

#### **MEETING NOTICE**

A meeting of the

Bayside Local Planning Panel

will be held in the Committee Room, Botany Town Hall

Corner of Edward Street and Botany Road, Botany

on Tuesday 21 May 2019 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 Local Planning Panel Meeting 30 April 2019....2
- 5 REPORTS PLANNING PROPOSALS

Nil

#### 6 REPORTS – DEVELOPMENT APPLICATIONS

6.1	SF19/1525 - 5 Finch Drive Eastgardens (formerly 130-150 Bunnerong Road, Eastgardens)8
6.2	BDA-2017/1154/A - 904-922 Botany Road Mascot88
6.3	DA-2015/421/E - 8-10 Martin Avenue, 47-49 Bonar Street & 9 Bidgigal Road, Arncliffe
6.4	DA-2018/213 - 8-20 Sarsfield Circuit, Bexley North

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 Local Planning Panel**

21/05/2019

Item No 4.1

Subject Minutes of the Bayside Local Planning Panel Meeting - 30 April 2019

Report by Michael McCabe, Director City Futures

File SF18/2998

#### Recommendation

That the Bayside Local Planning Panel notes that the Minutes of the Bayside Local Planning Panel meeting held on 30 April 2019 have been confirmed as a true record of proceedings by the Chairperson of that meeting.

#### **Present**

Jan Murrell, Chairperson Ross Bonthorne, Independent Expert Member Lindsey Dey, Independent Expert Member Amber O'Connell, Community Representative

#### **Also Present**

Fausto Sut, Manager Governance & Risk Clare Harley, Manager Strategic Planning Josh Ford, Coordinator Strategic Planning Charlotte Dawson, Strategic Planner Howard Taylor, Strategic Planner Suhradam Patel, IT Support Officer Lauren Thomas, Governance Officer

The Chairperson opened the meeting in the Botany Town Hall Committee Room 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

There were no disclosures of interest.

# 4 Minutes of Previous Meetings

Nil.

# 5 Reports – Planning Proposals

# 5.1 Planning Proposal - BATA site - 128 & 130-150 Bunnerong Road, Eastgardens

An on-site inspection took place at the property on the Friday before the meeting.

An addendum was issued to the Panel prior to the meeting commencing (two additional submission response).

**The correct attachment 8** referencing the Hill Thalis Peer review, dated 8 November 2017was also issued post-meeting.

The following people spoke:

- David Bower, affected neighbour, Club Director of Bonnie Doon Golf Club, spoke against the officer's recommendation.
- Matthew Lennartz, Executive Manager Planning and Government Meriton, spoke for the officer's recommendation and responded to the Panel's questions.
- Neil O'Connell, Head of Architecture Meriton, spoke for the officer's recommendation and responded to the Panel's questions.
- Walter Gordon, Head of Planning Meriton, spoke for the officer's recommendation and responded to the Panel's questions.
- Nick Hatzi, Director -SJB, spoke for the officer's recommendation and responded to the Panel's questions.
- James Turner, Senior Engineer ARUP, spoke for the officer's recommendation and responded to the Panel's questions.

#### **Comments of Panel for Council's Consideration**

- 1. The Planning Proposal (PP) for the BATA site was first submitted over 2 years ago and was approved for a Gateway Determination by the Department of Planning and Environment in December 2017. An Alteration of the Gateway Determination was then approved in October 2018. This was placed on public exhibition with supporting documentation and 70 submissions were received, 51 opposing the planning proposal for a variety of reasons including: height, scale and density; urban design; traffic access and car parking; public transport; solar access: and impacts on infrastructure and surrounding residents.
- 2. The Council Officer's assessment report is comprehensive and clearly sets out the history and a response to the submissions received following the exhibition.

- 3. This Panel notes the Sydney Central Planning Committee in September 2017 required the PP to be revised to respond to a number of issues including a detailed transport report with "assurance from Transport New South Wales that public transport will cope with the proposed population increase". Such an assurance has not been received to date, although it is noted there are ongoing discussions.
- 4. At the public meeting The Panel heard from the Director of the Bonnie Doon Golf Club, located to the west of the subject site. Apart from the concern of overshadowing the golf course he raised the need of a road underpass to be provided to enable safe and secure access for maintenance workers. The Panel advised that the \$3 m. cost of this is a matter that should be raised with the Council.
- 5. The Panel also heard from representatives of the Proponent as detailed above. The Representatives also responded to questions from the Panel and clarified some issues.
- 6. The Panel notes the current revised Planning Proposal includes: rezoning 6 hectares of the site from Industrial (I 1)to Residential 3 and 4; with an increase in FSR from 1:1 to 2.35 :1; a minimum of 5,000 square metres of non-residential uses; additional permissible uses with consent (to include commercial premises, indoor recreation facility, and serviced apartments); and increased heights up to 69 metres.
- 7. The Panel acknowledges the advanced stage of the planning proposal. The following comments are made after reviewing submissions and reports and are provided to assist Council in its consideration of the PP.
- 8. A peer review of the PP was undertaken by the consultants. previously engaged by Council to prepare an urban design concept plan in 2015.. The peer review on the current PP questioned the proposed FSR of 2.35:1 in terms of outcomes for the site to achieve solar access and an appropriate density and built form for its location and for a site not serviced by fixed transport infrastructure, noting the site relies on bus services.
- 9. The Panel is also of the opinion that the justification for an FSR of 2.35:1 should be carefully reconsidered. In response to questions from the Panel concerning this matter it appears the Proponent was of the opinion that podium parking would be assessed as additional FSR. The Panel clarified this and podium parking, which complies with Council's DCP requirements, is excluded from the calculation of FSR. Given the exclusion of podium parking and other factors it is difficult to justify an increase in FSR for the site. , The Panel also notes podium parking can create unnecessary additional bulk, although sleeving in some circumstances may ameliorate such impacts. The proponent's response is that it may be possible to provide some of the parking underground subject to further site analysis, although this is unknown as this stage.
- 10. Another consideration of the FSR is the amount of solar access achieved across the site for not only the dwelling units at this density, but also the public open space. The panel notes solar access for the existing surrounding development has generally been considered to the north and east of the proposal, however more detailed study is required to address the solar access/overshadowing of Central Park in stage 1.

- 11. A further consideration of the ramifications of the FSR, and the mix of uses, is the impact of the traffic generation on the surrounding network. Further clarification and analysis of the parking rates to apply to the residential component should be factored into the FSR, and this may include different scenarios as part of the analysis. The Traffic Report of the Proponent factors in a lower rate than provided for in the Council's DCP.
- 12. Council's peer review of the Proponent's Traffic Impact Assessment (TIA) states that "reduced parking rates only apply in circumstances where the subject site is 800 m from a railway station or light rail stop in the Sydney metropolitan area... Therefore council's car parking DCP should prevail."
- 13. The RMS acknowledges there is no committed mass-transit public infrastructure improvements proposed within a typical walking distance from the site. RMS notes the subject site is 1.7 km from the light rail terminus.
- 14. The Panel notes the department has specified a minimum amount of FSR for non-residential uses to be 5,000 m². On the other hand the RMS has provided its comments on a maximum of 5,000 m² of non-residential for the site. Furthermore, given the additional permissible uses on the site this may impact on the parking provision and traffic generation. It is noted that in the approval of the Alteration to the Gateway an updated traffic report is required to assess the additional permissable uses. The TIA comments that the level of service for some intersections at in the surrounding streets currently function at Level E.
- 15. As recommended by the peer review an FSR of 2:1 would allow a more appropriate density and some flexibility to achieve urban design outcomes for this site that is not located in close proximity to light rail. In this regard Transport for NSW states it has no current plans to provide or extend light rail infrastructure to the site. However, it is noted bus routes and timetables to the area are reviewed and adjusted from time to time.
- 16. The Community representative who was a member of the Panel raised concern about the additional traffic in an already congested area and the cumulative impacts of all future development in the area. The community representative provides the following comments:

The submissions received demonstrate significant concern about visual impacts, the increase in population for the area, and subsequent impacts on services including roads, public transport and schools. The overwhelming majority of the 70 submissions received in response to the public consultation have been strongly against the density of this development. As such, the community hopes that Council considers these views in deciding next steps (as is the purpose of community consultation) - specifically in relation to height and FSR; these will impact both the increase in density and visual amenity. In turn these considerations will impact upon services, and ultimately quality of life for existing residents. The experience of residents living around and commuting to the Mascot train station precinct – where similar development has taken place – was noted; roads and intersections seem to be failing during peak hour and gridlock ensues. This also signals the scale of new developments in the Bayside catchment - the new dwellings target is already on track to being exceeded and the BATA site, in it's most recent proposal with FSR of 2.35:1, signifies overdevelopment in the context of all of the above points.

#### CONCLUSION

- 17. On balance having considered the issues raised in submissions during the exhibition, and the peer review commissioned by the Council, the Panel is not persuaded that an overall Floor Space Ratio greater than 2:1 is sustainable for this large site. In this regard the panel has considered the site in both its broader context, including public transport provision, and site specific urban design issues of density and built form, solar access, open space and pedestrian connectivity.
- 18. The Panel is also of the opinion that a site specific DCP should be prepared to provide greater certainty and clarity. This requires reconsidering and addressing issues including: the appropriate car parking rate (including bicycles, disabled scooters); the height, bulk, scale, massing and modulation of buildings; environmental constraint of contamination; environmental impacts such as overshadowing, wind tunnelling, and visual impact; principles of ecologically sustainable development; open space connectivity and pedestrian access and circulation both internal and external to the site. (The panel notes that a Concept Development Application may be prepared instead of a DCP, however, this should include all the issues above and those more specifically listed hereunder in 2.)
- 19. The Panel endorses the recommendation below as contained in the report of 30 April 2019 on the basis of an FSR of 2:1 for the site.
- 20. The Bayside Local Planning Panel recommends to Council that:
  - a. Prior to the Planning Proposal, for 128 and 130-150 Bunnerong Road, Eastgardens (Lot 1 DP 1187426 and Lot 24 DP 1242288 - formerly Lot 2 DP 1187426) being forwarded to the Department of Planning and Environment for finalisation in accordance with Section 3.36 of the Environmental Planning and Assessment Act 1979, assurances regarding the current and future capacity of public transport are provided by RMS and TfNSW.
  - b. That the Concept Master Plan for 128 and 130-150 Bunnerong Road, Eastgardens be further refined as part of a site-specific DCP or Concept Development Application to address the following issues:
    - i. Urban design including height transitions, setbacks, building articulation and modulation and the interface of built form with the public domain.
    - ii. Podium car parking options to reduce bulk and encourage articulation.
    - iii. Treatment, embellishment and functionality of public open space.
    - iv. Car parking and other vehicle rates
    - v. Revised traffic modelling to address matters raised by RMS in their submission.

Name	For	Against
Jan Murrell	$\boxtimes$	
Ross Bonthorne	$\boxtimes$	
Lindsey Dey	$\boxtimes$	
Amber O'Connell	$\boxtimes$	

The Chairperson closed the meeting at 7:40 pm.

Certified as true and correct.

Jan Murrell **Chairperson** 



# **Bayside Local Planning Panel**

21/05/2019

Item No 6.1

Application Type Section 4.55(1A) Application

Application No SF19/1525 Lodgement Date 28/02/2019

Property 5 Finch Drive, Eastgardens

(formerly 130-150 Bunnerong Road, Eastgardens)

Ward Mascot

Owner Karimbla Properties (No.39) Pty Ltd

Applicant Karimbla Constructions Services (NSW) Pty Ltd

Proposal Section 4.55(1A) Modification to reduce the number of units

on Level 15, change unit mix in Building A and Building B, modify the terraces on Level 16 and reduce floor area.

No. of Submissions NIL

Cost of Development N/A

Report by Michael McCabe, Director City Futures

#### Officer Recommendation

That the Bayside Local Planning Panel approves the Section 4.55(1A) Application to modify Development Consent No. 2017/1224 to reduce the number of units on Level 15, change unit mix in Building A and Building B, modify the terraces on Level 16, and reduce floor area, at 5 Finch Drive, Eastgardens as follows:

- a Amend Condition No.1 to reflect the amended plans;
- b Amend Condition No. 24 to reflect the amended Section 7.11 Contribution fees in the overall fee breakdown and state the following:
  - 24. <u>Prior to the issue of any Construction Certificate</u>, the following fees are to be paid:-

(a) Development Control \$13,583.00

(b) Footpath Crossing Deposit \$314,700.00 (See below)

(c) Section 7.11 Contributions \$7,120,000.00 \$7,040,000.00 (See

below)

(d) Long Service Levy See below

(e) Tree Maintenance Bond \$7,500.00 (See below)

(f) Street Tree Planting Bond \$7,500.00 (See below)

(g) Public Works Defect Liability Bond \$25,000.00 (See below)

Item 6.1 8

- c Amend Condition No. 25 to reflect the amended Section 7.11 Contribution fees and state the following:
  - 25. Prior to the issue of any Construction Certificate, the payment of a monetary contribution of \$7,720,000.00 \$7,040,000.00 in accordance with Council's Section 94 Contributions Plan 2016 which is broken down as follows:

a) Community Facilities \$582,829.10 \$576,280.46
b) Recreation Facilities \$6,013,136.89 \$5,945,573.56
c) Transport Management \$472,191.93 \$466,886.40

d) Administration \$51,842.08 \$51,259.58

The Section 7.11 Contribution fees are subject to annual review and the current rates are applicable for the financial year in which the consent is granted. If the contribution is paid in a later financial year the fee applicable at the time will be required to be paid.

#### **Location Plan**



#### **Attachments**

Item 6.1 9

- Planning Assessment Report 
  Statement of Environmental Effects 
  Design Verification Statement 
  North Elevation 
  South Elevation 
  East Elevation 
  West Elevation 
  Roof Level Plan 
  Roof Level Plan

Item 6.1 

# **BAYSIDE COUNCIL**

# Planning Assessment Report

#### **Application Details**

Application Number: BDA-2017/1224/A

Date of Receipt: 28 February 2019

Property: 5 Finch Drive, Eastgardens

(formerly 130-150 Bunnerong Road, Eastgardens) Lot 21 DP 1242288 (formerly Lot 2 in DP 1187426)

Owners: The Proprietors of Strata Plan 97153

Applicant: Karimbla Constructions Services (NSW) Pty Ltd

Proposal: Section 4.55(1A) Application to modify Development Consent No.

2017/1224 to reduce the number of units on Level 15, change unit mix in Building A and Building B, modify the terraces on Level 16,

and reduce floor area.

Recommendation: Approval, subject to recommended conditions of consent.

Value: N/A

No. of submissions: Nil (Notification n/a)

Author: Ana Trifunovska, Development Assessment Planner

Date of Report: 6 May 2019

#### **Key Issues**

Development Application No. 2017/1224 was approved by the Sydney Eastern City Planning Panel on 2 August 2018 for the integrated development application for the construction of a residential apartment development consisting of three levels of basement, podium and six towers, 2 x 11 storeys, 2 x 14 storeys and 2 x 16 storeys with approval for 356 apartments.

Bayside Council received the subject Section 4.55(1A) Application No. 2017/1224/A on 28 February 2019 to modify Development Consent No. 2017/1224 to reduce the number of units on Level 15, change the unit mix in Building A and Building B, modify the terraces on Levels 16, and reduce floor area. As the proposal results in a reduction in units and a change in unit mix, the Section 7.11 contribution fees are also reduced.

Due to the nature of the proposed modifications, the application was not required to be placed on public notification as stipulated within Part 2 of the BBDCP2013.

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, subject to the modifications to the conditions of consent.

Item Bayside Planning Panel Meeting

#### Recommendation

That the Bayside Local Planning Panel:

- Approve the Section 4.55(1A) Application to modify Development Consent No. 2017/1224 to reduce the number of units on Level 15, change unit mix in Building A and Building B, modify the terraces on Level 16, and reduce floor area, at 5 Finch Drive Eastgardens as follows:
  - a) Amend Condition No. 1 to reflect the amended plans;
  - b) Amend Condition No. 24 to reflect the amended Section 7.11 Contribution fees in the overall fee breakdown; and
  - c) Amend Condition No. 25 to reflect the amended Section 7.11 Contribution fees.

#### **Background**

#### 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 21 DP1242288, with a total site area of 103,547sqm.

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 portion of the overall site relevant to this application is known as Urban Block 3 (UB3) in the Stage 1 consent. UB3 is located on the western side of the site between Banks Avenue to the west, East-West Bourlevard (Tingwell Boulevard) to the north and north-street 1 (Finch Drive) to the east. The subdivision of the site in accordance with the Stage 1 consent has been approved under DA-15/104 and further modified under DA-15/104/05 and DA-14/96/03. UB3 is Lot 5 on the approved subdivision plan and has an area of 9,434sqm. The lot is generally rectangular in shape with a frontage to Banks Avenue, Tingwell Boulevard, Finch Drive and the southern boundary.



Figure 1 Subject site highlighted in red

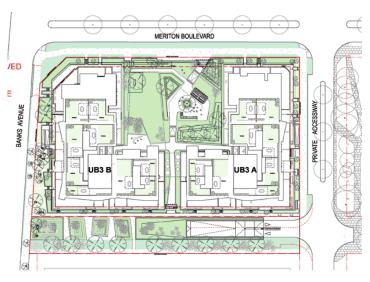


Figure 2 Approved Site Plan

## **Approved Development**

DA-2014/96 (and subsequent amendments) — Stage 1 masterplan and concept development application for a mixed use development at the former BATA site. The application was received by Council on 5 May 2014 and 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. Two modifications were approved on 24 July 2018 by

3

Bayside Planning Panel Meeting

the Panel which resulted in changes to the Stage 1 consent, particularly with UB3 modifying the approved northern setback, unit mix, unit sizes and private open space areas

- DA-2017/1224 Stage 2 application for the Integrated development application for the
  construction of a residential apartment development consisting of three levels of
  basement, podium, and six towers, 2 x 11 storeys, 2 x 14 storeys and 2 x 16 storeys in
  height. The development comprised of 356 units and a GFA/FSR of 36,879.1sqm (3.91:1).
- DA-2017/1224/02 On 9 October 2018, the application was approved under delegation to amend Condition Nos. 24 and 25 to reflect amended S.7.11 Contributions.
- DA-2017/1224/03 and DA-2017/1224/04 On 12 February 2019, the applications were approved by the Bayside Planning Panel to amend conditions relating to the relocation of the fire control room and hydrant booster, minor unit reconfiguration landscaping and stormwater. The development continued to comprise of 356 units, however the proposed GFA/FSR decreased to 36,854.1sqm (3.91:1).

#### Description and Assessment of the Proposed S.4.55 (1A) Modifications

The proposed development in its amended form seeks consent to amend the architectural plans as provided in Condition No. 1 of the consent to reflect minor modifications to the approved built form as follows:

• Reconfiguration of unit mix in Buildings A and B on Level 15.

The unit mix will be amended in each building from  $3 \times 2$ -bedroom and  $2 \times 3$ -bedroom units, to  $2 \times 4$ -bedroom and  $1 \times 3$  bedroom units. The proposal seeks to amend the unit mix that was approved under DA-2017/1224/03 which was as follows:

- o 1 bedroom units = 54 Units/ 15.2%
- 2 bedroom units = 225 Units/ 63.2%
- o 3 bedroom units = 77 Units/ 21.6%

Total Units on Level 15: 10 Units Total Units in UB3: 356 Units

The proposed reduction in units and modifications in unit mix are as follows:

- 1 bedroom units = 54 Units/ 15.3%
- 2 bedroom units = 219 Units/ 62.2%
- 3 bedroom units = 75 Units/ 21.3%
- o 4 Bedroom units = 4 units/ 1.1%

Total Units on Level 15: 6 Units Total Units in UB3: 352 Units

The reduction in units and reconfiguration of unit mix will also result in changes to car parking requirements. The following car parking spaces were approved under the previous consent (DA-2014/96) and are proposed for this development:

4

**Bayside Planning Panel Meeting** 

Lot	Required	Proposed
1 Bedroom – 1 space per 1 bedroom	54 spaces	Total residential car spaces required  - 580 spaces  Total residential car spaces proposed  - 586 spaces
2 Bedroom – 1.5 spaces per 2 bedroom	329 spaces	Breakdown as follows:
3 Bedroom – 2 spaces per 3 bedroom	150 spaces	<ul><li> 3 car share spaces</li><li> 1 car wash bay</li><li> 1 service bay</li></ul>
4 Bedroom – Unspecified in the consent, therefore, 2 spaces per 3 bedroom	8 spaces	DA-2017/1224/03 approved Level 15 car spaces:  • 6 x 1.5 (2 bed) = 9 spaces  • 4 x 2 (3 bed) = 8 spaces  Total spaces = 17 spaces
Visitor spaces – 1 space per 10 units	36 spaces	Proposed Level 15 car spaces:  • 4 x 2 (3 bed) = 8 spaces  • 2 x 2 (4 bed) = 4 spaces  Total spaces = 12 spaces
Car share spaces – 22 car share spaces (10 in basements) across entire site	3 spaces	Therefore there are 6 additional spaces (90sqm). Refer to assessment of GFA below)

The proposed amendments were referred to Council's Development engineer who finds no issues with the changes. The following comments were provided:

The main changes are for an amalgamation of units/roof terraces on the higher floor levels which result in a reduction in car parking requirements as per the master plan requirements (7 car spaces required for  $3 \times 2$  bedroom and  $2 \times 3$  bedroom units to 6 car spaces required for  $2 \times 4$  bedroom and  $1 \times 3$  bedroom and study units) and hence if anything there would be a surplus in parking so hence no issue with the change.

Furthermore, as a result of the reduction in units and the change in unit mix, the Section 7.11 Contribution fees (formerly Section 94 Contributions) will also reduce as follows:

Community Facilities	\$617,600.00	\$576,280.46
Recreation and Open Space	\$6,484,800.00	\$5,945,573.56
Transport Facilities	\$540,400.00	\$466,886.40
Administration	\$77,200.00	\$51,259.58
Total	\$7,720,000.00	\$7,040,000.00



Figure 3 Approved Building A, Level 15 Blue: 3-bedroom, Orange: 2-bedroom



Figure 4 Proposed New Unit Mix, Building A, Level 15 Green: 3-bedroom + study, Blue: 4-bedroom

Bayside Planning Panel Meeting



Figure 5 Approved Building B, Level 15 Blue: 3-bedroom, Orange: 2-bedroom



Figure 6 Proposed Building B, Level 15 Green: 3- bedroom + study, Blue: 4-bedroom

Bayside Planning Panel Meeting

 The roof terraces on Level 16 will be amended to reflect the unit mix changes below on Level 15.

The number of roof terraces is to be reduced from 4 to 3. Stair access to each terrace from each unit on Level 15 has also been modified;

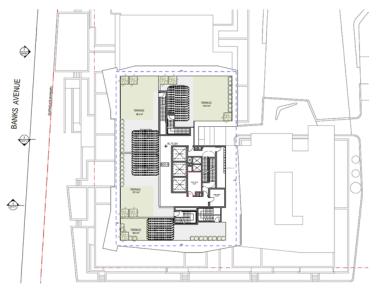


Figure 7 Approved Building A, Level 16

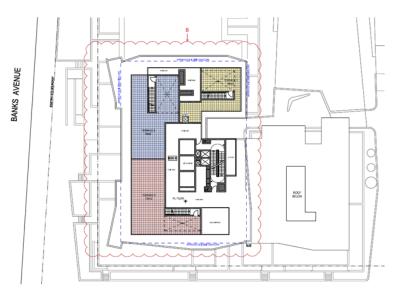


Figure 8 Proposed Building A, Level 16

Bayside Planning Panel Meeting



Figure 9 Approved Building B, Level 16

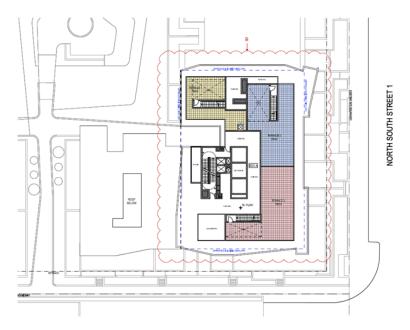


Figure 10 Proposed Building B, Level 16

Bayside Planning Panel Meeting

#### A reduction in the GFA of Level 15 and 16 of Buildings A and B.

The reduction in GFA is as follows:

- o Building A, Level 15: 15.7 sqm
- o Building A, Level 16: 2.5 sqm
- o Building B, Level 15: 16.6 sqm
- Building B, Level 16: 2.5 sqm

Total reduction in GFA - 37.3 sqm Additional GFA from additional 6 car parking spaces – 90 sqm

Proposed additional area – 52.7 sqm

The changes to the unit mix result in changes to the car parking requirements. The original DA (DA-2017/1224) approved a total of 591 car parking spaces which includes residential, car share, visitor spaces, courier and loading spaces and car wash bay. Note that the original DA approved an excess of residential car parking. Car parking spaces were then decreased to 588 space under the consent of DA-2017/1224/03 which continued to be compliant with the minimum residential car parking requirement stipulated within the original conditions.

Given the changes in unit mix, the required total of residential car spaces under this proposal is 580 car parking spaces. As the proposal does not involve a decrease in proposed car parking spaces, the development will be providing an additional 6 car parking spaces and therefore an additional 90sqm of GFA.

Taking into account the above reductions in floor area from Level 15 and Level 16, as well as the additional car parking spaces, the development will result in an increase to GFA by 52.7 sqm. The following amendments have been made to the proposal's GFA and FSR calculations thus far:

Development Consent	Proposed GFA	Proposed FSR
DA-2014/96		
Stage 1 Application	37,011sqm	3.92:1
Indicative units: 368		
DA-2017/1224		
Stage 2 Application	36,879sqm	3.91:1
Units: 356		
DA-2017/1224/03		
Amendment	36,854.1sqm	3.91:1
Units: 356		
DA-2017/1224/A		
Subject Amendment	36,906.8sqm	3.91:1
Units: 352		

While the development will result in an increase to the previously approved GFA, the proposed FSR will remain the same and the development will not exceed the area that was originally approved under the conditions of the Stage 1 Application. Furthermore, the additional floor area will not result in any changes to the building envelope or car parking arrangement as the 'additional' floor area is contained to the basement.

#### **Statutory Considerations**

#### **SECTION 4.55(1A) CONSIDERATIONS**

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 including the reduction in units and floor area, and the reconfiguration of layouts on Levels 15 and 16, and as such, the modifications will result in minimal environmental impact. 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 a minor reduction in units and floor area, and the reconfiguration of layouts on Levels 15 and 16. All amendments will occur within the approved building envelope and therefore the modification application is substantially the same development to which the 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 – Advertising & Notification of the Botany Bay Development Control Plan (BBDCP) 2013, the modification application was not required to be notified due to the minimal scope of work.

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 as the application was not notified.

# SECTION 4.42- STATUS OF CONCEPT APPLICATIONS AND CONSENT CONSIDERATIONS (previously Section 83D)

The Stage 1 Master plan consent DA-14/96 is the first of a Staged Development Application as per Section 4.42 of the Environmental Planning and Assessment Act. The subject application is a modification to a Stage 2 Development Application and as per the Section 4.42(2) it cannot be inconsistent with the Stage 1 consent. The proposed modifications do not alter the conditions approved within the Stage 1 consent.

In regards to the car parking breakdown, this is discussed in detail in the assessment section of the report above. The change in unit mix will result in six (6) car parking spaces no longer being required. This results in an increase to the GFA by 90sqm. Considering the proposal involves a reduction in floor area by 37.3sqm, the proposed additional floor area to be added to the total GFA is 52.7sqm. The increase in floor area is negligible as the FSR will remain predominately the same and the increased GFA will not exceed the maximum allowable area as stipulated under the conditions of the Stage 1 Development Application. Furthermore, the proposal will continue to comply with Condition No. 29 of the Stage 1 consent.

The unit mix also changes as detailed above. The changes are minor as the percentages calculated will remain predominately the same. However, as the Stage 1 consent does not stipulate the unit mix percentage for 4 bedroom apartments, the requirement for 3 bedroom apartments is applied. This means that the proportion of 3 or more bedroom units in the development will exceed the maximum number of units allowable. However, an amendment to the conditions approved for the Stage 1 consent (DA-2014/96/02) approved the modification of Condition No. 34 stating that the requirements shall comply 'with a tolerance of 10%.'

The maximum allowable number of 3 bedroom units under the modified table in DA-2014/96/02 is 78 units (21%). The development proposed 75 x 3 bedroom units, and 4 x 4 bedroom units which results in a unit mix proportion of 22.4%. The variation is 1.4% and less than the tolerance of 10% allowable under Condition No. 34. The same can be stated for variations to the 1 bedroom and 2 bedroom unit mix proportions which are also negligibly minor, within the tolerance of 10%. Therefore, the proposal complies with the conditions of the amended Stage 1 consent.

#### S.4.15(1) - MATTERS FOR CONSIDERATION - GENERAL

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

Section 4.55(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 of the subject application.

The consent authority must also take into consideration the reasons given by the consent authority for the granting of the consent that is sought to be modified.

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:

# <u>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Buildings</u>

The provisions of State Environmental Planning Policy No. 65 'Design Quality of Residential Apartment Building' have been considered in the assessment of the Development Application. Due to the proposed modifications being predominately encased within the approved built form approved under DA-2017/1224, the development application was not required to be presented to the Design Review Panel. The applicant submitted a Design Verification Statement which has been conditioned in the consent.

The specific controls that relate to the proposed modification includes changes to apartment size and layout, and reassessment of cross ventilation, solar access, and balcony and storage areas.

#### Part 4A- Solar and Daylight Access

Part 4A of the ADG requires developments to provide a minimum of 70% of the units receive at least 2 hours of sunlight in mid-winter. The proposed development was approved within a total of 260 of the 356 units as receiving the minimum 2 hours of sunlight which results in a total of 73%. The proposed modification reveals that there is no change in the amount of sunlight that is received to the units. Therefore the development remains compliant.

#### Part 4B - Natural Ventilation

Part 4B of the ADG requires at least 60% of apartments to be naturally cross ventilated within their first nine storeys. The proposed modification results in the rearrangement and reduction of apartments on Level 15. Therefore, the first nine storeys will not be impacted. All the apartments on Level 15 will continue to be naturally cross ventilated as they are corner designs with multiple aspect balconies that maximise airflow.

#### Part 4D – Apartment Size and Layout

Part 4D of the ADG requires 3 bedroom units to have a minimum internal area of 60 sqm and 4 bedroom units to have a minimum internal area of 102 sqm. Furthermore, the control states that the minimum internal areas include only one bathroom and for every additional bathroom, the internal area is to increase by 5 sqm each.

The amendment involves a reduction in apartments on Level 15 of Building A and Building B, and the reconfiguration of unit mix. The calculations are as follows:

Apartment	Required Area	Proposed Area	Compliance
Building A	100 sqm	154 sqm	Y
Northern 3-bedroom	(x 2 additional bathrooms)		
Building A	112 sqm	151 sqm	Υ
Western 4-bedroom	(x 2 additional bathrooms)		
Building A	112 sqm	176 sqm	Y
Southern 4-bedroom	(x 2 additional bathrooms)		
Building B	100 sqm	154 sqm	Y
Northern 3-bedroom	(x 2 additional bathrooms)		
Building B	112 sqm	151 sqm	Υ
Eastern 4-bedroom	(x 2 additional bathrooms)		
Building B	112 sqm	176 sqm	Y
Southern 4-bedroom	(x 2 additional bathrooms)	·	

The internal areas proposed comply with the requirements of the ADG.

#### Part 4E - Private Open Space and Balconies

The proposed amendments also result in minor reductions in the balcony areas on Level 15. A 3+ bedroom apartment is required to have a primary balcony or private open space with a minimum area of 12 sqm and a minimum depth of 2.4m. Despite the slight reduction in area of some of the balconies on Level 15, the proposal will continue to be compliant with the requirements of the ADG as the private rooftop terraces on Level 16 above, are of a substantial size and already comply with the ADG requirement.

#### Part 4G - Storage

Part 4G of the ADG requires 3+ bedroom apartments to provide at least 10 sqm of storage. The proposed amendment to the Level 15 apartment layout will continue to ensure that the required storage space is provided.

#### 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-2017/1224. Therefore SEPP No. 55 does not need to be assessed as part of this proposal.

#### 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 not required to provide a revised BASIX Certificate as the proposed changes do not modify any windows, opening or thermal comfort as originally approved.

#### 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 R3 Medium Density Residential zone and B4 Mixed Use zone 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.

Principal Provisions of BBLEP 2013	Complies Yes/No	Comment
What is the proposed FSR?	Acceptable	Maximum FSR is 1:1 (9,434sqm) – 3:1 (28,302sqm) under the BBLEP 2013.  Approved GFA/FSR: 36,854.1sqm (3.91:1) (DA-2017/1224/03)  Proposed GFA/FSR: 36,906.8sqm (3.91:1)  The proposal will result in an increase in GFA by 52.7sqm. However, the increase is minor and will result in the same FSR as was previously approved. The total FSR remains unchanged and is considered acceptable.
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.
The following provisions in Part 6 of the LEP apply to the development:  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	The conclusions within DA-2017/1224 have not changed.

The proposed modifications will be consistent with the objectives of the BBLEP 2013 with regard to development in the R3 and 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 Plan

#### Botany Bay Development Control Plan 2013

The Development Control Plan 2013 requirements are not considered applicable for the assessment of this application as the modifications are subject to changes to controls that are provided within the Stage 1 consent or approved under the BBLEP 2013. These controls dictate the built form, unit mix and car parking required for the development. The previous conclusions that were approved in the parent DA and in subsequent modifications have not been altered as part of this application.

As the proposal complies with the car parking rate required under the Stage 1 consent and complies with all ADG requirements surrounding the modifications to unit mix and reconfiguration, the amended proposal 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

The proposed modifications relate to the conditions of consent involving a reduction in the number of units from 356 to 352, a minor change in unit mix in Building a and Building B, the modification of terraces on Level 16 and a minor reduction in floor area.

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-2017/1224.

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

The suitability of the site was addressed in the original approval of DA-2017/1224.

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

There were no objections received with the modification application as the application was not publically notified due to the minimal scope of works proposed.

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

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

#### **OTHER MATTERS**

In accordance with the Botany Bay Section 94 Development Contributions Plan 2016, the Section 7.11 Contributions for the proposed development were originally calculated as the following under DA-2017/1224/02:

a)	Development Control	\$582,829.10
b)	Recreation Facilities	\$6,013,136.89
c)	Transport Management	\$472,191.93
d)	Administration	\$51,842.08

The proposed modification results in a reduction in the number of apartments and a change in unit mix. Therefore the Section 7.11 Contributions are amended to reflect the reduction as follows:

a)	Development Control	\$576,280.4 <b>6</b>
b)	Recreation Facilities	\$5,945,573.56
c)	Transport Management	\$466,886.40
d)	Administration	\$51,259.58
,	Total in 2018/19	\$7,040,000.00

16

**Bayside Planning Panel Meeting** 

#### Conclusion

Section 4.55(1A) Application No. 2017/1224/A lodged on 28 February 2019 seeks to modify Development Consent No. 2017/1224 to reduce the number of units on Level 15, change unit mix in Building A and Building B, modify the terraces on Level 16, and reduce floor area at 5 Finch Drive, 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 B4- Mixed Use zone and the R3 – Medium Density Residential zone and is considered to result in a development which is suitable in the context. The proposed modification is consistent and substantially the same with the approved development on the site. Therefore, the application is recommended for approval, subject to the conditions of consent in the attached schedule.

#### **Attachment**

#### Schedule 1 - Conditions of Consent

Premises: 5 Finch Drive, Eastgardens DA No: 2017/1224/A

#### Schedule 1 - Conditions of Consent

#### **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.

Plans	Author	Dated / Received by Council
DA-010- Site Analysis	Fox Johnston	Dated 9 November 2017;
Plan- Rev R1		Received 27 November 2017
DA-011- Site Plan- Rev R1	Fox Johnston	Dated 9 November 2017;
		Received 27 November 2017
DA-100- Basement 03	Fox Johnston	Dated 29 September 2017;
Plan- Rev R1		Received 11 December 2017
DA-101- Basement 02	Fox Johnston	Dated 29 September 2017;
Plan- Rev R1		Received 11 December 2017
DA-102- Basement 01	Meriton Property	Dated 1 November 2018;
Plan- Rev R2	Services Pty Ltd	Received 15 January 2019
DA-103- Ground Floor	Meriton Property	Dated 1 November 2018;
Plan- Rev R5	Services Pty Ltd	Received 15 January 2019
DA-104- Level 1 Plan- Rev	Fox Johnston	Dated 24 April 2018;
R3		Received 8 May 2018
DA-105- Level 2 Plan- Rev	Fox Johnston	Dated 24 April 2018;
R2		Received 8 May 2018
DA-106- Level 3 Plan- Rev	Fox Johnston	Dated 24 April 2018;
R2		Received 8 May 2018

DA-107- Level 4 Plan- Rev R2	Fox Johnston	Dated 24 April 2018;
	Fox Johnston	Received 8 May 2018
DA-108- Level 5 Plan- Rev R2	Fox Jonnston	Dated 24 April 2018; Received 8 May 2018
DA-109- Levels 6-10 Plan-	Fox Johnston	Dated 24 April 2018;
Rev R2		Received 8 May 2018
DA-110- Level 11 Plan-	Fox Johnston	Dated 24 April 2018;
Rev R2	T OX COMMOCOM	Received 8 May 2018
DA-111- Level 12 Plan-	Fox Johnston	Dated 24 April 2018;
Rev R2	1 OX GOTHISTOTI	Received 8 May 2018
DA-112- Level 13 Plan-	Fox Johnston	Dated 24 April 2018;
Rev R2	T OX COMMODIA	Received 8 May 2018
DA-113- Level 14 Plan-	Fox Johnston	Dated 24 April 2018;
Rev R2	T OX COMMODIA	Received 8 May 2018
DA-114- Level 15 Plan-	Fox Johnston	Dated 24 April 2018;
Rev R2 R3	Meriton Property	Received 8 May 2018
	Services Pty Ltd	Dated February 2019
		Received 27 February 2019
DA-115- Roof Plan- Rev	Fox Johnston	Dated 24 April 2018;
R2 R3	Meriton Property	Received 8 May 2018
	Services Pty Ltd	Dated February 2019
		Received 27 February 2019
DA-200- South Elevation	Meriton Property	Dated 1 November 2018;
Plan- Rev R3 <b>R4</b>	Services Pty Ltd	Received 15 January 2019
		Dated February 2019
		Received 27 February 2019
DA-201- East Elevation	Meriton Property	Dated 23 January 2018;
Plan- Rev <del>R5</del> <b>R6</b>	Services Pty Ltd	Received 15 January 2019
		Dated February 2019
		Received 27 February 2019
DA-202- North Elevation	Meriton Property	Dated 28 November 2017
Plan- Rev <del>R2</del> <b>R4</b>	Services Pty Ltd	Received 6 November 2018
		Dated February 2019
		Received 27 February 2019
DA-203- West Elevation	Meriton Property	Dated 1 November 2018;
Plan- Rev <del>R3</del> <b>R4</b>	Services Pty Ltd	Received 15 January 2019
		Dated February 2019
		Received 27 February 2019
DA-210- Section 1 Plan-	Fox Johnston	Dated 24 April 2018;
Rev R2		Received 8 May 2018
DA-211- Section 2 Plan-	Fox Johnston	Dated 24 April 2018;
Rev R2	<u> </u>	Received 8 May 2018
DA-212- Section 3 Plan-	Fox Johnston	Dated 24 April 2018;
Rev R2	<u> </u>	Received 8 May 2018
DA-213- Section 4 Plan-	Fox Johnston	Dated 24 April 2018;
Rev R2	Fau Jahnston	Received 8 May 2018
DA-214- Section 5 Plan-	Fox Johnston	Dated 24 April 2018;
Rev R2	Fau Jahneten	Received 8 May 2018
DA-215- Section 6 Plan- Rev R2	Fox Johnston	Dated 24 April 2018;
DA-216- Section 7 Plan-	Fox Johnston	Received 8 May 2018
Rev R2	Fox Johnston	Dated 24 April 2018;
DA-399- GFA B3- Ground	Meriton Property	Received 8 May 2018 Dated 16 July 2018;
Plan- Rev R1	Services Pty Ltd	Received 17 July 2018
FIGHT NEVINI	Dervices Fly Liu	Neceived 17 July 2010

	[	
DA-400- GFA Level 1 to L4	Meriton Property	Dated 1 November 2018;
Plan- Rev R2	Services Pty Ltd	Received 6 November 2018
DA-401- GFA L5 to L12	Fox Johnston	Dated 16 July 2018;
Plan- Rev R2		Received 17 July 2018
DA-402- GFA L13 to Roof	Fox Johnston	Dated 16 July 2018;
Plan- Rev <del>R2</del> <b>R3</b>	Meriton Property	Received 17 July 2018
	Services Pty Ltd	Dated February 2019
		Received 27 February 2019
DA-410- Solar- Ground to	Meriton Property	Dated 1 November 2018;
L3 Plan- Rev R2	Services Pty Ltd	Received 6 November 2018
DA-411- Solar- L4 to L11	Fox Johnston	Dated 3 May 2018;
Plan- Rev R2		Received 8 May 2018
DA-412- Solar- L12 to L15	Fox Johnston	Dated 9 November 2017;
Plan- Rev <del>R1</del> <b>R2</b>	Meriton Property	Received 8 May 2018
	Services Pty Ltd	Dated February 2019
		Received 27 February 2019
DA-420- Ventilation-	Meriton Property	Dated 1 November 2018;
Ground to L3 Plan- Rev R2	Services Pty Ltd	Received 6 November 2018
DA-421- Ventilation- L4 to	Fox Johnston	Dated 3 May 2018;
L11 Plan- Rev R2		Received 8 May 2018
DA-422- Ventilation- L9 to	Fox Johnston	Dated 9 November 2017;
L14 Plan- Rev R1	T OX COMMISSION	Received 8 May 2018
DA-423- Ventilation- L15	Fox Johnston	Dated 9 November 2017;
Plan- Rev R1	1 0x 0011113tol1	Received 8 May 2018
DA-430- Communal Open	Fox Johnston	Dated 9 November 2017;
Space Shadow Diagram	FOX JOHNSTON	Received 8 May 2018
Plan- Rev R1		Received 8 May 2018
DA-431- Deep Soil and	Fox Johnston	Dated 24 April 2018;
	FOX JOHNSTON	Received 8 May 2018
COS Calculation Diagram Plan- Rev R2		Received 8 May 2018
	Fox Johnston	Detect May 2019:
Privacy and screening- Rev	Fox Johnston	Dated May 2018;
R1	ADUD	Received 17 May 2018
SKT003- Turning Paths-	ARUP	Dated 30 August 2017;
main basement ramp		Received 8 May 2018
access- Issue A		
SKT004- Lower basement	ARUP	Dated 30 August 2017;
circulation- Issue A		Received 8 May 2018
DA-1711-03- Rev B-		Dated 28 September 2017;
Landscape Masterplan		Received 27 November 2018
DA-1711-04- Rev B-		Dated 28 September 2017;
Ground Floor- Communal		Received 27 November 2018
courtyard	]	
DA-1711-05- Rev B-		Dated 28 September 2017;
Ground Floor- Public Open		Received 27 November 2018
Space		
DA-1711-06- Rev B- West		Dated 28 September 2017;
Block- Level 14 terrace and		Received 27 November 2018
Level 11 terrace below		
DA-1711-07- Rev B- East	1	Dated 28 September 2017;
Block- Level 14 terrace and	Sturt Noble	Received 27 November 2018
Level 11 terrace below	Associates	
DA-1711-08- Rev B- East	1	Dated 28 September 2017;
and West Block- Level 16		Received 27 November 2018
roof terraces		
	I	

DA-1711-09- Rev B-	Dated 28 September 2017;
Design Elements	Received 27 November 2018
DA-1711-10- Rev B-	Dated 28 September 2017;
Indicative Planting	Received 27 November 2018

## (DA-2017/1224/A)

Reference Document(s)	Author	Dated / Received by Council
DA Access Report Ref: MTN-040	Wall to Wall	Dated 28 September 2017; Received 27 November 2017
Acid Sulfate Soils Management Plan Ref: CES130805-MG-AD	Consulting Earth Scientists	Dated 21 January 2016; Received 17 August 2016
Development Application Acoustic Report Ref: 20171309.1/1611A/R1/TA	Acoustic Logic	Dated 16 November 2017; Received 27 November 2017
Arboricultural Impact Assessment Report	Jacksons Nature Works	Dated 16 October 2017; Received 27 November 2017
Thermal Comfort and BASIX Assessment Ref: 17-0216 Rev B	Efficient Living	Dated 14 November 2017; Received 27 November 2017
Building Code of Australia Compliance Assessment Report Ref: 1423-110 Rev 01	AED Group	Dated 17 November 2017; Received 27 November 2017
Construction Management Plan- Rev 1	Meriton Property Services Pty Ltd	Dated 27 October 2017; Received 27 November 2017
Crime Risk and Security	Meriton Property	Dated 11 October 2017:
Report	Services Pty Ltd	Received 27 November 2017
SEPP 65 Design Statement and Apartment Design Guide	Fox Johnston	Dated November 2017; Received 27 November 2017
SEPP 55 Requirements	Consulting Earth Scientists	Dated 10 April 2014; Received 27 November 2017
Geotechnical Investigation Report Ref: GEOTLCOV24928AE-AC	Coffey Geotechnics Pty Ltd	Dated 5 February 2016; Received 27 November 2017
Quantity Surveying Cost Report	Steven Wehbe	Dated 17 November 2017; Received 27 November 2017
Site Surveys	JBW Surveyors Pty Ltd	Dated 16 September 2014; Received 27 November 2017
UB3 Solar Reflectivity and Glare Assessment Ref: 610.13932-R11	SLR	Dated 16 November 2017; Received 27 November 2017
Stage 1 Masterplan Consent Compliance Table	Meriton Property Services Pty Ltd	Received 27 November 2017
Statement of Environmental Effects	Meriton Property Services Pty Ltd	Dated October 2017; Received 8 May 2018
Section 4.55(1A) Application- Statement of Environmental Effects	Meriton Property Services Pty Ltd	Dated 6 November 2018; Received 15 January 2019 Dated 27 February 2019

		Received 27 February 2019
Waste Management Plan Rev B	Elephants Foot Waste Compactors Pty Ltd	Dated 17 October 2017; Received 27 November 2017
Qualitative Wind Assessment Ref: 610.13932.R10	SLR	Dated 12 October 2017; Received 27 November 2017
Clause 4.6 variation to vary height and FSR development standard	Meriton Property Services Pty Ltd	Dated 23 October 2017; Received 17 May 2017
Lift Traffic Analysis Report	KONE	Dated 7 May 2018; Received 17 May 2018
Addendum to traffic report	ARUP	Dated 10 May 2018; Received 17 May 2018
Swept/turning path report	ARUP	Dated 21 March 2018; Received 8 May 2018
Cover letter addressing RFI	Meriton Property Services Pty Ltd	Dated 8 May 2018; Received 8 May 2018
Civil Works Package- UB3	At&I	Dated September 2017; Received 8 May 2018
13-155- 5600-01-Civil-DA Report/Stormwater Report	At&I	Dated September 2017; Received 8 May 2018
Stormwater Management Report- Rev 9	Aurecon	Dated 19 December 2011; Received 8 May 2018
Stage 2 Traffic and Transport Report	ARUP	Dated 30 August 2017; Received 8 May 2018
Traffic Letter	ARUP	Dated 21 November 2017; Received 8 May 2018
Apartment Schedule	Fox Johnston	Received 8 May 2018

## (DA-2017/1224/A)

- 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 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.

- 4 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 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.
- Pursuant to clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for each building in the development are fulfilled.
  - (a) Note:

#### Relevant BASIX Certificate means:

- (i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 4.55 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.

7

- (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 telecommunication and utility services works.
- (d) Street trees are to be provided in accordance with the Botany Street Tree Master Plan 2014.
- (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.

(f) All telecommunication and utility services are to be placed underground along the flowing streets: 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 work.

#### CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

Where relevant, the following external authority conditions apply:

- 8 The following conditions are imposed by Ausgrid:
  - (a) It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:
    - The existing network can support the expected electrical load of the development
    - (ii) A substation may be required on-site, either a pad mount kiosk or chamber style and;
    - (iii) site conditions or other issues that may impact on the method of supply.

Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.

- (b) The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.
- (c) All proposed vegetation underneath overhead power lines and above underground cables must comply with the requirements of ISSC 3 Guideline For Managing Vegetation Near Power Lines.
- (d) There are existing overhead electricity network assets in Banks Ave. Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au

Based on the design of the development provided, it is expected that the "as constructed" minimum clearances will not be encroached by the building development. However it remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

- (e) There are existing underground electricity network assets in Banks Ave. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Safework Australia Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.
- 9 The following conditions are imposed by Civil Aviation Safety Authority (CASA):
  - (a) The building must not exceed a maximum height of 91 metres AHD, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
  - (b) The proponent must ensure obstacle lighting arrangements have a remote monitoring capability, in lieu of observation every 24 hours, to alert SACL reporting staff of any outage. For detailed requirements for obstacle monitoring within the OLS of an aerodrome, refer to subsection 9.4.10 of the MOS Part 139.
  - (c) Separate approval must be sought under the Regulations for any cranes required to construct the buildings. 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 Regulations. Therefore it is advisable that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.
  - (d) At the completion of the construction of the building, a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the building.
- 10 The following conditions are imposed by Water NSW:
  - (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) Water NSW 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.
- 11 The following conditions are imposed by the NSW Roads and Maritime Services (RMS):
  - (a) 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 a Construction Certificate.
  - (b) All demolition and construction vehicles are to be contained wholly within the site. All vehicles must enter the site before stopping as a construction zone will not permitted on Bunnerong Road.
  - (c) 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.
  - (d) Should the post development storm water discharge from the subject site into the Roads and Maritime system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any charges are to be submitted to Roads and Maritime for approval, prior to the commencement of works on site. Details should be submitted to Suppiah Thillai: suppiah.thillai@rms.nsw.gov.au A plan checking fee will be payable and a

performance bond may be required before Roads and Maritime approval is issued.

- (e) 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 of Roads and Maritime. Details should be submitted to Suppiah Thillai: <a href="mailto:suppiah.thillai@rms.nsw.gov.au">suppiah.thillai@rms.nsw.gov.au</a> 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.
- (f) All works and regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.
- 12 The following conditions are imposed by **Sydney Water**:
  - (a) Sydney Water Servicing

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. The proponent is advised to 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 <a href="https://www.sydneywater.com.au">www.sydneywater.com.au</a> > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

#### (b) <u>Building Plan Approval</u>

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. 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:

- · Building plan approvals
- · Connection and disconnection approvals
- Diagrams
- Trade waste approvals
- Pressure information
- Water meter installations
- Pressure boosting and pump approvals

· Changes to an existing service or asset e.g. relocating or moving an asset

Sydney Waters Tap In online service is available at:

http://sydneywater.com.au/SW/plumbing-building-developing/building/sydneywater-tap-in/index.htm

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

- 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.
- 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 / readjustments 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.
- 15 Erosion and sediment control devices shall be installed and in function prior to the commencement of any 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 construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.

- 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.
- 17 This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
- 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.
- A Soil and Water Management Plan (SWMP) shall be prepared in accordance with the Landcom *Managing Urban Stormwater Soils and Construction* 4<sup>th</sup> 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* 4<sup>th</sup> 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.
- 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.
- 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.

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

- Prior to the issue of the relevant Construction Certificate, construction plans are to show that all study rooms are to have a window in accordance with the requirements under SEPP 65 and the ADG.
- 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:
  - (a) 1 Bedroom apartments 6m<sup>3</sup>
  - (b) 2 Bedroom apartments 8m<sup>3</sup>
  - (c) 3 Bedroom apartments 10m3

At least 50% of the required storage is to be located within the apartment.

24 Prior to the issue of any Construction Certificate, the following fees are to be paid:-

(a)	Development Control	\$13,583.00
(b)	Footpath Crossing Deposit	\$314,700.00 (See below)
(c)	Section 7.11 Contributions below)	\$7,120,000.00 \$7,040,000.00 (See
(d)	Long Service Levy	See below
(e)	Tree Maintenance Bond	\$7,500.00 (See below)
(f)	Street Tree Planting Bond	\$7,500.00 (See below)

### (DA-2017/1224/A)

(g)

Prior to the issue of any Construction Certificate, the payment of a monetary contribution of \$7,720,000.00 \$7,040,000.00 in accordance with Council's Section 94 Contributions Plan 2016 which is broken down as follows:

Public Works Defect Liability Bond \$25,000.00 (See below)

a)	Community Facilities	\$582,829.10	\$576,280.46
b)	Recreation Facilities	\$6,013,136.89	\$5,945,573.56
c)	Transport Management	\$472,191.93	\$466,886.40
d)	Administration	\$51,842.08	\$51,259.58

The Section 7.11 Contribution fees are subject to annual review and the current rates are applicable for the financial year in which the consent is granted. If the contribution is paid in a later financial year the fee applicable at the time will be required to be paid.

### (DA-2017/1224/A)

- 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 \$314,700.00 (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.
- 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
- 29 <u>Prior to the issue of any Construction Certificate</u>, a Construction Management Program shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. The program shall detail:
  - (a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed,
  - (b) The proposed phases of construction works on the site and the expected duration of each construction phase,
  - (c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken,
  - (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process,
  - (e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site,

- (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period,
- (g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- (h) Proposed protection for Council and adjoining properties, and
- The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation.
- (j) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.
- (k) The methodology to control dust on site.
- 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.

- Prior to the issue of the relevant Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:
  - (a) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.1 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.

- 32 Prior to the issue of the relevant Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:
  - (a) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.1 and Council requirements including but not limited to Section 8(v) of the DCP Stormwater Management Technical Guidelines, and
  - (b) A suitably qualified engineer shall design and certify the driveway access from Finch Drive to the development to ensure that stormwater from the road reserve is not directed into the basement structure, a suitable crest shall be provided to ensure flows are not directed into the basement structure, and
  - (c) 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.
- Prior to the release of the relevant Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:
  - (a) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.1 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 is achieved in the driveway entrance and along the along the travel path, parking and manoeuvring areas of a Medium Rigid Vehicle (MRV), including Council's Garbage Truck,
  - (d) Swept path analysis shall be provided for manoeuvring of commercial vehicles, and
  - (e) A longitudinal section plotting headroom clearance above driveway access is to be provided for assessment.
- Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:
  - (a) At least fourteen (14) accessible car parking spaces shall be provided and clearly marked as specified in Australian Standards AS 2890.6, SEPP 65 Design Code and Council requirements, and
  - (b) All Accessible parking spaces shall be located within close proximity and easy access to the lift systems proposed for the building as per AS2890.6 and AS4299
- 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.
- (c) The Ausgrid lighting poles along Banks Avenue, will need to be decommissioned and new lighting poles shall be constructed satisfying V2 lighting requirements any other requirements as specified by Council, RMS and any other service provider,
- (d) All above ground utilities on Banks Avenue shall be relocated underground in accordance with Ausgrid and any other affected and relevant service provider, and
- (e) All underground and above ground infrastructure shall be constructed as specified by Ausgrid, RMS, Council and any other affected service provider. The location of the new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed with Council prior to the issue of the Construction Certificate.

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

Prior to the issue of the relevant Construction Certificate, 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' (SMTG), 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) An 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.
- Incorporate a Stormwater Quality Improvement system to ensure compliance with Section 16 of Botany Bay's SMTG,
- (c) The water quality improvement system and WSUD strategy proposal shall be designed to capture and treat at least 85% flows generated from the site.

- (d) 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
- (e) A minimum capacity 10000L of Rainwater Tank(s) shall be provided for the site with a combined catchment of at least the entire roof area of the development, only roof water shall be directed to the rainwater tank(s). In order to reduce pollutants entering the tank, a first flush device to divert minimum 1mm initial runoff from the roof area bypassing the tank shall be provided. Overflow from the rainwater tank shall be directed to the site drainage system. The rainwater tank(s) shall service the toilets, clothes washers and any outdoor irrigation/taps for landscaping within the development, and
- (f) Basement drainage shall be provided for the collection and removal of stormwater from all basement levels. The design is to comply with Botany DCP Part 10 Section 7 and AS/NZS 3500.3:2015, details of the pump out system shall be shown on the stormwater management plans, and
- (g) The pump out system from the basement carpark proposed shall discharge to the on-site stormwater detention (OSD) system, and
- (h) All surface runoff from parking facilities and access ways shall be directed through a propriety oil and sediment filtration system prior to discharge. Details of the pit type, location, performance and manufacturer's maintenance and cleaning requirements shall be submitted to the Principal Certifier, and
- All electricity supply provided for all pump systems proposed for the development shall be backed up by an external power source in the event of a power outage, and
- (j) Detailed calculations including computer modelling supporting the proposal.

All plans and documentation shall be certified by a suitably qualified engineer as specified in Botany DCP Part 10 Section 2.1.

- Prior to the issue of the relevant Construction Certificate, at least two (2) car wash bays are to be provided. One of the additional residential spaces can be utilised for this purpose. A tap shall be provided along with a sign fixed to the wall saying 'Visitor Car Space and Car Wash Bay'. The car wash bay must be bunded in accordance with AS1940 1993 and AS/NZS 4452 1997 with direct connection to the sewer in accordance with a Sydney Water trade waste agreement.
- Prior to the issue of the relevant Construction Certificate, a civil design plan must be prepared by a suitably qualified engineer and be approved by Bayside Council's Public Domain department for all frontage works that are required to be constructed within the public domain. A Public Domain Frontage Works application shall be submitted to Council for the works to be assessed, approved and a design brief provided, the form details can be found on the Bayside Council website. The frontage works shall be in accordance with any Council town centre plans, standard design drawings and

specifications. Preliminary consultation with Council public domain department is highly recommended.

- Prior to the issue of the relevant construction certificate, a Public Domain frontage landscape plan shall be submitted to Bayside Council. Landscape improvements plan shall be submitted and approved by Bayside Council's landscape architect. The plans shall include street planting, footpath paving, street tree pit treatments and tree guards, street furniture such as seats, bollards, bins, bike racks, and ground level soft landscaping treatment. The public domain landscape plans shall include the following:
  - (a) Banks Avenue shall be planted with Araucaria comlumnaris (Cook Pines), minimum height to be installed five 5 meters high.
  - (b) Tingwell Boulevard shall be planted with Angophora costata, (Smooth-barked Apple)
  - (c) Finch Drive shall be planted with Eucalyptus botryoides, (Bangalay)
  - (d) Minimum pot size supplied to be planted for street trees is 400 Litres.
  - (e) Trees shall be sourced from a reputable supplier that grows to NATSPEC.
  - (f) A Dial-Before-You-Dig enquiry is required prior to all tree planting.
  - (g) Tree pits shall be backfilled with imported soil/compost, water holding additive and fertiliser, and mulched with leaf mulch to a depth of 100mm. The trees are to be staked in accordance with Council's Landscape DCP, and have installed a RootRain Civic for an effective tree watering.
  - (h) The Applicant is required to obtain a Council inspection of new trees prior to the planting to ensure plant stock is suitable and post planting prior to the maintenance period commencing.
  - (i) Rigid polyethylene sheet type tree root barriers shall be installed alongside the kerb and footpath edge for all new street trees for a depth of 900mm, for 3 metres each side of the tree centre and shall be located 150mm inward of the footpath and kerb edge, or any other built element. Root deflectors/directors surrounding the rootball are not permissable. The Applicant is required to contact Council's Landscape Architect for an inspection of root barriers located within the public domain prior to backfilling.
  - (j) 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.
  - (k) All street verges will be treated with groundcovers, no turf unless approved by council.
  - (I) As a minimum, shrubs shall be planted across the front boundary and down both side boundaries to the building alignment. Plants shall be predominantly native, have low water requirements and be suited to the local soils.

- (m) The street tree planting to all internal roads (Tingwell Boulevard and Finch Drive) are to use the Citygreen Stratavault system of planting to be incorporated into the updated Landscape Plans and documentation.
- Prior to the issue of the relevant Construction Certificate, a suitably qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 1% AEP flood event. All building materials shall be flood resistant, or flood compatible to a height of RL 22.50m AHD All internal electrical switches, power points or similar utilities liable to flood damage shall be set at or above RL 22.50m AHD. Details and certification shall be provided to the Principal Certifier for Assessment and approval.
- If required, the subsurface structure shall be designed with a water proof retention system (i.e. tanking and waterproofing) to a level that provides adequate provision for the future fluctuation of the water table. This subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. All subsoil drainage around this 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.
- The construction methodology, parameters, and recommendations prepared by Coffey Geotechnics Pty Ltd, ref: GEOTLCOV24928AE-AC, dated 5 February 2016, shall be implemented and relied upon during the preparation of the construction certificate documentation and the construction of the proposed development.
- The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate, the Principal Certifying Authority and Principal Certifying Authority must:
  - (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
  - (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.
- Prior to the issue of the relevant Construction Certificate, details on the mechanical plant and equipment to be submitted to the Principal Certifying Authority. 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 (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).

- (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 LAeq 50dB(A) day time and LAeq 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 LAeq 65dB(A) day time/night time.
- (iv) 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.

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.

- Prior to the issue of the relevant Construction Certificate, plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Principal Certification Authority. The garbage and recycling storage area shall be adequately ventilated, roofed and screened from public view. The floor shall be made of an impervious surface, drained to sewer and include a dry arrestor pit with a removable basket. Washing facilities shall be provided within close proximity to the garbage and recycling storage area.
- Prior to the issue of the relevant Construction Certificate, any electrical kiosk, fire booster assembly or similar utilities must be located in an unobtrusive location away from vehicle and pedestrian entrances to the property 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 the Principal Certifying Authority prior to their installation. Fire booster assemblies should be housed within the external face of the building structure and screened from view from the public domain area.
- 47 Design verification is required to be submitted from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development.
- Design certification, prepared by a suitably qualified engineer shall be submitted to Principal Certifying Authority certifying the car parking area shown on the construction plans has been designed in accordance with AS 2890.1, AS2890.2, and AS2890.6.
- 49 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.
- The applicant is to submit payment of a Tree Maintenance Bond of \$7,500.00. 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.
- Prior to the issue of a Construction Certificate, the applicant is to submit payment for a Public Works Defects Liability Bond of \$25,000. The duration of the Bond shall be limited to a period of 6 months after Council approval of all public domain works. At the completion of the 6 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.
- Prior to the issue of the construction certificate, the landscape areas shown on Sturt Noble Landscape plans dated 28/09/2017 Issue B shall be the subject of detailed landscape construction level documentation to be submitted to and approved by the Bayside Council's Landscape architect. The plans shall address the following:
  - (a) All four existing trees (Tree 11 and 21: Casuarina glauca. Trees 12 and 16: Eucalyptus botryoides. Trees) can be removed and shall be replaced with four
     (4) Corymbia maculata, supplied at 500 Litres minimum pot size, to be planted in the deep soil area along Banks Avenue frontage setback within the site.
  - (b) 500L minimum tree pot size is to be supplied for all trees on the ground level. The planting schedule is required to indicate pot sizes for all proposed plants;
  - (c) A minimum of 12 canopy trees shall be provided along Banks Avenue frontage landscape setback.
  - (d) All frontage landscape setback shall also include small and medium trees to provide a green buffer, this planting can include deciduous trees strategically located adjacent to north face terraces units to allow sun access in winter and shade in summer. Large canopy trees shall be included in all deep soil areas where the space allows. There shall be a variety of three heights in all setbacks inclusive of small, medium and large canopy trees with the majority (80 to 90%) being indigenous local or native species where possible. All trees must be of appropriate scale to complement and ameliorate the built form and to pedestrianise setbacks and entries and make use of feature or specimen trees. Feature/specimen trees are favoured suitable to the residential setting and to visually enhance the Banks Avenue setback and soften buildings as a component of the streetscape and public domain.
  - (e) Shrubs of varying heights shall be used throughout all setbacks of the site including at the base of the buildings to visually ground buildings and screen edges and façades. Lawn shall be minimised, and be limited to recreational areas in public open space area between UB5W and UB3, where sun access allows proper growth of grass.
  - (f) Screen planting or buffer planting is required along the property boundary to provide screening and privacy for UB3 residents. Screen planting shall comprise tall, dense foliaged shrubs that achieve a height of 2.5 metres and that retain foliage near ground level. Planter beds shall be a minimum width of 0.75 metres.
  - (g) Planter boxes located between public open space and south façade of building shall include trees and shrubs to provide wind break and privacy.
  - (h) Landscape plans shall include/display all proposed and retained levels, top of walls and all stormwater relevant information: location of underground stormwater, pits and rainwater tanks, ensuring deep soil availability for landscaping and tree planting is maximised.

- (i) A planting plan indicating all plant locations, groupings and centre/spacing. There is to be a dense, layered planting of canopy trees, medium trees and shrubs of a varying height and feature in all landscaped areas. All landscaped areas adjacent to public domain shall follow CPTED principles.
- Landscape specifications detailing soil and mulch finishes, root barriers, irrigation, edge treatments and other landscape handworks/materials such as retaining walls and paving.
- (k) Provide details, sections and materials of fences, privacy screening, pergolas and walls visible from the public domain of both external roads and public open space.
- (I) Indicate the location of all basement structures relative to the landscape areas on the landscape plan.
- (m) To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscaped areas. The system shall be installed by a qualified landscape contractor and provide full coverage of planted areas, 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.
- (n) Terraces landscape treatment. Terraces shall include screen shrubs in planter boxes, with small leaves to perform as a wind breaker and mitigate wind conditions, in particular for terraces and balconies areas exposed to the southwest, from where the strongest winds prevail.
- (o) Level 11, level 14, and level 16 roof private terraces shall include perimeter built in planter boxes, providing a total or partial enclose of each terrace. Pot plants are not supported. Planting in planter boxes shall include low maintenance feature and screen shrubs to grow 700 to 1000 mm high.
- (p) Level 4 and level 5 open balconies shall be treated to mitigate wind effect with planter boxes with screen planting to reach 1800mm from ground level or balustrade 1395 mm high, to comply with requirements of Qualitative Wind Assessment, prepared by SLR Consulting Australia Pty Ltd, dated 12<sup>th</sup> October 2017.
- (q) Synthetic turf is not supported. Timber deck is recommended instead to avoid raised of temperature produced by synthetic turf, overuse of water to control temperature in summer, and related environmental issues.
- (r) All proposed pergolas shall have climbers growing on top to ameliorate amenity and environment.
- (s) Planter boxes will be fully automatic irrigated. Construction details, sections and external finishes shall be provided. Planter box depths and construction specifications to be in accordance with Apartment Design Guide, NSW Planning and Environment, July 2015.
- (t) Maintenance schedule for all soft and hardscape works is to be provided.
- (u) Deep soil area between UB5W and UB3 shall avoid lawn and maximised canopy planting; trees to be supplied at a minimum 400 Litre pot size.
- (v) The exhaust stack within the central communal open space on the ground floor must be screened with either decorative panels, climbers or similar to enhance its visual appearance within the open space and the outlook for residents.

- The Remedial Action Plan (RAP) shall avoid the use containment and contaminants should be treated onsite or removed from the site whenever possible. Any remediation that utilises a containment strategy for contaminants must be accompanied by a Longterm Environmental Management Plan (LTEMP). This LTEMP must be added to the title of the site.
- 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 <u>prior to the issue of any</u> construction certificate.
- Prior to the issue of a Construction Certificate, an application for Property Address Allocation and associated fee is required to be submitted to Council. Determination of address numbers are in accordance with AS/NZS 4819:2011 Rural and Urban Addressing Standard and Section 5.2 of the NSW Address Policy.

The form is available for download at:

https://www.bayside.nsw.gov.au/services/development-construction/building-oraltering-property/commonly-used-forms

The general principles of addressing in NSW are described in the NSW Addressing User Manual, Ch.6 Addressing Principles. The manual is available for download at: <a href="http://www.gnb.nsw.gov.au/">http://www.gnb.nsw.gov.au/</a> data/assets/pdf file/0007/199411/2018 NSW Addressing User Manual.pdf

The numbering (sub-addresses) of the individual units in multi-level sites should be consistent with Australian Standards AS/NZS 4819:2011 Rural and Urban Addressing Standard & NSW Addressing User Manual.

Developers of multi-level buildings are required to submit their schedule of addresses to Council for addressing approval prior to registration of the subdivision plan.

### CONDITIONS WHICH MUST BE SATISFIED DURING WORKS

- 56 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.
- 57 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.
- 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. A copy of any written direction required by this condition must be provided to the Principal Certifier 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.

- Inspections must be conducted by Council's Engineer at the following occasions:
  - 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,
  - Inspections of the Banks Avenue road reserve prior and during the construction of the new road pavement,
  - (e) Final inspection of driveway layback and adjacent kerb and gutter,
  - (f) Final inspection of Council's kerb and gutter,
  - (g) Final inspection of Council's footpath,
  - (h) Final Inspection of new road pavement on Banks Avenue.
- 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 make 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.
- 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.
- 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.
- 63 Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:
  - 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.
- NSW Environment Protection Authority Waste Classification Guidelines 2014.
- The development is to be constructed to meet the following construction noise requirements:
  - a) Construction Noise
    - 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 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.
- 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.
- 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.
- 67 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.
- 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.
- 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 Councils 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.
- 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.
- 71 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 <u>accompanied by documentation from the supplier</u> which certifies that the material has been analysed and is suitable for the proposed land use.

- 72 Results of the monitoring of any field parameters such as soil, surface water, dust or noise measurements shall be made available to Council Officers on request throughout the remediation and construction works.
- 73 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.

- 74 Landscaping shall be installed in accordance with the approved Sturt Noble landscape plans only stamped by Council's Landscape Architect and dated prior to the issue of a Construction Certificate. (This amended plan supercedes the original landscape plan).
- 75 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.

- If adjustment or connection to existing subsurface services or utilities within the road verge or the road carriageway is required, all work must be undertaken under the supervision and direction of Council's Tree Management Officer so as not to impact or harm the existing street tree. NOTE: Services may require re-routing at the Applicant's expense to ensure tree root protection. New overhead electrical property service wires shall located so that it is outside the tree canopy. No canopy pruning will be permitted for service wires.
- 77 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.

78

- (a) An experienced Landscape Contractor shall be engaged to undertake the landscaping work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements.
- (b) 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.

- For the purposes of irrigating the landscaped areas, a water tank, minimum 25,000 litres in size but ideally equivalent to the building roof area to be drained, shall be installed on the property for stormwater collection and re-use.
- 80 All new street trees shall be installed prior to completion of the staged development. All tree planting work is to be completed and protective fencing, being 1.8 metre chainlink fence, erected around the trees for protection prior to the commencement of construction.
- All internal access driveways, parking areas and pedestrian walkways shall be unit paved (interlocking pavers). Large areas of asphalt.
- 82 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.
- 83 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 <u>internal</u> 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

- 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.
- Prior to the issue of the relevant Occupation Certificate, the floor surface of the entry, dining room and kitchen floor and internal storage areas are to be water-resist for all two and three bedroom apartments.

- Prior to the issue of an 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.
- 87 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.
- 88 <u>Prior to the issue of the relevant Occupation Certificate,</u> car parking is to be allocated as follows:
  - (a) Minimum 547 residential spaces
  - (b) 36 residential visitor spaces
  - (c) 3 car share spaces with one located in car park and two on street;
  - (d) 2 car wash bays
  - (e) 1 service bay
- 89 Prior to the issue of the relevant Occupation Certificate, at least 36 bicycle spaces are to be provided in the car park. Consideration on having bike racks close to the lobby entries is encouraged.
- 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.
- Prior to the issue of an Occupation Certificate, the underground placement of all low and/or high voltage street electrical 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, to the satisfaction of the asset owner. The works shall be completed in accordance with Ausgrid's requirements and approved electrical design.
- 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.
- 93 <u>Prior to the issue of any Occupation Certificate</u>, the applicant shall carry out the following works:
  - (a) On Banks Avenue, adjacent to development, remove redundant driveway crossover(s) and replace with kerb and gutter, turf, footpath and any other

- required tree planting and/or public domain improvements as specified by Council in accordance with Council's Infrastructure Specifications, and
- (b) On Banks Avenue, adjacent to development, reconstruct existing kerb and gutter for the full length of the property in accordance with Council's Infrastructure Specifications,
- (c) On Banks Avenue, adjacent to development, demolish existing concrete footpath and construct new footpath as per Council's Infrastructure and Landscape Architect specifications, and
- (d) On Banks Avenue, adjacent to development, demolish existing road pavement and reconstruct road pavement full width as per Council's Infrastructure and Pavement Engineer's specifications.
- 94 The work to Tingwell Boulevard, Finch Drive, and Banks Avenue 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.

Council approval of public domain works is required <u>prior issue of an Occupation</u> Certificate.

- 95 Prior to the issue of the relevant 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.
- Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the approved construction plans, AS/NZS 2890.1, AS2890.2 and AS/NZS 2890.6, line marked and all signage relating to car parking erected. Certification must be provided by a suitably qualified engineer, certifying the design of the completed works.
- 97 Prior to the issue of the Occupation Certificate, a Flood Risk Management Plan, prepared by a qualified practicing Civil Engineer must be provided, the flood impacts on the site shall be assessed for the 100 year ARI and Probable Maximum Flood (PMF) storm events. Additionally, the plan must make provision for the following:
  - (a) Recommendations and precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development, and
  - (b) A flood evacuation strategy for occupants, and
  - (c) Indication of the flood levels present on the site and surrounding streets.

48

Bayside Planning Panel Meeting

The plan shall be located and fixed in a suitable location that can be accessed by all occupants to the satisfaction of the Principal certifier.

- Prior to the issue of the Occupation Certificate, the following easements shall be created in conjunction with Council and the beneficiary:
  - (a) Register a new "Easement for public pedestrian access' over the pocket park on the southern side of the site.
- 99 Prior to the issue of the Occupation Certificate, 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) Positive Covenant and Restriction on Use of Land for On-Site Detention System. Refer to Appendix B of the SMTG for suggested wording, and
  - (b) Positive Covenant and Restriction on Use of Land for Pump-out System. Refer to Appendix B of the SMTG for suggested wording, and
  - (c) Positive Covenant and Restriction on Use of Land for Stormwater Quality Improvement Device. Refer to Appendix C 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.

- 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.
- 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 in accordance with the NSW Addressing Policy prior to the issue of the Occupation Certificate. Application fees apply.
- 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.
- 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.
- 104 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.

- 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.
- The public domain and Council footpath area shall be upgraded with new paving, street furniture and street tree planting, to be installed by the applicant at the applicant's expense. All improvements shall be in accordance with approved Sturt Noble Associates rev B and Council Landscaping and Engineering specifications and requirements, and shall be constructed and complete prior to the issue of an Occupation Certificate.
- 107 <u>Prior to the issue of the Occupation Certificate</u>, 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
- 108 <u>Prior to the issue of the Occupation Certificate</u>, 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-Builts. All Australian Standards nominated in this Specification are to be the current issue.
- The condition to be inserted under the heading of <u>prior to Issue of Occupation Certificate</u> is to read:
  - That before entering a purchase/lease/occupancy agreement, or individual units are on-sold, all tenants and occupiers of the development are to be

advised by the owner of the building that residents are not eligible to participate in on-street resident parking schemes.

- 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 onstreet resident parking schemes.
- 110 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 <u>prior to the release of any Occupation Certificate.</u>

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) <u>prior to the issuing of any Occupation Certificate.</u> In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a Section 96 application pursuant to the <u>Environmental Planning & Assessment Act 1979</u> shall be submitted to ensure that they form part of the consent conditions.

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. 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.

- 111 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.

112 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

- 113 The rooftop terraces are not to be enclosed as habitable space.
- 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. The water from the rainwater tank should not be used for drinking, the rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed:
  - (a) Solids shall be disposed to the waste disposal, and
  - (b) De-sludged liquid shall be disposed to the sewer.
- 115 Council's footway (area between property boundary and street kerb) is to be kept clean, tidy, washed and maintained at the applicant's expense.
- 116 Any BBQ area shall be managed in a manner so as to not adversely impact the amenity of the surrounding residents.
- 117 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 26 weeks from completion of the landscape installation to maintain the landscaping. After that time regular maintenance is required.
- 118 The automatic drip irrigation system shall be repaired and maintained in working order and in accordance with the approved landscape plan at all times.
- 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.
- 120 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.
- 121 Ongoing maintenance of grass nature strips shall be undertaken by the occupier, strata or owner. Maintenance includes mowing, watering and maintaining an even coverage of grass. Maintenance <u>does not include</u> 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.
- The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.

- 123 The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act 1997. Waste gases released from the premises shall not cause a public nuisance nor be hazardous or harmful to human health or the environment.
- 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.
- 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.
- 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.

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.



## 130-150 Bunnerong Road, Eastgardens (Urban Block 3)

Amend the approved Unit Mix in Buildings A & B on Level 15 by including penthouses.

27 February 2019



## **Contents**

1	Intro	duction	1
2	Site and Surroundings		
3	Detailed Description of the Proposed Modifications		
	3.1	Approved Condition 1	
	3.2	Modified Condition 1	7
4	Subs	tantially the same development	8
	4.1	Consistency with Approved Masterplan	8
5	Envir	onmental Planning Assessment	10
	5.1	Section 4.15(1)(a)(i): Environmental Planning Instruments	10
5.1.1	Botany	y Bay Local Environmental Plan 2013	
5.1.2	State I	Environmental Planning Policy No 65 – Quality of Residential Flat Buildings	10
	5.2	Section 4.15(1)(a)(ii): Draft Environmental Planning Instruments	11
	5.3	Section 4.15(1)(a)(iii): Development Control Plans	11
5.3.1	Botany	y Development Control Plan 2013	11
	5.4	Section 4.15(1)(a)(iiia): Planning Agreements	12
	5.5	Section 4.15(1)(a)(iv): Regulations	12
	5.6	Section 4.15(1)(b): Likely Impacts	12
	5.7	Section 4.15(1)(c): Suitability of the Site	13
	5.8	Section 4.15(1)(d): Submissions	13
	5.9	Section 4.15(1)(e): The Public Interest	13
6	Conc	lucion	1/

Annexure 1: Revised Architectural Drawings Annexure 2: Design Verification Statement

### 1 Introduction

This application has been prepared by Karimbla Constructions Services (NSW) Pty Ltd to support a Section 4.55(1A) modification application to Bayside Council. The proposal seeks to amend the approved unit mix in Buildings A and B on Level 15 on the previously approved development DA/2017/1224 by including penthouse units.

The proposed amendments include:

- The number of units in Building A and Building B reduces from 5 to 3 and the unit mix changes in each building from 3 x 2 bedroom and 2 x 3-bedroom units to 2 x 4 bedroom and 1 x 3 bedroom and study units;
- The Level 16 roof terraces have been amalgamated to reflect the unit mix changes in Level 15. The number of roof terraces has been reduced from 4 to 3 and the stair access to the roof terraces has been slightly modified; and
- A slight reduction in GFA on Level 15 and the Roof Plan in Buildings A and Building
  B. The GFA on Level 15 in Building A will reduce by 15.7sqm and 2.5sqm on the
  roof; The GFA on Level 15 in Building B will reduce by 16.6sqm and 2.5sqm on
  the roof.

## 2 Site and Surroundings

The subject site covers approximately 9,434 sqm and is located within a broader site that comprises an L-shaped parcel with an area of 103,547sqm at 130-150 Bunnerong Road, Pagewood. The site is within the City of Botany Local Government Area (LGA) and is legally described as Lot 21 in DP 1242288. The Registered Subdivision Plan is attached in **Annexure 1.** 

The site has frontages to Banks Avenue to the west, Westfield Drive to the south, Bunnerong Road to the east and Heffron Road to the north. Vehicle access to the site is gained from Westfield Drive. A new access driveway which will allow access to both the subject site and the BATA site from Bunnerong Road is under construction (approved under DA11/272).

As shown in **Figure 1** below, the site subject of this application has been identified in red and is located east of Banks Avenue.

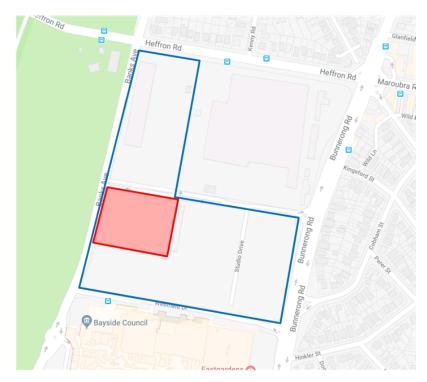


FIGURE 1 SITE MAP (SOURCE: NEAR MAPS, DECEMBER 2018)

The surrounding land uses in the vicinity of the sites comprise:

- A. North: Low density residential uses. Pagewood shops are located to the north-east.
- B. East: Low density residential uses.
- C. South: Westfield Eastgardens shopping centre. The servicing area of the shopping centre borders the site's southern boundary. Commercial and industrial uses are located further to the south-west.
- D. West: Bonnie Doon Golf Course and associated club house.

An aerial of the subject site that shows the surrounding area is shown in Figure 2 below.



FIGURE 2: SITE MAP (SOURCE: NEARMAPS, DECEMBER 2018)

### 3 Detailed Description of the Proposed Modifications

This Section 4.55(1A) modification application is to amend the Development Consent DA/2017/1224 granted by the Sydney Eastern City Planning Panel on the 2 August 2018 for the "Construction of a residential apartment development consisting of three levels of basement, podium and six towers, 2 x 11 storeys, 2 x 14 storeys and 2 x 16 storeys. The development will comprise of 356 units".

The proposal seeks to amend the approved unit mix in Buildings A and B on Level 15 by including penthouse units. The proposed amendments include:

The number of units in Building A and Building B reduces from 5 to 3 and the unit
mix changes in each building from 3 x 2 bedroom and 2 x 3-bedroom units to 2 x
4 bedroom and 1 x 3 bedroom and study units. The changes will result in changes
to the Approved Unit Mix as shown in Figure 3 below. The proposed modifications
are shown in Figure 4.



Figure 3 Approved Unit Mix



Figure 4 Proposed New Unit Mix

• The Level 16 roof terraces have been amalgamated to reflect the unit mix changes in Level 15. The number of roof terraces has been reduced from 4 to 3 and the

stair access to the roof terraces has been slightly modified. The approved roof plan and proposed modifications are shown below in **Figure 5** and **Figure 6**.



Figure 5 Approved Roof Plan



Figure 6 Proposed New Terrace Layout

A slight reduction in GFA on Level 15 and the Roof Plan in Buildings A and Building
B. The GFA on Level 15 in Building A will reduce by 7.7sqm and 2.5sqm on the
roof; The GFA on Level 15 in Building B will reduce by 8.6sqm and 2.5sqm on the
roof.

The reduction in GFA on the roof level in both Buildings A and B is dictated by the removal of a staircase as a result of the amended terrace layout.

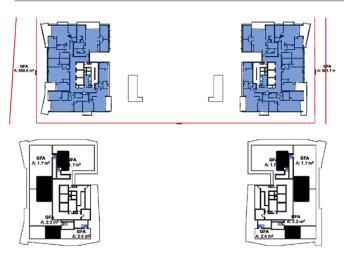


Figure 7 Approved GFA

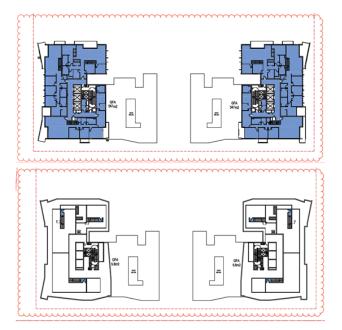


Figure 8 Proposed GFA Reduction

The Approved Plans in Condition 1 are to be modified to address the amended architectural drawings in **Annexure 1**.

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in <a href="strike-through-and-words">strike-through-and words to be inserted are shown in <a href="underline.">underline.</a>

### 3.1 Approved Condition 1

PLANS	AUTHOR	DATED/RECEIVED BY COUNCIL
DA-114 - Level 15 Plan Rev R2	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-115 – Roof Plan Rev R2	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-200 - South Elevation - Rev R3	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-201 – East Elevation – Rev R5	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-202 – North Elevation – Rev R3	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-203 – West Elevation – Rev R3	Fox Johnston	Dated 24 April 2018; Received 8 May 2018
DA-402 - GFA Level 13 to Roof Plan - Rev R2	Fox Johnston	Dated 16 July 2018; Received 17 July 2018
DA-412 – Solar – L12- L15 Plan Rev R1	Fox Johnston	Dated 9 November 2017; Received 8 May 2018

### 3.2 Modified Condition 1

PLANS	AUTHOR	DATED/RECEIVED BY COUNCIL
DA-114 - Level 15 Plan Rev R2 R3	Fox Johnston Meriton	Dated 24 April 2018; Received 8 May 2018 February 2019
DA-115 – Roof Plan - Rev R2 R3	Fox Johnston Meriton	Dated 24 April 2018; Received 8 May 2018 February 2019
DA-200 – South Elevation – Rev R3 R4	Fox Johnston Meriton	Dated 24 April 2018; Received 8 May 2018 February 2019
DA-201 – East Elevation – Rev R5 R6	Fox Johnston Meriton	Dated 24 April 2018; Received 8 May 2018 February 2019
DA-202 – North Elevation – Rev R3 R4	Fox Johnston Meriton	Dated 24 April 2018; Received 8 May 2018 February 2019
DA-203 – West Elevation – Rev R3 R4	Fox Johnston Meriton	Dated 24 April 2018; Received 8 May 2018 February 2019
DA-402 – GFA Level 13 to Roof Plan – Rev R2 R3	Fox Johnston Meriton	Dated 16 July 2018; Received 17 July 2018 February 2019
DA-412 – Solar – L12- L15 Plan Rev R1 R2	Fox Johnston Meriton	Dated 9 November 2017; Received 8 May 2018 February 2019

# 4 Substantially the same Development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if:

"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)"

The development, as proposed to be modified, is substantially the same development as that originally approved in that it:

- The proposed modifications will result in substantially the same development as
  originally approved under DA/2017/1224. The essential elements of the approved
  development remain unchanged including the approved use, scale, height,
  interface with the surrounding area, and the site function;
- The proposed changes to the approved unit mix are contained within the approved building envelope. The reduction of Units in Building A and Building B from 5 to 3 is accommodated through internal reconfiguration of Level 15;
- The proposed modifications are considered minor in nature and will result in no environmental impacts.
- It is considered that the development is substantially the same as the original
  approval. The proposed modifications will maintain a high-quality development, the
  external design and appearance of the development will be entirely consistent with
  that originally approved.

### 4.1 Consistency with Approved Masterplan

The proposed modification is consistent with the requirements of the Stage 1 Masterplan Consent. Relevant to the modification is the unit mix and number of car parking spaces.

## 4.1.1 Car Parking

**Table 1** below is a breakdown of the total number of parking spaces required for the proposed new unit mix in Buildings A & B that complies with the approved masterplan.

TABLE 1: REQUIRED CAR SPACES PER UNIT MIX

Building	Туре	Proposed Unit Mix	Car Space / Dwelling Ratio	Allocated Car Parking Spaces	Complies
Building A & B	1 bed	9	1:1	9	Complies
	1 bed + study	45	1.1	45	Complies
	2 bed	193	1.5	290	Complies
	2 bed + Study	26	1.5	39	Complies
	3 bed	75	2	150	Complies
	4 bed	4	2	8	Complies
	Visitor		1:10	36	Complies
Total: 352			Total: 577		

#### 4.1.1 Unit Mix

 $\textbf{Table 2} \ \text{below is a breakdown of the amended unit mix proposed for Buildings A \& B that complies with the approved masterplan.}$ 

TABLE 2: AMENDED UNIT MIX

Building	Туре	Approved Stage 1 Masterplan %	Indicative Maximum Number of units	Proposed Unit Mix	% provided	Complies
A&B	1 bed	17 %	62	54	15%	Complies
	2 bed	62%	228	219	62%	Complies
	3 bed	21%	78	75	21%	Complies
	4 bed	N/A	N/A	4	1%	Complies
		•	200	250		

In accordance with the Stage 1 Masterplan consent, 14 residential units are required to be designed to satisfy adaptable housing requirements. It should be noted 14 residential units originally proposed under DA/2017/1224, are accommodated within development and have been designed to satisfy the requirements of adaptable housing. The proposed modification to the unit mix, does not alter the amount of adaptable housing units required.

With reference to the above points, the proposed modifications will not change to the approved use and function of the site: it will involve no intensification of use of the site and only a minor change in the approved internal layout of Level 15.

Overall, the proposed modifications will result in substantially the same development as the approved development under Development Consent 2017/1224.

# 5 Environmental Planning Assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if:

"it is satisfied that the proposed modification is of minimal environmental impact".

Under Section 4.55(4) the consent Authority must also take into consideration the relevant matters to the application referred to in Section 4.15(1) of the EP&A Act.

The following assessment considers the relevant matters under Section 4.15(1A) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

### 5.1 Section 4.15(1)(a)(i): Environmental Planning Instruments

### 5.1.1 Botany Bay Local Environmental Plan 2013

Part 2 of the Botany Local Environmental Plan 2013 (LEP) identifies that the subject site is zoned R3 Medium Density Residential. The proposal is permitted in the zone subject to consent from the Council.

# 5.1.2 State Environmental Planning Policy No 65 – Quality of Residential Flat Buildings

State Environmental Planning Policy No 65 – Quality of Residential Flat Buildings (SEPP 65) applies to the proposal. The proposed amendments have been designed to comply with the SEPP 65 Apartment Design Guide. Included at **Annexure 2** is a Design Verification Statement.

TABLE 3: BUILDING B LEVEL 15 ADG COMPLIANCE TABLE

ADG Requirements		Provided			
		3 Bed + S (Unit 1518)	4 Bed (Unit 1517)	4 Bed (Unit 1516)	
Min Internal Area (3 bed +)	95sqm (3 bed) 107sqm (4 bed)	154sqm	151sqm	176sqm	Complies
Balcony Min Area	12sqm	14.7sqm	31.7sqm	27.7sqm	Complies
Ceiling Height	2.7m	3.1m	3.1m	3.1m	Complies
Master Bedroom	10sqm	19.3sqm	16.1sqm	15.5sqm	Complies
Other Bedroom	9sqm	12.2sqm & 12.5sqm	11.6sqm, 10.9sqm & 10.8sqm	15.3sqm, 11.3sqm & 11sqm	Complies

TABLE 4: BUILDING A LEVEL 15 ADG COMPLIANCE TABLE

ADG Requirements			Complies		
		3 Bed + S (Unit 1501)	4 Bed (Unit 1502)	4 Bed (Unit 1503)	
Min Internal Area (3 bed +)	95sqm (3 bed) 107sqm (4 bed)	154sqm	151sqm	176sqm	Complies
Balcony Min Area	12sqm	14.7sqm	32.4sqm	26.1sqm	Complies
Ceiling Height	2.7m	3.1m	3.1m	3.1m	Complies
Master Bedroom	10sqm	19.3sqm	16.1sqm	15.5sqm	Complies
Other Bedroom	9sqm	12.2sqm & 12.5sqm	11.6sqm, 10.9sqm & 10.8sqm	15.3sqm, 11.3sqm & 11sqm	Complies

#### Solar Access

Under the original approval (DA2017/1224) 260 out of 356 units (approximately 73%) receive greater than 2 hours of sunlight between 9am and 3pm at midwinter.

The proposed modification seeks to amend the approved unit mix in Buildings A and B on Level by including penthouse units. This results in a reduction of units in the overall development from 356 to 352 units.

