JOINT REGIONAL PLANNING PANEL
(Sydney East)

JRPP No	**2016SYE037**
DA Number	**16/9**
Local Government Area	**City of Botany Bay**
Proposed Development	**Integrated Development Application, requiring approval from the NSW Department of Primary Industries - Water pursuant to the Water Management Act 2000, for a mixed use development containing five buildings of between 7 to 8 storeys. The development comprises two levels of basement car parking, residential apartments, serviced apartments, ground floor retail premises and childcare centre.**
Street Address	**200 Coward Street, Mascot**
Legal Description	**Lot 1 DP 701026**
Applicant	**Karimbla Constructions Services (NSW) Pty Ltd**
Owner	**Karimbla Properties (No. 36) Pty Ltd**
No. of Submissions	**Ten (10) in opposition**
Regional Development Criteria	**Development with a CIV of $105,959,235**
List of All Relevant s79C(1)(a) Matters	• Environmental Planning & Assessment Act 1979, Part 4 – Development Assessment • Environmental Planning & Assessment Regulation 2000, Part 6 – Procedures relating to development applications • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 55 – Contaminated Land • State Environmental Planning Policy 2004 (BASIX); • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Buildings • Botany Bay Local Environmental Plan 2013 • Botany Bay Development Control Plan 2013
Documents submitted with this report for the panel's consideration	• Statement of Environmental Effects - Meriton Group • Access Review - Morris Goding Accessibility Consulting • Acoustic Report - Acoustic Logic • Aeronautical Impact Assessment - The Ambidji Group Pty Ltd • Arboricultural Assessment Report - Tree and Lanscape Consultants

	• BASIX Certificate - Efficient Living Pty Ltd • Construction Management Plan for Excavation - Meriton Property Services Pty Ltd • Construction Traffic Management Plan - Sbmg Pty Ltd • Flooding, drainage Easement realignment and Stormwater management Plan Report - Calibre Consulting • Preliminary Acid Sulfate Soils Management Plan - Consulting Earth Scientists • Preliminary Geotechnical Investigation Report - JK Geotechnics • Qualitative Environmental Wind Assessment Report - SLR Consulting Australia Pty Ltd • SEPP 65 Design Verification Statement - Nicholas Bandounas - Chrone Architects • Stage 2 Environmental Site Assessment - Consulting Earth Scientists • Thermal Comfort & BASIX Assessment - Efficient Living Pty Ltd • Transport Impact Assessment - ARUP • Waste Management Plan - Elephants Foot Waste Compactors Pty Ltd • Supplementary Planning Report -Meriton Group • Arboricultural Assessment – Lionel Bowen Park, Mascot - Botanics Tree Wise People Pty Ltd. • Statement of Heritage Impact - NBRS Architecture
Recommendation	The Sydney East Joint Regional Planning Panel (JRPP), as the Determining Authority resolve: (a) That the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of Botany Bay LEP 2013 and that the proposed development is in the public interest because it is consistent with the objectives of the Height of Buildings standard and the objectives for development in the B4 Mixed Use zone; and (b) To defer the application until issues relating to the location of structures within the easement benefitting the RMS, are resolved.
Report by	**Brendon Clendenning – Senior Assessment Planner**

EXECUTIVE SUMMARY

Council received Development Application No. 16/9 on the 3 February 2016 seeking consent for a mixed use development containing five buildings of between 7 to 8 storeys. The development comprises two levels of basement car parking, residential apartments, serviced apartments, ground floor retail premises and childcare centre.

The development application is required to be referred to the Joint Regional Planning Panel pursuant to Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979 (EP&A Act) as the Capital Investment Value of the proposal is $105,959,235.

The Development Application is also Integrated Development, pursuant to Section 91 of the EP&A Act, as the development involves temporary construction dewatering and therefore requires approval from the NSW Department of Primary Industries - Water. In a letter dated 11 March 2016, the NSW Department of Primary Industries - Water has granted its General Terms of Approval to the proposed development.

The development application was advertised and notified for a period of 30 days from 23 February 2016 to 24 March 2016. 10 submissions have been received in relation to the application.

The main issues for consideration include the height of buildings, landscaping and deep soil, overshadowing to Mascot Park, and the associated siting and massing of buildings within the site.

The application requires variation to Clause 4.3 of the Botany Bay Local Environmental Plan 2013 (BBLEP 2013), in relation to building height. A height breach of approximately 6.2% is proposed, and the submitted 4.6 request to vary the development standard is supported.

Council is generally supportive of the proposal; however, issues relating to the treatment of the frontages, and the associated impacts to easements within the property, had not been resolved at the time of compiling the report.

It is recommended that the application be deferred, in order to the enable the applicant to resolve the remaining outstanding issues.

BACKGROUND

Site Description

The site comprises land at 200 Coward Street, Mascot. It is located to the north-east of the junction of Coward Street and O'Riordan Street, approximately 350 metres from Mascot Railway Station and town centre and 330-415 metres from Sydney Kingsford Smith Airport. It forms part of the Mascot Station Town Centre.

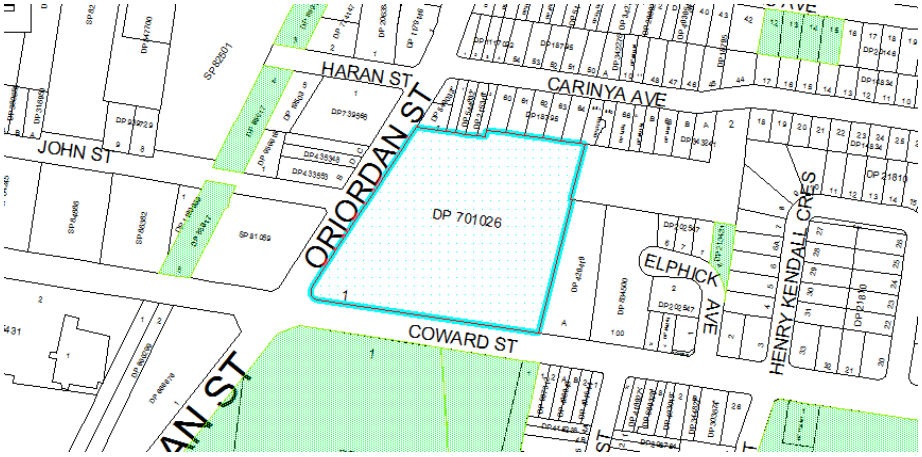

Figure 1 Locality plan showing the development site as highlighted

Figure 2 View towards the north-west, showing the subject site at the corner of Coward Street and O'Riordan Street

The site comprises a generally regular shaped parcel of land, which has two street frontages being O'Riordan Street on the western boundary and Coward Street on the southern boundary. The site is legally described as Lot 1 in DP 701026. The site comprises an area of approximately 1.715 hectares with frontages to Coward Street (147.5 metres) and O'Riordan Street (124 metres).

Previously existing development within the site consists of three industrial warehouse buildings with associated parking and loading areas. These buildings have recently been demolished, as approved within a Complying Development Certificate.

There are three drainage easements which extend through the site as follows:

- 1.83 metre drainage easement extending east-west across the site benefiting Roads and Maritime Service. The easement is approved to be relocated to sit adjacent to the northern boundary of the site.
- 3.53 metre drainage easement extending along the eastern boundary containing the Sydney Water Mascot West stormwater channel, and benefitting Sydney Water.

- Easement for drainage of variable width extending along the site's eastern boundary.

The site is generally flat, with a 1.5 metre fall across the site from north to south. The internal areas of the site are largely devoid of vegetation with the exception of landscaping beds. There are a number of mature trees along the western and southern frontages of the site, some of which have recently been removed.

Images of the site and surrounds are provided below:

Figure 3 Subject site following recent demolition, viewed from south-western corner of intersection of O'Riordan Street and Coward Street

Figure 4 View from the northern on O'Riordan Street, with the recently demolished masonry wall on the subject site shown in the background.

Figure 5 View from the southern side of Coward Street showing high rise development on the western side of O'Riordan Street.

Figure 6 Lionel Bowen Park, viewed from the northern side of Coward Street adjacent to the subject site.

Figure 7 Mascot Park viewed from the western side of O'Riordan Street.

Description of the Locality

The surrounding area includes a mix of residential and community uses generally comprising the following:

- Land to the north is occupied by two storey detached dwelling houses with frontage to Carinya Avenue.
- Mascot Oval and Lionel Bowen Park are situated to the south on the opposite side of Coward Street.

- The Graphic Arts Club (182 Coward Street), an at-grade car park and medium density housing are located to the east, beyond which is the St Catherine Greek Orthodox Church.
- An 8 storey residential flat building (Pinnacle Apartments) is situated to the west at 149-161 O'Riordan Street on the southern side of John Street. On the northern side of John Street, commercial and community uses are accommodated within single and two storey buildings. However, the JRPP have provided in-principle support to a 14 storey residential development at 141 O'Riordan Street.
- Mascot Town Centre and Railway Station are located further to the west.

Site and Development History

Council records indicate a variety of warehouse uses on the site dating back to 1999 and earlier. The following table summarises the recent relevant development history of the site:

Application	Description	Submitted	Current Status
14/135/1	Integrated Development Application and Joint Regional Planning Panel Application for the redevelopment of the site for a mixed development in two (2) stages as follows: Stage 1 – Masterplan approval for a mixed use development as follows: • Building envelopes to accommodate five (5) buildings of varied heights of 2-14 storeys; • Approximately 476 residential apartments; • A 90 place child care centre; • Ground floor retail tenancies; • Ground floor communal recreation facilities for residents; • Three levels of basement car parking to accommodate 744 car parking spaces; • Vehicular access from Coward Street; • Landscape Concept masterplan; Stage 2 – Detailed design approval for the first stage of the development being: • Demolition of existing structures/buildings; • Remediation of the site; • Relocation of the existing stormwater drainage pipe.	20/06/2014	Withdrawn
15/68 (CDC)	Demolition of existing warehouse premises.	16/07/2015	Issued by Certifier
15/232/1	Application for civil works for the relocation of an existing drainage line from the centre of the site towards the northern boundary, and relocation of the associated drainage easement.	01/12/2015	Approved under delegation on 18/3/2016
15/240/1	Integrated Development Application for excavation to create a two level basement for	07/12/2015	Undetermined & likely to be

	future development and to accommodate footings, pile caps, shoring, and lift shafts.		withdrawn if subject application is approved
16/009/1	A mixed use development containing five buildings of between 7 to 8 storeys. The development comprises two levels of basement car parking, residential apartments, serviced apartments, ground floor retail premises and childcare centre.	03/02/2016	Subject application under assessment

The following table outlines the history of the subject application:

Date	**Progress of Application**
3 February 2016	Application lodged with Council.
23 February 2015 to 24 March 2015	Advertising period.
27 April 2016	Additional information requests made to applicant.
28 April 2016	Briefing meeting with Panel.
2 May 2016	Meeting between applicant and Council officers at Council.
26 May 2016	Second briefing meeting with Panel.
18 May 2016	DCP amendment placed on exhibition until 17 June 2016
23 June 2016 – 28 June 2016	Amended plans and additional information provided

THE PROPOSAL

Site Preparation Works

This DA seeks consent for future building works associated with the development of the site only. Site preparation works (demolition, excavation and the relocation of the stormwater drainage easement which extends through the site) are addressed in separate applications as follows:

- Demolition: a complying development certificate has been obtained for the demolition of the site's existing buildings and structures.
- Excavation: DA240/2015 was lodged with the Council on 7 December 2015. The application seeks consent for excavation to accommodate the basement levels of the development.
- Stormwater easement diversion: DA232/2015 was lodged with Council on 1 December 2015. The application seeks consent for civil works associated the diversion of the existing RMS easement which extends east-west through the centre of the site to the northern boundary.

Proposed Works

The proposal involves the comprehensive development of the site for mixed use. It involves the following:

- Construction of five buildings ranging in height from four to eight storeys accommodating a mix of uses as follows:

- Residential apartments
- Serviced apartments with porte-cochere
- Retail tenancies at ground floor level
- Dual use units accommodating commercial space at ground floor level with residential accommodation above
- Child care centre
- Two basement levels and above ground parking accommodating 564 parking spaces.

- Associated landscaping and servicing infrastructure.

The subject development includes excavation for the carpark. A separate DA (DA-15/240) for this was also lodged with Council, as it was thought that early work could start on the site. However, this DA was not progressed as the final design of the subject DA was not resolved.

Proposed Land Use

Residential Apartments

The residential component of the project comprises a total of 235 residential apartments. Residential apartments are contained within Buildings A, B and E and comprise a mix of one, two and three bed units. All apartments have private open space in the form of balconies or terraces. The proposed mix of apartment types is detailed in the Table below.

	Studio	**1bd**	**2bd**	**3bd**	**Total**
Number		91	76	68	235
Portion		39%	32%	29%	

20% of the apartments within the development have been designed to satisfy the requirements of adaptable housing.

Serviced Apartments

Buildings C and D will accommodate serviced apartments which will be operated by Meriton's serviced apartment business. The mix of serviced apartments is as follows:

	Studio	**1bd**	**2bd**	**3bd**	**Total**
Number		136	37	10	183

The entrance to the serviced apartment is from Coward Street. A porte-cochere, which allows for vehicle drop offs, is also provided.

Retail tenancies

Seven separate retail tenancies are proposed to the ORiordan Street and Coward Street frontages at Buildings A, C, D and E. The applicant has indicated that separate approvals for the fit out of these tenancies will be sought in the future.

Childcare centre

A new childcare centre with the capacity for up to 90 children is proposed within the ground floor of Building A. The entry is proposed off O'Riordan Street. The applicant has indicated that separate development applications for the fit out of the centre will be lodged once an operator has been selected.

Parking

512 parking spaces are proposed, accommodated within two levels of basement. An additional 52 parking spaces, together with loading facilities, are provided at ground floor level (total 564 parking spaces). Ground level parking is "sleeved" by the development and as such is not visible from surrounding roads.

All vehicle access is proposed from a single driveway off Coward Street.

A separate porte-cochere which will function as a drop off / pick up zone for the reception to the serviced apartments is also proposed on Coward Street.

Multiple pedestrian access points are provided into the development.

Utilities

A description of the proposed utilities is provided within the Statement of Environmental Effects:

"The existing infrastructure and utility services available to the site will be extended and modified to service the new development. This will include the introduction of a new electrical substation at ground level to the front of Building D. The relevant service providers have been consulted on the project and their requirements have been incorporated into the detailed design of the proposal.

Separate waste management systems are proposed for (1) the non-residential uses (retail and childcare centre), (2) serviced apartments and (3) residential uses. Adequate space has been allocated for the refuse rooms for the various components of the development. The refuse storage rooms are located within the ground floor of the development. All waste facilities and equipment will be designed and constructed in accordance with BCA and Australian Standards.

Residents will be responsible for the transfer of waste and recyclable materials from apartments to the allocated waste handling areas within each building (allocated spaces adjacent to lift cores).

A space has been allocated for the storage of bulky waste material within the ground floor. The waste area of the property has been designed to facilitate the cleaning of the waste receptacles to minimise pest activity".

PLANNING CONSIDERATIONS

Matters for Consideration

In considering the Development 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) Provisions of any Environmental Planning Instrument (EPI), Draft EPI and Development Control Plan (DCP)

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

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

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

In this regard, the development application was referred to the Department of Primary Industries – Water, who provided its General Terms of Approval for the proposed development, which have been included in the Schedule of Consent Conditions.

State Environmental Planning Policy (Infrastructure) 2007

Clause 102(3) - Impact of road noise or vibration on non-road development

This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles. An acoustic report has been submitted which demonstrates that subject to recommendations, the proposal is able to meet the relevant noise requirements.

Clause 104 - Traffic Generating Development

The proposed development falls within the provisions of Schedule 3 of the SEPP – Traffic Generating Development that is required to be referred to the NSW RMS. The application was accompanied by a Traffic Impact Assessment Report prepared by ARUP dated 25 January 2016.

Plans and documentation were referred to the NSW RMS for consideration and comment. In a letter dated 14 April 2016, the RMS advised that there was no objection to the proposed development and recommended conditions were provided, which are included within the Schedule of Consent Conditions.

The RMS also provided a note indicating that the incorrect cycle time had been adopted for the Sidra modelling, and by adopting the correct cycle time, the Sidra results show the queue on Coward Street westbound approach extends further east past the site entry/exit point. The RMS advised that this could potentially result in the right turning vehicles out of the site, queuing across the Coward Street eastbound, attempting to join the westbound approach queue, and that it was recommended Council considered that the existing kerb side parking on the Coward Street

westbound be reviewed/removed, or a median to be implemented to restrict traffic movements to/from the subject site to left in/left out only. The RMS also noted an error with the parking lane distances on Coward Stret.

ARUP responded as follows:

"A central median in Coward Street would create issues for resident access and note that there are a number of T intersections along Coward Street which currently operate as priority T junctions without these restrictions. Removal of kerbside parking on the southern side of Coward Street could be investigated with Council, but it is deemed unnecessary given that vehicle arrivals would likely arrive in platoons from the signals with gaps as shown in the priority junction modelling for Site 2".

"We acknowledge that there was an error with parking short lane distances which has actually improved the SIDRA results".

Council is satisfied that no further works or changes are necessary. Given this portion of Coward Street is not a classified road, no further comments from the RMS are necessary, and the RMS has confirmed as such.

State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land

The provisions of SEPP No. 55 have been considered in the assessment of the development application. Clause 7 of SEPP No. 55 requires Council to be certain that the site is, or can be made, suitable for its intended use at the time of determination of an application. The applicant submitted a Phase 2 Detailed Site Investigation.

The Phase 2 assessment uses appropriate exposure scenarios for the use as residential with commercial ground floor development with two levels of basement car parking and a childcare centre. The child care centre is located above a basement car park. A HILA was adopted for the site. The Phase 2 recommends assessment of the soil concentrations within the existing building footprints to confirm human health risk assessment, however fill and soils beneath the existing building footprint are not considered significant and any unexpected impact can be managed through the preparation and implementation of an unexpected finds protocol. There was no evidence of significant contamination in accessible area, and the site was considered to be suitable for the proposed uses. A Remedial Action Plan may be required depending on the outcomes of this investigation.

Appropriate conditions of consent have been recommended that are consistent with the recommendations of the report.

The applicant has adequately demonstrated that the site can be made suitable to accommodate the intended use and it satisfies the provisions of SEPP No. 55.

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

Part 1, Clause 2, Sub-clause 3 of the SEPP stipulates the aims through which the policy seeks to improve the design quality of residential flat development.

The provisions of SEPP No. 65 have been considered in the assessment of the development application. The applicant has submitted a SEPP 65 assessment of the

proposed development along with a design verification statement prepared by Nicholas Bandounas of Crone Architects, to verify that the plans submitted were drawn by a Registered Architect and achieve the design quality principles set out in SEPP No. 65.

Apartment Design Guide

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

A detailed assessment against Part 3 and 4 of the ADG has been provided in Appendix A

The proposal is generally consistent with the requirements of the ADG. Additional discussion on key areas of non-compliance information is provided within the Assessment Notes.

Design Review Panel

The Council's Design Review Panel (DRP) has considered the proposed development in August 2015, prior to the lodgement of the application. Council's assessment of the SEPP 65 issues is embodied in the ADG assessment, and the discussion of the Design Review Panel (DRP) comments provided below.

The specific recommendations of the Panel made at the meeting and the design response of the applicant are provided as follows:

The concept has significant departures from the height and FSR controls and the building envelope and site planning controls and does not accord with some of the requirements of the desired future character for the precinct most notably: the view corridor between John Street and Elphick Avenue which is seriously encroached upon by the siting of Buildings A and C.

The proposal is compliant with the FSR control, and a 4.6 variation request has been submitted. The view corridor between John Street and Elphick Avenue has been provided.

Overshadowing limits of Mascot Oval and Lionel Bowen Park are also not complied with. The shadow diagrams indicate an increase in overshadowing at various times in mid-winter and a decrease at the eastern end where a five storey building envelope is proposed. The DCP limitations need to be largely complied with or preferably bettered.

Refer to Note 2.

The proposed height and bulk of the building envelopes are not acceptable as they are inconsistent with the maximum permissible heights for urban block 3 (up to 7 storeys over the maximum permissible height – a maximum proposed of 48m, Building A in lieu of a maximum allowed of 26m). Some height variation in excess of the permissible building heights may be acceptable provided the issues as discussed in this report have been satisfactorily addressed.

The building heights have been reduced significantly and a 4.6 variation request has been considered.

Although the Site Analysis plan clearly acknowledges the view corridor, this important component of the DCP is virtually ignored in the Concept Plan. A 14 storey building on O'Riordan Street is sited half-way across the corridor, and the 14 and 10 storey buildings to the east similarly intrude. The required view corridor and pedestrian link to Coward Street are critical and should be provided without encroachment;

The SEE indicates that opportunities to incorporate a pedestrian through link from the central John Street view corridor between Buildings A and B. and C and E through to Coward Street have been explored. It is considered undesirable to introduce pedestrian access via the proposed vehicle driveway as follows:

- The potential conflict with vehicles
- The creation of a short cut through the development site would reduce pedestrian footfall around the site perimeter diverting pedestrians away from the proposed retail tenancies. These tenancies are expected to rely heavily on passing trade.
- Compromises the security of the development by increasing opportunities for non-residents / guests to enter the site.

Stair access from the John Street view corridor to the level 1 podium between buildings C/D and E is available allowing views over the park adjacent but no direct through access has been provided. The site nonetheless retains a good degree of permeability for its future users.

The common open spaces as proposed are narrow and would be severely overshadowed during winter months. The very much lower buildings indicated in the DCP would potentially produce far better outcomes in relation to both overshadowing, and visual scale. If the DCP layout is not to be followed, a similar consolidated central common open space (with deep soil) (eg. displacing the western end of Block C, with direct access to north sun via a substantial break in the Block B envelope should be provided);

The building heights have been addressed and deep soil is recommended via condition.

It is suggested that a five storey building/parapet height facing Coward Street and the open space opposite would be an appropriate scale for this setting, although it is acknowledged that the DCP indicates buildings of 7 and 8 storeys.

A six and seven storey building has been provided which is considered to be acceptable.

On the northern part of the site the stepping of the building form from 2 to 6 storeys would be satisfactory in relation to its interface with the low-scale residential on the adjoining properties, but the 6 storey section seriously compromises the quality of the long narrow common area to its south on the subject site. Overall the configuration of forms indicated in the DCP would potentially produce a far better outcome.

Some of the building separation distances shown on the diagrams appear not to comply with the numerical suggestions of the RFDC. A development on such a large site provides an opportunity to fully comply if not exceed these requirements and satisfy the underlying objectives of amenity and quality of spaces between buildings.

The proposal generally complies with the DCP massing layout and the separation distances within the ADG.

An (FSR) excess of this order at masterplan/concept stage would result in additional height and/or footprint of the buildings, with inevitably negative amenity impacts such as increased overshadowing of open spaces and/or residential units, lack of deep-soil due to extent of basement parking, increased traffic generation and other effects by comparison with a conforming proposal.

It is not possible to justify such an excess without the inclusion of a significant public benefit (eg. dedication of land for public use). The subject proposal offers no such public benefit and the proposed density is not supported by the Panel.

The FSR is now compliant.

The design development of the proposal should incorporate full environmentally sustainable principles including: capture and re-use of storm water, natural cross ventilation (to minimise reliance on air conditioning) natural light, solar hot water and passive solar control. Consider also the inclusion of green roof areas.

A satisfactory BASIX Certificate has been provided. Adequate cross ventilation and substantial planting is provided across the site.

The landscape concept plan appears to be satisfactory in principle but would need to be amended accordingly to suit a modified proposal. The following suggestions should also be included:

• The provision of genuine deep soil planting areas within the open spaces on site and at the perimeter setbacks (the subject proposal is for boundary to boundary excavation with no genuine deep soil areas);

• Retention of existing mature trees adjacent to the two street frontages including street trees and existing trees within the site boundaries;

• Substantial depth of soil over car parking slabs to support trees in the courtyard areas.

