

**JOINT REGIONAL PLANNING PANEL**  
**(Sydney East Region)**

JRPP No	2015SYE151
DA Number	13/200/12
Local Government Area	City of Botany Bay
Proposed Development	Section 96(2) Application to modify Development Consent No. 13/200 to change selected residential units within buildings in Quadrant 2 and Quadrant 4 to re-categorise the multi purpose rooms to bedrooms, changing the unit mix of the development from 62% to 54% studio/1 bedroom apartments and to recalculate car parking rates under the amended SEPP65, reducing the overall parking required for the residential component of the development from 1225 to 917 spaces, and reallocate car parking to reduce residential parking and create a retail surplus.
Street Address	19-33 Kent Road, Mascot
Applicant/Owner	Karimbla Construction Services (NSW) Pty Ltd
Number of Submissions	Nil
Regional Development Criteria (Schedule 4A of the Act)	Section 96(2) Application to modify a consent for an application previously determined by the JRPP.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• List all of the relevant environmental planning instruments: s79C(1)(a)(i) <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development;</li> <li>○ Botany Bay Local Environmental Plan 2013;</li> </ul> </li> <li>• List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii); <ul style="list-style-type: none"> <li>○ <b>Nil</b></li> </ul> </li> <li>• List any relevant development control plan: s79C(1)(a)(iii); <ul style="list-style-type: none"> <li>○ Botany Bay Development Control Plan 2013;</li> <li>○ Draft Amendment No. 4 - Botany Bay Development Control Plan;</li> </ul> </li> <li>• List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv); <ul style="list-style-type: none"> <li>○ <b>Nil</b></li> </ul> </li> <li>• List any coastal zone management plan: s79C(1)(a)(v)</li> </ul>

	<ul style="list-style-type: none"> <li>○ Nil</li> <li>• List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288;</li> <li>○ Nil</li> </ul>
List all documents submitted with this report for the panel's consideration	<ol style="list-style-type: none"> <li>1. Planning Assessment Report.</li> <li>2. Amended Plans</li> </ol>
Recommendation	Approval
Report by	Christopher Mackey – Senior Development Assessment Planner
Date of report	18 March 2016

## EXECUTIVE SUMMARY

Development Application No. 13/200 was approved by Joint Regional Planning Panel - Sydney Region East on the 20 March 2014 for a mixed use development comprising of 899 residential apartments; 262 serviced apartments; three levels of basement car parking for 1,666 vehicles; 5,666sqm retail floor space including retail tenancies, a supermarket and a childcare centre. The site is located on the eastern side of Kent Road with a secondary frontage to its northern boundary to Church Avenue, Mascot.

Council received a Section 96(2) application on the 12 October 2015. The Section 96(2) application (DA13/200/12) seeks to modify Development Consent No. 13/200 to change 245 apartments (being 106 x studios, 69 x 1 bedroom and 70 x 2 bedroom units) located within buildings in Quadrant 2 and Quadrant 4 to re-categorise the multi purpose rooms to bedrooms and change the unit mix of the development from 62% to 54% studio/1 bedroom apartments. The replacement of the multi-purpose rooms to an additional bedroom changes the unit typology layout and therefore (if approved), the final development will contain some apartments that comply with the BBDCP unit sizes and the minimum unit sizes under the Apartment Design Guide (ADG) under SEPP 65 – Design Quality of Residential Apartment Development. As the modification application is submitted following the commencement of the amended SEPP65, the application is assessed under the amended SEPP65.

The proposal also included reducing the parking rates from the BBDCP rates to a rate higher than the ADG rates under the amended SEPP65. This would reduce the required residential parking from the current 1225 spaces down to 917 spaces (ie. 308 spaces), and as a result increase the parking allocation for the serviced apartments uses, the retail/supermarket uses and the visitor parking. This aspect of the modification is not considered to be substantially the same development as originally approved. A lesser variation to the DCP parking rates may be considered under Section 96(2), provided that the degree of variation is not significant.

This will mean that 72 of the 2 bedroom apartments in Q4 will only have 1 car parking space. Given the sites location in proximity to Mascot Station and immediately adjacent to employment lands, this is reasonable. In this regard, the Panel can be satisfied that the development as modified will be substantially the same as originally approved. It is therefore recommended that the changes to the selected apartments be supported but that a reduced rate of 1.77 spaces per 2 bedroom apartment would apply instead of 2 spaces per 2 bedroom apartment. A parking surplus for the retail use has been approved under the previous consents and in the Stratum Subdivision consent. This means that a residential shortfall will result for 22% of the 2 bedroom units. It is considered that a retail surplus is of greater benefit to the locality as it will support the economic viability of the precinct.

A previous similar application (DA13/200/09) was refused by the JRPP on 3 June 2015. The Panel resolved that it was not substantially the same as the original approved development as it proposed under-sized apartments and a significant shortfall in parking. This application is an improvement on the previously refused modification, as fewer units will now be changed ie; only a select number of the approved apartments that have multi-purpose rooms. The new proposed amendments will provide units with adequate internal amenity, access to natural ventilation and solar access.

The Section 96(2) Application was placed on public exhibition from 28 October 2015 to 11 November 2015 in accordance with Part 2 of BBDCP 2013 and was also notified to those persons who originally made a submission to the original application. No submissions were received.

## ORIGINAL APPROVED DEVELOPMENT

Development Application No. 13/200 was approved by Joint Regional Planning Panel - Sydney Region East on the 20 March 2014 for a mixed use development comprising the following:

Details	Approved
Site Area	31,500m <sup>2</sup>
Height	Quadrant 1 = 44.5 - 45.1m Quadrant 2 = 44.7 - 46.1m Quadrant 3 = 44.4 - 47.1m Quadrant 4 = 44.4 - 46.6m
Gross Floor Area (GFA)	117,370 m <sup>2</sup>
Floor Space Ratio (FSR)	3.73:1
Unit Mix	64% studio/1 bedroom units
Car Parking	1,666 spaces
Retail Area	5,666m <sup>2</sup>
Residential Apartments	899 Studio = 239 1 bedroom = 336 2 bedroom = 324
Serviced Apartments	262
Total Apartments	1161
Child Care Centre	1 centre with 69 children

**Table 1 – Approved development details**

## CURRENT APPROVED DEVELOPMENT (AS MODIFIED)

The development details (as modified) are as follows:

Details	Approved
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<b>Site Area</b>	31,500m <sup>2</sup>
<b>Height</b>	Quadrant 1 = 44.5 - 45.1m Quadrant 2 = 44.7 - 46.1m Quadrant 3 = 44.4 - 47.1m Quadrant 4 = 44.4 - 46.6m
<b>Gross Floor Area (GFA)</b>	117,495m <sup>2</sup>
<b>Floor Space Ratio (FSR)</b>	3.73:1
<b>Unit Mix</b>	62% studio/1 bedroom units
<b>Car Parking</b>	1,611
<b>Retail Area</b>	5,411m <sup>2</sup>
<b>Residential Apartments</b>	806 Studio = 228 1 bedroom = 275 2 bedroom = 303
<b>Serviced Apartments</b>	386
<b>Total Apartments</b>	1192
<b>Child Care Centre</b>	One with 69 children Second with 86 children

**Table 2 – Approved development as modified**

## **OTHER MODIFICATION APPLICATIONS**

The other Modification Applications lodged to date are in the Table below:

DA13/200	<p>Integrated Development Application for a mixed use development comprising the following: Total floor space ratio of 3.78:1 and a maximum building height of 44 metres providing: A total of 985 residential apartments; 255 serviced apartments; Three levels of basement car parking for 1,598 vehicles; 5,300sqm retail floor space including retail tenancies, a supermarket and a childcare centre; Dedication and embellishment of new public land with a total area of 9,435sqm including a new east-west pedestrian link, new north-south road, extension of John Street from Kent Road and land dedication along Kent Road and Church Avenue for road widening. The proposal also involves associated excavation, civil works, tree removal and landscaping works. Approved on 20 March 2014 by the Sydney East Joint Regional Planning Panel (JRPP).</p>
DA13/200/02	<p>Section 96(2) to make various minor changes to the approved building design; convert 88 residential apartments to 124 serviced apartments which will reduce</p>

	the total residential apartments from 899 to 811, and increase the total serviced apartments from 262 to 386; increase the retail areas on level 2 Quadrant 2; and slightly narrow in part the through site link; increase the GFA by 1,958m <sup>2</sup> as a result of changes to the unit configuration and uses; and amend the elevations as a consequence of the changes in unit size and uses. Approved by the JRPP on the 14 January 2015.
DA13/200/03	Section 96(1A) to amend Condition Nos. 3 and 4 relating to a requirement for a separate Development Application for non-residential uses and for public domain works. Approved under delegation on 10 March 2015.
DA13/200/04	Section 96(1A) to amend Condition No. 12 relating to the requirement to upgrade the nearby intersection of Kent Road, Ricketty Street and Church Avenue. Approved under delegation on 18 August 2015.
DA13/200/05	Section 96(1A) to make changes to the facades of the development and to make changes to the balcony sizes. Approved under delegation on the 10 September 2014.
DA13/200/06	Section 96(1A) to re-instate changes to the unit mix of the development that were initially proposed under DA13/200/05, but which was not consented to by Council. Approved under delegation on 7 July 2015.
DA13/200/07	Section 96(1A) to amend the Section 94 Contributions. Approved by Council on 10 March 2015.
DA13/200/08	Section 96(1A) to relocate air conditioning condensers to Level 4 Q1, relocate lift at Level 1 Q3, changes to stairs Level 1-12 Q4, install pool exhaust and changes to facades. Approved under delegation on 5 August 2015.
DA13/200/09	<p>Section 96(2) to change multi-purpose rooms into bedrooms and to change car parking allocation for residential units and serviced apartments. Refused by the JRPP on 3 June 2015.</p> <p>The reasons for the Panel's decision were:</p> <ol style="list-style-type: none"> <li>1. <i>The amendment application is not substantially the same as the original application as it now has undersized apartments and a significant shortfall in parking provision;</i></li> <li>2. <i>The amendment application fails to satisfy the recommended internal and external areas of apartments under Part 3 of the Residential Flat Design Code of SEPP65;</i></li> <li>3. <i>The amendment application does not provide adequate parking as it fails to satisfy the requirements of the Botany Bay DCP 2013;</i></li> <li>4. <i>The Panel took into account the fact that the original application contained large apartments when it granted approval with an additional floor space over the FSR control. It does not wish to approve an amendment that would cancel out one of the reasons for the original approval;</i></li> <li>5. <i>John Roseth voted for approval. While he accepts that Reason 4 above is persuasive, it is not of such strength as to justify refusal. The amendments asked for are internal and do not affect the impact of the proposal.</i></li> </ol>
DA13/200/10	Section 96(1A) to increase the approved number of car parking spaces from 1611 to 1612 and to reallocate car parking for the retail uses and the serviced apartments. Application withdrawn on the 25 November 2015.
DA13/200/11	Section 96(1A) to nominate retail trading hours for the approved retail shops and supermarket. (Under Assessment)
DA13/200/12	Section 96(2) to increase the number of bedrooms within selected units within Building Q2 and Q4 and amend parking rates for the residential component of the development. <b>Subject of this report.</b>
DA13/200/13	Section 96(1A) Application to modify Development Consent No. 13/200 to amend Condition Nos. 1 and 66 to allow for the staged payments of Section 94

	contributions to align with demand being generated by the development. Application withdrawn on the 14 December 2015.
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**Table 3 – List of Modifications**

## DESCRIPTION OF MODIFICATION

### **1. Unit Sizes and Unit Mix**

As modified, 806 residential apartments are approved. The proposed modification seeks to alter 245 apartments to have their multi purpose rooms changed into bedrooms.

The approved (as modified) unit breakdown is as follows:

Studio	228
1 bedroom	275
2 bedrooms	303
3 bedrooms	Nil
<b>Total</b>	<b>806</b>

**Table 4 – Approved breakdown**

Of the 245 apartments proposed to be modified (approximately 30.5% of the total approved apartments), the following changes occur:

Studios change into 1 bedrooms	106
1 bedrooms change into 2 bedrooms	69
2 bedrooms change into 3 bedrooms	70
<b>Total</b>	<b>245</b>

**Table 5 – Proposed unit changes**

The overall proposed unit breakdown will be as follows:

Studio	122
1 bedroom	312
2 bedrooms	302
3 bedrooms	70
<b>Total</b>	<b>806</b>

**Table 6 – Proposed overall breakdown**

The original approved development had 899 residential apartments comprising of 64% studio/1 bedroom units and 36% 2 bedroom units. Each unit complied with Council's minimum unit sizes in BBDCP 2013. The approved development (as modified) has 806 residential apartments comprising of 62% studio/1 bedroom units and 38% 2 bedroom units. Each unit complied with Council's minimum unit sizes in BBDCP 2013. The modification application now proposing to change the multi purpose rooms to bedrooms in selected apartments creates a shift in unit mix as indicated in Table 5. This decreases the percentage of

studio/1 bedroom apartments from 62% to 54%. The provision of 9% 3 bedroom units is a positive contribution to the unit mix, however the actual size of the apartments does not change on paper.

Unit Type	Approved Units (as modified)	Approved Mix (%)	Proposed Units	Proposed mix (%)
Studio	228	28	122	15
1 bed	275	34	312	39
2 bed	303	38	302	37
3 bed	0	0	70	9
<b>Total</b>	<b>806</b>	<b>100</b>	<b>806</b>	<b>100</b>

**Table 7 – Unit Mix Comparison**

## **2. Car Parking Allocation**

The original approved development required a total of 1586 spaces and provided a total of 1666 car parking spaces (a surplus of 80 spaces) to accommodate the different components of the development. Through structural design changes, and changes to unit mix and retail areas, the total on site car parking requirement was reduced to 1528 spaces and the total on site parking provision was reduced to 1611 spaces (a surplus of 83 spaces). The following table compares the original parking rates, with the modified parking rates and the proposed parking rates.

Car Parking Rates	Original Approved No. of units	Original Approved car parking	Approved Modified No. of units	Approved Modified car parking	Proposed No. of units	Proposed car parking
1 space/Studio	239	239	228	228	122	73
1 space/1 bedroom	336	336	275	275	312	280
2 spaces/2 bedroom	324	648	303	606	302	300
2 spaces/3 bedroom	-	-	-	-	70	102
<i>Total residential spaces</i>	899	1,223	806	1,109	806	755
1 visitor space/7 dwellings	$899 \div 7$	123	$811 \div 7$	116	$806 \div 5$	161
Retail Spaces (inc. child care centre spaces)	88 + 21 child care spaces	189	88 + 24 child care spaces	189	183 + 18 child care spaces	201
Serviced Apartments (1 space per 2.5 rooms)	262	131	386	154	386	178
<b>Total Required Spaces</b>		<b>1,586</b>		<b>1,528</b>		<b>1295</b>
<b>Total Proposed Spaces</b>	<b>1,666</b>	<b>1,666</b>	<b>1,611</b>	<b>1,611</b>	<b>1,612</b>	<b>1,612</b>

**Table 8 – Proposed Parking Changes**



The subject Section 96(2) application seeks to now change the rate of car parking required for each use on site to rates slightly higher than those rates permitted under the amended SEPP65, reducing the overall parking requirement to 1295 spaces (from the current approved 1586). This is actually a difference of 342 spaces to that required under BBDCP 2013 (ie.1637), for the proposed residential apartments in the amended development. The applicant proposes to provide an increased number of spaces for the serviced apartments, the retail/supermarket uses and the visitor parking spaces, however this will leave the 317 “surplus” spaces, not allocated to any particular use.

## **ASSESSMENT OF MODIFICATIONS**

The assessment of the components of the modification are as follows:

### **1. Change to residential unit size and unit mix**

The approved development has unit sizes compliant with Council’s minimum unit sizes under BBDCP 2013. It is proposed to change 245 apartments (or 30% of the total) with multi purpose rooms in Buildings C, E, H and J in Q2 and Q4, so that the multi-purpose room will have that room renamed as a bedroom. Physical works will be required to achieve this, being the closing of an opening in a room.

This will affect a total of 245 apartments. This will result in a number of the units with unit sizes that will not comply with Council’s DCP units sizes, however in each case the resulting unit sizes will be greater than the minimum areas in the ADG. **Appendix 1** of this report indicates the proposed changes to each of the 247 units the subject of this application.

The applicant has submitted amended architectural plans and unit layouts, with the application, which indicate the rooms to be changed to bedrooms. In addition, a Revised Solar Access and Ventilation Analysis prepared by SLR has been submitted in support of the application, which assessed a total of 250 apartments. This indicates that the internal changes proposed will have no negligible effect on the amount of solar access to the apartments and that adequate natural ventilation is maintained.



**Figure 1 – Approved unit layout.**



**Figure 2 – Proposed unit layout after modification with additional bedroom**

As approved, 100% of the units comply with BBDCP 2013.

The following table compares the compliance of units to the approved scheme and the proposed scheme.

	<b>Approved</b>		<b>Proposed</b>	
	<b>Unit</b>	<b>Compliance with BBDCP</b>	<b>Unit</b>	<b>Compliance with BBDCP</b>
<b>Studio</b>	228	100%	122	15%
<b>1 bedroom</b>	275	100%	312 (106)	25%
<b>2 bedroom</b>	303	100%	302 (69)	29%
<b>3 bedrooms</b>	-	-	70	1%
	806		806	70%

**Table 9 – Comparison of approved and proposed compliant units**

In summary, the following table indicates that 70% of the resulting apartments will comply with BBDCP 2013.

