JOINT REGIONAL PLANNING PANEL
(Sydney East Region)

JRPP No	2016SYE040
DA Number	16/18
Local Government Area	City of Botany Bay
Proposed Development	Joint Regional Planning Panel and Stage 2 Integrated Development Application for the construction of a mixed use development incorporating 487 apartments and a childcare centre within a building consisting of a 5 storey podium including 847 car spaces sleeved with apartments and 2 x 16 storey and 2 x 20 storey towers above.
Street Address	130-150 Bunnerong Road, Pagewood NSW 2035
Applicant	Karimbla Constructions Services (NSW) Pty Ltd
No. of Submissions	Three (3) submissions
Regional Development Criteria	Development with a CIV of $116,742,078
List of All Relevant s79C(1)(a) Matters	• Environmental Planning & Assessment Act 1979, Part 4 – Development Assessment & Schedule 4A – Development for which regional panels may be authorised to exercise consent authority functions of councils • 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 Development • Botany Bay Local Environmental Plan 2013 • Botany Development Control Plan 2013
Documents submitted with this report for the panel's consideration	• Site Survey – JBW Surveyors; • Architectural Plans & Photomontage – SJB Architects; • Landscape Plans and Report – Arcadia Landscape Architecture; • SEPP 65 Report and Design Verification Statement – SJB Architects; • Statement of Environmental Effects, Clause 4.6 Variation and DCP Assessment Table, Stage 1 compliance table – Meriton; • Thermal Comfort & BASIX Assessment – Efficient Living;

	• Acoustic Report – SLR; • Waste Management Plan – Elephants Foot; • Transport and Transport Report – Arup; • Access Report – Wall to Wall Design & Consulting; • Aeronautical Impact Assessment – The Ambidji Group Pty Ltd; • Arboricultural Assessment Report – Tree and Landscape Consultants (TALC); • Construction Management Plan – Meriton Property Services Pty Ltd; • Construction Traffic Management Plan – SBMG; • Stormwater Management Plans – at&l; • Updated Remedial Action Plan – Douglas Partners; • Site Audit Statement – Senversa Pty Ltd; • Report on Validation Assessment – Douglas Partners Pty Ltd; • Addendum to report on Validation Assessment – Douglas Partners Pty Ltd; • Qualitative Wind Assessment – SLR; • Crime Risk and Security Report – Meriton Property Services Pty Ltd; • QS Report – Steven Wehbe. • Geotechnical Investigation Report – Coffey; • Reflectivity and Glare Assessment – SLR; • Acid Sulfate Soils Management Plan – Consulting Earth Scientists.
Recommendation	The Sydney East Joint Regional Planning Panel (JRPP), as the Determining Authority resolve to: *a) Grant consent subject to the General Terms of Approval from the Department of Primary Industries – Water;* *b) Grant consent to the Clause 4.6 variation request under Botany Bay Local Environmental Plan 2013 to permit a maximum height of 65.91m (85.4m AHD) and permit a Floor Space Ratio of 3.83:1; and* *c) Approve Development Application No. 16/18 for the construction of a mixed use development incorporating 487 apartments and a childcare centre within a building consisting of a 5 storey podium including 847 car spaces sleeved with apartments and 2 x 16 storey and 2 x 20 storey towers above.*
Report by	James Arnold – Development Assessment Planner
Annexure A:	SEPP 65 Assessment: Apartment Design Guide

RECOMMENDATION

In view of the proceeding comments, it is RECOMMENDED that the Joint Regional Planning Panel (JRPP) for the Sydney East Region, as the Consent Authority, resolve to:

(a) Grant consent subject to the General Terms of Approval from the Department of Primary Industries – Water;

(b) Grant consent to the Clause 4.6 variation request under Botany Bay Local Environmental Plan 2013 to permit a maximum building height of 65.91m metres (85.4m AHD) and to permit a Floor Space Ratio of 3.83:1; and,

(c) Approve Development Application No. 16/18 for the construction of a mixed use development incorporating 487 apartments and a childcare centre within a building consisting of a 5 storey podium including 847 car spaces sleeved with apartments and 2 x 16 storey and 2 x 20 storey towers above.

EXECUTIVE SUMMARY

Council received Development Application No. 16/18 on the 16 February 2016 for the construction of a mixed use development incorporating 487 apartments and a childcare centre within a building consisting of a 5 storey podium including 847 car spaces sleeved with apartments and 2 x 16 storey and 2 x 20 storey towers above.

The Development Application is required to be referred to the Joint Regional Planning Panel (JRPP) pursuant to Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979 (EP&A Act) as the Capital Investment Value of the proposal is greater than $20,000,000.

The Development Application is Integrated Development under Section 91 of the EP&A Act as the development is deemed to be an aquifer interference activity as part of the development intercepts or extracts groundwater.

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

Prior to lodgement, the application underwent an Architectural Design Competition with the winner being the Architect for the Development Application.

The Development Application was advertised from 16 March 2016 to 20 April 2016. Three (3) submissions were received which generally raised issues with the scale of the overall Stage 1 development site and management of the construction and occupation of the development. These issues are discussed in detail further in the report.

In early April 2016, Council raised a number of generally minor issues with the application such as non-compliances with the Apartment Design Guide (ADG) primary balcony sizes, lift rates, and storage rates, and Botany Bay Development Control Plan 2013 (BBDCP 2013) non-compliances with apartment layouts. Amended plans, clarifications, and justifications were received in late April which were considered to satisfactorily address the issues raised. The key amendments made were increasing storage to full compliance with the ADG and reducing all studies to less than 9sqm in accordance with the BBDCP 2013.

Council briefed the JRPP on 4 May 2016. The key issue raised by the panel was the non-compliant Apartment Design Guide building separations between the towers. The separation distances were anticipated by the approved envelopes from the Stage 1 consent. The applicant was requested to improve privacy between the non-compliant tower facades to ensure the objectives of the separation controls were achieved. Amended plans were received which provide privacy treatments and a privacy analysis and a design verification statement has been provided to demonstrate that an acceptable level of privacy will be achieved.

The proposal is consistent with the Stage 1 consent which includes range of conditions relating to building massing, modulation, overall siting and setbacks, height, GFA, FSR, public domain provision, unit mix, unit sizes, indicative unit numbers, and car parking rates. There are several non-compliances with the SEPP 65 – Apartment Design Guide (ADG) provisions including building separation and primary balcony size. The building separation non-compliance was anticipated by the envelopes approved in the Stage 1 consent and privacy treatments have been provided that are considered to meet the objectives of the control. Primary balcony size is considered to meet the objectives of the control.

In summary, the proposed DA has been assessed against the relevant controls and results in a development that Council supports.

BACKGROUND

Stage 1 – Master plan (DA-14/96)

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

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

The Stage 1 Master plan consent is a concept approval and does not grant consent for any demolition, remediation, excavation or building works. It is noted however that remediation works have begun on-site as Category 2 works not needing consent under the State Environmental Planning Policy No. 55 – Remediation of Land. The approval is limited to the massing, modulation, overall siting and setbacks, maximum height of buildings, maximum GFA, uses, maximum FSR, public domain provisions, unit mix minimum unit sizes, indicative unit numbers, and minimum car parking provisions.

The key details of the approved Master plan are as follows:

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

It is noted that Part 9D of the BBDCP 2013 specifically relates to the redevelopment of the subject site, 130-150 Bunnerong Road, Pagewood, and guided the Stage 1 consent. The Stage 1 consent includes conceptual details of the proposed buildings which have been altered from the provisions of Part 9D. Accordingly, the Stage 1 consent now contains the relevant provisions for the subject Stage 2 application for UB5W.

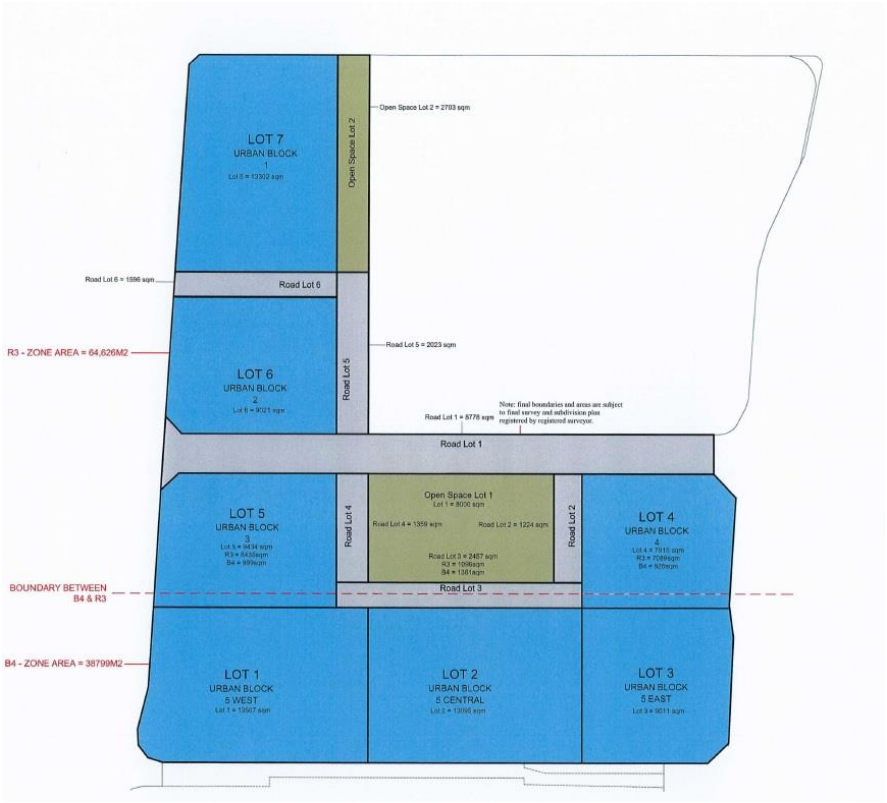


Figure 1. Approved Master plan concept subdivision plan DA-14/96

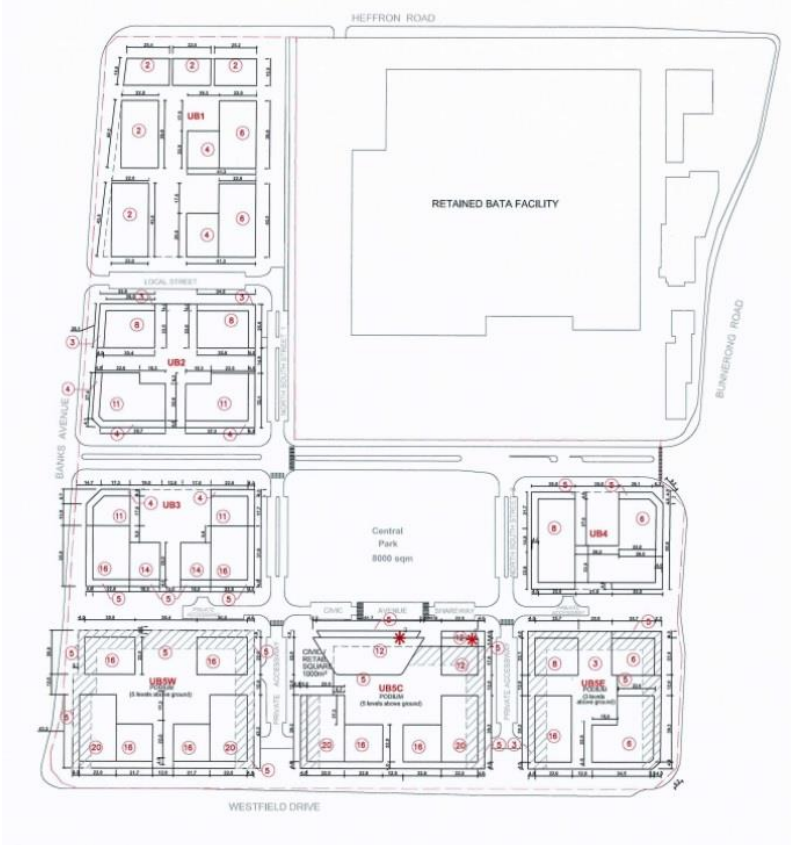


Figure 2. Approved Building Envelope Plan DA-14/96

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

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

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

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

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

As of 21 December 2015, a Construction Certificate had been issued for the earthworks for East-West Boulevard and the realignment of the Sydney Water stormwater pipe and these works were underway.