Based on the new unit mix, it has been calculated that 72.7% of approved apartments will receive greater than 2 hours of sunlight between 9am and 3pm at midwinter. It should be noted the minor deduction (0.03%) of solar access is a direct result of the reduced unit mix, this is consistent with the requirements of the ADG and the Stage 1 masterplan consent.

### 5.2 Section 4.15(1)(a)(ii): Draft Environmental Planning Instruments

There are no draft environmental planning instruments that apply to the subject site.

# 5.3 Section 4.15(1)(a)(iii): Development Control Plans

## 5.3.1 Botany Development Control Plan 2013

Botany Development Control Plan 2013 applies to the subject site. Part 9D of the DCP includes site specific controls for the 130-150 Bunnerong Road site.

The proposed amendments do not alter the development's compliance with the provisions of the DCP.

#### 5.4 Section 4.15(1)(a)(iiia): Planning Agreements

Not applicable to the modification.

### 5.5 Section 4.15(1)(a)(iv): Regulations

The Section 4.55 Application has been made in accordance with the requirements contained in Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000.

### 5.6 Section 4.15(1)(b): Likely Impacts

A full assessment of the proposed modification has been undertaken; consideration has been given to the impacts of the proposed development on the natural and built environments, as well as the socio-economic impacts on the locality.

#### Surrounding Development

The proposed modification has no visual impact, disruption of views, loss of privacy or loss of solar access to existing development in the vicinity and ensures that the essential elements of the approved development remain unchanged including the approved use, scale, height, interface with the surrounding area, and the site function which is consistent with the surrounding developments.

#### Internal residential amenity

The internal amenity of the apartments has been assessed against SEPP 65 to ensure residents have adequate levels of amenity through features such as visual and acoustic privacy, ventilation and solar access. The proposed changes to the approved unit mix and internal layout of Level 15 ensure that there is no impact on the approved amenity.

#### **Built Environment**

The proposed modification will not incur unreasonable alterations to the amenity of the development. The proposed changes do not impact upon the overall aesthetics of the approved building and will not result in unreasonable streetscape impacts.

## Social and Economic

The proposed modification will not create any adverse social and/or economic impacts as there the approved use and functioning of the site remains unchanged.

The proposed modification to the approved unit mix maintains a greater diversity of housing types, will improve housing choice in the locality and responds to the market demand generated by changing demographics and household needs, this in turn will stimulate development by attracting investment in the area.

The proposed amendments will continue positive social and economic contribution to the locality.

### Natural Environment

The proposal will not create any adverse natural environmental impacts to the subject site and the vicinity.

Based on the point raised above, the proposed amendments are considered minor in nature and will not result in any significant adverse impacts to the site and surrounding area.

# 5.7 Section 4.15(1)(c): Suitability of the Site

The previous sections of this report demonstrate that the proposed modifications are suitable for the subject site. The proposed modifications are consistent with the aims and objectives of the Botany Bay Local Environmental Plan 2013 and Part 9D of the Botany Development Control Plan 2013 and are compatible with existing developments within the master planned site.

### 5.8 Section 4.15(1)(d): Submissions

Should notification be required for the proposal, Council will consider submissions at the close of the notification period.

# 5.9 Section 4.15(1)(e): The Public Interest

The Section 4.55(1A) Application is not considered to result in any additional impacts to the amenity of the neighbouring properties.

### 6 Conclusion

This application has been prepared by Karimbla Constructions Services (NSW) Pty Ltd to support a Section 4.55(1A) modification application to Bayside Council. The proposal seeks to amend the approved unit mix in Buildings A and B on Level 15 on the previously approved development DA/2017/1224 by including penthouse units.

A comprehensive assessment of the proposed modifications has been made against all of the applicable environmental planning provisions. The development has been found to be compliant in relation to all relevant planning controls in terms of standards, underlying objectives and merit considerations.

In accordance with Section 4.55(1A) of the EP&A Act:

- The proposed modifications are consistent with the aims, objectives and provisions of applicable planning instruments and controls;
- The proposed modifications will result in substantially the same development as
  originally approved under DA/2017/1224 and will maintain a high-quality development,
  the external design and appearance of the development will be entirely consistent with
  that originally approved.
- Proposed amendments to the approved unit mix are consistent with SEPP 65
  Guidelines, Stage 1 Masterplan Consent and will continue to provide a positive social
  and economic contribution to the locality. The proposed changes modifications
  maintain housing diversity, improve housing choice in the locality and responds to the
  market demand generated by changing demographics and household needs.
- The proposed amendments are considered minor in nature and will not result in any significant adverse impacts to the site and surrounding area.

The proposal has properly responded to all relevant matters for consideration under the Environmental Planning and Assessment Act, and the accompanying Regulation. Accordingly, it is considered that the proposed Section 4.55(1A) modification is worthy of Council support.

# **Annexure 1: Revised Architectural Drawings**

# **Annexure 2: Design Verification Statement**

18 February 2019

Bayside City Council 444-446 Princes Highway ROCKDALE NSW 2216

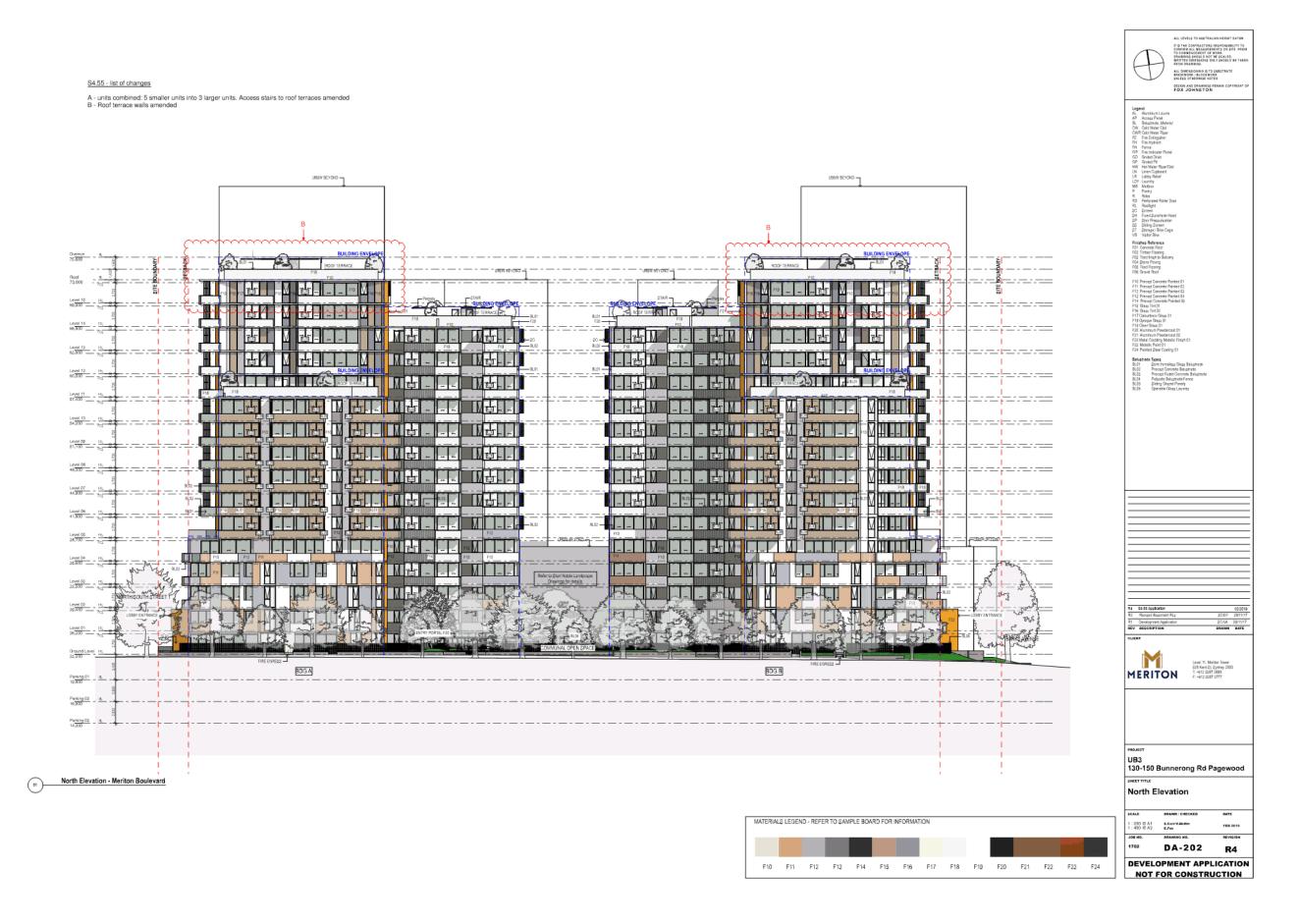
# DESIGN VERIFICATION STATEMENT 130-150 BUNNERONG ROAD, EASTGARDENS

As a qualified architect for the purposes of State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development, I confirm that proposed amendments to the development generally meet the objectives and intent of the Design Quality Principles set out in Part 2 (Clauses 7 – 18) of State Environmental Planning Policy No. 65, in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000.

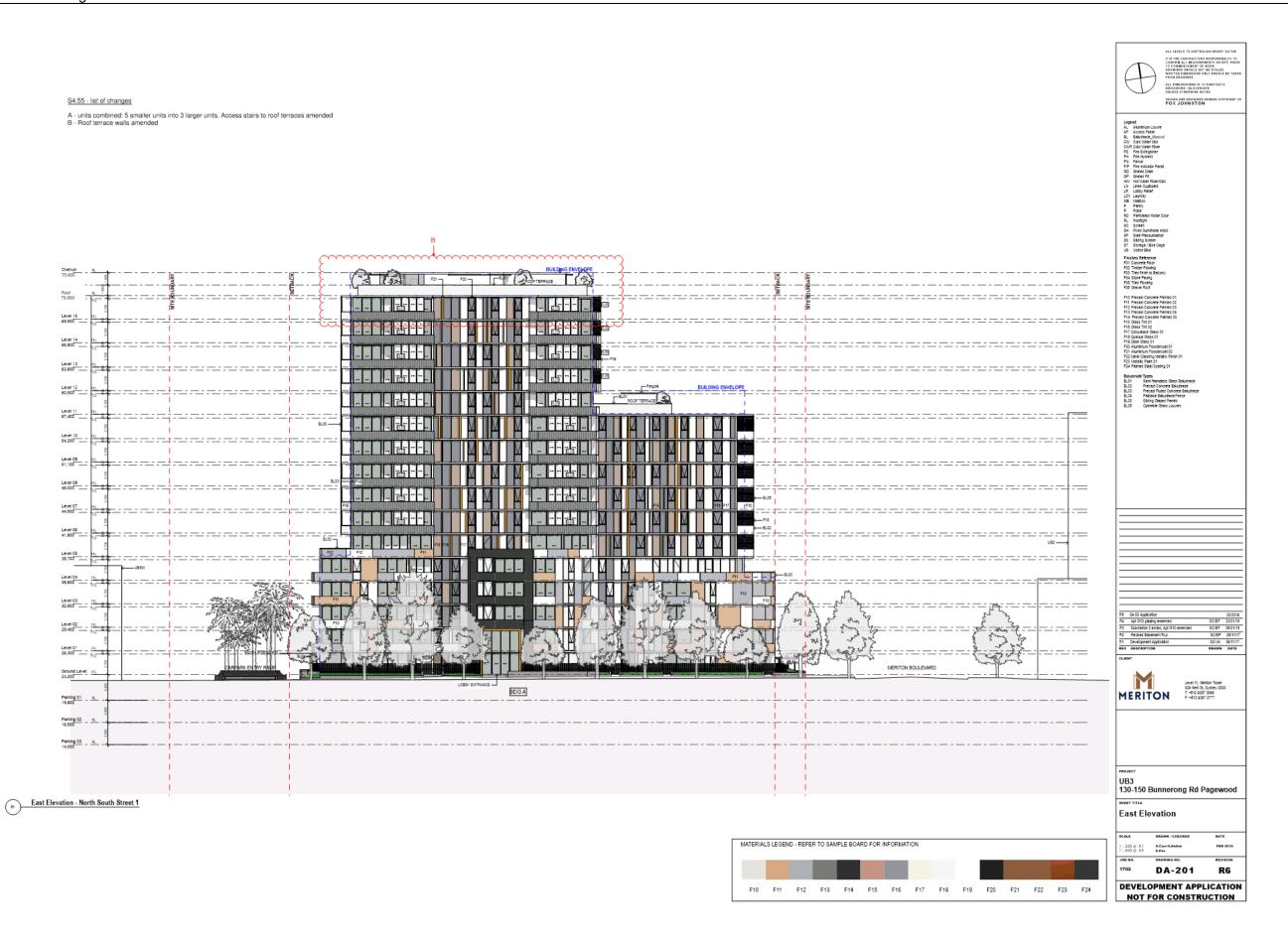
Yours faithfully

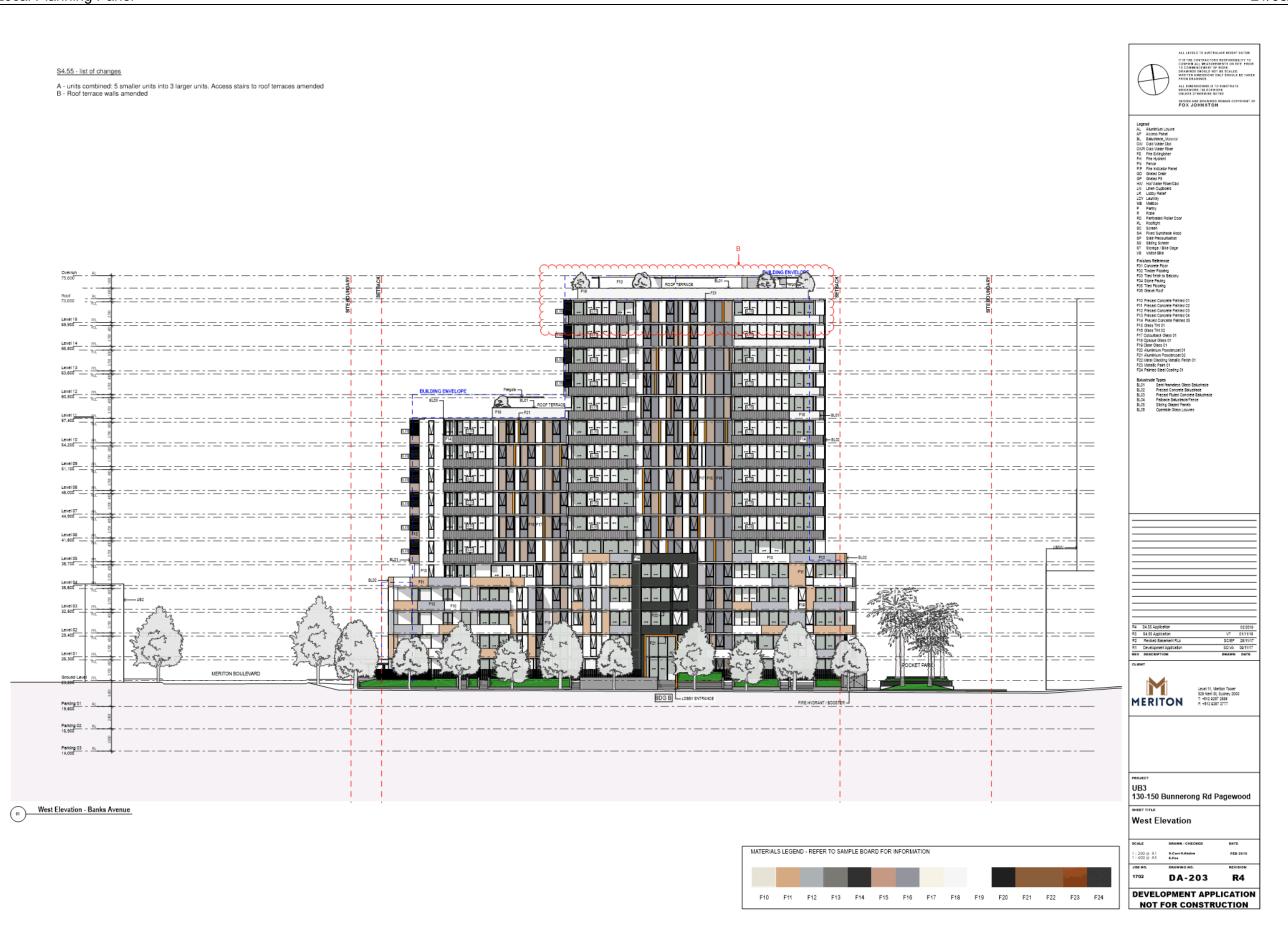
MERITON PROPERTY SERVICES PTY LIMITED

Neil Warner-O'Connell Head of Architecture

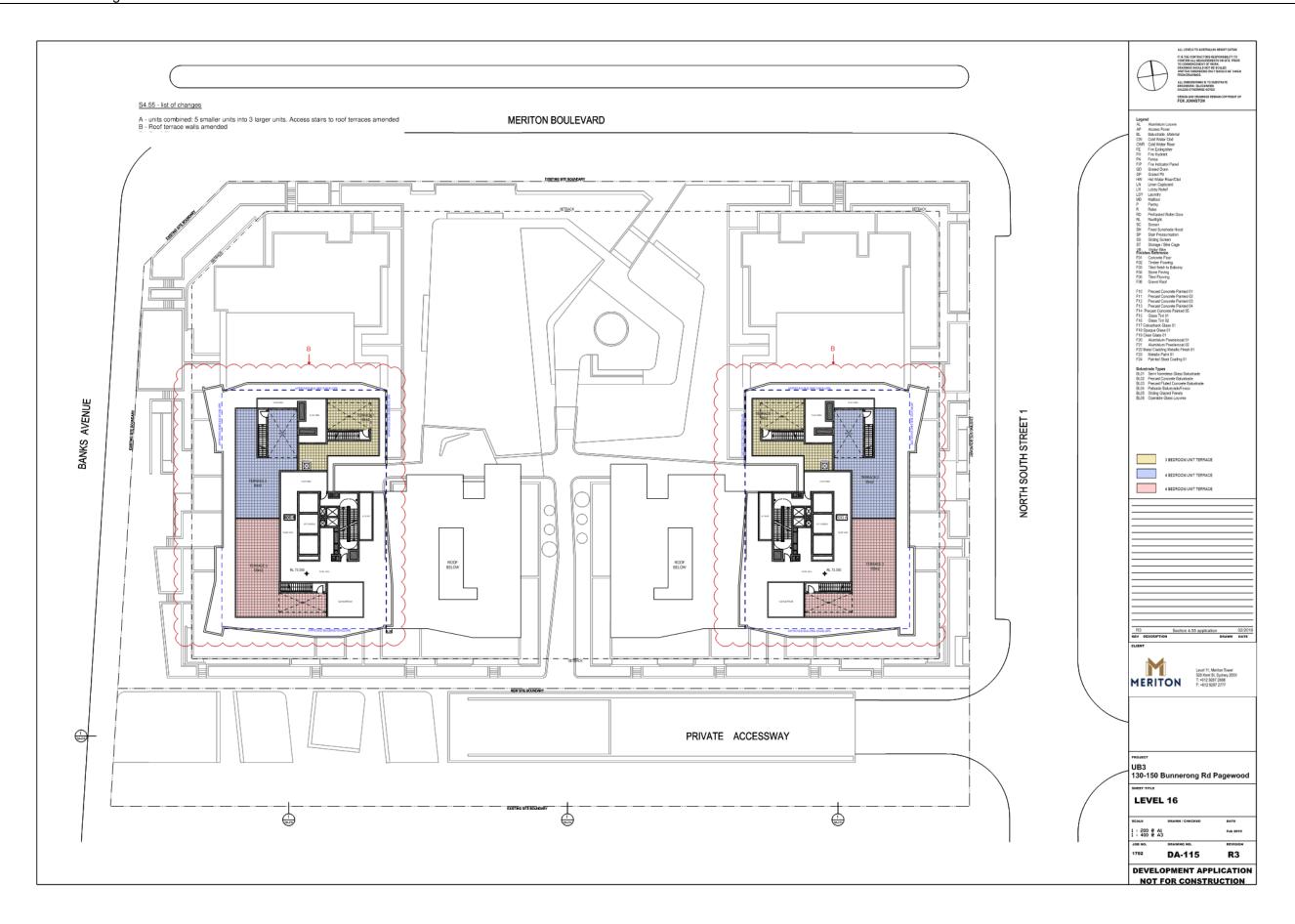








Bayside Local Planning Panel





# **Bayside Local Planning Panel**

21/05/2019

Item No 6.2

Application Type Modification to approved mixed use development

Application No BDA-2017/1154/A

Lodgement Date 18/12/2018

Property 904-922 Botany Road Mascot

Ward Mascot

Owner Mascot Exchange Pty Ltd- C/- Anthony and Pamela Fahey

Applicant Environa Studio

Proposal Section 4.55(1A) Application to modify Development Consent

No. 2017/1154 including roof over car spaces and driveway on the northern side of Level 1, modidication to the layout of units 6, 7, 8, 9, 10 and 11 on Level 2 and unit 17 on level 4, privacy screen proposed on the northern side of the private open space on units 9, 10 and 11 and modifications to

conditions.

No. of Submissions Nil
Cost of Development 0

Report by Michael McCabe, Director City Futures

# **Officer Recommendation**

That the Bayside Local Planning Panel approves Section 4.55(1A) Application to modify Development Consent No. 2017/1154 including roof over car spaces and driveway on the northern side of Level 1, modification to the layout of units 6, 7, 8, 9, 10 and 11 on Level 2 and unit 17 on level 4, privacy screen proposed on the northern side of the private open space on units 9, 10 and 11 and modifications to conditions at 904-922 Botany Road, Mascot, as follows:

- a amend Condition No. 1 to reflect the amended plans subject to the application;
- b add Condition No. 136 (d) to restrict conversion of the study areas to bedrooms.

Item 6.2 88

# **Location Plan**



# **Attachments**

- 1 Planning Assessment Report <a>具</a>
- Original Report- 904-922 Botany Road Mascot & 2
- 3
- Northern Elevation <a href="#">U</a><a href="#">Southern Elevation</a><a href="#">U</a><a h 4
- Level 1 Landscape Plan J 5
- Landscape Calculation Plan UFSR Area Calculation 6
- 7
- Statement of Environmental Effects & 8
- 9 Further justification to non-compliances <a> ป</a>

Item 6.2 89

# **BAYSIDE COUNCIL**

# Planning Assessment Report

#### **Application Details**

Application Number: BDA-2017/1154/A

Date of Receipt: 18 December 2018

**Property:** 904-922 Botany Road Mascot

Lot 102 in DP 1206802

Owners: Mascot Exchange Pty Ltd- C/- Anthony and Pamela Fahey

Applicant: Environa Studio

Proposal: Section 4.55(1A) Application to modify Development Consent No.

2017/1154 including roof over car spaces and driveway on the northern side of Level 1, modification to the layout of units 6, 7, 8, 9, 10 and 11 on Level 2 and unit 17 on level 4, privacy screen proposed on the northern side of the private open space on units 9, 10 and 11

and modifications to conditions.

**Recommendation:** Approval, subject to recommended conditions of consent.

Value: N/A
No. of submissions: Nil

Author: Angela Lazaridis, Senior Development Assessment Planner

Date of Report: 6 May 2019

# Key Issues

Development Application No. DA-2017/1154 was approved by the Bayside Local Planning Panel on 13 March 2018 for the Integrated Development for the demolition of the existing structures and construction of five (5) storey mixed use development comprising of 32 residential units and six (6) ground floor commercial units and basement level parking at 904-922 Botany Road, Mascot.

On 18 December 2018, the applicant lodged the subject Section 4.55(1A) Application to modify Development Consent No. 2017/1154 including roof over car spaces and driveway on the northern side of Level 1, modification to the layout of units 6, 7, 8, 9, 10 and 11 on Level 2 and unit 17 on level 4, privacy screen proposed on the northern side of the private open space on units 9, 10 and 11 and modifications to conditions.

The application was placed on public exhibition, in accordance with Part 2 – Notification and Advertising for a period of fourteen (14) days between 7 January to 24 January 2019. No submissions were received during the notification period.

Key issues that were raised within the application include building separation and floor space ratio. The proposed FSR has been modified from 2:1 to 2.046:1 which is a 2.4% variation to the FSR development standard. The non-compliance has been considered and found acceptable. The non-compliance with the building separation relates to Units 9, 10 and 11 on Level 2 (first floor). The separation from the northern boundary has been reduced from 6

Item Bayside Planning Panel Meeting

28/05/2019

metres to 3 metres and relates only to the balconies. The habitable areas continue to be located 6 metres from the boundary. Additionally there is a minor non-compliance with the building separation between the northern and southern building with a separation of 10.7 metres between the private open space of the southern units on Level 2 and Units 9, 10 and 11. Appropriate privacy screening has been imposed to address visual privacy which is acceptable. An assessment of the impact in regards to overlooking and privacy has been considered in the report below.

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, subject to the modified conditions of consent.

#### Recommendation

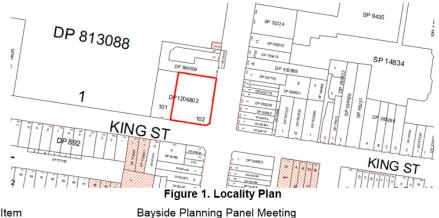
That the Bayside Local Planning Panel:

- 1. Approve Section 4.55(1A) Application to modify Development Consent No. 2017/1154 including roof over car spaces and driveway on the northern side of Level 1, modification to the layout of units 6, 7, 8, 9, 10 and 11 on Level 2 and unit 17 on level 4, privacy screen proposed on the northern side of the private open space on units 9, 10 and 11 and modifications to conditions at 904-922 Botany Road, Mascot, as follows:
  - a) Amend Condition No. 1 to reflect the amended plans subject to the application;
  - b) Add Condition No. 136 (d) to restrict conversion of the study areas to bedrooms.

### **Background**

# Site Description

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



Bayside Planning Panel Meeting 28/05/2019



Figure 2. Aerial Map of the subject site

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



Figure 3. Eastern side of subject site (under construction)

Item



Figure 4. Southern side of subject site (under construction)

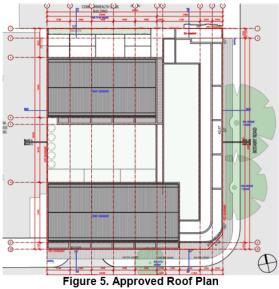
The site was formerly occupied by a single storey brick building and substation. This was demolished and construction works for the approved development have commenced. The site adjoining to the west is the Telstra Telephone Exchange building and has a five storey built form. The site to the north at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

# **Approved Development**

The development application, in its amended form, was approved on 13 September 2017 for the demolition of the existing structures and construction of five (5) storey mixed use development comprising of 32 residential units and six (6) ground floor commercial units and basement level parking. It was noted throughout the assessment of the application that the demolition of the existing structures had been carried out under Development Consent No. 14/256 therefore there was no demolition proposed as part of this approval.

The approved elevations and roof plan are as follows:

Item



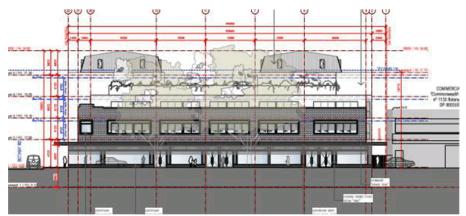


Figure 6. Approved Eastern Elevation Plan

Item

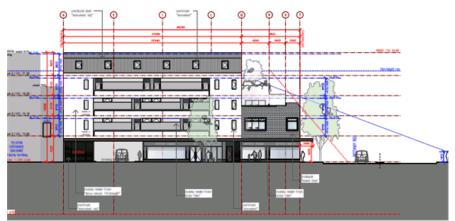


Figure 7. Approved Southern Elevation Plan

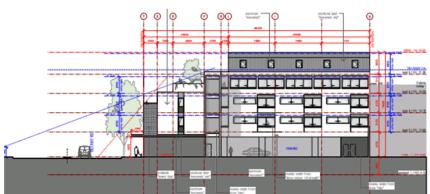


Figure 8. Approved Northern Elevation Plan

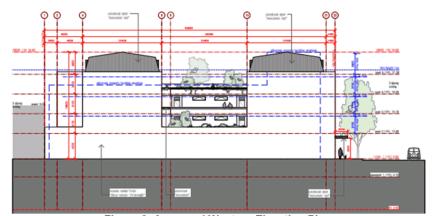


Figure 9. Approved Western Elevation Plan
Bayside Planning Panel Meeting
28/05/2019

Item

# Description of the Proposed S.4.55 (1A) Modifications

The proposed modification subject to this application will modify the approved development as follows:

- New roof over the car spaces and driveway along the northern side of Level 1. The roof
  has a setback of 2 metres from the boundary to allow for the easement along the northern
  boundary;
- Modification of the layout of apartments 6, 7, 8, 9, 10 and 11 on Level 2. The modifications
  include the provision of a study on the southern side of each unit, moving the bedroom
  further north to partly occupy the location of the approved balcony on the northern side of
  the apartments and the provision of a 10sqm area of private open space on the northern
  side of each apartment;
- The glass line of apartments 9, 10 and 11 maintain a 6 metre setback to the northern boundary. The private open space is setback 3 metres from the boundary however a privacy screen is proposed on the northern side of each private open space to eliminate the potential for overlooking of future development on the site to the north;
- Stairs are proposed for access to the space above Apartment 17 on Level 4 which was previously identified as a service zone however the space is no longer required for services. The space on Level 4 is to be storage area for Apartment 17.
- The modifications will increase the floor space of the development by 80.75sqm.
- Modification to Condition Nos. 1 relating to updating the approved plans to the amended plans.

The proposed modifications to the elevations are as follows:

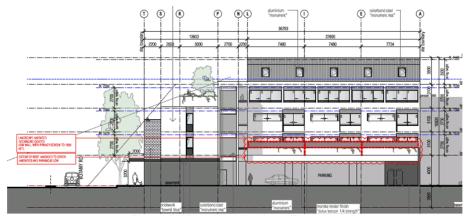


Figure 10. Proposed Northern Elevation

Item

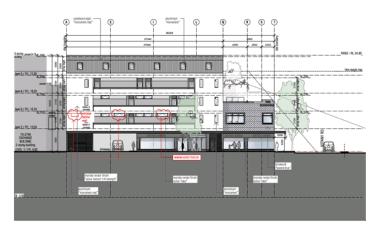


Figure 11. Proposed Southern Elevation

# Assessment of the Proposed S.4.55 (1A) Modifications

Modification No. 1 – New roof over the car spaces and driveway along the northern side of Level 1  $\underline{}$ 

The proposed modification seeks to extend the building to provide a sheltered area/roof on Level 1 (Ground Level). The roof will extend to cover four spaces which include one retail space, one residential space and two spaces that have been allocated for Telstra. The figure below demonstrates the degree of roof coverage of the ground floor.

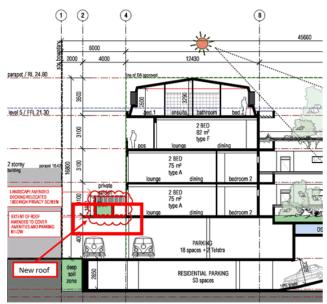


Figure 12. New roof highlighted in red

Item

As noted, the roof is setback 2 metres from the northern boundary to maintain the easement that services the Telstra building next door. It is noted that roof forms part of the private open space area for the units above on the first floor (Level 2). The applicant has provided the following justification for the new roof area:

"The extended roof over the car spaces and driveway on the northern side of Level 1 was always envisaged however unfortunately it was not clearly shown on the approved plans. The plans do not show a roof over this space despite a roof being required over the bathroom in the north-west corner of the site. It is necessary to provide a roof over the residential and retail spaces for the protection of vehicles parked in these spaces."

Given the justification above and the minimal impact that a roofed area over car parking spaces will have onto neighbouring properties, the modification is supported.

# Modification No. 2 – Modification of the layout of units 6 to 11 on Level 2 (first floor) and privacy screens on edge of balconies/courtyard

The proposed modification seeks to reconfigure and enlarge these units through the provision of a study on the southern of each unit and relocating the bedroom to occupy the location of the approved balconies along the northern side of the apartments. Additionally, provision for new private open space is proposed as part of this application.

The development application approved Level 2 as follows:

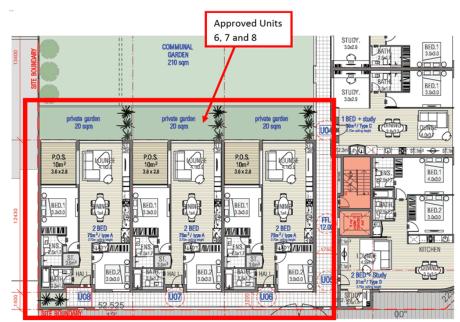


Figure 13. Approved Units 6, 7 and 8 on Level 2

Item



Figure 14. Approved Units 9, 10 and 11 on Level 2

As demonstrated, each of the units comprised of 2 bedrooms, kitchen, lounge/dining area, two bathrooms and laundry. The units each had a 75sqm unit size and the private open space was 10sqm and was aligned with the lounge room building line of the unit. The two sections of the building had a separation of 13.4 metres between the northern and southern building and were separated by the communal open space area. Units 9, 10 and 11 had a building separation of 6 metres from the northern boundary.

As stated above, the proposal seeks to add a study within each of the units therefore turning the units from a two bedroom apartment to a two bedroom plus study apartment. This amendment results in the loss of the approved location of the private open space which is converted to habitable area and new location of private open space located directly to the north of the unit. The changes result in each unit now having a total floor area of 86sqm therefore an increase of 11sqm per unit and an overall increase of 66sqm for the development. Additionally, each of the units have provided 10sqm of POS to comply with the ADG requirement. However this results in a slight reduction in the building separation that was approved between the northern and southern building and the northern building and the northern boundary line. Units, 9, 10 and 11 propose a 3 metre setback at Level 2 (first floor) which is 3 metres less than the approved 6 metre separation, whereas the separation distance between the two buildings has not changed due to the private open space being extended into the approved private landscaped garden attached to the units. The proposal also seeks to reduce the separation between the northern and southern units on Level 2 from 13.4 metres to 10.7 metres which includes the private open space of units 6, 7 and 8. The setback of the habitable area of the units has not been modified closer than the approved plans. Additionally, this non-compliance is only contained on Level 2 and is separated by communal open space. Both northern sides of the units along the balconies/courtyards propose 1.8 metres privacy screening (Units 9, 10 and 11) and 1.6 metre privacy screening (Units 6, 7 and 8). This change slightly modifies the overall amount of landscaped area however the amount of communal open space has not changed as result of the proposal. The figures below demonstrate the proposed changes to the units:

Item

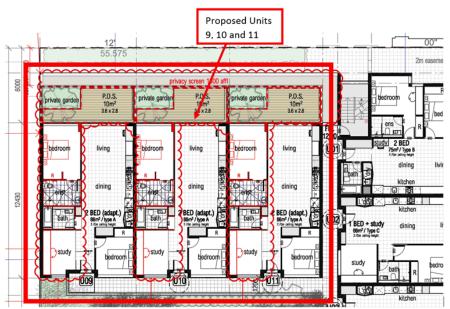


Figure 15. Proposed Units 9, 10 and 11 on Level 2

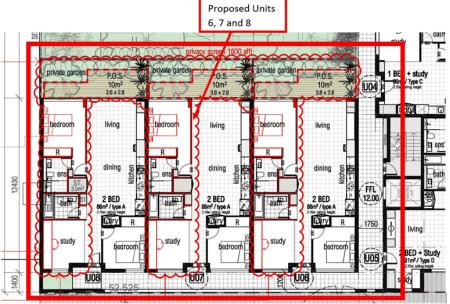


Figure 16. Proposed Units 6, 7 and 8 on Level 2

Council initially requested the applicant to provide greater information by the applicant to justify the non-compliant building separation. The applicant provided the following information:

"The proposed 3 metre setback from the northern boundary to the private open space of Units 9, 10 and 11 is consistent with the majority of the northern wall of Unit 1 (part of the northern wall of Unit 1 is setback 2 metres from the boundary). The privacy screen has a height of 1.8 metres above FFL and does not extend the full height of Level 2.

The proposed reduced setback from the private open space to the northern boundary will not result in excessive bulk and scale or unreasonable amenity impacts in that:

- The reduced setback will not be visible from Botany Road as views of this part of the northern elevation are screened by Units 1 and 12 and the two storey Commonwealth Bank building.
- As a 6-metre setback is maintained to the glass line and walls of Units 9, 10 and 11, and the modification only occurs on Level 2, the proposed modification will not result in any significant change to the visual bulk of the northern elevation.
- No reduction is proposed to the minimum setback of the glass line or wall of Units 9, 10 and 11. As such, the proposal maintains the sense of openness between the buildings
- As the privacy screen effectively creates a blank wall, the screen is not required to be setback any particular distance from the boundary in order to meet the building separation requirements of the ADG. Part 2F of the ADG states that no building separation is necessary where building types incorporate blank party walls. Part 3F of the ADG also states that no separation is required between blank walls.

The amenity of Units 9, 10 and 11 will be improved by the proposed amendments as follows:

- The modified design improves the amenity of the dwellings by providing an improved outlook from the apartments and minimising potential privacy impacts on future occupants of Units 9, 10 and 11. The southern elevation of the Commonwealth Bank building has been built to the boundary and includes unscreened openings on Level 2. The apartments currently are setback 6 metres from the wall of the Commonwealth Bank building and include an unscreened north facing living area and private open space. The unscreened openings of the Commonwealth Bank building will impact on the privacy of Units 9, 10 and 11 as approved. The amended design provides an improved outlook from each apartment with views of the unit's private open space, a planter and the privacy screen instead of the side elevation of the Commonwealth Bank building.
- The amended design allows for a study to be provided for Units 9, 10 and 11, consistent with the family friendly apartment provisions in part 4C.4.2 of the BBDCP.
- The amended design improves access to natural light to the private open space.

The argument that the proposed modifications will not create any adverse impact onto the adjoining development is valid. The proposal is providing a consistent approach with a number of units that have been approved with bedrooms and studies (on the eastern block fronting Botany Road). Additionally the point regarding to family friendly apartments is valid. This particular development and its location within Mascot Town Centre provides an appropriate location for families that is close to public transport. Also the proposal provides a separate living/study area that could be utilised by families in accordance with Part 4C.4.2 –Family Friendly Apartments of the BBDCP 2013. This is consistent with Condition No. 29(b) which is already within the consent which requires a separate study nook or area within each of the two bedroom units, therefore the proposal is consistent in this regard. The applicant makes a point within their justification of Part 3F – Visual Privacy that they comply with the minimum separation distance between the northern and southern building with a distance of 12.2

tem

metres. This is not the case as Council has calculated a separation of 10.7 metres between the northern units and the private courtyards of the southern units however this non-compliance is acceptable. The increase in the unit size as well as maintaining the required amount of private open space is acceptable. Units 9, 10 and 11 will have more of an impact onto surrounding developments than Units 6, 7 and 8 however this will result in very minimal impact. The additional GFA will not result in an increase in the amount of development contributions applicable on the site as there is no increase in the number of rooms in the units. Therefore the modification is acceptable subject to a new condition of consent imposed under Condition No. 136(d) which requires the studies not be converted to bedrooms.

# Modification No. 3 - New stairs above Apartment 17 leading to new storage area

The proposed modification seeks to incorporate stairs for access to the space above Apartment 17 on Level 4 (third floor) which was previously identified as a service zone. It is noted that the services have been relocated elsewhere on the site and therefore the leftover space is underutilised. The proposal would add a total of 14sqm additional GFA to the development. This is considered in greater detail in Modification No. 4 below. The below figures show the approved and proposed area on Level 4. It is considered that the use of the space is justified and that the additional GFA will not have any impact to the occupants within the development as well as to the surrounding developments. Therefore the proposed modification is supported.

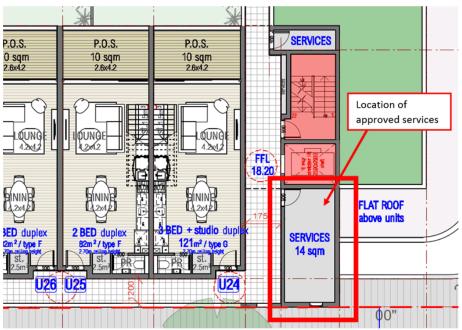


Figure 17. Approved Services Area on Level 4 (third floor)

Item

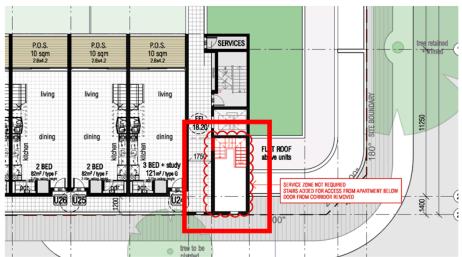


Figure 18. Proposed Storage Area replacing services on Level 4 (third floor)

# Modification No. 4 – Additional GFA within the proposed development

The proposal seeks to add an additional 80.75sqm to the development as a result of the changes that have been discussed above. The site has a total FSR applicable of 2:1 with a maximum GFA of 3,308sqm. The approved development had a GFA of 3,303sqm and an FSR of 2:1. The modification will increased the GFA to 3,383.75sqm which equals an FSR of 2.046:1 and a 2.4% variation to the development standard. While this is a modification application and Clause 4.6 variation is not required as part of the application, the applicant has provided justification in the exceedance to the development, as follows:

"Despite the proposed variation to the numeric FSR standard, the proposed development is consistent with the objectives of the standard in that:

- The number of apartments within the development and the unit mix is unchanged
  despite the proposed increase to the gross floor area of the development and no
  increase is proposed to the number of car parking spaces within the development. As
  such, the intensity of development on the site is unchanged despite the increase to the
  FSR of the development.
- The proposed additional floor space improves the internal amenity of the development for occupants without any adverse impacts on the amenity of the surrounding properties. The additional floor space proposed allows for a study to be provided for six apartments, consistent with the family friendly apartment provisions in part 4C.4.2 of the BBDCP.
- The additional floor space will not result in any adverse impact on the character or significance of the nearby heritage items.
- The bulk and scale of the development is essentially unchanged despite the additional floor space proposed. The additional floor space on level 4 is within the existing approved building envelope and the additional floor space on Level 2 will face the

Item

internal courtyard and the northern boundary. As such the additional floor space will not have any impact on the streetscape."

The proposed modifications do not significantly alter the building envelope that will be utilised for habitable and non-habitable areas. The bulk and scale of the development is essentially unchanged despite the additional floor space proposed. The only major change would be the reduction in the building separation of the northern boundary to Level 2 to three units which is discussed in greater detail in Modification No. 2 above. The proposed additional floor space improves the internal amenity of the development for occupants without any adverse impacts on the amenity of the surrounding properties. As the variation to the development standard is minimal and the additional GFA will not cause any adverse impacts onto adjoining properties, the proposed modification is supported.

#### Modification No. 5 - Modifications to conditions

A number of conditions are proposed to be modified as part of this application. A breakdown is included below:

#### Condition No. 1

Condition No. 1 relates to the approved plans and documents related to the DA. The proposed modification will allow for the amended plans to be incorporated within this condition and replace the superseded plans, which is supported.

#### Condition No. 136(d)

This condition is a new condition imposed by Council which restricts the approved studies from being converted to bedrooms.

# **Statutory Considerations**

# **SECTION 4.55(1A) CONSIDERATIONS**

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 an approved shop top housing development including a roof over car spaces and driveway on the northern side of Level 1, modification to the layout of units 6, 7, 8, 9, 10 and 11 on Level 2 and unit 17 on level 4, privacy screen proposed on the northern side of the private open space on units 9, 10 and 11 and modifications to conditions, and as such, the modifications will result in minimal environmental impact as approved under DA-2017/1154 and then subsequently modified. It is considered that the proposed amendments are suitable in the context of the site and the locality.

Item

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 amendments to an approved shop top housing development by including a roof over car spaces and driveway on the northern side of Level 1, modification to the layout of units 6, 7, 8, 9, 10 and 11 on Level 2 and unit 17 on level 4, privacy screen proposed on the northern side of the private open space on units 9, 10 and 11 and modifications to conditions. 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 – Advertising and Notification of the Botany Bay Development Control Plan (BBDCP) 2013, the modification application was notified for fourteen (14) days between 7 January to 24 January 2019.

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 were received during the notification period.

## **SECTION 4.55(3) MODIFICATION CONSIDERATIONS**

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. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The original development application was determined by the Bayside Planning Panel. The reasons for the support of the application is as follows:

"The Panel is satisfied that the development is appropriate for the subject site, will provide a good level of amenity and is well designed."

Having reviewed the reasons for the decision of the DA and the minimal changes to the approved building envelope visible from the streetscape, the proposal is considered substantially the same development and will not have any adverse impacts to neighbouring properties.

### S.4.15(1) - MATTERS FOR CONSIDERATION - GENERAL

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

Item

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:

#### 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-2017/1154. 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 (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 an amended BASIX Certificate No. 579631M\_08 dated 14 March 2019 prepared by Partners Energy Management committing to environmental sustainable measures.

# <u>State Environmental Planning Policy No. 65 – Quality Design of Residential Apartment Buildings</u>

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. An assessment of the relevant controls has been carried out and the controls which are non-compliant as a result of the modifications are as follows:

Part 3F - Visual Privacy

The applicant provided the following justification for the non-compliance in the building separation of three units (U9, U10 and U11) from the northern boundary on Level 2:

"The design criteria of Part 3F of the DCP requires separation be provided between windows and balconies to ensure visual privacy is achieved. A 6-metre separation distance is required from habitable rooms and balconies to the side and rear boundaries for buildings up to 12 metres (4 storeys in height). The ADG also requires separation distances between buildings on the same site to be combined to provide the equivalent separation distance.

The proposed modifications maintain a 6-metre separation distance between the habitable rooms and the northern boundary. Whilst the setback of the balconies of Apartments 9, 10 and 11 is only 3 metres, a 1.8 metre privacy screen is proposed along the northern side of the balcony to eliminate the potential for overlooking of future development on the adjoining site. As such, the objective of Part 3F is achieved despite the reduced separation distance proposed.

The proposed modifications maintain a 12.2 metre distance of separation between apartments 6, 7 and 8 on the southern side of the central communal garden and the circulation space to apartments 9, 10 and 11 on the northern side of the central communal garden."

Item

An assessment of the non-compliances has been discussed in greater detail in the assessment of the modification above. It is found that there will be no significant adverse impacts onto the surrounding neighbours and the non-compliance is supported.

# Botany Bay Local Environmental Plan 2013

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 B2 – Local Centre under the BBLEP 2013.
Is the proposed use/works permitted with development consent?	Yes	The application was approved as a shop top housing development 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 B2 Local Centre zone:  To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.  To encourage employment opportunities in accessible locations.  To maximise public transport patronage and encourage walking and cycling.
What is the height of the building?  Does the height of the building comply with the maximum building height?	Yes	A maximum height of 14 metres applies to the subject site.  There is no change to the approved height of 16.8 metres (to the top of the roof)
What is the proposed FSR?  Does the FSR of the building		The maximum Floor Space Ratio requirement is 2:1 (3,3308sqm).
comply with the maximum FSR?	No – Discussed in report above	Approved GFA: 3,303sqm Approved FSR: 2:1 Proposed GFA: 3,383.75sqm
		Proposed FSR: 2.046:1  The non-compliance is discussed in Modification No. 4 in the report above.
Is the site listed in Schedule 5 as a heritage item or within a Heritage Conservation Area?	Yes	The site is not listed as a heritage item, nor is it located within a Heritage Conservation Area. However, the site is in close proximity to heritage items (Item 139- Mascot Public School [to the west], Item 39- commercial buildings at 1133-1135 Botany Road- directly across the street). The proposed modification does not impact on the heritage items.

Item

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
The following provisions in Part 6 of BBLEP apply—  • 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-2017/1154.

# 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 relevant controls for this modification application contained in the Botany Bay Development Control Plan 2013 as follows:

#### Part 3L - Landscaping

The approved development provided a total of 510sqm (31%) of landscaped area. The proposed modifications include a total of 496sqm of landscaping which is a loss of 14sqm. While this does not comply with the requirement within Part 4C of the BBDCP, the requirements under Part 5 of the BBDCP does not require a specific landscaped area, as was stipulated within the original DA. Considering the size of the site and the location of the landscaped area on the rooftop and Level 1, the departure in landscaped area continues to be acceptable.

# Part 4C.4.2 - Family Friendly Apartments

4C.4.2 Family Friendly Apartment Buildings				
C1 Family apartments are apartments with two or more bedrooms designed so as to accommodate the living needs of families with children.	The two and three bedroom apartments have generally been designed in accordance with the below controls.	Yes		
C2 Family apartments are to include a study to meet the needs of couple families with dependents households. The design of the study should allow for a parent to easily work from home whilst supervising a child	All two bedroom units on Level 2 (first floor) have been modified to include a study in accordance within the DCP and condition No. 29(b)	Yes		

# Part 5 – Business Centres

Item Bayside Planning Panel Meeting

28/05/2019

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

5.3 General Contro	Is		
5.3.1.1 Floor Space Ratio	C2 In determining an appropriate FSR, applicants must demonstrate to Council that the bulk and scale of development is acceptable and will not result in adverse impacts on adjoining dwellings or the streetscape in terms of loss of privacy, overshadowing, loss of views, visual amenity and increased traffic generation.	The maximum permissible FSR for the subject site is 2:1 (3,308sqm).  An FSR of 2.046:1 (3,383.75sqm) is proposed and complies with the development standard.	No – Discussed above
5.3.1.4 Side and Rear Setbacks and Building Separation	C1 Where a site adjoins residential development appropriate rear or side setbacks must be provided to ensure that potential impacts on adjoining or surrounding residential properties are minimised in terms of loss of privacy, sunlight and daylight access and visual amenity.	Northern Boundary:  Level 2 – Units 9, 10 and 11 have a 3 metre setback from the boundary. This does not comply with the minimum setback within the ADG.	No – discussed above
	C2 Development to which SEPP 65 applies are to adhere to the Apartment Design Guide for building separation.	The applicant has provided a SEPP 65 compliance report and ADG checklist with the development application. Building separation has been addressed in this case.	Yes
5.3.2.2 Building Design	C4 If residential dwellings are proposed as part of a mixed use development, balconies, private open space area and communal open space areas must be screened to address any privacy impacts on adjoining residential properties.	Modifications to the balconies and courtyards on the northern side of the units on Level 2 have proposed privacy screening. The development continues to propose no two balconies located directly opposite each other to create adverse impacts in regards to privacy.	Yes
5.3.3.2 Visual Privacy	C1 In some cases potential visual privacy impacts can be mitigated by incorporation of one or more of the following design measures:  (i) Fixed screens of a reasonable density (min 75% block out); (ii) Fixed windows with translucent glazing	The proposed modification relates to new screening proposed on the balconies that have been extended out closer to the northern boundary and the communal open space. The applicant has provided screening which will prevent any overlooking from adjoining properties or from the street.	Yes

Item

|--|

## 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 relates to amendments to an approved shop top housing development by including a roof over car spaces and driveway on the northern side of Level 1, modification to the layout of units 6, 7, 8, 9, 10 and 11 on Level 2 and unit 17 on level 4, privacy screen proposed on the northern side of the private open space on units 9, 10 and 11 and modifications to conditions 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-2017/1154.

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

The suitability of the site was addressed in the original approval of DA-2017/1154.

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

In accordance with Part 2 – Advertising and Notification of the Botany Bay Development Control Plan (BBDCP) 2013, the modification application was notified for fourteen (14) days between 7 January to 24 January 2019. No submissions were received during the notification period. No submissions were received as part of the notification period.

# 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 seeking to modify Development Consent No. 2017/1154 including roof over car spaces and driveway on the northern side of Level 1, modification to the layout of units 6, 7, 8, 9, 10 and 11 on Level 2 and unit 17 on level 4, privacy screen proposed on the northern side of the private open space on units 9, 10 and 11 and modifications to conditions at 904-922 Botany Road Mascot has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979*.

The proposal is substantially the same development maintaining the approved land use of shop top housing and is consistent with the bulk and scale other than some minor setback changes to balconies on Level 2. There is no change to the approved height with a minor increase in FSR from 2:1 to 2.046:1. The minor FSR non-compliance has been assessed in regards to visual privacy and other amenity impacts and has been found to be acceptable.

Item

The proposal increases the unit sizes to allow for a separate study area to accommodate units for families and in accordance with the family friendly controls.

The modifications put forward for amendment by the applicant in addition to a number of conditions being modified that relate to the current proposal, have been amended accordingly within the conditions of consent.

Therefore, the Section 4.55(1A) Modification Application is recommended for approval subject to the conditions (as amended) in the attached Schedule of Consent Conditions.

## **Attachment**

## Schedule 1 - Conditions of Consent

Premises: 904-922 Botany Road Mascot BDA-2017/1154/A

## Schedule 1 - Conditions of Consent

## **GENERAL CONDITIONS**

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

Drawing No.	Author	Date Received
DA-020- Site Analysis		Dated 19 February 2018;
Plan- Rev C		Received 20 February 2018
DA-030- Site Plan- Rev C	]	Dated 19 February 2018;
		Received 20 February 2018
DA-040- Demolition Plan-		Dated 19 February 2018;
Rev C		Received 20 February 2018
DA-101- Basement Plan-	]	Dated 19 February 2018;
Rev C		Received 20 February 2018
DA-102- Level 1 Plan- Rev		Dated 19 February 2018;
С		Received 20 February 2018
DA-103- Level 2 Plan- Rev		Dated 19 February 2018;
C-D		Received 20 February 2018
		Dated 12 March 2019;
		Received 27 March 2019
DA-104- Level 3 Plan- Rev		Dated 19 February 2018;
CD		Received 20 February 2018
		Dated 12 March 2019;
	Farriage Otrodia	Received 27 March 2019
DA-105- Level 4 Plan- Rev	Environa Studio	Dated 19 February 2018;
CD		Received 20 February 2018
		Dated 12 March 2019;
		Received 27 March 2019
DA-106- Level 5 Plan- Rev		Dated 19 February 2018;
С		Received 20 February 2018

Item

Bayside Planning Panel Meeting 28/05/2019

DA-110- Roof Plan- Rev C	Dated 19 February 2018;
	Received 20 February 2018
DA-111- Driveway Profile	Dated 19 February 2018;
Plan- Rev C	Received 20 February 2018
DA-120- Section AA Plan-	Dated 19 February 2018;
Rev C	Received 20 February 2018
DA-121- Section BB Plan-	Dated 19 February 2018;
Rev C	Received 20 February 2018
DA-122- Section CC Plan-	Dated 19 February 2018;
Rev CD	Received 20 February 2018
	Dated 12 March 2019;
	Received 27 March 2019
DA-130- East Elevation	Dated 19 February 2018;
Plan- Rev C	Received 20 February 2018
DA-131- South Elevation	Dated 19 February 2018;
Plan- Rev <b>C D</b>	Received 20 February 2018
	Dated 12 March 2019;
	Received 27 March 2019
DA-132- South Elevation	Dated 19 February 2018;
Internal Plan- Rev CD	Received 20 February 2018
	Dated 12 March 2019;
	Received 27 March 2019
DA-133- North Elevation	Dated 19 February 2018;
Plan- Rev <b>C-D</b>	Received 20 February 2018
	Dated 12 March 2019;
	Received 27 March 2019
DA-134- North Elevation	Dated 19 February 2018;
Internal Plan- Rev C D	Received 20 February 2018
	Dated 12 March 2019;
	Received 27 March 2019
DA-135- West Elevation	Dated 19 February 2018;
Plan- Rev C	Received 20 February 2018
DA-136- Streetscape	Dated 19 February 2018;
Analysis Street Elevation	Received 20 February 2018
Plan- Rev C	
DA-210- Material and	Dated 19 February 2018;
Finishes Schedule Plan-	Received 20 February 2018
Rev C	
DA-211- Terms and	Dated 19 February 2018;
Abbreviations- Rev C	Received 20 February 2018
DA-220- Waste	Dated 19 February 2018;
Management Plan- Rev C	Received 20 February 2018
DA-230- Construction	Dated 19 February 2018;
Management Plan- Rev C	Received 20 February 2018
DA-930- BASIX	Dated 19 February 2018;
Commitments Sheet 1-	Received 20 February 2018
Rev C	
DA-930- BASIX	Dated 19 February 2018;
Commitments Sheet 2-	Received 20 February 2018
Rev C	
DA-980- Area Calculation	Dated 19 February 2018;
Plan- Rev <b>C D</b>	Received 20 February 2018
	Dated 12 March 2019;
	Received 27 March 2019
	do Planning Panal Maating

Item

Bayside Planning Panel Meeting 28/05/2019

DA-981- Storage Calculation Summary Plan- Rev C DA-982- Landscape Calculation Plan- Rev <i>C D</i>		Dated 19 February 2018; Received 20 February 2018  Dated 19 February 2018; Received 20 February 2018 Dated 12 March 2019; Received 27 March 2019
2413 LP-01- Landscape Plan Level 1- Rev D 2413 LP-02- Landscape Plan Level 2- Rev D 2413 LP-03- Landscape Plan Level 4- Rev D 2413 LP-04- Landscape Section- Rev D 2413 LP-05- Landscape Details- Rev D	John Lock Associates Landscape Architecture	Dated 12 February 2018; Received 20 February 2018 Received 20 February 2018 Dated 12 February 2018; Received 20 February 2018; Received 20 February 2018
Sheet E1- Cover Sheet and Notes- Rev A Sheet E2- Erosion and Sediment Control Plan- Rev A Sheet E3- Erosion and Sediment Control Details- Rev A	ACOR Consultants (CC) Pty Ltd	Dated 2 September 2017; Received 13 September 2017 Dated 2 September 2017; Received 13 September 2017 Dated 2 September 2017; Received 13 September 2017

# (BDA/2017/1154/A)

Reference Document(s)	Author	Date Received
BASIX Certificate No.	Prepared by Partners	Dated 12 February 2018;
579631M_0 <b>68</b>	Energy Management	Received 20 February 2018
_		Dated 14 March 2019;
		Received 27 March 2019
Addendum to Acoustic	Sebastian Giglio	Dated 8 February 2018;
report	Acoustic Consultant	Received 20 February 2018
Response to additional	Sutherland and	Dated 19 February 2018;
information	Associates Planning	Received 20 February 2018
Flood Letter	ACOR Consultants	Dated 15 February 2018;
	(CC) Pty Ltd	Received 20 February 2018
Traffic Impact Assessment	Parking and Traffic	Dated 20 February 2018;
	Consultants	Received 20 February 2018
Acid Sulfate Soils	Environmental	Dated 28 November 2014;
Assessment and	Investigations	Received 13 September 2017
Management Plan- Report		
E22367AA		
Acoustic Report- Ref:	Sebastian Giglio	Dated September 2017;
2570A/D01	Acoustic Consultant	Received 13 September 2017
BCA 2016- Indicative	Building Innovations	Dated 5 September 2017;
Compliance Report –	Australia	Received 13 September 2017
PRO- 01554-F1C2- v1.0		
Design Verification	Environa Studio	Dated 29 August 2017;
Statement		Received 13 September 2017
		Dated 11 December 2018;
		Received 18 December 2018

Item

Proposed realignment of		Dated 30 August 2017;
existing easement- D1-		Received 13 September 2017
Coversheet and Notes-		·
Rev A		
Proposed realignment of	-	Dated 30 August 2017;
existing easement- D2-		Received 13 September 2017
	ACOR Consultanta	Received 15 September 2017
Plan proposed	ACOR Consultants	
realignment of existing	(CC) Pty Ltd	
easement- Rev A		
Proposed realignment of		Dated 30 August 2017;
existing easement- D3-		Received 13 September 2017
Pipe long section and		
details- Rev A		
Environmental Site	S&G Consulting	Dated 5 May 2008;
Assessment- Phase 1 and	ode consulting	Received 13 September 2017
		Received 15 September 2017
2- Doc Ref: SG081515		
RP04 Rev 1		
Environmental Site	JBS&G	Dated 30 April 2014;
Assessment- Preliminary		Received 13 September 2017
Site Investigation (Site		
History Review) and		
Detailed Site Investigation		
(Soil and Groundwater		
Investigation)- Ref:		
SGM131160	ANA/ O t l l l Dt	D-1-140 A
Geotechnical Report- Ref:	AW Geotechnical Pty	Dated 19 August 2014;
AWG35415	Ltd	Received 13 September 2017
Groundwater Take	Environmental	Dated 20 March 2015;
Assessment- Ref No.	Investigations	Received 13 September 2017
322367 GA		
Heritage Impact Statement	Kate Higgins Heritage	Dated 4 September 2017;
	Consultant	Received 13 September 2017
Post remediation	JBS&G	Dated 22 September 2015;
groundwater monitoring		Received 13 September 2017
report- Rev D- Ref No.		Treceived to coptember 2017
51143		
	S&C Conculting	Dated 13 March 2000:
Remediation Action Plan-	S&G Consulting	Dated 13 March 2009;
Ref No. SG071515_ RP4-		Received 13 September 2017
2		
Section J of the BCA	Partners Energy	Dated 21 August 2017;
Report- Rev 2		Received 13 September 2017
Sheet C1- Coversheet and		Dated 5 September 2017;
Notes- Rev B		Received 13 September 2017
Sheet C2- Stormwater	1	Dated 5 September 2017;
Management Plan-		Received 13 September 2017
		Neceived 10 September 2017
Basement- Rev B	-	Data d E Comtonata a 2017
Sheet C3- Stormwater		Dated 5 September 2017;
Management Plan- Level		Received 13 September 2017
1- Rev B	ACOR Consultants	
Sheet C4- Stormwater	(CC) Pty Ltd	Dated 5 September 2017;
Management Plan- Level		Received 13 September 2017
2- OSD and OSR Detail		
Sheet- Rev B		
3.1301-1107 D	<u> </u>	

Item

Bayside Planning Panel Meeting 28/05/2019

Sheet C5- Stormwater Management Detail Sheet- Level 1- Rev B		Dated 5 September 2017; Received 13 September 2017
Section 4.55 Planning	Sutherland and	Dated December 2018;
Statement	Associates Planning	Received 18 December 2018

(BDA/2017/1154/A)

2.

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

3.

- a) All building work must be carried out in accordance with the provisions of the Building Code of Australia;
- All plumbing stacks, vent pipes and the like shall be kept within the building and suitably concealed from view. This Condition does not a Apply to the venting to atmosphere of the stack above roof level;
- c) All air conditioning units shall be appropriately treated to ensure that they are concealed from view and compliant with Australian Standard AS1668.2. If they are located on balconies or in public, they are to be appropriately screened;
- d) The provision of disabled access throughout the development is required and shall be in compliance with the Building Code of Australia Part D3 "Access for People with Disabilities" and Australian Standard AS1428.1 (2001) – Design for Access and Mobility – Part 1 General Requirements for Access – Buildings. This requirement shall be reflected on the Construction Certificate plans; and
- 4. All costs associated with these development conditions shall be borne by the applicant. If, when actioning these conditions Council's solicitor is required to act on behalf of Council, then Council's solicitor's fees and charges shall also be borne by the Applicant.
- Emergency egress from the site must be provided from all internal areas to the Botany Road frontage immediately adjoining 902 Botany Road from the footway easement. This egress point is to maintained at all times.
- Pursuant to clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent (Condition No. 1) that all the commitments listed in the approved BASIX Certificate/s for the development are fulfilled.
  - a) Relevant BASIX Certificate means:
    - 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

Item

- ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
- b) BASIX Certificate has the meaning given to that term in the *Environmental Planning and Assessment Regulation 2000*.
- 7. The consent given does not imply that works can commence until such time that: -
  - 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,
    - Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
    - iii) The person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

# **CONDITIONS IMPOSED BY EXTERNAL AUTHORITIES**

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

General Terms of Agreement

- A 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.

Item

- d) WaterNSW prefers "tanking" (ie. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (eg. a drainage blanket behind the water-proof membrane).
- e) If the basement is not "tanked", the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult, and may cause delay in project completion. If a WAL is required, please complete an Application for a new water access licence with a zero share component.
- 9. The following conditions imposed by **NSW Police** are as follows:
  - As the proposed development may be exposed to Break and Enter Steals, Stealing, Steal from persons, Malicious Damage and Steal from Motor Vehicle offences, a closed circuit surveillance system (CCTV) which complies with the Australian Standard Closed Circuit Television System (CCTV) AS:4806:2006 shall to be implemented to receive, hold or process data for the identification of people involved in anti-social behaviour prior to the issue of the Occupation Certificate. The system is obliged to conform with Federal, State or Territory Privacy and Surveillance Legislation;
  - b) The CCTV system should consist of surveillance cameras strategically located in and around the development to provide maximum surveillance coverage of the area, particularly in areas that are difficult to supervise. Cameras should be strategically mounted outside the development buildings and within the car parking areas to monitor activity within these areas. One or more cameras should be strategically mounted at entry and exit points to monitor activities around these areas (underground car park, foyer entrance);
  - c) Digital technology should be used to receive, store and process data. Recording equipment should be secured away from public access areas to restrict tampering with the equipment and data. This equipment needs to be checked and maintained on a regular basis.
  - d) It is crucial even in the development stage that these cameras are installed as soon as power is available to the site.
  - e) Any proposed landscaping and vegetation should adhere to the following principles:
    - i) Shrubs bushes, plants should remain under 900mm in height;
    - Branches or large trees should start at a height of two (2) metres and higher;

This will assist with natural surveillance and reduce hiding spots and dark areas for potential offenders.

- f) By angling fire egress inlet walls 45 degrees or more, opportunities for entrapment, loitering and vandalism can be reduced.
- g) Any proposed seating area, playground or grass area should be positioned somewhere which can be viewed easily by the community. Consider whether the area will be used enough to warrant its development. Areas which are isolated,

Item

- unused and maintained poorly become a breeding ground for anti social behaviour.
- 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.
- The configuration of car parking spaces can impact the risk to car thieves. Grid rows increase natural surveillance. Avoid dark spots, corners and isolated car spaces.
- j) Public laundries, garbage disposal areas and other communal spaces should not be located in a buildings 'leftover space'. Poor supervision of communal facilities can greatly increase the risk of predatory crime, theft and vandalism. Areas that are unused or sporadically used after hours and unsupervised should not be accessible to the public.
- Uneven building alignments, insert doorways and hidden entrances should be avoided. They can facilitate predatory crimes, thefts, malicious damage and other offences.
- Bicycle parking areas should be located within view of capable guardians. The provision of covered lockable racks to secure bicycles increases the effort required to commit crime;
- m) Lighting (lux) levels for this development must be commensurate with a medium crime risk identified in this evaluation. The emphasis should be on installing low glare/high uniformity lighting levels in line with Australian Standard AS:1158.
- n) Lighting sources should be compatible with requirements of any surveillance system installed within the development. (Poor positioning choices in relation to light can cause glare on the surveillance screens).
- The luminaries (light covers) should be designed to reduce opportunities for malicious damage. Lighting within the development needs to be checked and maintained on a regular basis.
- p) A limited amount of internal lighting should be left on at night to enable patrolling police, security guards and passing people to monitor activities within the business.
- q) Improved lighting needs to extend from the development towards adjacent streets. Consideration must be given to pedestrians walking from the development to surrounding streets for the purpose of catching public transport etc. Areas adjoining pathways should be illuminated to avoid opportunities for concealment and entrapment.
- r) Clear street number signs should be displayed and appropriately positioned at the front of the business to comply with Local Government Act, 1993 Section 124 (8). Failure to comply with any such order is an offence under Section 628 of the Act. Offences committed under Section 628 of the Act attract a maximum penalty of 50 penalty units (currently \$5500) for an individual and 100 penalty units (currently \$11000) for the corporation. The numbers should be in contrasting colours to the building materials and be larger than 120mm.
- s) Warning signs should be strategically posted around the buildings to warn intruders of what security treatments have been implemented to reduce opportunities for crime.
  - · Warning, trespassers will be prosecuted.
  - Warning, these premises are under electronic surveillance

ltem

- t) Directional signage should be posted at decision making points (eg. Entry/egress points) to provide guidance to the uses of the development. This can also assist in access control and reduce excuse making opportunities by intruders.
- 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.
- Signage needs to be provided at fire exits to assist occupants to identify exits in V) emergency situations.
- Signage needs to be provided to assist occupants to identify fire suppression w) equipment, eg extinguishers, fire hoses etc.
- 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.
- Graffiti resistant materials and anti-graffiti coating should be utilised throughout the y)
- 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://wvvvv.emergency.nsw.gov.au or Emergency Management Australia http://www.ema.gov.au.
- 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.
- The door and door frames to these premises should be of solid construction.
- Doors should be fitted with locks that comply with the Australian Standard -Mechanical Locksets for doors in buildings, AS:4145:1993, to restrict unauthorised access and the Building Code of Australia (fire regulations). This standard specifies the general design criteria, performance requirements and procedures for testing mechanical lock sets and latch sets for their resistance to forced entry and efficiency under conditions of light to heavy usage. The standard covers lock sets for typical doorways, such as wooden, glass or metal hinged swinging doors or sliding doors in residential premises. Requirements for both the lock and associated furniture are included. Certain areas may require higher level of locking devices not referred to in this standard (eg. Locking bars, electronic locking devices and detection devices) Dead locks are required for residential units.
- dd) There are some doors within the premises which are designated as fire exits and must comply with the Building Code of Australia. This means that they provide egress to a road or open space, an internal or external stairway, a ramp, a fire isolated passageway, a doorway opening to a road or open space. The doors in the required exits must be readily open-able without a key from the side that face the person seeking egress, by a single hand downward action or pushing action on a single device which is located between 900mm and 1.2m from the floor.
- Any sliding doors MUST be fitted with lockable bolts in the bottom and top of the
- The windows and window-frames to these premises should be of solid construction. The windows should be fitted with locks which comply with Australian Standard- Mechanical Locksets for windows in buildings, AS:4145 Bayside Planning Panel Meeting

Item

28/05/2019

http://www.standards.org.au to restrict unauthorised access. This standard specified the general design criteria, performance requirements, and procedures for testing mechanical lock sets and latch sets for their resistance to forced entry and efficiently under conditions of light to heavy usage. The standard covers lock sets for typical windows, such as wooden, glass or metal hinged swinging windows or sliding windows in residential and business premises, including public buildings, warehouses and factories. Requirements for both the lock and associated furniture are included. Certain areas may require higher level of locking devices not referred to in this standard (e.g. locking bars, electronic locking devices, detection devices, alarms).

- gg) The main access to the on-site car park should have restricted access with a security pass. The opening/closing mechanism should be protected from vandalism and tampering. All exist doors from the car park should have striker plates installed to minimise chance of tampering.
- hh) As your business may deal in cash a robbery prevention program needs to be established to ensure that management and staff are aware of their responsibilities in the event of such an event taking place. Establish clear cash-handling procedures within your business to reduce opportunities for crime. Staff should be trained in cash handling procedures to reduce the opportunities for crime. Limit the amount of money carried in the cash drawer at any time (\$200.00 float). Lock cash drawers when not in use and clear money from the cash drawer on a regular basis e.g. to a safe. Avoid counting cash in view of public. Use a minimum of two staff, or security services, when transferring money to financial institutions, or consider using a reputable security company especially when transferring large amounts of money. Avoid wearing uniform or identification when transferring money. Don't use conspicuous bank-bags when transferring money, as this can be a clear indication to the thief.
- Any cash safe should be secured to the floor and placed away from view of public. Staff should be trained in safe cash handling practices to minimise the loss of monies in the event of a robbery.
- jj) There need to be a limit to how many exit and entry points are available to the car park.
- kk) Vertical fencing/barriers are required around the car park to restrict access and reduce the opportunity for offenders to climb the exterior.

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

- a) This location lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.
- b) The application sought approval for the PROPERTY DEVELOPMENT to a height of 24.8 metres Australian Height Datum (AHD).
- c) In his capacity as Airfield Design Manager and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, Peter Bleasdale has no objection to the erection of this development to a maximum height of 24.8 metres AHD.
- 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.

Item

- 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.
- Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.
- "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
- Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF).
- m) Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.
- 11. The following conditions imposed by Ausgrid are as follows:
  - The method of connection will be in line with Ausgrid's Electrical Standard (ES)1

     'Premise Connection Requirements.
  - b) It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not: The existing network can support the expected electrical load of the development A substation may be required on-site, either a pad mount kiosk or chamber style and; site conditions or other issues that may impact on the method of supply. Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.
  - c) The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.
  - d) All proposed vegetation underneath overhead power lines and above underground cables must comply with the requirements of ISSC 3 Guideline For Managing Vegetation Near Power Lines.
  - e) There are existing underground electricity network assets in King street and Botany road. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the

Item

existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

f) There are existing electricity substation assets at Botany road and King Street (S4058). There is an existing kiosk style electricity substation that may be impacted by the proposed construction. Subsidence and vibration must minimised at the substation site. The use of ground anchors under a substation is generally not permitted due to the presence of underground cabling and earthing conductors which may be more than 10m deep. A further area of exclusion may be required in some circumstances.

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

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

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

- 12. The following conditions imposed by **Sydney Water** are as follows:
  - a) Where proposed development works are in close proximity to a Sydney Water easement, the developer may be required to carry out additional works to facilitate their development in order to not encroach within the Sydney Water easement. The easement for sewerage purposes is not to be built over or encroached in without the consent of Sydney Water.

b)

The proposed development site is traversed by 150 mm wastewater main.

Item

- ii) Where proposed works are in close proximity to a Sydney Water asset, the developer may be required to carry out additional works to facilitate their development and protect the wastewater main.
- Servicing options may involve adjustment/deviation and or compliance with the Guidelines for building over/adjacent to Sydney Water assets.
- iv) Refer to a Water Servicing Coordinator for details of requirements.
- c) No building or permanent structure is to be constructed within 1m from the outside wall of the stormwater asset or within the easement whichever is larger. Permanent structures include (but are not limited to) basement car park, hanging balcony, roof eves, hanging stairs, stormwater pits, stormwater pipes etc. This clearance requirement would apply for unlimited depth and height.
- d) The approved plans must be submitted to the Sydney Water <u>Tap in™</u> online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.
- e) The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.
- f) The <u>Tap in™</u> service provides 24/7 access to a range of services, including:
  - i) building plan approvals
  - ii) connection and disconnection approvals
  - iii) diagrams
  - iv) trade waste approvals
  - v) pressure information
  - vi) water meter installations
  - vii) pressure boosting and pump approvals
  - viii) changes to an existing service or asset, e.g. relocating or moving an asset.
- d) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Coordinator. For help either visit <a href="www.sydneywater.com.au">www.sydneywater.com.au</a> > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.
- 13. The following conditions imposed by **RMS** are as follows:
  - A strip of land has previously been dedicated as Public Road by private subdivision (DA 540847), along the Botany Road frontage of the subject property, as shown by yellow on the attached Aerial – 'X'. All buildings and structures, together with

Item

any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth) along the Botany Road boundary.

- b) The redundant driveway on Botany Road shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter along Botany Road shall be in accordance with the Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Paramatta (telephone 9598 7798).
- c) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The develop is to submit all documentation at least six weeks prior to the commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. The report and any enquiries should be forwarded to <a href="mailto:Suppiah.thillai@rms.nsw.gov.au">Suppiah.thillai@rms.nsw.gov.au</a> Telephone 8849 2114,

If necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least 7 days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

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

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

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

- All works and signposting associated with the subject development shall be at no cost to Roads and Maritime.
- f) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Botany Road during construction activities. A ROL can be obtained through <a href="https://myrta.com/oplinc2/pages/security/oplincLogin.jsf">https://myrta.com/oplinc2/pages/security/oplincLogin.jsf</a>
- g) Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.
- The proposed landscaping and pedestrian awning shall not obstruct driver line of site to traffic control signals, driveways or other critical road infrastructure.

Item

- All demolition and construction vehicles are to be contained wholly within the site and vehicles must entre the site before stopping. A construction zone will not be permitted on Botany Road.
- j) The proponent should be advised that the subject property is within a broad area currently under investigation for the proposed F6 Project. For further information about the project is available by contacting the F6 team on 1800 789 297 or <a href="mailto:motorwaydevelopment@rms.nsw.gov.au">motorwaydevelopment@rms.nsw.gov.au</a> or by visiting the project website at <a href="www.rms.nsw.gov.au/projects.motorwaydevelopment">www.rms.nsw.gov.au/projects.motorwaydevelopment</a>

# PRIOR TO COMMENCEMENT OF DEMOLITION WORKS OR ANY DEVELOPMENT OR WORK

- 14. A dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. The insurance cover shall be a minimum of \$10 million.
- 15. A sign must be erected in a prominent position on any work site on which work involved in the erection of a building is being carried out;
  - a) stating that unauthorised entry to the work site is prohibited;
  - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
  - c) the Development Approval number;
  - d) the name of the Principal Certifying Authority including an after hours contact telephone number; and
  - e) any such sign is to be removed when the work has been completed.
- 16. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993: (It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)
  - Permit to erect hoarding on or over a public place, including Council's property/road reserve,
  - 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,

Item

- e) Permit for roads and footways occupancy (long term/ short term),
- 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 / readjustments of utility services,
- h) Permit to place skip/waste bin on footpath and/or nature strip, and
- i) Permit to use any part of Council's road reserve or other Council lands.
- 17. Prior to the commencement of any work, the Applicant is to submit payment for a Tree Preservation Bond of \$27,500.00 to ensure protection of the 2 x Plane Tree Street trees in the Botany Road footpath from damage during demolition and construction. The duration of the bond shall be limited to a period of 24 months after issue of the Occupation Certificate. At the completion of the 24 month period, the Tree Preservation Bond shall be refunded pending a satisfactory inspection by Council and the Project Arborist. If a tree was found to be in declining, damaged (including roots), dead, excessively pruned or removed without Council permission or, if tree protection measures were not satisfied at any time during development, then all or part thereof of the bond shall by forfeited.
- All contractors shall comply with the following during all stages of demolition and construction:
  - a) A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - b) A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - c) A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - d) A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
  - 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

ltem

and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.

- 19. A Soil and Water Management Plan shall be prepared in accordance with Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Region Organization of Councils. A copy of the plan must be submitted to Council. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept onsite at all times and made available on request.
- Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction. A copy of the sign is available from Council.
- 21. Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction. The controls are to be designed and installed in accordance with the Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Regional Organisation of Council. Copies of the guidelines are available from Council.
- 22. Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising engineer, showing all details, including the extent of encroachment and the method of removal (or any other method) and de-stressing of shoring elements, shall be submitted with the Construction Certificate to the Principle Certifying Authority along with Council's (or other) consent if the works intrude on Council's (or other) property.
- 23. Should any hazardous materials be identified a Work Management Plan completed in accordance with AS2601 Demolition of Buildings shall be <u>submitted to the Principal Certifying Authority prior to the any excavation for the building or structure.</u> The report shall contain details regarding the type of hazardous material and the proposed methods of containment and disposal.
- 24. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment and Climate Change and Water and with the provisions of:
  - 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
  - Department of Environment and Climate Change Waste Classification Guidelines (2008).
- 25. All works carried out on the public roads shall be inspected and approved by Council's engineer. Documentary evidence of compliance with Council's requirements shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

Item

- Initial pre-construction on-site meeting with Council's engineers to discuss concept and confirm construction details, traffic controls and site conditions/constraints prior to commencement of the construction of the civil works associated with the road widening;
- b) Prior to placement of concrete (kerb and gutter and footpath);
- c) Prior to construction and placement of road pavement materials; and
- d) Final inspection.

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

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

- 26. The required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
- The applicant must <u>prior to the release of the Construction Certificate</u>, pay the following fees:

a) Development Control Fee \$5,380.00

b) Footpath Crossing deposit \$246,707.25 (see below)

c) Street Tree Preservation Bond \$27,500.00 (see above)

d) Street Tree Maintenance Bond \$3,000 (see below)

e) Section 94 Contributions \$389,202.21 (see below)

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

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

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

- 29. <u>Prior to the issue of the Construction Certificate</u>, amended plans are to be submitted to Council demonstrating the following:
  - a) The floor surface of the entry, dining room and kitchen floor and internal storage area are to be water-resistant and easy to be cleaned and maintained within all apartments.
  - All two bedroom apartments are to have a study nook/space or indicate that a desk can adequately be accommodated within the open-plan living area;
  - The location of mailboxes within the lobby of each building is to be identified on the amended plans.
  - d) The dedicated car wash bay is to provide a tap. A sign shall be fixed saying 'Car Wash Bay'. The runoff shall be directed and treated as per Botany DCP Part 3A. Details shall be provided with the plans accompanying the Construction Certificate.
  - e) Detailed elevations of the proposed building to both King Street and Botany Road are to be submitted, coloured up to indicate use of external materials, finishes and colours, the elevations to be submitted for approval of Council.
  - f) The awning must be designed around the tree requirements and must be a minimum of 500mm from any part of the tree.
- 30. Prior to the issue of the Construction Certificate, amended plans are to demonstrate that the minimum commercial floor level shall be constructed at 8.00 m AHD.
- 31. A Heritage Interpretation strategy must be prepared by a suitably qualified heritage consultant in accordance with NSW Heritage Guide on Heritage Interpretation Policy (http://www.environment.nsw.gov.au), prior to issue of the Construction Certificate. The strategy must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting, art, details of the heritage design or the display of selected artefacts are some means that can be used. Only lighting and signage (300mm x 300mm Max 2 signs) may be placed externally without obtaining approval for modifications to this consent under Section 96 of the Environmental Planning and Assessment Act 1979. Interpretation may include the naming of the building and design of a building name plate in reference to the history of the site as recommended in the Heritage Impact Statement submitted with the S96 application. Two (2) copies of the strategy are to be submitted to Council and written confirmation obtained and provided to the Principal Certifying Authority that the strategy satisfies this condition the prior to a Construction Certificate being issued.
- 32. Prior to the issue of any Construction Certificate, the applicant shall lodge a Footpath Crossing deposit of \$246,707.25 (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
- 33. 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,

Item

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.

- 34. A Construction Management Program shall be submitted to, and approved by the Private Certifying Authority prior to the issue of a Construction Certificate. The program shall detail:
  - a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed,
  - 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.
  - 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,
  - 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
  - The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation.

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

35. A detailed Traffic Management Plan for the pedestrian and traffic management of the site, Botany Road and King Street during construction shall be prepared and submitted to the relevant road authority (Council or Roads and Maritime Services) for approval. The plan shall:

Item

- a) be prepared by a RMS accredited consultant,
- 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
- 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.

- 36. 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.
- 37. Prior to the issue of the Construction Certificate, a suitable qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 1% AEP flood event or flow level.
- 38. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood, or flow level. Details shall be provided and approved prior to the issue of a construction certificate.
- 39. The subsurface structure shall be designed with a water proof retention system (i.e. tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably experienced Chartered Professional Engineer(s). Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate.
- 40. The Applicant is to submit payment of a New Street Tree Performance Bond of \$3,000. The duration of the Bond shall be limited to a period of 9 months after planting of the new street trees and a satisfactory inspection from Council. At the completion of the Bond period the Bond shall be refunded pending an inspection of trees by Council. If a tree is found to be dead, pruned or dying and will not recover, Council will forfeit all or part of the bond to replace or maintain the tree/s, unless the Applicant undertakes this work under the instruction from Council.
- 41. Landscaping on the property and in the public domain shall be installed in accordance with the approved landscape documentation Revision D, by John Lock Associates Landscape Architecture and dated 12 February 2018, prior to the issue of an Occupation

Item

Certificate. The landscaped areas on the property shall be maintained at all times in accordance with the approved landscape documentation and Council's DCP.

- 42. Prior to the issue of a Construction Certificate, a public domain improvements plan shall be submitted for approval by Council. The Plan shall be undertaken by a suitably experienced Landscape Architect and shall include but not be limited to new street tree planting, footpath paving (segmental/other), street tree pit treatments and tree guards, street furniture, in ground landscaping, irrigation, lighting. The Plan shall be in accordance with Council's City Identity Program, Landscape DCP and any other Council specification or requirement. Civil drawings shall be included detailing levels and detailed footpath construction sections in accordance with Council's Engineering Services requirements. Contact Council's Landscape Architect for further details of specific requirements in preparation of the plan.
- 43. A sufficient area shall be provided onsite to enable separate stockpiling and treatment of excavated materials in accordance with the all recommendations within the 'Acid Sulfate Soil Management Plan' contained in Section 7 of the 'Acid Sulfate Soils Assessment and Management Plan 904 Botany Road, Mascot' (Report E22367AA) by Environmental Investigations Australia dated 28 November 2014. Details of this area shall be provided in the Erosion and Sediment Control Plan (ESCP) and/or Construction Management Plan prior to the release of any construction certificate.
- 44. 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';
  - NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
  - c) State Environmental Planning Policy 55 (SEPP55) Remediation of Land.

The RAP shall incorporate all findings and recommendations in the Phase1 Preliminary Site Assessment and any Phase 2 Detailed Site Assessments for the site, it shall clearly state proposed clean-up objectives, and demonstrate how the site will be made suitable for the proposed residential use. In particular the RAP shall address the proposed deep planting area and unexcavated area on the northern site boundary.

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

- 45. 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.
- 46. Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:

ltem

- A minimum 3 disabled car parking spaces shall be provided and clearly marked as per Australian Standards AS 2890.6 and Council requirements, and
- b) All off street disabled parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS 2890.6 and Council requirements.
- Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:
  - All driveways/access ramps/vehicular crossings shall conform to Australian Standards AS 2890.1 and Council requirements,
  - b) For multi-unit developments, the applicant shall provide longitudinal sections along the extremities and the centre line of each internal driveway/access ramp at a scale of 1:25. These long sections shall extend from the horizontal parking area within the property to the centre line of the roadway. The sections shall also show the clear height from the ramp to any overhead structure,
  - The applicant shall provide 57 resident carparking spaces that must be clearly linemarked and signposted,
  - d) The applicant shall provide 7 visitor carparking spaces that must be clearly linemarked and signposted.
  - e) The applicant shall provide 6 retail carparking spaces that must be clearly linemarked and signposted.
  - f) The applicant shall provide 2 carparking spaces dedicated to Telstra that must be clearly linemarked and signposted as required in Condition No. 5 of DA-14/150.
  - The applicant shall provide 1 carwash bay with the appropriate drainage systems for resident use,
- Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:
  - All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.2 and Council requirements including but not limited to Section 8(v) of the DCP Stormwater Management Technical Guidelines,
  - b) All service vehicles shall enter the property front in front out,
  - c) Demonstrate safe headroom clearance of 3.5m is achieved in the driveway entrance and along the along the travel path, parking and manoeuvring areas of a Small Rigid Vehicle (SRV), including Council's Garbage Truck,
  - Swept path analysis shall be provided for manoeuvring of commercial vehicles, and
  - A longitudinal section plotting headroom clearance above driveway access is to be provided for assessment.
- Prior to the issue of any Construction Certificate, all driveways/access ramps/vehicular crossings shall be designed to conform to the current Australian Standards AS 2890.1

and Council's Infrastructure Specifications. These include but are not limited to E-01, E-04, E-07 and E-16. As part of this development, a new concrete driveway shall be constructed. A new six (6) metre wide driveway layback shall be constructed as part of the new driveway. A minimum of one (1.0) metre of kerb and gutter either side of the driveway layback shall be replaced to enable the correct tie-in with the existing kerb and gutter. The design should be submitted to the PCA for approval. The approved design form part of the future road opening permit application.

- 50. Plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Principal Certification Authority with the application for the Construction Certificate. The garbage and recycling storage area shall be adequately ventilated, roofed and screened from public view. The floor shall be made of an impervious surface, drained to sewer and include a dry arrestor pit with a removable basket. Washing facilities shall be provided within close proximity to the garbage and recycling storage area.
- Design certification, prepared by a suitably qualified engineer shall be submitted to Principal Certifying Authority certifying the car parking area shown on the construction plans has been designed in accordance with AS 2890.1, AS2890.2, and AS2890.6.
- 52. 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.
- 53. All balconies shall have a water supply tap and a gas connection where gas is available. These shall be indicated on the plans prior to the issue of the construction certificate.
- 54. 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.
- 55. Design verification is required to be submitted from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development.
- 56. 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.

- 57. To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:
  - 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,

Item

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

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

- 58. Details on the mechanical plant and equipment to be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate. The report must:
  - a) identify each item of plant and equipment;
  - b) the following additional criteria adopted by City of Botany Bay Council:
    - i) The operation of all plant and equipment shall not give rise to an equivalent continuous ( $L_{\text{Aeq}}$ ) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background  $L_{\text{A90}}$  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<sub>Aeq</sub> 65dB(A) day time/night time.
    - iv) For assessment purposes, the above L<sub>Aeq</sub> 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.

Item

- 59. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:
  - a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
  - b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.
- 60. Prior to the issue of any Construction Certificate, the Development is to be constructed to meet all recommendations and requirements that have been detailed in the acoustic report provided by Koikas Acoustics Pty Ltd dated 28 April 2014. The measures as detailed in the acoustic assessment report prepared by Koikas Acoustics Pty Ltd, shall be undertaken in accordance with the provisions of AS 2021 2000: Acoustics Aircraft Noise Intrusion Building, Siting and Construction to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021 2000.

The work detailed in the report includes:

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

**Note**: In many cases the applicant chooses to install air conditioning to meet mechanical ventilation requirements above. If they do, it will require consideration of the noise from the air conditioner (advice concerning noise from air conditioners is attached below).

# CONDITIONS TO BE SATISFIED DURING WORKS

- 61. 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:
    - a hoarding or fence must be erected between the work site and the public place.
    - 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.

Item

- 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.
- Any such hoarding, fence or awning is to be removed when the work has been completed.
- Suitable consent shall be obtained from Council prior to the erection of any hoarding at the property.
- 62. 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.
- 63. 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.
- 64. 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.
- 65. The approved Waste Management Plan shall be complied with at all times during demolition, construction and on-going use of the site.
- 66. All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.
- 67. 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:
  - Protect and support the adjoining premises from possible damage from the excavation, and
  - 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.
- 68. 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.

69.

a) An experienced Landscape Contractor shall be engaged to undertake the landscaping work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements.

Item

- b) At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan. The Certificate is to be submitted to Council prior to the Issue of an Occupation Certificate.
- 70. 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.
- 71. Vibration levels induced by the demolition activities must not exceed levels listed in Standard DIN 4150-3 (1999-02), Structural vibration Part 3 Effects of vibration on structures Table 12-7. The operation of plant and equipment must not give rise to the transmission of vibration nuisance or damage to other premises.
- Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.

## a) Level Restrictions

Construction period of 4 weeks and under:

the  $L_{10}$  sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20 dB(A).

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

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

Item

### b) Time Restrictions

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

Monday to Friday: 07:00 am to 06:00 pm
Saturday: 08:00 am to 01:00 pm
No Construction to take place on Sundays or Public Holidays.

### c) Silencing

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

- 73. 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.
  - The provisions of toilet facilities in accordance with this condition must be in place before work commences.
- 74. Existing building elements such as steel framed windows, cast zinc letters, doors and equipment should be salvaged as far as possible and consideration given to reuse for interpretation purposes or these elements being offered for sale or reuse.
- 75. 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.
- 76. 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.
- 77. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
- 78. 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.
- All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.
- 80. 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 make 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, subcontractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

81. 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.

- 82. 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.
- 83. 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.
- 84. 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.
- 85. 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';
  - 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
  - The Remedial Action Plan (RAP) required to be submitted prior to the issue of the Construction Certificate.