It would be desirable to reduce the excavated carpark footprint to the minimum possible to in order to maximise deep soil area at the perimeters and within the site (outside the building footprints).

It would also be desirable to provide pockets of genuine deep soil area within the carpark footprint to allow for individual large canopy trees in strategic locations.

While it is acknowledged that trees are difficult to retain at this site, a lack of suitable replacements has been proposed. Conditions are recommended requiring significant changes to the landscape design.

The following issues should also be taken into consideration during the next stage of design development:

• Re-entrant corners inevitably present problems with visual and aural privacy. This should be effectively resolved during the design development;

• A detailed analysis will be required to ensure that the proposal complies with minimum solar access requirements;

• Provision for natural light and ventilation to the carpark vertically from the landscape areas, perhaps by way of small landscaped courtyards at the top carpark level to create some sense of individual 'identity' to each of the parking areas serving each of the buildings, by way of colour and entry arrangements;

• Provision for garbage and recycling pick-up and furniture delivery and removal;

• Provision for a children's play area separate to the proposed child care outdoor area;

• Provision for 2 lifts in each taller residential block for the needs of elderly and disabled in case of breakdown or at a time of lift maintenance;

• Provision for natural light into lift lobbies and at the ends of long corridors;

• Provide direct access and entry courtyards to all ground floor units fronting the two streets. Consider this possibility also for other units including those addressing common open space.

Aside from natural light into the carpark, each of these issues has been addressed satisfactorily. Council is satisfied with this outcome.

To encourage social interaction among the residents, the design development should include for the following:

• The entries to the buildings at the street frontage should accommodate a small meeting place, preferably at the mail collection point;

• A small space with a seat should be provided at the lift lobbies on each level;

• A small enclosed communal room (with kitchenette) and direct access from the lift on the roof should be considered to be provided in each block.

Substantial communal open space has been provided, which achieves the intent of the above requirements.

The current plans, which are the subject of this assessment, have addressed the concerns raised by the Design Review Panel and the proposal is considered to be consistent with the design principles contained within SEPP 65.

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the proposed development. The development application was accompanied by a BASIX Certificate committing to environmental sustainable measures.

Botany Bay Local Environmental Plan 2013

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

Principal Provisions of BBLEP 2013	**Compliance Yes/No**	**Comment**
Landuse Zone	N/A	The site is zoned B4 – Mixed Use under the BBLEP 2013.
Is the proposed use/works permitted with development consent?	Yes	The proposal is permissible with Council's consent under the BBLEP 2013.
Does the proposed use/works meet the objectives of the zone?	Yes	The proposed development is consistent with the following objectives of the BBLEP 2013: • *To provide a mixture of compatible land uses.* • *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
What is the height of the building?	No, refer to Clause 4.6 assessment	The maximum permissible building height permitted by Clause 4.3 of BBLEP 2013 is 26m. The levels within the carpark associated with the previous use are in the vicinity of RL 8.00 to RL 8.30, with higher levels (from RL 8.50 to RL

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
		9.00) in the vegetated area of the site fronting O'riordan Street. Thus, the maximum permitted building height would be approximately RL 34.00 – RL 35.00. The maximum height of Buildings C exceeds RL 36.00 and represent a non-compliance, attributed to the lift overruns, and the parapet. The other buildings are compliant with the height requirement. The proposed maximum building height is 27.6 metres, which does not comply with this requirement. Refer to Clause 4.6 assessment provided below.
What is the proposed FSR? Does the FSR of the building exceed the maximum FSR?	Yes	The maximum permissible floor space ratio permitted by Clause 4.4 of BBLEP 2013 is 2.5:1. The applicant has provided GFA plans certified by a surveyor, which indicated that the original proposed GFA is 42,580.30sqm. The amended proposal includes the deletion of a single level within Building D and E. It is estimated this reduces the floor area by approximately 738sqm in Building D and 1655.3sqm in Building E. The amended proposal also includes the replacement of ground floor residential balconies with retail floor area. It is estimated that this increased the floor area by approximately 180sqm. The effect of these amendments is that the GFA would be reduced to approximately 40,366sqm, and the FSR to 2.35:1.
Is the site within land marked "Area 3" on the FSR Map	N/A	The subject site is not identified as being within "Area 3" on the FSR map.
Is the land affected by road widening?	No	The subject site is not affected by road widening on the Land Acquisition Map.
Is the site identified on the Key Sites Map?	Yes	The subject site is within the Mascot Station Town Centre Precinct.
Is the site listed in Schedule 5 as a heritage item or within a Heritage Conservation Area?	Yes	The subject site is not listed as a heritage item or situated within a Heritage Conservation Area, The subject site is within the vicinity of heritage item I82, being Mascot Park. The proposal will create overshadowing to the park. A Heritage Impact Statement was submitted, and Council is satisfied that the amended proposal does not create undue adverse impacts on the heritage significance of the item.

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
		Refer to Note 2.
5.9 - Preservation of trees or vegetation	Yes	The proposed tree removals are acceptable to Council.
The following provisions in Part 6 of the LEP apply to the development:		
6.1 – Acid sulfate soils	Yes	The subject site is affected by Class 4 acid sulfate soils. An acid sulphate soils management plan was submitted and is satisfactory.
6.2 – Earthworks	Yes	Clause 6.2 – Earthworks. The proposed development seeks to excavate the subject site for basement car parking. The development application is Integrated Development and as such, the NSW Department of Primary Industries - Water has provided its General Terms of Approval for the proposed development. These conditions are included in the draft Schedule of Conditions. The development is consistent with Clause 6.2 of BBLEP 2013.
6.3 – Stormwater management	Yes	Clause 6.3 – Stormwater. Subject to conditions, the development application will satisfy Clause 6.3 of BBLEP 2013.
6.8 - Airspace operations		Clause 6.8 – Airspace Operations. The subject site lies within an area defined in the schedules of the *Civil Aviation (Buildings Control) Regulations* that limit the height of structures to 50 feet (15.24 metres) above existing ground height without prior approval of the Civil Aviation Safety Authority. The proposal was referred to Sydney Airports Corporation Limited (SACL) due to its maximum height above this threshold. SACL raised no objections to the proposal.
6.9 – Development in areas subject to aircraft noise		Clause 6.9 – Aircraft Noise. The subject site lies between the 20-25 ANEF contours. An acoustic report has been submitted with the development application, which indicates that the development has been designed to comply with the requirements of AS2021-2000. The development is consistent with Clause 6.9 of BBLEP 2013.
6.15 – Active Street Frontages	Yes	Active street frontages are required for both the O'Riordan Street and Coward Street frontages, and predominately retail frontages are proposed. Porte cochere, access to child care centre and services at the frontages, are consistent with 6.15(4).

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
6.16 – Design excellence	Yes	The proposed design has been the subject of consideration by Council's Design Review Panel and is considered to be generally satisfactory with respect to the matters contained within Clause 6.16. However, further discussion is provided on design excellence in relation to SEPP 65.

The objectives and provisions of BBLEP 2013 have been considered in relation to the subject development application. The proposal is considered satisfactory in terms of the BBLEP 2013. The building height variation, which is addressed below is acceptable in this instance and the additional building height does not result in any undue adverse impacts on the locality.

Clause 4.6 Exceptions to a Development Standard (Height of Buildings)

Objectives of Clause 4.6 of the LEP 2013

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

A request for an exception under clause 4.6 was lodged with the application as the proposed development exceeds the maximum height for the site permitted by Clauses 4.3. The reasons given by the applicant for the proposed variations are as follows:

- Consistent with Government policy which supports intensive development in proximity to public transport the project seeks to maximise the development potential of a site within walking distance of Mascot train station. The proposed design achieves an appropriate balance between achieving more intensive development on the site whilst ensuring that unreasonable amenity impacts do not arise as a result of the additional building height proposed.
- The urban density and built form scale permitted under the existing controls allows for more intensive development on the site than currently exists. The existing controls recognise that development on this site will be prominent in terms of scale.
- The site occupies a prominent position within the suburb of Mascot close to the public transport network. It is currently underdeveloped but has been identified as the site of future mixed use development. The proposed scale of buildings reflects this.
- The underlying objective of the building height limit is to manage the scale of any future built form in order to mitigate any adverse impacts on the amenity of residential areas. The character of the surrounding area is evolving and is becoming increasingly mixed in terms of bulk, scale and density ranging from traditional single detached dwellings to residential apartment buildings of up to 10 storeys. The proposed development is compatible with the height and scale of surrounding and nearby development. The height exceedance relates

to the site's O'Riordan Street frontage. Buildings opposite are of a consistent height and density.

- The proposal is largely contained within the 26m height limit and is aligned with the LEPs objectives with regards to height. A departure from the height control arises due to the inconsistent levels across the site and rooftop plant infrastructure.
- The departure from the 26m height limit will have little or no visual impact on the surrounds as the plant equipment comprises a small proportion of the proposal's roof area and will not be visible at street level (plant being set back within the building's roof).
- The proposal has limited view impacts on neighbouring properties. No additional view impacts are anticipated from the elements of the proposal that exceed the 26 metre height control, noting that the upper floor windows and balconies of neighbouring buildings are typically located below the 26m level in any event. There would be no difference in views when compared to a fully compliant development.
- The departure from the height control does not result in any additional floorspace being created. The proposal complies with the FSR standard for the site.
- The proposed variation to the height control does not result in the loss of amenity to the neighbouring properties as a result of overshadowing or loss of privacy and the proposed height

The variation sought is as follows:

Maximum height under BBLEP 2013	**Proposed**	**Degree of variation and merit**
26m	Approximately 27.6m	1.6m or 6.2%

Council assessment of the exception under clause 4.6:

In assessing an exception to vary a development standard, the following needs to be considered:

1. Is the planning control a development standard?

Yes, Clause 4.3 is a development standard.

2. What is the underlying object or purpose of the standard?

The objectives of Clause are as follows:

(a) to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,
(b) to ensure that taller buildings are appropriately located,
(c) to ensure that building height is consistent with the desired future character of an area,

(d) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,
(e) to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities.

3 Is the Council of the view that granting consent to the development application would be consistent with the clauses aim of providing flexibility in the application of planning controls?

The development responds to the massing layout provided within the BBDCP 2013, with the height of the development reduced at the eastern end of the Coward Street frontage to maximise solar access to Mascot Park. The proposed height variation allows for a transition of scale from the taller development on the western side of O'Riordan Street through to the low scale development to the east of the subject site.

4 Are there sufficient environmental planning grounds to justify contravening the development standard?

In accordance with the principles established in *Four2Five vs Ashfield Council [2015]* the relevant environmental planning grounds which justify contravening the development standard in this particular instance are:

- The 8 storey element fronting O'Riordan Street is appropriate given the scale of development on the western side of that street. As a consequence, the height of the western parapet and the rooftop plant, exceeds the height requirement.
- The ground floor levels are raised, by between 0.6m-1m, in order to address flooding issues at the site. This increases the overall height of the proposal, but maintains the scale expressed in the desired future character.

5. Is compliance with the development standard consistent with the objectives of the development standard and the relevant objectives of the land zone (*or not offensive to those standards*), and therefore in the public interest?

Compliance with the development standard is not inconsistent with the objectives of the standard. However, the development standard does not account for flooding concerns, the slope of the site, and the commercial ceiling height requirements, which affects the capacity of the development to meet both the desired future character and the development standards.

The proposal ensures that taller buildings are able to appropriately located through a design that is consistent with the desired future character specifically expressed within the BBDCP 2013.

The proposal combines several uses within the site, in an area that is within close proximity to public transport. The proposal better meets the objectives of the zone, given that the appropriate density is able to be provided.

6. Will strict compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act?

Strict compliance with the development standards would render the application inconsistent with the objectives specified in section 5 (a) (i) and (ii) of the EPA Act.

7. Is the exception well founded?

In accordance with the principles established in *Wehbe v Pittwater Council* [*2007]* the objection is considered well founded as:

- *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
- *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
- *The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*

8. Does the non-compliant proposal achieve a better environmental planning outcome than a compliant proposal and why?

A compliant proposal would either reduce the number of dwellings, or reduce the number of non-residential elements provided at the site. The site is optimally located to accommodate the proposed uses, and the number of dwellings is consistent with the density envisioned at the site. Given the existing scale of development on O'Riordan Street, the proposed scale of Building C is appropriate, and the height non-compliance is justified. The proposal otherwise provides with satisfactory amenity to residents, and neighbouring provides, and reduction in building height would have little effect in this regard.

9. Compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

It is considered that it would be unreasonable to require the development to comply with the height of building development standard in this instance.

Botany Bay Development Control Plan 2013

A detailed assessment against the relevant parts of the BBDCP 2013 has been provided in Appendix B.

The proposal is generally consistent with the requirements of the BBDCP 2013. Additional discussion on key areas of non-compliance is provided within the Assessment Notes.

Education and Care Services National Regulations

Child care centres are required to comply with a national framework (National Quality Framework). The National Quality Framework is implemented in the *Children (Education and Care Services National Law Application) Act 2010* and supporting National Regulation, the Australian Children's Education and Care Quality Authority (ACECQA). This Act and Regulation are the primary regulatory scheme for children's services across Australia.

A service approval issued by the NSW Department of Education and Communities must be issued following approval of a Development Application, however; an assessment of relevant components of the National Regulations is necessary to determine if the centre is able to accommodate the number of children outlined within the application, having regard for facilities, staff numbers, and space that is required. The following table provides information on relevant components of the Regulations.

Regulation	Requirement	Proposed	Compliance
104 Fencing	Must be enclosed by a fence or barrier designed to prevent children from going through, over or under it	Acoustic fence proposed, but not shown on plans. The fence may designed to ensure compliance with this requirement.	Yes, able to comply
106 Laundry and hygiene facilities	Laundry facilities to be provided and located and maintained in a way that does not pose a risk to children	Sufficient space for this to be provided.	Yes
107 Space requirements—indoor space	3.25m^2 of unencumbered indoor space per child	90 children; 604.9m^2 6.72m^2/child	Yes
108 Space requirements—outdoor space	7m^2 of unencumbered outdoor space.	7m^2 per 90 children required a total of 630m^2. Approximately 638.04m^2 has been provided. However, recommended design amendments required to improve the communal open space area, will reduce the size of the outdoor space, and may require that the number of children be reduced.	Able to comply; may affect number of children able to be accommodated.
110 Ventilation and natural light	Premises must be well ventilated and have adequate natural light and maintained at safe temperatures	Provided	Yes
111 Administrative space	Appropriate administration/meeting place required	Sufficient space for this to be provided.	Yes
112 Nappy change facilities	Nappy changing bench and hand cleansing facilities required for centres with children under 3yo ub appropriate location	Sufficient space for this to be provided.	Yes

113 Outdoor space—natural environment	Outdoor space must allow children to explore and experience natural environment	Able to be provided by operator.	Yes
114 Outdoor space—shade	Adequate shaded areas required.	Shade structures able to be installed by operator with minimal impact on communal areas.	Yes
115 Premises designed to facilitate supervision	Premises shall be design to facilitate supervision.	Designed appropriately	Yes
123 Educator to child ratios—centre-based services (amended by Regulation 271 – NSW Specific Provisions)	1 per 4 children under 2yo 1 per 5 children between 2-3yo (from 01/01/2016) 1 per 10 children over 3-preschool age	No details provided, however SEE estimates 12 employees. Notwithstanding, there are sufficient surplus spaces to enable additional employees parking to be accommodated on site.	Yes, able to comply.

ASSESSMENT ISSUES

Note 1: RMS Drainage Easement

Unauthorised Works

As discussed within the Site History, Council recently approved a development application for the Application for civil works for the relocation of an existing drainage line from the centre of the site towards the northern boundary, and relocation of the associated drainage easement. This easement was to the benefit of the RMS.

The approved DA plans indicated that the drainage line was to run north along O'Riordan Street, and cross the site in its north-western corner, and then meet the Sydney Water channel on the eastern boundary of the site.

However, after works had commenced, it was discovered that the north-south component of the easement pipe was constructed inside the site boundary, rather than on O'Riordan Street, as was approved by Council. Fines were issued by Council for this breach of consent. This also exacerbated tree removal on the site for the following reasons:

- The tree removals within O'Riordan Street, for which Council had granted consent, were not required, and would not have received Council's consent had the application indicated the current easement pipe location.
- The largest tree on the site was removed without consent, and contrary to a condition requiring its retention and protection.

Notwithstanding, Council indicated to the applicant that the new location of the easement pipe may be supported, provided that an improved landscaped outcome was provided to the site. Further discussion on an appropriate landscaping outcome is provided within Note 3.

Works within the Future Easement

The amended drainage line location was consented by the RMS, and it is understood that an easement will be created in this location in the near future. However, the proposal indicates that works are proposed within the location of the future pipe and easement.

Amended plans were received by Council on 23 June 2016. In order to comply with clause 6.15 of the BBLEP 2013, the amended plans increased the proportion of the frontages which included retail floor area, including new retail floor area adjacent to the RMS stormwater easement. The BBLEP 2013 requires active frontages to each street, and given the property is affected by a 1:100 year flood event, elevated ground levels have been provided, which cannot be provided with equitable access without the provision of ramps.

The amended landscape plan indicated that ramps would be provided over the easement pipe. This outcome is not satisfactory to Council (and possibly not to the RMS) for the following reasons:

- The proposed ramps would prevent access to the easement for maintenance purposes.
- Information submitted to Council in relation to DA-15/232 indicated that the future RMS easement was not to be strictly for subsurface drainage, but also for overland flow. Although the flood report submitted with the application indicates that there is unlikely to be an overland flow path in this location, the placement of ramps within this location would be contrary to the requirements of the RMS.

In addition to the matters above, awning are also shown within the location of the future easement.

Given the issues above, it is recommended that the application be deferred to enable this issue to be resolved. Should the applicant be unable to obtain written consent from the RMS for the location of the ramps within this location, amended plans and/or additional information must be provided to indicate how the ground floor premises may be made accessible, without affecting the future RMS easement. This may require a re-design of the building, to ensure all structures, including ramps, are clear of the easement.

Note 2: Building location, setbacks, and solar access to Mascot Park

Part 9A of the BBDCP 2013 outlines the required massing and siting for redevelopment within the Mascot Station Town Centre Precinct. The subject site is located within Urban Block 3, and the following two images contain excerpts from maps within BBDCP 2013, which outline the requirements for the subject site.

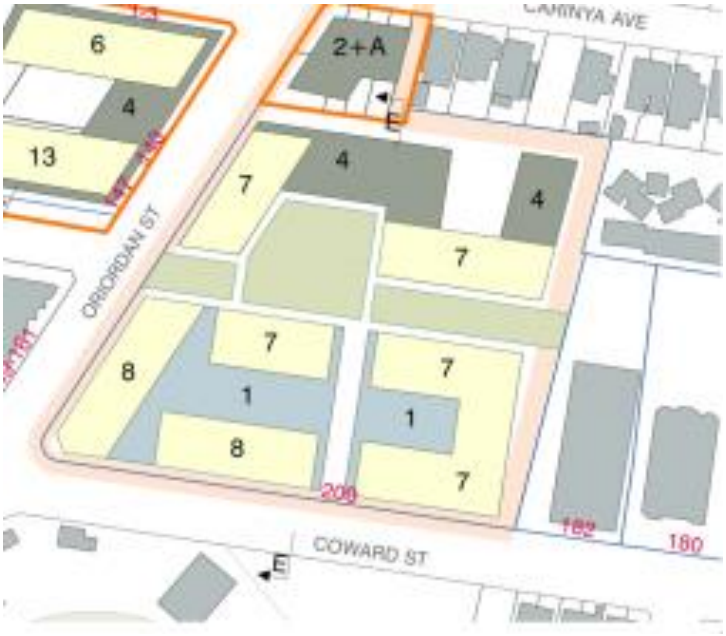

Figure 8 Required Height and Massing for Urban Block 3 (From Figure 14 of Part 9A of BBDCP 2013)

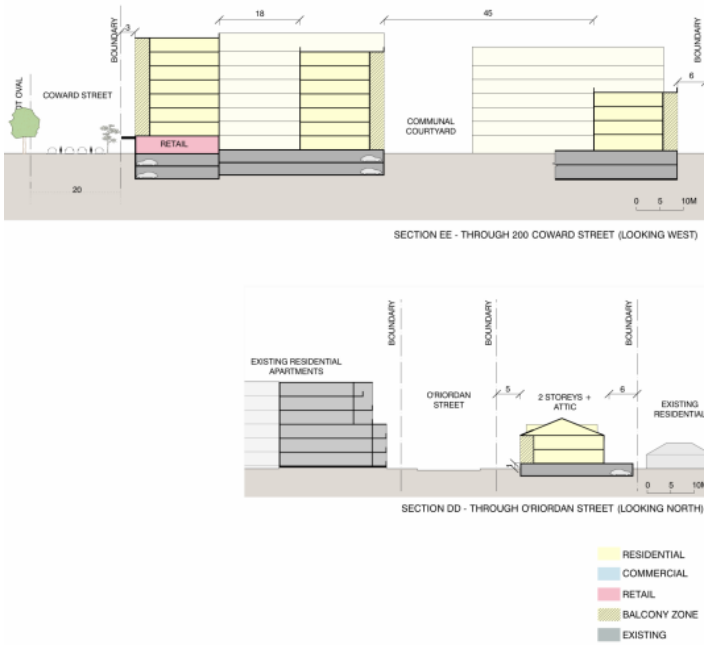

Figure 9 Sections for Urban Block 3 (From Figure 41 of Part 9A of BBDCP 2013)

The original proposal provided a building massing layout, which is expressed within the following plan:

Figure 10 Setback and Storey Height Analysis Plan

Council at its Meeting held 2 May 2016 resolved to amend the Botany Bay Development Control Plan (BBDCP) 2013, with Draft Amendment No.6 to the Botany Bay Development Control Plan 2013 placed on public exhibition from the Wednesday 18 May to Friday 17 June. Amendment No.6 seeks to delete Urban Block 3 from Part 9A – Mascot Station Town Centre Precinct, following recent concerns about the impacts of the proposed building forms on the amenity of the local heritage item I82 comprising Mascot Oval and Lionel Bowen Park, namely the overshadowing of the proposal to the Park.

A meeting was also held with the applicant was held on 2 May 2016. During this meeting, Council staff discussed with the applicant the potential for amendments to the massing that has been proposed within this application, with the objective being to improve solar access to the park, through a reduction in height of the eight storey, and seven storey, components fronting Coward Street. The applicant has provided an amended design which improves the solar access to the park.

The alternative design has provided for the deletion of one level from each of the two buildings with their longest sides fronting Coward Street. The shadow diagrams provided below depict the impact of the design amendment on the overshadowing to the park, with the line indicating the original proposal, and the shaded area indicating the amended design.

Figure 11 Proposed Shadow diagrams - original design vs amended design - 9am

Figure 12 Proposed Shadow diagrams - original design vs amended design - 10am

Figure 13 Proposed Shadow diagrams - original design vs amended design - 11am

Figure 14 Proposed Shadow diagrams - original design vs amended design - 12pm

Figure 15 Proposed Shadow diagrams - original design vs amended design - 1pm

Figure 16 Proposed Shadow diagrams - original design vs amended design - 2pm

Figure 17 Proposed Shadow diagrams - original design vs amended design - 3pm

Critically, the amended shadow diagrams indicate that the passive recreation space at Lionel Bowen Park will continue to receive relatively good solar access in midwinter, particularly during the lunchtime period of 11am to 2pm. Council estimates that the average shadow cast to the area of Lionel Bowen Park between 11am and 2pm in midwinter will be approximately 10%. The estimated area of shadowing at 12pm, is represented in a 3D perspective image shown below.

