (2004) NSWLEC 140	The proposed development would not cause any adverse view loss impacts for surrounding properties.	Yes
4C.4.5 Acoustic Privacy	To ensure that all residents are provided with a reasonable level of acoustic privacy.	The application was accompanied by an Acoustic report which examines the likely noise impacts generated by the proposed development. The dwellings will be constructed to comply with the applicable noise criteria. Council's standard conditions have been imposed in respect of noise impacts for surrounding properties.	Yes
4C.4.7 Site Facilities	<p>To ensure that adequate provision is made for site facilities, such as clotheslines and storage areas, in the design of the development.</p> <p>To ensure that site facilities are thoughtfully integrated into development and are unobtrusive.</p>	The proposed development satisfies the applicable controls within Part 4C.4.7 in that a street number is displayed on the front façade and there are sufficient opportunities for the provision of letterbox facilities. Council's standard conditions have been included in respect of air conditioners.	Yes
4C.4.8 Safety and Security	Applications must comply with Part 3I - Crime Prevention, Safety and Security. Note: Applications will be	Refer to previous discussion under Part 3I – Crime Prevention, Safety and Security. The application was referred to	Yes

	referred to the NSW Police Service for comment.	NSW Police for comment. The recommendations made by the Police have been incorporated into the recommended conditions.	
4C.4.9 Car and Bicycle Parking and Vehicle Access	Various controls relating to the design of car parking facilities, basement car parking and bicycle parking.	<p>The application was reviewed by Council's Development Engineer who has confirmed that the car parking layout is acceptable.</p> <p>The design of the basement protrudes further than 1.2m out of ground. The non-compliance is presented in the centre and rear of the site where there is a sharp drop off in the topography of the land. The design of the basement complies at the front of the building ensuring an acceptable streetscape presentation. It is further noted that the site is flood affected by dictates that the ground floor must be elevated.</p> <p>The development provides bicycle storage facilities within the basement level.</p>	<p>Yes</p> <p>No, but acceptable on merit.</p> <p>Yes</p>
4C.5.1 Adaptable Housing & 4C.5.2 Access	A statement from the architect or builder must be submitted with the development application certifying that the adaptable dwelling has been designed in accordance with the provisions of the Australian Standards AS 4299-1995 Adaptable Housing.	The application was accompanied by an access report which demonstrates compliance with the access requirements. Adaptable dwellings have been provided in accordance with Part 3C of BBDCP 2013.	Yes

Part 8 – Character Precincts

The subject site is located within the Mascot Character Precinct in Part 8.7 of BBDCP 2013. The proposed development is considered to satisfy the planning objectives of Part 8.7 subject to a condition of consent requiring the proposed dwelling on the third floor plan to be removed to ensure that the proposal better complements the scale of existing development in this locality and achieves a greater level of compliance with the building height development standard.

S.4.15(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.4.15(1)(b) - Likely Impacts of Development

The proposed development will have no significant adverse environmental, social or economic impacts in the locality.

S.4.15(1)(c) - Suitability of the site

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal. The development is likely to encounter groundwater, is impacted by flooding and is within the 25-30 ANEF contour. These constraints are capable of being well managed through physical design mitigation measures and/or appropriate conditions of consent.

S.4.15(1)(d) - Public Submissions

In accordance with Part 2 – Advertising & Notification of the Botany Bay Development Control Plan (BBDCP) 2013, the development application was notified and advertised between 17 May 2017 and 26 June 2017. A total of 12 submissions were received.

The amended plans were re-notified between 16 May 2018 and 15 June 2018. A total of 8 submissions were received.

The matters raised in the submissions are addressed below:

- The development is out of character with the surrounding neighbourhood in terms of height, building style and roof form

Comment: The extent of the building height breach proposed is not supported for reasons discussed throughout this report. It is recommended that the 4th storey at the front of the site is removed to ensure that the development has a better relationship with the adjoining buildings and the streetscape. In terms of the building style and roof form, the development represents a contemporary form which is acceptable and is capable of co-existing in harmony with the character of the existing streetscape. New development on the subject site is not necessarily expected to replicate the existing built form in the streetscape, noting that a lot of the street is comprised of older housing stock.

- Noise and damage impacts during the construction phase upon adjoining properties

Comment: Council's standard conditions in respect of noise and damage to adjoining properties have been incorporated into the recommendation.

- Acoustic impacts from the rooftop communal terrace area

Comment: The applicant submitted an acoustic report which examines the likely noise impacts from the rooftop communal terrace area upon the closest residential receivers. That report concludes that the likely noise generated from the area would comply with the applicable acoustic guidelines. Further, a condition of consent has been included restricting the use of this area outside the hours of 10pm each day.

- Adverse privacy impacts towards the existing development at No.211 King Street

Comment: A condition of consent requiring all windows on the eastern elevation (facing No.211) having a minimum sill height of 1.6m or being constructed with obscure glazing.

The setback of the communal rooftop area from the eastern boundary has increased in the amended plans and contains a privacy screen around the perimeter of the structure alongside landscape screening.

The common walkway proposed in the centre of the site contains privacy screening to restrict overlooking across side boundaries.

The privacy outcomes proposed are generally well resolved.

- Overshadowing impacts

Comment: The proposed development would cause additional overshadowing impacts for the adjoining buildings at No. 211 and No.215 King Street. Notwithstanding this, both of the adjoining buildings would still have some solar access opportunities at differing times between 9am – 3pm on June 21. Further, the extent of overshadowing caused would be reduced with the recommended condition of consent to delete the dwelling on 4th storey at the front of the site.

- The development would increase the extent of dwellings in the 25-30 ANEF contour

Comment: The applicant submitted an acoustic report addressing aircraft noise. Suitable conditions of consent have been included.

- Adverse traffic impacts

Comment: The application was reviewed by Council's Development Engineer who did not raise any concerns with the proposed development on traffic grounds. The proposed development is not anticipated to cause any unreasonable traffic impacts on the local road network.

- Non-compliant dwelling mix

Comment: The matter was raised with the applicant during the assessment of the application. The applicant submitted a market demand analysis which demonstrates that the dwelling mix proposed is acceptable in this instance.

- Excavation extends too close to neighbouring properties

Comment: It is acknowledged that the proposed basement level extends to the eastern and western side boundaries. This is necessary to ensure that a compliant car parking design can be achieved. Council's standard conditions in respect of managing the excavation works have been included.

- Non-compliant building height/inappropriate built form scale

Comment: This matter has been discussed in the main body of the report.

- The application does not adequately address the Apartment Design Guide

Comment: The application has been assessed against the key design parameters within the ADG. Refer to discussion within this report. It is further noted that the submitted Statement of Environmental Effects included a SEPP 65/ADG compliance table.

- The basement entry dominates the frontage

Comment: The width of the site is relatively narrow. The amended plans incorporate as much soft landscaping adjacent to the front boundary as practically possible. The garage entry door itself has been well setback from the King Street boundary. The design outcome proposed is considered to be reasonable in the site circumstances.

- Non-compliances with the landscaped area, hard landscaped area and basement car parking controls within BBDCP 2013.

Comment: This matter has been addressed in the main body of the report.

- Overlooking from the rear balconies towards the adjacent school yard

Comment: The proposed balconies have been adequately setback from the rear boundary to be generally consistent with the ADG separation requirements.

- Inadequate waste facilities

Comment: The proposal includes a garbage room in the basement which is capable of accommodating the required number of bins on the basis of the number and type of bins required for residential development within Part 3N of BBDCP 2013.

- Visual impacts of the development as viewed from No.215 King Street

Comment: The proposed development would be visible from various points within the existing dwellings at No.215 King Street. However, the footprint of the proposed development (with the exception of the central lobby) has generally been aligned with the existing building at No.215 King Street to preserve as much outlook as possible. The recommended deletion of the upper-most storey at the front of the site would assist in minimising the visual impacts of the development.

S.4.15(1)(e) - Public interest

Granting approval to the proposed development as recommended will have no significant adverse impact on the public interest.

OTHER MATTERS

Flooding

The development complies with Council's flooding information for the site. The flood level is 7.3m AHD plus freeboard. The proposed habitable floor level is 9.67m AHD.

Section 7.11 Contributions

The City of Botany Bay's Section 94 Development Contributions Plan 2016 became effective on 14 June 2016. Amendment 1 to that Plan came into effect on 19 June 2018. The below contribution applies to the proposed development:

Contribution Rates

10 x 1 bedroom dwellings = \$215,918.90

2 x 2 bedroom dwellings = \$70,944.78

As the total amount of each dwelling is over \$20,000.00, the section 7.11 contribution rates are capped accordingly (i.e. - \$20,000 per dwelling). A \$20,000 credit for the existing dwelling is applicable.

The total section 7.11 contribution payable is **\$220,000.00**. Appropriate conditions have been imposed in the consent.

Note: The above figure is calculated on the presumption of the 3 bedroom dwelling on the upper-most level being removed as recommended.

Conclusion

Development Application No. 2017/1060 seeking consent for demolition of the existing dwelling and construction of a part three part four storey residential flat building containing 13 units and basement parking at 213 King Street Mascot, has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979*.

The development achieves an acceptable level of compliance with the applicable planning instruments with the exception of the building height development standard in BBLEP 2013. However, a condition of consent is recommended to overcome that issue by removing the 4th storey at the front of the site. The ensuing development would be consistent with the desired future character of the area and the amenity of neighbouring development would not be unreasonably impacted upon by the proposal. Therefore, the proposal is recommended for deferred commencement approval subject to conditions of consent.

Attachment**Schedule 1 – Conditions of Consent****Premises: 213 King Street, Mascot****DA No: DA-2017/1060****DEFERRED COMMENCEMENT CONDITIONS**

The Consent given does not operate until the following condition is satisfied:

- DC1 Amended plans being submitted to Council's satisfaction making the following design changes:
- iv) Unit 413 on the third floor shall be deleted and the design of the common lobby area re-designed accordingly;
 - v) The floor to floor height of the ground floor, first floor and second floor in the entire development shall be 3.1 metres; and
 - vi) All windows proposed on the east elevation shall have a minimum sill height of 1.6 metres above the finished floor level or be fitted with obscure glazing.

GENERAL CONDITIONS

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

Drawing N°	Author	Dated Received
DA 02 – Site Plan Issue B	Arkhaus	Dated 21/02/2018 Received 21/02/2018
DA 03 – Basement Plan Issue B		Dated 21/02/2018 Received 21/02/2018
DA 04 – Ground Floor Plan Issue B		Dated 21/02/2018 Received 21/02/2018
DA 05 – Ground Floor Plan A Issue B		Dated 21/02/2018 Received 21/02/2018
DA 06 – Ground Floor Plan B Issue B		Dated 21/02/2018 Received 21/02/2018
DA 07 – First Floor Plan Issue B		Dated 21/02/2018 Received 21/02/2018
DA 08 – First Floor Plan A Issue B		Dated 21/02/2018 Received 21/02/2018
DA 09 – First Floor Plan B Issue B		Dated 21/02/2018 Received 21/02/2018
DA 10 – Second Floor Plan Issue B		Dated 21/02/2018 Received 21/02/2018
DA 11 – Second Floor Plan A		Dated 21/02/2018 Received 21/02/2018

Issue B		
DA 12 – Second Floor Plan B Issue B		Dated 21/02/2018 Received 21/02/2018
DA 13 – Third Floor Plan Issue B		Dated 21/02/2018 Received 21/02/2018
DA 14 – North Elevation Issue B		Dated 21/02/2018 Received 21/02/2018
DA 15 – South Elevation Issue B		Dated 21/02/2018 Received 21/02/2018
DA 16 – Elevations West & East Issue B		Dated 21/02/2018 Received 21/02/2018
DA 17 – Sections Issue B		Dated 21/02/2018 Received 21/02/2018
DA 18 – Streetscape Issue B		Dated 21/02/2018 Received 21/02/2018
DA 19 – Perspective Issue B		Dated 21/02/2018 Received 21/02/2018
DA 26 – Colours & Finishes Schedule Issue B		Dated 21/02/2018 Received 21/02/2018
DA 28 – Waste Management Plan & Services Plan Issue B		Dated 21/02/2018 Received 21/02/2018
DA 29 – Demolition Plan Issue B		Dated 21/02/2018 Received 21/02/2018
LP 01 of 05 Cover Sheet & Site Plan Rev E	Affordable Design Studio	Dated 19/02/2018 Received 21/02/2018
LP 02 of 05 Basement Plan & Ground Floor Plan Rev E	Affordable Design Studio	Dated 19/02/2018 Received 21/02/2018
LP 03 of 05 First Floor, Second Floor and Roof Plan	Affordable Design Studio	Dated 19/02/2018 Received 21/02/2018
LP 04 of 05 Plant Schedule & Plant Palette	Affordable Design Studio	Dated 19/02/2018 Received 21/02/2018
LP 05 of 05 Specification & Details	Affordable Design Studio	Dated 19/02/2018 Received 21/02/2018
Stormwater Drawings Dwg No's D00, D01, D02, D03, D04, D05, D08, D09 and D10. Revision A.	Australian Consulting Engineers	Dated March 2017 Received 21/02/2018

Reference Document(s)	Author	Date Received
BASIX Certificate No. 800408M	Prepared by Certified Energy	Dated 11 April 2017 Received 24 April 2017

Access Compliance Report	Vista access architects	Undated Received 24 April 2017
Acid Sulphate Investigation Report	C.S.T.S	Dated 12 April 2017 Received 24 April 2017
Acoustic Report	West & Associates	Dated 29 March 2017 Received 24 April 2017
Acid Sulfate Soils Assessment and Management Plan	Environmental Investigations	Dated 4 May 2015; Received 12 January 2018

2. This Consent relates to land in Lot 4 DP 10538 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
3. The following shall be complied with:
 - a) All building work must be carried out in accordance with the provisions of the Building Code of Australia;
 - b) 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;
 - c) 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;
 - d) The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1:2004;
 - e) Bicycle parking facilities shall be designed in accordance with AS2890.3:1993; and
 - f) Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1:2004.
4. Pursuant to clause 97A(3) of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in the relevant BASIX Certificates (as referenced at Condition No. 1) for the development are fulfilled.

Note:

- 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*.
5. The consent given does not imply that works can commence until such time that:
- a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:-
 - i) The consent authority; or,
 - ii) An accredited certifier; and
 - b) The person having the benefit of the development consent:-
 - i) Has appointed a principal certifying authority; and
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - iii) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.

CONDITIONS IMPOSED BY EXTERNAL AUTHORITIES

6. 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 23.00 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 23.0 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.
7. The following conditions imposed by **Sydney Water** are as follows:
- a) 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.
 - b) The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.
- 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.
- c) 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.
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.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT OR WORK

9.

- a) Prior to the commencement of work, a suitably qualified project arborist (AQF level 5 or greater) is to be engaged to advise relating to the protection of street trees and to supervise the installation and maintenance of tree protection measures. Tree Protection Zones shall be established in accordance with AS4970-2009 (Protection of trees on Development Sites) with protective fences at least 1.8 metres high erected outside the drip lines where possible around each of the two street trees located on the nature strip at the front of the site which are required to be retained. The protective fences shall consist of chain wire mesh temporary fence panels securely mounted and braced to prevent movement, shall be in place prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction. Excavations for services, waste bins, storage of materials and equipment, site residue, site sheds,

- vehicle access or cleaning of tools and equipment are not permitted within the Tree Protection Zones at any time.
- b) The area within the fencing is to be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken during construction.
 - c) Fencing shall be erected to ensure the public footway is unobstructed.
 - d) If there is insufficient space to erect fencing in a particular area, wrap the trunk with hessian or carpet underlay to a height of 2.5 metres or to the tree's first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails).
 - e) Prior to the commencement of any work on site, a sign shall be placed in a prominent position on each protective fence identifying the area as a Tree Protection Zone and prohibiting vehicle access, waste bins, storage of materials and equipment, site residue and excavations within the fenced off area.
 - f) All detailed Construction Certificate plans shall show trees to be protected and the TPZ.
10. An Erosion and Sediment Control Plan (ESCP) shall be prepared in accordance with the Landcom *Managing Urban Stormwater – Soils and Construction* 4th Edition (2004). All management measures recommended and contained within the Erosion and Sediment Control Plan (ESCP) shall be implemented in accordance with the *Landcom Managing Urban Stormwater – Soils and Construction* 4th Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times. A copy of the ESCP shall be kept on-site at all times and made available to Council Officers on request.
11. 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 Councils. Copies of the guidelines are available from Council.
12. 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 Organisation 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.
- Sediment control devices shall not be located beneath the driplines of trees, which are to be retained.
13. Erosion and sediment control devices shall be installed and functioning prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines including the *Protection of the Environment Operations Act 1997*.
- These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.

14. 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.
15. 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.
16. 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.
17. Prior to the commencement of works, the applicant must inform Council, in writing, of:
 - a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
 - b) The name and permit number of the owner-builder who intends to do the work;
 - c) The Council also must be informed if: -
 - i) A contract is entered into for the work to be done by a different licensee; or
 - ii) Arrangements for the doing of the work are otherwise changed.
18. A dilapidation survey shall be undertaken of all adjoining 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.
19. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
20. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
21. 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.

22. Dewatering is not permitted on this site without NSW-EPA approval.
23. If an excavation associated with the proposal extends below the level of the base of the footings of a building on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:
- a) Must preserve and protect the building/ fence from damage; and,
 - b) If necessary, underpin and support such building in an approved manner;
 - c) Must at least be 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 the 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;
 - d) Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piercing, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
 - e) If the soil conditions required it:
 - i. Retaining walls associated with the erection of a building (swimming pool) or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided and:-
 - ii. Adequate provision must be made for drainage.
24. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter for the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993 as appropriate: -
- (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 for roads and footways occupancy (long term/ short term)
 - d) Permit to construct vehicular crossings, footpath, kerb and gutter over road reserve
 - e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever
 - f) Permit to place skip/waste bin on footpath and/or nature strip
 - g) Permit to use any part of Council's road reserve or other Council lands

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

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

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

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

26. Prior to the issue of a Construction Certificate, an amended landscape plan shall be submitted to Council for approval addressing the following:
- (a) Roof terrace landscape proposal is limited to small shrubs and groundcovers, and some feature plants. The planter boxes on the roof terrace shall include screen plants along boundaries with small leaves in order to achieve visual and acoustic privacy.

- (b) Tree planting-front yard. Proposed two (2) *Corymbia citriodora* 'Scentuous' will only grow 5 to 6 meters high. One (1) Australian native tree with a minimum pot size supplied at 75 litre, to be planted in the frontage garden, to reach a minimum mature height of 12 meters to minimise the bulk of proposed built form. Details are to be submitted to and approved by Council prior to the issue of a Construction Certificate. Recommended species are: *Eucalyptus haemastoma*, *Angophora floribunda*, *Lophostemon confertus*
27. Prior to the issue of a Construction Certificate, a design verification statement shall be submitted to the PCA from a qualified designer certifying that the development achieves or improves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to Schedule 1 of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*.
28. An Acid Sulfate Soils Management Plan, that has been prepared by a suitably qualified and experienced environmental/geotechnical consultant, shall be submitted to the Principal Certifying Authority (and the Council if the Council is not the Principal Certifying Authority) prior to the issue of any Construction Certificate. This plan shall include any site specific procedures and mitigation measures required and shall include a site analysis from a NATA registered laboratory. The plan shall provide details of the following:
- a) Site specific mitigation measures to both minimise the disturbance of acid sulfate soils as well as any measures relating to acid generation and acid neutralisation of the soil;
 - b) Management of acid sulfate affected excavated material;
 - c) Measures taken to neutralise the acidity of any acid sulfate affected material; and
 - d) Run-off control measures for the acid sulfate affected soil.
- This report shall be provided prior to the issue of any construction certificate and all recommendations of the report shall be implemented during works on site.
29. Stormwater management requirements for the development site, including the final discharge / end connection point, must comply with Botany DCP Part 10 – Stormwater Management.
30. Prior to the issue of the Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Council or an Accredited Certifier for assessment and approval. Design certification and drainage design calculations are to be submitted with the plans. Botany DCP Part 10 sets out the minimum documentation requirements for detailed design plans.
31. A dedicated car wash bay is required. A tap shall be provided. 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.
32. Prior to the issue of the Construction Certificate 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.
33. The applicant must prior to the obtainment of the approved plans and specifications pay the following fees:-

- a) Footpath Crossing Deposit \$37,484.25 (See below)
- b) Development Control \$3,000.00
- c) Section 7.11 Contributions (Section 94) \$220,000.00 (See below)

34. The payment of the following monetary contributions in accordance with Council's Section 94 Contributions Plan 2016. This result is a total contribution of **\$220,000.00**, to be paid to Council prior to the issue of the Construction Certificate.

The contribution is broken down as follows:

- a) Community Facilities: \$17,600.00
- b) Open Space: \$184,800.00
- c) Administration: \$2,200.00
- d) Transport: \$15,400.00

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.

35. Prior to the issue of any Construction Certificate, the applicant shall lodge a Footpath Crossing Deposit of \$37,484.25 (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.
36. Prior to the issue of the Construction Certificate, the applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram for, and adjacent to, the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. Any damage to utilities/services will be repaired at the applicant's expense.
37. Prior to the issue of the Construction Certificate, a plan (written and/or diagrammatic) shall be submitted and approved by the Principal Certifying Authority, showing the storage location of construction building materials and plants and the method of access to the property. No storage of construction materials and plants to be allowed in road reserve area.
38. Construction Management Program shall be submitted to, and approved in writing by the Council 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 onsite crane. Please note that a crane may require prior approval from Sydney Airports Corporation.
 - k) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.
 - l) A plan (written and/or diagrammatic) showing the method of access of building materials and plant to the property, and storage location on the property during construction and shall include all existing structures.
39. Prior to the issue of a Construction Certificate, a detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the relevant road authority (Council or Roads and Maritime Services) for approval. The plan shall:
- a) be prepared by a RMS accredited consultant,
 - b) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police, 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.

40. 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),
- c) All above ground utilities shall be relocated underground in accordance with Ausgrid and any other affected and relevant service provider, and
- d) 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, 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.

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

The measures required shall be undertaken in accordance with the provisions of AS 2021 – 2000: *Acoustics - Aircraft Noise Intrusion - Building Siting and Construction* to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021 – 2000 shall be incorporated into the construction of the building.

The work detailed in the report includes:

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

DURING WORKS

42. The following conditions must be complied with during demolition, excavation or construction:

- a) Existing street tree located at the front of the property shall not be removed or pruned, including root pruning, without the written consent of Council.
 - b) Tree roots 40mm in diameter or greater that require pruning shall be done only under the direction of Council's Tree Officer (or the consulting Arborist) after a site inspection so as not to unduly impact or stress the tree.
 - c) If there is any contravention of these tree preservation conditions, or a tree was found to be damaged (including roots), in decline, dead or pruned without permission, then Council will invoice the Applicant for costs associated with remedial pruning work or tree replacement. For trees on private property, the Applicant will be required to undertake tree maintenance/replacement work, as specified by Council.
43. All contractors shall comply with the following during all stages of demolition and construction:
- 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.
 - 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.
 - 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.
 - 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.
 - 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.
44. 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.
45. 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.
46. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
47. 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.

48. The management of potential and actual acid sulfate soils shall be conducted in accordance with all recommendations within the Acid Sulfate Soil Management Plan required to be submitted prior to any construction certificate including:
 - a) Site specific mitigation measures to both minimise the disturbance of acid sulfate soils as well as any measures relating to acid generation and acid neutralisation of the soil; and
 - b) Management of acid sulfate affected excavated material;
 - c) Measures taken to neutralise the acidity of any acid sulfate affected material; and
 - d) Run-off control measures for the acid sulfate affected soil.
49. For any water from site dewatering to be permitted to go to the stormwater system, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for Marine Water. All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water 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.
50. 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.
51. 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.
52. The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
 - a) The Erosion and Sediment Control Plan;
 - b) "Managing Urban Stormwater - Soils and Construction" (2004) Landcom ("The Blue Book"); and
 - c) Protection of the Environment Operations Act 1997.
53. During demolition, excavation, construction and any associated delivery activities, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any construction-related vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be

conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's lands.

54. The proposed development shall comply with the following:
- a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - i) Stating that unauthorised entry to the work site is prohibited;
 - ii) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - iii) The Development Approval number; and
 - iv) The name of the Principal Certifying Authority including an afterhour's contact telephone number.
 - b) Any such sign is to be removed when the work has been completed.
55. The demolisher shall comply with Australian Standard 2601 - 2001 "Demolition of Structures".
56. Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
57. Precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:
- a) Protection of site workers and the general public.
 - b) Erection of hoardings where appropriate.
 - c) Asbestos handling and disposal where applicable.
 - d) Any disused service connections shall be capped off.
 - e) The disposal of refuse is to be to an approved waste disposal depot.
58. Hazardous or Special 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, Climate Change and Water and with the provisions of the:
- a) Occupational Health and Safety Act, 2000;
 - b) Occupational Health and Safety Regulation 2001;
 - c) Protection Of the Environment Operations Act 1997 (NSW); and
 - d) NSW Department of Environment and Climate Change Waste Classification Guidelines (2008).
59. Any material containing asbestos found on site during the demolition process the shall be removed and disposed of in accordance with:

- a) WorkCover NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos;
 - b) Protection of the Environment Operations Act 1997;
 - c) Protection of the Environment Operation (Waste) Regulation;
 - d) DECC Waste Classification Guidelines 2008.
 - e) No demolition materials shall be burnt or buried on the site.
60. The demolition and disposal of materials incorporating lead such as lead paint and dust shall be conducted in accordance with:
- a) AS2601-2001 - Demolition of structure.
 - b) AS4361.2-1998 – Guide to Lead Paint Management-Residential and Commercial Buildings
61. In order to ensure safe handling of asbestos materials, the re-use or sale of asbestos building materials is strictly prohibited.
62. 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.
63. 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
Protection of the Environment Operations Act 1997; and
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.
64. 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.
65. No demolition materials shall be burnt or buried on the site.
- 66.
- a) To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall: -
 - i) 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.
 - ii) Negotiate with the utility authorities (eg Ausgrid, Sydney Water and Telecommunications Carriers) and Council in connection with: -

- 1 The additional load on the system; and
 - 2 The relocation and/or adjustment of the services affected by the construction.
 - b) 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.
67. Should the demolition process require a building waste container(s) (builders' skip), then such container must not be placed or left upon the public road, footpath, reserve or the like without the prior approval of the Council. The use of any part of Council's road reserve must also have prior approval of Council.
68. Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.
69. The approved Waste Management Plan shall be complied with at all times during demolition, construction and on-going use of the site.
70. All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.
- 71.
- a) All excavations and backfilling shall be executed safely and in accordance with appropriate professional standards; and all excavations shall be properly guarded and protected to prevent them from being dangerous to life or property;
 - b) Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piling, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
 - c) As the development involves an excavation that extends below the level of the base of the footings of a building 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.
72. The following shall be complied with during construction and demolition:
- a) Construction Noise

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.
 - b) Level Restrictions

- i) Construction period of 4 weeks and under:

The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).
 - ii) Construction period greater than 4 weeks and not exceeding 26 weeks:

The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
 - c) Time Restrictions
 - i) Monday to Friday 07:00am to 05:00pm
 - ii) Saturday 08:00am to 01:00pm
 - iii) No Construction to take place on Sundays or Public Holidays.
 - d) Silencing

All possible steps should be taken to silence construction site equipment.
73. The applicant shall conduct all 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.
- 74.
- a) In order to prevent vehicles tracking soil or other materials onto public roads and washing of materials into the street drainage system or watercourse, during Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion; and,
 - b) In addition, concrete trucks and any other trucks that used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land.
 - c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
 - d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.

- e) Building operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
75. 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 construction. The area fronting the site and in the vicinity of the development shall also be 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.
76. Inspections must be conducted by Council's Engineer at the following occasions:
- a) Formwork inspection of driveway layback and adjacent kerb and gutter prior to laying of concrete,
 - b) Formwork inspection of Council's kerb and gutter prior to laying of concrete,
 - c) Formwork inspection of Council's footpath prior to laying of concrete,
 - d) Final inspection of driveway layback and adjacent kerb and gutter,
 - e) Final inspection of Council's kerb and gutter,
 - f) Final inspection of Council's footpath.
77. Construction Operations:
- a) the applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council.
 - b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
 - c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
 - d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
78. During Demolition, Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from

erosion to prevent any vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's land.

79. During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.
80. During construction work the Council nature strip shall be maintained in a clean and tidy state at all times. The nature strip shall be suitably replaced where damaged due to construction work in accordance with Council Specification at the completion of construction, and at the Applicant's expense.

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

81. The following conditions must be complied with prior to the issue of any Occupation Certificate:
 - i) All landscape works are to be carried out in accordance with the approved landscape plans prior to the issue of an Occupation Certificate for the approved development. The landscaping is to be maintained to the approved standard at all times.
 - ii) A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifying authority) stating that the landscape works have been carried out in accordance with the approved plans and documentation.
82. Prior to the issue of any Occupation Certificate for occupation or use of residential flat development, a design verification statement shall be submitted to the PCA from a qualified designer certifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to Schedule 1 of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*.
83. Prior to the issue of any Occupation Certificate, 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.
84. Prior to release of any Occupation Certificate the developer must submit to the Principal Certification Authority an acoustic report to verify that the measures stated in the required acoustic report have been carried out and certify that the construction meets the above requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
85. Prior to the issue of any Occupation Certificate, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and accepted practice.

86. 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 the issue of any Occupation Certificate of the development and release of damage deposit.
87. Prior to the issue of any 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.
88. The Council nature strip in King Street shall be repaired and/or replaced and maintained in accordance with Council Specification at the completion of all construction work at the Applicant's expense.
89. 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.
90. 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.
91. Prior to completion of the building works, a full width vehicular entry is to be constructed to service the property. Any obsolete vehicular entries are to be removed and reconstructed with kerb and gutter. This work may be done using either a Council quote or a private contractor. There are specific requirements for approval of private contractors.
92. 17 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.
93. 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.
94. The following works will be required to be undertaken in the road reserve at the applicant's expense:
 - i) Construction of a new fully constructed concrete vehicular entrance/s; and
 - ii) Removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required.

95. 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.
96. 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.
97. 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.
98. The overflow from the rainwater tank shall be directed to the storm water system.
99. 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 Council's DCP 78 - Stormwater Management. The certificate shall be in the form specified in DCP 78 and include an evaluation of the completed drainage works. 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.
100. 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.
101. A first flush device shall be installed to reduce the amount of dust, bird faeces, leaves and other matter entering the rainwater tank.
102. A Restrictions on the use of land pursuant to Section 88B of the *Conveyancing Act 1919* shall be created to ensure the following:-

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*'.

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'*.

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.

CONDITIONS WHICH MUST BE SATISFIED FOR THE ONGOING USE

103. Ongoing maintenance of the road verges and footpaths in 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.
104. The overflow from the rainwater tank shall be directed to the storm water system.
105. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system.
106. 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.
107. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system.
- The Registered Proprietor will:
- i) permit stormwater to be temporarily detained by the system;
 - ii) keep the system clean and free of silt, rubbish and debris;
 - iii) 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;
 - iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - v) not make alterations to the system or elements thereof without prior consent in writing of the Council.
 - vi) 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;
 - viii) 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.
108. 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.
- 109.
- a) Each residential dwelling (apartment) is approved as a single dwelling. 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 apartments 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.
110. The communal outdoor roof terrace area shall not be used between the hours of 10:00pm – 7:00am each day.
111. 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*.

112. 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.

113. 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.

114.

- 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.

ADVISORY NOTES

The following recommendations are made from NSW Police:

- Installation of CCTV cameras within and around the development.
- Improved lighting around the footpaths and car park areas within the development
- Ensuring the building design minimises the potential for climbing onto balconies
- Landscaping that promotes natural surveillance of common areas
- Underground car park that does not have hidden areas or dark spots. Main entry and exit points to car park to have CCTV installed.
- 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

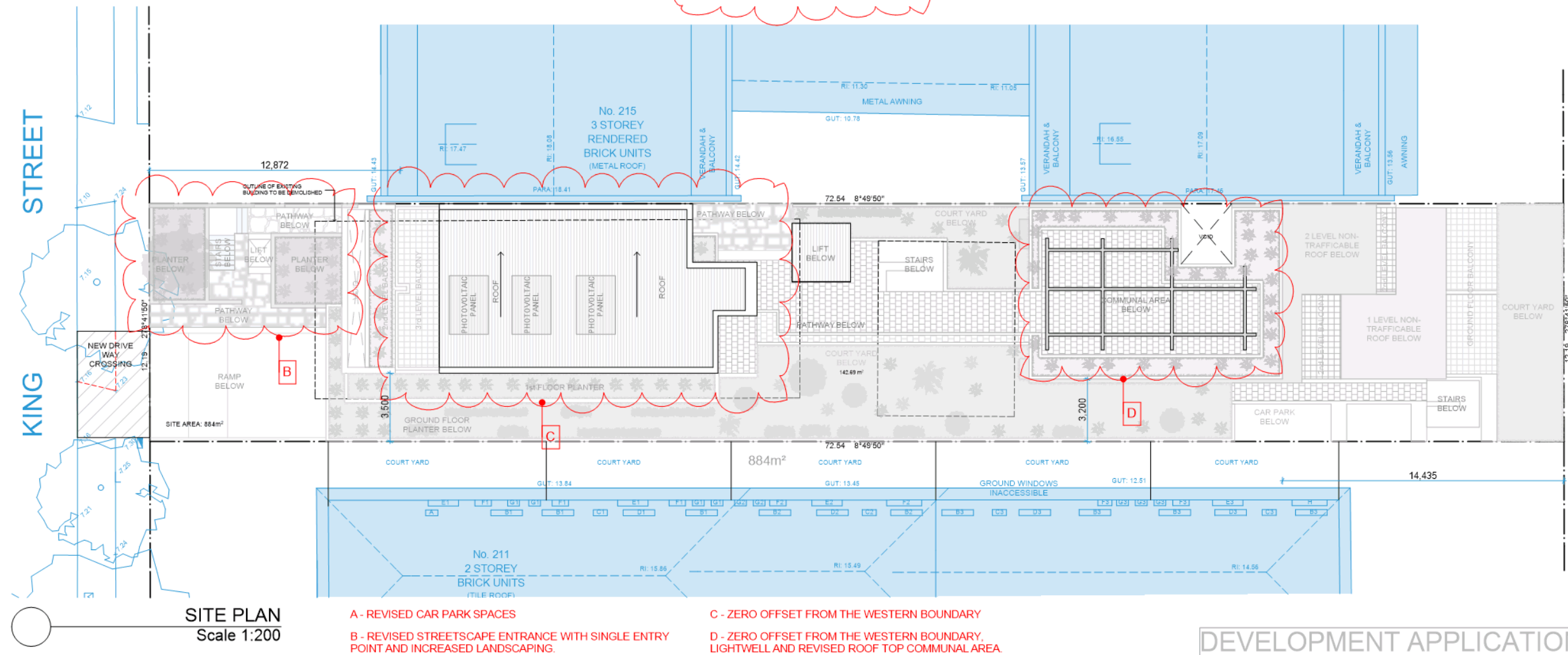
must cover this area if they are constructed. Solid steel housing and quality key locks should be used to prevent access. All cages to be at least 8ft in height with adequate roofing, cages below this allow people access over the top

- Security measures in place for entry doors and lifts (security passes)
- Strongly recommended all letter boxes and any form of mail ports be built internal of the building. No letter boxes be available/accessible to the public without security swipe passes.
- CCTV to be installed in this vicinity.

LEP & DCP	REQUIRED	PROPOSED
ZONING	R3	R3
FSR	0.85:1	0.85:1
HEIGHT	12m	13.31m
CALCULATIONS		
SITE AREA	884m ²	
SOFT LANDSCAPED AREA	min. 35% = 309.4m ²	284.67m ²
HARD LANDSCAPED AREA	max. 20% = 176.8m ²	217.08m ²
DEEP SOIL AREA	min. 7% = 62m ²	93.7m ²
COMM. OPEN SPACE		318.3m ²
GROUND FLOOR		250.32m ²
FIRST FLOOR		200.28m ²
SECOND FLOOR		200.42m ²
THIRD FLOOR		100.32m ²
TOTAL		751.34m²

[illegible]

PARKING		
UNITS	RATE	REQUIRED
10 x 1 BEDRM	1.0	10
2 x 2 BEDRM	1.2	2
1 x 3 BEDRM	1.5	2
13 UNITS		14 SPACES
1/5 VISITOR		3 SPACES
TOTAL		17 SPACES
*(NOTE: 2 ACCESSIBLE SPACES REQUIRED)		
PROPOSED		
BASEMENT - 17 SPACES		
(INCLUDING 2 ACCESSIBLE CAR SPACES & 1 CAR WASH BAY)		
TOTAL		17 SPACES



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NICK LYCENKO - REGISTERED ARCHITECT no.3010

The works to be completed in accordance with the National Construction Code, Australian Standards and relevant by laws. All proprietary features are to be installed in accordance with manufacturers details and specifications. Statutory authority approvals and specifications that form part of the construction methods are to be adhered to. Work references of dimensioned measurements are to be taken over scaled measurements. These drawings have been prepared by Arkhaus and remain the property of the above mentioned party. These drawings are not to be used in any way without the permission of Arkhaus and are subject to copyright laws.

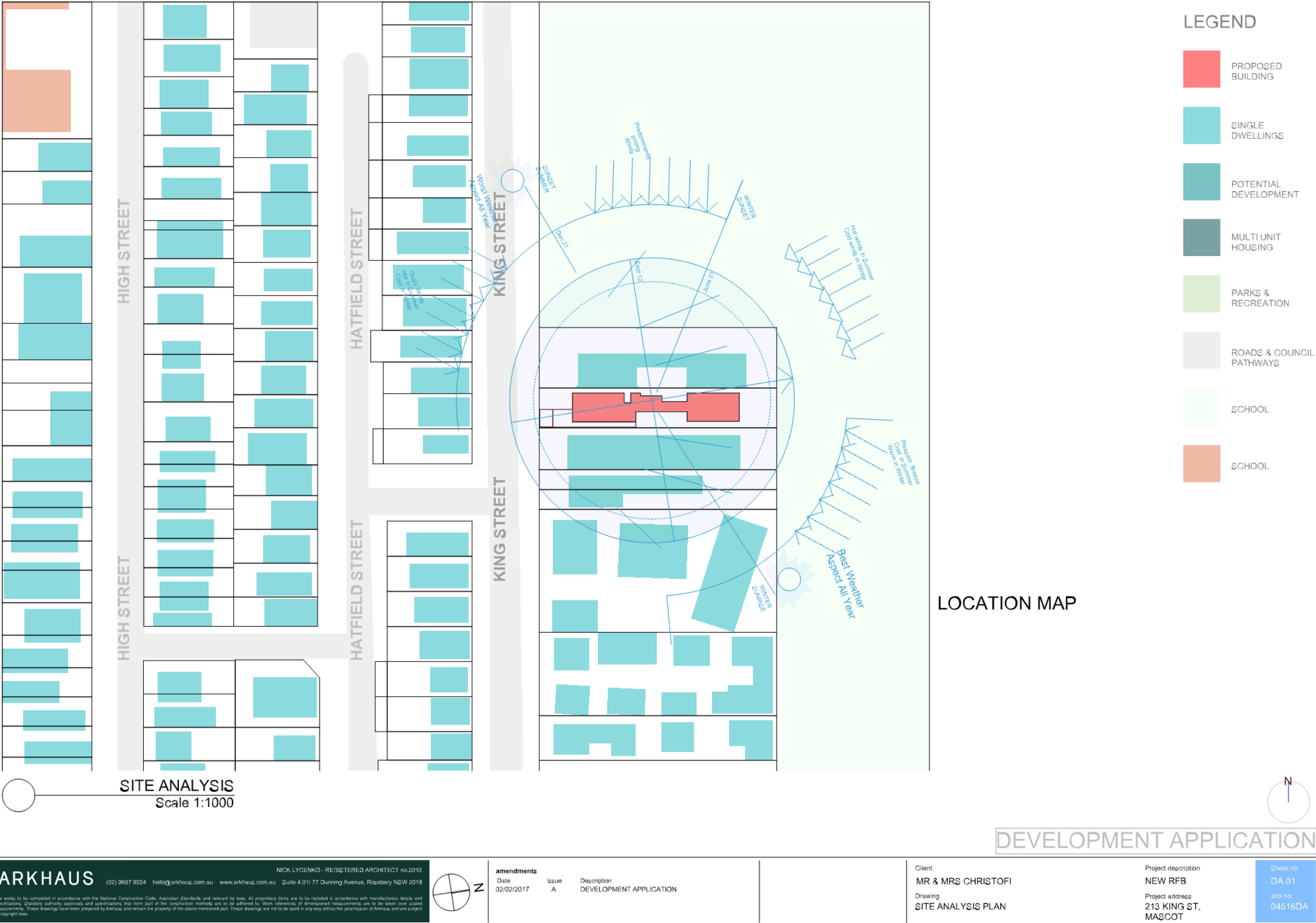
amendments		
Date	Issue	Description
02/02/2017	A	DEVELOPMENT APPLICATION
21/02/2018	B	REVISED DEVELOPMENT APPLICATION

Client
MR & MRS CHRISTOFI
Drawing
SITE PLAN

Project description
NEW RFB

Project address
213 KING ST,
MASCOT

Sheet no.
DA.02
Job no.
04516DA





○ STREETScape ELEVATION
Scale 1:200



○ FRONT PERSPECTIVE - KING STREET

DEVELOPMENT APPLICATION

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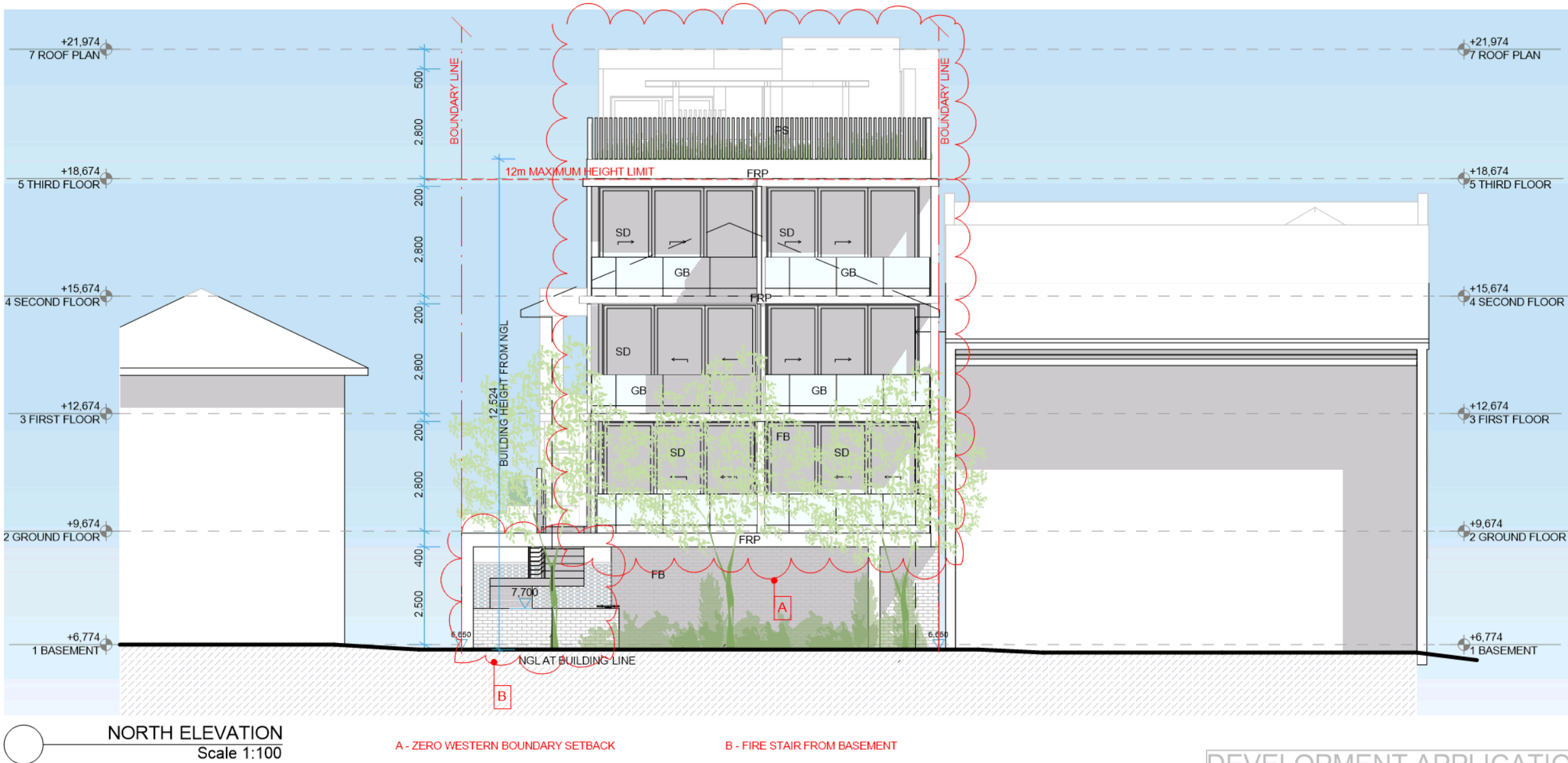
amendments		
Date	Issue	Description
02/02/2017	A	DEVELOPMENT APPLICATION

Client
MR & MRS CHRISTOFI
Drawing
STREETScape

Project description
NEW RFB
Project address
213 KING ST,
MASCOT

Sheet no.
DA 15
Job no.
04516DA

AW	AWNING WINDOW (Aluminium windows, as selected)
BG	BOX GUTTER
C	CARPET
CL	CLADDING
CON	CONCRETE (As selected)
CW	CASEMENT WINDOW (Aluminium windows, as selected)
CP	DOWN PIPE
FB	FACE BRICK (As selected)
FRP	FACADE RENDERED & PAINTED FINISH
FW	FIXED WINDOW (Aluminium window, as selected)
GB	GLASS BALUSTRADING
LW	LOUVRE WINDOW
MB	METAL BALUSTRADING
MR	METAL ROOFING (As selected)
PS	PRIVACY SCREENING
PSE	PAINTED SLAB EDGE (As selected)
SD	SLIDING DOOR (Aluminium doors as selected)
SW	SLIDING WINDOW (Aluminium windows, as selected)
T	TILES (As selected)
TF	TIMBER FLOOR
VW	VENT WINDOW (Aluminium window, as selected)