	<b>Approved</b>	<b>Proposed</b>
DCP Compliant	100%	70%
ADG Compliant	100%	30%

**Table 10 – Comparison of approved and proposed compliant units**

An assessment of each unit indicates that the internal changes to create an additional bedroom will maintain an open plan layout with adequate internal area to maintain quality usable spaces for family living. Each 2 and 3 bedroom apartments under this modification will still result in each apartment having two separate bathrooms, (including some with a bathtub) and single bedrooms large enough for a single bed and desk. The proposed changes to the units internally are acceptable as each new bedroom will be provided with adequate solar access and cross ventilation. There are no changes proposed to the external areas of the apartments as already approved and each apartment will retain its private open space balconies which are as approved.

Where the above changes to unit size are considered acceptable, then the changes to unit mix will result:

	<b>Original Units</b>		<b>Approved Units (Mod 8)</b>		<b>Proposed Unit Mix</b>	
	<b>Unit</b>	<b>Dwelling Mix</b>	<b>Unit</b>	<b>Dwelling Mix</b>	<b>Unit</b>	<b>Dwelling Mix</b>
<b>Studio</b>	239	27%	228	30%	122	15%
<b>1 bedroom</b>	336	37%	275	34%	311	39%
<b>2 bedroom</b>	324	36%	303	37%	300	37%
<b>3 bedrooms</b>	-	-	-	30%	73	9%
<b>Total</b>	<b>899</b>	<b>100%</b>	<b>806</b>	<b>100%</b>	<b>806</b>	<b>100%</b>
<b>Serviced Apartments</b>	262	-	386	-	386	-
<b>TOTAL</b>	<b>1,161</b>	<b>65%</b>	<b>1,192</b>	<b>63%</b>	<b>1,192</b>	<b>54%</b>

**Table 11 – Unit Mix Comparison**

As indicated in the table above, the proposed unit mix will be closer to complying with the 25% control stipulated under BBDCP 2013. Despite the fact that this is achieved by conversion of multi purpose rooms to bedrooms, the revised unit mix will continue to meet the housing needs of the community, and will marginally increase the population density of the site, which in turn has a positive social and economic effect on the locality. The provision of 9% 3 bedroom units is a welcome contribution to the unit mix of the site and precinct. This is a more balanced unit mix than that which was originally proposed by the applicant under the original DA, which was 71%. The fact that 70% of the apartments in the development will comply with the DCP sizes is acceptable and the proposed unit mix is supported.

As indicated in the above tables, there is a reduction in compliance with the DCP unit sizes from 100% to 70%. However, the physical unit has not changed. The aim of the Council's DCP unit sizes has always been to require larger unit sizes to provide greater internal amenity for residents which is free from aircraft, road and rail noise, which affect parts of the City, such as the subject site, together with the need to provide an alternative dwelling product to the numerous reduced size older style apartments across the local government area.

In this regard, the loss of the media rooms and conversion to bedrooms does reduce the flexibility of spaces for residents. However, in reality such rooms could, with minor alterations, always have been used as bedrooms. In addition, Clause 30(1)(a) of SEPP65 states that a consent authority must not refuse a modification application where the application satisfies the minimum internal areas under the ADG.

Although additional FSR was allocated to the development by the Panel, based in part, on the DCPO compliant unit sizes, the consent authority is no longer able to refuse the development on these numeric grounds, however may refuse the application for amenity reasons. In this instance, the amenity assessment indicates that the units will be acceptable.

## **2. Changes to Car Parking Allocation**

The Section 96(2) application seeks to increase the total number of spaces from 1611 to 1612. The applicant initially sought to apply reduced parking rates, being rates lower than the BBDCP rates, but higher than the ADG rates, and to re-allocate the parking for the non residential uses, so as to create a substantial reduction of approximately 308 spaces to what is currently approved and a shortfall of approximately 342 spaces from that required under BBDCP 2103 for the proposed amended development. This will create a surplus of spaces not specified by the Applicant for any particular use and this is not supported as it could create potential impacts and additional uses in the locality, beyond that envisaged in the original DA.

Council advised the applicant that despite the amended SEPP65 requirements relating to car parking, that this change would not be substantially the same development as originally approved by the Panel, particularly when greater FSR was given for the DCP compliant scheme. The following table depicts the proposed revised changes in parking, as further agreed by the Applicant in an email dated 16 February 2016. Therefore, the applicant has agreed to maintain the DCP parking rates, except for the 2 bedroom units as follows:

<b>Car Parking Rates</b>	<b>Proposed units (this application)</b>	<b>Proposed Car Parking</b>	<b>Required Parking under BBDCP</b>	<b>Required Parking under ADG</b>
Studio	122	122	122	74
1 bedroom	312	312	312	188
2 bedroom	302	531	604	272
3 bedroom	70	140	140	98
<b>Subtotal</b>	<b>806</b>	<b>965</b>	<b>1178</b>	<b>632</b>
1 visitor space/7 dwellings	812 ÷ 7	116	116	116
Retail Spaces	135	182	135 + (47 surplus) = 182	135
Serviced Apartments	386	154	154	154
Child Care Centres	54 = (51 + 3 at grade spaces)	54	54	54
<b>Total Required Spaces</b>	<b>-</b>	<b>1214</b>	<b>1684</b>	<b>1091</b>
<b>Total Proposed Spaces</b>	<b>-</b>	<b>1,612</b>	<b>1612</b>	<b>1612</b>

**Table 12 – Revised Proposed Parking**

In the original consent and subsequent modifications, the surplus parking has always been allocated to the retail/supermarket uses. The current table in Condition No. 38 and 70, allocates the surplus parking to the retail/supermarket use.

Notwithstanding the previous retail surplus, it is necessary that each apartment be given at least 1 car parking space. The applicant has agreed to this and therefore, it is proposed to re-allocate car parking in the table to Condition No. 38 and 70, so that there is still a retail surplus on site, but not full DCP compliance for the 2 bedroom units parking. In this regard, the remainder of the development would remain as already approved and a total shortfall of 72 spaces from that required under BBDCP 2013 will result, which is acceptable.

Therefore, it is recommended that the parking allocation table in Condition No. 38 and 70 be amended to be read as follows:

<b>Car Parking Rates</b>	<b>Required</b>
1 space per studio and 1 bedroom units	<b><i>434 spaces</i></b>

<b>Car Parking Rates</b>	<b>Required</b>
<i>1.77 spaces per 2 bedroom units</i>	<i>535 spaces</i>
2 spaces per 3 bedroom units	<i>140 spaces</i>
1 visitor space per 7 dwellings	116 spaces
Retail Spaces	<i>182 spaces</i>
<i>Child Care Centre</i>	<i>51 spaces (plus 3 shared with retail)</i>
Serviced Apartments	154 spaces
<b>TOTAL REQUIRED</b>	<del>1611</del> <b>1612</b>
<b>TOTAL PROVIDED</b>	<del>1611</del> <b>1612</b>

On this basis, it is recommended that the Section 96(2) application be approved.

### **3. Changes to Section 94 Contributions**

The Mascot Station Precinct Section 94 Contribution Plan (MSP Plan) and the City of Botany Bay Section 94 Contribution Plan (CBB Plan) both apply to the subject development. The applicant has paid Section 94 Contributions in accordance with Condition No. 66. However, the modification application increases the number of 2 bedroom apartments (ie. 69 additional 2 bedroom apartments). Under Mod 8, Council calculated the contributions, but only deducted 2 of the 6 dwellings deleted by the second child care centre DA. Therefore, under the MSP Plan, a total of 65 additional contribution units can be applied ( $69 - 4 = 65$ ).

In this regard, the Section 96(2) application will generate a total Section 94 contribution of \$11,284,605, which includes the 65 additional contribution units and the indexation to June 2015.

The amended calculation is as follows:

#### *Botany Bay Section 94 Contributions Plan 2005 - 2010*

**\$8,100,049**

#### *Mascot Station Section 94 Contributions Plan Amendment No. 1 2004*

**\$6,469,443**

#### *Credit (previous industrial use of the site)*

**Total Credit = \$687,872**

**Total Offset = \$2,597,015**

**Total Contribution = \$11,284,605**

Based on the above calculations and with the deduction of the credit and offset for Church Avenue, the total contribution is \$11,284,605. However, since the applicant has paid the amount under Condition 66, which was not fully indexed at the time of payment, then the paid amount of \$9,909,421 can be deducted to require a total additional contribution of **\$1,375,184** to be paid prior to the issue of the Occupation Certificate for Q4.

The figure of \$1,375,184 comprises of a total of \$1,168,268 as the difference between the amount paid for Mod 8 on the 29 January 2016 and the indexed amount required at that date, and also an additional amount of \$206,915 representing the indexed amount required by the provision of 65 contribution units as detailed above.

#### 4. Other Changes

##### *Condition 1 and 98*

As a result of the above changes, Condition 1 and 98 will need to be amended to refer to the approved plans received on the 12 October 2015.

*Condition 38 and 70 to include the amended car parking allocation table.* Discussed above and acceptable. Table to Condition 38 and 70 to be read as follows:

<b>Car Parking Rates</b>	<b>Required</b>
1 space per studio and 1 bedroom units	<b><i>434 spaces</i></b>
<b><i>1.77</i></b> spaces per 2 bedroom units	<b><i>535 spaces</i></b>
2 spaces per 3 bedroom units	<b><i>140 spaces</i></b>
1 visitor space per 7 dwellings	116 spaces
Retail Spaces	<b><i>182 spaces</i></b>
<b><i>Child Care Centre (includes 3 at grade spaces)</i></b>	<b><i>51 spaces (plus 3 shared with retail)</i></b>
Serviced Apartments	154 spaces
<b>TOTAL REQUIRED</b>	<b><del>1611</del> 1612</b>
<b>TOTAL PROVIDED</b>	<b><del>1611</del> 1612</b>

*Add Condition No. 66(a) requiring an additional Section 94 Contribution.*

As discussed above, the applicant is required to pay a further contribution of **\$1,397,467** prior to the issue of the Occupation Certificate for Q4. Discussed above and acceptable.

*Amend Condition 88(b) to reflect the correct conditions to be met at Occupation Certificate.*

There is no objection to the proposed amendments, which will not create any adverse impacts on the locality. As indicated in the car parking allocation table above, there is sufficient car parking approved for the development to accommodate the various uses.

Add Condition No 4(f), limiting the changes to certain units to address discrepancies on the plans, to be read as follows.

***(f) The changes to units under MOD 12 to change selected multi purpose rooms to bedrooms, only applies to those units indicated on the plans and does not apply to any apartment with a multi purpose room with no window. (DA13/200/12)***

## **SECTION 96(2) CONSIDERATIONS**

In considering the Section 96(2) Application, the matters listed in Section 79C of the Environmental Planning and Assessment Act 1979 have been taken into consideration in the preparation of this report and are as follows:

**(a) The provisions of any EPI and DCP and any other matters prescribed by the Regulations.**

*Section 96(2) Provisions*

Pursuant to Section 96(2) of the *Environmental Planning and Assessment Act 1979*, Council has to be satisfied that:

- a) development Consent No. 13/200 as proposed to be modified 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);
- b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent; and
- 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.

The proposed Section 96(2) application seeks consent to modify Development Consent No. 13/200 to change selected residential units within buildings in Quadrant 2 and Quadrant 4 to re-categorise the multi purpose rooms to bedrooms, changing the unit mix of the development from 62% to 54% studio/1 bedroom apartments and to recalculate the car parking rates based on the amendments SEPP65, which will reduce the overall parking required for the residential component of the development from 1225 to 917 spaces. The reduction of residential parking spaces is not supported.

The development as proposed to be modified is not substantially the same development as approved. The physical changes internally within the selected apartments is acceptable, however the reduction in off street car parking for the



various uses is not supported as this would be a substantial change to the approved development. The applicant has agreed in an email dated 16 February 2016, to maintain the approved car parking rates, however to strictly apply these rates would result in a shortfall of 72 spaces for the studio and 1 bedroom apartments in Q4. The unit configurations/typologies will change to replace the multi-purpose rooms with additional bedrooms, however there is no increase in gross floor area or any change in use, only an increase in projected population within the site. The change in unit layout is reflected on the amended typology plans submitted by the applicant.

Based on the above, the Section 96(2) application is recommended for approval.

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (Amendment No. 3)

The provisions of SEPP No. 65 have been considered in the assessment of the Section 96(2) application. The SEPP was amended on the 17 July 2015 and applies to applications to modify a development consent. As the Section 96(2) application was lodged on 12 October 2015 it is assessed under the amended SEPP65.

The Section 96(2) application has been supported by a Solar Access and Cross Ventilation Analysis prepared by SLR Consulting Australia Pty Ltd. This assessment confirms that for each apartment proposed to be internally altered in Q2 and Q4, the solar and ventilation assessment will remain the same as the approved layouts. In this regard, the Panel can be satisfied that the level of amenity provided to the additional bedrooms and remaining area of the selected units will not be adversely affected by the proposed change.

*The Apartment Design Guide*

The proposal has been assessed against the Apartment Design Guide (ADG). The proposed development is considered to have performed adequately in respect to the objectives and design criteria contained within the ADG. The relevant issues are discussed below:

Clause	Design Criteria	Comments	Complies
3F Visual Privacy	Building separation for a building up to 25m (+9 storey) = 12m to habitable rooms and balconies	Existing non compliance, where separation distances not met, approved plans incorporate privacy screens.	<b>Yes - approved as habitable rooms, therefore no change proposed.</b>
4A – Solar and daylight access	Living rooms and private open space of at least 70% of apartments receive minimum 2 hours direct sunlight between 9am and 30m midwinter.  Max 15% apartments receive no direct sunlight between 9am and 3pm midwinter	The proposed internal change does not alter the previous conclusions in relation to solar access which will remain compliant.	<b>As approved</b>
4B – Natural Ventilation	Min 60% of apartments are naturally ventilated in the first 9 storeys of the	No change to the ability to naturally ventilate.	<b>As approved</b>

Clause	Design Criteria	Comments	Complies
	building.  Overall depth of a cross over or cross through apartment does not exceed 18m, measured glass line to glass line.	No apartments exceed 18m.	
4C Ceiling Heights	Min for habitable room = 2.7m Min for non habitable room = 2.4m	No change to ceiling heights at 2.7m	<b>As approved</b>
4D – Apartment Size and Layout	Min internal areas: Studio = 35m <sup>2</sup> 1 bed = 50m <sup>2</sup> 2 bed = 70m <sup>2</sup> 3 bed = 90m <sup>2</sup>	Nil to be created 1 bed = 60-75m <sup>2</sup> 2 bed = 77-90m <sup>2</sup> 3 bed = 103-130m <sup>2</sup>	<b>Yes</b>
4E – Private Open Space and Balconies	Min external areas: Studios = 4m <sup>2</sup> 1 bed = 8m <sup>2</sup> 2 bed = 10m <sup>2</sup> 3 bed = 12m <sup>2</sup>	Nil to be created 1 bed = 9-17m <sup>2</sup> 2 bed = 11-54m <sup>2</sup> 3 bed = 12-41m <sup>2</sup>	<b>As approved</b>

### Botany Bay Local Environmental Plan (BBLEP) 2013

The following provides an assessment against the relevant provisions of BBLEP 2013:

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 approved residential flat building, supermarket, retail shops, serviced apartments and child care centre are all permissible with Council's consent under the BBLEP 2013.
Does the proposed use/works meet the objectives of the zone?	Yes	The proposed modification application is consistent with the following objectives in the BBLEP 2013: <ul style="list-style-type: none"> <li>▪ <i>To provide a range of retail, business, entertainment and community uses that serve the needs of the people who live in, work in and visit the local area;</i></li> <li>▪ <i>To encourage employment opportunities in accessible locations;</i></li> <li>▪ <i>To maximise public transport patronage and encourage walking and cycling.</i></li> </ul>
Does Schedule 1 –	N/A	Schedule 1 does not apply to the subject

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
Additional Permitted Uses apply to the site?		site.
What is the height of the building? Does the height of the building exceed the maximum building height?	N/A	The proposed modification will not alter the built form approved under Development Consent No. 13/200.
What is the proposed FSR? Does the FSR of the building exceed the maximum FSR?	No – already approved by the JRPP	The site area is 31,500m <sup>2</sup> The proposed modification will not alter approved GFA of 119,254m <sup>2</sup>  The proposed modification will not alter the approved modified FSR of 3.72:1.
Is the proposed development in a R3/R4 zone? If so does it comply with site of 2000m <sup>2</sup> min and maximum height of 22 metres and maximum FSR of 1.5:1?	N/A	The subject site is not located in the R3 or R4 zone.
Is the site within land marked “Area 1” on the FSR Map?	N/A	The subject site is not located within “Area 1” on the FSR Map.
Is the land affected by road widening?	N/A	The subject site is affected by the widening of Church Avenue and Kent Road widening is also required under BBDCP 2013 and this is acknowledged in the original approval. No change proposed.
Is the site listed in Schedule 5 as a heritage item or within a Heritage Conservation Area?	N/A	The subject site is not listed as a Heritage Item or within a Heritage Conservation Area.

The objectives and provisions of the BBLEP 2013 have been considered in the assessment of the Section 96(2) application and the proposal is consistent with the provisions of BBLEP 2013.

#### Botany Bay Development Control Plan 2013

The DCP provisions of Part 9A - Mascot Station Town Centre Precinct have been addressed in the assessment of this Section 96(2) application.