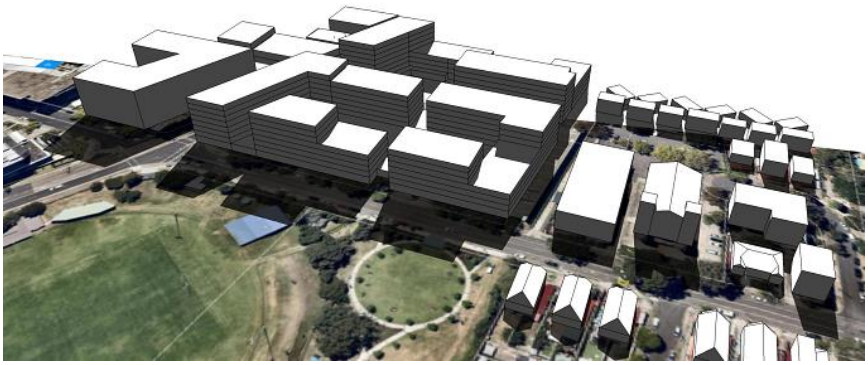

Figure 18 Estimate of overshadowing to Mascot Park and Lionel Bowen Park at 12pm at the winter solstice

The amended scheme is generally consistent with the requirements of Part 9A. However, the amended design provides for an improved retention of solar access to the public park which sits opposite, and the proposal is considered satisfactory in this regard.

Amendment 6 to BBDCP 2013

Amendment 6 to BBDCP 2013 was placed on exhibition from 18 May 2016 to 17 June 2016, with one submission received from the applicant, being Meriton. The report for adoption of this Amendment is due to be considered at Council's Development Committee on 6 July 2016, and by the elected Council on 20 July 2016. If Amendment 6 is adopted by Council on 20 July 2016, the policy would become enforceable on 2 August 2016, following an additional advertising period.

ADG non-compliances

The following ADG non-compliances are relevant to the above discussion:

- 37 (16%) of apartments receive no solar access, whereas the ADG stipulates a maximum of 15%
- 138 apartments (59%) are provided with natural cross ventilation, whereas the ADG stipulates a minimum of 60%.
- 3.3m ceiling heights are provided to the ground floor only, whereas the ADG requires 3.3m ceiling heights to ground floor, and first floor for development within mixed use zones.

These non-compliances are a consequence of a design that seeks to provide the building massing requirements of the BBDCP 2013, minimise overshadowing to Mascot Park, and account for flood planning levels. Given the minor nature of the two first two non-compliances listed above, and given that 3.3m ceiling heights are provided to the ground floor of the development, these non-compliances are considered appropriate.

Note 3 – Tree removal, deep soil and additional landscaping

The application was accompanied by an Arborist Report, which assessed the impact of the proposal on 124 trees, with most of those trees being in the vicinity of the street boundaries, either on the site are within the road reserve. The majority of trees are sought for removal on the basis that they are not able to be retained, as a consequence of the redevelopment of the site. Council generally supports this position, particularly given the discussion within Note 2, as well as the requirement for active frontages to each street.

The proposal seeks two levels of basement parking, in addition to parking at ground level. The two levels of basement parking are not provided with similar envelopes; the first basement level (the higher level) covers the majority of the site, with the second level (the lower level) covering less than half of the site. Two similar basement levels could have been provided to enable a significant increase in the proportion of the site used for deep soil.

In addition, as indicated within Note 1, a drainage line has recently been constructed within the proposed setback of the northern half of the O'Riordan Street frontage, and adjacent to the northern boundary. This impacts on the capacity to provide trees in this area, which is of particular importance given the adjoining residential properties to the north.

The proposal provides an unacceptable landscaped outcome given the requirements of the ADG and BBDCP 2013, relating to the existing context of the site, the lack of screening planting, and the lack of deep soil area (particularly within communal open space areas), and the lack of large vegetation provided for wind amelioration (as indicated within the submitted Wind Assessment).

It is generally considered that these issues are able to be addressed through conditions requiring amended plans to be submitted to Council for approval, and recommended conditions have been compiled by Council to this end. However, as indicated within Note 1, it is not clear how the applicant will be able to provide sufficient landscaping within the front setbacks, given this area is currently provided with ramps required to enabled disabled access into the commercial premises on each frontage.

However, should satisfactory information be provided to Council which addresses the matters outlined within Note 1, it is considered that a suitable landscape solution may be able to be

achieved via condition, particularly noting that the provided parking surplus enables deep soil to be increased through a reduction in the basement size.

Therefore, notwithstanding the issues raised within Note 1, conditions are recommended requiring amended landscaped plans to be approved by Council prior to the issue of any Construction Certificate for above ground works. The recommended conditions address the following matters:

- The basement is to be modified to enable the provision of large areas of deep soil contiguous with natural ground, that do not exist over any podium, slab or basement. Suitable landscaping is also required to improve the amenity and liveability of the area for residents as the space will be quite shady, cold and windy in winter and potentially quite inhospitable. Large size trees are required, being 400 to 1000 litre. This was communicated to the applicant and a plan was provided by the applicant to indicate the area whereby basement parking spaces will be deleted. This is agreed to by Council, and recommended conditions shall incorporate this requirement, subject to conditions requiring the deep soil be increased, and the child care centre courtyard to be reduced in size.
- These areas of deep soil are to be continuous through parts of the central landscaped spine and northern boundary setback, including the indented landscape area to the northern building. This is to be achieved through the reconfiguration and removal of basement areas. Given the surplus of over 100 parking spaces, this will not unduly influence the provision of parking on site.
- Notwithstanding the issues with access to the RMS easement, the ramps and landings within the street setbacks are to be reduced. The applicant originally provided a plan that showed extensive ramping which provided poor opportunities for landscaping and for a suitable visual and physical integration of the private and public domains. This was communicated to the applicant, and amended plans were provided to reduce the proportion of ramps at the frontages, with ramps provided with maximum grade, and access ramps subsequently minimised. However, the amended proposal also indicated landings across the frontages which provided outdoor dining. This is not acceptable given the requirement for landscaping within this area. As a consequence, recommended conditions shall require that the landings containing outdoor dining be reduced in size.
- Awnings are not permitted to extend past the property boundary so as not to impact street tree canopy development and are to be designed to ensure trees planted within the setbacks are not compromised.

Note 4: Car Parking

The BBDCP outlines the following parking requirements:

Residential Flat Buildings:
ADG requirements prevail for residential development (as the site is within 800m of Mascot Station), as follows:

- 0.6 spaces per studio/1bdr
- 0.9 spaces per 2bdr
- 1.4 spaces per 3+ bdr
- 1 visitor space per 5-7 dwellings

- Half of the adaptable dwellings shall be provided with a disabled parking space as required by BCA, AS 1428 and AS 2890.
- 4 service bays plus 1 service bay per 100 dwellings, with 50% of service bays able to accommodate MRVs

DCP provisions relevant to non-residential development are as follows:

Serviced Apartment (for sites within 400m of station):

- 1 per 2.5 rooms
- 1 per two staff
- 1 taxi space per 300 rooms
- 1 disabled space per accessible unit

Retail (assuming most intensive use, other than food and drink premises):

- 1 parking spaces per 25sqm
- 1 disabled parking space per 50 spaces
- For retail floor area between 1,000-1,500sqm, parking for 2 courier vans, 1 SRV and 1 MRV

Childcare

- 1 per 2 employess
- 1 per 5 children
- 1 pick up space per 20 children
- 1 disabled parking space per 50 spaces

Bicycle parking is also required to equivalent to 10% of the total required parking.

Part 9A of the BBDCP 2013 had previously outlined the parking rates for non-residential units within the Mascot Station precinct. However, these parking rates were removed in response to the ADG requirements. The previous requirements for visitor parking within the BBDCP 2013 were 1 per 7 dwellings. This rate is considered appropriate, given the range allowed by the ADG.

The required total for each use as follows:

Use	**Required**
Residential	252, including 34 visitor, 24 disabled spaces,
Serviced Apartment:	110
Retail	53, including 2 disabled
Childcare	35, including 1 disabled
Bicycle	45 spaces
Service	9, including 3 for MRVs, 1 for an SRV, and 1 for a courier van.
Total	**450**

The proposed car park provides a total of 564 parking spaces. Service vehicle parking is provided at ground floor and includes two spaces for MRVs, one space for and SRV and one space for a courier van. This is considered acceptable given it individually meets the

requirement of each of the retail and residential uses, and that a porte cochere and turning areas are provided.

A condition of consent is to be imposed requiring minimum parking to be provided to each use in accordance with the above table. In addition, the condition recommends that one car share spaces be provided in accordance with the requirements of the ADG. Design amendments required to provide deep soil will reduce the overall parking provided on the site; however, it is evident that this will not preclude compliance with this condition.

It is noted that the assessment of retail parking has been conducted based on the relatively high rate of one space per 25sqm. This will ensure there is excess parking if alternative commercial uses, other than retail, are proposed. The exception is food and drink premises, which requires parking at a rate or one space per 10sqm. However, given the location and mixed use nature of the site, it expected that compliance with that requirement would be varied from the requirement of the BBDCP 2013. A condition requiring that a food and drink premises will require the submission of anew application (and cannot be approved a CDC), as a retail use has been approved, has been included within the recommended conditions.

Note 5: Dwelling Mix

Part 4C.4.1 of BBDCP 2013 provides that a maximum of 25% of dwellings within a residential flat development may be one bedroom or studio. The proposed dwelling mix as follows:

- 91 1bdr (39%)
- 76 2bdr (32%)
- 68 3bdr (29%)

The proposal does not comply with the requirement. However, the non-compliance is considered acceptable for the following reasons:

- The proposal is provided with generally large apartments. The median dwelling sizes are as follows:
    - 55sqm for 1 bedroom apartments;
    - 84sqm for 2 bedroom apartments, and;
    - 105sqm for 3 bedroom apartments.

  This comfortably exceeds the respective minimum requirements of 50sqm, 75sqm; and 95sqm (not that this also accounts for the additional 5sqm requirement for bathrooms within 2 and 3 bedroom apartments, as all of the 2 and 3 bedroom apartments are proposed with two bathrooms).
- The dwelling mix provides a relatively equal proportion of 1 bedroom, 2 bedroom and 3 bedroom apartments, with no studios proposed. The proportion of 3 bedroom apartments (29%) is relatively high for a development of this size.
- The design and layout of the apartment are consistent with the objectives of the family friendly' apartment controls contained within Part 4C.4.2.

Given the reasons above it is considered that the proposal meets the objectives of Part 4C.4.1 of BBDCP 2013, through the capacity to accommodate varied family sizes in future years.

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

It is considered that, subject to recommended conditions the proposed development will have no significant adverse environmental, social or economic impacts on the locality. Any likely impacts of the proposed development are considered to have been adequately dealt with in the assessment of the Development Application.

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

It has been demonstrated that the site is acceptable with respect to SEPP 55, and is able to accommodate high density residential development. In addition, the subject site is affected by the 20-25 ANEF contour and also affected by road traffic noise from O'Riordan Street and Coward Street. In this regard, the applicant has submitted an acoustic report which demonstrates that the development can meet the acoustic requirements associated with both affectations.

The site sits within a high density development precinct, and provides an appropriate response to the desired future character of the area. Accordingly, subject to recommended conditions, the site is considered to be suitable for the proposed development.

(d) Any submission made in accordance with the act or regulations.

In accordance with Botany Bay Development Control Plan 2013 Part 2 – Notification and advertising, the development application was advertised and notified to surrounding property owners for thirty (30) days from 23 February 2015 to 24 March 2015. 10 objections were received in response to the proposed development, which raised the following issues:

Issue: Risk of damage to vegetation on neighbouring properties.

A stormwater culvert sits between the subject site and properties to the east. Notwithstanding, conditions are recommended requiring the protection of these trees during works.

Issue: Construction noise, dust, dirt and traffic, and impacts to neighbouring properties, including the Graphic Arts Club. Request that the site entry be situated away from the Club.

Able to be addressed by condition.

Issue: *"The current plan is to replace the current shared boundary wall alongside my property (132 O'Riordan Street) and other residential properties along Carinya Avenue with a 1.8 metre timber fence. This will vastly and detrimentally impact the privacy and outlook of my property and leave it opening on to an excavation site".*

"We are concerned that the plans do not have any detail of a boundary fence that borders our property (50 Carinya Ave)….. We are worried that removing this wall and placing inadequate temporary/permanent fencing could potentially lead to injury to our children and pets. We are also concerned that the lack of fencing will increase the security risks with trespassers through the rear of our property".

The recently demolished buildings functioned as boundary walls to the northern adjoining properties on Carinya Avenue. Meriton have advised Council that they will reconstruct masonry or timber fences as agreed with the relevant neighbouring property owners.

Issue: Tree on 182 Coward Street that is likely to be affected by proposal should be removed at the expense of the applicant.

Conditions require this tree be protected during works.

Issue: Traffic impacts in Coward Street, Botany Road, and O'Riordan Street.

Traffic report submitted, and considered satisfactory by the RMS and Council.

Issue: Inadequate on-street parking to cope with demand created by retail premises. Concerns that customers may park within car park shared by the Graphic Arts Club and St Catherine's Church.

Sufficient parking is provided strictly in accordance with the BBDCP 2013 and the ADG.

Issue: Neighbours to the east concerned satisfied with location of serviced apartments. There would be objections if the location of the serviced apartments changed, or they were replaced by residential units.

Location of serviced apartments unchanged since original proposal.

Issue: Height of development, including potential to obscure easterly views from 7th floor apartment of Rina Apartment complex on Church Avenue.

Refer to 4.6 assessment,

There are no valued or iconic views to the east that could be expected to be retained in the transition area of the MSTCP. A view corridor has been retained as required, linking between John Street to the west and Elphick Avenue to the east.

Issue: Loss of Sunlight to nearby apartments

The proposal will not cast shadows on to apartments on the opposite side of O'Riordan Street

Issue: Concerns Residents would not be notified of height increases

Residents would be notified if the height of the development were proposed to be increased.

Issue: Concerns over standard of child care centres

The standard of child care provided is not a matter for consideration for this application.

Issue: Lack of green space on site

Refer to Note 3. Conditions will require additional green space and deep soil area,

Issue: Shadows cast over the nearby park & Mascot Oval.

Refer to Note 3

Issue: Unacceptable noise levels associated with population density.

The relevant increased noise impacts are addressed within the submitted acoustic report.

Issue: Lack of wide open public spaces in the precinct.

There is no requirements to provide additional public space at this site.

Issue: Inappropriate scale, given the neighbouring low density, 'family' character of neighbouring development.

The proposed scale and density is considered to be consistent with the desired future character of the locality, and with that allowed in the BBLEP 2013.

Issue: *"There is also a lack of detail on the landscaping of the premises. We propose that any landscaping done on the boundary of our property (50 Carinya) be done with mature plants to leave the privacy we currently enjoy in our rear yard as is".*

Refer to Note 3. Additional detail is to be provided to the satisfaction of Council.

Request for mature planting to be provided within northern setback to maintain privacy to adjoining properties towards the north.

Conditions recommended to ensure that appropriate landscaping is provided.

Issue:Noise and rubbish concerns, particularly in association with serviced apartments. Requested that the serviced apartments be located away from existing residences.

Serviced apartments are located at the corner of O'Riordan Street and Coward Street, away from adjacent residences. Satisfactory Waste Management Plan and Acoustic Report has been submitted.

Issue: Privacy impacts to surrounding properties. Requests for privacy screens to be provided to balconies and obscured glazing .

The proposal complies with relevant separation distances. Notwithstanding, privacy screens have been provided where required.

Issue: Impacts to surrounding property values.

No evidence available to indicate that the proposal would have a negative impact on property values.

Issue: *"All 7 and 8 storey blocks of apartments should be built on Coward Street, as this will have less impact on our properties on Carinya Ave, as the huge blocks will be facing Mascot oval and a park".*

Refer to Note 2.

Issue: Concerns with multitude of applications lodged for this site: "*I am also concerned that by separating the development into a series of applications there is prejudice to the Council and to me by the Council approving some element in one application which results in the applicant arguing that it can no longer modify a later application to suit".*

"Is there a potential for works to commence (excavation and basement construction) only to have the site remain incomplete for an extended period for reasons unknown?" How does the Council intend to bring all development into a quasi-single determination so that the developer is required to complete the entire development promptly and thereby minimise the potential period/extent of impacts on the neighbourhood and local road systems during the construction phase?"

DA-15/232 for works associated with the relocation of a stormwater easement did not relate to the form of the current development, but was a pre-development work. DA-15/240 for works associated with a basement excavation, do relate to the proposed works. However, this application has not been approved, and is likely to be withdrawn as excavation has been proposed within the subject application.

Issue: Lack of Information on Demolition and trees to be removed

Demolition has been approved via a Complying Development Certificate. Tree removal is documented within the application. Notwithstanding, conditions of consent require a significant increase in planting at the site.

Issue: The minimum setback to the northern adjoining properties does not achieve the objectives of the setback controls, with the following reasons cited:

- **Bulk and scale impacts**
- **Lack articulation and landscaping**

Conditions are recommended to require screening landscaping along the northern frontage to soften the visual impacts of the proposal. The building locations, and the façade design is otherwise considered to be acceptable.

Issue: Inaccurate perspective plans

The matter was also raised by Council, and this information was not provided. However, conditions are recommended requiring amended landscape plans, and perspectives may not be necessarily be required to satisfy the recommended conditions.

Issue: *"The ground floor level of the proposed development should be at or up to 300mm above natural ground levels. The finished ground floor level appears to be unnecessarily high in respect to natural ground levels. There is no basis for that height. This issue can be addressed by lowering the basement level".*

The floor levels are raised in accordance with the recommendation of the flood report submitted with the application.

Issue: Inadequate deep soil areas; request to provide a deep soil and landscaping plan to demonstrate compliance.

Conditions are recommended to require improvements to landscaping and deep soil.

Issue: Parking, with suggestion to close off Carinya Street from O'Riordan Street.

Adequate parking is provided on site. The closure of Carinya Street to prevent its use for parking is not considered to be warranted.

Issue: Behaviour of existing construction workers.

In adequate information was provided on this matter. This is unlikely to influence the assessment of the proposal.

(e) The public interest.

Subject to recommended conditions, it is considered that approval of the proposed development will be in the public interest.

OTHER MATTERS

External Referrals

The application was also referred to the Department of Primary Industries – Water, Roads and Maritime Services, Sydney Water, Sydney Airport Corporation Limited, the NSW Police, Ausgrid. Concurrence was provided from the Department of Primary Industries – Water. No objections were raised from external authorities, and all recommended conditions of consent have been incorporated within the schedule of conditions.

Internal Referrals

The development application was referred to relevant internal departments within Council, including the Development Engineer, Traffic Engineer, Landscape Officer, Strategic Planning, Environmental Scientist and Environmental Health Officer for consideration. Relevant conditions have been provided within the recommendation. It is noted that Council's Environmental Health Officer raised concerns that the acoustic screening required for rooftop plant was not indicated on the plans. However, the plans indicate that the rooftop plant is to be enclosed within plant rooms.

Section 94 Contributions

The City of Botany Bay being satisfied that the proposed development will increase the demand for public amenities within the area, and in accordance with Council's Section 94 Contributions Plan 2016, a contribution of **$4,892,871.04** is required in accordance with the following calculations:

Residential

PROPOSED	Proposed	Contribution per dwelling	Total payable
Studio	0	$8,390.08	$0
1 bed	91	$8,962.09	$815,550
2 bed	76	$14,745.64	$1,120,669
3 bed	68	$19,270.78	$1,310,413
SUBTOTAL	235		**$3,246,631.87**

Serviced Apartments

PROPOSED	Proposed	Contribution per dwelling	Total payable
Studio	0	$6,292.56	$0
1 bed	136	$6,721.57	$914,134
2 bed	37	$11,059.23	$409,192
3 bed	10	$14,453.09	$144,531
SUBTOTAL	183		**$1,467,855.93**

Retail

	Floor Area	Floor area per employee	Rate	Employees	Total
Row Shops with frontage to a street	1320	22.3	$2,512.44	59	**$148,234**

Childcare Centre

	Rate	Employees	Total
Childcare centre	$2,512.44	12	**$30,149**

No credit is available under the Section 94 Contributions Plan 2016 for the existing industrial development.

CONCLUSION

The Joint Regional Planning Panel, Sydney East Region (JRPP) is the determining authority for the development application, given the Capital Investment Value of the project exceeds $20 million. 10 objections were received as a result of the public exhibition process and matters raised have been addressed in this report.

The Applicant seeks a variation to the building height development standard and this variation to the building height development standard is supported.

The proposal has been assessed in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979* and the *Botany Bay Local Environmental Plan 2013.* The proposal is permissible in the B4 - Mixed Use zone, and, subject to recommended design amendment conditions, may be able to result in a development which is suitable in the

context. However, issues relating to the treatment of the frontages, and the associated impacts to easements within the property, had not been resolved at the time of compiling the report.

It is recommended that the application be recommended for deferred, in order to the enable the applicant to satisfy the remaining outstanding issues.

RECOMMENDATION

It is recommended that the Joint Regional Planning Panel (JRPP), as the determining Authority in this instance, resolve:

(a) That the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of Botany Bay LEP 2013 and that the proposed development is in the public interest because it is consistent with the objectives of the Floor Space Ratio standard and the objectives for development in the B4 Mixed Use zone; and

(b) To defer DA-16/9, for a mixed use development containing five buildings of between 7 to 8 storeys. The development comprises two levels of basement car parking, residential apartments, serviced apartments, ground floor retail premises and childcare centre, at 200 Coward Street, Mascot, until issues relating to the location of structures within the easement benefitting the RMS, are resolved.

CONDITIONS OF CONSENT

Premises: 200 Coward Street, Mascot **DA No: 16/9**

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.

No	Drawing	Rev	Author	Dated
0001	Cover Sheet	X	Crone Architects	22.06.2016
0003.2	Site Plan	B		14.06.2016
0005.1	GA Parking Level 01	R		29.01.2016
0005.2	GA Parking Level 02	G		29.01.2016
0006	GA Ground	W		22.06.2016
0007	GA Level 01	T		21.06.2016
0008	GA Level 02	T		21.06.2016
0009	GA Level 03	T		21.06.2016
0010	GA Level 04	V		21.06.2016
0011	GA Level 05	U		21.06.2016
0012	GA Level 06	U		21.06.2016
0013	GA Level 07	T		21.06.2016
0014	GA Roof	S		21.06.2016
0015	Elevations	N		22.06.2016

No	Drawing	Rev	Author	Dated
0016	Elevations	M		22.06.2016
0017	Elevations	H		22.06.2016
0018	Elevations	I		22.06.2016
0019	Elevations	G		22.06.2016
0020	Elevations	J		22.06.2016
0021	Sections	M		22.06.2016
0022	Sections	G		22.06.2016
0040	Perspective - 01 O'Riordan And Coward Street Corner	B		03.02.2016
0041	Perspective - 02 Coward Street	B		03.02.2016
0042	Perspective - 03 O'riordan Street	B		03.02.2016
A01	Adaptable Units	D		23.12.2015
A02	Adaptable Units	D		23.12.2015
A03	Adaptable Units	D		23.12.2015
A04	Adaptable Units	D		23.12.2015
A05	Adaptable Units	B		23.12.2015
XX07	Residential Apartment Schedule	C		28.06.2016
XX08	Residential Apartment Schedule	B		28.06.2016
XX12	BASIX Notes	A		29.01.2016
A0022	Ground Floor Level Overall Arch 200 (depicting deep soil areas)	4		25.05.16 (marked up for 29 June 2016)
ND1385	Ground Level Landscape Master Plan	C	Urbis	30.06.2016
ND1568	Landscape Section and Proposed Tree Species	C		30.06.2016
L-400-DR	Ground Floor – Drainage and Grading Plan	A		30.05.16

Reference Document(s)	Author	Dated
Access Review	Morris Goding Accessibility Consulting	25 January 2016
Acoustic Report 20131297.1/1201A/R0/TA	Acoustic Logic	12 January 2016
Aeronautical Impact Assessment	The Ambidji Group Pty Ltd	22 January 2016
Arboricultural Assessment Report Ref: 3303	Tree and Lanscape Consultants	4 December 2015
BASIX Certificate 663663M	Efficient Living Pty Ltd	29 January 2016
Construction Management Plan for Excavation	Meriton Property Services Pty Ltd	1 January 2015
Construction Traffic Management Plan Document Number: SBMG01262-00	Sbmg Pty Ltd	18 November 2015
Flooding, drainage Easement realignment and Stormwater management Plan Report Ref: X13425	Calibre Consulting	1 January 2016
Preliminary Acid Sulfate Soils	Consulting Earth	28 January 2016

Reference Document(s)	Author	Dated
Management Plan Ref:: CES131109-MG-AG	Scientists	
Preliminary Geotechnical Investigation Report No: 27062ZNrpt Rev: 1	JK Geotechnics	1 April 2015
Qualitative Environmental Wind Assessment Report Number 610.13484 Rev: 0	SLR Consulting Australia Pty Ltd	28 January 2016
SEPP 65 Design Verification Statement	Nicholas Bandounas - Chrone Architects	4 January 2016
Stage 2 Environmental Site Assessment Ref:: CES131109-MG-AE	Consulting Earth Scientists	25 August 2015
Thermal Comfort & BASIX Assessment Ref: 8935 (A)	Efficient Living Pty Ltd	29 January 2016
Transport Impact Assessment 236683-00	ARUP	25 January 2016
Waste Management Plan Rev. A	Elephants Foot Waste Compactors PTY LTD	1 February 2016
Arboricultural Assessment – Lionel Bowen Park, Mascot	Botanics Tree Wise People Pty Ltd.	May 2016
Statement of Heritage Impact	NBRS Architecture	June 2016

The plan titled 'Ground Floor Level Overall Arch 200' shall serve no purpose other than to depict the location of required deep soil area.