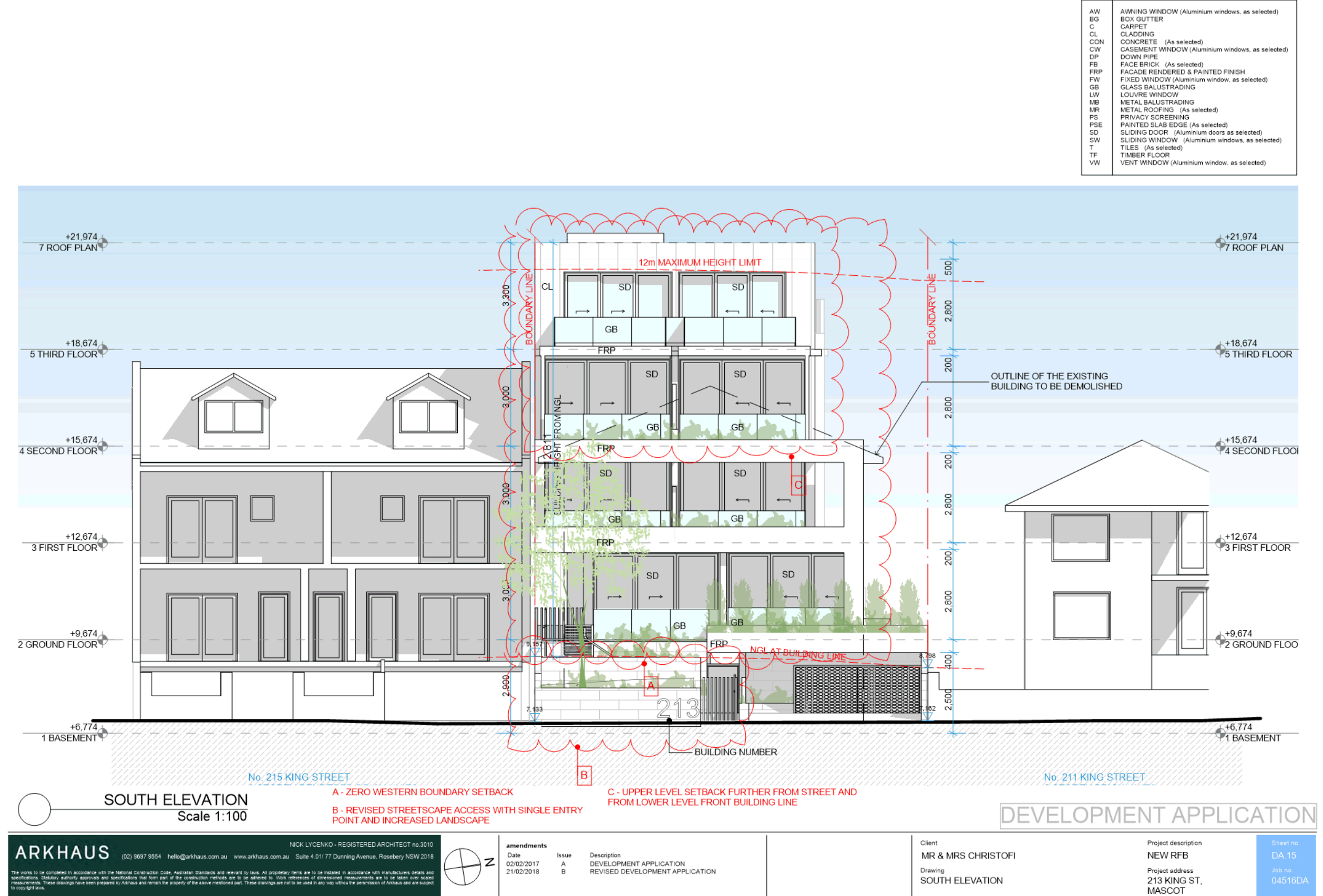


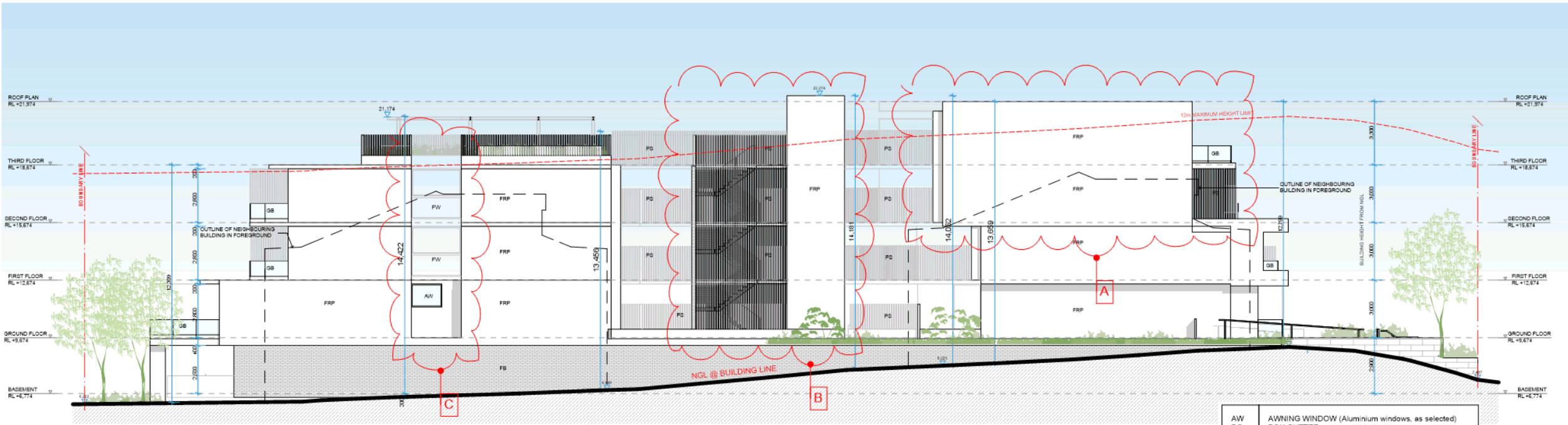
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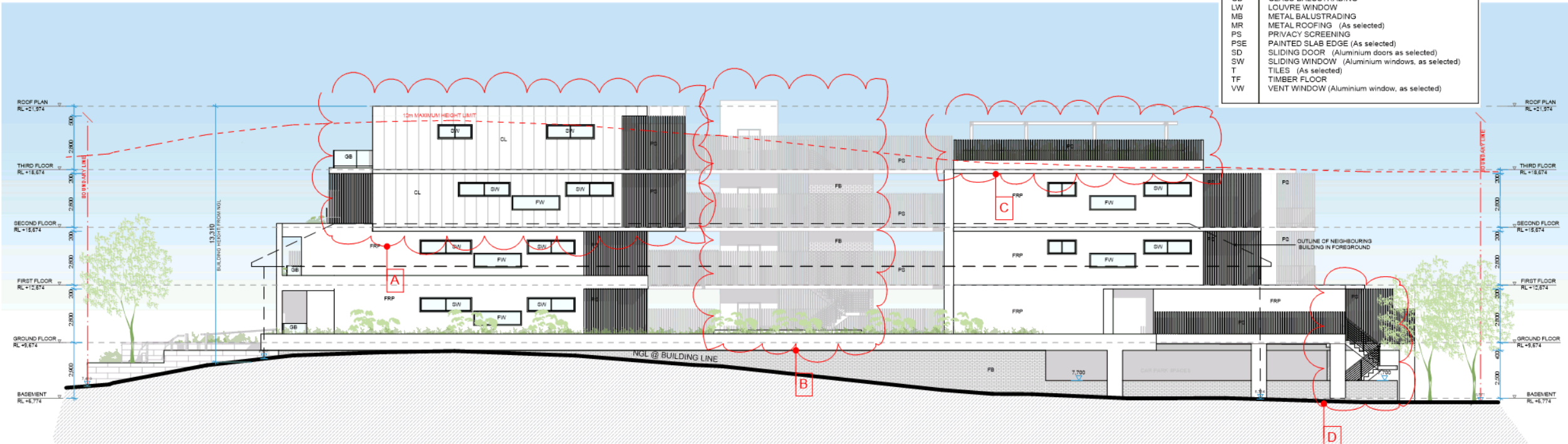
amendments		
Date	Issue	Description
02/02/2017	A	DEVELOPMENT APPLICATION
21/02/2018	B	REVISED DEVELOPMENT APPLICATION

Client MR & MRS CHRISTOFI Drawing NORTH ELEVATION	Project description NEW RFB	Sheet no. DA 14
	Project address 213 KING ST, MASCOT	Job no. 04516DA





WEST ELEVATION
Scale 1:200



EAST ELEVATION
Scale 1:200

A - UPPER LEVEL SETBACK FURTHER FROM STREET AND FROM LOWER LEVEL FRONT BUILDING LINE
B - LIFT AND STAIRS SHIFTED TO ALLOW ZERO BOUNDARY SETBACK AND UPPER LEVELS SETBACK
C - PROPOSED LIGHTWELL TO THE APARTMENTS WITH ZERO WESTERN BOUNDARY SETBACK
D - FIRE STAIR TO BASEMENT

DEVELOPMENT APPLICATION

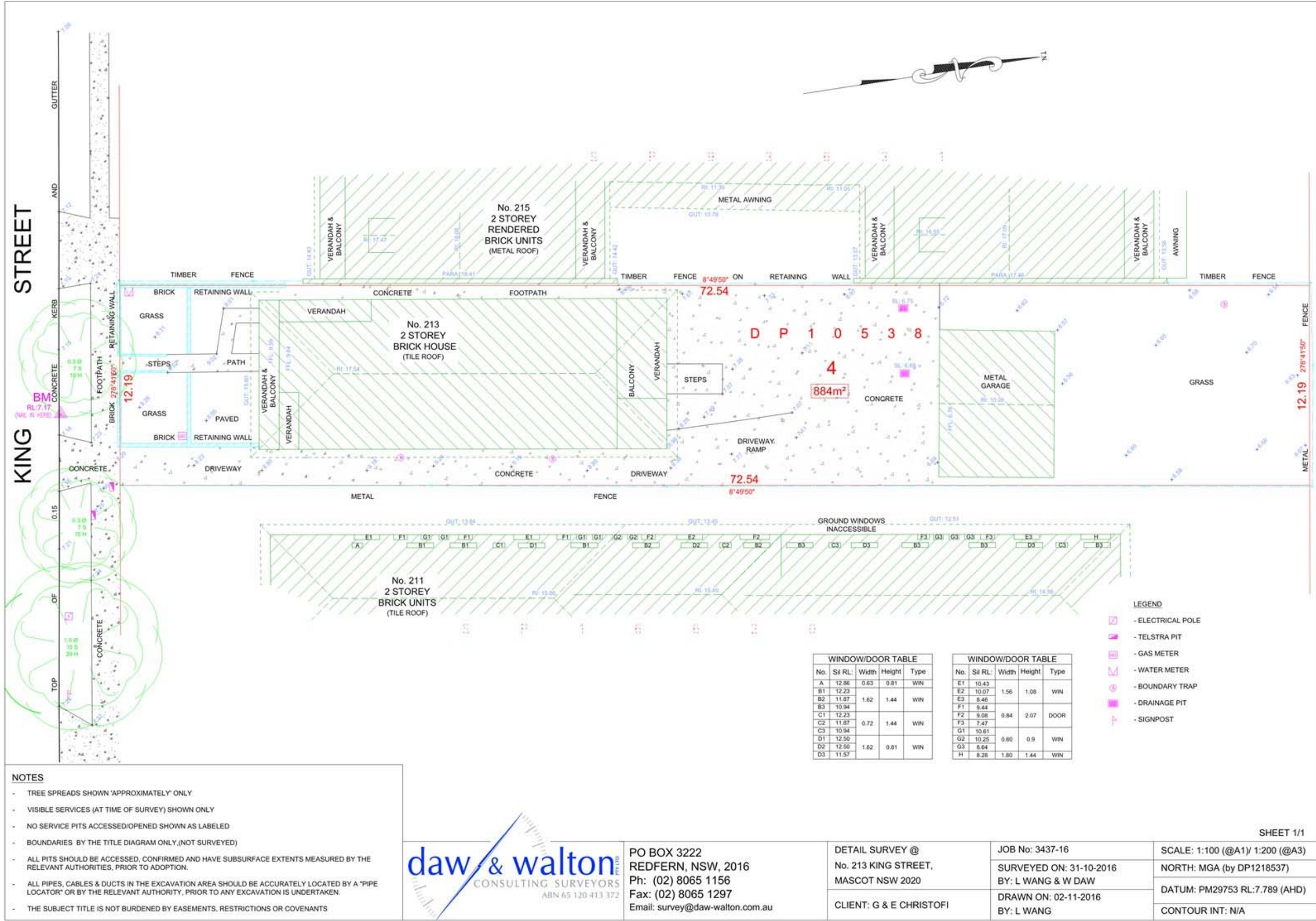
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NICK LYCENKO - REGISTERED ARCHITECT no.3010
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amendments		
Date	Issue	Description
02/02/2017	A	DEVELOPMENT APPLICATION
21/02/2018	B	REVISED DEVELOPMENT APPLICATION

Client
MR & MRS CHRISTOFI
Drawing
ELEVATIONS WEST & EAST

Project description
NEW RFB
Project address
213 KING ST,
MASCOT

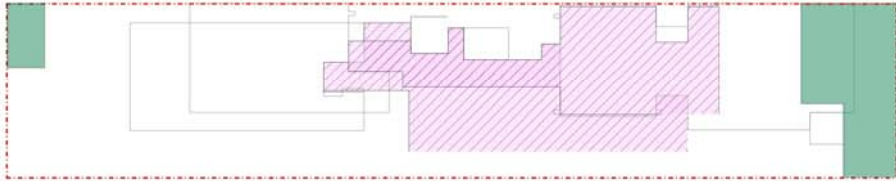
Sheet no.
DA 16
Job no.
04516DA



LANDSCAPE DA DOCUMENTATION
PROPOSED RESIDENTIAL FLAT BUILDING AT 213 KING ST, LOT 4 DP 10538, MASCOT NSW 2020



1 SITE PLAN
Scale: NTS



2 COMMUNAL OPEN SPACE & DEEP SOIL AREA CACULATION
Scale: 1:250

	AREA	REQUIRED / PROVIDED
TOTAL SITE AREA	884 sqm	
COMMUNAL OPEN SPACE	318.3 sqm	25% 36.0%
DEEP SOIL AREA	93.7 sqm	7% 10.6%

LEGEND

- SITE BOUNDARY
- PROPOSED COLORBOND FENCE
- GLAZED BALUSTRADE
- CORTEN STEEL RAISED PLANTER
- PROPOSED RAISED PLANTER
- CONCRETE RETAINING WALL
- PLAIN CONCRETE SURFACE
- RIVER PEBBLE
- CONCRETE UNIT-STONE PAVEMENT (TO FUTURE SELECTION)
- TIMBER BENCH
- EXISTING TREE TO BE RETAINED
- PROPOSED MASS PLANTING MIX (REFER TO PLAN ANNOTATIONS)
- MASS PLANTING MIX TYPE 1
Westringia fruticosa 'Munda'
Casuarina glauca 'Cousin II'
Chrysocarpus apiculatus
- MASS PLANTING MIX TYPE 2
Grevillea juniperina 'Gold Cluster'
Myoporum parviflorum
- MASS PLANTING MIX TYPE 3
Viola hederacea
Dichondra repens
- MASS PLANTING MIX TYPE 4
Pandorea jasminoides
Trachelospermum jasminoides
- PROPOSED SYNTHETIC TURF
- PROPOSED TURF
- Corymbia citriodora 'Dwarf Pink'
Lemon Scented Gum
- Tristanopsis laurina 'Luscious'
Kanooka Gum
- Syzygium australe 'Resilience'
Lilly Pilly
- Doryanthes excelsa
Gymea Lily
- Robinia pseudacacia 'Umbraculifera'
Mop-top Robinia
- Pyrostegia venusta
Orange Trumpet Creeper
- Melaleuca linearifolia 'Claret Tops'
Honey Myrtle
- Phylodendron xanadu
Xanadu
- Agave attenuata
Fox Tail Agave
- Blechnum gibbum
Dwarf Tree Fern
- Westringia fruticosa 'Aussie Box'
Coastal Rosemary
- Westringia fruticosa 'Blue Gem'
Coastal Rosemary
- Acacia cognata 'LimeLight'
LimeLight Wattle
- Banksia spinulosa 'Birthday Candles'
Banksia 'Birthday Candles'
- Casuarina glauca 'Cousin II'
Cousin II
- Brachycome multifida
Out-leaved Daisy
- Senecio serpens
Blue Chalk Sticks

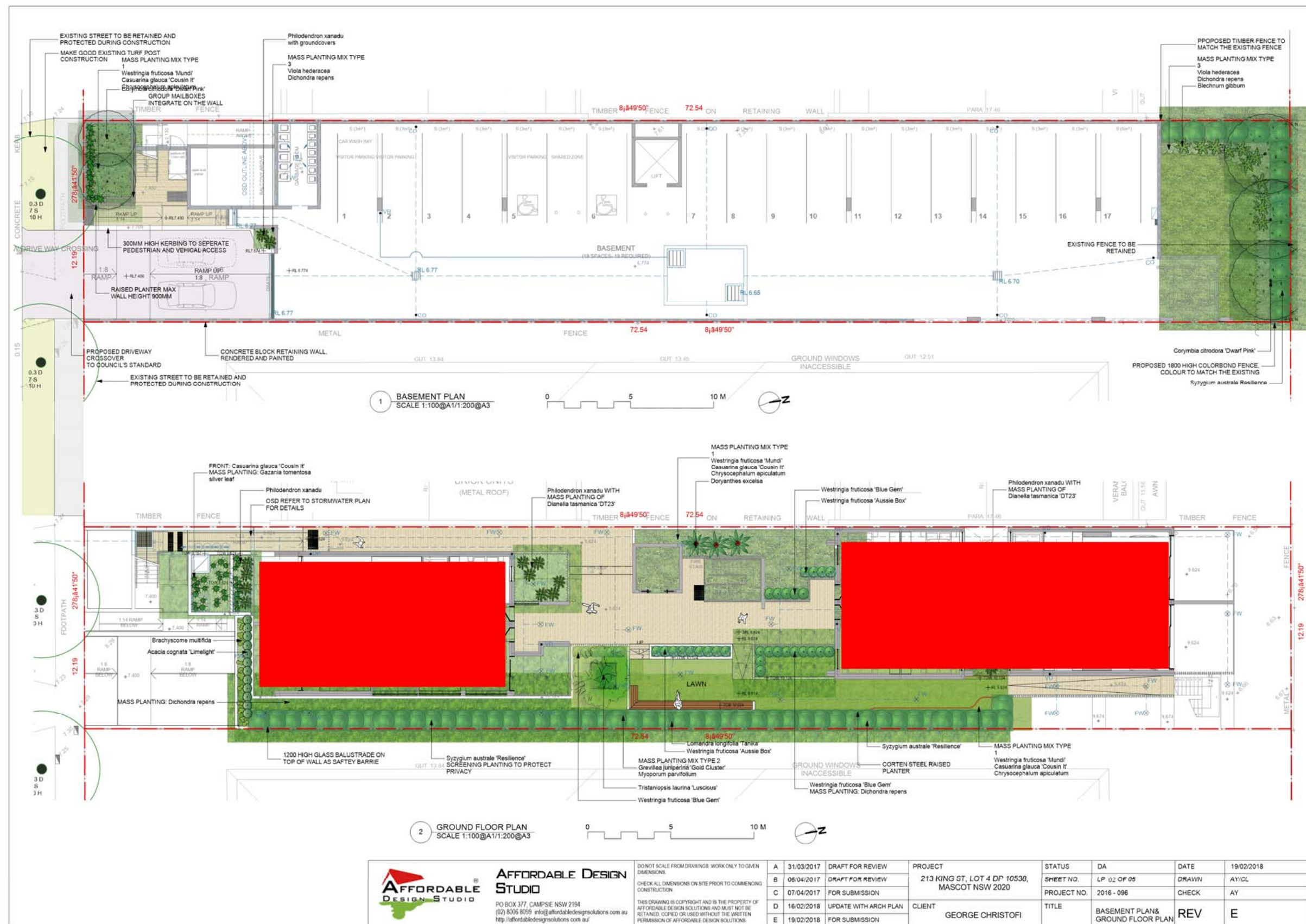
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A	31/03/2017	DRAFT FOR REVIEW
B	06/04/2017	DRAFT FOR REVIEW
C	07/04/2017	FOR SUBMISSION
D	16/02/2018	UPDATE WITH ARCH PLAN
E	19/02/2018	FOR SUBMISSION

PROJECT	213 KING ST, LOT 4 DP 10538, MASCOT NSW 2020
CLIENT	GEORGE CHRISTOFI

STATUS	DA	DATE	19/02/2018
SHEET NO.	LP 01 OF 05	DRAWN	AY/CL
PROJECT NO.	2016 - 096	CHECK	AY
TITLE	COVER SHEET & SITE PLAN	REV	E





PLANT SCHEDULE - BASEMENT PLANTING

CODE	BOTANIC NAME	COMMON NAME	MATURE HEIGHT / SPREAD	POT SIZE	SPACING
TREE					
Cc*	<i>Corymbia citriodora</i> 'Dwarf Pink'	Lemon Scented Gum	7m / 4m	100 L	AS SHOWN
SHRUB					
Sa*	<i>Syzygium australe</i> 'Resilience'	Lilly Pilly	3m / 1.5m	25 L	AS SHOWN
Bg	<i>Blechnum gibbum</i>	Dwarf tree fern	0.3m / 0.6m	25 L	AS SHOWN
Wfm*	<i>Westringia fruticosa</i> 'Mundi'	Coastal Rosemary	0.5m / 1.5m	25 L	AS SHOWN
Px	<i>Philodendron xanadu</i>	Xanadu	1m / 1m	25 L	AS SHOWN
GROUND COVER					
Cg*	<i>Casuarina glauca</i> 'Cousin It'	Cousin It	0.3m / 1.5m	150 mm	5 plants/sqm
Ca*	<i>Chryscephalum apiculatum</i>	Yellow Buttons	0.3m / 0.5m	150 mm	5 plants/sqm
Vh*	<i>Viola hederacea</i>	Native Violet	0.2m / 0.1m	150 mm	5 plants/sqm
Dr*	<i>Dichondra repens</i>	Kidney Weed	0.3m / 0.8m	150 mm	5 plants/sqm
* NATIVE SPECIES					

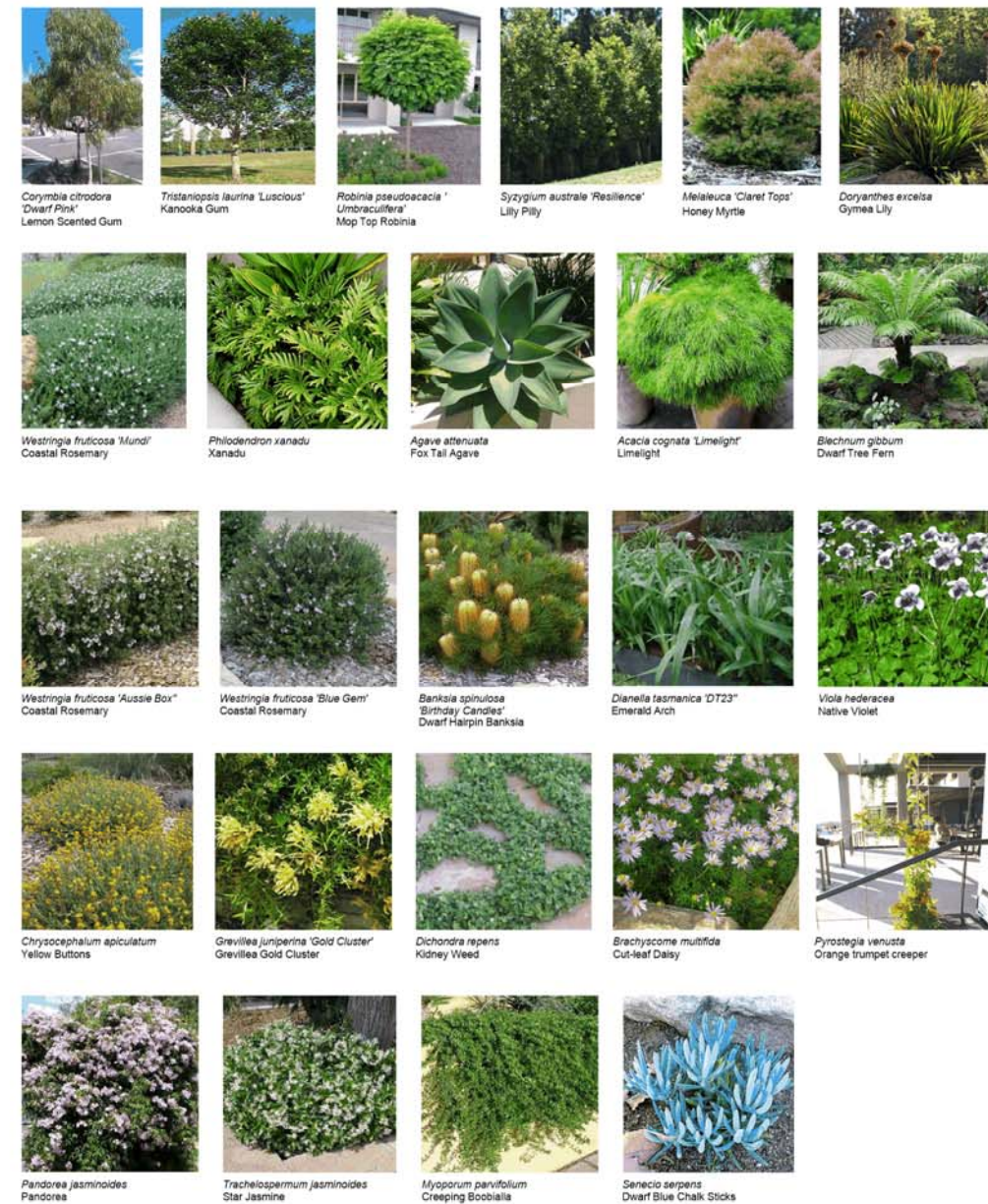
PLANT SCHEDULE - GROUND FLOOR PLANTING

CODE	BOTANIC NAME	COMMON NAME	MATURE HEIGHT / SPREAD	POT SIZE	SPACING
TREE					
Tl*	<i>Tristanopsis laurina</i> 'Luscious'	Kanooka Gum	7-12m / 4-10m	100 L	AS SHOWN
SHRUB					
Bg	<i>Blechnum gibbum</i>	Dwarf Tree Fern	1.5m / 1m	25 L	AS SHOWN
De*	<i>Doryanthes excelsa</i>	Gymea Lily	2m / 1m	25 L	AS SHOWN
Mct*	<i>Melaleuca 'Claret Tops'</i>	Honey Myrtle	1.5m / 1m	25 L	AS SHOWN
AcI*	<i>Acacia cognata</i> 'Limelight'	Limelight	1m / 1m	25 L	AS SHOWN
Wfm*	<i>Westringia fruticosa</i> 'Mundi'	Coastal Rosemary	0.5m / 1.5m	25 L	AS SHOWN
Wfa*	<i>Westringia fruticosa</i> 'Aussie Box'	Coastal Rosemary	0.7m / 0.7m	25 L	AS SHOWN
Wfb*	<i>Westringia fruticosa</i> 'Blue Gem'	Coastal Rosemary	1.5m / 1m	25 L	AS SHOWN
Px	<i>Philodendron xanadu</i>	Xanadu	1m / 1m	25 L	AS SHOWN
GROUND COVER					
Gj*	<i>Grevillea juniperina</i> 'Gold Cluster'	Grevillea Gold Cluster	0.3m / 1m	150 mm	5 plants/sqm
Ca*	<i>Chryscephalum apiculatum</i>	Yellow Buttons	0.3m / 0.5m	150 mm	5 plants/sqm
Mp*	<i>Myoporum parvifolium</i>	Creeping Boobialla	0.5m / 1m	150 mm	5 plants/sqm
Vh*	<i>Viola hederacea</i>	Native Violet	0.2m / 0.1m	150 mm	5 plants/sqm
Dr*	<i>Dichondra repens</i>	Kidney Weed	0.3m / 0.8m	150 mm	5 plants/sqm
Bm*	<i>Brachyscome multifida</i>	Cut-leaf Daisy	0.4m / 0.6m	150 mm	5 plants/sqm
Cg*	<i>Casuarina glauca</i> 'Cousin It'	Cousin It	0.3m / 1.5m	150 mm	5 plants/sqm
GRASS					
Dr*	<i>Dianella tasmanica</i> 'DT23'	Emerald Arch	0.6m / 0.6m	150 mm	5 plants/sqm
CLIMBING PLANT					
Pj*	<i>Pandorea jasminoides</i>	Pandorea		150 mm	5 plants/sqm
Tj	<i>Trachelospermum jasminoides</i>	Star Jasmine		150 mm	5 plants/sqm
Pv	<i>Pyrostegia venusta</i>	Orange trumpet creeper		150 mm	5 plants/sqm
* NATIVE SPECIES					

PLANT SCHEDULE - ROOF TOP PLANTING

CODE	BOTANIC NAME	COMMON NAME	MATURE HEIGHT / SPREAD	POT SIZE	SPACING
TREE					
Rp	<i>Robinia pseudoacacia</i> 'Umbraculifera'	Mop Top Robinia	5m / 4m	75 L	AS SHOWN
SHRUB					
Mct*	<i>Melaleuca 'Claret Tops'</i>	Honey Myrtle	1.5m / 1m	25 L	AS SHOWN
Bs*	<i>Banksia spinulosa</i> 'Birthday Candles'	Dwarf Hairpin Banksia	1.5m / 1.5m	25 L	AS SHOWN
Aa	<i>Agave attenuata</i>	Fox Tail Agave	1m / 1.5m	25 L	AS SHOWN
AcI*	<i>Acacia cognata</i> 'Limelight'	Limelight	1m / 1m	25 L	AS SHOWN
GROUND COVER					
Dm*	<i>Drachyscome multifida</i>	Cut-leaf Daisy	0.4m / 0.6m	150 mm	5 plants/sqm
Gj*	<i>Grevillea juniperina</i> 'Gold Cluster'	Grevillea Gold Cluster	0.3m / 1m	150 mm	5 plants/sqm
Mp*	<i>Myoporum parvifolium</i>	Creeping Boobialla	0.5m / 1m	150 mm	5 plants/sqm
Ss	<i>Senecio serpens</i>	Dwarf Blue Chalk Sticks	0.4m / 1m	150 mm	5 plants/sqm
CLIMBING PLANT					
Pv	<i>Pyrostegia venusta</i>	Orange trumpet creeper		150 mm	5 plants/sqm
* NATIVE SPECIES					

PLANTS PALETTE



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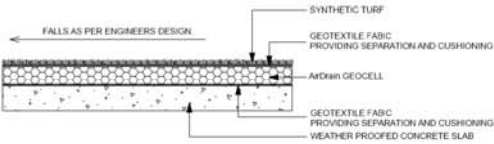
A	31/03/2017	DRAFT FOR REVIEW	PROJECT	STATUS	DA	DATE	19/02/2018
B	06/04/2017	DRAFT FOR REVIEW	213 KING ST, LOT 4 DP 10530, MASCOT NSW 2020	SHEET NO.	LP 04 OF 05	DRAWN	AY/CL
C	07/04/2017	FOR SUBMISSION		PROJECT NO.	2016 - 096	CHECK	AY
D	16/02/2018	UPDATE WITH ARCH PLAN	CLIENT	TITLE	PLANT SCHEDULE & PLANT PALETTE	REV	E
E	19/02/2018	FOR SUBMISSION	GEORGE CHRISTOFI				

LANDSCAPE GUIDELINES

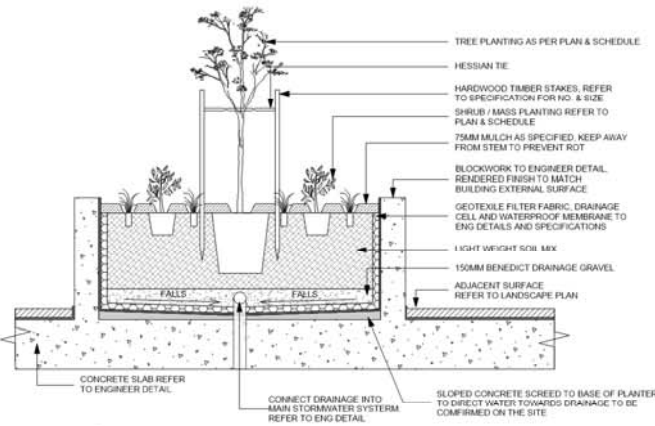
1. GENERAL
- 1.1 The Contractor shall familiarise themselves with the site prior to tender.
- 1.2 The Contractor will be held responsible for any damage to utility services, pipes, building structures, paving surfaces, fencing, footways, kerbs, roads and existing plant material.
- 1.3 The site is to be left in a clean and tidy condition at the completion of works to the satisfaction of the Superintendent.
- 1.4 No work involving an extra shall be undertaken unless approval is first obtained from the Superintendent.
- 1.5 No substitute of material shall be made unless approval is given by the Superintendent.
- 1.6 The Contractor shall continuously maintain all areas of the Contract during progress of the works specified.
2. SITE PREPARATION
- 2.1 Prepared sub-grade is to be free of stones larger than 100mm diameter, cement, rubbish and any other foreign matter that could hinder plant growth.
3. MASS PLANTED AREAS
- 3.1 Once clear of weed growth, grass and debris, sub-grade should be cultivated to a minimum depth of 150mm incorporating 'Dynamic Lifter' or equivalent at the manufacturers recommended rates.
- 3.2 Weeds shall be controlled by a combination of chemical and hand removal techniques.
4. PLANTING
- 4.1 All plant material is to be hardened off, disease and insect free and true to species, type and variety. Plants are to be well grown but not root bound and shall comply with Natspec - 'Guide to Purchasing Landscape Trees'.
- 4.2 All plants are to be removed from their containers prior to planting with as little disturbance to the root system as possible.
- 4.3 Planting shall not be carried out in dry soil or extreme weather conditions.
- 4.4 Plants should be planted at the same depth as the plants were in the containers and allow for a shallow saucer of soil to be formed around the plant to aid the penetration of water.
- 4.5 All plant material should be watered thoroughly immediately after planting.
- 4.6 The Contractor shall be responsible for the failure of plants during construction, except for acts of vandalism.
- 4.7 Labels shall be removed entirely from the plants.
5. STAKING
- 5.1 Ties should be firmly attached to the stakes, in a way to avoid damage to the stem while allowing a small degree of movement.
6. TURF AREAS
- 6.1 Turf areas should be cultivated before turving by ripping or harrowing.
- 6.2 At the completion of turving the whole area shall be thoroughly soaked and kept moist till the completion of landscape works.
7. MULCH
- 7.1 Mulch for all mass planted beds shall be 'Droughtmaster' mulch as supplied by A.N.L. or similar.
8. SOIL MIXES
- 8.1 Soil mix for mass planted areas shall be 3 parts site soil to 1 part 'Organic Garden Mix' as supplied by A.N.L. or equivalent.
- 8.2 Soil mix for planter boxes and planting over slab shall be 'Planter Box Mix' as supplied by A.N.L. or equivalent.
- 8.3 Soil mix for street tree planting shall be 1 part site soil to 1 part 'Organic Garden Mix' as supplied by A.N.L. or equivalent.
9. FEATURE PEBBLES
- 9.1 Feature pebbles shall be 20mm Nepean River Gravel or similar laid to a minimum 50mm depth.

MAINTENANCE

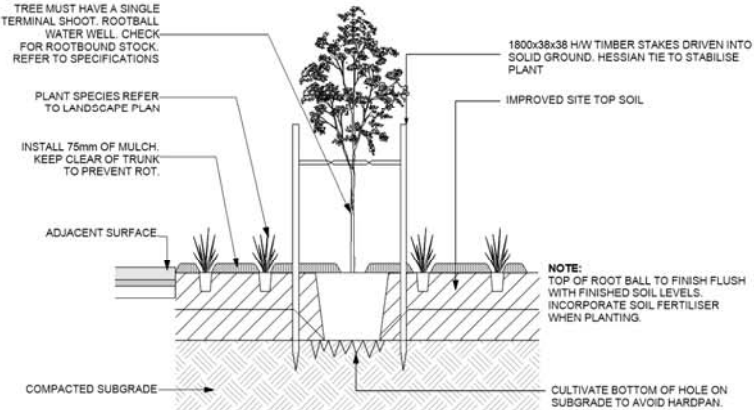
1. These works shall be in addition to the construction contract.
2. The Contractor shall commence and fully implement the short term maintenance after Practical Completion has been confirmed by the Superintendent.
3. The Contractor shall carry out maintenance works for a minimum period of 52 weeks.
4. Maintenance works shall include the following works :
- a. Mow lawns and trim edges each 10 days in summer and each 14 days in winter.
- b. Water all planting and lawn areas in order to ensure adequate soil moisture at all times.
- c. Remove any weed growth from all planting areas.
- d. Spray and control pests and diseases as required.
- e. Replace plants which fail with plants of similar size and quality as originally planted.
- f. Adjust ties to trees as necessary.
- g. Make good any erosion or soil subsidence which may occur.
- h. Maintain all mulched areas in a clean and tidy condition to the depth as originally specified.
- i. Make good any defects or faults arising from defective workmanship.
- Note: The Contractor is not to be held responsible for the theft or vandalism of any plants during the maintenance period.
5. Advanced trees shall be individually inspected at least once a month in order to determine their health and vigour. Should the trees exhibit any signs of disease, pest infestation or poor growth then a qualified arborist shall be consulted within 14 days in order to determine the most appropriate course of action. Recommended treatment shall then be commenced within 7 days and shall continue until the problem is eliminated.
6. When the maintenance period is completed the Contractor shall notify the Superintendent. The site shall then be inspected and if to the satisfaction of the Superintendent the responsibility will be handed over to the Client for on-going maintenance



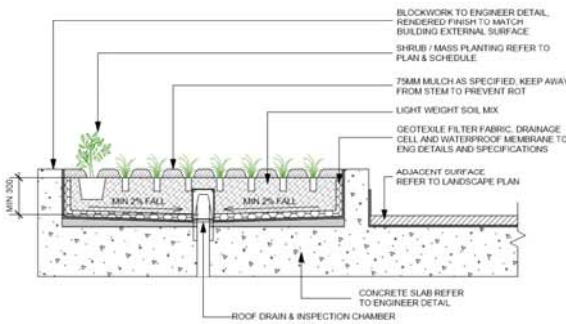
D01 DETAIL - SYNTHETIC TURF ON SLAB
SCALE 1 : 25 @ A1




D03 DETAIL - PLANTER BOX ON CONCRETE SLAB
SCALE 1 : 25 @ A1



D02 DETAIL - TREE AND MASS PLANTING ON GRADE
SCALE 1 : 25 @ A1



D04 DETAIL - PLANTING ON SLAB
SCALE 1 : 25 @ A1

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			B	06/04/2017	DRAFT FOR REVIEW		
			C	07/04/2017	FOR SUBMISSION		
			D	16/02/2018	UPDATE WITH ARCH PLAN		
			E	19/02/2018	FOR SUBMISSION		

APPENDIX 1

CLAUSE 4.6

EXCEPTION TO DEVELOPMENT STANDARD

HEIGHT STANDARD - CLAUSE 4.3 OF BOTANY BAY LEP 2013

development application for the demolition of the existing buildings and the construction of a new four (4) storey residential flat building comprising 13 apartments with semi-basement car parking for 19 vehicles

213 KING STREET, MASCOT

SUBMITTED TO

BAYSIDE CITY COUNCIL

PREPARED BY

ABC PLANNING PTY LTD

APRIL 2017

**CLAUSE 4.6 EXCEPTION TO DEVELOPMENT STANDARDS UNDER
BOTANY BAY LEP 2013**

This Clause 4.6 submission has been prepared to accompany the development application submitted to Bayside Council for the demolition of the existing buildings and the construction of a new four (4) storey residential flat building comprising 13 apartments with semi-basement car parking for 19 vehicles, at 213 King Street, Mascot.

The proposal seeks a variation to the development standard contained within Clause 4.3 of the *Botany Bay Local Environmental Plan 2013* - maximum height of 12m.

The development proposes a maximum height of 12.79m to the southern parapet of the building, as viewed from King Street. As a result of the varied topography across the depth of the subject site, the height of the building increases to 13.35m at the northern / rear parapet of the southern built form, with the lift overrun having a maximum height of 14.05m (RL22.27).

The proposal also includes a communal roof top area and associated pergola structure at the top of the northern / rear building, with the pergola having a maximum height of 14.42m (RL21.17).

Therefore, the departure from the development standard varies between 0.79m – 2.42m.

This submission contends that strict compliance with the maximum height is unreasonable and/or unnecessary in the circumstances of the case and that the variation sought can be supported and that the Clause 4.6 exception to the development standards should be upheld.



Figure 25: Building Height Map

Clause 4.6 Exceptions to development standards

- (1) *The objectives of this clause are as follows:*
- (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.*
- (2) *Development 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. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development 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.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *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, and*
 - (b) *the concurrence of the Director-General has been obtained.*
- (5) *In deciding whether to grant concurrence, the Director-General must consider:*
- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

1. Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case – clause 4.6(3)(a)

I submit that compliance with the standard is unreasonable or unnecessary in the circumstances of the case because the proposal complies with the objectives of the standard and the zone. Please see the assessment under 4 – The proposed development will be in the public interest because it is consistent with the objectives for development within the zone in which the development is proposed to be carried out – clause 4.6(4)(a)(i).

In addition to consistency with the objectives of the standard and the zone, the proposed development represents a compatible streetscape outcome, with the four (4) storey height of the building correlating with the 12m height limit, as permitted by the BBLEP 2013. This ensures that the proposed height can be supported on the subject site and that strict compliance with the development standard is unreasonable or unnecessary, in the circumstances of the case.

The proposed residential flat building has been designed to provide for an appropriate transition across the site, in response to the varied topography and flood affected nature, noting that the subject site rises from the King Street frontage by approximately 2m before sharply declining to a level rear yard. As a result, the proposed development provides for a 4

storey residential built form at the King Street frontage, above basement parking, whilst the northern / rear built form includes a semi-basement car park with 3 storeys of residential above a communal roof top terrace.

In this regard, the proposed development is generally compliant with the height limit at the King Street frontage, albeit the roof slab, with the declining topography exacerbating the exceedance along the northern / middle portion of the southern built form, as illustrated below:

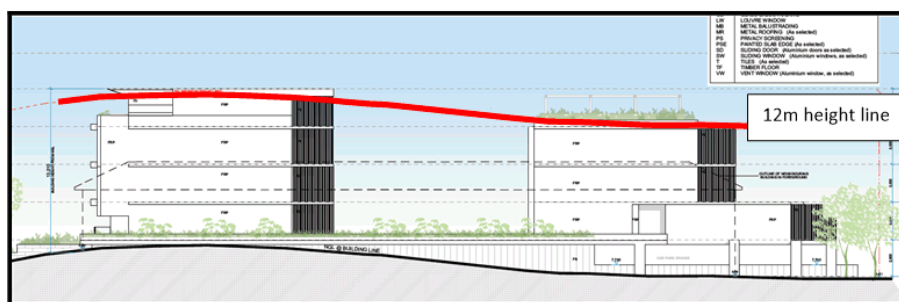


Figure 26: Eastern elevation depicting the 12m height line

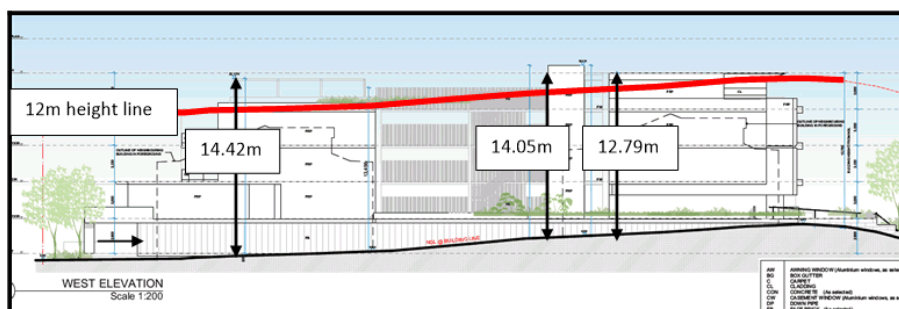


Figure 27: Western elevation depicting the 12m height line

As illustrated above, the building exceeds the height limit by 0.79m – 2.42m, with the greatest exceedance being that associated with the lift overrun and pergola structure. Such elements provide for a communal benefit through the provision of equitable access to the roof communal roof top area, which has been designed in accordance with the ADG guidelines for communal open space.

In this regard, the rooftop communal open space area incorporates BBQ facilities, lounge seating, a pergola structure, raised timber decking with integrated planter box and a range of landscaping species, as illustrated in the landscaping excerpt below. The north facing rooftop communal area comprises 64% of the total residential communal open space area and receives full solar access which is considered to afford residents with a high quality living environment.

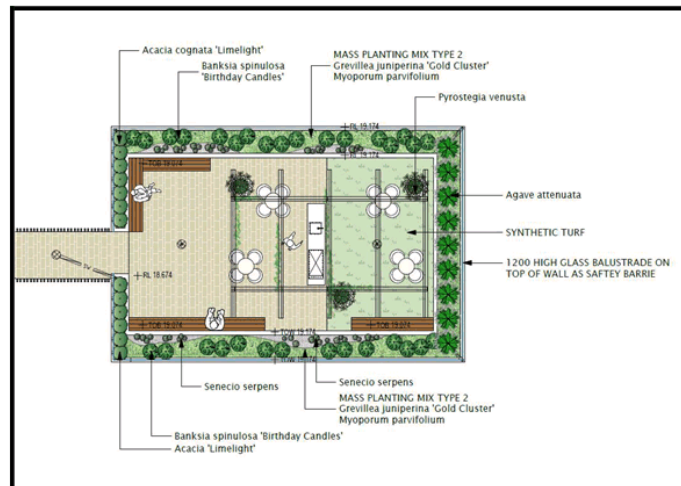


Figure 28: Landscaped rooftop communal open space area

As shown on the landscape plan and accompanying roof plan (drawing number DA.10), the proposed communal roof top area is recessed from the rear (15.4m) and side boundaries (approximately 2.4m to the western boundary and 3m to the eastern boundary) which limits its perception when viewed from the surrounding properties.

It is also noted that the northern most portion of the built form aligns with the western neighbouring residential flat building which has no openings along there eastern elevation and therefore the pergola would not contribute to any additional bulk or scale impacts when viewed from surrounding properties.

In regards to the southern / King Street portion of the building, the greatest exceedance is along the northern portion of the building which is not readily visible from the streetscape. The properties to the west have a dual orientation and it is therefore considered that their primary outlook would be to the north / rear of the property and therefore it is not considered that the bulk and scale would be visually dominating or result in a loss of amenity.

As shown in figure 25 above, when viewed from the east, the proposed built form is generally compliant and therefore, it is considered that the bulk and scale would also not be visually dominating, particularly given the large central break in the building and provision of landscaping at the interface of the eastern neighbour and the subject site.

When viewed from King Street, the proposed development represents a modern and contemporary design that incorporates a range of materials and finishes which is softened by the provision of landscaping and planter boxes at the uppermost level. The proposed height at the street frontage is generally compliant with the 12m height limit, with the roof form slightly exceeding the height limit, however this is not considered to attribute to any additional bulk or scale impacts.

As stated throughout this report, the height of the building is exacerbated by the nature of the topography and the requirement to provide a flood freeboard level of RL7.9 for habitable floors.

It is noted that the proposed development complies with the allowable FSR of 0.85:1 and demonstrates a suitable design response to the sites infill nature, amongst two established medium density residential uses.

In this regard, the provision of two built forms matches that of the western neighbour whilst the nil provision of openings along both the eastern and western elevation alleviates any potential overlooking or privacy impacts. This is considered to result in a desirable planning outcome given the elongated nature of the site and the high degree of windows along the western elevation of 211 King Street, which overlook the subject site.

Importantly, the proposed height is not responsible for any adverse external amenity impacts in regard to loss of view, overshadowing or privacy to neighbouring properties, beyond that of a compliant building. As illustrated on the accompanying shadow diagrams, the shadows continue to allow for compliance of solar access to the eastern and western neighbours, whilst the southern neighbours also receive a compliant degree of solar access.

Given the proposed development's compatibility with the existing and desired future character, it is considered that there are no public benefit in maintaining the development standard.

I therefore submit that strict compliance with the standard is unreasonable and unnecessary in the particular circumstances of the case and that there are circumstances particular to the subject site which confirms the reasonable nature of the variation in this instance.

2. Sufficient environmental planning grounds to justify contravening the development standard – clause 4.6(3)(b)

The additional height is not responsible for any greater environmental impacts than a proposal with a compliant height. Given the lack of aural and visual privacy impacts, and overshadowing impacts above and beyond a compliant building envelope, there is no sound planning justification to reduce the proposed height.

It is also reiterated that there are no unreasonable view impacts associated with the additional height, nor are there any adverse or unreasonable privacy impacts generated by the additional height. The positive streetscape outcomes associated with the provision of the additional height which provides for an appropriate transition between the neighbouring developments to the east and west, in addition to the lack of impacts to surrounding properties as demonstrated on the accompanying shadow diagrams, demonstrates that there are sufficient environmental grounds to support the additional height in this instance.

It is therefore considered that the above assessment demonstrates that there are sufficient environmental grounds to justify the contravention of the development standard.

It is also reiterated that the proposed development has no external amenity impacts which would determine that the additional height should not be granted in this instance. This is demonstrated by:

- Retention of at least 2 hours solar access to the east, west and southern neighbours;
- Retention of visual and acoustic privacy;
- No significant loss of views or outlook;
- No adverse or unreasonable visual bulk impacts; and
- No adverse streetscape impacts.

There are also no internal amenity grounds that would determine that the additional height should not be granted. This is demonstrated by the compliant degree of communal open

space, private open space, natural ventilation, solar access, apartment sizes, layouts and separation distances.

The combination of the internal and external factors demonstrates that there are sufficient environmental grounds to permit the height variation in this instance.

3. Adequately addressed the matters required to be demonstrative by subclause (3) – clause 4.6(4)(a)(i)

Please see submission in relation to clause 4.6(3)(a)(i) and (ii) above.

4. 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 - clause 4.6(4)(a)(ii)

The proposed height variation is considered to be justified on the following basis:

BBLEP 2013 Height Objectives

(1) The objectives of this clause are as follows:

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

Assessment: The proposed development supports the economic and orderly development of land, as intended by the Botany Bay LEP and DCP controls. The proposal is consistent with the intent for development on the subject site and it is considered that the proposed built form represents a suitable infill development between two established medium density residential uses.

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

Assessment: It is considered that, when viewed from a streetscape perspective, the non-compliance with the height limit, being 500mm, would be indiscernible and would not attribute to any greater visual bulk impacts. When viewed from the east or west, the 15.8m separation distance between the built forms further reduces the perceived bulk and scale of the built form.

Furthermore, it is considered that the provision of a roof top communal area which results in the greatest exceedance, would not attribute to any adverse external amenity impacts, particularly given that it is viewed at the same height as the southern / front built form. It is also noted that roof top communal areas are encouraged by the Apartment Design Guide, particularly on constrained site's where communal open space would be difficult to achieve otherwise.

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

Assessment: The replacement of the existing detached dwelling house with a part, 3 part 4 storey residential flat building is consistent with the R3 medium density residential zoning and suite of planning controls, including the 12m height limit, which correlates with the proposed four (4) storey built form.

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

Assessment: The proposed development has been skilfully designed to provide for a built form that is appropriate within the context of the surrounding sites so as to reduce the

perceived bulk of the building and minimise overshadowing and loss of privacy, particularly to the southern neighbours.

As evident on the accompanying shadow diagrams, the proposal maintains a compliant degree of solar access to the eastern and western neighbours as well as to those residential dwellings on the southern side of King Street.

The layout of the proposed development ensures that privacy will be retained to the existing developments to the east and west of the subject site, whilst the provision of privacy screens, combined with the separation distance within the central portion of the site, is confirmation that a suitable degree of mutual privacy will be retained within the subject site and between the subject site and the eastern / western neighbours.

The proposal does not result in the loss of views or outlook.

(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.

Assessment: The proposed development, it is considered that the proposed development will not adversely affect the streetscape, skyline or landscape when viewed from adjoining road and other public places.

The four (4) storey height of the built form and compliant FSR is commensurate with the height and densities of the development anticipated for the medium density residential zoning.

The above assessment demonstrates that the variation does not raise any inconsistency with the objectives of the height standard.