Item

- 86. The management of potential and actual acid sulfate soils shall be conducted in accordance with all recommendations within the 'Acid Sulfate Soil Management Plan' contained in Section 7 of the 'Acid Sulfate Soils Assessment and Management Plan 904 Botany Road, Mascot' (Report E22367AA) by Environmental Investigations Australia dated 28 November 2014.
- 87. 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.
- 88. 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 <u>accompanied by documentation from the supplier</u> which certifies that the material has been analysed and is suitable for the proposed land use.

- 89. 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.
- The minimum commercial floor level shall be constructed at 8.00 m AHD. The floor level shall be certified by a registered surveyor prior to pouring of floor slab or installation of flooring.
- 91. Materials which may be damaged by flood waters shall be stored, or able to be stored at or above 8.45 metres Australian Height Datum, which is 500mm above the 1% Annual Exceedance Probability (AEP) Flood.
- 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.

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

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

Item

94. 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.

95.

- The applicant shall restrict vehicular access arrangements from King Street to left a) in/left out movements via the installation of a short length and 900mm wide median within King Street, being Option 1, in accordance with the RMS letter dated 25 October 2017, adequately offset from the Right of way (ROW) driveway servicing 928 Botany Road Mascot to allow unrestricted design vehicle access to that ROW, subject to Local Traffic Committee approval to that short length median being provided within 3 months of the date of this consent. The design of the median shall be based upon swept path tests conducted at a maximum speed of 10km/hr that identify that right and left turns of the design 6.4m long SRV in accordance with AS2890.2-2002, associated with the ROW driveway diagonally opposite the proposed driveway that serves vehicle access to 928 Botany Road. A plans of the works shall be submitted to Council for approval which shows that the proposed development complies with these requirements. The short median shall be completed and operational prior to the issue of the Occupation Certificate. All works associated with the proposed median are to be at no cost to RMS or Council.
- b) In the alternative that the Local Traffic Committee approval is not received in response to (a) within 3 months from the date of the consent, then the applicant shall modify the driveway design for the subject premises to deter right turn movements to/from the site. A Section 138 application shall be submitted to Council for approval prior to the lodgement of a Construction Certificate with the design of the driveway to include (but not limited to) a minimum 1 metre wide median island immediately within the site separating the entry/exit lane to/from the site and angled driveways to facilitate left turn entry and left turn egress movements at the driveway. The driveway shall be constructed prior to the issue of the Occupation Certificate.
- 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.
- 97. Prior to the issue of the Occupation Certificate, the existing above ground electricity and telecommunication cables within the road reserve and within the site will be replaced, at the applicant's expense, by underground cable and appropriate street light standards, in accordance with the Energy and Communication Provider's guidelines. The applicant will bear the cost of the new installation and the first 12 months of additional street light charges.
- 98. Prior to the issue of the Occupation Certificate the applicant must submit to the Principal Certifying Authority an acoustic report to verify that the measures stated in the above report in Condition No. 1 have been carried out and certify that the construction meets the above requirements and the indoor sound levels of AS2021-2000. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australia Acoustical Consultants).
- 99. 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

Item

- 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.
- 100. Evidence of a Sydney Water permit or consent for discharge of wastewater to the sewer shall be submitted to the Principal Certifying Authority prior to use or occupation of the premises. Where a permit or consent may not be required from Sydney Water certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.
- 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 Occupation of the building, the operator shall enter into a commercial contract for the collection of trade waste and recyclables arising from the premises. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.
- 103. The landscaped areas on the property shall be installed in accordance with the Council approved landscape documentation, the conditions of development approval and Council's BBDCP at all times. The applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan. The Certificate is to be submitted to Council prior to the Issue of an Occupation Certificate.

104.

- 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.

- 105. 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.
- 106. 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".

Item

- 107. 72 off-street car spaces shall be provided in accordance with the submitted plan and shall be sealed and linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.
- 108. 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.
- 109. 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.
- 110. 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.
- 111. Prior to the issue of the Occupation Certificate, the following works will be required to be undertaken in the road reserve at the applicant's expense:
  - a) construction of a new fully constructed concrete vehicular entrance/s off King Street;
  - ii) removal of the existing concrete vehicular entrance/s on Botany Road, and/or kerb laybacks which will no longer be required;
- 112. Prior to the issue of the Occupation Certificate, inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.
- 113. Prior to the issue of the Occupation Certificate, all footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken by Council, or by a Private Licensed Contractor subject to the submission and approval of a Private Contractor Permit, together with payment of all inspection fees. An estimate of the cost to have these works constructed by Council may be obtained by contacting Council on 9562 1670. The cost of conducting these works will be deducted from the Footpath Reserve Restoration Deposit, or if this is insufficient the balance of the cost will be due for payment to Council upon completion of the work.
- 114. A Restrictions on the use of land pursuant to Section 88B of the Conveyancing Act 1919 shall be created to ensure the following:
  - a) On-site detention system A Restriction on the use of land pursuant to Section 88B of the Conveyancing Act 1919 shall be created to ensure that there are no alterations made to the on-site detention system which is, or shall be, constructed on the lot(s) burdened. The expression 'on-site stormwater detention system' shall include all ancillary gutters, pipes, drains, orifice plate, walls, kerbs, pits, grates, tanks, chambers, basins, rainwater tanks (if an airspace "credit" is claimed against the storage volumes) and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to the temporary storage. The on-site detention system is detailed on the approved plans prepared by ACOR Consultants dated Aug 2017. Any on-site detention system constructed on the lot(s) burdened is hereafter referred to as 'the on-site detention system'.

ltem

- b) Pump-Out Facilities A Restriction on the use of land pursuant to Section 88B of the Conveyancing Act 1919 shall be created to ensure that there are no alterations made to any pump out facilities. The expression 'pump-out system' shall include all ancillary pipes, drains, kerbs, pits, grates, tanks, chambers, and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to the temporary storage. The pump-out system is detailed on the approved plans prepared by ACOR Consultants dated Aug 2017. Any pump-out system constructed on the lot(s) burdened is hereafter referred to as 'the pumpout 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

- 115. Prior to the issue of the Occupation Certificate, any driveway works to be undertaken in the footpath reserve by a private contractor requires an "Application for Consideration by a Private Contractor" to be submitted to Council together with payment of the application fee. Works within the footpath reserve must not start until the application has been approved by Council.
- 116. Prior to the issue of the Occupation Certificate, the pump system, including all associated electrical and control systems, shall be tested and inspected by a suitably qualified and experienced person. Records of testing shall be retained and provided to the certifying hydraulic engineer and/or PCA upon request.
- 117. The provision of a 2 m wide drainage easement along the Northern boundary, for the 750 mm dia drainage pipeline. The drainage easement is to be in favour of Bayside Council and covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of bayside Council. A restriction to user preventing building works within the easement is also required.

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

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

118. Prior to the issue of an Occupation Certificate for the site, the Council and the accredited certifier must be satisfied that an Interpretive installation in accordance with the

Item Bayside Planning Panel Meeting 28/05/2019

recommendations of the Heritage Interpretation Strategy has been appropriately undertaken on the site.

- 119. 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';
  - 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.

120. 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.

121. 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

- 122. New street trees shall be maintained by the Applicant/Owner/Strata Corporation for a period of 24 months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter to sustain adequate growth and health, bi-annual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties. Maintenance but does not include trimming or pruning of the trees under any circumstances.
- 123. Ongoing maintenance of the road verges and footpaths in Botany Road and King Street shall be undertaken by the owner/body corporate/Strata Corporation. Maintenance includes mowing, watering and maintaining the landscaping in these areas at all times. Maintenance does not include pruning, trimming, shaping or any work to street trees at any time.
- 124. The overflow from the rainwater tank shall be directed to the storm water system.

Item

Bayside Planning Panel Meeting 28/05/2019

- 125. All loading, unloading and transfer of goods to and from the loading bay and premises shall take place wholly within the property.
- 126. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system.
- 127. The Registered Proprietor will:
  - a) permit stormwater to be temporarily detained by the system;
  - b) keep the system clean and free of silt, rubbish and debris;
  - 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;
  - carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
  - e) not make alterations to the system or elements thereof without prior consent in writing of the Council.
  - permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirement of this clause;
  - g) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
- 128. 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;
- 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;
- carry out the matters referred to in paragraphs (b) and (c) at the proprietor's expense;
- not make alterations to the system or elements thereof without prior consent in writing of the Council.
- 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.

Item Bayside Planning Panel Meeting 28/05/2019

- 129. 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.
- 130. Claims shall not be made against Council for disruption to business or damage to stock or machinery due to flooding of the premises.
- 131. The overland flow path shall not be obstructed, restricted or altered without the approval of Bayside Council.
- 132. No roller shutters are to be installed to any of the commercial shopfronts that front King Street and Botany Road.
- 133. Prior to commencing trading each tenant must register the business premises with Council if trading as a food premise, skin penetration, hairdresser or beauty therapist.
- 134. Council's footway (area between property boundary and street kerb) is to be kept clean, tidy, washed and maintained at the applicant's expense.
- 135. Any BBQ area shall be managed in a manner so as to not adversely impact the amenity of the surrounding residents.

136.

- 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;
- The adaptable apartment approved under this development consent is to remain unaltered at all times; and
- c) The storage areas located within the basement shall be allocated to the relevant residential dwelling <u>in any future subdivision of the site.</u> In addition, any isolated storage areas and other spaces shall be monitored by CCTV cameras at all times.
- d) Studies are not to be converted into bedrooms (BDA/2017/1154/A)
- 137. The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.
- 138. 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.
- 139. 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.

Item

Bayside Planning Panel Meeting 28/05/2019

140. 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.

Item

Bayside Planning Panel Meeting 28/05/2019

## **BAYSIDE COUNCIL**

## Planning Assessment Report

## **Application Details**

Application Number: 2017/1154

Date of Receipt: 13 September 2017

Property: 904-922 Botany Road Mascot

Lot 102 in DP 1206802

Owners: Mascot Exchange Pty Ltd- C/- Anthony and Pamela Fahey

Applicant: Environa Studio

Proposal: Integrated Development for the demolition of the existing structures

and construction of five (5) storey mixed use development comprising of 32 residential units and six (6) ground floor

commercial units and basement level parking.

**Recommendation:** Approve the development, subject to conditions.

Value: \$10,958,343.00
No. of submissions: Two (2) objections

Author: Angela Lazaridis, Senior Development Assessment Planner

Date of Report: 22 February 2018

## **Key Issues**

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

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

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

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

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

#### Recommendation

#### It is RECOMMENDED:

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

## **Background**

#### History

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

Item

#### **Development Application History**

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

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

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

#### **Proposal**

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

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

The proposed development is described in detail below:

## Car Parking and Parking Allocation

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

## Residential Flat and Commercial Component

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

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

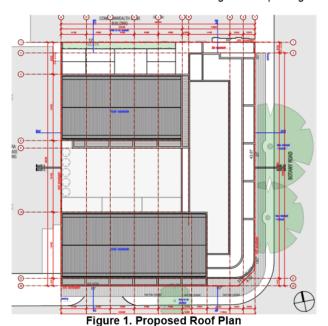
Each two bedroom apartment consists of two bedrooms (one with ensuite), one bathroom, laundry space, kitchen, dining room and living room and has access to one balcony. The first floor units on the southern building also have access to private gardens. A number of the two

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

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

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

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



Item

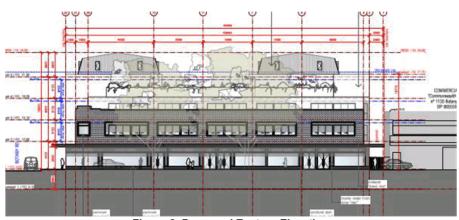


Figure 2. Proposed Eastern Elevation

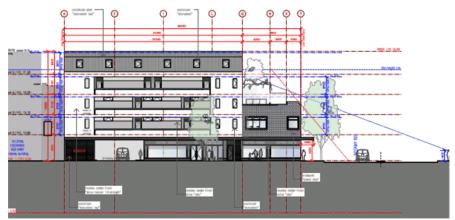


Figure 3. Proposed Southern Elevation

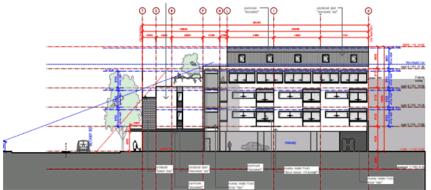


Figure 4. Proposed Northern Elevation

Item

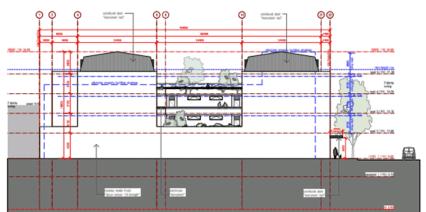


Figure 5. Proposed Western Elevation



Figure 6. Proposed Photomontage of proposal

## Key Controls

The key controls relevant to the proposal are provided below:

Control	Required	Proposal	Complies (Yes/No)
Site Area	-	Site Area: 1,654sqm	N/A
SEPP 65 – ADG			

Item

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

Item

Bayside Planning Panel 13/03/2018

Control	Required	Proposal	Complies (Yes/No)
	6m from habitable	Level 3 to 4: 11.8m to 13.6m	İ
	rooms/balconies to site boundary	Western Boundary:	
	boundary	Ground Level to Level 4: Nil	
		Southern Boundary:	
		Ground Level to Level 3: Nil	
		<u>Level 4:</u> 1.4m	
		Northern Boundary:	
		Ground to Level 2: 2m to 6m	
		Level 3 to 4: 6m	
		Building Separation between two residential components: 13.4m	
	1 bed: 8sqm	1 bed: 14sgm-31sgm	Yes
Balcony	2 bed: 10sqm	2 bed: 10sqm-30sqm	Yes
Sizes	3 bed: 12sqm	3 bed: 15sqm	Yes
	Ground Floor: 15sqm	Ground Floor: No ground floor	N/A
	Stourium tooti. toogii	apartments	
Cross Ventilation	60%	100% (32/32 units)	Yes
		1 bed: 8.1m3-8.6m3	
	1 bed: 6m3	2 bed:9.6m3-16.6m3	
	2 bed: 8m3	3 bed: 24.2m3	
Storage	3 bed: 10m3	The combined unit and basement storage complies	Yes
		Storage within the basement has been allocated to individual units	
BBLEP 2013		been anocated to mulvidual units	
BBLEF 2013			1
Zone	B2	Mixed Use/Shop top housing (Residential Flat Building and Commercial tenancies)	Yes
FSR	2:1 under BBLEP 2013	2:1	Yes
GFA	3,308sqm (maximum) calculated based on permissible FSR under BBLEP 2013	3,303sqm	Yes
Height	14 metres (maximum)	Lift Overrun- 13.7m (RL21.7) Top of roof- 16.8m (RL 24.8)	No- Refer to Note 3

Item

Control	Required	Proposal	Complies (Yes/No)
BBDCP 2013			
	Residential  1 space/1 bedroom = 7 spaces  2 space/ 2 + bedrooms = 50	Residential  57 residential car spaces provided 7 visitor spaces  Total residential: 64 spaces	Yes
Car Parking	Commercial (shops) (531sqm) 1 space / 25sqm (22 req.)	Commercial 6 car parking spaces 2 spaces dedicated to Telstra	
	Service Bays  1/50 units (1 req.)  Note: 50% of service bays to be designed for MRV or larger)	<u>Service Bays</u> Service vehicle: 1 loading bay and 1 car wash bay	No – Refer to Note 4
	Note: No requirement for car wash bays	Total car parking spaces provided: 72 car spaces	
	Total car parking required: 86 car parking spaces		
Bicycle Parking	In every new building, where the floor space exceeds 600m² GFA, bicycle parking equivalent to 10% of the required car spaces or part therefore as required in Table 1 shall be provided.  Total required: 8.6 (based on	Fifteen (15) bicycle spaces provided	Yes
	86 car spaces)		
Landscaped Area	35% minimum landscaped area (578.9sqm req)	510sqm (31%)	Acceptable as no landscaping controls within Part 5
Dwelling Layout and Family Friendly Apartment Buildings	Satisfy the Family Friendly controls	Refer to Part 4C.4.2	Refer to Note 5
Unit Mix	25% one bedroom (5 max)	7/32 units (22%)	Yes

## **Site Description**

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

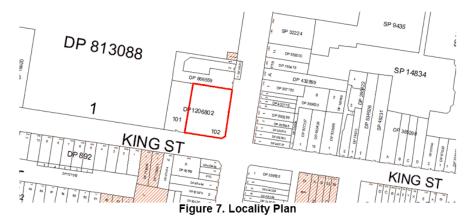




Figure 8. Aerial Map of the subject site

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

Item



Figure 9. Eastern side of subject site



Figure 10. Southern side of subject site

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

Item

#### Referrals

#### Internal

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

#### External

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

## **Statutory Considerations**

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

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

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

The following Environmental Planning Instruments are relevant to this application:

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

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

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

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

#### State Environmental Planning Policy (Infrastructure) 2007

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

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

Item

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

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ("BASIX") applies to the proposed development. The development application was accompanied by BASIX Certificate No. 579631M\_06 dated 12 February 2018 prepared by Partners Energy Management committing to environmental sustainable measures.

#### State Environmental Planning Policy No. 55 - Remediation of Land

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

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

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

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

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

Item

Appropriate conditions have been imposed in the consent. Additionally, necessary conditions as in the submitted reports have been recommended as conditions of consent in the attached Schedule. Therefore, SEPP 55 has been considered in the assessment of the proposal and is acceptable.

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

The provisions of State Environmental Planning Policy No. 65 'Design Quality of Residential Apartment Building' have been considered in the assessment of the Development Application.

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

"The Panel was generally supportive of:

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

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

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

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

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

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

• The acoustic impacts of vibrations from the Telstra exchange building

Officer's Comments: This has been addressed by an addendum to the acoustic report. It was noted that there was vibration coming from the subject building which could have been contributed from an emergency generated. The structure has been demolished therefore this issue no longer applies.

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

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

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

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

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

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

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

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

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

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

## Design Quality Principles and Apartment Design Guide

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

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

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

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

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

#### Note 1 - Ceiling Heights

Part 4C of the ADG requires that 3.3m ceiling heights be provided for the ground and first floor for developments located within mixed use areas. The proposal provides a 3.7m ceiling height (inclusion of the bulkhead/services) to the ground floor commercial unit and a 2.7m ceiling height for the first-floor units. Given that compliance with the minimum ceiling height control would increase the height limit of the proposal even greater and the first floor will be used for residential and not commercial use, it is not possible to provide increased ceiling heights to first floor. The existing surrounding built form along Botany Road is predominantly two storey shoptop housing development which incorporates residential on the first floor and not commercial. Office spaces would not fall within this category and are more suited within the B4 Mixed Use or commercial centres. Therefore, based on the assessment, the noncompliance is acceptable.

## Note 2 - Deep Soil

Objective 3E-1 of the ADG requires sites greater than 1,500sqm to have a minimum deep soil zone of 7% with a minimum dimension of 6 metres. The proposal provides a total of 26sqm (1.6%). This does not comply with the required amount of 115.8sqm (7%) as the majority of the site is proposing basement with the exception of a 2-metre setback off the northern setback to allow for the easement to run through. This area is insufficient to provide large canopy tree planting. Additionally, the buildings along the street and in the area are built to the boundary therefore the amount of deep soil provided is reflective of the existing built stock. Additionally, Part 5 of the BBDCP 2013 does not make provision for minimum landscaped or deep soil area. The design partly alleviates the amount of deep soil area by providing ample landscaping (31%) on the communal rooftop and the first floor. These areas however are not within the deep soil zone. The site is in close proximity to local parks with Mascot Memorial Park down the street along Botany Road which is easily accessible and usable to residents should open space be provided however it is considered that the landscaped area provided on the site is ample in size to accommodate its residents.

## **Botany Bay Local Environmental Plan 2013**

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

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
Land use Zone	Yes	The site is zoned B2 Local Centre zone under the Botany Bay Local Environmental Plan 2013.
Is the proposed use/works permitted with development consent?	Yes	The proposed use as residential flat building and commercial tenancies is permissible with Council's consent under the Botany Bay Local Environmental Plan 2013.
Does the proposed use/works meet the objectives of the zone?	Yes	The proposed development is consistent with the following objectives of the B2 Local Centre:

Item

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
		<ul> <li>To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.</li> <li>To encourage employment opportunities in accessible locations.</li> <li>To maximise public transport patronage and encourage walking and cycling.</li> </ul>
Does Schedule 1 – Additional Permitted Uses apply to the site? If so what additional uses are permitted on the site?	N/A	Schedule 1 does not apply to the site.
What is the height of the building?  Does the height of the building comply with the maximum building height?	No – Refer to Note 3	A maximum height of 14 metres applies to the subject site.  Lift Overrun- 13.7m (RL21.7)  Top of roof- 16.8m (RL 24.8)  The maximum height of the development does not comply with Council's requirements under the Botany Bay Local Environmental Plan 2013. A Clause 4.6 variation was provided with the application and is discussed in Note 3 below.
What is the proposed Floor Space Ratio?  Does the Floor Space Ratio of the building comply with the maximum Floor Space Ratio?	Yes	The maximum Floor Space Ratio requirement is 2:1 (3,3308sqm).  GFA: 3,303sqm FSR: 2:1  The Floor Space Ratio of the development complies with Council's requirements under the Botany Bay Local Environmental Plan 2013.
Is the proposed development in a R3/R4 zone? If so does it comply with site of 2000m2 min and maximum height of 22 metres and maximum Floor Space Ratio of 1.5:1?	N/A	The site is not located within the R3 Medium Density Residential or R4 High Density Residential zone.

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
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.
If so, does it comply with the sliding scale for Floor Space Ratio in Clause 4.4A?		
Is the land affected by road widening?	N/A	The subject site is not affected by road widening.
Is the site listed in Schedule 5 as a heritage item or within a Heritage Conservation Area?	Yes	The site is not listed as a heritage item, nor is it located within a Heritage Conservation Area. However, the site is in close proximity to heritage items (Item 139- Mascot Public School [to the west], Item 39- commercial buildings at 1133-1135 Botany Road- directly across the street).
The following provisions in Part 6 of Botany Bay Local Environmental Plan apply-		
6.1 – Acid Sulfate Soils	Yes	The site is located in a Class 4 Acid Sulfate Soils Area. An Acid Sulfate Soils Management Plan has been provided with the application. Appropriate conditions have been recommended in the consent.
• 6.2 – Earthworks	Yes	The proposal includes excavation of one basement levels. The development will encounter the groundwater table and the application was referred to Water NSW who had no objections to the proposal. Appropriate conditions have been imposed in the consent.
6.3 – Stormwater Management	Yes	The proposed development has provided an on-site detention tank located between ground and Level 1. The proposal has been reviewed by Council's Development Engineer who has no objection subject to conditions in the consent.
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.
6.15 – Active Street frontage	Yes	The proposal is in area where active street frontage is required. The development will have

Item

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
		six retail spaces on the ground floor fronting
		Botany Road and with one of the tenancies
		located along King Street.

#### Note 3 - Clause 4.6 variation relating to height variance

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

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

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

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

- (2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument...
- (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) That there are sufficient environmental planning grounds to justify contravening the development standard.

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

## "Extent of Variation to the Development Standard

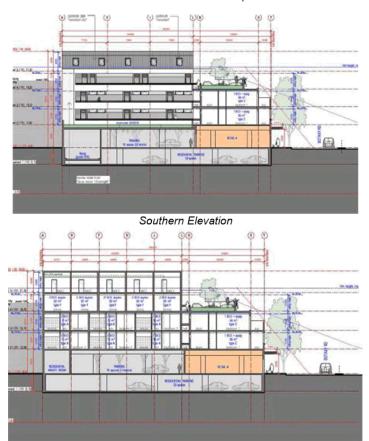
Most of the proposed development complies with the 14-metre height limit with four storeys of the building sitting below the 14-metre height limit.

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

Item

of apartments on Level 5), is setback 7.615 metres from the southern boundary. The highest point of the mansard roof for the northern row of apartments on Level 5 is setback 12.215 metres from the northern boundary.

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



Section BB

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

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

The Land and Environment Court judgement in Four2Five Pty Ld v Ashfield Council [2015] NSWLEC 90 indicates that additional ways of establishing that compliance is

Item

unreasonable or unnecessary may be necessary beyond consistency with the standard and zone objectives. For completeness, this request addresses the five part test described in Wehbe v Pittwater Council. [2007] NSWLEC 827, followed by a concluding position which demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case:

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

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

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

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

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

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

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

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

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

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

Item

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

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

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

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

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

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

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

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

(e) to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities.

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

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

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

Item

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

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

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

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

- 4. the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; Council has historically adopted a relatively flexible approach to the implementation of the height of building control in circumstances where the objectives of the control are achieved. A five storey shop top housing development with a maximum RL of 24.8 was approved on the site on 19 November 2015.
- 5. the zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

The proposed zoning of the land is reasonable and appropriate.

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

- The proposed development is consistent with the BBLEP objectives for the height of buildings, as detailed above.
- The form and setbacks of the non-complying elements ensures these elements of the building will not appear dominate when viewed from surrounding properties or the public domain.
- The development is consistent with the desired built form character outlined in the BBDCP.
- The proposed variation will not result in any unreasonable impacts on the amenity of the adjoining properties.
- The proposed variation to the height control will not result in a building which is inconsistent with the desired future character of development in the zone and locality generally.
- Requiring compliance would either result in a lower building which is more solid
  and therefore difficult to provide reasonable residential floor layouts which deliver
  adequate internal amenity, particularly in terms of solar access and natural

Item

ventilation. The lower built form would not deliver an improved streetscape outcome as reduced screening of the blank, eastern elevation of the Telstra building could be provided and there would be greater pressure to reduce the setbacks to Botany Road for levels 3 and 4.

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

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

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

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

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

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

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

## Objective of the Development Standard

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

#### Objectives of the Zone

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

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

Item

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

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

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

#### Objectives of Clause 4.6

The specific objectives of Clause 4.6 are:

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

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

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

## Officers Comment:

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

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

The proposal is consistent with the objectives of the standard and the applicant has satisfactorily established that the proposed variation is appropriate in maintaining and

enforcing the development standard in these cases would be unreasonable and unnecessary and would not allow the orderly and economic development of this site.

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

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

There are no current Draft EPIs applicable to this development

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

## **Botany Bay Development Control Plan 2013**

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

Part 3A -Parking and Access

Part	Control	Proposed	Complies
<b>3A.2.</b> Parking Provisions of Specific Uses	Residential  1 space/1 bedroom = 7  spaces		No – Refer to Note 4
	2 space/ 2 + bedrooms = 50 spaces  1 visitor space/ 5 units = 7 spaces  Total: 64 car spaces required  Commercial (shops) (531sqm)	Residential  57 residential car spaces provided 7 visitor spaces Total residential: 64 spaces  Commercial 6 car parking spaces	
	1 space / 25sqm (22 req.)	2 spaces dedicated to Telstra	
	Service Bays  1/50 units (1 req.)  Note: 50% of service bays to be designed for MRV or larger)  Note: No requirement for car wash bays  Total car parking required:	Service Bays Service vehicle: 1 loading bay and 1 car wash bay  Total car parking spaces provided: 72 car spaces	
<b>3A.3.1</b> – Car Park Design	86 car parking spaces  C13 Pedestrian entrances and exits shall be separated from vehicular access paths.	The plans demonstrate that there is separate entry and exists within the car park level for vehicles and pedestrians. Pedestrians can	Yes

Item

Part	Control	Proposed	Complies
		access the basement from the primary lift within the building. Pedestrian access is from a separate access from the lobby off King Street. Access to the basement car park is via the proposed car park ramp off King Street.	
	C15 Vehicle access points of the property should not be located:  a) In places with high traffic volumes, such as classified or arterial roads; b) Close to intersections as outlined in Section 3.2.3 of AS2890.1; c) Where there is heavy or constant pedestrian movements along the footpath; d) Opposite to other traffic generating developments; e) Where traffic using the driveways interferes with or blocks the operations of bus stops, taxi ranks, loading zones or pedestrian crossings; f) Adjacent to or at the sag point of the street; and g) In places where sight distance requirements outlined in Section 3.2.4 of AS2890.1 cannot be complied with.	The site has two street frontages with one off King Street and the other off Botany Road. The development is not a traffic generating development with only 32 apartments proposed. All access will be off King Street which is a secondary street whereas Botany Road is a classified street.  The vehicular access has been located away from the intersection and traffic lights to avoid queuing and is not in a heavy constant pedestrian movement area which is predominantly along Botany Road. The proposal does not obstruct any operations relating to bus stops, taxi ranks and pedestrian crossings.  There is a bus stop located directly opposite and down the street along Botany Road therefore the site has excellent access to public transport. Sight distances have been maintained as part of the proposal.	Yes
	C28 The minimum width of the access driveway at the property boundary shall be:  For other residential developments: 5.5 metres (two way);  The width must be extended for at least the first 6 metres of the circulation roadway within the property boundary.	The development has a minimum driveway width of approximately 6 metres and is located on the southern side of the site.	Yes
	C40 The waste collection point shall be designed to:	Waste collection and garbage holding rooms are located within the ground floor and basement of	Yes

Item

Bayside Planning Panel 13/03/2018

Part	Control	Proposed	Complies
	(i) Allow waste loading operations to occur on a level surface away from parking areas, turning areas, aisles, internal roadways and ramps; and  (ii) Provide sufficient side and vertical clearance to allow the lifting arc for automated bin lifters to remain clear of any walls or ceilings and all service ducts, pipes and the like.	the development. Collection of bins will be via a garbage holding room on the ground floor for commercial and for residential. The ground floor contains a loading bay for a small rigid vehicle. All waste is to be collected on site from an SRV and this has been conditioned in the consent.	
<b>3A.3.2</b> Bicycle Parking	C1-C5 To comply with AS2890.3 and AUSTROADS (i.e. 10% of the required amount of car parking = 8.6)	The plans demonstrate that 15 bicycle spaces are provided as part of the development.	Yes
<b>3A.3.4</b> On-site Loading and Unloading	C1-C11 1 service bay/50 dwellings	The ground floor comprises of a single loading bay towards the King Street side of the site.  The site also includes a car wash bay within the basement level of the development.	Yes

#### Note 4 - Car parking

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

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

The approved development on the site was to be serviced by a private contractor using a smaller truck (SRV) to enter and depart in a forward direction. Condition 29(b)(vii) required a car park and loading dock management plan to be prepared which provides details of proposed waste collection by a private contractor. Condition 75 of the consent required the operator to enter into a commercial contract for the collection of trade waste and recyclables arising from the premises, prior to the occupation of the building. The proposed development is to be serviced by a private contractor as per the approved

Item

development. The waste collection arrangements are addressed in the accompanying Traffic Impact Assessment prepared by Parking and Traffic Consultants.'

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

The traffic report also recommends that larger MRV vehicles that cannot access the street will service the site from the street. This is not ideal as the site is located on a busy intersection and access off Botany Road is not encouraged. This arrangement has been conditioned within the consent to not occur.

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

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

#### Part 3B - Heritage

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

The application was referred to Council's Heritage Advisor who provided comments relating to the development application in addition to the changes that have been proposed from the previous court-approved development. The heritage advisor has recommended that the corner of the building at the intersection be redesigned to be splayed rather than curved from the 1st floor windows and introduction of vertical elements. This is in contradiction to the advice that was provided by the Design Review Panel therefore the development is to be retained as per the advice provided by the Panel as it provides a better interface with the intersection. The heritage advisor has also recommended conditions of consent relating to details of the streetscape elevation external materials, finishes and colours and has requested a heritage interpretation strategy which both will be conditioned prior to the issue of the Construction Certificate.

## Part 3C - Access and Mobility

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

## Part 3G - Stormwater Management

Item

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

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

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

#### Part 3J - Aircraft Noise and OLS

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

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

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

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

- There is an existing commercial premise on site and the development proposes residential dwellings on the site;
- The degree the land is affected by aircraft noise is related to the use and operation of the airport as it affects the subject boarding house;
- Development in the immediate surrounding environment is mixed use development/shoptop housing; and

Item

4. The outdoor environment, given the curfew and current operating patterns, are such that in daylight hours there will be sufficient opportunity to utilise the private open space without the presence of aircraft noise.

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

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

#### Part 3K - Contamination

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

#### Part 3L - Landscaping

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

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

## Part 3N - Waste Minimisation and Management

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

#### Part 4C.4.2 - Family Friendly Apartments

4C.4.2 Family Friendly Apartment Buildings

Item

C1 Family apartments are apartments with two or more bedrooms designed so as to accommodate the living needs of families with children.	The two and three bedroom apartments have generally been designed in accordance with the below controls.	Yes
C2 Family apartments are to include a study to meet the needs of couple families with dependents households. The design of the study should allow for a parent to easily work from home whilst supervising a child	All but one of the 2-bedroom apartments do contain a study or a study nook.	No – Refer to Note 5
C3 Other than the master bedroom, each bedroom is to be large enough to accommodate a single bed, a desk or table, and floor space for playing, to be illustrated on a standard apartment layout plan	Given the size of the apartments, there is considered to be sufficient space in a secondary bedroom for a bed and desk.	Yes
C4 The floor surface of the entry, dining room and kitchen floor and internal storage area are to be water-resistant and easy to be cleaned and maintained, not carpet	To be conditioned within the consent.	Yes- Conditioned
C5 Two bathrooms are required. One bathroom is to be a shared bathroom which is accessible off a common corridor. This shared bathroom is to have a bathtub, and is to be large enough to allow for parental supervision	All two and three bedroom apartments include two bathrooms with one easily accessible off the primary corridor. At least one bathroom in all apartments includes a bathtub.	Yes
C6 The private outdoor space is to be clearly visible from the kitchen	All apartments have POS clearly visible from the kitchen.	Yes
C7 The entry areas and main corridors within apartments are to be generous in proportion to permit room for toys and sporting equipment, and for drying of wet shoes, boots and clothing	There is considered to be sufficient space in entry areas for storage. Storage requirements comply for the development.	Yes
C8 The Apartment Design Guide sets out storage space requirements. The storage room is to be located near the entry, and be of adequate proportions to accommodate large household items including strollers, wheeled toys, suitcases, and sporting equipment	The amount of storage provided within the apartments is acceptable.	Yes

## Note 5 – Family Friendly Apartments

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

Notwithstanding the above, this does not imply that there is not sufficient space within the open-plan living area or in bedrooms to provide a desk so that parents can monitor children while working from home. All 2-bedroom apartments exceed the ADG minimum apartment size by 5 to 21sqm. This indicates that there is sufficient size within the apartment to accommodate a desk within the open plan living area and that there is sufficient size to support the separation of conflicting activities within the living spaces. This satisfies Objective O2 and O3 which state:

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

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

While it is considered that there is sufficient size for the location of a nook or desk within the open-plan living area, a condition has been recommended that amended plans be submitted showing compliance with this requirement by indicating that within each 2-bedroom apartment, there is either a study nook/space or indicate that a desk can adequately be accommodated within the open-plan living area.

#### Part 5 - Business Centres

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

Objective	Response
O1 To retain and conserve the Mascot shopping strip and encourage a viable and attractive Local Centre by improving the public domain and the public/private interface;	The proposal will replace a portion of the old Mascot Telephone Exchange with a mixed use development. The commercial tenancies have floor to ceiling windows which will allow for adequate surveillance along Botany Road and King Street. Additionally, the front residential lobby has been designed to allow for safe surveillance. The architectural style of the building is attractive through the use of different materials, articulation and a curved façade on the corner facing the intersection.
O2 To protect the distinctive and characteristic elements of Mascot Local Centre shops and ensure the integration of these features into subsequent uses;	The development reflects the streetscape qualities of the surrounding site. The proposal will incorporate an awning at the front of the site and has setback the top 2 levels of the development along the eastern elevation to reduce the bulk when viewed from the streetscape on Botany Road.
O3 To ensure that development recognises predominant streetscape qualities (i.e. setbacks & design features);	The development is one of the first that is proposed to be redeveloped therefore the scale and height of the existing built stock does not reflect the proposal however it is anticipated that the surrounding shops will be redeveloped in this manner. The height of the proposal is consistent with the existing building to the west which has a five storey height. The top floors are setback and demonstrate a two storey street wall height along Botany Road. The architectural style proposed is visually aesthetic and complements the character of the locality.

Item

O4 To oncure development complement the	As stated should height in reflective of the bright
<b>O4</b> To ensure development complements the height and architectural style found in the immediate vicinity, particularly where this has a clearly established character;	As stated above, height is reflective of the height of the adjoining Mascot Telephone Exchange building. The proposal is going for a more contemporary style with face brick, rendered brick, metal mansard roof and aluminium louvres.
O5 To retain existing trees and provide additional landscaping within the streetscape;	The proposal will retain the two large street trees (London Plane trees) along Botany Road. The existing street tree on King Street has been cut down to accommodate the vehicular crossing. A number of new trees along King Street and within the site are proposed.
O6 To allow reasonable redevelopment and to improve the architectural quality of building stock;	Previously on the site was a commercial building utilised as the Mascot Telephone Exchange. The site proposes adequate redevelopment to a mixed use form and provides active street frontage on the ground floor which was not previously there.
O7 To retain a coherent streetscape with a consistent street wall and parapet line;	The proposal adopts a two storey street wall along Botany Road with the above levels setback away from the street. This setback is consistent with the setback on this street frontage. The elevation along King Street matches the setback of the neighbouring property.
O8 To improve and extend the pedestrian environment and to encourage appropriate outdoor uses with good solar access, such as cafes;	There are six commercial tenancies proposed in the development. A number of these will front onto Botany Road and will receive morning sunlight. The size of the commercial tenancies can accommodate uses such as cafes.
O9 To ensure that dwellings within a mixed use development provide passive surveillance, resident interaction and address the street;	All units that are fronting the street, have balconies that face onto the street. Additionally, there is adequate surveillance into the communal open space on the first floor from internal balconies and the breezeways.
O10 To encourage development of awnings as balconies for residential and commercial units above (to improve amenity for unit dwellers and promote passive surveillance of streets); and	There are no balconies proposed over the awnings.
<b>O11</b> To encourage site consolidation and the provision of through- site pedestrian links or arcades that provide rear access to the public car parking areas.	The development does not allow for a site through pedestrian link as it is situated on a corner. There is no requirement for site consolidation.

Street awning and verandahs
Development includes
a continuous solid suspended
awning or verandah over
the public footpath. Verandahs
over the footpath are encouraged
to improve residential amenity,
passive surveillance of the street
to provide weather
protection for pedestrians. Height and Setback
Development must not exceed
14 metres in height and Levels
3 & 4 should be setback at both
front and rear to create
articulation of the street facades.
The setback is to be determined
subject to a detailed
site analysis at DA stage. Building Articulation Building articulation at the street alignment is in the form of balconies, verandahs or wall offsets. Public Domain Public Domain
Development must provide
landscaping/street trees,
lighting, paving and other
infrastructure and improvements
in the public domain in
consultation with Council's
landscape officer. Street Wall
Development provides
2 storeys built to
the street alignment
with a continuous and
consistent parapet line
and additional upper
levels are setback
from the street. Botany Road

Figure 26 - Future Desired Character - Mascot Local Centre

Figure 11. Reproduction of Figure 26 from Part 5 of BBDCP2013

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

Control	Proposed	Complies			
5.2.2.8 Mascot Local Centre (Botan	5.2.2.8 Mascot Local Centre (Botany Road)				
C1 Development must provide landscaping, street trees, lighting, public seating, paving and other public domain improvements identified by Council, generally in accordance with Figure 26.	The development proposes awnings along Botany Road and King Street to provide weather protection for pedestrian and public domain improvements will be implemented such as new footpath treatments, street trees will be preserved and planted and appropriate lighting will be recommended.	Yes			
C2 Pedestrian amenity and connectivity must be enhanced in conjunction with new development.  Through site links and arcades are encouraged with redevelopment to improve pedestrian access, amenity and safety.	The pedestrian amenity has been considered within the proposal and is acceptable. No site through link for the general public is proposed as the site is a corner lot.	Yes			

Item

C3 Redevelopment is encouraged through logical lot consolidation of sites and infill development. Avoid inappropriate lot consolidation patterns that would isolate and unreasonably restrict redevelopment on a single lot.	The site is considered to be large enough to accommodate a development without leaving any site isolated. There is no proposed lot consolidation for the subject site or surrounding site. In fact, a previous development application was approved to subdivide the site from one lot to two. The proposal has been designed so that the western elevation has a solid wall on the boundary so that the neighbouring property to the west can transition with the built form.	Yes
C4 The design of development must be generally consistent with the Desired Future Character of the centre identified in Figure 26	The proposal complies and has been designed to reflect Figure 26 within the Desired Future Character section of the DCP with the exception of the third floor being closer to the street than setback. However the proposal continues to present as a two storey street wall.	Yes
C5 New development is to take into account and respond sympathetically to an established streetscape with strong architectural features and identity. New buildings are to reinforce these features and contribute to its character by incorporating traditional shopfronts and building facades.	The proposed development is an improvement to the existing built form that was located on the site. The proposal will include a mixed use development that establishes a strong commercial presence on the ground floor and residential above into three components. The design of the proposal also incorporates a curved corner facing the intersection which adds interest to the development.	Yes
C6 A setback to the rear may be required where a site adjoins a residential area and is to be determined following a detailed site analysis at development application stage. Applicants must therefore demonstrate to Council with the development application that the amenity of neighbouring residential properties are protected in terms of sunlight and natural daylight access privacy and visual amenity.	The site does not adjoin a residential area. There is a setback along the northern side between 2 metres and 6 metres to accommodate the retention of the easement as well as appropriate separation from the northern shoptop housing development.	Yes
C7 Contemporary architectural design solutions are encouraged, however designs will need to demonstrate that they will not lead to a replacement or diminution of a street's existing character. Council encourages diversity in building designs provided that development outcomes complement the existing character of the centre.	The existing buildings along Botany Road is of an older 2 storey shoptop housing building stock which may be likely to be redeveloped. However, the development proposed is sympathetic in nature to the surrounding developments relating to bulk, materials and active street frontage.	Yes
C8 Buildings must address the street and their entries are to be	The building addresses both Botany Road and King Street. The commercial tenancies	Yes

readily apparent from the street. Developments on sites with two or more frontages must address both frontages, to promote, add prominence and diversity to the streetscape. Buildings that are orientated across sites, contrary to the established development pattern, are intrusive and often overlook adjoining properties.	predominantly front Botany Road with residential balconies also looking onto the street. The residential flat lobby is located off King Street as well as the vehicular crossing and entry to the basement and car parking levels.	
C9 Shop top housing must have windows and/or verandahs in the street elevation to encourage surveillance of the street. If the verandah is built over the street then a lease fee is payable to Council. The fee is set out in Council's Fees and Charges.	There are windows and balconies facing both Botany Road and King Street. There is no verandahs or balconies over any awning.	Yes
<b>C10</b> Alterations and additions are to reflect the architectural design of the existing building. Materials and finishes are to be compatible with the existing building.	The proposal will be for a new building and not for alterations and additions to the existing building.	N/A
C9 Contemporary architectural design solutions are encouraged, however designs will need to demonstrate that they will not lead to a replacement or diminution of a street's existing character. Council encourages diversity in building designs provided that development outcomes complement the existing character of the suburb.	The development utilises sleek and sharp edges as well as a curved corner and a range of materials. The development will incorporate face brick, rendered walls, blank western wall, glass balustrades, metal mansard roof and aluminium louvres. The development is sympathetic to the character of the area.	Yes
C10 Shop top housing must be provided in any redevelopment of the existing shops.	The proposal is a new development and will incorporate commercial on the ground floor and residential on the top floors.	Yes
C11 New development when viewed from the street is to be compatible with the character of buildings within the site's visible locality by using similar shaped windows, doors and similar building materials.	The proposed built form is similar to newly built mixed use developments that are located along Botany Road towards the south. As the existing building stock of the shoptop housing is older, the proposed windows and building materials differ slightly however are considered sympathetic to the existing streetscape.	Yes
C12 A street number for the property is to be clearly identifiable from the street.	Street numbering will be proposed as part of the proposal and conditioned.	Yes

C13 Awnings must be provided continuously and at the same height along the shop frontages to provide weather protection for pedestrians	The proposal has awnings along both Botany Road and King Street frontages.	Yes
C14 Air conditioners must not be installed on street awnings or the front facade of buildings.	There are no air conditioners proposed above the street awnings or within the front façade.	N/A
C15 Development must comply with Council's sustainable development requirements as identified in Part 3H - Sustainable Design.	Sustainable measures have been incorporated within the design.	Yes
C16 Vehicular access from Botany Road must be avoided where access is available from a side street or rear laneway.	All vehicular access will be off King Street which is where the vehicular crossing and access to the basement is proposed.	Yes
C17 All loading and unloading is to be carried out on-site or from the rear laneway where it exists. Loading and unloading on Main Roads is to be avoided at all times.	Loading and unloading from an SRV will be carried out within the at-grade car parking level of the development.	Yes
C18 Development must comply with Part 3A - Car Parking.	Refer to Note 4 above regarding car parking.	No – See Note 4
C19 Maintain limited advertisements and business signage to minimise visual impact.	No signage is proposed at this time. The proposal will allow for wall signage for the commercial tenancies.	N/A
C20 Restrict signage to the awning fascia, under the awning or behind the shop window at street level.	As above, no signage is proposed at this time.	N/A
C22 A maximum height of 14 metres applies under BBLEP 2013. Building height at the street frontage is a maximum of two stories with Levels 3 and 4 to be setback from the street.	The proposal has a two storey street wall height with a high parapet. The upper levels (Level 3 and 4) are setback however Level 2 has not been. The overall height of the development does not comply with the maximum building height in the BBLEP 2013.	No- Refer to Note 3
C23 Development which seeks the maximum building height under the BBLEP 2013 and is south of Hollingshed Street will penetrate the Obstacle Limitation Surface (OLS) and is required to be assessed by CASA, Airservices Australian and the Airlines before	The proposal is not south of Hollingshed Street. Approval from SACL has been received.	N/A

an application can b the Department of Ir and Transport for the determination.	frastructure			
System is to be provaccordance with Par	C24 A Stormwater Management System is to be provided in accordance with Part 3G - Stormwater Management.		been demonstrated within the Management Plans submitted with lent application.	Yes
5.3 General Contro	ls			
5.3.1.1 Floor Space Ratio	C2 In determini appropriate FSI must demonstrate Council that the scale of develor acceptable and result in advers adjoining dwellistreetscape in tof privacy, over loss of views, vand increased togeneration.	R, applicants ate to bulk and pment is will not e impacts on ngs or the erms of loss shadowing, isual amenity	The maximum permissible FSR for the subject site is 2 (3,308sqm).  An FSR of 2:1 (3,306sqm) is proposed and complies with the development standard.	Yes
5.3.1.2 Height	C1 The maximum buildings must the Height of Bi and Clause 4.3 Botany Bay Loc Environmental	comply with uildings Map of the cal	A maximum height of 14 metres applies to the subject site.  Lift Overrun- 13.7m (RL21.7) Top of roof- 16.8m (RL 24.8)  The maximum height of the development does not comply with Council's requirements under the Botany Bay Local Environmental Plan 2013. A Clause 4.6 variation was provided with the application and is discussed in Note 3 above.	No – Refer to Note 3 above
	C2 & C3 In add new buildings nonsider and repredominant are characteristic huildings within and consider thouse the site. In this maximum number must not excee maximum number identified in the character state each Business set out in Part 5 Character State the Business C maximum number 1 consideration of the character state the Business C maximum number 1 consideration of the character state the Business C maximum number 1 consideration of the co	nust also spond to the id eight of the Centre; e I shape of regard, the per of storeys d the per of storeys relevant ment for Centre as 5.2 - ments for entres. If the	The proposal predominantly complies with the desired future character relating to street setbacks as demonstrated within Figure 26.	Yes

Bayside Planning Panel 13/03/2018

	is not identified in the Character Precinct, the maximum number of storeys must be consistent with the characteristic building height.		
5.3.1.3 Street Setbacks	C1 Buildings are to be aligned along the street frontage to create a consistent street wall no higher than two storeys. A variation to the two storey street wall height along the street frontage will only be permitted in certain circumstances where the height of adjoining buildings on the street exceeds two storeys. In this instance, the applicant is to submit a written justification to Council for this variation and will be considered by Council on its merits.	As discussed above, the development complies with the street setbacks prescribed within the Botany Road desired future character.	Yes
5.3.1.4 Side and Rear Setbacks and Building Separation	C1 Where a site adjoins residential development appropriate rear or side setbacks must be provided to ensure that potential impacts on adjoining or surrounding residential properties are minimised in terms of loss of privacy, sunlight and daylight access and visual amenity.	Eastern Boundary:  Ground Level to Level 2: Nil (street frontage)  Level 3 to 4: 11.8m to 13.6m  Western Boundary:  Ground Level to Level 4: Nil Southern Boundary:  Ground Level to Level 3: Nil Level 4: 1.4m  Northern Boundary:  Ground to Level 2: 2m to 6m Level 3 to 4: 6m  Building Separation between two residential components: 13.4m  The proposal does not adjoin a residential property.	Yes
	C2 Development to which SEPP 65 applies are to adhere to the Apartment Design Guide for building separation.	The applicant has provided a SEPP 65 compliance report and ADG checklist with the development application. Building separation is appropriate in this case.	Yes
5.3.1.5 Built Form and Streetscape	C2 Building must have a consistent street wall height	The development proposes a two storey street wall height along	Yes

Bayside Planning Panel 13/03/2018

	and provide a continuous street frontage and awning	Botany Road where King Street allows a four strory plus roof	
	height along the street frontage where appropriate.	street wall which is consistent with the western neighbour.	
5.3.2.1 Design Excellence	C2 The Development Application must identify how design excellence will be achieved in the proposed development.	The applicant has provided a SEPP 65 Design Verification Statement with the development application. The document addressed the design excellence of the proposed development.	Yes
5.3.2.2 Building Design	C2 All development applications that contain residential development or are adjacent to residential development must provide a design statement addressing privacy and overshadowing of residential dwellings from the business component.	The applicant has provided a SEPP 65 Design Verification Statement with the development application.	Yes
	C4 If residential dwellings are proposed as part of a mixed use development, balconies, private open space area and communal open space areas must be screened to address any privacy impacts on adjoining residential properties.	Balconies have not been screened as the balconies have been located to either look onto the street or look onto the internal communal open space. No two balconies are directly opposite each other to create adverse impacts in regards to privacy.	Yes
	C7 A schedule of external finishes and materials must be submitted at development application stage to articulate the building's design complements the Business Centre.	A Schedule of Colours and Finishes has been provided with the development application.	Yes
5.3.2.3 Reflectivity	C3 The solar reflectance value of building materials must not exceed 20%.	The development does not incorporate any materials that exceed the solar reflectance value by 20%.	N/A
5.3.2.4 Awnings and Verandahs	C1 New development must provide awnings above the footpath to provide weather protection for pedestrians.	The development proposes awnings along Botany Road and King Street.	Yes
5.3.2.5 Public Domain Interface at Ground Level	C1 Development must comply with the Desired Future Character objectives and controls identified in Part 5.2 - Character Statements for the Business Centres.	This is discussed above in the report.	Acceptable
	C2 Development must be designed so that it has a	The building addresses Botany Road and King Street with both its	Yes

Bayside Planning Panel 13/03/2018

	clearly definable entry and addresses the street.	front entrance, vehicle entry to the basement and active street frontage available from the street.	
	C3 For mixed use development which contains residential dwellings, the primary area of outdoor private open space must not be located on the street frontage, unless it is on the first floor or above.	All apartments are located on Level 1 and above and private open space is via balconies or private gardens. All units have access to a communal open roof terrace and communal open space on the first floor.	Yes
	C4 The visual and physical connection between the building frontage and the public domain must be considered in all development applications to ensure that the interface at ground level promotes a high level of pedestrian amenity.	Council's Landscape Architect has conditioned that a Public Domain Plan is required prior to the Construction Certificate. The side of the site proposes adequate landscaped area which integrates with the built form and active street frontage is found at the front of the site.	Yes
5.3.2.6 Active Street Frontages	C1 Development is to provide active street frontages in accordance with the Active Street Frontages Map and Clause 6.15 Active Street Frontages under BBLEP 2013.	The development proposes six commercial tenancies measuring a total of 531sqm. The shops are located at the eastern and southern side of the ground floor of the site.	Yes
5.3.2.8 Interface between Business Zones and Adjoining Landuses	C1 Clear boundaries between the public and private domain must be created to enhance security, privacy and safety.	Clear boundaries are demonstrated by separate entries to the residential and commercial components as well as to the basement car park.	Yes
	C2 Shadow diagrams must be provided for all development proposals for the summer and winter solstices. Shadow diagrams must show shadow impacts at 9am, 12 noon and 3pm for both solstices. Additional building setbacks may be required where internal site shadow impacts or impacts on adjoining properties are considered by Council to be unreasonable.	The site has an north-south orientation therefore a majority of the shadow cast by the proposed development will be to King Street. The applicant has provided shadow diagrams demonstrating the proposed development showing that no adjoining residential development will be impacted by the proposal. The subject development achieves the minimum solar requirement in June to the units as well as to the communal open space areas. Therefore overshadowing is acceptable.	Yes
5.3.2.9 Landscaped Area	C1 Residential setbacks from streets and parks are to support planting, at a scale that allows passive	There is no residential on the ground floor. However there is a landscaped buffer located on the northern side of the site between	Yes

	surveillance of the public domain. This requirement may vary with each block	the northern boundary and the car parking area over the easement. This buffer is two metres wide and is the only deep soil area on the site. There is no planting along the street frontage due to active frontages.	
	C3 Provide a sufficient depth of soil on podium areas in accordance with the Councils Technical Guideline for Landscape in Development Sites.	The proposal provides for 26sqm of deep soil on the ground floor to the north of the building. This equates to 1.6% which does not comply.	No- Refer to Note 2
5.3.2.10 Private Open Space and Communal Open Space	C1 The primary area of outdoor private open space must not be located at grade on the street frontage.	There is no residential proposed at grade. All private open space is off a balcony or private garden from Level 1 and above.	Yes
	C2 Communal open space can be provided at grade or on podiums and roof tops. The space must be appropriately landscaped and provided with a recreational facilities or features, for example BBQ area, seating, children's play area, landscape features or the like and must include pedestrian scale lighting, to be shown in the detailed landscape plan.	The communal open space is located on rooftop and will be appropriately landscaped as well as providing for, seating, BBQ area and planter beds. There is also a communal open area between the apartments on Level 1.	Yes
	C3 More than 70% of the communal open space area must be capable of growing plants, grasses and trees.	As the communal terrace is located on the rooftop, the space will receive full sunlight. It is harder to maintain light to the Level 1 communal open space due to the density of the site.	Yes
5.3.2.11 Materials and Finishes	C1 A Schedule of Finishes and a detailed Colour Scheme for the building facade is to accompany all Development Applications involving building works	A Schedule of Colours and Finishes has been provided with the development application.	Yes
5.3.2.12 Servicing	C1 New commercial or mixed use buildings must provide a loading dock onsite. Where this is not viable loading and unloading may be permitted from to a rear lane or side street subject to Council's engineer approval.	The proposal provides for one service bay within the car parking level at grade for garbage collection from an SRV. This applies to loading vehicles as well.	Yes

5.3.2.14 Access and Mobility	C1 Development must comply with Part 3C – Access and Mobility		
	Residential flat buildings (RFB), conversion of non- residential buildings into RFBs, shop top housing, multi dwelling housing and live/work buildings — Statement of consistency lodged.	An Access Report has been prepared and provided with the development application.	Yes
	In developments containing 10 or more dwellings, a minimum of 20% of the dwellings are to be adaptable dwellings designed in accordance with Adaptable Housing Australian Standard 4299 Class B. Refer to AS4299 Class B.	The development proposed six adaptable unit.	Yes
	<ul> <li>Appropriate access for all persons through the principal entrance of a building and access to all common facilities. Refer to BCA and AS1428.1.</li> </ul>	Appropriate access through the front entrance and through the building is provided.	Yes
	• In developments containing 10 or more dwellings, accessible resident parking is required at 10% to be allocated to adaptable dwellings with a preference for AS4299 designs for at least 80% of the accessible spaces and a maximum of 20% of spaces complying with AS2890.6.	The development proposes one (3) adaptable parking spaces for residential uses located within the Basement Level.	Yes
5.3.3.1 Acoustic Privacy	C1 Dwellings close to high noise sources such as busy roads, railway lines and airports must be designed to locate noise sensitive rooms and secluded private open spaces away from noise sources and be protected by appropriate noise shielding techniques.	The site is located within a 25-30 ANEF Contour area and is also impacted by traffic noise along Botany Road. An acoustic report has been provided with the development application and has been conditioned in the consent.	Yes
5.3.3.2 Visual Privacy	C1 In some cases potential visual privacy impacts can be mitigated by incorporation of one or more of the following design measures:	As stated previously, balconies have been offset to one another. Additionally the internal balconies do not raise any privacy concerns due to the separation between the units being greater than 12 metres. Along the northern	Yes

	(i) Fixed screens of a reasonable density (min 75% block out); (ii) Fixed windows with translucent glazing (providing natural ventilation is not compromised); (iii) Appropriate screen planting or planter boxes.	boundary, the window closest to the northern building is located 3 metres away from the boundary and is not located directly opposite any adjoining windows.	
5.3.3.5 Solar Access & Shadow	C1 Development must demonstrate:  (i) Neighbouring developments will obtain at least two hours of direct sunlight to 50% of the primary private open space and 50% of windows to habitable rooms; and  (ii) 30% of any common open space will obtain at least two hours of direct sunlight between 9am and 3pm on 21 June.	The development has been orientated so that the buildings are north-south orientated. Therefore the majority of the shadow will fall onto King Street. There are no adjoining residential properties that will be impacted by the proposal.  The proposed communal open space on the roof top will receive full sunlight.	Yes

Part 8 - Botany Character Precinct

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

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

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

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

As outlined in the assessment above, the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

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

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

The site is located in the 25-30 ANEF Contour and therefore impacted by aircraft noise. This has been assessed in the report above. The site is also impacted by flooding and the proposal

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

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

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

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

In accordance with Part 2 of the Botany Bay DCP 2013 – Notification and Advertising, the application was placed on public exhibition for a thirty (30) day period from 10 October to 11 November 2017. Two (2) objections have been received and a summary of the issues is as below:

• Traffic Congestion and car parking on the street

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

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

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

Item

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

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

#### **Section 94 Contributions**

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

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

#### Residential

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

#### Commercial

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

Therefore the total contribution payable for the proposal is \$389,202.21 (as indexed in February 2018). A breakdown of the figure is provided in the condition of consent. The applicant is to pay an indexed rate of the contribution based on the timing of the payment.

## Conclusion

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

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

The development departs from the height requirement of 14 metres by proposing a maximum height of 16.8 metres which is to the top of the roof of the fifth floor. The applicant has provided

Item

a Clause 4.6 variation to address this issue and it is considered that the variation is well founded.

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

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

#### Attachment

#### Schedule 1 - Conditions of Consent

Premises: 904-922 Botany Road, Mascot Da No.: DA-2017/1154

#### **GENERAL CONDITIONS**

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

Drawing No.	Author	Date Received
DA-020- Site Analysis		Dated 19 February 2018;
Plan- Rev C		Received 20 February 2018
DA-030- Site Plan- Rev C		Dated 19 February 2018;
		Received 20 February 2018
DA-040- Demolition Plan-		Dated 19 February 2018;
Rev C		Received 20 February 2018
DA-101- Basement Plan-		Dated 19 February 2018;
Rev C		Received 20 February 2018
DA-102- Level 1 Plan- Rev		Dated 19 February 2018;
C		Received 20 February 2018
DA-103- Level 2 Plan- Rev		Dated 19 February 2018;
C		Received 20 February 2018
DA-104- Level 3 Plan- Rev		Dated 19 February 2018;
С		Received 20 February 2018
DA-105- Level 4 Plan- Rev		Dated 19 February 2018;
C		Received 20 February 2018
DA-106- Level 5 Plan- Rev		Dated 19 February 2018;
С	Fi Ctdi-	Received 20 February 2018
DA-110- Roof Plan- Rev C	Environa Studio	Dated 19 February 2018;
		Received 20 February 2018
DA-111- Driveway Profile		Dated 19 February 2018;
Plan- Rev C		Received 20 February 2018
DA-120- Section AA Plan-		Dated 19 February 2018;
Rev C		Received 20 February 2018

Bayside Planning Panel 13/03/2018

DA 121 Section DR Dlan	Ī	Dated 10 Fahruary 2019:
DA-121- Section BB Plan-		Dated 19 February 2018;
Rev C		Received 20 February 2018
DA-122- Section CC Plan-		Dated 19 February 2018;
Rev C		Received 20 February 2018
DA-130- East Elevation		Dated 19 February 2018;
Plan- Rev C		Received 20 February 2018
DA-131- South Elevation		Dated 19 February 2018;
Plan- Rev C		Received 20 February 2018
DA-132- South Elevation		Dated 19 February 2018;
Internal Plan- Rev C		Received 20 February 2018
DA-133- North Elevation		Dated 19 February 2018;
Plan- Rev C		Received 20 February 2018
DA-134- North Elevation		Dated 19 February 2018;
Internal Plan- Rev C		Received 20 February 2018
DA-135- West Elevation	]	Dated 19 February 2018;
Plan- Rev C		Received 20 February 2018
DA-136- Streetscape	1	Dated 19 February 2018;
Analysis Street Elevation		Received 20 February 2018
Plan- Rev C		
DA-210- Material and	1	Dated 19 February 2018:
Finishes Schedule Plan-		Received 20 February 2018
Rev C		
DA-211- Terms and	-	Dated 19 February 2018;
Abbreviations- Rev C		Received 20 February 2018
DA-220- Waste	-	Dated 19 February 2018;
Management Plan- Rev C		Received 20 February 2018
DA-230- Construction	-	Dated 19 February 2018;
Management Plan- Rev C		Received 20 February 2018
DA-930- BASIX	-	Dated 19 February 2018;
Commitments Sheet 1-		Received 20 February 2018
Rev C		Received 20 February 2016
DA-930- BASIX	-	Dotad 10 Fahruary 2019:
Commitments Sheet 2-		Dated 19 February 2018;
I .		Received 20 February 2018
Rev C		D-4- d 40 F-h 2040:
DA-980- Area Calculation		Dated 19 February 2018;
Plan- Rev C		Received 20 February 2018
DA-981- Storage		Dated 19 February 2018;
Calculation Summary		Received 20 February 2018
Plan- Rev C		D. 1. 140 F. 1
DA-982- Landscape		Dated 19 February 2018;
Calculation Plan- Rev C		Received 20 February 2018
2413 LP-01- Landscape		Dated 12 February 2018;
Plan Level 1- Rev D		Received 20 February 2018
2413 LP-02- Landscape		Dated 12 February 2018;
Plan Level 2- Rev D	John Lock Associates	Received 20 February 2018
2413 LP-03- Landscape	Landscape	Dated 12 February 2018;
Plan Level 4- Rev D	Architecture	Received 20 February 2018
2413 LP-04- Landscape		Dated 12 February 2018;
Section- Rev D		Received 20 February 2018
2413 LP-05- Landscape	]	Dated 12 February 2018;
Details- Rev D		Received 20 February 2018
Sheet E1- Cover Sheet		Dated 2 September 2017;
and Notes- Rev A		Received 13 September 2017
	1	

Bayside Planning Panel 13/03/2018

Sheet E2- Erosion and Sediment Control Plan- Rev A	ACOR Consultants (CC) Pty Ltd	Dated 2 September 2017; Received 13 September 2017
Sheet E3- Erosion and Sediment Control Details- Rev A		Dated 2 September 2017; Received 13 September 2017

Reference Document(s)	Author	Date Received
BASIX Certificate No.	Prepared by Partners	Dated 12 February 2018;
579631M_06	Energy Management	Received 20 February 2018
Addendum to Acoustic	Sebastian Giglio	Dated 8 February 2018;
report	Acoustic Consultant	Received 20 February 2018
Response to additional	Sutherland and	Dated 19 February 2018;
information	Associates Planning	Received 20 February 2018
Flood Letter	ACOR Consultants	Dated 15 February 2018;
	(CC) Pty Ltd	Received 20 February 2018
Traffic Impact Assessment	Parking and Traffic	Dated 20 February 2018;
	Consultants	Received 20 February 2018
Acid Sulfate Soils	Environmental	Dated 28 November 2014;
Assessment and	Investigations	Received 13 September 2017
Management Plan- Report		
E22367AA		
Acoustic Report- Ref:	Sebastian Giglio	Dated September 2017;
2570A/D01	Acoustic Consultant	Received 13 September 2017
BCA 2016- Indicative	Building Innovations	Dated 5 September 2017;
Compliance Report –	Australia	Received 13 September 2017
PRO- 01554-F1C2- v1.0		
Design Verification	Environa Studio	Dated 29 August 2017;
Statement		Received 13 September 2017
Proposed realignment of		Dated 30 August 2017;
existing easement- D1-		Received 13 September 2017
Coversheet and Notes-		
Rev A		D 1 100 A 10017
Proposed realignment of		Dated 30 August 2017;
existing easement- D2-	ACOR Compultants	Received 13 September 2017
Plan proposed	ACOR Consultants (CC) Pty Ltd	
realignment of existing easement- Rev A	(CC) Ply Lid	
Proposed realignment of		Dated 30 August 2017;
existing easement- D3-		Received 13 September 2017
Pipe long section and		Received 15 September 2017
details- Rev A		
Environmental Site	S&G Consulting	Dated 5 May 2008;
Assessment- Phase 1 and	Cao Consumy	Received 13 September 2017
2- Doc Ref: SG081515		1. Cooling to Coptoling 2017
RP04 Rev 1		
	JBS&G	Dated 30 April 2014:
Site Investigation (Site		
History Review) and		
Detailed Site Investigation		
(Soil and Groundwater		
Investigation)- Ref:		
SGM131160		
History Review) and Detailed Site Investigation (Soil and Groundwater Investigation)- Ref:	JBS&G	Dated 30 April 2014; Received 13 September 2017

Geotechnical Report- Ref: AWG35415	AW Geotechnical Pty	Dated 19 August 2014;
Groundwater Take	Environmental	Received 13 September 2017
		Dated 20 March 2015;
Assessment- Ref No. 322367 GA	Investigations	Received 13 September 2017
Heritage Impact Statement	Kate Higgins Heritage	Dated 4 September 2017;
	Consultant	Received 13 September 2017
Post remediation	JBS&G	Dated 22 September 2015:
groundwater monitoring		Received 13 September 2017
report- Rev D- Ref No.		
51143		
Remediation Action Plan-	S&G Consulting	Dated 13 March 2009:
Ref No. SG071515 RP4-		Received 13 September 2017
2		
Section J of the BCA	Partners Energy	Dated 21 August 2017;
Report- Rev 2	, <b>3,</b>	Received 13 September 2017
Sheet C1- Coversheet and		Dated 5 September 2017;
Notes- Rev B		Received 13 September 2017
Sheet C2- Stormwater		Dated 5 September 2017;
Management Plan-		Received 13 September 2017
Basement- Rev B		
Sheet C3- Stormwater		Dated 5 September 2017;
Management Plan- Level		Received 13 September 2017
1- Rev B	ACOR Consultants	
Sheet C4- Stormwater	(CC) Pty Ltd	Dated 5 September 2017;
Management Plan- Level	`	Received 13 September 2017
2- OSD and OSR Detail		
Sheet- Rev B		
Sheet C5- Stormwater		Dated 5 September 2017;
Management Detail Sheet-		Received 13 September 2017
Level 1- Rev B		

2.

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

3.

- a) All building work must be carried out in accordance with the provisions of the Building Code of Australia;
- All plumbing stacks, vent pipes and the like shall be kept within the building and suitably concealed from view. This Condition does not a Apply to the venting to atmosphere of the stack above roof level;
- c) All air conditioning units shall be appropriately treated to ensure that they are concealed from view and compliant with Australian Standard AS1668.2. If they are located on balconies or in public, they are to be appropriately screened;

Item

- d) The provision of disabled access throughout the development is required and shall be in compliance with the Building Code of Australia Part D3 "Access for People with Disabilities" and Australian Standard AS1428.1 (2001) – Design for Access and Mobility – Part 1 General Requirements for Access – Buildings. This requirement shall be reflected on the Construction Certificate plans; and
- 4. All costs associated with these development conditions shall be borne by the applicant. If, when actioning these conditions Council's solicitor is required to act on behalf of Council, then Council's solicitor's fees and charges shall also be borne by the Applicant.
- Emergency egress from the site must be provided from all internal areas to the Botany Road frontage immediately adjoining 902 Botany Road from the footway easement. This egress point is to maintained at all times.
- Pursuant to clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent (Condition No. 1) that all the commitments listed in the approved BASIX Certificate/s for the development are fulfilled.
  - a) Relevant BASIX Certificate means:
    - A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
    - ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
  - b) BASIX Certificate has the meaning given to that term in the *Environmental Planning and Assessment Regulation 2000.*
- 7. The consent given does not imply that works can commence until such time that: -
  - 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,
    - Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
    - iii) The person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

#### **CONDITIONS IMPOSED BY EXTERNAL AUTHORITIES**

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

#### General Terms of Agreement

- A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works, and/or water use.
- b) An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan. Please refer to checklist attached.
- c) If approved, the Approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in groundwater, and are being discharged to stormwater, including high salinities, a discharge licence under the Protection of the Environment Operations Act 1997 (NSW) may also be required.
- d) WaterNSW prefers "tanking" (ie. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (eg. a drainage blanket behind the water-proof membrane).
- e) If the basement is not "tanked", the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult, and may cause delay in project completion. If a WAL is required, please complete an Application for a new water access licence with a zero share component.
- 9. The following conditions imposed by **NSW Police** are as follows:
  - a) As the proposed development may be exposed to Break and Enter Steals, Stealing, Steal from persons, Malicious Damage and Steal from Motor Vehicle offences, a closed circuit surveillance system (CCTV) which complies with the Australian Standard - Closed Circuit Television System (CCTV) AS:4806:2006 shall to be implemented to receive, hold or process data for the identification of people involved in anti-social behaviour <u>prior to the issue of the Occupation Certificate</u>. 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);

Item

- c) Digital technology should be used to receive, store and process data. Recording equipment should be secured away from public access areas to restrict tampering with the equipment and data. This equipment needs to be checked and maintained on a regular basis.
- d) It is crucial even in the development stage that these cameras are installed as soon as power is available to the site.
- e) Any proposed landscaping and vegetation should adhere to the following principles:
  - i) Shrubs bushes, plants should remain under 900mm in height;
  - Branches or large trees should start at a height of two (2) metres and higher;

This will assist with natural surveillance and reduce hiding spots and dark areas for potential offenders.

- f) By angling fire egress inlet walls 45 degrees or more, opportunities for entrapment, loitering and vandalism can be reduced.
- g) Any proposed seating area, playground or grass area should be positioned somewhere which can be viewed easily by the community. Consider whether the area will be used enough to warrant its development. Areas which are isolated, unused and maintained poorly become a breeding ground for anti social behaviour.
- 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.
- The configuration of car parking spaces can impact the risk to car thieves. Grid rows increase natural surveillance. Avoid dark spots, corners and isolated car spaces.
- j) Public laundries, garbage disposal areas and other communal spaces should not be located in a buildings 'leftover space'. Poor supervision of communal facilities can greatly increase the risk of predatory crime, theft and vandalism. Areas that are unused or sporadically used after hours and unsupervised should not be accessible to the public.
- Uneven building alignments, insert doorways and hidden entrances should be avoided. They can facilitate predatory crimes, thefts, malicious damage and other offences.
- Bicycle parking areas should be located within view of capable guardians. The provision of covered lockable racks to secure bicycles increases the effort required to commit crime:
- m) Lighting (lux) levels for this development must be commensurate with a medium crime risk identified in this evaluation. The emphasis should be on installing low glare/high uniformity lighting levels in line with Australian Standard AS:1158.
- 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).

Item

- The luminaries (light covers) should be designed to reduce opportunities for malicious damage. Lighting within the development needs to be checked and maintained on a regular basis.
- p) A limited amount of internal lighting should be left on at night to enable patrolling police, security guards and passing people to monitor activities within the business.
- q) Improved lighting needs to extend from the development towards adjacent streets. Consideration must be given to pedestrians walking from the development to surrounding streets for the purpose of catching public transport etc. Areas adjoining pathways should be illuminated to avoid opportunities for concealment and entrapment.
- r) Clear street number signs should be displayed and appropriately positioned at the front of the business to comply with Local Government Act, 1993 Section 124 (8). Failure to comply with any such order is an offence under Section 628 of the Act. Offences committed under Section 628 of the Act attract a maximum penalty of 50 penalty units (currently \$5500) for an individual and 100 penalty units (currently \$11000) for the corporation. The numbers should be in contrasting colours to the building materials and be larger than 120mm.
- s) Warning signs should be strategically posted around the buildings to warn intruders of what security treatments have been implemented to reduce opportunities for crime.
  - · Warning, trespassers will be prosecuted.
  - · Warning, these premises are under electronic surveillance
- t) Directional signage should be posted at decision making points (eg. Entry/egress points) to provide guidance to the uses of the development. This can also assist in access control and reduce excuse making opportunities by intruders.
- a) 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.
- Signage needs to be provided at fire exits to assist occupants to identify exits in emergency situations.
- Signage needs to be provided to assist occupants to identify fire suppression equipment, eg extinguishers, fire hoses etc.
- x) A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally within 24 hours.
- Graffiti resistant materials and anti-graffiti coating should be utilised throughout the development.
- z) An Emergency control and evacuation plan which complies with the Australian Standard, Emergency Control Organisation and Procedures for Buildings, Structures and Workplace, AS:3745:2002 should be prepared and maintained by your development to assist management and staff in the event of an emergency. This standard sets out the requirements for the development of procedures for the controlled evacuation of the building, structures and workplaces during emergencies. Further information in relation to planning for emergencies can be obtained from Emergency NSW http://wvvvv.emergency.nsw.gov.au or Emergency Management Australia http://www.ema.gov.au.
- aa) It is not advised to install storage cages or similar for the residents in the underground car park. If it is required, consider that they should NOT be constructed in an isolated area. The cages are easy targets when they have little supervision. CCTV cameras must cover this area if they are constructed. Solid steel housing and quality key locks should be used to prevent access.
- bb) The door and door frames to these premises should be of solid construction.

- Doors should be fitted with locks that comply with the Australian Standard Mechanical Locksets for doors in buildings, AS:4145:1993, to restrict unauthorised access and the Building Code of Australia (fire regulations). This standard specifies the general design criteria, performance requirements and procedures for testing mechanical lock sets and latch sets for their resistance to forced entry and efficiency under conditions of light to heavy usage. The standard covers lock sets for typical doorways, such as wooden, glass or metal hinged swinging doors or sliding doors in residential premises. Requirements for both the lock and associated furniture are included. Certain areas may require higher level of locking devices not referred to in this standard (eg. Locking bars, electronic locking devices and detection devices) Dead locks are required for residential units.
- dd) There are some doors within the premises which are designated as fire exits and must comply with the Building Code of Australia. This means that they provide egress to a road or open space, an internal or external stairway, a ramp, a fire isolated passageway, a doorway opening to a road or open space. The doors in the required exits must be readily open-able without a key from the side that face the person seeking egress, by a single hand downward action or pushing action on a single device which is located between 900mm and 1.2m from the floor.
- ee) Any sliding doors MUST be fitted with lockable bolts in the bottom and top of the door frame.
- ff) The windows and window-frames to these premises should be of solid construction. The windows should be fitted with locks which comply with Australian Standard- Mechanical Locksets for windows in buildings, AS:4145 <a href="http://www.standards.org.au">http://www.standards.org.au</a> to restrict unauthorised access. This standard specified the general design criteria, performance requirements, and procedures for testing mechanical lock sets and latch sets for their resistance to forced entry and efficiently under conditions of light to heavy usage. The standard covers lock sets for typical windows, such as wooden, glass or metal hinged swinging windows or sliding windows in residential and business premises, including public buildings, warehouses and factories. Requirements for both the lock and associated furniture are included. Certain areas may require higher level of locking devices not referred to in this standard (e.g. locking bars, electronic locking devices, detection devices, alarms).
- gg) The main access to the on-site car park should have restricted access with a security pass. The opening/closing mechanism should be protected from vandalism and tampering. All exist doors from the car park should have striker plates installed to minimise chance of tampering.
- hh) As your business may deal in cash a robbery prevention program needs to be established to ensure that management and staff are aware of their responsibilities in the event of such an event taking place. Establish clear cash-handling procedures within your business to reduce opportunities for crime. Staff should be trained in cash handling procedures to reduce the opportunities for crime. Limit the amount of money carried in the cash drawer at any time (\$200.00 float). Lock cash drawers when not in use and clear money from the cash drawer on a regular basis e.g. to a safe. Avoid counting cash in view of public. Use a minimum of two staff, or security services, when transferring money to financial institutions, or consider using a reputable security company especially when transferring large amounts of money. Avoid wearing uniform or identification when transferring money. Don't use conspicuous bank-bags when transferring money, as this can be a clear indication to the thief.
- iii) Any cash safe should be secured to the floor and placed away from view of public. Staff should be trained in safe cash handling practices to minimise the loss of monies in the event of a robbery.
- jj) There need to be a limit to how many exit and entry points are available to the car park.

- kk) Vertical fencing/barriers are required around the car park to restrict access and reduce the opportunity for offenders to climb the exterior.
- 10. The following conditions imposed by SACL are as follows:
  - a) This location lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.
  - b) The application sought approval for the PROPERTY DEVELOPMENT to a height of 24.8 metres Australian Height Datum (AHD).
  - c) In his capacity as Airfield Design Manager and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, Peter Bleasdale has no objection to the erection of this development to a maximum height of 24.8 metres AHD.
  - 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.
  - Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.
  - "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
  - Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF).
  - m) Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.
- 11. The following conditions imposed by Ausgrid are as follows:

- a) The method of connection will be in line with Ausgrid's Electrical Standard (ES)1

   'Premise Connection Requirements.
- b) It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not: The existing network can support the expected electrical load of the development A substation may be required on-site, either a pad mount kiosk or chamber style and; site conditions or other issues that may impact on the method of supply. Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.
- c) The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.
- d) All proposed vegetation underneath overhead power lines and above underground cables must comply with the requirements of ISSC 3 Guideline For Managing Vegetation Near Power Lines.
- e) There are existing underground electricity network assets in King street and Botany road. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable. Safework Australia Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.
- f) There are existing electricity substation assets at Botany road and King Street (S4058). There is an existing kiosk style electricity substation that may be impacted by the proposed construction. Subsidence and vibration must minimised at the substation site. The use of ground anchors under a substation is generally not permitted due to the presence of underground cabling and earthing conductors which may be more than 10m deep. A further area of exclusion may be required in some circumstances.

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

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres. Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct

Item

openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180 where the substation contains oil-filled equipment.

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

- 12. The following conditions imposed by Sydney Water are as follows:
  - a) Where proposed development works are in close proximity to a Sydney Water easement, the developer may be required to carry out additional works to facilitate their development in order to not encroach within the Sydney Water easement. The easement for sewerage purposes is not to be built over or encroached in without the consent of Sydney Water.

b)

- i) The proposed development site is traversed by 150 mm wastewater main.
- ii) Where proposed works are in close proximity to a Sydney Water asset, the developer may be required to carry out additional works to facilitate their development and protect the wastewater main.
- Servicing options may involve adjustment/deviation and or compliance with the Guidelines for building over/adjacent to Sydney Water assets.
- iv) Refer to a Water Servicing Coordinator for details of requirements.
- c) No building or permanent structure is to be constructed within 1m from the outside wall of the stormwater asset or within the easement whichever is larger. Permanent structures include (but are not limited to) basement car park, hanging balcony, roof eves, hanging stairs, stormwater pits, stormwater pipes etc. This clearance requirement would apply for unlimited depth and height.
- d) The approved plans must be submitted to the Sydney Water <u>Tap in™</u> online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.
- e) The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.
- f) The <u>Tap in™</u> service provides 24/7 access to a range of services, including:
  - i) building plan approvals
  - ii) connection and disconnection approvals
  - iii) diagrams

Item

- iv) trade waste approvals
- v) pressure information
- vi) water meter installations
- vii) pressure boosting and pump approvals
- viii) changes to an existing service or asset, e.g. relocating or moving an asset.
- d) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Coordinator. For help either visit <a href="www.sydneywater.com.au">www.sydneywater.com.au</a> > Plumbing, building and developing > Developing > Land development or telephone 13 20 92
- 13. The following conditions imposed by **RMS** are as follows:
  - a) A strip of land has previously been dedicated as Public Road by private subdivision (DA 540847), along the Botany Road frontage of the subject property, as shown by yellow on the attached Aerial – 'X'. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth) along the Botany Road boundary.
  - b) The redundant driveway on Botany Road shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter along Botany Road shall be in accordance with the Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Paramatta (telephone 9598 7798).
  - c) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The develop is to submit all documentation at least six weeks prior to the commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. The report and any enquiries should be forwarded to <a href="mailto:Suppiah.thillai@rms.nsw.gov.au">Suppiah.thillai@rms.nsw.gov.au</a> Telephone 8849 2114,

If necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least 7 days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

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

Details should be forwarded to: They Sydney Asset Management Roads and Maritime Services

Item

PO Box 973 Parramatta CBD 2124

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

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

## PRIOR TO COMMENCEMENT OF DEMOLITION WORKS OR ANY DEVELOPMENT OR WORK

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

Item

- d) the name of the Principal Certifying Authority including an after hours contact telephone number; and
- e) any such sign is to be removed when the work has been completed.
- 16. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993: (It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)
  - Permit to erect hoarding on or over a public place, including Council's property/road reserve,
  - 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),
  - 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 / readjustments of utility services,
  - h) Permit to place skip/waste bin on footpath and/or nature strip, and
  - i) Permit to use any part of Council's road reserve or other Council lands.
- 17. Prior to the commencement of any work, the Applicant is to submit payment for a Tree Preservation Bond of \$27,500.00 to ensure protection of the 2 x Plane Tree Street trees in the Botany Road footpath from damage during demolition and construction. The duration of the bond shall be limited to a period of 24 months after issue of the Occupation Certificate. At the completion of the 24 month period, the Tree Preservation Bond shall be refunded pending a satisfactory inspection by Council and the Project Arborist. If a tree was found to be in declining, damaged (including roots), dead, excessively pruned or removed without Council permission or, if tree protection measures were not satisfied at any time during development, then all or part thereof of the bond shall by forfeited.
- All contractors shall comply with the following during all stages of demolition and construction:
  - a) A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.

- b) A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
- c) A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
- d) A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
- A Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.
- 19. A Soil and Water Management Plan shall be prepared in accordance with Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Region Organization of Councils. A copy of the plan must be submitted to Council. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept onsite at all times and made available on request.
- Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction. A copy of the sign is available from Council.
- 21. Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction. The controls are to be designed and installed in accordance with the Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Regional Organisation of Council. Copies of the guidelines are available from Council.
- 22. Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising engineer, showing all details, including the extent of encroachment and the method of removal (or any other method) and de-stressing of shoring elements, shall be submitted with the Construction Certificate to the Principle Certifying Authority along with Council's (or other) consent if the works intrude on Council's (or other) property.
- 23. Should any hazardous materials be identified a Work Management Plan completed in accordance with AS2601 Demolition of Buildings shall be <u>submitted to the Principal Certifying Authority prior to the any excavation for the building or structure.</u> The report shall contain details regarding the type of hazardous material and the proposed methods of containment and disposal.

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

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

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

- 26. The required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
- The applicant must <u>prior to the release of the Construction Certificate</u>, pay the following fees:

a) Development Control Fee \$5,380.00

b) Footpath Crossing deposit \$246,707.25 (see below)

c) Street Tree Preservation Bond \$27,500.00 (see above)

d) Street Tree Maintenance Bond \$3,000 (see below)

e) Section 94 Contributions \$389,202.21 (see below)

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

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

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

- 29. <u>Prior to the issue of the Construction Certificate</u>, amended plans are to be submitted to Council demonstrating the following:
  - a) The floor surface of the entry, dining room and kitchen floor and internal storage area are to be water-resistant and easy to be cleaned and maintained within all apartments.
  - All two bedroom apartments are to have a study nook/space or indicate that a desk can adequately be accommodated within the open-plan living area;
  - The location of mailboxes within the lobby of each building is to be identified on the amended plans.
  - d) The dedicated car wash bay is to provide a tap. A sign shall be fixed saying 'Car Wash Bay'. The runoff shall be directed and treated as per Botany DCP Part 3A. Details shall be provided with the plans accompanying the Construction Certificate.
  - e) Detailed elevations of the proposed building to both King Street and Botany Road are to be submitted, coloured up to indicate use of external materials, finishes and colours, the elevations to be submitted for approval of Council.
  - f) The awning must be designed around the tree requirements and must be a minimum of 500mm from any part of the tree.
- Prior to the issue of the Construction Certificate, amended plans are to demonstrate that the minimum commercial floor level shall be constructed at 8.00 m AHD.
- 31. A Heritage Interpretation strategy must be prepared by a suitably qualified heritage consultant in accordance with NSW Heritage Guide on Heritage Interpretation Policy (http://www.environment.nsw.gov.au), prior to issue of the Construction Certificate. The strategy must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting, art, details of the heritage design or the display of selected artefacts are some means that can be used. Only lighting and signage (300mm x 300mm Max 2 signs) may be placed externally without obtaining approval for modifications to this consent under Section 96 of the Environmental Planning and Assessment Act 1979.

Item

Interpretation may include the naming of the building and design of a building name plate in reference to the history of the site as recommended in the Heritage Impact Statement submitted with the S96 application. Two (2) copies of the strategy are to be submitted to Council and written confirmation obtained and provided to the Principal Certifying Authority that the strategy satisfies this condition the prior to a Construction Certificate being issued.

- 32. Prior to the issue of any Construction Certificate, the applicant shall lodge a Footpath Crossing deposit of \$246,707.25 (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
- 33. 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.
- 34. A Construction Management Program shall be submitted to, and approved by the Private Certifying Authority prior to the issue of a Construction Certificate. The program shall detail:
  - a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed,
  - 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,
  - 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.

Item

- 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,
- 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
- The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation.

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

- 35. A detailed Traffic Management Plan for the pedestrian and traffic management of the site, Botany Road and King Street during construction shall be prepared and submitted to the relevant road authority (Council or Roads and Maritime Services) for approval. The plan shall:
  - a) be prepared by a RMS accredited consultant,
  - 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
  - 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.

- 36. 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.
- 37. Prior to the issue of the Construction Certificate, a suitable qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 1% AEP flood event or flow level.
- 38. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood, or flow level. Details shall be provided and approved prior to the issue of a construction certificate.

Item

- 39. The subsurface structure shall be designed with a water proof retention system (i.e. tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably experienced Chartered Professional Engineer(s). Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate.
- 40. The Applicant is to submit payment of a New Street Tree Performance Bond of \$3,000. The duration of the Bond shall be limited to a period of 9 months after planting of the new street trees and a satisfactory inspection from Council. At the completion of the Bond period the Bond shall be refunded pending an inspection of trees by Council. If a tree is found to be dead, pruned or dying and will not recover, Council will forfeit all or part of the bond to replace or maintain the tree/s, unless the Applicant undertakes this work under the instruction from Council.
- 41. Landscaping on the property and in the public domain shall be installed in accordance with the approved landscape documentation Revision D, by John Lock Associates Landscape Architecture and dated 12 February 2018, prior to the issue of an Occupation Certificate. The landscaped areas on the property shall be maintained at all times in accordance with the approved landscape documentation and Council's DCP.
- 42. Prior to the issue of a Construction Certificate, a public domain improvements plan shall be submitted for approval by Council. The Plan shall be undertaken by a suitably experienced Landscape Architect and shall include but not be limited to new street tree planting, footpath paving (segmental/other), street tree pit treatments and tree guards, street furniture, in ground landscaping, irrigation, lighting. The Plan shall be in accordance with Council's City Identity Program, Landscape DCP and any other Council specification or requirement. Civil drawings shall be included detailing levels and detailed footpath construction sections in accordance with Council's Engineering Services requirements. Contact Council's Landscape Architect for further details of specific requirements in preparation of the plan.
- 43. A sufficient area shall be provided onsite to enable separate stockpiling and treatment of excavated materials in accordance with the all recommendations within the 'Acid Sulfate Soil Management Plan' contained in Section 7 of the 'Acid Sulfate Soils Assessment and Management Plan 904 Botany Road, Mascot' (Report E22367AA) by Environmental Investigations Australia dated 28 November 2014. Details of this area shall be provided in the Erosion and Sediment Control Plan (ESCP) and/or Construction Management Plan prior to the release of any construction certificate.
- 44. 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';
  - 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.

Item

The RAP shall incorporate all findings and recommendations in the Phase1 Preliminary Site Assessment and any Phase 2 Detailed Site Assessments for the site, it shall clearly state proposed clean-up objectives, and demonstrate how the site will be made suitable for the proposed residential use. In particular the RAP shall address the proposed deep planting area and unexcavated area on the northern site boundary.

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

- 45. 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.
- 46. Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:
  - a) A minimum 3 disabled car parking spaces shall be provided and clearly marked as per Australian Standards AS 2890.6 and Council requirements, and
  - b) All off street disabled parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS 2890.6 and Council requirements.
- 47. Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:
  - All driveways/access ramps/vehicular crossings shall conform to Australian Standards AS 2890.1 and Council requirements,
  - b) For multi-unit developments, the applicant shall provide longitudinal sections along the extremities and the centre line of each internal driveway/access ramp at a scale of 1:25. These long sections shall extend from the horizontal parking area within the property to the centre line of the roadway. The sections shall also show the clear height from the ramp to any overhead structure,
  - The applicant shall provide 57 resident carparking spaces that must be clearly linemarked and signposted,
  - d) The applicant shall provide 7 visitor carparking spaces that must be clearly linemarked and signposted.
  - The applicant shall provide 6 retail carparking spaces that must be clearly linemarked and signposted.
  - f) The applicant shall provide 2 carparking spaces dedicated to Telstra that must be clearly linemarked and signposted as required in Condition No. 5 of DA-14/150.
  - The applicant shall provide 1 carwash bay with the appropriate drainage systems for resident use,

Item

- 48. Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:
  - All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.2 and Council requirements including but not limited to Section 8(v) of the DCP Stormwater Management Technical Guidelines,
  - b) All service vehicles shall enter the property front in front out,
  - c) Demonstrate safe headroom clearance of 3.5m is achieved in the driveway entrance and along the along the travel path, parking and manoeuvring areas of a Small Rigid Vehicle (SRV), including Council's Garbage Truck,
  - Swept path analysis shall be provided for manoeuvring of commercial vehicles, and
  - A longitudinal section plotting headroom clearance above driveway access is to be provided for assessment.
- 49. Prior to the issue of any Construction Certificate, all driveways/access ramps/vehicular crossings shall be designed to conform to the current Australian Standards AS 2890.1 and Council's Infrastructure Specifications. These include but are not limited to E-01, E-04, E-07 and E-16. As part of this development, a new concrete driveway shall be constructed. A new six (6) metre wide driveway layback shall be constructed as part of the new driveway. A minimum of one (1.0) metre of kerb and gutter either side of the driveway layback shall be replaced to enable the correct tie-in with the existing kerb and gutter. The design should be submitted to the PCA for approval. The approved design form part of the future road opening permit application.
- 50. Plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Principal Certification Authority with the application for the Construction Certificate. The garbage and recycling storage area shall be adequately ventilated, roofed and screened from public view. The floor shall be made of an impervious surface, drained to sewer and include a dry arrestor pit with a removable basket. Washing facilities shall be provided within close proximity to the garbage and recycling storage area.
- 51. Design certification, prepared by a suitably qualified engineer shall be submitted to Principal Certifying Authority certifying the car parking area shown on the construction plans has been designed in accordance with AS 2890.1, AS2890.2, and AS2890.6.
- 52. 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.
- 53. All balconies shall have a water supply tap and a gas connection where gas is available. These shall be indicated on the plans prior to the issue of the construction certificate.
- 54. 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.