2. Unless stated elsewhere, no signage is approved by this development consent.

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

4. This Consent relates to land in Lot 1 DP 701026, and as such, building works must not encroach on to adjoining lands or other public places, other than public domain work or the awning required of this consent.

5.

a) All building work must be carried out in accordance with the provisions of the Building Code of Australia;

b) All plumbing stacks, vent pipes and downpipes, including balcony drainage and the like shall be kept within the building and suitably concealed from view. This Condition does not apply to the venting to atmosphere of the stack above roof level; and,

c) All air conditioning units shall be appropriately treated to ensure that they are concealed from view.

6. Pursuant to clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in the approved BASIX Certificate 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.

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

a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:-

i) the consent authority; or,

ii) an accredited certifier; and,

b) the person having the benefit of the development consent:-

i) has appointed a principal certifying authority; and,

ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,

iii) the person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

8. The proposed development is to comply with the conditions dated 23 February 2016 issued by Sydney Airport Corporation Limited (SACL). SACL requires that approval for construction cranes be obtained, and the conditions relate to such an approval, and are as follows:

a) Pursuant to s. 183 of the Airports Act 1996 and Reg 7 of the Airports (Protection of Airspace) Regulations 1996, the Proponent must apply through the Airport to the Secretary of the Department of Infrastructure and Regional Development for approval of the operation ("controlled activity") set out in the Schedule.

b) An Application for approval must be given to the Airport at least 28 days before commencement of the operation.

c) The operation must not commence without approval, and must only proceed in compliance with any conditions imposed on such approval.

d) Sydney Airport has delegated authority from the Secretary to determine "short term" operations (less than 3 months).

e) The Airport is required to invite submissions from CASA and Airservices regarding the proposed operation.

f) The Secretary and the Airport, as applicable, may request further information before determining an application.

g) The "Important Notes" must be read and accepted.

h) The Proponent must complete an Application and provide it to Sydney Airport, with a copy to the Council as part of the relevant Development Application.

9. The proposed development is to comply with the following General Terms of Approval provided by the NSW Department of Primary Industries - Water on 11 March 2016:

General

a) An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.

b) The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.

c) Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:

i) any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and

ii) any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and

iii) where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.

d) Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

e) DPI Water requires documentation (referred to as 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to the DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

f) The following shall be included in the initial report:

i) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.

ii) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.

iii) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.

iv) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.]

g) The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.

h) Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater

is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.

i) Groundwater quality testing generally in accordance with Clause 8 shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.

j) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).

k) A copy of a valid consent for the development shall be provided in the initial report.

l) The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.

m) Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

<u>During excavation</u>

n) Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.

o) Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off- site discharge.

p) Measurement and monitoring arrangements to the satisfaction of DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.

q) Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/so the pH of discharge water shall be managed.to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.

r) Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.

s) The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.

t) Access to groundwater management works used in the activity is to be provided to permit inspection when required by DPI Water under appropriate safety procedures.

Following excavation

u) Following completion of the dewatering operations, the Applicant shall submit to the DPI Water, Parramatta Office, the completion report which shall include:

i) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and

ii) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and

iii) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.

v) The completion report is to be assessed by DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.

10. The proposed development is to comply with the following condition provided by Roads and Maritime Services on 29 February 2016:

a) In relation to the easement for drainage acquired by Roads and Maritime:

i) All buildings or structures, together with any improvements integral to the future use of the site are clear of the O'Riordan Street road reserve (unlimited in height or depth) and the easement;

ii) access to the Roads and Maritime's easement is not denied; and

iii) the integrity of the easement is not compromised

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

Details should be forwarded to:

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

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 88492766.

c) 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.

d) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclist travelling along the footpath of O'Riordan Street.

e) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on O'Riordan Street during construction activities.

f) A construction zone will not be permitted on O'Riordan Street.

g) All vehicular access to the subject site is to be via Coward Street during both construction and operation phases of the development.

h) All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

11. The proposed development is to comply with the following conditions provided by Sydney Water on 29 February 2016:

a) No building or permanent structure is to be constructed within 1 m from the outside wall of the stormwater asset. Permanent structures include (but are not limited to) basement car park, hanging balcony, roof eves, hanging stairs, stormwater pits, stormwater pipes. This clearance requirement would apply for unlimited depth and height.

b) The applicant is required to submit the elevation drawings with the stormwater channel, to ensure that the proposed buildings and permanent structures are located at least 1 m away from the stormwater channel.

c) The proponent is required to provide the fencing arrangement along the Sydney Water's open stormwater channel.

d) Any fence other than 1.2m high pool fencing or equivalent should be located at least 1m away from the outside face of the stormwater channel and supported on piers. Piers are to be extended at least 1 m below the invert level of the stormwater channel.

e) The proponent is required to undertake a dilapidation survey report & CCTV report of the Sydney Water's stormwater channel prior to commencement of any work on the site. This report should extent at least 10m upstream and downstream from the property boundary. A copy of this dilapidation report is to be provided to Sydney Water.

This dilapidation survey report/CCTV Report is to be carried out again upon completion of the all construction work.

f) Any new stormwater connections or modification to the existing connections are to be carried out according to the Sydney Water's connection requirements. All new connections or modification to the existing connections are to be carried out as part of the

If any of the existing stormwater connection from the development site is not required then these existing connections are to be sealed according to the Sydney Water's requirements.

g) The applicant is required to submit a Flood Impact Assessment report based on a current flood model for the proposed development and identify flood hazards. The FIA must:

- demonstrate that there are no potential adverse flood impacts offsite due to the
- development; and
- evaluate the impacts of flooding on the proposed development.

h) If the proposed development require direct stormwater connection to the Sydney Water's stormwater system then the connection should comply with Sydney Water's On Site Detention requirements.

i) Stormwater run-off from the site should be of appropriate quality before discharged into a Sydney Water asset or system. Developments must demonstrate stormwater quality improvement measures that meet the following specified stormwater pollutant reductions:

Pollutants	Pollutant load reduction objective (%)
Gross Pollutants (>5mm)	90
Total Suspended Solids	85
Total Phosphorus	65
Total Nitrogen	45

j) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. Make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing> Developing> Land development or telephone 13 20 92.

k) You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. Water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see Plumbing, building and developing then Building over or next to assets).

l) If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must wait for approval of this permit before any business activities can commence.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

m) Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard

rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

- Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
- Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website: http://www.sydneywater.com.au/Plumbing/BackflowPrevention.

12. The proposed development is to comply with the following advice provided by Ausgrid on 25 February 2016:

a) Ausgrid requires kiosk substation housings to be separated from building ventilation system air intake and exhaust duct openings, by not less than 6 metres. This applies irrespective of whether the building ducted ventilation system is mechanical or natural and irrespective of whether or not fire dampers are installed in the ducts.

Any portion of a building other than a BCA class 10a structure constructed from noncombustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non-ignitable blast resisting barrier.

For further details on fire segregation requirements refer to Ausgrid's Network Standard

b) Any work undertaken near Overhead Power lines needs to be done in accordance with

- WorkCover Document ISSC 23 "Working Near Overhead Power Lines"
- Ausgrid Network Standards
- Ausgrid Electrical Safety Rules

c) The location of underground cables by using *Dial Before You Dig* and comply with the requirements of Ausgrid's Network Standard 156: *Working Near or Around Underground Cables* before any excavation works are undertaken.

d) Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

For further details refer to Ausgrid's Network Standard 143.

e) 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 (e.g. whether a substation is required on site).

f) The developer is to ensure that the proposed works do not contravene Ausgrid's technical standards and statutory requirements, in regards to the safe and reliable operation of Ausgrid's network.

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

13. Amended Plans shall be submitted for the approval of Council, prior to the issue of a Construction Certificate. The amended plans shall depict the following amendments:

a) The areas shaded green within the approved plan, being Ground Floor Level Overall Arch 200, prepared by Crone Architects, dated 25 May 2016 (marked up for 29 June 2016), is to be deep soil and contiguous with natural ground i.e. not over any podium or basement.

b) In addition, to facilitate a further increase in deep soil area, the entire childcare centre courtyard is to be provided with an additional setback from the landscaped spine, in line with that provided to the internal area of the childcare centre. Deep soil area shall be provided in the area to the north of the green shading provided within the Urbis Landscape Plan. The capacity of the centre may be required to be reduced to comply with this requirement.

c) The parking area must be reduced in size and reconfigured to accommodate the above deep soil requirements. However, no part of the basement may be increased in size.

d) Ramps and landings shown within the Landscape Plan, provided to Council on 30 June 2016 and prepared by Urbis, located within the front setbacks to O'Riordan Street and Coward Street, shall be reduced in order to enable the provision of deep soil planting. No outdoor dining areas are to be provided in these locations, and entries to each individual premises shall be located to minimise the need for larger landings. Equitable access shall only be required to be provided to the minimum number of entry points for the retail premises and childcare centre.

14. Prior to the issue of any Construction Certificate, the applicant must pay the following fees and bonds. Details are provided elsewhere within these conditions. A summary of the payments is as follows:-

a)	Builders Damage Deposit	$856,785.00 (outlined elsewhere)
b)	Development Control	$2,890.00
c)	Section 94 Contributions	$4,892,871.04 (outlined elsewhere)
d)	Tree Preservation Bond	$50,000.00
e)	Street Tree Maintenance Bond	$25,000.00

15. The City of Botany Bay being satisfied that the proposed development will increase the demand for public amenities within the area, and in accordance with Council's Section 94 Contributions Plan 2016 the following required contributions have been calculated:

    The Section 94 Contribution of **$4,892,871.04** is to be paid to Council prior to the issue of the first Construction Certificate. Note: The Section 94 Contribution fees are subject to annual review and the current rates are applicable for the quarter in which your consent is granted. If you pay the contribution in a later quarter you will be required to pay the fee applicable at the time.

16. Prior to the issue of any Construction Certificate, detail design and construction plans in relation to On-site Flood Mitigation Temporary Storage Tanks system for the development shall be submitted to the Certifying Authority for approval.

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

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

    a) Provision of a Temporary On-site Flood Mitigation Storage Tanks. The tanks shall be sized accordingly to compensate for the loss of any flood storage as a consequence of the new development.

    If it is deemed that Temporary On-site Flood Mitigation Storage are not required, relevant calculations shall be submitted to Certifying Authority for consideration and approval. Any required Flood Mitigation Storage must not be provided in deep soil or landscaped areas.

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

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

18. A final Acid Sulfate Soils Management Plan, that has been prepared by a suitably qualified and experienced environmental/geotechnical consultant, shall be submitted to the Certifying Authority (and the Council if the Council is not the Certifying Authority) prior to the issue of any Construction Certificate. This plan shall include any site specific procedures and mitigation measures required and shall include a site analysis from a NATA registered laboratory. The plan shall provide details of the following:

    a) Site specific mitigation measures to both minimise the disturbance of acid sulfate soils as well as any measures relating to acid generation and acid neutralisation of the soil;

    b) Management of acid sulfate affected excavated material;

    c) Measures taken to neutralise the acidity of any acid sulfate affected material; and

    d) Run-off control measures for the acid sulfate affected soil.

    This report shall be provided prior to the issue of any construction certificate and all recommendations of the report shall be implemented during works on site.

19. An Erosion and Sediment Soil and Water Management Plan (ESCP) shall be prepared in accordance with the Landcom *Managing Urban Stormwater – Soils and Construction* 4th Edition (2004) and submitted to the Principal Certifying Authority prior to the release of any Construction Certificate.

    This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times during the construction works. A copy of the ESCP shall be kept on-site at all times and made available to Council Officers on request.

    This plan shall incorporate and reference the construction environmental management plan and address site limitations.

20. A sufficient area shall be provided onsite to enable separate stockpiling and treatment of excavated acid sulfate soils. Details of this area shall be provided in the Erosion and Sediment Control Plan (ESCP) prior to the release of any construction certificate.

21. The measures required in the acoustical assessment report prepared by Acoustic Logic, dated 12/01/2016, Report reference number 20131297.1 shall be undertaken in accordance with the provisions of *AS 2021 – 2000: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction* to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021 – 2000 shall be incorporated into the construction of the building.

    The work detailed in the report includes:

a) Appropriate acoustic glazing to stated windows and doors,

b) Detailed roof and ceiling construction,

c) Wall and ceiling corner details and,

d) External door specification,

e) Acoustically treated mechanical ventilation.

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

22. Evidence of a Sydney Water permit or consent for discharge of wastewater to the sewer shall be submitted to the Certifying Authority prior to the issue of the first Construction Certificate. Where a permit or consent may not be required from Sydney Water certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.

23. Evidence of a Sydney Water permit or consent for discharge of wastewater to the sewer shall be submitted to the Principal Certifying Authority prior to the issue of the Construction certificate. Where a permit or consent may not be required from Sydney Water certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.

24. In relation to the child care centre, a copy of the endorsed plans by the Department of Community Services is to be submitted to Council prior to the release of the relevant Construction Certificate.

25. The child care centre is to comply with the requirements of the NSW Children Services Regulations 2004 and any other requirements as specified by the NSW Department of Community Services. Details to be submitted prior to release of the relevant Construction Certificate.

26. The proposed shade structure in the play area should be designed with reference to AS/NZC 44 86:1:1997. Details to be submitted to Council prior to release of the relevant Construction Certificate.

27. Prior to the issue of any Construction Certificate, the applicant shall lodge a Builder's Damage Deposit of $856,785.00 (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.

28. A Construction Management Program shall be submitted to, and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. The program shall detail:

a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed,

b) The proposed phases of construction works on the site and the expected duration of each construction phase,

c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken,

d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process,

e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site,

f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period,

g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site,

h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent,

i) Proposed protection for Council and adjoining properties, and

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

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

29. Prior to the release of the Construction Certificate, a plan (written and/or diagrammatic) shall be submitted and approved by Council, showing the method of access of building materials and plant to the property, and storage location on the property during construction and shall include all existing structures.

30. Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.

31. A qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then

report on the existing condition of the existing stormwater drainage infrastructure on O'Riordan Street and Coward Street adjacent to the development. The camera and its operation shall comply with the following:

a) The internal surface of the drainage pipe/culvert shall be viewed and recorded in a clear and concise manner,

b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints,

c) Distance from the manholes shall be accurately measured, and

d) The inspection survey shall be conducted from manhole to manhole.

e) The written report, together with a copy of the digital video footage of the pipeline and detail maps recording which video is of which pipe shall be submitted to Council prior to the commencement of any works. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.

Note: If the existing pipe is full of debris preventing the effective inspection of the pit and pipe system, the contractor shall clear the pipe to a degree where CCTV inspection is possible at the applicants expense.

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

a) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.1 and Council requirements including but not limited to Section 8(v) of the DCP Stormwater Management Technical Guidelines,

b) All service vehicles shall enter the property front in front out,

c) For commercial developments, the applicant shall provide longitudinal sections along the extremities and the centre line of each internal driveway/access ramp at a scale of 1:25. These long sections shall extend from the horizontal parking area within the property to the centre line of the roadway. The sections shall also show the clear height from the ramp to any overhead structure.

d) Demonstrate safe headroom clearance of 4.5m is achieved in the driveway entrance and along the along the travel path, parking and manoeuvring areas of a Medium Rigid Vehicle (MRV), including Council's Garbage Truck,

e) Swept path analysis shall be provided for manoeuvring of commercial vehicles, and

f) A longitudinal section plotting headroom clearance above driveway access is to be provided for assessment.

33. Prior to the release of the Construction Certificate, the following required section(s) are to be submitte87(v)d to and approved by the Principal Certifying Authority:

a) Disabled car parking spaces shall be provided and clearly marked as per the Australian Standards AS 2890.6 and Council requirements.

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

a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services,

b) Negotiate with the utility authorities (eg AusGrid, Sydney Water, Telecommunications Carriers and Council in connection with:

i) The additional load on the system, and

ii) The relocation and/or adjustment of the services affected by the construction.

c) The Ausgrid Power poles along the eastern side of O'Riordan Street, will need to be decommissioned and new lighting poles shall be constructed satisfying V2 lighting requirements any other requirements as specified by Council, RMS and any other service provider,

d) The Ausgrid Power poles along both sides of Coward Street, will need to be decommissioned and new lighting poles shall be constructed satisfying P2 lighting requirements any other requirements as specified by Council, RMS and any other service provider,

e) All above ground utilities shall be relocated underground in accordance with Ausgrid and any other affected and relevant service provider, and

f) All underground and above ground infrastructure shall be constructed as specified by Ausgrid, RMS, Council and any other affected service provider. The location of the new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed with Council prior to the issue of the Construction Certificate.

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

35. Prior to the issue of any Construction Certificate, detail design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority for approval.

(The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's Development Control Plan 'Stormwater Management Technical Guidelines', AS/NSZ 3500 – Plumbing and Drainage Code, 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) An On-Site Detention System (OSD) shall be designed according to Part 6 of the SMTG. It should be noted that OSD systems shall be designed to detain the stormwater runoff from the site for all storm events up to and including 1 in 100 year ARI storm and permissible site discharge (PSD) shall be based on 1 in 5 year ARI peak flow generated from the site under the "State of Nature" condition (i.e. the site is totally grassed/turfed), rather than pre-development condition,

b) Provision of a minimum 10kL rainwater tank collection system for each separate Lot for internal reuse in accordance with Section 4 of Botany Bay's SMTG,

c) If an OSD system is proposed, incorporate a Stormwater Quality Improvement system to ensure compliance with Section 16 of Botany Bay's SMTG,

d) The water quality improvement system and WSUD strategy proposal shall be designed to capture and treat at least 85% flows generated from the site.

e) A WSUD Strategy and MUSIC model must be prepared and submitted to Council for the development. The MUSIC model must be prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA). Sydney's Water's requirements are that the water quality improvement should meet or exceed the target as described in the "Botany Bay & Catchment Water Quality Improvement Plan" which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011, and

f) The submission of detailed calculations including computer modelling where required supporting the proposal.

36. Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal (or any other method) and de-stressing of shoring elements, shall be submitted with the Construction Certificate to the Principal Certifying Authority along with Council's (or other) consent if the works intrude on Council's (or other) property.

37. The following requirements apply to telecommunication facilities in the building:

a) Appropriate access and space within the plant area of the building shall be provided for telecommunication carriers or other providers of broad-band access by ground or satellite delivery.

b) Appropriate ducting and cabling shall be provided for telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.

38. Prior to the issue of the construction certificate, the architectural plans shall be amended to include gas and water tap connections to each private open space area.

39. Detailed mechanical ventilation system plans and specification prepared by a *professional practising engineer*, as defined by the Building Code of Australia, must be submitted to Principal certifying authority prior to the release of the relevant Construction Certificate certifying compliance with AS/NZS 1668 *The Use of*

Mechanical Ventilation and Air Conditioning in Buildings, Part 1-2002*: Fire and smoke control in multi-compartment buildings and* Part 2-2002: *Ventilation design for indoor air contamination control. (Note: BCA has not yet adopted the 2002 Standards and still utilises the previous 1991 AS1668).*

40. Any exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1 and AS1668.2. Details to be submitted to the Principal Certifying Authority prior to release of the relevant Construction Certificate.

41. A final Waste Management Plan prepared in accordance with Council's Waste Management and Minimisation Guidelines Development Control Plan shall be submitted to the Council for approval prior to the release of the Construction relevant Certificate. The Waste Management Plan shall include the size and storage of bins, the collection point for the waste contractor recycling contractor, maintenance of the bins and the provision of recycling and composting facilities.

42. Prior to the release of the Construction Certificate the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service payments Act 1986 must be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however, this is a State Government fee and can change without notice.

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

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

    a) In relation to Council's infrastructure, the report shall include at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's infrastructure. The survey shall detail the physical conditions and identify any existing damage to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development.

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

    c) The applicant shall bear the cost of all restoration works to buildings/ structures and public infrastructure that been damaged during the course the demolition, site clearing and site remediation works. Any damage to buildings/structures, infrastructures, roads, lawns, trees, gardens and the like shall be fully rectified by the applicant/developer, at the applicant/developer's expense.

d) A copy of the dilapidation report together with the accompanying photographs shall be given to all immediately adjoining properties owners and public utility authorities, including Council. The report shall be agreed by all affected parties as a fair record of existing conditions prior to commencement of any works;

e) A second dilapidation report, including a photographic survey shall then be submitted at least one month after the completion of all works. A copy of the second dilapidation report together with the accompanying photographs shall be given to Council, public utilities authorities and all adjoining properties owners.

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

45. Prior to the issue of Construction Certificate, details are to be provided to the Principal Certifying Authority demonstrating that the each land use within the development is provided with a minimum parking allocation in accordance with the following table:

a)

Use	**Required Spaces**
Residential	252, including 34 visitor and 24 disabled spaces.
Serviced Apartment:	110
Retail	53, including 2 disabled
Childcare	35, including 1 disabled
Bicycle Parking	45
Motorcycle	5
Service vehicle	As indicated on approved plans
Car share	1

Any surplus parking shown on the plans (following design amendments to account for deep soil), may be allocated as required.

b) At least one (1) disabled parking bay shall be available for visitor parking.

c) A minimum one (1) car wash bay shall be provided and shall be connected to water and sewer.

d) The car share parking space shall be allocated for the use of a car share service provider.

e) The proposed car parking facility (space size, aisle widths, headroom clearance gradients and safe sight distance etc) shall be designed to ensure all vehicles visiting the site can safely enter and leave in a forward direction in accordance with relevant sections of AS2890. The architectural plans shall be amended where required and Traffic Engineering certification confirming compliance shall be submitted for approval with the relevant Construction Certificate application.

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

47. The proposed development will result in substantial excavation that has the potential to affect adjoining buildings and proposed public infrastructure.

Prior to the issue of the Construction Certificate, the applicant shall:

a) seek independent advice from a Geotechnical Engineer on the impact of the proposed excavations on the adjoining properties;

b) detail what measures are to be taken to protect those properties from undermining during construction; and

c) provide Council with a certificate from the engineer on the necessity and adequacy of support for the adjoining properties.

All recommendations of the Geotechnical Engineer are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

48. Prior to the issue of the Construction Certificate, plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Principal Certifying Authority. Storage of Waste and recycling shall meet the following requirements.

The rooms for the storage of garbage and recyclable materials shall be:

a) Fully enclosed;

b) Adequately ventilated;

c) Constructed with a concrete floor, concrete or cement rendered walls coved to the floor;

d) The floor shall be graded to an approved sewer connection incorporating a sump and galvanized grate cover or basket in accordance with the requirements of Sydney Water Corporation.

e) Washing facilities shall be provided within close proximity to the garbage and recycling storage area.