CONSISTENCY WITH THE OBJECTIVES OF THE ZONE R3 MEDIUM DENSITY RESIDENTIAL

**Zone R3 Medium Density Residential
Objectives of zone**

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage development that promotes walking and cycling.

Assessment: In accordance with the Botany Bay LEP 2013, the subject site is located within the R3 Medium Density Residential zone, of which the proposed residential flat building is a permissible use.

The proposed development is considered to satisfy the objectives of the zone as it provides for the housing needs of the community within a medium density residential environment. The proposal incorporates a variety of dwelling typologies, including 1, 2 and 3 bedroom apartments.

The subject site is also located within 800m of the Mascot train station which encourages future occupants to utilise active and public transport means, including walking and cycling.

The proposed development is therefore considered to achieve the objectives of the medium density residential zone, notwithstanding the variation from the numerical height limit.

OTHER MATTERS - CONSISTENCY WITH STATE AND REGIONAL PLANNING POLICIES

Assessment: The increased height on the subject site is entirely reasonable and appropriate given that the development seeks to replace the existing dwelling house with a modern and contemporary residential flat building that is suitably located in proximity to a host of services including shops, public transport and high quality recreational areas.

The proposal is therefore consistent with the State Government's Urban Consolidation Policy which seeks to provide greater heights and densities in areas close to public transport, shops and services.

Conclusion

The above assessment has demonstrated that the height control is unreasonable and unnecessary in the circumstances and that there would be no public benefit in maintaining the development standard in this instance.

It has also been demonstrated that the proposed height meets the objective to an equal or better degree than a development with a compliant height, given the positive streetscape outcome and consistency with the established pattern of development.

For reasons mentioned herein, this clause 4.6 variation is forwarded to Council in support of the variation to the height associated with the development proposal at 213 King Street, Mascot and is requested to be looked upon favourably by Council.

Bayside Design Review Panel

REPORT OF THE BAYSIDE DESIGN REVIEW PANEL

Special Meeting held on Thursday, 23 November 2017 at Bayside Council

Panel members: Alf Lester, Sam Crawford and Dean Boone

ITEM 3

Date of Panel Assessment:	23 November 2017
Applicant:	Arkhaus
Architect:	Arkhaus
Property Address:	213 King Street Mascot
Description:	Demolish existing dwelling & construct residential building. Integrated Development Application for the demolition of existing dwelling and construction of a part three and part four storey residential flat building containing 13 units and basement car parking
No. of Buildings:	1
No. of Storeys:	Part 3 and part 4
No. of Units:	13 units - 10 x 1 bed units, 2 x 2 bed units and 1 x 3 bed units
Consent Authority Responsible:	Bayside Council
Application No.:	DA-2017/1060
Declaration of Conflict of Interest:	Nil

The Panel inspected the site, reviewed the submitted documentation and met with representatives of the applicant including Michael Lescesin (Arkhaus), Nick Lyanko (Arkhaus) and Sarah Noone (ABC Planning). Also present was Katerina Lianos (Development Assessment Planner BC).

Design Principle	Comments
<p>Context and Neighbourhood Character</p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The Panel considered that the proposed development would not have a positive relationship with the existing streetscape and surrounding developments, would provide opportunities for overlooking and result in a negative impact on neighbouring developments.</p> <p>The proposed development provides, at pedestrian level, a poor streetscape outcome with an excess of structure and walling out of context with the surrounding developments.</p> <p>The ground floor level is elevated above those in the surrounding developments and the applicant has suggested that it is a consequence of the basement ramp flood freeboard level of RL 7.4, and not as a response to the indicative natural ground level. Further design consideration should be given to providing a design outcome in keeping with the local context.</p>
<p>Built Form and Scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>While the building form reflects a contemporary architectural response, the proposed development would be dominant. It would be preferable for the upper two storeys to be recessed from the King Street frontage and the applicable building height limits respected. The Panel did not support any exceedance of the building height limits.</p> <p>The Panel would support a zero offset on the western boundary to reflect the adjacent sheer walls and lack of windows on the adjoining building. The proposed non-trafficable roof areas between the sites are not supported.</p> <p>The bulk and scale of the streetscape built form should be addressed to provide proportions more in keeping with the surrounding developments.</p> <p>The lift overrun and the bulk and scale of the fire stairs are not clearly demonstrated on the provided documentation and cannot be supported in its current form. The applicant needs to provide better integration of the lift tower into the development and appropriate placement of the access and egress points in terms of its relationship to site access from the streetscape. The large fire stair structure and associated walkway results in a significant bulk and building scale related to the adjoining sites.</p>
<p>Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The Panel considered the density to acceptable.</p>
<p>Sustainability</p> <p>Good design combines positive</p>	<p>The Panel considered the development should include rainwater harvesting, photovoltaic panels and broader sustainability initiatives</p>

Design Principle	Comments
<p>environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>beyond the minimum required.</p>
<p>Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>The Panel considered the following amendments should be made to the proposed landscape within the proposed development:</p> <ul style="list-style-type: none"> • Resolution of the streetscape access and egress to reduce the scale and presence of walling and structures • Enhanced interface with adjoining sites and provision of greater softscape interface • Review the proposed grades and levels to the pedestrian pathway and vehicular entry from the streetscape • The landscape plan provides no information in relation to the proposed OSD and is inconsistent with the landscape plan which indicates 43 m² of landscaped area. • The position and size of the OSD is questioned given that it is not clear if it utilizes the void under stairs and pathways or not. Resolution of this element may also result in a better positioning and provision of more landscaped area to the streetscape • Non-trafficable roof areas between two sheer walls are not supported • Screen planting of sheer walls is advocated in the development • The ground floor communal open space area and interface with the communal access path should be redesigned to provide a better design response and use of the podium landscaped area • The ground floor planting design does not provide suitable or adequate screening to the adjoining site eastern with the majority of plant species under 1.5 m in height • The landscape plan provides for plants in large pots. Since such elements are not fixed, they cannot be considered to provide a permanent landscape treatment. Planting in fixed planters is recommended. • Consideration should be given to the location of the barbecue facilities within the communal rooftop to maximise the use of the area by residents. • The rooftop pergola should be furnished with climbing plant material to soften the structure. • External structures such as the fire stairs, access links to the northern apartments and the rooftop pergola to the communal open space need to be clearly shown in sections. • The colour elevation shows landscape planters to the balcony edges on every level fronting King Street. The landscape documentation does not clearly address this issue.

Design Principle	Comments
<p>Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>The Panel considered the following issues need to be addressed by the applicant:</p> <ul style="list-style-type: none"> • The relatively mean entry from the street to the building is complicated by the extent of stairs that need to be traversed, the requirement for a chair lift to provide for disabled access and the subsequent 30-metre long, uncovered walkway to reach the building lobby • The apparent conflicts between the pedestrian and vehicular ramps providing access to the basement carpark • There is a need to provide fire stairs from the basement carpark which will impact on the basement layout • Poor light access into the rear ground floor apartment on the western boundary. A zero boundary lot layout and re-configuration to provide a light well to all levels would be preferable • The current design does not take advantage of a zero boundary lot layout the western boundary above the sub-basement level. This currently results in long dark unusable spaces and non-trafficable rooftops and is not considered to provide appropriate amenity to the development • Accessibility from streetscape level into the sub-basement and ground floor levels would benefit from a repositioning of the lift tower and lobby to be more clearly connected to the main entry point. • The interface of the rooftop communal open space, walkway and lift tower, which currently dominates the adjoining development, provides little in the way of visual screening and privacy • Taller screen planting to the boundaries to adjoining communal open space on the western boundary
<p>Safety</p> <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The Panel considered the following safety considerations need to be addressed by the applicant:</p> <ul style="list-style-type: none"> • The current location of the accessible parking spaces which are not limited to the location of the lift facilities • Interface between the vehicular ramp and the pedestrian ramped pathway with differences in landing pads areas and basement grades • The questionable functionality of the proposed accessible chair lift and lack of protection or cover • The need for fire stairs from the basement carpark
<p>Housing Diversity and Social Interaction</p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics,</p>	<p>The Panel considered the design response generally provides opportunity for appropriate social interaction and the diversity of housing mix to be appropriate subject to the comments above.</p>

Design Principle	Comments
<p>living needs and household budgets.</p> <p>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	
<p>Aesthetics</p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The Panel generally supported the aesthetics of the proposed building form that provides for a contemporary architectural response with a robust mix of materials and finishes, subject to addressing the following:</p> <ul style="list-style-type: none"> • Limiting exceedance of the height limit • Limit the over scale presentation to the street frontage • Enhancement of the poor entry relationship at streetscape level and access to the building lobby • Accessible entry integration • The bulk and scale of the fire stairs and walkways which are not clearly documented

RECOMMENDATION

- The design, in its present form, cannot be supported. The proposed development should be amended (as outlined above) and submitted for further reconsideration by the Panel.

Bayside Planning Panel

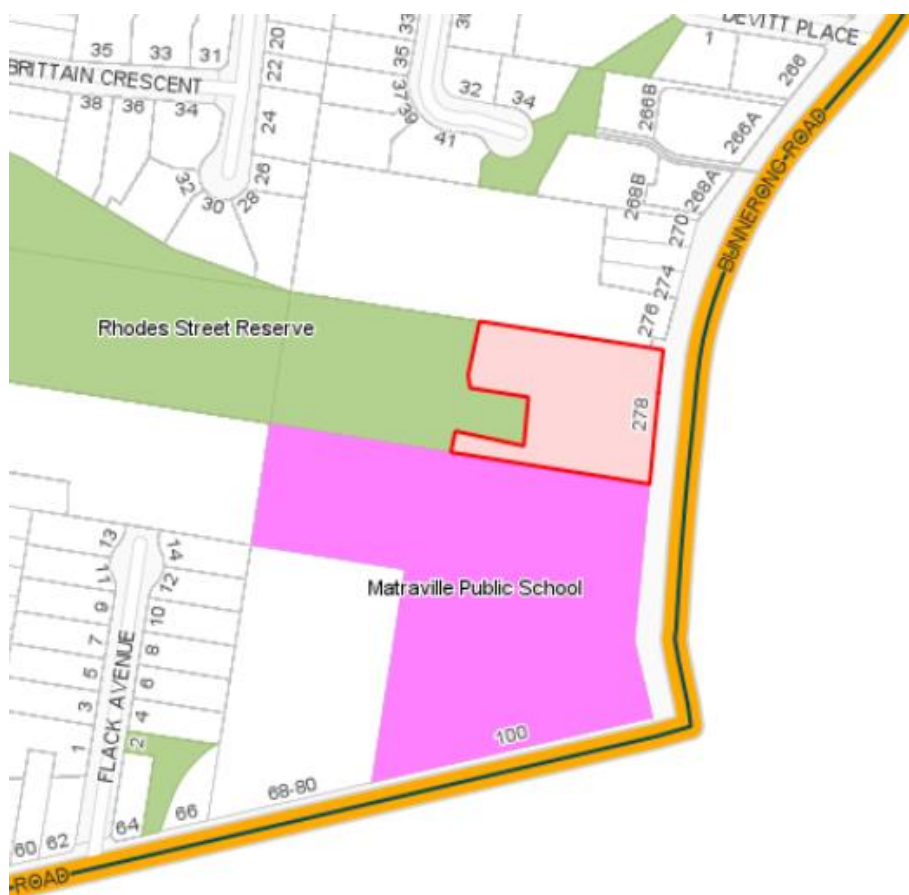
24/07/2018

Item No	6.6
Application Type	Section 4.56
Application No	SF18/1603
Lodgement Date	23/12/2017
Property	DA-2014/318/5 - 278 Bunnerong Road, Hillsdale
Ward	Port Botany
Owner	Mr Nicholas Krikis JB Hillsdale Pty Ltd
Applicant	Mr Nicholas Krikis JB Hillsdale Pty Ltd
Proposal	Section 4.56 Modification Application to amend Development Consent No. 2014/318 to modify the approved building layout and the creation of three additional apartments with additional car parking
No. of Submissions	Two (2) including one (1) petition with 177 signatures
Cost of Development	\$484,440.00
Report by	Alexandra Hafner, Senior Development Assessment Planner

Officer Recommendation

- 1 That DA-2014/318/5 for the proposed modifications to the approved building layout and the creation of three additional apartments and additional car parking at No. 278 Bunnerong Road, Hillsdale, be APPROVED pursuant to Section 4.56 of the *Environmental Planning and Assessment Act, 1979*, and subject to the conditions of consent (as modified), attached to this report.
 - 2 That the objectors be advised of the Bayside Planning Panel's decision.
-

Location Plan



The originally approved development is currently under construction.

Background

Development Application No. DA-2014/318 was lodged with the former Botany Bay Council with a nominated CIV of \$14 million. The former Botany Bay Council referred the DA to the then Joint Regional Planning Panel as the application was not determined by Council within 120 days of lodgement.

The Panel Chair considered the matter and refused the referral with the DA considered by Council under delegation and determined as a refusal. The application was subject to a Land and Environment Court appeal (Case No. 2016/00163500) against Council's refusal of the application on 3 February 2016. The matter was scheduled for a Section 34 Conciliation Conference on 6 June 2016 and resolved on 13 December 2016 with sealed orders issued on 16 December 2016.

The sealed orders were for a deferred commencement consent to address outstanding matters relating to the requirement of a stormwater plan; revised architectural plans and updated conditions to refer to the approved access report; revised landscape plans and the provision of a waste management plan. Council received the additional information as required to satisfy deferred commencement consent conditions and an operative consent was issued on 5 May 2017.

Council has since approved the following modifications to the subject site:

- DA-14/318/02 for a S96AA was lodged with Council on 5 June 2017 to relocate the communal room to the lower ground floor to B1 and add 1 x 2 bedroom unit (A201) on the lower ground floor of the Building; reconfigure the basement level carpark and extend the basement level to B3 and provide an additional 7 parking spaces; reconfigure L4 and L5 of Building A with a net addition of 1 x 2 bedroom and 1 x 3 bedroom units; relocate the communal terrace onto L5 and revised Unit A304 such that it is an adaptable unit.

Approved under Council delegation on 24 October 2017.

- DA-14/318/03 for a S96AA was lodged with Council on 11 August 2017 to amend Condition 66 to reduce the required number of arborist inspections on site, remove the casuarina plants and the southern boundary and concrete collar around the base of Tree 1.
- Approved under Council delegation on 11 October 2017.
- DA-14/318/04 for a S96AA was lodged with Council to amend Conditions 29C and 30 of the Notice of Determination, as amended, to reflect the correct Section 94 Contributions applicable to the development.

The subject modification is referred to the Bayside Planning Panel in accordance with the Ministerial directions issued on 23 February 2018 whereby applications are subject to the *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*.

Attachments

- 1 Planning Assessment Report and Notice of Determination (as modified)
- 2 Revised Site Plan, Drawing No. A01, Issue 07
- 3 Revised Lower Ground Floor Plan, Drawing No. A04, Issue 14
- 4 Revised Basement Level 1 Plan, Drawing No. A03, Issue 13
- 5 Revised Basement Level 2 Plan, Drawing No. A02, Issue 12
- 6 Revised Basement Level 3 Plan, Drawing No. A02_A, Issue 07
- 7 Revised Elevational Plans, Drawing No. A201 and A21, Issue 12 and 13
- 8 Design Verification Statement
- 9 BASIX Certificate (amended) [↓↓↓↓↓↓↓↓↓↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:**Date of Receipt:** 23/12/2018**Property:** 278 Bunnerong Road**Owners:** Mr Nicholas Krikis
JB Hillsdale Pty Ltd**Applicant:** As above**Proposal:** Section 4.56 Modification Application to amend Development Consent No. 2014/318 to modify the approved building layout and the creation of three additional apartments with additional car parking**Recommendation:** Approve the development, subject to conditions.**Value:** \$484,440.00**No. of submissions:** Two (2)**Author:** Alexandra Hafner, Senior Development Assessment Planner**Date of Report:** 13 July 2018

Key Issues

Modification Application No. 2014/318/5 was lodged with Council on 23 December 2017 seeking consent for the reconfiguration of the approved building layout of Block A; the creation of three additional apartments on Levels 4 and 5 and additional car parking within the approved basement level.

The application was placed on public exhibition in accordance with the provisions of the *Environmental Planning and Assessment Regulation, 2000*, and Botany Bay Development Control Plan, 2013. A total of two (2) submissions were received concerning the proposal. Key points discussed related to Sydney Water infrastructure and potential for overlooking resulting from the proposed modifications.

The original modifications sought consideration of a communal rooftop terrace to Level 5 of Block A and balcony areas on the southern elevation of Block A. These elements of the proposal have been removed from the revised architectural plan set. There is no further matters of concern in this regard.

The application does not significantly alter the approved building. The modification is considered to be substantially the same development is not considered to create any likely impacts to the surrounding development.

The Section 4.56 Application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* and is recommended for approval.

Recommendation

It is recommended that the Bayside Planning Panel resolve pursuant to Section 4.56 of the Environmental Planning and Assessment Act, 1979, APPROVE the application and amend Development Consent No. 14/318 as follows:

- a) Amend Condition No. 1 to include revised architectural plans applicable for the development;
- b) Amend Condition No. 29 and 30 to reflect the increased contributions payable under S7.11.

Background

History

Development Application No. DA-2014/318 was lodged with the former Botany Bay Council with a nominated CIV of \$14 million. The former Botany Bay Council referred the DA to the then Joint Regional Planning Panel as the application was not determined by Council within 120 days of lodgement.

The Panel Chair considered the matter and refused the referral with the DA considered by Council under delegation and determined as a refusal. The application was subject to a Land and Environment Court appeal (Case No. 2016/00163500) against Council's refusal of the application on 3 February 2016. The matter was scheduled for a Section 34 Conciliation Conference on 6 June 2016 and resolved on 13 December 2016 with sealed orders issued on 16 December 2016.

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Council has since approved the following modifications to the subject site:

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Approved under Council delegation on 24 October 2017.

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Approved under Council delegation on 11 October 2017.

- DA-14/318/04 for a S96AA was lodged with Council to amend Conditions 29C and 30 of the Notice of Determination, as amended, to reflect the correct Section 94 Contributions applicable to the development.

The subject modification is referred to the Bayside Planning Panel in accordance with the Ministerial directions issued on 23 February 2018 whereby applications are subject to the *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*.

PROPOSAL

The subject modification application seeks to undertake the following amendments:

- Reconfigure the basement parking areas to provide an additional five (5) parking spaces;
- Internal reconfiguration across Levels 4 and 5;
- Modification to approved Unit A705 at Level 4 within Building A to be reconfigured from a 3 bedroom unit to a 1 bedroom unit;
- Relocate three 3 bedroom unit on Level 4 of Building A;
- Addition of 2 x 2 bedroom Units at Level 4 within Building A (A706 and A707);
- Addition of 1 x 3 bedroom Unit at Level 5 within Building A (A804).

The proposed modifications results in an increase of 87 residential units to 90 and in the following mix:

1 bedroom	29
2 bedroom	54
3 bedroom	7

Additional contributions will be payable due to the net addition of three (3) residential units also. The following table is a comparison of the development statistics for both Blocks A and B based on the current planning controls; existing approval and changes sought under the subject modification application:

Control	Maximum Permitted BBLEP 2013	Current Approval	Proposed Modifications
Clause 4.3 – Height	22 metres	Building A – 22m Building B – 22m	Building A – no change Building B – No change
Clause 4.4 – FSR	1.65:1	1.56:1	1.61:1
Gross Floor Area	-	7,167sqm	7,400sqm

EXISTING AND SURROUNDING DEVELOPMENT

The subject site is located approximately 40 metres north of the intersection of Bunnerong and Beauchamp Roads Hillsdale. Located on the north western side of Bunnerong Road with a primary frontage of 60.39 metres, the site is bound by several four storey residential flat buildings north and north west; a Sydney Water culvert and Sydney Water Land with Rhodes Street Reserve directly west; Matraville Public School directly south and Matraville Neighbourhood Centre located further south.



Figure 1. Aerial of subject site (www.maps.six.nsw.gov.au).

To the east of the site is Bunnerong Road, which is an RMS Classified size lane road with median dividing traffic directionally. Further east are low scale detached residential dwellings. Further north east is Heffron Park with Matraville Sports Centre.

The originally approved development is currently under construction.

PLANNING CONSIDERATIONS

The application is submitted pursuant to the provisions of Section 4.56 of the *Environmental and Planning Assessment Act, 1979*. The matters below are those requiring the consideration of the Sydney Eastern Planning Panel

4.56 Modification by consent authorities of consents granted by the Court (cf previous s 96AA)

- (1) A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if:
 - (a) It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

- (b) *It has notified the application in accordance with:*
- (i) *The regulations, if the regulations so require, and*
 - (ii) *A development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (c) *It has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and*
- (d) *It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Council considers the modifications to satisfy the test for Section 4.56 for the following reasons:

Section 4.56(1)(a) – Substantially the same development

The development remains for the construction of two x 7 storey residential flat buildings and the proposed modifications are not considered to transform the consent given the nature of the amendments which will:

- Maintain the approved building height of 22 metres for both Building A (RL41.95) and Building B (RL39.70);
- Maintain a similar unit mix as that approved;
- The additional five (5) parking spaces are wholly contained within the approved Basement Level and do not contribute to the building bulk and scale;
- The reconfiguration and modifications to the building envelope at Levels 4 and 5 for Building A do not unreasonably affect the bulk and scale of the development due to the retention of staggered setbacks. The changes maintain the architectural integrity of the approved design with improved application whilst respecting setbacks to both the southern allotment boundary and Bunnerong Road.

Overall, the changes result in an increased density of 7%. The minor increase in GFA and resultant FSR (1.61:1) remain compliant with Clause 4.4 (1.65:1) of the BBLEP 2013. The three (3) additional units subject of the application achieve compliance with minimum unit size requirements under the ADG and overall, the development maintains compliance with the natural ventilation and solar access requirements contained therein.

Section 4.56(1)(b)(i) and (ii) – Notification of the modifications

The modification application was notified and advertised in accordance with the Regulations, 2000, and BBDCP 2013 from 19 January to 8 February 2018, inclusive. Reference is made to the Attachment A. Notification Letter dated 19 January 2018.

Section 4.56(1)(c) and (d) – Submissions made

The Panel can be satisfied that Council has notified and/or made reasonable attempts to notify, each of the persons who made a submission in respect to the relevant development application of the subject modification by sending written notice to the last address known to the consent authority of the objector or other person. Reference is made to Attachment B. Objectors Mailing List.

Notification and advertising of the modification application has yielded a total of two (2) submissions, one (1) of which is a petition comprised of 177 signatures from the Matraville Public School P & C Association.

SECTION 4.15 – MATTERS FOR CONSIDERATION

The relevant matters for consideration pursuant to Section 4.15 are addressed as follows:

- (a) The provisions of any EPI, draft EPI, DCP, Planning Agreement, draft Planning Agreement and any other matters prescribed by the Regulations.**

Draft EPI

There are no draft EPI's applicable to the subject site.

Planning Agreements

The proposal as modified is not subject to any current or draft planning agreement.

State Environmental Planning Policy (Infrastructure)

The original application was identified as *traffic generating development* and therefore considered under the remit of Clause 104 of the SEPP (Infrastructure). This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:

- (a) *New premises of the relevant size or capacity, or*
- (b) *An enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

The proposed increase in residential units from 87 to 90 and net addition of five (5) parking spaces does not qualify as an *enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity*, and therefore does not trigger referral to the RMS.

The provisions of the SEPP (Infrastructure) remain satisfied in this instance.

State Environmental Planning Policy No.55 - Contaminated Land (SEPP 55)

Under the provisions of Clause 7 of SEPP 55, a consent authority must not consent to carrying out of development on land unless:

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

Matters relating to SEPP 55 were determined satisfactory under the original application. The amendments subject of this modification application will not affect the suitability of the site with regards to contaminated land and no further consideration is required in this regard.

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

The modification application is accompanied by an amended BASIX Certificate No. 595696M_06 which is dated Tuesday 5 December 2017. The Certificate is a revision of Certificate No. 595696M, lodged with the consent authority on 22 December 2014 with the original application DA-2014/318.

The revised Certificate demonstrates the proposed development, as modified, satisfies the relevant water; thermal and energy commitments as required by SEPP (BASIX).

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

In accordance with Clause 28(2) of this Policy, the consent authority must take into consideration the following:

(a) The advice of the Design Review Panel (DRP)

The proposed modifications were considered relatively minor and therefore not required to be referred to the DRP for consideration.

(b) The design quality of the development when evaluated in accordance with the design quality principles

The application is accompanied by an amended Design Verification Statement prepared by Nick Tayler of Krikis Tayler Architects Pty Limited and dated 21 December 2017 which confirms *'the design quality principles set out in Schedule 1 of SEPP 65 – Design Quality of Residential Apartment Development are achieved in the proposed development'*. The Statement is appended to this Report.

(c) The Apartment Design Guide (ADG)

The proposed modifications to residential apartments within Building A are considered to have performed adequately in respect to the objectives and design criteria contained within the ADG. The relevant issues are discussed below:

Clause	Design Criteria	Comments	Complies												
3F – Visual privacy	<p>Min separation – side and rear boundaries:</p> <table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non habitable rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>Up to 25m (5-8 Storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>Over 25m (9+storeys)</td><td>12m</td><td>6m</td></tr></table> <p>Buildings on the same site combine required building separations. Gallery treated as habitable space</p>	Building height	Habitable rooms and balconies	Non habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 Storeys)	9m	4.5m	Over 25m (9+storeys)	12m	6m	<p>Building separation remains as per the approved with 18.09m separation between Building A and B and an 11.06m setback to the southern allotment boundary.</p> <p>The approved 7.065m setback to the northern allotment boundary remains unchanged as does the approved 4m primary setback from Bunnerong Road.</p>	Yes
Building height	Habitable rooms and balconies	Non habitable rooms													
Up to 12m (4 storeys)	6m	3m													
Up to 25m (5-8 Storeys)	9m	4.5m													
Over 25m (9+storeys)	12m	6m													
4A – Solar and daylight access	Living rooms and POS of at least 70% of apartments receive min 2hrs direct	The application is accompanied by Sun View	Yes												

Clause	Design Criteria	Comments	Complies												
	<p>sunlight between 9am and 3pm midwinter.</p> <p>Max 15% apartments receive no direct sunlight between 9am and 3pm in midwinter.</p>	<p><i>Diagrams</i>, Drawing No. SK180615, Issue 1, which demonstrates all six (6) residential units receive meet the minimum 2 hour solar access requirement in midwinter.</p> <p>In total, the development as modified will contain 90 residential units, of which 68 receive 2 hours, equating to 76%.</p>													
4B – Natural ventilation	<p>Min 60% of apartments are naturally cross ventilated in the first nine storeys of the building.</p> <p>Overall depth of cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>The application is accompanied by Natural Ventilation Diagrams which confirms five (5) out of the six (6) units subject of the modifications receive natural ventilation. This equates to a total of 60% and therefore satisfies the provisions of this Clause.</p> <p>All other approved units apartment sizes and layouts remain unaffected by the proposed modifications.</p>	Yes												
4C – Ceiling heights	<table><tr><th colspan="2">Minimum ceiling heights:</th></tr><tr><td>Habitable</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>Two storey apartments</td><td>2.7m main living 2.4m first floor, area < 50% of apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge 30deg min slope</td></tr><tr><td>Mixed use area</td><td>3.3m for ground and first floor</td></tr></table>	Minimum ceiling heights:		Habitable	2.7m	Non-habitable	2.4m	Two storey apartments	2.7m main living 2.4m first floor, area < 50% of apartment area	Attic spaces	1.8m at edge 30deg min slope	Mixed use area	3.3m for ground and first floor	<p>There are no changes to the approved RL's of Levels 4 and 5 under the subject application which remains as per the approved and satisfying the minimum ceiling heights as per the</p>	Yes
Minimum ceiling heights:															
Habitable	2.7m														
Non-habitable	2.4m														
Two storey apartments	2.7m main living 2.4m first floor, area < 50% of apartment area														
Attic spaces	1.8m at edge 30deg min slope														
Mixed use area	3.3m for ground and first floor														

Clause	Design Criteria	Comments	Complies															
		provisions of this Clause. Reference is made to Drawing A30, Revision 10 in this regard.																
4D – Apartment size and layout	<p>Minimum internal areas:</p> <table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50M²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> <p>Internal areas includes only one bathroom. Additional bathrooms increase area by 5sqm.</p> <p>Further bedrooms increase minimum area by 12sqm each.</p>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50M ²	2 bedroom	70m ²	3 bedroom	90m ²	<p>Building A Level 4 Unit A701 – 2 bed – 79sqm; Unit A705 – 1 bed – 56sqm; Unit A706 – 2 bed – 80sqm; Unit A707 – 3 bed – 96sqm. Building A Level 5 Unit A801 – 2 bed – 83sqm; Unit A804 – 3 bed – 103sqm.</p> <p>All other approved units apartment sizes and layouts remain unaffected by the proposed modifications.</p>	Yes					
Apartment type	Minimum internal area																	
Studio	35m ²																	
1 bedroom	50M ²																	
2 bedroom	70m ²																	
3 bedroom	90m ²																	
4E – Private open space and balconies	<p>Primary balconies as follows:</p> <table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio</td><td>4m²</td><td>-</td></tr><tr><td>1 bed</td><td>8m²</td><td>2m</td></tr><tr><td>2 bed</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bed</td><td>12m²</td><td>2.4m</td></tr></table> <p>Min balcony depth contributing to area is 1m.</p>	Dwelling type	Minimum area	Minimum depth	Studio	4m ²	-	1 bed	8m ²	2m	2 bed	10m ²	2m	3+ bed	12m ²	2.4m	<p>Building A Level 4 Unit A701 – 2 bed – 79sqm; Unit A705 – 1 bed – 56sqm; Unit A706 – 2 bed – 80sqm; Unit A707 – 3 bed – 96sqm. Building A Level 5 Unit A801 – 2 bed – 83sqm; Unit A804 – 3 bed – 103sqm.</p> <p>All other approved unit POS areas and depths remain unaffected by the proposed modifications.</p>	Yes.
Dwelling type	Minimum area	Minimum depth																
Studio	4m ²	-																
1 bed	8m ²	2m																
2 bed	10m ²	2m																
3+ bed	12m ²	2.4m																
4F – Common circulation and spaces	Max apartments off a circulation core on a single level is eight (8).	Building A Level 4 – 7 units max Building A Level 5 – 4 units max	Yes															

Clause	Design Criteria	Comments	Complies										
		All other approved levels remain unaffected by the proposed modifications.											
4G – Storage	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio</td><td>4m²</td></tr><tr><td>1 bed</td><td>6M²</td></tr><tr><td>2 bed</td><td>8m²</td></tr><tr><td>3 bed</td><td>10m²</td></tr></table>	Dwelling type	Storage size volume	Studio	4m ²	1 bed	6M ²	2 bed	8m ²	3 bed	10m ²	<p>The application is accompanied by an Apartment Storage Schedule which confirms that 50% of the storage is provided within the subject units and minimum volumes are satisfied.</p> <p>All other approved levels remain unaffected by the proposed modifications.</p>	Yes
Dwelling type	Storage size volume												
Studio	4m ²												
1 bed	6M ²												
2 bed	8m ²												
3 bed	10m ²												

The relevant principles of the ADG remain satisfied in this instance and the proposed modifications and development remains acceptable with regards to the considerations of SEPP 65.

Botany Bay Local Environmental Plan, 2013 (BBLEP 2013)

The relevant clauses that apply to the proposal as modified are listed below:

Clause	Control	Requirement	Proposed	Complies
2.2	Zone	R3 – Medium Density Residential	Residential Flat Buildings (and modifications to these) are permitted with consent	Yes
4.3 (2A)	Height of Buildings	<i>If an area of land in Zone R3 Medium Density Residential exceeds 2,000sqm, the height of a building on that land may exceed the maximum height shown for the land on the Height of Buildings Map, but not exceed 22 metres.</i>	<p>Building A – No changes to the approved height less than 22 metres (RL 40.95) for the roof and 22 metres for the lift overrun (RL 41.95).</p> <p>Building B – No changes to the approved height less than 22 metres (RL 38.70) for the roof and 22 metres for the lift overrun 22 metres (RL 39.70).</p>	Yes

Clause	Control	Requirement	Proposed	Complies
4.4(2A)	Floor Space Ratio	<i>If an area of land in zone R3 Medium Density Residential exceeds 2,000sqm, the FSR of a building on that land may exceed the maximum FSR shown for the land on the FSR map but must not exceed 1.5:1.</i>	Noted – this Clause is superseded by the application of Clause 4.4(B) below.	Yes
4.4(B)	Exceptions to Floor Space Ratio in Zone R3	<i>Despite clause 4.4, development consent may be granted to development for the purposes of residential flat buildings on land to which this clause applies that results in a FSR that does not exceed 1.65:1 if:</i>		
		<i>(a) The site area is equal to or greater than 2,000sqm</i>	The site area is 4,603sqm, being greater than the minimum requirement of 2,000sqm.	Yes
		<i>(b) The site area is land identified on the Acid Sulfate Soils Map</i>	The site is identified as Class 5 on the LEP acid sulfate soils map.	Yes

Clause	Control	Requirement	Proposed	Complies
		<p>(c)(i) and (ii) The consent authority considers that the development is, or is likely to be, adversely affected by any of the following:</p> <ul style="list-style-type: none"> - Contamination, - Noise (including (aircraft, rail or road noise) 	<p>The subject site is affected by contamination. These matters were considered under the original application and determined acceptable with regards to residential use. No further consideration is required in this regard.</p>	Yes
		<p>(d) The consent authority is satisfied that (i) the development will be compatible with the desired future character in terms of building bulk and scale, and</p>	<p>The proposed modifications will continue to maintain appropriate bulk and scale and compatibility with the desired future character of the area for the following reasons:</p> <ul style="list-style-type: none"> - The existing access arrangement to Rhodes Street Reserve remains unaltered; - The approved four storey building height to Bunnerong Road remains with upper levels maintaining a staggered setback; - Overland flow considerations for the approved development, which is a flood affected site, will remain; - Buildings A and B continue to follow the natural topography of the site; - There are no changes to the total landscaped site area which remains at 42%. 	Yes

Clause	Control	Requirement	Proposed	Complies
		<i>(ii) the development will contribute to the amenity of the surrounding locality,</i>	Based on the above, the modified development will continue to contribute positively to the amenity of the surrounding locality. The slop of the site, together with the increased setbacks of Building A from Bunnerong Road, and mansard roof form at Level 3 will continue to ensure that changes to Levels 4 and 5 are not highly discernable and will not create unreasonable effects for the locality.	Yes
		<i>(iii) any consolidation of lots for the purposes of this clause is not likely to result in adjoining lots that cannot be developed in accordance with this Plan.</i>	Favourable consideration of the subject modification application will not result in the isolation of any allotment of land.	Yes
The following provisions in Part 6 of the LEP apply to the development: 6.1 – Acid Sulfate Soils; 6.2 – Earthworks; 6.3 – Stormwater Management; 6.8 – Airspace operations; 6.9 – Development in areas subject to aircraft noise;			The conclusions within the DA-14/318 remain unchanged.	Yes

The minor increase in GFA will result in an increase in FSR from 1.56:1 to 1.61:1. It has been demonstrated above that the increase in GFA and resultant FSR will not significantly alter the approved building envelope and location of modifications within Building A will still maintain the staggered setback to provide appropriate articulation and modulation. It will not create any additional impacts in respect to overshadowing or privacy, particularly for the adjoining school to the south.

The proposed modifications are deemed satisfactory having regard to the relevant provisions of the BBLEP 2013.

Botany Bay Development Control Plan 2013 (BBDCP 2013)

The proposed modifications will comply to the same extent with the provisions and objectives of the DCP as the original development consent. The proposed modifications will not impact significantly upon the visible external appearance of the development when viewed from the public domain areas, nor adjoining educational establishment.

Development standards relating to Part 3A – Car Parking; Part 3C – Access and Mobility; Part 3H – Sustainability; Part 3K – Contamination; and Part 4C – Residential Apartment Buildings are superseded by those contained within SEPP 65 and associated ADG; SEPP (BASIX) and SEPP 55 – Remediation of Contaminated Land. These matters have been demonstrated satisfactory as per the above.

Environmental Planning and Assessment Regulations 2000

The subject modification application is not inconsistent with the relevant provisions of the *Environmental Planning and Assessment Regulations, 2000*.

(b) Likely impacts

The proposed modifications, including reconfiguration of the basement level to provide an additional five (5) parking spaces; internal reconfigurations across Levels 4 and 5; modifications to Unit A705 and additional Units at Level 4 and 5 are considered to have no significant adverse environmental; social or economic impacts on the locality.

The proposed modifications are also demonstrated to have no additional environmental impacts beyond those considered by Council during the assessment and determination of DA-14/318.

(c) Suitability of the site

The suitability of the site was addressed in the original approval of DA-14/318 and remain satisfactory in this regard.

(d) Submissions

The modification application was notified and advertised in accordance with the provisions of the Regulations, 2000, and BBDCP 2013. A total of two (2) submissions were received regarding the proposal. One (1) submission was from Sydney Water and one (1) received from the southern adjoining Matraville Public School accompanied by a petition with 177 signatures.

Items of concern and Council responses are provided below.

Concern:

Sydney Water object to the current modification plan as the original development proposal has not been approved by Sydney Water with respect to risk to critical infrastructure.

The development site has critical infrastructure on and adjacent to the site including the Southern and Western Suburbs Ocean Outfall Sewer (SWOOS), Bunnerong Stormwater Channel and a 1050mm stormwater pipe.

Site inspections and aerial images have confirmed that the developer has commenced earthworks on the site without any approvals from Sydney Water.

The developer was issued with a Section 45 Notice of Potential Damage in November 2017, in response to commencing works in site with potential for affecting the trunk sewer SWOOS. A key component of this Notice was instructions to cease works on site, and to seek approval for works that could affect these critical assets. At this stage the works that could affect these critical assets continue at the site.

Council comment:

Council requested confirmation from the Applicant of the above and documentation, including Sydney Water TapIn Ref No. 242286 was submitted demonstrating the above matters have been suitably responded to.

The Applicant has confirmed that the objection raised by Sydney Water does not relate to the subject modification application which does not seek amendments to the built form of the development, other than to Levels 4 and 5 of Building Block A. No changes are proposed to the built form of the basement nor inground works which were completed some time ago.

There are no further matters under heads of consideration in the assessment of this application.

Concern:

Representatives of the Matraville Public School, including Principal and P&C Committee submitted an objection dated 6 February 2018. The matters contained therein referred to *'overshadowing and loss of light to classrooms; gardens areas and solar panels located on the Library roof. We were also concerned that the proposed units would overlook the school and impact on the privacy of the students'*.

At a meeting held on 1 May 2018, the Applicant met with representatives from the Public School to advise that the following further amendments would be made to adequately address the concerns the School had made:

1. Remove the southern facing balconies on Level 4 to Units A707 and A706 to return to non-trafficable roof area;
2. Reorientate sliding doors and windows to bedroom A707 and living room in A706 to minimise the potential for overlooking to the southern adjoining Public School;
3. Removal of the communal rooftop terrace to Level 5;
4. Reconfigure the layout to A804 on Level 5 to minimise the potential for overlooking to the southern adjoining Public School. South facing windows to this Unit are highlight windows servicing bedrooms only; and
5. Increasing the southern edge of the roof terrace 6m from the slab edge to further minimise the potential for overlooking.

The Schools has confirmed the above listed modifications are satisfactory with regards to addressing concerns held by the school community and thanked the Applicant for working together *'to reduce the long term impact of the development on Matraville Public School'*.

(e) The public interest.

Having regard to the above, the proposed modifications are not contrary to the public interest.

CONCLUSION

The proposed development has been considered under sections 4.15 and 4.56 of the *Environmental Planning and Assessment Act, 1979*. The development, as modified, is substantially the same form of development as that originally approved and will not substantially alter the built form or character of the development, and therefore ensure the development is continued to be carried out in an orderly manner.

The proposal as modified is consistent with the objectives of state and local controls and as such, recommended for approval in this instance.

278 Bunnerong Road, Hillsdale**DA No.: DA-14/318/05****SCHEDULE OF CONSENT CONDITIONS (AS MODIFIED)****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
<i>Basement 3 Plan, Project No 0915, Drawing No. A02_A, Issue 07</i>	<i>Krikis Tayler Architects</i>	<i>10 November 2017</i>
<i>Basement 2 Plan, Project No 0915, Drawing No. A02, Issue 12</i>	<i>Krikis Tayler Architects</i>	<i>10 November 2017</i>
<i>Basement 1 Plan, Project No 0915, Drawing No. A03, Issue 13</i>	<i>Krikis Tayler Architects</i>	<i>10 November 2017</i>
<i>Lower Ground Plan, Project No 0915, Drawing No. A04, Issue 14</i>	<i>Krikis Tayler Architects</i>	<i>10 November 2017</i>
Ground Level Plan, Project No 0915, Drawing No. A05, Issue 12	Krikis Tayler Architects	25 November 2016
Level 1-2 Plan, Project No 0915, Drawing No. A06, Issue 08	Krikis Tayler Architects	25 November 2016
Level 3 Plan, Project No 0915, Drawing No. A06_A, Issue 02	Krikis Tayler Architects	25 November 2016
<i>Level 4 Plan, Project No 0915, Drawing No. A09, Issue 13</i>	<i>Krikis Tayler Architects</i>	<i>27 April 2018</i>
<i>Level 5 Plan, Project No 0915, Drawing No. A10, Issue 11</i>	<i>Krikis Tayler Architects</i>	<i>27 April 2018</i>
<i>Roof Plan, Project No 0915, Drawing No. A11, Issue 11</i>	<i>Krikis Tayler Architects</i>	<i>27 April 2018</i>
<i>Elevations 1, Project No 0915, Drawing No. A20, Issue 13</i>	<i>Krikis Tayler Architects</i>	<i>27 April 2018</i>
<i>Elevations 2, Project No 0915, Drawing No. A21, Issue 12</i>	<i>Krikis Tayler Architects</i>	<i>27 April 2018</i>
<i>Elevations 3, Project No 0915, Drawing No. A22, Issue 05</i>	<i>Krikis Tayler Architects</i>	<i>15 December 2015</i>
<i>Section A-A, Project No 0915, Drawing No. A30, Issue 04</i>	<i>Krikis Tayler Architects</i>	<i>15 December 2015</i>
<i>Section B-B, Project No 0915, Drawing No. A31, Issue 10</i>	<i>Krikis Tayler Architects</i>	<i>27 April 2018</i>
Apartment Schedule, Project No 0915	Krikis Tayler Architects	24 November 2016
Landscape Plan, Job No. 161114, Dwg No. LP.01/C, Sheet 1 of 1.	Narelle Sonter	December 2016

Material Board, Project No 0915, Drawing No. A60, Issue 06,	Krikis Tayler Architects	Dated 25 November 2016
Document Name	Author	Date
Parking & Traffic Impact Assessment, Ref: 14-196	Thompson Stanbury Associates	Dated December 2014 Received 22 December 2014
NaTHERS Thermal Performance Specifications (BASIX Thermal Comfort), Certificate Number 0001038340	Robert Mallindine	30 November 2016
<i>Revised BASIX Certificate No. 595696M_03</i>	<i>AGA Consultants</i>	<i>Tuesday 5 December 2017</i>
Acoustic Report, Reference No. 201141415.1/0912A/R1/BW	Acoustic Logic	9 December 2014
Preliminary Geotechnical Investigation Report, No. E22374 GA	Environmental Investigations Australia	28 November 2014
Access Report	Accessibility Solution (NSW) Pty Ltd	29 November 2016
Flood Advice for 278 Bunnerong Road, Hillsdale	Cardno	23 November 2016
Stormwater Management Plan, Rev: 14201-001-swmp-Rev A	ABC Consultants	Dated: September 2015 Received: 29 September 2015
Pedestrian Wind Environment Statement, WC297-01F02, Revision 2	Windtech Consultant Pty Ltd	15 December 2014
WC297-02F01- WS Memo	Windtech Consultant Pty Ltd	28 November 2016
Arboricultural Impact Assessment	Tree Wise Men	December 2016
Site Audit Report No. 0503-0705	JBS & G	Dated 22 July 2013 Received 22 December 2014
BCA Compliance Capability Report	Vic Lilli & Partner Consulting	28 November 2016

Further Plans and Documents:

Stormwater Plans approved pursuant to Schedule 1 Condition 1(a)
Revised Architectural Plans approved pursuant to Schedule 1 Condition 1(b)
Updated Access Report approved pursuant to Schedule 1 Condition 1(c)
A revised Landscape Plan approved pursuant to Schedule 1 Condition 1(d)
Waste Management Plan approved pursuant to Schedule 1 Condition 1(e)

[DA-2014/318/5 – S4.56 amended on 12 July 2018]

2. No construction works shall be undertaken prior to the issue of the Construction Certificate.
3. Building works must not encroach on to adjoining lands or other public places, unless authorised by this consent.
4.
 - 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 downpipes, including balcony drainage 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; and,
 - c) All air conditioning units shall be appropriately treated to ensure that they are concealed from view.
5. Pursuant to clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in the relevant approved BASIX Certificate for the development are fulfilled.
 - a) Note Relevant BASIX Certificate means:
 - i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or,
 - ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate;
 - iii) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000.
6. The finishes, materials and colour scheme and facade details approved by this consent shall not be altered or amended at the Construction Certificate stage without a separate Section 96 approval.
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 persons intention to commence the erection of the building.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

8. The proposed development is to comply with the recommendations provided by NSW Police Botany Bay Local Area Command, dated 21 March 2015. The conditions are outlined as follows, and relevant details shall be included in the plans and documentation submitted with the Construction Certificate:

a) Lighting

- i) 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.
- ii) 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).
- iii) 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.

b) Space Management

- i) 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.clov.au> or Emergency Management Australia <http://www.ema.gov.au>.

c) Access Control

- i) The door and door frames to these premises should be of solid construction.
- ii) 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 recommended for residential units.

- iii) 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 inside 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.
 - iv) Any sliding doors should be fitted with lockable bolts in the bottom and top of the door frame.
9. The proposed development is to comply with the conditions dated 6 November 2015 issued by Sydney Airport Corporation Limited (SACL). The conditions are as follows:
- a) Pursuant to s. 183 of the Airports Act 1996 and Reg 7 of the Airports (Protection of Airspace) Regulations 1996, the Proponent must apply through the Airport to the Secretary of the Department of Infrastructure and Regional Development for approval of the operation ("controlled activity") set out in the Schedule.
 - b) An Application for approval must be given to the Airport at least 28 days before commencement of the operation.
 - c) The operation must not commence without approval, and must only proceed in compliance with any conditions imposed on such approval.
 - d) Sydney Airport has delegated authority from the Secretary to determine "short term" operations (less than 3 months).
 - e) The Airport is required to invite submissions from CASA and Airservices regarding the proposed operation. (f) The Secretary and the Airport, as applicable, may request further information before determining an application.
 - f) The "Important Notes" must be read and accepted.
 - g) The Proponent must complete this Application and provide it to Sydney Airport, with a copy to the Council as part of the relevant Development Application.
10. The proposed development is to comply with the recommendations provided by the Roads and Maritime Services (RMS) dated 12 August 2015. The conditions are outlined as follows, and relevant details shall be included in the plans and documentation submitted with the Construction Certificate:
- a) All buildings and structure, together with any improvements integral to the future use of the site are to wholly within the freehold property (unlimited in height or depth), along the Bunnerong Road boundary.
 - b) The design and construction of the vehicular crossing on Bunnerong Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Manager Developer Works, Statewide Delivery, Parramatta (Telephone 8849-2138).
- Detailed plans of the proposed vehicular crossing are to be submitted to Roads and Maritime for approval prior to the commencement of any road works.

A plan checking fee and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

- c) All construction activity associated with the proposed development is to be contained on site as no construction zones will be permitted on Bunnerong Road in the vicinity of the site.
- d) The post development stormwater discharge from the subject site into RMS drainage system should not exceed the pre-development discharge.
- e) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to RMS for approval prior to the commencement of any works.

Details should be forwarded to:

The 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 RMS approval is issued. With regard to the Civil Works requirement please contact the RMS project Engineer, External works Ph: 8849 2114 or Fax: 8849 2766.

- f) 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 (6) weeks prior to 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:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124
Telephone 8849 2114
Fax 8849 2766

If it is necessary to excavate below 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 seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- g) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of the Construction Certificate.
- h) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Bunnerong Road during construction activities.

- 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 Bunnerong Road.
 - j) All vehicles are to enter and leave the site in a forward direction.
 - k) All vehicles are to be wholly contained on site before being required to stop.
11. The proposed development is to comply with the following advice provided by Ausgrid on 13 May 2015:
- a) Prior to the commencement of works, the developer shall obtain written approval from Ausgrid for any proposed building or infrastructure within 12 metres of the existing substation, S.5663, at No.276 Bunnerong Road. Safety clearances shall be provided for as detailed within Ausgrid publication NS141.
 - b) Prior to the commencement of works, the developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/ or Connection Application form, to allow Ausgrid to determine the method of electrical supply for the development.
12. The proposed development is to comply with the following advice provided by Sydney Water on 11 May 2015:
- a) No buildings or permanent structures are to be proposed within 1m from the outside face of the stormwater channel/pipe wall. Permanent structures includes but not limited to basement car parks, hanging balconies, roof eaves, hanging stairs, stormwater pits, stormwater pipes and similar structures This clearance requirement would apply for unlimited depth and height.
 - b) If the development requires direct stormwater connection to Sydney Water's stormwater system, then the connection is to be carried out according to Asset Creation Process as part of the Section 73 application for this development. Further details regarding the Asset Creation Process could be obtained from the nominated Water Servicing Coordinator.
 - c) For the proposed development the drinking water main available for connection is the 100 mm main in Bunnerong Road.
 - d) For the proposed development, the wastewater main available for connection is the 150 mm main constructed under DL 2425.
 - e) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. Make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs. Applications 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.
 - f) You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. Water, sewer and storm water mains). The depth of the existing stormwater pipe shall be established as part of the building plan approval process. Prior to stamping your development plans by Sydney Water, you may be also be required to carry out the CCTV / Dilapidation survey of

the stormwater pipe. Bond money also needs to be lodged with Sydney Water prior to stamping the plans. Amount of the bond money is subject to review of the CCTV / Dilapidation survey report.

