

SYDNEY CENTRAL PLANNING PANEL SUPPLEMENTARY REPORT

Panel Reference	2016SYE007
DA Number	DA-15/191
LGA	Bayside Council
Proposed Development	<p>Stage 1 Masterplan Application for the consolidation of 16 Lots (Lots 11-26 DP 29697) to create the subject site with a combined area of 12,602sqm to accommodate:</p> <ul style="list-style-type: none"> • Four x eight (8) storey commercial towers with a total GFA of 37,805sqm; • 3 levels (two levels above ground and one level partially below ground) of car parking for 473 vehicles, 43 bicycles and 4 loading bays under a landscaped podium; • Extensive landscaping of 8,605sqm including ground level setbacks, green façade, podium level landscaped area and green roof; • A pedestrian overpass linking the podium level on either side of the cul-de-sac at the end of Chalmers Crescent.
Street Address	7-9, 14-18 and 19-21 Chalmers Crescent, Mascot
Applicant/Owner	F Mayer (Imports) Pty Ltd C/- Neustein Urban
Date of DA lodgement	19 October 2015
Number of Submissions	Nil
Recommendation	Approval, subject to conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	The application is referred to the JRPP pursuant to Clause 3 of Schedule 4A of the Act as the Capital Investment Value (CIV) of the proposal is over \$20 million. Masterplan proposal with a CIV of \$113,700,000.00
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning & Assessment Act 1979, Part 4 – Development Assessment & Schedule 4A – Development for which regional panels may be authorized to exercise consent authority functions of councils <ul style="list-style-type: none"> • Part 4 Division 2A – Special procedures concerning staged Development Applications • Environmental Planning & Assessment Regulation 2000, Part 6 – Procedures relating to development applications • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 55 – Remediation • Botany Bay Local Environmental Plan 2013 • Botany Bay Development Control Plan 2013
List all documents submitted with this report for the Panel's	<ul style="list-style-type: none"> • No reports or documentation provided with the Supplementary report

consideration	
Report prepared by	Angela Lazaridis – Senior Development Assessment Officer
Report date	13 February 2017

RESPONSE TO THE PANELS' DEFERRAL AND THE APPLICANTS' SUBMISSION

On 19 January 2017, the Panel resolved to defer the determination of the proposal until evidence of Owner's Consent for the development application is presented to the Panel or evidence of ownership of the road encased within the proposed site area has been granted. Council has provided owner's consent for the development application therefore this satisfies the Panel's concerns relating to the matter. The applicant is now free to commence discussions with Council relating to the purchase of the eastern portion of Chalmers Crescent that is contained within the proposed site area.

The secondary request by the Panel related to the amendment of conditions to delete those requiring owners consent prior to Stage 2 and also to remove any specific reference to numerical staging and to draft the conditions in terms of "future DAs shall...". The conditions that have been modified include Condition Nos. 2, 6, 7(a), 7(c), 7(h), 12, 16, 17, 17(c), 22(b) and 29(a) and these have been modified to delete any reference of Stage 2 consent. This now satisfies the Panels' reason for deferral and has been accepted by the applicant.

On 6 February 2017, Council received a submission from the applicant in response to the draft Schedule of Consent Conditions within the Supplementary Planning Assessment Report submitted to the Panel. The applicant's submission details the proposed changes to conditions that were agreed upon prior to the determination meeting of 19 January however were not adopted in the draft conditions of consent (Condition Nos. 5, 7(d), 13, 14(b), 15, 20(a), 21(b) and 26) in addition to minor amendments to Condition Nos. 22(b) and 33(a) that have recently come to light. Council agrees with the amendment of Condition No. 22(b) which relates to traffic management of the Kent and Coward Street intersection. Deletion of Condition No. 33(a) relating to any future pedestrian crossing is not supported by Council and is discussed below.

Condition No. 33(a):

Condition No. 33(a) was a condition imposed by RMS and relates to any future pedestrian crossings along Coward Street. It is acknowledged that the wording of the condition is more of a comment than a condition to prevent any pedestrian crossing being constructed along Coward Street to link the subject site with surrounding streets and Mascot Train Station. As the condition was imposed by RMS and not by Council, the condition is to remain within the consent unless RMS advises Council otherwise. As it is an advisory note rather than a condition, the words "Advisory Note:" has been included at the front of the condition.

The remaining conditions have been discussed with the applicant who has accepted Council's position. For further detail, Table 1 sets out the original condition, the Panel's objection and Council's response. Table 2 sets out the original condition, the Applicant's objection and Council's response. These have been reviewed by the applicant who is satisfied with the final changes.