The issue of unit mix, car parking, unit size and private open space is addressed above and on all accounts, the proposed modifications are acceptable in this instance.

Council at its Meeting on 4 November 2015 resolved to amend the adopted Botany Bay Development Control Plan (BBDCP) 2013.

The BBDCP 2013 (Draft Amendment No. 3 & 4) was on public exhibition from Wednesday 18 November to Friday 18 December 2015. Council is currently considering the draft amendments and the submissions received.

The proposed amendments seek to encourage family sized apartments in proposed and future developments to ensure that the wider housing needs of the community are being met, that is to ensure apartment buildings are designed to accommodate dwellings with adequate size and amenities to cater for couple or single parents with dependents.

The proposed modification application will comprise of 70% of all apartments complying with Council's DCP unit sizes. The remaining 30% are proposed to be larger than the AGD sizes with 5% being larger than the internal area in the table to the RFDC. In almost each case, the room sizes (which are unchanged from that already approved) will be of adequate size to accommodate a bed and a desk. Each 2 or 3 bedroom apartment will have at least 2 bathrooms, with the majority having a bathtub. On balance, the proposed modifications are consistent with the objectives and controls of the proposed Draft Amendment No. 4.

**(b) The likely impacts of the development including environmental impacts on both the natural and built environments, social and economic impacts in the locality.**

The proposed modifications are minor in nature and will not affect the design or operation of the development in any significant manner. The proposed amendments will not have an adverse environmental, social or economic impact on the immediate locality. The changes will result in a development that will provide a range of retail, business and community uses to meet the needs of the local people, encourage employment opportunities and encourage walking and cycling.

**(c) The suitability of the site for the development.**

The site is suitable for the development as proposed to be modified.

**(d) Any submission made in accordance with the Act or Regulations.**

In accordance with Part 2 – Advertising and Notification of BBDCP 2013, the Section 96(2) Application was notified to adjoining property owners and those that originally made a submission for a period of fourteen (14) days from 28 October 2015 to 11 November 2015. No submissions were received.

**(e) The public interest.**

The proposed modifications are in the public interest.

## **OTHER MATTERS**

### Referrals

The Section 96(2) Application was not required to be referred to other Council Officers in this instance.

## **CONCLUSION**

The Section 96(2) Application seeks to modify Development Consent No. 13/200 to change selected residential units within buildings in Quadrant 2 and Quadrant 4 to re-categorise the multi purpose rooms to bedrooms, changing the unit mix of the development from 62% to 54% studio/1 bedroom apartments and to recalculate the car parking rates,

which will reduce the overall parking required for the residential component of the development from 1225 to 917 spaces.

The proposed modification application has been notified in accordance with the Regulations and Part 2 of BBDCP 2013. No submission have been received.

The Section 96(2) Application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979. The proposed changes to selected approved apartments will allow a number of the apartments in the development to have multi purpose rooms changed to bedrooms. This will create 70 x 3 bedroom apartments, reducing the number of studio and 1 bedroom apartments, reducing the unit mix from 62% to 54%. In each case, there is adequate solar access, natural ventilation and the minimum internal and external areas under the Apartment Design Guide are met. In an email dated 16 February 2016, the applicant has confirmed that the approved car parking rates can be maintained, except that a shortfall of 72 spaces must be considered by Council to accommodate the retail parking allocation which has been approved under the Stratum Subdivision consent and now registered. In this regard, a shortfall of 72 spaces can be allocated to the 2 bedroom apartments in Q4, which is considered acceptable as it will support the economic viability of the precinct. All other uses will remain compliant with the DCP.

The proposed modification application will generate additional demand for local services and amenities and the applicant is required to pay additional Section 94 contributions and indexation to current rates.

Subject to the above further changes to car parking allocation, the proposed modification is considered acceptable and the application is recommended for approval.

## **RECOMMENDATION**

Pursuant to the provisions of Section 96(2) of the Environmental Planning and Assessment Act, 1979, as amended, the Joint Regional Planning Panel approve the modification application 2013/200/12 to change selected residential units within buildings in Quadrant 2 and Quadrant 4 to re-categorise the multi purpose rooms to bedrooms, changing the unit mix of the development from 62% to 54% studio/1 bedroom apartments and to reallocation car parking at 19-33 Kent Road, Mascot, subject to the following schedule of amended conditions:

**SCHEDULE OF CONSENT CONDITIONS****GENERAL CONDITIONS**

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

<b>Drawing No.</b>	<b>Author</b>	<b>Date Received</b>
DA 0001 titled Site Plan dated 18/02/2014 Rev G	PTW Architects	21 February 2014
A0098 titled Level B2 Plan dated 17/03/2015 Rev K	PTW Architects	29 April 2015 (DA13/200/08)
A0099 titled Level B1 Plan dated 17/03/2015 Rev K	PTW Architects	29 April 2015 (DA13/200/08)
A0101 titled Level 01 Plan dated <b>6/10/2015 Rev M</b>	PTW Architects	<b>12 October 2015</b> <b>(DA13/200/12)</b>
A0102 titled Level 02 Plan dated <b>6/10/2015 Rev M</b>	PTW Architects	<b>12 October 2015</b> <b>(DA13/200/12)</b>
A0103 titled Level 03 Plan dated <b>6/10/2015 Rev M</b>	PTW Architects	<b>12 October 2015</b> <b>(DA13/200/12)</b>
A0104 titled Level 04 Plan dated <b>6/10/2015 Rev M</b>	PTW Architects	<b>12 October 2015</b> <b>(DA13/200/12)</b>
A0105 titled Level 05 Plan dated <b>6/10/2015 Rev M</b>	PTW Architects	<b>12 October 2015</b> <b>(DA13/200/12)</b>
A0106 titled Level 06 Plan dated <b>6/10/2015 Rev M</b>	PTW Architects	<b>12 October 2015</b> <b>(DA13/200/12)</b>
A0107 titled Level 07 Plan dated <b>6/10/2015 Rev M</b>	PTW Architects	<b>12 October 2015</b> <b>(DA13/200/12)</b>
A0108 titled Level 08-09 Plan dated <b>6/10/2015 Rev M</b>	PTW Architects	<b>12 October 2015</b> <b>(DA13/200/12)</b>
A0110 titled Level 10 Plan dated <b>6/10/2015 Rev M</b>	PTW Architects	<b>12 October 2015</b> <b>(DA13/200/12)</b>

<b>Drawing No.</b>	<b>Author</b>	<b>Date Received</b>
A0111 titled Level 11 Plan dated <b>6/10/2015 Rev M</b>	PTW Architects	<b>12 October 2015 (DA13/200/12)</b>
A0112 titled Level 12 Plan dated <b>6/10/2015 Rev M</b>	PTW Architects	<b>12 October 2015 (DA13/200/12)</b>
A0113 titled Level 13 Plan dated <b>6/10/2015 Rev M</b>	PTW Architects	<b>12 October 2015 (DA13/200/12)</b>
A0114 titled Level 14 Plan dated <b>6/10/2015 Rev M</b>	PTW Architects	<b>12 October 2015 (DA13/200/12)</b>
A0115 titled Roof Plan dated 17/03/2015 Rev K	PTW Architects	29 April 2015 (DA13/200/08)
A0501 titled Street Elevations dated 17/03/2015 Rev K	PTW Architects	29 April 2015 (DA13/200/08)
A0502 titled Street Elevations dated 17/03/2015 Rev K	PTW Architects	29 April 2015 (DA13/200/08)
A0503 titled Street Elevations dated 17/03/2015 Rev H	PTW Architects	29 April 2015 (DA13/200/08)
Q1 A0711 titled Q1 - Facade Detail 1 Rev G	PTW Architects	21 February 2014
Q1 A0712 titled Q1 - Facade Detail 2 dated 18/02/2014 Rev G	PTW Architects	21 February 2014
Q1 A0713 titled Q1 - Facade Detail 3 dated 18/02/2014 Rev G	PTW Architects	21 February 2014
Q1 A0714 titled Q1 - Facade Detail 4 dated 18/02/2014 Rev G	PTW Architects	21 February 2014
Q2 A0721 titled Q2 - Facade Detail 1 dated 18/02/2014 Rev G	PTW Architects	21 February 2014
Q3 A0731 Q3 - Facade Detail 1 dated 06/09/2013 Rev D	PTW Architects	27 September 2013
Q3 A0732 Q3 - Facade Detail 2 dated 06/09/2013 Rev D	PTW Architects	27 September 2013
Q3 A0733 Q3 - Facade Detail 3 dated 18/02/2014 Rev G	PTW Architects	21 February 2014

<b>Drawing No.</b>	<b>Author</b>	<b>Date Received</b>
Q4 A0741 titled Q4 - Facade Detail 1 dated 18/02/2014 Rev G	PTW Architects	21 February 2014
Q4 A0742 titled Q4 - Facade Detail 2 dated 18/02/2014 Rev G	PTW Architects	21 February 2014
A0800 titled Shadow Diagrams - Winter Solstice dated 20/09/2013 Rev G	PTW Architects	21 February 2014
A0801 titled Shadow Diagrams – Equinox dated 20/09/2013 Rev G	PTW Architects	21 February 2014
UT _A0104 titled – Studio Masionette dated 01/08/14	PTW Architects	23 January 2014
UT _A0107 titled – Studio Courtyard Dated 01/08/14	PTW Architects	23 January 2014
UT _A0113 titled – Studio – FlexiInternal dated 01/08/14	PTW Architects	23 January 2014
UT - A0340 titled Studio – Terrace dated 01/08/14	PTW Architects	23 January 2014
UT – B1105 titled Studio Corner dated 01/08/14	PTW Architects	23 January 2014
UT – D0405 titled 1 Bed – Corner dated 01/08/14	PTW Architects	23 January 2014
UT – F0603 titled Studio – FlexiInternal dated 01/08/14	PTW Architects	23 January 2014
UT – J0301 titled 2Bed – FlexiInternal dated <b>9/10/2015</b>	PTW Architects	<b>12 October 2015 (DA13/200/12)</b>
UT – K0201 titled 1 Bed – Courtyard dated 01/08/14	PTW Architects	23 January 2014
UT - K0202 titled 2 Bed – Corner dated 01/08/14	PTW Architects	23 January 2014
UT - K0217 titled 1 Bed – Terrace dated <b>9/10/2015</b>	PTW Architects	<b>12 October 2015 (DA13/200/12)</b>
UT – K0302 titled 1 Bed – FlexiInternal dated 01/08/14	PTW Architects	23 January 2014



<b>Drawing No.</b>	<b>Author</b>	<b>Date Received</b>
UT - K0303 titled 1 bed – FlexiInternal dated 01/08/14	PTW Architects	23 January 2014
UT _Kt0322 titled 1bed – through dated <b>9/10/2015</b>	PTW Architects	<b>12 October 2015 (DA13/200/12)</b>
UT – M0504 titled 2 bed terrace dated <b>9/10/2015</b>	PTW Architects	<b>12 October 2015 (DA13/200/12)</b>
UT – M0605 titled 2bed – FlexiInternal dated 01/08/14	PTW Architects	23 January 2014
UT – M1108 – 2Bed – Courtyard dated <b>9/10/2015</b>	PTW Architects	<b>12 October 2015 (DA13/200/12)</b>
Civil Internal Works Plans, Drawing Nos. DAC101 to DAC163	AT & L Civil Engineers	27 September 2013
Amended Landscape Concept, Issue 5, dated February 2014	Arcadia Landscape Architecture	21 February 2014
Amended Landscape Details, Drawing Nos. 000 to 502, Issue B, dated 20 February 2014	Arcadia Landscape Architecture	21 February 2014
Level 5/6 Typical Podium Privacy Screens	PTW Architects	11 March 2014
Level 4 Privacy Screens	PTW Architects	11 March 2014

<b>Reference Document(s)</b>	<b>Author</b>	<b>Date Received</b>
Statement of Environmental Effects	Planning Ingenuity Pty Ltd	27 September 2013
Architectural Design Report	PTW Architects	27 September 2013
Survey Plan, Sheets 1-4	JBW Surveyors Pty Ltd	27 September 2013
Qualitative Wind Assessment, Report No. 610.12735-R1 (Rev O)	SLR Consulting Australia Pty Ltd	27 September 2013
BASIX Assessment, Issue 02 dated 26 September 2013	Efficient Living	27 September 2013
DA Acoustic Assessment Report, Report No. 20130401.1	Acoustic Logic Consultancy Pty Ltd	27 September 2013

<b>Reference Document(s)</b>	<b>Author</b>	<b>Date Received</b>
Solar Access Assessment, Report No. 610.12735-R2	SLR Consulting Australia Pty Ltd	27 September 2013
Assessment of Traffic, Transport and Parking Implications,	Transport & Traffic Planning Associates	27 September 2013
Supplementary Traffic Report, dated 14 November 2013	Transport & Traffic Planning Associates	20 November 2013
Further letter from TTPA, dated 23 January 2014	Transport & Traffic Planning Associates	21 February 2014
Final letter from TTPA, dated 17 February 2014	Transport & Traffic Planning Associates	17 February 2014
Waste Management Plan, Revision B	Elephants Foot	27 September 2013
Quantity Surveyors Report	Gibson Quantity Surveyors	27 September 2013
Arboricultural Assessment Report, dated 29 November 2013	Tree And Landscape Consultants	21 February 2014
Geotechnical and Hydrogeological Investigation, Report No. 26541Zrpt Rev 1	JK Geotechnics	27 September 2013
Contamination Review Report, dated 18 September 2013	Consulting Earth Scientists	27 September 2013
Flood Impact Assessment, Ref X13255	Brown Consulting (NSW) Pty Ltd	27 September 2013
Crime Risk & Security Report	Meriton Property Services Pty Ltd	27 September 2013
Construction Management Plan (including Traffic Management Plan), Rev 1	Karimbla Constructions Services (NSW) Pty Ltd	27 September 2013
Clause 4.6 Variation to Height & Roof Plan Overlay	Meriton	21 February 2014
Mascot Residential Demand Assessment	Hill PDA	10 February 2014
Response to Design Review Panel	PTW Architects	21 February 2014

<b>Reference Document(s)</b>	<b>Author</b>	<b>Date Received</b>
Communal Open Space Calculations	Arcadia Landscape Architecture	21 February 2014
Statement of Environmental Effects accompanying Section 96(1A) (DA13/200/05)	Meriton Property Services Pty Ltd	6 August 2014
Statement of Environmental Effects accompanying Section 96(1A) (DA13/200/02)	Meriton Property Services Pty Ltd	9 July 2014
Letter Accompanying Section 96(1A) Application DA13/200/03	Karimbla Construction Services Pty Ltd	29 July 2014 (DA13/200/03)
Letter Accompanying Section 96(1A) Application DA13/200/07	Karimbla Construction Services Pty Ltd	4 November 2014 (DA13/200/07)
Letter Accompanying Section 96(1A) Application DA13/200/06	Karimbla Construction Services Pty Ltd	1 October 2014 (DA13/200/06)
Letter Accompanying Section 96(1A) Application DA13/200/08	Karimbla Construction Services Pty Ltd	12 January 2015 (DA13/200/08)
<b><i>Letter Accompanying Section 96(1A) Application DA13/200/12</i></b>	<b><i>Karimbla Construction Services Pty Ltd</i></b>	<b><i>12 October 2015 (DA13/200/12)</i></b>
<b><i>Revised Solar Access and Ventilation Analysis dated 6 October 2015</i></b>	<b><i>SLR Consulting Australia Pty Ltd</i></b>	<b><i>12 October 2015 (DA13/200/12)</i></b>

No construction works shall be undertaken prior to the issue to the Construction Certificate.

2.

- a) The applicant must prior to the issue of any Construction Certificates, pay the following fees:
  - i) Builders Security Deposit \$50,000.00;
  - ii) Development Control \$11,011.00;
  - iii) Waste Contribution \$25,000.00;
  - iv) Street Tree Maintenance Bond \$5000.00.

3.

- a) This Consent relates to land in Lot 2 in DP 620023 and as such, building works must not encroach on to adjoining lands or the adjoining public place, other than the building fin walls on Building G2 (Serviced apartment building) the awnings on Buildings A, B, E and C and the footbridge between Buildings E and A where they project over the through site link), public works required and as otherwise permitted by this consent; and (DA13/200/03)
- b) Prior to the issue of the Occupation Certificate, a survey report must be submitted to Council to verify that Condition 3(a) above has been complied with;
- c) Separate development applications must be lodged with Council for the supermarket, individual retail tenancies, child care centre, serviced apartment operation and associated signage;
- d) Deleted; (DA13/200/06)
- e) The void area above the substation at Level 3 Q2 is permitted to change to plant area and must not be used for retail storage area. (DA13/200/08)
- f) ***The changes to units under MOD 12 to change selected multi purpose rooms to bedrooms, only applies to those units indicated on the plans and does not apply to any apartment with a multi purpose room with no window. (DA13/200/12)***

4.