Release of the bond money is subject to the satisfactory completion of the construction work according to the conditions determined by Sydney Water, as part of the building plan approval process and review of the final

CONSIONS WHICH MUST BE SATISFIED PRIOR TO THE DEMOLITION OF ANY BUILDING OR STRUCTURE OR ISSUE OF ANY CONSTRUCTION CERTIFICATE

13. The demolisher shall lodge with Council, and at least forty-eight (48) hours prior to the commencement of work:-
 - a) Written notice, indicating the date when demolition of the building is to commence.
 - b) This persons full name and address.
 - c) Details of Public Liability Insurance.
14.
 - a) Demolition work shall be carried out in accordance with Australian Standards AS 2601-1991 Demolition of Structures and the requirements of the NSW WorkCover Authority.
 - b) The demolisher shall comply with Australian Standard 2601 - 1993 "Demolition of Structures".
 - c) All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.
 - d) The upper noise level from the demolition operations measured over a period of 10 minutes must not exceed the background noise level by more than 10dB(A).
 - e) No demolition materials shall be burnt or buried on the site.
 - f) Should the demolition process require a building waste container(s) (builders' skip), then such container must not be placed or left upon the public road, footpath, reserve or the like without the prior approval of the Council. The use of any part of Councils road reserve must also have prior approval of Council.
15. Prior to the commencement of demolition work a licensed demolisher who is registered with WorkCover NSW must prepared a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy shall be sent to Council (if it is not the PCA). A copy of the Statement shall also be submitted to WorkCover NSW.
16. Prior to issue of any Construction Certificate, a Dilapidation Report of the immediate adjoining properties and public infrastructure (including Council and public utility infrastructure) shall be prepared by a Practising Structural / Geotechnical Engineer and submitted to Council. The report shall include records and photographs of the adjoining properties that will be impacted by the development:

- a) Prior to commencement of any works on-site, a dilapidation report of the immediate adjoining properties and public infrastructure (including Council and public utility infrastructure) shall be prepared by a qualified person and submitted to Council. The report shall include records and photographs of the all properties immediately adjoining the site;.
- b) In relation to Council's infrastructure, the report shall include at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's infrastructure. The survey shall detail the physical conditions and identify any existing damage 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.
- c) Prior to commencement of the surveys, the applicant/ owner shall advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making any future claim regarding property damage. A copy of this communication shall be submitted to Council.
- d) The applicant shall bear the cost of all restoration works to buildings/ structures and public infrastructure that been damaged during the course the demolition, site clearing and site remediation works. Any damage to buildings/structures, infrastructures, roads, lawns, trees, gardens and the like shall be fully rectified by the applicant/developer, at the applicant/developer's expense.
- e) A copy of the dilapidation report together with the accompanying photographs shall be given to all immediately adjoining properties owners and public utility authorities, including Council. The report shall be agreed by all affected parties as a fair record of existing conditions prior to commencement of any works;
- f) A second dilapidation report, including a photographic survey shall then be submitted at least one month after the completion of all works. A copy of the second dilapidation report together with the accompanying photographs shall be given to Council, public utilities authorities and all adjoining properties owners.

(Note: Prior to commencement of the surveys, the applicant/ owner of the development shall advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information shall be submitted to Council.)

- 17. The Applicant must indemnify Council against all loss of or damage to the property of others and injury or death to any persons which may arise out of or in consequence of the carrying out of the work and against all claims, demands, proceedings, costs, charges and expenses whatsoever in respect thereof or in relation thereto. In this regard, the Applicant shall take out a public liability policy during the currency of the works in the sum of not less than \$20,000,000 and to be endorsed with Bayside Council as principal, and keep such policy in force at the Applicant's own expense. A certificate from the Applicant's insurers to this effect is to be LODGED WITH COUNCIL BEFORE ANY WORK IS COMMENCED. The amount of Common Law liability shall be unlimited.
- 18. The demolisher shall comply with Australian Standard 2601 - 2001 "Demolition of Structures".
- 19. Precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:

- a) Protection of site workers and the general public.
 - b) Erection of hoardings where appropriate.
 - c) Asbestos handling and disposal where applicable.
 - d) Any disused service connections shall be capped off.
 - e) The disposal of refuse is to be to an approved waste disposal depot.
20. Hazardous or Special 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, Climate Change and Water and with the provisions of the:
- a) Occupational Health and Safety Act, 2000;
 - b) Occupational Health and Safety Regulation 2001;
 - c) Protection Of the Environment Operations Act 1997 (NSW); and
 - d) NSW Department of Environment and Climate Change Waste Classification Guidelines (2008).
21. Any material containing asbestos found on site during the demolition process the shall be removed and disposed of in accordance with:
- a) WorkCover NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos;
 - b) Protection of the Environment Operations Act 1997;
 - c) Protection of the Environment Operation (Waste) Regulation;
 - d) DECC Waste Classification Guidelines 2008.
22. The demolition and disposal of materials incorporating lead such as lead paint and dust shall be conducted in accordance with:
- a) AS2601-2001 - Demolition of structure.
 - b) AS4361.2-1998 – Guide to Lead Paint Management-Residential and Commercial Buildings.
 - c) Requirements of the NSW WorkCover Authority.
23. In order to ensure safe handling of asbestos materials, the re-use or sale of asbestos building materials is strictly prohibited.
24. No demolition materials shall be burnt or buried on the site.
25. All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.

26. Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
27. The operation shall not give rise to offensive odour or other air impurities in contravention of the Protection of the Environment Operations Act 1997. The Principal contractor shall ensure that all practical means are applied to minimise dust and odour from the site. This includes:
- a) Covering excavated areas and stockpiles,
 - b) The use of fine mists of hydrocarbon mitigating agents on impacted stockpiles or excavation areas,
 - c) Maintenance of equipment and plant to minimise vehicle exhaust emissions,
 - d) Erection of dust screens on the boundary of the property and/or closer to potential dust sources,
 - e) All loads entering or leaving the site are to be covered,
 - f) The use of water sprays to maintain dust suppression,
 - g) Keeping excavated surfaces moist.
28. Should the demolition process require a building waste container(s) (builders' skip), then such container must not be placed or left upon the public road, footpath, reserve or the like without the prior approval of the Council. The use of any part of Councils road reserve must also have prior approval of Council.

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

29. The applicant must prior to the obtainment of the approved plans and specifications pay the following fees, with details provided elsewhere within these conditions. A summary of the payments is as follows:-
- | | | |
|----|---|----------------|
| a) | Builders Damage Deposit | \$120,000.00 |
| b) | Development Control | \$12,900.00 |
| c) | Section 94 Contributions | \$1,065,963.27 |
| d) | Tree Preservation Bond | \$150,000.00 |
| e) | Landscape Completion Bond | \$7,500.00 |
| f) | Street Tree Performance Bond | \$4,000.00 |
| g) | <i>Additional S7.11 Contribution for the DA-2014/318/5 \$48,440.06 as indexed for the 2018/19 financial year.</i> | |

[DA-2014/318/5 – S4.56 amended on 12 July 2018]

30. Bayside Council being satisfied that the proposed development will increase the demand for public amenities within the area, and in accordance with the Botany Bay Section 94 Contributions Plan 2016, a contribution of \$1,065,963.27 (as indexed in September 2017) is to be paid to Council prior to the issue of the first Construction Certificate. The Section 94 Contributions are broken up as follows:

a) Community Facilities - Citywide	\$182,916.18
b) Recreation Facilities - Citywide	\$794,550.74
c) Transport Management - Citywide	\$74,864.56
d) Administration	\$13,631.79

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

In accordance with the Botany Bay Section 94 Contributions Plan 2016, an additional contribution of \$48,440.06 as indexed for the 2018/19 financial year is payable prior to the issue of the relevant Construction Certificate. The Contributions are broken up as follows:

e) Community Facilities – Citywide	\$8,234.81
f) Recreation Facilities – Citywide	\$15,985.22
g) Parks and Public Domain	\$16,954.02
h) Transport Management – Citywide	\$6,781.61
i) Administration	\$484.40

[DA-2014/318/5 – S4.56 amended on 12 July 2018]

31. It should be noted that a basement car park stormwater pump-out system will be only considered after all avenues to draw the property by gravity are exhausted. The basement car park stormwater pump-out system will not cater for (a) subsoil water (which are not allowed to intrude into the carpark) and (b) any stormwater that originates from a level that is above the top of the adjacent street kerb or, if no street kerb, the level of the existing ground at the property boundary at the road reserve.

In order to make satisfactory arrangements for the operation of the stormwater pump-out system, the system shall be designed and constructed to ensure the following are provided:

- A holding tank capable of storing the run-off from a 100 year ARI – 12 hour duration storm event allowing for pump failure.
- Two pump system (on alternate basis) capable of emptying the holding tank at a rate equal to the lower of the permissible site discharge (PSD) rate; or the rate of inflow for the one hour, 5 year ARI storm event
- An alarm warning device (including signage and flashing strobe light) shall be provided for the pump-out system to advise the occupant of pump failure. The

location of the signage and flashing strobe light shall be shown on the stormwater management plans

- d) Submission of full hydraulic details and pump manufacturers specifications
 - e) Pump out system to be connected to the on-site infiltration system or a stilling sump and gravity line before discharge to the street drainage or, if no drainage, the gutter.
 - f) Plans and calculations are to be submitted and approved along with certification from the designer to indicate that the design complies with the above requirements, prior to the release of the Construction Certificate.
32. Stormwater plans shall to be submitted to Council or Principal Certifying Authority prior to the release of the Construction Certificate. The proposed stormwater drainage system shall be designed according to Council's current Guidelines for the Design of Stormwater Drainage Systems. The plans must be certified (by the appropriate practicing expert) that they have been "designed in accordance with Council's current Guidelines for the Design of Stormwater Drainage systems, and other current industry standards, codes and guidelines".
33. A drainage report is to be submitted that satisfactory address the following:
- a) The stormwater plans indicated proposal to dispose the site stormwater runoff to Sydney Water stormwater system via a combined OSD/Rainwater detention tank.
 - b) The provision of a stormwater drainage model utilized a time of concentration of 14.85 minutes without any qualification to support the adoption of such time to calculate the predevelopment flow. The model will need to be re-analysed using a "more detailed data" option to calculate the predevelopment flows. Additionally, the following have not been allowed for in the model:
 - i) All storm durations from 5 minutes to 3 hours inclusive are to be analysed for the 1 in 1 year to the 1 in 100 year ARI inclusive.
 - ii) Flows by-passing the basin and thus form part of the site total PSD has not been accounted for. The model showed a predevelopment site area of 0.46ha, however only a catchment area of 0.364ha has been accounted for
 - c) Further, the following deficiencies have also been identified which will need to be addressed.
 - i) The current design will lead to contamination of RWT reuse system as balcony runoff is proposed to be connected to the RWT and when the OSD water level RL 16.75 as there is no separation between the system.
 - ii) Proposal to drain sub-soil drainage to pump-out is not permitted. The basement shall be designed as a fully tanked structure and allow for free passage of sub-surface flow around the basement area.
 - iii) The driveway catchment draining to the basement of 540m² is excessive this must be limited to a maximum of 100m².
34. Prior to the issue of the Construction Certificate, a report is required from a practicing civil engineer (NPER) certifying that the existing drainage system, up to where it

connects with a Council drainage structure and/or discharges to the groundwater system, is clear of debris and fully operational.

35. All stormwater runoff from the site shall pass through a pollution control device capable of removing litter and sediment prior to entering the public stormwater system. Details of the pollution control device shall be submitted to principal certifying authority prior to the issuing of the Construction Certificate.
36. A Soil and Water Management Plan (SWMP) shall be prepared in accordance with the Landcom Managing Urban Stormwater – Soil and Construction 4th Edition (2004) and submitted to the Principal Certifying Authority prior to the release of the Construction certificate. This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times during the construction works. A copy of the SWMP shall be kept on-site at all times and made available to Council Officers on request.
37. Access to the underground parking is to be above the 100 year ARI flood level.
38. The proposed traffic movements and parking arrangements within and adjoining the development shall conform to the current versions of Council's off-street parking DCP; Australian Standard AS2890-1, Australian Road Rules; and the NSW Road Transport (Safety and Traffic Management) Regulation unless otherwise stipulated by another condition of consent. All off street resident, disabled, visitor and commercial parking shall be provided in accordance with the approved plans, Australian Standards AS 2890.6 and Council requirements
39. 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 Energy Australia, Sydney Water and 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.
 - iii) As is made necessary by this development, any Ausgrid power or lighting poles along the Bunnerong Road frontage which Ausgrid requires to be decommissioned and new light pole(s) and associated underground infrastructure shall be provided as specified by Ausgrid, RMS and any other affected service provider. The location of the new electrical pillars shall be confirmed with Council prior to the issue of the Construction Certificate.
 - c) Any costs in the relocation, adjustment, provision of land or support of services as requested by the service authorities and Council are to be the responsibility of the developer.

These matters shall be determined prior to the issue of any Construction Certificate.

40. Prior to the issue of any Construction Certificate, the applicant shall lodge a Damage Deposit of \$120,000.00 (GST Exempt) by way of cash deposit or unconditional bank

guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.

41. Provision shall be made for waste vehicles to access the loading bay and manoeuvring area. The access at a minimum is to be designed for a Medium Rigid vehicle (MRV) and turning templates are to be submitted, demonstrating compliance.
42. Stormwater drainage works discharging from the site into a public system or public land require approval from Council under Section 68 of the Local Government Act. The extent of work must be determined by the Consent Authority prior to issue of a Construction Certificate. All works must be approved by Council prior to issue of a Construction Certificate.
43. The Applicant is to submit payment for a Tree Preservation Bond of \$150,000.00 to ensure protection of trees # 2, 11, 13 and 16-19 on the adjoining property to the north from damage during construction. It is understood by both parties that the pruning of tree #13 may result in rapid decline of this tree. The duration of the Bond shall be limited to a period of 36 months after issue of the Occupation Certificate. At the completion of the 36 month period the Tree Preservation Bond shall be refunded pending a satisfactory inspection by Council or a qualified Arborist. If the tree was found to be in decline, damaged (including roots), dead, excessively pruned or removed without Council permission or, if tree protection measures were not satisfied at any time, then all or part thereof of the bond shall be forfeited. The Tree Preservation Bond was calculated using the Thyer Tree Evaluation method.
44. The Applicant is to enter into an agreement with Council, to be prepared by Council's solicitors, at the applicant's expense, providing for the lodgement of a bond in the sum of \$7500.00 for a period of three (3) years after practical completion of landscape works, to ensure establishment and maintenance of the landscaping in accordance with the plan. The lodgement of the bond shall not preclude the Council from initiating legal proceedings, should the landscaping not be established and maintained in accordance with this Consent, and is not intended to limit the period of compliance with the landscaping requirements to three (3) years.

The bond may be applied by Council to the establishment and maintenance of the landscaping in accordance with the plan and Council should be entitled to recover any monies expended in excess of the bond in establishing, re-establishing, or maintaining the landscape in accordance with the plan.

The applicant is to note that the bond specified under this condition must be remitted to Council, either in the form of monies held in trust, or as a certified banker's guarantee, together with a sum of \$550 (cash or cheque) for disbursements associated with the preparation of the agreement, prior to the issue of any Occupation Certificate by the Principal Certifying Authority.

45. The Applicant is to submit payment of a Street Tree Performance Bond of \$4000.00. 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 the 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 instruction from Council.

46. 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 structural 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.
47. Prior to the issue of the Construction Certificate, the acoustic treatments recommended in the approved acoustic report are to be incorporated into the plans to be submitted with the Construction Certificate. If the applicant chooses to install air conditioning to meet the mechanical ventilation requirements, the installation must be designed to meet the additional requirements, applying to air conditioners on residential properties contained in the Protection of the Environment Operations (Noise Control) Regulation 2000. (Information attached in the Advisory section). Details shall be submitted to Principal Certifying Authority prior to the release of the Construction Certificate
48. The following requirements apply to telecommunication facilities in the building:
- a) Appropriate access and space within the plant area of the building shall be provided for telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
 - b) Appropriate ducting and cabling shall be provided for telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.

The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a Construction Certificate for the building under the Environmental Planning and Assessment Act 1979.

49. Detailed mechanical ventilation system plans and specification prepared by a *professional practising engineer*, as defined by the Building Code of Australia, must be submitted to Principal certifying authority prior to the release of the Construction Certificate certifying compliance with AS/NZS 1668 *The Use of Mechanical Ventilation and Air Conditioning in Buildings*, Part 1-2002: *Fire and smoke control in multi-compartment buildings* and Part 2-2002: *Ventilation design for indoor air contamination control*. (Note: BCA has not yet adopted the 2002 Standards and still utilises the previous 1991 AS1668).
50. Any exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1 and AS1668.2. Details to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
51. 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 Bayside 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.

- 52. A Waste Management Plan prepared in accordance with Council’s Waste Management and Minimisation Guidelines Development Control Plan shall be submitted to the Council for approval prior to the release of the Construction Certificate. The Waste Management Plan shall include the size and storage of bins, the collection point for the waste contractor recycling contractor, maintenance of the bins and the provision of recycling and composting facilities.
- 53. Prior to the release of the Construction Certificate the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service payments Act 1986 must 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.
- 54. Prior to the issue of the Construction Certificate, the applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram for, and adjacent to, the property. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Principal Certifying Authority. Any damage to utilities/services will be repaired at the applicant’s expense.
- 55. Prior to the issue of the Construction Certificate 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 Flat Development.
- 56. The proposed development will result in substantial excavation that has the potential to affect adjoining buildings and proposed public infrastructure.

Prior to the issue of the Construction Certificate, the applicant shall:

- a) seek independent advice from a Geotechnical Engineer on the impact of the proposed excavations on the adjoining properties;
- b) detail what measures are to be taken to protect those properties from undermining during construction; and
- c) provide Council with a certificate from the engineer on the necessity and adequacy of support for the adjoining properties.

All recommendations of the Geotechnical Engineer are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

57. Prior to the issue of the Construction Certificate, plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Principal Certifying Authority. Storage of Waste and recycling shall meet the following requirements.

The rooms for the storage of garbage and recyclable materials shall be:

- a) Fully enclosed;
 - b) Adequately ventilated;
 - c) Constructed with a concrete floor, concrete or cement rendered walls coved to the floor;
 - d) The floor shall be graded to an approved sewer connection incorporating a sump and galvanized grate cover or basket in accordance with the requirements of Sydney Water Corporation.
 - e) Washing facilities shall be provided within close proximity to the garbage and recycling storage area.
58. A Construction Management Program shall be submitted to, and approved in writing by the Council 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 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.
- j) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation.
- k) The location of any Work Zone (if required) approved by Council's Engineering Section, including a copy of that approval.
- l) The proposed method of access to and egress from the site for construction vehicle, including the proposed method of traffic control, 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. Access across public parks and open space reserves is prohibited. Site access and egress is to be generally obtained from Bunnerong Road.
- m) Obtain Permits required under this consent.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE FOR ABOVE GROUND WORKS

- 59. An experienced Landscape Contractor only 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. The contractor shall be engaged weekly for a minimum period of 13 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.
- 60. A public domain plan shall be submitted for approval by Council's Landscape Architect. The public domain and Council footpath area shall be upgraded with new paving, street tree planting and landscaping, to be installed by the Applicant. All improvements shall be in accordance with the Council approved public domain plan and Council Landscaping and Engineering specifications and requirements, and shall be constructed and complete prior to the issue of any Occupation Certificate.
 - a) Street trees species and spacing to be in accordance with Council's Street Tree Masterplan
 - b) Trees shall be sourced from a reputable supplier that grows to AS2303:2015.
 - c) A Dial-Before-You-Dig service enquiry is required prior to all street tree planting.
 - d) Planting methodology shall be in accordance with Council's Street Tree Masterplan.
 - e) Two hold point inspections are required: prior planting trees to ensure plant stock is suitable and post planting.
- 61. Prior to the issue of the construction certificate, the architectural plans shall be amended to include gas and water tap connections to each private open space area.
- 62. Circulation spaces shall be well lit at night, with any lighting on the site designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads,

and to ensure no adverse impact on the amenity of the surrounding area by light overspill.

All lighting shall comply with *AS4282-1997 Control of the obtrusive effects of outdoor lighting*; and the installation of solar power to external space lighting. Details are to be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

63. Appropriate noise insulation shall be provided between common walls within residential apartments. Details shall be provided to the Principal Certifying Authority

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT OR WORK

64. The applicant shall conduct all construction and related deliveries wholly on site or shall make a separate application to Council's Engineering Services Department for a "Work Zone" adjacent to the development site. This application should be submitted one (1) month prior to the planned commencement of building works on the development site. Application forms are available at Council's Customer Service Counter.
65. A Traffic Management Plan shall be included as part of the Roads Act Approval for road and drainage works to be carried out within public road reserves in strict compliance with the requirements of current Australian Standard 1742.3 (Traffic Control Devices for Works on Roads) and current RMS Traffic Control at Work Sites manual. Any persons preparing such traffic control layout plans shall be RMS accredited.
66. In order to ensure that all trees on the adjoining property to the north of the site, that is, trees :

#2 (16 x 20m Port Jackson Fig)

11 (20m Tallowwood)

13 (16m Wallangarra White Gum)

16-19 (various Eucalypts and Port Jackson Fig 9-22m high),

as identified in the Arborist Report by Tree Wise Men Australia Pty Ltd dated December 2016, are protected at all times during construction, and their health and structural stability ensured, the following is required :

- a) The Applicant must engage the Consultant Arborist *Tree Wise Men Australia Pty Ltd* for erection of the TPZ, all tree root and canopy pruning work to trees required to facilitate construction and comply with the tree protection plan contained within the report from *Tree Wise Men Australia Pty Ltd* dated December 2016.
- b) The above trees to be retained and protected are to be tagged with clearly visible marking tape at a height of approx. 2 metres from ground and numbered with the corresponding number in the report of *Tree Wise Men Australia Pty Ltd* dated December 2016..
- c) Prior to commencing demolition the trees are to be physically protected by fencing underneath the canopy dripline or as specified by the project Arborist using 1.8 metre high chainwire fence to form the Tree Protection Zone (TPZ). The fence shall contain signage notifying of the TPZ and requirements for access.

- d) The fence shall remain in place at all times until construction is completed.
- e) The area within the fencing is to be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken during construction. The Applicant is to notify the owners of the adjoining property if pruning is required.
- f) If there is insufficient space to erect fencing in a particular area, wrap the trunk with hessian or carpet underlay to a height of 2.5 metres or to the tree's first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails) in accordance with Arborist recommendations. Ground protection measures must also be installed including mulch to a depth of 100mm and rumble boards or track mats on top of the mulch. The project Arborist must ensure that this ground protection is maintained and in workable conditions at all times.
- g) Before any demolition or construction works commence on site, the Applicant is required to contact Council for an inspection and/or provide photographic evidence of the fenced TPZ's. Council approval is required prior commencement of any work.
- h) All detailed Construction Certificate plans shall show trees to be protected and the TPZ.
- i) All TPZ's are strictly a "No-Go" zone. There shall be no access, no stockpiling, storage or sorting of waste or building materials, no construction work, no concrete mixing, strictly no washing down of concrete mixers or tools, no chemicals mixed/disposed of, no excavation or filling, no service trenching. Any unavoidable work within the fenced zone shall be under the direction of the Consultant Arborist.
- j) Where unavoidable foot access is required in the TPZ and as approved by the project Arborist, provide temporary access with timber sheets to minimise soil compaction, spillage or root damage.
- k) Excavation within the canopy dripline AND within an area extending 3 metres outward of the canopy dripline of any tree shall be carried out manually using hand tools to minimise root damage or disturbance.
- l) Tree roots 40mm in diameter or greater that require pruning shall be done only under the direction of the Project Arborist only, after a site inspection so as not to impact the tree.
- m) It is the Applicant's responsibility to ensure that there is no damage to the canopy, trunk or root system (including the surrounding soil) of any tree. Canopy pruning is to be undertaken by the Project Arborist and shall be undertaken by in accordance with AS 4373.
- n) The pruning of tree #2 must be carried out in accordance with the report dated December 2016 from The Tree Wise Men. A detailed pruning specification must be provided by Tree Wise Men with all branches which are proposed to be pruned marked with tape or paint and clearly numbered. The exact location of the final cut must be clearly indicated. The pruning must be done under direct supervision of the report's author and council must be notified of the scheduled date so that a council officer may attend to inspect the works if so desired. Final pruning cuts are to be no more than 1m clear of the proposed structure adjacent to the branch to be pruned and any foliage that does not directly conflict with the proposed structure is to be retained.

- o) If piling rigs are to be used for the basement construction, the specified pruning must be completed prior to piling. The size of the piling rig must be minimised to prevent additional damage to the tree canopy by the piling rig mast. There is to be no additional pruning for machinery access. Any branches which conflict with the piling rigs operation must be tied back or carefully manipulated with a hand winch in order to maintain clearance of the machinery. Any use of piling rigs must be directly supervised by the project Arborist at all times. The project Arborist is to prepare a certification report to document this process. Prior to piling, council and the project Arborist must be provided with a proposed schedule so that a site inspection can be arranged to inspect the machinery and confirm that canopy protection is adequately managed.
- p) The project Arborist shall make weekly visits to site to check on the condition of the trees to be retained and to ensure that all tree protection measures are in place and are effective. The project Arborist shall provide a written monthly inspection report to council noting any changes to the trees condition and providing potential options for remediation if required. If any significant changes in tree health are noted or tree protection measures are not being adhered to, the project Arborist is required to contact council immediately.
- q) Any masonry boundary fencing/walls or retaining walls on the northern site boundary shall be of piered or bridged construction to minimise damage to tree roots. Trench or strip footings are NOT permitted. If a tree root 40mm diameter or greater is in the location of a pier and the root cannot be cut without compromising the tree (must be obtained after Council inspection and advice), the pier will need to be relocated and the root bridged.
- r) There shall be no change in existing levels or trenching for new subsurface utilities within the primary root zone of any tree. Any such structures in close proximity to trees must accommodate tree roots without damage or pruning.
- s) All waste concrete and debris shall be removed from areas to be landscaped on the site, not buried, to minimise soil contamination.
- t) The Applicant shall undertake any tree maintenance/remedial pruning as required by Council or the Consultant Arborist at the completion of construction.

If there is any contravention of these tree preservation conditions, or a tree was found to be damaged (including roots), in decline, dead or pruned without permission, then Council may claim all or part of the lodged security bond prior to its release as well as require remedial pruning work. Epicormic growth is evidence of root damage.

- 67. A detailed plan shall be provided for the design of a public access pathway, adjoining the southern boundary of the site, linking Bunnerong Road with Rhodes Reserve. The Applicant shall consult with Council's Engineering and Landscape Departments to ensure materials, dimensions and location are suitable. The path location shall be contiguous with the approved plans and be inclusive of landscaping and tree planting.
- 68. Existing structures and or services on this and adjoining properties are not to be endangered during any excavation or construction work associated with the above project. The application is to provide details of any shoring, piercing or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilize any adjacent structures.
- 69. The Principal Certifying Authority must be satisfied that: -

- a) In the case of work to be done by a licensee under the Home Building Act: -
 - i) Has been informed in writing of the licensee name and contractor licence number, and;
 - ii) Is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or,
 - b) In the case of work to be done by any other person: -
 - i) Has been informed in writing of the persons name and owner-builder permit number, or;
 - ii) Has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner builder work* in Section 29 the Home Building Act 1989.
70. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
71. 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 lands /road reserve under Road Act 1993 and Local Government Act 1993:
- 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 for roads and footways occupancy (long term/ short term)
 - d) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve
 - e) 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.
 - f) Permit to place skip/waste bin on footpath and/or nature strip
 - g) Permit to use any part of Council's road reserve or other Council lands
 - h) Permit to stand mobile cranes and/or other major plant on public roads and all road reserve area. It should be noted that the issue of such permits may involve approval from RMS and NSW Police. In some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.
 - i) Permit to establish "Works Zone" on public roads adjacent to the development site, including use of footpath area. Application(s) shall be submitted minimum one (1) month prior to the planned commencement of works on the development site. The

application will be referred to the Council's Traffic Engineer for approval, which may impose special conditions that shall be strictly adhered to by the applicant(s).

Copies of the approved permits shall be submitted to the Principal Certifying Authority attesting this condition has been appropriately satisfied.

Note: No works or occupancy shall be carried out in road reserve until permits have been granted from Council's engineers. 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.

72. The approved Waste Management Plan shall be complied with at all times during demolition, construction and on-going use of the site.
73. Erosion and sediment control devices shall be installed and in function prior to the commencement of any works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines, including the Protection of the Environment Operations Act 1997. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.

CONDITIONS WHICH MUST BE SATISFIED DURING WORKS RELATED TO THE DEVELOPMENT

74. Excavation associated with this development shall cease immediately should groundwater be encountered, with
 - i) Groundwater then being tested by a laboratory accredited by the National Association of Testing Laboratories (NATA) to NSW Office of Water suite of analytes; and
 - ii) No de-watering from the site will occur until (i) above has taken place.

A separate development application is required for dewatering works.

75.
 - a) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council.
 - b) In order to prevent vehicles tracking soil or other materials onto public roads and washing of materials into the street drainage system or watercourse, during Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion; and,
 - c) In addition, concrete trucks and any other trucks that used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land.

- d) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
 - e) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
 - f) Building operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
76. Care must be taken to protect Council's roads, including the made footway, kerbs, etc and where plant and vehicles enter the site. Protecting constructions shall be maintained in a state of good repair and condition throughout the course of construction and kept in a safe condition. The area must be safe for pedestrian traffic at all times. Any damage to Council's road reserve will be repaired and the full cost shall be borne by the applicant.
- 77.
- a) All excavations and backfilling shall be executed safely and in accordance with appropriate professional standards; and all excavations shall be properly guarded and protected to prevent them from being dangerous to life or property;
 - b) Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piercing, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
 - c) As the development involves an excavation that extends below the level of the base of the footings of a building 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.
78. Council's footway is to be kept clean, tidy, washed and maintained at the applicant's expense.
79. 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.
80. During Construction and any associated deliveries activities, the applicant shall ensure that all works and measures have been implemented in accordance with following approved plans at all times: -
- a) Approved Erosion and Sediment Control Plan;
 - b) Approved Construction Traffic Management Plan;
 - c) Approved Construction Management Plan; and
 - d) Approved Waste Management Plan.
81. For any water from site dewatering to be permitted to go to 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 shall be provided in this report.

Reports shall be provided to council prior to discharge of any groundwater to the stormwater system.

82. Council requires an application to discharge water to a Council road or stormwater system. The application must be made in writing to Council estimating volume and number of days involved and must be accompanied by a current dewatering license from the NSW Office of Water. For water to be permitted to go to stormwater the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for Freshwater. If the groundwater does not meet these guideline levels a Trade Waste Permit from Sydney Water must be sought to put the groundwater to sewer.
83. All management measures recommended and contained within the Erosion and Sediment Control Plan (ESCP) submitted as part of the construction certificate shall be implemented in accordance with the *Landcom Managing Urban Stormwater – Soils and Construction* 4th Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times and made available to council officers on request.
84. 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.
85. If an excavation associated with the proposal extends below the level of the base of the footings of a building on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:
- a) Must preserve and protect the building/ fence from damage; and,
 - b) If necessary, underpin and support such building in an approved manner;

- c) Must at least be 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 the 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;
 - d) Any retained existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piling, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
 - e) If the soil conditions required it:
 - i) Retaining walls associated with the erection of a building or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided, and
 - ii) Adequate provision must be made for drainage.
86. 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.
87. The construction of the premises shall not give rise to transmission of vibration at any affected premises that exceeds the vibration in buildings criteria outlined in the NSW EPA *Environmental Noise Control Manual*.
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. 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.

90. 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 2005.
- 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.
91. Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A free copy of the sign is available from Council's Customer Service Counter.
92. Shaker pads are to be installed at the entry/exit points to the site to prevent soil material leaving the site on the wheels of vehicles and other plant and equipment.
93. All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.
94. During Construction and any associated deliveries activities, 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.
95. During demolition, excavation, construction and any associated delivery activities, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any construction-related vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's lands.
96. The development is to be constructed to meet the following construction noise requirements:
- a) Construction Noise
 - i) 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.
 - b) Level Restrictions
 - i) Construction period of 4 weeks and under:

- 1 The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).
 - ii) Construction period greater than 4 weeks and not exceeding 26 weeks:
 - 1 The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
 - c) Time Restrictions
 - i) Monday to Friday 07:00am to 06:00pm
 - ii) Saturday 07:00am to 01:00pm
 - iii) No Construction to take place on Sundays or Public Holidays.
 - d) Silencing
 - i) All possible steps should be taken to silence construction site equipment.
97. All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Department of Environment and Climate Change (DECC) Waste Classification Guidelines (2008) prior to being disposed of to a NSW approved landfill or to a recipient site.
98. The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
- a) The Soil and Water Management Plan;
 - b) "Managing Urban Stormwater - Soils and Construction" (2004) Landcom ('The Blue Book'); and
 - c) Protection of the Environment Operations Act 1997.
99. 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.
100. The new fence proposed for the entire length of the northern boundary of the property is to be constructed at the expense of the applicant.

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

101. A Flood Emergency Response Plan (FERP) is to be prepared by an experienced flood engineer. The FERP is to detail how flood risks to people and property are to be safely managed in a flood. The FERP is to include procedures for maintenance and implementation of the FERP before, during and after a flood. Safety risks of all persons on site are to be addressed including people in the basement carpark. The FERP is also to show how people can safely evacuate to a flood free refuge above the reach of the probable maximum flood (PMF).

102. The car parking area is to be clearly and appropriately marked/signposted indicating all the vehicular movements on the site.
103. The internal road network, pedestrian facilities and parking facilities (including visitor parking and parking for persons with disabilities) shall be clearly designated, sign posted and line marked prior to the issuing of any Occupation Certificate. Signage and line marking shall comply with Australian Standards, AS1742, Manual of Uniform Traffic Control Devices and NSW Road Transport (Safety and Traffic Management) Regulations 1999.
104. Prior to the issue of any Occupation Certificate(s), documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and all relevant standards
105. Prior to the issue of any Occupation Certificate(s), a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:
 - a) Restriction on Use of Land for On-Site Stormwater Detention / Infiltration System. Refer to Appendix B of Council's Stormwater Management Technical Guidelines for suggested wording.
106. A copy of the approved kerb and guttering plans showing Work as Executed details together with an electronic copy shall be prepared by a registered surveyor and submitted to Council prior to the issue of any Occupation Certificates.
107. The public access pathway shown on the approved plans, adjoining the southern boundary of the site, linking Bunnerong Road with Rhodes Reserve shall be completed to the satisfaction of Council prior to the issue of any Occupation Certificate.
108. The landscaped areas on the property shall be installed and maintained at all times in accordance with the approved landscape documentation, the conditions of consent and BBDCP2013.
109. 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 the Bayside Council prior to the issue of any Occupation Certificate.
110. The Council nature strip shall be repaired and/or replaced in accordance with Council Specification at the completion of all construction work at the Applicant's expense.
111. A raised concrete edge shall be installed around the landscape areas to contain soil and mulch finishes from spilling out onto adjoining pavements. The edge shall be raised a minimum of 150mm above the adjoining pavement. Timber retaining edges are unsuitable.
112. To ensure satisfactory growth and maintenance of all landscaping, a fully automatic drip irrigation system is required in all landscape areas, installed by a qualified landscape contractor. The system shall provide full coverage of all planted areas with no more than

300mm between drippers, automatic controller and backflow prevention device and shall be connected to a recycled water source, where provided. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.

113. Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements :
- a) Ensure planter soil depths in accordance with Council's BBDCP2013 (minimum 1 metre depth for trees).
 - b) 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.
 - c) 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.
 - d) 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.
 - e) 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.
 - f) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.
114. Any electrical kiosk, fire booster assembly or similar utilities must be located in an unobtrusive location and not within the landscaped street setback. The utilities must be screened by a built screen enclosure and/or landscaping so as not to reduce the visual amenity of the development or the streetscape and public domain. The location of, and screening treatment surrounding these utilities is to be approved by Council's Landscape Architect prior to their installation. The fire booster assembly must be housed within the external face of the building structure OR within a suitable masonry enclosure with screen doors to ensure screening from public domain and entry areas.
115. Prior to the issue of any Occupation Certificate, the developer must submit to the Principal Certifying Authority an acoustic report to verify that the measures stated in the approved acoustic report has been carried out and certify that the construction meets the above requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
116. Any damage not shown in the dilapidation report submitted to Council before site works have commenced, will be assumed to have been caused by the site works undertaken (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 the issue of any Occupation Certificate

117. 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.
118. All services (Utility, Council, etc) within the road reserve (including the footpath) affected by the proposed development shall be relocated/adjusted where required to match the proposed/existing levels. All costs are to be borne by the applicant.
119. Prior to the issue of any Occupation Certificate, 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.
120. All vehicular crossings are to be constructed. Prior to the issuing of any Occupation Certificate (or the completion of work or the use of the building), the applicant shall make a separate application to Council's Customer Service Counter to construct (or reconstruct) a vehicular crossing (either using Council or own forces) to all vehicular entry points to the site. All vehicular crossings, which were shown on submitted plans, shall be in the correct location. All redundant vehicular crossings shall be removed and replaced to fit the main footpath cross-section. If any applicant wants to retain an existing vehicular crossing an application still has to be submitted with the matter highlighted. The footway area must be restored by turfing.
121. Prior to the issue of any Occupation Certificate, the following documentation shall be submitted to Council and Principal Certifying Authority attesting this condition has been appropriately satisfied:-
 - a) Written confirmation / completion certificate obtained from Council's engineers;
 - b) Inspection reports (formwork and final) for the works on public domain and road reserve area obtained from Council's engineer; and
 - c) A copy of the approved engineering construction plans showing Work-as-Executed details (together with an electronic copy (DWG format)) for all the civil works on public domain and road reserve area. The plan shall be prepared by a registered surveyor.
122. Prior to the issue of any Occupation Certificate, a Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority and the Council to the effect that:
 - a) All reduced levels shown upon the approved plans, with relation to the required building heights, drainage, boundary and road reserve levels, have been strictly adhered to; and
 - b) The development as built stands within the subject land.
123. The car parking spaces shall be made available to occupants and visitors at all times, with such spaces being clearly marked and signposted prior to issue of any Occupation Certificate. The Allocation of the car parking shall be as indicated on the approved plans, except where modified by these conditions. A minimum of half of the approved adaptable dwellings shall be provided with an accessible parking spaces.

124. The floor surface of the entry area, kitchen and internal storage, of each two-bedroom and three-bedroom apartment, are to be water-resistant and easy to be cleaned and maintained, i.e. not carpet.
125. Street numbers shall be clearly displayed with such numbers being of contrasting colour, of adequate size and location for viewing from the footway and roadway, and in accordance with the NSW Addressing Policy.

All letter boxes must be constructed and located in accordance with the relevant provisions of Australian Standard AS/NZS 4253:1994 Mailboxes and to Australia Post's satisfaction. Letter boxes shall be located in lobbies or perpendicular to the street alignment, with no interference with proposed landscaping.

Details of street numbering, letter boxes, and apartment numbers, shall be submitted to Council for approval prior to the issue of the Occupation Certificate.

126. A copy of any Building Management Statement and By-Laws shall be submitted to the Principal Certifying Authority for approval prior to the issue of the Occupation Certificate. The Building Management Statement and By-Laws shall address all conditions associated with the ongoing use of the development of Development Consent No. 14/318 and include:
- a) Responsibilities with regard to the ongoing maintenance of the building and landscaped areas at the property in accordance with the plans and details approved under Development Consent No. 14/318;
 - b) Responsibilities with regard to the maintenance of artificial features at the property in accordance with the plans and details approved under Development Consent No. 14/318;
 - c) Responsibilities for ensuring owners and/or tenants have adequate and hygienic waste sterile, disposal and collection arrangements and for ensuring the waste storage area is appropriately maintained and kept in a clean and safe state at all times;
 - d) Responsibilities to ensure that receptacles for the removal of waste, recycling etc. are available for collection adjacent to the lower ground level loading bay depicted on the approved plans, between 4.00pm and 7.00pm the day prior to collection, and, on the day of collection, being the day following, returned to the premises before 12.00 noon;
 - e) The Owners Corporation/Executive Committee obligations under clauses 177, 182, 183, 184, 185 and 186 of the Environmental Planning and Assessment Regulation 2000;
 - f) Responsibilities to ensure that wastewater and stormwater treatment devices (including drainage systems, sumps and traps) are regularly maintained in order to remain effective. All solid and liquid wastes collected from the devices shall be disposed of in a manner that does not pollute waters and in accordance with the Protection of the Environment Operations Act 1997;
 - g) The linen plan must include details of any easements, encroachments, rights of way, including right of footway, restriction as to user or positive covenants and include a Section 88B Instrument under the *Conveyancing Act, 1919*. Council is to be nominated as the only authority permitted to release, vary or modify any

easements, encroachments, rights of way, restriction as to user or positive covenants;

- h) A graffiti management plan for the removal of graffiti and similar vandalism within seven (7) days of its occurrence and surface re-instatement;
- i) The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines;
- j) CCTV surveillance of all public areas within the development site; and

127.

- a) Residents of this development are not eligible to participate in Council's on-street resident parking scheme. Before entering a purchase/lease/occupancy agreement, or individual units are on-sold, all tenants and occupiers of the development are to be advised of this by the owner of the building.
- b) Prior to the issue of any Occupation Certificate, a sign to this effect shall be located in a prominent place, to Council's satisfaction, such as a directory board or notice board, where it can easily be observed and read by persons entering the building;
- c) Where a building is to be Strata subdivided, a condition should be placed in the by-laws advising residents that they are not eligible to participate in on-street resident parking schemes.

128. A suitable intercom system linked to all units within the development shall be provided at pedestrian and vehicle entrances to ensure that any legitimate visitors to the site can gain access to the development, including the visitor parking located in the car parking area. The details of the intercom system shall be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

129. Each apartment and non-residential unit shall be provided with individual water meters.

130. Written evidence is required to be provided to Council prior to the issue of any Final Occupation Certificate from all service providers such as Sydney Water, Energy Australia and their telecommunication provider, confirming that adequate infrastructure can and/or has been provided to the development.

131. The car parking spaces within the basement shall be made available to occupants and visitors at all times, with such spaces being clearly marked and signposted prior to issue of the Occupation Certificate. The Allocation of the car parking shall be as indicated on the approved plans.

132. The applicant must prepare and register on title a restriction on use in favour of Council under section 88B and a positive covenant under Section 88E of the *Conveyancing Act 1919* burdening the owner of the property with the following:

- a) The Flood Emergency Response Plan (FERP) prepared pursuant to Condition 100 of this consent is to be implemented and is to be updated should flood conditions change for the site.

The terms of the 88B and 88E instruments are to be submitted to Council for review and approval prior to registration. Proof of registration at LPI Office shall be submitted to the PCA and Council prior to the issue of the Occupation Certificate.

CONDITIONS WHICH MUST BE SATISFIED FOR THE ONGOING USE

133. Ongoing maintenance of the grass nature strips shall be undertaken by the occupier, strata or owner. Maintenance includes mowing, watering and maintaining an even coverage of grass. Maintenance **does not include** pruning, trimming or any work to Council's street tree assets located on the Council nature strip under any circumstances at any time, including new street trees. All pruning is undertaken by Council only.
134. The landscaped areas on the property shall be maintained in a clean and tidy state and with a dense, even coverage of plants to Council's satisfaction, and in accordance with conditions of consent, approved landscape plans and BBDCP 2013, at all times. There shall be no trimming of trees within the property without the permission of Council nor the removal of trees by individual owners or the strata. The automatic drip irrigation system shall be maintained in working order at all times.
135. Adaptable dwellings shall be provided as indicated within the approved plans
- 136.
- a) All waste and recycling containers shall be stored in the designated waste storage areas within the building. The waste containers are not to be over filled and the lids kept closed at all times except when material is being put in them. The occupier shall be responsible for cleaning the waste storage area, equipment, and waste collection containers.
 - b) The adaptable apartments approved under this development consent are to remain as adaptable apartments at all times;
 - c) Any 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;
 - d) The approved Waste Management Plan shall be complied with at all times during the on-going use of the site / premises;
 - e) No waste or waste containers shall be placed on the public way (including: footpaths, roadways and reserved) at any time.
- 137.
- a) The landscaped areas on the property shall be maintained in accordance with the Council stamped and approved landscape documentation, the conditions of development consent and Council's DCP all times.
 - b) New street trees shall be maintained by the Applicant/Owner/Strata for 12 months after planting. Maintenance includes twice weekly watering to sustain adequate growth and weed removal but does not include trimming or pruning the trees under any circumstances at any time.

- c) The ongoing maintenance of the nature strip/footpath shall be undertaken by the occupier/owner. Maintenance includes mowing and watering of grass areas and the maintenance of a good, even coverage at all times and the removal of weeds and rubbish in grass and paved areas.
138. 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;
139. Should the external fabric of the building(s), walls to landscaped areas and like constructions be subject to graffiti or like vandalism, then within seven (7) days of this occurrence, the graffiti must be removed and the affected surface(s) returned to a condition it was in before defilement.
140. The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.
141. All wastewater and the stormwater system (including all pits, pipes, absorption, detention structures, treatment devices and rainwater tanks) shall be regularly maintained (at least once per year) in order to ensure that they remain effective. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.
142. Any air conditioning units shall comply with the following requirements:
- a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the dwelling.
 - b) A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
 - i) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
 - ii) Before 7 am or after 10 pm on any other day.
143. Any 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*.
144. The Flood Emergency Response Plan is to apply to the property in perpetuity and must be upgraded should flood conditions change for the site.
145. All loading bays are common property and are to be used for loading only.
146. The Bulky Waste area is to be kept clean, tidy and contained.

147. No garbage bins are to be placed or picked up on the Bunnerong Road Street Frontage. If the Council is not prepared to pick up the garbage this will be picked up by a private contractor.
148. 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.