Table 1. Summary of changes to address Panel's concerns

Original Condition	Panels' Objection	Council response
<p>2: Prior to the determination of any Stage 2 or subsequent Development Applications, the applicant shall consult/negotiate and obtain agreement from Bayside Council, as land owner of the roadway, regarding any proposed purchase or lease of any part of the roadway to enable the development to be carried out.</p>	<p>Delete reference to numerical staging (i.e. Stage 2) and replace with "future DAs".</p>	<p>Agreed. Condition has been amended as follows: 'Prior to the determination of any future Development Applications, the applicant shall consult/negotiate and obtain agreement from Bayside Council, as land owner of the roadway, regarding any proposed purchase or lease of any part of the roadway to enable the development to be carried out.'</p>
<p>6: Separate Stage 2 and future development consent shall be sought for demolition of any structures and any civil and built development. Remediation of the site will be Category 2 under SEPP 55, and development consent is not required, but remediation will need to be completed prior to the construction for any building in the relevant Stage.</p>	<p>Delete reference to numerical staging (i.e. Stage 2) and replace with "future DAs".</p>	<p>Agreed. Condition has been amended as follows: 'Separate development consent shall be sought for demolition of any structures and any civil and built development. Remediation of the site will be Category 2 under SEPP 55, and development consent is not required, but remediation will need to be completed prior to the construction for any building in the relevant Stage.'</p>
<p>7(a), (c), (h): (a) Within one month of the date of the issue of the operational consent, and prior to the lodgement of the first development application for Stage 2 of the site for buildings and prior to the lodgement of any section 96 application to modify this consent...</p>	<p>Delete reference to numerical staging (i.e. Stage 2) and replace with "future DAs".</p>	<p>Agreed. Conditions have been amended as follows: 'Within one month of the date of the issue of the operational consent, and prior to the lodgement of the first development application for the site for buildings and prior to</p>

<p>(c) Future Stage 2 development applications will also have a covenant in the above terms placed on any future development consent for those applications.</p> <p>(f) This restriction shall cease to exist and the Council will consent to the removal of this restriction from the title following the issue of the final occupation certificate for the last Stage 2 Development Application and the covenant is not required to be transferred onto lots within any future strata plans.</p>		<p>the lodgement of any section 96 application to modify this consent...'</p> <p>(c) Future development applications will also have a covenant in the above terms placed on any future development consent for those applications.</p> <p>(f) This restriction shall cease to exist and the Council will consent to the removal of this restriction from the title following the issue of the final occupation certificate for the last Development Application and the covenant is not required to be transferred onto lots within any future strata plans.'</p>
<p>12: The following applies to plant rooms and lift overruns for Stage 2 and future development...</p>	<p>Delete reference to numerical staging (i.e. Stage 2) and replace with "future DAs".</p>	<p>Agreed. Condition has been amended as follows: 'The following applies to plant rooms and lift overruns for future development...'</p>
<p>16: In all future Stage 2 and future development applications for buildings, each car parking structure/level shall be designed in accordance with Part 3A Parking and Access and Part 6.3.6 of the Botany Bay DCP 2013....</p>	<p>Delete reference to numerical staging (i.e. Stage 2) and replace with "future DAs".</p>	<p>Agreed. Condition has been amended as follows: 'In all future development applications for buildings, each car parking structure/level shall be designed in accordance with Part 3A Parking and Access and Part 6.3.6 of the Botany Bay DCP 2013...'</p>
<p>17, 17(c): The Stage 2 and future development applications shall include a report addressing (c) Any new electrical</p>	<p>Delete reference to numerical staging (i.e. Stage 2) and replace with "future DAs".</p>	<p>Agreed. Condition has been amended as follows: 'Future development applications shall include a report</p>

substation/s and fire hydrants required to be provided, shall be identified in the future Stage 2 and subsequent development applications. These are to be integrated into the building and suitably screened.		addressing: ... (c) Any new electrical substation/s and fire hydrants required to be provided, shall be identified in the future development applications . These are to be integrated into the building and suitably screened. They must not be positioned in the street setback unless using existing facilities which must be screened. The location and treatment of these utilities shall be shown on the detailed landscape plan for each development stage.'
22(b): The signalised intersection at Kent Rd and Coward St will need to be upgraded prior to the commencement of any construction works as part of this development under Stage 2.	Delete reference to numerical staging (i.e. Stage 2) and replace with "future DAs".	Agreed. Condition has been amended as required by the Panel and further amended in agreeance with the Applicant's wording as follows: 'If the signalised intersection at Kent Road and Coward Street is the subject of increased traffic flows above existing conditions shown in the report of Transport and Urban Planning Pty Ltd of 7 March 2016, upgrading works will be agreed between Council and the applicant. Such works are to be completed before the commencement of the building works approved as part of any future development consent .'
29(a): Every future Stage 2 and later development application is to provide a report prepared by a	Delete reference to numerical staging (i.e. Stage 2) and replace with "future DAs".	Agreed. Condition has been amended as follows: 'Every future

qualified Geotechnical Engineer that models the consequences of lower ground car parking level construction of the development will have on groundwater flow, flooding of the locality, building stability including buildings nearby to the development site and groundwater levels;		development application is to provide a report prepared by a qualified Geotechnical Engineer that models the consequences of lower ground car parking level construction of the development will have on groundwater flow, flooding of the locality, building stability including buildings nearby to the development site and groundwater levels;'
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Table 2. Summary of changes to address Applicant's objections