- a) The road widening and public domain to Church Avenue, Kent Road and within the subject site shall be the subject of a separate Construction Certificate to be submitted prior to the issue of the First Occupation Certificate to be lodged with Council and shall include but not be limited to footpath treatments, service adjustments/access lids and street trees (as provided by the Landscape Consultant) (including the under-grounding of existing above ground electricity and telecommunication cables in Church Avenue, adjoining the site together with the provision of appropriate street light standards, drainage (if any), kerb and gutter, footway, bicycle paths, landscaping, traffic signs). The landscape component shall be in accordance with Council's City Identity Program and any other Council specification or requirement. All public domain/footpath improvements shall be installed in accordance with Council specifications by the Applicant and at the Applicant's expense. All improvements shall be completed prior to the issue of an Occupation Certificate for the final building in the development; (DA13/200/03)
- b) The detailed landscape design of the public park area in the north-western corner of the site will be the same separate Construction Certificate as detailed above. The Agreement shall also include timelines for construction of the public park. The detailed design shall address the following: street furniture, amenity area lighting types and locations, level changes/treatments, drainage design (WSUD), irrigation, tree pit details, root barrier, pavement types, construction and slip ratings (paving samples supplied), public art/sculpture provision, elevations, sections and sketches provided; (DA13/200/03)
- c) The public footpaths in Church Avenue, Kent Road and John Street shall be constructed in accordance with Council specifications and the Draft Public Domain Manual. The footpath dimensions, location, paver type and construction

methods shall be in accordance with these specifications. Hold points and Council inspections are required after formwork setback and to prior pouring the concrete blinding slab, at the commencement of paving works and at final completion as a minimum. Pavers shall be ordered allowing for adequate lead time for manufacture (10-12 weeks); (DA13/200/03)

- d) New street trees at the pot size specified shall be installed in the accordance with the approved landscape plan. The trees shall be sourced from a reputable supplier that grows stock to the NATSPEC specifications. A Dial-Before-You-Dig enquiry is required prior to all planting - Council is not liable for any damage to subsurface infrastructure during public domain works. Two hold point inspections are required: prior planting trees to ensure plant stock is suitable and post-planting; and
- e)
  - i) (DA13/200/03)
  - ii) The completion of works at (a) to (d) above is a pre-condition to the issue of the Occupation Certificate for the final building in the development. (DA13/200/03)

5.

- a) The Strata subdivision of the development shall be the subject of a further Development Application to Council; and
- b) The subdivision application must be accompanied by a formal copy of the by-laws which shall be in accordance with the plans and documentation approved under this Consent and must also include the following:
  - i) Responsibilities with regard to the ongoing maintenance of the building and landscaped areas at the property in accordance with the plans and details approved under Development Consent No. 13/200.
  - ii) Responsibilities with regard to the maintenance of artificial features at the property in accordance with the plans and details approved under Development Consent No. 13/200.
  - iii) Responsibilities regarding the maintenance of the car wash bay the Owners Corporation / building owner.
  - iv) Responsibilities for ensuring owners and/or tenants have adequate and hygienic disposal and collection arrangements and for ensuring the waste storage area is appropriately maintained and kept in a clean and safe state at all times in accordance with the Plan of Management required under the conditions of this consent.
  - v) Responsibilities to ensure that receptacles for the removal of waste, recycling etc. are put out for collection between 4:00pm and 7:00pm the day prior to collection, and, on the day of collection, being the day following, returned to the premises by 12:00 noon;
  - vi) Responsibilities to ensure that wastewater and stormwater treatment devices (including drainage systems, sumps and traps) are regularly maintained in order to remain effective. All solid and liquid wastes

collected from the devices shall be disposed of in a manner that does not pollute waters and in accordance with the Protection of the Environment Operations Act 1997.

- vii) The Owners Corporation/Executive Committee obligations under clauses 177, 182, 183, 184, 185 and 186 of the *Environmental Planning and Assessment Regulation 2000*.
- viii) The linen plan must include details of any easements, encroachments, rights of way, including right of footway. restriction as to user or positive covenants and include a Section 88B Instrument under the *Conveyancing Act, 1919*. Council is to be nominated as the only authority permitted to release, vary or modify any easements, encroachments, rights of way, restriction as to user or positive covenants;
- ix) A graffiti management plan for the removal of graffiti and similar vandalism within seven (7) days of its occurrence and surface re-instatement;
- x) 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;
- xi) Maintenance of required acoustic measures of Development Consent No. 13/200; and
- xii) CCTV surveillance of all public areas within the development site.

6. The consent given does not imply that works can commence until such time that:

- a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
  - i) The consent authority; or,
  - ii) An accredited certifier; and,
- b) The person having the benefit of the development consent:
  - i) Has appointed a principal certifying authority; and
  - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
  - iii) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.

7. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

8. Pursuant to clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the each building in the development are fulfilled.
- a) Note:
- Relevant BASIX Certificate means:
- i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
  - ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
  - iii) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000.
9. The Applicant has permission to remove the Kent Road street trees at their own expense. A qualified Arborist with public liability insurance must be engaged and a Dial-Before-You-Dig enquiry is required. All work is to take place on the Council road reserve with the appropriate safety and directional signage implemented to ensure public safety and access. Partial road and footpath closures require Council approval. The trunk is to be stump ground to a depth of 150mm without damage to Council infrastructure or underground services. Council shall take no responsibility for any damage incurred to persons, property or services during the tree removal works. Note: Trees are not permitted to be removed until the public domain works are due to commence.

#### **CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY**

10. The following condition is imposed by Ausgrid and is to be complied with:
- Provision shall be made for accommodation for an electricity substation within the premises.
11. The following condition is imposed by Sydney Water and is to be complied with:

##### **Water**

- a) The 100 mm drinking water main fronting the proposed development in Church Avenue does not comply with the Water Supply Code of Australia (Sydney Water Edition – WSA 03-2002) requirement for minimum sized mains for this scope of development.
- b) The 100 mm drinking water main must be upsized to a 200 mm main.

##### **Wastewater**

- c) The wastewater main available for connection is the 225mm main traversing the south eastern portion of the site.
- d) Where proposed works are in close proximity to a Sydney Water asset, the developer may be required to carry out additional works to facilitate their development and protect the wastewater main. Subject to the scope of development, servicing options may involve adjustment/deviation and or compliance with the Guidelines for building over/adjacent to Sydney Water assets.

#### Sydney Water Servicing

- e) Sydney Water will further assess the impact of the developments when the proponent applies for a Section 73 Certificate. This assessment will enable Sydney Water to specify any works required as a result of the development and to assess if amplification and/or changes to the system are applicable. Sydney Water requests Council continue to instruct proponents to obtain a Section 73 Certificate from Sydney Water.
- f) The proponent must fund any adjustments needed to Sydney Water infrastructure as a result of any development. The proponent should engage a Water Servicing Coordinator to get a Section 73 Certificate and manage the servicing aspects of the development. Details are available from any Sydney Water Customer Centre on 13 20 92 or Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au).

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

- a) The intersection on Kent Road and Ricketty Street and Church Avenue shall be upgraded in accordance with the attached plan.

*Note: This concept plan is indicative only and subject to further refinement at the detailed design stage.*

- b) The proposed access road (John Street connection) off Kent Road shall be restricted to left in/left out only on Kent Road.
- c) The abovementioned works shall be designed and constructed in accordance with RMS requirements, Austroads, RMS's supplements, RMS's Traffic Signal Design Manual and other Australian Standards and endorsed by a suitably qualified practitioner.

The certified copies of traffic signal and civil design plans as well as swept path analyses of the longest vehicles shall be submitted to RMS for consideration and approval prior to the release of relevant Construction Certificate by the Principal Certifying Authority (PCA) and commencement of any road works.

RMS fees for administration, plan checking, signal works inspection and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned traffic signal and civil works. The Works Authorisation Deed (WAD) will need to be executed prior to RMS assessment of the detailed traffic signal design plans. The Construction Certificate shall not be released by the Principal Certifying Authority (PCA) until such time the WAD is executed.



The works shall be completed and operational prior to the release of the relevant Occupation Certificate.

- d) Stormwater discharge from the subject site into the RMS drainage system must not exceed the pre-development discharge.

The post development stormwater discharge from the subject site into RMS drainage system should not exceed the pre-development discharge.

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

Details should be forwarded to:

The Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124

With regard to the Civil Works requirement please contact the RMS Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

- e) The developer is to submit detailed documents and geotechnical reports relating to the excavation of the site and support structures to RMS for approval in accordance with Technical Direction (GTD 2012/001).
- f) Applicant should be aware of the potential for road traffic noise impact on the development on the subject site. Noise attenuation measures should be provided in accordance with Office of Environment and Heritage's Environmental Criteria for Road Traffic Noise;
- g) All vehicles are to enter and leave the site in a forward direction;
- h) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents;
- i) All works and regulatory signposting associated with the development are to at no cost to RMS or Council.
- j) The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval which shows that the proposed development complies with this requirement;
- k) The number of car parking spaces should be provided to Council's satisfaction;
- l) The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 1890.1-2004, AS 2890.2 – 2002 for heavy vehicle usage and AS 2890.6:2009 for the disabled;
- m) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of the relevant Construction Certificate.

13. The following conditions form the General Terms of Approval by the NSW Office of Water and must be complied with:

General and Administrative Issues

- a) An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified;
- b) The design and construction of the structure shall preclude the need for permanent dewatering by waterproofing those areas that may be impacted by any water table (i.e. a fully tanked structure) with adequate provision for unforeseen fluctuations of water table levels to prevent potential future inundation;
- c) Construction methods and material used in and for construction shall not cause pollution of the groundwater;

Prior to Excavation

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

improve the intrinsic or ambient groundwater in the vicinity of the reinjection site;

During Excavation

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

Following Excavation

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

14. The following conditions are imposed by the NSW Police Service:

- a) As the 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 relevant 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 at the front and rear of the premises to provide maximum surveillance coverage of

the area. Particularly 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;

- c) Any proposed landscaping and vegetation should adhere to the following principles:
  - i) Shrubs bushes, plants should remain under 900mm in height;
  - ii) Branches or large trees should start at a height of two (2) metres and higher;

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

- d) Bicycle parking areas should be located within view of capable guardians. The provision of covered lockable racks to secure bicycles increases the effort required to commit crime.
- e) Any storage cages in the underground car park areas should not be constructed in an isolated area. CCTV cameras must cover this area, as they are easy targets when they have little supervision. Solid steel housing and quality key locks should be used to prevent access.

15. The following conditions are imposed by the Sydney Airport Corporation Limited (SACL) and must be complied with:

- a) The PROPERTY DEVELOPMENT at 19-33 KENT ROAD MASCOT lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations, which limit the height of structures to 50 feet (15.24 metres) above existing ground height (AEGH) without prior approval of this Corporation.
- b) The Civil Aviation Safety Authority (CASA) have no objection to the erection of the building to a height of 51.0 metres above Australian Height Datum (AHD).
- c) The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.
- d) Should you wish to exceed the above heights, a new application must be submitted. Should the height of any temporary structure and/or equipment be greater than 50 feet (15.24 metres) above existing ground height (AEGH), a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.
- e) Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations. SACL advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct. Information required by SACL prior to any approval is to include:
  - i) the location of any temporary structure or equipment, ie. construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994 (MGA94);

- ii) the swing circle of any temporary structure/equipment used during construction;
  - iii) the maximum height, relative to Australian Height Datum (AHD), of any temporary structure or equipment ie. construction cranes, intended to be used in the erection of the proposed structure/activity;
  - iv) the period of the proposed operation (ie. construction cranes) and desired operating hours for any temporary structures.
- f) Any application for approval containing the above information, should be submitted to this Corporation at least 35 days prior to commencement of works in accordance with the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, which now apply to this Airport.
- g) The development is to comply with the Civil Aviation Safety Authority (CASA) requirements as outlined in the Council's Development Application Guide for Multi-Unit Residential, Commercial and Industrial.

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

16.

- a) Prior to the issue of the first Construction Certificate, the applicant shall submit an amended plan of the new north-south street from Church Avenue to John Street, which indicates that vehicles are prohibited from traversing over the pedestrian corridor that connects with Mascot Station. A culdesac turning area for vehicles shall be provided for each termination point and a vehicle free zone established together with the extension of the park space to include this area as composite public space;
- b) Public convenience amenities are to be provided in a location which is safe, easily accessible and identifiable for pedestrians and visitors to the site.

17. Prior to the issue of the relevant Construction Certificate, the applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram for, and adjacent to, the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. Any damage to utilities/services will be repaired at the applicant's expense.

18. Prior to issue of the relevant Construction Certificate, a Dilapidation Report of the immediate adjoining properties and public infrastructure (including Council and public utility infrastructure) shall be prepared by a Practising Structural / Geotechnical Engineer and submitted to Council. The report shall include records and photographs of the adjoining properties that will be impacted by the development:

- a) A copy of the dilapidation report together with the accompanying photographs shall also be given to all immediately adjoining properties owners and public utility authorities, and a copy lodged with Principal Certifying Authority and the

Council. The report shall be agreed by all affected parties as a fair record of existing conditions prior to commencement of any works.

- b) It is a condition of consent that should construction works cause rise to public safety and/or workplace safety; works shall halt until absolute safety is restored.

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

- 19. A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to *'Do It Right On-Site' Soil and Water Management for the Construction Industry* (available from Council) and NSW EPA's *Managing Urban Stormwater: Construction Activities* and submitted to the Principal Certifying Authority prior to issue of the relevant Construction Certificate. This Plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times during the construction works. A copy of the Soil and Water Management Plan shall be kept on-site at all times and made available to Council Officers on request.
- 20. Prior to the issue of the relevant Construction Certificate the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
- 21. Prior to the issue of the relevant Construction Certificate design verification is required to be submitted from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development.
- 22.
  - a) All plumbing stacks, vent pipes, stormwater downpipes and the like shall be kept within the building and suitably concealed from view. This Condition does not apply to the venting to atmosphere of the stack above roof level;
  - b) The basement of the building must be designed and built so that on completion, the basement is a "fully tanked" structure, i.e. it is designed and built to prevent the entry of ground water / ground moisture into the inner part of the basement;
  - c) The provision of disabled access throughout the development is required and shall be in compliance with the Building Code of Australia Part D3 "Access for People with Disabilities" and Australian Standard AS1428.1 (2001) - Design for Access and Mobility - Part 1 General Requirements for Access - Buildings. This requirement shall be reflected on the Construction Certificate plans.

- d) Prior to the issue of the relevant Construction Certificate, the construction drawings shall indicate the following:
- i) That water will be prevented from penetrating behind fittings/linings and into concealed spaces in laundry, sanitary areas and bathrooms etc;
  - ii) That floor to ceiling in laundry and bathroom areas to be tiled;
  - iii) That timbers used in the development are plantation, recycled or regrowth timbers of timbers grown on Australian farms or State forest plantations and that no old growth or rainforest timbers are to be used in any circumstances; and
  - iv) That plumbing to each dwelling will be separated and adequately contained to prevent noise transmission and vibration.
23. Prior to the issue of the relevant Construction Certificate, the measures required in the Qualitative Wind Assessment, Report No. 610.12735-R1 (Rev O) prepared by SLR Consulting Australia Pty Ltd shall be detailed on the Construction Certificate plans. These shall include additional wind mitigation treatments to exposed south west facing balconies.
24. Prior to the issue of the relevant Construction Certificate for each building, the measures required in the Acoustic Report: Report No. 20130401.1, prepared by Acoustic Logic Consultancy Pty Ltd dated 16 September 2013, received by Council 27 September 2013, shall be undertaken in accordance with the provisions of *AS2021-2000: Acoustics – Aircraft Noise Intrusion – Building Siting and Construction* to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021-2000 shall be incorporated into the construction of the buildings.
25. Prior to the issue of the relevant Construction Certificate for each building, a compliance report from a suitably qualified acoustic consultant shall be submitted to Council indicating any required noise mitigation measures to the approved development, as detailed in the NSW Road Noise Policy 2011 in accordance with AS 3671-1989 – Acoustic – Road Traffic Intrusion.
26. Prior to the issue of the relevant Construction Certificate details are to be provided on acoustic treatment to the entry and exit driveway on Church Avenue adjacent to No. 8 Bourke Street of the development to comply with the Office of Environment & Heritage's Industrial Noise Policy and Noise Control Guidelines.
27. Prior to the issue of the relevant Construction Certificate, 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.

28. 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 relevant Construction Certificate. Storage of Waste and recycling shall meet the following requirements:
- a) The rooms for the storage of garbage and recyclable materials shall be:
    - i) fully enclosed;
    - ii) adequately ventilated;
    - iii) Constructed with a concrete floor, concrete or cement rendered walls coved to the floor;
    - iv) The floor shall be graded to an approved sewer connection incorporating a sump and galvanized grate cover or basket in accordance with the requirements of Sydney Water Corporation.
    - v) Washing facilities shall be provided within close proximity to the garbage and recycling storage area.
29. A suitable intercom system linked to all units within the development shall be provided at the vehicle entrance to the development to ensure any visitors to the site can gain access to the visitor parking in the car parking area. The details of the intercom system shall be submitted to Principal Certifying Authority prior to the issue of the relevant Construction Certificate and its location and specifications endorsed on the construction drawings.
30. Prior to the issue of the Construction Certificate, the following documentation shall be submitted to Principal Certifying Authority:
- a) Longitudinal sections along centreline of all the ramps between each basement parking levels;
  - b) Design certification, prepared by a suitably qualified engineer, showing the longitudinal sections shall be designed in accordance with AS2890.1 (including gradients and gradient transitions).
- 31.
- a) Prior to the issue of the relevant Construction Certificate, detailed Stormwater Management Plans and specifications shall be prepared by a suitably qualified and experienced civil engineer and the design shall be generally in accordance with the Concept Stormwater Management Plans prepared by AT & L Consulting Engineers Pty Ltd, Job No. 13-127, Drawing Nos. DAC101-DAC163 and received by Council on the 27 September 2013.