Advisory Note

149. The proposed development is to comply with the recommendations provided by NSW Police Botany Bay Local Area Command, dated 21 March 2015. The conditions are outlined as follows, and relevant details shall be included in the plans and documentation submitted with the Construction Certificate:

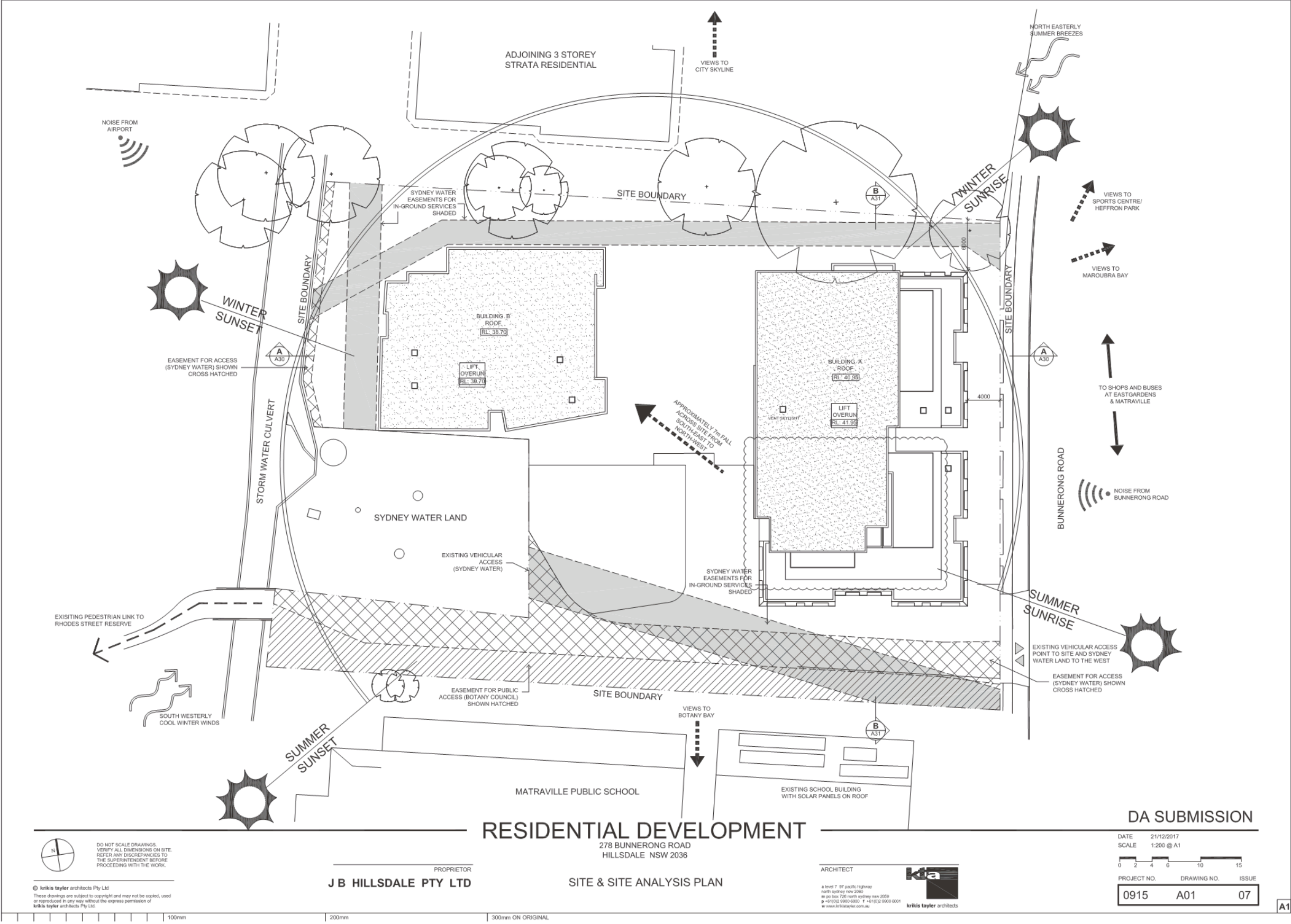
a) Surveillance

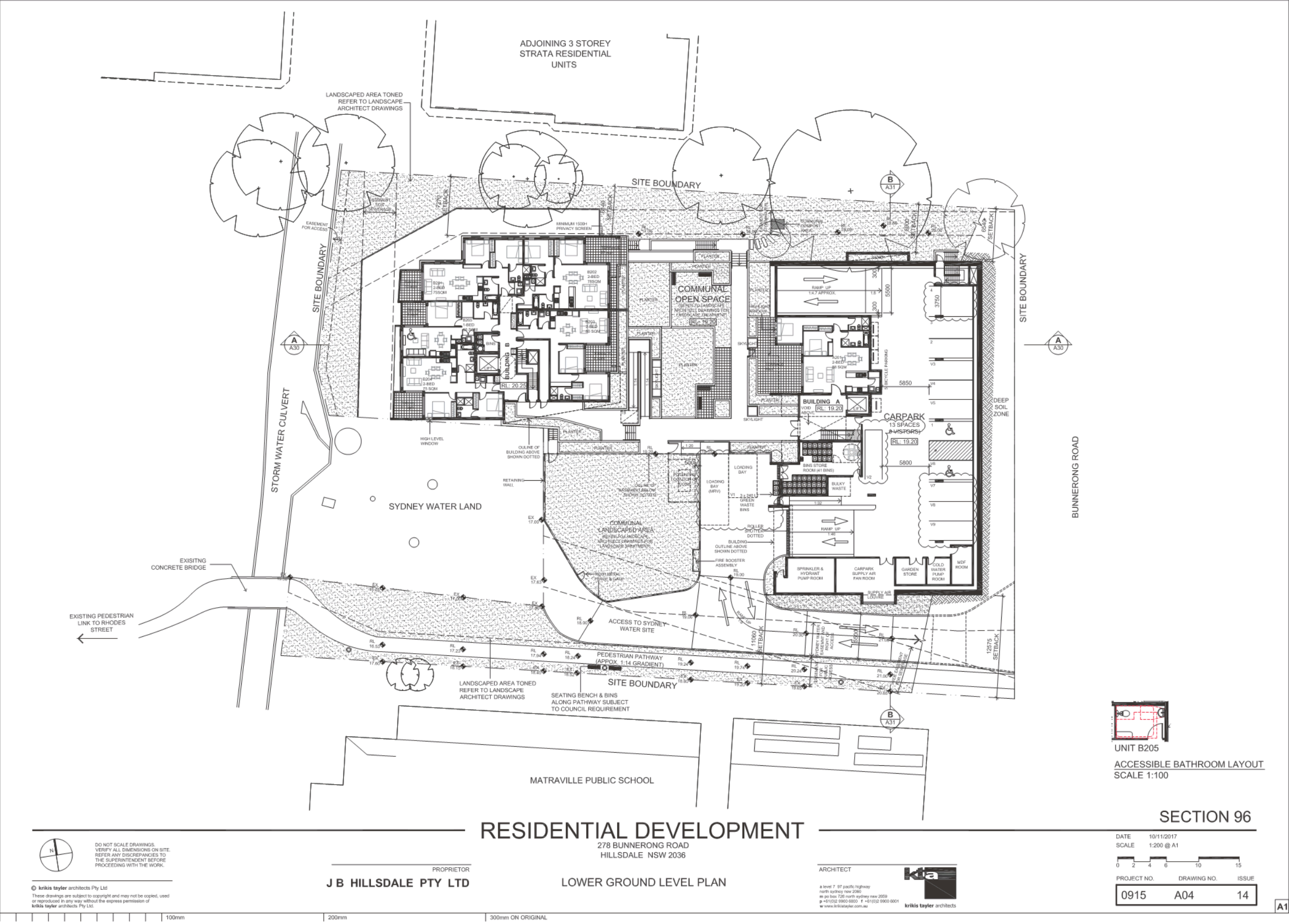
- i) Digital technology should be used to receive, store and process data recording equipment should be secured away from public access areas to restrict tampering with the equipment and data. This equipment needs to be checked and maintained on a regular basis. It is crucial even in the development stage that these cameras are installed as soon as power is available to the site.
- ii) Any proposed landscaping and vegetation should adhere to the following principles:
 - 1 Shrubs, bushes, plants should remain under 900mm in height.
 - 2 Branches of 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.
- iii) By angling fire egress inlet walls 45 degrees or more, opportunities for entrapment, loitering and vandalism can be reduced.
- iv) 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.

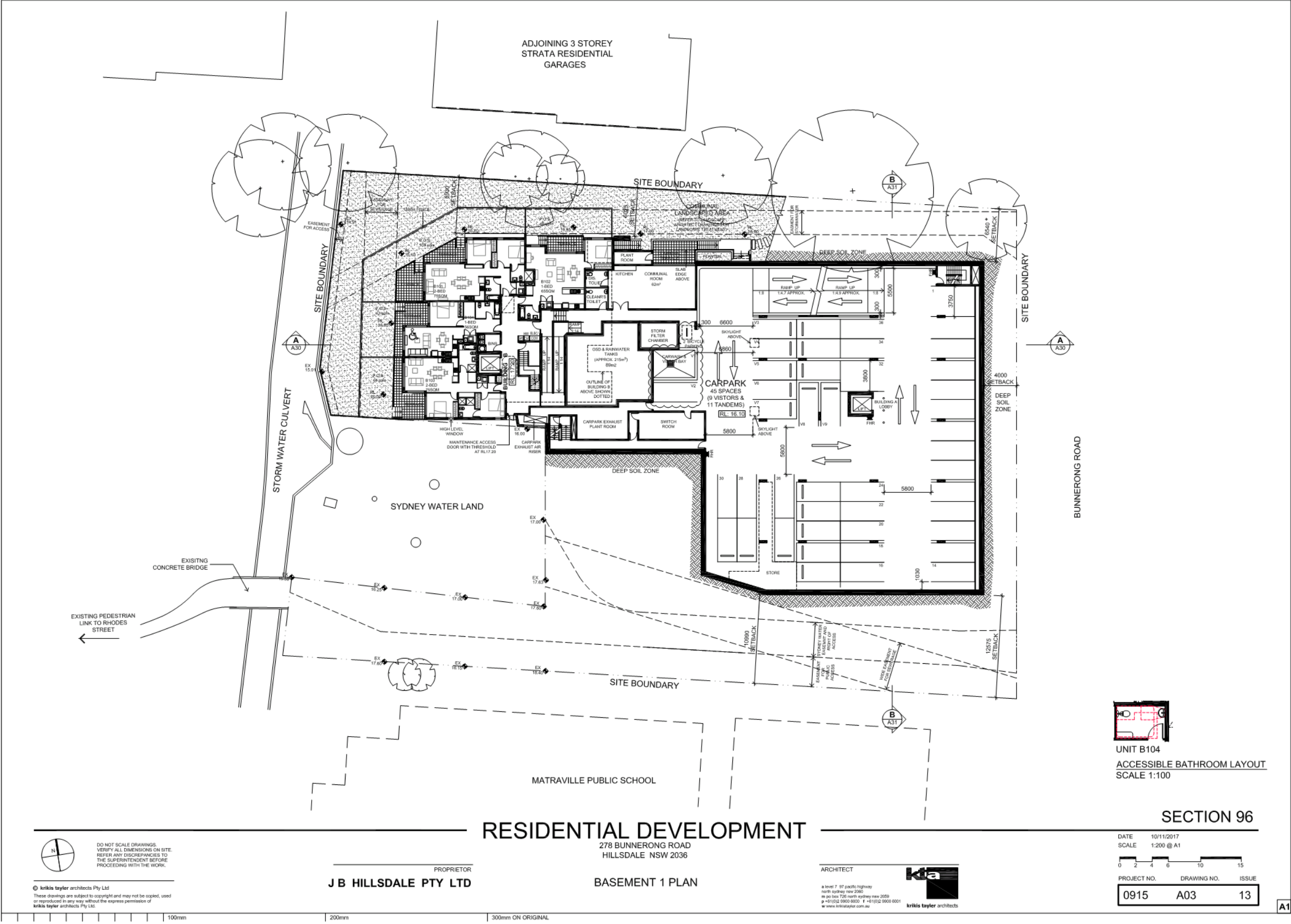
- v) Care should be taken when using glazing in entry foyers. At night the vision of departing occupants can be affected by reflections on the interior of the glass (can't see outside). Mirroring can be reduced by using appropriate external lighting.
- b) Lighting
 - i) A limited amount of internal lighting should be left on at night to enable patrolling police, security guards and passing people to monitor activities within the business.
 - ii) 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.
- c) Territorial Reinforcement
 - i) 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.
 - ii) Warning signs should be strategically posted around the buildings to warn intruders of what security treatments have been implemented to reduce opportunities for crime.
 - 1 Warning, trespasser will be prosecuted
 - 2 Warning, these premises are under electronic surveillance
 - iii) Directional signage should be posted at decision making points (e.g. 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.
 - iv) 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.
 - vi) Signage needs to be provided to assist occupants to identify fire suppression equipment, e.g. extinguishers, fire hoses etc.
 - vii) 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.
 - viii) Graffiti resistant materials and anti-graffiti coating should be utilised throughout the development.

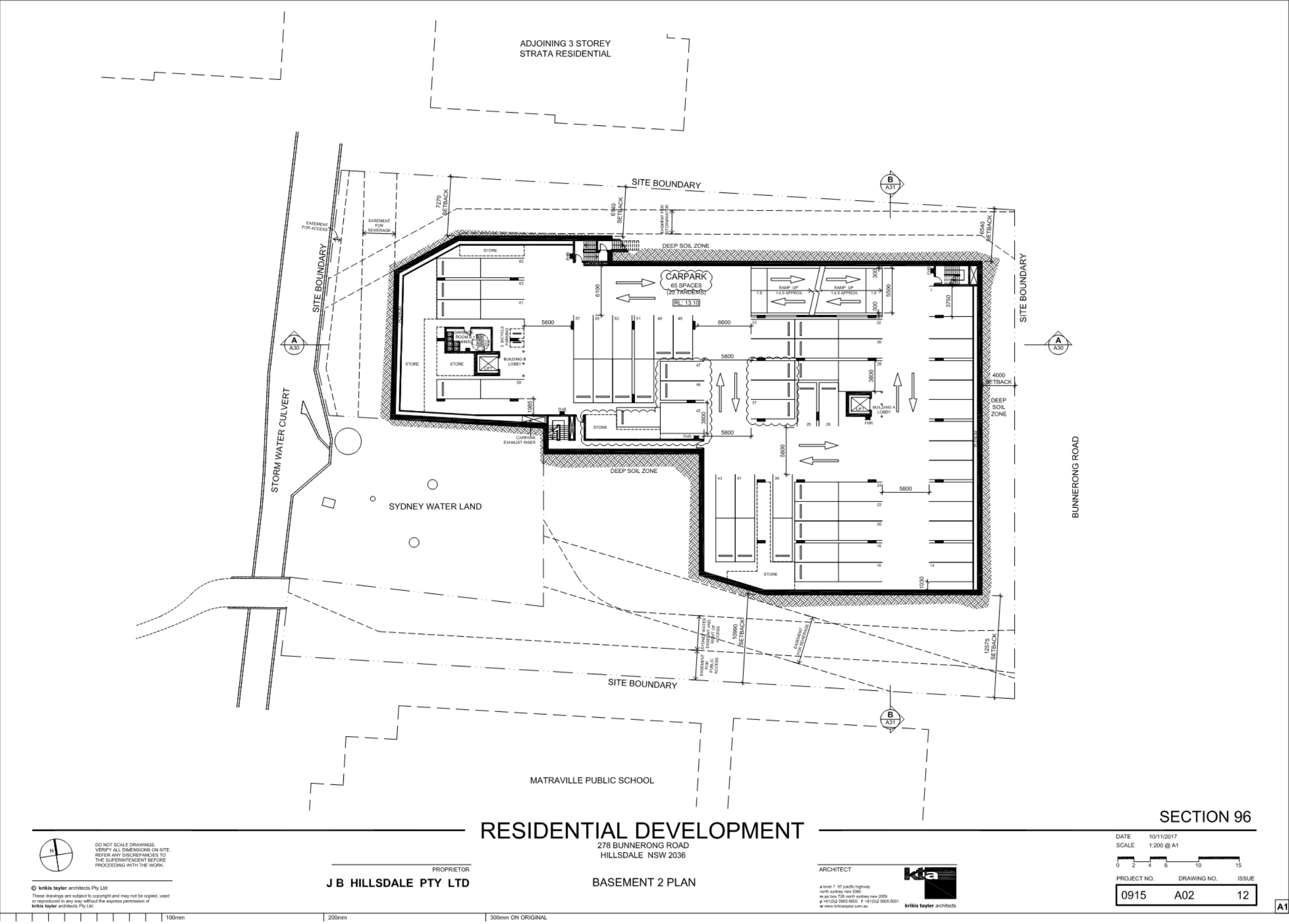
d) Access Control

- i) The windows and window-frames to these premises should be of solid construction. These windows should be fitted with locks which comply with the Australian Standard — Mechanical Locksets for windows in buildings, AS:4145 <http://www.standards.org.au> to restrict unauthorised access. 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 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 a higher level of locking devices not referred to in this standard. (e.g. locking bars, electronic locking devices, detection devices, alarms).
- ii) The main access to the underground car park should have restricted access with a security pass. The opening/closing mechanism should be protected from vandalism and tampering. All exit doors from the car park should have striker plates installed to minimise chance of tampering.
- iii) The main entry/egress doors to the development should have an electronically operated lock which requires a security swipe pass for entry. The lifts operating in the building should have the same security swipe pass technology. When an occupant buzzes in a visitor the lift should recognise the floor the occupant resides on and only allow the visitor access to that floor in the lift.

















retail | commercial | residential | infrastructure | industrial | interiors | masterplanning

krikis tayler architects

21 December 2017

Bayside Council
141 Coward Street
Mascot NSW 2020

Dear Sir/Madam,

DESIGN VERIFICATION STATEMENT
Residential Development at
278 Bunnerong Road, Hillsdale (DA14/318)

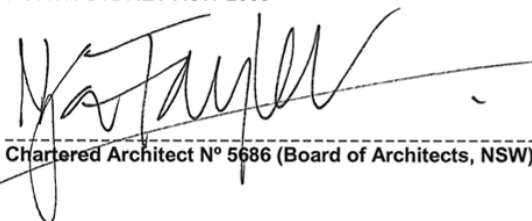
I hereby verify, pursuant to Part 4 of SEPP 65 – Design Quality of Residential Flat Development, the following:

- (a) I directed the design of the development proposal for the erection of a residential development which contains 90 units with basement carpark for 169 cars, in accordance with the plans and supporting information lodged with the Section96 application.
- (b) In my opinion, the design quality principles set out in Schedule 1 of SEPP 65 – Design Quality of Residential Apartment Development are achieved in the proposed development.

Nick Tayler

Of

Krikis Tayler Architects Pty Limited
Level 7,
97 Pacific Highway,
NORTH SYDNEY NSW 2060



Chartered Architect N° 5686 (Board of Architects, NSW)



krikis tayler architects pty limited abn 87 074 121 609

0019-0915-4.01-NT-al

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BASIX[®]Certificate

Building Sustainability Index www.basix.nsw.gov.au

Multi Dwelling

Certificate number: 595696M_06

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 06/10/2017 published by the Department. This document is available at www.basix.nsw.gov.au

This certificate is a revision of certificate number 595696M lodged with the consent authority or certifier on 22 December 2014 with application 318/2014.

It is the responsibility of the applicant to verify with the consent authority that the original, or any revised certificate, complies with the requirements of Schedule 1 Clause 2A, 4A or 6A of the Environmental Planning and Assessment Regulation 2000

Secretary

Date of issue: Tuesday, 05 December 2017

To be valid, this certificate must be lodged within 3 months of the date of issue.



Planning &
Environment

Project summary

Project name	278 Bunnerong Road_06
Street address	278 Bunnerong Road Hillsdale 2036
Local Government Area	Botany Bay City Council
Plan type and plan number	deposited 1191652
Lot no.	1
Section no.	-
No. of residential flat buildings	2
No. of units in residential flat buildings	90
No. of multi-dwelling houses	0
No. of single dwelling houses	0

Project score

Water	✓ 41	Target 40
Thermal Comfort	✓ Pass	Target Pass
Energy	✓ 21	Target 20

Certificate Prepared by

Name / Company Name: AGA Consultants

ABN (if applicable): 37159342711

Description of project

Project address

Project name	278 Bunnerong Road_06
Street address	278 Bunnerong Road Hillsdale 2036
Local Government Area	Botany Bay City Council
Plan type and plan number	deposited 1191652
Lot no.	1
Section no.	-

Project type

No. of residential flat buildings	2
No. of units in residential flat buildings	90
No. of multi-dwelling houses	0
No. of single dwelling houses	0

Site details

Site area (m²)	4603
Roof area (m²)	1150
Non-residential floor area (m²)	0.0
Residential car spaces	168
Non-residential car spaces	0

Common area landscape

Common area lawn (m²)	548.0
Common area garden (m²)	974.0
Area of indigenous or low water use species (m²)	0.0

Assessor details

Assessor number	BDAV/12/1475
Certificate number	0002250020
Climate zone	56

Project score

Water	✓ 41	Target 40
Thermal Comfort	✓ Pass	Target Pass
Energy	✓ 21	Target 20

Description of project

The tables below describe the dwellings and common areas within the project

Residential flat buildings - Building A, 51 dwellings, 7 storeys above ground

Dwelling no.	No. of bedrooms	Conditioned floor area (m ²)	Unconditioned floor area (m ²)	Area of garden & lawn (m ²)	Indigenous species (min area m ²)
A201	2	82.0	0.0	0.0	0.0
A304	1	67.0	0.0	19.5	0.0
A308	2	73.0	5.0	0.0	0.0
A402	2	70.0	0.0	0.0	0.0
A406	2	73.0	5.0	0.0	0.0
A410	2	72.0	0.0	0.0	0.0
A504	2	71.0	0.0	0.0	0.0
A508	2	73.0	5.0	0.0	0.0
A602	2	70.0	0.0	0.0	0.0
A606	3	94.0	0.0	0.0	0.0
A701	3	74.0	0.0	0.0	0.0
A705	3	53.0	0.0	0.0	0.0
A802	2	91.0	0.0	0.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m ²)	Unconditioned floor area (m ²)	Area of garden & lawn (m ²)	Indigenous species (min area m ²)
A301	1	48.0	0.0	0.0	0.0
A305	2	70.0	0.0	20.2	0.0
A309	1	54.0	0.0	0.0	0.0
A403	2	75.0	0.0	0.0	0.0
A407	1	49.0	0.0	0.0	0.0
A501	1	48.0	0.0	0.0	0.0
A505	2	70.0	0.0	0.0	0.0
A509	2	73.0	0.0	0.0	0.0
A603	2	74.0	0.0	0.0	0.0
A607	3	94.0	0.0	0.0	0.0
A702	2	70.0	0.0	0.0	0.0
A706	2	75.0	0.0	0.0	0.0
A803	3	87.0	0.0	0.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m ²)	Unconditioned floor area (m ²)	Area of garden & lawn (m ²)	Indigenous species (min area m ²)
A302	2	70.0	0.0	0.0	0.0
A306	2	73.0	5.0	25.7	0.0
A310	1	52.0	0.0	0.0	0.0
A404	2	71.0	0.0	0.0	0.0
A408	2	73.0	5.0	0.0	0.0
A502	2	70.0	0.0	0.0	0.0
A506	2	73.0	5.0	0.0	0.0
A510	2	72.0	0.0	0.0	0.0
A604	2	69.0	0.0	0.0	0.0
A608	2	73.0	0.0	0.0	0.0
A703	3	89.0	0.0	0.0	0.0
A707	3	89.0	0.0	0.0	0.0
A804	3	98.0	0.0	0.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m ²)	Unconditioned floor area (m ²)	Area of garden & lawn (m ²)	Indigenous species (min area m ²)
A303	2	75.0	0.0	37.0	0.0
A307	1	49.0	0.0	0.0	0.0
A401	1	48.0	0.0	0.0	0.0
A405	2	70.0	0.0	0.0	0.0
A409	2	73.0	0.0	0.0	0.0
A503	2	75.0	0.0	0.0	0.0
A507	1	49.0	0.0	0.0	0.0
A601	1	48.0	0.0	0.0	0.0
A605	2	70.0	0.0	0.0	0.0
A609	2	72.0	0.0	0.0	0.0
A704	2	75.0	0.0	0.0	0.0
A801	2	78.0	0.0	0.0	0.0

Residential flat buildings - Building B, 39 dwellings, 7 storeys above ground

Dwelling no.	No. of bedrooms	Conditioned floor area (m ²)	Unconditioned floor area (m ²)	Area of garden & lawn (m ²)	Indigenous species (min area m ²)
B101	2	70.0	0.0	80.5	0.0
B201	2	70.0	0.0	0.0	0.0
B205	1	54.0	0.0	0.0	0.0
B304	1	47.0	0.0	0.0	0.0
B402	2	73.0	0.0	0.0	0.0
B406	1	54.0	0.0	0.0	0.0
B504	1	47.0	0.0	0.0	0.0
B602	2	73.0	0.0	0.0	0.0
B606	1	54.0	0.0	0.0	0.0
B704	1	47.0	0.0	0.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m ²)	Unconditioned floor area (m ²)	Area of garden & lawn (m ²)	Indigenous species (min area m ²)
B102	1	63.0	0.0	35.2	0.0
B202	2	73.0	0.0	5.4	0.0
B301	2	70.0	0.0	0.0	0.0
B305	2	70.0	0.0	0.0	0.0
B403	1	56.0	0.0	0.0	0.0
B501	2	70.0	0.0	0.0	0.0
B505	2	70.0	0.0	0.0	0.0
B603	1	56.0	0.0	0.0	0.0
B701	2	70.0	0.0	0.0	0.0
B705	2	70.0	0.0	0.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m ²)	Unconditioned floor area (m ²)	Area of garden & lawn (m ²)	Indigenous species (min area m ²)
B103	2	70.0	0.0	30.3	0.0
B203	2	75.0	0.0	22.4	0.0
B302	2	73.0	0.0	0.0	0.0
B306	1	54.0	0.0	0.0	0.0
B404	1	47.0	0.0	0.0	0.0
B502	2	73.0	0.0	0.0	0.0
B506	1	54.0	0.0	0.0	0.0
B604	1	47.0	0.0	0.0	0.0
B702	2	73.0	0.0	0.0	0.0
B706	1	54.0	0.0	0.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m ²)	Unconditioned floor area (m ²)	Area of garden & lawn (m ²)	Indigenous species (min area m ²)
B104	1	54.0	0.0	27.1	0.0
B204	2	70.0	0.0	0.0	0.0
B303	1	56.0	0.0	0.0	0.0
B401	2	70.0	0.0	0.0	0.0
B405	2	70.0	0.0	0.0	0.0
B503	1	56.0	0.0	0.0	0.0
B601	2	70.0	0.0	0.0	0.0
B605	2	70.0	0.0	0.0	0.0
B703	1	56.0	0.0	0.0	0.0

Description of project

The tables below describe the dwellings and common areas within the project

Common areas of unit building - Building A

Common area	Floor area (m²)
Lift car (No. 1)	-

Common areas of unit building - Building B

Common area	Floor area (m²)
Lift car (No. 2)	-

Common areas of the development (non-building specific)

Common area	Floor area (m²)	Common area	Floor area (m²)	Common area	Floor area (m²)
Car park area, Basement 2	2048.0	Car park area, Basement 1	1432.0	Car park area, Lower Ground	594.0
Car park area, Basement 3	1447.0	Switch rooms	36.0	Garbage rooms	129.0
Community room	62.0	Plant or service rooms	110.0	Other internal, storage	17.0
Ground floor lobby types	174.0	Hallway/lobby types	319.0		

Schedule of BASIX commitments

1. Commitments for Residential flat buildings - Building A

(a) Dwellings

- (i) Water
- (ii) Energy
- (iii) Thermal Comfort

(b) Common areas and central systems/facilities

- (i) Water
- (ii) Energy

2. Commitments for Residential flat buildings - Building B

(a) Dwellings

- (i) Water
- (ii) Energy
- (iii) Thermal Comfort

(b) Common areas and central systems/facilities

- (i) Water
- (ii) Energy

3. Commitments for multi-dwelling houses

4. Commitments for single dwelling houses

5. Commitments for common areas and central systems/facilities for the development (non-building specific)

- (i) Water
- (ii) Energy

Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

1. Commitments for Residential flat buildings - Building A

(a) Dwellings

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).	✓	✓	
(c) If a rating is specified in the table below for a fixture or appliance to be installed in the dwelling, the applicant must ensure that each such fixture and appliance meets the rating specified for it.		✓	✓
(d) The applicant must install an on demand hot water recirculation system which regulates all hot water use throughout the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below.		✓	✓
(e) The applicant must install:			
(aa) a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below; and		✓	✓
(bb) a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversion tank to all toilets in the dwelling.		✓	✓
(e) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✓	✓	
(f) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).		✓	
(g) The pool or spa must be located as specified in the table.	✓	✓	
(h) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✓	✓	✓

Dwelling no.	Fixtures					Appliances		Individual pool				Individual spa		
	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	All dish-washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded
All dwellings	3 star (> 4.5 but <= 6 L/min)	4 star	4 star	4 star	no	-	2.5 star	-	-	-	-	-	-	-

Alternative water source									
Dwelling no.	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection (s)	Laundry connection	Pool top-up	Spa top-up	
A303, A304, A305, A306	central water tank (no. 1)	See central systems	See central systems	yes	no	no	no	no	

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.	✓	✓	✓
(c) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below. Each such ventilation system must have the operation control specified for it in the table.		✓	✓
(d) The applicant must install the cooling and heating system/s specified for the dwelling under the "Living areas" and "Bedroom areas" headings of the "Cooling" and "Heating" columns in the table below, in/for at least 1 living/bedroom area of the dwelling. If no cooling or heating system is specified in the table for "Living areas" or "Bedroom areas", then no systems may be installed in any such areas. If the term "zoned" is specified beside an air conditioning system, then the system must provide for day/night zoning between living areas and bedrooms.		✓	✓
(e) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Artificial lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the "primary type of artificial lighting" for each such room in the dwelling is fluorescent lighting or light emitting diode (LED) lighting. If the term "dedicated" is specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.		✓	✓

(ii) Energy		Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.		✓	✓	✓
(g) This commitment applies if the applicant installs a water heating system for the dwelling's pool or spa. The applicant must:				
(aa) install the system specified for the pool in the "Individual Pool" column of the table below (or alternatively must not install any system for the pool). If specified, the applicant must install a timer, to control the pool's pump; and			✓	
(bb) install the system specified for the spa in the "Individual Spa" column of the table below (or alternatively must not install any system for the spa). If specified, the applicant must install a timer to control the spa's pump.			✓	
(h) The applicant must install in the dwelling:				
(aa) the kitchen cook-top and oven specified for that dwelling in the "Appliances & other efficiency measures" column of the table below;			✓	
(bb) each appliance for which a rating is specified for that dwelling in the "Appliances & other efficiency measures" column of the table, and ensure that the appliance has that minimum rating; and			✓	✓
(cc) any clothes drying line specified for the dwelling in the "Appliances & other efficiency measures" column of the table.			✓	
(i) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is "well ventilated".			✓	

	Hot water	Bathroom ventilation system		Kitchen ventilation system		Laundry ventilation system	
Dwelling no.	Hot water system	Each bathroom	Operation control	Each kitchen	Operation control	Each laundry	Operation control
All dwellings	central hot water system 1	individual fan, ducted to façade or roof	interlocked to light	individual fan, not ducted	manual switch on/off	individual fan, ducted to façade or roof	interlocked to light

	Cooling		Heating		Artificial lighting						Natural lighting	
Dwelling no.	living areas	bedroom areas	living areas	bedroom areas	No. of bedrooms &/or study	No. of living &/or dining rooms	Each kitchen	All bathrooms/ toilets	Each laundry	All hallways	No. of bathrooms &/or toilets	Main kitchen
A803	1-phase airconditioning 1 Star (new rating)	1-phase airconditioning 1 Star (new rating)	1-phase airconditioning 1 Star (new rating)	1-phase airconditioning 1 Star (new rating)	3	2	yes	yes	yes	yes	0	yes
A304, A705	1-phase airconditioning 1 Star (new rating)	1-phase airconditioning 1 Star (new rating)	1-phase airconditioning 1 Star (new rating)	1-phase airconditioning 1 Star (new rating)	1	2	yes	yes	yes	yes	0	no
A302, A402, A502, A602, A603	1-phase airconditioning 1 Star (new rating)	1-phase airconditioning 1 Star (new rating)	1-phase airconditioning 1 Star (new rating)	1-phase airconditioning 1 Star (new rating)	2	2	yes	yes	yes	yes	0	yes
A306, A308, A406, A408, A506, A508	1-phase airconditioning 1 Star (new rating)	1-phase airconditioning 1 Star (new rating)	1-phase airconditioning 1 Star (new rating)	1-phase airconditioning 1 Star (new rating)	2	2	yes	yes	yes	yes	1	no
A606, A607, A703, A707, A802, A804	1-phase airconditioning 1 Star (new rating)	1-phase airconditioning 1 Star (new rating)	1-phase airconditioning 1 Star (new rating)	1-phase airconditioning 1 Star (new rating)	3	2	yes	yes	yes	yes	0	no
All other dwellings	1-phase airconditioning 1 Star (new rating)	1-phase airconditioning 1 Star (new rating)	1-phase airconditioning 1 Star (new rating)	1-phase airconditioning 1 Star (new rating)	2	2	yes	yes	yes	yes	0	no

Dwelling no.	Individual pool		Individual spa		Appliances & other efficiency measures							
	Pool heating system	Timer	Spa heating system	Timer	Kitchen cooktop/oven	Refrigerator	Well ventilated fridge space	Dishwasher	Clothes washer	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or unsheltered clothes drying line
All dwellings	-	-	-	-	gas cooktop & electric oven	-	-	-	-	-	-	-

(iii) Thermal Comfort	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must attach the certificate referred to under "Assessor details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for a final occupation certificate for the proposed development.			
(b) The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
(c) The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX Certificate, including the details shown in the "Thermal Loads" table below.			
(d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.			
(e) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.			
(f) The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.		✓	✓
(g) Where there is an in-slab heating or cooling system, the applicant must: (aa) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or (bb) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.	✓	✓	✓
(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.	✓	✓	✓

Dwelling no.	Thermal loads	
	Area adjusted heating load (in mJ/m ² /yr)	Area adjusted cooling load (in mJ/m ² /yr)
A201	56.4	12.7
A301	25.6	30.3
A302	19.0	21.9
A303	36.7	35.4
A304	42.0	29.2
A305	63.8	24.4
A306	41.1	31.6
A307	54.8	23.0
A308	35.7	44.2
A309	63.7	23.9
A310	37.5	28.1
A401	21.4	32.9
A402	4.9	25.5
A403	13.1	30.6
A404	18.6	29.0
A405	28.8	21.4
A406	27.1	27.9
A407	11.1	29.5
A408	23.6	45.6
A409	48.0	29.2
A410	44.1	17.9
A501	22.2	34.9
A502	5.3	24.9
A503	14.3	29.2
A504	19.5	27.9
A505	29.8	20.3
A506	28.5	25.5

Dwelling no.	Thermal loads	
	Area adjusted heating load (in mJ/m ² /yr)	Area adjusted cooling load (in mJ/m ² /yr)
A507	12.0	29.1
A508	25.0	43.2
A509	41.4	29.3
A510	39.6	17.7
A601	21.6	38.0
A602	10.6	28.9
A605	20.0	26.4
A606	41.6	33.3
A607	38.2	40.8
A608	44.5	26.9
A609	41.7	18.9
A701	52.0	23.9
A702	54.6	25.2
A703	29.6	40.4
A704	54.0	26.9
A705	44.1	58.5
A706	60.6	34.5
A707	51.4	35.0
A801	64.9	27.5
A802	58.1	23.9
A803	40.7	28.1
A804	62.7	44.9
All other dwellings	20.9	35.3

(b) Common areas and central systems/facilities

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.		✓	✓
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✓	✓	✓
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✓	✓	
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.		✓	
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.		✓	✓
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.		✓	✓

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	3 star	3 star	no common laundry facility

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.		✓	✓
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.		✓	✓
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✓	✓	✓

Common area ventilation system		Common area lighting			
Common area	Ventilation system type	Ventilation efficiency measure	Primary type of artificial lighting	Lighting efficiency measure	Lighting control system/BMS
Lift car (No. 1)	-	-	compact fluorescent	connected to lift call button	No

Central energy systems	Type	Specification
Lift (No. 1)	gearless traction with V V V F motor	Number of levels (including basement): 9

2. Commitments for Residential flat buildings - Building B

(a) Dwellings

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).	✓	✓	
(c) If a rating is specified in the table below for a fixture or appliance to be installed in the dwelling, the applicant must ensure that each such fixture and appliance meets the rating specified for it.		✓	✓
(d) The applicant must install an on demand hot water recirculation system which regulates all hot water use throughout the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below.		✓	✓
(e) The applicant must install: (aa) a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below; and (bb) a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversion tank to all toilets in the dwelling.		✓ ✓	✓ ✓
(e) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✓	✓	
(f) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).		✓	
(g) The pool or spa must be located as specified in the table.	✓	✓	
(h) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✓	✓	✓

Dwelling no.	Fixtures					Appliances		Individual pool				Individual spa		
	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	All dish-washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded
All dwellings	3 star (> 4.5 but <= 6 L/min)	4 star	4 star	4 star	no	-	2.5 star	-	-	-	-	-	-	-

Alternative water source									
Dwelling no.	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection (s)	Laundry connection	Pool top-up	Spa top-up	
B101, B102, B103, B104, B202, B203	central water tank (no. 1)	See central systems	See central systems	yes	no	no	no	no	

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.	✓	✓	✓
(c) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below. Each such ventilation system must have the operation control specified for it in the table.		✓	✓
(d) The applicant must install the cooling and heating system/s specified for the dwelling under the "Living areas" and "Bedroom areas" headings of the "Cooling" and "Heating" columns in the table below, in/for at least 1 living/bedroom area of the dwelling. If no cooling or heating system is specified in the table for "Living areas" or "Bedroom areas", then no systems may be installed in any such areas. If the term "zoned" is specified beside an air conditioning system, then the system must provide for day/night zoning between living areas and bedrooms.		✓	✓
(e) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Artificial lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the "primary type of artificial lighting" for each such room in the dwelling is fluorescent lighting or light emitting diode (LED) lighting. If the term "dedicated" is specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.		✓	✓

(ii) Energy		Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.		✓	✓	✓
(g) This commitment applies if the applicant installs a water heating system for the dwelling's pool or spa. The applicant must:				
(aa) install the system specified for the pool in the "Individual Pool" column of the table below (or alternatively must not install any system for the pool). If specified, the applicant must install a timer, to control the pool's pump; and			✓	
(bb) install the system specified for the spa in the "Individual Spa" column of the table below (or alternatively must not install any system for the spa). If specified, the applicant must install a timer to control the spa's pump.			✓	
(h) The applicant must install in the dwelling:				
(aa) the kitchen cook-top and oven specified for that dwelling in the "Appliances & other efficiency measures" column of the table below;			✓	
(bb) each appliance for which a rating is specified for that dwelling in the "Appliances & other efficiency measures" column of the table, and ensure that the appliance has that minimum rating; and			✓	✓
(cc) any clothes drying line specified for the dwelling in the "Appliances & other efficiency measures" column of the table.			✓	
(i) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is "well ventilated".			✓	

	Hot water	Bathroom ventilation system		Kitchen ventilation system		Laundry ventilation system	
Dwelling no.	Hot water system	Each bathroom	Operation control	Each kitchen	Operation control	Each laundry	Operation control
All dwellings	central hot water system 1	individual fan, ducted to façade or roof	interlocked to light	individual fan, not ducted	manual switch on/off	individual fan, ducted to façade or roof	interlocked to light

Dwelling no.	Cooling		Heating		Artificial lighting						Natural lighting	
	living areas	bedroom areas	living areas	bedroom areas	No. of bedrooms &/or study	No. of living &/or dining rooms	Each kitchen	All bathrooms/toilets	Each laundry	All hallways	No. of bathrooms &/or toilets	Main kitchen
B304, B404, B504, B604, B704	1-phase airconditioning 1 Star (new rating)	1-phase airconditioning 1 Star (new rating)	1-phase airconditioning 1 Star (new rating)	1-phase airconditioning 1 Star (new rating)	2	2	yes	yes	yes	yes	0	yes
All other dwellings	1-phase airconditioning 1 Star (new rating)	1-phase airconditioning 1 Star (new rating)	1-phase airconditioning 1 Star (new rating)	1-phase airconditioning 1 Star (new rating)	2	2	yes	yes	yes	yes	0	no

Dwelling no.	Individual pool		Individual spa		Appliances & other efficiency measures							
	Pool heating system	Timer	Spa heating system	Timer	Kitchen cooktop/oven	Refrigerator	Well ventilated fridge space	Dishwasher	Clothes washer	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or unsheltered clothes drying line
All dwellings	-	-	-	-	gas cooktop & electric oven	-	-	-	-	-	-	-

(iii) Thermal Comfort	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must attach the certificate referred to under "Assessor details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for a final occupation certificate for the proposed development.			
(b) The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
(c) The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX Certificate, including the details shown in the "Thermal Loads" table below.			

(iii) Thermal Comfort		Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.				
(e) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.				
(f) The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.			✓	✓
(g) Where there is an in-slab heating or cooling system, the applicant must:		✓	✓	✓
(aa) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or (bb) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.				
(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.		✓	✓	✓

Thermal loads		
Dwelling no.	Area adjusted heating load (in mJ/m²/yr)	Area adjusted cooling load (in mJ/m²/yr)
B101	34.9	42.5
B102	62.5	13.4
B103	64.9	34.4
B104	62.0	38.2
B201	4.7	19.6
B202	20.0	23.1
B203	62.8	20.2
B204	35.8	24.5
B205	35.5	28.0
B301	4.4	18.2
B302	12.0	20.8

Dwelling no.	Thermal loads	
	Area adjusted heating load (in mJ/m²/yr)	Area adjusted cooling load (in mJ/m²/yr)
B303	23.1	17.1
B304	47.8	24.7
B305	37.4	24.2
B306	36.6	26.8
B401	4.2	18.1
B402	11.7	21.4
B403	15.0	18.3
B404	35.7	26.3
B405	38.1	24.0
B406	37.3	26.1
B501	6.1	14.2
B502	14.4	18.2
B503	18.4	17.9
B504	40.0	20.6
B505	42.0	17.3
B506	41.9	22.5
B601	6.5	13.4
B602	14.7	18.1
B603	18.3	19.6
B604	39.7	21.6
B605	43.2	19.9
B606	42.8	22.7
B701	29.2	19.8
B702	30.6	27.2
B703	29.9	28.5
B704	50.1	29.3
B705	59.5	26.6

Thermal loads		
Dwelling no.	Area adjusted heating load (in mJ/m ² /yr)	Area adjusted cooling load (in mJ/m ² /yr)
All other dwellings	60.9	31.8

(b) Common areas and central systems/facilities

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.		✓	✓
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✓	✓	✓
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✓	✓	
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.		✓	
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.		✓	✓
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.		✓	✓

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	3 star	3 star	no common laundry facility

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.		✓	✓
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.		✓	✓
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✓	✓	✓

Common area ventilation system		Common area lighting			
Common area	Ventilation system type	Ventilation efficiency measure	Primary type of artificial lighting	Lighting efficiency measure	Lighting control system/BMS
Lift car (No. 2)	-	-	compact fluorescent	connected to lift call button	No

Central energy systems	Type	Specification
Lift (No. 2)	gearless traction with V V V F motor	Number of levels (including basement): 8

5. Commitments for common areas and central systems/facilities for the development (non-building specific)

(b) Common areas and central systems/facilities

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.		✓	✓
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✓	✓	✓
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✓	✓	
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.		✓	
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.		✓	✓
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.		✓	✓

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	3 star	3 star	no common laundry facility

Central systems	Size	Configuration	Connection (to allow for...)
Central water tank - rainwater or stormwater (No. 1)	10000.0	To collect run-off from at least: - 500.0 square metres of roof area of buildings in the development - 0.0 square metres of impervious area in the development - 0.0 square metres of garden/lawn area in the development - 0.0 square metres of planter box area in the development (excluding, in each case, any area which drains to, or supplies, any other alternative water supply system).	- irrigation of 1522.0 square metres of common landscaped area on the site
Fire sprinkler system (No. 1)	-	-	-

(ii) Energy			Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.				✓	✓
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.				✓	✓
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.			✓	✓	✓

Common area	Common area ventilation system		Common area lighting		
	Ventilation system type	Ventilation efficiency measure	Primary type of artificial lighting	Lighting efficiency measure	Lighting control system/BMS
Car park area, Basement 2	ventilation (supply + exhaust)	carbon monoxide monitor + VSD fan	fluorescent	zoned switching with motion sensor	No
Car park area, Basement 1	ventilation (supply + exhaust)	carbon monoxide monitor + VSD fan	fluorescent	zoned switching with motion sensor	No
Car park area, Lower Ground	ventilation (supply + exhaust)	carbon monoxide monitor + VSD fan	fluorescent	zoned switching with motion sensor	No
Car park area, Basement 3	ventilation (supply + exhaust)	carbon monoxide monitor + VSD fan	fluorescent	zoned switching with motion sensor	No
Switch rooms	ventilation supply only	none ie. continuous	fluorescent	manual on / manual off	No
Garbage rooms	ventilation exhaust only	-	fluorescent	motion sensors	No
Community room	no mechanical ventilation	-	compact fluorescent	manual on / manual off	No
Plant or service rooms	ventilation exhaust only	none ie. continuous	fluorescent	manual on / manual off	No
Other internal, storage	no mechanical ventilation	-	compact fluorescent	manual on / manual off	No
Ground floor lobby types	no mechanical ventilation	-	compact fluorescent	motion sensors	No
Hallway/lobby types	no mechanical ventilation	-	compact fluorescent	motion sensors	No

Central energy systems	Type	Specification
Central hot water system (No. 1)	gas-fired storage (manifolded)	Piping insulation (ringmain & supply risers): (a) Piping external to building: R0.6 (~25 mm); (b) Piping internal to building: R0.6 (~25 mm)

Notes

1. In these commitments, "applicant" means the person carrying out the development.
2. The applicant must identify each dwelling, building and common area listed in this certificate, on the plans accompanying any development application, and on the plans and specifications accompanying the application for a construction certificate / complying development certificate, for the proposed development, using the same identifying letter or reference as is given to that dwelling, building or common area in this certificate.
3. This note applies if the proposed development involves the erection of a building for both residential and non-residential purposes (or the change of use of a building for both residential and non-residential purposes). Commitments in this certificate which are specified to apply to a "common area" of a building or the development, apply only to that part of the building or development to be used for residential purposes.
4. If this certificate lists a central system as a commitment for a dwelling or building, and that system will also service any other dwelling or building within the development, then that system need only be installed once (even if it is separately listed as a commitment for that other dwelling or building).
5. If a star or other rating is specified in a commitment, this is a minimum rating.
6. All alternative water systems to be installed under these commitments (if any), must be installed in accordance with the requirements of all applicable regulatory authorities. NOTE: NSW Health does not recommend that stormwater, recycled water or private dam water be used to irrigate edible plants which are consumed raw, or that rainwater be used for human consumption in areas with potable water supply.

Legend

1. Commitments identified with a "✔" in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
2. Commitments identified with a "✔" in the "Show on CC/CDC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
3. Commitments identified with a "✔" in the "Certifier check" column must be certified by a certifying authority as having been fulfilled. (Note: a certifying authority must not issue an occupation certificate (either interim or final) for a building listed in this certificate, or for any part of such a building, unless it is satisfied that each of the commitments whose fulfilment it is required to monitor in relation to the building or part, has been fulfilled).

NatHERS Thermal Performance Specifications (BASIX Thermal Comfort)					
278 Bunnerong Road, Hillsdale					
These are the Specifications upon which the NatHERS Assessment is based. If details included in these Specifications vary from other drawings or written specifications, these Specifications shall take precedence. If only one specification option is detailed for a building element, that specification must apply to all instances of that element for the project.					
Windows	Glass	Frame	U value	SHGC	Detail
Default	Single glazed, clear	Aluminium	6.70	0.57	Generally for window types: Awning, bi-fold, casement, tilt 'n' turn
Default	Single glazed, clear	Aluminium	6.70	0.70	Generally for window types: Sliding window/ door, double hung, fixed, louvre
Default	Single glazed, low E (low solar gain)	Aluminium	5.60	0.41	To unit: A705 – all living room glazing A801 – living room west glazing; A804 – living room south glazing
Default	Single glazed, low E (high solar gain)	Aluminium	5.40	0.58	To units: A706 – all glazing
Skylights	Glass	Frame	U value	SHGC	Detail
Default	Single glazed, clear	Aluminium	7.30	0.79	As shown on drawings
External walls	Construction	Added Insulation	Detail		
	Brick and Hebel veneer as per drawings	R2.0	All external walls		
	Framed with steel cladding	R2.0	Mansard roof		
Internal walls	Construction	Added Insulation	Detail		
	Plasterboard on studs	None	Within units		
	Hebel	None	Party/ common walls generally		
	Hebel	R2.0	To units: A201, A304, A305, A309, A701, A706, A801, A804, B103, B104, B203 – internal walls adjoining basement carpark, common lobbies, stairwells, bin rooms To unit: B102 – walls adjoining toilets and plant room		
Floors	Construction	Added Insulation	Covering	Detail	
	Concrete	None	Timber: living; carpet: bedrooms	Tiles for wet areas	
	Concrete	R1.0	Timber: living; carpet: bedrooms	To units: A201, A304, A306, A308, B203	
Ceilings	Construction	Added Insulation	Detail		
	Plasterboard	(see roof detail below)			
Roof	Construction	Added Insulation	Detail		
	Concrete	R1.0	To unit: A703, A704, A707, B203		
	Concrete	R2.5	To units: A603, A604, A605, A606, A607, A608, A705, A706, A801, A802, A803, A804, B701, B702, B703, B704, B705, B706		
Other Requirements					
All exhaust fans and downlights (if installed) to be sealed to prevent air-infiltration					



Certificate no.: 0002250020
 Assessor Name: Robert Mallindine
 Accreditation no.: VIC/BDV/12/1475
 Certificate date: 04 December 2017
 Dwelling Address:
 278 Bunnerong Road
 Hillsdale, NSW
 2036
www.nathers.gov.au



Nationwide House Energy Rating Scheme* — Class 2 summary

Certificate number: 0002250020

Certificate Date:

04 Dec 2017

★ Average Star rating: 5.5



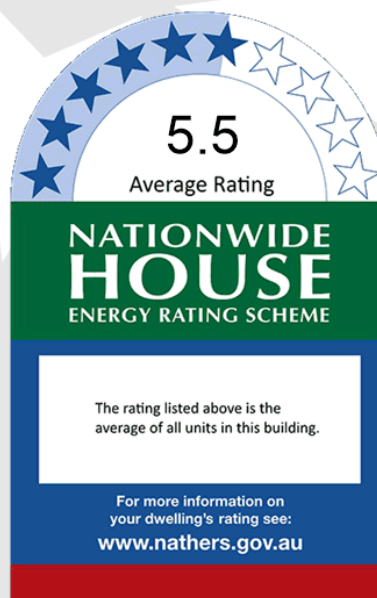
Assessor details

Accreditation number: **VIC/BDAV/12/1475**
 Name: **Robert Mallindine**
 Organisation: **AGA Consultants Pty Ltd**
 Email: **ag@agac.cc**
 Phone: **02 9977 2794**
 Declaration of interest: **No potential conflicts of interest to declare**
 Software: **AccuRate Sustainability V2.3.3.13 SP3**
 AAO: **BDAV**

Dwelling details

Street: **278 Bunnerong Road**
 Suburb: **Hillsdale**
 State: **NSW**
 Postcode: **2036**

Scan to access this certificate online and confirm this is valid.