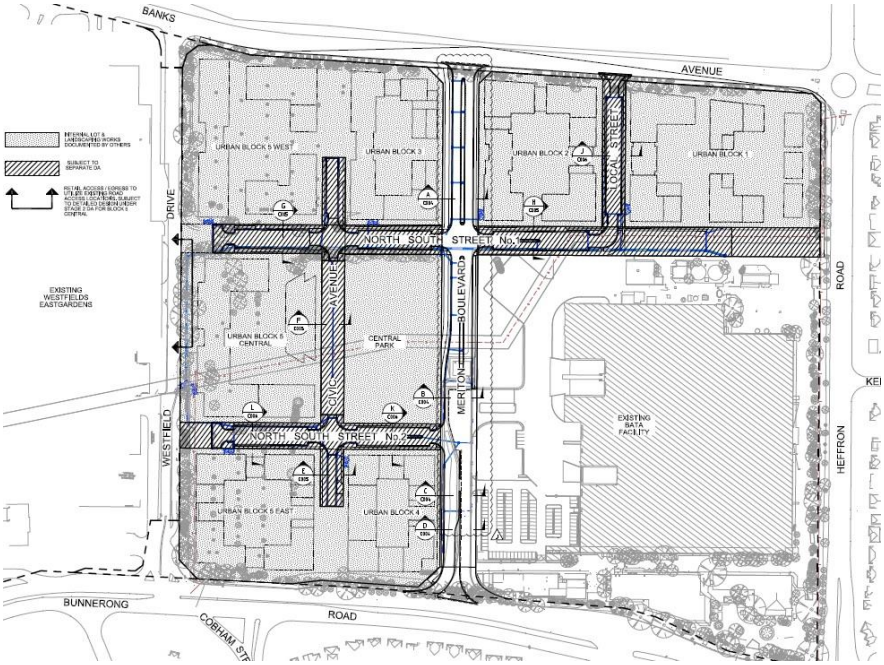


Figure 3. Approved Site Plan DA-14/159

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

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

The proposal was generally consistent with the Stage 1 consent DA-14/96 and was approved on 8 January 2016.

Stage 2 – Landscaping and embellishment of the public domain and the construction of Central Park and Linear Park (DA-16/65)

On 3 May 2016, Council received a Stage 2 Development Application (DA-16/65) for landscaping and embellishment of the public domain and the construction of Central Park and Linear Park. The CIV for the works is $9,795,899 and therefore Council is the consent authority.

The application is currently under assessment.

APPLICATION HISTORY

Table 1: Key issues and how they have been addressed

Key Issues	Comment
STAGE 1 CONSENT CONSISTENCY ISSUES	
Articulation of Towers and Podium	
Condition 24 and 25 – Some facades exceeded the maximum 50% protrusion permitted outside the building envelopes.	Resolved in a meeting where it was agreed the proposal meets the objective of the conditions to provide articulation and the condition meaning of 'façade' in the condition could be interpreted as meaning the combination of the 4 faces of each tower. Using this meaning for 'façade' the proposal achieved the maximum 50% articulation outside the approved envelope.
Car Parking Car Share Spaces	
Condition 29 – The proportion of car share spaces provided inside the building as opposed to on the street does not meet the condition.	Resolved that the proportion applies for the overall site and not for each urban block. The amount of car share spaces complies with the condition.
SEPP 65 – APARTMENT DESIGN GUIDE ISSUES	
Solar Access diagrams	
The submitted solar access analysis lumped together multiple floors of the buildings. It was clear from the solar perspectives that each of these floors lumped together has different solar access situations and thus it was requested that each of the floors was analysed separately.	Solar access analysis was received which analysed each floor separately and this indicated that the development achieved the required 70% of apartments receiving at least 2 hours solar access on June 21 to living areas and private open space.
Primary Balconies	
A number of apartment types did not meet the minimum primary balcony size.	Justification was provided for the non-compliance including an analysis of the usability of the balconies, and an analysis showing increasing the balcony size would not be an improved outcome. The non-compliant size of the primary

Key Issues	Comment
	balconies are only marginally under the ADG size and given they have been shown to have to provide good amenity achieving the objectives of the control, Council is satisfied.
Lift Cores	
In each of the four lift cores the amount of lifts provided in 1 less than the amount required by the ADG (1 per 40 apartments).	A lift traffic study report prepared by Kone the lift supplier justified the proposed lift numbers. Council is satisfied that this is acceptable.
Storage Rates	
A number of apartment types did not meet the minimum storage rates.	Plans amended to increase storage to compliance.
Building Separation	
The key issue raised by the panel during the briefing meeting was the non-compliant building separations between the towers. The applicant was requested to provide improved privacy measures to these facades.	The separation distances were approved in the envelopes from the Stage 1 consent. In the approved Stage 1 plans, there is a plan indicating that habitable openings can be provided on these non-compliant facades with appropriate privacy treatments. Amended plans and an analysis of privacy across the non-compliant separations was received. A range of privacy treatments included fixed angled louvres have been provided. Privacy is considered to have been achieved to an acceptable level consistent with the objectives of the control and as such Council is satisfied with the proposal.
BOTANY BAY DEVELOPMENT CONTROL PLAN 2013 ISSUES	
Study rooms	
DCP stipulates that studies are not to exceed 9sqm and are no to include a door. Two apartment types included studies exceeding 9sqm and all studies included doors.	Plans amended reducing all studies to less than 9sqm. Justification was provided for having doors to the studies which is supported as it is considered to improve the useability and flexibility of use of these rooms.
Saddleback bedroom designs	
DCP stipulates that saddleback bedroom designs are not permitted. One apartment type included a saddleback bedroom design.	Justification was provided which indicated that the saddleback design was a result of the Stage 1 approved envelopes and minimum apartment sizes. Council is satisfied with the justification provided.
OTHER ISSUES	
Contamination	
Additional contamination assessment in regards to the proposed child care centre was requested.	Additional assessment of contamination was provided which indicated the site is suitable for the child care centre use.
Stormwater Management	
The Stormwater Management plans specific to Urban Block 5W were not been provided in entirety. The carpark entry did not provide a crest reaching the BBDCP requirement of a minimum 300mm above adjacent top of kerb.	The requested Stormwater plans were received which satisfied Council's request. A crest has been provided to the carpark entry to Council's satisfaction.
Tree removal	
Concerns were raised for the amount of trees proposed to be removed as there was considered to minor amendments that could result in more trees being retained.	Conditions have been included to delete some hard paved areas from the Banks Avenue and Westfield Drive setbacks and additional investigations into retaining more trees where the childcare centre is located are to be submitted to and approved by Council prior to any tree removal.

STAGE 1 MASTERPLAN SITE & SURROUNDING LOCALITY

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

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

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

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

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

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

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

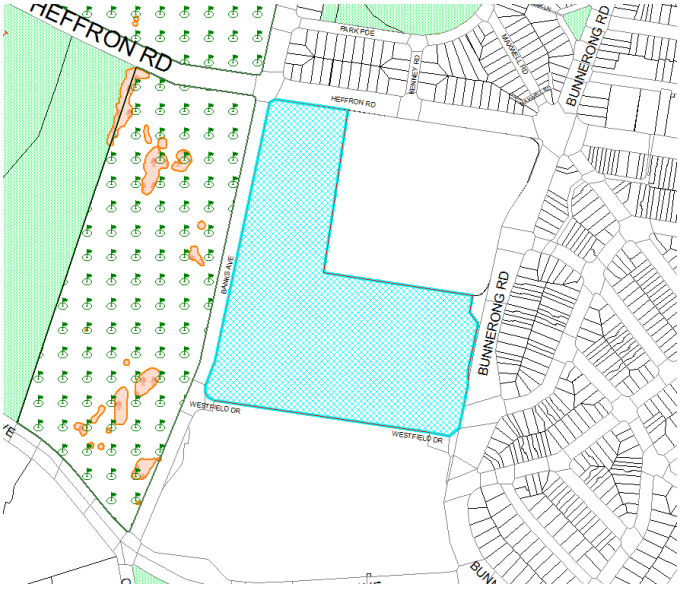


Figure 4. Cadastre of the subject site

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

Figure 6. Aerial photograph of the subject site dated 5 May 2016 (Source: nearmap.com.au)

SPECIFIC PORTION OF THE SITE SUBJECT OF THIS APPLICATION

The portion of the overall site relevant to this application is known as Urban Block 5 West (UB5W) in the Stage 1 consent. UB5W is located in the south-western corner of the site at the intersection of Banks Avenue and Westfield Drive. The subdivision of the site in accordance with the Stage 1 consent has been approved under DA-15/104 however is yet to be registered. UB5W is Lot 1 on the approved subdivision plan and has an area of 13,507sqm. The lot is generally rectangular in shape with a frontage to Banks Avenue of approximately 78 metres and 129 metres to Westfield Drive. The lot includes the private access way on the eastern side which adjoins the approved, but not yet constructed, North-South Street 1 (DA-15/104).

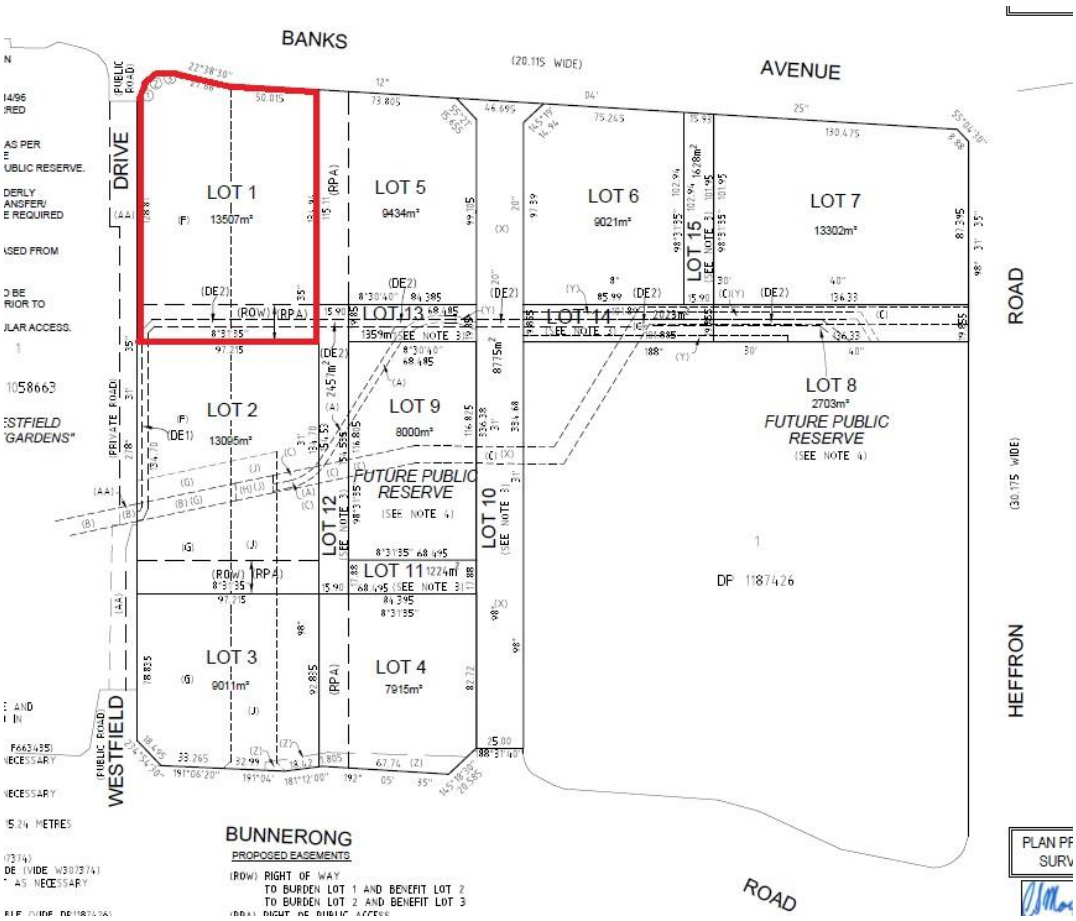


Figure 7. Approved subdivision plan (DA-15/104) with UB5W outlined.

Figure 8. Aerial photograph of the subject site dated 5 May 2016 (Source: nearmap.com.au)

Figure 9. UB5W looking north from Westfield Drive

Figure 10. Banks Avenue looking north UB5W on the right

Figure 11. Westfield Drive looking east UB5W on the left

Figure 12. Site of UB5W looking towards Eastgardens Shopping Centre to the south

Figure 13. Approved DA-15/104 East-West Boulevard under construction

SITE HISTORY

The overall Stage 1 Master Plan site was originally formed in the 1930s through reclamation of virgin marshland. Since its reclamation a number of parcels along the eastern boundary were used mainly for residential/rural purposes (possibly including paddocks and poultry farming) from at least 1929 (the year the records start) to 1938/1939.