With the following issues to be complied with and shown on the plans:



- i) The stormwater drainage system from the roof and balcony of the building to the On-site detention (OSD) system shall be shown on the stormwater management plans. All stormwater runoff from the roof area and balcony shall be directed to the system.
- ii) The layout of the basement parking area and OSD system shown on the stormwater management plans shall correspond with the architectural plan. The location of the discharge control pit shall be revised accordingly.
- iii) The emergency overflow of OSD systems shall be shown on the plans to ensure any overflow from the OSD system will be conveyed to the public streets via surface overland flow.
- iv) Additional access grates shall be provided to each corner of the OSD tank.
- v) In order to protect the buildings from stormwater inundation, the OSD tank shall be water-tight.
- vi) The outlet pipes of the OSD system and the GPT shall be minimum 300mm diameter.
- vii) Rainwater tanks shall be provided with a minimum 5,000 L capacity and shall service any landscape systems.
- viii) All stormwater runoff from the site shall pass through a pollution control device capable of removing litter and sediment prior to entering the public stormwater system.
- ix) Design certification, prepared by a suitably qualified engineer shall be submitted to Principal Certifying Authority certifying the stormwater drainage (including OSD and infiltration system) and basement pump-out system shown on the construction plans have been designed to comply with current Australian Standards and Council's requirements.

The detailed drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's 'Guidelines for the Design of Stormwater Drainage Systems within City of Botany Bay', AS/NSZ 3500 – *Plumbing and Drainage Code* and the BCA.

- b) Further it is also a condition of this consent that any public system stormwater line(s) that pass through the development site and or natural road drainage that passes through the site must be piped and given the benefit of an easement in favour of the Council prior to the issue of the Occupation Certificate.

- 32. Prior to the issue of the relevant Construction Certificate, design certification, prepared by a suitably qualified engineer shall be submitted to Principal Certifying Authority certifying the car parking area shown on the construction plans includes the required sight lines for safety and has been designed in accordance with AS 2890.1, AS2890.2 (for loading area) and AS2890.6.

Note: Any wall or fence or solid object on either side of the driveway/vehicular crossing where it meets the Council's road reserve at the boundary must comply with sight distances stipulated in AS 2890.2.

33. Prior to the issue of the relevant Construction Certificate:

- a) The public areas 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 and historic photographs of the Botany Local Government Area etc;
- b) The details of interior design required by Condition 32(a) above are to be included with the Construction Certificate;
- c) The pedestrian mall area must be provided with male and female conveniences including the provision of conveniences with those persons with a disability.

34. Prior to the issue of the relevant Construction Certificate, the public domain landscape areas shown on the plan by *Arcadia, Issue 5, February 2014, Plans 000-106 Issue B and Plans 401-7 Issue B* shall be the subject of detailed landscape construction documentation (plans and specifications) to be submitted to and approved by the City of Botany Bay Council prior to Construction. The landscape documentation is to be prepared by a Arcadia Landscape Architects and shall include, but not be limited to:

- a) The clear delineation of all public domain areas as follows :
  - i) Church Avenue, Kent Road, John Street and New Street footpaths areas
  - ii) The public park located on the western side of New Street
  - iii) The through site east-west link from Kent Road to Bourke Road.
- b) A planting plan at 1:100 showing all plant locations/groupings and plant centres/species. There is to be a dense layered planting scheme consisting of trees, shrubs and groundcovers in all of these areas;
- c) A plant schedule listing all plants by botanical name, total plant numbers, plant spacings, pot sizes and staking. Trees in these areas are to be a minimum litreage of 200 litres and street trees 400 litre;
- d) Specifications detailing soil and mulch finishes, root barriers, irrigation, edging and other landscape hardworks such as retaining walls, steps, planter walls, feature walls, skateboard restrictors, tree pits, tree grates, tree guards, tree pit treatments and so on in accordance with Council's Draft Public Domain specifications;
- e) Areas of paving, schedule of materials, edge treatments, tactiles and sectional construction details. Paving to Council Draft Public Domain schedule/specification. Drainage details in specific locations such as the public park and through site link, use of WSUD initiatives or materials;
- f) Details of all fencing, privacy screening, arbors and the like – elevations and materials, impacting or visible to public domain areas;
- g) Details of all other hardscape landscape elements such as street furniture, pedestrian amenity lighting, playground and recreational equipment, water features, bollards, public toilets, signage suite. Provide sectional construction details and elevations;

- h) Rigid polyethylene sheet type tree root barriers are to be specified as required to protect structural elements;
  - i) A detailed public art proposal;
  - j) Elevated planter box sectional details and drainage details. All planter box depths and dimensions shall be in accordance with Council's DCP and capable of supporting the medium and large canopy trees;
  - k) Trees are to be used extensively throughout the site and shall be of an appropriate scale to complement and ameliorate buildings and for appropriate scaling within pedestrian areas – footpaths and open spaces. Deep soil zones must include larger trees. Trees are to be predominantly native, evergreen species using open canopy evergreens or selected deciduous for solar penetration;
  - l) Indicate the location of all basement structures relative to the landscape areas;
  - m) Show the detailed design for the civil and footpath works surrounding tree # 4 and ensure these works do not compromise the health or structural stability of the tree;
  - n) The street trees in New Street (Spotted Gum) are to be increased to 10-12 metre centres. The Church Avenue street trees (Chinese Elms) are to be increased to 10 metre spacings (as per Council specification).
35. Prior to the issue of the relevant Construction Certificate, subject to the approval of CASA, the applicant is to provide roof mounted solar collector panels below a height of 51m AHD, to the rooftop area of each building, of which 20% of power generated shall be returned to the Ausgrid network together with tariff rebates. Details of the panel system are to be provided with the Construction Certificate including the approval from the Civil Aviation Safety Authority.
36. All plans submitted with any Construction Certificate shall demonstrate compliance with the following:
- a) All residential unit size excluding balconies as minimum must be as following:
    - i) Studio = 60m<sup>2</sup>
    - ii) 1 bedroom = 75m<sup>2</sup>
    - iii) 2 bedroom = 100m<sup>2</sup>
  - b) All unmarked rooms identified on Typical Unit Plan Nos. UT\_J0301, UT\_K0302, UT\_K0303, UT\_K0322, UT\_M504, UT\_K0201, UT\_K0202, UT\_K0217, UT\_D0405, UT\_M0605UT\_M1108, shall only be used as a study or extension of the dining/living area only and indicated as such on the plans of the Construction Certificate.
  - c) Adaptable units must be provided in accordance with Section 4C.6.1 of Botany Bay Development Control Plan 2013. Such units shall be designed in accordance with AS 4299 and BBDCP 2013 (Section 4C.6.1). Details to be submitted with the Construction Certificate.

37. In order to maximise visibility in the basement car parks, the ceilings shall be painted white. This requirement shall be reflected on the Construction Certificate plans.
38. The development shall make provision for the following car parking allocations:

<b>Car Parking Rates</b>	<b>Required</b>
1 space per studio and 1 bedroom units	<b><i>434 spaces</i></b>
<b><i>1.77</i></b> spaces per 2 bedroom units	<b><i>535 spaces</i></b>
2 spaces per 3 bedroom units	<b><i>140 spaces</i></b>
1 visitor space per 7 dwellings	116 spaces
Retail Spaces	<b><i>182 spaces</i></b>
<b><i>Child Care Centre (includes 3 at grade spaces)</i></b>	<b><i>51 spaces (plus 3 shared with retail)</i></b>
Serviced Apartments	154 spaces
<b>TOTAL REQUIRED</b>	<b><del>1611</del> 1612</b>
<b>TOTAL PROVIDED</b>	<b><del>1611</del> 1612</b>

This requirement shall be reflected on the Construction Certificate plans. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times. (DA13/200/02) (DA13/200/06) (DA13/200/08) (~~DA13/200/12~~)

39. The roller doors to the loading docks are to be acoustically treated. Details are to be provided with the relevant Construction Certificate.

#### **CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT AT WORK**

40. In order to ensure that street tree No. 4 in Church Avenue near Kent Road and trees Nos. 49, 50, 51, 52, 66 and 67 on the adjoining property to the south are retained and protected during construction, and their health and structural stability ensured, the following is required :
- A Consultant Arborist AQF Level 5 shall be engaged from site establishment to the post-construction period to erect tree protection zones and signage, inspect and advise on all works during the entire construction period, monitor tree health and to authorize and undertake tree canopy and root pruning where necessary only and to the minimum only so that the health or structural stability of the trees is not impacted;
  - All tree works and tree management shall be undertaken in accordance with the Arborist report by TALC dated 29th November 2013. For all tree root and canopy

work to trees, comply with the recommendations and requirements and management plan contained within this report;

- c) Trees to be retained are to be tagged with clearly visible marking tape at a height of approx. 2 metres from ground and numbered with the corresponding number in the Tree Report;
- d) Prior to commencing demolition/any works the tree/s is/are to be physically protected by fencing underneath the canopy dripline using 1.8 metre high chainwire fence to form the Tree Protection Zone (TPZ). The area within the fencing is to be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken during construction. The fence shall remain in place until construction is complete;
- e) If there is insufficient space to erect fencing in a particular area, wrap the trunk with hessian or carpet underlay to a height of 2.5 metres or to the tree's first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails);
- f) Before any works commence on site, the Applicant is required to contact Council for an inspection and/or provide photographic evidence of the fenced TPZ's. Council approval is required prior commencement of any work;
- g) All detailed Construction Certificate plans shall show trees to be protected and the TPZ;
- h) The TPZ's are "No-Go" zones. There shall be no access to the property excluding the existing crossover, no stockpiling, storage or sorting of waste or building materials, no construction work, no concrete mixing, strictly no washing down of concrete mixers or tools, no chemicals mixed/disposed of, no excavation or filling, no service trenching. Any unavoidable work within the fenced zone shall be under the direction of Council's Tree Officer or Consultant Arborist;
- i) Where unavoidable foot access is required in the TPZ, provide temporary access with timber sheets to minimise soil compaction, spillage or root damage;
- j) Excavation within the TPZ and within a nominated radial dimension from the tree trunk as determined by the consultant Arborist in accordance with AS 4970 : 2009 – Protection of Trees on Development Sites shall be carried out manually using hand tools or light machinery to minimise root damage or disturbance;
- k) No tree roots greater than 30mm in diameter shall be pruned without further assessment by Council's Tree Officer and the consulting Arborist and only following the submission of further Arborists reports to Council so as not to unduly impact or stress the tree;
- l) Ensure no damage to the canopy, trunk or root system (including the surrounding soil) of any tree to be retained. There shall be no canopy pruning unless approval has been granted by Council's Tree Officer under application from the consultant Arborist. Approved pruning shall be undertaken by a qualified Arborist in accordance with AS 4373;
- m) As most of the retained trees are on the private property adjoining, the developer is required to consult with and advise the owners of the adjacent properties as owners of the trees prior to any tree works taking place;

- n) Care shall be taken with construction work in the primary root zone of all existing neighbouring trees to be retained, including tree # 4. These trees must be retained and construction works are to accommodate tree roots, branches and canopy without damage or impact. Trees are not to be pruned back to the boundary fence line under any circumstances. The canopy may otherwise overhang the property;
- o) The Applicant will be required to undertake any tree maintenance or remedial pruning works required by Council or the Consultant Arborist at the completion of construction;
- p) If there is any contravention of these tree preservation conditions, or a tree was found to be damaged (including roots), in decline, dead or pruned without permission, then Council may claim all or part of the lodged security bond prior to its release as well as require remedial pruning work. Epicormic growth is evidence of root damage.

41. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter for the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993 as appropriate:

- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve
- b) Permit to construction works, place and/or storage building materials on footpaths, nature strips
- c) Permit for roads and footways occupancy (long term/ short term)
- d) Permit to construct vehicular crossings, footpath, kerb and gutter over road reserve
- e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever
- f) Permit to place skip/waste bin on footpath and/or nature strip
- g) Permit to use any part of Council's road reserve or other Council lands
- h) Permit to stand mobile cranes and/or other major plant on public roads and all road reserve area

(It should be noted that the issue of such permits may involve approval from RTA and NSW Police. In some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.)

- i) Permit to establish "Works Zone" on public roads adjacent to the development site, including use of footpath area.

(Application(s) shall be submitted minimum one (1) month prior to the planned commencement of works on the development site. The application will be referred to the Council's Engineers for approval, which may impose special conditions that shall be strictly adhered to by the applicant(s)).

42. A detailed Traffic Management Plan for the pedestrian and traffic management of the site during demolition, excavation and construction shall be prepared and submitted to the relevant road authority (Council or Roads and Maritime Service) for approval prior to commencement of any works. The plan shall:
- a) be prepared by a RMS accredited consultant.
  - b) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police.
  - c) if required, implement a public information campaign to inform any road changes well in advance of each change.
  - d) Note: Any temporary road closure shall be confined to weekends and off-peak hour times and is subject to Council's Traffic Engineer's approval. Prior to implementation of any road closure during construction, Council shall be advised of these changes and Traffic Control Plans shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.
  - e) During construction, all works and measures shall be implemented in accordance with approved Traffic Management Plan at all times.
- 43.
- a) Erection of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
  - 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.
    - iii) The provisions of toilet facilities in accordance with this clause must be completed before any other work is commenced.
44. Prior to the commencement of works, the applicant must inform Council, in writing, of:
- a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
  - b) The name and permit number of the owner-builder who intends to do the work;
  - c) The Council also must be informed if:
    - i) A contract is entered into for the work to be done by a different licensee;or

ii) Arrangements for the doing of the work are otherwise changed.

45. A detailed Construction Management Plan (CMP) shall be submitted to Council and the Principal Certifying Authority for approval prior to the commencement of any works. The plan shall address:
- a) Excavation and construction vehicles access to and egress from the site;
  - b) Parking for demolition and construction vehicles. All construction-related vehicles shall be parked on-site and no parking of these vehicles shall be allowed on Church Avenue or Haran Street;
  - c) Locations of site office, accommodation and the storage of major materials related to the project;
  - d) Protection of adjoining properties, pedestrians, vehicles and public assets;
  - e) Location and extent of proposed builder's hoarding and Work Zones, if there is any.
  - f) Active measures to control and suppress dust, grit and the like that are associated with construction activity.
  - g) Measures to control the arrival of plant and equipment associated with the construction process and the delivery of such plant and equipment during reasonable hours of the working day;
  - h) Public Notification where working hours are extended for a particular construction activity;
  - i) Provision of on-site car parking for employees, contractors and site personnel during the construction phase of the development; and
  - j) During construction, all works and measures shall be implemented in accordance with approved Construction Management Plan at all times.
46. 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.
47. The Applicant must indemnify Council against all loss of or damage to the property of others and injury or death to any persons which may arise out of or in consequence of the carrying out of the work and against all claims, demands, proceedings, costs, charges and expenses whatsoever in respect thereof or in relation thereto. In this regard, the Applicant shall take out a public liability policy during the currency of the works in



the sum of not less than \$20,000,000 and to be endorsed with City of Botany Bay Council as principal, and keep such policy in force at the Applicant's own expense. A certificate from the Applicant's insurers to this effect is to be **LODGED WITH COUNCIL BEFORE ANY WORK IS COMMENCED**. The amount of Common Law liability shall be unlimited.

48. During construction, the applicant shall ensure that all works and measures have been implemented in accordance with following approved plans at all times:
- a) Approved Erosion and Sediment Control Plan;
  - b) Approved Traffic Management Plan and;
  - c) Approved Construction Management Plan.
49. All works carried out on the public roads shall be inspected and approved by Council's engineer. Documentary evidence of compliance with Council's requirements shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
- a) Initial pre-construction on-site meeting with Council's engineers to discuss concept and confirm construction details, traffic controls and site conditions/constraints prior to commencement of the construction of the civil works associated with the road widening;
  - b) Prior to placement of concrete (kerb and gutter and footpath);
  - c) Prior to construction and placement of road pavement materials; and
  - d) Final inspection.

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

## **DURING WORKS**

50. If the work involved in the construction of a building:
- a) likely to cause pedestrians or vehicular traffic in a public place to be obstructed or rendered inconvenient; or,
  - b) involves the enclosure of a public place:
    - i) a hoarding or fence must be erected between the work site and the public place.
    - ii) If necessary an awning is to be erected sufficient to prevent any substance from or in connection with the work falling into the public place.
    - iii) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to person(s) in the public place.
    - iv) Any such hoarding, fence or awning is to be removed when the work has been completed.

- c) Suitable consent shall be obtained from Council prior to the erection of any hoarding at the property.
- 51.
- a) Any new information that comes to light during construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council;
  - b) 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.
52. Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.
53. During 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.
54. The Applicant shall conduct all construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department.
55. All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.
- 56.
- a) Existing structures and or services on this and adjoining properties shall not be endangered during any demolition associated with the above project. The Applicant is to provide details of any stabilisation works required to adjacent developments to Council.
  - b) As the development involves an excavation that extends below the level of the base of the footings of a building or road on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
    - i) Protect and support the adjoining premises from possible damage from the excavation, and
    - ii) Where necessary, underpin the adjoining premises to prevent any such damage.
    - iii) Must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of his

intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished.

57.

- a) The operations of the site shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.
- b) All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.