Summary of all dwellings

Certificate Details

Certificate number	Unit number	Heating load	Cooling load	Total load	Star Rating
0001460047	A201	56.0	13.0	69.0	4.8
0001035633-01	A301	26.0	30.0	56.0	5.6
0001035617	A302	19.0	22.0	41.0	6.8
0001035625	A303	37.0	35.0	72.0	4.7
0001035609-01	A304	42.0	29.0	71.0	4.7
0001035658	A305	64.0	24.0	88.0	3.9
0001035708-01	A306	41.0	32.0	73.0	4.6
0001035674	A307	55.0	23.0	78.0	4.4
0001035724-01	A308	36.0	44.0	80.0	4.3
0001035682	A309	64.0	24.0	88.0	4
0001035716-01	A310	37.0	28.0	66.0	5
0001035732	A401	21.0	33.0	54.0	5.8
0001035765	A402	5.0	25.0	30.0	7.6
0001035740	A403	13.0	31.0	44.0	6.6
0001035757	A404	19.0	29.0	48.0	6.3

* Nationwide House Energy Rating Scheme (NatHERS) is an initiative of the Australian, state and territory governments. For more details see www.nathers.gov.au

Nationwide House Energy Rating Scheme* - Class 2 summaryCertificate number: **0002250020**

Certificate Date:

04 Dec 2017Average Star rating: **5.5****Summary of all dwellings continued****Certificate Details**

Certificate number	Unit number	Heating load	Cooling load	Total load	Star Rating
0001035807	A405	29.0	21.0	50.0	6.1
0001035799-01	A406	27.0	28.0	55.0	5.7
0001035781	A407	11.0	29.0	41.0	6.9
0001035823-01	A408	24.0	46.0	69.0	4.8
0001035849-01	A409	48.0	29.0	77.0	4.4
0001035815-01	A410	44.0	18.0	62.0	5.2
0001035831	A501	22.0	35.0	57.0	5.6
0001035864	A502	5.0	25.0	30.0	7.7
0001035872	A503	14.0	29.0	43.0	6.6
0001035856	A504	20.0	28.0	47.0	6.3
0001035880	A505	30.0	20.0	50.0	6.1
0001035906-01	A506	29.0	25.0	54.0	5.8
0001035922	A507	12.0	29.0	41.0	6.8
0001035898-01	A508	25.0	43.0	68.0	4.9
0001035914-01	A509	41.0	29.0	71.0	4.7
0001035948-01	A510	40.0	18.0	57.0	5.5
0001035930	A601	22.0	38.0	60.0	5.4
0001035955-01	A602	11.0	29.0	40.0	6.9
0001035963-01	A603	21.0	35.0	56.0	5.6
0001035989-01	A604	21.0	35.0	56.0	5.6
0001035971-01	A605	20.0	26.0	46.0	6.4
0002249753	A606	42.0	33.0	75.0	4.5
0002249779	A607	38.0	41.0	79.0	4.3
0002249787	A608	44.0	27.0	71.0	4.7
0001036029-01	A609	42.0	19.0	61.0	5.3
0002249761	A701	52.0	24.0	76.0	4.4
0001036060-01	A702	55.0	25.0	80.0	4.3
0001036045-02	A703	30.0	40.0	70.0	4.8
0001460054	A704	54.0	27.0	81.0	4.3
0001460062-01	A705	44.0	59.0	103.0	3.5
0002249795	A706	61.0	34.0	95.0	3.8
0002249811	A707	51.0	35.0	86.0	4.1
0002249803	A801	65.0	27.0	92.0	3.9
0001036078-01	A802	58.0	24.0	82.0	4.2
0001036102-01	A803	41.0	28.0	69.0	4.8
0002249829	A804	63.0	45.0	108.0	3.4
0001036128	B101	35.0	42.0	77.0	4.4
0001036094	B102	63.0	13.0	76.0	4.4
0001036136	B103	65.0	34.0	99.0	3.6
0001036144	B104	62.0	38.0	100.0	3.6
0001036151	B201	5.0	20.0	24.0	8.1
0001036177	B202	20.0	23.0	43.0	6.7
0001036193	B203	63.0	20.0	83.0	4.2

* Nationwide House Energy Rating Scheme (NatHERS) is an initiative of the Australian, state and territory governments. For more details see www.nathers.gov.au

Nationwide House Energy Rating Scheme* - Class 2 summaryCertificate number: **0002250020**

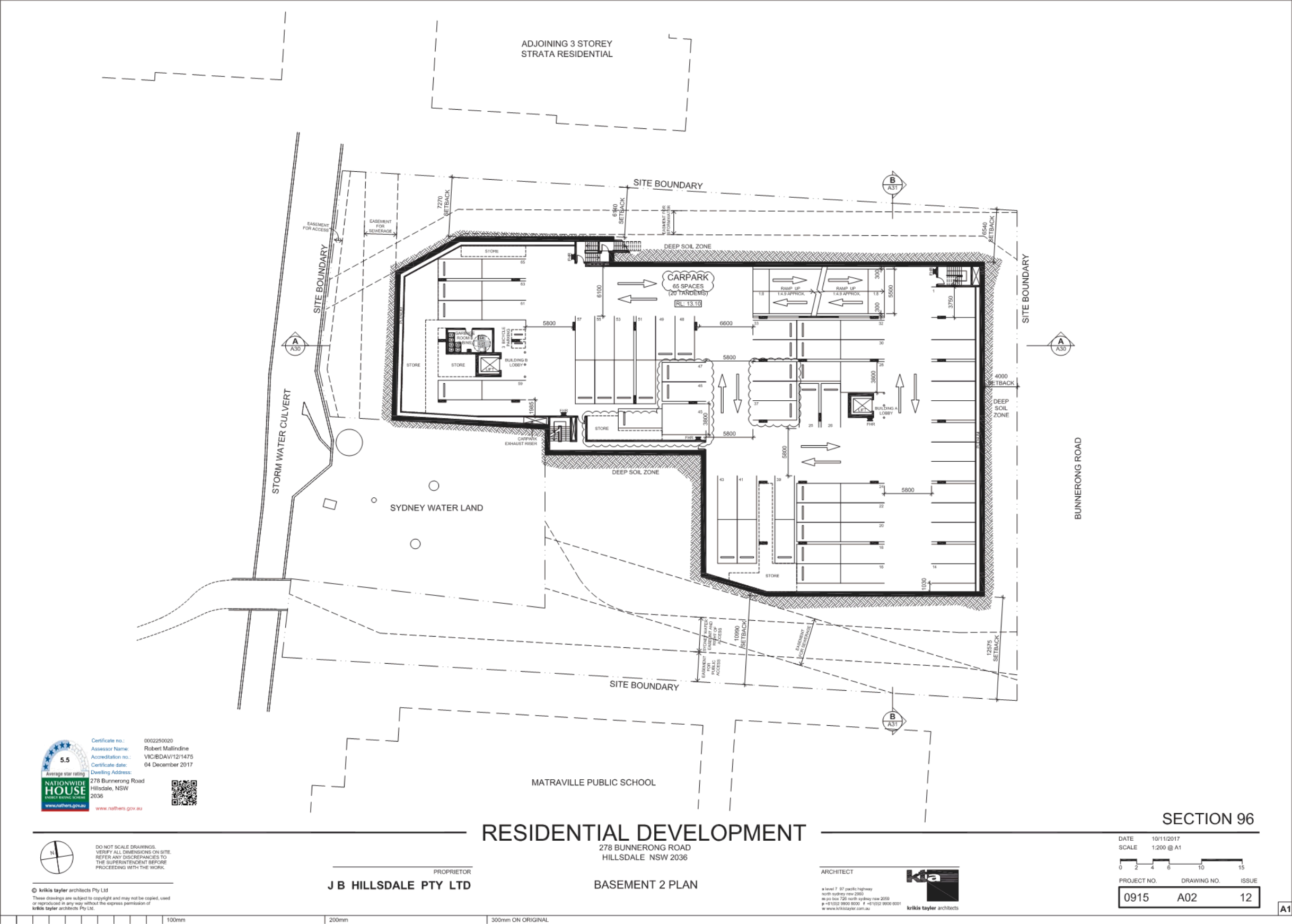
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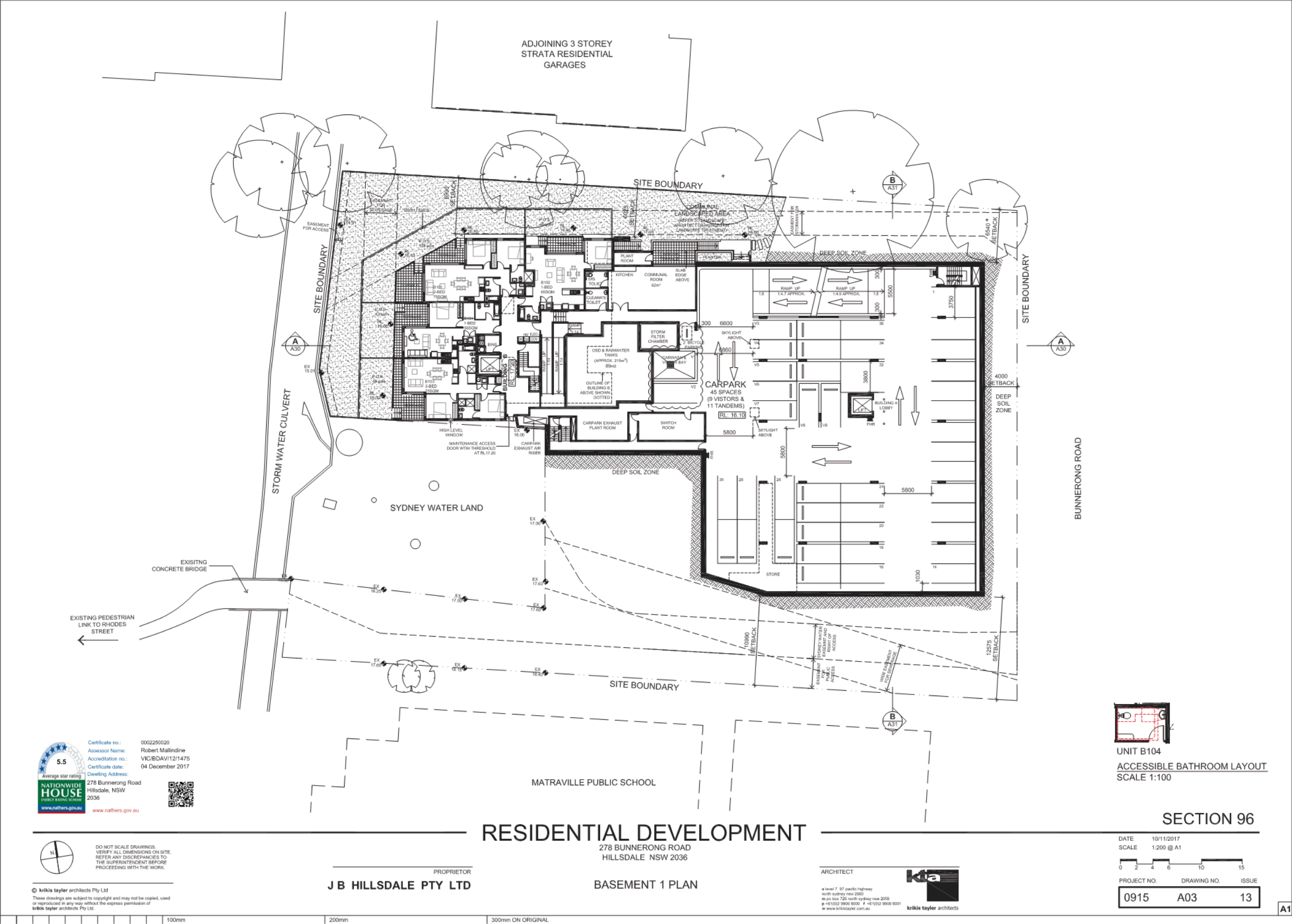
04 Dec 2017Average Star rating: **5.5****Summary of all dwellings continued****Certificate Details**

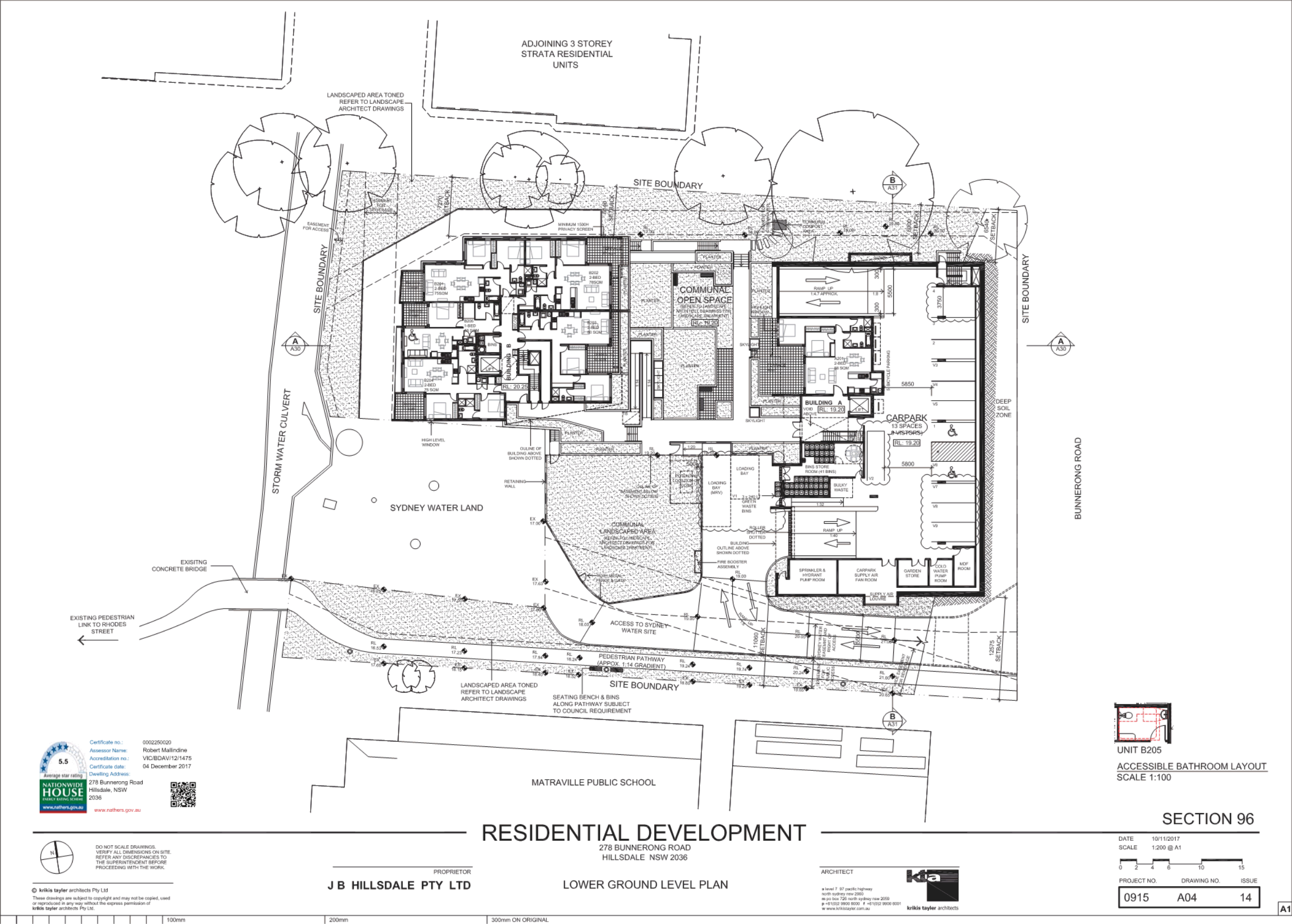
Certificate number	Unit number	Heating load	Cooling load	Total load	Star Rating
0001036169	B204	36.0	25.0	60.0	5.4
0001036185	B205	36.0	28.0	63.0	5.2
0001036219	B301	4.0	18.0	23.0	8.3
0001036201	B302	12.0	21.0	33.0	7.4
0001036227	B303	23.0	17.0	40.0	6.9
0001036250	B304	48.0	25.0	72.0	4.6
0001036235	B305	37.0	24.0	62.0	5.3
0001036243	B306	37.0	27.0	63.0	5.2
0001036268	B401	4.0	18.0	22.0	8.3
0001036276	B402	12.0	21.0	33.0	7.4
0001036284	B403	15.0	18.0	33.0	7.4
0001036292	B404	36.0	26.0	62.0	5.2
0001036300	B405	38.0	24.0	62.0	5.2
0001036318	B406	37.0	26.0	63.0	5.2
0001036342	B501	6.0	14.0	20.0	8.4
0001036326	B502	14.0	18.0	33.0	7.4
0001036367	B503	18.0	18.0	36.0	7.2
0001036375	B504	40.0	21.0	61.0	5.3
0001036359	B505	42.0	17.0	59.0	5.4
0001036383	B506	42.0	23.0	64.0	5.1
0001036409	B601	7.0	13.0	20.0	8.5
0001036417	B602	15.0	18.0	33.0	7.4
0001036391	B603	18.0	20.0	38.0	7.1
0001036425	B604	40.0	22.0	61.0	5.3
0001036441	B605	43.0	20.0	63.0	5.2
0001036433	B606	43.0	23.0	66.0	5
0001036458	B701	29.0	20.0	49.0	6.2
0001036474	B702	31.0	27.0	58.0	5.5
0001036490	B703	30.0	29.0	58.0	5.4
0001036466-01	B704	48.0	35.0	83.0	4.2
0001036516-01	B705	58.0	31.0	89.0	3.9
0001036508	B706	61.0	32.0	93.0	3.9

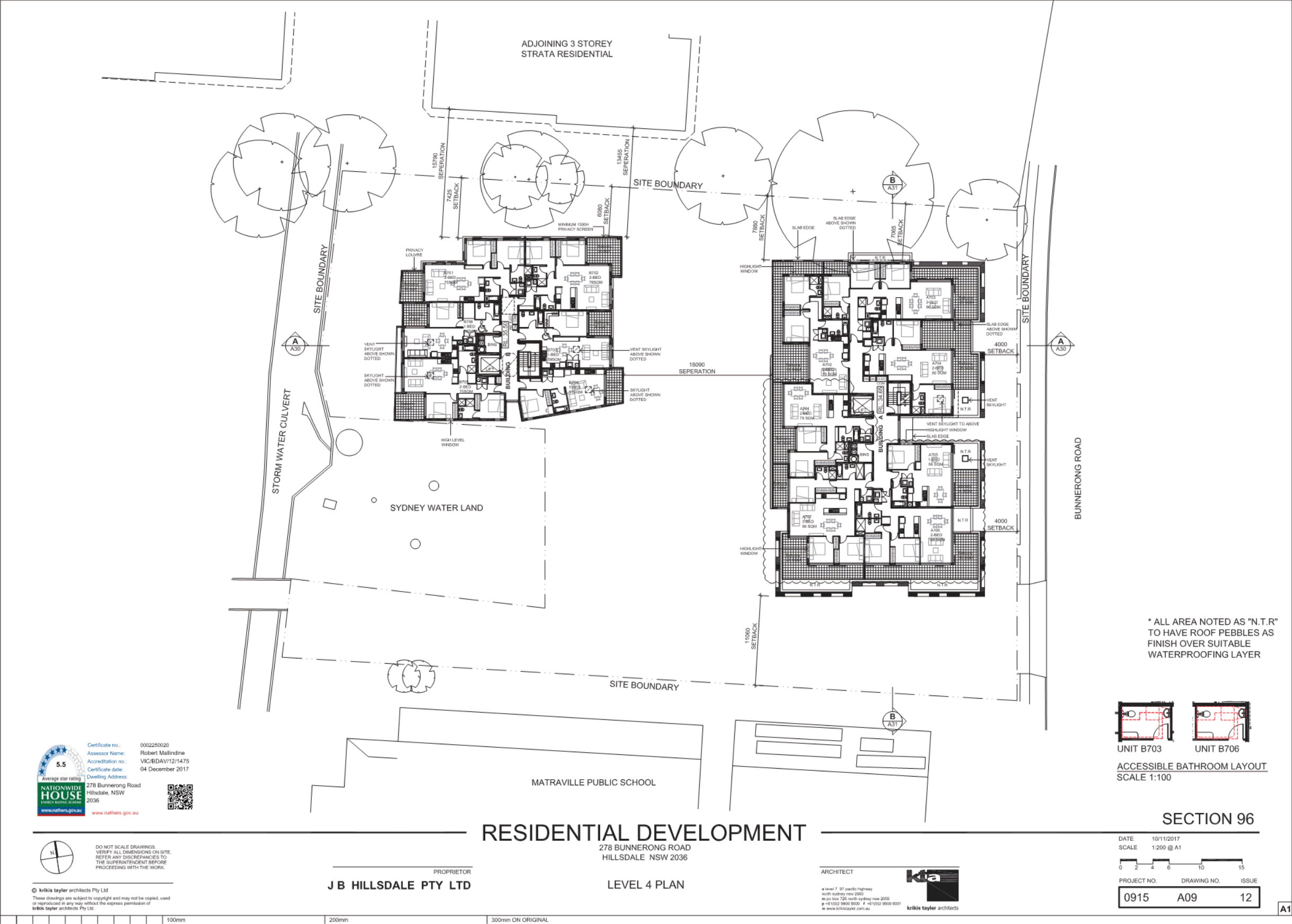
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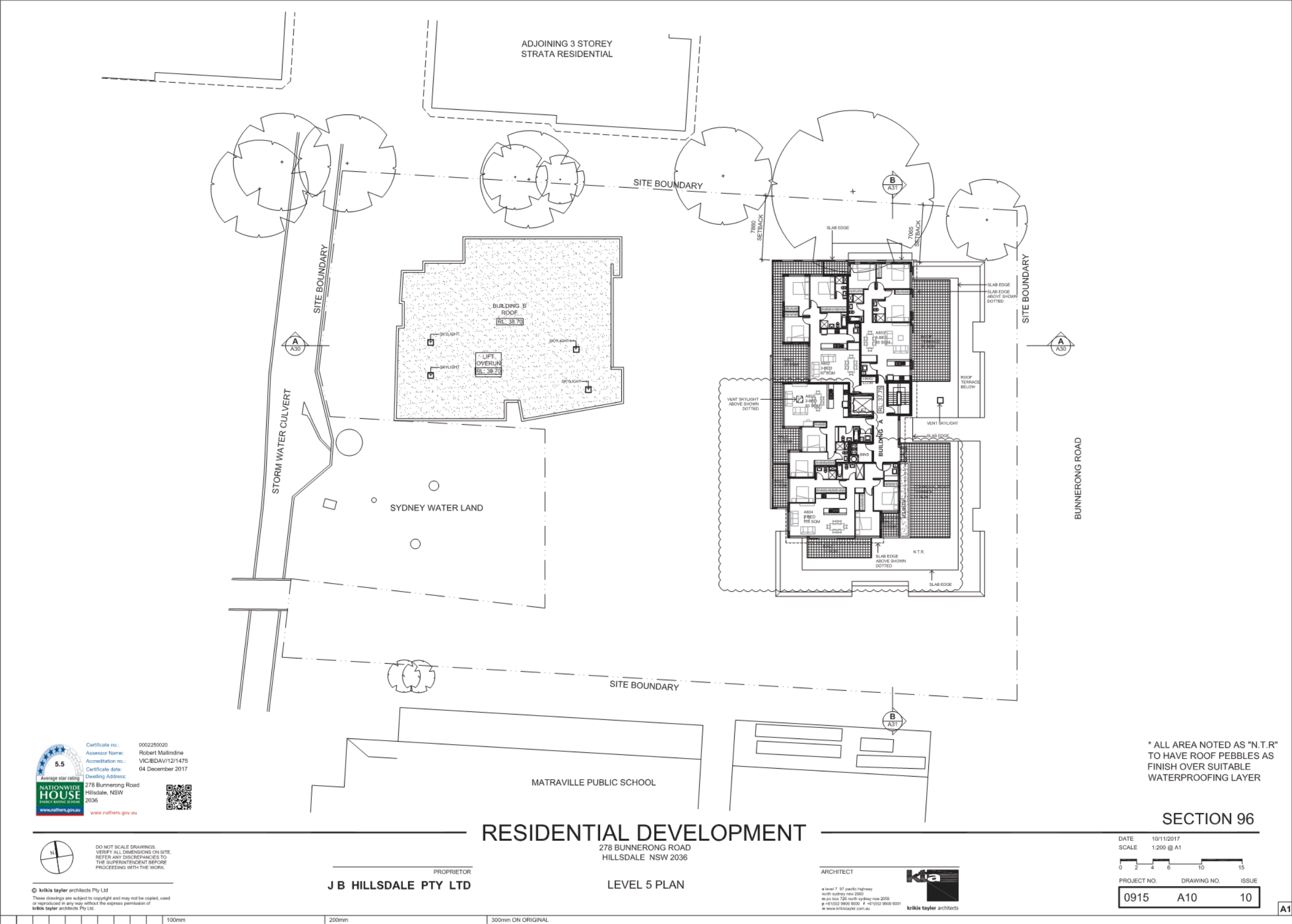


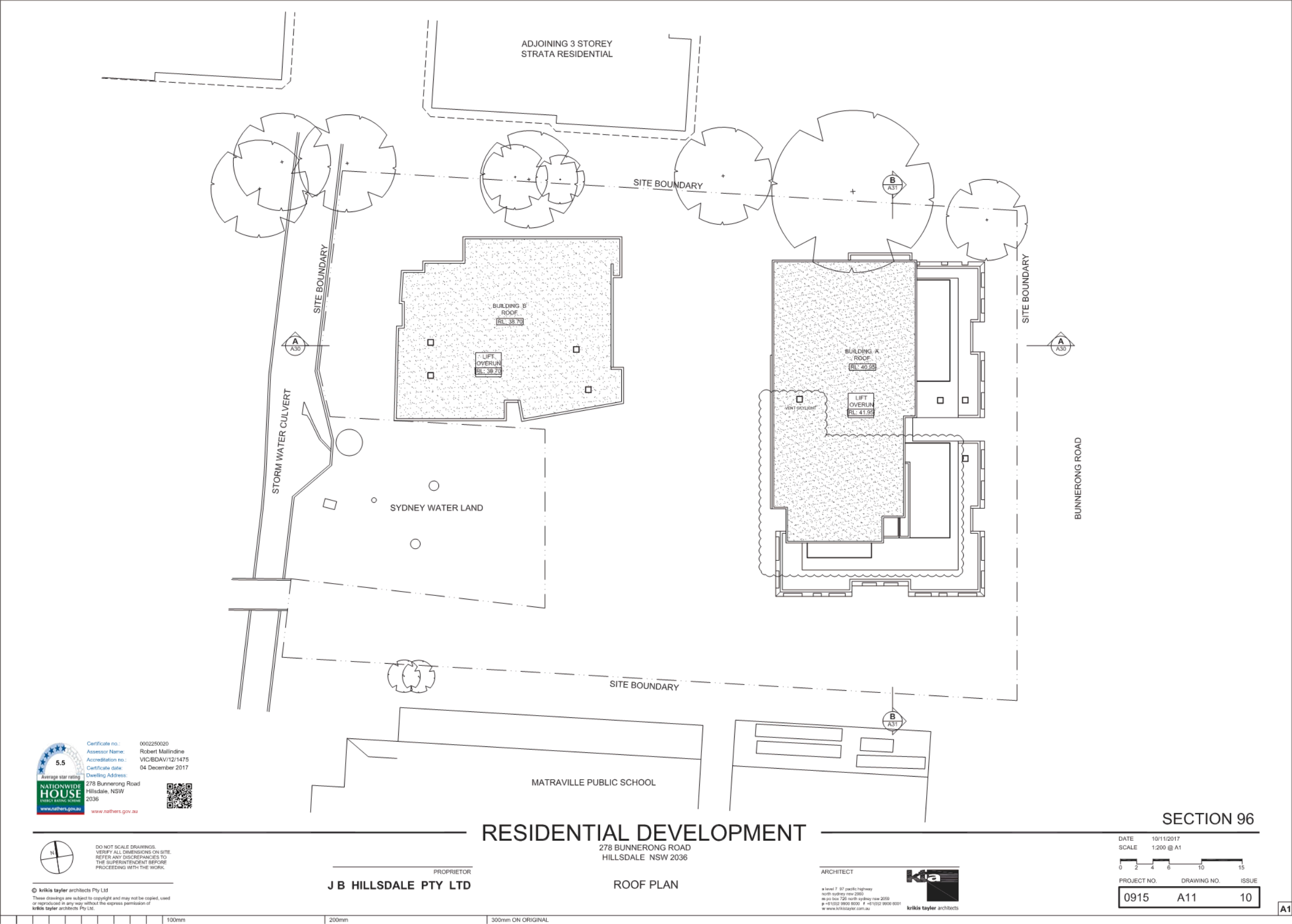






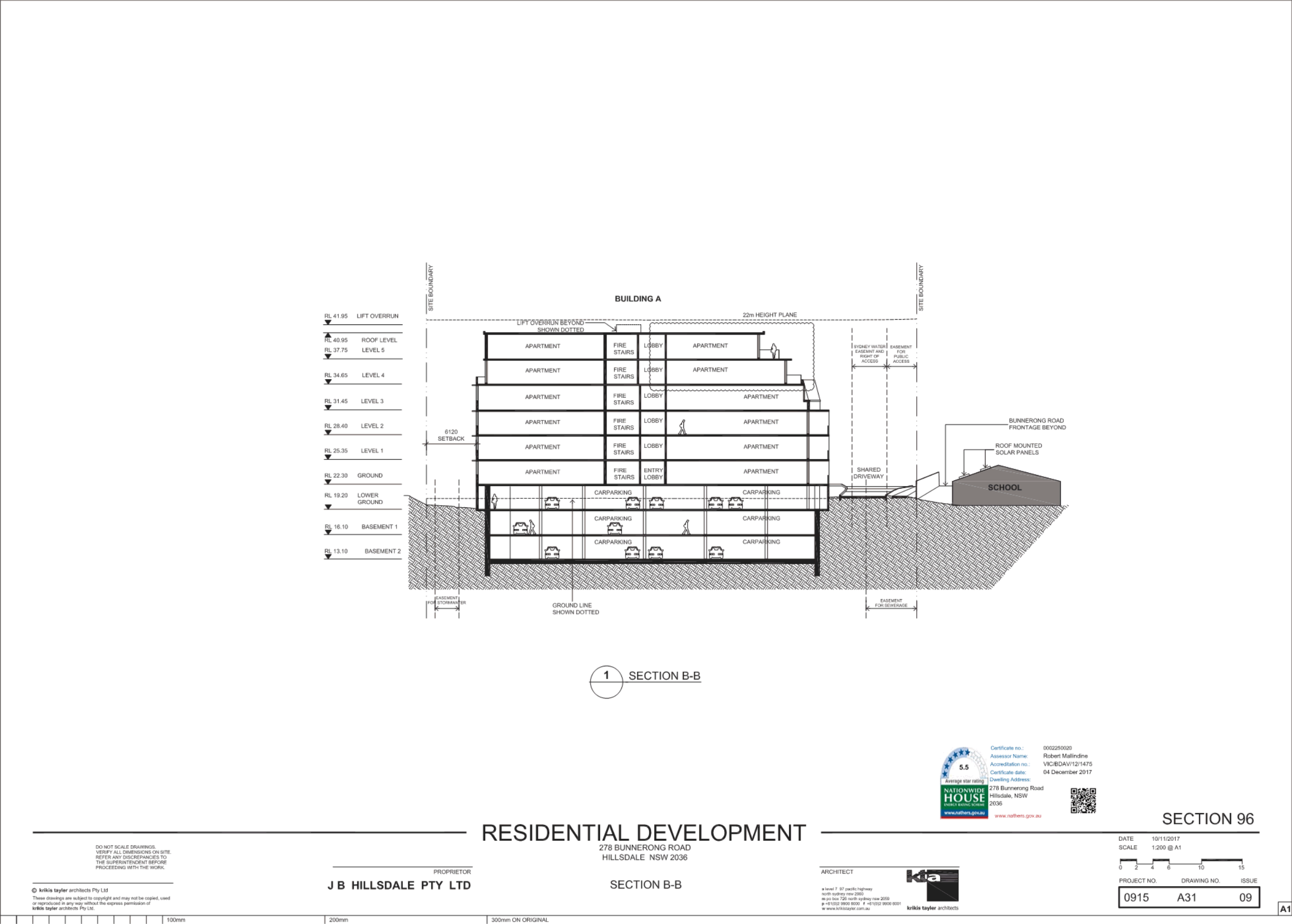












**Bayside Planning
Panel**

24/07/2018

Item No	6.7
Application Type	Development Application
Application No	DA-2015/322/A
Lodgement Date	18/05/2017
Property	DA-2015/322/A - 433-439 Princes Highway, Rockdale
Ward	Rockdale
Owner	Knightsbridge Development Group Pty Ltd
Applicant	Mr S Najm
Proposal	Modifications to convert two (2) approved commercial tenancies fronting the Princes Highway into three (3) tenancies, minor modifications to building design to accommodate substation, reconfiguration to car parking and service areas and redesign north-east corner of building.
No. of Submissions	One (1)
Cost of Development	N/A
Report by	Fiona Prodromou, Senior Assessment Planner

Officer Recommendation

- A. That Application No DA-2015/322/A being a Section 4.55(1A) application to amend Development Consent Number DA-2015/322, for modifications to convert two (2) approved commercial tenancies fronting the Princes Highway into three (3) tenancies, minor modifications to building design to accommodate substation, reconfiguration to car parking and service areas and redesign north-east corner of building at 433-439 Princes Highway Rockdale is APPROVED with the consent amended in the following manner:

By amending conditions as follows:

2. *The development must be implemented substantially in accordance with the plans listed below, the application form and on any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.*

<i>Plan / Dwg No.</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
<i>Basement 1 Issue A</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>10/05/2017</i>	<i>18/05/2017</i>
<i>Basement 2 Issue A</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>10/05/2017</i>	<i>18/05/2017</i>
<i>Basement 3 Issue A</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>10/05/2017</i>	<i>18/08/201</i>

<i>Ground Floor Plan Issue B</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>05/06/2018</i>	<i>05/06/2018</i>
<i>South East Elevation (Princes Highway) Issue B</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>04/06/2018</i>	<i>03/07/2018</i>
<i>Section through Driveway Issue A</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>06/06/2017</i>	<i>18/05/2017</i>
<i>North East Elevation Issue A</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>10/05/2017</i>	<i>18/05/2017</i>
<i>North West Elevation Issue A</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>10/05/2017</i>	<i>18/05/2017</i>
<i>First Floor Plan Issue B</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>06/06/2017</i>	<i>18/05/2017</i>
<i>Site Plan Issue A</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>10/05/2017</i>	<i>18/05/2017</i>
Materials and Finishes A-0000	Architecture and Building Works Pty Ltd	January 2016	18/01/2016
Second Floor Plan A-1040 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
Third Floor Plan A-1050 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
Fourth Floor Plan A-1060 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
Fifth Floor Plan A-1070 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
Sixth Floor Plan A-1080 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
Seventh Floor Plan A-1090 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
Eighth Floor Plan A-1100 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
Ninth Floor Plan A-1110 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
Tenth Floor Plan A-1120 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
Eleventh Floor Plan A-1130 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
Roof Plan A-1140 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016

South West Elevation A-1230 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
Section AA A1250 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
Section BB A-1256 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
Section BB A-1256 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
Adaptability Details A-1400 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016

[Amendment A - 4.55(1A) amended on 24/07/2018]

5. *The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 597450M_06 other than superseded by any further amended consent and BASIX certificate.*
Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -
•(a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.
Note: Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."
Note: For further information please see <http://www.basix.nsw.gov.au>.

[Amendment A - 4.55(1A) amended on 24/07/2018]

62. *Prior to the issue of the Construction Certificate, amended Landscape Plans prepared by a suitably qualified Landscape Architect, shall be submitted to, and approved by the Director of City Futures of Bayside Council. The amended plans shall:*
- i) Be consistent with approved architectural plans and conditions of this consent.*
 - ii) Incorporate a natural / artificial turf or rubber softfall area, adjoining the proposed sundeck, children's play area and western wall of the lobby.*
 - iii) Provide detail and specifications of children's play equipment.*
 - iv) Provide details of the colours, finishes and materials of planters and edging (including those within the through site link), seating, kitchen, bbq facilities and shade structures.*
 - v) Provide details of the kerb within the through site link*
 - vi) Provide different finishes and materials to the loading / unloading area on site, to differentiate it from the through site link*

- vii) *High quality, durable and low maintenance planting and finishes are to be provided on site.*

[Amendment A - 4.55(1A) amended on 24/07/2018]

- B. That the objector be notified of the Panel's determination.

Location Plan



Attachments

- 1 Planning Assessment Report
- 2 Site Plan
- 3 Revised Ground Floor Plan
- 4 Basement L1 Plan
- 5 SE Elevation
- 6 NW Elevation
- 7 NE Elevation
- 8 L1 Landscape Plan
- 9 Revised Driveway Section
- 10 6.4m SRV Swept Path
- 11 9.64m Council Garbage Truck Swept Path [↓↓↓↓↓↓↓↓↓↓↓↓](#)

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2015/322/A
Date of Receipt:	18 May 2017
Property:	433 Princes Highway, ROCKDALE 439 Princes Highway, ROCKDALE 435 - 437 Princes Highway, ROCKDALE 433 - 439 Princes Highway, ROCKDALE (Lot 100 DP 1231862)
Owner:	Knightsbridge Development Group Pty Ltd
Applicant:	Mr Samuel Najm
Proposal:	Modification Application to convert two (2) approved commercial tenancies fronting the Princes Highway into three (3) tenancies, minor modifications to building design to accommodate substation, reconfiguration to carparking and service areas and redesign north-east corner of building
Recommendation:	Approved
No. of submissions:	One (1)
Author:	Fiona Prodromou
Date of Report:	17 July 2018

Key Issues

Minor changes to the design of the north eastern corner of the building fronting the Princes Highway are proposed, in order to ensure sufficient head height and turning areas for small rigid vehicles entering the site.

Recommendation

A. That Application No DA-2015/322/A being a Section 4.55(1A) application to amend Development Consent Number DA-2015/322, for modifications to convert two (2) approved commercial tenancies fronting the Princes Highway into three (3) tenancies, minor modifications to building design to accommodate substation, reconfiguration to carparking and service areas and redesign north-east corner of building at 433-439 Princes Highway Rockdale is APPROVED with the consent amended in the following manner:

By amending conditions as follows:

2. The development must be implemented substantially in accordance with the plans listed below, the application form and on any supporting information received with the application, except as may

be amended in red on the attached plans and by the following conditions.

<i>Plan / Dwg No.</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
<i>Basement 1 Issue A</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>10/05/2017</i>	<i>18/05/2017</i>
<i>Basement 2 Issue A</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>10/05/2017</i>	<i>18/05/2017</i>
<i>Basement 3 Issue A</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>10/05/2017</i>	<i>18/08/201</i>
<i>Ground Floor Plan Issue B</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>05/06/2018</i>	<i>05/06/2018</i>
<i>South East Elevation (Princes Highway) Issue B</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>04/06/2018</i>	<i>03/07/2018</i>
<i>Section through Driveway Issue A</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>06/06/2017</i>	<i>18/05/2017</i>
<i>North East Elevation Issue A</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>10/05/2017</i>	<i>18/05/2017</i>
<i>North West Elevation Issue A</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>10/05/2017</i>	<i>18/05/2017</i>
<i>First Floor Plan Issue B</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>06/06/2017</i>	<i>18/05/2017</i>
<i>Site Plan Issue A</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>10/05/2017</i>	<i>18/05/2017</i>
<i>Materials and Finishes A-0000</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>January 2016</i>	<i>18/01/2016</i>
<i>Second Floor Plan A-1040 Issue D</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>18/01/2016</i>	<i>18/01/2016</i>
<i>Third Floor Plan A-1050 Issue D</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>18/01/2016</i>	<i>18/01/2016</i>
<i>Fourth Floor Plan A-1060 Issue D</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>18/01/2016</i>	<i>18/01/2016</i>
<i>Fifth Floor Plan A-1070 Issue D</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>18/01/2016</i>	<i>18/01/2016</i>
<i>Sixth Floor Plan A-1080 Issue D</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>18/01/2016</i>	<i>18/01/2016</i>
<i>Seventh Floor Plan A-1090 Issue D</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>18/01/2016</i>	<i>18/01/2016</i>
<i>Eighth Floor Plan A-1100 Issue D</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>18/01/2016</i>	<i>18/01/2016</i>
<i>Ninth Floor Plan A-1110 Issue D</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>18/01/2016</i>	<i>18/01/2016</i>
<i>Tenth Floor Plan A-1120 Issue D</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>18/01/2016</i>	<i>18/01/2016</i>

<i>Plan / Dwg No.</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
Eleventh Floor Plan A-1130 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
Roof Plan A-1140 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
South West Elevation A-1230 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
Section AA A1250 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
Section BB A-1256 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
Section BB A-1256 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
Adaptability Details A-1400 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016

[Amendment A - 4.55(1A) amended on 24/07/2018]

5. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 597450M_06 other than superseded by any further amended consent and BASIX certificate.

Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -

•(a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.

Note: Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."

Note: For further information please see <http://www.basix.nsw.gov.au>.

[Amendment A - 4.55(1A) amended on 24/07/2018]

62. Prior to the issue of the Construction Certificate, amended Landscape Plans prepared by a suitably qualified Landscape Architect, shall be submitted to, and approved by the Director of City Futures of Bayside Council. The amended plans shall;

- i) Be consistent with approved architectural plans and conditions of this consent.*
- ii) Incorporate a natural / artificial turf or rubber softfall area, adjoining the proposed sundeck, children's play area and western wall of the lobby.*
- iii) Provide detail and specifications of children's play equipment.*
- iv) Provide details of the colours, finishes and materials of planters and edging (including those within the through site link), seating, kitchen, bbq facilities and shade structures.*
- v) Provide details of the kerb within the through site link*
- vi) Provide different finishes and materials to the loading / unloading area on site, to differentiate it*

from the through site link

vii) High quality, durable and low maintenance planting and finishes are to be provided on site.

[Amendment A - 4.55(1A) amended on 24/07/2018]

B. That the objector be notified of the Panel's determination.

Background

History

11 February 2016 - DA-2015/322 - Approved by Regional Panel

Construction of a twelve (12) storey mixed use development, including 86 units, 3 commercial units, basement parking, rooftop terrace and demolition of existing structures.

18 May 2017 - DA-2015/322/A - Submitted to Council

Modification Application to convert two (2) approved commercial tenancies fronting the Princes Highway into three (3) tenancies, minor modification to building design to accommodate substation, carparking and service areas and redesign north-east corner of building

Proposal

The proposal as modified seeks to undertake the following changes to the originally approved development;

- a) Subdivision of two (2) approved commercial tenancies fronting the Princes Highway into three (3) commercial tenancies.
- b) Minor modification to western building design at ground level, to accommodate substation, including addition of lighting on a timer.
- c) Reconfiguration to car parking and service areas (i.e. bulk waste store, garbage areas) at ground and basement levels. Shifting of one (1) commercial car space to basement level 1.
- d) Redesign of north-eastern corner of building at ground and level 1, in order to accommodate head height and sufficient turning area for SRV vehicles into the site. As a result unit B1.03 is reconfigured and the awning along the Princes Highway at this corner is at a higher level.
- e) Addition of boosters and ventilation duct to Princes Highway façade.
- f) Relocate sprinkler / hydrant room to basement, reconfigure fire exit stairs.
- g) Deletion of second dot point in condition 62 which required a turfed area adjoining the children's play area at rooftop level. Tiles are proposed.
- h) Addition of pergolas and shade structures within communal open space area at rooftop.

Site location and context

The subject site is an irregular L shaped site, with a frontage of 44.6m to the Princes Highway and a total site area of 1550.5sq/m. The site is located on a state road (Princes Highway) with existing vehicular access off Geeves Lane to the rear of the property via Sydney Trains land to the rear of the site. The subject site is zoned B2 - Local Centre and is currently occupied by three x two storey buildings. Partial demolition has commenced on site at the time of writing this report.



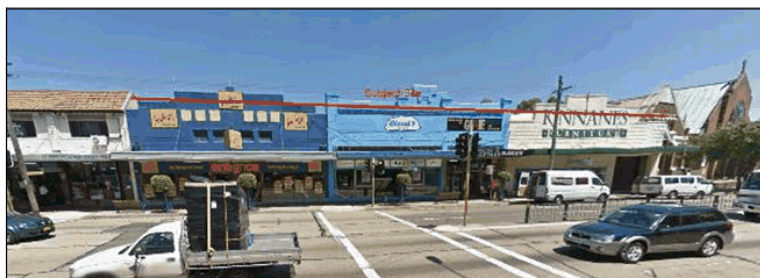
Aerial Context

The site is affected by the 15.24 Civil Aviation building Height restriction, 51 obstacle limitation surface & 25-30 ANEF Contours and comprises Class 5 Acid Sulfate Soils. The site also lies opposite a local heritage item, being the Rockdale Town Hall at the junction of Bryant Street & the Princes Highway. (448 Princes Highway Rockdale).



Rockdale Town Hall opposite (Heritage Item RLEP 2011)

To the north of the site lies a single storey church property comprising a number of single storey buildings. To the east is the Princes Highway with Rockdale Town Hall directly opposite and a number of two storey older style commercial buildings to the south west on the opposite side of the Princes Highway. To the west adjoining the rear boundary lies a commuter car park upon Sydney Trains land & further to the west is the Railway Line which is also a heritage item. To the south of the site lie a range of single and two storey commercial properties.



Princes Highway frontage of site



Rear of site looking north

There is no vegetation upon the subject site as existing buildings are built to all boundaries. A mature tree is located within the rear of 431A Princes Highway to the north yet this is some distance from the proposed development. Five (5) street trees are located upon the footpath at the Princes Highway frontage of the site.

Geeves Lane to the rear of the site is one way south bound and access to the rear of the site is currently via a commuter car park privately owned by Sydney Trains. The subject site does not benefit from any legal right of way or easement over Sydney Trains land.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

S4.46 - Development that is Integrated Development

The original development constituted Integrated Development and required approval from the NSW Office of Water. The proposal as modified does not modify previously approved basement depths and as such the general terms of approval (GTA) previously imposed remain.

S4.55 (1A) - Modification

Section 4.55(1A) of the Environmental Planning & Assessment Act 1979 states:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify a development consent if:

a) It is satisfied that the proposed modification is of minimal environmental impact, and

Comment: Proposed modifications are minor in nature and the proposed modifications are of minimal environmental impact.

b) It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

Comment: The application is for minor modifications to the development consent. The proposal remains as previously approved, namely a mixed use development. The proposed modifications will not change the land use or substantially alter the nature of the development. As such it is considered substantially the same development.

c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Comment: The application has been notified in accordance with the provisions of Council's DCP 2011.

d) It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment: One (1) letter of objection has been received and addressed later in this report.

S4.55(3) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

S4.55(3) of the Environmental Planning and Assessment Act 1979 states:

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.

An assessment of the application has been carried out under the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979. The matters of relevance to this application have been considered. The following is an assessment of the proposed development under the provisions of Section 4.15(1) of the Environmental and Planning Assessment Act.

S4.15 (1) - Matters for Consideration - General

S4.15 (1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

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

A revised BASIX Certificate was submitted with the proposal as modified. Certificate number 597450M_06 indicates commitments which result in reductions in energy and water consumption on site. Condition 5 will be modified to ensure the revised BASIX requirements are adhered to.

State Environmental Planning Policy (Infrastructure) 2007

Given the location of the subject site on the Princes Highway which is a classified road the following provisions of SEPP Infrastructure apply to the proposal as modified.

- *Clause 101 - Development with frontage to classified road*
- *Clause 102 - Impact of road noise or vibration on non-road development*
- *Clause 87 - Impact of rail noise or vibration on non-rail development (for residential development)*
- *Clause 85 - Development immediately adjacent to rail corridors*
- *Clause 86 - Excavation in, above or adjacent to rail corridors*
- *Clause 45 - works within the vicinity of electricity infrastructure*

The original development was approved with vehicular access from Princes Highway, conditioned to ensure acoustic amelioration measures were incorporated into the development to mitigate acoustic impacts from the classified road and railway line to the west of the site and conditions were imposed by Sydney Trains to ensure the development did not adversely impact upon the railway line. Further the original consent incorporated conditions to minimise any risk to the existing electricity infrastructure along the frontage of the site at the Princes Highway.

The proposal as modified does not alter the aforementioned, nor the previously approved vehicular access way, albeit for the removal of a previously approved planter on site to improve vehicular access from the Princes Highway, thus the proposal as modified remains compliant with the provisions of the SEPP.

State Environmental Planning Policy (State and Regional Development) 2011

Clause 22 - Staged development functions for development exceeding minimum capital investment values of the SEPP states:

If:

(a) development of a class or description included in Schedule 4A to the Act is described in that Schedule by reference to a minimum capital investment value, other minimum size or other aspect, and

(b) development the subject of a staged development application under Part 4 of the Act is

development so specified, and
(c) the relevant regional panel is satisfied that development the subject of a separate development application forming part of the staged development application is part of a single proposed development so specified,
the functions of a council conferred on the regional panel under this Part extend to the determination of the separate development application.

The original application was granted consent by the then Sydney East Joint Regional Planning Panel as the capital investment value of the development exceeded \$20 million. The proposal as modified is a 4.55(1A) and as such is not required to be determined by the regional panel, given the nature and scale of the proposed modifications.

Notwithstanding the above, the proposal is referred to the Bayside Planning Panel for determination, given SEPP 65 applies, and in accordance with the Ministerial Direction of 23 February 2018.

State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development

In accordance with clause 28(2) of this policy, the consent authority must take into consideration the following:

a. The advice of the Design Review Panel (DRP)

The proposal as modified was not of a nature or scale so as to warrant referral to the Design Review Panel.

b. The design quality of the development when evaluated in accordance with the design quality principles.