49. A Construction Management Program shall be submitted to, and approved in writing by the Council prior to the issue of a Construction Certificate. The program shall detail:-

a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.

b) The proposed phases of construction works on the site and the expected duration of each construction phase.

c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.

d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process.

e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.

f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.

g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.

h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent.

i) Proposed protection for Council and adjoining properties.

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

k) The location of any Work Zone (if required) approved by Council's Engineering Section, including a copy of that approval.

l) The proposed method of access to and egress from the site for construction vehicle, including the proposed method of traffic control, access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area. Access across public parks and open space reserves is prohibited.

m) Obtain Permits required under this consent.

50. Circulation spaces shall be well at night, with any lighting on the site designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with *AS4282-1997 Control of the obtrusive effects of outdoor lighting*; and the installation of solar power to external space lighting. Details are to be submitted to the Principal Certifying Authority prior to the release to the Construction Certificate

51. Appropriate noise insulation shall be provided between common walls within residential apartments. Details shall be provided to the Principal Certifying Authority.

52. The Applicant is to submit payment for a Tree Preservation Bond of $50,000.00 to ensure protection of the existing Council street trees and trees on adjoining properties to the north and east from damage during construction. The duration of the Bond shall be limited to a period of 12 months after issue of the Occupation Certificate. At the completion of the 12 month period the Tree Preservation Bond shall be refunded pending a satisfactory inspection by Council or a qualified Arborist. If the tree was found to be in decline, damaged (including roots), dead, excessively pruned or removed without Council permission or, if tree protection measures were not satisfied at any time, then all or part thereof of the bond shall be forfeited. The Tree Preservation Bond was calculated using the Thyer Tree Evaluation method.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE FOR ABOVE GROUND WORKS

53. The landscape areas shown on the plans by Urbis, Issue C, dated June 2016, as amended by conditions of this consent requiring increased deep soil area, shall be the subject of **detailed (ie. construction/tender level detail, not conceptual/indicative)** amended documentation to be submitted to and approved by the **City of Botany Bay Council's Landscape Architect** prior issue of any Construction Certificate for above ground works. The amended landscape plans shall be accompanied by amended architectural and civil plans (where appropriate) and shall address the following :

a) The enlarged deep soil areas are to be continuous throughout the spine and provide soil volumes capable of supporting a variety or large to small trees to provide variety in the tree planting design that is responsive to privacy, solar access, provides a liveable, hospitable and usable open space for residents, addresses excessive winter shade, reduces wind tunnel effects, provides upper level softening of buildings and as replacement of significant existing large canopy. The central spine is to be devoted entirely to communal open space only. The area is not to be further reduced in size through the use of retaining walls/walls/fencing resulting in landscape area appearing as part of private ground floor terraces. The space is to be maximised for growing large canopy trees spatially at both ground level and for below ground root expansion unencumbered by footings and the like.

b) The retails setbacks to both street frontages are to contain larger dimension planter boxes and small to medium size evergreen trees. Landscaping and hard pavement shall be balanced.

c) The trees nominated in the June 2016 Issue B landscape concept plan are not suitable in their entirety in that they do not include large canopy trees and many are considered unlikely to attain the heights specified in a modified environment eg. Water Gum (likely 6m not 10m), Little Gem/Exmouth (5-7m not 20m), Robinia (6-8m not 9m), Lillypilly (5m not 8m), C. Summer Red (3-5m not 6m), Spotted Gum (20m not 30m). With the provision of true deep soil large canopy trees are to be provided. The amended design shall include a mixture of small, medium and large trees in all boundary setbacks, communal open spaces and the central spine. The majority of trees are required to be evergreen species.

d) Tree soil volumes are to be provided as follows :

Tree size	Volume required (species variable)	Deep soil requirement ie. not over podium/basement
Large 13-18, high up to 16m spread	80-150 cubic metres	Yes
Medium 9-12m high 8m spread	30-40 cubic metres	Yes
Small 3-8m high 4m spread	10-15 cubic metres	No but preferred

Source : Apartment Design Guide, Residential Flat Design Code, Council DCP Landscape Technical Guidelines, Arborgreen/Citygreen Pty Ltd

e) Feature/specimen trees for foliage/flower are to be provided in the central spine on the O'Riordan Street frontage.

f) Large sizes are required for trees of 400 to 1000 litre pot size using trees specifically grown to size or ex-ground specimens. The landscape tender must allow for this.

g) Large/medium evergreen canopy trees are required in the 3 metre street setback to the reception/porte cochere.

h) Details are to be provided depicting how landscaping is to be provided over the stormwater culvert adjoining the eastern boundary as medium to large trees are also required is this area for screening. Soil depths and volumes are required accordingly to allow lateral root spread. The access pathway adjacent to the northern boundary may require redesign or deletion as required. Should the access pathway be deleted, alternative design features shall be required to clearly indicate pedestrian movements.

i) Medium to large trees are to be provided in the northern setback to provide screening and privacy for existing adjoining residential dwellings.

j) A public domain plan is required which shall be inclusive of street trees and other low level landscaping to enhance the public domain, street furniture (Council specification eg. seats, bollards, bike racks where required), paving (to Council specification NOTE : civil drawings shall include levels and detailed footpath construction sections). Citygreen Stratavault (Arborgreen : suppler) is to be utilised with the planting of all new street trees and is to be installed in the entire road verge. The public domain plan is to provide a full specification of the Stratavault application and paving for this development. The nominated street trees are Spotted Gum for O'Riordan Street and Waterhousia floribunda/Corymbia eximia for Coward Street. The plan is to consider the replacement of any poor quality street trees but only where warranted and after Council approval in view of replacement with a high quality new street tree proposal.

k) The playground area is to be fully documented ensuring suitable and optimal play value. A full specification is required and the playground is to be an experienced

playground designer. The projected demographics for the development must be considered.

l) The communal open space is to consider and other features such as BBQ area and outdoor fitness areas and are to be included in the landscape documentation.

m) Shrubs of varying height shall be used throughout the development including at the base of buildings to visually ground buildings and screen edges and facades. Shade tolerant species including lawns will be required.

n) A planting plan and full plant schedule with all plant locations, centres, numbers, pot sizes and staking requirements suitable for tender. There is to be a dense, layered planting of trees and shrubs of varying height in all landscaped areas.

o) Specifications detailing soil and mulch finishes, root barriers, irrigation, edge treatments and other landscape hardworks/materials such as retaining walls and paving. Sectional construction details are required.

p) All fencing sectional details and materials as well as details of all privacy screening, pergolas and the like.

q) Details of all other landscape elements such as furniture and amenity lighting, pergolas, feature/paved landscape areas and so on.

r) Planter box on podium sectional details, drainage and external finishes. Planter box depths and finishes to be in accordance with Council's Landscape Technical Guidelines (DCP).

s) Clearly indicate all awnings. Awnings are not permitted to extend past the property boundary on any frontage, to ensure the canopy development of street trees, as well as trees in the frontage setbacks in planter boxes or fronting the porte cochere/reception are not compromised.

Landscaping shall be installed in accordance with the Council approved landscape plan only. This amended, approved plan will supersede the original landscape plan. The landscaped areas on the property shall be maintained at all times in accordance with the final Council approved landscape documentation, the conditions of consent and Council's Landscape Technical Guidelines at all times.

54. The building shall be constructed in accordance with *AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction*, the details of which must be prepared by a practicing professional acoustical consultant. The report shall be submitted to Certifying Authority prior to the release of the Construction Certificate for above ground works and the building plans endorsed with the required acoustical measures.

55. The building shall be designed in accordance with the *Office of Environment and Heritage* (*Department of Environment, Climate Change and Water*) '*NSW Road Noise Policy'*, and shall also meet the criteria recommended as "Satisfactory" in Table 1 of Australian Standard AS 2107-2000. Details shall be submitted to the certifying authority prior to the release of the Construction Certificate for above ground works.

Details on the mechanical plant and equipment to be submitted to the Principal Authority prior to the release of the Construction Certificate for above grounds works. The report must identify the compliance of each item of plant and equipment in relation to the following criteria

i) The operation of all plant and equipment shall not give rise to an equivalent continuous (L_{Aeq}) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background L_{A90} level (in the absence of the noise under consideration).

ii) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds L_{Aeq} 50dB(A) day time and L_{Aeq} 40 dB(A) night time.

iii) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds L_{Aeq} 65dB(A) day time/night time.

iv) For assessment purposes, the above L_{Aeq} sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

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

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT OR WORK

56. In order to ensure that the existing Council street trees in both O'Riordan Street and Coward Street are protected during all stages of construction, and their health and structural stability ensured, the following is required :

a) Prior to commencing any works the trees shall be physically protected by fencing underneath the canopy dripline using 1.8 metre high chainwire fence to form the Tree Protection Zone (TPZ). The fence shall remain in place until construction is complete. 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.

b) If there is insufficient space to erect fencing in a particular area, wrap the trunk with hessian or carpet underlay to a height of 2.5 metres or to the tree's first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails) in accordance with Arborist instructions.

c) Trees shall not be impacted by hoarding or scaffolding. All such structures shall eb designed and erected to ensure tree canopy is not obstructed or damaged and pruning is not required. There will be no pruning permitted tom erect hoarding or scaffolding. A separate application to Council for the erection of hoarding is required.

d) Before any works commence on site, the Applicant is required to contact Council for an inspection of the fenced TPZ's. Council approval is required prior commencement of any work.

e) All detailed Construction Certificate plans shall show trees to be protected and the TPZ.

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

(It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)

a) Permit to erect hoarding on or over a public place, including Council's property/road reserve,

b) Permit to construction works, place and/or storage building materials on footpaths, nature strips,

c) Permit to install temporary ground anchors in public land,

d) Permit to discharge ground water to Council's stormwater drainage system,

e) Permit for roads and footways occupancy (long term/ short term),

f) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve,

g) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services,

h) Permit to place skip/waste bin on footpath and/or nature strip, and

i) Permit to use any part of Council's road reserve or other Council lands.

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

59. Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal

(or any other method) and de-stressing of shoring elements, shall be submitted with the Construction Certificate to the Principal Certifying Authority along with Council's (or other) consent if the works intrude on Council's (or other) property.

60. A Soil and Water Management Plan (SWMP) shall be prepared in accordance with the Landcom *Managing Urban Stormwater – Soils and Construction* 4th Edition (2004). All management measures recommended and contained within the Soil and Water Management Plan (SWMP) shall be implemented in accordance with the *Landcom Managing Urban Stormwater – Soils and Construction* 4th Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times. A copy of the SWMP shall be kept on-site at all times and made available to Council Officers on request.

61. A sufficient area shall be provided onsite to enable separate stockpiling of excavated materials for sampling and analysis prior to removal or re-use on site. Details of this area shall be provided in the Soil and Water Management Plan (SWMP) prior to the release of any construction certificate.

    This plan shall incorporate and reference the construction environmental management plan and address site limitations.

62. A sufficient area shall be provided onsite to enable separate stockpiling and treatment of excavated materials with a pH of less than 5.5. Details of this area shall be provided in the Soil and Water Management Plan (SWMP) prior to the release of any construction certificate.

63. The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.

64. Erosion and sediment control devices shall be installed and functioning prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines including the *Protection of the Environment Operations Act 1997*.

    These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.

65. To confirm that the human health risk assessment and to ensure the site is suitable for the proposed use in accordance with the recommendations of the Phase 2 Detailed Site Assessment further assessment of the soil concentrations within the existing building footprint as at completion of this report shall be completed following demolition of buildings and prior to any excavation or building works.

    This shall be completed by a suitably qualified and experienced environmental consultant in accordance with:

a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';

b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and

c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

Following completion of the additional investigation below the building footprints, if required 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 Botany Bay City Council, in accordance with Section 80(A)2 of the Environmental Planning and Assessment Act 1979 prior to a the commencement of any excavation or building works onsite.

66. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.

67. 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.

68. 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.

69. The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.

70. All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.

71. Existing structures and or services on this and adjoining properties are not to be endangered during any excavation or construction work associated with the above project. The application is to provide details of any shoring, piering or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilize any adjacent structures.

72. The Principal Certifying Authority must be satisfied that: -

a) In the case of work to be done by a licensee under the Home Building Act: -

i) Has been informed in writing of the licensee name and contractor licence number, and;

ii) Is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or,

b) In the case of work to be done by any other person: -

i) Has been informed in writing of the persons name and owner-builder permit number, or;

ii) Has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner builder work* in Section 29 the Home Building Act 1989.

73. At least forty-eight (48) hours prior to the commencement of, the applicant must inform Council, in writing, of:

a) Written notice, indicating the date when demolition of the building is to commence.

b) This person's full name and address.

c) Details of Public Liability Insurance.

CONDITIONS WHICH MUST BE SATISFIED DURING WORKS RELATED TO THE DEVELOPMENT

74. In order to ensure that the existing Council street trees in O'Riordan Street and Coward Street are protected during all stages of construction, as well as all trees on adjoining properties to the east and north of the site and their health and structural stability ensured, the following is required. The trees on the adjoining properties to be protected are :

30 and 31 located at the rear of 26 Carinya Avenue on the eastern boundary
32 located in the Graphic Arts Club on the eastern boundary
33 located within the raised garden bed adjacent to the eastern boundary
35 located at the rear of 52 Carinya Avenue
36 located at the rear of 132 O'Riordan Street
(tree numbers in accordance with the Arborist report Dec 2015)

a) All TPZ's as well as the Council nature strip are a "No-Go" zone. There shall be no access to the property excluding the existing crossover, no stockpiling, storage or sorting of waste or building materials, no construction work, no concrete mixing, strictly no washing down of concrete mixers or tools, no chemicals mixed/disposed of, no excavation or filling, no service trenching. Any unavoidable work within the fenced zone shall be under the direction of Council's Tree Officer.

b) Where unavoidable foot access is required in the TPZ, provide temporary access with timber sheets to minimise soil compaction, spillage or root damage.

c) Excavation within the TPZ or within an area extending 3 metres outward of the canopy dripline of any tree to be retained shall be carried out manually using hand tools to minimise root damage or disturbance.

d) Tree roots 40mm in diameter or greater that require pruning shall be done only under the direction of Council's Tree Officer or the consulting Arborist after a site inspection.

e) It is the Applicant's responsibility to ensure that there is no damage to the canopy, trunk or root system (including the surrounding soil) of any tree. There shall be no canopy pruning unless approval has been granted by Council's Tree Officer under separate application. Approved pruning shall be undertaken by a qualified Arborist in accordance with AS 4373.

f) Masonry boundary fencing/walls or built structures shall be of piered or bridged construction to minimise damage to major or structural tree roots. Trench or strip footings are not permitted. If a tree root 40mm diameter or greater is in the location of a pier and the root cannot be cut without compromising the tree (must be obtained after Council inspection and advice), the pier will need to be relocated and the root bridged.

g) There shall be no walls retaining or otherwise, pavements, change in levels, trenching for new subsurface utilities or the location of new overhead services within the primary root zone or canopy of any tree to be retained. Any such structures in close proximity to trees must accommodate tree roots without damage or pruning.

h) The Applicant shall undertake any tree maintenance/remedial pruning as required by Council at the completion of construction.

If there is any contravention of these tree preservation conditions, or a tree was found to be damaged (including roots), in decline, dead or pruned without permission, then Council may claim all or part of the lodged security bond prior to its release as well as require remedial pruning work. Epicormic growth is evidence of root damage.

75. The applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council.

a) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.

b) 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.

c) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.

76. During Demolition, Excavation and Construction, care must be taken to protect Sydney Water's, RMS and Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits, culverts, etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation and construction. The area fronting the site and in the vicinity of the development shall also be make safe for pedestrian and vehicular traffic at all times. Any damage to RMS and 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 RMS and Council's specification and AUS-SPEC at no cost to RMS and Council.

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

a) Level Restrictions

Construction period of 4 weeks and under:

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

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

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

b) Time Restrictions

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

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

Saturday: 08:00 am to 01:00 pm

No Construction to take place on Sundays or Public Holidays.

c) Silencing

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

78. During Demolition, Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's land.

79. If an excavation associated with the proposal extends below the level of the base of the footings of a building on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:

a) Must preserve and protect the building/ fence from damage; and,

b) If necessary, underpin and support such building in an approved manner;

c) Must at least be 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of the intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished;

Any retained existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piering, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.

d) If the soil conditions required it:

i) Retaining walls associated with the erection of a building or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided, and

ii) Adequate provision must be made for drainage.

80. Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately. All work on site shall cease until the council is notified and appropriate measures to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines is completed by an appropriately qualified and experienced environmental consultant.

81. Any remediation work must be carried out in accordance with:

a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';

b) NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997;

c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land; and

82. For any water from site dewatering to be permitted to go to stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for Marine Water. All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into Councils stormwater system.

If the groundwater does not meet these guideline levels a Trade Waste permit from Sydney Water must be sought to put the groundwater to sewer.

83. To ensure that relevant engineering and water quality provisions are met during the period of dewatering for construction, prior to any water from site dewatering to be permitted to go to stormwater a permit to discharge to the stormwater shall be obtained from Council. Dewatering shall not commence until this is issued by Council.

84. All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) prior to being disposed of to a NSW approved landfill or to a recipient site.

85. To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill shall be appropriately certified material and shall be validated in accordance with the:

    a) Office of Environment and Heritage (OEH) approved guidelines; and

    b) Protection of the Environment Operations Act 1997; and

    c) Protection of the Environment Operations (Waste) Regulation 2014.

    All imported fill shall be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.

86. The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:

    a) The Soil and Water Management Plan;

    b) "Managing Urban Stormwater - Soils and Construction" (2004) Landcom ('The Blue Book'); and

    c) Protection of the Environment Operations Act 1997.

87. 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.

88. During demolition, excavation, construction and any associated delivery activities, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any construction-related vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's lands.

89. 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.

90. If an excavation associated with the proposal extends below the level of the base of the footings of a building on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:

a) Must preserve and protect the building/ fence from damage; and,

b) If necessary, underpin and support such building in an approved manner;

c) Must at least be 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of the intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished;

d) Any retained existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piering, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.

e) If the soil conditions required it:

i) Retaining walls associated with the erection of a building or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided, and

ii) Adequate provision must be made for drainage.

91. Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:

a) demolition and construction of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;

b) Each toilet provided:

i) must be standard flushing toilet; and,

ii) must be connected:

1 to a public sewer; or

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

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

c) The provisions of toilet facilities in accordance with this condition must be in place before work commences.

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

93. Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A free copy of the sign is available from Council's Customer Service Counter.

94. Shaker pads are to be installed at the entry/exit points to the site to prevent soil material leaving the site on the wheels of vehicles and other plant and equipment.

95. All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.

96. During Construction and any associated deliveries activities, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation and construction. The area fronting the site and in the vicinity of the development shall also be make safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

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

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

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 an Occupation Certificate.

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.

98. To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscape areas, installed by a qualified landscape contractor. The system shall provide full coverage of all planted areas with

no more than 300mm between drippers, automatic controller and backflow prevention device and shall be connected to a recycled water source, where provided. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.

99. The electrical kiosk and fire booster assembly (and similar utilities) must be located in an unobtrusive location away from vehicle and pedestrian entrances to the property and not within the landscaped setbacks. The utilities must be housed within the external face of the building structure and screened from view from the public domain area.

100. The Applicant is to submit payment of a Street Tree Maintenance Bond of $25,000.00. The duration of the Bond shall be limited to a period of 12 months after final Council approval of planting of the new street trees. At the completion of the Bond period the Bond shall be refunded pending an inspection of the trees by Council. If a tree is found to be dead, pruned or dying and will not recover Council will forfeit all or part of the bond to replace or maintain the tree/s, unless the Applicant undertakes this work under instruction from Council.

101. A report prepared by a qualified air quality/mechanical engineer certifying that the mechanical ventilation/exhaust system as installed complies in all respects with the design and operation standards of AS 1668 – Mechanical Ventilation and Air Conditioning Codes, and the relevant provisions of the Protection of the Environment Operations Act 1997 shall be submitted to Council within 21 days of the installation of the system and prior to the occupation of the premises.

102. Evidence of a Sydney Water permit or consent for discharge of wastewater to the sewer shall be submitted to the Principal Certifying Authority prior to use or occupation of the premises. Where a permit or consent may not be required from Sydney Water certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.

103. The child care centre must comply with the requirements of the NSW Department of Community Services at all times.

104. Prior to commencing trading the occupier of the premises must register the food premises with Council (application form attached), and register with the New South Wales Food Authority (contact details for registration for the Food Authority NSW are http://www.foodnotify.nsw.gov.au/nafsis or by telephone 1300 650 124.

105. The car parking area is to be clearly and appropriately marked/signposted indicating all the vehicular movements on the site.

106. The internal road network, pedestrian facilities and parking facilities (including visitor parking and parking for persons with disabilities) shall be clearly designated, sign posted and line marked prior to the issuing of an Occupation Certificate. Signage and line marking shall comply with Australian Standards, AS1742, Manual of Uniform Traffic Control Devices and NSW Road Transport (Safety and Traffic Management) Regulations 1999.

107. Prior to the issue of any Occupation Certificates(s), documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the

stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and all relevant standards

108. Prior to the issue of Occupation Certificate, the following documentation shall be submitted to Council and Principal Certifying Authority attesting this condition has been appropriately satisfied:-

    a) Inspection reports (formwork and final) for the works on public domain and road reserve area, and the on-site detention system shall be obtained from Council's engineer; and

    b) A copy of the approved engineering construction plans showing Work-as-Executed details (together with an electronic copy (DWG format)) for all the civil works on public domain and road reserve area. The plan shall be prepared by a registered surveyor.

109. A certificate from a Chartered Professional Engineer/Registered Surveyor must be obtained and submitted to Council verifying that the on-site detention system as constructed will function hydraulically in accordance with the approved design plans.

110. A certificate from a Registered Engineer (NPER) must be lodged with Council verifying that the structures associated with the on-site detention systems have been constructed to withstand all loads likely to be imposed on them during their lifetime.

111. Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.

112. A qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the existing and new stormwater drainage infrastructure on on O'Riordan Street and Coward Street, including the newly relocated RMS and existing Sydney Water infrastructure. The camera and its operation shall comply with the following:

    a) The internal surface of the drainage pipe/culvert shall be viewed and recorded in a clear and concise manner,

    b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints,

    c) Distance from the manholes shall be accurately measured, and

    d) The inspection survey shall be conducted from manhole to manhole.

    The written report, together with a copy of the digital video footage of the pipeline and detail maps recording which video is of which pipe shall be submitted to Council for review. Any defect/damage to the culvert/pipeline since the commencement of construction on the site shall be repaired in full to the satisfaction of Council. A written

acknowledgement shall be obtained from Council (attesting this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.

113. Prior to the issue of the Occupation Certificates, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and all relevant standards.

114. Prior to the issue of any Occupation Certificate(s), a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:

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

    b) Restriction on Use of Land for Stormwater Quality Improvement Device. Refer to Appendix E of the SMTG for suggested wording.

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

116. Prior to the issue of Final Occupation Certificate, the applicant shall carry out the following works:

    a) On O'Riordan Street, demolish the existing driveways and driveway laybacks and construct new kerb and gutter as per Council and RMS Infrastructure Specifications,

    b) On O'Riordan Street, adjacent to the development, reconstruct existing Kerb and Gutter for the full length of the property in accordance with Council and RMS Infrastructure Specifications,

    c) On O'Riordan Street, adjacent to development, demolish existing concrete footpath and construct new concrete footpath as per Council's Landscape Architect and Council's Infrastructure specifications,

    d) On Coward Street, demolish the existing driveways and driveway laybacks and construct new kerb and gutter as per Council and RMS Infrastructure Specifications,

    e) On Coward Street, adjacent to the development, reconstruct existing Kerb and Gutter for the full length of the property in accordance with Council and RMS Infrastructure Specifications,

    f) On Coward Street, adjacent to development, demolish existing concrete footpath and construct new concrete footpath as per Council's Landscape Architect and Council's Infrastructure specifications,

g) On Coward Street, adjacent to development, reconstruct the road asphalt full width, in accordance with Council Specifications and relevant RMS and Australian Standards.