58. The operation shall not give rise to offensive odour or other air impurities in contravention of the Protection of the Environment Operations Act 1997. The Principle contractor shall ensure that all practical means are applied to minimise dust and odour from the site. This includes:

- a) Covering excavated areas and stockpiles,
- b) The use of fine mists of hydrocarbon mitigating agents on impacted stockpiles or excavation areas,
- c) Maintenance of equipment and plant to minimise vehicle exhaust emissions,
- d) Erection of dust screens on the boundary of the property and/or closer to potential dust sources,
- e) All loads entering or leaving the site are to be covered,
- f) The use of water sprays to maintain dust suppression,
- g) Keeping excavated surfaces moist.

59. The construction of the premises shall not give rise to transmission of vibration at any affected premises that exceeds the vibration in buildings criteria outlined in the NSW Environmental Noise Control Manual.

60.

- a) In order to prevent vehicles tracking soil or other materials onto public roads and washing of materials into the street drainage system or watercourse, during excavation, construction and deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion;
- b) Concrete trucks and any other trucks that used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall only be conducted in a suitable off-

street area where wash waters do not enter the stormwater system or enter Council's land;

- c) Building operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands;
- d) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
- e) During construction works the area in front of the premises and for the full width of the site, be maintained at all times and kept clean and tidy.

61. The Development is to be constructed to meet the following construction noise requirements:

a) Construction Noise

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

b) Level Restrictions

- i) Construction period of 4 weeks and under:
  - 1 The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10dB(A).
- ii) Construction period greater than 4 weeks and not exceeding 26 weeks:
  - 1 The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).

c) Time Restrictions

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

d) Silencing

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

62. Building plans must be lodged at Sydney Water Quick Agent for approval prior to commencement of works.

63. During construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be

maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

64. 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 approval.
- 65.
- a) All imported fill shall be validated in accordance with Department of Environment and Conservation approved guidelines to ensure that it is suitable for the proposed development from a contamination perspective. Imported fill shall be accompanied by documentation from the supplier, which certifies that the material is suitable for the proposed residential/recreational land use and not contaminated based upon analyses of the material.
  - b) To prevent contaminated soil being used onsite, all imported fill shall be certified VENM material and shall be validated in accordance with the Office of Environment and Heritage (OEH) approved guidelines to ensure that it is suitable for the proposed development. Imported fill shall be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.
  - c) Any soil disposed of offsite shall be classified in accordance with the procedures in the Department of Environment and Climate Change Waste Classification Guidelines (2008).

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

66. The City of Botany Bay being satisfied that the proposed development will increase the demand for public amenities within the area, and in accordance with Council's Section 94 Contributions Plans being the City of Botany Bay Section 94 Contributions Plan 2005-2010 and the Mascot Station Precinct Section 94 Contributions Plan 2004 a contribution of ~~\$9,991,631~~ \$9,909,421.

The Section 94 Contribution of ~~\$9,991,631~~ \$9,909,421 is to be paid to Council prior to the issue of the first Occupation Certificate. (DA13/200/07) (DA13/200/06) (DA13/200/08)

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.

- a. *Prior to the issue of the first Occupation Certificate for Quadrant 4, an additional Section 94 Contribution of \$1,375,184 is to be paid to Council. (DA13/200/12)*

*This amount comprises a total of \$1,168,268 as the difference between the amount paid for Mod 8 on the 29 January 2016 and the indexed amount required at that date, and also an additional amount of \$206,915 representing the indexed amount required by the provision of 65 contribution units. (DA13/200/12)*

67.

- a) Prior to the issue of the relevant Occupation Certificate, the development is to be constructed to meet the requirements detailed in the Acoustic Report, prepared by Acoustic Logic Consultancy Pty Ltd dated 16 September 2013, received by Council 27 September 2013; and
- b) All acoustic work including that acoustic work required at Condition No. 28 shall be completed prior to the issue of the relevant Occupation Certificate and validated by a person with appropriate qualifications and experience.

68. Prior to the issue of the relevant Occupation Certificate, a Site Audit Report is to be submitted to Council which states the subject site is suitable for residential development, together with a supplementary Statement which states that the land to be dedicated to Council for public reserves meets the criteria for recreation areas and those within the public reserve areas has not been excavated and remains undisturbed.

69. Prior to the issue of the relevant Occupation Certificate, the following is to be complied with:

- a) Dedicate to Council and at no expense to the Council and generally in accordance with the Communal Open Space Landscape Masterplan prepared by Arcadia Landscape Architecture Issue 5, dated February 2014, the following:
- i) Dedicate the portion of land to Council for the purpose of widening Church Avenue and Kent Road. The areas of the land to be dedicated shall be the full length of Church Avenue and Kent Road frontages of the development site and as detailed in the Botany Bay Development Control Plan 2013. The Plan of Dedication shall be lodged with Council and registered with Land & Property Information prior to the issue of the relevant Occupation Certificate. A copy of the registered document shall be submitted to Council for record purposes;
  - ii) Dedicate the portion of land to Council for the purpose of a public park adjacent to new Church Avenue boundary (following the road widening of Church Avenue). The total area of public domain dedication shall be 6,915sqm. Construction of paving and landscaping within this area is to be in accordance with the approved landscape plans identified in Condition No.1 of DA13/200;
  - iii) Dedicate the portion of land to Council for the purpose of a public pedestrian through link adjacent from John Street to Kent Road.

Construction of paving and landscaping within this area is to be in accordance with the approved landscape plans identified in Condition Nos. 1 and 17 of DA13/200;

- iv) Upgrade the public domain by the reconstruction of half the road pavement, kerb and gutter, footpath, drainage system, street trees, landscaping and any associated works for the street frontage to Church Avenue of the site, at the applicant's expense. All improvements shall be in accordance with specifications and requirements from Council's landscape and engineering sections and the approved civil works construction plans and landscape plans.
- v) Upgrade the public domain by reconstruction of the kerb and gutter to the full street frontage to Kent Road of the site including footpath, drainage system, street trees, landscaping and any associated works for the street frontage to Kent Road of the site, at the applicant's expense. All improvements shall be in accordance with specifications and requirements from Council's landscape and engineering sections and the approved civil works construction plans and landscape plans.

b)

- i) Replace all the existing above ground electricity and telecommunication cables to underground cables that adjoin the site and road reserve area fronting both Kent Road and Church Avenue in accordance with the guidelines and requirements of the relevant utility authorities and Ausgrid. The applicant shall bear all the cost of the construction and installation of the below ground cables and any necessary adjustment works. These works and payments shall be completed prior to the issue of the relevant Occupation Certificate; and
- ii) Provide appropriate and suitable street lighting to a high decorative standard to both street frontages of the site together with those internally publicly accessible paths, spaces and corridors, so to provide safety and illumination for residents of the development and pedestrians in the area. All street lighting shall comply with relevant electricity authority guidelines and requirements.

70.

- a) A total of ~~1611~~ **1612** car parking spaces shall be provided for within the development. Resident parking spaces shall made available to residents and visitors at all times, with such spaces being clearly marked and signposted prior to issue of the relevant Occupation Certificate;
- b) Allocation of the car parking shall be as follows: (DA13/200/12)

<b>Car Parking Rates</b>	<b>Required</b>
1 space per studio and 1 bedroom units	<b><i>434 spaces</i></b>
<b><i>1.77</i></b> spaces per 2 bedroom units	<b><i>535 spaces</i></b>
2 spaces per 3 bedroom units	<b><i>140 spaces</i></b>
1 visitor space per 7 dwellings	116 spaces

<b>Car Parking Rates</b>	<b>Required</b>
Retail Spaces	<i>182 spaces</i>
<i>Child Care Centre (includes 3 at grade spaces)</i>	<i>51 spaces (plus 3 shared with retail)</i>
Serviced Apartments	154 spaces
<b>TOTAL REQUIRED</b>	<del>1611</del> <b>1612</b>
<b>TOTAL PROVIDED</b>	<del>1611</del> <b>1612</b>

71. All services (Utility, Council, etc) within the road reserve (including the footpath) shall be relocated/adjusted to match the proposed/existing levels as required by the development.
72. Prior to the issue of the relevant Occupation Certificate, street numbers shall be clearly displayed with such numbers being of contrasting colour and adequate size and location for viewing from the footway and roadway.
73. 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 car parking areas, driveways entrances and egresses have been constructed generally in accordance with the approved construction plan(s) and comply with AS2890.1, AS2890.2 and AS2890.6 requirements. The internal parking facilities shall be clearly designated, sign posted and line marked. Signage and line marking shall comply with the current Australian Standards.
74. The following shall be complied with prior to the issue of the relevant Occupation Certificate:
  - a) A new vehicular crossing including layback and/or gutter and any associated road restoration shall be constructed in accordance with Council's requirements. The applicant shall make a separate application to Council's Customer Service Counter for the construction/ reconstruction of vehicular crossing (either by Council or own forces) to the vehicular entry point of the site as shown on the submitted approved plan.
  - b) The crossing shall be able to accommodate the turning movement of Heavy Rigid Vehicle (HRV) entering and leaving the site and at 90° to the kerb and gutter in plain concrete. All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and any associated construction works shall be carried out at the full cost to the Applicant.
  - c) The redundant vehicular crossing, together with any necessary works shall be removed and the footpath, nature strip and kerb and gutter shall be reinstated in accordance with Council's specification.
  - d) Written confirmation / completion certificate obtained from Council.



- e) Inspection report (formwork and/or final) for the works on road reserve obtained from Council's engineer.
  - f) A copy of the approved public domain civil works plans showing Work-as-Executed details (together with an electronic copy) prepared by a registered surveyor.
  - g) Driveways and vehicular access paths shall be designed and constructed to comply with the minimum requirements (including changes of grade) of AS/NZS 2890.1.
75. Prior to the issue of the relevant Occupation Certificate, a Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority and the Council to the effect that:
- a) All reduced levels shown upon the approved plans, with relation to the required solar panels, drainage, boundary and road reserve levels, have been strictly adhered to; and
  - b) A Floor Space Ratio (FSR) of 3.73:1 and height of 51m AHD as approved under this modified Development Consent No. 13/200/06, have been strictly adhered to and any departures are to be rectified in order to issue the Occupation Certificate. (DA13/200/06)
  - c) The development as built, stands within Lot 2 in DP 620023.
76. The applicant is responsible for the installation and protection of all regulatory/ parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works shall be replaced at full cost to the applicant.
- 77.
- a) In order to ensure that the required on-site detention, infiltration and rainwater reuse systems will be adequately maintained, Positive Covenant and Restriction on the Use of Land on the Title under Section 88B/88E(3) of the Conveyancing Act 1919 shall be created in favour of Council as the benefiting authority for the as-built on-site detention, infiltration and rainwater reuse systems. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council. The relative location of the on-site detention, infiltration and rainwater reuse systems, in relation to the building footprint, shall be shown on a scale sketch, attached as an annexure to the plans/ forms. Proof of registration shall be submitted to the Principal Certifying Authority prior to occupation of the premises.
  - b) In order to ensure that the required pump-out system will be adequately maintained, Positive Covenant and Restriction on the Use of Land on the Title under Section 88B/88E(3) of the Conveyancing Act 1919 shall be created in favour of Council as the benefiting authority for the as-built pump-out system. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council. Proof of registration shall be submitted to the Principal Certifying Authority prior to occupation of the premises.

78. Prior to the issue of the relevant Occupation Certificate:
- a) the construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved stormwater management construction plan(s), Council's 'Guidelines for the Design of Stormwater Drainage Systems within City of Botany Bay', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA; and
  - b) documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) accepted practice and the construction standard referred to in Condition 78(a) above.
79. Any damage not shown in the dilapidation report required under Condition No. 19 submitted to Council before site works have commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to the issue of the relevant Occupation Certificate.
80. Prior to the issue of the relevant Occupation Certificate, landscaping within the private property shall be installed in accordance with the landscape plans by *Arcadia, Issue 5, February 2014, Plans 000-106 Issue B and Plans 401-7 Issue B*. This plan is to be amended to include the following additional landscape requirements:
- a) A small, evergreen spreading canopy tree is required within the Church Avenue landscaped setbacks to provide privacy and shading for residents and amelioration of the building. The tree should attain a minimum height at maturity of 3-4 metres. Minimum pot size 200 litre;
  - b) The large private patios in the Church Avenue setbacks shall include additional landscaping in the form of planter boxes to break up the linear nature of the landscaping across this frontage, provide depth to the landscaping and provide additional space for small trees. All planter boxes containing trees are to have min 900mm soil depth;
  - c) Where possible, small trees are to be provided in the 1 metre wide Kent Road setback (residential section). Additional planter width should be provided where possible;
  - d) Landscaping on the property and in the public domain shall be installed in accordance with the approved landscape plan by *Arcadia, Issue 5, February 2014, Plans 000-106 Issue B and Plans 401-7 Issue B* and in accordance with sub-clauses (a) to (b) above, prior to the issue of the relevant Occupation Certificate. The landscaped areas on the property shall be maintained in accordance with the Council stamped and approved landscape documentation, the conditions of development consent and Council's DCP all times.
81. At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan.

The Certificate is to be submitted to the City of Botany Bay Council prior to the issue of the relevant Occupation Certificate.

82. Prior to the issue of the relevant Occupation Certificate, planter boxes constructed over a concrete slab shall be built in accordance with the following requirements :
- a) Ensure soil depths and dimensions in accordance with Council's DCP allowing a minimum soil depth of 1 metre to support trees. The base of the planter must be 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; and
  - e) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.
83. Prior to the issue of the relevant Occupation Certificate, the public domain landscaping shall be installed in accordance with the approved landscape plan as stamped by Council's Landscape Architect. This amended plan supercedes the original landscape plan. The landscaped areas on the property shall be maintained in accordance with the approved landscape documentation and to Council's satisfaction all times.
84. An experienced Landscape Contractor shall be engaged to undertake all landscaping (site and public domain) work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements. The contractor shall be engaged weekly for a minimum period of 52 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.
85. Prior to the issue of the relevant Occupation Certificate, to ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscaped areas, inclusive of the street tree pits in Kent Road, Church Avenue and New Street. The system shall be installed by a qualified landscape contractor and

provide full coverage of planted areas with no more than 300mm between drippers, automatic controllers and backflow prevention devices, and should be connected to a recycled water source. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.

86. Any air conditioning units are to be located so that they are not visible from the street or public place and are not obscure windows/window frames or architectural features of the development and installed in a manner not be inconsistent with the relevant provisions of the Building Code of Australia (BCA).
87. Prior to issue of the relevant Occupation Certificate, the applicant's Traffic Engineer must conduct a survey within one (1) month following the sale of at least 90% of the available apartments stock within the development, to validate the findings of the Traffic Assessment prepared by Traffic and Transport Planning Associates dated 17 February 2014. If the Traffic Assessment cannot be validated, the Applicant must undertake measures to ensure the road network achieves a satisfactory level of service.
- 88.
- a) Prior to use and occupation of the buildings an Occupation Certificate must be obtained under Section 109C(1)(c) and 109M of the Environmental Planning and Assessment Act 1979.
  - b) Condition Numbers 3(b), 4(a), 4(e), 14, 30 and ~~65~~ 66 to 85 of this consent are pre-conditions to the issue of the relevant Occupation Certificate. (DA13/200/03)

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

89. The landscape contractor shall be engaged weekly for a minimum period of 52 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time monthly maintenance is required.
90. New street trees shall be maintained by the Applicant/Owner/Strata Corporation for a 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.
91. The landscaped areas on the property shall be maintained in accordance with the Council stamped and approved landscape documentation, the conditions of development consent and Council's DCP all times.
92. Ongoing maintenance of the road verges and footpaths in Church Avenue, Kent Road, John Street and New Street nature strip 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.

93. The use of the premises shall not give rise to any of the following when measured or assessed at “sensitive” positions within any other property. These “sensitive” positions should be selected to reflect the typical use of a property (ie any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.
- a) The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).
  - b) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.
  - c) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.
  - d) For assessment purposes, the above  $L_{Aeq}$  sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.
94. Any air conditioning units shall comply with the following requirements:
- a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the dwelling.
  - b) A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
    - i) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
    - ii) Before 7 am or after 10 pm on any other day.
- 95.
- a) Each residential dwelling (apartment) is approved as a single dwelling for use and occupation by a single family. They shall not be used for separate residential occupation or as separate residential flats. No plumbing fixtures, fittings, walls shall be deleted or added, doorways enclosed or any other changes made from the approved plans in Condition No. 1 of this Consent without the prior Consent of the Council;
  - b) The adaptable apartments approved under this development consent are to remain unaltered at all times; and

- c) The storage areas located within the basement shall be allocated to the relevant residential dwelling in any future subdivision of the site. In addition, any isolated storage areas and other spaces identified by the NSW Police in Condition 14, shall be monitored by CCTV cameras at all times.
96. Vehicular access to the retail loading dock off Church Avenue is to be restricted to the hours of 7:00am to 10:00pm Monday to Saturday and 7:00am to 8:00pm Sunday and public holidays.
97. All parking bays shown on the approved architectural plans shall be set aside for parking purpose only and shall not be used for other purposes, e.g. storage of goods. Vehicle turning areas shall be kept clear at all times and no vehicles are permitted to park in these areas.
98. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 13/200 dated as 27 September 2013 and as amended by Section 96(1A) Application received by Council on 6 August 2014 (DA13/200/05) and as amended by Section 96(2) Application received by Council on 24 November 2014 (DA13/200/02) and as amended by Section 96(1A) Application received by Council on 29 July 2014 (DA13/200/03) and as amended by Section 96(1A) Application received by Council on 4 November 2014 (DA13/200/07) and as amended by Section 96(1A) Application received by Council on 1 October 2014 (DA13/200/06) and as amended by Section 96(1A) Application received by Council on 12 January 2015 (DA13/200/08) ***and as amended by Section 96(2) Application received by Council on 12 October 2015 (DA13/200/12)*** and that any alteration, variation, or extension to the use, for which approval has been given, would require further Approval from Council.