The site was owned by General Motors Holden (GMH) and was operated as an automobile assembly plant from 1939 to 1982 when the plant was closed down. The site was subsequently purchased by Quintilis Pty Ltd (a subsidiary of BATA) in 1982. Quintilis Pty Ltd was incorporated into British American Tobacco Services Limited in 1989 and BATA in 2001.

The GMH factory was officially opened on 15 February 1940 by Prime Minister Menzies. The factory assisted in manufacturing of car bodies during WWII. Afterwards, the facility was used for the assembly and distribution of Holden vehicles. The manufacturing areas were largely concentrated in the north-eastern portion of the GMH owned land parcel.

BATA operated within the western and southern portions of the site, either as owner or tenant, until July 2014. The main factory building, used for the manufacturing and packaging of various cigarette products, occupied the greater portion of the site. Several ancillary buildings were located around the main factory building including corporate, administration, security, and IT buildings. Utility buildings (flavour room, boiler house, electrical substation, etc.), a technical centre and a canteen are other buildings detached from the main factory building and were located generally along the eastern portion of Lot 1 adjacent to Bunnerong Road. A large warehouse type building (No. 1 Bond Store) located on the north western portion of the site still exists. The south western portion of the site where Urban Block 5 West is located was used for car parking by BATA staff and visitors.

PROPOSED DEVELOPMENT

The proposed development (as amended) is for the construction of a mixed use development incorporating 487 apartments and a childcare centre within a building consisting of a 5 storey podium including 847 car spaces sleeved with apartments and 2 x 16 storey and 2 x 20 storey towers above. The proposed development also includes tree removal and landscaping across the site.

Built Form

The building is arranged in four cores servicing the four towers and the podium.

Tower A (South-West)

- 126 apartments in tower, 19 apartments in podium / Total 145 apartments;
- Tower is 65.88 metres in height;
- 15 storeys above the podium with a stepped down 11 storey portion;
- Communal open space at roof level on the stepped down 11 storey portion of the tower; and,
- Lobby and lift core with 3 lifts.

Tower B (North-West)

- 55 apartments in tower, 36 apartments in podium / Total 91 apartments;
- Tower is 54.01 metres in height;
- 11 storeys above the podium; and,
- Lobby and lift core with 2 lifts.

Tower C (North-East)

- 55 apartments in tower, 35 apartments in podium / Total 90 apartments;
- Tower is 54.18 metres in height;
- 11 storeys above the podium; and,
- Lobby and lift core with 2 lifts.

Tower D (South-East)

- 141 apartments in tower, 20 apartments in podium / Total 161 apartments;
- Tower is 65.91 metres in height;
- 15 storeys above the podium with a stepped down 11 storey portion;
- Communal open space at roof level on the stepped down 11 storey portion of the tower; and,
- Lobby and lift core with 3 lifts.

Apartment Mix

- 88 x 1 bedroom apartments – 18%
- 246 x 2 bedroom apartments – 51%

- 153 x 3 bedroom apartments – 31%

Child Care Centre

The Child Care Centre is located in the south-western corner of the site accessed from Banks Avenue. Car parking and drop off are located within the building car park. The outdoor play area is located within the setback area to Banks Avenue and Westfield Drive. Details of the centre are as follows:

- 92 Children
- 536sqm Internal Area
- 654sqm External Area
- 33 Car Spaces including:
    - 9 Staff
    - 18 Visitors
    - 5 Drop Off

Car Parking, Access and Servicing

The development includes 5 levels of above ground car parking located within the podium of the building. The car park is sleeved with apartments on the northern, eastern and western sides. The car park is accessed via an entry/exit located on the eastern frontage to the future private access way which connects to North-South Street 1. Details of the car park are as follows:

- Total 847 car spaces
    - 764 Residential
    - 49 Visitor
    - 1 Car Share
    - 33 Child care
        - 9 Staff
        - 18 Visitors
        - 5 Drop Off
- 1 Waste Loading Space for MRV

Communal Open Space

The development includes the following areas of communal open space:

- Podium – 2,712sqm. This is primary area of COS to be used by all residents. The area includes a range of privacy, activation, play and passives zones around a central landscaped space.
- Roof Top – 2 x 450sqm. Roof top communal open space areas on top of the 16 storey portion of Tower A and D.
- Swimming Pool and Gym – Indoor Swimming pool, spa, gym, sauna and associated facilities located within Level 4 and 5 of the podium within the core for Tower D.

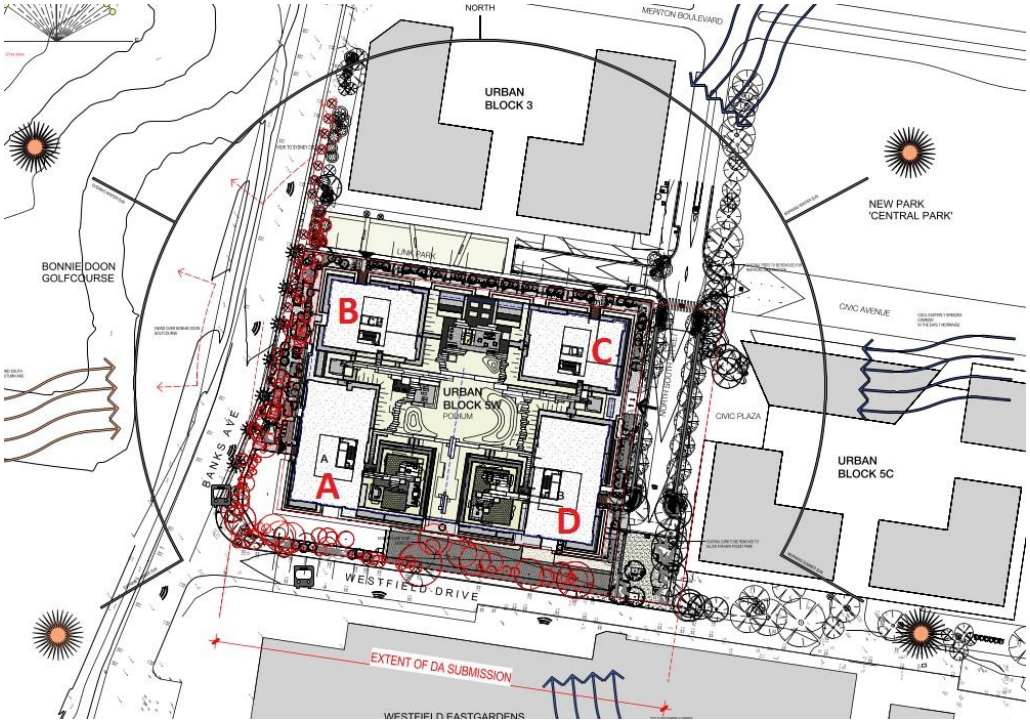


Figure 14. Site Analysis Plan

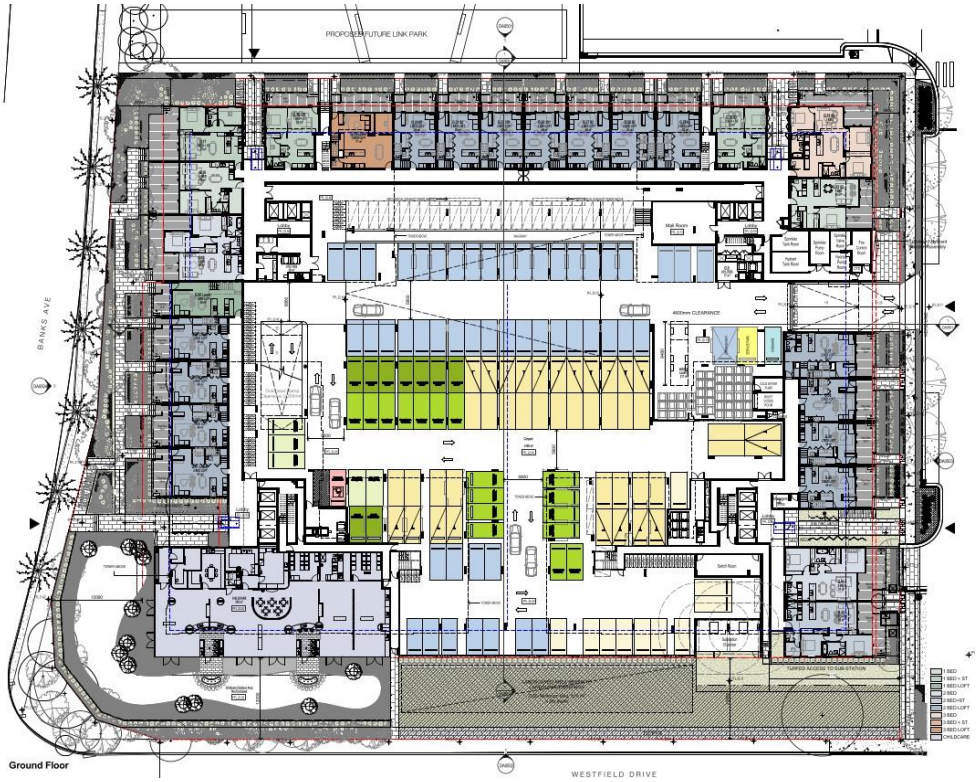


Figure 15. Proposed Ground Floor Level

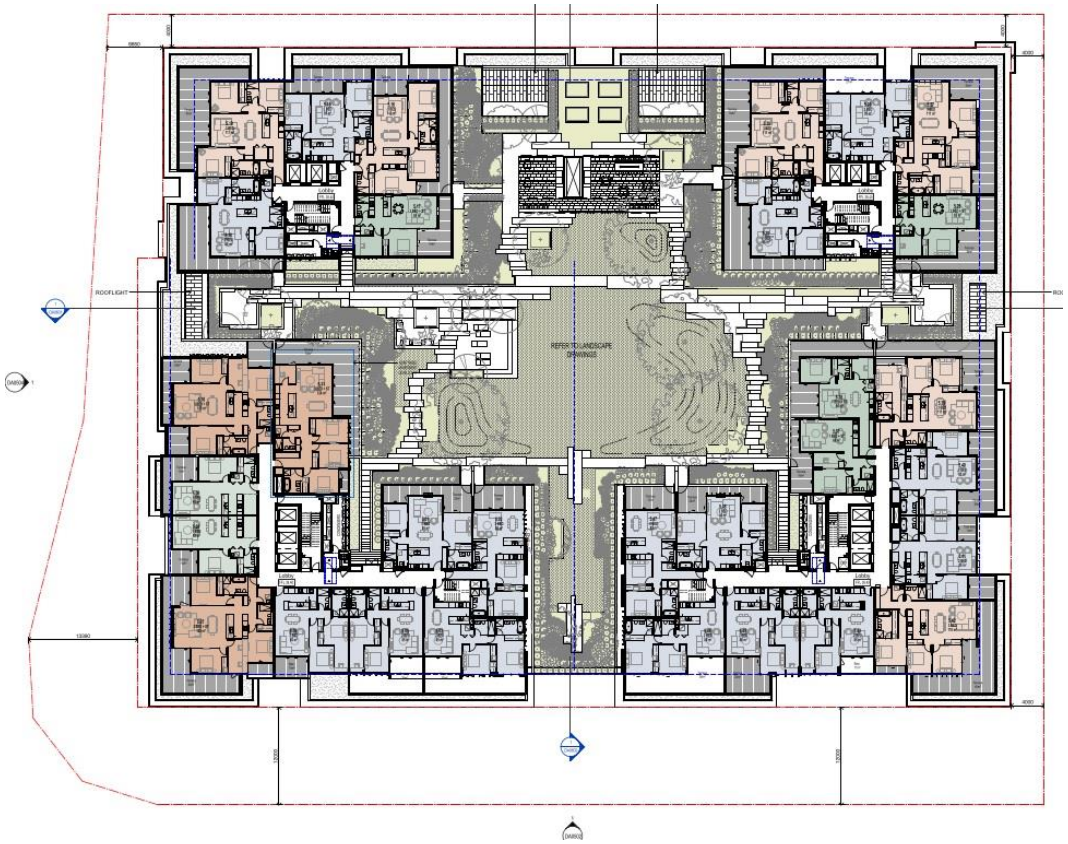


Figure 16. Proposed Podium Level

Figure 17. Proposed Level 6-11

Figure 18. Proposed Level 16-19

Figure 19. Southern Elevation (Westfield Drive)

Figure 20. Western Elevation (Banks Avenue)