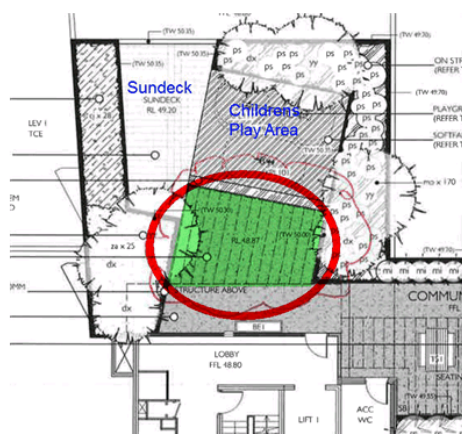
c. the Apartment Design Guide

The design quality principles and provisions of the ADG have been considered in the assessment of the proposal as modified. Proposed modifications are minor in nature and do not adversely impact the development overall or neighbouring properties.

Changes to the north eastern corner of the development result in the reconfiguration of unit B1.03, however the overall resultant layout, orientation, dimensions and area of this unit and its private open space are consistent with the principles of the SEPP & Apartment Design Guide. This unit retains appropriate amenity provision.

Changes at ground level do not modify the previously approved building form, density, height or scale nor do they adversely impact upon the character or aesthetics of the development.

The proposal as modified seeks to alter a portion of the floor treatment within the communal rooftop open space area, adjoining the children's play area and sundeck, from 'turf' as conditioned, to tiles as circled in red below.



The provision of tiles in this area is not supported, as variation in floor treatments within the communal open space area at rooftop was intended as part of the original application. In this regard, through discussions with the applicant, the area sought to be modified will be replaced with either rubber softfall or artificial turf, as agreed to by the applicant. Condition 62 has been modified accordingly.

The proposal as modified remains consistent with the design quality principles of the SEPP and the objectives and design criteria the Apartment Design Guide.

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone B2 Local Centre	Yes	Yes - see discussion
4.3 Height of buildings - Rockdale Town Centre	Yes	No - see discussion
5.10 Heritage conservation	Yes	Yes - see discussion
6.2 Earthworks	Yes	Yes - see discussion
6.3 Between 25 and 30 ANEF (2033) contours	Yes	Yes - see discussion
6.4 Airspace operations	Yes	Yes - see discussion
6.7 Stormwater	Yes	Yes - see discussion
6.12 Essential services	Yes	Yes

2.3 Zone B2 Local Centre

The subject site is zoned B2 - Local Centre under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal as modified remains defined as commercial premises and shop top housing which constitutes a permissible development only with development consent. The proposal as modified remains consistent with the objectives of the zone.

4.3 Height of buildings - Rockdale Town Centre

The maximum permissible building height for the site is 22m. The site is subject to a bonus height incentive, which permits an additional 12 metres height if the site area is in excess of 1500m². Given

the subject site comprises a site area of 1550.5sq/m the bonus height provision applies and a 34m height limit applies to the subject site.

The height of the approved development is 36.95m to the top of the lift overrun on site, 36.2m to the parapet of the building and 35.9m to the shade structure at rooftop level.

The proposal as modified does not alter the previously approved height of the development. The proposal as modified is satisfactory in this regard.

5.10 Heritage conservation

The subject site is in the vicinity of two heritage items as noted within Rockdale LEP 2011 as follows:

- *Rockdale Town Hall (Local Heritage Item)*

The below heritage item is positioned opposite the subject site at 448 Princes Highway Rockdale, 25m away from the subject site. The building is a two storey red brick building with parapets to the street frontages of Princes Highway and Bryant Street. Vertical recessed panels house windows on two levels emphasizing the facades. Addressing the corner is a stepped brick clock tower and flag pole. Addressing the Princes Highway is a sandstone portico with balcony and access to the interior. The building behind the two storey front is lower and houses a hall at ground level. The walls of the hall are articulated by brick buttresses and the brick detailing is of high quality.



Rockdale Town Hall

- *Rockdale Railway Station and Yard Group (State Heritage Item)*

This heritage item comprises a Victorian style brick structure with corrugated iron hipped roof and verandas located on an island platform. Verandas are supported on cast iron columns with decorative iron brackets. Later brick buildings exhibit Federation style details common among stations built around Sydney in the 1920s. The setting of the station has been compromised by the pedestrian over bridge and works on the eastern side such that the station buildings are barely visible to the street. Structures upon the train platform are positioned in excess of 160m from the south western most rear corner of the site. The curtilage of the heritage item extends to behind the subject properties. The closest building in the Rockdale Railway Station Group is the 1923 Signal Box located on the western side of the tracks, in excess of 67m from the rear boundary of the subject site.



Rockdale Railway Station and Yard

It is unlikely that the proposal as modified will result in any significant adverse impact to the heritage items referred to above, their setting or curtilage, given the separation distance of the site to these items and nature and scale of proposed modifications. The proposal is therefore satisfactory with regards to the provisions and objectives of this clause.

6.2 Earthworks

The development as originally approved, involved extensive excavation within the site to accommodate the basement levels and modifications along the northern boundary to provide for the vehicular and pedestrian accessway along the depth of the site.

The impacts of proposed earthworks were considered in the assessment of the original proposal. Conditions of consent were imposed to ensure minimal impacts on the amenity of surrounding properties, drainage patterns and soil stability. The proposal as modified does not alter the aforementioned, nor imposed conditions and subsequently remains compliant with the provisions and objectives of this clause.

6.3 Between 25 and 30 ANEF (2033) contours

The subject site is located between the 25 - 30 ANEF (2033) contours. As the original development resulted in an increase in the number of dwellings or people affected by aircraft noise, in accordance with the provisions of this clause, the development required noise mitigation measures.

Conditions of consent previously imposed, refer to an Acoustic Report prepared by Acoustic Noise & Vibration Solutions Pty Ltd dated December 12th 2014, which details acoustic amelioration measures to be incorporated into the development.

The proposal as modified does not seek to alter the aforementioned and thus remains compliant with the provisions of this clause.

6.4 Airspace operations

The subject site is affected by the 51 Obstacle Limitation Surface (OLS). The proposal as modified does not alter the previously approved height of the development and thus remains compliant with the provisions of this clause.

6.7 Stormwater

The proposal as modified does not alter the previously approved stormwater system on site. The

proposal as modified remains consistent with this clause.

S4.15(1)(a)(ii) - Provisions of any Draft EPI's

No relevant proposed instruments are applicable to this proposal.

S4.15 (1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

Rockdale Development Control Plan 2011

The application is subject to Rockdale DCP 2011. A compliance table for the proposed development is provided below:

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.2 Heritage Conservation - Vicinity of Heritage Item	Yes	Yes
4.1.3 Water Management	Yes	Yes
4.1.4 Soil Management	Yes	Yes
4.1.9 Lot size and Site Consolidation - isolated sites	Yes	Yes - see discussion
4.2 Streetscape and Site Context - General	Yes	Yes - see discussion
4.4.4 Glazing - General Controls	Yes	Yes - see discussion
4.4.4 Glazing - Commercial	Yes	Yes
4.4.6 Noise Impact	Yes	Yes
4.4.6 Noise Impact - Non-residential	Yes	Yes
4.5.1 Social Equity - Housing Diversity and Choice	Yes	No - see discussion
4.5.2 Social Equity - Equitable Access	Yes	Yes - see discussion
4.6 Parking Rates - Shop-top Housing	Yes	Yes - see discussion
4.6 Car Park Location and Design	Yes	Yes
4.6 Vehicles Enter and Exit in a Forward Direction	Yes	Yes
4.6 Basement Parking - General	Yes	Yes
4.6 Driveway Widths	Yes	Yes
4.6 Traffic - Classified Roads	Yes	Yes
4.6 Access to Parking	Yes	Yes
4.6 Design of Loading Facilities	Yes	Yes
4.6 Car Wash Facilities	Yes	Yes - see discussion
4.6 Pedestrian Access and Sustainable Transport	Yes	Yes
4.7 Air Conditioning and Communication Structures	Yes	Yes - see discussion
4.7 Waste Storage and Recycling Facilities	Yes	Yes - see discussion
4.7 Service Lines/Cables	Yes	Yes - see discussion
4.7 Laundry Facilities and Drying Areas	Yes	Yes
4.7 Letterboxes	Yes	Yes
4.7 Hot Water Systems	Yes	Yes

Relevant clauses	Compliance with objectives	Compliance with standard/provision
5.3 Mixed Use - Ground Level Uses	Yes	Yes
5.3 Mixed Use - Retail	Yes	No - see discussion
5.3 Mixed Use - Visual Connections	Yes	Yes
5.3 Mixed Use - Arcades, Laneways and Through Site Links	Yes	Yes - see discussion
5.3 Mixed Use - Awnings	Yes	Yes
5.3 Mixed Use - Secured Access to Parking	Yes	Yes
7.5.1 Street Role - Contributory Retail	Yes	Yes - see discussion
7.5.1 Street Role - Service Laneway	Yes	Yes
7.5.1 Pedestrian Connection	Yes	Yes
7.5.1 Commercial Space	Yes	No - see discussion

4.1.9 Lot size and Site Consolidation - isolated sites

DCP 2011 requires a minimum frontage of 18m for mixed use development of 4 storeys or greater in height. The subject site has a frontage to the Princes Highway of 44.695m and does not result in the isolation of nearby properties. The proposal as modified does not alter the aforementioned thus remains compliant with the requirements & objectives of this clause.

4.2 Streetscape and Site Context - General

Rockdale Town Centre, the centre is undergoing a transition from a relatively low scale commercial precinct to a high density mixed use area containing retail, commercial and residential uses to take advantage of the proximity to the railway Rockdale Railway Station and Bus Interchange.

As existing, buildings within the core of the Rockdale Town Centre are predominantly older style two storey commercial buildings. The development as approved is the first of a row of potentially very large buildings fronting both the Princes Highway and Geeves Lane.

The proposal as modified seeks to undertake relatively minor alterations to the previously approved façade and development in order to facilitate and improve vehicular access into the site when turning left from the Princes Highway and accommodate necessary services. Changes as proposed retain a satisfactory streetscape response.

The design of the proposal as modified remains consistent and sympathetic with the future desired character of Rockdale Town Centre.

4.4.4 Glazing - General Controls

The development provides appropriate sun shading devices during summer for glazed areas facing west and east, including the use of awnings and external screen louvers. The proposal as modified remains satisfactory in regards to this clause.

4.5.1 Social Equity - Housing Diversity and Choice

The original development was approved with a variation to the unit mix requirements of this clause. Notwithstanding, the proposal as modified does not alter the previously approved unit mix and thus remains consistent with the objectives of this clause.

4.5.2 Social Equity - Equitable Access

The proposal as modified does not alter the previously approved number of adaptable units (9) on site. The proposal as modified ensures access for persons with a disability is retained on and throughout the subject site from the public domain. The proposal as modified remains compliant with the provisions of this clause.

4.6 Parking Rates - Shop-top Housing

Whilst the proposal as modified relocates 1 commercial car space from ground to basement level 1, the overall number of car spaces within the development is not proposed to be modified.

The proposal as modified remains compliant with the relevant parking provisions and overall parking numbers required for the development.

4.6 Car Wash Facilities

Plans illustrate the retention of an appropriately sized and located car wash bay on site. The proposal as modified remains satisfactory with respect of this clause.

4.7 Air Conditioning and Communication Structures

As originally approved, air conditioning units are to be provided upon individual unit balconies on site. Whilst plans indicate the provision of a mix of concrete, glass and timber balustrades to balconies, the original approval incorporated conditions to ensure that glass balustrades are frosted to avoid the visibility of conditioning units from the public domain. The proposal as modified remains satisfactory with regards to this clause.

4.7 Waste Storage and Recycling Facilities

The proposal as modified slightly reconfigures waste storage areas on site at ground level. These areas however remain of sufficient overall size, dimension and functionality for the approved development. The proposal as modified is satisfactory in this regard.

4.7 Service Lines/Cables

The proposal as modified incorporates the provision of a substation kiosk to the western side of the development adjoining Geeves Lane. The proposal as modified incorporates lighting, to be set on a timer, in order to ensure that this area is illuminated and thus safety is maximised in this location during the night time period. The provision of the substation in this location is satisfactory.

5.3 Mixed Use - Retail

The proposal is required to provide 10% of the gross floor area of the development as commercial space. This equates to a total of 858.7sq/m required to be provided as commercial space. The development was approved with a total of 387sq/m, being 4.5%.

The proposal as modified illustrates a minor reduction in commercial space, with a total of 370.5sq/m (4.3%) of commercial space proposed to remain at ground level. This is a reduction of 16.5sq/m.

Notwithstanding the proposal is deemed to be acceptable given the retention of commercial space fronting the proposed through site link, wrapping to address Geeves Lane and across the frontage of the development to the Princes Highway, which activates the town centre and public domain, providing for a commercial focus at ground level. The proposal as modified remains satisfactory in this regard and satisfies the objectives of this requirement.

5.3 Mixed Use - Arcades, Laneways and Through Site Links

The development was designed and approved to accommodate a through site link from Princes Highway to Geeves Lane. This pedestrian and vehicular through site link is 6m in overall width along the depth of the site adjoining the northern side boundary of the site. The through site link provides for both pedestrian and vehicular access, with 3.8m width to accommodate vehicular traffic, 0.5m wide planter along northern common boundary and variable pedestrian footpath. The proposal also provides for a 1m wide footpath along the rear of the site to Geeves lane.

The proposal as modified alters the configuration of the eastern end of the through site link adjoining proposed retail shop 4 and includes the deletion of a previously approved planter box, in order to ensure that sufficient turning area is available for vehicles, particularly trucks, when they are turning left into the site from the Princes Highway.

The proposal as modified retains a clear, direct and accessible through site link for future users and is satisfactory with regards to the provisions of this clause.

7.5.1 Street Role - Contributory Retail

The proposal as modified continues to activate the Princes Highway frontage of the site at ground level via the provision of commercial tenancies which engage with the public domain and turn the corner into the proposed through site link to activate this space. A residential entry to the Princes Highway and secondary entry via the through site link, further addresses the public domain. The proposal as modified remains consistent with the requirements and objectives of this clause.

7.5.1 Commercial Space

As per the provisions of this clause, commercial / retail tenancies on site shall be designed to ensure sufficient internal circulation is possible and that the tenancy can accommodate a range of retail/commercial uses. As such, commercial / retail tenancies must have a frontage to the street and each commercial/retail tenancy should be at least 6m in width and 13m in depth.

The proposal seeks to modify the previously approved 2 x commercial spaces fronting the Princes Highway, into 3 x commercial spaces as follows:

- a) Retail Shop 1 - 17m width x 11.3m depth
- b) Retail Shop 2 - 6.3m width x 11m depth
- c) Retail Shop 3 - 5.18m width x 11m depth

Whilst the proposed commercial / retail tenancies are slightly deficient in their width and / or depth as required by the provisions of this clause, they retain adequate overall dimensions and areas, of which to facilitate a range of future uses. Retail space 3, whilst narrower than the other tenancies, has a northerly orientation to the through site link, and benefits from a wide pedestrian verge.

Whilst the proposal as modified varies the provisions of this clause, it is considered that the objectives are still achieved and thus the modifications are satisfactory in this regard.

S4.15(1)(a)(iv) - Provisions of regulations

Clause 123BA of the EPA Regulations 2000, authorises the Bayside Planning to determine applications to modify a development consent under sections 4.55 (1) and (1A), where the original consent was determined by a Regional Panel.

All relevant provisions of the Regulations have been taken into account in the assessment of the

proposal as modified.

4.15(1)(b) - Likely Impacts of Development

The impacts of the proposal as modified have been considered previously within this planning report.

S4.15(1)(c) - Suitability of the site

The relevant matters pertaining to the suitability of the site for the revised proposal as modified have been considered in the assessment of this proposal. The subject site is deemed to be suitable for the proposal as modified.

S4.15(1)(d) - Public submissions

The development has been notified in accordance with the provisions of Rockdale DCP 2011 and one (1) submission has been received. The issues raised in the submission are discussed below:

Is the driveway and pedestrian walkway separated by a kerb or is it one single paved area

Comment: Plans illustrate the provision of a kerb separating the pedestrian walkway from vehicular through site link.

Confirmation that vehicular through link is one way westbound

Comment: The through site link is one way westbound.

Have acoustic measures been addressed

Comment: Acoustic impacts were considered as part of the original assessment of DA-2015/322.

What is the boundary treatment between the 'vehicular through site link' and the Church Hall adjacent to the boundary

Comment: The boundary treatment adjoining the church building to the north is shrub landscaping.

S4.15(1)(e) - Public interest

The proposal as modified is considered to be satisfactory and in the public interest, for the reasons previously outlined within this report.

Schedule 1 - Draft Conditions of consent

General Conditions

The following conditions restrict the work to the detail provided in the Development Application and are to ensure that the development is complete.

1. The term of this consent is limited to a period of five (5) years from the date of approval. The consent will lapse if the development does not commence within this time.
2. *The development must be implemented substantially in accordance with the plans*

listed below, the application form and on any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

<i>Plan / Dwg No.</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
<i>Basement 1 Issue A</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>10/05/2017</i>	<i>18/05/2017</i>
<i>Basement 2 Issue A</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>10/05/2017</i>	<i>18/05/2017</i>
<i>Basement 3 Issue A</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>10/05/2017</i>	<i>18/08/201</i>
<i>Ground Floor Plan Issue B</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>05/06/2018</i>	<i>05/06/2018</i>
<i>South East Elevation (Princes Highway) Issue B</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>04/06/2018</i>	<i>03/07/2018</i>
<i>Section through Driveway Issue A</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>06/06/2017</i>	<i>18/05/2017</i>
<i>North East Elevation Issue A</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>10/05/2017</i>	<i>18/05/2017</i>
<i>North West Elevation Issue A</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>10/05/2017</i>	<i>18/05/2017</i>
<i>First Floor Plan Issue B</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>06/06/2017</i>	<i>18/05/2017</i>
<i>Site Plan Issue A</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>10/05/2017</i>	<i>18/05/2017</i>
<i>Materials and Finishes A-0000</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>January 2016</i>	<i>18/01/2016</i>
<i>Second Floor Plan A-1040 Issue D</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>18/01/2016</i>	<i>18/01/2016</i>
<i>Third Floor Plan A-1050 Issue D</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>18/01/2016</i>	<i>18/01/2016</i>
<i>Fourth Floor Plan A-1060 Issue D</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>18/01/2016</i>	<i>18/01/2016</i>
<i>Fifth Floor Plan A-1070 Issue D</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>18/01/2016</i>	<i>18/01/2016</i>
<i>Sixth Floor Plan A-1080 Issue D</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>18/01/2016</i>	<i>18/01/2016</i>
<i>Seventh Floor Plan A-1090 Issue D</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>18/01/2016</i>	<i>18/01/2016</i>
<i>Eighth Floor Plan A-1100 Issue D</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>18/01/2016</i>	<i>18/01/2016</i>
<i>Ninth Floor Plan A-1110 Issue D</i>	<i>Architecture and Building Works Pty Ltd</i>	<i>18/01/2016</i>	<i>18/01/2016</i>

<i>Plan / Dwg No.</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
Tenth Floor Plan A-1120 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
Eleventh Floor Plan A-1130 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
Roof Plan A-1140 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
South West Elevation A-1230 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
Section AA A1250 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
Section BB A-1256 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
Section BB A-1256 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016
Adaptability Details A-1400 Issue D	Architecture and Building Works Pty Ltd	18/01/2016	18/01/2016

[Amendment A - 4.55(1A) amended on 24/07/2018]

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
5. *The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 597450M_06 other than superseded by any further amended consent and BASIX certificate.*
Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -
•(a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.
Note: Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."
Note: For further information please see <http://www.basix.nsw.gov.au>.

[Amendment A - 4.55(1A) amended on 24/07/2018]

6. Balconies shall not be enclosed at any future time without prior development consent.
7. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
8. The materials and façade details approved under condition 2 and any other relevant condition of this consent shall not be altered or amended at the construction certificate stage without a prior S96 application and approval under the EP&A Act.

9. Mail boxes must be installed along the street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.
10. All works are to be carried out in accordance with the integrated development conditions provided by the NSW Office of Water and listed at the end of this consent.
11. Parking spaces shall be allocated to residential apartments / non-residential units in the development in the following manner and this shall be reflected in any subsequent strata subdivision of the development:

Allocated Spaces

Residential 91 spaces (parking allocation as per DCP 2011)

Commercial 8 spaces

Non-Allocated Spaces

Residential Visitor 14 spaces (incorporating 1 car wash bay)

Bicycle 9 spaces

Motorbike 6 spaces

Loading / Unloading 1 x SRV space

All residential visitor spaces, car wash bays and loading bays shall be labelled as common property on the final strata plan for the site.

Note: This parking allocation condition applies to any Strata Certificate issued with respect to a Consent issued in accordance with Section 81 (1)(A) of the *Environmental Planning and Assessment Act 1979* or a Complying Development Certificate issued in accordance with Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

12. Integrated Development / External Authorities

The following conditions have been imposed in accordance with Section 91A of the *Environmental Planning and Assessment Act, 1979*.

Roads and Maritime Service

1. Redundant driveways along the site's Princes Highway frontage are to be removed and replaced with kerb and gutter to match existing.

2. 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 (6) weeks prior to 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:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.
Telephone 8849 2114
Fax 8849 2766

If it is 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 seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

3. Detailed design plans and hydraulic calculations of any changes to the storm water drainage system are to be submitted to the Roads and Maritime for approval, prior to the commencement of any works. Details should be forwarded to :-

The Sydney Asset Management
PO Box 973
Parramatta CBD NSW 2124

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

4. A Road Occupancy Licence should be obtained from the Transport Management Centre for any works that may impact on traffic flows on Princes Highway during construction activities.

5. The proposed development should be designed such that road traffic noise from Princes Highway is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.

6. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2 - 2002 for heavy vehicle usage.

7. The Developer is to contact the RMS, Network & Safety Section if any work zone is required on Princes Highway fronting the property. The existing No Stopping zone north of the traffic signals at Bryant Street is to remain. RMS will determine any changes to the parking restriction when the developer contact RMS"

Sydney Airport Corporation Limited

Sydney Airport Corporation Limited (SACL) has approved the maximum height of the proposed building at 52.7AHD (173ft). This height is inclusive of all vents, chimneys, aerials, TV antennae and construction cranes etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.

Note: Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed "controlled activity" and is punishable by a fine of up to 50 penalty units. For further information on Height Restrictions please contact SACL on 9667 9246.

NSW Office of Water

General

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

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

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

Prior to excavation

4. Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken. These measurements should be included in a report provided to the NSW Office of Water in support of the dewatering licence application, along with a schedule and indicative level predictions for the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.

5. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the parameters (e.g. permeability predicted by slug-testing, pump-testing or other means) and calculation method shall be included in the report submitted to the NSW Office of Water in support of the dewatering licence.

6. A copy of a valid development consent for the project shall be provided in the report to the NSW Office of Water.

7. Groundwater quality testing shall be conducted on a suitable number of samples using a suitable suite of analytes and completed by a NATA-certified laboratory, with the results collated and certificates appended to a report supplied to the NSW Office of Water. Samples must be taken prior to the substantial commencement of dewatering, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.

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

9. Contaminated groundwater (i.e. above appropriate NEPM 2013 investigation thresholds) shall not be reinjected into any aquifer without the specific authorisation of the NSW Environment Protection Authority (any such discharge would be regulated through a licence issued under the Protection of the Environment Operations Act 1997 [POEO Act]). The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

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

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

12. Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.

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

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

15. The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.

16. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety procedures.

Following excavation

17. All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.

Sydney Trains

B1. Unless otherwise advised by Sydney Trains, the Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:

- i. Machinery to be used during demolition, excavation and construction. It should be noted that excavations undertaken in rock are to maintain and limit vibration levels to levels that will not adversely impact Sydney Trains assets.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Any conditions issued as part of Sydney Trains approval/certification of any of the above documents will also form part of the consent conditions that the Applicant is required to comply with. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply and supersede the documentation within the deferred commencement condition.

The measures detailed in the documents approved/certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

B2. All excavation/ground penetration works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects. All footings are to be inspected by the geotechnical engineer to confirm design assumptions.

B3. No rock anchors/bolts are to be installed into Sydney Trains property (this includes the adjoining commuter carpark).

B4. The Applicant is to submit to Council, for its records, copies of any certificates, drawings or approvals given to or issued by Sydney Trains.

B5. Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

Prior to the commencement of works the Applicant shall peg-out the common property boundary with Sydney Trains land. This work is to be undertaken by a registered surveyor.

During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

B6. An acoustic assessment is to be submitted to Council and Sydney Trains prior to

the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

B7. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

B8. Drainage from the development must be adequately disposed of/managed and not allowed to be discharged into Sydney Trains land the corridor unless prior approval has been obtained from Sydney Trains.

B9. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

B10. Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20m and face the rail corridor, the Applicant is required to install measures (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. These measures are to comply with Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.

The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development's landscaping and planting plan should be submitted to Sydney Trains for review.

Prior to the commencement of works appropriate fencing is to be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details of the type of fencing and the method of erection of any new fencing are to be to Sydney Trains satisfaction prior to the fencing work being undertaken.

The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to Sydney Train's satisfaction prior to the fencing work being undertaken.

B11. Prior to the issue of a Construction Certificate the Applicant is to submit to Sydney Trains the demolition, excavation and construction methodology and staging for review and endorsement. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. This documentation shall include details as to how Condition B12 will be complied with.

B12. The following requirements will apply at all times:

Demolition, excavation or construction related traffic shall not utilise the adjoining commuter carpark to serve or gain access to the development site.
Demolition, excavation or construction related traffic shall not utilise the adjoining commuter carpark as a holding/staging position or for parking.
Workers, contractors or service providers shall not utilise the commuter carpark for access to the site or for parking of vehicles.
No plant, equipment, building material or skips are to be located within the commuter carpark at any time.
The site foreman/manager shall conduct site inductions/toolbox talks on a daily basis to ensure the above requirements are complied with at all times.

No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

B13. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations (eg concrete pumps) for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

The developer must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan is to be submitted to Sydney Trains prior to the issuing of the Occupation Certificate. The Principal Certifying Authority is not to issue an Occupation Certificate until written confirmation has been received from Sydney Trains advising that the maintenance plan has been prepared to its satisfaction.

The Applicant is to obtain Sydney Trains endorsement prior to the installation of any hoarding or scaffolding facing the common boundary with the rail corridor.

B14. No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.

B15. Prior to the issuing of an Occupancy Certificate the Applicant shall provide Sydney Trains and Council as-built drawings and survey locating the development with respect to any rail boundary, Sydney Trains easement and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains representative. The as-built survey is to confirm that there has been no encroachment into any Sydney Trains land or easement area.

B16. Prior to the issuing of an Occupancy Certificate the Applicant shall provide Sydney Trains with a copy of the strata by-laws clearly indicating that the occupiers (being both owners and renters) are not permitted to park their vehicles in the adjoining commuter carpark. If required by Sydney Trains, this requirement shall also be registered on title as a Restrictive Covenant. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

B17. Where a condition of consent requires Sydney Trains endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from Sydney Trains that the particular condition has been complied with.

13. Public Domain

Public Place Activities - Approvals Required under Roads Act or Local Government Act

A. Before Construction

No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Rockdale City Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993.

Note: Approval under the Roads Act or Local Government Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval from Rockdale City Council may result in fines or prosecution.

Public Place Activities - Design and Construction of Works in Public Places

The implementation of this Consent generates a need for works to be completed in a public place owned by Council (Princes Highway), with such works being at no cost to Council. The works include the following works as identified in the Rockdale Town Centre Public Domain Plan 2012:

- i) Landscaping and embellishment of Princes Highway, including footpaths, paving, street trees, tree pits/grates and other planting, and street furniture etc;
- ii) Undergrounding of existing Ausgrid electricity supply cabling (low and high voltage, as applicable) in Princes Highway;
- iii) Installation of new street lighting on the road frontages to the development site;
- iv) Construction of a driveway (vehicular entrance) and associated construction and reconstruction of driveway layback and kerb and gutter.

A. Design

The scope of works is to be confirmed by Rockdale City Council. For identified works the preparation of the design and specification shall be undertaken in accordance with the design brief issued by Rockdale City Council, and the Engineering Drawing Guide: For Works In Association With Developments And Subdivisions and Engineering Specification Guide: For Works In Association With Developments And Subdivisions, or approved replacement documents. For identified works the preparation of the design and specification shall be undertaken by a professional engineer, or other professional person, meeting the requirements of the design brief issued by Rockdale City Council.

Note: To enable the scope of works to be determined and alignment levels issued a completed Driveway/Frontage Works Application Form must be submitted together with the required fee, under the Roads Act 1993 and/or the Local Government Act 1993 for the scope of works to be confirmed and alignment levels issued.

Note: The works required will be confirmed using the following criteria:

- i) To ensure that infrastructure construction and reconstruction required to facilitate both pedestrian and vehicular access into and around the site is provided.
- ii) To ensure that there is adequate construction and reconstruction of stormwater infrastructure to facilitate drainage of the site and minimise impacts to the site and adjoining properties as a result of the development.
- iii) To ensure that infrastructure relevant to the proposed development meets current standards and specifications.
- iv) To mitigate any impacts the development may have on traffic and pedestrian safety.
- v) To satisfy the requirements of any Development Control Plan, Public Domain Plan, Streetscape Manual or any other relevant Council Plan, including the Section 94 Contributions Plan.
- vi) To ensure there are adequate transitions between newly constructed infrastructure and existing infrastructure.

B. Before Construction

A detailed design and specification for works to be carried out on public land (including a road or footpath) shall be completed and approved by Rockdale City Council pursuant to the Roads Act and/or Local Government Act prior to construction.

All fees for inspection by Rockdale City Council shall be paid and the works approval for works in a public place activated.

Note: Approval under the Roads Act or Local Government Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval from Rockdale City Council may result in fines or prosecution.

C. Before Occupation

All works required in the public place as detailed by the approved design and specification must be completed before occupation of the development. All works-as-executed records for works establishing infrastructure assets to be handed over to Council for ongoing maintenance shall be provided to Rockdale City Council, and a handover certificate issued by Rockdale City Council.

Public Place Activities - Site Management Plan

The implementation of this Consent generates a need for works on the development site and in a public place to be appropriately managed to ensure the protection of the environment and safety of the other public place users.

A. Before Commencement of Works including Demolition

A Site Management Plan must accompany the completed Driveway/Frontage Works Application Form. If any demolition of infrastructure in a public place is to commence prior to the issue of a works approval for works in a public place the applicant must submit to Rockdale City Council a separate Demolition Site Management Plan. These plans must satisfy the Objectives and Controls of Rockdale City Council Development Control Plan 2011 relating to site management and must incorporate the following throughout demolition and construction:

- i) safe access to and from the site during construction and demolition
- ii) safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting
- iii) method of loading and unloading excavation machines, building materials
- iv) how and where, construction materials, excavated and waste materials will be stored.
- v) methods to prevent material being tracked off the site onto surrounding roadways
- vi) erosion and sediment control measures

B. During Works

The site management plan measures must remain in place and be maintained throughout the period of works and until the site has been stabilized and/or restored in accordance with the works approval for works in a public place.

Public Place Works - Pre-commencement Inspection

The implementation of this Consent generates a need for the adequate regulation of the works and activities in a public place.

A. Before Works

A Pre-commencement Inspection/meeting is to be convened by the holder of the Consent for the works approval for works in a public place. The meeting shall be held on-site a minimum 5 days prior to any demolition and/or construction activity and be held between the hours of 8.00 am and 4.30 pm Monday to Friday. The meeting must be attended by a representative of the Principal Certifying Authority, the builder/site manager of the building/civil construction company and supervising engineer, in addition to a representative of Rockdale City Council. The attendance of the owner is required when it is intended to use more than one builder/principal contractor throughout the course of construction.

The purpose of the meeting is to:

- i) Ensure safe passage for pedestrians, Work and Hoarded Zones are maintained in accordance with Rockdale City Council requirements;
- ii) Check the installation and adequacy of all traffic management devices;
- iii) Confirm that the consents, approved design plans and approved specifications are retained on site.

Note: The consent for the works approval for works in a public place must be activated and all inspection fees must be paid to Rockdale City Council prior to the

meeting. Please refer to Rockdale City Council Councils Adopted Schedule of Fees and Charges.

Public Place Works - Supervising Engineer

The implementation of this Consent generates a need for the adequate supervision of the works and activities in a public place.

A. Before Construction

The consent holder must engage an appropriately qualified supervising engineer to supervise construction of any works approved to be carried out in a public place approved by Rockdale City Council under the Roads Act and/or Local Government Act. The supervising engineer must hold qualifications, licenses and insurance as determined by Council, and submit evidence of the qualifications, licenses and insurance prior to the commencement of construction.

B. During Construction

The supervising engineer must supervise the works as listed above to ensure compliance with:

- i) any consent issued by Rockdale City Council pursuant to the Roads Act and/or the Local Government Act, including conditions annexed to this consent.
- ii) the approved design and specification, including any approved amendments by Rockdale City Council to the design and specification
- iii) the consent issued by the consent authority under the Environmental Planning and Assessment Act
- iv) any related design and construction parameters specified by Council.

C. Before Occupation

The engineer must certify the Works-as-Executed drawings or provide a separate certification that the requirements of the consent for the works approval for works in a public place have been met.

Development specific conditions

The following conditions are specific to the Development Application proposal.

- 14. The front windows of commercial tenancies at ground level, shall be kept free of shelving, promotional material and the like, to ensure passive surveillance is maintained to and from the tenancy and through site link.
- 15. The building manager is to ensure the maximum length of vehicles parked within the loading / unloading area on site is no greater than 6m in length to minimise risks to pedestrians.
- 16. All loading, unloading and transfer of goods to and from the loading bay and premises shall take place wholly within the property. Loading areas are to be used only for the loading and unloading of goods, materials etc. not for any other purpose.
- 17. Loading areas are to be used only for the loading and unloading of goods, materials etc. not for any other purpose.
- 18. Loading and unloading within the site shall be restricted to commercial vehicles not exceeding the size and mass description of the RCV from AS2890.2:2002.

Commercial vehicles greater in size and mass than the RCV are not permitted to enter the site.

19. Parking spaces shall not be enclosed without further approval of Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1.
20. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system. The registered proprietor will:
 - (i) permit stormwater to be temporarily detained by the system;
 - (ii) keep the system clean and free of silt, rubbish and debris;
 - (iii) 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;
 - (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - (v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
 - (vi) 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 requirements of this clause;
 - (vii) 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.

21. 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:

- (i) permit stormwater to be temporarily detained and pumped by the system;
 - (ii) keep the system clean and free of silt, rubbish and debris;
 - (iii) 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;
 - (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor expense;
 - (v) not make alterations to the system or elements thereof without prior consent in writing of the Council.
 - (vi) 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;
 - (vii) 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.
22. 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.

23. Residential air conditioners shall not cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997 or contravene provisions of the Protection of the Environment (Noise Control) Regulation 2008 where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.
24. The visible light reflectivity from building materials used on the façade of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A statement demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.
25. All proposed lights shall comply with the Australian Standard AS4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.
26. Hot and cold water hose cocks shall be installed to the garbage room. Services or utility systems shall not be located in the garbage room.
27. This consent does not provide approval for footpath dining. Footpath dining is regulated through a licensing agreement with Council. In this regard, you are advised to contact Council's Customer Service Centre to obtain a copy of a licensing agreement entitled *Outdoor Dining Licensing Agreement*.
28. Services or utility systems shall not be located in the garbage room.
29.
 - a) In order to ensure the design quality excellence of the development is retained:
 - i. A registered architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - ii. The design architect is to have full access to the site and is to be authorized by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - iii. Evidence of the design architect's commission is to be provided to the Department prior to release of the Construction Certificate.
 - b) The design architect of the project is not to be changed without prior notice and approval of the Council or Department.
30. Where natural ventilation fails to comply with the provisions of the Building Code of Australia, mechanical ventilation shall be provided in accordance with Australian Standard, 1668, Part 2.
31. Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.
32. The plans submitted with the Construction Certificate shall demonstrate compliance with the following:
 - a. Glass balustrades shall be provided as frosted or opaque.
 - b. Three car parking spaces within the development shall be converted into residential storage cages, for use by future occupants of the site.
 - c. Fire exits and doorways exiting onto Geeves Lane and the through site link shall not swing over public walkways or road

- d. The southern balcony wall to units A1.01/A2.01/A3.01 fronting the Princes Highway shall be an extension of and in alignment with the party wall on the southern boundary.
- e. Residential and commercial areas are to be separately secured via an intercom system on site.
- f. Permeable paving is to be provided within the portion of the through site link which is to remain in private ownership.
- g. Continuous sliding screens are to be provided to all balconies at lower levels fronting the Princess Highway to reduce noise transmission.
- h. External finishes and materials of the lower three levels of the development are to be modified in accordance with the recommendations of Urban Designer Dianna Griffiths, as detailed in correspondence dated 21 January 2016.
- i. All hot water systems/units located on the balcony of a dwelling shall be encased in a recessed box with the lid/cover of the box designed to blend in with the building and all associated pipe work is to be concealed, as required by Control 19 of Part 4.7 of Rockdale DCP 2011
- j. All vertical plumbing, shall be concealed within the brickwork of the building. Any electrical kiosks or fire booster valves shall be located in unobtrusive locations toward site boundaries and away from entrances into the building.
- k. Ceiling heights for all habitable areas shall be a minimum of 2.7 metres as measured vertically from finished floor level to the underside of the ceiling. Ceiling heights for all non-habitable areas shall be a minimum of 2.4 metres as measured vertically from finished floor level to the underside of the ceiling. Ceiling height of the ground floor shall be 3.3m.
- l. Relevant objectives and design code requirements of the Building Code of Australia 2015 / DDA Premises Standard pertaining to accessible common domain areas and access to all apartments and the Adaptable Housing standard AS4299 for nine (9) adaptable units
- m. The study and bedroom of units B1.01 / B2.01 / B3.01 / B 4.01 / B5.01 / B6.01 / B7.01 / B8.01 / B9.01 / B10.01 be merged, to improve amenity within the unit. A storage cupboard shall be separately provided within the reconfigured unit.

33. Safety & Security

- a. Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas. Details to be provided prior to the issue of the Construction Certificate.
- b. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels
- c. Where applicable, security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners
- d. A street sign shall be prominently displayed at the front of the development to comply with Local Government Act, 1993, Section 124, Order No 8.
- e. Signage shall be erected at entry/exit points and throughout the development to assist users and warn intruders they may be prosecuted.
- f. Graffiti resistant materials are to be used to all ground floor external surface areas.

Details to be provided prior to the issue of the Construction Certificate.

g. Intercom facilities shall be installed into entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.

34. 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.

Prior to issue of the construction certificate

The following conditions must be completed prior to the issue of the Construction Certificate.

35. The following fees shall be paid to Council prior to the issue of a Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
- i. A Footpath Reserve Restoration Deposit of \$17 565.14. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
 - ii. An environmental enforcement fee of 0.25% of the cost of the works.
 - iii. A Soil and Water Management Sign of \$16.50.

36. *Acoustic*

Recommendations contained in the acoustic report prepared by Acoustic Noise & Vibration Solutions Pty Ltd dated 12/12/2014 in relation to mechanical ventilation systems and noise / vibration near railway lines / traffic noise shall be implemented on site.

The development shall achieve the following minimum equivalent AAAC Star Rating within the below specified areas of the development.

- 3 Star for tiled areas within kitchens, balconies, bathrooms and laundries. Tiled flooring within corridors, living areas and bedrooms is not permitted.
- 4 Star for timber flooring in any area.
- 5 Star for carpet in any area.

The development shall comply with the Building Code of Australia requirement for walls dividing occupancies.

A report shall be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate. The report is to include BCA requirements and details of floor/ceilings between residential apartments. Floor coverings within apartments shall be identified within the report. A suitably qualified acoustic engineer

with MIE Australia membership or employed by a consulting firm eligible for AAAC membership is to certify that the details provided in the said report satisfy the requirements of this condition, with the certification to be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate for the relevant stage of works.

37. The design of the through site link, including paving, bollards, kerb design, colours, finishes, materials, planter edging, lighting and the like are to be in accordance with the Rockdale Town Centre Public Domain Style Guide. Details are to be submitted to Council for approval prior to the issue of the Construction Certificate.
38. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.
39. An application for Boundary levels shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary works, egress paths, driveways and fences shall comply with this level.
A fee is payable to Council for the determination of boundary levels. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
40. A revised traffic report is to be submitted to Council prior to the issue of the Construction Certificate. The report is to incorporate the following details.
 - a) Performance, level of service (existing and future) and feasible movements to all intersections within close proximity to the subject site.
 - b) Traffic safety within Geeves Lane.
 - c) Traffic calming devices to be provided within the vehicular access lane of the through site link and at access points.
 - d) Pedestrian alert systems at ingress and egress locations to car parking areas and ramps.
 - e) Access and loading bay requirements (cars / commercial / service vehicles).
 - f) Details on traffic circulation and pedestrian movement within the existing Sydney Trains car park and Geeves Lane.
 - g) Loading Bay facilities on site to be designed to accommodate for a furniture removal vehicle (SRV). Details should be in accordance with DCP 2011, Rockdale Technical specification – Traffic, Parking and Access and AS 2890.2.
41. Submission of a geotechnical report on proposed stormwater drainage design for the basement area, mainly on AGG line connections / permanent dewatering, contaminated water and a tanked basement structure. Details to be approved by the PCA prior to the issue of the Construction Certificate.

 NB: (i) If the proposed construction of the basement carpark impedes the water table, thus requiring dewatering of the site. Dewatering permits are required from relevant authorities.
 (ii) From the proposed basement pumped discharge drainage systems are permitted subject to complying with the design criteria listed in DCP and Rockdale Technical Specification Stormwater Management.
 (iii) The design of the basement structure will require consideration of the effects of the water table, both during and after construction (Tanking / waterproofing).
42. The connection of stormwater drainage pipes to the existing kerb inlet pit in Princes

Highway must be inspected by Council prior to backfilling. The payment of relevant fees is required prior to the issue of the Construction Certificate for inspection of the connection and/or alteration to the Council pipeline. If payment is made after the end of the financial year the amount is to be adjusted in accordance with Council's adopted fees and charges. Where the inspection is unsatisfactory, each additional inspection will incur an extra charge .

43. A Section 94 contribution of \$507 582.39 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of any construction certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels). The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:

Rockdale Regional Open Space Fund Amend 5 \$66 482.32
 Rockdale City Wide Open Space Fund Amend 5 \$105 153.23
 Rockdale Local Open Space Fund Amend 5 \$210 370.68
 Rockdale Local Open TC & Streetscape Amend 5 \$9 263.28
 Rockdale City Wide TC & Streetscape Fund Amend 5 \$11 818.38
 Rockdale Pollution Control Management Amend 5 \$60 824.48
 Rockdale Admin & Management Amend 5 \$2 480.45
 Child Care Services Amend 5 \$2 653.43
 Community Services Amend 5 \$2 655.28
 Library Services Amend 5 \$35 880.86

Copies of Council's Section 94 Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 2 Bryant Street, Rockdale.

44. *Geotechnical - adjoining buildings founded on loose foundation materials*

As the basement floor is being proposed closer to existing built structures on neighbouring properties, which may be in the zone of influence of the proposed works and excavations on this site, a qualified practicing geotechnical engineer must;

- (a) Implement all recommendations contained in the report prepared by Environmental Investigations Pty Ltd, dated 2 July 2015.
- (b) Provide a certificate that the construction certificate plans are satisfactory from a geotechnical perspective and
- (c) Confirm the proposed construction methodology

A Construction Methodology report is to be prepared demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure. The report must be submitted with the application for a Construction Certificate for the relevant stage of works.

- (d) Inspect the works as they progress. The Inspections are to occur at frequencies determined by the geotechnical engineer.

A copy of the above documentation must be provided to Council, once the Construction Certificate is issued for the relevant stage of works.

Note: A failure by contractors to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. Such contractors are likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the Conveyancing Act 1919.

45. 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.
46. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance or owner builder's permit in force in accordance with Part 6 of that Act, that such a contract or permit is in place.
47. Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access. Access in accordance with Australian Standard 4299 must be provided to and within nine (9) residential units, and between these units and allocated carparking spaces. The allocated parking space will be located in close proximity to the access points of the building. The adaptable unit(s) are to be unit numbers A4.04 / A5.04 / A6.04 / A7.04 / A8.04 / B1.04 / B2.04 / B3.04 / B4.04. Please note that compliance with this condition requires the relevant unit(s) to be constructed to comply with all the essential (Type C) requirements of AS4299.

Note: Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access and the Building Code of Australia does not necessarily guarantee that the development meets the full requirements of the Disability Discrimination Act (DDA) 1992. It is the responsibility of the applicant to make the necessary enquiries to ensure that all aspects of the DDA legislation are met.

48. All low voltage street mains in that section of the street/s adjacent to the development shall be placed underground. This shall include any associated services and the installation of underground supplied street lighting columns where necessary. The applicant shall confer with Ausgrid to determine Ausgrid's requirements. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.
49. Prior to any development being carried out, the approved plans must be submitted to Ausgrid's local customer service office for approval to determine whether the development will affect Ausgrid's network or easements.

The applicant must check the location of underground cables by using Dial Before You Dig 3 and comply with the requirements of NS156: Working Near or Around Underground Cables (Ausgrid, 2010).

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).

50. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's

sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please contact Sydney Water.

The consent authority or a private accredited certifier must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before issue of any Construction Certificate.

51. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and the arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/ developer.
52. Prior to issue of the Construction Certificate, a longitudinal driveway profile shall be submitted to Principal Certifying Authority for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with Council's Code. The profile shall be drawn to a scale of 1 to 20 and shall include all relevant levels, grades (%) and lengths.
53. The subsurface structure shall be designed with a waterproof retention system (ie 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.
54. A construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Prior to the commencement of works the Certifying Authority shall be satisfied that the Construction Management Plan has obtained all relevant regulatory approvals. The Construction Management Plan shall be implemented during demolition, excavation and construction.

Prior to the issue of the relevant Construction Certificate, a Construction Traffic Management Plan (TMP) prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- a) ingress and egress of vehicles to the site;
- b) loading and unloading, including construction zones;
- c) predicted traffic volumes, types and routes; and
- d) pedestrian and traffic management methods;

Note: The swept path of the longest vehicle entering and existing the subject site, as well as manoeuvrability through the site, shall be in accordance with Austroads. A swept path plan shall be submitted to Certifying Authority for approval illustrating compliance with this requirement, prior to release of the Construction Certificate.

Any proposed landscaping, fencing or signage is not to impede the desired sight

lines of all road users including pedestrians and cyclists.

All road works / regulatory signposting associated with the proposed development shall be at no cost to the Council or RMS.

COPIES OF THE CMP AND TMP SHALL BE SUBMITTED TO COUNCIL.

55. *Vibration monitoring*

Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.

If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the principal contractor and any sub-contractor are easily alerted to the event.

Where any such alarm triggers all excavation works must cease immediately. Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.

Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the principal contractor and any sub-contractor clearly setting out required work practice.

The principal contractor and any sub-contractor must comply with all work directions, verbal or written, given by the professional engineer.

A copy of any written direction required by this condition must be provided to the Principal Certifying Authority within 24 hours of any event.

Where there is any movement in foundations such that damaged is occasioned to any adjoining building or such that there is any removal of support to supported land the professional engineer, principal contractor and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the supported land.

Note: Professional engineer has the same mean as in Clause A1.1 of the BCA.

Note: Building has the same meaning as in section 4 of the Act i.e. "building includes part of a building and any structure or part of a structure".

Note: Supported land has the same meaning as in section 88K of the Conveyancing Act 1919.

56. **Tanking**

Any sub-surface structure within the highest known groundwater table + 0.5m shall be designed with a waterproof 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 **for the relevant stage of works.**

57. The low level driveway to Geeves Lane must be designed to prevent inflow of water from the road reserve. The assessment of flows and design of prevention measures shall be in accordance with the requirements of Rockdale Technical Specification Stormwater Management. Details shall be included in the documentation presented with the Construction Certificate application.

58. A visitor car space shall also operate as a car wash bay. A tap shall be provided. A sign shall be fixed saying 'Visitor Car Space and Car Wash Bay'. The runoff shall be directed and treated as per Rockdale Technical Specification Stormwater Management. Details shall be provided with the plans accompanying the Construction Certificate.

59. Prior to the issue of the Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Principal Certifying Authority for assessment and approval. Design certification, in the form specified in Rockdale Technical Specification Stormwater Management, and drainage design calculations are to be submitted with the plans. Council's Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.

60. The following information shall be submitted to Council for approval prior to the issue of the Construction Certificate.

a. Submission of swept turning paths and head height clearances are required for Councils garbage truck as per Rockdale Technical Specification – Waste Minimization and Management, via the Princes Highway from the closest lane to kerb and for a SRV into the loading / unloading area on site. Additionally swept paths are to be provided for vehicles entering the basement car park on site.

Note: Swept path analysis are to be prepared in accordance with a recognized computer software package such as Autoturn, complying with Section B3 of AS 2890.1, Section 4 & 5 of AS 2890.2 and Austroads Standards.

b. Details and specifications of traffic speed control devices which ensure that the

speed of vehicles travelling along the vehicular access lane of the through site link do not exceed 10 Km/hr in accordance with Australian Standards and RMS requirements.

If design changes are required as a result of the above, a separate Section 96 application is to be submitted and approved by Council.

61. The wind mitigation recommendations of the Wind Assessment Report, prepared by ANA Civil Pty Ltd and dated 24th September 2015 are to be depicted upon Construction Certificate drawings as follows and implemented on site:

- Levels 1-11 terrace balustrades to be of masonry/concrete/ frosted glass construction with no openings.
- Full height impermeable blade wall/screen/louvres on south-western sides of all balconies.
- Pergolas, canopies and awnings over roof open area.
- Landscaping to a minimum height 1.2m such as dense shrubs and trees to the northern edge of the rooftop communal open space.