## **APPENDIX 1**

The following table provides a summary of the apartment changes to Buildings C, E, H and J:

<b>Unit No.</b>	<b>Approved Bedrooms</b>	<b>Proposed Bedrooms</b>	<b>Dwelling Size</b>	<b>Private Open Space</b>	<b>Cross Ventilation</b>	<b>Complies with DCP</b>	<b>Complies with RFDC</b>	<b>Complies with ADG</b>
C345	1 bedroom	2 bedrooms	100m <sup>2</sup>	20.6m <sup>2</sup>	Y	Yes	Yes	Yes
C448	Studio	1 bedroom	66.2m <sup>2</sup>	15m <sup>2</sup>	Y	No	Yes	Yes
C449	Studio	1 bedroom	59m <sup>2</sup>	13.24m <sup>2</sup>	Y	No	No	Yes
C451	Studio	1 bedroom	60.3m <sup>2</sup>	23m <sup>2</sup>	Y	No	No	Yes
C452	Studio	1 bedroom	66.4m <sup>2</sup>	22.73m <sup>2</sup>	Y	No	Yes	Yes
C453	2 bedroom	3 bedroom	121.4m <sup>2</sup>	8.4m <sup>2</sup>	Y	No	No	Yes
C454	1 bedroom	2 bedrooms	100m <sup>2</sup>	8m <sup>2</sup>	Y	Yes	Yes	Yes
C546	1 bedroom	2 bedrooms	79.7m <sup>2</sup>	10.24m <sup>2</sup>	Y	No	No	Yes
C547	1 bedroom	2 bedrooms	80.5m <sup>2</sup>	11.5m <sup>2</sup>	Y	No	No	Yes
C549	Studio	1 bedroom	59m <sup>2</sup>	9.3m <sup>2</sup>	Y	Yes	No	Yes
C550	1 bedroom	2 bedrooms	87.4m <sup>2</sup>	10.24m <sup>2</sup>	Y	No	Yes	Yes
C552	Studio	1 bedroom	66.4m <sup>2</sup>	8m <sup>2</sup>	Y	No	Yes	Yes
C553	2 bedrooms	3 bedrooms	121.4m <sup>2</sup>	10.5m <sup>2</sup>	?	No	No	No
C554	1 bedroom	2 bedrooms	100m <sup>2</sup>	6.4m <sup>2</sup>	Y	Yes	Yes	Yes
C646	1 bedroom	2 bedrooms	79.7m <sup>2</sup>	8.6m <sup>2</sup>	Y	No	No	Yes
C648	Studio	1 bedrooms	66.3m <sup>2</sup>	8.8m <sup>2</sup>	Y	No	Yes	Yes
C649	Studio	1 bedroom	59m <sup>2</sup>	6m <sup>2</sup>	Y	Yes	No	Yes
C742	1 bedroom	2 bedrooms	75.8m <sup>2</sup>	19.36m <sup>2</sup>		No	No	Yes
C743	2 bedrooms	3 bedrooms	102.2m <sup>2</sup>	29.26m <sup>2</sup>	Y	No	No	Yes
C746	Studio	1 bedroom	66.4m <sup>2</sup>	6.8m <sup>2</sup>	Y	No	Yes	Yes
C748	1 bedroom	2 bedrooms	75.3m <sup>2</sup>	19.3m <sup>2</sup>	Y	No	No	Yes
C750	2 bedrooms	3 bedrooms	130.6m <sup>2</sup>	8m <sup>2</sup>	Y	Yes	Yes	Yes
C842	1 bedroom	2 bedrooms	75.6m <sup>2</sup>	11m <sup>2</sup>	Y	No	No	Yes
C843	2 bedrooms	3 bedrooms	102.2m <sup>2</sup>	12.2m <sup>2</sup>	Y	No	No	Yes
C848	1 bedroom	2 bedrooms	75.1m <sup>2</sup>	10.9m <sup>2</sup>	Y	No	No	Yes
C850	2 bedrooms	3 bedrooms	130.7m <sup>2</sup>	12.1m <sup>2</sup>	Y	Yes	Yes	Yes
C942	1 bedroom	2 bedrooms	75.6m <sup>2</sup>	11m <sup>2</sup>	Y	No	No	Yes
C945	2 bedrooms	3 bedrooms	102.3m <sup>2</sup>	12m <sup>2</sup>	Y	No	No	Yes
C946	Studio	1 bedroom	66.4m <sup>2</sup>	12m <sup>2</sup>	Y	No	Yes	Yes
C948	1 bedroom	2 bedrooms	75m <sup>2</sup>	10.9m <sup>2</sup>	Y	No	No	Yes
C950	2 bedrooms	3 bedrooms	130.7m <sup>2</sup>	12.1m <sup>2</sup>	Y	Yes	Yes	Yes
C1042	Studio	1 bedroom	59.4m <sup>2</sup>	11m <sup>2</sup>	Y	No	No	Yes
C1043	2 bedrooms	3 bedrooms	102.3m <sup>2</sup>	12m <sup>2</sup>	Y	No	No	Yes
C1046	Studio	1 bedroom	66.4m <sup>2</sup>	12m <sup>2</sup>	Y	No	Yes	Yes
C1048	Studio	1 bedroom	58.8m <sup>2</sup>	10.9m <sup>2</sup>	Y	No	No	Yes
C1050	2 bedrooms	3 bedrooms	130.7m <sup>2</sup>	12.1m <sup>2</sup>	Y	Yes	Yes	Yes
C1142	Studio	1 bedroom	59.4m <sup>2</sup>	11m <sup>2</sup>	Y	No	No	Yes
C1143	2 bedrooms	3 bedrooms	102.3m <sup>2</sup>	12m <sup>2</sup>	Y	No	No	Yes
C1146	Studio	1 bedroom	66.4m <sup>2</sup>	12m <sup>2</sup>	Y	No	Yes	Yes
C1148	Studio	1 bedroom	58.8m <sup>2</sup>	10.9m <sup>2</sup>	Y	No	No	Yes
C1150	2 bedrooms	3 bedrooms	130.7m <sup>2</sup>	12.1m <sup>2</sup>	Y	Yes	Yes	Yes
C1242	Studio	1 bedroom	59.9m <sup>2</sup>	11m <sup>2</sup>	Y	No	No	Yes
C1243	2 bedrooms	3 bedrooms	102.3m <sup>2</sup>	13.9m <sup>2</sup>	Y	No	No	Yes
C1249	2 bedrooms	3 bedrooms	130.8m <sup>2</sup>	12.1m <sup>2</sup>	Y	Yes	Yes	Yes
C1342	Studio	1 bedroom	59.9m <sup>2</sup>	11m <sup>2</sup>	Y	No	No	Yes
C1343	2 bedrooms	3 bedrooms	102.3m <sup>2</sup>	12m <sup>2</sup>	Y	No	No	Yes
C1345	2 bedrooms	3 bedrooms	108.1m <sup>2</sup>	24.1m <sup>2</sup>	Y	No	No	Yes
C1442	Studio	1 bedroom	59.9m <sup>2</sup>	11m <sup>2</sup>	Y	No	No	Yes

Unit No.	Approved Bedrooms	Proposed Bedrooms	Dwelling Size	Private Open Space	Cross Ventilation	Complies with DCP	Complies with RFDC	Complies with ADG
C1443	2 bedrooms	3 bedrooms	102.3m <sup>2</sup>	12m <sup>2</sup>	Y	No	No	Yes
C1445	2 bedrooms	3 bedrooms	108.1m <sup>2</sup>	24.1m <sup>2</sup>	Y	No	No	Yes
C1449	2 bedrooms	3 bedrooms	130.8m <sup>2</sup>	12.1m <sup>2</sup>	Y	Yes	Yes	Yes
E356	Studio	1 bedroom	68.7m <sup>2</sup>	17.5m <sup>2</sup>	Y	No	Yes	Yes
E360	1 bedroom	2 bedrooms	81.6m <sup>2</sup>	30.9m <sup>2</sup>	Y	No	No	Yes
E361	Studio	1 bedroom	66.4m <sup>2</sup>	17.8m <sup>2</sup>	Y	No	Yes	Yes
E459	Studio	1 bedroom	61.5m <sup>2</sup>	9m <sup>2</sup>	Y	No	No	Yes
E464	Studio	1 bedroom	69m <sup>2</sup>	9m <sup>2</sup>	Y	No	Yes	Yes
E465	1 bedroom	2 bedrooms	84m <sup>2</sup>	14m <sup>2</sup>	Y	No	No	Yes
E556	Studio	1 bedroom	66.6m <sup>2</sup>	10.9m <sup>2</sup>	Y	No	Yes	Yes
E559	Studio	1 bedroom	61.5m <sup>2</sup>	9.3m <sup>2</sup>	Y	No	No	Yes
E560	2 bedrooms	3 bedrooms	110.2m <sup>2</sup>	25.9m <sup>2</sup>	Y	No	No	Yes
E562	1 bedroom	2 bedrooms	85.1m <sup>2</sup>	12.7m <sup>2</sup>	Y	No	No	Yes
E563	2 bedroom	3 bedrooms	112.5m <sup>2</sup>	18.9m <sup>2</sup>	Y	No	No	Yes
E565	1 bedroom	2 bedrooms	81.6m <sup>2</sup>	14.5m <sup>2</sup>	Y	No	No	Yes
E656	Studio	1 bedroom	66.6m <sup>2</sup>	10.9m <sup>2</sup>	Y	No	Yes	Yes
E658	2 bedrooms	3 bedrooms	102.4m <sup>2</sup>	17.6m <sup>2</sup>	Y	No	No	Yes
E659	Studio	1 bedroom	61.5m <sup>2</sup>	9.3m <sup>2</sup>	Y	No	No	Yes
E663	2 bedrooms	3 bedrooms	112.5m <sup>2</sup>	18.9m <sup>2</sup>	Y	No	No	Yes
E665	1 bedroom	2 bedrooms	81.6m <sup>2</sup>	31m <sup>2</sup>	Y	No	No	Yes
E756	1 bedroom	2 bedrooms	88m <sup>2</sup>	20m <sup>2</sup>	Y	No	Yes	Yes
E759	Studio	1 bedroom	61.6m <sup>2</sup>	9.3m <sup>2</sup>	Y	No	No	Yes
E760	2 bedrooms	3 bedrooms	110.9m <sup>2</sup>	16.4m <sup>2</sup>	Y	No	No	Yes
E761	1 bedroom	2 bedrooms	83.5m <sup>2</sup>	14.4m <sup>2</sup>	Y	No	Yes	Yes
E856	1 bedroom	2 bedrooms	87.9m <sup>2</sup>	11m <sup>2</sup>	Y	No	Yes	Yes
E859	Studio	1 bedroom	61.7m <sup>2</sup>	11m <sup>2</sup>	Y	No	No	Yes
E860	2 bedrooms	3 bedrooms	110.7m <sup>2</sup>	17m <sup>2</sup>	Y	No	No	Yes
E861	1 bedroom	2 bedrooms	83.6m <sup>2</sup>	17m <sup>2</sup>	Y	No	Yes	Yes
E956	1 bedroom	2 bedrooms	87.9m <sup>2</sup>	11m <sup>2</sup>	Y	No	Yes	Yes
E958	2 bedrooms	3 bedrooms	102.6m <sup>2</sup>	14	Y	No	No	Yes
E960	2 bedrooms	3 bedrooms	110.7m <sup>2</sup>	17m <sup>2</sup>	Y	No	No	Yes
E961	1 bedroom	2 bedrooms	83.6m <sup>2</sup>	17m <sup>2</sup>	Y	No	Yes	Yes
E1056	1 bedroom	2 bedrooms	86.5m <sup>2</sup>	11m <sup>2</sup>	Y	No	Yes	Yes
E1059	2 bedrooms	3 bedrooms	110.7m <sup>2</sup>	17m <sup>2</sup>	Y	No	No	Yes
E1060	1 bedroom	2 bedrooms	83.4m <sup>2</sup>	17m <sup>2</sup>	Y	No	Yes	Yes
E1156	1 bedroom	2 bedrooms	85.6m <sup>2</sup>	11m <sup>2</sup>	Y	No	Yes	Yes
E1159	2 bedrooms	3 bedrooms	110.7m <sup>2</sup>	17m <sup>2</sup>	Y	No	No	Yes
E1160	1 bedroom	2 bedrooms	83.4m <sup>2</sup>	17m <sup>2</sup>	Y	No	Yes	Yes
E1256	1 bedroom	2 bedrooms	85.6m <sup>2</sup>	11m <sup>2</sup>	Y	No	Yes	Yes
E1259	2 bedrooms	3 bedrooms	110.7m <sup>2</sup>	17m <sup>2</sup>	Y	No	No	Yes
E1356	1 bedroom	2 bedrooms	86.5m <sup>2</sup>	11m <sup>2</sup>	Y	No	Yes	Yes
E1359	2 bedrooms	3 bedrooms	110.7m <sup>2</sup>	17m <sup>2</sup>	Y	No	No	Yes
E1360	1 bedroom	2 bedrooms	83.4m <sup>2</sup>	17m <sup>2</sup>	Y	No	Yes	Yes
E1456	1 bedroom	2 bedrooms	86.5m <sup>2</sup>	11m <sup>2</sup>	Y	No	Yes	Yes
E1459	2 bedrooms	3 bedrooms	110.7m <sup>2</sup>	17m <sup>2</sup>	Y	No	No	Yes
E1460	1 bedroom	2 bedrooms	83.4m <sup>2</sup>	17m <sup>2</sup>	Y	No	Yes	Yes
H147	1 bedroom	2 bedrooms	85.6m <sup>2</sup>	24m <sup>2</sup>	Y	No	No	Yes
H250	1 bedroom	2 bedrooms	85.6m <sup>2</sup>	12.4m <sup>2</sup>	Y	No	No	Yes
H252	1 bedroom	2 bedrooms	84.9m <sup>2</sup>	12.4m <sup>2</sup>	Y	No	No	Yes
H348	1 bedroom	2 bedrooms	88.1m <sup>2</sup>	17.6m <sup>2</sup>	Y	No	No	Yes
H349	Studio	1 bedroom	60m <sup>2</sup>	17.6m <sup>2</sup>	Y	No	No	Yes
H350	Studio	1 bedroom	58.9m <sup>2</sup>	17.6m <sup>2</sup>	Y	No	No	Yes