Item

- 55. Design verification is required to be submitted from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development.
- 56. 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.

- 57. To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:
  - 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
    - The relocation and/or adjustment of the services affected by the construction.
  - c) As part of this development, the Ausgrid power pole on Bunnerong Road at the front of the development site will need to be decommissioned and new lighting poles shall be constructed satisfying V3 lighting requirements and any other requirements as specified by Council, RMS and any other service provider,
  - All above ground utilities shall be relocated underground in accordance with Ausgrid and any other affected and relevant service provider, and
  - e) All underground and above ground infrastructure shall be constructed as specified by Ausgrid, RMS, Council and any other affected service provider. The location of the new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed with Council prior to the issue of the Construction Certificate.

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

- 58. Details on the mechanical plant and equipment to be submitted to the Principal Certifying Authority <u>prior to the release of the Construction Certificate.</u> The report must:
  - a) identify each item of plant and equipment;
  - b) the following additional criteria adopted by City of Botany Bay Council:

Item

- i) The operation of all plant and equipment shall not give rise to an equivalent continuous (L<sub>Aeq</sub>) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background L<sub>A90</sub> 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<sub>Aeq</sub> 65dB(A) day time/night time.
- iv) For assessment purposes, the above L<sub>Aeq</sub> 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.

- 59. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:
  - a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
  - b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.
- 60. Prior to the issue of any Construction Certificate, the Development is to be constructed to meet all recommendations and requirements that have been detailed in the acoustic report provided by Koikas Acoustics Pty Ltd dated 28 April 2014. The measures as detailed in the acoustic assessment report prepared by Koikas Acoustics Pty Ltd, shall be undertaken in accordance with the provisions of AS 2021 2000: Acoustics Aircraft Noise Intrusion Building, Siting and Construction to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021 2000.

The work detailed in the report includes:

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

Item

**Note**: In many cases the applicant chooses to install air conditioning to meet mechanical ventilation requirements above. If they do, it will require consideration of the noise from the air conditioner (advice concerning noise from air conditioners is attached below).

### CONDITIONS TO BE SATISFIED DURING WORKS

- 61. 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:
    - a hoarding or fence must be erected between the work site and the public place.
    - 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.
  - Suitable consent shall be obtained from Council prior to the erection of any hoarding at the property.
- 62. 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.
- 63. 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.
- 64. 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.
- 65. The approved Waste Management Plan shall be complied with at all times during demolition, construction and on-going use of the site.
- All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.
- 67. 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:
  - Protect and support the adjoining premises from possible damage from the excavation, and

Item

- 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.
- 68. 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.

69.

- a) An experienced Landscape Contractor shall be engaged to undertake the landscaping work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements.
- b) At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan. The Certificate is to be submitted to Council prior to the Issue of an Occupation Certificate.
- 70. 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.
  - Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.

Item

- 71. Vibration levels induced by the demolition activities must not exceed levels listed in Standard DIN 4150-3 (1999-02), Structural vibration Part 3 Effects of vibration on structures Table 12-7. The operation of plant and equipment must not give rise to the transmission of vibration nuisance or damage to other premises.
- 72. Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual Chapter 171 and the *Protection of the Environment Operations Act 1997*.

#### a) Level Restrictions

Construction period of 4 weeks and under:

the  $L_{10}$  sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20 dB(A).

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

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

#### b) Time Restrictions

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

Monday to Friday: 07:00 am to 06:00 pm
Saturday: 08:00 am to 01:00 pm
No Construction to take place on Sundays or Public Holidays.

### c) Silencing

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

- 3. 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.
  - The provisions of toilet facilities in accordance with this condition must be in place before work commences.

Item

- 74. Existing building elements such as steel framed windows, cast zinc letters, doors and equipment should be salvaged as far as possible and consideration given to reuse for interpretation purposes or these elements being offered for sale or reuse.
- 75. 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.
- 76. 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.
- All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
- 78. 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.
- All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.
- 80. 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 make 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, subcontractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
- 81. 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.

82. 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

Item

- 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.
- 83. 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.
- 84. 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.
- 85. 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';
  - 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
  - The Remedial Action Plan (RAP) required to be submitted prior to the issue of the Construction Certificate.
- 86. The management of potential and actual acid sulfate soils shall be conducted in accordance with all recommendations within the 'Acid Sulfate Soil Management Plan' contained in Section 7 of the 'Acid Sulfate Soils Assessment and Management Plan 904 Botany Road, Mascot' (Report E22367AA) by Environmental Investigations Australia dated 28 November 2014.
- 87. 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.
- 88. 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.

89. 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.

Item

- The minimum commercial floor level shall be constructed at 8.00 m AHD. The floor level shall be certified by a registered surveyor prior to pouring of floor slab or installation of flooring.
- Materials which may be damaged by flood waters shall be stored, or able to be stored at or above 8.45 metres Australian Height Datum, which is 500mm above the 1% Annual Exceedance Probability (AEP) Flood.
- 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.

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

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

94. 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.

95.

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

Item

Council for approval prior to the lodgement of a Construction Certificate with the design of the driveway to include (but not limited to) a minimum 1 metre wide median island immediately within the site separating the entry/exit lane to/from the site and angled driveways to facilitate left turn entry and left turn egress movements at the driveway. The driveway shall be constructed prior to the issue of the Occupation Certificate.

- 96. 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.
- 97. Prior to the issue of the Occupation Certificate, the existing above ground electricity and telecommunication cables within the road reserve and within the site will be replaced, at the applicant's expense, by underground cable and appropriate street light standards, in accordance with the Energy and Communication Provider's guidelines. The applicant will bear the cost of the new installation and the first 12 months of additional street light charges.
- 98. Prior to the issue of the Occupation Certificate the applicant must submit to the Principal Certifying Authority an acoustic report to verify that the measures stated in the above report in Condition No. 1 have been carried out and certify that the construction meets the above requirements and the indoor sound levels of AS2021-2000. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australia Acoustical Consultants).
- 99. 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.
- 100. Evidence of a Sydney Water permit or consent for discharge of wastewater to the sewer shall be submitted to the Principal Certifying Authority prior to use or occupation of the premises. Where a permit or consent may not be required from Sydney Water certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.
- 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 Occupation of the building, the operator shall enter into a commercial contract for the collection of trade waste and recyclables arising from the premises. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.
- 103. The landscaped areas on the property shall be installed in accordance with the Council approved landscape documentation, the conditions of development approval and Council's BBDCP at all times. The applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan. The Certificate is to be submitted to Council prior to the Issue of an Occupation Certificate.

Item

104.

- 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.

- 105. 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.
- 106. 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".
- 107. 72 off-street car spaces shall be provided in accordance with the submitted plan and shall be sealed and linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.
- 108. 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.
- 109. 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.
- 110. 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.
- 111. Prior to the issue of the Occupation Certificate, the following works will be required to be undertaken in the road reserve at the applicant's expense:
  - construction of a new fully constructed concrete vehicular entrance/s off King Street:
  - ii) removal of the existing concrete vehicular entrance/s on Botany Road, and/or kerb laybacks which will no longer be required;

Item

- 112. Prior to the issue of the Occupation Certificate, inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.
- 113. Prior to the issue of the Occupation Certificate, all footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken by Council, or by a Private Licensed Contractor subject to the submission and approval of a Private Contractor Permit, together with payment of all inspection fees. An estimate of the cost to have these works constructed by Council may be obtained by contacting Council on 9562 1670. The cost of conducting these works will be deducted from the Footpath Reserve Restoration Deposit, or if this is insufficient the balance of the cost will be due for payment to Council upon completion of the work.
- 114. A Restrictions on the use of land pursuant to Section 88B of the Conveyancing Act 1919 shall be created to ensure the following:
  - a) On-site detention system A Restriction on the use of land pursuant to Section 88B of the Conveyancing Act 1919 shall be created to ensure that there are no alterations made to the on-site detention system which is, or shall be, constructed on the lot(s) burdened. The expression 'on-site stormwater detention system' shall include all ancillary gutters, pipes, drains, orifice plate, walls, kerbs, pits, grates, tanks, chambers, basins, rainwater tanks (if an airspace "credit" is claimed against the storage volumes) and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to the temporary storage. The on-site detention system is detailed on the approved plans prepared by ACOR Consultants dated Aug 2017. Any on-site detention system constructed on the lot(s) burdened is hereafter referred to as 'the on-site detention system'.
  - b) Pump-Out Facilities A Restriction on the use of land pursuant to Section 88B of the Conveyancing Act 1919 shall be created to ensure that there are no alterations made to any pump out facilities. The expression 'pump-out system' shall include all ancillary pipes, drains, kerbs, pits, grates, tanks, chambers, and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to the temporary storage. The pump-out system is detailed on the approved plans prepared by ACOR Consultants dated Aug 2017. Any pump-out system constructed on the lot(s) burdened is hereafter referred to as 'the pumpout system'.
  - c) Stormwater Quality Improvement Device A Restriction on the use of land pursuant to Section 88B of the Conveyancing Act 1919 shall be created to ensure that there are no alterations made to the stormwater quality improvement device (SQID) which is, or shall be, constructed on the lot(s) burdened without the prior consent in writing of the Council. The expression 'Stormwater Quality Improvement Device (SQID)' shall include all devices and mediums that are designed to treat stormwater as well as all ancillary pipes, drains, kerbs, pits, grates, chambers, basins and surfaces that direct stormwater to the SQID. The SQID is detailed on the approved plans prepared by ACOR Consultants dated Aug 2017. Any Stormwater Quality Improvement Device (SQID) constructed on the lot(s) burdened is hereafter referred to as 'the device'.

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

Item

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

- 115. Prior to the issue of the Occupation Certificate, any driveway works to be undertaken in the footpath reserve by a private contractor requires an "Application for Consideration by a Private Contractor" to be submitted to Council together with payment of the application fee. Works within the footpath reserve must not start until the application has been approved by Council.
- 116. Prior to the issue of the Occupation Certificate, the pump system, including all associated electrical and control systems, shall be tested and inspected by a suitably qualified and experienced person. Records of testing shall be retained and provided to the certifying hydraulic engineer and/or PCA upon request.
- 117. The provision of a 2 m wide drainage easement along the Northern boundary, for the 750 mm dia drainage pipeline. The drainage easement is to be in favour of Bayside Council and covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of bayside Council. A restriction to user preventing building works within the easement is also required.

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

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

- 118. Prior to the issue of an Occupation Certificate for the site, the Council and the accredited certifier must be satisfied that an Interpretive installation in accordance with the recommendations of the Heritage Interpretation Strategy has been appropriately undertaken on the site.
- 119. 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';
  - 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.

120. 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

Item

proposed development. This shall be provided <u>prior to the release of any Occupation</u> 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) <u>prior to the issuing of any Occupation Certificate.</u> 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.

121. 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

- 122. New street trees shall be maintained by the Applicant/Owner/Strata Corporation for a period of 24 months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter to sustain adequate growth and health, bi-annual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties. Maintenance but does not include trimming or pruning of the trees under any circumstances.
- 123. Ongoing maintenance of the road verges and footpaths in Botany Road and King Street shall be undertaken by the owner/body corporate/Strata Corporation. Maintenance includes mowing, watering and maintaining the landscaping in these areas at all times. Maintenance does not include pruning, trimming, shaping or any work to street trees at any time.
- 124. The overflow from the rainwater tank shall be directed to the storm water system.
- 125. All loading, unloading and transfer of goods to and from the loading bay and premises shall take place wholly within the property.
- 126. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system.
- 127. The Registered Proprietor will:
  - a) permit stormwater to be temporarily detained by the system;
  - b) keep the system clean and free of silt, rubbish and debris;
  - 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;
  - carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
  - not make alterations to the system or elements thereof without prior consent in writing of the Council.

Item

- permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirement of this clause;
- g) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
- 128. 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;
- 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;
- carry out the matters referred to in paragraphs (b) and (c) at the proprietor's expense;
- not make alterations to the system or elements thereof without prior consent in writing of the Council.
- 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.
- 129. 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.
- 130. Claims shall not be made against Council for disruption to business or damage to stock or machinery due to flooding of the premises.
- 131. The overland flow path shall not be obstructed, restricted or altered without the approval of Bayside Council.
- 132. No roller shutters are to be installed to any of the commercial shopfronts that front King Street and Botany Road.
- 133. Prior to commencing trading each tenant must register the business premises with Council if trading as a food premise, skin penetration, hairdresser or beauty therapist.
- 134. Council's footway (area between property boundary and street kerb) is to be kept clean, tidy, washed and maintained at the applicant's expense.
- 135. Any BBQ area shall be managed in a manner so as to not adversely impact the amenity of the surrounding residents.

Item

136.

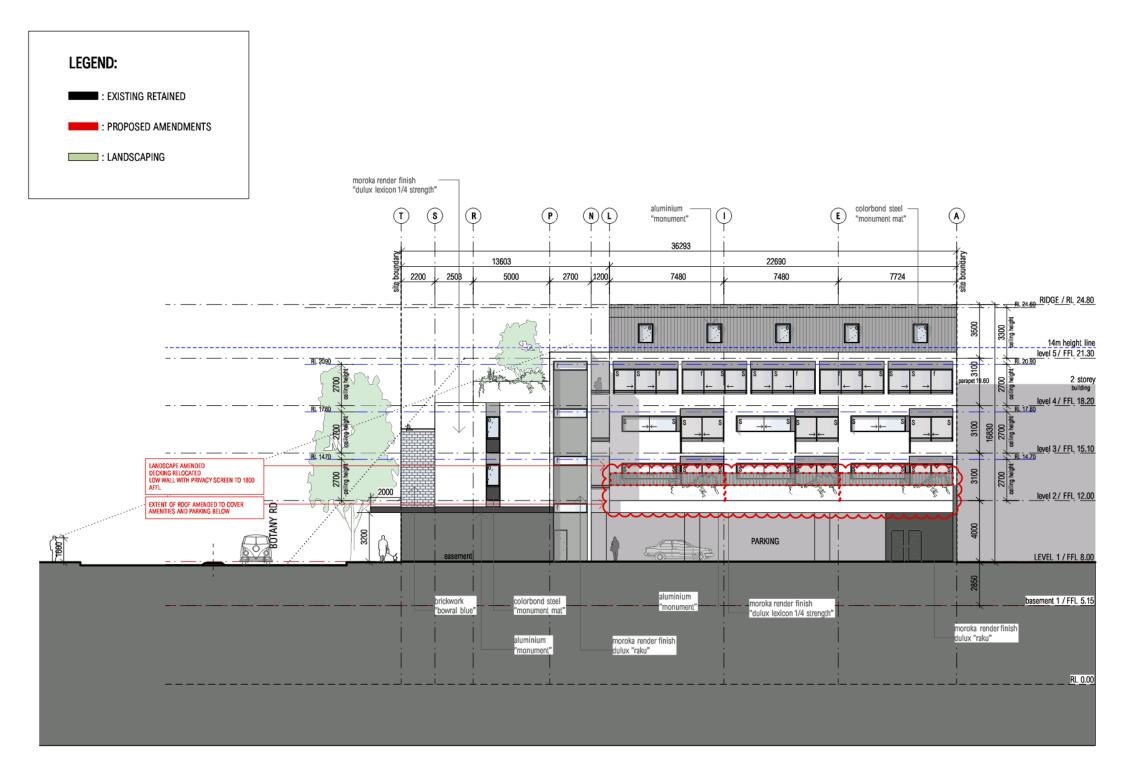
- a) Each residential dwelling (apartment) is approved as a single dwelling for use and occupation by a single family. They shall not be used for separate residential occupation or as separate residential flats. No plumbing fixtures, fittings, walls shall be deleted or added, doorways enclosed or any other changes made from the approved plans in Condition No. 1 of this Consent without the prior Consent of the Council:
- b) The adaptable apartment approved under this development consent is to remain unaltered at all times; and
- c) The storage areas located within the basement shall be allocated to the relevant residential dwelling <u>in any future subdivision of the site.</u> In addition, any isolated storage areas and other spaces shall be monitored by CCTV cameras at all times.
- 137. The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.
- 138. 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.
- 139. 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.
- 140. 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.

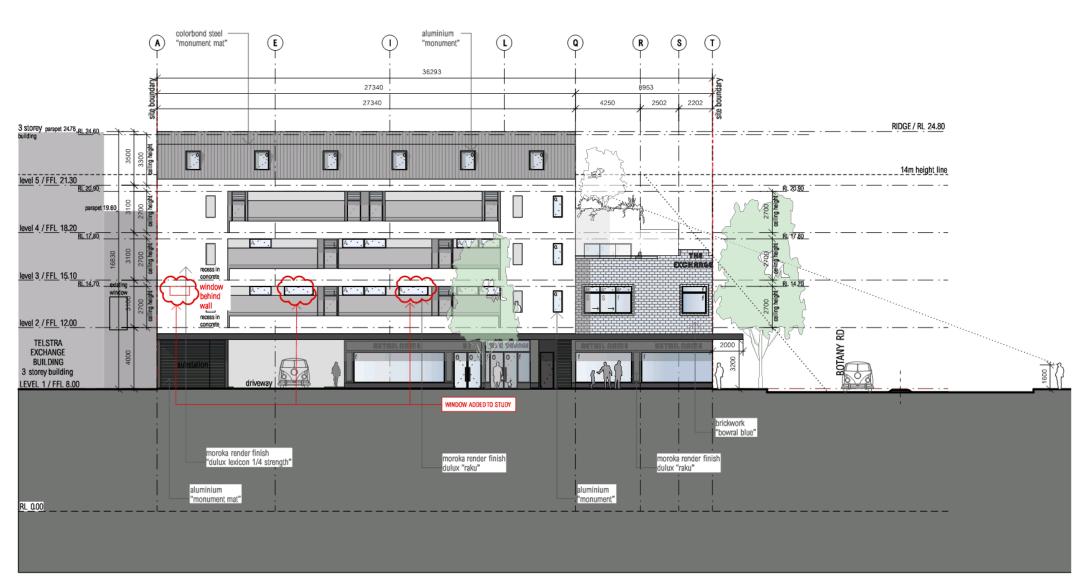
The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.

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.

Item



A 2/10/16 Issued to consultants 06/12/16 Issued to planner 11/12/18 Issued to consultants 12/03/16 Issued to consultants 12/03/16 Issued to council Issued t	rev A	T CIOUTOPE	incles to the archit	IDUL.
environa studio  224 riley St surry hills 2010 t: 02 9211 0000 c: info @environastudio.com.au architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. 6wg no.	Α			
environa studio  224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 erinfo@environastudio.com.au architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD at MASCOT drewing NORTH elevation 1:200@A3 stage project no. 6wg no.				
environa studio  224 riley St surry hills 2010 t 02 9211 0000 t 102 9211 0000 tr 102 9211 0000 for/client  MASCOT EXCHANGE Pty Ltd  location 904 BOTANY ROAD  at MASCOT  drewing NORTH elevation 1:200@A3  stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.	D	12/03/18	issued to counc	il
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.				
224 riley St surry hills 2010 t: 02 9211 0000 t: 02 9211 0000 er info @environastudio.comau architects registration : 6239 project SHOP TOP HOUSING for/cilent MASCOT EXCHANGE Pty Ltd location 904 BOTANY ROAD  at MASCOT drewing NORTH elevation 1:200@A3 stage project no. dwg no.		wir	ona eti	ıdio
e: info@environastudio.comau architects registration : 6239 project SHOP TOP HOUSING  for/cillent MASCOT EXCHANGE Pty Ltd  location 904 BOTANY ROAD  at MASCOT  drawing NORTH elevation  stage project no. dwg no.	۵.	III WIII		laio
e: info@environastudio.comau architects registration : 6239 project SHOP TOP HOUSING  for/cillent MASCOT EXCHANGE Pty Ltd  location 904 BOTANY ROAD  at MASCOT  drawing NORTH elevation  stage project no. dwg no.				
e: info@environastudio.comau architects registration : 6239 project SHOP TOP HOUSING  for/cillent MASCOT EXCHANGE Pty Ltd  location 904 BOTANY ROAD  at MASCOT  drawing NORTH elevation  stage project no. dwg no.			t	
project SHOP TOP HOUSING  for/cilient  MASCOT EXCHANGE Pty Ltd  location 904 BOTANY ROAD  at MASCOT  drawing NORTH elevation  stage project no. dwg no.			t 2010 0000	
SHOP TOP HOUSING for/cilent  MASCOT EXCHANGE Pty Ltd  location 904 BOTANY ROAD  at MASCOT  drawing NORTH elevation  stage project no. dwg no.	224 suri t: 0	l riley S ry hills 2 9211	t 2010 0000 vironas <u>tudio.</u>	com.au
SHOP TOP HOUSING for/cilent  MASCOT EXCHANGE Pty Ltd  location 904 BOTANY ROAD  at MASCOT  drawing NORTH elevation  stage project no. dwg no.	224 suri t: 0	l riley S ry hills 2 9211	t 2010 0000 vironastudio. egistration : 6	comau 5239
MASCOT EXCHANGE Pty Ltd  location 904 BOTANY ROAD  at MASCOT  drawing NORTH elevation  stage project no. dwg no.	224 surr t: 0: e: ir arch	l riley S ry hills 2 9211 nfo @en nitects r	t 2010 0000 vironastudio. egistration : 6	comau 5239
MASCOT EXCHANGE Pty Ltd  location 904 BOTANY ROAD  at MASCOT  drawing NORTH elevation  stage project no. dwg no.	224 surr t: 02 e: ir arch	riley S ry hills 2 9211 nfo@en nitects r	vironastudio. egistration : 6	com.au 5239
at MASCOT  drawing NORTH elevation 1:200@A3  stage project no. dwg no.	224 surr t: 02 e: ir arch	riley S ry hills 2 9211 nfo@en nitects r	vironastudio. egistration : 6	comau 3239
at MASCOT  drawing NORTH elevation 1:200@A3  stage project no. dwg no.	224 surr t: 0: e: ir arch proje	I riley S ry hills 2 9211 nfo@en nitects n ect OP TOP	vironastudio. egistration : 6	comau 3239
at MASCOT  drawing Scale NORTH elevation 1:200@A3  stage project no. dwg no.	224 surrit: 0: e: in arch proje SHO	I riley S ry hills 2 9211 nfo@en nitects re ect OP TOP	vironastudio. egistration : 6 HOUSING	
at MASCOT  drawing Scale NORTH elevation 1:200@A3  stage project no. dwg no.	224 surrit: 0: e: in arch proje SHO	I riley S ry hills 2 9211 nfo@en nitects re ect OP TOP	vironastudio. egistration : 6 HOUSING	
at MASCOT  drawing Scale 1:200@A3  stage project no. dwg no.	224 surr t: 0: e: ir arch proju SHO	I riley S ry hills 2 9211 nfo@en nitects n ect DP TOP	vironastudio. egistration : 6 HOUSING	
MASCOT  drawing scale  NORTH elevation 1:200@A3  stage project no. dwg no.	224 surri t: 0: e: ir arch proje SHO	I riley S ry hills 2 9211 nfo@en nitects n ect OP TOP	vironastudio. egistration : 6  HOUSING  EXCHANGE P	
MASCOT  drawing scale  NORTH elevation 1:200@A3  stage project no. dwg no.	224 surri t: 0: e: ir arch proje SHO	I riley S ry hills 2 9211 nfo@en nitects n ect OP TOP	vironastudio. egistration : 6  HOUSING  EXCHANGE P	
drawing scale  NORTH elevation 1:200@A3  stage project no. dwg no.	224 surrit: 00 e: ir arch proje SH0 for/o	I riley S ry hills 2 9211 nfo@en nitects n ect OP TOP	vironastudio. egistration : 6  HOUSING  EXCHANGE P	
NORTH elevation 1:200@A3 stage project no. dwg no.	224 surn t: 00 e: ir arch proje SH0 MA local 904	I riley S ry hills 2 9211 nfo@en nitects n ect OP TOP  Client SCOT E	vironastudio. egistration : 6  HOUSING  EXCHANGE P	
NORTH elevation 1:200@A3 stage project no. dwg no.	224 surn t: 00 e: ir arch proje SH0 MA local 904	I riley S ry hills 2 9211 nfo@en nitects n ect OP TOP  Client SCOT E	vironastudio. egistration : 6  HOUSING  EXCHANGE P	
stage project no. dwg no.	224 surrit: 0: e: ir arch proje SH0 for/c MA local 904	I riley S 2 9211 Info @en intects n OPP TOP TOP TOP TOP BUILDING BOTAN BOTAN SCOT E	vironastudio. egistration : 6  HOUSING  EXCHANGE P	ly Ltd
	224 surrit: 0: e: irr arch proje SH0 MA local at MA draw	I riley S ry hills 2 9211 Info@en illects n rotated by TOP TOP TOP TOP Illent BOTAN SCOT E	vironastudio. egistration : R HOUSING EXCHANGE PI	ty Ltd
	224 surrit: 0: e: irr arch proje SH0 MA local at MA draw	I riley S ry hills 2 9211 Info@en illects n rotated by TOP TOP TOP TOP Illent BOTAN SCOT E	vironastudio. egistration : R HOUSING EXCHANGE PI	ly Ltd
S 4.55   920   <b>133</b>	224 surrit: 0: e: irr arch proje SH0 MA local at MA draw	I riley S ry hills 2 9211 Info@en illects n rotated by TOP TOP TOP TOP Illent BOTAN SCOT E	vironastudio. egistration : R HOUSING EXCHANGE PI	ty Ltd
1	224 surrit: 0: e: irrarch proje SHO for/o MA local 904 at MA NOR	I riley S ry hills 2 9211 Info@en intects n rotated by the sect DP TOP TOP TOP TOP TOP TOP TOP TOP TOP TO	vironastudio. egistration : 6  HOUSING  EXCHANGE PI  IY ROAD  project no.	scale 1:200@A3 dwg.no.
	224 surrit: 0: e: irrarch proje SHO for/o MA local 904 at MA NOR	I riley S ry hills 2 9211 Info@en intects n rotated by the sect DP TOP TOP TOP TOP TOP TOP TOP TOP TOP TO	vironastudio. egistration : 6  HOUSING  EXCHANGE PI  IY ROAD  project no.	scale 1:200@A3 dwg.no.
chkd drwn date issue	224 surrit: 0: e: irrarch proje SHO for/o MA local 904 at MA NOR	I riley S ry hills 2 9211 Info@en intects n rotated by the sect DP TOP TOP TOP TOP TOP TOP TOP TOP TOP TO	vironastudio. egistration : 6  HOUSING  EXCHANGE PI  IY ROAD  project no.	scale 1:200@A3 dwg.no.
TW KR 12/03/18 D	224 surrit: 0: e: in arch proje SHO for/c MA local 904 at MA draw NOF stage S 4	I riley S ry hills 2 9211 1 2 9211 1 1 2 9211 1 1 2 9211 1 1 1	vironastudio. egistration : 6  HOUSING  EXCHANGE PI  IY ROAD  project no. 920	scale 1:200@A3 dwg.no. 133



notes
allwork to be carried out in accordance with bca, saa codes and conditions of council. measurements in mm's unless noted, use figured dimensions, do not scale drawings, site measure before starting work, refer all discrepancies to the architect. rev date amendment A 22/10/18 issued to consultants B 06/12/18 issued to planner C 11/12/18 issued to consultants D 12/03/18 issued to council environa studio SHOP TOP HOUSING MASCOT EXCHANGE Pty Ltd 904 BOTANY ROAD MASCOT SOUTH ELEVATION 1:200@A3 dwg no. 131 \$ 4.55 920 chkd drwn date issue
TW KR 12/03/18 D

Bayside Local Planning Panel

## section 4.55

Project: MASCOT EXCHANGE 920

Client: MASCOT EXCHANGE PTY LTD
Site: 904 BOTANY ROAD, MASCOT

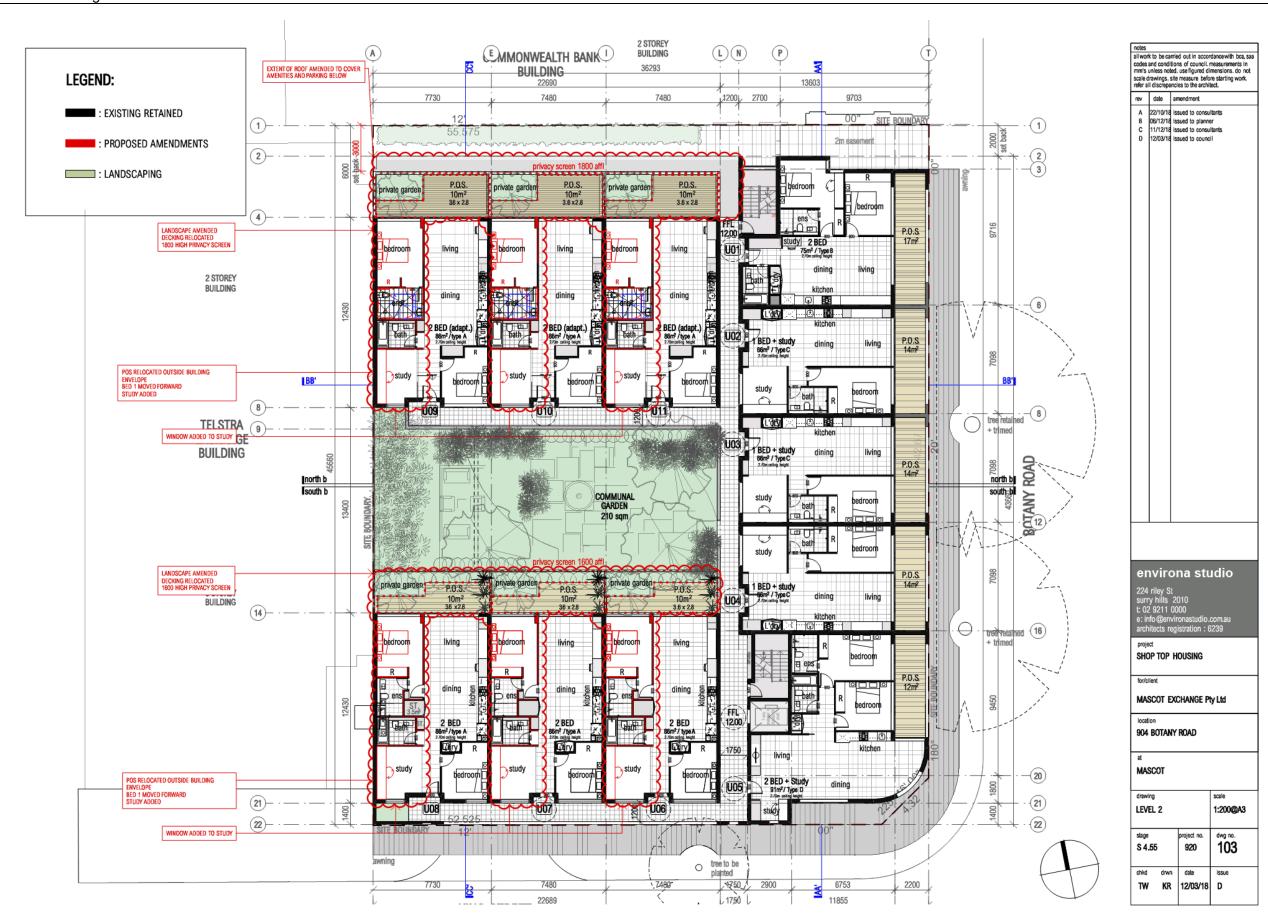
Stage: DEVELOPMENT APPLICATION- DA-2017/1154

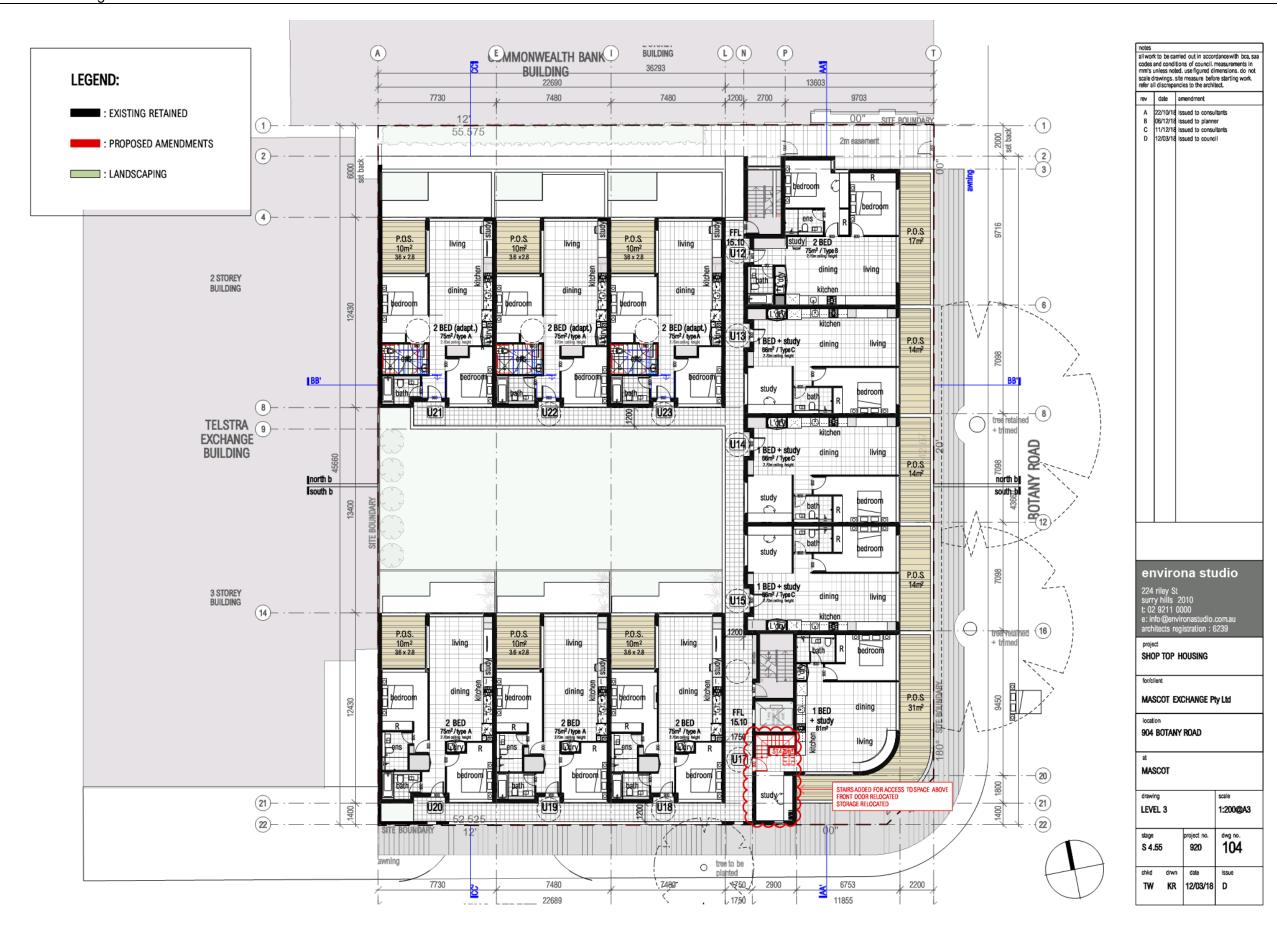
Date: 12-Mar-19

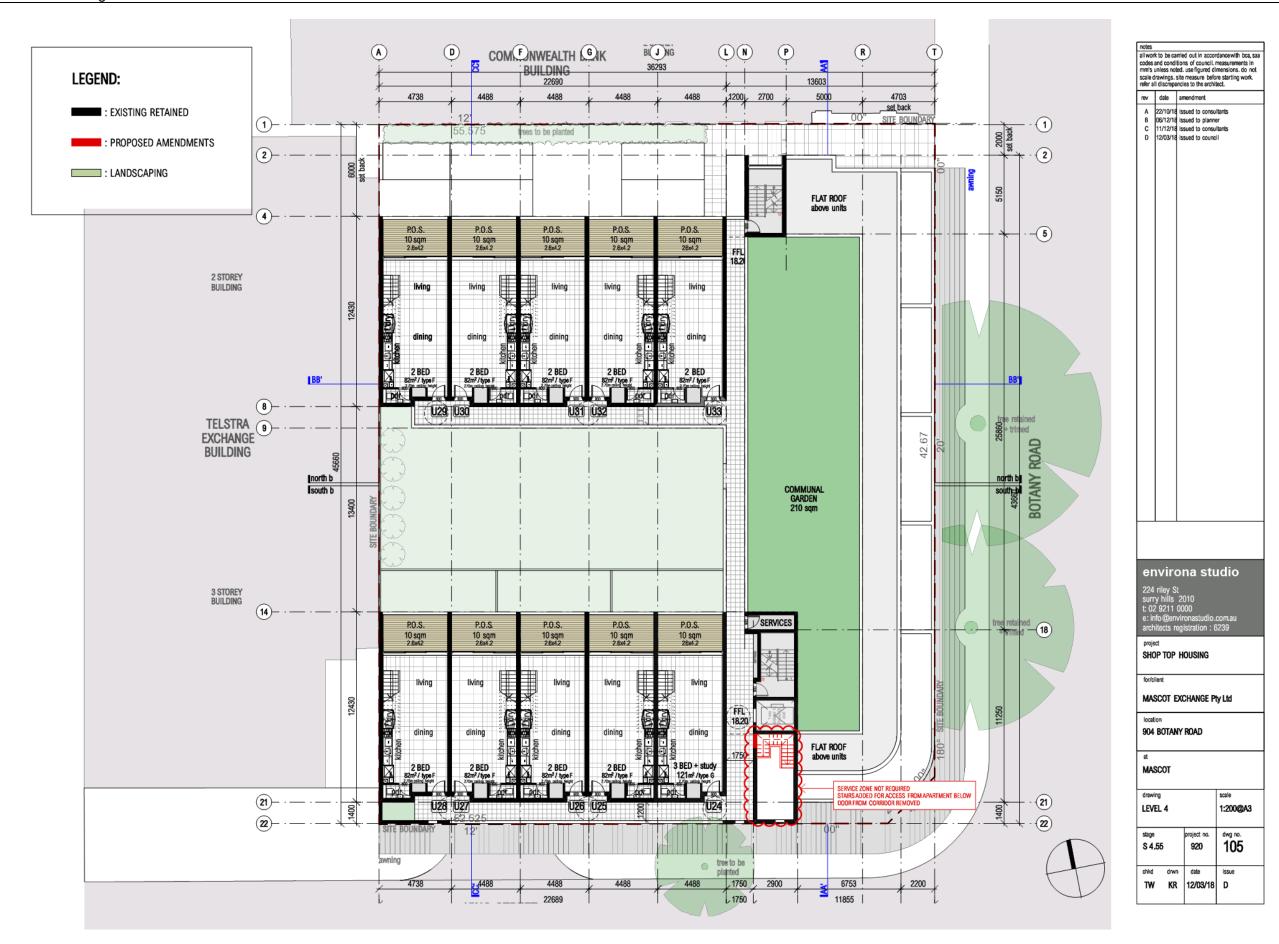
DWG	DRAWING TITLE	ISSUE
100	GENERAL ASSEMBLY PLANS	
103	LEVEL 2 FLOOR PLAN 1:200	D
104	LEVEL 3 FLOOR PLAN 1:200	D
105	LEVEL 4 FLOOR PLAN 1:200	D
122	SECTION C 1:200	D
131	SOUTH ELEVATION 1:200	D
132	SOUTH ELEVATION INTERNAL 1:200	D
133	NORTH ELEVATION 1:200	D
134	NORTH ELEVATION INTERNAL 1:200	D
510	EXTERNAL WORKS PLAN - LANDSCAPE	D
980	AREA CALCULATION PLAN	D
982	LANDSCAPE CALCULATION PLAN	D

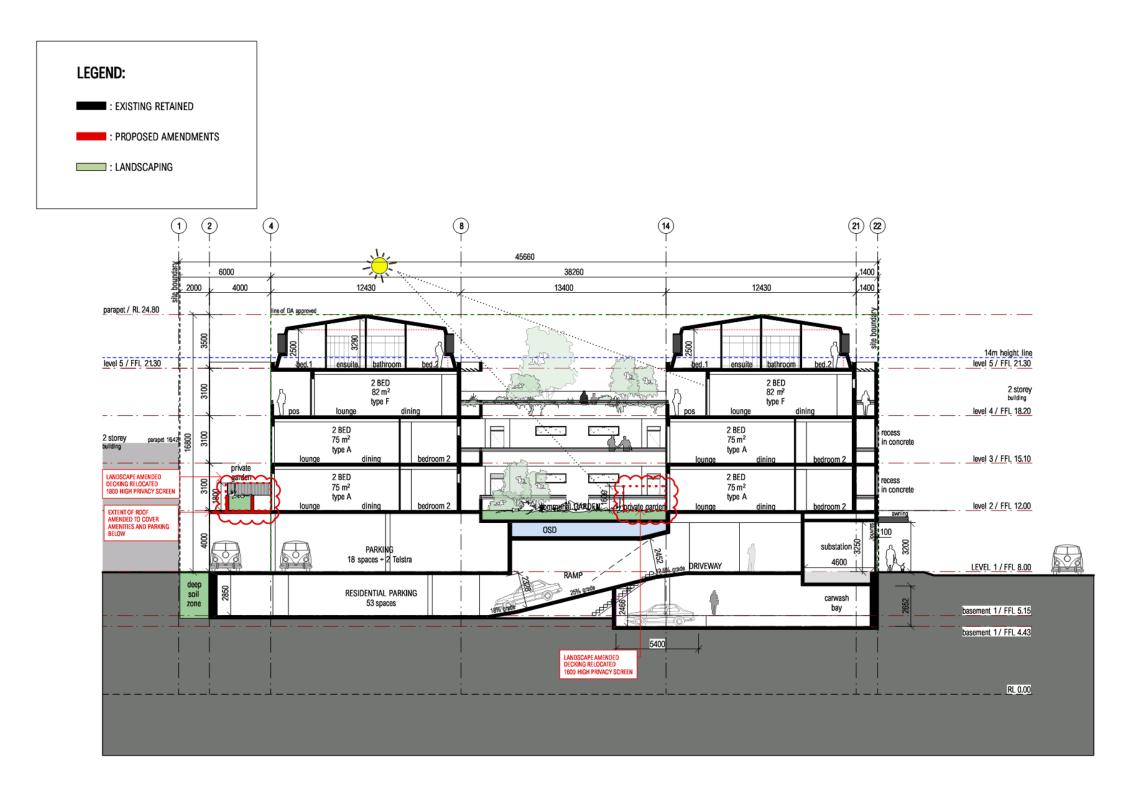
224 riley street, surry hills nsw australia 2010 t: +61 2 9211 0000 environastudio.com.au

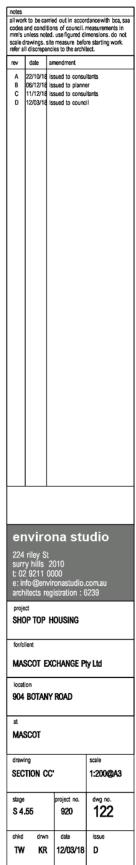
environa studio
environmental architecture

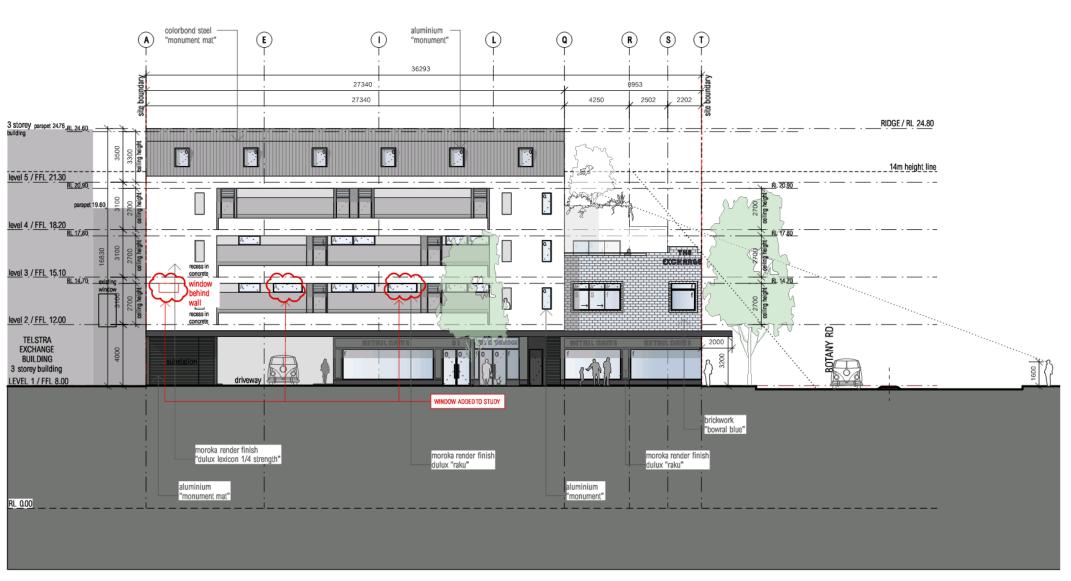








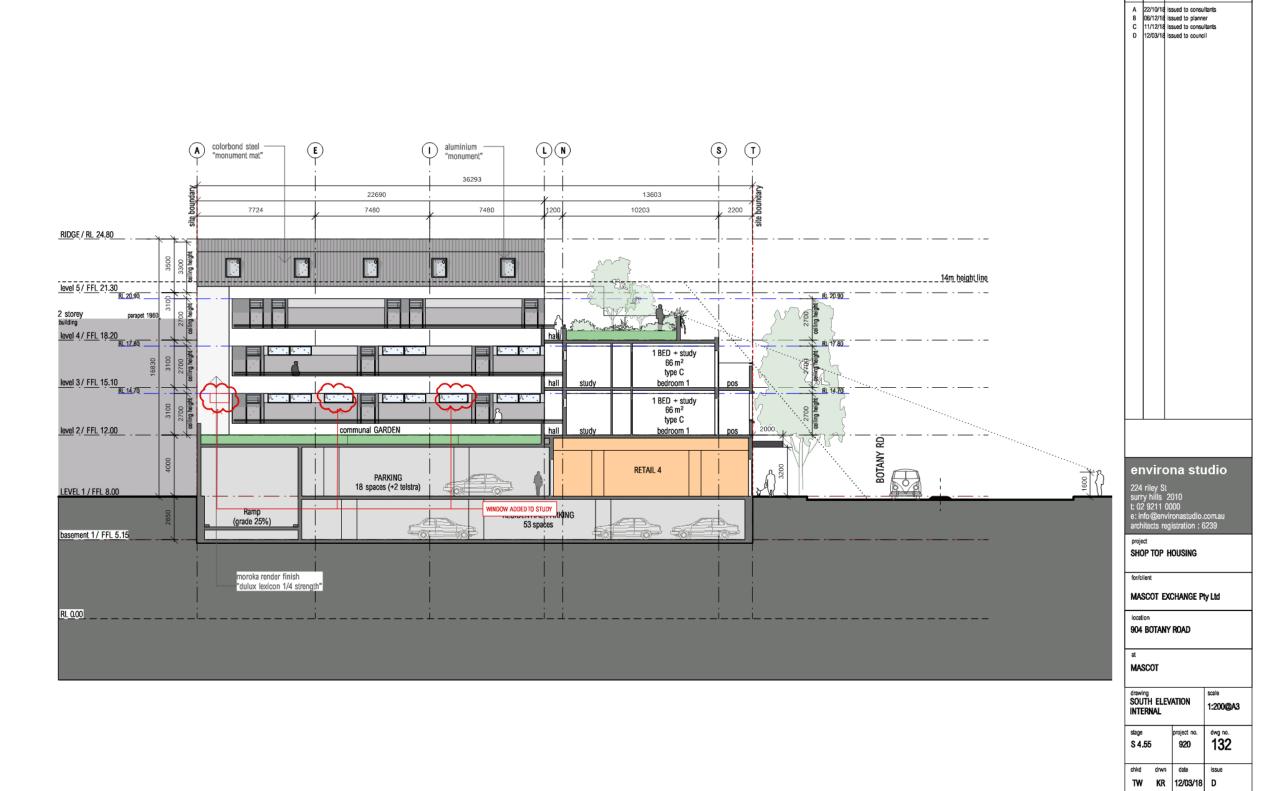


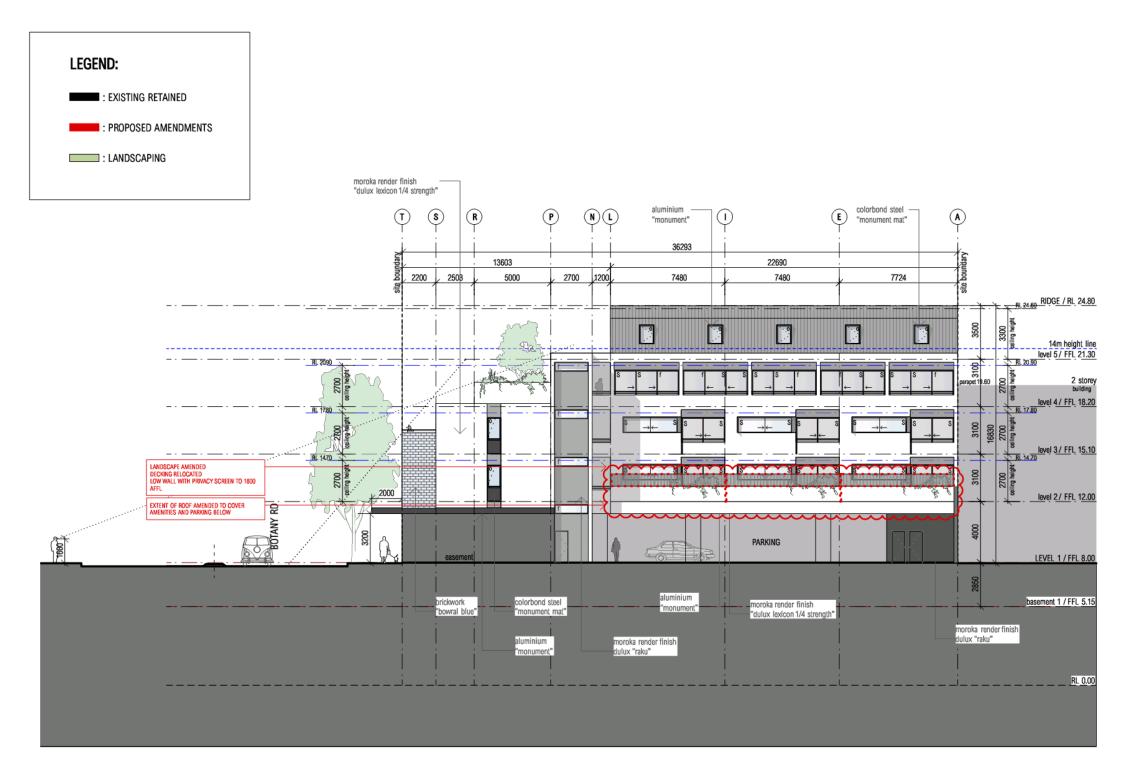


notes
allwork to be carried out in accordance with bca, saa codes and conditions of council. measurements in mm's unless noted, use figured dimensions, do not scale drawings, site measure before starting work, refer all discrepancies to the architect. rev date amendment A 22/10/18 issued to consultants B 06/12/18 issued to planner C 11/12/18 issued to consultants D 12/03/18 issued to council environa studio SHOP TOP HOUSING MASCOT EXCHANGE Pty Ltd 904 BOTANY ROAD MASCOT SOUTH ELEVATION 1:200@A3 dwg no. 131 920 \$ 4.55 chkd drwn date issue
TW KR 12/03/18 D

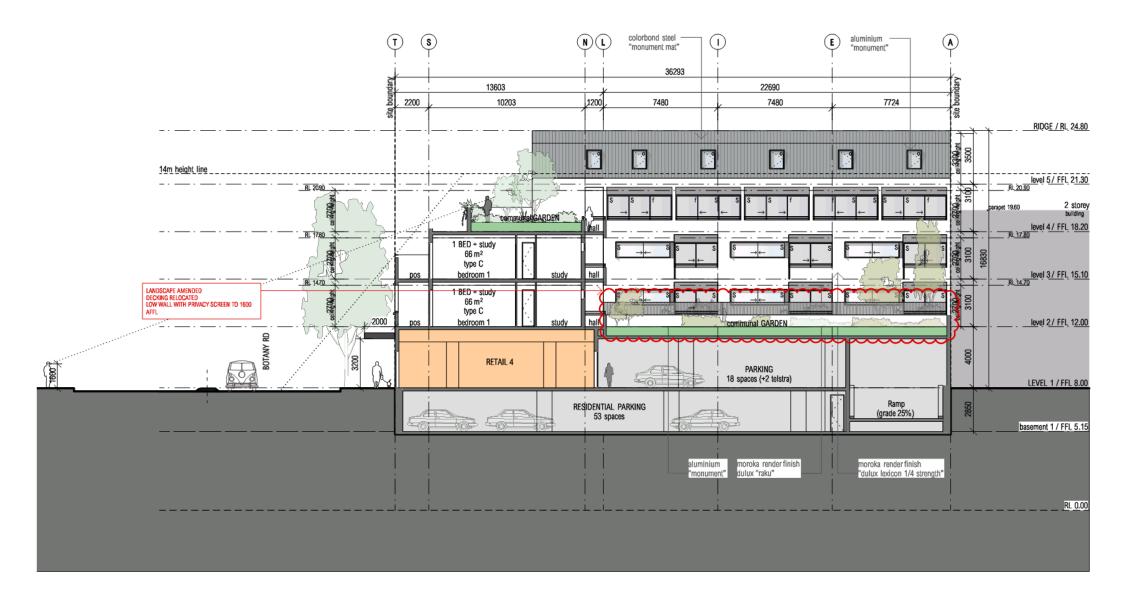
notes
all work to be carried out in accordance with bos, saa
codes and conditions of council, measurements in
mm's unless noted, use figured dimensions, do not
scale drawings, site measure before starting work,
refer all disorrepencies to the architect.

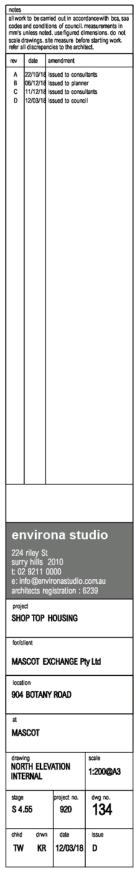
rev date amendment

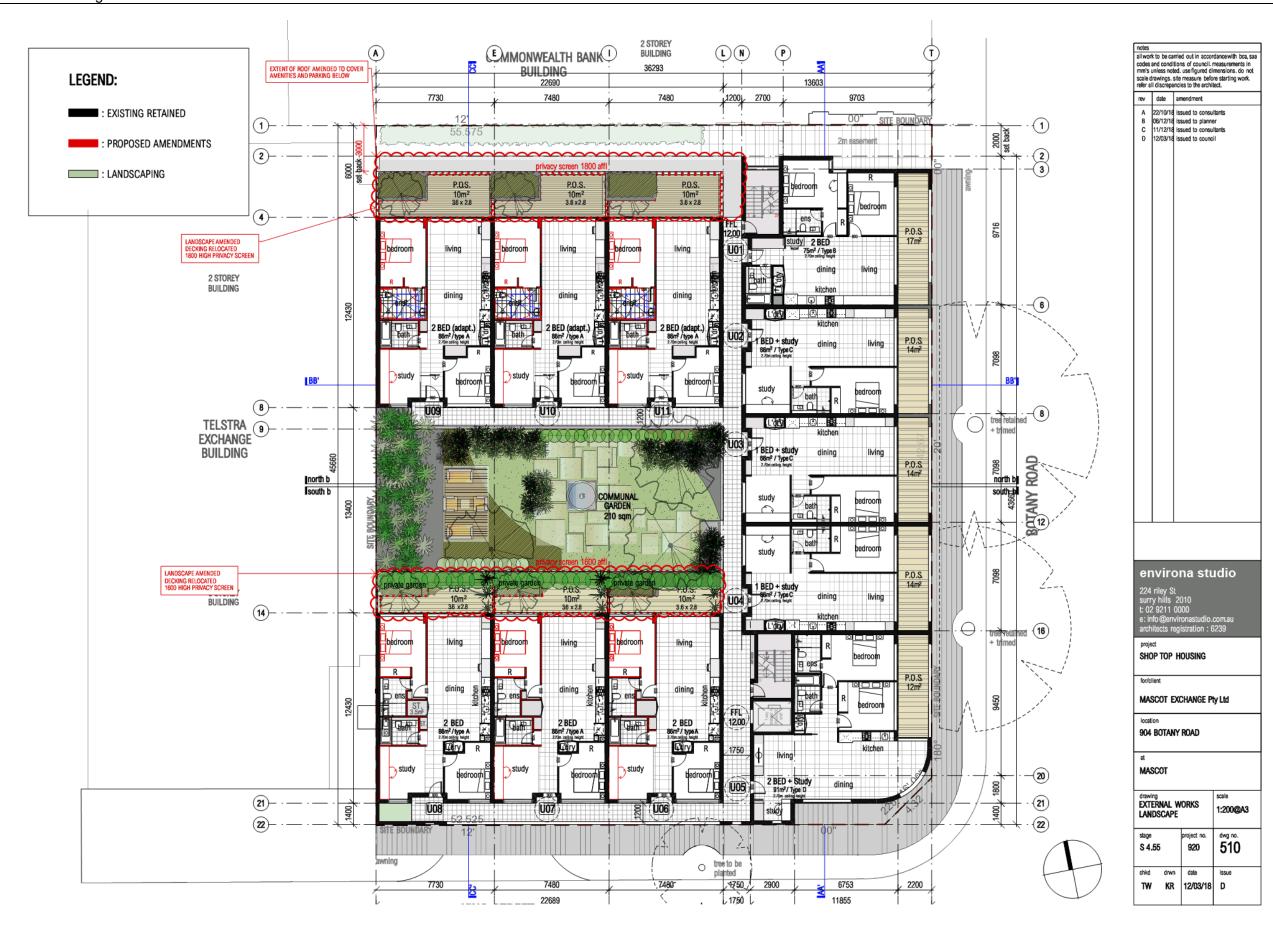




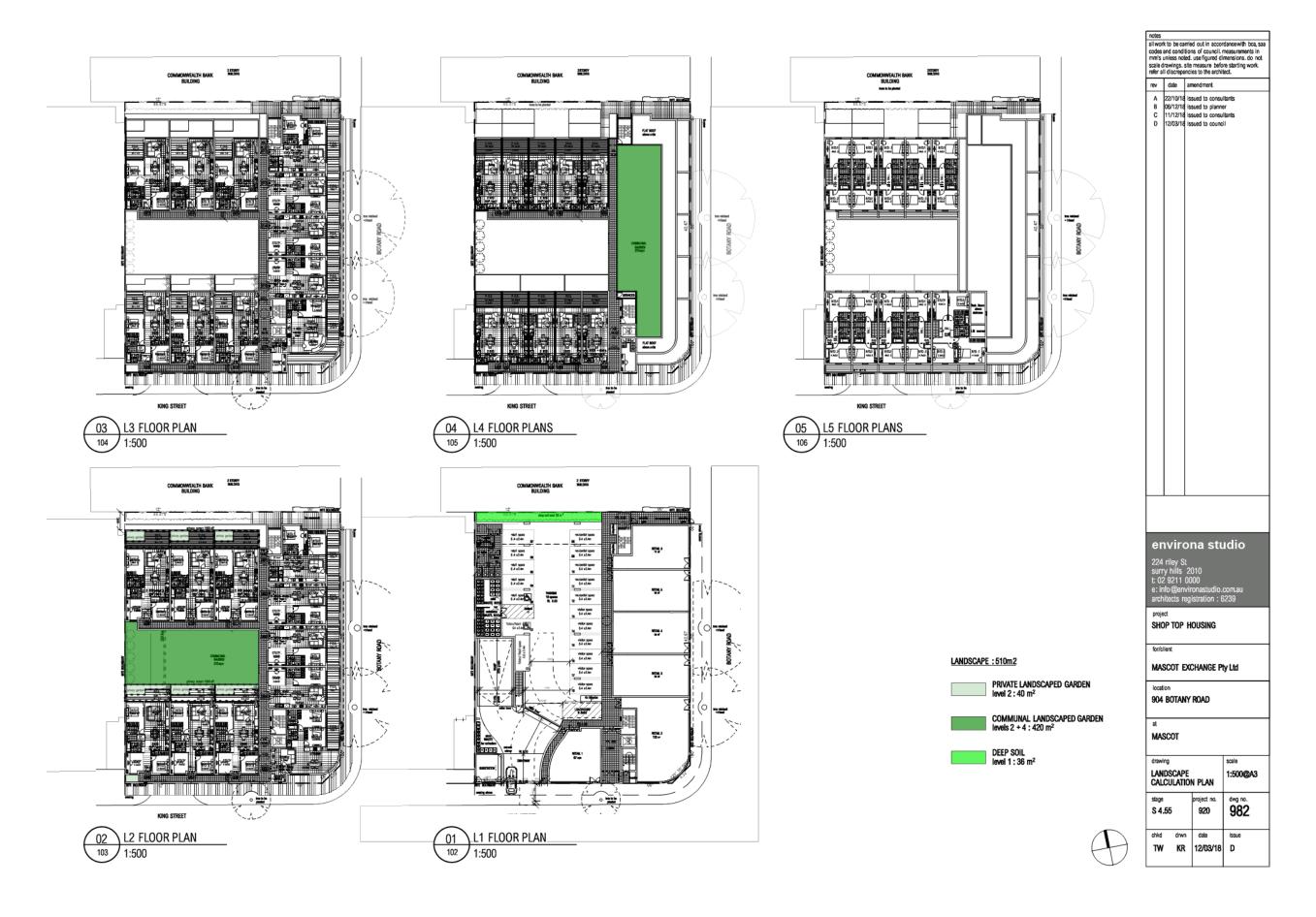
	$\overline{}$		lect.
rev	date	amendment	
A	22/10/18	issued to consu	
B C	06/12/18	issued to planne issued to consul	
D		issued to counc	
	1		
er	nviro	ona stu	ıdio
		ona stu	ıdio
			ıdio
224 suri t: 0	riley S ry hills 2 9211	t 2010 0000	
224 suri t: 0	riley S ry hills 2 9211	t 2010 0000	
224 surr t: 0: e: ir arch	l riley S ry hills 2 9211 nfo @en nitects ri		
224 suri t: 02 e: ir arch	riley S ry hills 2 9211 nfo @en nitects ro	t 2010 0000 vironastudio. egistration: 6	
224 suri t: 02 e: ir arch	riley S ry hills 2 9211 nfo @en nitects ro	t 2010 0000	
224 surr t: 0: e: ir arch proje	I riley S ry hills 2 9211 nfo@en nitects ro ect OP TOP	t 2010 0000 vironastudio. egistration: 6	
224 suri t: 02 e: ir arch	I riley S ry hills 2 9211 nfo@en nitects ro ect OP TOP	t 2010 0000 vironastudio. egistration: 6	
224 surrit: 0: e: in arch proje SHO	I riley S ry hills 2 9211 nfo@en nitects ru ect OP TOP	t 2010 0000 vironastudio. egistration: 6	comau 3239
224 surr t: 0: e: ir arch proje SHO	I riley S ry hills 2 9211 nfo@en nitects ro ect DP TOP	t 2010 0000 vironastudio. egistration : 6 HOUSING	comau 3239
224 surr t: 0: e: ir arch proje SHO	riley S ry hills 2 9211 nfo @en- nitects re ect OP TOP	t 2010 0000 vironastudio. egistration : 6 HOUSING	comau 3239
224 surr t: 0: e: ir arch proje SHO	riley S ry hills 2 9211 nfo @en- nitects re ect OP TOP	t 2010 0000 vironastudio. egistration : 6 HOUSING	comau 3239
224 surri t: 0: e: ir arch proje SH0	riley S ry hills 2 9211 nfo @en- nitects re ect OP TOP	t 2010 0000 vironastudio. egistration : 6 HOUSING	comau 3239
224 surn t: 00 e: ir arch proje SHO for/o	I riley S ry hills 2 9211 nfo@en nitects re ect OP TOP  Client SCOT E	t 2010 0000 vironastudio. egistration : 6 HOUSING	comau 3239
224 surn t: 00 e: ir arch proje SHO for/o	riley S ry hills 2 9211 nfo @en- nitects re ect OP TOP	t 2010 0000 vironastudio. egistration : 6 HOUSING	comau 3239
224 surrit: 0: e: irrarch proje SHO for/o MA local 904 at MA	riley S ry hills 2 9211 nfo @en nitects n ect OP TOP  Client SCOT E	t 2010 0000 vironastudio. egistration : 6 HOUSING	comau 3239 ty Ltd
224 surrit: 0: e: ir arch proje SH0 for/c MA local 904 at MA	I riley S ry hills 2 9211 Info@em illects ru cotton to the	t 2010 0000 0000 vironastudio egistration : 6 HOUSING EXCHANGE PI	comau 3239 <b>by Ltd</b>
224 surrit: 0: e: ir arch proje SH0 for/c MA local 904 at MA	riley S ry hills 2 9211 nfo @en nitects n ect OP TOP  Client SCOT E	t 2010 0000 0000 vironastudio egistration : 6 HOUSING EXCHANGE PI	comau 3239 ty Ltd
224 surrit: 00 e: in arch proje SH0 for/o MA local 904 at MA draw NOF	I riley S ry hills 2 9211 Info@enrilects r  bet DP TOP	t 2010 0000 0000 0000 0000 0000 0000 000	comau 3239 by Ltd
224 surrit: 00 e: in arch proje SH0 for/o MA local 904 at MA draw NOF	I riley S ry hills 2 9211 for each DP TOP	t 2010 0000 0000 0000 0000 0000 0000 000	comau ty Ltd scale 1:200@A3 dwg no.
224 surrit: 00 e: in arch proje SHO for/o MA local 904 at MA draw NOF	I riley S ry hills 2 9211 for each DP TOP	t 2010 0000 0000 0000 0000 0000 0000 000	comau 3239 by Ltd
224 surrit: 0: e: irrarch proje SHC MA local 904 at MA draw NOF	I riley S ry hills 2 9211 Fig. 19 10 10 10 10 10 10 10 10 10 10 10 10 10	t 2010 0000 1000 1000 1000 1000 1000 100	scale 1:200@A3
224 surrit: 00 e: in arch proje SH0 for/o MA local 904 at MA draw NOF	I riley S ry hills 2 9211 riley S ry hills 2 9211 riley S ry hills 2 9211 riley S ry hills 8 9211 rile	t 2010 0000 0000 0000 0000 0000 0000 000	comau 5239 by Ltd scale 1:200@A3 dwg no. 133

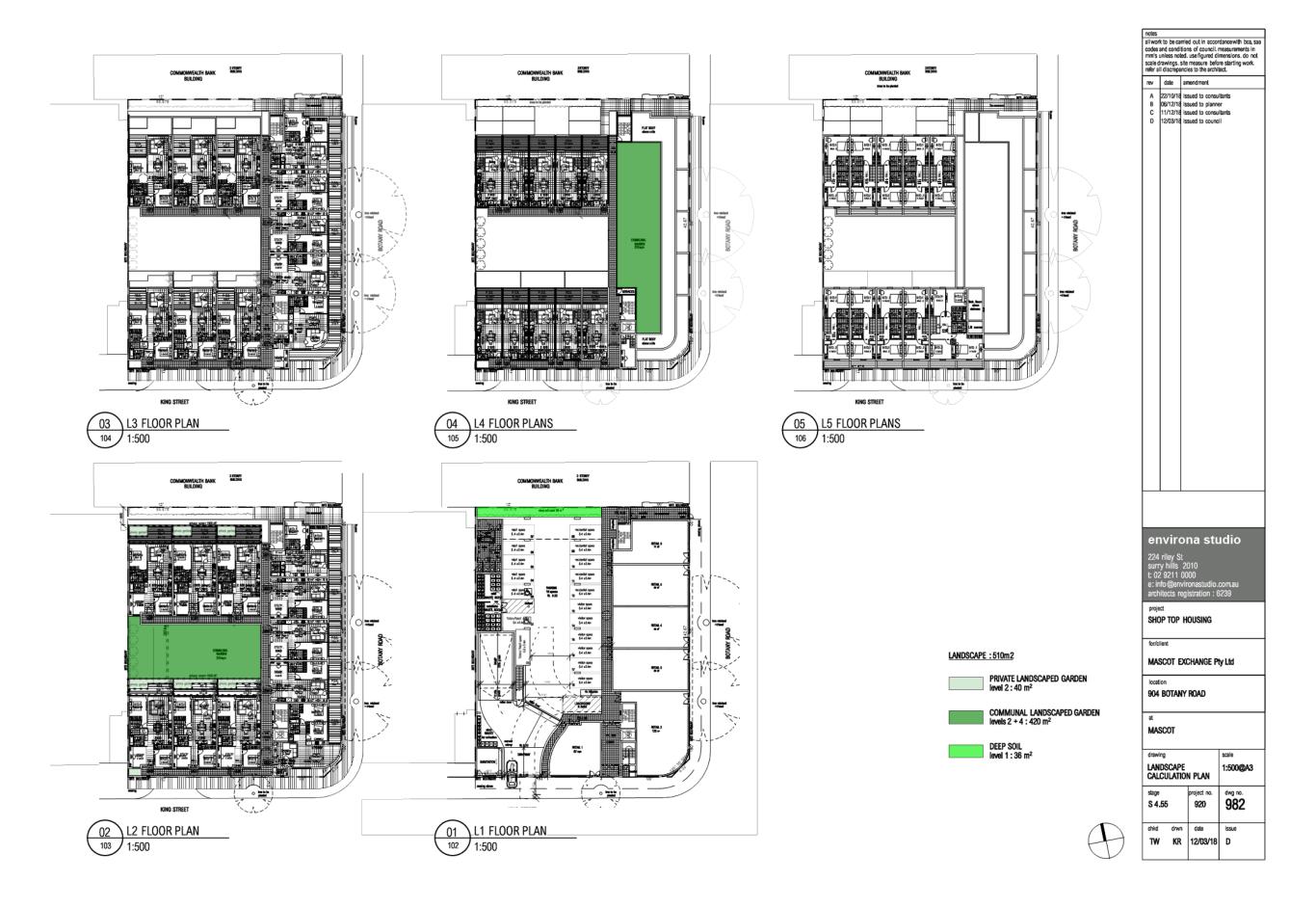






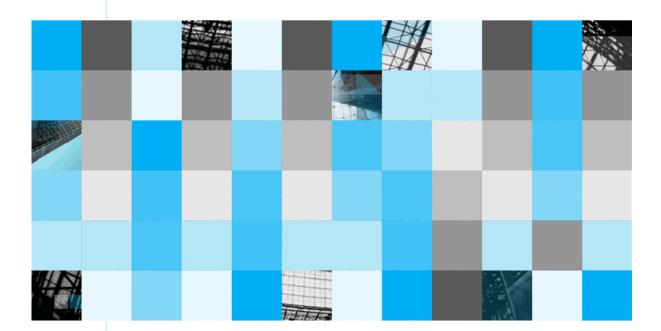












904-922 Botany Road, Mascot

Section 4.55 Planning Statement

### **SUTHERLAND & ASSOCIATES PLANNING**

ABN 14 118 321 793 ACN 144 979 564

# Section 4.55 Planning Statement

### 904-922 BOTANY ROAD, MASCOT

### December 2018

Prepared under instructions from Mascot Exchange Pty Ltd

by

Amy Sutherland B Planning UNSW (Hons)

amy@sutherlandplanning.com.au Tel: 0402 852 034 PO BOX 814 BOWRAL NSW 2576

NOTE: This document is Copyright. Apart from any fair dealings for the purposes of private study, research, criticism or review, as permitted under the Copyright Act, no part may be reproduced in whole or in part, without the written permission of Sutherland & Associates Planning, PO Box 6332, Baulkham Hills BC NSW 2153

# CONTENTS

1.0	INTI	ROD	UCTION	4
2.0	SITE 2.1		SCRIPTION AND LOCATION	5 5
	2.2	Site De	escription	5
	2.3	Surrour	nding Development	6
3.0	DEV	/ELO	PMENT PROPOSAL	7
	3.1	Backgr	round	7
	3.2	Propos	ed Modifications	7
	3.3	Conditi	ons to be Modified	7
4.0	STA	TUT	ORY PLANNING FRAMEWORK	8
	4.1	Environ	nmental Planning and Assessment Act 1979	8
	4.2	Environ	nmental Planning and Assessment Regulation 2000	9
	4.3	Environ	nmental Planning Instruments	9
		4.3.1	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2	004 9
		4.3.2	State Environmental Planning Policy No. 65 - Design Quality of R Apartment Development	esidential 10
		4.3.3	Botany Bay Local Environmental Plan 2013	10
	4.4	Botany	Bay Development Control Plan 2013	11
5.0	COI	NCL	JSION	14

# 1.0 INTRODUCTION

This submission has been prepared as supporting documentation for an application made pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* to modify the consent for Development Application DA-2017/1154 for the construction of a five-storey mixed use development comprising 32 residential units and six ground floor commercial units and basement parking at 904-922 Botany Road, Mascot. The application seeks approval for internal and external modifications to the development approved under DA2017/1154.

This Statement has been prepared pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979. The Statement provides an assessment of the proposed modifications to the approved development, having regard to the relevant legislative context, social, economic and environmental impacts, potential amenity impacts of the development on the surrounding locality and the measures proposed within the application to mitigate such impacts.

The Statement details the proposed amendments against applicable environmental planning instruments and development control plans including:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development
- Botany Bay Local Environmental Plan 2013
- Botany Bay Development Control Plan 2013

Having regard to the applicable legislative framework, the proposed amendments to the approved development are such that the development retains the same fundamental characteristics and is therefore substantially the same development. The amended development remains consistent with the aims and objectives of the relevant environmental planning instruments and development control plan whilst remaining compatible with the character of the locality.

# 2.0 SITE DESCRIPTION AND LOCATION

# 2.1 Locality Description

The site is located in the suburb of Mascot which is located within the Bayside local government area. The location of the site is illustrated in Figure 1 below.

The site is located within the Mascot Local Centre as identified in the Botany Bay Development Control Plan. The existing character of the centre is described in the DCP as follows:

The Mascot Local Centre is located along Botany Road on a flat section of land. It is a medium size Local Centre with over 100 shops including a small local supermarket servicing the surrounding community. It has a good mix of local shops and services. It benefits from two Council car parking areas (one on either side of Botany Road) with over 140 car spaces provided.

The built form in the Mascot Local centre generally consists of two storey shop top housing development on both sides of the road. The buildings are built to the street alignment with continuous awnings and parapets.



# Figure 1:

Site Location: (Source: Six Maps 2017)

# 2.2 Site Description

The site is legally described as Lot 102 DP 1206802 and is known as 904 Botany Road, Mascot. The site is located on the north-west corner of the intersection of Botany Road and King Street.

The site is generally rectangular in shape and has an area of 1,654 square metres. The site has a frontage of 42.67 metres to Botany Road, a 4.31 metres long splayed corner to the intersection of Botany Road and King Street and a 33.25 metre frontage to King Street.

The development approved under DA-2017-1154 is currently under construction.

The site is not identified as a heritage item pursuant to the Botany Bay Local Environmental Plan 2013. The site is also not identified as being located within a heritage conservation area.



# Figure 2:

Aerial view of the site (Source: Six Maps, Department of Lands 2017)

# 2.3 Surrounding Development

The site adjoins 201 King Street, Mascot to the west, which is improved by a Telstra exchange building. This building occupies the majority of the site. The Telstra building has a height of over 30 metres when measured to the top of the tower frame.

To the north the site adjoins 902 Botany Road, Mascot which is improved by a two storey commercial building which has been built to the boundary.

The site is located within the vicinity of two heritage items pursuant to the Botany Bay Local Environmental Plan 2013.

# 3.0 DEVELOPMENT PROPOSAL

### 3.1 Background

On 13 September 2017 consent was granted for Development Application DA-2017-1154 for the construction of a five storey mixed use development comprising 32 apartments and 6 ground floor commercial spaces and basement car parking at 904-922 Botany Road, Mascot.

Demolition and remediation works have occurred, and construction of the building approved under DA-2017/1154 has commenced.

### 3.2 Proposed Modifications

The application seeks approval for internal and external modifications to the development approved under DA2017/1154. The proposed modifications are listed below and identified on the Architectural Plans prepared by Environa Studio.

The modifications are:

- The modified plans include a roof over the car spaces and driveway on the northern side of Level 1 (refer
  to Section CC on Drawing 122 for details). The roof will be setback 2 metres from the boundary to allow
  for the easement along the northern boundary.
- 2. Modification of the layout of apartments 6, 7, 8, 9, 10 and 11 on Level 2. The modifications include the provision of a study on the southern side of each unit, moving the bedroom further north to partly occupy the location of the approved balcony on the northern side of the apartment and the provision of a 10 square metre area of private open space on the northern side of each apartment.
- 3. The glass line of apartments 9, 10 and 11 maintain a 6-metre setback to the northern boundary. The private open space is setback 3 metres from the boundary however a privacy screen is proposed on the northern side of each private open space to eliminate the potential for overlooking of future development on the site to the north.
- 4. Stairs are proposed for access to the space above Apartment 17 on Level 4 which was previously identified as a service zone however the space is no longer required for services. The space on Level 4 is to be a storage area for Apartment 17.

The modifications will increase the floor space of the development by 80.75 square metres. The proposal does not alter the unit mix.

# 3.3 Conditions to be Modified

The proposed works require Condition 1 to be modified to refer to the amended plans.

# 4.0 STATUTORY PLANNING FRAMEWORK

### 4.1 Environmental Planning and Assessment Act 1979

Section 4.55(2) 'Other Modifications' of the Environmental Planning and Assessment Act 1979 empowers Council to modify a development consent, as follows:

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
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) 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
- (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
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1), (2) and (5) do not apply to such a modification.

The proposal is considered to be "essentially or materially" the same as the approved development as significant elements of the proposal remain unchanged in that:

- No change is proposed to the number of apartments within the development or the unit mix of the development. The proposed modifications seek to add a study to six apartments.
- · No change is proposed to the quantum of non-residential floor space within the development.
- No change is proposed to the number of car parking spaces within the development.
- The bulk and scale of the development is essentially unchanged despite the additional floor space proposed. The additional floor space on level 4 is within the existing approved building envelope and the additional floor space on Level 2 will face the internal courtyard and the northern boundary. As such the additional floor space will not have any impact on the streetscape.
- No changes are proposed to the height of the building.
- No change is proposed to the quantum of deep soil on the site or the area of communal open space.
- The proposed modifications do not result in any adverse impacts on the solar access available to the surrounding properties.

8

Section 4.55 Planning Statement - 904-922 Botany Road, Mascot

No significant changes are proposed to the setbacks of the walls of the apartments above ground level
with no change to the minimum setback of the building to the northern boundary. The private open
space is within the 6-metre setback however privacy screens are proposed to mitigate any potential
privacy impacts.

Pursuant to section 4.55(3) 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. The relevant provisions of the applicable environmental planning instrument and development control plan are addressed further in sections 4 and 5 of this report.

### 4.2 Environmental Planning and Assessment Regulation 2000

Clause 115 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) sets out the information which must be provided with an application for a modification of a development consent under section 4.55(2) of the Act.

Clause 115(3) provides that if an application for the modification of a development consent under section 4.55(2) of the Act relates to a residential apartment development and the development application was required to be accompanied by a design verification from a qualified designer under clause 50(1A), the application must be accompanied by a statement by a qualified designer. A design verification statement accompanies the application.

Clauses 115(6) and 115(7) of the EP&A Regulation relate to the requirements for a BASIX certificate for modifications to a development consent under section 4.55(2) of the Act. In accordance with clause 115(6) an application for the modification of a development consent under Section 4.55(2) of the Act must also be accompanied by the appropriate BASIX certificate, if the development application to which the modification relates was required to be accompanied by a BASIX certificate.

Clause 115(7) provides that the appropriate BASIX certificate is the current BASIX certificate if the current BASIX certificate if the current BASIX certificate remains consistent with the proposed development or if the current BASIX certificate is no longer consistent with the proposed development, a new BASIX certificate to replace the current BASIX certificate. A new BASIX Certificate accompanies the application.

### 4.3 Environmental Planning Instruments

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the development and aims to encourage sustainable residential development. Clauses 115(6) and 115(7) of the EP&A Regulation relate to the requirements for a BASIX certificate for modifications to a development consent under section 4.55(1A) or (2) of the Act. A new BASIX Certificate accompanies the application.

# 4.3.2 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

State Environmental Planning Policy No. 65 applies to the development. The proposed modifications do not alter the proposal's consistency with the design quality objectives. The proposal's compliance with the relevant provisions of the Apartment Design Guide (ADG) are addressed below.

### 3F Visual Privacy

The design criteria of Part 3F of the DCP requires separation be provided between windows and balconies to ensure visual privacy is achieved. A 6-metre separation distance is required from habitable rooms and balconies to the side and rear boundaries for buildings up to 12 metres (4 storeys in height). The ADG also requires separation distances between buildings on the same site to be combined to provide the equivalent separation distance.

The proposed modifications maintain a 6-metre separation distance between the habitable rooms and the northern boundary. Whilst the setback of the balconies of Apartments 9, 10 and 11 is only 3 metres, a 1.8 metre privacy screen is proposed along the northern side of the balcony to eliminate the potential for overlooking of future development on the adjoining site. As such, the objective of Part 3F is achieved despite the reduced separation distance proposed.

The proposed modifications maintain a 12.2 metre distance of separation between apartments 6, 7 and 8 on the southern side of the central communal garden and the circulation space to apartments 9, 10 and 11 on the northern side of the central communal garden.

### 4D Apartment size and layout

The proposed modifications increase the size of  $6 \times 2$  bedroom apartments from 75 square metres to approximately 85 square metres. No changes are proposed to the dimensions of the living and dining room.

# 4E Private open space

Apartments 6, 7, 8, 9, 10 and 11 will have access to 10 square metres of private open space as required by part 4E of the ADG.

# 4.3.3 Botany Bay Local Environmental Plan 2013

# Zoning and Permissibility

The site is located within the B2 local Centre zone pursuant to the Botany Bay Local Environmental Plan 2013 (BBLEP). The proposed modification does not seek to amend the approved uses of the building accordingly the proposal will remain consistent with the objectives of the zone.

### Height

In accordance with clause 4.3 'Height of Buildings' of the BBLEP 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'. The maximum height shown for the site is 14 metres. The proposed modification does not seek to alter the approved maximum height of the building.

10

# Floor Space Ratio

Clause 4.4 of the BBLEP provides that 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. A Floor Space Ratio of 2:1 applies to the site. Based on a site area of 1,654 square metres a maximum gross floor area of 3,308 square metres is permitted.

The approved development had an FSR of 3,303 square metres. The proposed modifications result in an increase to the floor space ratio of 80.75 square metres, bringing the total GFA to 3,383.75 which equates to an FSR of 2.046:1.

Despite the proposed variation to the FSR standard the proposed development is consistent with the objectives of the standard in that:

- The number of apartments within the development and the unit mix is unchanged despite the
  proposed increase to the gross floor area of the development and no increase is proposed to
  the number of car parking spaces within the development. As such, the intensity of
  development on the site is unchanged despite the increase to the FSR of the development.
- The bulk and scale of the development is essentially unchanged despite the additional floor space proposed. The additional floor space on level 4 is within the existing approved building envelope and the additional floor space on Level 2 will face the internal courtyard and the northern boundary. As such the additional floor space will not have any impact on the streetscape.
- The additional floor space will not result in any adverse impact on the character or significance
  of the nearby heritage items.
- The proposed additional floor space improves the internal amenity of the development for occupants without any adverse impacts on the amenity of the surrounding properties.

### Heritage

The site is not identified as a heritage item in Schedule 5 of the BBLEP however the site is located in the vicinity of two heritage items, being Item Nos. I39 and I139, as shown on the BBLEP Heritage Map.

Item no I39 is the commercial buildings at 1133-1135 Botany Road. The buildings are identified as having local significance as the building group is a representative example of Federation Period Free Style.

Item I139 is the Mascot Public School buildings. The building group is identified as a locally significant representative example of Federation Period, Arts and Crafts Style.

The proposed modifications will not adversely impact on the heritage significance of the nearby heritage items.

### 4.4 Botany Bay Development Control Plan 2013

This section of the report addresses the consistency of the proposed modification with the relevant sections of the Botany Bay Development Control Plan 2013 (BBDCPP). The sections of the DCP where compliance is unchanged by the modifications have not been addressed.

# Part 3B Heritage

The proposed modifications will not result in any adverse or unacceptable impact on the heritage significance of the heritage items in the vicinity of the site.

### Part 4C.4.2 Family Friendly Apartments

Pursuant to part 4C.4.2 of the BBDCP family friendly apartments are apartments with two or more bedrooms designed so as to accommodate the living needs of families with children. Control C2 requires a study in all family friendly apartments. The proposed modifications add a study to 6 x 2-bedroom apartments. The study is adequately sized to meet the needs of families with dependents in that the study is large enough to allow for a parent to work from home whilst supervising a child. The proposed modification therefore increases the development's compliance with the family friendly apartment provisions of the DCP.

### Part 5.3.1.1 Floor Space Ratio

Clause 4.4 of the BBLEP provides that 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. A Floor Space Ratio of 2:1 applies to the site. Based on a site area of 1,654 square metres a maximum gross floor area of 3,308 square metres is permitted.

The approved development had an FSR of 3,303 square metres. The proposed modifications result in an increase to the floor space ratio of 80.75 square metres, bringing the total GFA to 3,383.75 which equates to an FSR of 2.046:1.

The number of apartments within the development and the unit mix is unchanged despite the proposed increase to the gross floor area of the development and no increase is proposed to the number of car parking spaces within the development. As such, the intensity of development on the site is unchanged despite the increase to the FSR of the development.

The proposed additional floor space improves the internal amenity of the development for occupants without any adverse impacts on the amenity of the surrounding properties.

The bulk and scale of the development is essentially unchanged despite the additional floor space proposed. The additional floor space on level 4 is within the existing approved building envelope and the additional floor space on Level 2 will face the internal courtyard and the northern boundary. As such the additional floor space will not have any impact on the streetscape.

### Part 5.3.1.4 Side and Rear Setbacks and Building Separation

The proposed modifications' consistency with the building separation distances that apply under Part 3F of the ADG have been addressed in detail in this Statement. In summary, the required separation between habitable rooms is maintained and where the separation from the balconies to the northern boundary has been reduced, privacy screens are proposed to eliminate the potential for overlooking.

### Part 5.3.2.1 Design Excellence

The proposed modifications do not alter the apparent bulk and scale of the building nor do they adversely impact on the amenity of the surrounding properties or the significance of the heritage items in the vicinity of the site. The modifications do however improve the internal amenity of seven apartments by providing additional study or storage space and improved access to light to the main

12

Section 4.55 Planning Statement - 904-922 Botany Road, Mascot

bedrooms of six apartments. The additional study space is encouraged by the BBDCP for family friendly apartments. In this regard the modifications ensure that the development achieves design excellence.

# Part 5.3.2.2. Building Design

Control C4 of part 5.3.2.2 provides that if residential dwellings are proposed as part of a mixed-use development, balconies, private open space area and communal open space areas must be screened to address any privacy impacts on adjoining residential properties. The proposed modification includes privacy screens along the northern side of the north facing balconies on Level 2 to remove the potential for overlooking of the adjoining properties.

# ection 4.55 Planning Statement - 904-922 Botany Road, Mascot

# 5.0 CONCLUSION

The application seeks to amend Development Consent DA2017/1154 to allow for minor internal and external modifications. The modifications seek to improve the internal amenity of seven apartments by providing additional study or storage space. The modifications do not result in any excessive or unreasonable impacts on the amenity of the adjoining properties or the streetscape.

As detailed in this submission the proposed modifications may be made by the consent authority in accordance with section 4.55(2) of the Environmental Planning and Assessment Act 1979 as the proposed modifications are appropriately categorised as being "substantially the same" as the approved development.

The proposed amendments remain consistent with the aims and objectives of the relevant environmental planning instruments and development control plan and will not result in any adverse impacts on the amenity of the locality. Accordingly, the proposed amendments are considered acceptable as they represent an improvement to the approved development and therefore warrant approval.



1 March 2019

Ms Angela Lazaridis Senior Development Assessment Planner Bayside Council PO Box 21 Rockdale NSW 2216

Dear Angela

### MODIFICATION APPLICATION NO. BDA-2017/1154/A - 904 BOTANY ROAD, MASCOT

I refer to Modification Application No. BDA-2017/1154/A for internal and external modifications to the mixed-use development at 904 Botany Road, Mascot. This letter responds to the issues raised in your email of 18 January 2019.

### 1. Explanation for the extension of the Roof on Level 1

The extended roof over the car spaces and driveway on the northern side of Level 1 was always envisaged however unfortunately it was not clearly shown on the approved plans. The plans do not show a roof over this space despite a roof being required over the bathroom in the north-west corner of the site. It is necessary to provide a roof over the residential and retail spaces for the protection of vehicles parked in these spaces.

### 2. Building Separation

Your letter raises concerns regarding the proposed reduced setback to the northern boundary from the private open space of Units 9, 10 and 11. It is our view that the proposed separation is reasonable and appropriate as detailed below and accordingly we request that Council revisit this matter in light of the additional justification provided.

The proposed 3 metre setback from the northern boundary to the private open space of Units 9, 10 and 11 is consistent with the majority of the northern wall of Unit 1 (part of the northern wall of Unit 1 is setback 2 metres from the boundary). The privacy screen has a height of 1.8 metres above FFL and does not extend the full height of Level 2.

The proposed reduced setback from the private open space to the northern boundary will not result in excessive bulk and scale or unreasonable amenity impacts in that:

- The reduced setback will not be visible from Botany Road as views of this part of the northern elevation are screened by Units 1 and 12 and the two storey Commonwealth Bank building.
- As a 6-metre setback is maintained to the glass line and walls of Units 9, 10 and 11, and the modification only
  occurs on Level 2, the proposed modification will not result in any significant change to the visual bulk of the
  northern elevation.
- No reduction is proposed to the minimum setback of the glass line or wall of Units 9, 10 and 11. As such, the
  proposal maintains the sense of openness between the buildings.

SUTHERLAND & ASSOCIATES PLANNING PO Box 814 Bowral NSW 2576 WWW.SUTHERLANDPLANNING.COM.AU

ACN: 144 979 564 ABN: 14 118 321 793

As the privacy screen effectively creates a blank wall, the screen is not required to be setback any particular
distance from the boundary in order to meet the building separation requirements of the ADG. Part 2F of the
ADG states that no building separation is necessary where building types incorporate blank party walls. Part
3F of the ADG also states that no separation is required between blank walls.