Details to be submitted to and approved by Council prior to the issue of the Construction Certificate.

62. *Prior to issue of the Construction Certificate, amended Landscape Plans prepared by prepared by a suitably qualified Landscape Architect shall be submitted to, and approved by the Director of City Planning and Development of Rockdale City Council. The amended plans shall:*

- i) Be consistent with the approved architectural plans and conditions of this consent.*
- ii) Incorporate a natural / artificial turf or rubber softfall area adjoining the proposed sundeck, children's play area and western wall of the lobby.*
- iii) Provide detail and specifications of children's play equipment.*
- iv) Provide details of the colours, finishes and materials of planters and edging (including those within the through site link), seating, kitchen, bbq facilities and shade structures.*
- v) Provide details of the kerb within the through site link.*
- vi) Provide different finishes and materials to the loading / unloading area on site, to differentiate it from the through site link.*
- vii) High quality, durable and low maintenance planting and finishes are to be provided on site.*

[Amendment A - 4.55(1A) amended on 24/07/2018]

Prior to commencement of works

The following conditions must be completed prior to the commencement of works.

63. 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 Accredited Certifier (AC) or Council prior to Commencement of Works. The insurance cover shall be a minimum of \$10 million.

64. A Soil and Water Management Plan shall be prepared. 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.

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.

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 shall be erected prior to commencement of works and shall be displayed throughout construction.

65. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.

66. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- i. stating that unauthorised entry to the work site is prohibited, and
 - ii. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours. Any such sign is to be removed when the work has been completed. This condition does not apply to:
 - iii. building work carried out inside an existing building or
 - iv. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

67. The site shall be secured by a 1800 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.

68. Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government act 1993 for a Barricade Permit is to be obtained from Council prior to commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

69. A hoarding or fence shall be erected between the work site and the public place when the work involved in the erection or demolition of a building:
- i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - ii) building involves the enclosure of a public place,
- Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless, the least horizontal distance between the common boundary and the nearest part of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.
- Where a development site adjoins a public thoroughfare with a footpath alongside

the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure, type B Hoarding, and the facing facade protected by heavy duty scaffolding unless either:

- (i) the vertical height above footpath level of the structure being demolished is less than 4m; or
- (ii) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must -

- (i) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary;
- (ii) have a clear height above the footpath of not less than 2.1m;
- (iii) terminate not less than 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface; and
- (iv) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa

The 'B' Class hoarding is to be lit by fluorescent lamps with anti-vandalism protection grids.

Any such hoarding, fence or awning is to be removed when the work has been completed.

The principal contractor or owner builder must pay all fees and rent associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

70. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
71. Prior to works commencing, a photographic record of the existing buildings at 433-439 Princes Highway shall be carried out and lodged with the Local History Librarian at Rockdale City Library. This photographic record shall be submitted in electronic form on a USB, CD or DVD, containing the following:
 - i) Exterior and streetscape views of the buildings. Exterior photographs should include any original features, decorations or fittings. Photographs must be in either TIFF or JPEG format with a minimum resolution of 4 megapixels. Each photograph must be file-named to describe it and indicate its location.
72. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
 - i) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or
 - ii) where the erection of gates or fences has restricted access to metering equipment.
73. Where clearances to any existing overhead High Voltage mains are affected, the builder shall make arrangements with Ausgrid for any necessary modification to the electrical network in question. These works shall be at the applicant's expense. Ausgrid's requirements under Section 49 Part 1 of the Electricity Supply Act 1995 shall be met prior to commencement of works or as agreed with Ausgrid.
74. The applicant shall confer with Energy Australia to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. Written confirmation of Energy Australia's requirements shall be obtained prior to

Construction Certificate.

75. The groundwater shall be assessed by a suitably qualified and experienced environmental consultant in accordance with relevant contaminated sites guidelines published by NSW Department of Environment Climate Change and Water. A copy of the report shall be submitted to Principal Certifying Authority prior to the issue of the Construction Certificate. A copy shall also be submitted to Council if Council is not the Principal Certifying Authority.
76. The applicant shall design and construct the through site link subject to the recommendations of the Rockdale Traffic Committee as resolved by Council. Such work is to be designed and carried out in accordance with AUSTROADS and RMS Technical Directions, and is subject to detailed approval by the Rockdale Traffic Committee.

No works shall commence until approval has been obtained for the design of all road and streetscape works listed above under the *Roads Act 1993*, the *Transport Administration Act 1988* and the *Road Transport (Safety and Traffic Management) Act 1999*.

During demolition / excavation / construction

The following conditions must be complied with during demolition, excavation and or construction.

77. A copy of the Construction Certificate and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.
78. Hours of construction shall be confined to between 7 am and 6.30 pm Mondays to Fridays, inclusive, and between 8 am and 3.30 pm Saturdays with no work being carried out on Sundays and all public holidays.
79. For Class 2, 3 and 4 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
 - i. after excavation for, and before the placement of, any footing, and
 - ii. prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
 - iii. prior to covering any stormwater drainage connections, and
 - iv. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the principal certifying authority and be made available to Council officers upon request.

80. Ground water shall only be pumped or drained to Council's stormwater system if the water is clean and unpolluted. The standard used to determine the acceptability of the quality of the water is the 'Australian and New Zealand Environment and Conservation Council - Australian Water Quality Guidelines for Fresh and Marine Waters 1992'.

Note: Prior treatment and/or filtration of the water may be necessary to achieve acceptable quality, including a non-filterable residue not exceeding 50 milligrams/litre or small quantities may be removed by the services of a Licenced Liquid Waste Transporter. It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to pollute the stormwater system.

81. Demolition operations shall not be conducted on the roadway or public footway or any other locations, which could lead to the discharge of materials into the stormwater drainage system.
82. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
83. A Registered Surveyor's check survey certificate or compliance certificate shall be forwarded to the certifying authority detailing compliance with Council's approval at the following stage/s of construction:
 - i. After excavation work for the footings, but prior to pouring of concrete, showing the area of the land, building and boundary setbacks.
 - ii. Prior to construction of each floor level showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved level.
 - iii. Prior to fixing of roof cladding verifying the eave, gutter setback is not less than that approved and that the building has been constructed at the approved levels.
 - iv. On completion of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.
 - v. On completion of the drainage works (comprising the drainage pipeline, pits, overland flow paths, on-site detention or retention system, and other relevant works) verifying that the drainage has been constructed to the approved levels, accompanied by a plan showing sizes and reduced levels of the elements that comprise the works.
84. All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and guarded and protected to prevent them from being dangerous to life or property.

When excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building or an adjoining allotment of land, you shall:

- i. preserve and protect the building from damage and
- ii. underpin and support the building in an approved manner, if necessary and
- iii. give notice of intention to excavate below the level of the base of the footings of a building on an adjoining allotment of land to the owner at least 7 days prior to excavation and furnish particulars of the excavation to the owner of the building being erected or demolished.

Note: The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this conditions allotment of land includes a public road and any other public place.

Works shall not encroach onto or over adjoining properties, including retaining walls, fill material or other similar works. Soil shall not be lost from adjoining sites due to construction techniques employed on the subject site.

85. When soil conditions require it:
- i. retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and
 - ii. adequate provision shall be made for drainage.
86. All contractors shall comply with the following during all stages of demolition and construction:
- 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.
 - 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.
 - 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.
 - 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.
 - 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.
87. All demolition work shall be carried out in accordance with AS2601 – 2001: The Demolition of Structures and with the requirements of the WorkCover Authority of NSW.
88. The following conditions are necessary to ensure minimal impacts during construction:
- i. 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.

- ii. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
- iii. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
- iv. 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.
- v. 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.
- vi. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
 - a) spraying water in dry windy weather
 - b) cover stockpiles
 - c) fabric fences
- vii. Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.

An all weather drive system or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.

In addition builders / demolishers are required to erect a 1.5m high fence along the whole of the street alignment other than at the two openings. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifying Authority, prior to the demolition of the existing structures and commencement of building operations.

- viii. Any noise generated during construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the site.
89. 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.
90. The existing *Ficus microcarpa* var *hillii* street trees shall be retained and protected during construction. The exact location of the driveway shall be based on the

recommendations of a Consultant Arborist with minimum AQF (Australian Qualification Framework) Level 5 qualifications or equivalent e.g. TAFE NSW Diploma of Horticulture (Arboriculture), and experienced in the protection of trees on development sites. The Arborist's report shall also identify necessary protective measures (including fencing and delivery/access points), the location and installation methods for any services or works and ongoing maintenance to the tree/s during construction. All recommendations of the Arborist shall be adhered to at all times.

91. The five (5) existing street trees located at the Princes Highway frontage of the property are not to be removed or pruned, including root pruning, without the written consent of Council.

Prior to issue of occupation certificate or commencement of use

The following conditions must be complied with prior to issue of the Occupation Certificate or Commencement of Use.

92. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
93. Lot 1 DP 965327, Lot 1 DP 331780, Lot 2 DP 955627, Lot 1 DP 75213, Lot 1 DP 955627 shall be consolidated into one allotment. A copy of the plan of consolidation shall be submitted to Council prior to release of the Final Occupation Certificate.
94. Prior to the issue of the final Occupation Certificate, a public positive covenant, easement or other appropriate instrument is to be established on site, to enable public thoroughfare, both vehicular and pedestrian. The positive covenant, easement or similar instrument must make reference that the requirement for vehicular thoroughfare is to be extinguished and the Strata Plan of the resulting development is to reinstate kerbing, guttering and any other works to extinguish the vehicular thoroughfare, to the satisfaction of the Council only when alternative public road, via an extension of Geeves Lane is made available by the Council.

The terms of the instrument shall be approved by Rockdale City Council, prior to the issue of the Final Occupation Certificate for the site. Council shall be nominated in the instrument as the only party to authorize release, vary or modify the instrument.

95. All playground structures and softfall treatments shall satisfy the relevant AS/NZS standards (AS/NZS 4486.1:1997, AS/NZS 4422:1996). All pavements shall comply with AS/NZ 4586:1999 standards Class W (low) for slip resistance on both private and Council property.
96. All excess excavated material, demolition material, vegetative matter and builder's rubbish shall be removed to the Waste Disposal Depot or the Regional Tip prior to final inspection.
Note: Burning on site is prohibited.
97. A by-law shall be registered and maintained for the life of the development, which requires that:
 - (a) balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain;
 - (b) the studies shown within residential units on the approved plans, shall not be used, or modified and used, as bedrooms.
 - (c) bins are to be returned to on site storage rooms within 1 hour following collection

to ensure Geeves Lane is not obstructed. This shall be the responsibility of the building manager on site.

(d) an owner of a lot must ensure that all floor space within the lot complies with the acoustic conditions for floors specified in this consent;

(e) not withstanding subclause (b), in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardized impact sound pressure level not greater than L_{nT,w} 45 measured in accordance with AS ISO 140.7 and AS ISO 717.2. A test report from a qualified acoustic engineer employed by a firm eligible to membership of the Association of Australian Acoustical Consultants shall be submitted to the Owners Corporation within 14 days of the installation of the new floor covering demonstrating compliance with that standard. In the event that the standard is not complied with, the floor covering shall be removed and replaced with a floor covering that conforms to that standard in accordance with any directions given by the Owners Corporation.

Proof of the registration of the By Law shall be submitted to Council prior to the issue of an Occupation Certificate.

98. Pedestrian alert systems and signage are to be provided on site at ingress and egress locations to car parking areas, loading / unloading areas and ramps, in order to maximize pedestrian safety on site. Signage is to be installed within the loading / unloading bay, to restrict the use of the loading / unloading area to vehicles 6m in length and under. The loading area must be clearly delineated from the pedestrian walkway by way of pavement marking / finishes.
99. Ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place shall be removed forthwith.
100. A lighting maintenance policy shall be established for the development. Details to be provided prior to the issue of the Occupation Certificate.
101. All landscape works are to be carried out in accordance with the approved landscape plans. The landscaping is to be maintained to the approved standard at all times.
102. 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.
103. The underground placement of all low voltage street mains in that section of the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense. The works shall be completed and Ausgrid's requirements shall be met prior to issue of the Occupation Certificate.
104. The vehicular entry to the site from the Princes Highway is to be clearly marked and signposted ("entry") from the street. The vehicular exit from the site is to be signposted ("no entry") to the Geeves Lane frontage of the site.
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. Prior to completion of the building works, a full width vehicular entry is to be constructed to service the property. Any obsolete vehicular entries are to be removed and reconstructed with kerb and gutter. This work may be done using either a Council quote or a private contractor. There are specific requirements for approval of private contractors.

107. The width of a single driveway at the boundary shall be a minimum of 2.5m and maximum of 3m. The width of a double driveway at the boundary shall be a maximum width of 6m. Note: Councils Vehicular Entrance Policy restricts the width of the vehicular entrance over the footpath to a maximum of 4.5m.
108. A convex mirror is to be installed at (specify location) to provide increased sight distance for vehicles.

Prior to the issue of the Occupation Certificate a traffic management and traffic safety system shall be installed to control traffic flow from the basement at grade carparking access and ramps to ensure safety of vehicles and pedestrian. The system shall be designed by a suitably qualified and experienced traffic engineer, and meet the requirements of Australian Standard AS/NZS 2890.1:2004.

109. The gate for the basement shall be located in order to permit the queuing of two (2) vehicles when waiting to enter the basement garage. The control mechanism for the gate shall be arranged such that access to the basement garage for registered proprietors of the commercial units, and their visitors, does not require security clearance or assisted entrance between the hours of 7:30am to 6:00pm Monday to Saturday and 7:30am to 1:00pm on Sunday. Where the hours of operation of the commercial units are approved outside of these hours, the access arrangements shall match the approved hours of operation.
110. The dedication to Rockdale City Council of land for public footpath and road purposes as identified upon Site Plan Issue D, dated 18/01/2016. A survey depicting the above is to be submitted to Council for review and approval prior to the release of the Final Occupation Certificate. Council requires proof of lodgement of the signed Subdivision Certificate and 88B Instrument with the Land Titles Office.
111. Bollards shall be installed by the developer to adaptable car spaces on site.
112. Eight (8) commercial car spaces are to be provided on site in accordance with the submitted plans during business hours of commercial tenancies. Such spaces shall be paved, linemarked and made freely available at all times during business hours of the site for staff and visitors.
113. All on site 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.
114. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.
Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.
The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.
115. Prior to occupation, a registered surveyor shall certify that the driveway(s) over the footpath and within the property have been constructed in accordance with the approved driveway profile(s). The certification shall be based on a survey of the completed works. A copy of the certificate and a works-as-executed driveway profile shall be provided to Council if Council is not the Principal Certifying Authority.

116. An appropriately qualified Noise Consultant is to certify that Australian Standard 2021- 2000 Acoustic - Aircraft Noise Intrusion has been met before an occupation certificate will be issued.

117. *Acoustic Attenuation*

Prior to the issue of an Occupation Certificate, the following is to be prepared / undertaken and submitted to Council:

A. Testing and evaluation of the wall insulation system and floor system is to be carried out at post construction stage by a suitably qualified acoustical engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership to confirm compliance with conditions of this consent. A report is to be prepared, including details & finishes of the walls and floors separating apartments, results of testing and compliance with conditions of this consent.

B. A measurement report from a qualified acoustic consultant demonstrating compliance with relevant noise criteria in relation to rail / traffic noise, vibration and plant emissions and as contained in the report prepared by Acoustic Noise & Vibration Solutions P/L (Dated 12/12/2014). As a minimum, this report shall provide the L_{Amax} and L_{Aeq} noise levels of at least ten consecutive trains, measured in the habitable room potentially most affected by train noise. The report shall include the calculated maximum L_{Aeq} (1 hour) noise levels for day and night-time periods, taking into account the maximum number of trains per hour and the types of trains in each period. A Certificate of Compliance prepared by the acoustic consultant shall be submitted to the Principal Certifying Authority (PCA) and concurrently, prior to the issue of an Occupation Certificate.

C. On completion of the building, a suitably qualified Consultant is to certify that The Environmental Criteria for Road Traffic Noise, May 1999 standard has been met or, where this standard would not practically or reasonably be met, the internal noise objectives of the Building Code of Australia have been met before an occupation certificate will be issued.

118. A certificate is to be provided to Council that all wet areas have been effectively waterproofed (prior to tiling) in accordance with AS3740 and the product manufacturer's recommendations.
119. A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifying authority) stating that the landscape works have been carried out in accordance with the approved plans and documentation.
120. A certificate of playground safety installation compliance shall be submitted to Council prior to release of the Occupation Certificate.
121. Air conditioning and mechanical ventilation systems shall be certified by a suitably qualified and experienced engineer at the completion of installation prior to the issue of an Occupation Certificate.
122. Prior to occupation, a chartered professional engineer shall certify that the tanking and waterproofing has been constructed in accordance with the approved design and specification. A copy shall be provided to Council if council is not the Principal Certifying Authority.
123. 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 Rockdale Technical Specification Stormwater Management. The certificate shall be in the form specified in Rockdale Technical Specification Stormwater Management and include an evaluation of the completed drainage works. 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.

124. A gutter flow (Geeves Lane) analysis will be required to be submitted for the protection of the low level driveway in accordance with Section 4.6 of DCP

The underground garage shall be floodproofed to a minimum of 100mm above the 1% Annual Exceedance Probability Gutter flow flood level. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.

125. A Positive Covenant is to be created on the title of the land, detailing detention and treatment devices, any traffic calming devices and pedestrian alert systems.
126. 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.
127. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
128. The owner of the premises is required to comply with the following requirements when installing a rainwater tank:
- Inform Sydney Water that a Rainwater tank has been installed in accordance with applicable requirements of Sydney Water.
 - The overflow from the rainwater tank shall be directed to the storm water system.
 - 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.
 - A first flush device shall be installed to reduce the amount of dust, bird faeces, leaves and other matter entering the rainwater tank.
129. A suitably qualified Wind Consultant shall confirm that the wind amelioration measures as specified within the report prepared by ANA Civil Pty Ltd and dated 24th September 2015 have been implemented. Certification is to be submitted to Council prior to the issue of the Occupation Certificate.
130. The installation of rooftop facilities as indicated upon approved plans shall be finalized prior to issue of the Occupation Certificate.

Roads Act

131. 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 Works Zone signs by Council's Traffic and Road Safety Section.

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

132. Where applicable, the following works will be required to be undertaken in the road reserve at the applicant's expense:
- i) construction of a walkway along the driveway access within the development site;
 - ii) construction of a new fully constructed concrete vehicular entrance/s;
 - iii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
 - iv) reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;
 - v) construction of paving between the boundary and the kerb;
 - vi) removal of redundant paving;
 - vii) construction of kerb and gutter.

Note: Detailed plans of the works are required to be submitted to Council for assessment and approval pursuant to *Section 138 of the Roads Act 1993*, prior to the issue of the Construction Certificate.

133. In addition to the works in the road reserve listed above, the following modification and/or improvement works to the road and drainage in the Princes Highway and through site link will be required to be undertaken at the applicant's expense:
- i) Relocation of existing stormwater lintel and related works;
 - ii) Relocation of Telstra pits;
 - iii) Traffic calming measures and works.

Note: Detailed plans of the works are required to be submitted to Council for assessment and approval pursuant to *Section 138 of the Roads Act 1993*, prior to the issue of the Construction Certificate.

134. 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. 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.
135. All driveway, footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken in accordance with Council's Subdivision and Civil Works Construction Specification (AUS-SPEC 1). Amendment to the works specification shall only apply where approved by Council. Where a conflict exists between design documentation or design notes and AUS-

SPEC 1, the provisions of AUS-SPEC 1 shall apply unless otherwise approved by Council.

136. Where the works are undertaken by a Private licensed Contractor, the contractor shall:
- i) Undertake testing as specified in Specification CQS or CQC of AUS-SPEC 1, as nominated by Council;
 - ii) Provide Council with one (1) copy of works as executed drawings upon completion of the works. The works as executed drawings shall be based on a survey of the works by a registered surveyor;
 - iii) Provide Council with 48 hours notice of the nominated inspections;
 - iv) Maintain the works for the duration of the nominated Defects Correction Period.
- Note:** An inspection by Council is required at each of these stages. Works shall not continue until inspected by Council. Inspection by Council does not relieve the responsibility of a Private Licensed Contractor to undertake quality testing in accordance with the Council's Construction Specifications (AUS-SPEC), have the works inspected by the superintendent and have the superintendent submit an engineering certificate.
- vi) Maintain the works for the duration of the Defects Correction Period, which shall be 12 months. (The Defects Correction Period commences on the date of acceptance of the completed works by Council). During this period the contractor shall:
 - a) Keep the works clean and free of silt, rubbish and debris;
 - b) Maintain, renew and repair, either in whole or in part, defective works as identified in written notice by the Council so that the works function 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;
 - c) Carry out the matters referred to in paragraphs (i) and (ii) at the contractor's expense;
 - d) Not make alterations to the system or elements thereof without prior consent in writing of the Council;
 - e) Comply with the terms of any written notice issued by the Council in respect to the requirements of this condition within the time stated in the notice.

In the event of the contractor failing to comply with the terms of any written notice served in respect of the matters in this condition the Council or its authorised agents may carry out any work required to ensure the safe and efficient operation of the system and recover from the registered proprietor the cost of carrying out the work, and if necessary, recover the amount due by legal proceedings (including legal costs and fees).

137. This Roads Act approval does not eradicate the need for the Contractor to obtain a Road Opening Permit prior to undertaking excavation in the road or footpath.
138. The following details shall be submitted to the certifying authority for assessment and approval pursuant to Section 138 of the Roads Act 1993, in relation to the awning over the Princes Highway:

- i) Detailed design plans and specifications consistent with the approved plans listed in condition 2 of this consent, including structural details; and
- ii) Design certificate.

The awning shall be designed by a Chartered Professional Engineer (Structural).
 Note: Awnings are required to be set back a minimum of 600 mm from the kerb face and be a minimum height of 2.4 metres above the footpath level. Drainage from the awning shall be connected to the stormwater system for the development.

Following completion of the installation of the awning, a certificate from a Chartered Professional Engineer (Structural) shall be submitted to Council stating that the awning has been constructed in accordance with the approved design plans and specifications.

A positive covenant pursuant to the Conveyancing Act 1919 shall be created to provide for the on going maintenance of the awning encroaching upon Council's property in (insert location). Prior to the issue of the Final Occupation Certificate, the applicant is to submit to Council proof of registration of the covenant with the Land and Property Information Centre.

- 139. 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.
- 140. Public infrastructure works in the public road reserve shall not commence without prior approval of the design in accordance with the Roads Act 1993, the Transport Administration Act 1988 and the Road Transport (Safety and Traffic Management) Act 1999.

Development consent advice

- a. Some forms of signage require separate development consent. Please refer to relevant planning policies for more information.
- b. A street/shop number shall be prominently displayed at the front of the development. The street number shall be a minimum of 120 mm in height to assist emergency services and visitors to locate the property. The numbering shall be erected prior to commencement of operations.
- c. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
- d. *Telstra Advice – Dial Before You Dig*

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before You Dig service in advance of any construction or planning activities.

- e. *Telstra Advice - Telecommunications Act 1997 (Commonwealth)*

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Commonwealth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800810443.

- f. Where Council is not engaged as the Principal Certifying Authority for the issue of the Subdivision Certificate (Strata), and the Section 88B Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.
- g. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
 - Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]
 - Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]
 - Protection of the Environment Operations (Waste) Regulation 2005

All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in Health & Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the Environment Operations (Waste) Regulation 2005.

- h. Demolition and construction shall minimise the emission of excessive noise and prevent "offensive noise" as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:
 - choosing quiet equipment
 - choosing alternatives to noisy activities
 - relocating noise sources away from affected neighbours
 - educating staff and contractors about quiet work practices
 - informing neighbours of potentially noise activities in advance
 - equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq(15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.
- i. The removal, cleaning and disposal of lead-based paint shall conform with the requirements of the NSW Environment Protection Authority's guideline - "Lead Alert - Painting Your Home".

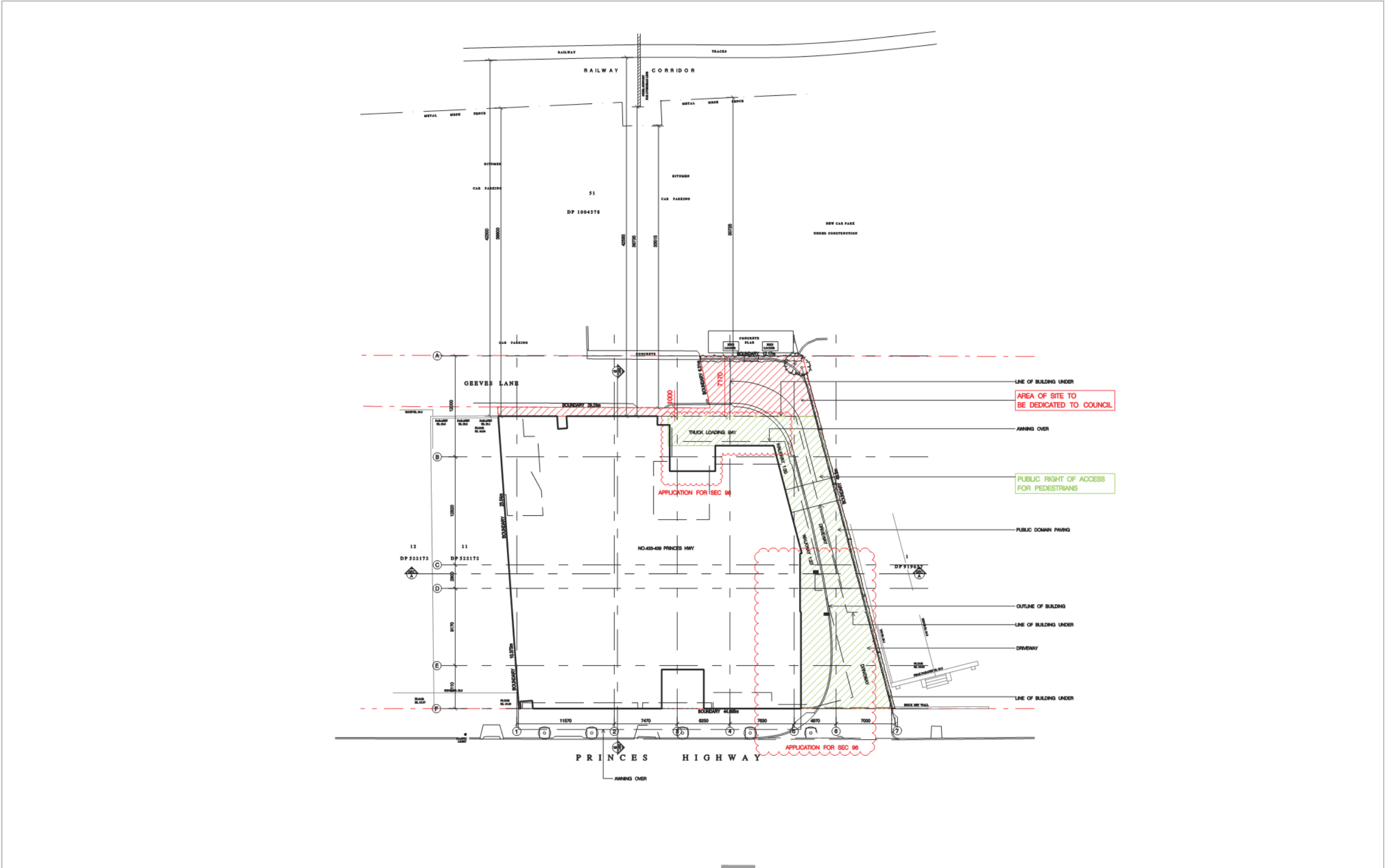
- j. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- k. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.
- l. Sydney Water

Water

- The existing 150mm main in Princes Highway has adequate capacity to service 90 residential apartments.

Wastewater

- The waste water main available for connection is the 150 mm main constructed in Princes Highway. The developer may be required in the future to amplify the existing sewer main to a 225mm.
- Detailed Requirements will be provided at the Section 73 Phase.
- m.
 - a. A graffiti management plan to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti offences is the quick removal of such material, generally within a forty-eight hour period.
 - b. The car park area should be secured and monitored to minimize the opportunity for intruders to access such areas.



Scale: 1:200 @A1 1:400 @A3

Date Printed: 17-May-17
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True North

ISSUE	REV	REVISION DESCRIPTION	APPD	DATE
A	1	ISSUED FOR SEC 96		10-05-17

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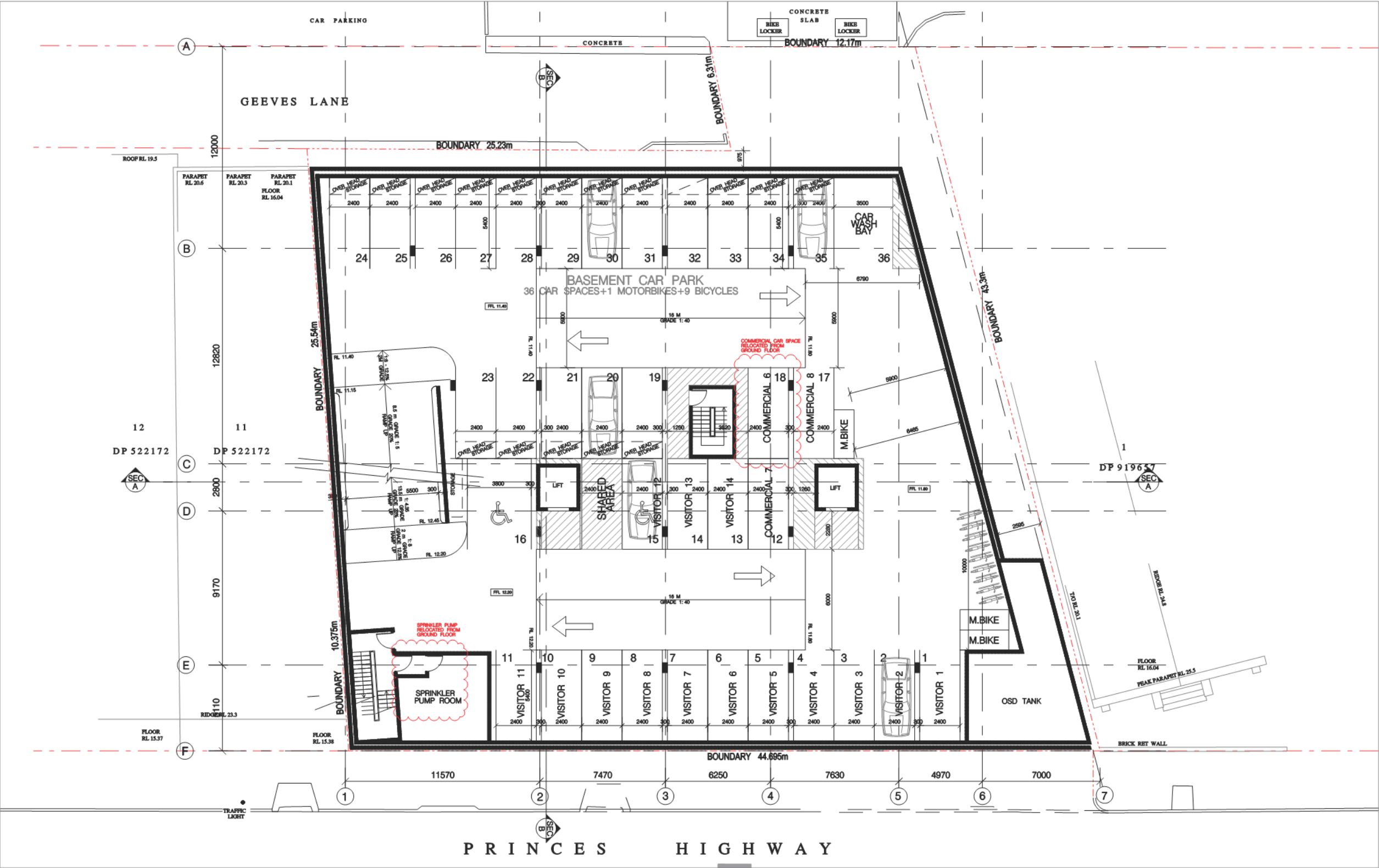
Architects
 Construction Managers
 Interior Designers
 Town Planners

Project Details: - A NEW -
MIXED USE DEVELOPMENT
433-439 PRINCES HIGHWAY, ROCKDALE
 Client: AUSTRALIA STONEGATE GROUP -
 ROCKDALE ALPHA DEVELOPMENT PTY. LTD.

Drawing Title: **SITE PLAN**
 Drawing Status: **AUTHORITY APPROVAL**
 Project Number: **Pn-0406**

Issue: **A** Date Printed: **17-May-17**
 Drawing Number: **A-900**





Scale: 1:100 @A1 1:200 @A3

Date Printed: 12-May-17

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True North

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Project Details: - A NEW - MIXED USE DEVELOPMENT 433-439 PRINCES HIGHWAY, ROCKDALE

Client: AUSTRALIA STONEGATE GROUP - ROCKDALE ALPHA DEVELOPMENT PTY. LTD.

Drawing Title: BASEMENT PLAN 1

Drawing Status: AUTHORITY APPROVAL

Project Number: Pn-0406

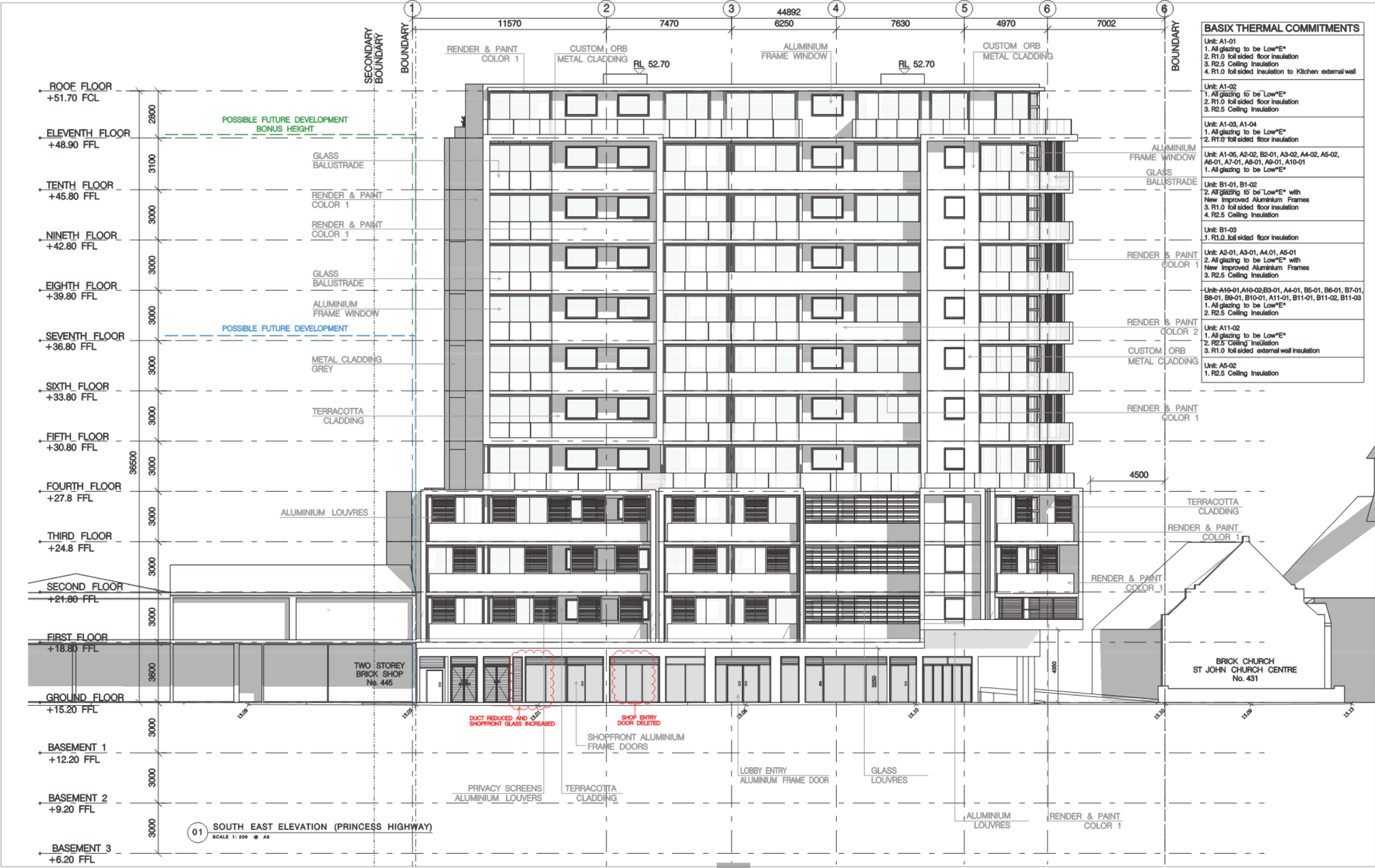
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Drawing Number: A-1010

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Scale: 1:100 @A1 1:200 @A3

Date Printed: 4/08/2018

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True North

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Client: AUSTRALIA STONEGATE GROUP -
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Drawing Title: ELEVATIONS

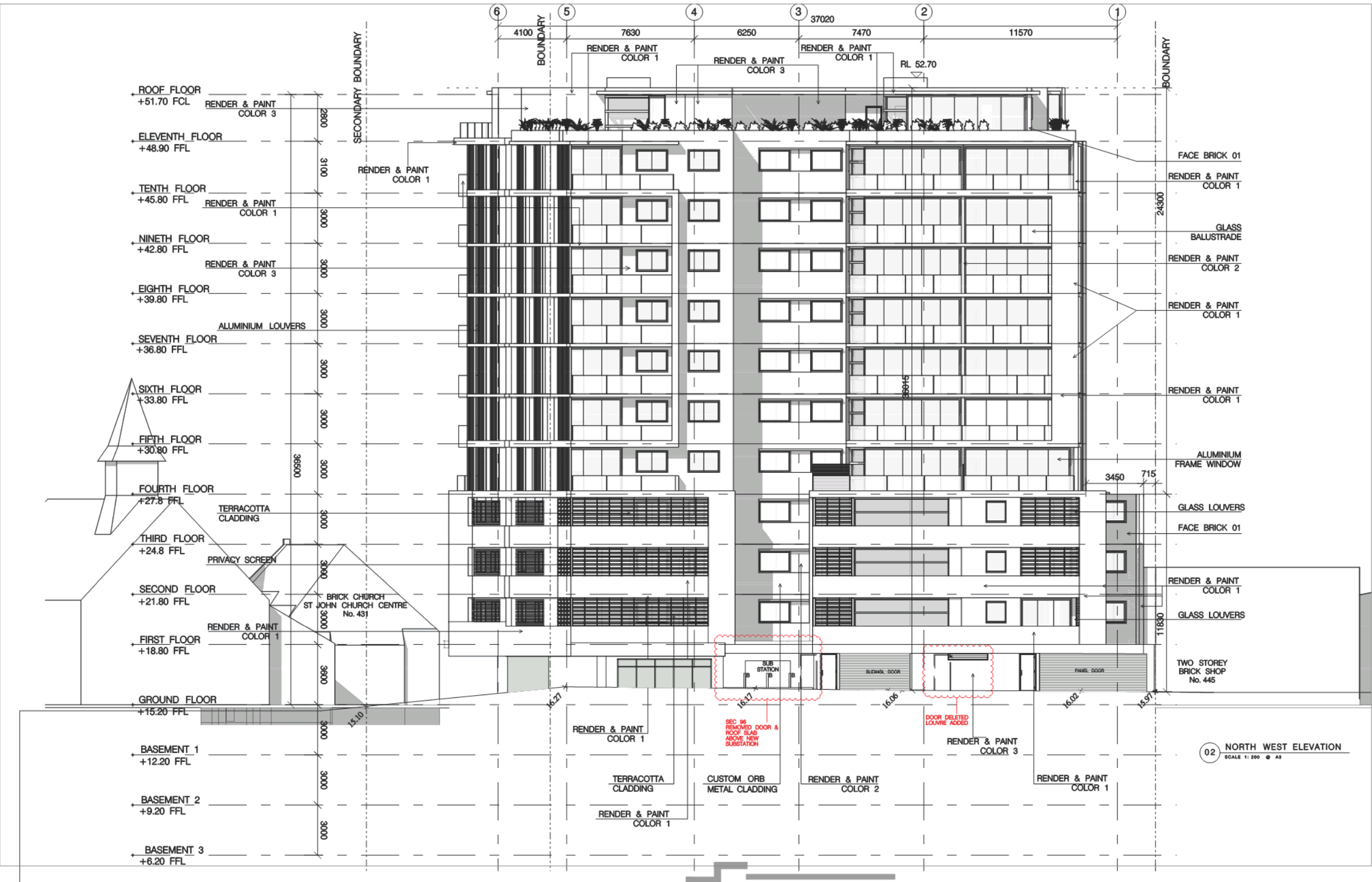
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Project Number: Pn-0406

Issue: B

Date Printed: 4/08/2018

Drawing Number: A-1200



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Date Printed: 12-May-17

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True North

0 1 2 3 4 5 10m

ISSUE	REV	DESCRIPTION	DATE
A	1	ISSUED FOR SEC 9K	10-05-17

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Client: AUSTRALIA STONEGATE GROUP - ROCKDALE ALPHA DEVELOPMENT PTY. LTD.

Drawing Title: ELEVATIONS

Drawing Status: AUTHORITY APPROVAL

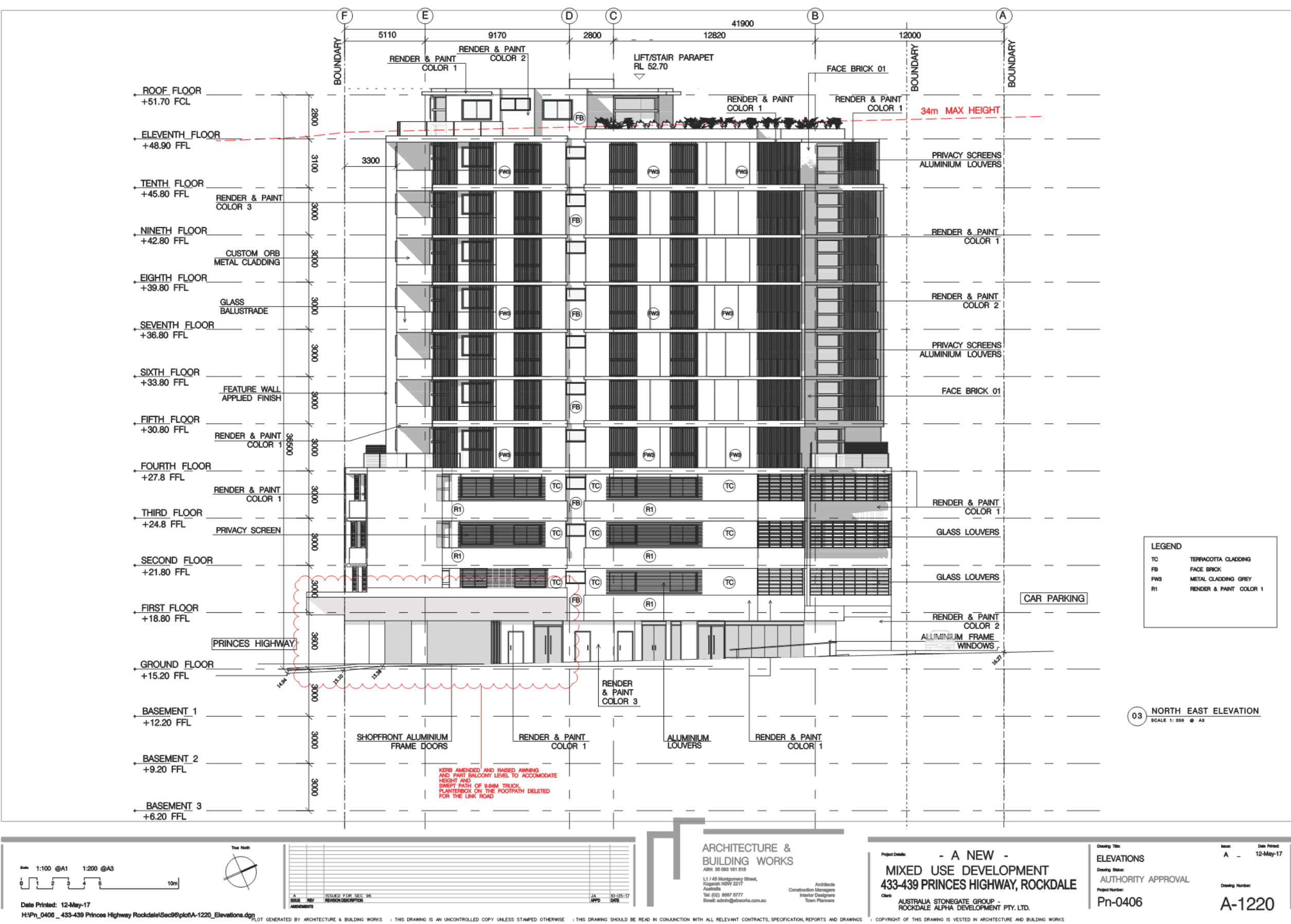
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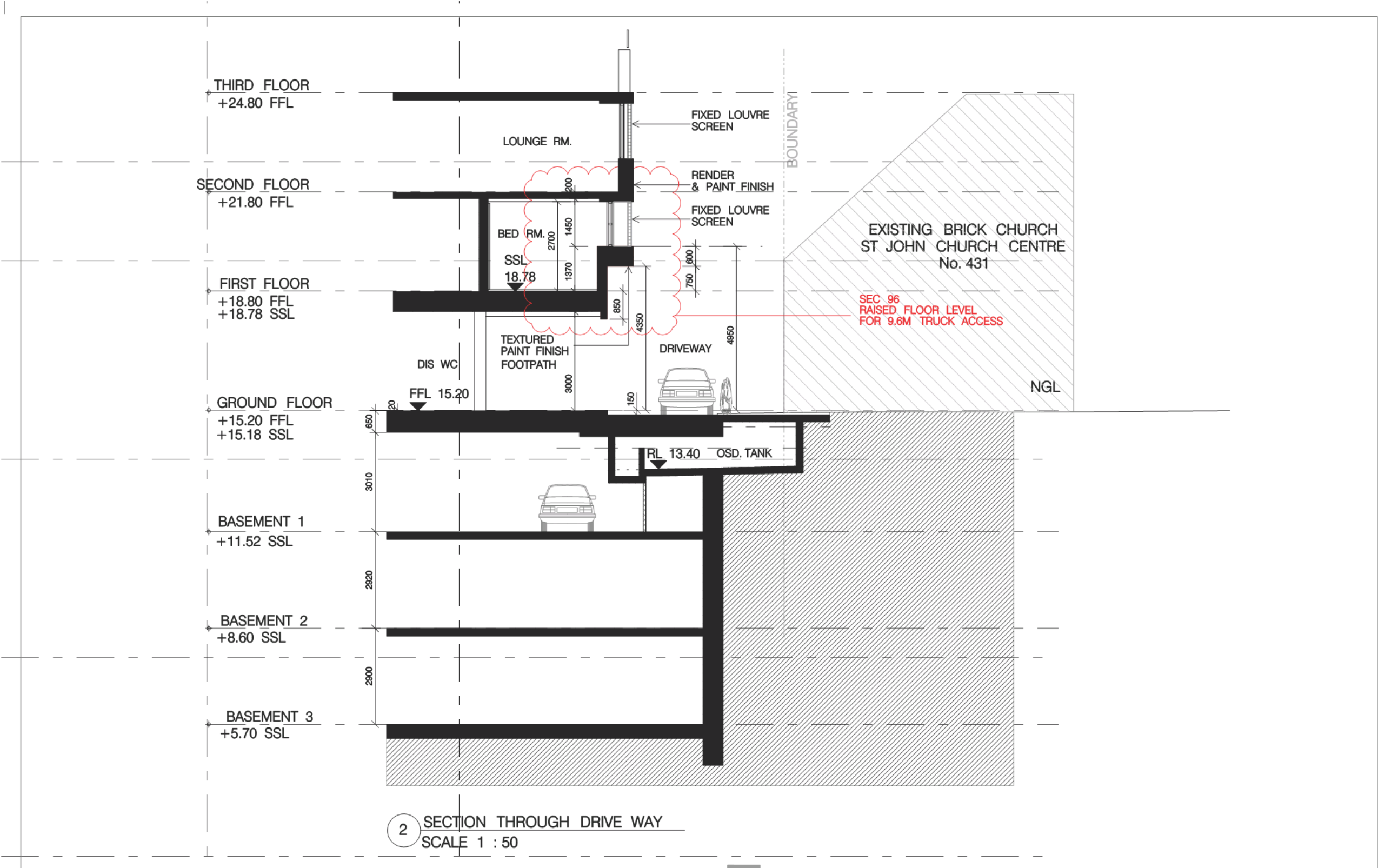
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Date Printed: 06-Jun-17

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REV	DESCRIPTION	DATE
1	ISSUED FOR SEC 96	10-05-17
2	AMENDMENTS	06-Jun-17

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Project Details: - A NEW -
MIXED USE DEVELOPMENT
433-439 PRINCES HIGHWAY, ROCKDALE
Client: AUSTRALIA STONEGATE GROUP -
ROCKDALE ALPHA DEVELOPMENT PTY. LTD.

Drawing Title: DRIVEWAY SECTION 1:50
Drawing Status: AUTHORITY APPROVAL
Project Number: Pn-0406
Drawing Number: A-1284
Issue: 1
Date Printed: 06-Jun-17

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