Figure 21. 3D Perspective from corner of Banks Avenue and Westfield Drive

Figure 22. 3D Perspective from future Central Park

Key Controls

Table 1: Compliance with key provisions

Control	Required	Proposal	Complies?
Site Area	-	Site Area: 13,507sqm.	N/A
Stage 1 Consent			
GFA and FSR	Max FSR 3.83:1 Max GFA 51,712sqm	Proposed FSR 3.83:1 Proposed GFA 51,696sqm	Yes
Height Tower No. / Maximum Podium Height / Maximum Building Height / Maximum Plant Room Height A1, A2, A4, A5 / 16.9m (RL38.9) / 51.0m (RL73.0) / 53.6m (RL75.6) A3, A6 / 16.9m (RL38.9) / 63.4m (RL85.4) / 66.0m (RL88.0)		Max heights proposed. Front towers approx. 54m, rear towers approx. 65m.	Yes – consent RL's are met
Setbacks	Podium and building setbacks to comply with setback hierarchy plan – 6-12m to Banks, 12m to Westfield Drive	Setbacks comply.	Yes
Car Parking	Residential 1 space / 1 bedroom (88 req) 1.5 space / 2 bedroom (369 req) 2 space / 3 bedroom (306) Total = 763 1 visitor space / 10 (49) 22 car share spaces (10 in basements) across entire site (5 req) Other uses as per BBDCP 2013: Child care	Residential • 764 spaces for apartments • 49 visitor spaces • 5 car share spaces Childcare • 32 child care spaces (incl. 5 drop off) Total spaces proposed = 850	Yes

<table>
<tr><th>Control</th><th>Required</th><th>Proposal</th><th>Complies?</th></tr>
<tr><td></td><td>1 space / 2 employee (8.5 req)
1 space / 5 children (18.4 req)
1 drop off / 20 children (4.6 req)
Total = 32

Total spaces required = 849</td><td></td><td></td></tr>
<tr><td>Dwelling Sizes</td><td>
<table>
<tr><th>Unit Type</th><th>Area</th><th>Size sq. m</th></tr>
<tr><td>One bedroom</td><td>Internal</td><td>65</td></tr>
<tr><td></td><td>External</td><td>12</td></tr>
<tr><td>Two bedroom</td><td>Internal</td><td>85</td></tr>
<tr><td></td><td>External</td><td>12</td></tr>
<tr><td>Three bedroom</td><td>Internal</td><td>50% of units per urban block 124
50% of units per urban block 110</td></tr>
<tr><td></td><td>External</td><td>24 for 124 sq. m units</td></tr>
<tr><td></td><td></td><td>15 for 110 sq. m units</td></tr>
<tr><td></td><td></td><td></td></tr>
</table>
</td><td>1 bed units: 65-93sqm
2 bed units: 85-117sqm
3 bed units: 110-156sqm</td><td>Yes</td></tr>
<tr><td>Unit Mix</td><td>
<table>
<tr><th>Unit Size</th><th>Proportion</th><th>Indicative Maximum Number of Units</th></tr>
<tr><td>Studios</td><td>N/A</td><td>0</td></tr>
<tr><td>One bedroom</td><td>Maximum 20 %</td><td>445</td></tr>
<tr><td>Two bedroom</td><td>50%</td><td>1,112</td></tr>
<tr><td>Three + bedroom</td><td>Minimum 30%</td><td>666</td></tr>
<tr><td>TOTAL</td><td></td><td>2,223</td></tr>
</table>
</td><td>1 bed – 18%
2 bed – 51%
3 bed – 31%</td><td>Yes</td></tr>
<tr><td colspan="4">SEPP 65 – ADG</td></tr>
<tr><td>Car Parking</td><td>Not located within 800m of a train station. Accordingly, BBDCP 2013 car parking rates apply.</td><td>-</td><td>N/A</td></tr>
<tr><td>Dwelling Size</td><td>Minimum internal areas as follows:
1 bed unit: 50sqm
2 bed unit: 70sqm
3 bed unit: 90sqm</td><td>1 bed units: 65-93sqm
2 bed units: 85-117sqm
3 bed units: 110-156sqm</td><td>Yes
Yes
Yes</td></tr>
<tr><td>Ceiling Height</td><td>Habitable Rooms: 2.7m
Non-habitable: 2.4m
Mixed Use: 3.3m for ground and first floor.</td><td>Habitable rooms: 2.7m
Non-habitable rooms: 2.4m
Mixed Use (GF & FF): 2.7-2.9m</td><td>Yes
Yes
No – Refer to Note 1</td></tr>
<tr><td>Deep Soil</td><td>Objective 3E-1 requires 7% of the site (for sites over 1,500sqm) as deep soil area with min. dimensions of 6m.</td><td>The site achieves 10.8% (1,465sqm) of the site as deep soil with min. dimensions of 6m.</td><td>Yes</td></tr>
<tr><td>Communal Open Space</td><td>25% of site.</td><td>29% (3,845sqm).</td><td>Yes</td></tr>
<tr><td rowspan="2">Solar Access</td><td>50% direct sunlight to the principal usable part of the COS for a minimum of 2 hours during mid-winter.</td><td>More than 50% of COS receives greater than 2 hours of sun.
Podium: 2 hours to 70%
Rooftop: 6 hours to 100%</td><td>Yes</td></tr>
<tr><td>Living rooms and POS for at least 70% of apartments (and in neighbouring development) to achieve 2 hours between 9am and 3pm.</td><td>70% achieved.</td><td>Yes</td></tr>
<tr><td>Cross Ventilation</td><td>60% required for first 9 storeys.</td><td>234 apartments in the first 9 storeys x 60% = 141 apartments required to cross ventilate
150 out of 234 apartments or 64% cross ventilate in first 9 storeys.</td><td>Yes</td></tr>
</table>

Control	Required	Proposal	Complies?
		In total 403 out of 487 apartments or 83% cross ventilate.	
Building Depth	Use a range of appropriate maximum apartment depths of 12-18 metres.	Variety of depths maximum of 10.8m.	Yes
Building Separation	Up to 4 storeys (approx. 12m): 3m from non-habitable rooms to site boundary 6m from habitable rooms/balconies to site boundary	Complies. Podium is the first 5 storeys. Separation provided across the internal roads of the site to the future urban blocks.	Yes
	Five to eight storeys (25m): 4.5m from non-habitable rooms to site boundary 9m from habitable rooms/balconies to site boundary	Does not comply with 9m setback to habitable rooms/balconies – 18m required between towers Towers A–B 12m Tower C–D 12m Tower A–D 12m	**No – Refer to Note 2**
	Nine storeys and above (over 25m): 6m from non-habitable rooms to site boundary 12m from habitable rooms/balconies to site boundary	Does not comply with 12m setback to habitable rooms/balconies – 24m required between towers Towers A–B 12m Tower C–D 12m Tower A–D 12m	**No – Refer to Note 2**
Balcony Sizes	1 bed: 8sqm 2 bed: 10sqm 3+ bed: 12sqm Ground Floor: 15sqm	1 bed: Min 12sqm 2 bed: Min 8.3sqm Does not comply 3 bed: Min 9.5sqm Does not comply Ground Floor: 15sqm	**No – Refer Note 3**
Storage	1 bed: $6m^3$ 2 bed: $8m^3$ 3+ bed: $10m^3$	1 bed: Min $6m^3$ 2 bed: Min $8m^3$ 3 bed: Min $10m^3$	Yes
BBLEP 2013			
Zone	B4	Mixed Use (Residential apartments and child care centre).	Yes
FSR	3:1 under BBLEP 2013.	3.83:1.	**No – Refer to Note 5**
GFA	40,521sqm (maximum) calculated based on permissible FSR under BBLEP 2013.	51,712sqm.	**No – Refer to Note 5**
Height	Variable maximum height limit of 44 metres, 39 metres and 32 metres.	Maximum building height proposed 65.91m.	**No – Refer to Note 5**
BBDCP 2013			
Bicycle Parking	In every new building, where the floor space exceeds 600m² GFA, bicycle parking equivalent to 10% of the required car spaces or part therefore as required in Table 1 shall be provided. **Total required: 99** (984 car spaces	Total provided: 121 spaces.	Yes

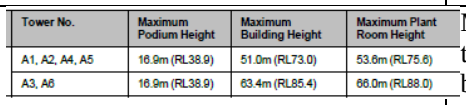
Control	Required	Proposal	Complies?
	required by DCP).		
Basement Access	Minimum clearance height of 4.5m for MRV.	Min 4.6m clearance provided to ground floor of car park.	Yes
Dwelling Layout	• No doors to studies. • No saddleback bedroom designs. • Studies max 9sqm otherwise considered a bedroom.	• All study rooms include doors. • Apartment Type: 2B Type 4 includes a bedroom with a saddle back design. • All studies are 9sqm or less.	**No Refer Note 7** **No Refer Note 7** Yes

EVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 CONSIDERATIONS

Part 4 Division 2A – Special procedures concerning staged Development Applications

The Stage 1 Master plan consent DA-14/96 is the first of a Staged Development Application as per Section 83B of the Environmental Planning and Assessment Act. The subject application is a Stage 2 Development Application and as per the Section 83D(2) it cannot be inconsistent with the Stage 1 consent. Below is an assessment of the proposed development against the relevant requirements of the Stage 1 consent.

Table 2: Compliance with Stage 1 Consent Conditions

Condition / Control	Required	Proposal	Consistent ?
GFA and FSR (Condition 12)	GFA 51,712sqm FSR 3.83:1 Indicative Units 517	GFA 51,696sqm FSR 3.83:1 Units 487	Yes
Heights (Condition 15)		Maximum heights proposed meet the RL's in the Consent. Actual building heights are higher. Front towers (B & C) approx. 54m, rear towers (A & D) approx. 65m.	Yes – RL's are the ultimate height limit
FFL Ground floor (Condition 17)	FFL of GF apartments no greater than 1 metre above EGL	GF FFL 1m above EGL.	Yes
Separation (Condition 18)	In accordance with building envelope detail and building separation plans.	Consistent with plans.	Yes
Podium height (Condition 19)	UBW5 5 storey podium.	5 storeys proposed.	Yes
Tower setbacks (Condition 23)	Min 4m setback for towers above a podium.	All towers setback 4m from edge of podium.	Yes
Tower	Max protrusion of 500mm from	The four facades of each tower have	Yes

<table>
<tr><th>Condition / Control</th><th>Required</th><th>Proposal</th><th>Consistent ?</th></tr>
<tr><td>Articulation (Condition 24)</td><td>building envelopes for the towers for a maximum of 50% of each façade.</td><td>an average articulation outside the envelope of less than 50%.
Tower A: 49.4%
Tower B: 25.6%
Tower C: 34.4%
Tower D: 45.9%</td><td></td></tr>
<tr><td>Podium Articulation (Condition 25)</td><td>Max protrusion of 500mm from building envelopes for the podiums for a maximum of 20% of each façade.</td><td>Minor protrusions for the ground floor apartment’s up to 500mm outside envelope, well under the maximum 20%. Significant articulation provided through cuts in the podium for the four entrances and lobbies to the cores.</td><td>Yes</td></tr>
<tr><td>Setbacks (Condition 26)</td><td>Podium and building setbacks to comply with setback hierarchy plan – 6-12m to Banks, 12m to Westfield Drive, 4m to north and east.</td><td>• Banks Avenue: 6.85m (northern corner) increasing to 13.39m (Southern corner).
• Westfield Drive: 12m
• Northern: 4m
• Eastern: 4m</td><td>Yes</td></tr>
<tr><td>Car Parking (Condition 29)</td><td><u>Residential</u>
1 space / 1 bedroom (88 req)
1.5 space / 2 bedroom (369 req)
2 space / 3 bedroom (306)
Total = 763
1 visitor space / 10 (49)
22 car share spaces (10 in basements) across entire site (5 req)

<u>Other uses as per BBDCP 2013:</u>
Child care
1 space / 2 employee (8.5 req)
1 space / 5 children (18.4 req)
1 drop off / 20 children (4.6 req)
Total = 32

Total spaces required = 849</td><td><u>Residential</u>
• 764 spaces for apartments
• 49 visitor spaces
• 5 car share spaces

<u>Childcare</u>
• 32 child care spaces (incl. 5 drop off)

Total spaces proposed = 850</td><td>Yes</td></tr>
<tr><td>Dwelling Sizes (Condition 33)</td><td><table><tr><th>Unit Type</th><th>Area</th><th>Size sq. m</th></tr><tr><td>One bedroom</td><td>Internal</td><td>65</td></tr><tr><td></td><td>External</td><td>12</td></tr><tr><td>Two bedroom</td><td>Internal</td><td>85</td></tr><tr><td></td><td>External</td><td>12</td></tr><tr><td>Three bedroom</td><td>Internal</td><td>50% of units per urban block 124
50% of units per urban block 110</td></tr><tr><td></td><td>External</td><td>24 for 124 sq. m units</td></tr><tr><td></td><td></td><td>15 for 110 sq. m units</td></tr><tr><td></td><td></td><td></td></tr></table></td><td>Internal areas comply:
1 bed units: 65-93sqm
2 bed units: 85-117sqm
3 bed units: 110-156sqm

External areas comply.</td><td>Yes</td></tr>
<tr><td>Unit Mix (Condition 34)</td><td><table><tr><th>Unit Size</th><th>Proportion</th><th>Indicative Maximum Number of Units</th></tr><tr><td>Studios</td><td>N/A</td><td>0</td></tr><tr><td>One bedroom</td><td>Maximum 20 %</td><td>445</td></tr><tr><td>Two bedroom</td><td>50%</td><td>1,112</td></tr><tr><td>Three + bedroom</td><td>Minimum 30%</td><td>666</td></tr><tr><td>TOTAL</td><td></td><td>2,223</td></tr></table></td><td>1 bed – 18%
2 bed – 51%
3 bed – 31%</td><td>Yes</td></tr>
<tr><td>Solar Access (Condition 36)</td><td>70% solar access to living rooms and private open space for minimum of 2 hours between 9am – 3pm in mid-winter

Podium communal open space</td><td>70% achieved.