The amenity of Units 9, 10 and 11 will be improved by the proposed amendments as follows:

- The modified design improves the amenity of the dwellings by providing an improved outlook from the apartments and minimising potential privacy impacts on future occupants of Units 9, 10 and 11. The southern elevation of the Commonwealth Bank building has been built to the boundary and includes unscreened openings on Level 2. The apartments currently are setback 6 metres from the wall of the Commonwealth Bank building and include an unscreened north facing living area and private open space. The unscreened openings of the Commonwealth Bank building will impact on the privacy of Units 9, 10 and 11 as approved. The amended design provides an improved outlook from each apartment with views of the unit's private open space, a planter and the privacy screen instead of the side elevation of the Commonwealth Bank building.
- The amended design allows for a study to be provided for Units 9, 10 and 11, consistent with the family friendly apartment provisions in part 4C.4.2 of the BBDCP.
- The amended design improves access to natural light to the private open space.

### 3. Floor Space Ratio

Clause 4.4 of the BBLEP provides that 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. A Floor Space Ratio (FSR) of 2:1 applies to the site. Based on a site area of 1,654 square metres a maximum gross floor area of 3,308 square metres is permitted.

The approved development has an FSR of 3,303 square metres. The proposed modifications result in an increase to the floor space ratio of 80.75 square metres, bringing the total GFA to 3,383.75 which equates to an FSR of 2.046:1. The proposed modifications result in only a 2.4% variation to the maximum FSR.

Clause 4.6 sets out requirements for applicants and the consent authority to follow prior to development consent being granted for a development even though the development would contravene a development standard imposed by an environmental planning instrument.

A clause 4.6 request is not required to support the proposed variation to the floor space ratio standard as has been established by various judgements of the Land and Environment Court. Further details can be provided if required. The merits of the variation must still be considered (and have been addressed in the planning statement), however, the legal mechanism of Clause 4.6 is not relevant.

In accordance with clause 4.4(1) of the BBLEP the objectives of the FSR standard are:

- (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.

Despite the proposed variation to the numeric FSR standard, the proposed development is consistent with the objectives of the standard in that:

- The number of apartments within the development and the unit mix is unchanged despite the proposed increase to the gross floor area of the development and no increase is proposed to the number of car parking spaces within the development. As such, the intensity of development on the site is unchanged despite the increase to the FSR of the development.
- The proposed additional floor space improves the internal amenity of the development for occupants without
  any adverse impacts on the amenity of the surrounding properties. The additional floor space proposed
  allows for a study to be provided for six apartments, consistent with the family friendly apartment provisions in
  part 4C.4.2 of the BBDCP.
- The additional floor space will not result in any adverse impact on the character or significance of the nearby heritage items.
- The bulk and scale of the development is essentially unchanged despite the additional floor space proposed.
   The additional floor space on level 4 is within the existing approved building envelope and the additional floor space on Level 2 will face the internal courtyard and the northern boundary. As such the additional floor space will not have any impact on the streetscape.

### 4. Conclusion

We trust that the information provided in this letter and in the accompanying submission will allow Council to complete Council's assessment of the application. If you have any questions or require clarification of any of the matters discussed above please do not hesitate to contact me on 0402 852 034.

Yours faithfully

Amy Sutherland

Men.

Sutherland & Associates Planning Pty Ltd



# **Bayside Local Planning Panel**

21/05/2019

Item No 6.3

Application Type 4.56 – Modification by Consent Authorities of Consents

Granted by the Court

Application No DA-2015/421/E

Lodgement Date 02/04/2019

Property 8-10 Martin Avenue, 47-49 Bonar Street & 9 Bidgigal

Road, Arncliffe

Ward Mascot

Owner Martin Land Pty Ltd

Applicant Mr M Gheorghiu

Proposal Modification to amend and delete conditions relating to land

subdivision, dedications, strata management and public

domain matters

No. of Submissions One (1)

Cost of Development Nil

Report by Michael McCabe, Director City Futures

# Officer Recommendation

- That Development Application No 2015/421/E, being a Section 4.56 application to amend development consent number 2015/421, to modify and delete conditions relating to land subdivision, dedications, strata management and public domain matters at 8-10 Martin Avenue, 47 49 Bonar Street and 9 Bidjigal Road Arncliffe be APPROVED and the consent amended in the following manner:
  - A. By amending conditions 2, 97, 99, 141 and 146 in the following manner:

# Condition 2:

2. The development must be implemented 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		Received by Council
Architectural Plans			
AR-1701 Issue 15 (Section BB)	Mode Design	12/01/2018	15/01/2018
AR - 1700 Issue 15 (Section AA)	Mode Design	12/01/2018	15/01/2018

AR-1604 Issue 14 (North Elevation)	Mode Design	12/01/2018	28/03/2018
AR-1603 Issue 16 (West Elevation)	Mode Design	12/01/2018	15/01/2018
AR-1602 Issue 15 (East Elevation)	Mode Design	12/01/2018	15/01/2018
AR-1601 Issue 18 (South Elevation)	Mode Design	26/03/2018	28/03/2018
A-201 Rev 17 (Upper Basement Plan)	Mode Design	23/10/2017	18/01/2018
A-200 Rev 16 (Lower Basement Plan)	Mode Design	23/10/2017	18/01/2018
AR-1109 Issue 11 (Roof Plan)	Mode Design	12/01/2018	15/01/2018
AR-1108 Issue 13 (Level 9)	Mode Design	12/01/2018	15/01/2018
AR-1107 Issue 13 (Level 8)	Mode Design	12/01/2018	15/01/2018
AR-1106 Issue13 (Level 7)	Mode Design	12/01/2018	15/01/2018
AR-1105 Issue 13 (Level 6)	Mode Design	12/01/2018	15/01/2018
AR-1104 Issue 13 (Level 5)	Mode Design	12/01/2018	15/01/2018
AR-1103 Issue12 (Level 4)	Mode Design	12/01/2018	15/01/2018
AR-1102 Issue 12 (Level 3)	Mode Design	12/01/2018	15/01/2018
AR-1101 Issue12 (Level 2)	Mode Design	12/01/2018	15/01/2018
AR-1100 Issue 18 (Level 1)	Mode Design	12/01/2018	15/01/2018
AR-320 Issue 8 (Site Plan)	Mode Design	10/03/2016	16/03/2016
Landscape Plans		I	I
AR-8002 Issue 5 (Level 9)	Mode Design	16/08/2016	31/08/2016
AR-8001 Issue 5 (Level 8)	Mode Design	15/08/2016	31/08/2016
AR-8000 Issue 5 (Ground level)	Mode Design	24/08/2016	31/08/2016
Plan of subdivision of Lots 1 & 2 in DP233666 and Lot 21 in DP1238386 and easements over Lot 2 in DP233666, Lot 21 in DP1238386 and Lot 3 in DP1247416	Matthew William Cleary	29/06/2018	26/04/2019

Park Landscape Plans			
PP-L000-E Cover Sheet (Materials & Finishes Specification)	Mode Design	18/03/2016	31/03/2016
PP-L400-F Landscape Plan 1 of 2	Mode Design	18/03/2016	31/03/2016
PP-L401-F Landscape Plan 2 of 2	Mode Design	18/03/2016	31/03/2016
PP-L500-D Planting Plan 1 of 2	Mode Design	18/03/2016	31/03/2016
PP-L501-D Planting Plan 2 of 2	Mode Design	18/03/2016	31/03/2016
PP-L600- C Typical Landscape Details Sheet 1 of 3	Mode Design	18/03/2016	31/03/2016
PP-L601- C Typical Landscape Details Sheet 2 of 3	Mode Design	18/03/2016	31/03/2016
PP-L602- C Typical Landscape Details Sheet	Mode Design	18/03/2016	31/03/2016
Driveway Plans	•		•
DRIVEWAY LONG SECTION B99 VEHICLE Drawing DR1 Issue F	Acor Consulting Pty Ltd	13/12/2017	10/01/2018
DRIVEWAY LONG SECTION B85 VEHICLE Drawing DR1 Issue F	Acor Consulting Pty Ltd	13/12/2017	10/01/2018
LOADING BAY PLAN Drawing DR3 Issue F	Acor Consulting Pty Ltd	13/12/2017	10/01/2018
DRIVEWAY CLEARANCE DETAIL DR4 Issue F	Acor Consulting Pty Ltd	13/12/2017	10/01/2018
Drainage Plans			
GO170325 – C1 (ISSUE 8) Stormwater Management Plan- Cover Sheet& Notes	Acor Consulting Pty Ltd	31/05/2017	26/02/2018
GO170325 – C2 (ISSUE 8) Basement Level B2	Acor Consulting Pty Ltd	31/05/2017	26/02/2018

GO170325 – C3 (ISSUE 8) Basement LevelB1	Acor Consulting Pty Ltd	31/05/2017	26/02/2018
GO170325 – C4 (ISSUE 8)Ground Floor Plan	Acor Consulting Pty Ltd	31/05/2017	26/02/2018
GO170325 – C5 (ISSUE 8) - OSR / OSD Schematic Diagram	Acor Consulting Pty Ltd	31/05/2017	26/02/2018
GO170325 – C6 (ISSUE 8) Details Sheet 1	Acor Consulting Pty Ltd	31/05/2017	26/02/2018
GO170325 - C7 (ISSUE 8)Details Sheet 2	Acor Consulting Pty Ltd	31/05/2017	26/02/2018
GO170325- C9 (ISSUE 8)Details Sheet 4	Acor Consulting Pty Ltd	31/05/2017	26/02/2018
GO170325 - C10 (ISSUE 8)Details Sheet5	Acor Consulting Pty Ltd	31/05/2017	26/02/2018
GO140198 – C11 (ISSUE 7) STORMWATER MANAGEMENT PLANS - EROSION SEDIMENT CONTROL PLAN	Acor Consulting Pty Ltd	2/3/2016	
GO140198 – C12 (ISSUE 7) STORMWATER MANAGEMENT PLANS - EROSION SEDIMENT CONTROL PLAN – NOTES AND DETAILS.	Acor Consulting Pty Ltd	2/3/2016	
GO140198 – 1.01 (ISSUE 2) WATER CYCLE MANAGEMENT REPORT – COVER SHEET	Acor Consulting Pty Ltd	4/3/2016	
GO140198 – 1.02 (ISSUE 2) WATER CYCLE MANAGEMENT REPORT – STORMWATER QUALITY INVESTIGATION SECTION 1-3.	Acor Consulting Pty Ltd	4/3/2016	
GO140198 – 1.03 (ISSUE 2) WATER CYCLE MANAGEMENT REPORT – STORMWATER QUALITY INVESTIGATION SECTION 4-5.	Acor Consulting Pty Ltd	4/3/2016	
GO140198 – 1.04 (ISSUE 2) WATER CYCLE MANAGEMENT REPORT – STORMWATER QUALITY INVESTIGATION SECTION 5-6.	Acor Consulting Pty Ltd	4/3/2016	

GO140198 – 1.05 (ISSUE 2) WATER CYCLE MANAGEMENT REPORT – STORMWATER QUALITY INVESTIGATION SECTION 7.	Acor Consulting Pty Ltd	4/3/2016	
GO170325 D1 Issue E – Stormwater Management Plan Public Park	Acor Consulting Pty Ltd	31/05/2017	26/02/2018
GO170325 D2Issue E- Rear Overland Flow Path Plan51-61 Bonar Street Arncliffe	Acor Consulting Pty Ltd	31/05/2017	26/02/2018

[Amendment A - S96(AA) amended on 15/11/2016] [Amendment B - S96(AA) amended on 15/01/2018] [Amendment C - S96(AA) amended on 16/02/2018] [Amendment D - S96(AA) amended on 29/03/2018] [Amendment E - S4.56 amended on 28/05/2019]

# Condition 97:

97. The footpaths and streetscape on Martin Avenue and Bonar Street shall be constructed in accordance with Rockdale City Council Public Domain Plan for 'Wolli Creek and Bonar Street Precinct'. Existing surface levels shall remain unchanged unless approved by the Council in writing. No work shall commence within the road reserve fronting Martin Avenue and Bonar Street prior to obtaining a section s138 permit from the Council.

[Amendment A – S96(AA) deleted on 15/11/2016] [Amendment E - S4.56 amended on 28/05/2019]

# Condition 99:

99. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by the developer at their expense. Repairs shall be completed prior to the issue of the Occupation Certificate.

[Amendment E - S4.56 amended on 28/05/2019]

# Condition 141:

141. The new lots created are as per 'Plan of subdivision of Lots 1 & 2 in DP233666 and Lot 21 in DP1238386 and easements over Lot 2 in DP233666, Lot 21 in DP1238386 and Lot 3 in DP1247416', prepared by Matthew William Cleary, dated 29/6/2018. The subdivision plan is to be reviewed and approved by Council prior to the issue of the Subdivision Certificate.

[Amendment E - S4.56 amended on 28/05/2019]

# Condition 146:

146. All existing and proposed services on the property shall be shown on a plan, and shall be submitted to Council. This includes electricity, gas, water, sewer, stormwater and telephone services. Where any service crosses one lot but benefits another lot, it is to be covered by an easement. The service easement is to be covered by a Section 88B or 88E Instrument, which may only be varied or extinguished with the consent of Bayside Council, except for Lot 3 which is proposed to be amalgamated with Lot 2 in the future consolidation plan.

These provisions are to be put into effect prior to the release of any Occupation Certificate.

[Amendment A — S96(AA) amended on 15/11/2016] [Amendment E - S4.56 amended on 28/05/2019]

B. By deleting conditions 104 and 140 as follows:

Condition 104:

104. Deleted

[Amendment E - S4.56 amended on 28/05/2019]

Condition 140:

140. Deleted

[Amendment E - S4.56 amended on 28/05/2019]

C. By inserting condition 95A as follows:

Condition 95A:

95A. The developer install an additional light pole within the north-eastern corner of the future Community Park along the frontage of 49 Bonar Street to Council's satisfaction. Lighting shall comply with Australian Standards AS1158.

[Amendment E - \$4.56 amended on 28/05/2019]

2 That the objector be advised of the Bayside Local Planning Panel's decision.

# **Location Plan**



# **Attachments**

- 1
- Planning Report <u>U</u>
  Statement of Environmental Effects <u>U</u>
  Subdivision Plan <u>U</u> 2
- 3

# **BAYSIDE COUNCIL**

# Planning Assessment Report

# **Application Details**

Application Number: DA-2015/421/E
Date of Receipt: 2 April 2019

Property: 47 Bonar Street, ARNCLIFFE (Lot 1 DP 233666)

49 Bonar Street, ARNCLIFFE (Lot 2 DP 233666) 10 Martin Avenue, ARNCLIFFE (Lot 21 DP 1238386) 9 Bidjigal Road, ARNCLIFFE (Lot 3 DP 1247416) 7 Bidjigal Road, ARNCLIFFE (Lot 4 DP 1247416)

Owner(s): Bayside Council

Martin Land Pty Ltd

Applicant: Mr Michael Gheorghiu

Proposal: 8-10 Martin Avenue, 47-49 Bonar Street & 9 Bidjigal Road, ARNCLIFFE

NSW 2205 - Section 4.56 Application - Modification to amend and delete conditions relating to land subdivision, dedications, strata management

and public domain matters

**Recommendation:** Approved **No. of submissions:** One (1)

Author: Fiona Prodromou

Date of Report: 1 May 2019

# Key Issues

Modifications to conditions 22, 23 in relation to the maintenance of the on site detention and pump systems are not supported for the reasons outlined in this report.

Modifications to conditions 2, 97, 99, 104, 140, 141 and 146 as sought by the applicant are supported.

Through discussions and negotiation with the applicant, one (1) additional light pole is to be provided within the future public park, along the frontage of the site to 49 Bonar Street, in order to provide illumination during night time hours within the future park and adjoining footpath, in order to maximise public safety.

# Recommendation

That Development Application No 2015/421/E, being a Section 4.56 application to amend development consent number 2015/421, to modify and delete conditions relating to land subdivision, dedications, strata management and public domain matters at 8-10 Martin Avenue, 47 - 49 Bonar Street and 9 Bidjigal Road Arncliffe be APPROVED and the consent amended in the following manner:

- A. By amending conditions 2, 97, 99, 141 and 146 in the following manner;
- 2. The development must be implemented 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		
Architectural Plans	Architectural Plans				
AR-1701 Issue 15 (Section BB)	Mode Design	12/01/2018	15/01/2018		
AR - 1700 Issue 15 (Section AA)	Mode Design	12/01/2018	15/01/2018		
AR-1604 Issue 14 (North Elevation)	Mode Design	12/01/2018	28/03/2018		
AR-1603 Issue 16 (West Elevation)	Mode Design	12/01/2018	15/01/2018		
AR-1602 Issue 15 (East Elevation)	Mode Design	12/01/2018	15/01/2018		
AR-1601 Issue 18 (South Elevation)	Mode Design	26/03/2018	28/03/2018		
A-201 Rev 17 (Upper Basement Plan)	Mode Design	23/10/2017	18/01/2018		
A-200 Rev 16 (Lower Basement Plan)	Mode Design	23/10/2017	18/01/2018		
AR-1109 Issue 11 (Roof Plan)	Mode Design	12/01/2018	15/01/2018		
AR-1108 Issue 13 (Level 9)	Mode Design	12/01/2018	15/01/2018		
AR-1107 Issue 13 (Level 8)	Mode Design	12/01/2018	15/01/2018		
AR-1106 Issue13 (Level 7)	Mode Design	12/01/2018	15/01/2018		
AR-1105 Issue 13 (Level 6)	Mode Design	12/01/2018	15/01/2018		
AR-1104 Issue 13 (Level 5)	Mode Design	12/01/2018	15/01/2018		
AR-1103 Issue12 (Level 4)	Mode Design	12/01/2018	15/01/2018		
AR-1102 Issue 12 (Level 3)	Mode Design	12/01/2018	15/01/2018		
AR-1101 Issue12 (Level 2)	Mode Design	12/01/2018	15/01/2018		
AR-1100 Issue 18 (Level 1)	Mode Design	12/01/2018	15/01/2018		
AR-320 Issue 8 (Site Plan)	Mode Design	10/03/2016	16/03/2016		
Landscape Plans					
AR-8002 Issue 5 (Level 9)	Mode Design	16/08/2016	31/08/2016		

AR-8001 Issue 5 (Level 8)	Mode Design	15/08/2016	31/08/2016
AR-8000 Issue 5 (Ground level)	Mode Design	24/08/2016	31/08/2016
Plan of subdivision of Lots 1 & 2 in DP233666 and Lot 21 in DP1238386 and easements over Lot 2 in DP233666, Lot 21 in DP1238386 and Lot 3 in DP1247416	Matthew William Cleary	29/06/2018	26/04/2019
Park Landscape Plans			
PP-L000-E Cover Sheet (Materials & Finishes Specification)	Mode Design	18/03/2016	31/03/2016
PP-L400-F Landscape Plan 1 of 2	Mode Design	18/03/2016	31/03/2016
PP-L401-F Landscape Plan 2 of 2	Mode Design	18/03/2016	31/03/2016
PP-L500-D Planting Plan 1 of 2	Mode Design	18/03/2016	31/03/2016
PP-L501-D Planting Plan 2 of 2	Mode Design	18/03/2016	31/03/2016
PP-L600- C Typical Landscape Details Sheet 1 of 3	Mode Design	18/03/2016	31/03/2016
PP-L601- C Typical Landscape Details Sheet 2 of 3	Mode Design	18/03/2016	31/03/2016
PP-L602- C Typical Landscape Details Sheet 3 of 3	Mode Design	18/03/2016	31/03/2016
Driveway Plans			
	Acor Consulting Pty Ltd	13/12/2017	10/01/2018
	Acor Consulting Pty Ltd	13/12/2017	10/01/2018
_	Acor Consulting Pty Ltd	13/12/2017	10/01/2018
DRIVEWAY CLEARANCE DETAIL DR4 Issue F	Acor Consulting Pty Ltd	13/12/2017	10/01/2018
Drainage Plans			
GO170325 – C1 (ISSUE 8) Stormwater Management Plan- Cover Sheet& Notes	Acor Consulting Pty Ltd	31/05/2017	26/02/2018

GO170325 – C2 (ISSUE 8) Basement Level B2	Acor Consulting Pty Ltd	31/05/2017	26/02/2018
GO170325 – C3 (ISSUE 8) Basement LevelB1	Acor Consulting Pty Ltd	31/05/2017	26/02/2018
GO170325 – C4 (ISSUE 8)Ground Floor Plan	Acor Consulting Pty Ltd	31/05/2017	26/02/2018
GO170325 – C5 (ISSUE 8) - OSR / OSD Schematic Diagram	Acor Consulting Pty Ltd	31/05/2017	26/02/2018
GO170325 - C6 (ISSUE 8) Details Sheet 1	Acor Consulting Pty Ltd	31/05/2017	26/02/2018
GO170325 – C7 (ISSUE 8)Details Sheet 2	Acor Consulting Pty Ltd	31/05/2017	26/02/2018
GO170325- C9 (ISSUE 8)Details Sheet 4	Acor Consulting Pty Ltd	31/05/2017	26/02/2018
GO170325 – C10 (ISSUE 8)Details Sheet5	Acor Consulting Pty Ltd	31/05/2017	26/02/2018
GO140198 – C11 (ISSUE 7) STORMWATER MANAGEMENT PLANS - EROSION SEDIMENT CONTROL PLAN	Acor Consulting Pty Ltd	2/3/2016	
GO140198 – C12 (ISSUE 7) STORMWATER MANAGEMENT PLANS - EROSION SEDIMENT CONTROL PLAN – NOTES AND DETAILS.	Acor Consulting Pty Ltd	2/3/2016	
GO140198 – 1.01 (ISSUE 2) WATER CYCLE MANAGEMENT REPORT – COVER SHEET	Acor Consulting Pty Ltd	4/3/2016	
GO140198 – 1.02 (ISSUE 2) WATER CYCLE MANAGEMENT REPORT – STORMWATER QUALITY INVESTIGATION SECTION 1-3.	Acor Consulting Pty Ltd	4/3/2016	
GO140198 – 1.03 (ISSUE 2) WATER CYCLE MANAGEMENT REPORT – STORMWATER QUALITY INVESTIGATION SECTION 4-5.	Acor Consulting Pty Ltd	4/3/2016	

GO140198 – 1.04 (ISSUE 2) WATER CYCLE MANAGEMENT REPORT – STORMWATER QUALITY INVESTIGATION SECTION 5-6.	Acor Consulting Pty Ltd	4/3/2016	
GO140198 – 1.05 (ISSUE 2) WATER CYCLE MANAGEMENT REPORT – STORMWATER QUALITY INVESTIGATION SECTION 7.	Acor Consulting Pty Ltd	4/3/2016	
GO170325 D1 Issue E – Stormwater Management Plan Public Park	Acor Consulting Pty Ltd	31/05/2017	26/02/2018
GO170325 D2Issue E- Rear Overland Flow Path Plan51-61 Bonar Street Arncliffe	Acor Consulting Pty Ltd	31/05/2017	26/02/2018

[Amendment A - S96(AA) amended on 15/11/2016] [Amendment B - S96(AA) amended on 15/01/2018] [Amendment C - S96(AA) amended on 16/02/2018] [Amendment D - S96(AA) amended on 29/03/2018] [Amendment E - S4.56 amended on 28/05/2019]

### Condition 97:

97. The footpaths and streetscape on Martin Avenue and Bonar Street shall be constructed in accordance with Rockdale City Council Public Domain Plan for 'Wolli Creek and Bonar Street Precinct'. Existing surface levels shall remain unchanged unless approved by the Council in writing. No work shall commence within the road reserve fronting Martin Avenue and Bonar Street prior to obtaining a section s138 permit from the Council.

[Amendment A – S96(AA) deleted on 15/11/2016] [Amendment E - S4.56 amended on 28/05/2019]

# Condition 99:

99. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by the developer at their expense. Repairs shall be completed prior to the issue of the Occupation Certificate.

[Amendment E - S4.56 amended on 28/05/2019]

# Condition 141:

141. The new lots created are as per 'Plan of subdivision of Lots 1 & 2 in DP233666 and Lot 21 in DP1238386 and easements over Lot 2 in DP233666, Lot 21 in DP1238386 and Lot 3 in DP1247416', prepared by Matthew William Cleary, dated 29/6/2018. The subdivision plan is to be reviewed and approved by Council prior to the issue of the Subdivision Certificate.

[Amendment E - S4.56 amended on 28/05/2019]

Condition 146:

146. All existing and proposed services on the property shall be shown on a plan, and shall be submitted to Council. This includes electricity, gas, water, sewer, stormwater and telephone services. Where any service crosses one lot but benefits another lot, it is to be covered by an easement. The service easement is to be covered by a Section 88B or 88E Instrument, which may only be varied or extinguished with the consent of Bayside Council, except for Lot 3 which is proposed to be amalgamated with Lot 2 in the future consolidation plan.

These provisions are to be put into effect prior to the release of any Occupation Certificate.

[Amendment A — S96(AA) amended on 15/11/2016] [Amendment E - S4.56 amended on 28/05/2019]

B) By deleting conditions 104 and 140 as follows;

104. Deleted

[Amendment E - S4.56 amended on 28/05/2019]

Condition 140:

140. Deleted

[Amendment E - S4.56 amended on 28/05/2019]

C) By inserting condition 95A as follows;

95A. The developer install an additional light pole within the north-eastern corner of the future Community Park along the frontage of 49 Bonar Street to Council's satisfaction. Lighting shall comply with Australian Standards AS1158.

[Amendment E - S4.56 amended on 28/05/2019]

D) That the objector be advised of the Bayside Local Planning Panel's decision.

# **Background**

# History

Pre DA - 31 March 2014

Demolition of existing structures and construction of a seven storey plus basement residential flat building development, comprising 61 residential units and 79 car spaces

DA-2015/179 Approved 2 March 2015 Demolition of existing warehouse on site

DA-2015/421 Approved by L&E Court 15 June 2016.

Integrated Development Construction of part seven (7) to part nine (9) storey residential flat building comprising 149 residential units, basement parking, roof terraces, fencing, community park and public domain works. (VPA forms part of consent conditions)

DA-2016/71 Approved under delegated authority December 2015

Integrated Development Early works for shoring, piling and excavation of the site

DA-2015/421/A Approved 15 November 2016

Minor amendments including changes to fencing at ground level, landscaping, plan of subdivision and updated acid sulphate soil management plan

DA-2015/421/B Approved 15 January 2018

Section 96AA Modification application seeking to amend basement floor levels and layout, increase garage rooms, amendment to pedestrian entry, reduce driveway level, raise courtyard levels, raise level of planter boxes, and relocation of onsite detention (OSD) tanks.

DA-2015/421/C Approved 16 January 2018

96(AA) Modification application relating to design amendments to approved architectural plans.

DA-2015/421/D Approved 29 March 2018

Modification to Condition 2, 54 and 61 to correct approved stormwater plan references & deletion of superseded schedule of colours and finishes

# **Proposal**

The proposal seeks to amend and / or delete various conditions of consent as follows;

Condition 2 - Plans

The applicant seeks to amend the reference to the subdivision plan table to reflect the modified subdivision plan.

Condition 22 - OSD Maintenance

The applicant seeks to amend the wording of this condition to state "The appointed Strata Manager" be responsible for the operation and maintenance of the OSD system, in lieu of 'existing owners'.

Condition 23 - Pump System

The applicant seeks to amend the wording of this condition to state "*The appointed Strata Manager*" be responsible for the operation and maintenance of the Pump system, in lieu of 'existing owners'.

Condition 97 - Public Domain Works

The applicant seeks to delete the following reference from condition 97, stating that this condition does not apply.

Condition 99 - Damage to Public Park / Reserve

The applicant seeks to amend the wording of this condition to enable the developer to complete works within the public domain in consultation with Council, rather than only Council undertaking these works.

Condition 104 - Amalgamation / Re-subdivision of Lots

The applicant seeks to delete this condition, stating that this matter is also addressed by condition 141

and is a duplication.

Condition 140 - Dedication of Land to Council

The applicant seeks to delete this condition, stating that this matter is also addressed by condition 112 and is a duplication.

Condition 141 - New Lots

The applicant seeks to modify the wording of this condition to reflect the revised subdivision plan.

Condition 146 - Existing / Proposed Services

The applicant seeks to modify the wording of this condition to include reference to Lot 3 and alter the milestone of this condition from "Prior to Subdivision Certificate" to "Prior to Occupation Certificate".

# Site location and context

The subject site is an irregularly shaped property with direct street frontage to Martin Avenue (19.33m), Bonar Street (35.71m) and Bidjigal Road (90.45m). The site comprises has a total site area of 5936.4sq/m and a downwards slope of 2m - 2.5m from Bonar Street to Bidjigal Road.

The subject site is zoned RE1 public recreation and R4 high density residential and the previously approved development is nearing completion. The surrounding context of the site, incorporates a community park and square nearing completion, in addition to high density mixed use and residential flat building development as existing and under construction. To the rear of the site lie six semi detached dwelling houses which are zoned for high density residential flat development.



To the north east of the site lies 63-69 Bonar & 27 Booth Street. This site was approved for the construction of a 4-6 storey residential flat building with 55 units. This development is completed. To the south west lies 45 Bonar Street, this site comprises 4 x 10 storey recently completed residential towers with a total of 225 units. A substantial portion of this site was dedicated to form the remainder of the future Arncliffe community park.

To the south east on the opposite corner of Martin Avenue and Bidjigal Road lies 7 Wollongong Road. This site has approval for 2 x 6 storey residential flat buildings comprising a total of 82 units. This development is completed. Directly opposite the site to the south in Bidjigal Road lies 11-15 Bidjigal Road, an 8 storey residential flat building with the upper level recessed. This building formed part of 9-11 Wollongong Road which was redeveloped with two built forms one fronting Bidjigal Road the other a 9 storey building fronting Wollongong Road. This site comprises a total of 182 residential units.

The subject site is affected by:

- Flooding / Minimum floor levels
- Obstacle limitation surface / 15.24m building height civil aviation regulations
- Reserved land / Local road widening
- Class 5 Acid Sulfate Soils Class 5 (LEP 2011)
- Groundwater protection zone 3
- Affected by council pipes.

# **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.

# S4.56 - Modification by consent authorities of consents granted by Court

- (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

Comment: The proposal as modified is substantially the same development for which consent was originally granted.

- (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

Comment: The proposal as modified was publicly notified in accordance with the above.

(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

Comment: The proposal as modified was publicly notified in accordance with the above.

(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: Submissions received have been considered in this assessment.

(1A) 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. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Comment: The reasons for the original granting of consent have been considered in the assessment of the proposal as modified. Matters of relevance to this application as per s4.15(1) have also been considered within this report.

- (1B) Development consent of the kind referred to in section 4.13(3), or in respect of which a biobanking statement has been issued under Part 7A of the Threatened Species Conservation Act 1995, is not to be modified unless:
- (a) in the case of development referred to in section 4.13(3)—the requirements of section 4.13(3)—(7) have been complied with in relation to the proposed modification as if the application for the proposed modification were an application for development consent, or
- (b) in the case of development in respect of which a biobanking statement has been issued under Part 7A of the Threatened Species Conservation Act 1995—the applicant has made an application for modification of the biobanking statement in relation to the proposal and a new biobanking statement has been issued or the consent authority is satisfied that the modification will have no impact on biodiversity values (within the meaning of that Act).

This subsection does not apply to State significant development.

Comment: The above is noted, yet does not apply to the proposal as modified.

(1C) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

Comment: The above it noted.

(2) After determining an application for modification of a consent under this section, the consent authority must send a notice of its determination to each person who made a submission in respect of the application for modification.

Comment: The above will occur following the determination of this application.

- (3) The regulations may make provision for or with respect to the following:
- (a) the period after which a consent authority, that has not determined an application under this section, is taken to have determined the application by refusing consent,
- (b) the effect of any such deemed determination on the power of a consent authority to determine

any such application,

(c) the effect of a subsequent determination on the power of a consent authority on any appeal sought under this Act.

(4) (Repealed).

Comment: The above is noted.

# **S7.4 - Planning Agreements**

In accordance with the provisions of Section 7.4 of the EPA Act 1979 (as amended), a Voluntary Planning Agreement (VPA) exists in relation to this site, in connection with an approved Planning Proposal, resulting in increased height and FSR.

The VPA allowed the funding, construction and dedication of two lots to Council, for the purposes of public open space and associated amenities. A range of works were approved within the future intended park, including the provision of fill, dedicated pathways, ramps, staircases, planting of ground covers, shrubs, trees, stormwater works and lighting.

The VPA provided the following community benefits:

- Dedication of part of 47 and 49 Bonar St, Arncliffe for the purposes of Arncliffe Community Park and Central Square.
- The developer is to design and construct Arncliffe Community Park and Central Square to Council's satisfaction, and
- Payment of \$200,000 of monetary contribution towards the embellishment of the aforementioned park.

Through entering the VPA at the time, the developer was excluded from any further S7.11 development contributions. The VPA contained a sliding scale clause where if the development achieved an FSR above 3.60:1 then the developer was to pay Council a further development contribution of \$363,000 per FSR 0.1:1. In reverse, if the development results in an FSR below 3.60:1 then the Council must contribute \$363,000 per FSR 0.1:1 to the cost of the works.

This application was originally conditioned to ensure any consent operates in conjunction with the Voluntary Planning Agreement for the subject site. The original DA was also conditioned to ensure works subject of this approval are undertaken in tandem and that the final occupation certificate for the residential flat building not be issued prior to the completion of public domain works within Arncliffe Community Park and Square.

# 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:

# Rockdale Local Environmental Plan 2011

		Compliance with standard/provision
2.3 Zone R4 High Density Residential	Yes	Yes

Relevant clauses	Compliance with	Compliance with
	objectives	standard/provision
2.3 Zone RE1 Public Recreation	Yes	Yes
5.1 Local open space	Yes	Yes
5.1 R4 High Density Residential	Yes	Yes
5.1A Development on land intended to be acquired	Yes	Yes
for a public purpose		

# 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
4.1.3 Water Management	Yes	Yes

# S4.15(1)(a)(iv) - Provisions of regulations

All relevant provisions of the Regulations have been taken into account in the assessment of this proposal as modified.

# 4.15(1)(b) - Likely Impacts of Development

# Condition 2 - Plans

The applicant seeks to amend the reference to the subdivision plan table to reflect the modified subdivision plan. No objection is raised in relation to this proposed modification.

# Condition 22 - OSD Maintenance

The applicant seeks to amend the wording of this condition to state "The appointed Strata Manager" be responsible for the operation and maintenance of the OSD system, in lieu of 'existing owners'.

Councils Development Engineer does not concur that this condition should be modified as the condition requires the 'existing owners', to maintain the system in lieu of the appointed strata manager. This is a standard condition and shall remain as imposed.

### Condition 23 - Pump System

The applicant seeks to amend the wording of this condition to state "*The appointed Strata Manager*" be responsible for the operation and maintenance of the Pump system, in lieu of 'existing owners'.

Councils Development Engineer does not concur that this condition should be modified as the condition requires the 'existing owners', to maintain the system in lieu of the appointed strata manager. This is a standard condition and shall remain as imposed.

Condition 97 - Public Domain Works

The applicant seeks to delete the following reference from condition 97, stating that this condition does not apply.

"Street lighting shall be provided on Martin Avenue and Bonar Street and is to comply with Ausgrid requirements and Australian Standards AS1158."

Street lighting within proximity to the subject site in Martin Avenue and Bonar Street exists in the following locations, as circled in red;



As illustrated above, it is evident that sufficient street lighting is provided along the frontage of the site to Bidjigal Road, with the provision of a street light at the junction of Martin Avenue / Bidjigal Road and also opposite the site within Martin Avenue. As such it is not considered that additional street lighting along the limited frontage of the site to Martin Avenue is necessary as sufficient lighting exists to ensure the public domain is illuminated in this location.

### Bonar Street



As illustrated above, one (1) street light is positioned in front of the southern boundary to the future park at 47 Bonar Street. In order to ensure visibility during night time periods, it is considered reasonable that a second light be provided either along the street frontage of 49 Bonar Street or within the northern end of the future park adjoining the front boundary of 49 Bonar Street given the subsequent street light within Bonar Street is located on the opposite side of the street in excess of 25m away.

It is understood that the timing of such a process with Ausgrid to install a street light within the road reserve is of a concern to the applicant, in that this may delay the finalisation of the project by up to 6 months. Given the aforementioned, as an alternative, the provision of an additional light within the future

park near the frontage as circled in blue above, and annotated on the marked up plan, has been negotiated with the applicant and is to be installed and completed to Councils satisfaction by the developer.

This will assist in illuminating this area of the public domain, maintaining a public sense of safety and ensuring the footpath remains visible. The light is to comply with relevant Australian Standards and will thus not result in light spill or adverse impact to the neighbouring property at 51 Bonar Street.

Given the above, condition 97 is to be modified to delete reference to street lighting and a new condition, condition 95A is to be included, within the 'During demolition/excavation/construction' section of the consent as follows:

95A. The developer install an additional light pole within the north-eastern corner of the future Community Park along the frontage of 49 Bonar Street to Council's satisfaction. Lighting shall comply with Australian Standards AS1158.

### Condition 99 - Damage to Public Park / Reserve

The applicant seeks to amend the wording of this condition to enable the developer to complete works within the public domain in consultation with Council, rather than only Council undertaking these works. Councils Public Domain Engineer has considered this request and does not oppose the applicants modification. Condition 99 shall be modified as requested.

### Condition 104 - Amalgamation / Re-subdivision of Lots

The applicant seeks to delete this condition, stating that this matter is also addressed by condition 141 and is a duplication. Nil objection is raised to the deletion of this condition.

# Condition 140 - Dedication of Land to Council

The applicant seeks to delete this condition, stating that this matter is also addressed by condition 112 and is a duplication. Nil objection is raised to the deletion of this condition.

# Condition 141 - New Lots

The applicant seeks to modify the wording of this condition to reflect the revised subdivision plan. Nil objection is raised to the modification of this condition.

# Condition 146 - Existing / Proposed Services

This condition requires the applicant to provide a utility services plan prior to the issue of the subdivision certificate, which demonstrates that utility services between the public network and each lot do not cross any other lot. If a service did cross a lot boundary an easement would be required.

It is noted that the subdivision plan forming part of this application which is to be included in condition 2 clearly identifies the lots subject of the site and further clarifies and annotates all relevant easements.

The applicant seeks to modify the wording of this condition to include reference to Lot 3 along the frontage of the site to Bidjigal Road, which is currently owned by Council, classified as community land, comprises part of the residential flat building development and an Ausgrid substation and is to be reclassified in accordance with the VPA for the site, to operation land.

It is further proposed to alter the milestone of this condition from "Prior to Subdivision Certificate" to "Prior to Occupation Certificate".

Following the reclassification of Lot 3, as per the VPA agreement, it will be amalgamated with future Lot 2, which is currently owned by Martin Land Pty Ltd and comprises the newly constructed residential flat building development. The residential flat building development, must be located on one consolidated lot in order for the strata subdivision to completed.

Including a reference to Lot 3 in this condition will ensure that the existing Ausgrid easement cannot be modified by Council following the reclassification and handover of Lot 3 to Martin Land Pty Ltd, as intended by the VPA agreement.

The proposed amendment to Condition of Consent No.146 is satisfactory, as it does not burden Council, clarifies the extent of easements as per the proposed subdivision plan and enables the applicant to attain an Occupation certificate for the development. Changes to condition 146 as sought by the applicant are supported.

## S4.15(1)(c) - Suitability of the site

The suitability of the site was considered in the assessment of the original proposal. The proposed modification does not alter the suitability of the site for the development. The proposal as modified is appropriate in this regard.

## S4.15(1)(d) - Public submissions

The proposal as modified has been notified in accordance with the provisions of Rockdale DCP 2011 and part 4.56 of the Act. One (1) submission was received, the matters raised in the submission are discussed below.

The date of the notification letter should be the date it is mailed, not a week earlier

Comment: Notification letters to residents are mailed out within 24hours of printing. Delays in postage may occur following the departure of letters from Council offices.

Website and notification letter did not explain proposal

Comment: The objector was emailed directly and provided with a copy of the SEE and subdivision plan.

Traffic issues in area as existing

Comment: The objector was emailed and provided with details of Councils Rangers and Parking Officers. It was advised that the aforementioned regularly patrol the area, particularly during the AM/PM peak periods. This is beyond the scope of this application.

## S4.15(1)(e) - Public interest

Modifications as proposed within the Recommendation section of this report are deemed to be in the public interest. Where it is not proposed to modify a condition, as sought by the applicant, reasons for such have been previously detailed within this report.

## Schedule 1 - Draft Conditions of consent

#### **TUDOR PLANNING AND DESIGN**

PO Box 357, Bondi Junction, NSW 1355 E: michael@tudorpd.com

1 April 2019

General Manager Bayside Council PO Box 21 Rockdale NSW 2216

Dear General Manger,

Re: Section 4.56 Modification Application to DA-2015/421/D 8-10 Martin Avenue, 47-49 Bonar Street and 9 Bidjigal Road, Arncliffe

This application is made on behalf of Martin Land Pty Ltd in relation to approved development DA-2015/421/D on the abovementioned site.

This letter supports a modification application to the approved development in accordance with Section 4.56 of the *Environmental Planning and Assessment Act 1979* (the Act).

## 1.0 Background

On 15 June 2016, DA-2015/421 for the subject site was granted development consent in the Land and Environment Court for the following works:

"Integrated Development - Construction of part seven (7) to part nine (9) storey residential flat building comprising 149 residential units, basement parking, roof terraces, fencing, community park, public domain works, consolidation of 5 existing lots and subdivision into 6 lots".

On 29 March 2018, Council approved modification 'D' to the original approved development to correct references to stormwater plans and delete superseded colours and materials schedule.

#### 2.0 Relevant Legislation

This letter and application seeks a modification to the approved development in accordance with Section 4.56 of the Act. Section 4.56 provides the legal mechanism for applications to be lodged with Council for "Modifications by consent authorities of consents granted by the Court".

#### 3.0 Proposed Modifications

The proposal seeks to amend conditions of consent as per Attachment A of this letter.

## 4.0 Substantially the Same Development

The proposed modification application is substantially the same development as the approved development. The proposed modification is consistent with the approved development as follows:

- · It does not alter the approved scale, mass and bulk of the development;
- The proposal maintains the development's approved gross floor area;
- Ensures that conditions of consent reflect completed works and process related to subdivision; and
- Ensure that the approved public domain outcomes can be achieved.

Section 4.56 Modification Application 8–10 Martin Avenue, 47-49 Bonar Street and 9 Bidjigal Road, Arncliffe

#### 5.0 Urban Planning Assessment

#### 5.1 Rockdale Local Environmental Plan 2011

The local environmental planning instrument that applies to the site is the *Rockdale Local Environmental Plan 2011* (LEP). The development is located within R4 High Density Residential Zone under the LEP. The objectives of the land use zone area:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposal does not modify the approved uses on the site and ensures that the above objectives continue to be met as approved by the relevant consent authority. Therefore, the proposal is still consistent with the objectives of the land use zone.

#### 5.2 Rockdale Development Control Plan

The Rockdale Development Control Plans (DCP) establishes the key development controls for the site. The proposal does not generate any more environmental impacts beyond those already assessed in the original development application and is not considered to have an adverse impact to the development and surrounding local environment.

#### 6.0 Environmental Assessment

The proposal does not generate any more environmental impacts beyond those already assessed in the original development application. The proposal is considered not to have an adverse impact to the development and surrounding local environment.

#### 7.0 Section 4.15 Assessment

The proposed modification results in the development being substantially the same development as demonstrated in Section 4 of this letter.

Importantly, an assessment against Section 4.15 of the Act was undertaken to demonstrate the suitability of the proposed modification. Table 2 of below provides the assessment.

Table 2: Assessment of Section 4.15 of the Act

	7.0000011101110111011107101						
Clause No.	Clause	Assessment					
(1)	Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:						
(a)	the provisions of:						
(i)	any environmental planning instrument, and	The relevant EPI, the Rockdale Local Environmental Plan 2011 has been assessed. The proposal does not offend the development standards in the LEP and does not generate any adverse environmental impacts.					
(ii)	any proposed instrument that is or has been the subject of public consultation under this Act and that	Not applicable					

Section 4.56 Modification Application 8–10 Martin Avenue, 47-49 Bonar Street and 9 Bidjigal Road, Arncliffe

Clause No.	Clause	Assessment
	has been notified to the consent authority (unless the Director- General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	
(iii)	any development control plan, and	The development is subject to the requirements of Rockdale Development Control Plan (DCP). The proposed development is substantially the same as per the approved development. The proposal does not generate any more environmental impacts beyond those already assessed in the original development application and is not considered to have an adverse impact to the development and surrounding local environment.
(iiia)	any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	The development is subject to a Voluntary Planning Agreement (VPA) with Council. The proposed modification assists in achieving the terms of the VPA for subdivision purposes.
(iv)	the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	There are no prescribed matters pursuant to the <i>Environmental Planning and Assessment Regulation 2000</i> as amended that would relate to this application.
(v)	Repealed	Repealed
(b)	the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Not applicable.
(c)	the suitability of the site for the development,	The site is suitable for the development. The proposed modifications do not change the physical form and intent of the approved development.
(d)	any submissions made in accordance with this Act or the regulations,	No submissions made at this stage.
(e)	the public interest.	The proposal is within the public interest as it does not generate any adverse impacts or significantly alter the approved built form.

#### 8.0 Conclusion

The proposed modifications will ensure that the approved development is able to achieve the associated land transfer and public domain outcomes under the VPA. The proposed modifications do not generate any adverse or additional environmental impacts beyond those considered in the original approval.

Therefore, we would like to request that Council approve the proposed modification to DA-2015/421 in accordance with Section 4.56 of the *Environmental Planning and Assessment Act 1979* for the development located at 8–10 Martin Avenue, 47-49 Bonar Street and 9 Bidjigal Road, Arncliffe.

Should you wish to discuss the proposal, please do not hesitate to contact me on 0419 265659.

Yours sincerely,

Michael Gheorghiu

B.Eng (Civil & Bldg.), MURP, MUDD

#### ATTACHMENT A – TABLE OF PROPOSED AMENDMENTS

#### How to read the proposed amendments

Text: Strike through text means that that part of the condition is proposed to be deleted.

Text: Red, italicised text is proposed amendment to condition.

Table 1 – Proposed Amendments to Conditions of Consent

Condition No.	Approved Condition	Proposed Amendment	Justification/Assessment
2	The development must be implemented 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.  [Condition includes a table with referenced plans and documents supporting the consent]  Drawing referenced for subdivision is:  Subdivision Plan 116724507 re.06, prepared by Cardno NSW/ACT Pty Ltd, dated 26/08/2016 and received by Council on 31/08/2016.	Amend reference to subdivision plan in table to read:  Plan of subdivision of Lots 1 & 2 in DP233666 and Lot 21 in DP1238386 and easements over Lot 2 in DP233666, Lot 21 in DP1238386 and Lot 3 in DP1247416, prepared by Matthew William Cleary, dated 29/6/2018	Update table to reflect plan that is to be implemented as a result of the amendments to Conditions of Consent.
22	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:	Amend Condition to read:  The appointed Strata Manager and landowner's corporation, in accordance with the relevant maintenance manual, shall undertake operation and maintenance of stormwater detention system.	Existing owners have no role in maintaining the detention system. System to be managed by Strata Managers in accordance with relevant maintenance manual.
23	The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the pump system. The registered proprietor will:	Amend Condition to read:  The appointed Strata Manager and landowner's corporation, in accordance with the relevant maintenance manual, shall undertake operation and maintenance of pump out system.	Existing owners have no role in maintaining the pump out system. System to be managed by Strata Managers in accordance with relevant maintenance manual.

Section 4.56 Modification Application 8–10 Martin Avenue, 47-49 Bonar Street and 9 Bidjigal Road, Arncliffe

5

Condition No.	Approved Condition	Proposed Amendment	Justification/Assessment
97	The footpaths and streetscape Martin Avenue and Bonar Street shall be constructed in accordance with Rockdale City Council Public Domain Plan for Wolli Creek and Bonar Street Precinct. Existing surface levels shall remain unchanged unless approved by The Council in writing.  Street lighting shall be provided on Martin Avenue and Bonar Street and is to comply with Ausgrid requirements and Australian Standards AS1158.  No work shall commence within the road reserve fronting Martin Avenue and Bonar Street prior to obtaining a section s138 permit from Council.	Delete reference to street lighting. Amend Condition to read:  "The footpaths and streetscape Martin Avenue and Bonar Street shall be constructed in accordance with Rockdale City Council Public Domain Plan for Wolli Creek and Bonar Street Precinct. Existing surface levels shall remain unchanged unless approved by The Council in writing.  Street lighting shall be provided on Martin Avenue and Bonar Street and is to comply with Ausgrid requirements and Australian Standards AS1158.  No work shall commence within the road reserve fronting Martin Avenue and Bonar Street prior to obtaining a section s138 permit from Council."	No street lighting. This part of the Condition does not apply.
99	Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.	Amend Condition to read:  "Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by <i>Council the Developer</i> at their applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate."	Should these works be required then the Developer in consultation with Council could deliver the works.
104	Lot C DP1589878 / Lot 2309 DP11596612 / Lot 2310 DP1159612 / Lot 1 DP233666 / Lot 2 DP233666 shall be consolidated and re-subdivided into six allotments as noted upon the approved subdivision plan (being approved subdivision plan 116724507 rev 05 referred to in condition 2, Cardno NSW/ACT Pty Ltd dated 23 August 2013 and received by Council 30 August 2016). Council requires proof of lodgement of the plan of the Plan of consolidation and re-subdivision with the Land	Delete Condition.	This Condition is addressed in Condition No.141 and is no longer required.

6

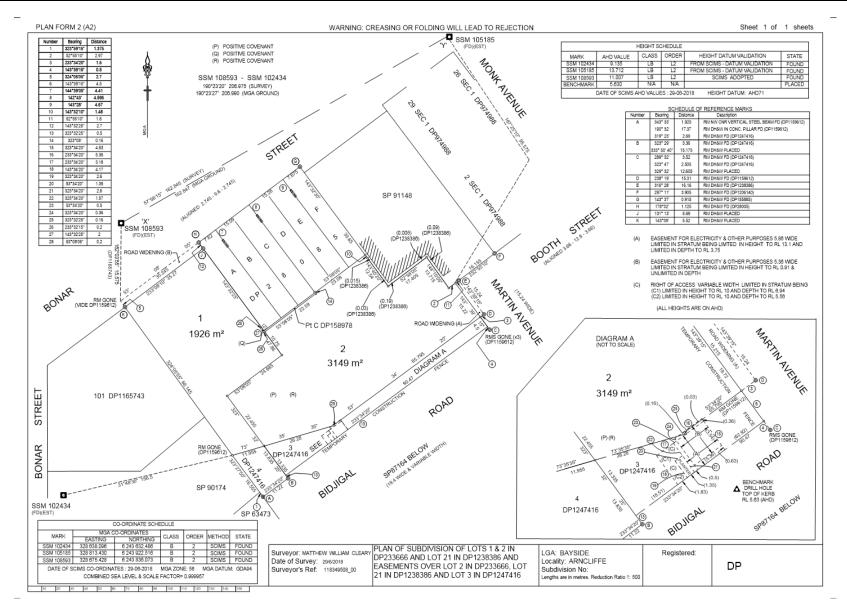
Condition No.	Approved Condition	Proposed Amendment	Justification/Assessment
	and Property Information Office prior to the issue of any occupation certificate.		
140	The following land is to be dedicated to Council of the following for road widening purposes as proposed by the applicant on the approved plans:  • A strip of land 0.5m in depth for 90.47m along the frontage to Bidjigal Road (Lot 3).  • A strip of land 1.6m in depth for the entire	Delete Condition.  Retain Condition number and amend Condition to read:  [Not Used]	This Condition is a duplicate of Condition No.112. This Condition is not required.
	<ul> <li>frontage of the site to Martin Avenue (Lot 5)</li> <li>A strip of land 2.7m for the entire frontage of the site Bonar Street, identifies as 'Lot 6' on the approved subdivision plan.</li> </ul>		
	This land is to be dedicated as 'public road', held in one ownership by Council and suitable from a contamination standpoint. These provisions are to be put into effect prior to release of the any Occupation Certificate in relation to Stage 2 of the development (as defined in the VPA).		
141	The new lots created are to be as follows:  a. Lot 1 - 1927sqm with 35.245m frontage to Bonar Street  b. Lot 2 - 3666sqm frontage to Bidjigal Road  c. Lot 3 - 45.2sqm, 0.5m wide with 11.22m frontage to Bidjigal Road  d. Lot 4 - 178.2sqm with 11.22m frontage to Bidjigal Road  e. Lot 5 - 24.4sqm with 15.24m frontage to Martin Avenue	Amend Condition to read:  The new lots created are as per 'Plan of subdivision of Lots 1 & 2 in DP233666 and Lot 21 in DP1238386 and easements over Lot 2 in DP233666, Lot 21 in DP1238386 and Lot 3 in DP1247416', prepared by Matthew William Cleary, dated 29/6/2018.  The subdivision plan is to be reviewed and approved by Council prior to the issue of the Subdivision Certificate."	Simplify Condition to reflect latest plan of subdivision.
	f. Lot 6 – 95sqm with frontage of 32.245m to Bonar Street.		

7

Condition No.	Approved Condition	Proposed Amendment	Justification/Assessment
	The subdivision plan is to be reviewed and approved by Council prior to issue of the Subdivision Certificate.		
146	All existing and proposed services on the property shall be shown on a plan, and shall be submitted to Council. This includes electricity, gas, water, sewer, stormwater and telephone services. Where any service crosses one lot but benefits another lot, it is to be covered by an easement. The service easement is to be covered by a Section 88B or 88E Instrument, which may only be varied or extinguished with the consent of Rockdale City Council. These provisions are to be put into effect prior to the release of the Subdivision/Strata Certificate.	Amend Condition to read:  All existing and proposed services on the property shall be shown on a plan, and shall be submitted to Council. This includes electricity, gas, water, sewer, stormwater and telephone services. Where any service crosses one lot but benefits another lot, it is to be covered by an easement. The service easement is to be covered by a Section 88B or 88E Instrument, which may only be varied or extinguished with the consent of Rockdale City Council, except for Lot 3 which is proposed to be amalgamated with Lot 2 in the future consolidation plan.	Redundant condition
		These provisions are to be put into effect prior to the release of the Subdivision/Strata Certificate any Occupation Certificate.	

Bayside Local Planning Panel

21/05/2019





## **Bayside Local Planning Panel**

21/05/2019

Item No 6.4

Application Type Development Application

Application No DA-2018/213 Lodgement Date 17/08/2018

Property 8-20 Sarsfield Circuit, Bexley North

Ward Rockdale

Owner Darvan Pty Ltd
Applicant Fox Johnston

Proposal Demolition of existing mixed use and residential buildings and

construction of a seven (7) storey plus rooftop mixed use development, comprising 56 units, 6 retail shops and

basement car parking.

No. of Submissions 12

Cost of Development \$14,380,464.80

Report by Michael McCabe, Director City Futures

## Officer Recommendation

- That the Development Application No. DA-2018/213 for the demolition of the existing mixed use and residential buildings and construction of a seven (7) storey plus rooftop mixed use development, comprising 56 units, 6 retail shops and basement car parking at 8-20 Sarsfield Circuit, Bexley North, be REFUSED pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 for the following reasons:
  - a The proposal is inconsistent with the requirements of Part 4.47 Development that is integrated development of the Environmental Planning and Assessment Act 1979 (as amended).
  - b Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided by the applicant to demonstrate that the site is suitable for the proposed development.
  - The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is inconsistent with requirements and objectives of State Environmental Planning Policy No. 55 Remediation of Land.
  - d Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided by the applicant to allow a proper and thorough assessment of the impacts of the proposed development with respect to the loss of existing affordable housing on the subject site.

Item 6.4 300

- e The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is inconsistent with State Environmental Planning Policy 65 & the Apartment Design Guide.
- Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy Clause 4.3 Height of Buildings of Rockdale Local Environmental Plan 2011. Council is not satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of Rockdale Local Environmental Plan 2011 in regards to Height of Buildings.
- Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy Clause 4.4 FSR of Rockdale Local Environmental Plan 2011. Council is not satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of Rockdale Local Environmental Plan 2011 in regards to FSR.
- h Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy Clause 6.6 Flood Planning of Rockdale Local Environmental Plan 2011.
- i Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy Clause 6.7 Stormwater of Rockdale Local Environmental Plan 2011 as it fails to demonstrate acceptable disposal of stormwater from the subject land.
- j The proposal is inconsistent with the provision of Clause 4.6(8)(ca) of Rockdale LEP 2011 and does not accommodate or otherwise provide any demonstrable public benefit to the community.
- k Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is an overdevelopment of the site and is excessive in terms of its bulk, scale, height and density. The proposal is inconsistent with the future desired character of the area.
- Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, and in consideration of the impacts and submissions made, the proposed development is not in the public interest and is likely to set an undesirable precedent
- 2 That the objectors be informed of the Bayside Local Planning Panel's decision.

Item 6.4 301

## **Location Plan**



## **Attachments**

- 1 Planning Report 4
- 2 Photomontage Sarsfield Circuit 4
- Photomontage Public Car Park J 3
- SEPP 65 & ADG Report J 4
- Materials and Finishes Sample Board 4 5
- Flood Report Previous DA Submission J 6
- Addendum Flood Report 4 7
- Statement of Environmental Effects & 8
- 9 Survey !
- North Elevation 4 10
- South Elevation U 11
- East Elevation 4 12
- West Elevation U 13
- 14 Section AA J
- 15
- Roof Level Plan <u>U</u> Landscape Plan Set <u>U</u> 16
- Site Plan J 17
- Non-isolation Diagram Basement U 18
- Non-isolation Diagram Ground Level 4 19

Item 6.4 302

# **BAYSIDE COUNCIL**

# Planning Assessment Report

## **Application Details**

**Application Number:** DA-2018/213 **Date of Receipt:** 17 August 2018

Property: 8 - 20 Sarsfield Circuit, BEXLEY NORTH (Lot 1 DP 203978)

Owner:Darvan Pty LtdApplicant:Fox Johnston

Proposal: Integrated Development - Demolition of existing mixed use and

residential buildings and construction of a seven (7) storey plus rooftop mixed use development, comprising 56 units, 6 retail shops and

basement car parking.

**Recommendation:** Refused No. of submissions: 12

Author: Fiona Prodromou

Date of Report: 1 May 2019

## Key Issues

The proposal is Integrated Development as it is likely that temporary dewatering of the site is required in order to construct basement levels, despite the arguments of the applicant that *'no groundwater is present below the site'*. The proposal was referred to Water NSW whom did not issue General Terms of Approval as required by Part 4.47 Development that is integrated development the EPA Act 1979 (as amended).

Insufficient information has been submitted in relation to;

a) Clause 7 - Contamination and Remediation to be considered in Determining Development
 Application of State Environmental Planning Policy No 55—Remediation of Land
 b) Clause 50 - Reduction of Availability of Affordable Housing of State Environmental Planning Policy (Affordable Rental Housing) 2009.

Given the above, an accurate and thorough assessment of the proposal against the relevant provisions of the SEPP's was unable to be undertaken and the suitability of the site for the proposed development was not concluded.

The proposal is inconsistent with the Design Quality Principles of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development, particularly in relation to Context and Neighbourhood Character, Built Form and Scale, Density and Amenity. As designed, the proposal does not comply with the building separation requirements of the Apartment Design Guide.

As the subject site comprises an overall site area greater than 1200sq/m, the property benefits from bonus height and FSR provisions, as per the requirements of RLEP 2011. An FSR of 2.5:1 and height of 22m apply to the subject site. The proposal comprises a 3.35:1 FSR and maximum height of 26m. The aforementioned are variations of 34.4% to the FSR and 18.1% to the height standard.

Given the bonus provisions that apply, Clause 4.6(8)(ca) of RLEP 2011 clearly stipulates that no further variations to the height & FSR standards will be permitted "unless it is for a demonstrable public benefit, such as the provision of pedestrian links". On 17 December 2018, a week following the issue of correspondence to the applicant requesting that the DA be withdrawn, an 'Offer to Enter into a Planning Agreement' was issued to Council from Pikes & Verekers Lawyers on behalf of the applicant. The offer sought to provide Council with a monetary contribution of \$210k to be applied towards the provision of public amenities and services, including transport and other infrastructure within the suburb of Bexley North. The offer was rejected by Council.

The proposal does not illustrate, accommodate or otherwise provide any demonstrable public benefit to the community, and as such the additional Height and FSR as proposed is unwarranted and not supported.

The proposal is deemed to be an overdevelopment of the subject site and substantial modifications are required in order to reduce the height, density, bulk and scale of the development in order to provide a proposal that is consistent with the future desired character of the area, as established by the planning controls for the site.

The proposal was publicly notified in accordance with the provisions of RDCP 2011, a total of 12 submissions were received. Issues raised within submissions have been addressed within this planning report.

The proposal is recommended for Refusal given the issues raised within the planning report.

## Recommendation

- 1) That the Development Application No. DA-2018/213 for the demolition of the existing mixed use and residential buildings and construction of a seven (7) storey plus rooftop mixed use development, comprising 56 units, 6 retail shops and basement car parking at 8-20 Sarsfield Circuit, Bexley North, be REFUSED pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 for the following reasons:
- A) The proposal is inconsistent with the requirements of Part 4.47 Development that is integrated development of the Environmental Planning and Assessment Act 1979 (as amended).
- B) Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided by the applicant to demonstrate that the site is suitable for the proposed development.
- C) The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is inconsistent with requirements and objectives of State Environmental Planning Policy No. 55 Remediation of Land.

- D) Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided by the applicant to allow a proper and thorough assessment of the impacts of the proposed development with respect to the loss of existing affordable housing on the subject site.
- E) The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is inconsistent with State Environmental Planning Policy 65 & the Apartment Design Guide.
- F) Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy Clause 4.3 Height of Buildings of Rockdale Local Environmental Plan 2011. Council is not satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of Rockdale Local Environmental Plan 2011 in regards to Height of Buildings.
- G) Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy Clause 4.4 FSR of Rockdale Local Environmental Plan 2011. Council is not satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of Rockdale Local Environmental Plan 2011 in regards to FSR.
- H) Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy Clause 6.6 Flood Planning of Rockdale Local Environmental Plan 2011.
- I) Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy Clause 6.7 Stormwater of Rockdale Local Environmental Plan 2011 as it fails to demonstrate acceptable disposal of stormwater from the subject land
- J) The proposal is inconsistent with the provision of Clause 4.6(8)(ca) of Rockdale LEP 2011 and does not accommodate or otherwise provide any demonstrable public benefit to the community.
- K) Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is an overdevelopment of the site and is excessive in terms of its bulk, scale, height and density. The proposal is inconsistent with the future desired character of the area.
- L) Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, and in consideration of the impacts and submissions made, the proposed development is not in the public interest and is likely to set an undesirable precedent.
- 2) That the objectors be informed of the Bayside Local Planning Panel's decision.

## **Background**

## History

#### 30 June 2014 - DA-2013/103 - Approved by Land & Environment Court

Alterations and additions to existing building fronting Sarsfield Circuit, demolition of existing building fronting the carpark and construction of a seven (7) storey mixed use building comprising six (6) retail premises, twenty (20) apartments and basement parking to create a mixed use development containing a total of forty-two (42) apartments and six (6) retail premises. (8 x studio / 12 x 1 bed / 9 x 1 bed +  $\pm$  5 x 2 bed / 5 x 3 bed)

## DA-2013/103/A - Approved 14 March 2017

Modification to unit mix, increase in floor space, reconfiguration of unit layouts and modification to conditions 8, 26, 30, 35, 39, 43, 44, 45, 55, 106, 109, and 113.

(Total 42 units - 8 x studio / 11 x 1 bed / 1 x 1 bed + S / 17 x 2 bed / 5 x 3 bed)

FSR of Approved Development = 2.47:1

Height of Approved Development = 22m (as previously approved)

## DA-2013/103/B - Approved 11 May 2017

Addition of condition 1A to nominate timeframe to consent.

### **Proposal**

The proposal seeks to undertake the demolition of two existing buildings on the site as follows;

- a) Existing 4 storey residential flat building comprising 12 units, (12 x 2 bed) fronting Sarsfield Circuit. This building is held in single ownership and is not strata subdivided.
- b) Existing 2 storey mixed use building fronting Council Carpark. Ground level comprises 6 retail premises, with 4 units above (2 x 1 bed / 2 x 2 bed).

The proposal seeks approval for the construction of a 6-7 storey mixed use development comprising;

- 6 retail tenancies (274sqm) recessed from the property boundary fronting the public car park
- 56 residential units, comprising 7 x studio / 24 x 1 bed / 18 x 2 bed / 7 x 3 bed
- 67 car spaces are proposed in 2.5 basement levels

The proposal incorporates landscaped areas at ground level within the north eastern side setback and along the frontage of the site to Sarsfield Circuit. Vehicular access is proposed via Sarsfield Circuit, as is the primary residential lobby to units above. A secondary residential lobby is provided via the frontage to the public car park.

A rooftop communal open space area is provided, this comprises a pergola structure, seating, bbq area and hot water plant. Periphery landscape planting is proposed to this communal space.



Proposal viewed from public car park



Proposal viewed from Sarsfield Circuit

## Site location and context

The site is an irregular shape having two street frontages. The site is described as Lot 1 DP 203978 and is known as 8-20 Sarsfield Circuit, Bexley North. The total site area is 1347 sq.m. The northern boundary is 43.90m and the southern boundary is 36.41m. The approximate site width is 33.2m.

The topography of the site is irregular. There is a fall across the southern boundary towards the public carpark frontage of approximately 1.24m. Across the northern boundary the fall is 2.13m. The natural ground level has been altered by the existing buildings, which cover most of the site. Existing vegetation is limited to the Sarsfield Circuit frontage.



5 of 37

There are two buildings on the site as follows;

- A) Fronting the carpark, is a two storey mixed use development containing 6 commercial premises with access via the public carpark frontage at footpath level and 6 apartments located at first floor level.
- B) Fronting Sarsfield Circuit, is an existing 4 storey residential flat building (in one ownership) containing 12 apartments. Car parking on site is provided via Sarsfield Circuit in the form of a basement carpark containing 16 spaces, including two accessible spaces.

The site is located within the Bexley North Town Centre and at the zone interface with the R2 Low Density Residential Zone to the east and south east, on the opposite side of Sarsfield Circuit.



Adjoining the site to the south west is a single storey commercial building, currently utilised as a Woolworths. Further to the south west is a 3-5 storey mixed use development comprising ground level retail fronting the carpark and units above. This building presents as a 3 storey development to Sarsfield Circuit.

To the north east the site adjoins a 4 storey strata subdivided residential flat building comprising 28 residential units. Further to the north is the existing Bexley North Hotel. To the north west is the existing council car park. To the east and south east on the opposite side of Sarsfield Circuit are a number of one and two storey detached dwelling houses.

The subject site is affected by;

- 15.24m Building Height Civil Aviation Regulations / Obstacle Limitation Surface
- Flooding and is subject to minimum floor levels
- Class 5 Acid Sulfate Soils
- Active Street Frontage

## **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 proposal includes excavation works for basement car parking on site. The applicant has not

addressed the provisions of this clause in the submitted SEE and page 32 of the SEE states 'the geotechnical report advises that no groundwater is present below the site' (page 32).

The proposal was referred to Water NSW, who advised that based on the information below within the submitted geotechnical report, it is likely that some form of groundwater control is required.

"an extract from the geotechnical report for the site, from Page 7, section 4.2.3, JK Geotechnics on Report to Dosan Pty Ltd on Geotechnical Investigation for Proposed Mixed development at 8-20 Sarsfield Circuit, Bexley North, 10 Oct 2012 Ref 26017rpt. '4.2.3 Groundwater Seepage We would expect some groundwater seepage flows will occur at the soil-rock interface and through joints and bedding planes within the completed cut faces, particularly after periods of heavy rain. Seepage, if any, during excavation is expected to be satisfactorily controlled by conventional sump pumping. We recommend that a toe drain be provided at the toe of all rock cuttings to collect groundwater seepage and direct it to a sump for pumped discharge to the stormwater system. Groundwater seepage into the bulk excavation must be monitored by site personnel and the results (ie. volume, source, location, etc) provided to the geotechnical and hydraulic engineers, so that any unexpected conditions can be timeously addressed.'

Given the above, the proposal is likely to be Integrated Development.

In accordance with the requirements of subclause (4) of this part, "If the approval body informs the consent authority that it will not grant an approval that is required in order for the development to be lawfully carried out, the consent authority must refuse consent to the application", consent can therefore not be granted to the proposed development.

The applicant has not adequately addressed this clause, nor has Water NSW granted General Terms of Approval given the inadequate information submitted. The provisions of this part have not been satisfied.

## **S7.4 - Planning Agreements**

On 17 December 2018, a week following the issue of correspondence to the applicant requesting that the DA be withdrawn, an 'Offer to Enter into a Planning Agreement' was issued to Council from Pikes & Verekers Lawyers on behalf of the applicant.

The offer sought to provide Council with a monetary contribution of \$210k to be applied towards the provision of public amenities and services, including transport and other infrastructure within the suburb of Bexley North. The offer was rejected by Council.

## 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 (Affordable Rental Housing) 2009

Part 3 of the SEPP requires the consent authority to ensure the retention of existing affordable rental housing. As per the SEPP where a building is a "low rental dwelling" or a "low rental residential building" and redevelopment is proposed, the consent authority must consider the following;

#### Clause 50 - Reduction of Availability of Affordable Housing

Subclause (1) of clause 50 requires development consent for the redevelopment of an existing low rental residential building.

The applicants SEE has not addressed the relevant provisions of the SEPP, merely provided the following statement;

"Dwellings as existing on site are low rental units, as in the last 24 months they have been rented below the median rental level for the Bexley North". The SEE further states "the proposed development results in a loss of low rental accommodation. The applicant will provide for a monetary contribution to offset the loss of low cost rental housing, which is consistent with the previous approval. There is not anticipated to be a significant adverse impact on the availability of low cost rental housing, as the attached rental availability (Appendix 4) demonstrates that there are numerous rental accommodation within Bexley North and adjoining suburbs at a comparable rate to the existing rents on the subject site."

An assessment of the proposal against the relevant provisions of the SEPP has been undertaken below.

Subclause (2) requires the following to be considered;

 a) whether there is likely to be a reduction in affordable housing on the land to which the application relates;

The above sub clause seeks to determine whether there is likely to be a reduction in affordable housing upon the subject site. Affordable housing exists, whereby a dwelling or building was a "low rental dwelling" or "low rental residential building" as per the SEPP, as at "28 January 2000". Should rental information at this date be unavailable, the SEPP requires Council to determine whether the premises are "low rental dwellings" based on the rental not exceeding the median rental level within the last 24 months prior to the DA being lodged.

Data obtained from the 2016 census indicates that the median weekly rent within Bexley North is \$430.00.

The applicant provided Council with rental information available from the last 24months, prior to the DA being submitted, being December 2016 to June 2018.

Weekly rental information provided by the applicant indicates;

a) All units within the 4 storey residential flat building fronting Sarsfield Circuit were rented at above the median weekly rental, i.e. \$450.00 to \$480.00 per week from December 2016 to June 2018.
b) All 4 units within the 2 storey mixed use building fronting the Council car park were rented below the median weekly rental i.e. \$308 to \$420, with the rent for 1 x 2 bed unit at \$435 in June 2018, which is above the median weekly rental.

Given the above information, the existing 2 storey mixed use building is considered to be a low rental residential building as per the SEPP.

Information derived from the 2016 ABS Census illustrates that 27.8% of dwellings within Bexley North were rentals. As such the proposal has the potential to result in a loss of 3-4 affordable units from the current market, equating to 6 bedrooms in total.

b) whether there is available sufficient comparable accommodation to satisfy the demand for such accommodation;

The SEPP defines comparable accommodation as;

"Comparable accommodation means accommodation that is comparable with the accommodation provided within the premises the subject of a development application, to which this Part applies, in that;

- a) it is similar in location because it is in the same or a neighboring suburb, and
- b) it is at the same rental level, or is not more than 5% higher than that level, and
- c) it is available for occupation at the date of lodgment of the development application, and
- d) in the case of residential flat buildings, comprises dwellings with the same number of bedrooms as the dwellings in the premises, the subject of the development application.

Guidelines released by the Department of Planning stipulate that the Sydney rental vacancy rate as published by the Real Estate Institute of NSW is used as a benchmark to assess the availability of comparable accommodation. A Sydney vacancy rate of less than 3% is deemed to indicate that insufficient comparable accommodation is available to mitigate the impact of the development on demand for such accommodation.

The REINSW website identified vacancy rates as at December 2018 for Sydney were at 3.2%. This indicates that sufficient comparable accommodation is available.

c) whether the development is likely to cause adverse social and economic effects on the general community;

The intentions of the applicant cannot be pre determined and as such it cannot be guaranteed that once the site is redeveloped, units within the new development will not be strata subdivided and sold to owner occupiers. Subsequently, rental of the proposed new dwellings would be greater than that as existing.

Should the aforementioned occur, it is considered that this will result in a reduction in housing choice for low income households. A reduction in housing choice for low income households has the potential to result in adverse social and economic effects on the community, in that rental housing opportunities will be limited.

The proposal is therefore considered likely to result in the displacement of lower income households within the community. If residents wish to remain in the locality they may be forced to compromise their current living conditions by either higher rents or a lesser quality of accommodation.

Division 7.2 - Affordable Housing Contributions of the EPA Act 1979 (as amended) permits the consent authority to impose a condition requiring the payment of monetary contributions, where it is satisfied that the proposed development will or is likely to reduce the availability of affordable housing in the locality.

It is considered that the payment of monetary contributions in this instance would assist in the provision of affordable housing elsewhere within the locality.

d) whether adequate arrangements have been made to assist the residents (if any) of the building likely to be displaced to find alternative comparable accommodation;

The applicants SEE did not clarify nor detail whether any arrangements are proposed to assist the current residents to find alternative comparable accommodation should they be displaced by the redevelopment of the site.

The "Affordable Rental Housing SEPP Guidelines" provide options to be considered by the consent authority, where a development is likely to result in the displacement of existing residents which is likely to occur.

The guidelines recommend the imposition of conditions of consent, to be framed in terms authorised by Section 7.32 - Conditions requiring land or contributions for affordable housing of the EPA Act as specified below.

The Guidelines further state that Council is to notify the current residents of the conditions at the time that consent is issued and provide them with details of a Council Officer and a local tenancy service that residents can contact if they feel the conditions are being breached.

Subclause (5) of the Act states "Nothing in this section prevents the imposition on a development consent of other conditions relating to the provision, maintenance or retention of affordable housing. Such conditions may require, but are not restricted to, the imposition of covenants (including positive covenants) or the entering into of contractual or other arrangements."

As such, should the proposal have been supported, conditions could be imposed in line with options identified within the 'Affordable Rental Housing SEPP Guidelines' to ensure consideration is given to existing tenants who may be at a competitive disadvantage in the rental market i.e. elderly, unemployed, living with disability or on welfare benefits. Options for conditions could have included as follows;

- the provision of accommodation in other premises in the same ownership/management or by arrangement with other owners/managers;
- a written agreement with a local estate agent giving displaced residents first option for comparable accommodation that comes onto the market;
- payment of relocation costs or ex-gratia disruption payments;
- extension of period of notice to vacate beyond the 60 days generally required under the Residential Tenancies Act 1987.

e) the extent to which the development contributes to any cumulative loss of affordable housing in the LGA:

2016 ABS Census data indicates the total number of units within the then Rockdale LGA (prior to the 2016 Rockdale / Botany Bay amalgamation) being 15,959, with 36.7% being rentals.

Given the applicant has stated as follows "Dwellings as existing on site are low rental units, as in the

last 24 months they have been rented below the median rental level for the Bexley North", it can only be assumed that the proposal will result in a loss of 16 low rental units within the LGA given the above.

As such the development will contribute to a cumulative loss of affordable housing in the LGA by up to 0.1%.

f) the structural soundness of the building, the extent to which the building complies with any relevant fire safety requirements and the estimated cost of carrying out work necessary to ensure the structural soundness of the building and the compliance of the building with the fire safety requirements;

The proposal is for a new building on the site. Should the development have been supported, conditions could have been imposed to ensure compliance with the relevant fire safety requirements of the BCA and the structural soundness of the building.

g) whether the imposition of a condition requiring the payment of a monetary contribution for the purposes of affordable housing would adequately mitigate the reduction of affordable housing resulting from the development;

As previously stated, the proposal will result in the loss of affordable housing in the locality. Should the proposal have been supported, a condition requiring the payment of monetary contributions could have been imposed.

h) in the case of a boarding house, the financial viability of the continued use of the boarding house.

The subject site does not comprise a boarding house, this clause does not apply.

## Clause 51 - Contributions for Affordable Housing

The SEPP specifies the following formula for the calculation of contributions. It has been established that the proposal has the potential to remove 6 bedrooms within the Bexley North, and as such contributions have been calculated as follows;

L = total no. bedrooms to be lost

R = replacement cost calculated as the average value of the first quartile of sales of strata properties in the LGA as specified in the most recent edition of the Rent and Sales Report.

 $C = L \times R \times 0.05$ 

 $C = 6 \text{ bedrooms } x $744,00.00 \times 0.05$ 

C = \$223,200.00

Should the proposal have been supported it can be conditioned to require the one off payment of this contribution as permitted by the SEPP.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
The applicant has submitted a BASIX Certificate for the proposed development. The Certificate

number is 935034M and the certificate illustrates commitments in energy and water reductions on site. The proposal satisfies the requirements of the SEPP.

#### State Environmental Planning Policy (Infrastructure) 2007

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

The proposed development is on land adjacent to a road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration. Accordingly, Clause 102 - Impact of road noise or vibration on non-road development, of SEPP Infrastructure is required to be considered as part of this assessment.

#### for residential use:

The consent authority must not grant consent to the development for residential use unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building-35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)-40 dB(A) at any time

The proposal was accompanied by an Acoustic Report, prepared by Acoustic Logic, dated 20/07/2018, which considered the potential impact of road noise on the proposed development. The report concludes that the development will satisfy the noise level requirements as outlined in the SEPP, should the recommendations in the report be incorporated into construction. The proposal is satisfactory in regards to the provisions of this clause.

## Clause 104 - Traffic Generating Development

The proposal is classified as 'traffic generating development' under Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 as >50 vehicles are to be accommodated on site and vehicular access to the site is via Sarsfield Circuit and within 90m of Bexley Road which is a classified road.

In accordance with clause 104(3) of the SEPP, RMS is required to be notified of the proposed development and any submissions provided by RMS are to be considered. The proposal was referred to the RMS, whom reviewed the application and provided the following comments:

- 1. A Construction Traffic Management 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 a Construction Certificate.
- 2. Council should consider installation of full time "No-Stopping" zones across the frontage of the subject property to improve sight lines and encourage residents and visitors to utilise the on-site parking provided.

RMS did not raise any objections in relation to the proposal development, therefore the provisions of this clause are satisfied and it is not considered that the proposed development will have a detrimental impact upon the existing operation of the road network.

Clause 45 - Works within the Vicinity of Electricity Infrastructure

The application is subject to clause 45 of the SEPP as the development proposes works within the vicinity of electricity infrastructure and therefore in accordance with clause 45(2) the consent authority must give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and take into consideration any response to the notice that is received within 21 days after the notice is given.

Accordingly, the proposal was sent to Ausgrid, nil response was received at the time of finalising this report. Accordingly concurrence can be assumed. Should the proposal have been supported for approval, standard conditions of consent could be imposed to ensure works proposed do not adversely impact upon electricity infrastructure.

The proposal is satisfactory in relation to the provisions of this clause.

## State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The SEPP (Vegetation in Non-Rural Areas) 2017 regulates the clearing of native vegetation on urban land. A total of 13 small to medium sized trees exist upon the subject site, of which all are proposed to be removed in order to accommodate for the proposed development.

The application was accompanied by an Arboricultural Impact Assessment Report, prepared by Mr Lee Hancock a consulting arborist and dated 18 July 2018. The report concluded that the "proposed development shall necessitate the removal of 13 trees, they are not considered worthy of any special measures to ensure their preservation, due to their condition or suitability" It was further stated "To compensate for the loss of amenity value, replacement planting of trees that have a minimum 10m height at maturity to compensate for the loss of existing trees".

Councils Tree Management Officer has subsequently reviewed the aforementioned report and concurs with the removal of the trees, subject to the implementation of landscaping on the subject site, should the proposal be supported for approval.

The proposal is satisfactory with regards to the provisions of the SEPP.

### State Environmental Planning Policy No 55—Remediation of Land

The property is not identified in Council's records as being potentially contaminated. Notwithstanding the subject site has historically been utilised for part residential and part commercial purposes. Council records illustrate a range of past commercial uses at the site, including a dry cleaners, which is a potentially contaminating activity. As such it is prudent to ensure the requirements of SEPP 55 are taken into consideration.

The applicants submitted SEE page 14 states as follows;

"The site has been continuously used for commercial/residential purposes for an extensive period of time, and, given its history, it is considered that potential for contamination is low. Despite the change of use including a multi-storey residential component, the likelihood of exposure to any existing site contaminants by the residents is extremely low. Consequently, it is not considered necessary to undertake any soil auditing for the development application."

Councils Environmental Scientist reviewed the application and the applicants argument above. A Stage 1 Preliminary Site Assessment was requested, to ensure that the site is suitable for the proposed use.

This information was not forthcoming.

It cannot therefore be confirmed that the subject site is suitable for the proposed development in its current form. The applicant has not adequately demonstrated compliance with the relevant provisions and objectives of the SEPP and the application is therefore recommended for Refusal.

# 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 was reviewed by the Design Review Panel on 6th September 2018. The DRP raised concerns including but not limited to height and density exceedance, insufficient side boundary separation, overdevelopment and protrusion of ramps / stairs into front setback landscaped areas. The DRP did not support the proposal in its current form.

b. The design quality of the development when evaluated in accordance with the design quality principles.

The design quality principles have been considered in the assessment of the proposal and are found to be satisfactory as indicated below.

#### Principle 1 - Context and Neighborhood Character

The DRP noted that "the design responds to the two different streetscape contexts with respect to the interface – the commercial interface to the Council Carpark and the residential interface to Sarsfield Circuit. The design generally appropriately takes design cues and responds to the two interfaces. Consideration should be given to safety and security with respect to the colonnade element on the ground floor adjacent to the Council carpark."

Comment: Notwithstanding the comments above by the Design Review Panel, the assessing officer raises the following concerns in relation to the design of the proposed development and considers that further design resolution is required in order to ensure an appropriate interface with the adjoining R2 zone to the south east / south west, and contextual fit with the desired future character of the locality;

- a) The proposal demonstrates poor residential activation to Sarsfield Circuit at ground level. This is a direct result of the design of ground floor units below footpath level (i.e. 1.1m) and location of services i.e. hydrant pump room, fire isolated passage and switch room along the south eastern frontage of the site, resulting in a blank wall for a length of 9.5m along this façade.
- b) Provision of a four storey podium to Sarsfield Circuit at a zone transition with R2 Low Density Residential properties, of which planning controls permit a maximum height of 8.5m. A reduction in podium height to three (3) storeys with upper levels recessed as proposed, akin to the existing mixed use development at the junction of Bexley Road and Sarsfield Circuit is deemed more appropriate.
- c) Shopfronts are recessed, with the building cantilevering above, to create a colonnade. Concerns are raised in relation to safety and passive surveillance. Shopfronts aligned with the front property boundary

to the car park are considered an improved outcome.

- d) Recessed residential lobby / pedestrian entry to Sarsfield Circuit, with ramp / stairs forward of building line.
- e) The lack of an upper level side setback to the south western side of the building fronting the car park, results in a building form which will be inconsistent and unsympathetic with that which could otherwise be achieved on the neighbouring IGA site in future. Deleting 2 x 2 bedroom units at levels 5 & 6 would provide a stepped building form to this side of the development and thus provide a more cohesive response to the neighbouring site and streetscape, when the development is viewed from the public domain.
- f) 1.8m high open form vertical slat fencing along the Sarsfield Circuit frontage is uncharacteristic of fencing forms within the street and not supported.

Given the above and as a direct result of the overall height, density, scale and reduced building separation proposed as part of this application and discussed below, it is the view of the assessing officer that further and substantial design amendments are required to the scheme in order to ensure that the proposal satisfies this principle.

#### Principle 2 – Built Form and Scale

The Panel stated as follows;

"the proposal exceeds controls with respect to FSR and Height. The panel does not believe there is sufficient justification with respect to demonstrable public benefit for these exceedance and recommends a reduction in height to comply with the controls and a subsequent reduction and compliance with FSR. The Panel also notes there are non-compliances in relation to side boundary separations. The Panel does not consider there is justification for these non-compliances.

The Panel notes that the development steps back from the northern boundary as the building height increases. Subject to compliance with boundary separation requirements this is an appropriate response. The southern boundary does not step back. Whilst this is an appropriate response at the lower levels the building may need to be set back at the upper levels on the southern boundary. The Panel notes that this issue may be alleviated through the required reduction in height and FSR."

Comment: The assessing officer concurs with the comments of the DRP and reiterates that the proposed variation to the height & FSR standards is unjustified. The proposal does not adhere to the required building separation requirements of the ADG, with respect to side building setbacks to levels 4 and above.

The proposed built form has been designed to align with the common side boundary of 2-6 Sarsfield Circuit to a height of 7 storeys. Given the overall site area of the neighbouring Woolworths property is less than 1200sq/m, the height bonus applicable to the subject site i.e. 6m, cannot be achieved or realised on this neighbouring site. As a result, the redevelopment potential of the adjoining site is limited to a height of 16m. The proposal does not take the aforementioned into account and seeks to provide a 7 storey building form on the common side boundary which is not setback or stepped to provide for an appropriate building form, scale and streetscape response when viewed from the public domain.

The scale and built form as proposed, is not considered to relate to the existing or future desired local character and context of the area.

### Principle 3 - Density

The Panel stated as follows;

"The Panel considers that the design's non-compliances with setback controls as well as height and FSR controls indicates that it is an overdevelopment of the site."

Comment: A maximum 2.5:1 FSR (3367.5sq/m GFA) applies to the subject site, this is inclusive of the FSR bonus permitted by RLEP 2011 given the site area of the development exceeds 1200sq/m.

The proposal seeks to accommodate an FSR of 3.35:1 (4528.2sq/m) on the subject site. This includes areas that have not been included into the applicants 3.27:1 (4406.46sq/m) FSR calculations. i.e. ground level bin rooms (44.3sq/m), full extent of corridors at upper levels (63.6sq/m), 13.9sq/m lobby at rooftop.

The above illustrates a surplus FSR of 0.85:1 (1160.7sq/m GFA), this equates to a 34.4% variation to the FSR standard for the site. The assessing officer reiterates that the proposal is an unwarranted overdevelopment of the subject site. The proposal does not satisfy this Principle.

#### Principle 4 - Sustainability

The Panel stated "there are further opportunities for including sustainability initiatives in the design above and beyond those required by BASIX, such as solar energy generation, rainwater harvesting, etc."

Comment: The applicant has not provided information to confirm whether any additional sustainability initiatives are proposed within the development beyond those proposed via the BASIX certificate. Given the aforementioned, it cannot be stated that the proposal satisfies this Principle.

## Principle 5 - Landscape

The Panel stated "The panel acknowledges the range of landscape elements in appropriate locations and interfaces of the development. Ramps and stairs that protrude into the front landscape elements on Sarsfield Circuit are to be amended and recessed into the building to maximize the opportunity for landscape and minimize the visual impact of these built form elements in the streetscape."

Comment: It is noted that the above issues raised by the Panel in relation to the provision of ramps / stairs have not been resolved. These remain as protrusions within the front setback area to Sarsfield Circuit.

Plans illustrate that the proposal complies with the deep soil requirements of the ADG. A 2.5m deep strip of landscaping is proposed along the frontage of the site to Sarsfield Circuit. A range of groundcovers, shrubs and trees are proposed, with a mature height up to 10m. A landscaped area above basement level is provided along the north eastern side setback at ground level, this is inaccessible to residents, yet provides visual amenity.

The proposal incorporates a rooftop communal open space area on site, which has been designed to incorporate periphery landscaping, to provide amenity for future occupants. i.e. visual amenity, shade, etc. It is unclear whether the proposal incorporates automated irrigation to ensure the health and survival of landscaped areas on site, however should the proposal have been supported, this could have been conditioned.

Given the lack of resolution of the ramps / stairs to the Sarsfield Circuit frontage, it cannot be confidently stated that the proposal entirely satisfies this principle.

#### Principle 6 - Amenity

The Panel stated as follows;

"The panel acknowledges the development of appropriate interfaces and access to open spaces subject to compliance with SEPP 65. Consideration should be given to safety and security with respect to the colonnade element on the ground floor fronting the Council Carpark. Internal access should be improved, as the provision of only one lift for the whole building may be insufficient. The potential lack of light and air to internal corridors is of concern to the panel and should be addressed."

Comment: Notwithstanding the comments above by the Design Review Panel, the assessing officer raises the following concerns in relation to residential amenity;

a) Potential acoustic privacy issues may arise on site, as a result of residential balconies positioned within 3.5m of each other at an oblique angle at level 1, irrespective of proposed louvered screens.



- b) Single aspect units with a recessed bedroom are proposed adjoining the vehicular entrance on site on level 1 and above. These units receive minimal solar access and are compromised given their location above the driveway on site. i.e. headlight glare, acoustics, emissions.
- c) Two ground level units are proposed fronting Sarsfield Circuit (1 x 1 bed adaptable / 1 x 3 bed). The finished floor level of these units is 0.9m below the adjoining footpath level within the public domain. The POS area allocated to these units is located 1.1m below footpath level. These units do not address Sarsfield Circuit, nor do they have direct access from the street. This is unsatisfactory.
- d) Natural light and ventilation to communal corridors within the proposal is limited.
- e) A single lift is proposed within a proposed 7 storey development with 56 units.

- f) Ventilation of the ground level garbage store remains unclear.
- g) Inadequate communal open space provision on site, 46.7sq/m.
- h) Insufficient building separation to side boundaries at level 4 results in;
- A reduced setback of 4.5m 7.8m as proposed, in lieu of 9m as required by the ADG, combined an existing non compliant setback upon 22-40 Sarsfield Circuit, results in adverse visual and acoustic privacy impacts between neighbours.
- A reduced setback of 6m in lieu of 9m as required by the ADG would unfairly burden the adjoining Woolworths site to the south west.

Further design resolution is required in order to ensure amenity on site and that of the existing residential flat building to the north east at 22-40 Sarsfield Circuit is maximised.

## Principle 7 - Safety

The DRP stated as follows:

"The panel supports the appropriate interface treatments to ensure a high level of safety and security in the streetscape through opportunities for passive surveillance."

Comment: Plans indicate the provision of open form vertical slat fencing, atop a low masonry wall along the Sarsfield Circuit frontage of the site. Fencing is proposed to have a maximum height of 1.8m. Whilst fencing as proposed will provide adequate safety and security, concerns are raised in Principle 1 in relation to streetscape.

Security measures to restrict access to basement levels are not indicated on plans, this requires further resolution, however can be conditioned should the proposal have been supported.

The applicant has stated that lighting and CCTV surveillance are to be provided within car parking areas, and integrated fence lines and landscaping have been provided to enhance residents sense of security through private and public spaces. The proposal is satisfactory in relation to this Principle.