Note: To ensure satisfactory performance of the completed external public infrastructure works, a maintenance period of twelve (12) months shall apply to all public domain works completed in relation to this application. The performance period shall commence from the issue date of the Final Occupational Certificate.

117. Prior to the issue of the Occupation Certificate, inspection reports (formwork and final) for the works on the road reserve shall be obtained from RMS representative and Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.

118. Prior to the issue of any Occupation Certificate, the following easements shall be extinguished with the prior approval of the beneficiary:

a) Registered 1.83m wide "Easement for Drainage Purposes" dealing number 249514, shall be extinguished with the written approval from RMS.

119. Prior to the issue of any Occupation Certificate, the following easements shall be created in conjunction with Council and the beneficiary:

a) Register a new 1.8m wide "Easement for Drainage Purposes" over the new RMS stormwater drain in conjunction with RMS and Sydney Water. in conjunction with and approval by RMS and Sydney Water.

120. Any damage not shown in the dilapidation report submitted to Council before site works have commenced, will be assumed to have been caused by the site works undertaken (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to the issue of Final Occupation Certificate

121. Prior to release of the Occupation Certificate the developer must submit to the Principal Certifying Authority an acoustic report to verify that the measures stated in the approved acoustic report have been carried out and certify that the construction meets the above requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).

122. All services (Utility, Council, etc) within the road reserve (including the footpath) affected by the proposed development shall be relocated/adjusted where required to match the proposed/existing levels. All costs are to be borne by the applicant.

123. Prior to the issue of any Occupation Certificate, all associated works on Council's land must be must be completed and approved by Council.

124. All vehicular crossings are to be constructed. Prior to the issuing of an Occupation Certificate (or the completion of work or the use of the building), the applicant shall make a separate application to Council's Customer Service Counter to construct (or reconstruct) a vehicular crossing (either using Council or own forces) to all vehicular entry points to the site. All vehicular crossings, which were shown on submitted plans,

shall be in the correct location. All redundant vehicular crossings shall be removed and replaced to fit the main footpath cross-section. If any applicant wants to retain an existing vehicular crossing an application still has to be submitted with the matter highlighted. The footway area must be restored by turfing.

125. Prior to the issue of the Occupation Certificate, a Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority and the Council to the effect that:

    a) All reduced levels shown upon the approved plans, with relation to the required building heights, drainage, boundary and road reserve levels, have been strictly adhered to; and

    b) The development as built stands within the subject land.

126. A copy of any Building Management Statement and By-Laws shall be submitted to the Principal Certifying Authority for approval prior to the issue of the Occupation Certificate. The Building Management Statement and By-Laws shall address all conditions associated with the ongoing use of the development of Development Consent No. 16/9 and include:

    a) Responsibilities with regard to the ongoing maintenance of the building and landscaped areas at the property in accordance with the plans and details approved under Development Consent No. 16/9;

    b) Responsibilities with regard to the maintenance of artificial features at the property in accordance with the plans and details approved under Development Consent No. 16/9;

    c) Responsibilities for ensuring owners and/or tenants have adequate and hygienic waste sterile, disposal and collection arrangements and for ensuring the waste storage area is appropriately maintained and kept in a clean and safe state at all times;

    d) Responsibilities to ensure that receptacles for the removal of waste, recycling etc. are 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 before 12.00 noon;

    e) The Owners Corporation/Executive Committee obligations under clauses 177, 182, 183, 184, 185 and 186 of the Environmental Planning and Assessment Regulation 2000;

    f) Responsibilities to ensure that wastewater and stormwater treatment devices (including drainage systems, sumps and traps) are regularly maintained in order to remain effective. All solid and liquid wastes collected from the devices shall be disposed of in a manner that does not pollute waters and in accordance with the Protection of the Environment Operations Act 1997;

    g) The linen plan must include details of any easements, encroachments, rights of way, including right of footway, restriction as to user or positive covenants and

include a Section 88B Instrument under the *Conveyancing Act, 1919*. Council is to be nominated as the only authority permitted to release, vary or modify any easements, encroachments, rights of way, restriction as to user or positive covenants;

h) A graffiti management plan for the removal of graffiti and similar vandalism within seven (7) days of its occurrence and surface re-instatement;

i) The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines;

j) CCTV surveillance of all public areas within the development site; and

127.

a) Residents of this development are not eligible to participate in Council's on-street resident parking scheme. Before entering a purchase/lease/occupancy agreement, or individual units are on-sold, all tenants and occupiers of the development are to be advised of this by the owner of the building.

b) Prior to the issue of the Occupation Certificate, a sign to this effect shall be located in a prominent place, to Council's satisfaction, such as a directory board or notice board, where it can easily be observed and read by persons entering the building;

c) Where a building is to be Strata subdivided, a condition should be placed in the by-laws advising residents that they are not eligible to participate in on-street resident parking schemes.

128. 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 the Principal Certifying Authority prior to the issue of the Occupation Certificate.

129. Storage to each individual unit is to be provided in accordance with the information provided within the approved apartment schedule.

130. Each apartment and non-residential unit shall be provided with individual water meters.

131. Written evidence is required to be provided to Council prior to the issue of the Final Occupation Certificate from all service providers such as Sydney Water, Energy Australia and their telecommunication provider, confirming that adequate infrastructure can and/or has been provided to the development.

132. The car parking spaces shall be made available to occupants and visitors at all times, with such spaces being clearly marked and signposted prior to issue of the Occupation Certificate. The Allocation of the car parking shall be as indicated on the approved plans, except where modified by these conditions. 24 of the adaptable dwellings shall be provided with an accessible parking space.

133. The floor surface of the entry area, kitchen and internal storage, of each two-bedroom and three-bedroom apartment, are to be water-resistant and easy to be cleaned and maintained, i.e. not carpet.

134. Each habitable room is to be provided with at least one window with a maximum sill height of 1.5 metres above finished floor level.

135. Street numbers shall be clearly displayed with such numbers being of contrasting colour, of adequate size and location for viewing from the footway and roadway, and in accordance with the NSW Addressing Policy.

    All letter boxes must be constructed and located in accordance with the relevant provisions of Australian Standard AS/NZS 4253:1994 Mailboxes and to Australia Post's satisfaction. Letter boxes shall be located in lobbies or perpendicular to the street alignment, with no interference with proposed landscaping.

    Details of street numbering, letter boxes, and apartment numbers, shall be submitted to Council for approval prior to the issue of the Occupation Certificate.

136. Legible signage should be provided throughout the development containing information on common areas.

CONDITIONS WHICH MUST BE SATISFIED FOR THE ONGOING USE

137. New street trees shall be maintained by the Applicant/Owner/Strata Corporation for a 12 month defects period after final Council approval of planting. Maintenance includes twice weekly watering to sustain adequate growth, bi-annual fertilising, mulch replenishment every 3 months minimum and weekly weed removal around the base but does not include trimming or pruning the trees under any circumstances.

138. Ongoing maintenance of grass nature strips and landscaping outside the property boundary shall be undertaken by the occupier, strata or owner. Maintenance includes mowing, watering and maintaining an even coverage of grass and/or plants. Maintenance **does not include** pruning, trimming or any work to Council's street tree assets located on the Council nature strip under any circumstances at any time, including new street trees. All pruning is undertaken by Council only. Plants shall be replaced in the event of failure.

139. The ground floor non-residential premises have been approved for retail use, based on a car parking rate of 1 space per 25sqm of Gross Floor Area. Any future applications for the use of these premises for a use with a car parking requirement as specified in the BBDCP 2013 that is higher than that approved, such as for a café or restaurant, must be lodged as a Development Application and cannot be approved via a Complying Development Certificate (as the car parking will not comply with the approved car parking on site).

140. The stormwater drainage system (including all pits, pipes, detention structures, treatment devices and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.

141. The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.

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

143. All intruder alarms shall be fitted with a timing device in accordance with the requirements of *Regulation 12A* of the *Noise Control Act, 1975*, and *AS2201, Parts 1 and 2 - 1978 Intruder alarm systems.*

144. The operation of the required car share space must be undertaken in conjunction with a car share service provider.

145. The permitted hours of the retail premises and childcare centre are as follows:

    a) Monday – Friday: 7:00am to 6:00pm;

    b) Saturday – Sunday: 8:00am to 5:00pm

    Any additional hours of operation to the premises shall be subject to a further application to Council.

146. The serviced apartments are to be used for short term or temporary accommodation for tourists or visitors only, as defined within the Botany Bay Local Environmental Plan 2013:

    Serviced apartment *means a building (or part of a building) means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.*

    Serviced apartments are not subject to the *Residential Tenancies Act 1987*.

147.

    a) The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).

b) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.

c) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.

d) For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

148.

a) All waste and recycling containers shall be stored in the designated waste storage areas within the building. The waste containers are not to be over filled and the lids kept closed at all times except when material is being put in them. The occupier shall be responsible for cleaning the waste storage area, equipment, and waste collection containers.

b) No waste or waste containers shall be placed on the public way (including: footpaths, roadways and reserved) at any time.

149.

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 shall be monitored by CCTV cameras at all times;

d) The approved Waste Management Plan shall be complied with at all times during the on-going use of the site / premises.

150. Should the external fabric of the building(s), walls to landscaped areas and like constructions be subject to graffiti or like vandalism, then within seven (7) days of this occurrence, the graffiti must be removed and the affected surface(s) returned to a condition it was in before defilement.

151. 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.

152. 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.

153. Provisions shall be made to enable the garbage trucks to be located within the property when emptying bins.

154. 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. 16/9 dated as 3 February 2016 and that any alteration, variation, or extension to the use, for which approval has been given, would require further Approval from Council.

ADVISORY NOTES

155. The following recommendations are provided by NSW Police Botany Bay Local Area Command. The conditions are outlined as follows, and relevant details shall be included in the plans and documentation submitted with the Construction Certificate:

    a) Surveillance

        i) Digital technology should be used to receive, store and process data recording equipment should be secured away from public access areas to restrict tampering with the equipment and data. This equipment needs to be checked and maintained on a regular basis. It is crucial even in the development stage that these cameras are installed as soon as power is available to the site.

        ii) By angling fire egress inlet walls 45 degrees or more, opportunities for entrapment, loitering and vandalism can be reduced.

        iii) Care should be taken when using glazing in entry foyers. At night the vision of departing occupants can be affected by reflections on the interior of the glass (can't see outside). Mirroring can be reduced by using appropriate external lighting.

    b) Territorial Reinforcement

i) Warning signs should be strategically posted around the buildings to warn intruders of what security treatments have been implemented to reduce opportunities for crime.

1 Warning, trespasser will be prosecuted

2 Warning, these premises are under electronic surveillance

ii) Directional signage should be posted at decision making points (e.g. Entry/egress points) to provide guidance to the uses of the development. This can also assist in access control and reduce excuse making opportunities by intruders.

iii) A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally within 24 hours.

iv) Graffiti resistant materials and anti-graffiti coating should be utilised throughout the development.

c) Access Control

i) The main access to the underground car park should have restricted access with a security pass. The opening/closing mechanism should be protected from vandalism and tampering. All exit doors from the car park should have striker plates installed to minimise chance of tampering.

APPENDIX A: APARTMENT DESIGN GUIDE COMPLIANCE TABLE

PART 3: SITING THE DEVELOPMENT

Objective / Control	Proposal	Complies?
3B Orientation		
Objective 3B-1 *Building types and layouts respond to the streetscape and site while optimising solar access within the development*		
Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see figure 3B.1)	Oriented to the street with entrance facing the street.	Yes
Where the street frontage is to the east or west, rear buildings should be orientated to the north	Rear buildings should be orientated to north and south	Yes
Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west (see figure 3B.2)	Acceptable building massing provided	Refer to Note 2
Objective 3B-2 *Overshadowing of neighbouring properties is minimised during mid winter*		Yes
Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%	Neighbouring properties currently receive sufficient solar access.	N/A
If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy Overshadowing should be minimised to the south or down hill by increased upper level setbacks It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development	Mascot Oval Reserve is located on the opposite of Coward Street, to the south of the subject site. Surrounding the oval are informal and passive recreation areas that form part of the Reserve. Further discussion provided within report.	Acceptable, refer to Note 2
A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings	N/A – no adjoining solar collectors	N/A
3C Public Domain Interface		
Objective 3C-1 *Transition between private and public domain is achieved without compromising safety and security*		
Terraces, balconies and courtyard apartments should have direct street entry, where appropriate	Northern access provided as required, may require amendments to accommodate landscaping.	Yes, subject to condition
Upper level balconies and windows should overlook the public domain	Achieved	Yes

Objective / Control	Proposal	Complies?
Length of solid walls should be limited along street frontages	Frontage is well articulated with minimal solid walls	Yes
In developments with multiple buildings and/or entries, pedestrian entries and spaces associated with individual buildings/entries should be differentiated to improve legibility for residents, using a number of the following design solutions: • architectural detailing • changes in materials • plant species • colours	Buildings are not clearly identified from central courtyard., which provides an adequate design solution.	Yes
Opportunities for people to be concealed should be Minimised	Concealment opportunities minimised	Yes
Objective 3C-2 *Amenity of the public domain is retained and enhanced*		
Planting softens the edges of any raised terraces to the street, for example above sub-basement car parking	Excessive ramping provided	No, refer to Note 3
Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided	Subject to conditions	Yes, subject to conditions
The visual prominence of underground car park vents should be minimised and located at a low level where possible	N/A - underground car park does not protude above ground level	N/A
Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view	Service areas generally located out of view with the exception of the substation which is at the front. It is an existing substation, and it will be enclosed within the frontage of the building which is acceptable.	Yes
Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels	Excessive ramping provided	No, refer to Note 3
Durable, graffiti resistant and easily cleanable materials should be used	Materials and finishes are appropriate	Yes
Where development adjoins public parks, open space or bushland, the design positively addresses this interface and uses a number of the following design solutions: • street access, pedestrian paths and building entries which are clearly defined • paths, low fences and planting that clearly delineate between communal/private open space and the adjoining public open space • minimal use of blank walls, fences and ground level parking	Yes	Refer to Note 3
3D Communal and public open space		
Objective 3D-1 *An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping*		
Design criteria		
Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)	Proposal provided with ground level communal open space (COS) through the centre and the north of the site, first floor COS through the southern	Yes

Objective / Control	Proposal	Complies?
	end of the site, as well as roof top COS. Proposal comfortably complies with this requirement, and subject to recommended conditions will provide additional COS.	
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)	Roof top communal open space receives full solar access. The ground level open space does not comply but provides a view corridor as required by the BBDCP 2013. The communal open space is provided in generous proportions, and, subject to conditions provides an optimal amenity given the controls and site constraints.	Yes
Design guidance		
Communal open space should be consolidated into a well designed, easily identified and usable area	The three main areas of communal open space are suitably sized.	Yes
Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions	COS areas exceed 3m minimum dimension	Yes
Communal open space should be co-located with deep soil areas	Subject to conditions communal open space will be co-located with deep soil areas.	Yes
Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies	Provided	Yes
Where communal open space cannot be provided at ground level, it should be provided on a podium or roof	Provided at both ground level, first floor, and roof top.	Yes
Objective 3D-2 *Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting*		
Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and spaces), incorporating some of the following elements: • seating for individuals or groups • barbecue areas • play equipment or play areas • swimming pools, gyms, tennis courts or common rooms	Subject to conditions, COS areas shall include a range of facilities including children's play area open lawn areas on the ground, and decked areas, partitioned spaces of differing sizes, BBQ.	Yes
The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts	The roof top COS will receive full solar access. Communal facilities provided at ground level.	Yes
Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks	Visual impacts are minimised	Yes
Objective 3D-3 *Communal open space is designed to Maximise safety*		

<table>
<tr><th>Objective / Control</th><th>Proposal</th><th>Complies?</th></tr>
<tr><td>Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy. Design solutions may include:
• bay windows
• corner windows
• balconies</td><td>COS areas are visible from units, and privacy to the units is maintained</td><td>Yes</td></tr>
<tr><td>Communal open space should be well lit</td><td>Able to comply</td><td>Yes</td></tr>
<tr><td>Where communal open space/facilities are provided for children and young people they are safe and contained</td><td>COS areas are safe and contained.</td><td>Yes</td></tr>
<tr><td>Objective 3D-4
Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</td><td>N/A - no public open space provided</td><td>N/A</td></tr>
<tr><td colspan="3">3E Deep soil zones</td></tr>
<tr><td>Objective 3E-1
Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</td><td></td><td></td></tr>
<tr><td>Design criteria</td><td></td><td></td></tr>
<tr><td>Deep soil zones are to meet the following minimum requirements:

<table><tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr><tr><td>less than 650m2</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650m2 - 1,500m2</td><td>3m</td></tr><tr><td>greater than 1,500m2</td><td>6m</td></tr><tr><td>greater than 1,500m2 with significant existing tree cover</td><td>6m</td></tr></table></td><td>Site area = 17,150sqm

Deep soil area provided at each boundary; however, only along northern and eastern boundary is the deep soil zone wider than 6sqm.

Notwithstanding, 1756sqm is provided in this area as deep soil zone, which is approximately 10% of the site area.</td><td>Yes</td></tr>
<tr><td>Design guidance</td><td></td><td></td></tr>
<tr><td>On some sites it may be possible to provide larger deep soil zones, depending on the site area and context:
• 10% of the site as deep soil on sites with an area of 650m2 - 1,500m2
• 15% of the site as deep soil on sites greater than 1,500m2</td><td>Given the existing landscaped character, and the recent construction of a drainage line within the front setback, additional deep soil should be provided.</td><td>Refer to Note 3</td></tr>
</table>

<table>
<tr><th>Objective / Control</th><th>Proposal</th><th>Complies?</th></tr>
<tr><td>Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Design solutions may include:
• basement and sub basement car park design that is consolidated beneath building footprints
• use of increased front and side setbacks
• adequate clearance around trees to ensure long term health
• co-location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil
Achieving the design criteria may not be possible on some sites including where:
• the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres)
• there is 100% site coverage or non-residential uses at ground floor level
Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure</td><td>Tree removal proposed</td><td>No, refer to Note 3</td></tr>
<tr><td colspan="3">3F Visual privacy</td></tr>
<tr><td>Objective 3F-1
Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy</td><td></td><td></td></tr>
<tr><td>Design criteria</td><td></td><td></td></tr>
<tr><td>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:

<table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table>
Note: Separation between windows and balconies is provided to ensure visual privacy is achieved.

Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties</td><td>For the lower 4 levels, the eastern boundary is provided with a setback of 6m to the southern building and 9m to the northern building. The northern boundary is provided with a setback of 6m to the western building and 9m to the eastern building.

For the upper four levels the, all buildings are setback 9m from the eastern boundary, apart from a small section adjacent to the residential boundary, which is provided with a setback of 12m. At the northern boundary, a 9m setback is provided for the seven storey element adjacent to O’riordan Street, with the majority of the buildings to the north at a relatively lower (i.e. four storey) scale.

The majority of the setbacks between buildings are generous to enable use as communal open space.</td><td>Yes</td></tr>
<tr><td>Design guidance</td><td></td><td></td></tr>
<tr><td>Generally one step in the built form as the height increases due to building separations is desirable. Additional steps should be careful not to cause a</td><td>Steps provided only between five storey and eight storey elements.</td><td>Yes</td></tr>
</table>

Objective / Control	Proposal	Complies?
'ziggurat' appearance		
For residential buildings next to commercial buildings, separation distances should be measured as follows: ▪ for retail, office spaces and commercial balconies use the habitable room distances ▪ for service and plant areas use the non-habitable room distances	The south-eastern corner of the subject site is adjacent to the Mascot Graphic Arts Club. A 6m setback is provided. However the driveway to the club is provided in this location. Therefore, the 6m setback is appropriate.	Yes
New development should be located and oriented to Maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include: ▪ site layout and building orientation to minimise privacy impacts (see also section 3B Orientation) ▪ on sloping sites, apartments on different levels have appropriate visual separation distances (see figure 3F.4)	The buildings are oriented adjacent to side boundaries to maintain neighbour privacy. Units are oriented to the street or internally to the site	Yes
Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5)	The site adjoins the R2 residential zone to the north and north-east. The additional 3m setback are provided as required, with a 12m setback to the R2 zone to the north and east. The setbacks are reduced where the site adjoins other land within the B4 zone.	Yes
Direct lines of sight should be avoided for windows and balconies across corners	Highlight windows provided. These windows are a secondary source of light and ventilation to the respective rooms.	Yes
No separation is required between blank walls	Not applicable	N/A
Objective 3F-2 *Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space*		
Design guidance		
Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows. Design solutions may include: ▪ setbacks ▪ solid or partially solid balustrades to balconies at lower levels ▪ fencing and/or trees and vegetation to separate spaces ▪ screening devices ▪ bay windows or pop out windows to provide privacy in one direction and outlook in another ▪ raising apartments/private open space above the public domain or communal open space	Hedging and vegetation provided between habitable areas and communal open space.	Yes

Objective / Control	Proposal	Complies?
▪ planter boxes incorporated into walls and balustrades to increase visual separation ▪ pergolas or shading devices to limit overlooking of lower apartments or private open space ▪ on constrained sites where it can be demonstrated that building layout opportunities are limited, fixed louvres or screen panels to windows and/or balconies		
Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas	No gallery access.	N/A.
Balconies and private terraces should be located in front of living rooms to increase internal privacy	Balconies and terraces are all located adjacent and in front of living areas	Yes
Windows should be offset from the windows of adjacent buildings	Windows offset where required.	Yes
Recessed balconies and/or vertical fins should be used between adjacent balconies	Vertical fins used to maintain privacy	Yes
3G Pedestrian access and entries		
Objective 3G-1 *Building entries and pedestrian access connects to and addresses the public domain*		
Design guidance		
Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge	Multiple entries provided.	Yes
Entry locations relate to the street and subdivision pattern and the existing pedestrian network	Main entry is located in the middle of the frontage.	Yes
Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries	Entries are clearly identifiable and is appropriately separated from vehicular driveway access	Yes
Where street frontage is limited and multiple buildings are located on the site, a primary street address should be provided with clear sight lines and pathways to secondary building entries	N/A - street frontage is not limited	N/A
Objective 3G-2 *Access, entries and pathways are accessible and easy to identify*		
Design guidance		
Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal spaces	Access to the upper levels is directly accessible from the main entry path.	Yes
The design of ground floors and underground car	Access path is relatively flat with	Yes

Objective / Control	Proposal	Complies?
parks minimise level changes along pathways and entries	minor grades	
Steps and ramps should be integrated into the overall building and landscape design	N/A - no steps or ramps in the access paths	N/A
For large developments 'way finding' maps should be provided to assist visitors and residents (see figure 4T.3)	To be addressed via condition	Yes, subject to condition
For large developments electronic access and audio/video intercom should be provided to manage access	To be addressed via condition	Yes, subject to condition
Objective 3G-3 *Large sites provide pedestrian links for access to streets and connection to destinations*	Provided	Yes
Design guidance		
Pedestrian links through sites facilitate direct connections to open space, main streets, centres and public transport	Provided	Yes
Pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private open spaces of dwellings, be well lit and contain active uses, where appropriate	Provided	Yes
3H Vehicle access		
Objective 3H-1 *Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes*		
Design guidance		
Car park access should be integrated with the building's overall facade. Design solutions may include: • the materials and colour palette to minimise visibility from the street • security doors or gates at entries that minimise voids in the facade • where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed	Porte cochere provided and vehicular entry setback and located between apartments and porte cochere.	Yes
Car park entries should be located behind the building line	Entry setback and located between apartments and porte cochere.	Yes
Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout	Site is generally flat. Vehicle entry is located appropriately.	Yes