Unit No.	Approved Bedrooms	Proposed Bedrooms	Dwelling Size	Private Open Space	Cross Ventilation	Complies with DCP	Complies with RFDC	Complies with ADG
H351	Studio	1 bedroom	69.2m <sup>2</sup>	17.6m <sup>2</sup>	Y	No	Yes	Yes
H352	2 bedrooms	3 bedrooms	105m <sup>2</sup>	13.2m <sup>2</sup>	Y	No	No	Yes
H436	Studio	1 bedroom	58m <sup>2</sup>	17.6m <sup>2</sup>	Y	No	No	Yes
H440	1 bedroom	2 bedrooms	90.3m <sup>2</sup>	13.8m <sup>2</sup>	Y	No	No	Yes
H449	Studio	1 bedroom	60.4m <sup>2</sup>	17.6m <sup>2</sup>	Y	No	No	Yes
H450	Studio	1 bedroom	59.4m <sup>2</sup>	17.6m <sup>2</sup>	Y	No	No	Yes
H536	Studio	1 bedroom	58.9m <sup>2</sup>	17.6m <sup>2</sup>	Y	No	No	Yes
H539	1 bedroom	2 bedrooms	90.4m <sup>2</sup>	13.8m <sup>2</sup>	Y	No	No	Yes
H549	Studio	1 bedroom	60.4m <sup>2</sup>	17.6m <sup>2</sup>	Y	No	No	Yes
H550	Studio	1 bedroom	59.7m <sup>2</sup>	17.6m <sup>2</sup>	Y	No	No	Yes
H551	2 bedrooms	3 bedrooms	116.6m <sup>2</sup>	41m <sup>2</sup>	Y	No	No	Yes
H552	2 bedrooms	3 bedrooms	113.3m <sup>2</sup>	41.4m <sup>2</sup>	Y	No	No	Yes
H637	2 bedrooms	3 bedrooms	105.1m <sup>2</sup>	11m <sup>2</sup>		No	No	Yes
H639	1 bedroom	2 bedrooms	90.4m <sup>2</sup>	13m <sup>2</sup>	Y	No	No	Yes
H649	Studio	1 bedroom	61.2m <sup>2</sup>	6.8m <sup>2</sup>	Y	No	No	Yes
H650	Studio	1 bedroom	60m <sup>2</sup>	6.8m <sup>2</sup>	Y	No	No	Yes
H736	Studio	1 bedroom	58.2m <sup>2</sup>	118m <sup>2</sup>	Y	No	No	Yes
H749	Studio	1 bedroom	61.2m <sup>2</sup>	6.8m <sup>2</sup>	Y	No	No	Yes
H750	Studio	1 bedroom	60m <sup>2</sup>	6.8m <sup>2</sup>	Y	No	No	Yes
H838	Studio	1 bedroom	58.2m <sup>2</sup>	11m <sup>2</sup>	Y	No	No	Yes
H847	2 bedrooms	3 bedrooms	99.8m <sup>2</sup>	13.8m <sup>2</sup>		No	No	Yes
H849	Studio	1 bedroom	61.2m <sup>2</sup>	6.8m <sup>2</sup>	Y	No	No	Yes
H850	Studio	1 bedroom	60m <sup>2</sup>	6.8m <sup>2</sup>	Y	No	No	Yes
H936	Studio	1 bedroom	58.2m <sup>2</sup>	11m <sup>2</sup>	Y	No	No	Yes
H939	1 bedroom	2 bedrooms	90.4m <sup>2</sup>	13.8m <sup>2</sup>	Y	No	No	Yes
H949	Studio	1 bedroom	61.2m <sup>2</sup>	6.8m <sup>2</sup>	Y	No	No	Yes
H950	Studio	1 bedroom	60m <sup>2</sup>	6.8m <sup>2</sup>	Y	No	No	Yes
H1036	Studio	1 bedroom	58.2m <sup>2</sup>	11m <sup>2</sup>	Y	No	No	Yes
H1047	2 bedrooms	3 bedrooms	99.8	12m <sup>2</sup>		No	No	Yes
H1049	Studio	1 bedroom	61.2m <sup>2</sup>	11m <sup>2</sup>	Y	No	No	Yes
H1050	Studio	1 bedroom	60m <sup>2</sup>	11m <sup>2</sup>	Y	No	No	Yes
H1136	1 bedroom	2 bedrooms	82.2m <sup>2</sup>	10.9m <sup>2</sup>	Y	No	No	Yes
H1137	1 bedroom	2 bedrooms	81.6m <sup>2</sup>	10.9m <sup>2</sup>	Y	No	No	Yes
H1138	1 bedroom	2 bedrooms	90.9 m <sup>2</sup>	23 m <sup>2</sup>	Y	No	Yes	Yes
H1140	1 bedroom	2 bedrooms	90.3m <sup>2</sup>	13.8m <sup>2</sup>	Y	No	No	Yes
H1149	Studio	1 bedroom	61.2m <sup>2</sup>	6.8m <sup>2</sup>	Y	No	No	Yes
H1236	1 bedroom	2 bedrooms	82.2m <sup>2</sup>	10.9m <sup>2</sup>	Y	No	No	Yes
H1240	1 bedroom	2 bedrooms	90.3m <sup>2</sup>	13.8m <sup>2</sup>	Y	No	No	Yes
H1248	1 bedroom	2 bedrooms	88.7m <sup>2</sup>	16.3m <sup>2</sup>	Y	No	Yes	Yes
H1249	Studio	1 bedroom	61.2m <sup>2</sup>	6.8m <sup>2</sup>	Y	No	No	Yes
H1336	1 bedroom	2 bedrooms	82.2m <sup>2</sup>	10.9m <sup>2</sup>	Y	No	No	Yes
H1339	2 bedrooms	3 bedrooms	113.2m <sup>2</sup>	18.1m <sup>2</sup>	Y	No	No	Yes
H1340	1 bedroom	2 bedrooms	90.3m <sup>2</sup>	13.8m <sup>2</sup>	Y	No	No	Yes
H1436	1 bedroom	2 bedrooms	82.2m <sup>2</sup>	10.9m <sup>2</sup>	Y	No	No	Yes
H1437	1 bedroom	2 bedrooms	81.6m <sup>2</sup>	10.9m <sup>2</sup>	Y	No	No	Yes
H1438	1 bedroom	2 bedrooms	99.6m <sup>2</sup>	11m <sup>2</sup>	Y	No	Yes	Yes
H1440	1 bedroom	2 bedrooms	90.8m <sup>2</sup>	13.8m <sup>2</sup>	Y	No	No	Yes
J258	2 bedrooms	3 bedrooms	108.6m <sup>2</sup>	12.5m <sup>2</sup>	Y	No	No	Yes
J259	1 bedroom	2 bedrooms	89.4m <sup>2</sup>	53.2m <sup>2</sup>	Y	No	No	Yes
J260	1 bedroom	2 bedrooms	88.5m <sup>2</sup>	54.3m <sup>2</sup>	Y	No	No	Yes
J261	1 bedroom	2 bedrooms	85.6m <sup>2</sup>	37.5m <sup>2</sup>	Y	No	No	Yes
J262	Studio	1 bedroom	59.1m <sup>2</sup>	16.5m <sup>2</sup>	Y	No	No	Yes
J268	1 bedroom	2 bedrooms	103.9m <sup>2</sup>	35.6m <sup>2</sup>	Y	No	Yes	Yes
J357	1 bedroom	2 bedrooms	77.6m <sup>2</sup>	16.6m <sup>2</sup>	Y	No	No	Yes
J359	Studio	1 bedroom	75.2m <sup>2</sup>	11.6m <sup>2</sup>	Y	No	Yes	Yes

Unit No.	Approved Bedrooms	Proposed Bedrooms	Dwelling Size	Private Open Space	Cross Ventilation	Complies with DCP	Complies with RFDC	Complies with ADG
J366	2 bedrooms	3 bedrooms	108.6m <sup>2</sup>	35.6m <sup>2</sup>	Y	No	No	Yes
J365	Studio	1 bedroom	59.2m <sup>2</sup>	16.5m <sup>2</sup>	Y	No	No	Yes
J368	2 bedrooms	3 bedrooms	119.4m <sup>2</sup>	17.8m <sup>2</sup>	Y	No	No	Yes
J457	1 bedroom	2 bedrooms	86.8m <sup>2</sup>	16.2m <sup>2</sup>	Y	No	No	Yes
J459	Studio	1 bedroom	76.3m <sup>2</sup>	10.8m <sup>2</sup>	Y	No	Yes	Yes
J465	Studio	1 bedroom	62.9m <sup>2</sup>	14.4m <sup>2</sup>	Y	No	No	Yes
J467	Studio	1 bedroom	59.2m <sup>2</sup>	13.5m <sup>2</sup>	Y	No	No	Yes
J468	2 bedrooms	3 bedrooms	119.4m <sup>2</sup>	17.8m <sup>2</sup>	Y	No	No	Yes
J472	2 bedrooms	3 bedrooms	112.2m <sup>2</sup>	27.6m <sup>2</sup>	Y	No	No	Yes
J557	2 bedrooms	3 bedrooms	107.3m <sup>2</sup>	44m <sup>2</sup>	Y	No	No	Yes
J559	1 bedroom	2 bedrooms	90.2m <sup>2</sup>	38m <sup>2</sup>	Y	No	No	Yes
J560	1 bedroom	2 bedrooms	88.6m <sup>2</sup>	30m <sup>2</sup>	Y	No	No	Yes
J562	Studio	1 bedroom	59.1m <sup>2</sup>	13.5m <sup>2</sup>		No	No	Yes
J568	2 bedrooms	3 bedrooms	119.6m <sup>2</sup>	16.5m <sup>2</sup>	Y	No	No	Yes
J569	Studio	1 bedroom	64m <sup>2</sup>	24.5m <sup>2</sup>	Y	No	Yes	Yes
J658	2 bedrooms	3 bedrooms	108.8m <sup>2</sup>	20m <sup>2</sup>	Y	No	No	Yes
J659	2 bedrooms	3 bedroom	117.4m <sup>2</sup>	17.5m <sup>2</sup>	Y	No	No	Yes
J660	Studio	1 bedroom	72m <sup>2</sup>	24.5m <sup>2</sup>	Y	No	No	Yes
J661	2 bedrooms	3 bedrooms	110.5m <sup>2</sup>	24.5m <sup>2</sup>	Y	No	Yes	Yes
J662	1 bedroom	2 bedrooms	83m <sup>2</sup>	17m <sup>2</sup>	Y	No	No	Yes
J663	Studio	1 bedroom	59.9m <sup>2</sup>	18.5m <sup>2</sup>	Y	No	No	Yes
J670	Studio	1 bedroom	59.9m <sup>2</sup>	13.5m <sup>2</sup>	Y	No	No	Yes
J671	Studio	1 bedroom	65.1m <sup>2</sup>	14.5m <sup>2</sup>	Y	No	Yes	Yes
J673	2 bedrooms	3 bedrooms	115.1m <sup>2</sup>	13.8m <sup>2</sup>	Y	No	No	Yes
J760	Studio	1 bedroom	72m <sup>2</sup>	12.8m <sup>2</sup>	Y	No	Yes	Yes
J761	2 bedroom	3 bedrooms	110.4m <sup>2</sup>	22.3m <sup>2</sup>	Y	No	Yes	Yes
J762	Studio	1 bedroom	58.2m <sup>2</sup>	15m <sup>2</sup>	Y	No	No	Yes
J763	Studio	1 bedroom	59.9 m <sup>2</sup>	18.2m <sup>2</sup>		No	No	Yes
J768	Studio	1 bedroom	64.8m <sup>2</sup>	14.8m <sup>2</sup>	Y	No	Yes	Yes
J769	2 bedrooms	3 bedrooms	119.4m <sup>2</sup>	17.8m <sup>2</sup>	Y	No	No	Yes
J770	Studio	1 bedroom	59.9m <sup>2</sup>	12m <sup>2</sup>	Y	No	No	Yes
J771	Studio	1 bedroom	65.1m <sup>2</sup>	15m <sup>2</sup>	Y	No	Yes	Yes
J858	2 bedrooms	3 bedrooms	108.5m <sup>2</sup>	17.8m <sup>2</sup>	Y	No	No	Yes
J859	2 bedrooms	3 bedrooms	117.5m <sup>2</sup>	16m <sup>2</sup>	Y	No	No	Yes
J860	Studio	1 bedroom	72m <sup>2</sup>	11.7m <sup>2</sup>	Y	No	Yes	Yes
J861	2 bedrooms	3 bedrooms	110.4m <sup>2</sup>	24m <sup>2</sup>	Y	No	No	Yes
J862	1 bedroom	2 bedrooms	83m <sup>2</sup>	15.2m <sup>2</sup>	Y	No	No	Yes
J863	Studio	1 bedroom	59.9m <sup>2</sup>	18.3m <sup>2</sup>	Y	No	No	Yes
J868	Studio	1 bedroom	64.8m <sup>2</sup>	15m <sup>2</sup>	Y	No	Yes	Yes
J869	2 bedrooms	3 bedrooms	119.4m <sup>2</sup>	17.8m <sup>2</sup>	Y	No	No	Yes
J870	Studio	1 bedroom	59.9m <sup>2</sup>	12m <sup>2</sup>	Y	No	No	Yes
J871	Studio	1 bedroom	65.1m <sup>2</sup>	15m <sup>2</sup>	Y	No	Yes	Yes
J872	2 bedrooms	3 bedrooms	116.6m <sup>2</sup>	21m <sup>2</sup>	Y	No	No	Yes
J960	Studio	1 bedroom	72m <sup>2</sup>	11.7m <sup>2</sup>	Y	No	Yes	Yes
J961	2 bedrooms	3 bedrooms	110.4m <sup>2</sup>	22.3m <sup>2</sup>	Y	No	No	Yes
J962	1 bedroom	2 bedrooms	83m <sup>2</sup>	15.2m <sup>2</sup>	Y	No	No	Yes
J963	Studio	1 bedroom	59.9m <sup>2</sup>	18.3m <sup>2</sup>	Y	No	No	Yes
J968	Studio	1 bedroom	64.8	15m <sup>2</sup>		No	Yes	Yes
J969	2 bedrooms	3 bedrooms	119.4m <sup>2</sup>	17.8m <sup>2</sup>	Y	No	No	Yes
J970	Studio	1 bedroom	59.9m <sup>2</sup>	12m <sup>2</sup>	Y	No	No	Yes
J971	Studio	1 bedroom	65.1m <sup>2</sup>	15m <sup>2</sup>	Y	No	Yes	Yes
J972	2 bedrooms	3 bedrooms	116.6m <sup>2</sup>	21m <sup>2</sup>	Y	No	No	Yes
J1059	2 bedrooms	3 bedrooms	117.5m <sup>2</sup>	16m <sup>2</sup>	Y	No	No	Yes
J1060	Studio	1 bedroom	72m <sup>2</sup>	11.7m <sup>2</sup>	Y	No	Yes	Yes
J1061	2 bedrooms	3 bedrooms	110.4m <sup>2</sup>	24m <sup>2</sup>	Y	No	No	Yes

Unit No.	Approved Bedrooms	Proposed Bedrooms	Dwelling Size	Private Open Space	Cross Ventilation	Complies with DCP	Complies with RFDC	Complies with ADG
J1062	1 bedroom	2 bedrooms	83m <sup>2</sup>	15.2m <sup>2</sup>	Y	No	No	Yes
J1063	Studio	1 bedroom	59.9m <sup>2</sup>	18.3m <sup>2</sup>	Y	No	No	Yes
J1068	Studio	1 bedroom	64.8m <sup>2</sup>	15m <sup>2</sup>	Y	No	Yes	Yes
J1069	2 bedrooms	3 bedrooms	119.5m <sup>2</sup>	17.8m <sup>2</sup>	Y	No	No	Yes
J1070	Studio	1 bedroom	59.9m <sup>2</sup>	12m <sup>2</sup>	Y	No	No	Yes
J1071	Studio	1 bedroom	65.1m <sup>2</sup>	15m <sup>2</sup>	Y	No	Yes	Yes
J1159	2 bedrooms	3 bedrooms	117.5m <sup>2</sup>	16m <sup>2</sup>	Y	No	No	Yes
J1160	Studio	1 bedroom	72m <sup>2</sup>	11.7m <sup>2</sup>	Y	No	Yes	Yes
J1163	Studio	1 bedroom	59.9m <sup>2</sup>	18.3m <sup>2</sup>	Y	No	No	Yes
J1168	Studio	1 bedroom	64.8m <sup>2</sup>	15m <sup>2</sup>	Y	No	Yes	Yes
J1169	2 bedrooms	3 bedrooms	119.4m <sup>2</sup>	17.8m <sup>2</sup>	Y	No	No	Yes
J1170	Studio	1 bedroom	59.9m <sup>2</sup>	12m <sup>2</sup>	Y	No	No	Yes
J1171	Studio	1 bedroom	65.1m <sup>2</sup>	15m <sup>2</sup>	Y	No	Yes	Yes
J1260	Studio	1 bedroom	72m <sup>2</sup>	11.7m <sup>2</sup>	Y	No	Yes	Yes
J1262	1 bedroom	2 bedrooms	83m <sup>2</sup>	14.8m <sup>2</sup>	Y	No	No	Yes
J1263	Studio	1 bedroom	59.9m <sup>2</sup>	18.3m <sup>2</sup>	Y	No	No	Yes
J1268	Studio	1 bedroom	64.8m <sup>2</sup>	15m <sup>2</sup>		No	Yes	Yes
J1269	2 bedrooms	3 bedrooms	119.4m <sup>2</sup>	17.8m <sup>2</sup>	Y	No	No	Yes
J1270	Studio	1 bedroom	59.9m <sup>2</sup>	12m <sup>2</sup>	Y	No	No	Yes
J1271	Studio	1 bedroom	65.1m <sup>2</sup>	15m <sup>2</sup>	Y	No	Yes	Yes
J1360	Studio	1 bedroom	72m <sup>2</sup>	11.7m <sup>2</sup>	Y	No	Yes	Yes
J1362	1 bedroom	2 bedrooms	83m <sup>2</sup>	14.8m <sup>2</sup>	Y	No	No	Yes
J1363	Studio	1 bedroom	59.9m <sup>2</sup>	18.3m <sup>2</sup>	Y	No	No	Yes
J1368	Studio	1 bedroom	64.8m <sup>2</sup>	15m <sup>2</sup>		No	Yes	Yes
J1369	2 bedrooms	3 bedrooms	119.4m <sup>2</sup>	17.8m <sup>2</sup>	Y	No	No	Yes
J1370	Studio	1 bedroom	59.9m <sup>2</sup>	12m <sup>2</sup>	Y	No	No	Yes
J1371	Studio	1 bedroom	65.1m <sup>2</sup>	15m <sup>2</sup>	Y	No	Yes	Yes
J1457	2 bedrooms	3 bedrooms	107.7m <sup>2</sup>	22.9m <sup>2</sup>		No	No	Yes
J1458	2 bedrooms	3 bedrooms	108.5m <sup>2</sup>	18.1m <sup>2</sup>		No	No	Yes
J1459	2 bedrooms	3 bedrooms	117.5m <sup>2</sup>	16.4m <sup>2</sup>	Y	No	No	Yes
J1460	Studio	1 bedroom	72m <sup>2</sup>	11m <sup>2</sup>		No	Yes	Yes
J1461	2 bedrooms	3 bedrooms	110.6m <sup>2</sup>	21.5m <sup>2</sup>		No	No	Yes
J1462	1 bedroom	2 bedrooms	83m <sup>2</sup>	14.8m <sup>2</sup>	Y	No	No	Yes
J1468	Studio	1 bedroom	64.8m <sup>2</sup>	15m <sup>2</sup>		No	Yes	Yes
J1469	2 bedrooms	3 bedrooms	119.4m <sup>2</sup>	17.8m <sup>2</sup>	Y	No	No	Yes
J1470	Studio	1 bedroom	59.9m <sup>2</sup>	12m <sup>2</sup>	Y	No	No	Yes
J1471	Studio	1 bedroom	65.1m <sup>2</sup>	15m <sup>2</sup>	Y	No	Yes	Yes