Principle 8 - Housing Diversity and Social Interaction

## The Panel stated;

"The panel acknowledges that the development achieves a good mix of apartment sizes supporting residential diversity. There is a good mix of communal spaces in support of the housing diversity and residential experience to promote social interaction."

Comment: The proposal provides for a varied range and size of units within the development in an accessible area close to public transport and facilities, and is capable of accommodating a varied demographic and different household types. The proposal provides communal facilities on site which are designed to encourage social interaction. The DRP was supportive of the proposal in regards to this principle.

Principle 9 – Aesthetics

## The Panel stated;

"The panel supports the materiality and composition of materials, colours and textures of the proposal. The colonnade element to the Council Carpark is an appropriate response to the streetscape subject to addressing safety and security concerns. The residential interface is an appropriate design response to Sarsfield Crescent subject to recessing of the stair and ramp elements".

Comment: The proposal incorporates a varied palette of colours and materials to including but not limited to face brick, painted render, clear glazing and aluminium framed windows / doors. Materials proposed are satisfactory, yet the assessing officers concerns in relation to interface and the location of stair / ramp elements as detailed in Principle 1 are reinforced.

## c. the Apartment Design Guide

The proposal has been assessed against the Apartment Design Guide (ADG) below.

Clause	Design Cr	<u>iteria</u>		Proposal	Complies
3D - Communal & Public Open Space	50% (168. min 2 hour midwinter	7sq/m) site area as 6 3q/m) COS to receiv s direct sunlight in 9am - 3pm		290sq/m at rooftop level. Entire rooftop receives >2 hours solar access in midwinter.	No Yes
3E - Deep Soil Zones	7% (94.2s Min 3m dir	q/m) site area		95.5sq/m >3m dimension	Yes Yes
		nensions		>3m dimension	
3F - Visual Privacy	Building height Up to 4 storeys 5-8 Storeys	Separation  6m non habitable / non habitable 9m habitable / non habitable 12m habitable / balconies / habitable 9m non habitable / non habitable 12m habitable / non habitable 18m habitable / balconies / habitable		Up to 4 storeys Party wall construction / 4.5m / 6m / 7.8m  Level 5 - 6 4.5m - 9m	No - Refer to discussion below.
3J - Bicycle & Car Parking	out by the Residentia Visitor = 1	al = 46	set		

4A – Solar & Daylight Access	(40 of 56) of apartments receive min 2hrs direct sunlight b/w 9am &					71% receive the required solar access to the living rooms and private open spaces	Yes
	Max 15% (9) apartments receive no direct sunlight b/w 9am & 3pm mid- winter				27% units receive <1hour solar access More than 73% of apartments also receive more than 1 hr sunlight between 8am and 4pm at mid winter		
4B –	Min 60%					63% apartments naturally	Yes
Natural	are natur	-				cross ventilated	
ventilation	first nine	store	ys or tr	ie bullain	ıg.		Yes
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.			s not	Cross through units do not exceed 18m in depth.		
4C -	Minimu	ım ce	iling h	eights:		2.7m / 2.4m residential	Yes
Ceiling	Habitable 2.7m					levels	No - see
heights	Non- 2.4m					3.57m ground floor / 2.7m first floor	discussion below.
			3.3m				Delow.
			ground &				
			first f				
4D –	Туре	Min					
Apartment		area				Unit sizes comply	Yes
size and layout	Studio	35s					
layout	1 bed	50s	_				
	2 bed 70sq/m 3 bed 90sq/m		-				
4E – POS	Dwelling		/lin	Min		POS areas to units comply.	Yes
	type		rea	depth			
	Studio						
	1 bed		m²	2m			
	2 bed 10m <sup>2</sup> 2m						
	3+ bed	1	2m²	2.4m			
	Ground level, podium or similar - POS provided instead of a balcony: min area 15m² and min depth of 3m.						

4F - Common Circulation & Spaces		ents off a circ ngle level is e	Up to 10 units per floor	No
4G – Storage	Dwelling type 1 bed 2 bed 3 bed	Storage volume 6M <sup>2</sup> 8m <sup>2</sup> 10m <sup>2</sup>	Appropriate inter unit storage provision with additional provided within basement levels	Yes

## 3F - Visual Privacy

The proposal illustrates non compliances in relation to building separation with the neighbouring residential buildings to the north east at 22-40 Sarsfield Circuit and in addition to the common side boundary with the adjoining Woolworths site which is not as yet developed to its full potential. Whilst a reduced setback is acceptable in some instances i.e. 4.5m at levels 2 and 3 adjoining units to the north fronting the carpark, the following concern is raised;

#### a) Level 4

Reduced side setbacks to building fronting Sarsfield Circuit. This results in balconies and windows of habitable spaces within 10m of those of units within 22-40 Sarsfield Circuit. It further has the potential to unfairly restrict the development design potential of the adjoining Woolworths site, requiring an increased setback or design response to mitigate adverse visual / acoustic privacy impacts on this neighbouring site.

Given the design of the floor plate at and above level 4, a minimum 9m building separation is required.

## 4C - Ceiling Heights

A minimum 3.3m floor to ceiling height is required by the provisions of this clause in order to ensure the future flexible use of the development. The proposal illustrates a 2.7m floor to ceiling height at first floor level. This proposed variation is deemed satisfactory in this instance, given appropriate commercial floor space is provided at ground level and a range of small scale commercial uses can occupy these ground floor tenancies. Additionally the use of the first floor of the proposed development for commercial purposes is unlikely following any strata subdivision of the development. Given the aforementioned a variation is satisfactory in this instance.

## 4F - Common Circulation & Spaces

The design criteria subject of this part, seeks to limit the maximum number of apartments off a circulation core on a single level to eight. This part notes that this is not always possible, however the intention of this criteria is to provide a high level of amenity to common lobbies.

Whilst the proposal exceeds the recommended number of apartments off a core, it is noted that communal corridors at each level do not exceed 10m in maximum depths and are provided with an area of natural light and ventilation adjoining the circulation core which is provided as full height louvres. The proposed variation in this instance is not likely to result in adverse amenity impacts on site.

### Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone B4 Mixed Use	Yes	Yes - see discussion
4.3 Height of buildings	No - see discussion	No - see discussion
4.4 Floor space ratio - Bexley North	No - see discussion	No - see discussion
4.6 Exceptions to development standards	No - see discussion	No - see discussion
6.1 Acid Sulfate Soil - Class 5	Yes	Yes - see discussion
6.2 Earthworks	Yes	Yes - see discussion
6.4 Airspace operations	Yes	Yes - see discussion
6.6 Flood planning	No - see discussion	No - see discussion
6.7 Stormwater	No - see discussion	No - see discussion
6.11 Active Street Frontages	Yes	Yes - see discussion
6.12 Essential services	Yes	Yes - see discussion

## 2.3 Zone B4 Mixed Use

The subject site is zoned B4 - Mixed Use under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal is defined as commercial premises and shop top housing, which constitute permissible development only with development consent. The proposed development is consistent with the objectives of the zone.

## 4.3 Height of buildings

As per the provisions of this clause, a 16m height limit applies to the site. As the property is located within 'Area C' as per 4.3(2A)(c), where the site area exceeds 1200sq/m an additional 6m building height is permissible subject to consent. Accordingly a total height of 22m is permissible.

The proposal illustrates a height as follows;

- a) Top of Roof = 21.7m 22.48m (38RL 38.17RL)
- b) Top of Planters at Rooftop = 23m 23.5m (39RL)
- c) Top of Pergola / Lift / Stair Overrun = 26m (41.7RL)

As evident from the above, the proposed development breaches the height limit in certain areas on site. The above represents a 18.1% variation to the height standard, for a portion of the development as proposed. The applicant has submitted a clause 4.6 variation to development standard in relation to the proposed exceedance.

Notwithstanding the submitted 4.6, the proposal is considered to be inconsistent with the objectives of the height standard and is not supported for the reasons previously discussed within this report.

## 4.4 Floor space ratio - Bexley North

A maximum 2.5:1 FSR (3367.5sq/m GFA) applies to the subject site, this is inclusive of the FSR bonus permitted by clause 4.4(2C)(c) of RLEP 2011 given the site area of the development exceeds 1200sq/m.

The proposal seeks to accommodate an FSR of 3.35:1 (4528.2sq/m) on the subject site. This includes areas that have not been included in the applicants 3.27:1 (4406.46sq/m) FSR calculations. i.e. ground level bin room (44.3sq/m), full extent of corridors at upper levels (63.6sq/m), 13.9sq/m enclosed lobby at rooftop level.

The above illustrates a surplus FSR of 0.85:1 (1160.7sq/m GFA), this equates to a 34.4% variation to the FSR standard for the site.

As evident from the above, the proposed development breaches the FSR standard for the site. The applicant has submitted a clause 4.6 variation to development standard in relation to the proposed exceedance. The above has been addressed within Clause 4.6 of this report.

Notwithstanding the applicants arguments in clause 4.6, the proposal is deemed inconsistent with the objectives of the FSR standard for the site.

#### 4.6 Exceptions to development standards

Clause 4.6 allows a variation to a development standard subject to a written request by the applicant justifying the variation by demonstrating:

- (3)(a) that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and
- (3)(b) that there are sufficient environmental planning grounds to justify the variation.

In considering the applicant's submission, the consent authority must be satisfied that:

- (i) the applicant's written request is satisfactory in regards to addressing subclause (3) above, 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 of the relevant zone.
- 5(a) The consent authority must also consider whether contravention of the development standard raises any matter of significance for State or Regional environmental planning, and 5(b) the public benefit of maintaining the development standard.

Consideration has been given to a number of Land & Environment Court judgements in the assessment of the application, which specifically relate to variations of development standards.

In Wehbe v Pittwater Council [2007] NSW LEC 827 (Wehbe), the Land and Environment Court set out 5 different ways in which an objection to a development standard may be well founded.

Consideration has also been given to the Land and Environment court judgement Four2Five v Ashfield Council [2015] NSWLEC 90 where it was established that justification was required in order to determine whether the development standard was unreasonable or unnecessary on grounds other than whether the development achieved the objectives of the development standard. Consideration is to be given to the particular site circumstances of the proposal.

Finally, consideration has further been given to Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118, which seeks to ensure that the applicants request adequately addresses clause 4.6 and whether the proposed contravention is in the public interest.

### Variation Sought

#### Height

A maximum height of 22m applies to the subject site. The proposal comprises a maximum height of up to 26m. This is a variation of 18.1% to the height standard.

#### - FSR

A maximum FSR of 2.5:1 applies to the subject site. The proposal comprises an FSR of 3.35:1. This is a variation of 34.4% to the FSR standard.

#### Applicants Height Justification

A summary of the applicants key arguments supporting the additional Height are as follows:

- a) The subject proposal involves the same number of storeys fronting the car park, as that approved under DA103/2013, that being for retail shops at ground level with 6 levels of residential units above (7-storeys in total).
- b) The increased height from that approved is due to the provision of ceiling heights/floor to floor heights which comply with the ADG. The proposed height increase is thereby due to the proposal providing for compliant floor to floor heights which enhances the internal amenity of the residential units and shops by providing for better access to daylight, sunlight and ventilation. In contrast the existing buildings

have substandard floor to floor/ceiling heights whilst the approved development also had floor to floor heights which are not in accordance with the ADG.

- c) The additional height is also associated with the provision of a separate communal open space area atop the building. Such communal area is desirable as it provides for an isolated space away from other apartments, achieves abundant solar access and would have excellent outlook. Its recessed nature from the perimeter of the built form ensures that it does not significantly contribute to the apparent height of the built form.
- d) The additional height beyond the 22m height limit is not responsible for greater visual bulk, shadow, privacy or view loss impacts than a development with a compliant height. In this regard, the portion of the built form above the height limit has no shadow impact to the residential neighbours across the eastern side of Sarsfield Circuit. The additional height would not have any unreasonable view impacts given

the substantial separation distance from the neighbours across Sarsfield Circuit and the lightweight nature of the structures which are over the height limit. The portion of the primary built form (7th storey) over the height limit would not be perceptible from the neighbours across Sarsfield Circuit as it is screened by the compliant form (height) of development in the foreground. The proposed height is not responsible for

any privacy impacts given the recessed nature of the communal area which avoids opportunities for downward overlooking.

- e) The high level of architectural quality is evident on the photomontage which provides for a desirable replacement building on the subject site which will sit comfortably in the existing and future context.
- f) The proposed height is associated with a built form which provides for compliant/appropriate setbacks to each frontage. Such setbacks minimise potential mutual visual and acoustic privacy impacts whilst also minimising visual bulk impacts. The height is associated with compliant 6m and 9m side setbacks from the northern and southern side boundaries whilst the T-shape building fronting the car park and setback fronting Sarsfield Circuit are contextually appropriate.

g) The proposal is also accompanied by a Voluntary Planning Agreement which contributes to a demonstrable public benefit.

## Discussion

The applicants request is limited and does not successfully address the provisions of Clause 4.6(3)(a) and (b).

Following a review of the application, the Height variation as proposed is deemed inappropriate for the following reasons:

- A. The applicant seeks to benefit from the bonus Height provisions as permitted by RLEP2011. Clause 4.6(8)(ca) clearly stipulates that no further variations to the Height standard will be permitted "unless it is for a demonstrable public benefit, such as the provision of pedestrian links". The proposal does not illustrate, accommodate or otherwise provide any demonstrable public benefit to the community, and as such the additional height as proposed is unwarranted.
- B. The applicant has stated that the proposal successfully responds to and adequately addresses relevant planning controls. As detailed within this report, this is not the case. The reasons provided by the applicant, are not sufficient environmental planning grounds to allow variation of the height standard.
- C. Whilst a previous approval exists upon the site, the current application is a new DA, thus is subject to the relevant planning controls for the site. Assessment of this application is undertaken in this manner, rather than as a comparison with a previous approved scheme, as is sought to be undertaken by the applicant. Notwithstanding, the assessing officer is of the view that the proposed development is not an improved outcome onsite, when considered in terms of the previous approved application.
- D. The proposal does not satisfy the objectives of Clause 4.3 Height of Buildings and does not provide for an appropriate transition in built form and land use intensity.
- E. The proposal is inconsistent with the Design Quality Principles of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development and the requirements of the Apartment Design Guide.
- F. The proposal is inconsistent with the future desired character of the area, as envisaged by the applicable planning controls for the site.
- G. The height, visual bulk and scale of the proposal in its current form is inappropriate for the site and local context.
- H. The proposed contravention of the height control is not in the public interest.

#### Applicants FSR Justification

A summary of the applicants key arguments supporting the additional FSR are as follows:

a) The proposed FSR of 3.27:1 is justified on the basis that the proposed building envelope provides for excellent internal amenity whilst providing for a built form which is compatible with its context along both frontages.

- b) The proposed built form is not responsible for any adverse or unreasonable external amenity impacts in relation to overshadowing, privacy, view loss or visual bulk. The proposal is able to adopt setbacks/building separation which complies with the ADG whilst the setbacks for the building fronting the car park are consistent with that approved.
- c) The proposed FSR will also be accompanied by a VPA to go towards demonstrable public benefit which is consistent with the terms of the LEP.
- d) The proposal involves the same number of storeys fronting the car park, as that approved, that being for retail shops at ground level with 6 levels of residential units above (7-storeys in total).
- e) The increased FSR beyond that approved is due to the provision of a T-shape building which provides for excellent internal amenity whilst not having any unreasonable external amenity impacts. The distribution of height, bulk and scale is appropriate for the site as it allows for a nil setback to the southern adjoining property at 2-6 Sarsfield Circuit and for appropriate setbacks at the lower podium and upper levels where the site sits alongside the northern adjoining mixed use development at 22-24 Sarsfield Circuit.
- f) The shops/apartments on the lower 2 levels suitably align with the nil setback of the podium to the north whilst the 4.5m setback for the next 3 levels are justified on the basis that the primary orientation is to the car park and such setback is also consistent with the active consent on the site. Levels 6 and 7 are also consistent with the approved development and do not generate any adverse visual privacy, shadow or visual bulk impacts. The proposed built form at the eastern side of the site adopt greater side setbacks to than that approved and are compliant with the ADG setbacks, being 6m and 9m for the side-facing apartments. The 3-metre deep soil setback to Sarsfield Circuit is also greater than that approved. It is noted that the height of the built form is slightly higher than the approved scheme, however, the increased front and side setbacks and increased landscaping (along with a superior design presentation) justify the proposed streetscape outcome to Sarsfield Circuit and when viewed from existing and potential future developments either side to the north and south.
- g) The proposal is also considered to be superior to the approved scheme as it removes the constrained narrow courtyard which separated the new built form from the form being added to at the eastern side of the site. The proposal is associated with an integrated design outcome which provides for far superior solar access and outlook than the approved scheme whilst also providing for increased floor to floor/ceiling heights. The proposed FSR is also associated with superior communal open space, outlook, quality and quantity of landscaped area.
- h) It is considered that the additional FSR beyond the 2.5:1 standard is not responsible for greater visual bulk, shadow, privacy or view loss impacts than a development with a compliant FSR. This is evidenced by the compliant setbacks and predominant compliant of the primary built form, thereby being within a compliant building envelope.
- I) The high level of architectural quality is evident on the photomontage which provides for a desirable replacement building on the subject site which will sit comfortably in the existing and future context.
- i) The proposed FSR is associated with a built form which provides for compliant/ appropriate setbacks to each frontage. Such setbacks minimise potential mutual visual and acoustic privacy impacts whilst also minimising visual bulk impacts. The FSR is associated with compliant 6m and 9m side setbacks from the northern and southern side boundaries whilst the T-shape building fronting the car park and
- setback fronting Sarsfield Circuit are contextually appropriate. The recessed nature of the upper 2 levels fronting Sarsfield Circuit further ameliorates the visual bulk and scale by adopting greater front and side setbacks than the levels below. Each of the above factors demonstrates that the proposed height, bulk and scale are appropriate for the subject site.
- k) The proposal is accompanied by a voluntary planning agreement which contributes to a demonstrable public benefit.

#### Discussion

The applicants request is limited and does not successfully address the provisions of Clause 4.6(3)(a) and (b). Following a review of the application, the FSR variation as proposed is deemed inappropriate for the following reasons:

- A. Whilst a previous approval exists upon the site, the current application is a new DA, thus is subject to the relevant planning controls for the site. Assessment of this application is undertaken in this manner, rather than as a comparison with a previous approved scheme, as is sought to be undertaken by the applicant. The assessing officer is of the view that the proposed development is not an improved outcome onsite, when considered in terms of the previous approved application.
- B. The applicant seeks to benefit from the bonus FSR provisions as permitted by RLEP2011. Clause 4.6(8)(ca) clearly stipulates that no further variations to the FSR standard will be permitted "unless it is for a demonstrable public benefit, such as the provision of pedestrian links". The proposal does not illustrate, accommodate or otherwise provide any demonstrable public benefit to the community, and as such the additional FSR as proposed is unwarranted.
- C. The applicant has stated that the proposal successfully responds to and adequately addresses relevant planning controls. As detailed within this report, this is not the case. The reasons provided by the applicant, are not environmental planning grounds to allow variation of the FSR standard.
- D. The proposal does not satisfy the objectives of Clause 4.4 FSR, particularly with respect of achieving the desired future character as envisaged by the planning controls.
- E. The proposal is inconsistent with the Design Quality Principles of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development and the requirements of the Apartment Design Guide.
- F. The density, visual bulk and scale of the proposal in its current form is inappropriate for the site and local context.
- G. The proposed contravention of the FSR standard is not in the public interest.
- H. The proposal is an overdevelopment of the subject site and cannot accommodate the necessary communal open space provision for the development / future occupants on site. This is unsatisfactory.
- I. The density of the site, layout of floors, configuration of units and reduced side setbacks have the potential to result in adverse visual and acoustic amenity impacts on site and to neighbouring properties.

# Conclusion

Given the above, the assessing officer is of the view that the objectives of Clause 4.6 are not satisfied and that the Height & FSR standards for the subject site are reasonable and necessary.

The consent authority can be satisfied that the provisions of clause 4.6(4) have not been achieved and that the clause 4.6 is not well founded.

The proposed variations are not supported on the basis of the above.

#### 6.1 Acid Sulfate Soil - Class 5

Acid Sulfate Soils (ASS) – Class 5 affects the property. However, development consent is not required as the site is not within 500 metres of adjacent Class 1, 2, 3 or 4 that is below 5 AHD.

#### 6.2 Earthworks

The proposal involves extensive excavation within the site to accommodate the basement levels. The impacts of the proposed earthworks have been considered in the assessment of this proposal. The proposal meets the objectives of this clause.

### 6.4 Airspace operations

The subject site is affected by the 70-80AHD Obstacle Limitation Surface (OLS). The proposed development has a maximum height of 41.7RL to the highest point of the development and is as such substantially below the OLS.

Given the above, the proposal did not require referral to Sydney Airports and satisfies the provisions of this clause.

#### 6.6 Flood planning

The subject site is flood affected. The applicant submitted the following documentation to Council in support of the application;

- a) Council Flood Advice Letter dated 5 June 2012
- b) Stormwater Drainage Overland Flowpath Assessment dated 8 October 2013 prepared by Lomford Engineers
- c) Addendum to Flood Report prepared by Lomford Engineers, dated 26/04/2018

At the time of lodgement of the DA, Council was in the process of reviewing the Bardwell Creek Flood Study. This process was completed in September 2018, with a draft being finalised for public exhibition. The updated Bardwell Creek Flood Study was adopted by Council in March 2019.

Councils Engineers noted that given the aforementioned, the information submitted by the applicant is outdated.

It was further stated that the addendum to the flood report states that the certificate is subject to further flood modelling. This has not been provided by the applicant and hence the provided flood study is not supported. Additionally, plans do not appear to comply with the recommendations of the original flood study.

Councils Engineers states that "a certificate from the flood modeller will be required to address the relevance of the previously submitted flood report for this DA" and "a new flood advice letter to be obtained for the site and new flood study to be provided for the development incorporating updated modelling which his more accurately reflecting current site conditions".

Given the above, it cannot be stated that the proposal complies with the requirements of this clause.

## 6.7 Stormwater

Councils Development Engineer reviewed the proposed stormwater management for the site and raised the following issues;

- a) The submitted Geotechnical report states that groundwater will be encountered, as such the development is Integrated and concurrence from Water NSW is required.
- b) The basement utilises subsoil drainage, yet is required to be a tanked structure.
- c) An oil separator and Music Modelling as per Rockdale Technical Specification Stormwater Management is not provided, as such the proposal is unacceptable in regards to water quality.

Given the above unresolved issues, the proposal cannot be said to satisfy the provisions of this clause.

#### 6.11 Active Street Frontages

Plans illustrate the provision of commercial tenancies along the frontage of the site facing into the public carpark. The proposal provides for an appropriate active street frontage to this portion of the site, albeit with recessed shopfronts which would be improved were they aligned with the property boundary. Notwithstanding the proposal complies with the provisions of this clause.

#### 6.12 Essential services

Services are generally available on the site including but not limited to gas, water, electricity and the like to service any future development.

# 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
4.1.1 Views and Vista	Yes	Yes
4.1.3 Water Management	Yes	Yes
4.1.3 Flood Risk Management	Yes	Yes
4.1.4 Soil Management	Yes	Yes
4.1.7 Tree Preservation	Yes	Yes
4.1.9 Lot size and Site Consolidation - Mixed use	Yes	Yes - see discussion
4.1.9 Lot size and Site Consolidation - isolated	Yes	Yes - see discussion
sites		
4.4.1 Energy Efficiency - Retail, Commercial and	Yes	Yes - see discussion
Industrial Development		
4.4.2 Solar Access - Residential Flat Buildings and	Yes	Yes - see discussion
Shop Top Housing		
4.4.4 Glazing - General Controls	Yes	Yes
4.4.7 Wind Impact	Yes	Yes - see discussion
4.5.1 Social Equity - Housing Diversity and Choice	Yes	No - see discussion

Relevant clauses	Compliance with	Compliance with	
	objectives	standard/provision	
4.5.2 Social Equity - Equitable Access	Yes	Yes - see discussion	
4.6 Parking Rates - Shops	Yes	Yes - see discussion	
4.6 Car Park Location and Design	Yes	Yes - see discussion	
4.6 Vehicles Enter and Exit in a Forward Direction	Yes	Yes - see discussion	
4.6 Basement Parking - General	Yes	Yes	
4.6 Driveway Widths	Yes	Yes	
4.6 Access to Parking	Yes	Yes - see discussion	
4.6 Design of Loading Facilities	Yes	Yes - see discussion	
4.6 Car Wash Facilities	Yes	No - see discussion	
4.6 Pedestrian Access and Sustainable Transport	Yes	Yes	
4.7 Air Conditioning and Communication	No - see discussion	No - see discussion	
Structures			
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	
5.2 RFB - Lift Size and Access	Yes	Yes	
5.3 Mixed Use - Front Setbacks	Yes	Yes	
5.3 Mixed Use - Ground Level Uses	Yes	Yes	
5.3 Mixed Use - Retail	No - see discussion	No - see discussion	
5.3 Mixed Use - Awnings	Yes	No - see discussion	

# 4.1.9 Lot size and Site Consolidation - Mixed use

As per the requirements of this clause, all development of 4 storeys or greater requires a minimum frontage width of 18m. The site comprises a frontage of 33m and complies with the requirements of this clause.

# 4.1.9 Lot size and Site Consolidation - isolated sites

As per the requirements of this clause, "Developers must satisfy Council that adjoining parcels not included in their development site are capable of being economically developed". The adjoining site at 2-6 Sarsfield Circuit, Lot 1 DP 202737 and identified in red below, has an area of 600sq/m with a frontage to the public car parking area of approximately 12m and 28m to Sarsfield Circuit. The site is currently occupied by a single storey brick building that is occupied by a Woolworths supermarket. The site is zoned B4 - Mixed Use and benefits from an FSR of 2:1 and maximum height of 16m.

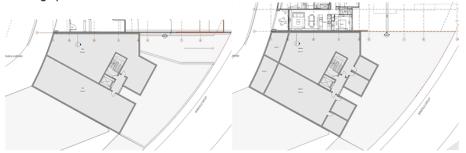




The applicants SEE stated as follows in relation to this adjoining site;

"The adjoining owner to the south-west (Woolworths Metro) does not wish to sell and has an extensive lease. It is noted that this premises has also been recently renovated. Nevertheless, such property is not isolated as the accompanying concept plans demonstrate that an orderly development in accordance with the zoning, FSR and height controls can be achieved, whilst also demonstrating that such development would also achieve a level of amenity compliant with the ADG. The site is also wider than 18m which confirms that the site is not isolated under the provisions of the DCP".

The applicant provided conceptual floor plans for the potential redevelopment of the constrained adjoining site that is currently occupied by the Woolworth supermarket. The applicants scheme illustrates a 5 storey mixed use building, comprising 2 retail tenancies (150sq/m & 134sq/m) at ground level, vehicular access from Sarsfield Circuit and shop top housing at upper levels, with 2 residential dwellings per floor i.e. total of 8 units.



The suggested internal configuration is illustrated above and indicates balconies at upper levels fronting the car park, with a central lift and stairwell access.

Given the overall site area and frontage width of the subject site, despite the irregular dimensions of this property, it is evident that this site is not isolated and is capable of being independently developed in a manner consistent with the relevant planning controls at a later date. The proposal complies with the requirements of this clause.

## 4.4.1 Energy Efficiency - Retail, Commercial and Industrial Development

The proposal was accompanied by a subsection J(A) report dated 15/06/2018 and prepared by Efficient Living Pty Ltd, which details energy efficiency measures proposed for the commercial

component of the development on site. The report considers insulation, external wall construction, concrete slabs, exhaust fans, air conditioning, mechanical ventilation and the like. The proposal is satisfactory with respect of the provisions of this clause.

# 4.4.2 Solar Access - Residential Flat Buildings and Shop Top Housing

As per the requirements of this clause, living rooms and private open spaces for at least 70% of adjoining properties should receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid winter

Shadow diagrams submitted with the application, illustrate that the proposal does not result in adverse overshadowing impacts onto neighbouring residential properties. The proposal is satisfactory in this regard.

## 4.4.7 Wind Impact

The proposal was accompanied by a Wind Assessment Report, prepared by Windtech and dated 26th June 2018. The report recommends the following wind mitigation measures be implemented on site:

#### a) Ground Floor Trafficable Areas

An impermeable awning is included along the council car-parking frontage of the site to deflect the potential down-wash wind effects away from the pedestrian footpath below.

#### b) Private Balconies & Terraces

The private balconies and terraces benefits from the shielding provided by the subject and neighbouring buildings, and the effective use of wind mitigating devices into the design of the development such as recessing the private balcony areas into the building footprint and the inclusion of full-height impermeable blade walls and densely foliating vegetation such as shrubs/hedge planting along the perimeter edge. The inclusion of the proposed balustrades along the perimeter of the balconies is expected to further enhance the wind conditions.

## c) Rooftop Communal Open Space

The inclusion of densely foliating vegetation such as trees or shrubs/hedge planting are included within the raised planter areas as indicated in the architectural drawings, and impermeable screening; at least 1.5m high, along the eastern perimeter edge of the proposed BBQ areas to be effective in mitigating these adverse direct wind effects within the communal open space. Furthermore, the proposed pergola and lattice screen around the pedestrian thoroughfare to the east of the communal space are expected be effective in enhancing the local wind conditions. Hence they are recommended to be retained in the final design of the development.

Note the inclusion of additional wind mitigation elements such as baffle screens, pergolas and densely foliating vegetation such as trees or shrubs/hedge planting within and around the communal open space is expected to be effective in further enhancing the localised wind conditions. The densely foliating vegetation is recommended to be of an evergreen species to ensure their effectiveness in wind mitigation throughout the year.

Should the proposal have been supported, this matter could be conditioned to ensure compliance with the requirements and objectives of this clause.

### 4.5.1 Social Equity - Housing Diversity and Choice

The proposal is required to provide the following unit mix as per the provisions of this clause.

Control	Requirement	Proposed	Complies	Variation
10% - 30%	6 – 17	7 studio	No	+14
Studio - 1bed		24 x 1 bed		
50% - 75%	28 – 42	18 x 2 bed	No	-10
2 bed				
10% - 20%	6 - 12	7 x 3 bed	Yes	-
3 bed				

The proposal indicates non compliances with regards to the provision of 1 and 2 bedroom unit types within the development. Notwithstanding however, the proposal provides for a varied range and size of units within the development in an accessible area close to public transport and facilities, and is capable of accommodating a varied demographic and different household types. As such the proposed development satisfies the objectives of the requirement and is satisfactory in this regard.

#### 4.5.2 Social Equity - Equitable Access

As per the provisions of this clause a minimum of 10% (6) of the units within the development are to be provided as adaptable dwellings. A 'Statement of Compliance Access for People with a Disability' Report was submitted with the application, prepared by Accessible Building Solutions and dated 06/07/2018.

The report concluded that the proposal is compliant with the access provisions of the BCA and AS 4299 Adaptable Housing.

Further to the above, plans indicate the provision of ramps, lifts and level pathways on site to ensure appropriate access is provided. Accessible car parking spaces are also illustrated within basement levels.

The proposal is satisfactory in this regard and complies with the provisions of this clause

#### 4.6 Parking Rates - Shops

A total of 6 commercial tenancies, with a total GFA of 274.3sq/m is proposed. Accordingly, a total of 7 commercial spaces are required within the development. Plans indicate the provision of the required car spaces on site. The proposal complies with the requirements of this clause.

# 4.6 Car Park Location and Design

The proposal seeks to provide a basement car parking area on site for residents and visitors with access from Sarsfield Circuit. The proposal provides adequate headroom clearances and the basement levels have been designed in accordance with relevant Australian Standards. The proposal is satisfactory in relation to the requirements of this clause.

## 4.6 Vehicles Enter and Exit in a Forward Direction

The basement has been designed to enable forward entry and exit on site. The proposal is considered to satisfy the requirements of this clause.

#### 4.6 Access to Parking

The proposal provides secure carparking behind a shutter, with the provision of an intercom for visitor

access. Parking for persons with a disability / mobility impairment has been provided within close proximity to lifts and vehicles are able to enter and exit the site in a forward direction. The proposal is satisfactory in regards to the provisions of this clause.

## 4.6 Design of Loading Facilities

A designated loading/unloading bay suitable for vans of the type related to small retail tenancies and rental furniture vans is provided in Basement Level 1. The proposal is satisfactory in this regard.

#### 4.6 Car Wash Facilities

One (1) dedicated car wash bay is required for the development. Plans indicate the provision of a car wash bay within basement level 1, shared within a visitor space.

The aforementioned carwash bay is required to be provided as a separate space and comprise greater dimensions than those provided i.e. 3.5m x 5.5m.

The proposal does not comply with the requirements of this clause, yet it is noted that this could be conditioned should the proposal have been supported.

#### 4.7 Air Conditioning and Communication Structures

Plans do not illustrate the location of air conditioning units within the development and it therefore has not been demonstrated that the proposal complies with the requirements of this clause.

# 4.7 Waste Storage and Recycling Facilities

Appropriately sized and located temporary waste storage areas are provided at ground level, internally on site. The proposal is satisfactory with regards to this clause.

## 4.7 Service Lines/Cables

Plans illustrate the provision of a substation in the north eastern corner of the site adjoining the Sarsfield Circuit frontage of the site. The substation is adjoined by a mulched / pebbled access path and subsequently surrounded by a range of landscaping which softens the substation when viewed from the site and public domain. The proposal is satisfactory in this regard.

# 5.3 Mixed Use - Retail

As per the requirements of this clause, a minimum of 10% (452.8sq/m) of the gross floor area of a mixed use development is to be for retail and/or commercial uses. The proposal seeks to accommodate a retail gross floor area of 274sq/m, which is equivalent to 6% and does not comply with this requirement.

## 5.3 Mixed Use - Awnings

Plans illustrate the provision of a colonnade with building atop, which is to function as an awning structure to the public carpark frontage of the site. The height of the structure above the footpath ranges from 3.5m to 3.1m, given the topography of the area. Given the aforementioned this is not considered to be unreasonable and should the proposal have been supported this would be satisfactory.

# S4.15(1)(a)(iv) - Provisions of regulations

All relevant provisions of the Regulations have been taken into account in the assessment of this proposal.

# 4.15(1)(b) - Likely Impacts of Development

The likely impacts of the proposal have been previously discussed within this report.

# S4.15(1)(c) - Suitability of the site

Given the reasons previously discussed in this report, it cannot be concluded that the site is suitable for the proposal in its current form.

# S4.15(1)(d) - Public submissions

The development has been notified in accordance with the provisions of Rockdale DCP 2011 and a total of 12 submissions were received. The issues raised in the submission are discussed below:

Overdevelopment / 56 apartments is a bit too opportunistic for this suburb's liking and will be an eyesore. / Proposal is unsuitable for the site

Comment: The proposal exceeds the maximum FSR permitted on site and is considered to be an overdevelopment of the site, as previously discussed in this report.

Traffic congestion and impact this development will bring / Unwanted rat runs through our quiet suburbs

Comment: The proposal complies with the car parking requirements necessary for the development. The matter of rat runs cannot be substantiated.

This kind of development will benefit Bexley North by modernising it as well as bringing additional retail opportunities to the area currently not present.

Comment: The above is noted.

Breach to height & FSR limits / Variations are not adequately justified and should not be entertained / The proposal tries to justify the increased height from that approved (by a previous application) stating that it is due to the provision of ceiling heights/ floor to floor heights which comply with the ADG. This is an inappropriate attempt at a justification, perhaps it should have complied with the ADG in the previous application. It also seeks to justify the height variation request by stating that some portions comply. This also is inappropriate as the entire proposal should comply

Comment: The matters of height and FSR have been previously discussed within this report. The additional height and FSR as proposed are not supported nor justified in this instance.

How will construction access be maintained via Sarsfield Circuit in lieu of through the council car park over the footpath into the site

Comment: Should the proposal have been supported for approval, conditions of consent would be imposed requiring a Traffic and Construction Management Plan, to ensure minimal disturbance to members of the public in terms of access both pedestrian and vehicular during construction.

Existing Bottleneck that occurs at the Bexley Road, Slade Road and Shaw Street intersection needs improvement

Comment: This matter is beyond the scope of this application. It is noted that Bexley Road and this intersection is managed by the Roads and Maritime Service.

Infrastructure in Bexley North is limited, increase in population will burden existing infrastructure eg traffic, public transport, community safety, and no additional facilities to cope with the increase in population particularly for the elderly and disabled.

Comment: The above is noted.

There is no lift at Bexley North train station

Comment: This matter is beyond the scope of this application.

The plan is using existing public space (such as the car park below) to off-set its responsibilities to provide open space for such a large development. Open space should be a requirement of the development sand should not include public space that already exists; that is just like stealing open space to justify profits for the private developers.

Comment: The matter of communal open space on site has been previously discussed in this report.

Insurance issue with neighbouring property.

Comment: This matter is beyond the scope of this application.

Stormwater should not be discharged onto the roof of adjoining supermarket

Comment: The site provides adequate stormwater management and is designed as per the Rockdale technical specification however, is lacking in meeting the required water quality objectives and basement stormwater management. Minor stormwater runoff from the face of the boundary wall is an unavoidable consequence of the available development controls.

Owner of supermarket would not allow scaffolding on roof of this neighbouring property

Comment: This is noted.

Special construction methods should be utilised to avoid collapse of brick walls as previously occurred in 2014-2015 in Sarsfield Circuit / Dilapidation report should be required.

Comment: Conditions of consent would be imposed should the proposal have been supported.

## S4.15(1)(e) - Public interest

The proposal is not deemed to be in the public interest, for the reasons previously detailed within this report.

# S7.11 Contribution towards provision or improvement of amenities or services

Should the proposal have been supported for Approval, standard conditions of consent could be imposed which would require the payment of relevant s7.11 Contributions.

# **Schedule 1 - Draft Conditions of consent**



Item 6.4 – Attachment 2

Bayside Local Planning Panel



PHOTOMONTAG

Fox Johnston

# 1, 289A Devonshire Street # + 61 2 3 2 1 1 2 7 6 7 7 9 1 1 1 2 7 6 7 7 9 1 1 2 7 6 7 9 1 1 2 7 6 7 9 1 1 2 7 6 7 9 1 1 2 7 6 7 9 1 1 2 7 6 7 9 1 1 1 2 7 6 7 9 1 1 1 2 7 6 7 9 1 1 1 2 7 6 7 9 1 1 1 2 7 9 1 1 1 2 7 9 1 1 1 2 7 9 1 1 1 2 7 9 1 1 1 2 7 9 1 1 2 7 9 1 1 2 7 9 1 1 2 7 9 1 1 2 7 9 1 1 2 7 9 1 1 2 7 9 1 1 2 7 9 1 1 2 7 9 1 1 2 7 9 1 1 2 7 9 1 1 2 7 9 1 1 2 7 9 1 1 2 7 9 1 1 2 7 9 1 2 7

Barua Group

B-28 SARSFIELD CIRCUIT BEXLEY WORTH

Too

Photomontage

| Depth | Sept | Depth 
Item 6.4 – Attachment 3

# **SEPP 65 DESIGN STATEMENT** AND APARTMENT DESIGN GUIDE

8-20 Sarsfield Circuit, **BEXLEY NORTH** 

July 2018



Level 1, 268a Devonshire Street
Surry Hills
NSW 2010 Australia
T+612 9211 2700

foxjohnston.com.au

contact@foxjohnston.com.au

## **TABLE OF CONTENTS**

- 1.0 Design Verification Statement
- 2.0 Design Intent Statement
- 3.0 Proposal
- 4.0 SEPP 65 Design Principles

Principle 1 CONTEXT + NEIGHBOURHOOD

CHARACTER

Principle 2 BUILT FORM + SCALE

Principle 3 DENSITY

Principle 4 SUSTAINABILITY

Principle 5 LANDSCAPE

Principle 6 AMENITY

Principle 7 SAFETY

Principle 8 HOUSING DIVERSITY + SOCIAL

INTERACTION

Principle 9 AESTHETICS

- 5.0 Apartment Design Guide Part 1 Identifying the Context
- 6.0 Apartment Design Guide Part 2 Primary Controls
- 7.0 Apartment Design Guide Part 3 Siting the Development
- 8.0 Apartment Design Guide Part 4 Designing the Building

Fox Johnston

# 1.0 Design Verification Statement



Level 1, 268A Devonshire Street Surry Hills NSW 2010 Australia foxjohnston.com.au

T +612 9211 2700 ABN 63111324353 contact@foxjohnston.com.au

17st July 2018

## 8-20 Sarsfield Circuit, BEXLEY NORTH

This statement is to be read in conjunction with the Statement of Environmental Effects prepared by ABC Planning and the Architectural Package for DA Submission.

This letter is to confirm that Conrad Johnston of Fox Johnston has directed the design of the proposed residential development building at 8-20 Sarsfield Circuit, Bexley North.

We confirm that the design quality principles set out in Parts 3 and 4 of the State Environmental Planning Policy No. 65 – and the Apartment Design Guide are achieved in the as outlined in the following report.

Conrad Johnston Director Fox Johnston Registered Architect NSW Architects Registration Board Reg. No. 8270



### 2.0 Design Intent Statement

Located in the evolving Bexley North locality, this project presents an opportunity for significant upgrade of an existing Mixed use typology. Density and activation will work harmoniously to activate an otherwise run down location.

Two distinct building volumes previously have been amalgamated and designed as a visual connection between the now, lower and upper building masses. These volumes have been clearly defined through a mixture of setbacks and materiality for legibility and to develop a broken down massing. Landscaping wraps around the sites perimeter to the North and West, whic also reflects the pedestrian nature of Sarfield circuit.

Generous apertures between building masses have been provided to enable the buildingto breathe as well as offer a visual connection to communal garden spaces. The northern aperture in particular offers a link to the passive garden at ground level, with the southern opening providing n opportunity for permeability and cross ventilation.

The building forms on either side of these apertures have been carefully manipulated to maximise northern sunlight into apartments as well as provide an articulated street presence from both approaches. Each apartment will benefit from thoughtful planning and functionality as well as considered orientation to outlook, gardens, light and breezes. Varying apartment types provide a diversity of spaces, whilst large areas of glazing optimize the outlook and create a permeability between levels.

Careful attention has been placed both on the usability of each apartment space as well as the private communal spaces. Individual large terraces and integrated planter boxes provide both a generosity of space and green relief between apartments. A series of modulated public roof gardens provide the opportunity for additional breathable space embracing northerly sunlight and district views.

Activation at ground level has been sensitively designed to provide a central passive garden and landscaped buffers. Double height lobby spaces from Sarfield Circuit, and a facebrick colenade also create an enlivened edge to the public domain and a sense of drama at entry points. Upper floor lobby areas also benefit from considered view apertures as well as provide natural light and breezes to the public walkways.



## 3.0 Proposal

#### 1.1 Introduction

The subject site is 8-20 Sarsfield Circuit located at Bexley North. The exisiting use for the site will remain unchanged with the current proposal, however a significant upgrade is sought to improve the amenity of residents and users of the commercial facilities.

Amalgamting the building mass, allows for much improved oulook for residens and significantly improved orientation of apartments, allowing for multiple orientations.

56 apartments are proposed with car parking provided on two levels of basement parking. A generous green space to the rooftop is provided as well as passive green space at ground floor. And a facebrick colenada fronting the council carpark provide a seamless transition between public and private spaces.

#### 1.2 Detailed Description of Proposal

The proposed building challenges the approved envelope for the subject site, whilst being sensitive to the surrounding setbacks and future context, refer to the Statement of Environmental Effects for Noncompliances and therefore planning benefits.

The building has been thoughtfully designed to provide optimum efficiency in terms of building design, layout and environmental performance. In particular, the reworked mixed use concept has been carefully modified to provide efficient apartment layouts, optimising outlooks, breezes and solar filtration.

The building facades have been carefully articulated to provide visual interest whilst promoting key outlook and solar orientation from the apartments. The expression of the commercial frontages is intended to be read differently to the above apartments - with a facebrick colenade base and highly refined elements framing views and corner treatments providing a depth of patterning and shading to the apartments above. this further explores the typology of shoptop housing.

Carparking is also located below ground to further eliminate bulk and scale. A complimentary palette of natural and new materials above is in keeping with the concept of responding to the local environmental conditions.



Depth and definition in the facade is enhanced by the permeability of the apartments and with the introduction of balconies and deep modulated reveals.

Planting has been maximised on site and two outdoor communal spaces have been provided which encourages the 'outdoor living'. There is a high amenity communal space at rooftop level benefiting from good solar access as well as a passive communal garden at ground level.

Apartments are orientated to capture district views, sunlight and ventilation, with balconies acting as a buffer zone to ensure both privacy and provide an articulated facade.

The proposed development involves 2.5 levels of basement car parking accessed from sarsfield circuit. A total of 67 car parking spaces are provided, with 6 spaces allocated for commercial purposes and 11 spaces allocated for residential visitor car parks.





# PRINCIPLE 1: CONTEXT & NEIGHBOURHOOD CHARACTER

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. 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. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

#### **PROPOSAL**

The site is located in Bexley North and is part of Bayside Council. The locality in general is experiencing investment and re-development across the district and therefore the proposed building responds well to the future desired context and character of the Bayside Council

The proposal is designed to activate and enliven the transitioning Bexley North locality by providing high quality, sustainable residences that provide a visually intriguing backdrop to the local area. Massing that has been carefully articulated, introduces a fine grain residential subdivision – in turn providing a more permeable and pedestrian/walkable neighbourhood.

The site is occupied by an existing commercial and residnetial mixed use buildings, and minimal landscaping. The proposed buildings are intended to blend in well with the regeneration of the locale providing well designed apartments with good amenity and generous landscaped areas.

Orientation, acoustic privacy, and proximity to potential future developments have been considered in the proposal. As a result the design responds to the locality with:

- Articulated facades including balconies to maximise solar access
- Natural cross ventilation and natural ventilation to a high proportion of apartments
- A fine grain breadown of massing and landscaped spaces from both passive and active communal spaces.

The materiality of the re-imagined mixed use buildings are also informed by contemporary materials – including face brick, glazing and aluminium – providing texture and intrigue for the building elements.



#### PRINCIPLE 2: BUILT FORM AND SCALE

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. 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. 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.

#### **PROPOSAL**

The proposed building challenges the envelope and zoning for the subject site, whilst being sensitive to the surrounding future context.

The buildings have been thoughtfully designed to provide optimum efficiency in terms of building design, layout and environmental performance. Of primary importance on this site is the creation of apartments that would benefit from natural ventilation, light and garden outlooks.

The building facades have been carefully articulated to provide visual interest whilst promoting key outlook and solar orientation from the apartments. The expression of the facades has been greatly influenced by the site's environmental aspects and their building type.

The re-imagined mixed use building is envisaged as a series of expressed home elements housing balconies and glazing while the lower levels incorporate a facebrick colenade with concealed balconies, which helps break down the scale of the development.

These differing building elements aim to create a cohesive response to the localised environment creating a highly articulated facade with a depth of patterning and shading. Carparking is also located within the building mass and below ground to further eliminate bulk and scale.

A complimentary palette of natural and new materials - face brick, painted concrete and painted render, aluminium, and clear glazing are in keeping with the local environmental conditions.

Depth and definition in the facade is enhanced by the permeability of the apartments and with the introduction of balconies and deep modulated reveals.



#### PRINCIPLE 3: DENSITY

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. 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.

# Photomontage > View from council carpark

## **PROPOSAL**

Appropriate density is established on the site, which challenges the hieght and FSR controls of the site. In regards to ADG commpliance, the development responds well to the siting, separation and internal amenity requirements outlined.

The proposal includes 56 apartments on the site, as well as 6 commercial tennancies, and an underground basement car park.

Residential apartments range from studios, to one bedroom, 2 bedroom and 3 bedrooms apartments.

This residential density is sustainable on this site due to the provision of well established infrastructure such as stormwater, sewer, electricity and telecommunications systems. The site is located near main public transport lines in Bexley North, with community facilities within walking distance. The site is well located to public transport networks and is close to local Train stations.

Car parking spaces (as well as visitor spaces) are provided in the basement carparking below, thus reducing the load to on-street carparking.





#### PRINCIPLE 4: SUSTAINABILITY

Good design combines positive environmental, social and economic outcomes. 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.

#### **PROPOSAL**

Energy efficient design and building response have been developed through passive design and sun control elements. Solar access, natural ventilation and thermal massing characterise this development, achieving high personal comfort and low energy consumption for the buildings' occupants.

Mature tree planting is also considered key in providing additional reduction in heat gain to both the proposed development and the surrounding new buildings. ATC Landscape Architects have developed an appropriate stratergy to complement this.

Several environmentally sensitive design principles have been adhered to in the proposed building, and therefore the minimum requirements outlined in the SEPP 65 guideline are satisfied. This includes over 60% of apartments being fully cross ventilated with additional natural ventilation achieved through the use of side windows and building apertures. 70% of apartments achieve more than optimal sun filtration in winter into habitable spaces with balconies designed to reduce heat gain in the summer months.

This proposal has an Integrated Green Approach to the design and incorporates the following sustainable principles:

- use of reclaimed, recycled and recyclable building materials
- · use of low energy fittings and fixtures
- reliance on natural and cross ventilation (maximising indoor air circulation)
- use of sun shading structures to control light as required
- · passive solar energy for heating
- use of specific materials with low toxicity passive design measures through native landscaping.



#### PRINCIPLE 5: LANDSCAPE

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. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, microclimate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management.

#### **PROPOSAL**

The landscape is conceived as a holistic urban garden, with poth passive and active green spaces. It is on grade in the form of deep soil and soil on slab and is designed as integral to the architecture, demonstrating a progressive whole-of-building approach to the urban landscape.

The landscape design solutions are an outcome of careful consideration to the architectural building and provide a stimulating environment responsive to the scale of the development. The textured plant selection has been made from plant species suited to various microclimatic conditions and site requirements with local native and indigenous species used where possible. This contributes to an environmental and socially sustainable landscape.

Incorporation of large podium planters within the site as well as generous landscaped gardens along the adjacent property boundary and within the buildings themselves provides natural processes of stormwater catchment and filtration - complimenting the deep soil allocations. These gardens will be domestic in character and will generate both chance interactions as well as small-scale organized gatherings that will combine to create a vibrant and unique sense of community.

The proposed landscape plan encourages indoor/outdoor relationships. Building edges seamlessly transition to the surrounding streetscape, offering a unified internal and external spatial experience. The roof plane is activated through integration of an active communal space and the Ground floor provides a passive space, which further benefts the apartments.



#### PRINCIPLE 6: AMENITY

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.

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.

#### **PROPOSAL**

Good amenity is provided in this design through the physical, spatial and environmental qualities of the development. Each apartment in the development achieves good solar access; natural cross ventilation and/or natural ventilation.

All apartments have a variety of appropriately sized indoor and outdoor spaces; outlook and adequate visual and acoustic privacy strategies ensure privacy of residents. The efficient layouts also ensure's there is adequate internal storage area within each apartment type.

Parking, recycling and waste storage areas are provided in the basement or on ground floor, along with bicycle storage to promote greener modes of transport. Lift facilities are provided for each apartment to allow for elderly and accessible access.

Balconies are designed to maximise the potential for outdoor living, and are covered to control the elements. Individual balconies have been designed to ensure privacy and maintain amenity between adjacent properties.

Sun control devices/strategies including deep reveals, fixed/sliding screens and slab projections have been incorporated to counter harsh Northern sun in summer periods, whilst still promoting passive solar access in Winter

Few apartments face directly South with the majority facing North and East or West, some with dual orientation.

Compliant 2.7m ceiling heights are also provided throughout, with each lobby space enjoying natural light and ventilation.



#### PRINCIPLE 7: SAFETY

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. 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.

#### **PROPOSAL**

Safety and security have been given great consideration across this project - particularly due to direct acess from the council carpark. This link has been activated in a number of ways including the introduction of individual entrances to commercial tennacies and a central lobby entrance for commercial staff and residnets.

Playful elements such as seating are envisaged to be designed to promote activity and interest in the communal spaces, for additional passive survelience.

Passive surveillance from these locations ensures security through activated and monitored spaces. The lobby entrances to the buildings are also conveniently located and present a rational approach to the building core and layout. At night these spaces will be well-lit to further promote occupants' safety.

Elevation and level change has also been considered to establish clear distinctions between public and private spaces. These control lines have been carefully designed within the landscaping to determine a hierarchy between the entrances and the ground plane.

Within the buildings, the separation of neighbouring balconies between apartments further increases security. During the day, the thoughtfully designed communal spaces increases the number of people passively observing the lobby areas and, as such, improves security for all residents.

Lighting and CCTV surveillance are to be provided in the car parking areas, and integrated fence lines and landscaping have been developed to enhance the residents' sense of security through private and public spaces.

The street frontages of the proposal also allow for landscaped setbacks to the East that improve the existing site landscaping.



# PRINCIPLE 8 : HOUSING DIVERSITY AND SOCIAL INTERACTION

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.

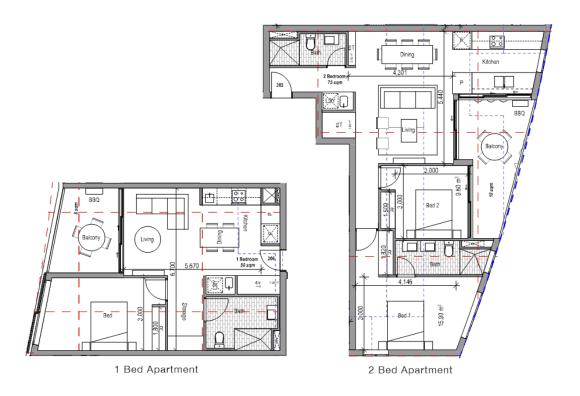
#### **PROPOSAL**

The proposed development will have a positive impact on the community by upgrading the existing site and providing well-designed buildings that complement the surrounding local context.

The proposal will cater for the appropriate demographic by providing a good mix of studios, 1-bed, 2-bed and 3-bed apartments; lift access to all levels; and dedicated off-street parking.

The layout ensures the building can cater for a large range of affordable options and equitable access for the residents/users.

The large communal spaces at rooftop and Ground floor garden will promote social interaction as well as provide a green buffer between dwellings.





#### PRINCIPLE 9: AESTHETICS

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.

The visual appearance of well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

#### **PROPOSAL**

The proposal develops a modern contemporary aesthetic that builds on the aspirations of the development and its spirit of environmental excellence. The buildings are designed to invigorate their setting and enliven the evolving Bexley North locality.

As mentioned above, the building forms have been carefully articulated to reduce their visual bulk and create interest. Landscape elements are carefully integrated into the design, promoting environmental sustainability and visual interest. Natural and new materials complement the buildings' facades, providing a high degree of contextual fit.

The material palette incorporates an array of complimentary materials – facebrick, painted render/concrete, powdercoated aluminium and glazing to the re-imagined mixed use buildings. the materials selected will help identify entry spaces and lobbies - creating a cohesive dialogue between buildings and providing depth and definition in the façade. Materials chosen will demonstrate their longevity and robustness as well as their textural component.

Materials and textures have also be chosen for their relationship to external and internal spaces - to ensure a continuity of materials runs throughout the project. Specific textural components of stone or timber may be chosen to provide warmth to internal apartment spaces whilst more robust materials with similar textural feel may be chosen for public connected spaces.

Varying types of paving will be integral to the overall design aesthetic - responding to the proposed fine grain breakdown. This will provide a unified and cohesive language of pedestrian spaces throughout site.



- 5.0 Apartment Design Guide Part 1 Identifying the Context
- 1A Apartment Building Types

Mixed Use - Commercial and Residential

1B Local Character and Context

The site is located in Bexley North, and is surrounded by varying building typoloogies, and therrefore a range of building masses and scales. The locality in general is experiencing transformation, and therefore the proposed building responds well to the future desired context and character.

The proposal is designed to activate and enliven the transitioning Bexley Northe area by providing high quality, sustainable residences that provide a visually intriguing backdrop to the local area. New commercial spaces, and detailed facades will introduce a fine grain residential subdivision – in turn providing a more permeable and human scale neighbourhood.

#### 1C Precincts and Individual Sites

The site is located within a predominantly mixed use and residential area of Bexley North. This proposed mixed use building is intended to blend in well withthe locale providing well designed apartments with good amenity and generous landscaped spaces.

The proposal addresses the vision and objectives outlined in the Bayside Council Development Control Plan 2014.



# 6.0 Apartment Design Guide Part 2 Primary Controls

## 2A Primary Controls

The proposal challenges a number of primary controls, however all breaches are clearly identified, and justified, refer to Stetement of Environmental Effects.

## 2B Building Envelopes

The proposal challenges a number of primary controls, however all breaches are clearly identified, and justified, refer to Stetement of Environmental Effects.

# 2C Building Height

Proposal breaches LEP height limits, however this has been addressed through a Section 4.6 Varoation. The proposal seeks to breach these limits based on the demonstrable public benefit in affordable housing.

#### 2D Floor Space Ratio

The proposal challenges the FSR controls, and is vindicated through demonstrable public benefit outlined above and in the Statement of Environmental Effects.

# 2E Building Depth

Generally Complies. The Majority of building depths are less than 18m. Where numerically the building depth is larger than 18m, the building has articulated facades which allow for maximising solar acess and corss ventillation. And hence the objective is still maintained.

# 2F Building Separation

Complies with intent - screening and orientation of apartments has been carefully considered to provide adequate separation

2G Street Setbacks

Generally complies.

2H Side and Rear Setbacks

Generally complies.



## Objective 3A-1 Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context

# 7.0 Apartment Design Guide Part 3 Siting the Development

3A Site Analysis

# Complies

A thorough site analysis was undertaken prior to the development of the proposal. The design of the overall project including the form, facade treatment, landscaping and outdoor communal space has been informed by this investigation and considers:

- + the site's aspect, climate and topography
- + the provision of privacy and amenity for both the apartment occupants and adjacent properties
- + district views
- + solar access to communal open space
- + traffic noise from Bexley Road

Image 01: Site Location





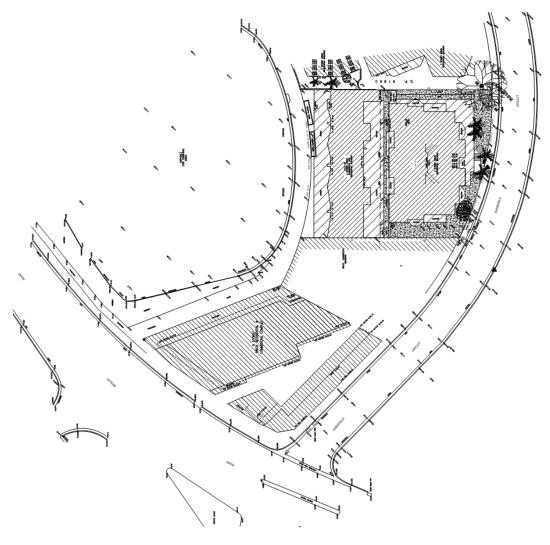


Image 02: Survey



© 2016 SEPP 65 +ADG DA Statement, 8-20 Sarsfield Circuit, Bexley North

Item 6.4 – Attachment 4

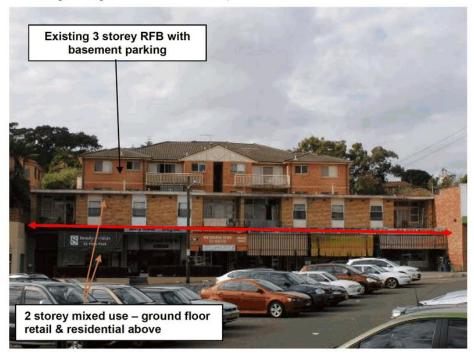


Image 03: Existing Buildings on site from council car park

Image 04: Existing Building on site from Sarsfield Circuit





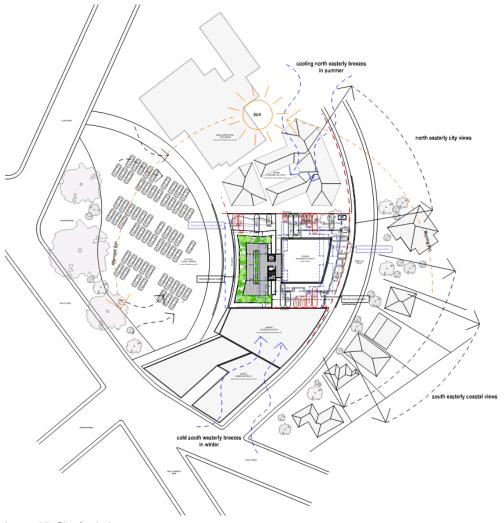


Image 05: Site Analysis

Fox Johnston

Objective 3B-1

Building types and layouts respond to the streetscape and site while optimising solar access within the development

Objective 3B-2

Overshadowing of neighbouring properties is minimised during mid winter

3B Orientation

#### Complies

The proposed building has been orientated to optimize the site conditions, retain the amenity of neighbouring properties and create an optimum street frontage for Sarsfield Circuit.

Generous apertures from the public domain to the north and the new road to the west provide a break in the building form and a connection to the central garden space beyond. An aperture is also created between the existing tower and the southern garden building providing a sense of drama at the entry point.

The living areas in each apartment have been carefully located to maximum solar and daylight access - With a minimum 70% of apartments currently receive the required amount of solar access as per Section 4A of the ADG.

Objective 3C-1

Transition between private and public domain is achieved without compromising safety and security

Objective 3C-2 Amenity of the public domain is retained and enhanced 3C Public Domain Interface

# Complies

The proposal has been carefully designed in conjunction with ATC (A Total Concept) Landscape Architects to ensure the public domain interface is appropriate to the setting, is safe with opportunities for casual surveillance and encourages interaction between the residents.

The public domain to the south west have been activated by new commercial sapces which dirctly adress the exisiting council carpark, they are setback from the boundary within a colenade which offers respite, and breaks down the scale of the development. A centralised Lobby zone to both frontages, and generous deep soil planting to the north and East provide clarity for pedestrian movement. The rooftop communal space can be accessed by residents via the shared lifts.

Visual privacy has been achieved to the residential apartments through the use of landscaping, orientation and apeture, screening devices and specific window locations.

Fox Johnston

#### Objective 3D-1

An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.

Design Criteria

- Communal open space has a minimum area equal to 25% of the site
- Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)
- The communal open space should have a minimum dimension of 3m

#### Objective 3D-2

Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.

#### Objective 3D-3

Communal open space is designed to maximise safety

#### Objective 3D-4

Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood

#### 3D Communal Open Space

#### Complies

The project includes multiple communal open zones, both passive and active - and achieves well over the 50% direct sunlight for the minimum 2 hours.

The active communal area located on the rooftop allows for a generous outdoor area. This area will provide outdoor decking, seating, childrens play, BBQ's, and planting.

The second communal space fronts the northern boundary and this space comprises of dense planting and lawn areas and is envisaged as a passive garden space.

The Ground floor passive communal open space can be seen from a number of apartments and will also act as a dense vegetation screen and visual relief between the neighbouring buildings.

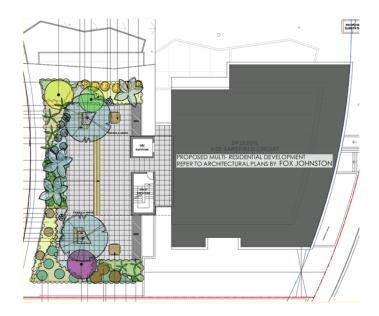


Image 6: Rooftop Landscape Plan (ATC Landscape Architects) Showing Communal Rooftop





#### Objective 3E-1

Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality Design criteria

Deep soil zones are to meet the following minimum requirements:

- 7% of site area
- <650sqm no min dimension
- 650sqm-1500sqm 3m min dimension
- >1500sqm 6m min dimension

#### 3E Deep Soil Zones

#### Complies

Deep soil planting has been included along the Street frontage and along the north eastern boundary which will increase privacy and act as a buffer between properties. Deep soil planting covers an ADG compliant proportion of the site of 7% of the site area (95.57m²). Internalised passive planting areas are also mounded up to ensure established trees are provided in communal garden areas, this is in addition to the deep soil planting provided.



#### Objective 3F-1

Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy Design criteria

- Separation between windows and balconies is provided to ensure visual privacy is achieved.
   Minimum required separation distances from buildings to the side and rear boundaries are as follows:
- 4 storeys: 6m for habitable rooms and balconies; 3m for non-habitable rooms.
- 5-8 storeys: 9m for habitable rooms and balconies; 4.5m for non-habitable rooms.
- 9+storeys: 12m for habitable rooms and balconies; 6m for non-habitable rooms.
- Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)
- Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties Design guidance
- For residential buildings next to commercial buildings, separation distances should be measured as follows:
- for retail, office spaces and commercial balconies use the habitable room distances
- for service and plant areas use the non-habitable room distances
- Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3E.5)
- No separation is required between blank walls

### Objective 3F-2

Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space

#### 3F Visual Privacy

#### Complies

Importance has been placed on designing a building that complements the existing and future scale of the streetscape whilst maximising the current controls of the Bayside Council. Visual privacy has been provided through a series of arciculated building facades, and setback requirements. Where areas of the building breach the setback, window location and orientation has been carefully designed to ensure visual privacy. Further visual privacy has been added with the introduction of fixed and sliding screens to selected windows.

Visual privacy has also been provided by the communal area through dense landscape planting.



Objective 3G-1

Building entries and pedestrian access connects to and addresses the public domain

Objective 3G-2

Access, entries and pathways are accessible and easy to identify

Objective 3G-3

Large sites provide pedestrian links for access to streets and connection to destinations

3G Pedestrian Access and Entries

#### Complies

There are multiple entries to the proposed site to assist in activation of the ground plane.

There are 2 residential lobbies across the site; including 1 entry from Sarfield Circuit, and 1 entry from the council carpark and commercial zone at the rear of the property.

Swipe card access may also be incorporated into residential lobby entries.

Through careful landscaping, the connection to lobbies is clear and distinct. Due to flooding requirements of the sites, all lobbies are accessed higher than street level. This level change has been carefully integrated into the landscaping to ensure a gradual and easily accessible / universal path of travel.

Objective 3H-1

Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes 3H Vehicle Access

# Complies

Vehicle entry to the basement parking level is located via Sarsfield Circuit. It is situated at the south-western portion of the site, allowing the residential apartments to activate the perimeters of the site.

The basement carpark entry has been carefully designed to ensure it complements the proposed building in both material palette and scale. Detailed landscaping proposals will ensure the ramps and exterior facades are well integrated into the ground plane.

Swipe card access may also be incorporated into the parking security doors.

Fox Johnston

Objective 3J-1

Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas

Design criteria

- For development in the following locations:
- on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or
- on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre
- the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less
- The car parking needs for a development must be provided off street

Objective 3J-2

Parking and facilities are provided for other modes of transport

Objective 3J-3

Car park design and access is safe and secure

Objective 3J-4

Visual and environmental impacts of underground car parking are minimised

Objective 3J-5

Visual and environmental impacts of on-grade car parking are minimised

Objective 3J-6

Visual and environmental impacts of above ground enclosed car parking are minimised

3J Bicycle and Car Parking

#### Complies

The car parking design provides the required number of spaces including accessible spaces, visitor, motorcycle and bicycle parking as per the RMS guidelines.

The car parking is located over 2.5 levels of Basement and also contains a loading zone and commercial spaces as required by the Bayside Council DCP.



#### Objective 4A-1

To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space

#### Design criteria

- Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas
- In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter
- A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter
- To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of 1sqm of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes

# Objective 4A-2

Daylight access is maximised where sunlight is limited

## Objective 4A-3

Design incorporates shading and glare control, particularly for warmer months.

# 8.0 Apartment Design Guide Part 4 **Designing the Building**

4A Solar and daylight access

#### Complies

71% of apartments receive the required solar access to the living rooms and private open spaces (See diagrams.)

Building articulation, covered balconies, window hoods and sliding screens ensure adequate sun shading on all facades during summer months while allowing for maximum solar access in the winter months.

More than 73% of apartments also receive more than 1 hr sunlight between 8am and 4pm at mid winter.



Image 12: 9am Sun Position



Image 13: 10am Sun Position



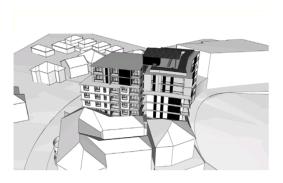


Image 14: 11am Sun Position



Image 15: 12pm Sun Position



Image 16: 1pm Sun Position

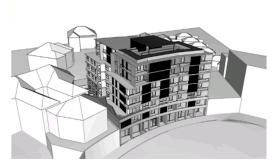


Image 17: 2pm Sun Position



Image 18: 3pm Sun Position



Objective 4B-1

All habitable rooms are naturally ventilated

#### Objective 4B-2

The layout and design of single aspect apartments maximises natural ventilation

#### Objective 4B-3

The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents

Design criteria

- At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed
- Overall depth of a cross-over or cross- through apartment does not exceed 18m, measured glass line to glass line

Objective 4C-1

Ceiling height achieves sufficient natural ventilation and daylight access

Design criteria

- Measured from finished floor level to finished ceiling level, minimum ceiling heights are:
- Habitable rooms: 2.7m
- Non-habitable: 2.4m
- 2 storey apartments: 2.7m for main living area floor; 2.4m for second floor where it's area does not exceed 50% of the apartment area
- Attic spaces: 1.8m at the end with a 30 degree min slope
- If located in mixed use area: 3.3m for ground and first floor to promote flexibility

# Objective 4C-2

Ceiling height increases the sense of space in apartments and provides for well proportioned rooms

## Objective 4C-3

Ceiling heights contribute to the flexibility of building use over the life of the building

#### 4B Natural Ventilation

#### Complies

All apartments are naturally ventilated. The building form allows for natural cross ventilation to 63% of apartments. The Building has been specifically arcticulated to maximise these opportunities, and deeep reveals ensure Lobbys are flooded with nathural light and ventilation.

All cross-through apartments have a depth less than 18m for the flow path, and although there are some minor discrepancies, the cross flow paths are numerous.

#### 4C Ceiling Heights

#### Complies

The ceiling heights are 2.7m to all habitable spaces in apartments.



Objective 4D-1

The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity

Design criteria

- Apartments are required to have the following minimum internal areas:
- Studio: 35sqm
- 1 bedroom: 50sqm
- 2 bedroom: 70sqm
- 3 bedroom: 90sqm

The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m2 each

A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m2 each

- Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms Design Guidance
- A window should be visible from any point in a habitable room

Objective 4D-2

Environmental performance of the apartment is maximised

Design criteria

- Habitable room depths are limited to a maximum of 2.5 x the ceiling height
- In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window

#### Objective 4D-3

Apartment layouts are designed to accommodate a variety of household activities and needs
Design criteria

- Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space)
- Bedrooms have a minimum dimension of 3m (excluding wardrobe space)
- Living rooms or combined living/dining rooms have a minimum width of:
- 3.6m for studio and 1 bedroom apartments
- 4m for 2 and 3 bedroom apartments
- The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts

#### 4D Apartment Size and Layout

#### Complies

The depth of apartments is within the 'very good to good' range of a comfortable internal layout design as per the ADG. The apartments consistently comply with the internal dimensions of the ADG and all habitable rooms have windows on an external wall.

The rooms within the proposal comply with the prescribed minimum internal dimension of 3m. Living rooms = min dimension of 3.6m (Studio & 1 Beds) and 4m (2 & 3 Beds). Generally 4m living room widths are achieved.



#### Objective 4E-1

Apartments provide appropriately sized private open space and balconies to enhance residential amenity Design criteria

- All apartments are required to have primary balconies as follows:
- Studio: 4sqm min
- 1 bed: 8sqm min and 2m depth
- 2 bed: 10sqm min and 2m depth
- 3 bed: 12sqm min and 2.4m depth

The minimum balcony depth to be counted as contributing to the balcony area is 1m

 For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m2 and a minimum depth of 3m.

#### Objective 4E-2

Primary private open space and balconies are appropriately located to enhance liveability for residents

#### Objective 4E-3

Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building

#### Objective 4E-4

Private open space and balcony design maximises safety

#### Objective 4F-1

Common circulation spaces achieve good amenity and properly service the number of apartments Design criteria

- The maximum number of apartments off a circulation core on a single level is eight
- For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40
- Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level

#### Objective 4F-2

Common circulation spaces promote safety and provide for social interaction between residents

#### 4E Private open space and balconies

#### Complies

A key feature of the overall design is the extension of the living areas through balconies and private open spaces. This creates comfortable and private dwellings that take advantage of orientation and views. As such, all apartments achieve ADG compliant minimum balcony dimensions and areas as demonstrated on the plans.

Ground floor apartments have assosciated courtyards and private open space compliant with the minimum area and depth. In all cases they exceed the minimum of 15m² and average dimensions larger than 3m. They have been designed and predominately orientated to maximise solar access, as well as be connected to the living spaces.

Balustrades are integrated into the overall design aesthetic and are designed to maximise views and ensure privacy from within the apartments. Balustrades consist of a complementary palette of glazing, and powdercoated aluminium.

#### 4F Common Circulation and Spaces

### Generally complies

The common circulation spaces between apartments all have natural light and ventilation. There is a single lift core which services, the basement, commercial, residential and communal rooftop spaces. And although in some cases there is up to 10 apartments per level serviced by the same circulation core, fast travelling lifts ease any potential issues.

The lobbies also have high quality finishes and individual letterboxes at the Sarsfield St entrance.



Objective 4G-1

Adequate, well designed storage is provided in each apartment

Design criteria

- In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:
- Studio 4cm
- 1 bed: 6cm
- 2 bed: 8cm
- 3 bed: 10cm

At least 50% of the required storage is to be located within the apartment

#### Objective 4G-2

Additional storage is conveniently located, accessible and nominated for individual apartments

#### Objective 4H-1

Noise transfer is minimised through the siting of buildings and building layout.

#### Objective 4H-2

Noise impacts are mitigated within apartments through layout and acoustic treatments

#### Objective 4J-1

In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings

#### Objective 4J-2

Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission

#### Objective 4K-1

A range of apartment types and sizes is provided to cater for different household types now and into the fiture.

# Objective 4K-2

The apartment mix is distributed to suitable locations within the building

# Fox Johnston

#### 4G Storage

#### Complies

Each apartment contains storage in accordance with the Apartment Design Guide. Studio apartments = min 4m³, 1 Bed = min 6m³, 2 Bed = min 8m³ and 3 Bed = min 10m³. Additional storage is provided in storage cages in the basement whereby any deficiency of storage within the apartments is subsidised.

These apartments have been designed to ensure that min 50% of this requirement is located within the apartments.

#### 4H Acoustic Privacy

#### Complies

Each apartment has been planned to ensure a good level of acoustic privacy with many bedrooms grouped together. Materiality and good insulation will further improve acoustic privacy particularly in party walls.

#### 4J Noise and Pollution

#### Complies

The subject site is located on Sarsfield Circuit, but does lie within close proximity to Bexley road, a major arterial road. As such, noise and pollution have been considered. Careful planning ensures good acoustic separation between apartments as well as within the apartments (between living and bedroom spaces).

Careful consideration has also been given to ground level apartments with dense planting and articulated wall treatments providing good sound buffering.

(Recommendations for this have been provided in the acoustic report.)

#### 4K Apartment Mix

#### Complies

The proposal contains an appropriate mix of one studio, one bedroom, two bedroom, and three bedroom apartments, catering for a wide range of residents.

Objective 4L-1

Street frontage activity is maximised where ground floor apartments are located

Objective 4L-2

Design of ground floor apartments delivers amenity and safety for residents

Objective 4M-1

Building facades provide visual interest along the street while respecting the character of the local area

Objective 4M-2

Building functions are expressed by the facade

Objective 4N-1

Roof treatments are integrated into the building design and positively respond to the street

Objective 4N-2

Opportunities to use roof space for residential accommodation and open space are maximised

Objective 4N-3

Roof design incorporates sustainability features

4L Ground Floor Apartments

#### Complies

The proposal has apartments on the Ground Floor Level. Apartments on this level have a direct relationship with the passive communal space.

4M Facades

#### Complies

Façades are articulated to have appropriate proportion and scale to the streetscape.

Two types of facades have been developed that respond to specific site conditions. Type 1 facade articulated the lower levels including the commercial tennancies. Face brick provides a base to break up the massing of the site. Type 2 facades are the residential component above which include a mix of facebrick, aluminium screening, painted render, and clear glazing.

4N Roof Design

#### Complies

The roof design is a simple and unobtrusive flat roof with service elements located adjacent to the lift services. This ensures that are integrated into the building form to ensure they are not visible from street level.

A communal Rooftop at level 7 also increases the amenity to all apartments.



Objective 40-1

Landscape design is viable and sustainable

Objective 40-2

Landscape design contributes to the streetscape and amenity

40 Landscape Design

#### Complies

The landscaping across the site has been developed closely with the buildings. It is designed to enhance the living spaces in each dwelling as well as demonstrate a whole building approach to the urban landscape. The proposed landscaping encourages indoor / outdoor relationships with a building edge seamlessly transitioning to the surrounding streetscape.

The ground plane provides a passive connection to the north and east. With an active rooftop garden providing the communal open space.

The landscaping generally provides native landscaping with both passive and active spaces throughout.

Objective 4P-1

Appropriate soil profiles are provided

Objective 4P-2

Plant growth is optimised with appropriate selection and maintenance

Objective 4P-3

Planting on structures contributes to the quality and amenity of communal and public open spaces

4P Planting on Structures

## Complies

Planting is incorporated to both the passive and active residential communal spaces.

Objective 4Q-1

Universal design features are included in apartment design to promote flexible housing for all community members

Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features

Objective 4Q-2

A variety of apartments with adaptable designs are provided

Objective 4Q-3

Apartment layouts are flexible and accommodate a range of lifestyle needs

4Q Universal Design

# Complies

Each apartment within the proposal has been designed to accommodate a range of residents and include elements which enhance the amenity and livability, reducing the need for retrofitting.

Fox Johnston

Objective 4R-1

New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place

Objective 4R-2

Adapted buildings provide residential amenity while not precluding future adaptive reuse

Objective 4S-1

Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement

Objective 4S-2

Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents

Objective 4T-1

Awnings are well located and complement and integrate with the building design

Objective 4T-2

Signage responds to the context and desired streetscape character

Objective 4U-1

Development incorporates passive environmental design

Objective 4U-2

Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer

Objective 4U-3

Adequate natural ventilation minimises the need for mechanical ventilation

4R Adaptive Reuse

N/A

4S Mixed Use

Pedestrian movement across both entires to the site have been carefully considered. Commercial tennacies address the council car park to the West, whilst clear lobby entries assist in activating the streetscape at sarsfield circuit side of the development.

4T Awnings and Signage

#### Complies

Awnings were considered and rather the proposal embraces a colenade to the west to reduce the mass and humanise the scale. Double height entry forms the residential delineation in the way of building entry points.

4U Energy Efficiency

#### Complies

Energy efficiency is a primary concern in all of the buildings designed by Fox Johnston. A number of passive solutions have been incorporated which include passive solar design and natural ventilation as well as passive design measures through native landscaping.

Refer to the Basix report and Architectural package for Basix commitments



Objective 4V-1

Potable water use is minimised

Objective 4V-2

Urban stormwater is treated on site before being discharged to receiving waters

Objective 4V-3

Flood management systems are integrated into site design

V Water management and Conservation

#### Complies

4V

All fittings and appliances will be water efficient with an OSD tank incorporated on the site at ground level.

Objective 4W-1

Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents

Objective 4W-2

Domestic waste is minimised by providing safe and convenient source separation and recycling

Objective 4X-1

Building design detail provides protection from weathering

Objective 4X-2

Systems and access enable ease of maintenance

Objective 4X-3

Material selection reduces ongoing maintenance costs

4W Waste Management

# Complies

Adequate bins and bin storage have been incorporated into the design, through the use of bin chutes and bin holding rooms at ground Ffloor. Ease of access for garbage collection from sarsfield circuit has been designed with all garbage collection onsite. (See Waste Management Plan.)

4X Building Maintenance

#### Complies

Robust materials such as facebrick, powdercoated aluminium screens and doors have been selected for their longevity and quality to minimise maintenance.

Fox Johnston

Bayside Local Planning Panel 21/05/2019



F01 Facebrick - Boral Simmentel Silver



F02 Painted Render - Dulux White Exchange - Half



F03 Painted Render - Dulux Domino



F04/F05/F07 Powdercoated Aluminium - Balustrades, Screens, Window and Doors Frames - Dulux Eternity Bronze Pearl Satin. 90088393



F06 Clear Glazing

# PROJECT: 8-20 Sarsfield Circuit, Bexley North

# LEGEND:

**SAMPLE BOARD: REV A** 

Facebrick - Boral simmentel Silver PAINTED CONCRETE / RENDER - Dulux White Exhchange Half PAINTED CONCRETE / RENDER - Dulux Domino F01 F02 F03

F04/F05/F07 F07

POWDERCOATED ALUMINIUM - Dulux Eternity Bronze Pearl Satin CLEAR GLAZING

**Johnston** 

T +612 9211 2700 E contact@foxjohnston.com.au W foxjohnston.com.au

Level 1 268A Devonshire Street Surry Hills, NSW 2010 Australia

Stormwater Overland
Flow Path Assessment
For
Proposed Development

At

8 Sarsfield Street BEXLEY NORTH

(AMENDED 4.1)

Prepared by LOMFORD ENGINEERS

Suite 221, Crofts Ave., Hurstville NSW 2220

Dated 8<sup>TH</sup> October 2013

Minor amendment to page 4&7

Report Reference 13-08SARS-FLOOD-1510

Topic Page

Index 1

Introduction 2 The Site 3

ine Site 3

Catchment area 4 Flow Rates 4

Water surface Profile

Output and Discussions

Conclusion 7

Flood Management Plan 7

Part 2 9

Appendix 1: HEC-RAS CROSS SECTIONS (ARI 1%) for cross section at the front of 8 Sarsfield Street.

Appendix 2: CHAINAGE LAYOUT and 3D water profile for 1:100 ARI

#### Introduction

At the property situated at 8 Sarsfield Street, BEXLEY NORTH, this is part of a Development Application for a Multi-Unit Residential alteration and addition.

This report aims to investigate the water surface profile for the 100yrs., Average Recurrence Interval (ARI) and to discuss the method used to estimate the water surface profile, for purpose of setting a finished floor level for habitable areas and

The **HEC-RAS** computer program will be used to establish the existing water surface profile for the 100yrs. ARI for the existing situation and to examine the impact the proposed building has on the overland flow path at the subject site.

All designs and calculations in this report have been prepared in accordance with Australian Rainfall and Runoff 1997 and the council's drainage manual. These calculations and the accompanying plans showing a drainage design, supersede all calculations and plans previously submitted regarding drainage at the subject site.

As part of this report, the following information is provided:

- Method used to determine the peak runoff from the subject catchment,
- Method used to determine the water surface level at the front of the subject property,
- Estimate of the water surface levels at the subject site for the existing layout.

# The Site

The proposal before council is the alteration and addition of a multi dwelling development.

The site has been identified by council as a potential flood prone land. The site is currently improved by a Tile and brick missed usage Building and Basement, with fences and vegetation.



FIGURE 1.0 LOCALITY

The surface flows are identified as flowing Northerly on Bexley Road

The proposed development consists of a Ground floor Addition with the entry at Bexley Road.

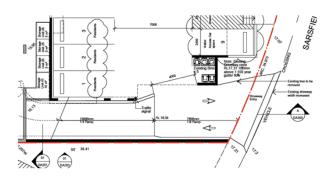


FIGURE 2.0 Proposed Basements

-3-

It is anticipated that the habitable ground floor will be maintained as well as the existing Basements. The existing entry driveway is raised to a level of 17.31 AHD, this report aims to assess the adequacy of the entry driveway to protect the basement from the ingress water from the design flood

The HEC-RAS model will be configured to reflect the existing structures; the model flow rate will be the 1% value and PMF value. The pre development water profile will be established and water surface level will be determined.

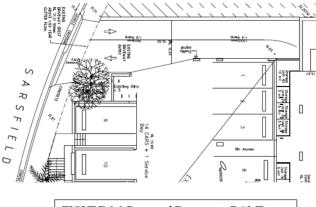


FIGURE 3.0 Proposed Basements RAMP

#### **Catchment Areas**

The total catchment area contributing to the front of the subject property is of a substantial size council advice that flow rate data was available to accurately reflect the catchment.

A previous flood study of Bexley Road suggested a design flood flow rate of 6.5 cum/s for a 1% ARI and a PMF flow rate of 26.4 cum/s.

For the purpose of this development application, these flow rate values were adopted to set the levels of the proposed new structure.

The subject site is located at the center of the urban block of houses

#### Peak Flow rate

The peak discharge from the catchment was determined by using the adopted max flow value of 6.5 cum/s derived in a previous catchment assessment by council and advised in writing. The Habitable area will be set at min 300mm above the water surface at this flow rate.

Council's most recent flood study for the area identified the following flow arriving at the intersection of Bexley Road and Sarsfield Circuit travelling north:

1 in 100 year ARI surface flow:
Probable Maximum Flood (PMF):
26.4 m³/sec

The Flood Risk Exposure of the site varies and has been assessed as:

FIGURE 4.0 Extract from council flood

-4-

# **Water Surface Profile**

The HEC-RAS computer program (US Army Corp of Engineers, 1995) was used to determine the water surface levels along the overland flow path. Two independent models were prepared.

The number of sections along Bexley Road has been refined to 7 cross sections to determine the water surface level along the front boundary of the subject project which is located on Chainage 21.7 meters from Chainage 0.0 downstream and at the center of Bexley road.

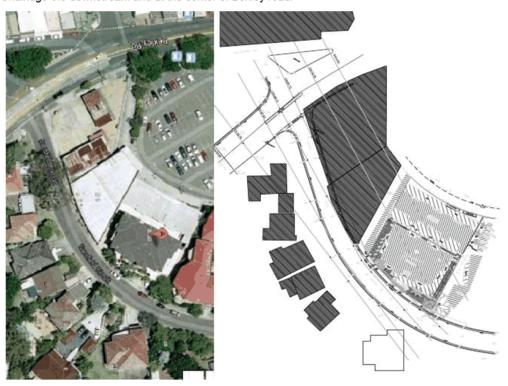


FIGURE 5.0 Extract Chainage and contours

For this design flood, the areas comprising of trees and shrubs will be modeled as a full obstruction, in reality these areas will provide an escape for the flood waters.

The Manning's roughness (n) of the grassed areas was assumed to be 0.035 and for the hard surfaces such as the road bitumen and concrete n of 0.02 was used. This is translated as 0.02 at the over banks to simulate the paved area and 0.035 at the center of the flow channel, to simulate grassed yards.

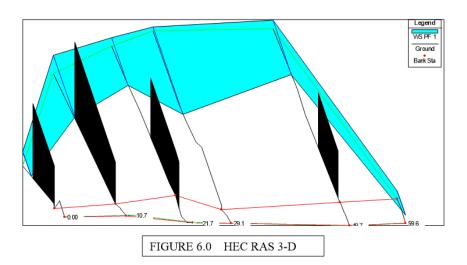
# **Output and Discussion**

The water surface profile at the overland flow path has been generated for the existing condition. 8 different cross sections were used for the existing and proposed conditions, as shown in Figures 1. The HEC-RAS results can be found in Appendices 1 and 2 for the existing condition.

As a result of proposed building the estimated water surface level along the sections are listed below in the HEC RAS summary.

REC-PAS PIAII, PIAITOT RIVEL DEXLET RD REAGI, SARSFIELD PIGITE, PF T												
Reach	River Sta	Profile	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
			(m3/s)	(m)	(m)	(m)	(m)	(m/m)	(m/s)	(m2)	(m)	
SARSFIELD	59.6	PF 1	6.50	18.20	18.52	18.52	18.67	0.001591	1.72	3.78	12.70	1.01
SARSFIELD	49.7	PF 1	6.50	18.09	17.45	17.45	17.54	0.001834		4.90	28.07	0.00
SARSFIELD	29.1	PF 1	6.50	17.98	17.19	17.19	17.25	0.001998		5.75	44.95	0.00
SARSFIELD	21.7	PF 1	6.50	18.05	16.93	16.93	17.03	0.001787		4.68	24.53	0.00
SARSFIELD	10.7	PF 1	6.50	18.31	16.89		16.91	0.000102		12.34	32.00	0.00
SARSFIELD	0.00	PF 1	6.50	18.26	16.74	16.74	16.89	0.001606		3.75	12.54	0.00

FIGURE 5.0 HEC RAS Summary



# The Basement entry is located on Chainage 21.70 on Bexley Road

The flood level is at 16.93 the basement crest is at 17.31,

# According to the design flood data, the flood waters will escape along Sarsfield crescent and bypasses the basement entry.

#### Conclusion

From the investigation into the subject matter, it was concluded that:

- The total surface flow rate flowing through the subject site was estimated to be 6.5 m³/s for at the 100yrs ARI
- All water sensitive instruments such as hot water heaters are to be located above the minimum habitable floor area.
- The proposed building must be set to the levels as set out in this report
- No permanent solid structure to be constructed at the front boundary of proposed development. Any proposed fence located in the flow path along the common boundary must be pool type fencing to allow for overland flow to escape. Any proposed fencing must be approved by council.
- The bottom of the electricity meter box should be set at 18.0 m AHD or above.
   Where this is not practical the meter box is to be able to be sealed from floodwaters."
- The proposed habitable floor levels of ground level must be set at RL 17.40 (min) to achieve a 500mm freeboard above the estimated water surface level at the 100yrs ARI.
- The proposed development generally has negligible effect on the estimated water surface levels for the 100yrs ARI.
- The amended design flood indicates the entrance to the Basement will prevent waters entering the basement based on the design flood.
- The PMF will flood the current Basement and a flood plan must be implemented.

## Flood Management Plan Guide

- An assembly point for storms and flood must be Identified and training given to distinguish this location from
  other Emergency Assembly points. This must be a part of the Strata plan and all occupants are to be made
  aware.
- Occupants must be familiar with:
  - o Rockdale SES Flood plan
  - o potential flood areas in your locality
  - o your nearest high land and line of retreat
  - Storm/flood assembly points.

#### During a heavy storm.

- All occupants must be moved into the building and remain indoors until the storm passes.
- A head count must be made and checked at the prearranged assembly point...
- Listen to radio and TV for instructions and bulletins.
- A trigger point is a pre agreed and recognizable stage of flooding. In this case the trigger point may well
  be as remote as flooding in Sarsfield Street. Since the flooding will isolate the dwelling without flooding
  it. A trigger point should be a pre agreed level on Sarsfield Street that will not prevent safe
  evacuation from the dwelling.

#### Trigger points,

- When Sarsfield Street is filled to the centre of the road, occupants must remain in the dwelling until the flood subsides. This is the 1<sup>st</sup> trigger point
- 2. When water enters the Basement this is the 2<sup>nd</sup> trigger point.

# If a 2nd Flood trigger is sighted

- All Occupants are to remain in their units and have access to tinned food, water containers, emergency lighting, candles, clothing, first aid kit, medicines, money and identification.
- · Conduct another head count.
- Contact emergency services and seek advice effective warning time and on rescue.
- If safe to do so, collect games/activities for the children whilst in the flood emergency room.

#### **During a Flood**

- Stay tuned to local radio for updated advice.
- Don't allow children to play in, or near, flood waters. (remain in Emergency room)
- Avoid entering floodwaters.
- Stay away from drains, culverts and water over knee-deep.
- · Don't use gas or electrical appliances which have been in flood water until checked for safety.
- Don't eat food which has been in flood waters and boil tap water until supplies have been declared safe.
- If floodwaters have entered the garage do not enter to remove vehicle or move it.
- If anyone becomes seriously ill during a flood call '000' and ask for ambulance and advise them of the flooding.
- Ambulance Service will liaise with SES as required.
- Full evacuation is not required unless directed to by the SES or the Police"
- Flooding is very quick in this area. Depending on the storm, flooding may last for only a few minutes up to a maximum of 1 to 2 hours."
- This plan is to be reviewed at not more than 5 yearly intervals.