More than 50% of COS receives</td><td>Yes</td></tr>
</table>

Condition / Control	Required	Proposal	Consistent ?
	minimum 2 hours solar access between 9am-3pm in mid-winter	greater than 2 hours of sun. Podium: 2 hours to 70% Rooftop: 6 hours to 100%	

Part 4 Division 5 – Special procedures for integrated development

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

The Development Application is Integrated Development in accordance with the Water Management Act 2000 as the development is deemed to be an Aquifer Interference Activity.

In this regard, the Development Application was referred to the Department of Primary Industries – Water. In a letter dated 23 March 2016, the Department of Primary Industries – Water provided its General Terms of Approval (GTA).

SECTION 79(C) CONSIDERATIONS

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)

State Environmental Planning Policy (Infrastructure) 2007

The provisions of State Environmental Planning Policy (Infrastructure) 2007 have been considered in the assessment of the Development Application.

Clause 104 – Traffic Generating Development

As per Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007, the proposed development is 'traffic generating development' as it includes 300 or more dwellings. Accordingly, Clause 104 'Traffic Generating Development' applies to the DA which requires the RMS be notified. In a letter dated 8 March 2016, the RMS was notified of the DA.

Council received a response in a letter dated 30 March 2016, that raised no objection to the proposed development, subject to comments for Council to consider in the assessment. These comments were that the development shall comply with the Mast Plan and the BB DCP and that all buildings and structures shall be wholly within the freehold property. These comments have been considered in the assessment.

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

The provisions of SEPP 55 have been considered in the assessment of the Development Application, along with the requirements of Part 3K of the Botany Bay

Development Control Plan 2013 relating to Contaminated Land. Clause 7 of SEPP No. 55 requires Council to be certain that the site is or can be made suitable for its intended use at the time of determination of an application.

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

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

As part of the subject Development Application, a Site Validation Assessment and Site Audit Statement were submitted in relation to UB5W.

The Site Validation Assessment indicated that no areas of remediation were identified for UB5W in the RAP, however the unexpected finds protocol outlined in the RAP and the subsequent Asbestos Management Plan (AMP) were instigated as part of the validation assessment for Part UB5W.

The Site Audit Statement dated 29 January 2016 was to determine the land use suitability for Urban Block 5W. The statement certifies that UB5W is suitable for 'residential with minimal opportunity for soil access, including units'.

This Site Audit Statement does not indicate the land is also suitable for the proposed Child Care Centre use and as such additional information in this regard was requested from the applicant. In response, Council received an addendum to the Site Validation Assessment which outlines additional sampling and assessment of the footprint of the area of land proposed to be used as a childcare centre. The addendum concludes that location of the proposed child care centre is suitable for this use subject to management protocols outlined in the Conclusion of the Report on Validation Assessment Part 1A. These being:

- The site should be cordoned off from the remainder of the overall development area such that earthworks machinery does not inadvertently pass through the site from other parts of the overall development area;
- No stockpiling of soils, building rubble or excavated hardstand from other parts of the overall development area is to take place within the site; and
- Only materials approved by Douglas Partners Pty Ltd (DP) and the Site Auditor as virgin excavated natural material (VENM) or compliant with a relevant Resource Recovery Order and its corresponding Resource Recovery Exemption issued under the Protection of the Environment Operations (Waste) Regulation 2014, can be used as filling on the site. Other materials from within the remainder of the overall development area may also be used once appropriately validated by DP and the Site Auditor

Finally an accredited site auditor under the Contaminated Land Management Act has reviewed this work and conclusion that *the report generally addresses the issues discussed in the interim audit advice and can be accepted as final with no further changes…required.*

Council's Environmental Scientist has reviewed the application and raised no objection subject to appropriate conditions which have been included on the consent.

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

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

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

Clause 28 – Determination of development applications

Architectural Design Competition

Clause 28(5) stipulates that a consent authority is not required to obtain advice of a Design Review Panel if an architectural design competition has been held in relation to the proposed development.

In accordance with the Stage 1 consent, the subject application underwent an architectural design competition that was consistent with the Design Excellence Guidelines. The winning architect was SJB Architects. The proposed development as lodged with the development application was generally consistent with the winning scheme from the competition. Accordingly, Council has not obtained advice from a Design Review Panel for this application.

Below are the key juror's comments to the winning design and how these comments have been addressed in the proposed development.

Table 3: Assessment of Architectural Design Competition Juror's comments

Key Jurors Comments	Proposal
Childcare location – Childcare location in the south-western corner is unlikely to gain sufficient sunlight. Locating elsewhere should be considered.	The Childcare Centre remains in the south-western corner. This is considered acceptable as solar access has been assessed as achieving the required (as per BBDCP 2013) 3 hours solar access to key areas of the indoor and outdoor play areas between 9am and 3pm on 22 June. Furthermore, this location is considered the most practical as it is the only setback area with sufficient space and solar access to contain the amount of outdoor area required for the 600sqm childcare centre (as stipulated in the Stage 1 consent for UB5W).Accordingly, this comment is considered to be satisfactorily addressed.
Landscaping – Setbacks to be landscaped appropriately. More than half the southern setback is occupied by outdoor play space and a service driveway.	The ground floor car park has been rearranged so that the service area is now accessed from the entry from the private accessway to the east. This has meant the service driveway has been removed from the southern setback allowing for greater landscaping. The proposed landscaping in this setback was not considered sufficient and as such conditions have been included requiring additional

Key Jurors Comments	Proposal
	plantings and the deletion of the footpath to allow for more tree retention. Accordingly, this comment is considered to be satisfactorily addressed.
Public domain and communal open space – Public domain and communal open space arrangement requires further development at DA stage to address detailing. The input of a respected landscape architect is needed.	The public domain and communal open space arrangement has been further developed by Arcadia Landscape Architects. Council's Landscape Architect has reviewed the proposed scheme and raised no objections. Accordingly, this comment is considered to be satisfactorily addressed.
Rooftop communal open spaces – Investigate possibility for rooftop communal open spaces on either northern towers or lower parts of southern towers.	The proposed development has added communal open spaces to the lower rooftops of the southern towers. Accordingly, this comment is considered to be satisfactorily addressed.
Loading dock access – Access to the loading dock from Westfield Drive may need to be relocated as this is a private road.	The ground floor car park has been rearranged so that the service area is now accessed from the entry from the private access way to the east. Accordingly, this comment is considered to be satisfactorily addressed.
Two car park entries – Consideration is to be given to having two car park entry/exit points, to reduce congestion to one entrance.	The single entry/exit point remains. A Traffic Report has been submitted with the DA which indicates the car park arrangement is appropriate and consistent with the relevant standards. The access arrangements to the car park have been reviewed by Council's Development Engineer who raised no objection. Accordingly, this comment is considered to be satisfactorily addressed.
Inboard studies – Inboard media rooms or studies are no longer permissible under the ADG as they are rightly considered to be habitable rooms. As such a number of the typical apartment layouts need to be reworked.	All internalised studies have been removed. All studies now include windows to an external wall in accordance with the ADG. Accordingly, this comment is considered to be satisfactorily addressed.
Internalised bedroom – Attention is to be given to the townhouse layouts to increase amenity to the second bedroom, which is currently too internalised	The second bedroom to the ground floor apartments has been shifted closer to the front and is no longer internalised. Accordingly, this comment is considered to be satisfactorily addressed.

Design Quality Principles and Apartment Design Guide

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

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

Clause 30(1) of SEPP 65 states that if a Development Application satisfies the following design criteria, the consent authority cannot refuse an application because of those matters. These are car parking, internal area of each apartment and ceiling heights.

The proposed development complies with the car parking rates as stipulated in the Stage 1 consent and far exceeds the minimum internal apartment sizes. The proposed development meets the minimum ceiling height provisions with the exception of the floor-to-ceiling heights at the ground floor for mixed use developments. This is discussed below.

Note 1 – Ceiling Heights (4C)

The ADG specifies minimum ceiling heights of 3.3 metres for ground and first floor in mixed use areas to promote future flexibility of use. UB5W is zoned mixed use and as such this control applies. The proposed development provides a ceiling height of 2.7 metres for the ground floor and 2.9 metres for the first floor of the ground floor apartments. Furthermore, a ceiling height of 2.7 metres is provided for the ground floor Childcare Centre.

The Stage 1 consent approved plans includes a Section drawing (Section A-A) of UB5W which provides 3.1 metre floor-to-floor heights for the ground and first floor of the development. This typically equates to a floor-to-ceiling height of 2.7 metres which has been provided. Given the height restrictions in the Stage 1 consent, it would not be possible to provide increased ceiling heights to the ground floor and first floor without exceeding the height limits. This is not permitted as the proposal must be consistent with the Stage 1 consent.

Also relevant is that the Stage 1 consent has only approved retail in UB5C up to a maximum of 5000sqm. UB5W is only mixed use to provide for the Childcare centre. Accordingly, the ground and first floor of UB5W was always anticipated to be residential townhouse style apartments with the retail uses being limited to UB5C.

Given the above, the proposed non-compliant ground and first floor ceiling heights are considered acceptable.

Note 2 – Building Separation (3F)

The Design Criteria to Objective 3F-1 provides for building separation controls between buildings on the same site. Given that the proposed towers all have habitable openings facing each other, the separation required by the ADG for Level 6-8 is 18 metres and Level 8-20 is 24 metres. The northern and southern towers are separated by 12 metres and the two southern towers are separated by 12 metres which does not comply.

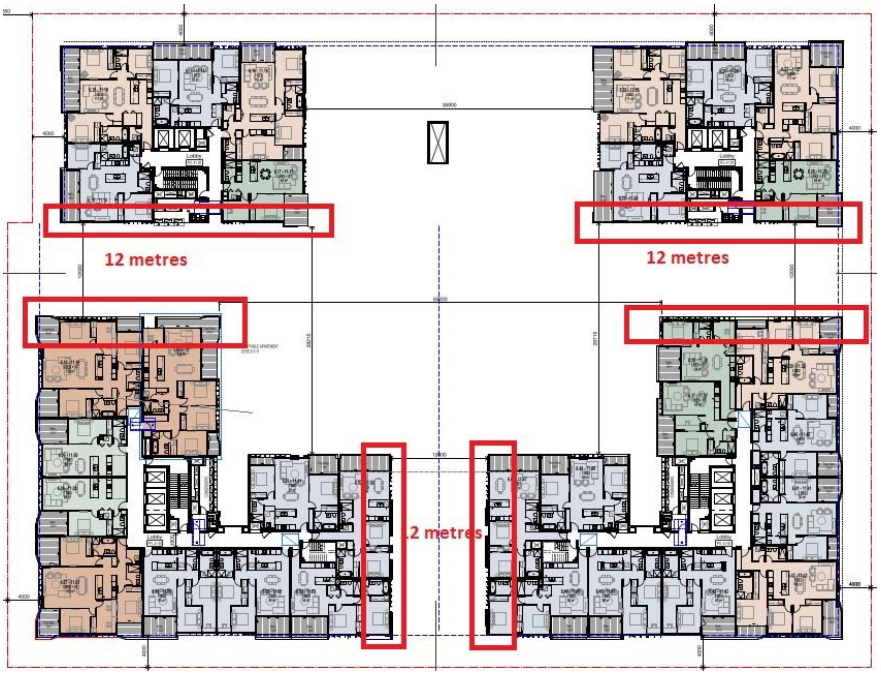


Figure 23. Tower floor plan diagram indicating the non-compliant separations between the towers.