Original Condition	Applicants' Objection	Council response
5: This consent relates to land in Lots 11-26 in DP 29697, as such, building works must not encroach on to adjoining lands or other public places. (road purchase)	The applicant has responded with the following: 'Needs to be subject to purchase of road as the condition is very specific to the lots we already own and appear to exclude the roadway purchase'.	Agreed. Council has amended the condition by including 'other than with consent being granted by Council to include the road within the site' to the end of the condition.
7(d): The purpose of this covenant is to ensure that all future owners of the land, who might not otherwise be aware, are on notice that Council has already given concessions resulting in the development being in excess of the relevant controls relating to GFA, FSR, building height and car parking.	The applicant has responded with the following: 'Remove mention of FSR and GFA as project is compliant and no concession has been made.'	Agreed. Council has reworded the condition as follows: 'The purpose of this covenant is to ensure that all future owners of the land, who might not otherwise be aware, are on notice that compliance with the GFA and FSR relies upon the inclusion of that part of the road as referenced within Plan DA-100 Rev L/A and Plan DA-140 Rev K and that Council has already agreed to concessions resulting in the development being in excess of the relevant controls relating to building height and car

		parking.'
13: Floor to floor heights to be 6 metres for retail uses and minimum 3.6 metres for commercial uses.	The applicant has responded with the following: 'Reduce general floor to floor height to 3.55m from 3.6m. The slightly lower floor-to-floor height is needed to meet the overall height restriction. The ground level lobbies (not retail) could have a minimum height of 6.0m. (There is no inherent need for any retail to have a floor to floor height greater than 3.6m).	Agreed. The condition has been amended as provided by the applicant.
14(b): All commercial buildings are to have individual entries on all frontages and provide activation at the podium level;	The applicant has responded with the following: Replace with 'All four buildings are to have entries at both ground and podium levels facing Chalmers Crescent. At podium level, the buildings are to have active uses such as cafes, childcare centres and other retail uses'.	Agreed. The condition has been amended as provided by the applicant.
15: The approved car parking rates for residential uses shall be in accordance with Table 4.	The applicant has responded with the following: 'Remove the words "for residential uses" as this is not a residential DA'.	Agreed. The condition has been amended as provided by the applicant.
20(a): Disabled car parking spaces shall be provided and clearly marked as per Australian Standards AS 2890.6, SEPP 65 ADG and Council requirements, and;	The applicant has responded with the following: 'Remove the words "SEPP 65 ADG" as this is not a residential DA.'	Agreed. The condition has been amended as provided by the applicant.
21(b): A new stormwater pit and pipe system shall be constructed for the entire length of Chalmers Crescent and connect to the existing Council stormwater pit on Kent Road,	The applicant has responded with the following: 'Reword condition as "A new drainage pit and pipe system shall be provided in Chalmers Crescent to service the development as depicted on the submitted stormwater plans". The system extends from the subject property west along Chalmers Crescent to Kent Road but not east within the car park podium on the site of the existing Chalmers Crescent.'	Agreed. Council has reworded the condition as follows: 'A new drainage pit and pipe system shall be provided in Chalmers Crescent to service the development as depicted on the submitted stormwater concept plans prepared by S&G Consultants Pty Limited Rev C dated 14 August 2015.'