# Part 2

As requested by council, a continuation of the flood flow was performed to the downstream carpark.

The flow rate of 6.5 was adopted and the flow direction was presumed to cross over from Bexley Road.

5 cross sections were taken perpendicular to the flow.

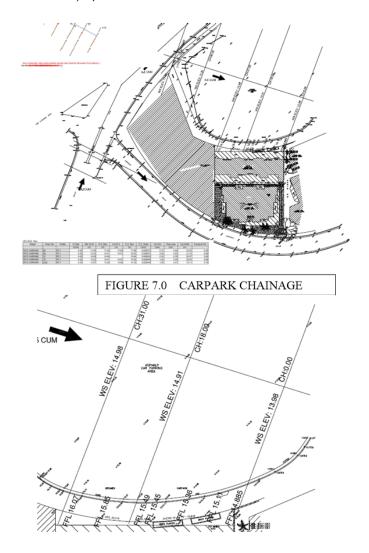


FIGURE 7.1 CARPARK DESIGN FLOOD LEVELS v WS LEVELS

# The flood level is at the front of the shops varies from 14.98 to 13.98 AHD

# According to the design flood data, the flood waters will escape along the front carpark and bypass the shop fronts entry.

#### References

O'Loughlin, GG, The Ilsax Program for Urban Stormwater Drainage Design and Analysis" University of Technology Sydney, 1993.

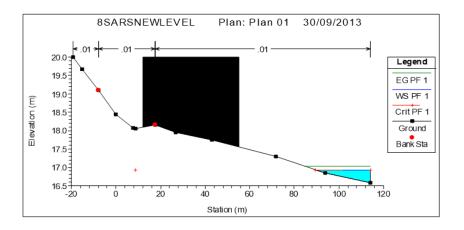
J Argue "Storm Drainage Design in Small Urban Catchments", South Australia Institute of Technology, 1986.

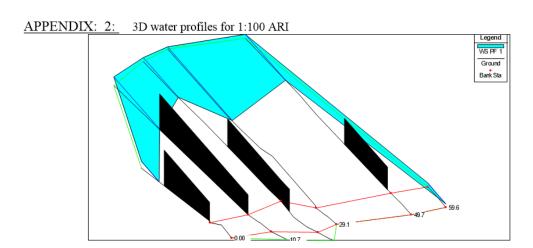
ARR "Australian Rainfall And Runoff", Institute of Engineers Australia, D. Pilgrim, 1997.

New South Wales Department of Main Road, "Model Analysis to determine Hydraulic Capacities of Kerb Inlets and Gully Pit Gratings", 1987.

Neville Jones & Associates Pty., Ltd. and Australian Water Engineering, "Queensland Urban Drainage Manual", Volume 2, September, 1992.

# APPENDIX 1: Cross sections at Chainage 21.70





# STORMWATER FLOOD REPORT

Project Name	Proposed Unit dwelling with basement					
Project Address	8-20 Sarsfield					
Name	I, Millad Rouhana					
Qualifications and experience	B.E.(Hons.) Grad. Dip.(Civil) MIEAust. CPEng NER CONSULTING CIVIL ENGINEER Continuous practice since 1990					
Name of firm	of, LOMFORD ENGINEERS					
Address of firm	situated at, 1st Floor 673 Forest Road, BEXLEY, NSW					
Contact	Phone	9588 7050	Fax	9588 9350		
Details	Mobile	0411 222 118	Email	millad@lomford.com.au		

#### Item- Flood mitigation works for new structure

REFERENCES: Architectural plans, Flood water surface levels prepared by this office.

Hereby state:

I have inspected the proposed concept architectural plans.

The proposed works are to include a retaining structure to protect the building during high event storms.

The proposed retaining structure will be effective to provide protection from the flood waters; this is subject to final assessment of the nature of the flows, possible debris impact and the final structural design of the retaining structure.

Architectural Plans	By Fox Johnson dwg No. A210-005 Rev P4006 Rev.P4
Australian Standards (Specify details)	TBA
Conditions of Development Consent (Specify DA No. and Condition No.)	na
Council Policy (Specify details)	na

Signature: Millad Rouhana Date: 26/04/2018

# LOMFORD ENGINEERS PTY LTD

1<sup>oT</sup> Floor 673 Forest Road Bexley NSW 2207 Tel 9588 7050 www.lomford.com.au

All site instructions (verbal and written) are understood by the author o be completed in a workman like manner. This document refers **only** to the works inspected by the certifying engineer and referred to as the Structural Item. This document does **not** mitigate the responsibility of the builder to all other authorities and the structural integrity of the works. The duty of care of the builder remains towards all facets of the construction works.





# STATEMENT OF ENVIRONMENTAL EFFECTS

# 8-20 Sarsfield Circuit, Bexley North



Demolition of the existing mixed use development and residential flat building and replacement with new mixed use development and residential flat building with a common basement car park

Submitted to Bayside Council
On behalf of BARUA P/L

August 2018

p 02 9310 4979 ■ m 0412 622 643

e anthony@abcplan.com.au ■ f ABC Planning Pty Ltd

Shop 4, 500 Elizabeth Street, SURRY HILLS NSW 2010 ■ ABN 99 090 382 488

Statement of Environmental Effects 8-20 Sarsfield Circuit, Bexley North

# CONTENTS

1.	INTRODUCTION	3
2.	SITE ANALYSIS	6
2.1.	SITE LOCATION AND CONTEXT	6
2.2.	EXISTING DEVELOPMENT	8
3.	SURROUNDING DEVELOPMENT	9
3.1.	NORTH	9
3.2.	SOUTH	9
3.3.	EAST	10
4.	PROPOSAL	13
5.	ASSESSMENT UNDER RELEVANT CONTROLS	14
5.1.	SEPP 55 - REMEDIATION OF LAND	14
5.2.	SEPP (INFRASTRUCTURE) 2007	14
5.3.	SEPP 65/APARTMENT DESIGN GUIDE	14
5.4.	SEPP (BUILDING SUSTAINABILITY INDEX) 2004	15
	SEPP (AFFORDABLE RENTAL HOUSING) 2009 – PART 3 – RETENTION OF EXISTING ORDABLE RENTAL HOUSING	15
5.6.	METROPOLITAN PLAN FOR SYDNEY 2036	15
5.7.	LEP AND DCP COMPLIANCE SUMMARY	19
5.8.	ROCKDALE LEP 2011	21
5.8.1	. ZONING	21
5.8.2	BUILDING HEIGHT	21
5.8.3	FLOOR SPACE RATIO	22
5.8.4	. HERITAGE CONSERVATION	22
5.9.	ACID SULPHATE SOILS	23
5.10	ROCKDALE DCP 2011	24
5.11	GENERAL PROVISIONS	24
5.12	MIXED USE PROVISIONS	75
5.13	SECTION 4.15 CONSIDERATIONS	84
5.14	CONCLUSION	86
APP	ENDIX 1	87
APP	ENDIX 2	94
APP	ENDIX 3	101
ΔΡΡ	FNDIX 4	102

ABC Planning Pty Ltd

August 2018

Statement of Environmental Effects

8-20 Sarsfield Circuit, Bexley North

# Figures

Figure 1: Locality Map
Figure 2: Aerial photo of the subject site demonstrating the 2 existing buildings and orientation towards
ooth the shared council parking lot and Sarsfield Circuit
igure 3: Close up aerial photo
igure 4: Aerial photo looking north at the subject site
igure 5: Aerial photo looking south at the subject site
igure 6: Subject site
Figure 7: Frontage to Sarsfield Circuit of rear (existing) residential building
igure 8: Northern adjoining site
igure 9: Southern neighbours
Figure 10: Southern adjoining neighbour as viewed from Sarsfield Circuit
igure 11: Eastern neighbours
igure 12: Dwellings to the east across Sarsfield Circuit at 7 and 5 Sarsfield Circuit
igure 13: Residential neighbours to the east of the subject site
igure 14: Western neighbours across Slade Road12
igure 15: Development to the west of the subject site
Figure 16: Zoning Map2
igure 17: Building Height Map2
Figure 18: FSR Map2
Figure 19: Heritage Map22
igure 20: Photomontage4
igure 21: Sydney Bus Map – Southern Region6
igure 22: Building Height Map88
igure 23: Height plane diagram showing extent of the variation8
igure 24: Photomontage9
Figure 25: FSR Map99
Tables
Fable 1: Development Summary1
Fable 2: Rockdale LEP and DCP Summary Compliance Table19
Fable 3: Rockdale DCP 2011 - Part 4 General Principles for Development24
Table 4: Rockdale DCP 2011 - Part 5.3 Mixed Use

2

Statement of Environmental Effects

8-20 Sarsfield Circuit, Bexley North

#### 1. INTRODUCTION

ABC Planning Pty Ltd has been engaged to prepare this Statement of Environmental Effects to accompany the development application for the demolition of the existing mixed use development/residential flat building and erection of a new replacement mixed use development fronting the car park and a new residential flat building fronting Sarsfield Circuit. Both buildings are sited above common basement parking levels.

This Statement should be read in conjunction with the concept plans prepared by Fox Johnston Architects, dated July 2018.

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

The proposal seeks approval for:

- 6 x retail shops (274sqm) fronting the car park
- 7 x studio units
- 24 x 1 bedroom units
- 18 x 2 bedroom units
- 7 x 3 bedroom units (56 units in total)

67 car spaces are proposed in 2.5 basement levels

The proposed mixed use development fronting the car park and residential flat building fronting Sarsfield Circuit are permissible in the B4 Mixed Use zone under Rockdale LEP 2011.

The replacement of the outdated shops and residential units fronting the car park with a new high quality development represents a desirable outcome for the subject site and the broader context within Bexley North. Similarly, the proposed replacement flat building along the Sarsfield Circuit frontage provides for a superior streetscape presentation whilst providing for units with significantly greater amenity.

The existing shops and residential units have poor amenity, have limited accessibility, substandard ceiling heights, substandard private open space and poor access to storage, waste areas, sunlight and cross ventilation. There is also no access to any quality or usable common open space or landscaped areas. Loading and unloading for the shops is also impractical.

In contrast, the proposal provides for an integrated development outcome which addresses each of these issues whilst also providing for high quality communal open space. The proposal also provides for direct access from basement parking to the residential and retail components whilst also providing for loading and unloading facilities, unlike the current building.

The proposal breaches both the FSR and height standards within the LEP, however, the applicant is willing to enter into a VPA to provide for community benefit. Such outcome is contemplated by the Clause 4.6(8)(c)(a) of Rockdale LEP 2011.

It is considered that the integrated nature of the subject proposal represents a vast improvement to the current approval which exists on the site under DA2013/103. Such approval sought to carry out alterations and additions to the existing flat building fronting

3

Statement of Environmental Effects

8-20 Sarsfield Circuit, Bexley North

Sarsfield Circuit, retain the existing basement and erect a new 7-storey shop top housing development fronting the car park. The outcome provided for two separate and inefficient built forms, which compromised the amenity and function of the two buildings whilst also providing for an inadequate level of amenity for the narrow communal area in between.

In contrast, the complete demolition of the entire development on the site allows for a more orderly development outcome which provides a more attractive built form with substantially higher levels of internal amenity.

Such benefit is considered to contribute to justification of the proposed height and FSR variations.

The site area of 1347sqm is beyond 1200sqm and thereby allows for an additional 6-metres beyond the 16-metre height limit, thereby providing for a 22-metre height limit. The proposed height of 26.125m is suitably justified in the accompanying Clause 4.6 variation.

Similarly, the site area of 1347sqm is beyond 1200sqm and thereby allows for an additional 0.5:1 FSR above the 2:1 standards thereby allowing for an FSR standard of 2.5:1. The proposed FSR is 3.27:1.

In regard to height, it is noted that the subject proposal involves the same number of storeys fronting the car park, as that approved, that being for retail shops at ground level with 6 levels of residential units above (7-storeys in total).

The increased height from that approved is due to the provision of ceiling heights/ floor to floor heights which comply with the ADG. The proposed height increase is thereby due to the proposal providing for compliant floor to floor heights which enhances the internal amenity of the residential units and shops by providing for better access to daylight, sunlight and ventilation.

The additional height is also associated with the provision of a separate communal open space area atop the building. Such communal area is desirable as it provides for an isolated space away from other apartments, achieves abundant solar access and would have excellent outlook. Its recessed nature from the perimeter of the built form ensures that it does not significantly contribute to the apparent height of the built form. The combination of these points is considered to justify the height variation.

The proposed replacement residential flat building component along the Sarsfield Circuit frontage is compliant with the height limit as it does not contain retail space which requires additional ceiling height.

In regard to the justification for the proposed FSR, the applicant does not merely rely upon public benefit from the VPA which will go toward upgrading of local facilities and services. Justification for the proposed FSR also includes:

The proposed replacement building provides for enhanced levels of retail and residential amenity when compared with the outdated buildings on the site. The new development is able to provide for compliant:

- Setbacks from side boundaries
- Unit sizes
- · Ceiling heights
- Solar access (71%)
- Cross ventilation (63%)
- · Accessibility for retail and residential units

4

ABC Planning Pty Ltd

August 2018

8-20 Sarsfield Circuit, Bexley North

- Storage
- Private open space (dimensions and area)
- · Communal area including solar access to such area
- Car parking
- · Waste storage areas and collection areas
- Loading and unloading areas retail and residential uses

The proposed built form is considered to be provided within a compliant building envelope, notwithstanding that the height variation is due to satisfying the ADG floor to floor height/ceiling height requirements whilst also providing for a desirable communal open space area.

The main component of the built form has appropriate setbacks to the car park, Sarsfield Circuit and is set in from both sides, in accordance with the building separation requirements of the ADG, that being 6-metres for the 1st 4 levels, then 9-metres for the 5-6th levels.

Such proposed setbacks considerably increase the separation of the existing and approved building from the north-eastern neighbouring flat building which thereby improves mutual visual privacy whilst also enhancing solar access and landscaping opportunities for the subject development.

The setback of the built form for the component fronting the car park is consistent with that approved on the site which achieved an appropriate street wall outcome facing the car park whilst also achieving an appropriate relationship with the flat building to the north east.

The adjoining owner to the south-west (Woolworths Metro) does not wish to sell and has an extensive lease. It is noted that this premises has also been recently renovated. Nevertheless, such property is not isolated as the accompanying concept plans demonstrate that an orderly development in accordance with the zoning, FSR and height controls can be achieved, whilst also demonstrating that such development would also achieve a level of amenity compliant with the ADG. The site is also wider than 18m which confirms that the site is not isolated under the provisions of the DCP.

In regard to potential external impacts, it is considered that the proposed development would provide for reduced impacts than the current building through the provision of the increased north-eastern setback whilst also representing an improvement from the current approval with added storeys to the existing building.

The shadow diagrams/sun study also demonstrate that the additional height and FSR would not be responsible for any adverse or unreasonable shadow impacts beyond that of a building with a compliant height, noting that the built form is within compliant setbacks.

The proposed built form would not have any unreasonable view impacts whilst it is reiterated that the proposal will improve the existing visual privacy relationship with adjoining units to the north-east.

Finally, the proposal is considered to achieve a high level of architectural merit which significantly improves upon both the existing and approved built forms on the subject site.

On the above basis, the proposal is worthy of support.

5

8-20 Sarsfield Circuit, Bexley North

# 2. SITE ANALYSIS

This section provides a detailed description of the existing site and surrounding development.

# 2.1. Site Location and Context

The site is located on the northern side of Sarsfield Circuit between the intersections of Bexley and Slade Roads, Bexley North.

The site comprises 1 allotment of land being Lot 1 in DP 203978, which has a total site area of  $1347m^2$ .

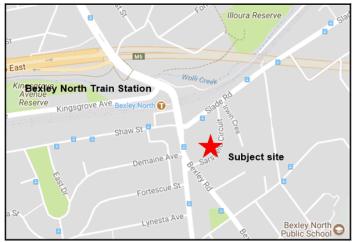


Figure 1: Locality Map



Figure 2: Aerial photo of the subject site demonstrating the 2 existing buildings and orientation towards both the shared council parking lot and Sarsfield Circuit

6

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North



Figure 3: Close up aerial photo



Figure 4: Aerial photo looking north at the subject site



Figure 5: Aerial photo looking south at the subject site

7

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North

# 2.2. Existing Development

Existing development on the subject site comprises a residential 3-storey residential flat building with a frontage to Sarsfield Circuit on the south-eastern half of the site and a 2-storey mixed-use component on the north-west half of the site, as shown below:



Figure 6: Subject site

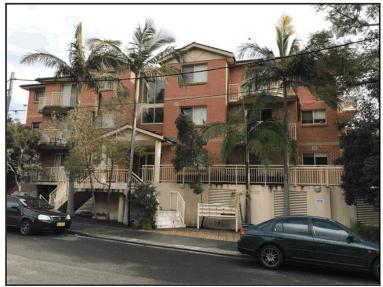


Figure 7: Frontage to Sarsfield Circuit of rear (existing) residential building

8

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North

# 3. SURROUNDING DEVELOPMENT

### 3.1. North

Immediately adjoining the site to its north is a similar mixed-use development comprising ground floor commercial uses and residential units above (see photo below).



Figure 8: Northern adjoining site

# 3.2. South

Immediately adjoining the site to the south is a single storey (Woolworths Metro) supermarket and then a 5-storey mixed use development, comprising ground floor retail/commercial uses and residential units above.



Figure 9: Southern neighbours

9

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North



Figure 10: Southern adjoining neighbour as viewed from Sarsfield Circuit

# 3.3. East

Immediately east of the subject site is Sarsfield Circuit with residential dwellings across the road (Nos. 1-11). The dwelling houses are predominantly 2-3 storeys with driveway access to garages from Sarsfield Circuit. It is noted that the eastern neighbours land is elevated higher than the subject site.



Figure 11: Eastern neighbours

10

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North



Figure 12: Dwellings to the east across Sarsfield Circuit at 7 and 5 Sarsfield Circuit



Figure 13: Residential neighbours to the east of the subject site

11

8-20 Sarsfield Circuit, Bexley North

# 3.4. West

Immediately west of the subject site is a shared Council parking lot for the commercial/retail uses on the ground floor of the developments along Sarsfield Circuit which are orientated towards this car park.



Figure 14: Western neighbours across Slade Road



Figure 15: Development to the west of the subject site

12

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North

# 4. PROPOSAL

The proposal seeks to demolish the existing building on the subject site and construct a 7 storey mixed use development comprising the following components:  $\frac{1}{2} \left( \frac{1}{2} \right) = \frac{1}{2} \left( \frac{1}{2} \right) \left( \frac{1}$ 

**Table 1: Development Summary** 

Level	Building Composition
Basement	2.5 levels of basement parking for 67 cars, including 49 residential spaces, 11 visitor spaces, 7 retail spaces (including 7 accessible spaces)     6 motorcycle spaces
Ground Floor	6 x retail shops (274 sqm) fronting Council car park     1 x 1 Bed Unit (accessible)     1 x 3 Bed Unit     Residential garbage room     Retail garbage room     Plant and services rooms     Communal Open Space     2 bicycle spaces
First Floor	<ul> <li>1 x Studio</li> <li>5 x 1 Bed Unit</li> <li>3 x 2 Bed Unit</li> <li>1 x 3 Bed Unit</li> </ul>
Level 2 – Level 4	<ul> <li>2 x Studio</li> <li>4 x 1 Bed Unit</li> <li>3 x 2 Bed Unit</li> <li>1 x 3 Bed Unit</li> </ul>
Level 5 – Level 6	<ul> <li>3 x 1 Bed Unit</li> <li>3 x 2 Bed Unit</li> <li>1 x 3 Bed Unit</li> </ul>
Roof	Communal rooftop terrace
Total	<ul> <li>56 Units</li> <li>274 sqm retail space</li> <li>67 car spaces</li> <li>6 Motorcycle spaces</li> <li>8 Bicycle spaces</li> </ul>

All floors have lift and stair access.

8-20 Sarsfield Circuit, Bexley North

## 5. ASSESSMENT UNDER RELEVANT CONTROLS

A detailed assessment of the proposal and its compliance with the relevant instruments and controls is provided below.

- SEPP 55- Remediation of Land;
- SEPP (Infrastructure) 2007:
- SEPP 65/Apartment Design Guide;
- SEPP (Building Sustainability Index) 2004;
- Metropolitan Plan for Sydney 2036
- · Sepp (Affordable Rental Housing) 2009;
- Rockdale Local Environmental Plan 2011;
- Rockdale Development Control Plan 2011

#### 5.1. SEPP 55 - Remediation of Land

SEPP 55 relates to the remediation of contaminated land and requires investigations to be undertaken as part of the development assessment process to determine whether the subject land is likely to be contaminated, and if so, what remediation work is required to make the land suitable for its intended purpose.

The site has been continuously used for commercial/residential purposes for an extensive period of time, and, given its history, it is considered that potential for contamination is low. Despite the change of use including a multi-storey residential component, the likelihood of exposure to any existing site contaminants by the residents is extremely low. Consequently, it is not considered necessary to undertake any soil auditing for the development application.

JK Geotechnics have prepared an environmental report which states that bore hole testing found no evidence of groundwater while there was a shallow soil profile with bedrock below. Suitable excavation techniques have been recommended to avoid damage to surrounding structures

# 5.2. SEPP (Infrastructure) 2007

The proposed mixed-use development comprises 56 apartments and therefore it is not deemed "Traffic Generating Development" under Schedule 3 of the SEPP (Infrastructure) 2007.

The Sarsfield Circuit frontage of the site adjoins two existing power poles with associated power lines. It is considered unlikely that the proposal will affect the electricity transmission or distribution network.

# 5.3. SEPP 65/Apartment Design Guide

The proposal has been designed according to SEPP 65 for quality design outcomes and will result in high quality residential units. The residential units will receive adequate daylight, sunlight and ventilation given their north-western orientation which optimises sunlight. In addition, the proposal ensures that most units maintain visual and acoustic privacy, crossflow ventilation and areas of private open space are also adequately provided for. Furthermore, it is noted that the units all comply in terms of apartment size.

14

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North

An active communal terrace is provided for the residents which is located on the roof of the building fronting the car park, whilst a passive landscaped communal area is also located at ground level on the eastern side.

A formal SEPP 65 statement accompanies this report prepared by Fox Johnston Architects. This includes an assessment under the 9 design principles of SEPP 65 which has determined the proposal to be suitably compliant with the requirements of SEPP 65.

## 5.4. SEPP (Building Sustainability Index) 2004

In accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000*, all dwellings within the proposed development are defined as *BASIX affected buildings* and therefore the provisions of the SEPP apply.

A BASIX Assessment has been undertaken and a copy of the relevant Certificate is attached and included as part of the DA submission. The Certificate confirms that the proposed development complies with the provisions of the SEPP in relation to water, thermal comfort and energy consumption.

# 5.5. SEPP (Affordable Rental Housing) 2009 – Part 3 – Retention of Existing Affordable Rental Housing

**Appendix 3** includes a table of rents for the last 24 month period. The table shows that the units are low rental units as they are below the threshold stipulated by the Department of Planning.

The proposed mixed use development therefore results in a loss of low rental accommodation.

The applicant will provide for a monetary contribution to offset the loss of low cost rental housing, which is consistent with the previous approval.

There is not anticipated to be a significant adverse impact on the availability of low cost rental housing, as the attached rental availability (**Appendix 4**) demonstrates that there are numerous rental accommodation within Bexley North and adjoining suburbs at a comparable rate to the existing rents on the subject site.

# 5.6. Metropolitan Plan for Sydney 2036

# **Growing and Renewing Centres**

The Plan states that concentrating activities in centres makes it easier for people to go about their daily activities and helps to create lively, functional places in which to work, socialise and invest.

The proposal will improve the Bexley North centre by increasing services and density near existing nodes of public transport. It will promote the use of existing sustainable and accessible means of transport which will lead to a healthier community by encouraging walking, cycling and public transport. The mixed-use proposal will also increase the vibrancy of the area.

15

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North

#### **Centres Policy**

The Plan states that the key elements in their centres approach continue to be concentrating activity in accessible areas. The Plan also advises that provision for the growth and urban renewal of existing centres should also be made. The plan recommends that their centres approach tends to influence the distribution and scale of land uses to improve transport choice. The Plan aims to boost active transport and public transport choice and also that 80% of new housing is located within walking distance of the centres catchment area.

The Bexley North commercial precinct area is highly accessible with regards to public and private transport. The renewal of the subject site area will lead to a better vibrancy as a result of its increased density and will also help benefit the local economy as a result of the proposed retail uses.

#### Objective B1- To Focus Activity in Accessible Centres

## **Housing in Centres**

This section reiterates that the Metropolitan Plan aims to accommodate 80% of Sydney's new housing within walking distance of the catchment centres.

The proposed development being within the Bexley North commercial precinct will help make efficient use of the existing infrastructure, increase public transport use and increase profits for local businesses.

#### Freight and Deliveries in Centres

As the number of people living and working in centres grows, the need for freight increases. Delivery movements into densely populated centres have the potential to create noise problems, especially in the mornings.

The proposal has its vehicular entrance at the rear of the property adjoining Sarsfield Circuit and uses the existing vehicular access way location in order to minimise any noise and traffic disturbances, as it adjoins the non-residential use of the supermarket. Provision has been made for a formal loading bay in the basement along with the option of additional (smaller) deliveries to also be made via the existing Council car park. The accompanying traffic and parking report also supports the width of the driveway as being adequate to allow for waste collection from the site, whilst maintaining a vehicular access for one lane.

## Centres Design Guidelines

High design quality will be achieved which will respect the existing and emerging character of the area.

# Housing Sydney's Population

# **Enough Housing**

Sydney's population is expected to grow by 40% by 2036, but average households are falling from 2.6 to 2.5 people, creating a demand for smaller and more affordable homes. The proposal meets this demand by providing a variety of affordable dwelling types.

# **Appropriate Location for Housing**

The Plan aims to locate 80% of all new housing within walking distance of existing centres with good public transport. This will reduce car use and promote more sustainable forms of transport such as walking, cycling and public transport.

16

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North

The subject site is within close walking distance to Bexley North Railway Station as well as bus stops on Bexley Road and Slade Road. The Plan states that areas with high accessibility and amenity are better suited for higher density living. The proposal has all the characteristics of an area that is ideal for an increase in existing density. The proposal allows for more residential units which in turn will increase the density of the site. This will in turn lead to a more compact form of development having enough critical mass to reduce car use and promote more sustainable forms of transport while preventing urban sprawl.

By 2036, one in six people in Sydney will be aged 65 or more, this is driving a growing trend to smaller households, in particular single person households which are expected to increase by 69%. The proposal consists of smaller highly accessible units (31 of 56 = 55%) in order to help meet this demand.

# **Housing Affordability**

The NSW Government recognises the need to improve the availability of affordable housing for households on low to moderate incomes.

In addition to providing smaller residential units, the proposal contains affordable accommodation in the form of studio apartments.

#### **Good Design**

The plan states that it is vital to ensure the character and appearance of places is improved and maintained.

The proposal will significantly improve upon the existing mixed-use development, and will provide a form of building consistent with that previously approved in this area thereby improving the character of the area. The necessary setbacks will be incorporated as the development levels increase. The proposal will also be extensively landscaped and an upgrade of street pedestrian areas adjoining the property will be included in the development in order to help improve the area.

# Objective D1 - Ensure an Adequate Supply of Land and Sites for Residential Development

At least 70% of new dwellings by 2036 will be within existing urban areas of Sydney and the Central Coast, focused around centres served by public transport. From 2006-2036 the Inner-South subregion aims to have 44,000 new dwellings.

The proposed development facilitates the expected growth in the area and is within an existing urban area that is effectively accessible by train and bus services.

# Action D2.2 - Adopt a Programme Examining How to Achieve the Federal Government's Targets for Disability-Friendly Housing

The Plan states that housing should be designed to be accessible or easily modified to suit the needs of people with a disability and older people, and provides greater choice about where they may live with opportunities for visiting friends and family. In addition to this, it advises that individual developments should recognise and accommodate an ageing population. The surrounding environment should also enable people to easily access services and allow them to visit friends and family, shopping centres, etc.

The proposal is extremely accessible by providing a wheel chair friendly access point from both the Council car park, Sarsfield Circuit and from within the underground car park. The entry points lead to an elevator which makes the entire development accessible. The surrounding area of the subject site contains a pedestrian footpath which leads to a

17

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North

pedestrian crossing that allows for safe access to the nearby Bexley North Railway Station, which in turn will increase opportunities for disabled and elderly people to access their friends, family and community.

# Objective D3 - To Improve Housing Affordability

The Plan states that to ensure sufficient affordable and moderately priced housing, active measures are needed to stem the loss of affordable stock and encourage more affordable housing.

The proposal addresses this measure by providing much needed affordable housing in the Bexley North area.

# Objective D4 - To Improve the Quality of New Housing Development and Urban Renewal

The Plan advises that more detailed thought is needed about how buildings relate to neighbours and streetscapes, and to maximise landscaping and vegetation benefits at each location.

The proposal aims to meet this objective by providing a development that relates to the existing streetscape and retains the character of the area. There will also be extensive landscaping on shared open spaces and tree planting within the site which will be consistent with the desired future character of the area.

8-20 Sarsfield Circuit, Bexley North

# 5.7. LEP AND DCP COMPLIANCE SUMMARY

Table 1 below provides a snapshot of compliance of the proposed alterations and additions with the LEP and DCP controls. The following sections expand on the items identified below.

Table 2: Rockdale LEP and DCP Summary Compliance Table

CONTROL	NUMERIC	PROPOSED	COMPLIANCE
<b>ROCKDALE Draft LEP 2</b>	011 – Rockdale Town Centre		
Zone	B4 – Mixed Use	Mixed Use development	Yes
Height	22m	26.125	No – See Appendix 1
FSR	2.5:1	3.27:1	No – See Appendix 2
<b>ROCKDALE DCP 2011</b>			
Lot size and frontage	Minimum frontage of 18m	>18m	Yes
Landscaped area	10% of site area	7.09%	Complies with ADG
Private open space	Minimum depth of 2m (see ADG apartment size)	>2m	Yes
Communal Open Space	At a rate of 5m <sup>2</sup> per dwelling (280sqm) and have a minimum area of 40% that has sunlight at 1pm on June 21	168.65sqm active at roof level and 169.73sqm ground level passive planted area 338.38 sqm (25%)	Yes
Solar access to development site and neighbours	70% of all units (living area + private open space) to achieve 3hrs of direct sunlight between 8am-4pm on 21st June	71%	Yes
Ceiling Heights	Residential – 2.7m Retail and commercial – 3.3m 1 <sup>st</sup> floor of mixed use – 3.3m	2.7m for all residential levels Retail space ( 3.15m-4.26)	Yes
Building Separation	Between habitable rooms and balconies – 24m Between habitable rooms / balconies and non-habitable rooms – 18m Between non-habitable rooms – 12m	Complies with separation distances to neighbouring properties	Yes
Dwelling Mix	1 bed – 10%-30% 2 bed – 50% - 75% 3 bed -10%-20%	Studio & 1 Bed - 56% 2 Bed - 32% 3 Bed -13%	Consistent with existing approvals, whilst Council has varied this in other instances (e.g. DA2014/283)
Adaptable Housing	10%	10%	Yes
Parking	1 & 2 beds – 1 spaces 3 beds – 2 spaces Visitor – 1 space per 5 dwellings	49 residential spaces, 11 visitor spaces, 7 retail spaces including 7	Yes
	Bicycle – 1 space per 10	accessible spaces)	

19

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North

CONTROL	NUMERIC	PROPOSED	COMPLIANCE
	dwellings		
	Motorcycle – 1 space per 15 dwellings	See traffic report as RMS rates apply	
Retail / Commercial	1 space per 40m <sup>2</sup> GFA	6 spaces	Yes
	Bicycle – 1 space per 200m <sup>2</sup> GFA	2 spaces	Yes
	Motorcycle - 1 space per 20 car spaces	2 spaces	Yes
Front setback	Built to the street alignment	Nil to car park	Yes
Side & rear setbacks	Built to side & rear boundaries or setback no less than 3m	3m to Sarsfield Circuit 4.5-6m to side boundaries	Yes
Building uses	Residential uses are prohibited on the ground floor with the exception of access to upper level residential uses.	RFBs are permissible in the B4 zone under Rockdale LEP 2011 which overrides the DCP.	Yes
Access	Access to upper level uses does not occupy more than 20% of the ground floor frontage.	<20%	Yes
Retail/Commercial Mix	A minimum of 10% of the gross floor area of a mixed use development is to be for retail and/or commercial uses. Retail premises of less than 200m² must have a depth to width ratio between 1:1 and 3:1.	6%	Consistent with existing approvals, whilst Council has varied this in other instances (e.g. DA2014/283)

20

8-20 Sarsfield Circuit, Bexley North

# 5.8. ROCKDALE LEP 2011

# 5.8.1. **Z**oning



Figure 16: Zoning Map

**Assessment**: The shop top housing and residential flat building components are permissible in the B4 Mixed Uses zone.

# 5.8.2. Building Height

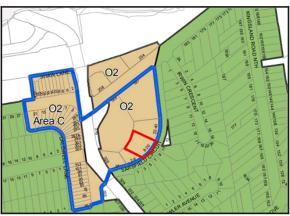


Figure 17: Building Height Map

Assessment: The proposed height breaches the 22-metre height limit but is suitably justified on streetscape and amenity grounds, noting that the proposal includes the same number of storeys as that approved, albeit with compliant floor to floor heights under the ADG. The recessed nature of the communal area ensures that it does not add to the visual bulk of the building, whilst such communal area contributes to the high quality nature of the concept proposal. The additional height is permitted via the provisions of the LEP which allow for a community benefit in return for additional height and FSR.

21

8-20 Sarsfield Circuit, Bexley North

# 5.8.3. Floor Space Ratio



Figure 18: FSR Map

**Assessment**: The proposed FSR of 3.27:1 is justified on the basis that the proposed building envelope provides for excellent internal amenity whilst providing for a built form which is compatible with its context along both frontages.

The proposed built form is not responsible for any adverse or unreasonable external amenity impacts in relation to overshadowing, privacy, view loss or visual bulk. The proposal is able to adopt setbacks/building separation which complies with the ADG whilst the setbacks for the building fronting the car park are consistent with that approved. The proposed FSR will also be accompanied by a VPA to go towards community infrastructure which is consistent with the terms of the LEP.

# 5.8.4. Heritage Conservation

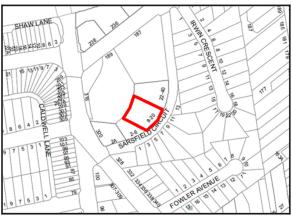


Figure 19: Heritage Map

Assessment: There are no heritage items nearby nor is the site in a conservation area.

22

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North

## 5.8.5. Stormwater

Clause 6.7 of the LEP lists those objectives and criteria that Council must be satisfied with respect to stormwater disposal from development sites.

The proposal is accompanied by a stormwater plan which demonstrates that stormwater will be captured and distributed to the established stormwater network.

## 5.8.6. Active Street Frontages

Clause 6.11 of the LEP identifies those sites identified as being within an active street frontage.

The proposal has been designed to provide an active street frontage when facing the shopping strip by the location of 6 retail tenancies consistent with the existing shops in this precinct.

Adequate provision has been made for appropriately designed entrances and lobbies and access for services. The design of the proposal responds appropriately to the existing active street frontage and encourages future pedestrian and commercial activity to take place.

# 5.9. Acid Sulphate Soils

The site is located in the lowest category (Class 5) and is not within 100m of a higher category and thereby does not require additional investigation

8-20 Sarsfield Circuit, Bexley North

### 5.10.Rockdale DCP 2011

### 5.11.General Provisions

The table below sets out the General Provisions of the Rockdale DCP 2011that apply to the subject site and proposed mixed use development.

Table 3: Rockdale DCP 2011 - Part 4 General Principles for Development

Objectives	Controls	Response
4.1 SITE PLANNING		
4.1.1 Views and Vistas		
A. To maintain and enhance existing views to and from the Cooks River and Botany Bay  B. to protect significant view corridors to landmarks and heritage items that contribute to a sense of place  C. To ensure the appearance of development at highly visible sites complements the character of the area and its skyline  D. To encourage view sharing as a means of ensuring equitable access to views from neighbouring properties  E. To provide additional views and vistas from streets and other public spaces where opportunities arise	<ol> <li>Development must consider any significant views to, from and across the site.</li> <li>Development must retain existing views to Botany Bay, and where possible enhance views through site planning and building design.</li> <li>Development on highly visible sites, such as ridgelines, must be carefully designed so that it complements the character of the area and its skyline.</li> <li>View corridors to landmarks and significant heritage items must be protected where possible. Applicants may be required to prepare photo montages of the proposed development to illustrate the impact on views.</li> <li>Building forms and setbacks permit views from public streets and open spaces. In particular, views from public open spaces to the bay and district are preserved.</li> <li>Roof forms on the low side of streets are well articulated to allow public views and add interest to the scenic outlook. large, flat expansive roofs with vents, air conditioning units and similar structures are inappropriate.</li> </ol>	Complies  The proposal will not be responsible for any adverse or unreasonable view impacts as the substantial separation distance (24m) between the subject site and the neighbouring elevated dwellings across Sarsfield Circuit will maintain an expansive outlook for these properties. There are also no iconic views affected.

ABC Planning Pty Ltd August 2018

24

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
	<ol> <li>Building forms enable a sharing of views with surrounding residences, particularly from the main habitable rooms of surrounding residences.</li> </ol>	
4.1.2 Heritage Conservation		
<ul> <li>A. To ensure that new development respects the natural and built heritage significance of Rockdale</li> <li>B. to conserve heritage items, including significant fabric, their curtilage and settings</li> <li>C. To ensure new development does not have an adverse impact upon the heritage significance of heritage items</li> <li>D. To encourage the reconstruction of heritage items that have been unsympathetically altered, including reinstatement of missing elements</li> <li>E. To ensure there is a sympathetic relationship between new built form and the historic streetscape in which a heritage item is located</li> </ul>	1. a heritage impact statement prepared by a suitably qualified heritage consultant must be submitted with the lodgement of a development application that seeks consent for development of a heritage item that:  a. demolishes or alters the building or work or its setting, or  b. damages or moves the tree, or  c. erects a building on the land that comprises the place, or  d. subdivides the land on which the building, work, relic or tree is situated or that comprises the place.  2. A heritage impact statement may be required for development adjacent to or within the vicinity of a heritage item.  3. If a conservation management plan or a heritage impact statement identifies the potential for significant archaeology then an archaeological assessment report may be required. The assessment must identify the	Complies  The site is not heritage listed, is not in a conservation area and is not adjacent to any heritage listed properties.
-	archaeological opportunities and constraints for the proposed development.  Development of Heritage Items	Not Applicable
	Any proposed development must conserve the setting of the heritage item and the significant views to and	

25

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
	from the heritage item.  5. Development of a heritage item must ensure that the scale, form, materials, finishes and fenestration of the new work does not have a negative impact upon the heritage significance of the item.	
	Additions to a built heritage item must be located at the rear. Additions or alterations to the front are not permitted unless for the purpose of restoration or reconstruction.	
	7. Two storey additions to a single storey heritage item must be in the form of a pavilion or an extension at the rear which is not highly visible from the public domain. Second storey additions to the principal building form are not permitted; however rooms in the roof with rear facing dormer windows appropriate to the building style may be acceptable.	
	<ol> <li>Original verandah roof forms must be maintained.         Where the roof of a building is to be replaced it must be done using the same material and the separation between the main roof and any verandah roofs must be maintained.     </li> </ol>	
	Original face brick work or stone must not be rendered or painted.	
	10. original finishes and materials must be retained. some examples of original materials are: tessellated tiles on paths and verandah floors; front stair riser tiles; tuck pointed brickwork; rock-faced sandstone foundation walls; quoins with vermiculation; gable ends decorated with timber battens and shingles; timber or iron valences, posts, brackets and balustrades; slate roof	

26

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
	spear headed iron picket fences.  11. Reconstruction must only be undertaken where physical and/or documentary evidence provides adequate information regarding the original building detail.	
	12. Development of a heritage item must conserve original landscape features of significance such as original fences, sandstone retaining walls and sandstone walls. The original level of front yards must not be raised to the same height as the front verandah.	
	13. Where off street car parking is required elsewhere in this plan it may not be a requirement if the property is a heritage item and the provision of parking would have a detrimental impact upon the significance of the item.	
	new garages are to be located behind the rear building line of the principal building form.	
	15. Satellite dishes, air conditioning units, solar collectors and water tanks must be located so as not to be visible from the public domain.	
	16. if an archaeological assessment identifies the potential for significant archaeology then the applicant must comply with the provisions of the Heritage act 1977 and the national parks and Wildlife act 1974. the opportunities and constraints identified in the assessment must then inform the proposed development.	
-	Development in the vicinity of heritage items	Not Applicable
	17. Any proposed development located adjacent to or nearby a heritage item must not have an adverse impact on the heritage item including its setting and	

27

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
	curtilage.  18. Development adjacent to a heritage item must be designed:  a. to be of a similar scale and proportion so that the item or place of heritage significance is not dominated or overwhelmed, and  b. to pay particular attention to the design elements such as the style and pitch of roofs, parapet walls, proportions of window and door openings and external materials and colours.  19. Where new development is proposed adjacent to a heritage item in a street of buildings similar to the heritage item, then the new development must maintain the historic streetscape pattern.	
4.1.3 Water Management		
A. To ensure development has minimal impacts on the natural water cycle and the environment, including natural water systems, water quality and surface/ground water flow regimes     B. To ensure development has	-	Complies A Stormwater Flood Report has been prepared by Lomford Engineers which notes that the proposal includes a retaining structure to protect the building during high event storms and will provide protection from food waters.  Water Management: identifies that Council requires
minimal impacts on Council's existing drainage network  C. To minimise run-off volumes and discharge rates from new developments to reduce stormwater drainage flows and flood risk in urban area  D. to ensure the safety of people in		onsite stormwater retention as its principal method of reducing flows and flooding and encourages the incorporation of Water Sensitive Urban Design (WSUD) principles into any proposal.  Refer to accompanying engineers drawings prepared by ING Consulting Engineers.

28

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
flood risk areas and limit the potential damage to property and infrastructure		The accompanying BASIX certificate demonstrates that the proposal minimises water usage.
to manage continuing flood risk and cumulative impacts of developments		
F. To reduce the development's reliance on mains supplied water and encourage more efficient use of water		
G. To encourage water conservation and reuse through the provision of water reuse facilities, conservation practices, recycling and groundwater recharge		
H. To minimise pollution from the development during and after construction		
-	Stormwater Management	See above.
	Development must comply with Council's technical specification – stormwater Management which provides detail of drainage requirements for different development types. Consultation with Council is recommended.      Weter Septitive Librar Design (MSLID) principles are	
	<ol><li>Water Sensitive Urban Design (WSUD) principles are to be incorporated into the design of stormwater drainage, on-site retention and detention and landscaping and in the design of development.</li></ol>	
-	Flood Risk Management	See above.
	3. Development must comply with Council's - Flood	

ABC Planning Pty Ltd

August 2018

Item 6.4 – Attachment 8

29

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
	Management Policy which provides guidelines of controlling developments in different flood risk areas. it should be read in conjunction with the NSW Government's 'Floodplain Development Manual 2005'.	
	4. the filling of land up to the 1:100 average recurrence interval (ari) flood level (or flood storage area if determined) is not permitted, unless specifically directed by Council in very special and limited locations. Filling of land above the 1:100 ARI up to the probable Maximum Flood (pMF) (or in flood fringe) is discouraged however it will be considered providing it does not adversely impact upon flood behaviour.	
	<ol> <li>Development should not adversely increase the potential flood affectation on other development or properties, either individually or in combination with the cumulative impact of similar developments likely to occur within the same catchment.</li> </ol>	
	<ol> <li>the impact of flooding and flood liability is to be managed, to ensure the development does not divert the flood waters, nor interfere with flood water storage or the natural functions of waterways. it must not adversely impact upon flood behaviour.</li> </ol>	
	7. a flood refuge may be required to provide an area for occupants to escape to for developments where occupants require a higher standard of care. Flood refuges may also be required where there is a large difference between the pMF and the 1 in 100 year flood level that may place occupants at severe risk if they remain within the building during large flood events.	

30

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Boonense
Objectives		Response Complies
-	Water Conservation	Compiles
	Residential development is to demonstrate compliance with the Building Sustainability Index (BASIX).	See accompanying BASIX Report which includes water saving devices whilst the proposed
	<ol> <li>All new commercial and industrial development is to demonstrate the measures proposed, using water sensitive urban design principles to reduce water consumption.</li> </ol>	replacement planting species minimise water consumption.
	a. Development is to include provisions for the retention and reuse of stormwater for non-potable purposes, and consideration should be given to dual reticulation for non potable water use such as the irrigation of landscaped areas, car washing, toilet flushing, cooling tower.	
	b. Water efficient appliances and devices must meet     the minimum standards defined by the Water     efficiency labelling and Standards (WELS)     Scheme and be detailed on plans. The minimum     standards are:	
	<ul> <li>4 star taps and 3 star shower head roses;</li> </ul>	
	<ul> <li>4 star dual flush toilets; and</li> </ul>	
	<ul> <li>3 star urinals.</li> </ul>	
-	Water Quality	Complies
	10. Measures to control pollutants in stormwater discharge from development sites are to be included in any development. Refer to Council's technical specification - Stormwater Management for details of design criteria for pollutant control.	The proposal is accompanied by an Erosion and Sediment Control Plan and hydraulic detailing prepared by ING Consulting Engineers which addresses Council's Stormwater Management criteria.
	Runoff entering directly to waterways or bushland is to be treated to reduce erosion and sedimentation,	

31

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
	nutrient and seed dispersal.	
-	Groundwater Protection	Complies
	<ol> <li>Operating practices and technology must be employed to prevent contamination of groundwater.</li> <li>Development which has high potential risk to groundwater, e.g. development in the Botany Sands Aquifer must submit a geotechnical report to address how possible impacts on groundwater are minimised.</li> <li>Certain types of development in areas subject to the Botany Sands Aquifer may be considered as Integrated Development and must be referred to the relevant State Government Authority.</li> </ol>	The geotechnical report advises that no groundwater is present below the site.
4.1.4 Soil Management		
A. To protect the environmental quality of waterways     B. to reduce erosion hazard and prevent soil, building material and pollutants leaving the site and entering waterways     C. To prevent reduction in the hydraulic capacity of drainage systems	<ol> <li>Development must minimise any soil loss from the site to reduce impacts of sedimentation on waterways.</li> <li>Development that involves site disturbance is to provide an erosion and sediment control plan which details the proposed method of soil management and its implementation. Such details are to be in accordance with The Blue Book - Managing Urban Stormwater: Soils &amp; Construction by Landcom.</li> <li>Development is to minimise site disturbance, including impacts on vegetation and significant trees and the need for cut and fill.</li> </ol>	Complies  See erosion and sediment control plan by ING Consulting Engineers.
4.1.5 Contaminated Land		
A. To ensure the development of contaminated and potentially contaminated land is undertaken in	<ol> <li>Development on land that is or has previously been used for a purpose which is likely to have contaminated the site is to follow the procedures and guidelines</li> </ol>	Complies  As with the previous approval, the accompanying environmental report confirms that the site is not

32

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

	Objectives		Controls	Response
	a responsible manner according to the Environment Protection Authority requirements		contained in State Environmental planning policy $55-$ remediation of land.	contaminated and can be made suitable for the proposed mixed use development.
4.1	.6 Development on Sloping Sites			
A.	to limit site excavation and minimise cut and fill to ensure that building form relates to topography	1.	the building footprint is designed to minimise cut and fill by allowing the building mass to step in accordance with the slope of the land.	Not Applicable
В.	To protect the amenity of adjoining properties	2.	to minimise cut and fill on sloping sites and to encourage good quality internal environments, any habitable room of a dwelling must have at least one external wall entirely above existing ground level.	
4.1	4.1.7 Tree Preservation			
A.	To ensure the existing urban forest amenity within the Rockdale City Council area is maintained and preserved.	• • 2.	of 1 metre above the ground.  Council consent can be granted either by way of development consent or by a permit.  you do not need Council's consent to cut down or prune a tree if:  a. The tree is no higher than 3 metres and has a girth of no more than 300 mm at a height of 1 metre above the ground	Complies  The accompanying Arborist Report by Lee Hancock Arborist confirms that no significant trees off site will be affected whilst those being removed on site do not have significant retention value. It is also noted that these trees are located in close proximity to the existing building whereas the proposed replacement species will be more appropriately sited.
			<ul> <li>The tree is, in Council's opinion, dying or dead or has become dangerous. (If such a tree is cut down or pruned without Council's consent, you</li> </ul>	

33

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
	may have to satisfy Council that the tree was dying or dead or had become dangerous).	
	c. The tree is a species declared to be a noxious weed under the noxious Weeds act 1993	
	<ul> <li>d. The tree is one of the following non-native trees:</li></ul>	
	<ul> <li>fly, as identified in the plant Diseases act 1924.</li> <li>4. existing significant trees and vegetation are incorporated into proposed landscape treatment. An arborist report may be required for a development that impacts on the health of significant trees.</li> </ul>	
	5. Building setbacks preserve existing significant trees and vegetation and allow for new planting. Where significant mature trees and vegetation are to be retained, buildings are located at least 3.0m form the base of the tree to minimise root damage.	
4.1.8 Biodiversity		
A. To sustain and enhance biodiversity through the protection and conservation of locally occurring flora and fauna, the environment	<ol> <li>Development is to be sited and designed to minimise and preferably avoid the impact on indigenous flora and fauna on the development site or on land adjacent to it.</li> </ol>	Complies The proposed landscape plan prepared A Total Concept Landscape Architects will include local species which will contribute to local habitat (eg. banksias etc).
they live in and the way they interact.	<ol><li>The planting of indigenous plant species is encouraged (for list of suitable species, refer to Council's technical specification - Landscape.)</li></ol>	
	3. Development abutting bushland, creeklines or wetland	

34

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
	areas is to utilise local indigenous plant species to protect bushland and wildlife corridors, particularly those areas identified in rockdale Bio-links Study.	
	<ol> <li>Council may require the submission of a Statement of Flora/Fauna Impact (SFFI) for development in or adjacent to bushland or wetlands with respect to the impact on biodiversity.</li> </ol>	
	5. Where development is to occur adjacent to the location of threatened species and endangered ecological communities, Council will undertake an "assessment of significance". if there is likely to be a significant impact on threatened species or endangered ecological communities, the applicant will be required to prepare a Species Impact Statement	
4.1.9 Lot Size and Consolidation		
A. to promote the efficient use of land     B. To encourage where necessary the amalgamation of land parcels into larger development sites for medium and high density developments	Lot Size and Minimum Site Frontage  1. the development must satisfy the relevant minimum lot size and minimum site frontage requirements specified below:	Complies See assessment under the relevant mixed use component part of the DCP below:
C. to ensure allotment size is sufficient for development and associated provision of landscaping, parking, vehicular and pedestrian access		
D. To maintain amenity in relation to overshadowing, privacy and views by having sensitive layout of buildings		
E. To ensure surrounding sites can be		

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
economically developed		
-	Low and medium density residential  a. For dwelling house development, a minimum lot size of 450m² and a minimum width of 15m at the front building alignment is required. However, a dwelling house may be erected on:	Not Applicable
	<ul> <li>a parcel of land which existed as a separate parcel on 30 March 1973; or</li> <li>an allotment of land having frontage to xenia Avenue, Carlton, or the southwestern side of Fleet Street, Carlton, which has an area of not less than 340m² or a width of not less than 12m at the front alignment of the building; or</li> <li>an allotment of land having frontage to the south-western side of Caledonian Street.</li> </ul>	
	Bexley, between Park Avenue and Harrow Road, Bexley, or to the north-western side of Watkin Street, Bexley, between Park Avenue and Harrow Road, Bexley, (excluding lots 41 and 42 in DP 531156) which has an area of not less than 230m² or a width of not less than 6m at the front alignment of the building.	
	<ul> <li>For dual occupancy development, a minimum lot size of 700m² and a minimum site frontage of 15m is required.</li> </ul>	
	<ul> <li>there is no minimum lot size requirement for secondary dwellings.</li> </ul>	
	<ul> <li>for multi dwelling housing, a minimum site frontage of 18m is required, unless the site fronts a classified</li> </ul>	

ABC Planning Pty Ltd

August 2018

Item 6.4 – Attachment 8

36

8-20 Sarsfield Circuit, Bexley North

Controls	Response
which case, the width is to be a minimum of	
um lot width of 24m at the street frontage is for residential flat buildings.  a group of allotments is proposed to be ed for the purpose of residential flat buildings, illotments should share a common road. If 'end to end' amalgamation occurs, the setbacks and building footprint will be ed as if they were separate sites. Refer to wing diagram.	Not Applicable
evelopment of 4 storeys or greater, a n frontage width of 18m is required.	Complies  The site to the west at 2-6 Sarsfield Circuit has a frontage greater than 18m and therefore, according to the DCP, is capable of being developed independently. The architect has measured the site frontage to be 29m which is 11m beyond the DCP minimum for buildings that permit 4 storeys or greater.  This is also confirmed by the accompanying concept plans prepared by Fox Johnston Architects, which demonstrates that the site can be redeveloped independently to a form and scale consistent with that contemplated by the height and FSR controls in the LEP.  Such outcome is also consistent with the previous

ABC Planning Pty Ltd

August 2018

Item 6.4 – Attachment 8

37

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
		approval on the subject site which included a concept for the adjoining site.
		It is noted that the owner of 2-6 Sarsfield Circuit has repeatedly rejected offers from the applicant and it is also noted that the Woolworths Supermarket has a long lease and has been recently refurbished.
		The above assessment confirms that the adjoining site to the south at 2-6 Sarsfield Circuit is not isolated and can be developed independently.
-	h. For industrial buildings, a minimum lot size of 840m² and a minimum site frontage of 18m is required.	Not Applicable
-	Child care centres  i. i. Sites other than corner sites need to have a minimum allotment width of 18m. The minimum dimensions (width or depth) of corner sites are 15m.	Not Applicable
	Avoidance of isolated Sites	Complies
	Developers must satisfy Council that adjoining parcels not included in their development site are capable of being economically developed.     The development of existing isolated sites is not to detract from the character of the streetscape and is to	As outlined above, the adjoining site to the south is not isolated. The accompanying concept plans for the southern adjoining site further confirms that the site will not be isolated.
	achieve a satisfactory level of residential amenity for its occupants. Development of existing isolated sites may not achieve the maximum potential, particularly height and floor space ratio and will be assessed on merit.	

38

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
4.2 STREETSCAPE AND SITE CONTEXT		
A. To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics and legibility of the existing urban environment.	-	Complies  The proposal is considered to be a vast improvement upon the existing streetscape and local context. It responds sensitively to the broader urban environment, is consistent with the existing surrounding development and will improve the
B. To ensure development responds to predominant streetscape qualities     C. To ensure development conserves or enhances items and areas of		visual appearance of the existing mixed-use centre by its high quality design and articulated front presentation to the shared Council parking lot as well as Slade Road and Bexley Road.
special architectural, landscape or cultural interest, including rocky outcrops and sandstone retaining walls		The proposal has been integrated with the public domain by orientating the residential balconies towards the public parking which will also increase passive surveillance and crime prevention for the existing public domain.
D. To ensure a safe environment by promoting crime prevention through environmental design     E. To ensure fences complement and conserve the visual character of the street and neighbourhood		The proposal has also considered the Sarsfield Circuit streetscape and context and has responded sympathetically providing a landscaped setback and residential units which occupy the majority of the frontage to Sarsfield Circuit.
F. To encourage the integration of transport services into the streetscape and public domain		Access to garages has been designed to eliminate alterations of the natural ground level at the front of the allotment. The front yard facing Sarsfield Circuit remains at the existing natural ground level and has been landscaped previously to enhance the front elevation.
		The proposal provides for 2.5 levels of basement car parking with a total of 67 car parking spaces. Access to the basement is gained via the existing driveway location from Sarsfield Circuit and then leads down to the newly proposed excavated

39

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
		basements.  The proposal is therefore considered to integrate well into the surrounding context and streetscape.
-	<ol> <li>Site Context</li> <li>Development is to respond and sensitively relate to the broader urban context including topography, block patterns and subdivision, street alignments, landscape, views and the patterns of development within the area.</li> <li>Development adjoining land use zone boundaries should provide a transition in form, considering elements such as height, scale, appearance and setbacks.</li> <li>Buildings addressing or bordering public open space must relate positively to it through the provision of windows, openings, access points and outlook. Overshadowing of public spaces must be minimised.</li> </ol>	Complies The proposal suitably relates to the established and desired future character anticipated for sites either side and across Sarsfield Circuit.  The built form has been designed to be compatible with the bulk and scale of the established flat mixed use building to the north by providing for appropriate setbacks which minimise mutual privacy impacts.  The built form neatly aligns with that of the northern neighbouring mixed use building and then steps back to achieve ADG compliant setbacks.  The provision of replacement small scale retail spaces fronting the public car park maintains the active frontage, whilst providing for improved pedestrian access and storage/bathroom facilities for the retail shops.  The 3-metre wide deep soil landscaped setback along the Sarsfield Circuit frontage represents a desirable and improved outcome from that which exists. The scale of the development fronting Sarsfield Circuit is also compatible with established buildings either side of the site. The extensive width of Sarsfield Circuit and the elevated nature of

40

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
		the dwellings on the opposite side of the Circuit ensure that a reasonable visual relationship is achieved.
		The proposed height, bulk and scale is also not responsible for any adverse visual bulk, shadow, privacy or view impacts which thereby satisfies the DCP provisions
-	Streetscape Character	Complies
	<ol> <li>The building design and use of materials, roof pitch and architectural features and styles must have regard to those of surrounding buildings to ensure a cohesive streetscape.</li> </ol>	As demonstrated in the accompanying montage the proposed built form provides for a high quality design response which will significantly enhance the presentation of the built form on the site, as
	<ol> <li>Building setbacks from the street boundary are to be consistent with prevailing setbacks of adjoining and nearby buildings.</li> </ol>	viewed from both the car park and from Sarsfield Circuit.
	<ol> <li>Buildings on corner sites are to be articulated to address each street frontage and are to define prominent corners.</li> </ol>	
	7. Access to garages should not necessitate a major alteration of the natural ground level at the front of the allotment. The front yard is to remain at natural ground level and be landscaped to enhance the front elevation.	
	Where a first floor addition is proposed within a street of predominantly single storey homes, the impact of the increased scale is minimised by:	Figure 20: Photomontage
	locating the addition towards the rear of the site	The elevations provide for a high degree of vertical
	<ul> <li>incorporating the addition into the existing roof space</li> </ul>	and horizontal articulation whilst the use of varying materials and finishes also contributed to an
	<ul> <li>using similar proportions of existing windows and</li> </ul>	attractive streetscape outcome.
	doors in the new work	The scale and setbacks of the built form are also

41

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
	Garages and carports are not permitted between the front building line and the front property boundary.	compatible with the established streetscape.
-	Pedestrian Environment	Complies
	10. Residential buildings adjacent to the street must address the street by having a front door and/or living room or kitchen window addressing the street. The frontage of buildings and their entries are to be readily apparent from the street.	The proposal provides for legible pedestrian entries from both frontages whilst the basement access to all levels via lift also enhances the pedestrian access throughout the development.
	11. Buildings are designed to overlook streets and other public areas to provide casual surveillance. Buildings adjacent to a public area must have at least one habitable room window with an outlook to that area.	The proposal significantly improves upon the degree of passive surveillance to both frontages.
	Pedestrian and cycle thoroughfares are reinforced as safe routes through:	
	<ul> <li>appropriate lighting</li> </ul>	
	<ul> <li>casual surveillance from the street</li> </ul>	
	<ul> <li>minimised opportunities for concealment</li> </ul>	
	<ul> <li>landscaping which allows clear sight-lines between buildings and the street</li> </ul>	
	<ul> <li>avoidance of blind corners.</li> </ul>	
	<ol> <li>Site planning, buildings, fences, landscaping and other features clearly define public, common, semi-private and private space.</li> </ol>	
	Vehicle entries are discrete and minimise conflicts with pedestrians	
	<ol> <li>Where possible, development is to take advantage of opportunities to provide driveway access from rear laneways.</li> </ol>	

42

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
-	Fencing	Complies
	<ul> <li>16. Sandstone fences and walls that are determined by Council to be significant and/or to represent important character elements for a locality are to be retained and if necessary repaired. Any modifications to existing stone fencing and walling are to utilise the same materials and construction technique.</li> <li>17. Front fences and walls are to enable surveillance of the street from the dwelling.</li> </ul>	The proposed fencing allows for passive surveillance whilst also providing for an appropriate degree of privacy and security for the ground level units.  The height of fencing complies with the DCP.
	Front fences are to be a maximum height of 1.2m above footpath level.	
	19. Open construction front fences (with minimum 30% transparency) to a maximum height of 1.8 m may be considered, such consideration will have regard to the circumstances of the case. The solid portion in open construction fences is to be no higher than 600mm. Refer to the following diagram.	
	<ol> <li>New fences and walls are to be constructed of robust and durable materials which reduce the possibility of graffiti.</li> </ol>	
	21. For sloping streets, the height of fences and walls may be regularly stepped, such that there is an average height above footpath level of 1.2m.	
	22. Fences should not be constructed in floodways. Where this is unavoidable fences are to be of open construction that will not restrict the flow of floodwaters.	
	23. Gates must not encroach over the street alignment when opening or closing.	
	24. Side and rear fences are to have a maximum height of 1.8m on level sites or 1.8m measured from the low side	

ABC Planning Pty Ltd

August 2018

Item 6.4 – Attachment 8

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
	where there is a difference in level either side of the boundary.	
	25. Side fences between the street alignment and the front wall of the building are to be a maximum height of 1.2m or up to 1.8m if they are of open construction.	
	26. For low and medium density residential development, where a vehicular entrance is proposed in conjunction with a fence of height greater than 1.2m, a 45 degree splay or its equivalent is provided either side of the entrance to ensure driver and pedestrian safety. the splays are to have minimum dimensions of 0.9m by 0.9m.	
	27. Sheet metal fencing is not to be used at the street frontage or forward of the building line.	
-	Sandstone Walling, Rock outcrops and Kerbing	Not Applicable
	28. No brick or stone kerbing and guttering or crossovers is to be removed without the approval of Council.	
	29. The excavation of sandstone or rock outcrops for the purpose of providing a garage is not permitted where:	
	<ul> <li>a. the rocky outcrop forms a significant part of the streetscape and character of the locality; or</li> </ul>	
	<ul><li>b. adequate on street parking is available; or</li><li>c. alternative access to a site is available.</li></ul>	
	30. Where excavation of a rock outcrop to provide off-street car parking is considered acceptable, the design and construction of the garage entry is to utilise sandstone, stone coloured mortar and a recessive coloured door.	

44

ABC Planning Pty Ltd August 2018

Bayside Local Planning Panel

Statement of Environmental Effects

8-20 Sarsfield Circuit, Bexley North

August 2018

Objectives	Controls	Response		
4.3 LANDSCAPE PLANNING AND DESIGN	I.3 LANDSCAPE PLANNING AND DESIGN			
4.3.1 Open Space and Landscape Design	n			
A. to conserve significant natural features of the site, including existing mature trees and vegetation     B. To protect and enhance indigenous wildlife populations and habitat	<ol> <li>Development must comply with Council's technical specification - Landscape.</li> <li>Council requires a landscape plan prepared by a qualified Landscape Architect to be included with development applications for all developments except single dwelling houses and secondary dwellings.</li> </ol>	Complies The accompanying landscape plan prepared by ATC incorporates a high quality design outcome which provides for deep soil, on-slab and rooftop landscaping around the perimeter of the communal area.		
through appropriate planting of indigenous vegetation species.  C. to promote energy efficiency, conserve natural resources and contribute to ecological sustainability  D. To provide privacy and enhance environmental amenity  E. To enhance the existing streetscape and promote a scale and density of planting that is appropriate to the surrounding built form.	<ol> <li>Significant existing trees and natural features such as rock formations should be retained and incorporated into the design of the development wherever possible.</li> <li>The amount of hard surface area is to be minimised to reduce run-off by:         <ol> <li>directing run-off from the overland flow of rainwater to pervious surfaces such as garden beds, and</li> <li>utilising semi-pervious paving materials wherever possible.</li> </ol> </li> <li>Landscape must relate to building scale and assist integration of the development with the existing street character.</li> </ol>	The proposed landscaping along the Sarsfield Circuit frontage and within the northern side setback enhances the presentation of the site in the streetscape whilst also providing for a vegetated outlook between the subject site and the established flat building to the north.  The proposed landscaping relates to the scale of the buildings and assists with integrating the proposal with those of the existing surrounding developments.  The deep soil landscaped area complies with the		
F. To enhance stormwater management and water quality by incorporating Water Sensitive Urban Design (WSUD) principles into the landscape design G. To apply the principles of Crime Prevention Through Environmental Design (CPTED) H. To promote quality landscape	<ul> <li>6. Planting design solutions are to: <ul> <li>a. provide shaded areas in summer, especially to west facing windows and open car parking areas;</li> <li>b. provide screening for visually obtrusive land uses or building elements;</li> <li>c. provide vegetation and tree cover within large expense of car parking areas;</li> <li>d. provide privacy between dwellings;</li> </ul> </li> </ul>	ADG by achieving 7% of the site whilst additional on-slab planting in consolidated areas enhances the extent of landscaping on the site.  The minimum depth of balconies is 2m as required by Part 4.3.2 of the DCP. The balconies have been designed to be accessible from the living areas and enjoy an open aspect.		

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North

	Objectives	Controls	Response
1.	Objectives  design solutions that do not rely on high levels of maintenance  To ensure that the location and use of swimming and spa pools does not have a detrimental impact on the amenity of private and public space	e. not cause overshadowing of solar collectors on rooftops;  f. incorporate plant species in locations and in densities appropriate for their expected size at maturity;  g. rely primarily on plants that have a low water demand and nil or low fertilizer requirements; and  h. use appropriate indigenous plant species wherever possible.  7. Trees must be planted within properties to maximise tree cover.  8. landscaped areas, as defined in Rockdale LEP, must be provided at the following rates:  Development/Building Type Minimum landscaped area (of the site area)  Low and medium density residential 25%  Residential flat buildings 15%  Mixed use (with shoptop housing) 10%  Industrial 10%  Child care centres 20%	Response
		9. At least 20% of the front setback area of a residential development is to be provided as landscaped area. If it is provided between driveways/pathways and side boundaries, it must have a minimum width of 1m.  10. Landscaped areas should adjoin the landscaped area of neighbouring properties so as to provide for a contiguous corridor of landscape and vegetation.	

ABC Planning Pty Ltd

August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
	11. Where a basement car park protrudes above ground level and is not wrapped in residential or retail uses, the walls are to be screened with appropriate treatments, such as planting.	
	<ol> <li>With the exception of development applications for single dwellings, street trees are to be provided in accordance with Council's Street Tree Masterplan.</li> </ol>	
	13. Council requires the footpath area adjacent to the site to be restored at the time of the development. This includes grading, trimming and the planting of suitable turf and trees.	
	14. Development must comply with the streetscape requirements in relevant public domain plans, such as Wolli Creek and Bonar Street Precinct Public Domain Plan and Technical Manual	
4.3.2 Private Open Space		
A. To ensure private open space is clearly defined, usable and meets user requirements for privacy, solar access.	Each dwelling must be provided with a minimum private open space area as specified in the following table:      Dwelling Type	Complies The proposal complies with the requirements of the DCP and the ADG in regard to courtyard and balcony sizes and dimensions.
accessibility and landscaping	Residential Flat Building / Shoptop Housing	All private open space areas are directly accessible from the living areas.
	as per recommended external area for the Each dwelling relevant apartment type set out in Part 3 of the Residential Flat Design Code	
	2. Private open space is to be clearly defined for private	

47

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
	use through planting, fencing or landscape features  3. Development should take advantage of opportunities to provide north-facing private open space to achieve comfortable year-round use.	
	4. Private open space must take account of the visual and acoustic privacy of its occupants and neighbours. Development must ensure that the usability of private open space of adjoining buildings is not reduced through overlooking and overshadowing.	
	<ol><li>Private open space areas are to act as extensions of indoor living areas.</li></ol>	
	6. For residential flat building and shoptop housing, private open space is to be provided for each dwelling in the form of balconies, roof terraces or in the case of ground floor units, courtyards. The primary private open space of each unit must directly connect to the living area.	
	7. Balcony design is to:	
	<ul> <li>a. maximise habitability;</li> <li>b. provide privacy, e.g. the use of adjustable screens;</li> <li>and</li> </ul>	
	<ul> <li>provide for a variety of uses, including clothes drying in open air.</li> </ul>	
4.3.3 Communal Open Space		
A. To provide residents with passive and active recreational opportunities and reduce social isolation     B. To ensure that communal open space is consolidated and designed.	A primary communal open space area of adequate dimensions must be provided for use by all residents, for a. multi dwelling housing which has 12 or more dwellings;     b. residential flat buildings which has 12 or more	Complies The proposal complies with the extent of communal space anticipated by the ADG (minimum 25% of site area) and is provided in the form of passive planted area in the northern side setback and active area located at the rooftop level on the

48

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
to be usable and accessible to all residents  C. To ensure soft landscaping and deep soil planting is provided	dwellings; and  c. shoptop housing of a mixed use development which has 12 or more dwellings.  2. The development must provide a communal area for the benefits of its residents at the rate of 5m² for each dwelling within the development. Where a development is unable to reasonably meet this minimum requirement (or a development containing less than 12 dwellings) an equivalent area of additional private open space is to be provided for each dwelling.  3. Communal areas should:  a. contribute positively to the amenity of the development,  b. be conceived as part of the overall design of the building,  c. be north facing and receive adequate solar access,  d. have a minimum area of 40% that has sunlight at 1pm on 21 June,  e. be clearly defined to distinguish between communal and private open space,  f. be of dimensions to suit the proposed use and requirements of the occupants,  g. provide for a range of recreational uses and activities, act as a catalyst for social interaction, and be supplemented with seating and shading,  h. be cost effective to maintain, and  i. contribute to stormwater management and be integrated with the on-site drainage detention	western building mass.  The communal space on the roof provides for a range of facilities, an open outlook and will receive abundant solar access. The landscaping around the perimeter of the rooftop communal area provides for a desirable landscaped setting.

49

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

	Objectives	Controls	Response
		<ol> <li>Any internal communal area must have regard to its relationship to outdoor communal areas. It should be designed to provide for a range of uses such as meetings, leisure, recreational and sporting activities. In this respect it may be appropriate to incorporate kitchenette and toilet facilities.</li> <li>Communal open space may be accommodated on a podium or roof in a residential mixed use building provided it has adequate amenity and convenient access.</li> </ol>	
4.4	Sustainable Building Design		
4.4.	.1 Energy Efficiency		
В.	To promote energy efficiency and renewable energy in the design and construction of buildings  To maximise the benefits of passive solar design  To encourage the selection, use and disposal of building materials with the least cumulative adverse environmental impact	Residential Development  1. A BASIX certificate is to be submitted with the development application for residential development.	Internally, more than 70% of living and private open space areas will receive more than 2 hours solar access on June 21. The extent of internal solar access is depicted on the 3D solar analysis prepared by Fox Johnston Architects and is tabulated to demonstrate compliance.  The proposal has a main north/north-western orientation which maximises daylight, sunlight and solar access.  The indented nature of the balconies with overhangs contributes to passive solar design.  Externally, the proposal will not create any adverse impacts on surrounding development given the shadows will primarily fall to the south along Sarsfield Circuit. The proposal is therefore

ABC Planning Pty Ltd

August 2018

Item 6.4 – Attachment 8

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
		considered to comply with the relevant objectives of this part of the DCP. The accompanying 3D shadow analysis by Fox Johnston Architects illustrates that all dwellings across Sarsfield Circuit will continue to achieve in excess of 3 hours solar access their living and private open space areas.  More than 60% of units also have cross ventilation which, in combination with the abundant solar access, minimises reliance on artificial heating, cooling and lighting.  The development fulfils the ADG requirements in terms of is energy efficiency and solar accessibility as demonstrated by the accompanying BASIX Certificate and overshadowing plans submitted with the DA.
-	Retail, commercial and industrial development  2. A report on energy and water efficiency is to be	Not Applicable
	submitted with the development application for any building works with a construction cost of \$1,000,000 or more. The report must address the following:	
	compliance with the current BCA	
	<ul> <li>re-use of existing buildings or building design capable of adaptation in the longer term</li> </ul>	
	<ul> <li>passive solar design principles used to avoid the need for additional heating and cooling</li> </ul>	

August 2018

Item 6.4 – Attachment 8

8-20 Sarsfield Circuit, Bexley North

	Objectives	Controls	Response
		<ul> <li>substitution of non-renewable fuels for renewable fuels such as solar hot water heating</li> <li>use of recycled building materials</li> <li>use of materials that are non-polluting in manufacture, use and in disposal</li> <li>use of building articulation (courtyards and light wells) that allow daylight into ground and first floor levels</li> <li>use of windows that can be opened rather than skylights as a means of providing natural light and ventilation</li> <li>use of roof lights and vents to internal serivce rooms at roof top level to minimise reliance on artificial light and ventilation</li> <li>use of advanced air conditioning systems and new technologies such as chilled beam air conditioning and waste heat recovery systems for larger buildings</li> <li>the principles of passive design and the properties of thermal mass, glazing and insulation</li> <li>incorporate water conservation measures as referred to in section 4.1.3 Water Management of this DCP.</li> </ul>	
4.4.	2 Solar Access		
	To ensure that sunlight access is provided to private open space and habitable rooms within the development  To ensure that development does not unreasonably diminish sunlight to neighbouring properties and	Development must be designed and sited to minimise the extent of shadows that it casts on:     private and communal open space within the development;     private and communal open space of adjoining dwellings;	Complies It is confirmed that the proposal complies with the internal solar access requirements whilst solar access is maintained to surrounding properties in accordance with the DCP.

ABC Planning Pty Ltd

August 2018

Item 6.4 – Attachment 8

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
within the development site	<ul> <li>public open space such as parkland and bushland reserves;</li> </ul>	
	<ul> <li>solar collectors of adjoining development; and</li> </ul>	
	<ul> <li>habitable rooms within the development and in adjoining developments.</li> </ul>	
	Building form, separation and plan layout facilitates good solar access to internal and external living spaces.	
	<ol> <li>Buildings must be sited to reduce overshadowing on adjoining properties by increasing setbacks, staggering of design, variations in roof form and/or reducing building bulk and height.</li> </ol>	
	4. Development must have adequate solar access as per the following standards. Where existing adjoining properties currently receive less sunlight than these standards, sunlight must not be reduced by more than 20%.	
-	Low and medium density residential	Not applicable
	a. Dwellings within the development site and adjoining properties should receive a minimum of 3 hours direct sunlight in habitable rooms and in at least 50% of the private open space between 9am and 3pm in mid-winter.	
-	Residential flat buildings and shop top housing	Complies
	b. Living rooms and private open spaces for at least 70% of apartments in a development and adjoining properties should receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.	

53

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
-	<ol> <li>Shadow diagrams are to be submitted with the development application for any building of two or more storeys to illustrate the impact on adjoining properties and/or the public domain.</li> <li>The diagrams should provide information relating to the effect of the proposed development at 9 a.m., 12 p.m. and 3 p.m. on         <ol> <li>21 June (mid-winter),</li> <li>21 December (mid-summer) and</li> <li>21 March/September (equinox).</li> <li>where a significant level of overshadowing occurs, elevational shadow diagrams are to</li> </ol> </li> </ol>	Complies Shadow diagrams have been provided.
4.4.3 Natural Lighting and Ventilation	be submitted. The diagrams show where shadows fall on walls containing windows of adjoining buildings.	
A. To ensure all development is designed to achieve natural lighting and ventilation	Buildings must comply with the following minimum ceiling heights to facilitate adequate natural lighting and ventilation	Complies  The proposal provides for compliant floor to floor heights and ceiling heights which represents a
B. to require floor heights which achieve quality internal environments and optimise light penetration	Development Minimum height Minimum height type Habitable space Non-habitable space  Residential 2.7m 2.4m  Retail and commercial 3.3m 2.4m	significant improvement from the existing and approved building on the subject site.  The proposal also complies with the cross ventilation requirements.
	First floor of a mixed use 3.3m 2.4m building 2. Buildings must be designed to maximise opportunities for	
	cross flow ventilation by providing clear breeze paths	

54

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response		
	and shallow building depths. The maximum internal plan depth of a residential apartment should be 18m from glass line to glass line. Developments that propose greater than 18m must demonstrate how satisfactory daylight and natural ventilation is achieved.			
	Windows that can open and which are designed to provide controlled air flow must be installed.			
	<ol> <li>Office premises must be designed to receive natural light and ventilation. Office floor plates are to have a depth of no greater than 20m if dual aspect, or 10m if single aspect.</li> </ol>			
	<ol> <li>Office spaces should be designed, through orientation and the inclusion of environmental control devices, to achieve maximum daylight without compromising the internal amenity through glare or heat gain from direct sunlight</li> </ol>			
	6. On deep sites, courtyards and light wells should be provided on the lower levels of mixed use and commercial buildings to achieve natural lighting of every level and cross ventilation and/or stack effect ventilation.			
4.4.4 Glazing				
A. To reduce the necessity for mechanical heating and cool	Areas of glazing are located to avoid energy loss and unwanted energy gain.	Complies  The proposal does not provide excessive glazing and provides for appropriate passive design		
	<ol> <li>Development provides appropriate sun protection during summer for glazed areas facing north, west and east. Extensive areas of glazing that are unprotected from sun during summer are not permitted. Shading devices include eaves, awnings, balconies, pergolas, external louvers, and projecting sunshades. Unprotected tinted</li> </ol>	through the use of indented balconies whilst louvered screens are also proposed, as demonstrated on the photomontage.		

55

ABC Planning Pty Ltd August 2018

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response	
	windows are not acceptable.  3. Commercial buildings must not compromise the amenity of the public domain through excessive glare and reflection.		
4.4.5 Visual and Acoustic Privacy			
A. To site and design buildings to ensure acoustic and visual privacy for occupants and neighbours	-	-	
-	1. The windows of a habitable room with a direct sightline to the windows of a habitable room of an adjacent dwelling and located within 9.0m:  a. are sufficiently off-set to preclude views into the windows of the adjacent building; or  b. have sill heights of 1.7m above floor level; or  c. have fixed obscure glazing in any part of the window below 1.7m above floor level.  2. Balconies, terraces, rooftop recreation areas and the like should be located to minimise overlooking of an adjoining property's open space or windows. Techniques such as recessing, screens or landscaping may be used to prevent direct views into habitable rooms or private open space of adjacent dwellings.  3. The use of the roof top area for recreational purposes is permissible subject to the following:  a. internal stair access must be provided to the roof top area from within the building; and  b. the usable area of roof must be set back at least	Complies  The proposed setbacks for the lower and upper levels achieve the required separation distances for windows which face each other. Aluminium screens on the northern façade have been used on the lower levels to achieve an adequate level of mutual privacy.  The majority of living room windows and associated balconies are oriented to the respective street frontages whilst those which are side-facing have ADG compliant setbacks. Screening and landscaping also supplement the proposed setbacks which achieves an appropriate level of privacy. It is noted that the proposed setbacks are greater than those existing and approved on the subject site, and those provided on the adjoining site to the north.  The communal open space area is suitably separated from the adjoining buildings to avoid any potential visual privacy impacts whilst the perimeter	

August 2018

Item 6.4 – Attachment 8

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
	1500mm from the edge of the building. Other devices such as privacy screens and planter boxes should be incorporated to protect the visual and acoustic amenity of neighbouring properties.	landscaping also avoids the potential for downward overlooking to the northern neighbouring units.
-	Acoustic Privacy 4. The location of driveways, open space and recreation	Complies
	areas and ancillary facilities external to the dwelling must be carefully planned to ensure minimal noise impact on adjoining residential properties.	An acoustic report prepared by Acoustic Logic confirms that the proposed units will achieve the required internal acoustic requirements, subject to the provision of glazing treatments to the units. The
	<ol> <li>Bedrooms of one dwelling should not share walls with living rooms or garages of adjacent dwellings. Bedrooms of one dwelling may share walls with living rooms of adjacent dwellings provided appropriate acoustic</li> </ol>	concrete roof slab also provides for satisfactory acoustic performance.
	measures are documented.  6. Where party walls are provided they must be carried to the underside of the roof.	The report notes that the site is outside the ANEF 20 contour.
	7. All residential development except dwelling houses are to be insulated and to have an Impact Isolation between floors to achieve an Acoustical Star Rating of 5 in accordance with the standards prescribed by the Association of Australian Acoustical Consultants (AAAC).	The predominant orientation of apartments to the respective street frontages and provision of compliant setbacks for the side-facing apartments is considered to suitably minimise potential acoustic impacts.
	An Acoustic Report is to be submitted at Development Application stage & post construction stage to ensure that the above standards have been achieved.  8. In attached dwellings and multi-unit development the internal lowest should consider accounting privacy, by	It is also noted that the proposal increases the separation distances from that which exists between the units on and adjoining the subject site which is therefore a positive outcome of the proposal.
	internal layout should consider acoustic privacy, by locating circulation spaces and non-habitable rooms adjacent to party walls.	The isolated location of the communal space from the adjoining flat building also minimises any potential for acoustic impacts.
		The generous floor to floor heights allow for acoustic treatment between the respective floor

ABC Planning Pty Ltd

August 2018

Item 6.4 – Attachment 8

8-20 Sarsfield Circuit, Bexley North

	Objectives	Controls			Response	
						levels.
		9. For residential flat buildings and shoptop housing, the building separation for internal courtyards and between adjoining sites increases in proportion to building height in accordance with the following minimum dimensions:			Complies It is confirmed that the setbacks to the northern and southern boundaries are compliant for the lower and upper levels of the units which have a sidefacing orientation.	
		Height	Between habitable rooms and balconies	Between habitable rooms/ balconies and non-habitable rooms	Between non-habitable rooms	The lower level apartments which have north- facing windows are adjacent to the podium of the adjoining building to the north and do not generate any adverse visual bulk, privacy or noise impacts.
		Three to four storeys (12m)	12m	9m	6m	Screening devices also ensure that the intent of the separation requirements are satisfied.
		Five to eight storeys (25m)	18m	13m	9m	
		Nine storeys and above (over 25m)	24m	18m	12m	
		buildings	in mixed use	on is permitted for areas where the o with party walls.		
4.4.	6 Noise Impact					
	To minimise adverse impacts from noise from Sydney Airport and other noise generating land uses  To ensure appropriate noise mitigation measures are incorporated into residential	Standard relation to an Acous Consultar	2021 - 200 interior noise tic report prep nt to advise	nust comply with 0 Acoustic - Ai levels, the applicated by a suitably on appropriate resign of the building	rcraft Noise, in cant is to provide y qualified Noise measures to be	Complies  The premises is not affected by aircraft noise and is not adjacent to any main road which carry heavy vehicles.

ABC Planning Pty Ltd

August 2018

Item 6.4 – Attachment 8

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
developments	this standard.	
C. To achieve an acceptable acoustic environment in habitable rooms, without sealing openings and	Details of any mitigation measures must be included with the Development Application submission. The mitigation measure must be consistent with the BASIX certificate.	
relying on air conditioning	<ol> <li>Non-residential development is not to adversely affect the amenity of adjacent residential development as a result of noise, hours of operation and/or service deliveries.</li> </ol>	
	<ol> <li>External walls facing potential sources of noise are to be constructed of materials with good sound insulating quality and have no large openings that would transmit noise.</li> </ol>	
	5. The building plan, walls, windows, doors and roof are to be designed to reduce intrusive noise levels from potential sources of noise emanating from adjacent non- residential uses, such as:	
	<ul><li>a. having a thinner building width fronting the noise source and containing non-habitable spaces;</li><li>b. orientating noise sensitive rooms, including living,</li></ul>	
	dining and bedrooms, away from the noise source.  6. Balconies and other external building elements are to be located, designed and treated to minimise noise infiltration.	
	<ol> <li>Where new windows face potential sources of noise, they are required to be fitted with noise attenuating glass to minimise the impact of background noise from non- compatible development.</li> </ol>	
	<ol> <li>Design landscaping of communal and private open space to create a buffer between new residential development and adjacent potential sources of noise.</li> </ol>	

59

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls Response		
	<ol> <li>Residential flat buildings are to be designed to minimise any potential conflicts with existing industrial uses in terms of acoustic and visual privacy:         <ul> <li>a. the setback of any proposed residential building from the boundary of any adjoining industrial premises is to be a minimum of 5m.</li> <li>b. single aspect apartments facing and within 10m of industrial/ warehouse uses are to be avoided.</li> </ul> </li> </ol>		
4.4.7 Wind Impact			
A. To ensure that adverse wind conditions in streets, public spaces and private open spaces are minimized through appropriate built form to provide pedestrian comfort in these spaces.	<ol> <li>Buildings must be designed and proportioned to consider the wind generation effects.</li> <li>Buildings of 5 or more storeys in height (or over 16 m) require wind tunnel testing, irrespective of whether they are built to the street frontage or not, which demonstrates the following:         <ol> <li>in open areas to which people have access, the annual maximum gust speed should not exceed 23 metres per second, which is the speed at which people begin to be blown over;</li> <li>in walkways, pedestrian transit areas, streets where pedestrians do not generally stop, sit, stand, window shop and the like, annual maximum gust speed should not exceed 16 metres per second;</li> <li>in areas where pedestrians are involved in stationary short exposure activities such as window shopping, standing or sitting (including areas such as bus stops, public open space and private open space), the annual maximum gust speed should not exceed 13 metres per second;</li> <li>in areas for stationary long-exposure activity, such</li> </ol> </li> </ol>	Complies  A Wind Report prepared by Windtech confirms that the proposed building will not generate any adverse wind impacts.  The report also confirms that the proposed rooftop area will not be adversely affected by wind impacts.	

ABC Planning Pty Ltd

August 2018

Bayside Local Planning Panel

Statement of Environmental Effects

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
	as outdoor dining, the annual maximum gust speed should not exceed 10 metres per second.	
4.5 SOCIAL EQUITY		
4.5.1 Housing Diversity and Choice		
<ul> <li>A. To maximise housing choice to meet the needs of diverse household types</li> <li>B. To make provision for equality of access to new housing</li> <li>C. To promote the design of buildings that are adaptable and flexible in design to suit the changing lifecycle housing needs of residents over time</li> </ul>	Residential flat buildings and shop-top housing are to comply with the following dwelling mix:      Dwelling type	Complies  The development maximises housing choice and provides for equality of access to new housing opportunities. The open-plan design of the dwelling units allows adaptability and flexibility to suit the changing lifestyles of the residents over time.  The modal split of unit typologies for the new mixed-use development is such that studio and 1 bedroom dwellings and studios comprise 31 of the 56 new units. Such mix contributes to housing affordability and housing choice as the proposal also incorporates 2 and 3 bedroom units.  Such variation was recently supported nearby at 294-298 Forest Road, Bexley (DA-2014/283) which was approved with 67.8% studio and 1 Bedroom Units, 27.6% 2 Bedroom Units and 4.6% 3 Bedroom Units.

61

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

August 2018

Objectives	Controls	Response
	No of dwellings in No of adaptable dwellings required development	
	less than 10 1	
	10 - 30 2	
	more than 30 10%	
	<ol> <li>For residential flat buildings and shoptop housing, development is to provide barrier free access to at least 20% of dwellings.</li> </ol>	
4.5.2 Equitable Access		
A. To ensure that all people within the City of Rockdale are able to:	The siting, design and construction of premises available to the public are to ensure an appropriate level of accessibility, so that all people can enter and use the premises. Access is to meet the requirements of the Disability Discrimination Act, the relevant Australian standards and the Building Code of Australia.  2. An Access Report may be required to be submitted with a development application for development other than single dwellings and dual occupancies.	Complies  The proposal is accompanied by an Access Report prepared by Accessible Building Solutions which confirms that the proposal accords with the relevant access standards.
4.6 CAR PARKING, ACCESS AND MOVEMENT		
A. To provide sufficient, convenient and safe on-site car parking while encouraging alternative modes of transport, such as walking and cycling     B. To ensure that on-site car parking,		The proposal is accompanied by a Traffic and Parking Report by TTPA which supports the proposed degree and manner in which parking is provided.

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
loading facilities and driveways do not dominate or detract from the appearance of the development and the local streetscape		The report shows that the proposal complies with the RMS rates which apply due to the proximity of the site to Bexley North Railway Station.
C. To limit the amount of excavation required for the purpose of car parking so that impacts on ground water flows are minimised and the		RMS parking rates generate a parking requirement of 63 spaces for the proposed mixed-use development.  The proposal provides 67 car spaces including 49
amount of landscaped area is maximised  D. To ensure adequate egress and		residential spaces, 11 visitor spaces and 7 retails spaces. 7 of the 67 spaces are accessible.
ingress to the site and parking facilities		8 bicycle spaces and 6 motorcycle spaces are also provided.
E. To discourage excessive parking in development close to public transport		The subject site is ideally located in close proximity of the Bexley North Railway Station and bus routes along Bexley Road which reduces reliance on car ownership and encourages alternative methods of transport.
		Subject site Bardey North Bexley North Bexley Rock Figure 21: Sydney Bus Map – Southern Region
-	Parking Rates	Complies
	Development is to provide on-site parking in accordance	See above.