The separation distances proposed are consistent with the Stage 1 consent plans. Although separations shown in the Stage 1 consent were only conceptual and future applications would be subject to other design requirements such as SEPP 65, there are details provided in the Stage 1 plans which indicate that the facades in question were intended to include habitable openings and as such would be non-compliant with ADG (RFDC at the time of the Stage 1 approval). There are two Stage 1 approved plans which are relevant being the building separation plan and the indicative apartment layout plan.

The 'building separation plan' shows 12 metre separations between the northern and southern towers and between the two southern towers which is the separation that has been provided. This plan does not indicate that these facades would have habitable openings. In such a case where there is no habitable openings (ie. non-habitable) then the 12 metre separations would be compliant with the ADG. However, it is clear from the 'indicative apartment layout plan' that habitable openings including a single aspect apartment were anticipated to the southern facades of the northern towers. Also, the plans indicate red dotted lines to the opposing northern facades of the southern towers and between the opposing facades of the two southern towers. These red dotted lines are annotated to be 'non-habitable openings or blank facades, or appropriate treatment for habitable openings (ie. highlight windows, louvers, screens, opaque glazing)'. Accordingly, habitable openings were also permitted to these opposing facades provided appropriate privacy treatments were included.

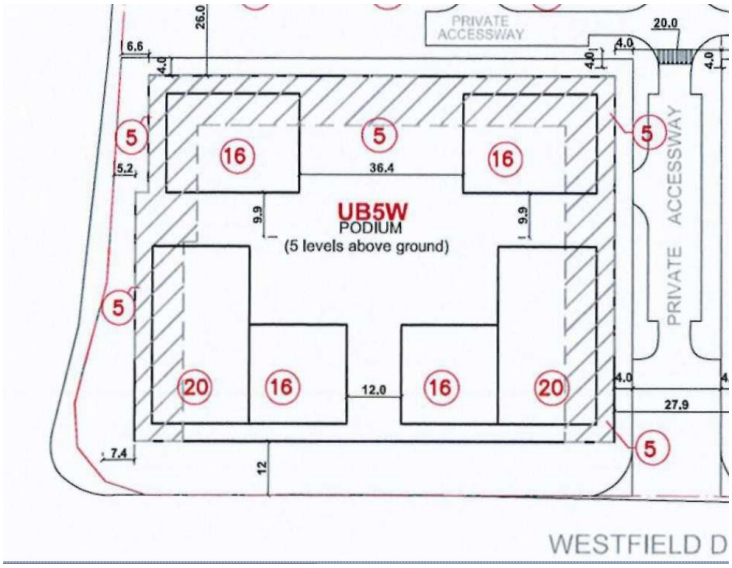


Figure 24. Building Separation Plan Stage 1 consent DA-14/96

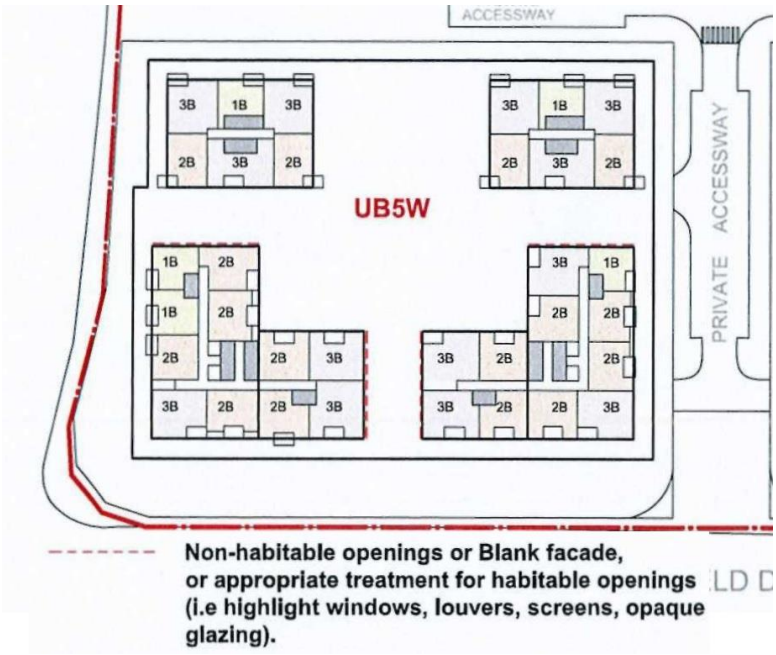


Figure 25. Indicative Apartment Layouts Stage 1 consent DA-14/96

The proposed development is considered to be an improvement on the indicative layout shown in the Stage 1 plans as the apartments to the non-compliant facades are all corner dual aspect apartments, with the single aspect apartment to the southern façade of the northern towers shown in the Stage 1 plans removed and replaced with the building cores.

The plans as originally submitted did not include appropriate privacy treatments to these non-compliant facades. Council raised this concern with the applicant and amended plans were received providing additional privacy treatments. A privacy analysis was also provided as well as a design verification statement which confirms that the separation objectives have been achieved. As demonstrated in the submitted privacy analysis below, privacy has been provided through the use of fixed privacy

screens to windows and balconies which ensure that there are no sightlines between these habitable openings.

Given the above, Objective 3F-1 for the building separation controls is considered to have been achieved and as such the non-compliance is supported.

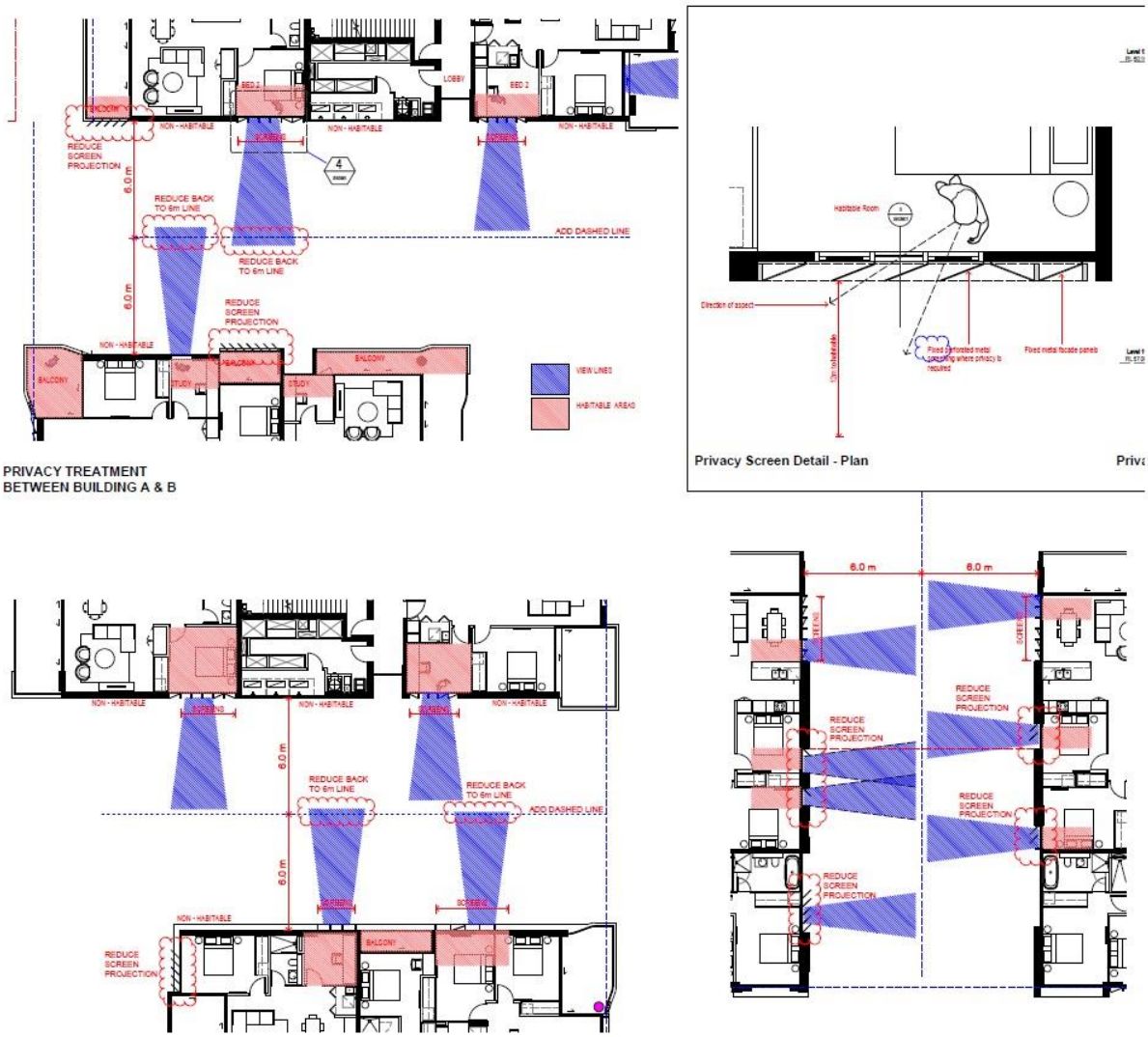


Figure 26. Privacy treatments and analysis to non-complaint separations

Note 3 – Primary Balconies (4E)

The Design Criteria to Objective 4E-1 requires that 2 bedroom apartments are to have a primary balcony with a minimum size of 10sqm and 3 bedroom apartments are to have a primary balcony with a minimum size of 12sqm.

The apartment schedule submitted with the application indicates that all 2 bedroom apartments have primary balconies of at least the required 10sqm with the exception of Apartment Type 1, 7, 9, and 12 which have primary balcony sizes of 8.3-8.9sqm. Likewise, all 3 bedroom apartments have primary balconies of at least the required 12sqm with the exception of Apartment Type 2, 4, and ST Type 1 which have primary balcony sizes of 9.7-11sqm.

This issue was raised with the applicant and justification including a primary balcony study was provided. The Stage 1 consent includes conditions for the internal and external areas of the apartments. The required external areas are significantly greater than the ADG requirements being 12sqm for 1 bedroom, 12sqm for 2 bedroom, 15sqm for 3 bedroom with internal areas of 110-124sqm and 24sqm for 3 bedroom with internal areas of +124sqm. The proposed development complies with the external areas required by the Stage 1 consent, however since these external areas could be spread over multiple balconies, some of the primary balconies do not meet the ADG minimums as specified above.

Whilst marginally below the minimum sizes specified by the ADG, all principal balconies are adequately sized to offer a good level of amenity to residents and can accommodate a table and four chairs as illustrated in **Figure 27**. All apartments are provided with a generous level of outdoor space, which in many cases consists of primary and secondary balcony spaces. When these primary and secondary balcony spaces are combined the quantum of private open space for all apartments far exceeds the minimum private open space requirements of the ADG.

Figure 27. Non-compliant Primary balcony study

Whilst the non-compliant primary balconies could readily be modified to meet the ADG minimum sizes it is considered that this would result in a poorer design outcome. It is relevant that the Stage 1 consent imposes numerous rigid built form controls on future buildings. In this case, conditions 33 and 24 are particularly relevant:

- Condition 33 specifies the minimum floorspace requirement for each unit type.
- Condition 24 limits the extent to which any future building may project beyond the prescribed building envelope (maximum protrusion of 500mm for 50% of each façade).

As illustrated in **Figure 27**, to enlarge the principal balconies to achieve the minimum principal balcony sizes whilst still maintaining the minimum required internal area per apartment and also limiting the extent of protrusions beyond the nominated building envelope, it would be necessary to reduce the size of the secondary balconies:

- In all case the secondary balcony must be reduced to compensate for the loss of floor space from the apartment that would occur by enlarging the principal balcony. Without this adjustment the unit would fall short of the minimum apartment size required under Condition 33 of the Stage 1 consent.
- The secondary balconies cannot be extended to compensate for the loss of space as this would result in conflict with Condition 33 which limits the protrusions from the building envelope to a maximum 500mm.

The effect of the design change would be the reduction in size, functionality and usability of the secondary balconies with only negligible space gains to be achieved for the principal balconies.

Accordingly, given that Objective 4E-1 is considered to have been achieved, the non-compliance with the minimum size of primary balconies design criteria is acceptable.