22(b): The signalised intersection at Kent Rd and Coward St will need to be upgraded prior to the commencement of any construction works as part of this development under Stage 2.	The applicant has responded with the following: 'Modify condition as follows: "if the signalized intersection at Kent Road and Coward Street is the subject of increased traffic flows above existing conditions shown in the report of Transport and Urban Planning Pty Ltd of 07 March 2016, upgrading works will be agreed between Council and the applicant. Such works are to be completed before the commencement of the building works approved as part of any Stage 2 development consent."	Agreed. The condition is to be amended as provided by applicant however rather than quote Stage 2 development consent, the condition has been worded to state 'as part of any future development consent'.
26: A Future traffic study is required to incorporate and model the capacity of the Kent Road, Chalmers St intersection due to the intensification and of the AM and PM traffic movements and the change in the traffic composition.	The applicant has responded with the following: 'A future traffic study is required to incorporate the traffic generated by the proposal and model the capacity of the Kent Road/Chalmers Crescent intersection having regard to possible changes in traffic numbers and composition, especially at AM and PM peaks'.	Agreed. The condition has been amended as provided by the applicant.
33(a): Any pedestrian crossing across the eastern leg of Coward Street based on the TMAP concept would reduce the capacity of the intersection, due to the need to provide extended red arrow protection for this crossing and therefore this crossing may not be adopted by RMS.	Condition No. 33(A) is not a condition, but a comment by RMS. As the RMS will have the final say on the future design of any changes/improvements to the Kent Road/Coward Street intersection, it can be deleted.	Do not agree. Council does not support the deletion of this condition. The condition is to remain unless RMS advises Council otherwise. The words "Advisory Note:" have been included in front of paragraph.

7-9, 14-18 AND 19-21 CHALMERS CRESCENT, MASCOT

SCHEDULE OF CONDITIONS OF CONSENT

GENERAL CONDITIONS

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

Table 1:

Drawing No.	Author	Dated Received
DA-010 Site Plan Rev K	Conrad Gargett Riddel Ancher Mortlock Woolley	Dated 21 July 2015 Received 19 October 2015
DA-100 Ground Floor and Lower Ground Floor Plan- Car Park Rev L/A		Dated 8 September 2015 Received 20 December 2016
DA-101 Level 1 and Upper Ground Floor Plan Car Park Rev L/A		Dated 8 September 2015 Received 20 December 2016
DA-102 Level 1a Floor Plan Car Park Rev L/A		Dated 8 September 2015 Received 20 December 2016
DA-103 Level 2 Floor Plan – Podium Office/Retail Rev K		Dated 21 July 2015 Received 19 October 2015
DA-105 Typical Floor Plan- Office Rev K		Dated 21 July 2015 Received 19 October 2015
DA-107 Roof Level Plan Rev K		Dated 21 July 2015 Received 19 October 2015
DA-200 West and South Elevations Rev K		Dated 21 July 2015 Received 19 October 2015
DA-201 East and North Elevations Rev K		Dated 21 July 2015 Received 19 October 2015
DA-300 Section A-A and Section B-B Rev K		Dated 21 July 2015 Received 19 October 2015
LA01 Landscape Ground Floor Plan Rev D	Taylor Brammer Landscape Architects Pty Ltd	Dated 24 July 2015 Received 19 October 2015
LA02 Landscape Podium Plan Rev D		Dated 24 July 2015 Received 19 October 2015
LA03 Landscape Roof Plan and Bridges Rev D		Dated 23 July 2015 Received 19 October 2015
LA04 Landscape Section and Plant Schedule Rev D		Dated 23 July 2015 Received 19 October 2015
C100 Rev C- Site Plan	SGC Consultants Pty Limited	Dated 14 August 2015 Received 19 October 2015
C101 Rev C- Bulk Earthworks Plan		Dated 14 August 2015 Received 19 October 2015
C102 Rev C- Stormwater Concept Plan- Site Plan Sheet 1 of 2		Dated 14 August 2015 Received 19 October 2015
C103 Rev C- Stormwater Concept Plan- Site Plan		Dated 14 August 2015 Received 19 October 2015

Sheet 2 of 2		
C104 Rev C- Stormwater Concept Plan Details Sheet		Dated 14 August 2015 Received 19 October 2015
C105 Rev C- Soil and Water Management Site Plan and Details		Dated 14 August 2015 Received 19 October 2015
Ref: 28223DT- Survey Plan	Harrison Friedmann and Associates Pty Ltd	Dated 26 June 2009

Reference Document(s)	Author	Dated Received
Ref. 14108r- Assessment of Transport and Traffic Impacts	Transport and Urban Planning Pty Ltd	Dated 25 June 2015 Received 19 October 2015
Ref: 14108L3- Addendum to Traffic Report Rev L- Transport, Traffic and Parking Impacts	Transport and Urban Planning Pty Ltd	Dated 7 March 2016 Received 29 March 2016
Job No.: 60519343- Phase I ESA	AECOM	Dated 18 October 2016 Received 5 December 2016
Ref: 2013.0230-L03- Stormwater Addendum Letter	SGC Consultants Pty Limited	Dated 23 July 2015 Received 19 October 2015
Project No. 13076- Rev C- Hydraulics and Fire Protection Services	Michael Frost and Associates Pty Ltd	Dated 20 July 2015 Received 19 October 2015
Statement of Environmental Effects	Neustein Urban Planning and Design	Dated September 2015 Received 19 October 2015