Objective / Control	Proposal	Complies?
Car park entry and access should be located on secondary streets or lanes where available	Both frontages are prominent. However, the location of the vehicular entry on Coward Street is appropriate given the volume of traffic to O'Riordan Street.	Yes
Vehicle standing areas that increase driveway width and encroach into setbacks should be avoided	Porte cochere provided; appropriate given additional use for serviced apartments.	Acceptable
Access point locations should avoid headlight glare to habitable rooms	Adjacent to porte cochere and dual use unit. However, bedrooms are located upstairs within this unit, and is the ground floor is likely only to be affected by vehicles entering on the opposite side of the driveway.	Yes
Adequate separation distances should be provided between vehicle entries and street intersections	The driveway and crossover is provided with adequate separation from intersection	Yes
The width and number of vehicle access points should be limited to the minimum	Two crossings provided. One for porte cochere and one for the driveway. This is appropriate for a large mixed use development.	Acceptable
Visual impact of long driveways should be minimised through changing alignments and screen planting	Driveway is not long. It leads directly to the basement ramp.	Yes
The need for large vehicles to enter or turn around within the site should be avoided	Required by BBDCP 2013 for garbage collection	Acceptable
Garbage collection, loading and servicing areas are screened	Service areas are located within the basement or screened by the built form.	Yes
Clear sight lines should be provided at pedestrian and vehicle crossings	Clear sight lines at the pedestrian and vehicle crossing	Yes
Traffic calming devices such as changes in paving material or textures should be used where appropriate	Details for CC stage	N/A
Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include: ▪ changes in surface materials ▪ level changes ▪ the use of landscaping for separation	The pedestrian access adjacent to the porte cochere is readily identifiable.	Yes
3J Bicycle and car parking		
Objective 3J-1 *Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas*		
Design criteria		
For development in the following locations: ▪ on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or ▪ on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council,	The site is approximately 330m - 415m from Mascot Station. Therefore parking rates shall be as per the Guide to Traffic Generating Developments.	Refer to assessment of Part 3A of the BBDCP 2013

Objective / Control	Proposal	Complies?
whichever is less The car parking needs for a development must be provided off street		
Design guidance		
Where a car share scheme operates locally, provide car share parking spaces within the development. Car share spaces, when provided, should be on site.	No car share spaces, despite parking non-compliance.	Yes, subject to condition
Where less car parking is provided in a development, council should not provide on street resident parking permits	Residential parking permits will not be permitted	Yes
Objective 3J-2 *Parking and facilities are provided for other modes of transport*		
Design guidance		
Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters	Able to be required by condition.	Yes
Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas	Provided	Yes
Conveniently located charging stations are provided for electric vehicles, where desirable	No charging stations are provided.	No
Objective 3J-3 *Car park design and access is safe and secure*		Yes
Design guidance		
Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces	Supporting facilities can be accessed without crossing car parking spaces	Yes
Direct, clearly visible and well lit access should be provided into common circulation areas	Lifts and stairs are clearly visible and easy to access	Yes
A clearly defined and visible lobby or waiting area should be provided to lifts and stairs	Lifts and stairs provided with lobby area for waiting	Yes
For larger car parks, safe pedestrian access should be clearly defined and circulation areas have good lighting, colour, line marking and/or bollards	Details for CC stage.	Yes
Objective 3J-4 *Visual and environmental impacts of underground car parking are minimised*	Satisfactory	Yes
Design guidance		
On-grade car parking should be avoided	Car park provided at ground level, which is acceptable as it enable large courtyard area to be provided at Level 1, with minimal excavation.	Acceptable
Where on-grade car parking is unavoidable, the following design solutions are used: ▪ parking is located on the side or rear of the lot away from the primary street frontage ▪ cars are screened from view of streets, buildings, communal and private open space areas ▪ safe and direct access to building entry points is provided ▪ parking is incorporated into the landscape design of the site, by extending planting and materials into the car park space	Parking is situated behind non-residential uses. Aside from the entry, no part of the parking area fronts a street.	N/A

Objective / Control	Proposal	Complies?
▪ stormwater run-off is managed appropriately from car parking surfaces ▪ bio-swales, rain gardens or on site detention tanks are provided, where appropriate ▪ light coloured paving materials or permeable paving systems are used and shade trees are planted between every 4-5 parking spaces to reduce increased surface temperatures from large areas of paving		
Objective 3J-6 *Visual and environmental impacts of above ground enclosed car parking are minimised*		
Design guidance		
Exposed parking should not be located along primary street frontages	Parking is situated behind non-residential uses. Aside from the entry, no part of the parking area fronts a street.	N/A
Screening, landscaping and other design elements including public art should be used to integrate the above ground car parking with the facade. Design solutions may include: ▪ car parking that is concealed behind the facade, with windows integrated into the overall facade design (approach should be limited to developments where a larger floor plate podium is suitable at lower levels) ▪ car parking that is 'wrapped' with other uses, such as retail, commercial or two storey Small Office/Home Office (SOHO) units along the street frontage (see figure 3J.9)		
Positive street address and active frontages should be provided at ground level		

PART 4: DESIGNING THE BUILDING - AMENITY

Objective / Control	Proposal	Complies?
4A Solar and daylight access		
Objective 4A-1 *To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space*		
Design criteria		
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter	167 (71%) apartments receive adequate solar access.	Yes
In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter	N/A – Sydney Metropolitan controls apply. See above.	N/A
A Maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter	37 (16%) of apartments receive no solar access.	No, refer to discussion of ADG within Note 2
Design guidance		
Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source	High level windows provided only in the circumstances	Yes

Objective / Control	Proposal	Complies?
in habitable rooms	described.	
Where courtyards are used : ▪ use is restricted to kitchens, bathrooms and service areas ▪ building services are concealed with appropriate detailing and materials to visible walls ▪ courtyards are fully open to the sky ▪ access is provided to the light well from a communal area for cleaning and maintenance ▪ acoustic privacy, fire safety and minimum privacy separation distances (see section 3F Visual privacy) are achieved	No courtyards proposed.	Yes
Opportunities for reflected light into apartments are optimised through: ▪ reflective exterior surfaces on buildings opposite south facing windows ▪ positioning windows to face other buildings or surfaces (on neighbouring sites or within the site) that will reflect light ▪ integrating light shelves into the design ▪ light coloured internal finishes	Windows and glass balustrates along northern wall of southern buildings.	Yes
Objective 4A-3 *Design incorporates shading and glare control, particularly for warmer months*		
Design guidance		
A number of the following design features are used: ▪ balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas ▪ shading devices such as eaves, awnings, balconies, pergolas, external louvres and planting ▪ horizontal shading to north facing windows ▪ vertical shading to east and particularly west facing windows ▪ operable shading to allow adjustment and choice ▪ high performance glass that minimises external glare off windows, with consideration given to reduced tint glass or glass with a reflectance level below 20% (reflective films are avoided)	Balconies extend far enough out to shade the summer sun from a portion of the balcony and the living area windows. Shading devices used to some of the balconies on the front elevation/	Yes
4B Natural ventilation		
Objective 4B-1 *All habitable rooms are naturally ventilated*		Yes
Design guidance		
The orientation of each building maximises capture and use of prevailing breezes for natural ventilation in habitable rooms	Many apartments are dual aspect; apartments generally provided with good cross ventilation	Yes
Depths of habitable rooms support natural ventilation	Majority of apartments are dual aspect with appropriate depth for cross ventilation	Yes
The area of unobstructed window openings should be equal to at least 5% of the floor area served	Majority of living areas and some rooms have large floor to ceiling sliding doors	Yes
Light wells are not the primary air source for habitable rooms	No light wells	Yes
Doors and openable windows Maximise natural ventilation opportunities by using the following design solutions:	Large openable windows and sliding doors to all habitable	Yes

<table>
<tr><th>Objective / Control</th><th>Proposal</th><th>Complies?</th></tr>
<tr><td>▪ adjustable windows with large effective openable areas
▪ a variety of window types that provide safety and flexibility such as awnings and louvres
▪ windows which the occupants can reconfigure to funnel breezes into the apartment such as vertical louvres, casement windows and externally opening doors</td><td>rooms</td><td></td></tr>
<tr><td>Objective 4B-2
The layout and design of single aspect apartments Maximises natural ventilation</td><td></td><td>Yes</td></tr>
<tr><td>Objective 4B-3
The number of apartments with natural cross ventilation is Maximised to create a comfortable indoor environment for residents</td><td></td><td>Yes</td></tr>
<tr><td>Design criteria</td><td></td><td></td></tr>
<tr><td>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed</td><td>138 apartments (59%) are provided with natural cross ventilation.</td><td>No, refer to discussion of ADG within Note 2</td></tr>
<tr><td>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</td><td>Depths do not exceed 18m</td><td>Yes</td></tr>
<tr><td colspan="3">4C Ceiling heights</td></tr>
<tr><td>Objective 4C-1
Ceiling height achieves sufficient natural ventilation and daylight access</td><td></td><td>Yes</td></tr>
<tr><td>Design criteria</td><td></td><td></td></tr>
<tr><td>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:
<table><tr><td colspan="2">Minimum ceiling height for apartment and mixed use buildings</td></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor
2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table>
These minimums do not preclude higher ceilings if desired</td><td>Minimum 2.7m ceiling heights provided to habitable rooms. 3.3m ceiling height provided to ground floor only and not to first floor. Opportunity to provide this to active frontages.</td><td>No, refer to discussion of ADG within Note 2</td></tr>
<tr><td>Design guidance</td><td></td><td></td></tr>
<tr><td>Ceiling height can accommodate use of ceiling fans for cooling and heat distribution</td><td>Compliant ceiling heights provided that can accommodate ceiling fans</td><td>Yes</td></tr>
<tr><td>Objective 4C-2
Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms</td><td>As above</td><td>Yes</td></tr>
<tr><td>Design guidance</td><td></td><td></td></tr>
<tr><td>A number of the following design solutions can be used:

• the hierarchy of rooms in an apartment is defined using</td><td>As above</td><td>Yes</td></tr>
</table>

<table>
<tr><th>Objective / Control</th><th>Proposal</th><th>Complies?</th></tr>
<tr><td>changes in ceiling heights and alternatives such as raked or curved ceilings, or double height spaces
• well proportioned rooms are provided, for example, smaller rooms feel larger and more spacious with higher ceilings
• ceiling heights are maximised in habitable rooms by ensuring that bulkheads do not intrude. The stacking of service rooms from floor to floor and coordination of bulkhead location above non-habitable areas, such as robes or storage, can assist</td><td></td><td></td></tr>
<tr><td>Objective 4C-3
Ceiling heights contribute to the flexibility of building use over the life of the building</td><td>As above</td><td>Acceptable</td></tr>
<tr><td colspan="3">4D Apartment size and layout</td></tr>
<tr><td>Objective 4D-1
The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</td><td></td><td></td></tr>
<tr><td>Design criteria</td><td></td><td></td></tr>
<tr><td>Apartments are required to have the following minimum internal areas

<table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m2</td></tr><tr><td>1 bedroom</td><td>50m2</td></tr><tr><td>2 bedroom</td><td>70m2</td></tr><tr><td>3 bedroom</td><td>90m2</td></tr></table>
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m2 each

A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m2 each</td><td>All two and three bedroom apartments are provided with an additional bathroom.

Notwithstanding, all but four of the apartments comply with these requirements, with those that do not comply, achieving compliance with the requirements within the table.</td><td>Acceptable</td></tr>
<tr><td>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</td><td>All habitable rooms have a window to an external wall</td><td>Yes</td></tr>
<tr><td>Design guidance</td><td></td><td></td></tr>
<tr><td>Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space)</td><td>Kitchens are not located as part of the main circulation spaces.</td><td>Yes</td></tr>
<tr><td>A window should be visible from any point in a habitable room</td><td>Windows are visible from any point in habitable rooms</td><td>Yes</td></tr>
<tr><td>Where minimum areas or room dimensions are not met apartments need to demonstrate that they are well designed and demonstrate the usability and functionality of the space with realistically scaled furniture layouts and circulation areas. These circumstances would be assessed on their merits</td><td>N/A – Minimum areas and room dimensions are met.</td><td>N/A</td></tr>
<tr><td>Objective 4D-2
Environmental performance of the apartment is maximised</td><td></td><td></td></tr>
<tr><td>Design criteria</td><td></td><td></td></tr>
<tr><td>Habitable room depths are limited to a Maximum of 2.5 x the</td><td>Habitable rooms depths are</td><td>Yes</td></tr>
</table>

Objective / Control	Proposal	Complies?
ceiling height	limited to a maximum of 2.5 x the ceiling height	
In open plan layouts (where the living, dining and kitchen are combined) the Maximum habitable room depth is 8m from a window	Open plan living areas are generally a Maximum of 5-8m from window	Yes
Design guidance		
Greater than minimum ceiling heights can allow for proportional increases in room depth up to the permitted maximum depths	Increased ceiling heights not required as depths are limited	Yes
All living areas and bedrooms should be located on the external face of the building	All living areas and bedrooms are located on the external face of the buildings	Yes
Where possible: ▪ bathrooms and laundries should have an external openable window ▪ main living spaces should be oriented toward the primary outlook and aspect and away from noise sources	Where bathrooms and laundries have an external wall, external openable windows have been provided.	Yes
Objective 4D-3 *Apartment layouts are designed to accommodate a variety of household activities and needs*		
Design criteria		
Master bedrooms have a minimum area of $10m_2$ and other bedrooms $9m_2$ (excluding wardrobe space)	Master bedrooms have a minimum area of 10sqm and other bedrooms have minimum are of 9sqm	Yes
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	The majority of bedrooms have minimum dimensions of 3m. Those that do not meet this requirement are provided with angled walls, where the requirement is met at the longer end, and compliance is achieved with minimum room size.	Acceptable
Living rooms or combined living/dining rooms have a minimum width of: ▪ 3.6m for studio and 1 bedroom apartments ▪ 4m for 2 and 3 bedroom apartments	All living rooms have minimum width of 3.6m for studio and 1 bedroom apartments and 4m for 2 and 3 bedroom apartments.	Yes
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	Yes
Design guidance		
Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas	Access is separated	Yes
All bedrooms allow a minimum length of 1.5m for robes	Minimum robe length 1.5m	Yes
The main bedroom of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high	Main bedroom robe dimensions provided	Yes
Apartment layouts allow flexibility over time, design solutions may include: ▪ dimensions that facilitate a variety of furniture	Proportions are generally rectangular, circulation spaces are efficiently planned.	Yes

<table>
<tr><th>Objective / Control</th><th>Proposal</th><th>Complies?</th></tr>
<tr><td>arrangements and removal
▪ spaces for a range of activities and privacy levels between different spaces within the apartment
▪ dual master apartments
▪ dual key apartments Note: dual key apartments which are separate but on the same title are regarded as two sole occupancy units for the purposes of the Building Code of Australia and for calculating the mix of apartments
▪ room sizes and proportions or open plans (rectangular spaces (2:3) are more easily furnished than square spaces (1:1))
▪ efficient planning of circulation by stairs, corridors and through rooms to maximise the amount of usable floor space in rooms</td><td></td><td></td></tr>
<tr><td colspan="3">4E Private open space and balconies</td></tr>
<tr><td>Objective 4E-1
Apartments provide appropriately sized private open space and balconies to enhance residential amenity</td><td></td><td></td></tr>
<tr><td>Design criteria</td><td></td><td></td></tr>
<tr><td>All apartments are required to have primary balconies as follows

<table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio apartments</td><td>4m2</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m2</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m2</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m2</td><td>2.4m</td></tr></table>
The minimum balcony depth to be counted as contributing to the balcony area is 1m</td><td>229 (97%) of apartments comply. Those that do not comply are provided with shortfalls of no more than 2sqm.</td><td>No, but acceptable</td></tr>
<tr><td>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m2 and a minimum depth of 3m</td><td>Complies</td><td>Yes</td></tr>
<tr><td>Objective 4E-2
Primary private open space and balconies are appropriately located to enhance liveability for residents</td><td></td><td></td></tr>
<tr><td>Design guidance</td><td></td><td></td></tr>
<tr><td>Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space</td><td>All living areas located adjacent to open plan living areas</td><td>Yes</td></tr>
<tr><td>Private open spaces and balconies predominantly face north, east or west</td><td>Where possible, POS generally oriented to the north</td><td>Yes</td></tr>
<tr><td>Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms</td><td>Longer side facing outwards on all POS areas</td><td>Yes</td></tr>
<tr><td>Objective 4E-3
Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building</td><td></td><td>Yes</td></tr>
<tr><td>Design guidance</td><td></td><td></td></tr>
<tr><td>Solid, partially solid or transparent fences and balustrades are</td><td>Solid balustrades provided</td><td>Yes</td></tr>
</table>

Objective / Control	Proposal	Complies?
selected to respond to the location. They are designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony. Solid and partially solid balustrades are preferred		
Full width full height glass balustrades alone are generally not desirable	No full width full height glass balustrades	Yes
Downpipes and balcony drainage are integrated with the overall facade and building design	Required by condition	Yes
Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design	Required by condition	Yes
Ceilings of apartments below terraces should be insulated to avoid heat loss	No apartments beneath terraces	N/A
Water and gas outlets should be provided for primary balconies and private open space	Require by condition	Yes
Objective 4E-4 *Private open space and balcony design Maximises safety*		Yes
Changes in ground levels or landscaping are minimised	All POS and balconies are level	Yes
Design and detailing of balconies avoids opportunities for climbing and falls	Minimal opportunities for climbing and falls	Yes
4F Common circulation and spaces		
Objective 4F-1 *Common circulation spaces achieve good amenity and properly service the number of apartments*		
Design criteria		
Maximum apartments off a circulation core on a single level is eight.	Greater than eight apartments off core provided. However, this is permitted as indicated elsewhere within assessment of 4F.	Exception permitted by ADG
10 storeys and over, Maximum apartments sharing a single lift is 40.	N/A – largest building is eight storeys.	N/A
Design guidance		
Greater than minimum requirements for corridor widths and/or ceiling heights allow comfortable movement and access particularly in entry lobbies, outside lifts and at apartment entry doors	Circulation spaces are appropriate	Yes
Daylight and natural ventilation should be provided to all common circulation spaces that are above ground	Provided	Yes
Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors	Windows provided as required.	Yes
Longer corridors greater than 12m in length from the lift core should be articulated. Design solutions may include: ▪ a series of foyer areas with windows and spaces for seating ▪ wider areas at apartment entry doors and varied ceiling heights	Windows provided in longer corridors, including windows on more than one side of the corridor.	Yes
Design common circulation spaces to maximise opportunities for dual aspect apartments, including multiple core apartment buildings and cross over apartments.	Multiple core apartment buildings provided.	Yes
Achieving the design criteria for the number of apartments off a circulation core may not be possible. Where a development is unable to achieve the design criteria, a high level of amenity for common lobbies, corridors and apartments should be demonstrated, including: ▪ sunlight and natural cross ventilation in apartments ▪ access to ample daylight and natural ventilation in common circulation spaces	Provided to Building E	Yes

Objective / Control		Proposal	Complies?
▪ common areas for seating and gathering ▪ generous corridors with greater than minimum ceiling heights ▪ other innovative design solutions that provide high levels of amenity.			
Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level		Provided to Building E	Yes
Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled		No living or bedroom windows open to common circulation spaces	Yes
Objective 4F-2 *Common circulation spaces promote safety and provide for social interaction between residents*			
Design guidance			
Direct and legible access should be provided between vertical circulation points and apartment entries by minimising corridor or gallery length to give short, straight, clear sight lines		Common circulation spaces have direct and clear access to apartments	Yes
Tight corners and spaces are avoided		Tight corners avoided	Yes
Circulation spaces should be well lit at night		Required by condition	Yes
Legible signage should be provided for apartment numbers, common areas and general way finding		Required by condition	Yes
Incidental spaces, for example space for seating in a corridor, at a stair landing, or near a window are provided		Incidental spaces provided in the ground level circulation areas. Seating provided.	Yes
In larger developments, community rooms for activities such as owners corporation meetings or resident use should be provided and are ideally co-located with communal open space		The proposal includes landscaped courtyards which incorporate deep soil planting. A central lawn together with facilities for residents including BBQs and childrens play equipment are proposed at the eastern end of this new avenue. These spaces will be secured to restrict access to residents only and to prevent unauthorised use by serviced apartment guests and non-residents. Additional landscaped spaces are provided at podium level and the roof top of Building E. All communal spaces have been designed to allow for disabled access. Internal facilities including a gym and swimming pool are also provided (separate facilities are provided for serviced apartment guests).	N/A
Where external galleries are provided, they are more open than closed above the balustrade along their length		No external galleries proposed for apartment access	N/A
4G Storage			
Objective 4G-1 *Adequate, well designed storage is provided in each apartment*			
Design criteria			
Dwelling type	**Storage size volume**	The majority of the proposal	Yes,

Objective / Control		Proposal	Complies?
Studio	4m²	complies with the storage requirements. However, it is unclear if storage shown within basement provides capacity outlined within application. However, a condition is recommended requiring compliance to be demonstrated. Given the excess parking provided within the basement, any required increase in the size of the storage area, is able to be accommodated comfortably.	subject to condition
1 bed	6m²		
2 bed	8m²		
3 bed	10m²		
This is in addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: At least 50% of the required storage is located within apartment			
Design guidance			
Storage is accessible from either circulation or living areas		Storage areas are accessible from either circulation or living areas	Yes
Objective 4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments			
Design guidance			
Storage not located in apartments is secure and clearly allocated to specific apartments		Submitted apartment schedule indicates that appropriate storage is provided. Conditions require compliance with these requirements.	Yes
Storage is provided for larger and less frequently accessed items			
Storage space in internal or basement car parks is provided at the rear or side of car spaces or in cages so that allocated car parking remains accessible			
If communal storage rooms are provided they should be accessible from common circulation areas of the building			
Storage not located in an apartment is integrated into the overall building design and is not visible from the public domain			
4H Acoustic privacy			
Objective 4H-1 *Noise transfer is minimised through the siting of buildings and building layout*			
Design guidance			
Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses (see also section 2F Building separation and section 3F Visual privacy)		Adequate separation provided	Yes
Window and door openings are generally orientated away from noise sources		Windows and door openings to O'Riordan Street and Coward Street are provided. However, there are no suitable alternatives.	Yes
Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas		Noisey areas located next to each other and the same for quiet areas	Yes
Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources		Sensitive areas of apartments are separated from circulation areas	Yes
The number of party walls (walls shared with other apartments) are limited and are appropriately insulated		Party walls provided throughout the development. Insulation required by condition.	Yes
Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms		All bedrooms are at least 3m away from noise sources	Yes
Objective 4H-2			

Objective / Control	Proposal	Complies?
Noise impacts are mitigated within apartments through layout and acoustic treatments		
Design guidance		
Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following design solutions: ▪ rooms with similar noise requirements are grouped together ▪ doors separate different use zones ▪ wardrobes in bedrooms are co-located to act as sound buffers	The recommended design solutions have been incorporated into the proposal.	Yes
Where physical separation cannot be achieved noise conflicts are resolved using the following design solutions: ▪ double or acoustic glazing ▪ acoustic seals ▪ use of materials with low noise penetration properties ▪ continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements	N/A - sufficient physical separation is provided	N/A
4J Noise and pollution		
Objective 4J-1 *In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings*	Serviced apartments are located towards O'riordan Street and Coward Street, with the majority of apartments being removed from the noise sources.	Yes
Design guidance		
Objective 4J-2 *Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission*	Satisfactory acoustic report provided	Yes
Design guidance		
Design solutions to mitigate noise include: ▪ limiting the number and size of openings facing noise sources ▪ providing seals to prevent noise transfer through gaps ▪ using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) ▪ using materials with mass and/or sound insulation or absorption properties e.g. solid balcony balustrades, external screens and soffits		
4K Apartment mix		
Objective 4K-1 *A range of apartment types and sizes is provided to cater for different household types now and into the future*	Satisfactory mix provided	**Refer to Note 5**
4L Ground floor apartments		
Objective 4L-1 *Street frontage activity is maximised where ground floor apartments are located*		
Design guidance		
Direct street access should be provided to ground floor	Northern access provided as required, may require	Yes, subject to