Note 4 – Lift Cores (4F)

The Design Criteria to Objective 4F-1 requires that for buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40. The proposal is one lift short of the requirement for each of the towers detailed as follows:

- Tower A – 19 apartments in podium, 126 apartments in tower = Total 145 apartments / 3 lifts proposed, 4 lifts required.
- Tower B – 36 apartments in podium, 55 apartments in tower = Total 91 apartments / 2 lifts proposed, 3 lifts required.
- Tower C – 35 apartments in podium, 55 apartments in tower = Total 90 apartments / 2 lifts proposed, 3 lifts required.
- Tower D – 20 apartments in podium, 141 apartments in tower = Total 161 apartments / 3 lifts proposed, 4 lifts required.

This issue was raised with the applicant and a response was received which justified the proposed lift arrangement and provided a Traffic Analysis Report prepared by the Lift contractor (Kone Elevators). The report indicates the proposal meets an average of 'excellent' quality level for each of the towers. Excellent quality level is the lift contractors rating which requires the following criteria to be achieved:

- 5 minute handling capacity – 7.5%
- Waiting Interval – 60s

- Nominal travel time – 25s

Given the excellent rating achieved by the proposal the lift arrangement is supported. It has also been reviewed by Council's Development Engineer who raised no objection.

Accordingly, given that Objective 4F-1 is considered to have been achieved, the non-compliance with the maximum number of apartments sharing a single lift is acceptable.

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 BASIX Certificate No. 694301M 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:

Table 4: BBLEP 2013 Compliance

Principal Provisions of BBLEP 2013	Complies Yes/No	Comment
Land use Zone	N/A	The site is zoned B4 Mixed Use under the BBLEP 2013.
Is the proposed use/works permitted with development consent?	Yes	The proposed residential flat building and child care centre is permitted with consent in the B4 zone.
Does the proposed use/works meet the objectives of the zone?	Yes	The proposed development is consistent with the following objectives in 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.*
Does Clause 2.5 and Schedule 1 – Additional Permitted Uses apply to the site?	N/A	Clause 2.5 does not apply to the subject site.
What is the height of the building?	**No Refer to Note 5**	Variable maximum height limit of 44 metres, 39 metres and 32 metres across UB5W. Does not comply as follows: <u>Tower A</u> Roof – RL85.4 roof level minus lowest EGL below RL21.86 = 63.54m Plant – RL88 plant minus lowest EGL below RL22.12 = **65.88m**

Principal Provisions of BBLEP 2013	Complies Yes/No	Comment
		Tower B Roof – RL73 roof level minus lowest EGL below RL21.55 = 51.45m Plant – RL75.6 plant minus lowest EGL below RL21.59 = **54.04m** Tower C Roof – RL73 roof level minus lowest EGL below RL21.41 = 51.59m Plant – RL75.6 plant minus lowest EGL below RL21.42 = **54.18m** Tower D Roof – RL85.4 roof level minus lowest EGL below RL21.66 = 63.74m Plant – RL88 plant minus lowest EGL below RL22.09 = **65.91m**
What is the proposed FSR?	**No Refer to Note 5**	Maximum FSR is 3:1 (40,521sqm). Proposed FSR is 3.83:1 (51,712sqm) which does not comply.
Is the proposed development in a R3/R4 zone? If so does it comply with site of 2000sqm min and maximum height of 22 metres and maximum FSR of 1.5:1?	N/A	The subject site is not located within an R3 or R4 zone.
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?	N/A	The subject site is not identified as being affected by road widening.
Is the site listed in Schedule 5 as a heritage item or within a Heritage Conservation Area?	N/A	The subject site is not identified as a Heritage Item or within a Heritage Conservation Area.
The following provisions in Part 6 of the LEP apply to the development: 6.1 – Acid sulfate soils (ASS)	Yes	Clause 6.1 – Acid Sulfate Soils. The site is not identified as being affected by ASS. Regardless, the Stage 1 consent includes a condition which requires that every Stage 2 application include an ASS Management Plan. In accordance with the Stage 1 consent, an ASS Management Plan was submitted with the application. Council's Environmental Scientist has reviewed the plan and raised no objection subject to conditions which have been included in the consent.
6.2 – Earthworks	Yes	Clause 6.2 – Earthworks. The proposed development does not include a basement and the land is generally flat. Accordingly, excavation and fill arrangements are minimal and are considered to satisfy Clause 6.2. • Maximum excavation: RL20.70 (Portion of

Principal Provisions of BBLEP 2013	Complies Yes/No	Comment
		GF car park) – Highest EGL above: RL21.88 = **1.18m** The application has been referred to the DPI – Water and GTA has been received.
6.3 – Stormwater management	Yes	Clause 6.3 – Stormwater. The Development Application involves an underground On Site Detention system located within the southern setback to Westfield Drive. The Stormwater system has been reviewed by Council's Development Engineer who raised no objection subject to conditions which have been included on the consent. The development is considered to satisfy Clause 6.3.
6.8 - Airspace operations	Yes	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 application proposed buildings above this maximum height and was therefore referred to Sydney Airports Corporation Limited (SACL) for consideration. SACL raised no objections to a building a maximum height of 91 metres AHD, subject to conditions to be imposed on any consent. The development is considered to satisfy Clause 6.8.
6.9 – Development in areas subject to aircraft noise	Yes	Clause 6.9 – Aircraft Noise. The subject site is not affected by Aircraft Noise. Regardless, the Stage 1 consent includes a condition which requires that every Stage 2 application include an Acoustic Report addressing AS2021-2000 and BBDCP 2013 Part 9D. In accordance with the Stage 1 consent, an Acoustic Report was submitted with the application. Council's Environmental Health Officer has reviewed the report and raised no objection subject to conditions which have been included in the consent. The development is considered to satisfy Clause 6.9.
6.16 – Design excellence	Yes	Clause 6.16 Design Excellence. The proposed design has been the subject of an Architectural Design Competition. This is discussed further in the report. The Applicant has adequately addressed the Jurors comments of the winning scheme and the proposed development is considered to satisfy Clause 6.16.

Note 5 – Clause 4.6 Variation to Height of Buildings and Floor Space Ratio

Clause 4.3 of BBLEP 2013 specifies that the height of a building may not exceed the maximum height specified on the relevant Height of Buildings Map. The site is subject to a variable height limit of 32-44 metres. The proposed development exceeds the maximum height allowance when measured in accordance with the BBLEP definition of building height.

Clause 4.4 specifies that the floor space ratio (FSR) of a development may not exceed the maximum FSR specified on the relevant FSR Map. A maximum FSR of 3:1 applies to the site. The proposed development exceeds the maximum FSR allowance.

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

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

Accordingly, below is an assessment of the submitted Clause 4.6 request in regards to the departure to the height and FSR controls applicable under the LEP.

Height Variation Circumstances

The proposal involves the construction of a mixed use development consisting of a 5 storey podium with four towers above, being Buildings A-D. The towers range in height from 16 to 20 storeys. The podium comprises a height of 16.4 metres. The tallest tower elements, Towers A and D, are a maximum height of 65.91 metres measured to top of plant while the smaller two towers, Towers B and C, extend to 54.18 metres to top of plant.

The potential to exceed the nominated LEP building heights for the Bunnerong Road site was thoroughly explored in the consideration of the Stage 1 masterplan consent. As part of that assessment is was accepted that the southern part of the Bunnerong Road site is suitable for taller buildings.

The proposed heights are entirely consistent with the height limits specified by the consent as stipulated in the consent.

Building	Storeys	Maximum Height – Plant	Maximum Height – Rooftop

A	20	65.88m (RL88)	63.54m (RL85.4)
B	16	54.04m (RL75.6)	51.45m (RL73)
C	16	54.18m (RL75.6)	51.59m (RL73)
D	20	65.91m (RL88)	63.74m (RL85.4)

The justification for the breach in the height limit is based on two key principles as follows:

Preferred Urban Design Outcome for the Bunnerong Road site

The approved building envelopes were developed through a comprehensive site analysis and review of the site attributes and surrounding context. The southern part of the site, including the subject site, was identified as the least sensitive part of the Bunnerong Road site being physically and visually separated from existing low density residential development. Adjoining uses include the Westfield shopping centre and the Bonnie Doon Golf Course.

The urban design concept for the Bunnerong Road site envisages the even graduation in height south to north across the site, with the tallest buildings located in the southern portion of the site reducing down to lower scale buildings to Bunnerong and Heffron Road to the north (including two storey town houses).

Above ground car parking to address the interface with the Westfield Eastgardens Loading Area

Building heights have been raised above the specified LEP height limits in this portion of the site to allow for above ground car parking. The southern part of the Bunnerong Road site is situated opposite the Westfield Eastgardens Shopping Centre. Loading and servicing facilities are provided at this side. Podium level car parking is proposed to the south of the proposed development to address Westfield"s loading / servicing area. This part of the site is undesirable for low level apartment buildings given potential land use conflicts between future residential uses and loading activities. All proposed south facing apartments are elevated above the proposed car parking levels with the tower elements of the development.

The additional height allows for the floorspace envisaged by the LEP to be realised on the site (3:1). This could not otherwise be achieved given the incorporation of above ground car parking as proposed.

FSR Variation Circumstances

Pursuant to Clause 4.4 of the BBLEP 2013 and the accompanying FSR map a maximum FSR limit of 3:1 applies to the site. The proposal involves the construction of development that will result in a marginal exceedance of the FSR limit when viewed in the context of the overall floorspace that will be achieved across the entire Bunnerong Road site. An FSR of 3.38:1 is proposed.

The potential to exceed the nominated LEP FSR limit for the Bunnerong Road site was thoroughly explored in the consideration of the Stage 1 masterplan consent. As part of that assessment is was accepted that the site is suitable for additional density.

The bulk and scale of the proposed development is consistent with the adjoining large scale regional retail facility (Westfield Eastgardens) adjacent.

The Stage 1 masterplan consent specifies the maximum FSR that may be achieved on each urban block with regard to the building envelopes endorsed by that masterplan. The proposed FSR is entirely consistent with the FSR limit specified by the consent for the site (3.38:1 based on a site area of 13,507sqm and proposed gross floor area (GFA) of 51,696sqm).

Consistency with Objectives

Clause 4.3 and 4.4 sets out the objectives of the maximum building height and FSR development standards. The consistency of the proposed development with these objectives is set out in the tables below.

Objectives – Height of Buildings	***Proposal***
(a) To ensure that the built form of Botany Bay develops in a coordinated and cohesive manner.	*Height responds to surrounding development and land uses. The subject site is not located in the vicinity of residential areas. Above ground parking is proposed to address the interface with the Westfield Eastgardens loading area.*
(b) To ensure the taller buildings are appropriately located.	*Consistent with the Stage 1 masterplan consent for the Bunnerong Road site, the proposal will facilitate the development of the tallest buildings within the southern portion of the site adjacent to Westfield Eastgardens, allowing for the gradual transition in height down to the north where the Bunnerong Road site interfaces with residential uses.*
(c) To ensure that building height is consistent with the desired future character of an area.	*Consistent with the desired future character of the area as presented in Part 9D of the BBDCP 2013, the proposal provides new residential uses complemented by public open space and mixed use development across the wider Bunnerong Road site.*
(d) To minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.	*The proposal allows for a high level of residential amenity and complies with the requirements of the Stage 1 masterplan consent and the ADG with respect to solar access and cross ventilation.* *Given the sites separation from existing residential uses, not adverse overshadowing will occur as a result of the proposal.*
(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.	*The proposed development will make a positive contribution to the streetscape. Buildings have been designed to a high standard and comprise good quality materials and finishes.*

Objectives – Floor Space Ratio	***Proposal***
(a) To establish standards for the maximum development density and intensity of land use.	*The Stage 1 masterplan consent establishes a revised maximum development density control for future development applications. The consent was underpinned by density testing and traffic modelling which confirmed that the proposed density can be accommodated without unreasonable impacts.* *The proposed FSR is entirely consistent with the Stage 1 masterplan consent.*

(b) To ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality.	*The bulk and scale of the proposed development is consistent with the desired future character for the site envisaged under the BBDCP 2013 which establishes the desired future character of the site as a "vibrant mixed use community with a high level of amenity and quality public domain."* *The additional FSR proposed is a result of the transitional building height approach adopted by the stage 1 masterplan.* *The proposed built form will result in a development that is entirely consistent in terms of bulk and scale with the approved masterplan as it relates to UB5W.*
(c) To maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo a substantial transformation.	*As part of the wider development of the Bunnerong Road site the proposal will provide an appropriate visual transition between taller buildings proposed to the south and low scale development to the north. The subject site is situated adjacent to the Westfield Eastgardens shopping centre, and its bulk and scale reflect the character of more intensive development on that site when compared to lower density residential development on Heffron Road.*
(d) To ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed form adjoining roads and other public places such as parks, and community facilities.	*The proposed development is separated from low density residential development. It will make a positive contribution to the streetscape through the introduction of building designed to a high architectural standard.*
(e) To minimise adverse environmental effects on the use of enjoyment of adjoining properties and the public domain.	*The subject site is distant from residential properties. The proposal will not result in adverse impacts on any residential property.*
(f) To provide an appropriate correlation between the size of a site and the extent of any development on that site.	*The site has been assessed to be suitable for the proposed density and intensity of use proposed through the consideration of the Stage 1 masterplan application. The supporting documentation lodged with that application established that the site, as part of the wider Bunnerong Road site is capable of accommodating more intensive development in the form proposed.*
(g) To facilitate development that contributes to the economic growth of Botany Bay.	*The proposed development will directly contribute to the economic growth of Botany Bay through the investment of $128 million on the delivery of the project.* *Temporary jobs will be created through during the construction phase. New jobs will also be created through the development of a new child care centre.* *New residents will contribute to the vitality and viability of local shops and businesses.*

As illustrated in the above tables, the proposed development does not conflict with the objectives of Clause 4.3 and 4.4 of the LEP.