2. Prior to the determination of any future Development Applications, the applicant shall consult/negotiate and obtain agreement from Bayside Council, as land owner of the roadway, regarding any proposed purchase or lease of any part of the roadway to enable the development to be carried out.
3. This concept approval does not grant consent for any consolidation, demolition, remediation, excavation or building works. This concept approval is limited to approval for the massing, modulation, overall siting and setbacks, maximum height of buildings, maximum gross floor area, uses, maximum floor space ratio and minimum car parking provisions.
4. Section 94 Contributions are required to be paid in accordance with Council's Section 94 Contributions Plan current as at the time of lodgement of future development application for building works, or as stated in the Plan.
5. This consent relates to land in Lots 11-26 in DP 29697, as such, building works must not encroach on to adjoining lands or other public places other than with consent being granted by Council to include the road within the site.
6. Separate development consent shall be sought for demolition of any structures and any civil and built development. Remediation of the site will be Category 2 under SEPP 55, and development consent is not required, but remediation will need to be completed prior to the construction for any building in the relevant Stage.
7. Restrictive covenant

- a) Within one month of the date of the issue of the operational consent, and prior to the lodgement of the first development application for the site for buildings and prior to the lodgement of any section 96 application to modify this consent, whichever occurs first, a restrictive covenant is to be registered on title that burdens the development site land and is enforceable by Council (Council to be the prescribed authority imposing the covenant) in accordance with section 88E of the Conveyancing Act 1919.

- b) The terms of the covenant shall be as follows:

“without limiting any rights available under the Environmental Planning and Assessment Act 1979, any future development on the land must not be undertaken, without the approval of the Council, that would result in:

- i) An exceedance in the GFA and FSR for any building on the land from the maximum allowable density as set out at Condition 7 Table 2 “GFA and FSR” other than for a tolerance for construction variation to a maximum of 2000 square metres of GFA/corresponding FSR for the entire development;*
- ii) An exceedance in the height for any building on the land from the maximum allowable building height as set out at Condition 9 Table 3 “Building Height”;*
- iii) A car parking rate that is less than the minimum allowable parking rates as set out at Condition 14 Table 4 “Car Parking Provision”;*

In the development consent DA2015/191 (as amended from time to time).”

- c) Future development applications will also have a covenant in the above terms placed on any future development consent for those applications.
- d) The purpose of this covenant is to ensure that all future owners of the land, who might not otherwise be aware, are on notice that compliance with the GFA and FSR relies upon the inclusion of that part of the road as referenced within Plan DA-100 Rev L/A and Plan DA-140 Rev K and that Council has already agreed to concessions resulting in the development being in excess of the relevant controls relating to building height and car parking..
- e) The covenant is to run with the land. The covenant is to be placed on the title at no cost to the Council.
- f) This restriction shall cease to exist and the Council will consent to the removal of this restriction from the title following the issue of the final occupation certificate for the last Development Application and the covenant is not required to be transferred onto lots within any future strata plans.

Note: Condition No. 9 does not permit the variance of GFA, FSR from the maximum stated in Table 2; or variance from the maximum Building Height from the maximum stated in Table 3. Any variation within the terms of the covenant must be justified where necessary via a clause 4.6 variation and agreed to by the consent authority. This condition only varies the wording of the covenant condition to allow for future variations due to construction requirements, within the terms of the covenant. All variations will still need to be addressed on merit. Council will not unreasonably withhold agreement to modify the covenant for more substantive changes following merit based assessment.

GFA and FSR

8. Future development must not be inconsistent with the maximum GFA and FSR for the site as shown in Table 2:

Table 2: GFA and FSR

Gross Floor Area and FSR across site	
Total GFA	37,805sqm
Proposed FSR	3:1

9. Where there is a difference between the maximum FSR specified in Table 2 and the approved building envelope for each building, the FSR shall be the lesser of the possible FSR within the envelope or that shown in Table 2.

Building Envelopes and Heights

10. The maximum approved building heights as depicted in DA-200 West and South Elevations Rev K and DA-201 East and North Elevations Rev K prepared by Conrad Gargett Riddel Ancher Mortlock Wolley dated 21 July 2015, as shown in Table 3.

Table 3: Building Height

Height of Buildings	
	Height (metres and RL)
Building 1	46.4 metres (RL 51.00AHD) (top of lift overrun/plant cores) 44 metres (RL 48.6 AHD) (top of building and balustrade)
Building 2	46.4 metres (RL 51.00AHD) (top of lift overrun/plant cores) 44 metres (RL 48.6 AHD) (top of building and balustrade)
Building 3	46.4 metres (RL 51.00AHD) (top of lift overrun/plant cores) 44 metres (RL 48.6 AHD) (top of building and balustrade)
Building 4	46.4 metres (RL 51.00AHD) (top of lift overrun/plant cores) 44 metres (RL 48.6 AHD) (top of building and balustrade)

11. The maximum height of the podium must be in accordance with DA-200 West and South Elevations Rev K and DA-201 East and North Elevations Rev K dated 21 July 2015.
12. The following applies to plant rooms and lift overruns for future development:
- All plant rooms and lift overruns are to be no more than 2.4 metres in height beyond the habitable building height specified in Condition 9 (Table 3) above.
 - All plant rooms and lift overruns shall be integrated into the roof form of the building and suitably architecturally screened.
 - No habitable areas shall be permitted above the maximum building heights shown in Condition 9 (Table 3).