63

ABC Planning Pty Ltd

August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
	with the following rates. Where a parking rate has not been specified in the table, the RTA Guide to Traffic Generating Developments shall be used to calculate the parking requirements for the proposed development. Alternatively, a parking study may be used to determine the parking, subject to prior approval by Council.  Residential Flat Building / Shoptop Housing  • 1 space/studio, 1 and 2 bedrooms apartments • 2 spaces/3 bedrooms apartments or more • Visitor parking: 1 space/5dwellings • Bicycle: 1 space/10 dwellings • Motorcycle: 1 space/15 dwellings  Retail and Commercial • 1 space/40m2 GFA • Bicycle: 1 space/200m2 GFA, with 15% to be accessible by visitors • Motorcycle: 1 space/20 car spaces  2. Shared parking concession for mixed use development A shared parking concession allows parking to be shared within the development based on the temporal parking demand between uses. Assessing the parking requirement for a development using a shared parking concession aims to provide the development with a more efficient parking supply, which ultimately provides a more sustainable development.  a. The applicant must provide justification for all temporal parking demand assumptions applied within the Shared Parking Register;  b. All residential parking shall be freely accessible to residents at all times and not	

ABC Planning Pty Ltd

August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
	used for any other use on the site;	
	<ul> <li>All land uses and subsequent peak parking demand periods must be included within the Shared Parking Register;</li> </ul>	
	d. The minimum parking requirement as per the Shared Parking Register is the absolute minimum and should not necessarily be the acceptable minimum provided on-site. Consideration must be taken into account for future changes of use within the development and conservative variations within the peak times; and	
	<ul> <li>council may request further information to justify the proposed developments parking assumptions used within the Shared Parking Register.</li> </ul>	
	f. Developments that use shared parking concessions to reduce the parking provision of a development may be restricted from the future Strata Title subdivision of the tenancies involved in the shared parking arrangements.	
	3. Travel Demand Management Concession A 20% reduction of the 'non-residential' component of the parking requirement shall be applied to any development within the Rockdale Town Centre and Wolli Creek Town Centre.	
	4. Parking provisions for "change of use" developments where a development involves a change of use that would generate a greater car parking requirement than the previous development, additional parking is required	

65

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
	to be provided equivalent to the difference between the two parking requirements. This approach results in the calculation of a historical deficiency in parking that is then applied as a credit to the parking calculation for the new use. Additional parking requirements are exempt for all change of use development involving commercial uses on existing sites that are less than 100m <sup>2</sup> GFA.	
	5. Parking provisions for 'alterations and additions' to existing development Where a development involves alterations and additions, additional parking is required to be provided equivalent to the increase in gross floor area, number of seats, number of beds, or whichever specific unit upon which car parking demand is measured. This approach results in the calculation of a historical deficiency in parking that is then applied as a credit to the parking calculation for the expanded use. In the case of substantial alterations and additions that effectively involve the virtual reconstruction of a building, the historical deficiency will not be permitted to be credited to the parking calculation. Additional parking requirements are exempt for all alterations and additions development involving commercial uses on existing sites that increase gross floor area by not more than 80m². Alterations and additions to existing premises in Bexley Town Centre will not be required to provide additional car parking provided the gross floor area of the premises is not increased by more than 75% and it is not otherwise possible to provide the parking on site.	
	Prior Contributions where a contribution has previously been made to Council towards the provision of car in respect of a particular property, such contribution shall	

66

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
	be taken into account when assessing the parking requirement for any redevelopment of the land.	
	Car Park Location and Design	Complies
	7. Vehicle access points and parking areas are to be:  a. easily accessible and recognisable to motorists  b. located to minimise traffic hazards and the	The accompanying report by TTPA confirms that the proposal satisfies the relevant provisions of the DCP in regard to car park location and design.
	potential for vehicles to queue on public roads	
	<ul> <li>c. not located off the primary frontage of a development where a secondary frontage exists</li> </ul>	
	<ul> <li>d. located to minimise the loss of on-street car parking and to minimise the number of access points. Multiple driveway crossings are not permitted.</li> </ul>	
	<ul> <li>e. designed to minimise conflict with pedestrians, particularly in locations with heavy pedestrian traffic such as shopping centres.</li> </ul>	
	Car parking and service/delivery areas are to be located so that they do not visually dominate either the development or the public domain	
	<ol> <li>Carparking areas must be well lit, well laid out and facilitate convenient manoeuvring into and out of spaces and should have a legible circulation pattern with adequate signage.</li> </ol>	
	The following developments shall be designed with internal manoeuvring areas so that vehicles can enter and exit the site in a forward direction:	

67

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
	<ul> <li>a. developments of four or more dwellings</li> </ul>	
	b. child care centres	
	<ul> <li>c. developments with vehicle access from a classified road</li> </ul>	
	d. industrial development, and	
	e. other street locations where Council considers it necessary,	
	11. Basement car parking is to be:	
	<ul> <li>a. adequately ventilated, preferably through natural ventilation;</li> </ul>	
	<ul> <li>b. located within the building footprint.</li> <li>Construction must be carried out in a way to enable deep soil planting to be provided on the site;</li> </ul>	
	c. located fully below natural ground level. Where site conditions mean that this is unachievable, the maximum basement projection above natural ground level is to be 1m at any point on the site, or in flood prone areas, to the minimum floor level required by Council;	
	<ul> <li>d. designed for safe and convenient pedestrian movement and to include separate pedestrian access points to the building that are clearly defined and easily negotiated; and</li> <li>e. provided with daylight where feasible.</li> </ul>	
	12. The widths of access driveways shall comply with Council's Technical Specifications.	
	For development on land fronting a Classified Road, the applicant must demonstrate that the development would	

68

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
	not conflict with the traffic flow by reason of vehicles entering or leaving the site, or from parking congestion. Where available, all vehicular access to the land must be by way of a service lane or road other than the Classified Road.	
	14. A II car parking for residential flat buildings is to be provided within a basement car park, with the exception of any required accessible or visitor parking which may be provided at-grade.	
	15. Mechanical parking systems may be supported subject to compliance with the requirements from Council's Technical Specifications.	
	16. All visitor car parking must be clearly marked, and must not be behind a security shutter unless an intercom system is provided for access.	
	<ol> <li>Parking spaces for people with a disability are to be provided in close proximity to lifts or access points.</li> </ol>	
	Garage doors must be treated as an integrated element of the building design.	
	19. Where building uses will require the provision of loading facilities they are to be designed in such a way as to permit all loading and unloading to take place wholly within the site and prevent conflict with pedestrian and vehicular movement within or surrounding the site.	
-	Car Wash Facilities	Complies
	20. For buildings with 5 dwellings or more, at least one visitor car parking space is to be equipped with car wash facilities which has a cold water tap and is connected to the sewer system.	A car wash bay is provided in a visitor space on Level B1 which is consistent with the approved development.
-	Pedestrian Access and Sustainable Transport	Complies

69

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
Objectives	21. Pedestrian access within a development must be legible and separated from vehicular access wherever possible.  22. Provide safe and convenient pedestrian access from car parking and other public areas, with well co-ordinated signage, lighting, security, direct paths of travel with stairs and disabled access ramps.  23. Provide legible bicycle access between the cycle network and bicycle parking areas, which does not create conflict with pedestrian traffic.  24. All bicycle parking is to be secure and where provided within the public domain must be designed to minimise obstruction of pedestrian movement.  25. Design of bicycle parking is to cater to the various users of the development and their differing modes of bicycle parking required, such as:  a. parking for employees or residents, and b. visitor parking, which is conveniently located preferably in areas which provide passive surveillance at ground level.  26. Where bicycle parking is to be provided for residents in basement car parks, it is to be in the form of individual bicycle lockers or within a caged or gated secure area.  27. Bicycle parking for non-residential development is to be provided as bike racks within publicly accessible areas or within the parking area.  28. New developments must maintain and enhance existing pedestrian, cycle and public transport networks including bus stops.  29. Design initiatives which promote sustainable transport	The proposed pedestrian access points from the car park and Sarsfield Circuit frontages are suitably separated from the car park access.  Both access points are legibly located and designed.  The proposal provides for bicycle and motorcycle parking whilst the site's close proximity to Bexley North Railway Station also promotes sustainable transport options.

70

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
A. To ensure that adequate provision is made for site facilities in development  B. To ensure that site facilities are integrated into the design of the development and do not have negative impacts on streetscape or the amenity of the surroundings  C. To ensure that site facilities are suitably sited for the convenience of the occupants and servicing  D. To maximise reuse and recycling of household waste and industrial/commercial waste	a. small car parking spaces b. dedicated communal or shared car spaces c. bicycle exchanges or communal bicycles d. dedicated and convenient motorcycle and scooter parking 30. Applicants of larger developments should liaise with Council and transport organisations regarding public transport opportunities such as shuttle bus services or new bus stops. 31. Use ground surfaces throughout the pedestrian network that are slip-resistant, traversable by wheelchairs and indicate changes of grade by use of materials which provide a visual and tactile contrast.  Air Conditioning and Communication Structures 1. Satellite dishes, TV antennas, air conditioning units and any ancillary structures: a. are not visually intrusive to the streetscape; b. are located in positions that have a minimal impact on the amenity of adjoining properties and neighbouring lands; and c. do not have a negative impact on the architectural character of the building to which they are attached. 2. For each building comprising more than 2 dwellings, a master TV antenna or satellite dish is to be provided. Individual antennas or dishes may not be placed on balconies or verandahs.	Complies Sufficient provision exists to suitably co-locate site facilities such as satellite dishes, TV antennas, air conditioning units and any such ancillary structures within the envelope of the building which will not be visually intrusive upon the existing streetscape.  Garbage rooms & appropriate waste management systems have been incorporated into the development proposal and which may also be further conditioned by Council.

ABC Planning Pty Ltd

August 2018

Item 6.4 – Attachment 8

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
	Development must comply with Council's Technical Specification - Waste Minimisation and Management regarding construction waste and on-going management of waste facilities.      Waste must be minimised through source separation of	Management Plan prepared by Dosan which demonstrates that the proposed bin storage areas are appropriately located and that the disposal of waste will be appropriately management.
	waste, reuse and recycling by ensuring appropriate storage and collection facilities.  5. Waste storage areas/facilities must be appropriately located so that they are easily accessed by tenants and	The bin storage areas are separated for the retail and residential components and are located to the side of the driveway in a screened manner to avoid visual and odour impacts. The bin holding area
	do not have negative impacts on the streetscape or the residential amenity of occupants and neighbours with regards to smell, visual appearance or noise disturbance.	adjacent to the driveway allows for direct access and can maintain access during collection.
	<ul><li>6. Development must incorporate convenient access for waste collection.</li><li>7. For mixed uses, industrial and other non-residential uses,</li></ul>	
	waste storage facilities should be designed to cater for different needs of multiple tenants as well as future changes in uses.	
-	Services Lines/Cables	Complies
	<ol> <li>Substation facilities must meet Energy Australia's requirements and if able to be viewed from the street, must be screened by landscaping to a height of at least 1.5m.</li> </ol>	Provision has been made for a substation on the north-eastern corner of the site. The substation is suitably screened from adjoining properties and from the streetscape along Sarsfield Circuit.
	<ol><li>In Wolli Creek and Bonar Street precincts, the developer is required to relocate undergound electricity cables on the frontages at no cost to Council.</li></ol>	
	<ol> <li>Internal communication cabling must be installed for telephone, internet and cable television uses.</li> </ol>	
-	Laundry Facilities and Drying Areas	Complies  Each unit is provided with internal laundry facilities

ABC Planning Pty Ltd

August 2018

Item 6.4 – Attachment 8

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
	<ol> <li>Laundry facilities are to be incorporated into each dwelling unit.</li> <li>Drying areas are not to be located forward of the building line or within the setback to any street frontage and should be screened from public view.</li> <li>Design should allow residents to hang clothes to dry in an open and preferably sunny part of the site.</li> <li>Each dwelling in a dual occupancy or multi dwelling housing must be provided with a separate clothes line with a minimum length of 7.5m.</li> </ol>	which include washers and driers.
-	15. Letterboxes  15. Letterbox points are to be integrated with building design and are preferably to be located in a covered area attached to or within the building.  16. Letterboxes are to be centrally located either/or close to the major street entry and lockable.  17. For development with multiple dwellings, letterboxes are to be visible from at least some of the dwellings, and located where residents can meet and talk, preferably with seating and pleasant ambience.	Complies Letterboxes are located within the main residential entry which is accessed off Sarsfield Circuit.
-	Storage Areas  18. For residential flat buildings and shop top housing, a minimum of 10m³ storage area must be provided for each apartment. The storage area is to be exclusive of bedroom wardrobes, kitchen cupboards and services. At least 50% of the required storage within each apartment must be accessible from either the hall or living area.	Complies ADG compliant storage areas are provided within the basement and in the units.
-	Hot Water Systems	Complies

73

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objectives	Controls	Response
	19. All hot water systems/units located on the balcony of a dwelling must be encased in a recessed box on the balcony with the lid/cover of the box designed to blend in with the building. All associated pipe work is to be concealed.	a central gas hot water system. Given the use is a central system, there is no reliance on balconies for

74

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

## 5.12.Mixed Use Provisions

The table below sets out the Mixed Use provisions of the Rockdale DCP 2011 that apply to the subject site and proposed development.

Table 4: Rockdale DCP 2011 - Part 5.3 Mixed Use

Objective	Control	Response
A. To facilitate development within the centres to foster growth and improvement     B. To promote a range of	-	Complies The proposed building setbacks are generally consistent with Rockdale DCP 2011. The ground floor street edge treatment of the scheme appropriately
employment uses and retail diversity which contribute to the vitality and economic viability of centres		responds to the site's context. The ground floor retail tenancies step down to relate to the footpath levels. The proposed development improves upon the existing streetscape.
C. To support the evolution of building styles within the centres through the introduction of well-		The DCP provides for a 0m setback for mixed-use
designed contemporary buildings that respond to local context and		development on the ground floor fronting the car park.  This is to create a continuous edge to the footpath and
environmental conditions		integrate with adjoining properties. The proposal
D. To create a safe and amenable public domain that is vibrant and active		creates a continuous street edge that matches the curved property boundary and the curve of the existing footpath and building frontages.
E. To create an active interface between ground level retail or		
commercial properties and the street		The proposal predominantly complies with the side setbacks along the northern and southern boundaries.
F. To ensure a built form that creates		However, the proposed mixed-use building has a nil
a well-defined and legible public domain		southern side setback. The nil setback in this instance is considered to be appropriate given the existing
G. To ensure spaces within a building		building has a nil setback and that the adjacent

75

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objective	Control	Response
are functional and offer a high level of amenity and quality  H. To ensure buildings are flexible and adaptable and able to accommodate changes of use to meet future demands  I. To enhance the permeability of centres by expanding the pedestrian network	Control	redevelopment at 2-6 Sarsfield Circuit also has a nil setback.  The provision of nil side boundary setbacks for the proposal (and for 2-6 Sarsfield Circuit) is considered to be an appropriate urban streetscape response to the nil setback of 320 Bexley Road and the street frontage of 2-6 Sarsfield Circuit.  The architectural plans accompanying this statement
J. To increase the number of people living in mixed use developments within the centres		have incorporated the southern neighbour's site in order to demonstrate the viability of future development on the site alongside the proposed nil
K. To protect the amenity of existing and future neighbouring residential uses     L. To provide a more sustainable mode of living where residential linked to the workplace		setback (see justification previously in this Statement).  The provision of a nil setback in this instance will also be commensurate with the existing nil setback of the southern neighbour and the mixed-use development adjacent to its southern boundary. Furthermore it is noted that no privacy impacts will be created given the southern neighbours blank wall.
Development Setbacks	Front Setbacks     Front setbacks must define a coherent alignment to the public domain and accentuate street corners.     Development is to be built to the street alignment with a zero setback. The uppermost floor level may be set back. If there is a predominant parapet line in the street, a setback from this line may be required to achieve a cohesive streetscape     Development on a busy road is to have a zero setback for at least the first three levels. A setback	Complies See assessment above.

76

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objective	Control	Response
	may be provided above the third level to ameliorate the impact of traffic noise and pollution.  Side and Rear setbacks  4. For minimum side and rear setbacks for shoptop	
	housing refer to 5.2 Residential flat buildings of this DCP.	
	At the street frontage a zero side setback is required to achieve a street wall building.	
	Generally the lower levels of buildings are to be built to side and rear boundaries or be set back no less than 3m. For development on a site immediately adjoining an allotment zoned residential or public open space, the development provides:	
	a minimum side setback of 1.5m where the side boundary immediately adjoins the residential zoned allotment;     a minimum rear setback of 4.5m at the ground.	
	and first floor of a building.	
	<ol> <li>For development on a site with rear lane access, development facing the lane should be built to the boundary.</li> </ol>	
Building Uses	Ground Level Uses	Complies
	Building uses fronting the public domain at ground level are to be active uses wherever possible.     Residential uses are prohibited on the ground floor with the exception of access to upper level residential uses.	The proposal provides for active shops along the car park frontage. The extent of retail space does not achieve 10% of the gross floor area however, it does not undermine the effectiveness of the proposed retail space as the size and location of the shops are appropriate in this context. The extent of retail space is
	10. Access to upper level uses does not occupy more than 20% of the ground floor frontage.	consistent with that approved.

77

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objective	Control	Response
Objective	11. Development on a site that has a sloping frontage is to be designed to step with the longitudinal grade of the street.  12. Where non-active uses, including building services and loading docks, are located on ground level, they must be 'wrapped' in retail or commercial uses at the street frontage.  13. Any development which contains above ground car parking must 'wrap' the car parking with active building uses on any street frontage. All above ground car parking must be internal to the building; no at-grade car parking is permitted.  Retail  14. A minimum of 10% of the gross floor area of a mixed use development is to be for retail and/or commercial uses.  15. Retail premises are to be regularly shaped with minimal intrusions from building services and circulation. All retail premises must have internal	Response  Council have also varied this requirement in other instances including 294-298 Forest Road, Bexley (DA-2014/283) which included 3.2% retail floor space in a mixed use development.  The residential nature of Sarsfield Circuit also provides justification for the variation from the non-residential component. It is not considered necessary to provide for 1st floor commercial usage as it would be inconsistent with the approved and established development on and adjacent to the subject site.
	access to the loading dock if provided.  16. Retail premises of less than 200m² must have a depth to width ratio between 1:1 and 3:1.  Commercial  17. Upper level commercial uses are encouraged in all centres, particularly fronting classified roads and higher order retail streets. Commercial spaces are designed for maximum flexibility of use and adaptability through co-location of services and regular floor plans.  18. Commercial premises over 200sqm must provide staff toilets and showering facilities within the	

ABC Planning Pty Ltd August 2018

78

8-20 Sarsfield Circuit, Bexley North

Objective	Control	Response
	premises to encourage bicycle usage as well as amenity for staff.  19. Commercial premises under 200sqm must have internal access to staff toilets and showering facilities and such facilities may be shared with other tenancies.  20. Consideration is to be given to horizontal as well as vertical separation of uses in larger developments. Design solutions include separate commercial and residential towers with separate street address.	
	21. In buildings which contain more than three floors of commercial or retail space, separate access and circulation to commercial and residential spaces is required, including the separation of residential and commercial car parking where possible.	
	Flexible space	
	22. Where upper level commercial is not provided, the first floor must be designed as flexible space to allow future adaptation. It must have a minimum floor to ceiling height of 3.3m	
	23. Flexible space is to include design features which allow future adaptability including: minimisation of structural internal walls, colocation of services, design of window and external door locations that allow multiple configurations, and larger bedroom spaces or multiple living areas for future home office areas. The applicant is to provide an alternative scheme that shows how the development could be modified for other uses.	
	Shop-top housing	
	24. All shop top housing must address at least one	

79

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objective	Control	Response
	street frontage, and have its main access off the primary street frontage and not a public internal circulation space.	
	25. The building must be designed to minimise potential impacts of commercial uses (eg restaurants and bars) on the amenity of residential users.	
Building Design	<ol> <li>Façade and roof design is to comply with relevant controls in Section 5.2 Residential Flat Buildings of this DCP.</li> </ol>	Complies See assessment above
	27. Blank party walls should be avoided and some modelling is to be provided to party walls.	
	28. Adjacent to a highway or railway line, the building articulation is to be a lightly modelled street wall building using recessed balconies, expressed openings, projecting sills, roof overhangs and the like.	
	29. On retail streets, the building articulation is to be a heavily modelled street wall building, using projecting and/or recessed balconies, expressed window openings, deep reveals, roof overhangs and the like.	
	30. Floors of a building above the sixth floor may have the building wall predominantly set back from the street boundary with projecting balconies or rooms.	
	31. Where buildings are situated on a corner site they have greater visual prominence and are to be designed to respond to street geometry, topography and sightlines. The façade treatment at the corner is to be designed to differentiate it from the street facades.	
	32. The massing of a building on a corner site is to be	

80

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objective	Control	Response
	distributed to enhance the street corner	
Public Domain Interface	Ground Floor Articulation	Complies
	33. Building design avoids dead spots at ground floor level, such as car parking frontages, blank walls and recessed spaces.	The proposal provides for accessible and legible building entries and incorporates CPTED principles.
	34. Areas of blank façade for structural and articulation purposes are only permitted with a width of no greater than 600mm.	
	35. Finer construction detailing and more textural materials, such as face brick, stone and timber, are encouraged at ground floor to add richness to the pedestrian experience of the built environment.	
	36. For major retail developments including supermarkets and discount department stores, such stores are to avoid having any blank wall fronting the street frontage. Any blank walls are to be 'wrapped' by specialty shops fronting the public domain.	
	<ol> <li>Operable shopfronts for cafes and restaurants are encouraged to promote lively interaction between the public and private domains.</li> </ol>	
	Access to Premises	
	38. Buildings must provide access to all ground floor retail or commercial premises which front the street. This must be the primary means of accessing a given tenancy. On sloping sites, the levels must be contiguous at the entries, but may vary elsewhere by no more than 600mm.	
	39. At pedestrian access points, the ground floor façade may be set back up to 1.2m provided that the resulting space is at footpath level (or graded	

81

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objective	Control	Response
	from footpath level to the building entry) and has a depth to frontage (at building line) ratio of not more than 1:2.	
	40. Any development containing a public internal circulation space from which retail premises are accessed must ensure that the street access to such circulation space contributes positively to the public domain. The entry point must be flanked by active uses and may be set back up to 2m to provide an extension to the public domain, provided the resultant space is at footpath level and has a depth to frontage (at building line) ratio of not more than 1:4.	
	41. Garage doors should be set back. All vehicle entries are to have security shutters and be designed to integrate with the overall façade composition.	
	Visual Connection	
	42. Development includes display windows with clear glazing to ground floor retail and commercial premises with a maximum window sill height of 700mm. Glazing is not to be frosted or otherwise obscured at eye level; between the heights of 0.7- 2.1m.	
	43. Upper level building uses are to be designed so that they overlook the public domain particularly where continuous awnings are not provided, allowing opportunities for casual surveillance.	
	44. All ground floor lobbies are to have direct visual connection with the street, with clear sight lines.      45. Security features at ground level complement the	

82

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

Objective	Control	Response
	design of the façade and allow window shopping and the spill of light into the street out of business hours.	
Arcades, Laneways and Through S	te Links	
Not Applicable – Arcades, Laneways	and Through site links do not form part of the proposed developm	nent.
Awnings	<ul> <li>53. Continuous awnings are to be provided to all retail str and are to provide protection from both sun and rain</li> <li>54. Awnings meet the following requirements: <ul> <li>a. minimum soffit height of 3.3m;</li> <li>b. maximum fascia height of 600mm;</li> <li>c. minimum setback from edge of kerb of 600mm; and</li> <li>d. maximum step of 900mm on sloping sites, which not compromise environmental protection.</li> </ul> </li> <li>55. Awning height provides continuity with adjoining proper and follows the street gradient. It is to be of sufficient deprovide good shade and shelter to pedestrians.</li> <li>56. Under awning lighting is included, either recessed into soffit of the awning or wall mounted on the building.</li> <li>57. Variation in the awning treatment at lobbies and entricupper level building uses is encouraged to improve legibility of the building.</li> </ul>	The recessed nature of the proposed shops provide for weather protection in front of the shops.  must enties of the east to
Parking	<ul><li>58. Where a building contains residential and non-residences, separate lift access must be provided from base car parking to the residential and non-residential areas.</li><li>59. Residential parking spaces must be secure and separation non-residential vehicle parking and servicing areas.</li></ul>	Security fobs or swipe card access will provide effective separation between the residential and retail components, both from the becoment toyals and from the labbine.

83

ABC Planning Pty Ltd August 2018

8-20 Sarsfield Circuit, Bexley North

#### **5.13.SECTION 4.15 CONSIDERATIONS**

In considering this development application, Council must consider the relevant planning criteria in Section 4.15 of the Environmental Planning and Assessment Act, 1979.

This assessment has taken into account the following provisions:

#### STATUTORY POLICY AND COMPLIANCE - s.4.15 (1)(a)

The proposal has been assessed in relation to all relevant LEPs and DCPs above in the Statement of Environmental Effects.

The LEP which is relevant to the proposal is:

## ROCKDALE LEP 2011

Comment: The proposed mixed-use development is permissible in the B4 Mixed-Use zone. The proposal exceeds the LEP height and FSR standards for the subject site, however it is considered that the proposed built form is suitable for the subject site and will not result in any unreasonable amenity impacts to neighbouring properties. The variations have been comprehensively justified in the Clause 4.6 variations in Appendix 1 and 2.

The relevant development control plan is:

#### ROCKDALE DCP 2011

**Comment:** The proposed mixed-use development demonstrates a high degree of compliance with the relevant provisions of the DCP, particularly in relation to mixed-use developments.

#### NATURAL, BUILT ENVIRONMENT, SOCIAL AND ECONOMIC IMPACTS - s.4.15(b)

Throughout the period of construction, all measures will be taken to ensure that any noise, dust, and vibration will be kept to a minimum. All construction works will comply with the Building Code of Australia and any other relevant legislation for the duration of the works.

Upon completion of the proposed mixed-use development, the day-to-day operations of the development are unlikely to cause undue impact in relation to noise, pollution, drainage and pedestrian / vehicular traffic flows.

The proposed mixed-use development will not result in the loss of views or outlook from any surrounding public or private place.

There are no wilderness areas on the site while no endangered fauna have been identified on or around the site.

The proposal does not involve the removal of any significant trees or vegetation on the site.

The proposed development is considered appropriate and will not be responsible for any adverse environmental impacts in relation to loss of privacy, loss of view, noise, or traffic and parking impacts.

The proposed development will not be detrimental to the social and economic environment in the locality.

84

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North

# SUITABILITY OF THE SITE FOR DEVELOPMENT – s.4.15(c)

The size and shape of the site is suitable for the proposed development and the proposal does not create any adverse bulk or scale impacts. The proposal will not result in any loss of amenity to neighbouring properties.

## SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT - s.4.15(d)

It is acknowledged that the consent authority must consider and assess all submissions made regarding this development application.

#### THE PUBLIC INTEREST - s.4.15(e)

Amenity impacts have been minimised and the proposed mixed-use development is considered to be a positive contribution to the built and natural environment, particularly in relation to the mixed-use zone of Sarsfield Circuit.

8-20 Sarsfield Circuit, Bexley North

#### 5.14.CONCLUSION

This Statement of Environmental Effects has demonstrated that the concept proposal for the subject site is permissible in the B4 Mixed Use zoning under Rockdale LEP 2011 and achieves a high level of compliance against the provisions of the Apartment Design Guide in relation to:

- · Unit sizes for the studio, 1, 2 and 3 bedroom apartments
- · Ceiling heights for the retail and residential components
- Solar access (71%)
- · Cross ventilation (63%)
- Setbacks from side boundaries for levels 1-4 and 5-6
- Accessibility for retail and residential units
- Storage
- Private open space (dimensions and area)
- · Communal area including solar access to such area
- Car parking
- · Waste storage areas and collection areas
- Loading and unloading areas retail and residential uses

The proposal also has a desirable and appropriate streetscape presentation to both the car park to the west and to Sarsfield Circuit to the east.

Importantly, the proposal has no unreasonable adverse external impacts to surrounding properties in relation to overshadowing, privacy and view loss. The proposed increased separation distances to the northern neighbouring building enhance mutual privacy and solar access to the proposed units.

Furthermore, the proposed siting of the building provides for a cohesive and compatible relationship with adjoining properties along both frontages (ie. the car park and Sarsfield Circuit).

The co-ordinated functionality of the building in relation to basement car parking, loading and unloading, waste collection and disposal, flood management, accessibility and amenity for the retail and residential components demonstrates that the proposal represents a high quality outcome for the site which is superior to both the existing and approved buildings on the subject site.

The proposal is thereby worthy of approval, whilst it is reiterated that the applicant is willing to provide a VPA to go towards community benefit as contemplated by the provisions of the Rockdale LEP 2011.

8-20 Sarsfield Circuit, Bexley North

## **APPENDIX 1**

# CLAUSE 4.6 TO CLAUSE 4.3 OF ROCKDALE LEP 2011 EXCEPTIONS TO DEVELOPMENT STANDARDS – **HEIGHT VARIATION**

Demolition of the existing buildings and construction of a mixed-use development

8-20 SARSFIELD CIRCUIT, BEXLEY NORTH

SUBMITTED TO

BAYSIDE COUNCIL

PREPARED BY

ABC PLANNING PTY LTD

AUGUST 2018

87

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North

## ROCKDALE LEP 2011 - CLAUSE 4.6 EXCEPTION TO DEVELOPMENT STANDARDS

This Clause 4.6 submission has been prepared to accompany the Statement of Environmental Effects submitted to Bayside Council for the demolition of the existing buildings and construction of a mixed-use development at 8-20 Sarsfield Circuit, Bexley North.

The proposal seeks a variation to the development standard contained within clause 4.3(2A)(c) of the *Rockdale LEP 2011* - maximum height of 22m.

The proposal has a maximum RL of 41.17 to the roof of the pergola (highest point of the building) to existing ground level below is 26.125m. The proposal thereby includes a maximum variation of 4.125m beyond the 22m standard.

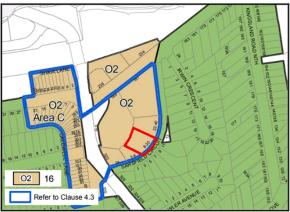


Figure 22: Building Height Map

The proposed height variation is essentially limited to the communal roof top area, lift access to that area and pergola structures whilst a minor proportion of the building is over the height limit due to the slope of the site. Such elements are located on the built form fronting the public car park on the western side of the site, as shown on the height plane diagram below:



Figure 23: Height plane diagram showing extent of the variation

88

8-20 Sarsfield Circuit, Bexley North

The built form on the eastern side of the site fronting Sarsfield Circuit is compliant.

#### 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.

It is considered that strict compliance with the development standard for height on the site is unreasonable and unnecessary in the circumstances for the following reasons:

- It is noted that the subject proposal involves the same number of storeys fronting the car park, as that approved under DA103/2013, that being for retail shops at ground level with 6 levels of residential units above (7-storeys in total).
- The increased height from that approved is due to the provision of ceiling heights/ floor to floor heights which comply with the ADG. The proposed height increase is thereby due to the proposal providing for compliant floor to floor heights which enhances the internal amenity of the residential units and shops by providing for better access to daylight, sunlight and ventilation. In contrast the existing buildings have substandard floor to floor/ceiling heights whilst the approved development also had floor to floor heights which are not in accordance with the ADG.
- The additional height is also associated with the provision of a separate communal open space area atop the building. Such communal area is desirable as it provides for an isolated space away from other apartments, achieves abundant solar access and would have excellent outlook. Its recessed nature from the perimeter of the built form ensures that it does not significantly contribute to the apparent height of the built form.

89

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North

- The additional height beyond the 22m height limit is not responsible for greater visual bulk, shadow, privacy or view loss impacts than a development with a compliant height. In this regard, the portion of the built form above the height limit has no shadow impact to the residential neighbours across the eastern side of Sarsfield Circuit. The additional height would not have any unreasonable view impacts given the substantial separation distance from the neighbours across Sarsfield Circuit and the lightweight nature of the structures which are over the height limit. The portion of the primary built form (7th storey) over the height limit would not be perceptible from the neighbours across Sarsfield Circuit as it is screened by the compliant form (height) of development in the foreground. The proposed height is not responsible for any privacy impacts given the recessed nature of the communal area which avoids opportunities for downward overlooking.
- The high level of architectural quality is evident on the photomontage which provides for a desirable replacement building on the subject site which will sit comfortably in the existing and future context.
- The proposed height is associated with a built form which provides for compliant/ appropriate setbacks to each frontage. Such setbacks minimise potential mutual visual and acoustic privacy impacts whilst also minimising visual bulk impacts. The height is associated with compliant 6m and 9m side setbacks from the northern and southern side boundaries whilst the T-shape building fronting the car park and setback fronting Sarsfield Circuit are contextually appropriate.

In accordance with the provisions of Clause 4.6(8)(CA), the proposal is also accompanied by a Voluntary Planning Agreement which contributes to a demonstrable public benefit.

The above factors demonstrate that the LEP height standard is unreasonable and unnecessary in this instance.

The following assessment addresses each of the relevant criteria under Clause 4.6:

1. Consistency with the objectives of the height standard in the LEP

### Clause 4.3 Height:

- 1. The objectives of this clause are as follows:
  - to establish the maximum limit within which buildings can be designed and floor space can be achieved.
  - b. to permit building heights that encourage high quality urban form,
  - to provide building heights that maintain satisfactory sky exposure and daylight to buildings, key areas and the public domain,
  - d. to nominate heights that will provide an appropriate transition in built form and land use intensity.

**Assessment:** The proposed variation to the height standard does not inhibit the achievement of the a high quality built form as demonstrates by the attractive building presentation evident on the photomontage below, whilst the high level of internal amenity and lack of external amenity impacts confirms that the objectives of the height standard are achieved.

90

8-20 Sarsfield Circuit, Bexley North



Figure 24: Photomontage

The relationship between the height, bulk and scale is suitable as evidenced by the high level of internal amenity and lack of external amenity imapcts, whilst also providing for desirable streetscape presentation to the car park and Sarsfield Circuit frontages.

The proposed variation also does not inhibit the achievement of an appropriate transition in built form with the established buildings either side and with the residential properties across Sarsfield Circuit to the east. It is considered that the proposed height will sit comfortably alongside the existing 5-storey developments around the Circuit facing the car park/Circuit and any future 5 storey development to the immediate south at 2-6 Sarsfield Circuit. The Bexley North Hotel site to the north-west (addressed to 187 Slade Rd) is a substantial site well beyond 1200sqm and could also achieve 22m/7 storeys.

Therefore, the proposed height will achieve the objectives of the standard, despite the variation from the height control.

#### 2. Consistency with the objectives of the B4 Mixed Use zone

Objectives of zone:

- . 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.

Assessment: The proposal provides for 6 retail shops facing the car park along with 56 residential units. The separated nature of the retail shops from the residential components (both horizontally and vertically) ensures that the two uses can operate in a compatible manner

The proximity of the site to Bexley North Railway Station (200m to the west) assists in achieving the objectives of the zone which seeks to maximise public transport patronage. The proximity of the site to the supermarket on the adjoining site as well as the array of retail services in the Bexley North Town centre encourages walking whilst the proposal provides for a compliant level of bike parking to encourage cycling.

Therefore, it is considered that the objectives of the zone are satisfied notwithstanding the height variation.

91

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North

#### 3. Consistency with State and Regional planning policies

Assessment: The proposed height variation allows for the orderly and economic use of land as envisaged by the *Environmental Planning and Assessment Act, 1979*. The proposed height allows for achievement of a compatible building envelope without creating a development with overbearing height, bulk or scale and without compromising the desired future character of the area. The proposed height is therefore consistent with the State and Regional Policies, particularly urban consolidation principles which seek to provide additional densities near transport and established services.

#### 4. There are sufficient environmental grounds to permit the variation

**Assessment:** It is considered that there are sufficient environmental grounds to permit the variation to the height standard in this instance on the following grounds:

- Lack of shadow impact: as shown in the 3D shadow diagrams below, it is
  demonstrated that the proposed height variation does not cause any unreasonable
  shadow impacts to any residential dwelling or unit surrounding the subject site. It is
  also demonstrated that the shadow impacts are indiscernible when compared with
  the shadow outcomes associated with the approved scheme (which remains an
  active consent).
- Internal solar outcome: as shown in the 3D view from the sun diagrams, the proposed height variation does not compromise the ability to achieve compliant solar access to at least 70% of the living and private open space areas of the proposed units.
- Lack of view impacts: the proposed height variation is not considered to be responsible for any adverse or unreasonable view impacts to the dwellings on the eastern side of Sarsfield Circuit, noting the substantial separation distance and the fact that the dwellings are substantially elevated above the Sarsfield Circuit public domain
- Lack of privacy impacts: the proposed height variation does not generate any adverse or unreasonable privacy impacts to any units to the north or south, nor to the residential dwellings across Sarsfield Circuit to the east. The substantial separation distances associated with the side facing units and the primary orientation of units to the respective street frontage/car park ensures that there are no visual privacy impacts. The use of privacy screens and landscaping also assists in confirming that there are no adverse privacy impacts generated by the height variation. Similarly, with the communal open space area which is above the height limit, it is considered that the isolated nature of the communal terrace from surrounding properties and the recessed nature of the trafficable area assists in preventing downward overlooking impacts.
- Lack of acoustic impacts: as with the above assessment, the isolated and recessed
  nature of the communal terrace, along with strata by-laws which will prevent usage in
  sleep-criteria hours (i.e. no use after 10pm or before 7am) will suitably mitigate any
  potential acoustic impacts.
- Visual bulk impacts: the recessed nature of the proposed roof terrace and
  incorporation of landscaping around the perimeter of the roof terrace assists in
  ensuring that the roof terrace, pergola, lift/stairwell structure will not be responsible
  for any adverse or unreasonable visual bulk impacts to surrounding properties. The
  attractive design and articulated form of the building also ensures that the proposed
  height variation will not generate any adverse visual bulk impacts. The incorporation

92

8-20 Sarsfield Circuit, Bexley North

of an integrated landscape plan and ADG compliant setbacks for side-facing units confirms that the proposed height can sit comfortably in its context.

#### 5. The variation is in the public interest

**Assessment:** The above demonstrates assessment demonstrates that the proposed height satisfies the objectives of the standard and the zone and confirms that the proposed height allows for a better planning outcome on the subject site.

Furthermore, it is considered that the variation does not raise any matters of public interest as there are no public views or detrimental streetscape outcomes associated with the height variation

Given that the proposal is consistent with the desired future character for the area nominated by the specific controls in the LEP and DCP, and that there are no adverse or unreasonable impacts to the broader community, it is considered that there are no public interest matters which would prevent a variation to the height control.

It is also noted that there is no public benefit in maintaining the height standard given the limited amenity impacts associated with the development and the positive streetscape outcome that would arise from the redevelopment of the subject site.

#### Conclusion

For reasons mentioned herein, this Clause 4.6 variation is forwarded to Council in support of the development proposal at 8-20 Sarsfield Circuit, Bexley North and is requested to be looked upon favourably by Council.

8-20 Sarsfield Circuit, Bexley North

#### **APPENDIX 2**

# CLAUSE 4.6 TO CLAUSE 4.4 OF ROCKDALE LEP 2011 EXCEPTIONS TO DEVELOPMENT STANDARDS – FSR VARIATION

Demolition of the existing buildings and construction of a mixed-use development

8-20 SARSFIELD CIRCUIT, BEXLEY NORTH

SUBMITTED TO

BAYSIDE COUNCIL

PREPARED BY

ABC PLANNING PTY LTD

AUGUST 2018

94

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North

# ROCKDALE LEP 2011 - CLAUSE 4.6 EXCEPTION TO DEVELOPMENT STANDARDS

This Clause 4.6 submission has been prepared to accompany the Statement of Environmental Effects submitted to Bayside Council for the demolition of the existing buildings and construction of a mixed-use development at 8-20 Sarsfield Circuit, Bexley North.

The proposal seeks a variation to the development standard contained within clause 4.4(2C)(c) of the *Rockdale LEP 2011* - maximum FSR of 2.5:1

The proposed FSR of 3.27:1 represents a variation of 0.77:1 or 30% from the numerical FSR standard in the LEP.

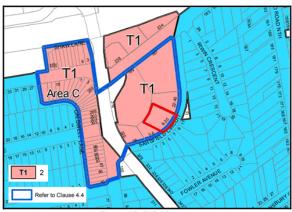


Figure 25: FSR Map

## 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

95

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North

- (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.

It is considered that the development standard for FSR on the site is **unreasonable and unnecessary** for the following reasons:

- The proposed FSR of 3.27:1 is justified on the basis that the proposed building envelope provides for excellent internal amenity whilst providing for a built form which is compatible with its context along both frontages.
- The proposed built form is not responsible for any adverse or unreasonable external
  amenity impacts in relation to overshadowing, privacy, view loss or visual bulk. The
  proposal is able to adopt setbacks/building separation which complies with the ADG
  whilst the setbacks for the building fronting the car park are consistent with that
  approved.
- The proposed FSR will also be accompanied by a VPA to go towards demonstrable public benefit which is consistent with the terms of the LEP.
- Comparison with approved development under DA 103/2013 is provided below:
  - It is noted that the subject proposal involves the same number of storeys fronting the car park, as that approved, that being for retail shops at ground level with 6 levels of residential units above (7-storeys in total).
  - o The increased FSR beyond that approved is due to the provision of a T-shape building which provides for excellent internal amenity whilst not having any unreasonable external amenity impacts. The distribution of height, bulk and scale is appropriate for the site as it allows for a nil setback to the southern adjoining property at 2-6 Sarsfield Circuit and for appropriate setbacks at the lower podium and upper levels where the site sits alongside the northern adjoining mixed use development at 22-24 Sarsfield Circuit. The shops/apartments on the lower 2 levels suitably align with the nil setback of the podium to the north whilst the 4.5m setback for the next 3 levels are justified on the basis that the primary orientation is to the car park and such setback is also consistent with the active consent on the site. Levels 6 and 7 are also consistent with the approved development and do not generate any adverse visual privacy, shadow or visual bulk impacts. The proposed built form at the eastern side of the site adopt greater side setbacks to than that approved and are compliant with the ADG setbacks, being 6m and 9m for the side-facing apartments. The 3-metre deep soil setback to Sarsfield Circuit is also greater than that approved. It is noted that the height of the built form is slightly higher than the approved scheme, however, the increased front and side setbacks and increased landscaping (along with a superior design presentation) justify the proposed streetscape outcome to Sarsfield Circuit and when viewed from existing and potential future developments either side to the north and south.
  - The proposal is also considered to be superior to the approved scheme as it removes the constrained narrow courtyard which separated the new built form from the form being added to at the eastern side of the site. The proposal is associated with an integrated design outcome which provides for far superior

96

8-20 Sarsfield Circuit, Bexley North

solar access and outlook than the approved scheme whilst also providing for increased floor to floor/ceiling heights. The proposed FSR is also associated with superior communal open space, outlook, quality and quantity of landscaped area.

- It is considered that the additional FSR beyond the 2.5:1 standard is not responsible
  for greater visual bulk, shadow, privacy or view loss impacts than a development with
  a compliant FSR. This is evidenced by the compliant setbacks and predominant
  compliant of the primary built form, thereby being within a compliant building
  envelope.
- The high level of architectural quality is evident on the photomontage which provides for a desirable replacement building on the subject site which will sit comfortably in the existing and future context.
- The proposed FSR is associated with a built form which provides for compliant/ appropriate setbacks to each frontage. Such setbacks minimise potential mutual visual and acoustic privacy impacts whilst also minimising visual bulk impacts. The FSR is associated with compliant 6m and 9m side setbacks from the northern and southern side boundaries whilst the T-shape building fronting the car park and setback fronting Sarsfield Circuit are contextually appropriate. The recessed nature of the upper 2 levels fronting Sarsfield Circuit further ameliorates the visual bulk and scale by adopting greater front and side setbacks than the levels below. Each of the above factors demonstrates that the proposed height, bulk and scale are appropriate for the subject site.
- In accordance with the provisions of Clause 4.6(8)(CA), the proposal is also accompanied by a voluntary planning agreement which contributes to a demonstrable public benefit.

The above factors demonstrate that the LEP FSR standard is unreasonable and unnecessary in this circumstance.

The following assessment addresses each of the relevant criteria under Clause 4.6:

1. Consistency with the objectives of the FSR standard in the LEP

### Clause 4.4 FSR:

The objectives of this clause are as follows:

- a) to establish the maximum development density and intensity of land use, accounting for the availability of infrastructure and generation of vehicular and pedestrian traffic, in order to achieve the desired future character of Rockdale.
- b) to minimise adverse environmental effects on the use or enjoyment of adjoining properties,
- c) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing or likely to undergo a substantial transformation.

Assessment: The proposed variation to the FSR standard does not inhibit the achievement of the a high quality built form as demonstrates by the attractive building presentation evident on the accompanying photomontage, whilst the high level of internal amenity and lack of external amenity impacts confirms that the objectives of the height standard are achieved.

97

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North

The relationship between the height, bulk and scale is suitable as evidenced by the high level of internal amenity and lack of external amenity outcomes whilst also providing for desirable streetscape presentation to the car park and Sarsfield Circuit frontages.

The proposed variation also does not inhibit the achievement of an appropriate transition in built form with the established buildings either side and with the residential properties across Sarsfield Circuit to the east. It is considered that the proposed bulk and scale will sit comfortably alongside the existing 5-storey developments around the Circuit facing the car park/Circuit and any future 5 storey development to the immediate south at 2-6 Sarsfield Circuit. The Bexley North Hotel site to the north-west (addressed to 187 Slade Rd) is a substantial site well beyond 1200sqm and could also achieve 22m/7 storeys.

Therefore, the proposed FSR will achieve the objectives of the standard, despite the variation from the height control.

#### 2. Consistency with the objectives of the B4 Mixed Use zone

Objectives of zone:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

**Assessment:** The proposal provides for 6 retail shops facing the car park along with 56 residential units. The separated nature of the retail shops from the residential components (both horizontally and vertically) ensures that the two uses can operate in a compatible manner.

The proximity of the site to Bexley North Railway Station (200m to the west) assists in achieving the objectives of the zone which seeks to maximise public transport patronage. The proximity of the site to the supermarket on the adjoining site as well as the array of retail services in the Bexley North Town centre encourages walking whilst the proposal provides for a compliant level of bike parking to encourage cycling.

Therefore, it is considered that the objectives of the zone are satisfied notwithstanding the FSR variation.

## 3. Consistency with State and Regional planning policies

**Assessment:** The proposed FSR variation ensures the orderly and economic use of land as envisaged by the *Environmental Planning and Assessment Act*, 1979. The provision of residential housing in close proximity to public transport is consistent with State Government Urban Consolidation Policy.

The proposed FSR allows for achievement of an increased density on a site that is highly accessible to public transport.

98

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North

#### 4. There are sufficient environmental grounds to permit the variation

**Assessment:** It is considered that there are sufficient environmental grounds to permit the variation to the height standard in this instance on the following grounds:

- Lack of shadow impact: As shown in the 3D shadow diagrams, it is demonstrated
  that the proposed FSR variation does not cause any unreasonable shadow impacts
  to any residential dwelling or unit surrounding the subject site. It is also demonstrated
  that the shadow impacts are indiscernible when compared with the shadow
  outcomes associated with the approved scheme (which remains an active consent).
- Internal solar outcome: As shown in the 3D view from the sun diagrams, the proposed FSR variation does not compromise the ability to achieve compliant solar access to at least 70% of the living and private open space areas of the proposed units.
- Lack of view impacts: The proposed FSR variation is not considered to be responsible for any adverse or unreasonable view impacts to the dwellings on the eastern side of Sarsfield Circuit, noting the substantial separation distance and the fact that the dwellings are substantially elevated above the Sarsfield Circuit public domain.
- Lack of privacy impacts: The proposed FSR variation does not generate any adverse or unreasonable privacy impacts to any units to the north or south, nor to the residential dwellings across Sarsfield Circuit to the east. The substantial separation distances associated with the side facing units and the primary orientation of units to the respective street frontage/car park ensures that there are no visual privacy impacts. The use of privacy screens and landscaping also assists in confirming that there are no adverse privacy impacts generated by the height variation. Similarly, with the communal open space area, it is considered that the isolated nature of the communal terrace from surrounding properties and the recessed nature of the trafficable area assists in preventing downward overlooking impacts.
- Lack of acoustic impacts: As with the above assessment, the isolated and recessed
  nature of the communal terrace, along with strata by-laws which will prevent usage in
  sleep-criteria hours (i.e. no use after 10pm or before 7am) will suitably mitigate any
  potential acoustic impacts.
- Visual bulk impacts: The attractive design and articulated form of the building ensures that the proposed FSR variation will not generate any adverse visual bulk impacts.

## 5. The variation is in the public interest

**Assessment:** The above justification demonstrates that the proposed FSR satisfies the objectives of the standard and the zone and therefore confirms that the proposed FSR is in the public interest.

Furthermore, it is considered that the variation does not raise any matters of public interest as there are no public views or detrimental streetscape outcomes associated with the FSR variation.

Given that the proposal is consistent with the desired future character for the area nominated by the specific controls in the DCP, and that there are no adverse or unreasonable impacts to the broader community, it is considered that there are no public interest matters which would prevent a variation to the FSR control.

99

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North

It is also noted that there is no public benefit in maintaining the FSR standard given the limited amenity impacts associated with the development and the positive streetscape outcome that would arise from the redevelopment of the subject site.

#### Conclusion

For reasons mentioned herein, this Clause 4.6 variation is forwarded to Council in support of the development proposal at 8-20 Sarsfield Circuit, Bexley North and is requested to be looked upon favourably by Council.

100

ABC Planning Pty Ltd

8-20 Sarsfield Circuit, Bexley North

# **APPENDIX 3**

RENTS FOR EXISTING UNITS OVER LAST 24 MONTHS

101

ABC Planning Pty Ltd

## Rents for Residential Units - 8-20 Sarsfield Cct, Bexley North

Note: The table below provides the current weekly rents of the residential units at 8-20 Sarsfield Cct,
Bexley North as provided by the managing agent Domus Realty

ltem	Domus Realty Prop	perty Cod Address	Dec 2016 Weekly Rent \$	Jun 2017 Weekly Rent \$	Dec 2017 Weekly Rent \$	Jun 2018 Weekly Rent \$		
	Units in existing block on Sarsfield Cct							
1	SAR8-20/01	1/8-20 Sarsfield Circuit	460	460	470	475		
	2 Bed	Bexley North NSW 2207						
2	SAR8-20/02	2/8-20 Sarsfield Circuit	450	450	450	470		
	2 Bed	Bexley North NSW 2207						
3	SAR8-20/03	3/8-20 Sarsfield Circuit	450	450	460	470		
	2 Bed	Bexley North NSW 2207						
4	SAR8-20/04	4/8-20 Sarsfield Circuit	460	460	470	475		
	2 Bed	Bexley North NSW 2207						
5	SAR8-20/05	5/8-20 Sarsfield Circuit	450	450	460	470		
	2 Bed	Bexley North NSW 2207						
6	SAR8-20/06	6/8-20 Sarsfield Circuit	460	460	470	480		
	2 Bed	Bexley North NSW 2207						
7	SAR8-20/07	7/8-20 Sarsfield Circuit	455	455	465	475		
,	2 Bed	Bexley North NSW 2207	455	455	403	473		
8	SAR8-20/08	8/8-20 Sarsfield Circuit	450	450	460	470		
	2 Bed	Bexley North NSW 2207						
9	SAR8-20/09	9/8-20 Sarsfield Circuit	465	465	475	475		
	2 Bed	Bexley North NSW 2207						
10	SAR8-20/10	10/8-20 Sarsfield Circuit	455	455	460	475		
	2 Bed	Bexley North NSW 2207						
11	SAR8-20/11	11/8-20 Sarsfield Circuit	460	460	470	475		
	2 Bed	Bexley North NSW 2207						
12	SAR8-20/12	12/8-20 Sarsfield Circuit	450	450	480	480		
	2 Bed	Bexley North NSW 2207						
	-	lock above shops facing the public carpa						
13	SAR8-20/1A	1A/8-20 Sarsfield Circuit	308	308	323	330		
	1Bed	Bexley North NSW 2207						
14	SAR8-20/2A	2A/8-20 Sarsfield Circuit	365	365	375	400		
	2 Bed	Bexley North NSW 2207						
15	SAR8-20/3A	3A/8-20 Sarsfield Circuit	410	410	420	435		
	2 Bed	Bexley North NSW 2207						
16	SAR8-20/4A	4A/8-20 Sarsfield Circuit	310	310	320	330		
	1 Bed	Bexley North NSW 2207						

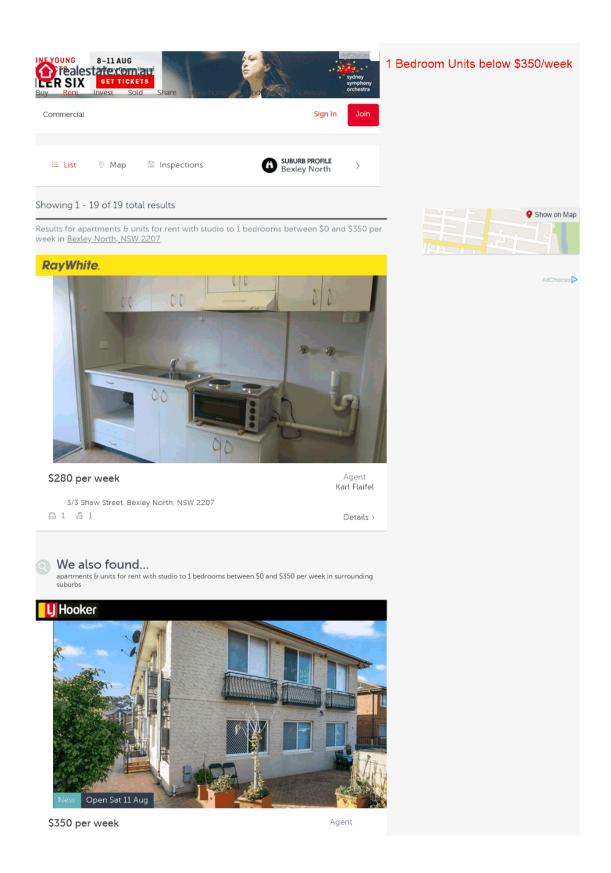
8-20 Sarsfield Circuit, Bexley North

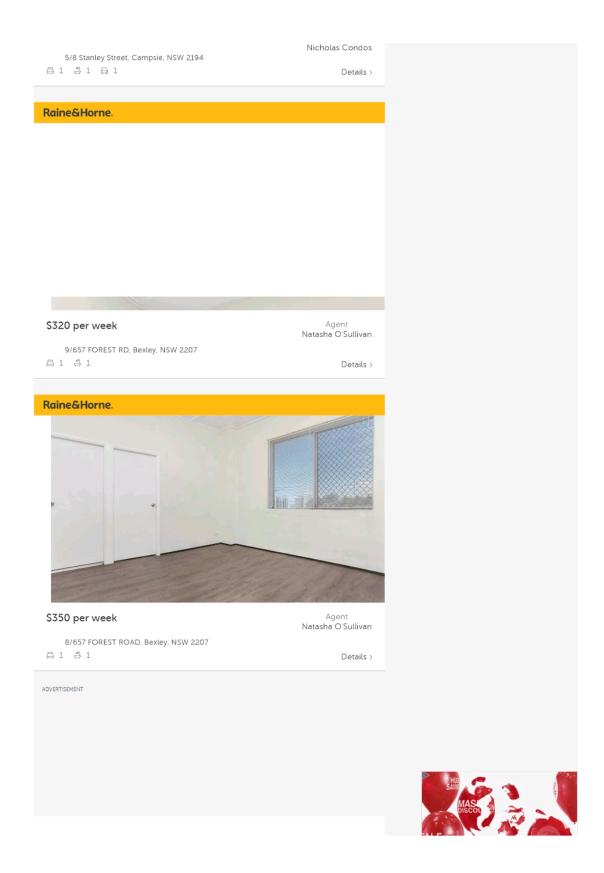
# APPENDIX 4

APARTMENT AVAILABILITY AT SAME RATE AS EXISTING

102

ABC Planning Pty Ltd









## Deposit Taken

Agent Samuel Theo

313 West Botany Street, Rockdale, NSW 2216  $\stackrel{\mathcal{A}}{\Rightarrow} 1$ 

Details >

# Assured RENT/



#### \$300 per week

68a Broadford Street, Bexley, NSW ...

□ 1 □ 1 □ Details >



# \$340 per week

26/2-4 London Street, Campsie, N...

A1 A1 A1

Details >



# \$290 per week

12/2B Harold St, Campsie, NSW 21...

₫ 1

Details >

ADVERTISEMENT





# \$200.00 per week

38A Cook Street, Turrella, NSW 2205

A1 A1

Details >



# ...application received

3/59 Eighth Avenue, Campsie, NS...

A1 A1 A1

Details >



# \$320 per week

158 St Geroges Pde, Allawah, NSW ...

A1 A1 A1

Details >



# \$320 per week

Loftus St, Turrella, NSW 2205

△1 △1 △1

Details >

ADVERTISEMENT



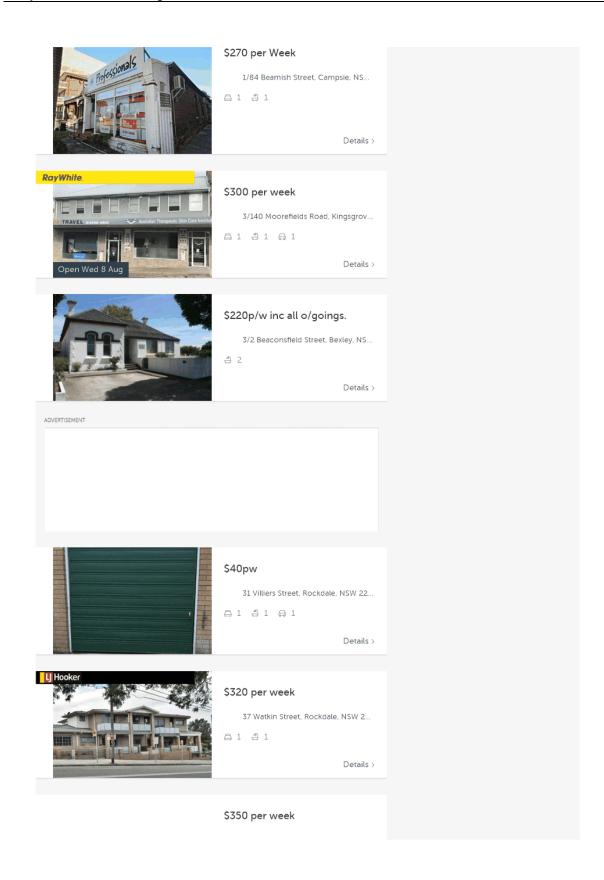


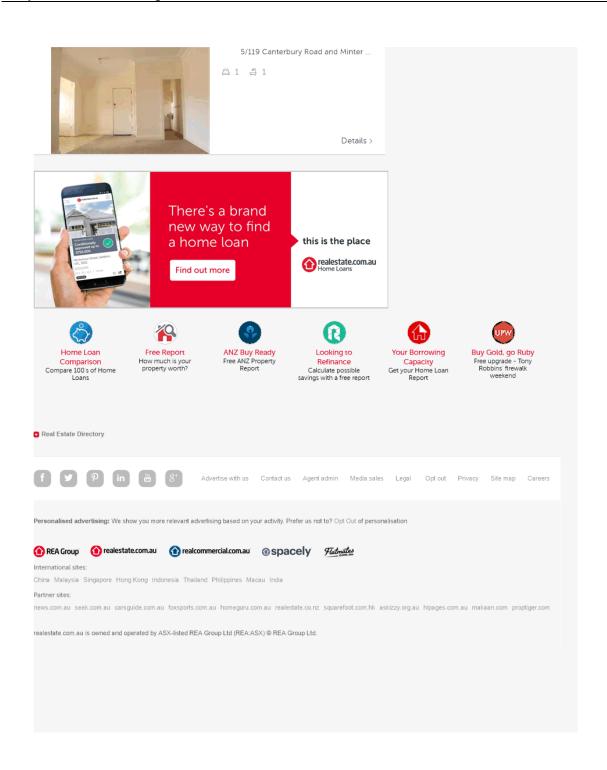
## \$310 per Week

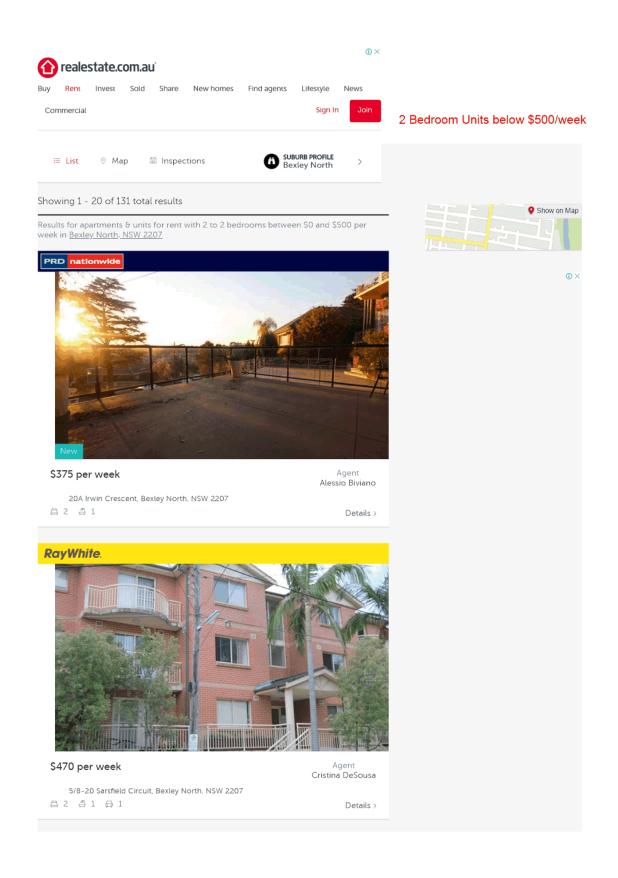
2/84 Beamish Street, Campsie, NS...

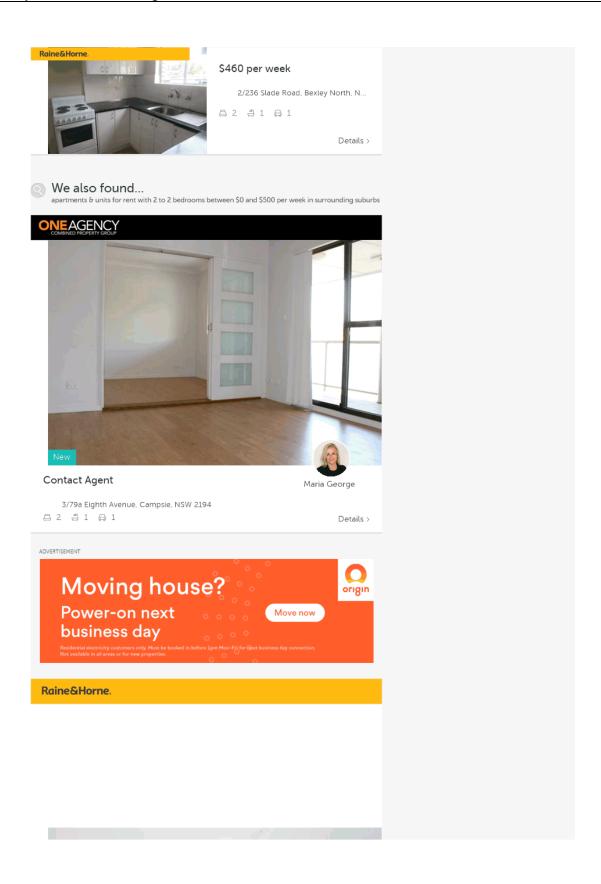
△1 △1

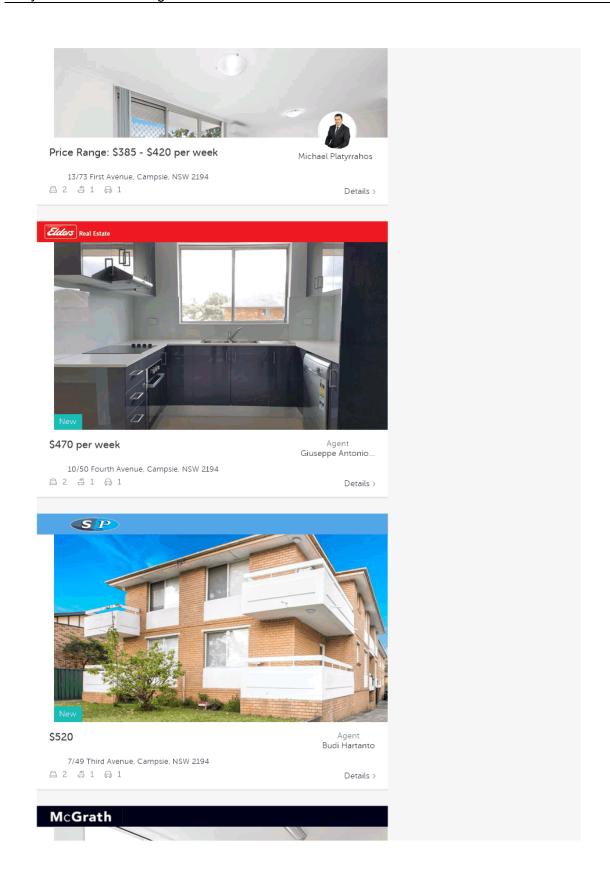
Details >

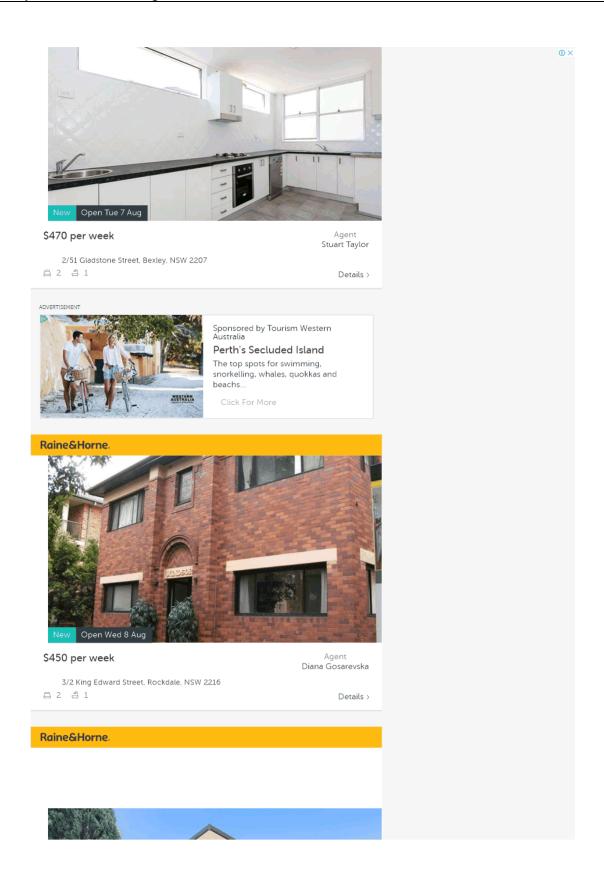








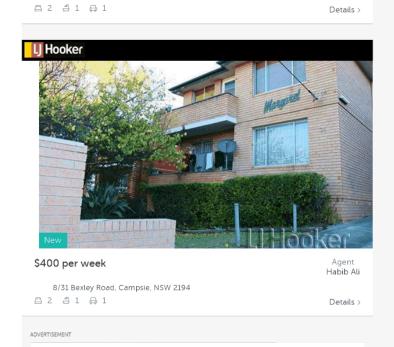


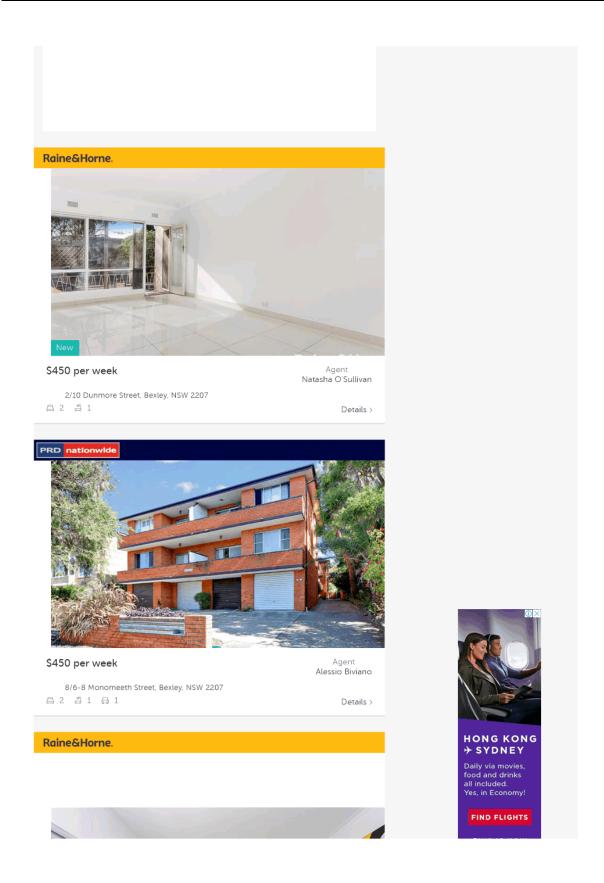


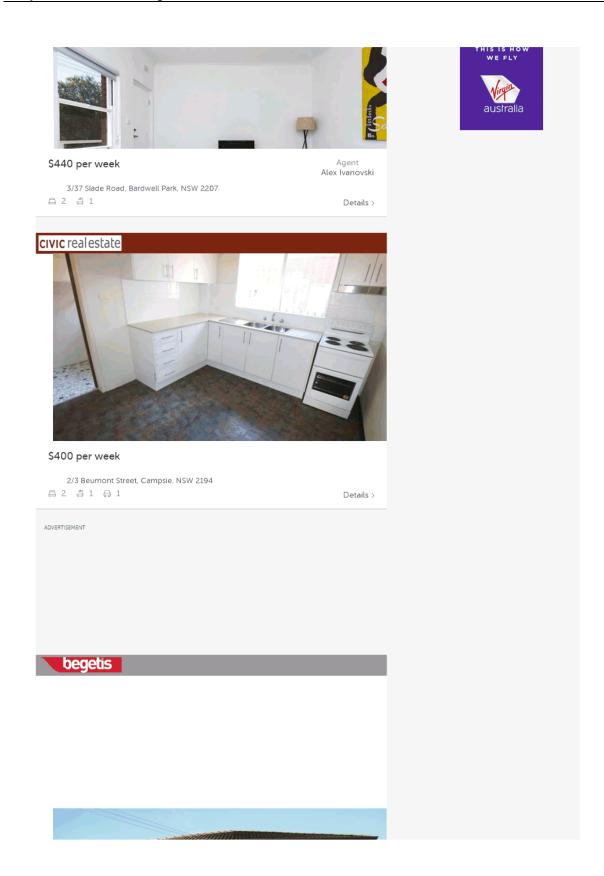


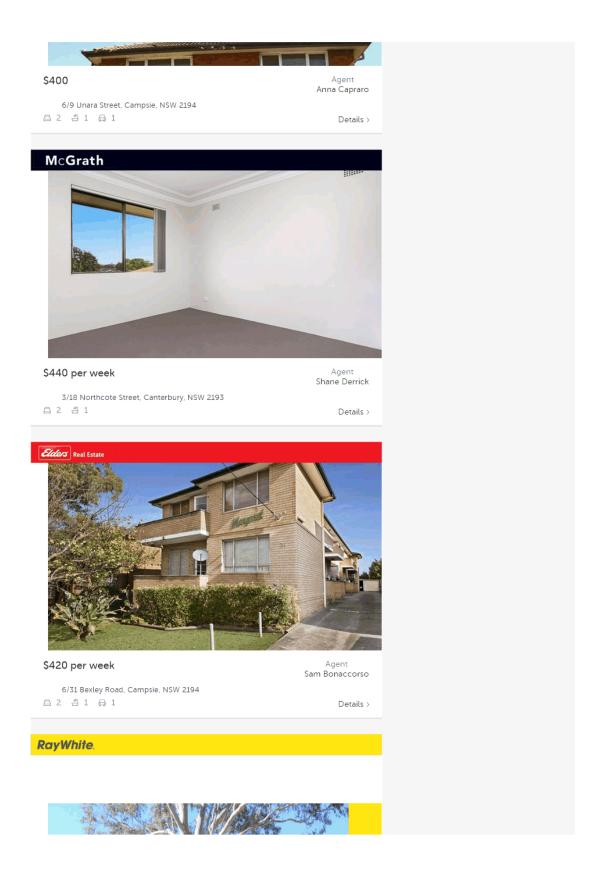


1/17 Unara Street, Campsie, NSW 2194

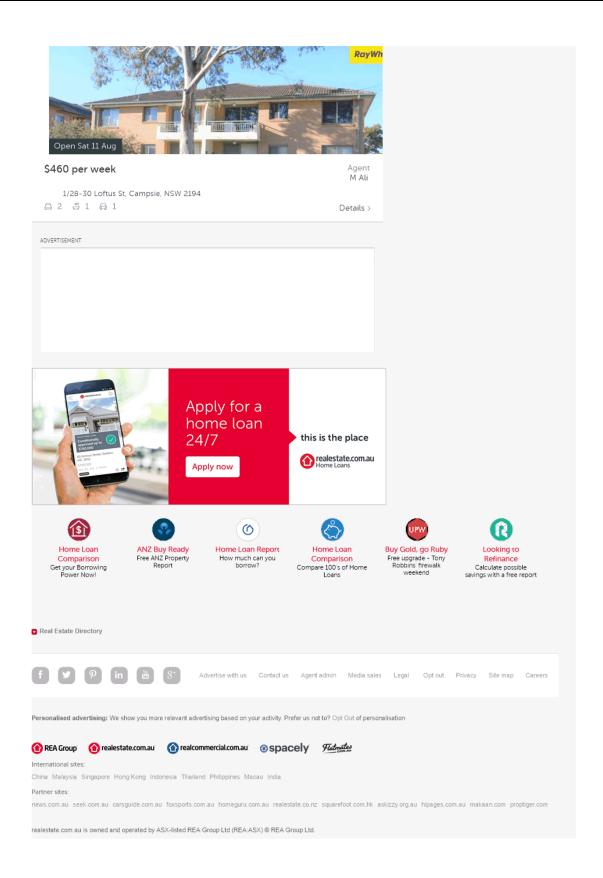




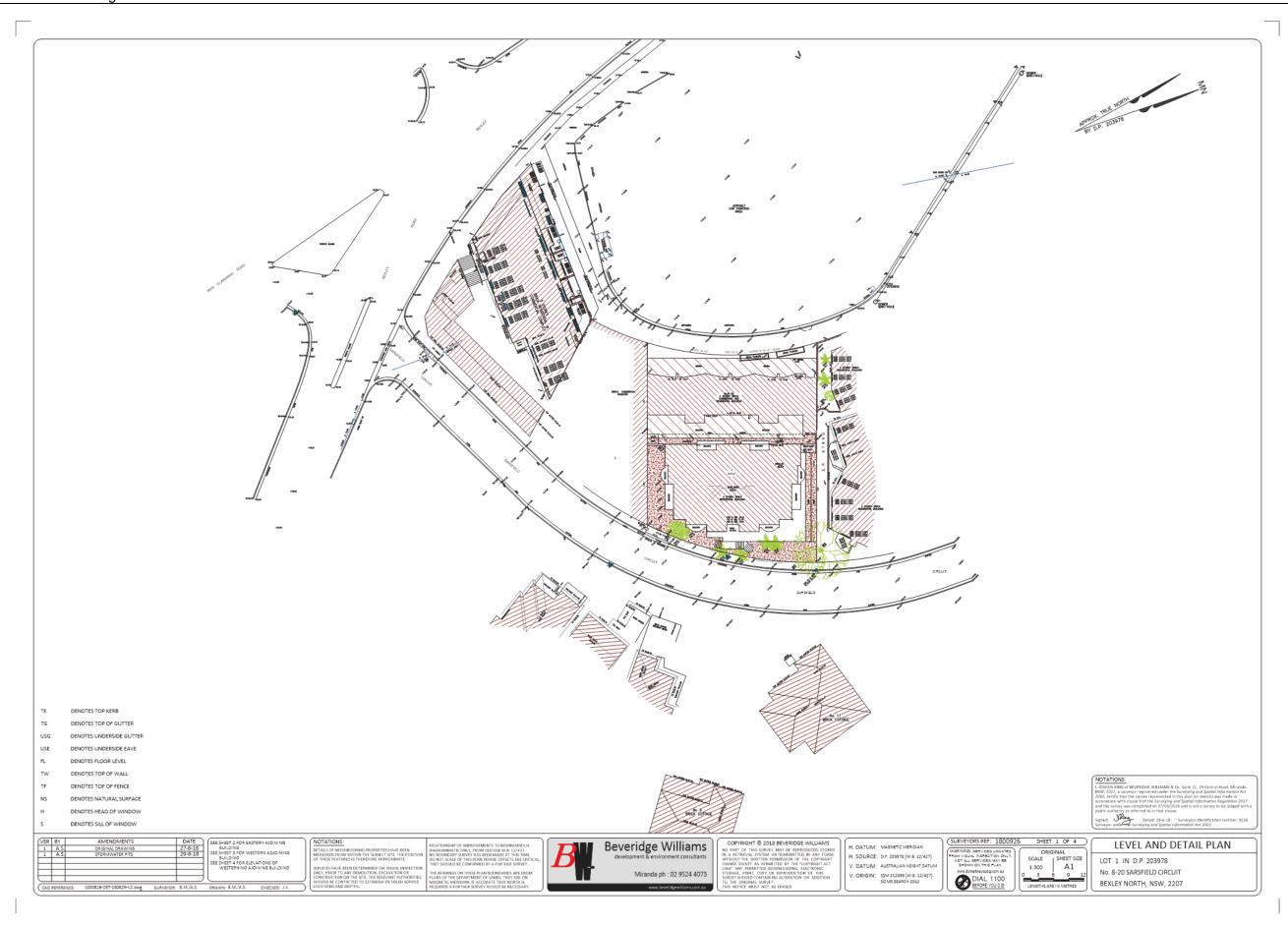




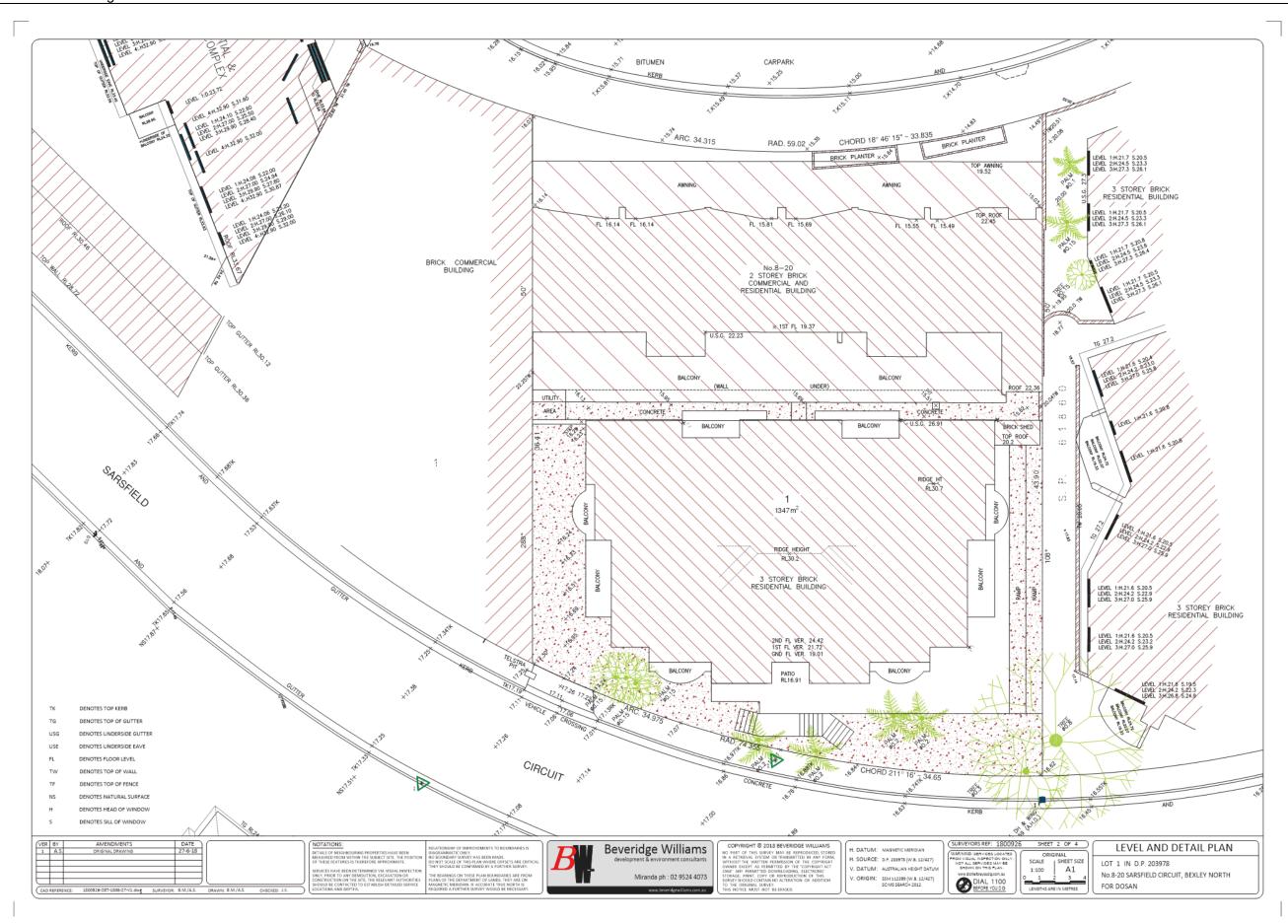
510



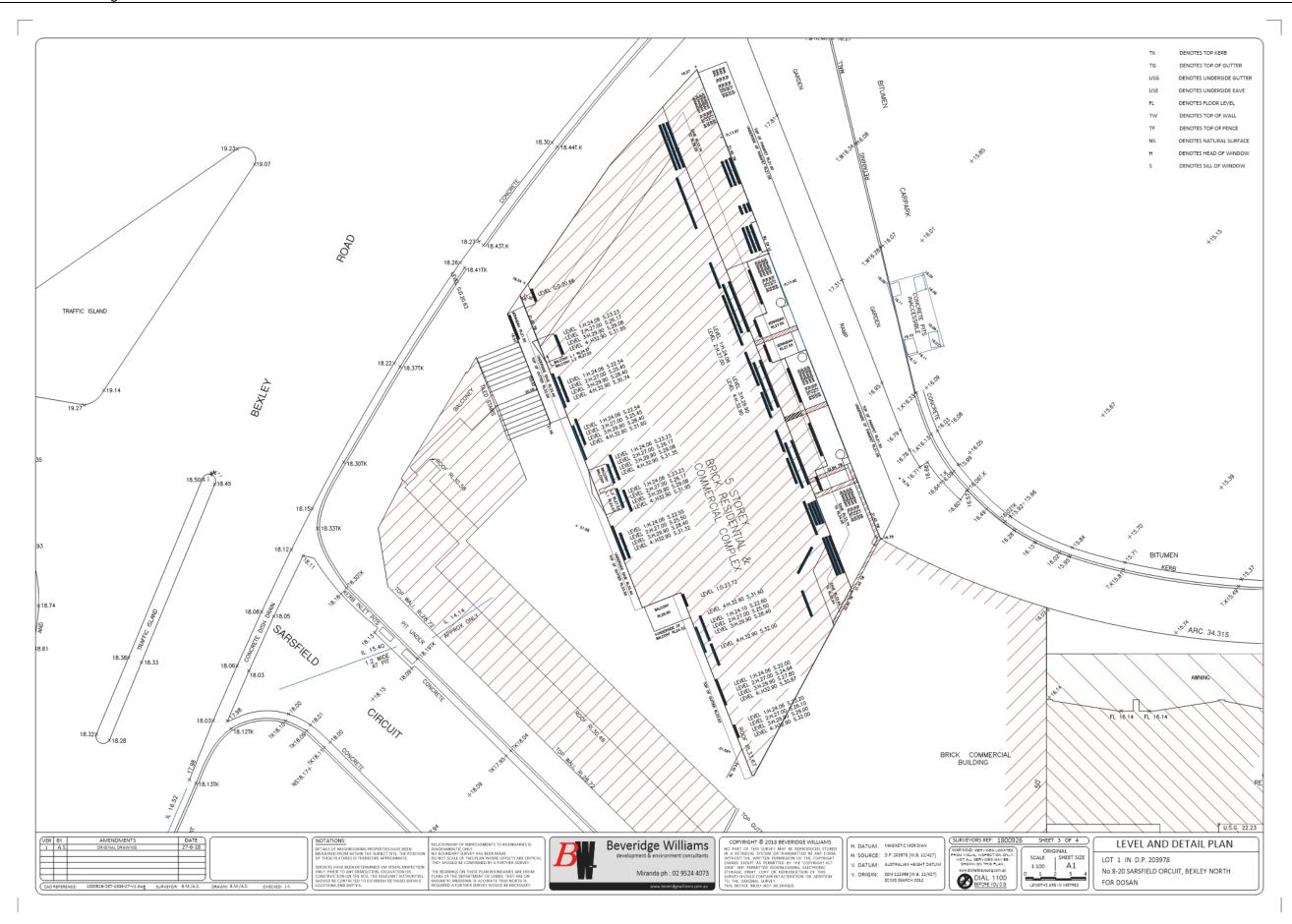
Bayside Local Planning Panel



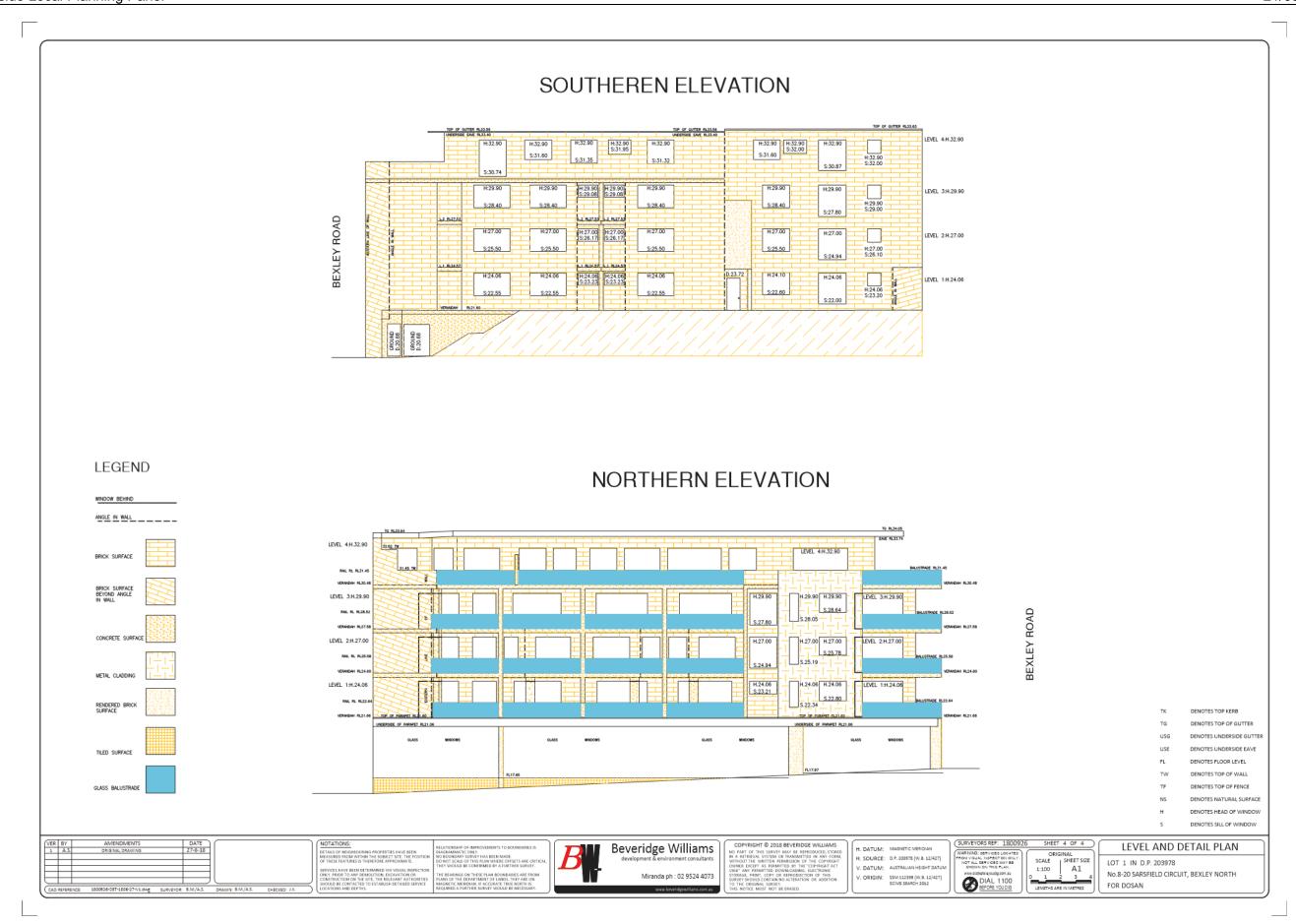
Bayside Local Planning Panel 21/05/2019



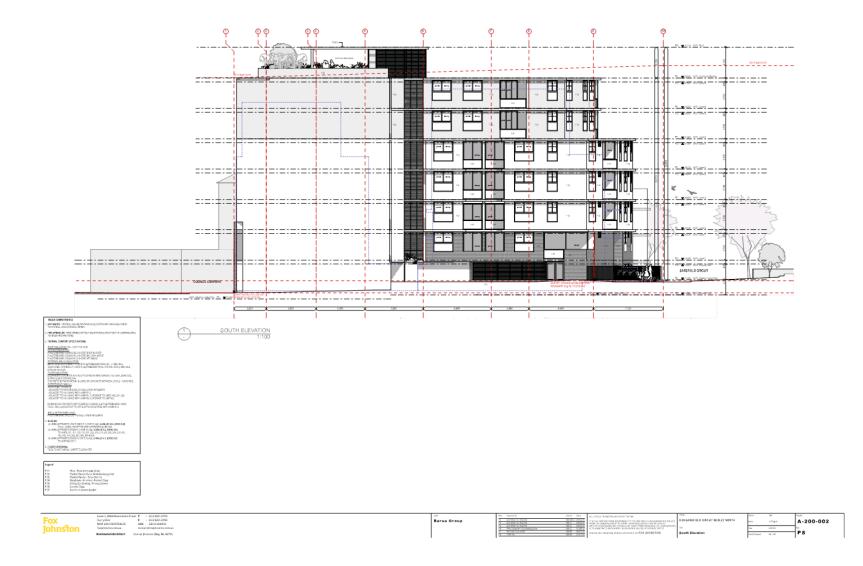
Bayside Local Planning Panel



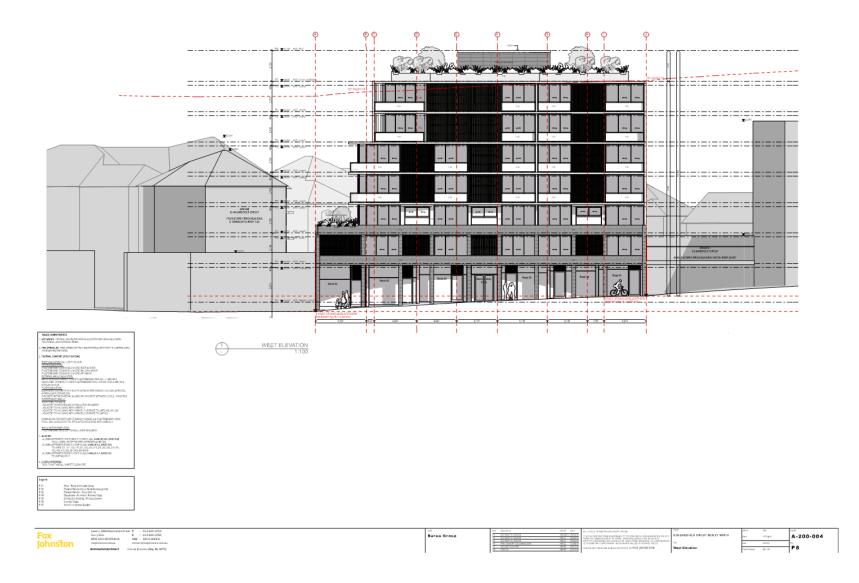
Bayside Local Planning Panel 21/05/2019











BASIX COMMITMENTS

1. MOT MATERIA. AND DISTRIBUTIONS THE BOUND STREET ADMINISTRATION TO PROTECT AND STREET, AND DISTRIBUTIONS.