Objective / Control	Proposal	Complies?
apartments	amendments to accommodate landscaping.	condition
Retail or home office spaces should be located along street frontages	Provided	Yes
Objective 4L-2 *Design of ground floor apartments delivers amenity and safety for residents*		
Design guidance		
Privacy and safety should be provided without obstructing casual surveillance. Design solutions may include: ▪ elevation of private gardens and terraces above the street level by 1-1.5m (see figure 4L.4) ▪ landscaping and private courtyards ▪ window sill heights that minimise sight lines into apartments ▪ integrating balustrades, safety bars or screens with the exterior design	No ground floor apartments to the street. Internal apartments provided with appropriate hedging and fencing.	Yes
4M Facades		
Objective 4M-1 *Building facades provide visual interest along the street while respecting the character of the local area*		
Design guidance		
Design solutions for front building facades may include: ▪ a composition of varied building elements ▪ a defined base, middle and top of buildings ▪ revealing and concealing certain elements ▪ changes in texture, material, detail and colour to modify the prominence of elements	The front façades include a variety of materials and differing finishes and textures.	Yes
Building services should be integrated within the overall facade	Services integrated appropriately.	Yes
Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include: ▪ well composed horizontal and vertical elements ▪ variation in floor heights to enhance the human scale ▪ elements that are proportional and arranged in patterns ▪ public artwork or treatments to exterior blank walls ▪ grouping of floors or elements such as balconies and windows on taller buildings	Façade is appropriately portioned with human scale elements to the street and no blank walls.	Yes
Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals	The front façade is sufficiently articulated with balconies, screens, varied balustrades which will create sufficient shadowing.	Yes
Objective 4M-2 *Building functions are expressed by the facade*		
Design guidance		

Objective / Control	Proposal	Complies?
Building entries should be clearly defined	The main entry to the building is in the middle of the frontage and is clearly defined.	Yes
Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height	Prominence given to corner.	Yes
The apartment layout should be expressed externally through facade features such as party walls and floor slabs	The variety of apartment types to the street are visible in the façade with differing distances between blade walls and window/glass door types	Yes
4N Roof design		
Objective 4N-1 *Roof treatments are integrated into the building design and positively respond to the street*		
Design guidance		
Roof design relates to the street. Design solutions may include: ▪ special roof features and strong corners ▪ use of skillion or very low pitch hipped roofs ▪ breaking down the massing of the roof by using smaller elements to avoid bulk ▪ using materials or a pitched form complementary to adjacent buildings	Parapets to each building. scale and design of the building and the locality. Curved parapet and building wall provided at corner. Signage and variety of materials also provided.	Yes
Roof treatments should be integrated with the building design. Design solutions may include: ▪ roof design proportionate to the overall building size, scale and form ▪ roof materials compliment the building ▪ service elements are integrated	As above	Yes
Objective 4N-2 *Opportunities to use roof space for residential accommodation and open space are maximised*		
Design guidance		
Habitable roof space should be provided with good levels of amenity. Design solutions may include: ▪ penthouse apartments ▪ dormer or clerestory windows ▪ openable skylights	Balconies to top floors provided with open awnings	Yes
Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations	COS area provided on western part of Building E. Minimal privacy impacts as the area is located away from the western edge.	Yes
Objective 4N-3 *Roof design incorporates sustainability features*		
Design guidance		
Roof design Maximises solar access to apartments during winter and provides shade during summer. Design solutions may include:	Shading seating provided, from plant rooms located to the north.	Yes

Objective / Control	Proposal	Complies?
▪ the roof lifts to the north ▪ eaves and overhangs shade walls and windows from summer sun		
Skylights and ventilation systems should be integrated into the roof design		
4O Landscape design		
Objective 4O-1 *Landscape design is viable and sustainable*	Refer to Note 3	Refer to Note 3
Objective 4O-2 *Landscape design contributes to the streetscape and amenity*		
4P Planting on structures		
Objective 4P-1 *Appropriate soil profiles are provided*	Refer to Note 3	Refer to Note 3
Objective 4P-2 *Plant growth is optimised with appropriate selection and maintenance*		
Objective 4P-3 *Planting on structures contributes to the quality and amenity of communal and public open spaces*		
4Q Universal design		
Objective 4Q-1 *Universal design features are included in apartment design to promote flexible housing for all community members*		
Design guidance		
Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features		
Objective 4Q-2 *A variety of apartments with adaptable designs are provided*		
Design guidance		
Adaptable housing should be provided in accordance with the relevant council policy	DCP requires at least 20% of apartments to be adaptable. 48 adaptable apartments provided which complies with the requirement	Yes
Objective 4Q-3		
Design guidance		
Apartment design incorporates flexible design solutions which may include: ▪ rooms with multiple functions ▪ dual master bedroom apartments with separate bathrooms ▪ larger apartments with various living space options ▪ open plan 'loft' style apartments with only a fixed kitchen, laundry and bathroom	Apartment designs are flexible including rooms which can be used for multiple functions.	Yes
4R Adaptive reuse		
Objective 4R-1 *New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place* *Objective 4R-2* Adaptive buildings provide residential amenity while not precluding future Adaptive reuse	N/A - new building proposed, no Adaptive reuse	N/A
4S Mixed use		
Objective 4S-1		

Objective / Control	Proposal	Complies?
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement		
Design guidance		
Mixed use development should be concentrated around public transport and centres	Provided.	Yes
Objective 4S-2 *Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents*		
Design guidance		
Residential circulation areas should be clearly defined. Design solutions may include: ▪ residential entries are separated from commercial entries and directly accessible from the street ▪ commercial service areas are separated from residential components ▪ residential car parking and communal facilities are separated or secured ▪ security at entries and safe pedestrian routes are provided ▪ concealment opportunities are avoided	Various residential access points provided.	Yes
Landscaped communal open space should be provided at podium or roof levels	Provided at roof level.	Yes
4T Awnings and signage		
Objective 4T-1 *Awnings are well located and complement and integrate with the building design*	Awnings provided as required. May be amended by landscape conditions to enable tree growth.	Yes
4U Energy efficiency		
Objective 4U-1 *Development incorporates passive environmental design*		
Design guidance		
Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access)	Solar access requirements are achieved	Yes
Well located, screened outdoor areas should be provided for clothes drying	Large communal open space areas provided.	Acceptable
Objective 4U-2 *Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer*		
Design guidance		
A number of the following design solutions are used: ▪ the use of smart glass or other technologies on north and west elevations ▪ thermal mass in the floors and walls of north facing rooms is Maximised ▪ polished concrete floors, tiles or timber rather than carpet ▪ insulated roofs, walls and floors and seals on window and door openings ▪ overhangs and shading devices such as awnings, blinds and screens	Development includes a compliant BASIX certificate which is considered to cover a range of environmental design solutions	Yes
Provision of consolidated heating and cooling infrastructure should be located in a centralised location (e.g. the basement)	N/A - no heating or cooling infrastructure	N/A
Objective 4U-3 *Adequate natural ventilation minimises the need for*		

Objective / Control	Proposal	Complies?
mechanical ventilation		
Design guidance		
4V Water management and conservation		
Objective 4V-1 *Potable water use is minimised*		
Design guidance		
Water efficient fittings, appliances and wastewater reuse should be incorporated	Compliant BASIX certificate submitted	Yes
Apartments should be individually metered	Required by condition	Yes
Rainwater should be collected, stored and reused on site	Compliant BASIX certificate submitted and Stormwater plans are acceptable	Yes
Objective 4V-2 *Urban stormwater is treated on site before being discharged to receiving waters*	Development Engineer has reviewed the stormwater plans and raised no objection	Yes
Design guidance		
Water sensitive urban design systems are designed by a suitably qualified professional	As above	Yes
A number of the following design solutions are used: ▪ runoff is collected from roofs and balconies in water tanks and plumbed into toilets, laundry and irrigation ▪ porous and open paving materials is Maximised ▪ on site stormwater and infiltration, including bio-retention systems such as rain gardens or street tree pits	As above	Yes
Objective 4V-3 *Flood management systems are integrated into site design*		No, refer to Note 1
4W Waste management		
Objective 4W-1 *Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents*	Satisfactory Waste Management Plan submitted.,	Yes
4X Building maintenance		
Objective 4X-1 *Building design detail provides protection from weathering*		
Design guidance		
A number of the following design solutions are used: ▪ roof overhangs to protect walls ▪ hoods over windows and doors to protect openings ▪ detailing horizontal edges with drip lines to avoid staining of surfaces ▪ methods to eliminate or reduce planter box leaching ▪ appropriate design and material selection for hostile locations	Range of design features will protect the building from weathering including minimal blank walls, windows and doors protected by balconies and awnings above	Yes
Objective 4X-2 *Systems and access enable ease of maintenance*		
Design guidance		
Window design enables cleaning from the inside of the building	Windows can be easily cleaned as most are to balconies	Yes
Building maintenance systems should be incorporated and integrated into the design of the building form, roof and facade	Building maintenance systems are incorporated into the design	Yes
Design solutions do not require external scaffolding for maintenance access	Balconies provided to majority of facades.	Yes
Manually operated systems such as blinds, sunshades and	No mechanical systems proposed.	Yes

Objective / Control	Proposal	Complies?
curtains are used in preference to mechanical systems	Curtains and blinds able to be installed internally.	
Centralised maintenance, services and storage should be provided for communal open space areas within the building	Centralised maintenance, services and storage provided adjacent to the COS area on the roof top	Yes
Objective 4X-3 *Material selection reduces ongoing maintenance costs*		
Design guidance		
A number of the following design solutions are used: ▪ sensors to control artificial lighting in common circulation and spaces ▪ natural materials that weather well and improve with time such as face brickwork ▪ easily cleaned surfaces that are graffiti resistant ▪ robust and durable materials and finishes are used in locations which receive heavy wear and tear, such as common circulation areas and lift interiors	Materials selection is appropriate	Yes

APPENDIX B – BBDCP 2013 COMPLIANCE TABLE

Part 3A – Parking & Access

Control	Proposed	Complies
***Residential Flat Buildings*:** ADG requirements prevail for residential development, as follows: 0.6 spaces per studio/1bdr 0.9 spaces per 2bdr 1.4 spaces per 3+ brd DCP provisions relevant to non-residential development as follows: Serviced Apartment (for sites within 400m of station): 1 per 2.5 rooms 1 per two staff 1 taxi space per 300 rooms Retail (assuming most intensive use): 1 parking spaces per 25sqm Childcare 1 per 2 employess 1 per 5 children 1 pickup per 20 children	Refer to Note 4 for assessment	Yes, refer to Note 4
3A.3.1 Car Park Design		
C1 – All off -street parking facilities shall be designed in accordance with current Australian Standards AS2890.1 and AS2890.6 (for people with disabilities). The design of off - street commercial vehicles	All car parking areas have been designed to comply with AS2890.1 and AS2890.6. A condition can be imposed on any consent granted to ensure compliance is met.	Conditions recommended to achieve compliance.

facilities (including parking) shall be in accordance with AS2890.2.		
3A.3.4 On Site Loading and Unloading		
C1 - Service bays and parking area for commercial vehicles shall be designed in accordance with AS2890.2 and AUSTROADS guidelines.	The proposal incorporates adequate spaces for service vehicles, and a waste collection area at ground level.	Considered acceptable
3C.2 Access and Mobility		
C1 - All development including community events must comply with Table 1, which requires 20% of dwellings to be adaptable for developments containing 10 or more dwellings, and 10% of accessible spaces allocated to adaptable dwellings. C2 - All development must comply with the provisions of the Disability Discrimination Act 1992, BCA, the Premises Standards and the relevant Australian Standards. C3 - All residential development must comply with AS4299 - 1995 Adaptable Housing for those developments required to provide adaptable housing.	The proposed development accommodates 48 adaptable units (21%). Proposal able to comply with disability and adaptability provisions.	Yes
3G.2 Stormwater Management		
C1 - Development shall not be carried out on or for any lands unless satisfactory arrangements have been made with and approved by Council to carry out stormwater drainage works.	Satisfactory stormwater plans submitted to Council, subject to conditions.	Yes
3I.2 Safer By Design		
Site layout, design & uses; Building design; Landscaping & lighting; Public domain, open space & pathways; Car parking areas; Public Facilities.	The proposal is designed appropriately in accordance with the Principles of Crime Prevention through Environmental Design.	Yes
3L.1 Landscaping General Requirements		
C1 - Landscaping must comply with Council's Technical Guidelines for Landscaping on Development Sites.	Refer to Note 3	Refer to Note 3

Part 4C – Residential Flat Buildings

4C.2.2 Streetscape Presentation		
C1 New development must be compatible in building bulk and scale with adjoining residential developments and reflect the patterns of buildings in the streetscape. It must respond to building setbacks, building height and treatment of the building facades.	Proposal responds appropriately to DCP massing layout, and desired future character of the precinct.	Yes
C2 Development must comply with the following: (i) The maximum length of any building is 24 metres;	Building lengths exceed this requirement, but are consistent with the DCP massing layout. The building facades are modulated and articulated with balconies and privacy/acoustic screens.	**Refer to Note 2**

(ii) All building facades must be articulated.		
4C.2.4 Landscaped Area and Deep Soil Planting		
C1 A residential flat development must have a minimum landscaped area of 35% and a maximum hard landscaped area of 20%. C9 No more than 1/3 of the front setback will be paved.	Proposal achieves a minimum landscaped area of 25% and the hard landscaped area is approximately 13%.	**No** **Refer to Note 3**
4C.2.5 Open Space		
C3 Open space will be designed to: (i) Encourage positive outlook, respite and attractive internal views; (ii) Provide building separation and achieve a balance between open space and built form; (iii) Provide visual and acoustic privacy and an area of good solar access for recreational purposes; and (iv) Through location, arrangement and design provide functional, usable and liveable spaces for a mix of recreational pursuits	Open spaces are appropriate. However improvements to deep soil are required.	Yes, subject to increase in deep soil. Refer to Note 3.
4C.2.6 Setbacks		
C2 All front, side and rear setbacks are to provide deep soil zones to allow unencumbered planting areas.	Deep soil zones are located along the front setback, which complies with the 3m setback required in Part 9A. The basement location also allows a 3m setback from the new site boundary to the south, allowing for deep soil planting. However, ramps are indicated within this location, and conditions are recommended requiring the proportion of ramps to be reduced.	Refer to Note 3
Front Setbacks **C1** Building setbacks from the existing front boundary must match the setback of adjoining properties, but must be a minimum of 3 metres or 4 metres if fronting a classified road.	Setbacks are consistent with the requirements within Part 9A Urban Block.	Yes
C2 Where land dedications are required resulting in a new boundary line all setbacks must be provided from this new boundary line, including basement car parking setbacks.	Not required	N/A
4C.2.7 Through Site Links & View Corridors		
C1 Building footprints are to take into account the requirement for consolidated open space as well as for view corridors.	John Street view corridor provided as required	Yes
C2 If a site has a frontage to two (2) or more streets with a boundary length greater than 25 metres, then one through site link to the other street/s must be provided.		
4C.4.1 Dwelling Mix and Layout		
Apartment Size and Mix **C1** Developments of ten or more apartments are	The proposed development provides a range of apartment sizes and types.	Yes

to provide a range of apartment sizes, including studio, 1, 2, and 3+ apartments so as to meet the needs of residents and accommodate a range of household types.		
C2 For development with ten or more apartments, the following unit mix control will apply: (i) A maximum of 25% of apartments are to be Studio and 1 Bedroom; (ii) All 2 Bedroom apartments are to satisfy the amenity controls for Family Apartments; and (iii) All 3+ Bedroom apartments are to satisfy the amenity controls for Family Apartments.	Dwelling mix as follows: 91 1bdr (39%) 76 2bdr (32%) 68 3bdr (29%)	No Refer to Note 5
Apartment Layout **C1** Dwellings with 3 or more bedrooms are to have two (2) separate and appropriately sized living spaces. A study alcove may be located within the second living space. Should a freestanding study alcove be provided the height of the walls enclosing the study are to be a maximum of 1500mm	The intent of the control is not to result in two physically separate rooms, but rather two separate areas/zones that can support the separation of conflicting activities within the living space. All 3 bedroom apartments propose one large open plan living space which is separated into two areas/zones through the placement of furniture. This satisfies the intent of the control.	Yes
4C.4.2 Family Friendly Apartment Buildings		
C1 Family apartments are apartments with two or more bedrooms designed so as to accommodate the living needs of families with children.	The two and three bedroom apartments have generally been designed in accordance with the Family Friendly controls. Refer to the assessment below.	Yes
C2 Family apartments are to include a study to meet the needs of couple families with dependents households. The design of the study should allow for a parent to easily work from home whilst supervising a child	Units have been furnished with either a study or a study nook.	Yes
C3 Other than the master bedroom, each bedroom is to be large enough to accommodate a single bed, a desk or table, and floor space for playing, to be illustrated on a standard apartment layout plan	Bedrooms have been designed in accordance with ADG requirements and in most cases exceed this requirement (minimum 9sqm excluding robe) and are adequately sized to accommodate double bed. Accordingly, these rooms are large enough for a single bed with additional room for a desk / place space should residents choose to use the room in this way.	Yes
C4 The floor surface of the entry, dining room and kitchen floor and internal storage area are to be water-resistant and easy to be cleaned and maintained, not carpet	Can comply. Floor finishes are not specified. Conditions require compliance with this requirement. However, given open plan design, condition to dining areas shall not be required, as this impedes flexibility in design.	Yes, subject to condition
C5 Two bathrooms are required. One bathroom is to be a shared bathroom which is accessible off a common corridor. This shared bathroom is to have a bathtub, and is to be large enough to allow for parental supervision	All two and three bed units are provided with two bathrooms. All units include a bathroom with a bathtub but in some instances the bathtub is located	Satisfactory

	within the en-suite, accessible from the main bedroom only. This does not prevent family members from using these facilities and in results in no less amenity value to the units.	
C6 The private outdoor space is to be clearly visible from the kitchen	Private outdoor spaces are attached to principal living areas in accordance with the requirements of the ADG. Open plan kitchen / living / dining rooms are provided allowing opportunities for outdoor space to be viewed from kitchens.	Yes
C7 The entry areas and main corridors within apartments are to be generous in proportion to permit room for toys and sporting equipment, and for drying of wet shoes, boots and clothing	A variety of unit types are provided, some of which provide wide main entry corridors. In other cases units do not have entry areas / corridors with main entry doors opening directly into living spaces which represents the most efficient apartment layout in terms of space management. This approach provides diversity for occupants.	Satisfactory
C8 The Apartment Design Guide sets out storage space requirements. The storage room is to be located near the entry, and be of adequate proportions to accommodate large household items including strollers, wheeled toys, suitcases, and sporting equipment	Storage rates comply with ADG and have been provided in easily accessible areas and have adequate proportions for a range of family items.	Yes
4C.5.2 Internal Circulation		
C1 Development will provide multiple cores within the building. **C2** In buildings of more than four storeys served by elevators, ensure that alternative access to another elevator is available in the event that any elevator is out-of-service due to breakdown or routine servicing.	Each residential flat building is provided with greater than one core, and greater than two elevators.	Yes
4C.5.1 Adaptable Housing		
Table 1 of Part 3C Access and Mobility: <u>Adaptable Housing</u> In developments containing 10 or more dwellings, a minimum of 20% of the dwellings are to be adaptable dwellings designed in accordance with Adaptable Housing Australian Standard 4299 Class B.	A total of 48 (21%) apartments are adaptable, which complies with Council's requirement for 20% (minimum requirement of 24 apartments).	Yes
<u>Accessible Parking</u> In developments containing 10 or more dwellings, accessible resident parking is required at 10% to be allocated to adaptable dwellings.	The BBDCP 2013 requires adaptable car parking to be allocated at 10% of the development. As such, 39.1 adaptable car parking spaces (rounded up to 40) are required. The plans indicate a total of 48 adaptable car parking spaces have been provided.	Yes
4C.5.2 Access		
C1 All applications are to include a statement on how the development will comply with the provisions of the Disability Discrimination Act	An Access Report was provided	Yes

and comply with Part 3C - Access and Mobility.		

Part 9A – Mascot Station Precinct

Control	Proposed	Complies
9A.4.3.3 Site Amalgamation and Subdivision		
C1 The redevelopment of lots within Urban Blocks 1, 3 and 4 must conform to the amalgamation pattern in **Figures 21, 22, 24 and 25**.	No lot amalgamation required.	N/A
9A.4.3.4 Street Setbacks		
C1 All development within Urban Block 3 must comply with the street setbacks identified in **Figures 33**. Western Setback (O'Riordan Street) All levels – 3m Southern Setback (Coward Street) All levels – 3m	Majority of the development is setback 3m from O'riordan Street and Coward Street, with the exceptions being the ramps for disabled access to non-residential uses.	No, refer to Note 3
C4 All development within Urban Blocks 1, 3 and 4 must comply with the section plans in **Figures 36, 37, 38, 39, 40, 41 and 42.**	Provided	Refer to Note 3
9A.4.3.5 Building Envelopes		
9A.4.4.3 Public Domain Interface at Ground Level		
C1 Development must be designed so that it has a clearly definable entry and addresses the street **C2** The primary area of outdoor private open space must not be located on the street frontage. **C3** Ground floor residential with a street frontage must incorporate landscaping, ideally as part of the common area/setback, with such landscaping to provide for privacy as well as for a consistent, attractive and well maintained landscape frontage. The private terraces should also contain some landscaping. **C4** The landscaped street setback area shall be on one level or at a slightly battered grade, not terraced or stepped or containing narrow planter boxes, to allow adequate lateral root space and soil volume for medium to large canopy trees. **C5** Side or rear boundary fencing is not permitted fronting the public domain except where appropriate landscaping is located in front of the fence.	Proposal complies with these requirements	Yes
9A.4.4.4 Active Street Frontages and Awnings		
C1 All development within Urban Blocks 1, 3 and 4 must provide retail or commercial street frontages where shown in **Figures 49, 50, 51 and 52**. **C2** All development within Urban Blocks 1, 3 and 4 must provide awnings where shown in **Figures 53, 54, 55 and 56**.	Commercial frontage requires as per BBLEP 2013. No awnings required.	No, refer to Note 2.
9A.4.4.5 Residential and Non Residential Interface		

C1 Clear boundaries between the public and private domain must be created to enhance security, privacy and safety. C2 Shadow diagrams must be provided for all development proposals for the summer and winter solstices. Shadow diagrams must show shadow impacts at 9am, 12 noon and 3pm for both solstices. Additional building setbacks may be required where internal site shadow impacts or impacts on adjoining properties are considered by Council to be unreasonable. C3 The design and positioning of all mechanical plant and equipment (i.e. air conditioning units, mechanical ventilation, duct work and exhausts) must be taken into account early on in the design process. The non-residential use must not have a negative influence on residential uses concerning noise or odour.	Non-residential uses provided at ground floor only, with little impact on neighboring properties.	Yes
9A.4.4.6 Building Articulation		
C1 Corner buildings must address both street frontages. **C2** Blank external walls of greater than 100m² must be avoided.	Provided	Yes
9A.4.5.3 Views		
C1 Development is to preserve views of significant topographical features such as the urban skyline, landmark buildings and areas of high visibility.	Satisfactory	Yes
9A.4.5.4 Wind Mitigation		
C3 Landscaping is to be utilised to ameliorate the impacts of wind tunnels and enhance the comfort of outdoor spaces.	Additional landscaping is recommended within the wind report submitted to Council.	Required by condition. Refer to Note 3.
9A.4.5.5 Reflectivity		
C1 The placement, orientation and configuration of new buildings and facades must not result in glare that produces discomfort or endangers safety of pedestrians or motorists. C2 The placement, orientation and configuration of new buildings and facades must not result in glare that produces discomfort C3 Visible light reflectivity from building materials use on new building facades must not exceed 20%.	The arrangement of the proposed building and its materials are such that the proposal is unlikely to result in adverse glare impacts upon adjacent private properties or the public domain.	Yes
Public domain works required	Addressed via recommended conditions of consent.	Yes
9A.5.2 Streets		
No new street required	N/A	N/A
9A.5.3 Parks		
No new parks required	N/A	N/A