13. Floor to floor heights to be 6 metres for retail uses and minimum 3.55 metres for commercial uses.
14. General design issue arising from the Stage 1 Development that affect the exterior of the building that need to be addressed in detail in the future Development Applications include:
- a) Precise design details of the facades including details of the finishing materials to be used to achieve a harmonious relationship in terms of materials, fenestration, proportions of elements and patterning of the façade. This includes a detailed materials schedule and sample board that clearly identified all external finishes and colours and glazing;
 - b) All four buildings are to have entries at both ground and podium levels facing Chalmers Crescent. At podium level, the buildings are to have active uses such as cafes, childcare centres and other retail uses;
 - c) All roof top plant and associated equipment shall be located within the approved building envelope, which includes roof-top plants, lift overruns, parapets and screening devices; and
 - d) Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access and Mobility DCP 2013.

Car Parking

15. The approved car parking rates for the development shall be in accordance with Table 4.

Table 4: Car parking provisions

Car Parking	
	Car parking spaces
Total car parking spaces	473

16. In all future development applications for buildings, each car parking structure/level shall be designed in accordance with Part 3A Parking and Access and Part 6.3.6 of the Botany Bay DCP 2013; including and limited to the provision for a 4.5 metre headroom and sufficient turning area for a waste collection and service vehicles to enter and leave the site in a forward direction and compliance with AS2890.

Environmental Design

17. Future development applications shall include a report addressing:
- a) AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction;
 - b) The report must be prepared by a suitably qualified practicing professional Acoustical Consultant. A report must be prepared and submitted with each development application and the building plans endorsed with the required acoustical measures;

- c) Any new electrical substation/s and fire hydrants required to be provided, shall be identified in the future development applications. These are to be integrated into the building and suitably screened. They must not be positioned in the street setback unless using existing facilities which must be screened. The location and treatment of these utilities shall be shown on the detailed landscape plan for each development stage.
- d) Access points along the northern- eastern boundary of the site are to be retained should consent from the neighbouring properties be provided for a pedestrian site link to the north of the site (to Coward Street).

Engineering Matters

18. The following Australian Standard needs to be adhered to in the detail design phase of the development. These sections will need to be submitted to and approved by Council:
 - a) All driveways/access ramps/vehicular crossings shall conform to Australian Standards AS 2890.1 and Council requirements; and
 - b) Demonstrate compliance with Section 3.4 of AS2890.1 in relation to queue length area at driveway entrance.
19. The following Australian Standard needs to be adhered to in the detail design phase of the development. These sections will need to be submitted to and approved by Council:
 - a) All service vehicles shall enter the property front in/front out;
 - b) It will need to be demonstrated that a safe headroom clearance of 4.5m has been achieved along the travel path, parking and manoeuvring areas of a Medium Rigid Vehicle (MRV), including Council's Garbage Truck; and
 - c) A longitudinal section plotting headroom clearance above driveway access is to be provided for assessment.
20. The following Australian Standard shall be adhered to in the detail design phase of the development. These sections will need to be submitted to and approved by Council:
 - a) Disabled car parking spaces shall be provided and clearly marked as per Australian Standards AS 2890.6, and Council requirements, and
 - b) All off street disabled parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS 2890.6 and Council requirements.
21. The following DCP Requirements shall be implemented in the detail design phase of the development. These sections will need to be submitted to and approved by Council:

(The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's Development Control Plan 'Stormwater Management Technical Guidelines', AS/NSZ 3500 – Plumbing and Drainage Code, Sydney Water regulations and the BCA. All drawings shall correspond with the approved architectural plans.)

The plans shall incorporate but not be limited to the following:

- a) The On-Site Detention System (OSD) shall be designed according to Part 6 of the Botany Bay Stormwater Management Technical Guidelines (SMTG). It should be noted that OSD systems shall be designed to detain the stormwater runoff from the site for all storm events up to and including 1 in 100 year ARI storm and **permissible site discharge (PSD) shall be based on 1 in 5 year ARI peak flow generated from the site under the “State of Nature” condition (i.e. the site is totally grassed/turfed), rather than pre-development condition.**
- b) A new drainage pit and pipe system shall be provided in Chalmers Crescent to service the development as depicted on the submitted stormwater concept plans prepared by S&G Consultants Pty Limited Rev C dated 14 August 2015,
- c) The On-Site Detention System (OSD) discharge outlet shall be connected to the new stormwater pit and pipe system on Chalmers Crescent, Mascot,
- d) If underground car parking is proposed, no pump-out shall be used to drain seepage from the basement due to the elevated water table level. That is the basement shall be designed as a “fully tanked” structure,
- e) If underground car parking is proposed, the pump-out can only be utilized to dispose runoff that may enter the basement carpark from driveway access to the basement,
- f) If underground car parking is proposed, the pump out system from the basement carpark proposed shall discharge to the on-site stormwater detention system,
- g) If underground car parking is proposed, all site specific environmental concerns will have to be addressed,
- h) All stormwater runoff from the site shall pass through a pollution control device capable of removing litter and sediment (e.g. Gross Pollutant Trap, (GPT)) prior to entering Council drainage system. As such, details of the pollution control device shall be shown on stormwater management plan,
- i) The rainwater tank(s) shall be constructed in a way enabling the overflow from the Rainwater tanks to drain to the on-site detention system,
- j) The rainwater tank size shall be designed based on a supply/demand management approach. In addition, please note that in order to contribute to environmental sustainability and apply Water Sensitive Urban Design (WSUD) principles, consideration can be given to offset the storage requirements of the OSD system provided that the rainwater tank for reuse and all downpipes are connected to the rainwater tank. The volume to be offset from the OSD system is equivalent to 50% of the size of the rainwater tanks,
- k) The water quality improvement system and WSUD strategy proposal shall be designed to capture and treat at least 85% flows generated from the site, and
- l) A WSUD Strategy and MUSIC model must be prepared and submitted to Council for the development. The MUSIC model must be prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA). Council’s requirements are that the water quality improvement should meet or exceed the target as described in the “Botany Bay & Catchment Water Quality Improvement Plan” that was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011.

22. The following requirements shall be implemented in the detail design phase of the development. These sections will need to be submitted to and approved by Council:

- a) The development shall provide a minimum of 1 (one) car space per 80m² of gross floor area,
- b) If the signalised intersection at Kent Road and Coward Street is the subject of increased traffic flows above existing conditions shown in the report of Transport and Urban Planning Pty Ltd of 7 March 2016, upgrading works will be agreed between Council and the applicant. Such works are to be completed before the commencement of the building works approved as part of any future development consent.

23. The following requirements shall be implemented in the detail design phase of the development. These sections will need to be submitted to and approved by Council as part of the future DAs:

- a) A detail civil and pavement design for the reconstruction of Chalmers Street, including the reconstruction of footpaths, kerb & gutter, full width pavement, stormwater drainage and any traffic calming devices needed to manage the increased traffic volumes.

24. Any existing easement(s), right of carriageway(s), right of footway(s) and lease(s) burdening the property, need to be addressed during the detail development application. Construction on or over any easement(s), right of carriageway(s), right of footway(s) and lease(s) without written approval/agreement of the beneficiary is strictly prohibited. The extinguishing of any easement(s), right of carriageway(s), right of footway(s) and lease(s) must be done with the written approval/agreement of the beneficiary and detailed within the relevant stages of development as specified within this consent. Prior to the issue of any Occupation Certificate for the relevant stages of development as specified within this consent, any proposed new easements shall be created in consultation with Council and the beneficiary.

25. Any proposal for acquiring any portion of Council land shall only occur if the acquisition is for the full width of the road reserve. If there are properties who's access is affected by acquisition of the road reserve, an easement benefiting the effected properties shall be created burdening the former road reserve.

26. A future traffic study is required to incorporate the traffic generated by the proposal and model the capacity of the Kent Road/Chalmers Crescent intersection having regard to possible changes in traffic numbers and composition, especially at AM and PM peaks.

Environmental Matters

27. Following the Stage 1 Preliminary Site Investigation, if required, a Stage 2 Detailed Site Investigation and a Stage 3 Remedial Action Plan shall be prepared and remediation of the site shall be carried out. Approvals from appropriate government departments where required shall be obtained and full details of the investigation and site remediation are to be submitted to and approved by Bayside Council, in accordance with Section 80(A)2 of the Environmental Planning and Assessment Act 1979.

28. An acid sulfate soil (ASS) assessment shall be undertaken to determine the presence and extent of any ASS at the site. Should any potential acid sulfate soil (PASS) or actual

acid sulfate soil (AASS) be identified then the an Acid Sulfate Soils Management Plan shall be prepared which shall include any site specific procedures and mitigation measures required and a site analysis from a NATA registered laboratory.

29.

- a) Every future development application is to provide a report prepared by a qualified Geotechnical Engineer that models the consequences of lower ground car parking level construction of the development will have on groundwater flow, flooding of the locality, building stability including buildings nearby to the development site and groundwater levels;
- b) If this modelling and investigation give rise to adverse consequences to any or all the nominated issues, the onus is upon the applicant to respond to and address the consequences in a manner that negates adverse impact on the neighbourhood. Such measures are to be detailed in the development application.

Conditions imposed from external agencies

30. Sydney Airport Corporation Limited (SACL) provided the following conditions:

- a) This location lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.
- b) The application sought approval for the property development to a height of 51.0 metres Australian Height Datum (AHD).
- c) In the capacity as Airfield Design Manager and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, the Airfield Design Manager has no objection to the erection of this development to a maximum height of 51.0 metres AHD. The approved height is inclusive of all lift overruns, vents, chimneys, aerials, TV antennae, construction cranes etc. Should you wish to exceed this height a new application must be submitted.
- d) Should the height of any temporary structure and/or equipment be greater than 15.24 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.
- 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. Sydney Airport advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.
- f) Information required by Sydney Airport prior to any approval is to include:
 - i) the location of any temporary structure or equipment, i.e. construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994;

- ii) the swing circle of any temporary structure/equipment used during construction;
 - iii) the maximum height, relative to Australian Height Datum (AHD), of any temporary structure or equipment i.e. construction cranes, intended to be used in the erection of the proposed structure/activity;
 - iv) the period of the proposed operation (i.e. construction cranes) and desired operating hours for any temporary structures.
- g) Any application for approval containing the above information, should be submitted to this Corporation at least 35 days prior to the commencement of works in accordance with the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, which now apply to this Airport.
- h) Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed “controlled activity” and is punishable by a fine of up to 50 penalty units.
- i) The height of the prescribed airspace at the site is 51 metres above Australian Height Datum (AHD). In accordance with Regulation 9 of the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, “a thing to be used in the erecting the building, structure or thing would, during the erection of the building, structure or thing, intrude into PANS OPS airspace for the airport, cannot be approved.

Planning for Aircraft Noise and Public Safety Zones

- j) Current planning provisions (s. 117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning and for Sydney Airport was endorsed by Air services Australia on 13 March 2009 (Sydney Airport 2029 ANEF).
- k) Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.

31. Ausgrid provided the following conditions:

- a) Any work undertaken near Overhead Power lines needs to be undertaken in accordance with:
- i. Workcover Document ISSC 23 "Working Near Overhead Power Lines"
 - ii. Ausgrids Network Standards
 - iii. Ausgrids Electrical Safety Rules
- b) The developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/ or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (eg. whether a substation is required on site).

- c) In general, works to be considered by Ausgrid include, but are not limited to, the following:
- i. Changes in electrical load requirements;
 - ii. Changes to Ausgrids infrastructure (ie. asset relocations, decommissioning substations etc.);
 - iii. Works affecting Ausgrids easements, leases and/ or right of ways;
 - iv. Changing the gradients of any roads or paths;
 - v. Changing the level of roads or foot paths;
 - vi. Widening or narrowing of roads;
 - vii. Closing roads or laneways to vehicles;
 - viii. In all cases Ausgrid is to have 24 hour access to all its assets; and
- d) The developer is to ensure that the proposed works do not contravene Ausgrids technical standards and statutory requirements, in regards to the safe and reliable operation and maintenance of Ausgrid's network.

32. Sydney Water provided the following conditions:

- a) The proposed development falls into the category requiring a minimum frontage of 200mm to the development site;
- b) A reticulation solution to provide 200mm water main frontage to the development area would require approximately 300 metres of main amplification from the existing main in Chalmers Crescent;
- c) The 150mm drinking water main in Chalmers Crescent needs to be upsized to a 200mm main;
- d) Detailed water requirements will be provided at the Section 73 Application phase.
- e) The waste water main available for connection is the 225mm main located in Chalmers Crescent;
- f) 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;
- g) Detailed waste water requirements will be provided at the Section 73 application phase.

33. Roads and Maritime Services provided the following conditions:

- a) Advisory Note: "Any pedestrian crossing across the eastern leg of Coward Street based on the TMAP concept would reduce the capacity of the intersection, due to the need to provide extended red arrow protection for this crossing and therefore this crossing may not be adopted by RMS.
- b) All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime."

34. Future development stages will be integrated development and will require referral to relevant authorities and conditions will be imposed on subsequent development stages.

35. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 15/191 dated as 19 October 2015 and that any alteration, variation, or extension to the use, for which approval has been given would require further approval from Council.