Compliance is Unreasonable and Unnecessary

The proposal is considered appropriate and consistent with the objectives and intent of Clause 4.3 and 4.4 of the LEP. Strict compliance with the LEP in this case is considered to be unreasonable and unnecessary as follows:

- *Through the Stage 1 masterplan application the Bunnerong Road site has been assessed as being suitable for more intensive development than would normally be achievable under the LEP, noting the building height and FSR limits that apply.*
- *The proposal is entirely consistent with the maximum building heights and FSR limits allowable by the approved Stage 1 masterplan for this part of the Bunnerong Road site.*
- *Strict compliance with the height and FSR controls would result in a poorer design outcome for the site as it would prevent the delivery of the Bunnerong Road site as envisaged by the Stage 1 masterplan consent.*
- *The bulk and scale of the proposed development is consistent with the adjoining large scale regional retail facility (Westfield Eastgardens) adjacent.*
- *The proposed development is consistent with the intent of Clause 4.3 and 4.4 of the LEP which is to minimise adverse amenity impacts on neighbouring residential properties and to support the desired future character of the area.*
- *The proposal will not result in the loss of views, nor will it result in adverse amenity impacts and satisfies all relevant amenity criteria of the ADG, including access to sunlight, natural ventilation and privacy.*

Comment

The Clause 4.6 Exception to the height of buildings and floor space ratio development standards has been assessed in accordance with the BBLEP. It is considered that the proposal is consistent with the objectives of the standards identified.

The applicant has satisfactorily established that the proposed variations are appropriate and maintaining and enforcing the development standards in these cases would be unreasonable and unnecessary and would not allow the orderly and economic development of this site.

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

Botany Bay Development Control Plan (BBDCP) 2013

BBLEP 2013 is the comprehensive development guideline for the City of Botany Bay. The most relevant and applicable clauses of the DCP are considered in the assessment of this development proposal and are provided below.

Table 5: BBDCP 2013 Compliance Table – General Provisions

Control	Proposed	Complies (yes/no)
3A Parking and Access		
3A.2. Parking Provisions of Specific	Residential	**No –**

Control	Proposed	Complies (yes/no)
Uses Residential 1 space / studio or 1 bedroom dwelling 2 space / 2 or more bedroom dwelling 1 visitors space / 5 dwellings **Total 984 required** Child Care Centre 1 space / 2 employee (8.5 req) 1 space / 5 children (18.4 req) 1 drop off / 20 children (4.6 req) **Total 32 required** Note: No requirement for car wash bays	In accordance with Stage 1 consent conditions: 1 space provided per 1 bedroom apartment 1.5 spaces provided per 2 bedroom apartment 2 spaces provided per 3 bedroom apartment 49 Visitors 5 car share **Total 817 provided** Child Care Centre 9 Staff 18 Visitors 5 Drop off **Total 33 provided** Service Bays Service vehicle: 1 provided 3 car wash bay provided Service vehicles: 1 MRV space provided	**Acceptable as consistent with Stage 1 Consent**
3A.3.1 Car Park Design Pedestrian entrances and exits shall be separated from vehicular access paths.	Waste collection and servicing within car park. Traffic Assessment provided; Stormwater plans provided; Pedestrian access easily identifiable. Pedestrian entrances and exits are separated from vehicular access paths.	Yes
C40 The waste collection point shall be designed to: (i) Allow waste loading operations to occur on a level surface away from parking areas, turning areas, aisles, internal roadways and ramps; and (ii) Provide sufficient side and vertical clearance to allow the lifting arc for automated bin lifters to remain clear of any walls or ceilings and all service ducts, pipes and the like.	The garbage holding room (to be serviced by the garbage truck) is located within car park and also contains the bulky waste storage area. 4.5m clearance has been provided in accordance with the BBDCP 2013.	Yes
3A.3.2 Bicycle Parking In every new building, where the floor space exceeds 600m² GFA, bicycle parking equivalent to 10% of the required car spaces or part therefore as required in Table 1 shall be provided. **Total required: 99** (984 car spaces required by DCP)	Total provided: 121 spaces	Yes

Table 6: BBDCP 2013 Compliance Table – General Provisions cont.

Control	Proposed	Complies (yes/no)
3G.2 Stormwater Management		
C1-C6 Comply with Stormwater Management Technical Guidelines; Part 3G.5 Stormwater Quality.	Stormwater plans submitted and reviewed by Council's Development Engineer. Conditions of consent have been recommended.	Yes

Control	Proposed	Complies (yes/no)
3H Sustainable Design		
C1-C6 BASIX; Solar hot water encouraged.	BASIX Certificate provided.	Yes
3I Crime Prevention Safety & Security		
Site layout, design & uses; Building design; Landscaping & lighting; Public domain, open space & pathways; Car parking areas; Public Facilities.	A Crime Risk and Security Report was submitted with the application which is considered to satisfy the requirements of Part 3I.	Yes
3J Aircraft Noise & OLS		
ANEF; Aircraft height limits in prescribed zones.	SACL comments received – no objection.	Yes
3K Contamination		
Consider SEPP 55 & Contaminated Land Management Act 1997.	Refer to SEPP 55 assessment above. Proposal satisfies Park 3K.	Yes
3L Landscaping and Tree Management		
General Requirements; Planting design & species; Landscaping in car parks; Green roofs.	Satisfactory subject to conditions of consent. Refer to Note 6 for discussion.	**Yes – Refer Note 6**
3N Waste Minimisation & Management		
General Requirements; Residential Development; Mixed Use Development.	A WMP, prepared by Elephants Foot, has been submitted for ongoing management of waste generated from the site.	Yes

Note 6 – Tree Retention

There are 150 existing trees located within and adjacent to UB5W. The trees are all located on the Banks Avenue and Westfield Drive frontages with the majority located just within the sites boundary and some within the street reserves.

The proposed development includes the removal of 120 trees and retention of 30 trees which is supported by the submitted Arborist Report, prepared by Tree and Landscaped Consultants (TALC). The only trees proposed to be retained are the row of street trees in Banks Avenue, a small number of trees at the corner of Banks Avenue and Westfield Drive where the outdoor area of the child care centre is proposed, and a small number of trees in the southern setback to Westfield Drive. The remainder of the trees are proposed to be removed due to their proximity to the proposed building and hard paving and fencing works proposed in the setbacks.

The amount of trees to be removed is not supported as there is considered to be a number of additional trees that can be retained with some minor amendments to the proposal which is discussed in the following paragraphs.

Banks Avenue Setback

Within the Banks Avenue setback only the street trees are proposed to be retained. The remainder of the trees are to be removed either due to their proximity to the building or due to the proposed paving and landscaping areas. The proposal includes a pedestrian path internal to the site which runs parallel to the public footpath on Banks Avenue. This path is not considered to be necessary given that it contributes to the requirement to remove trees in this setback. Conditions have been included that

require the deletion of this footpath and that as many significant trees within this setback are to be retained with details to be provided to and assessed by Council prior to any tree removal.

Corner of Banks Avenue and Westfield Drive

Within the setback to the corner of Banks Avenue and Westfield Drive, the majority of trees are proposed to be removed due to the fencing and landscaping of the outdoor area for the child care centre. It is considered that more of these trees can be retained with minor changes to the outdoor space. Conditions have been included that require additional tree retention to be investigated in this area with details to be provided to and assessed by Council prior to any tree removal.

Westfield Drive Setback

Within the setback to Westfield Drive, the majority of trees are proposed to be removed due to the proposed footpath within the site, the OSD tank, and proximity to the building. The proposed internal footpath is to run parallel to the existing public footpath within Westfield Drive. This path is not considered to be necessary given that it contributes to the requirement to remove trees in this setback. Furthermore, a large OSD tank is proposed in the setback adjacent to the building with trees to be removed on top of it with no replacement plantings. Conditions have been included requiring the deletion of the footpath and plantings to be provided on top of the OSD. Details are to be provided to and assessed by Council prior to any tree removal.

The Development Application was referred to Council's Landscape Architect who supports the proposed development subject to the above mentioned conditions.

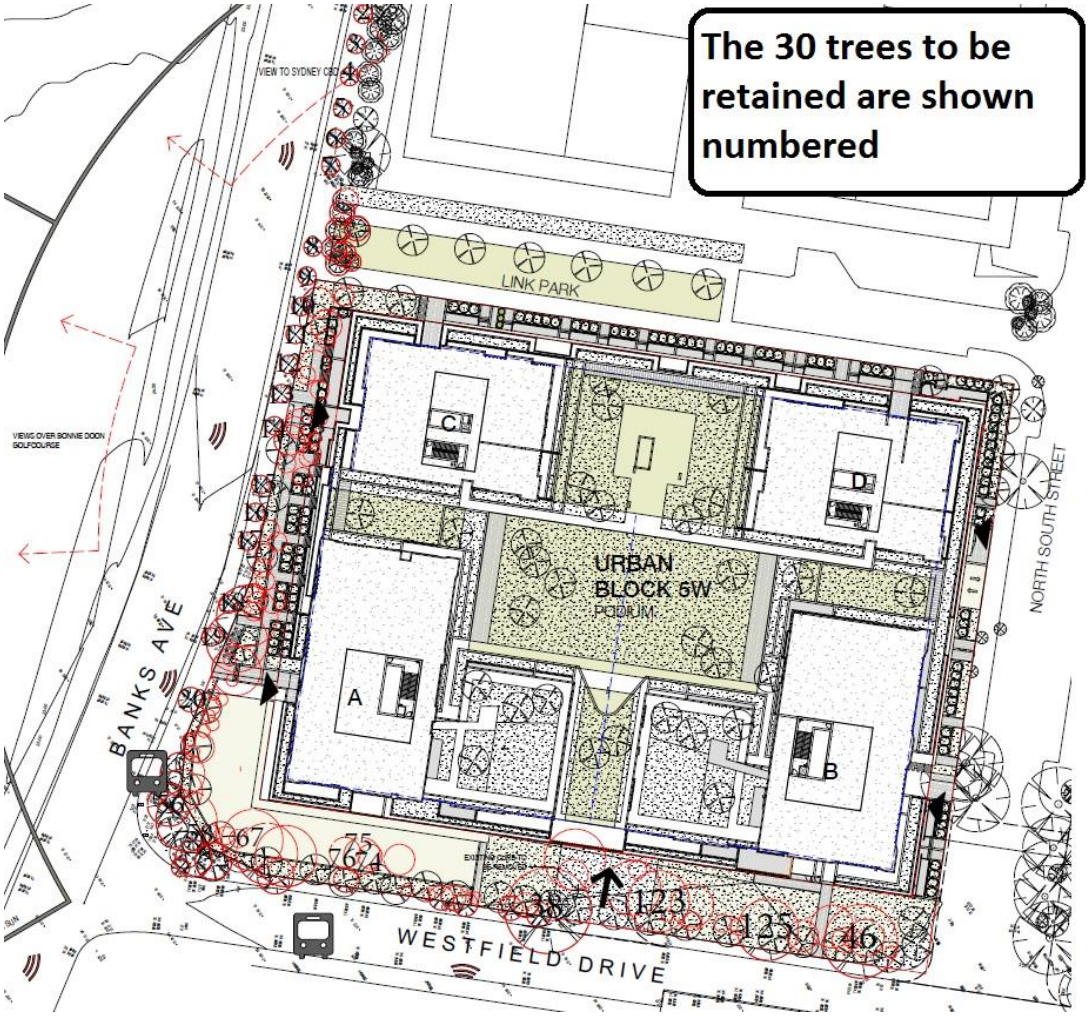


Figure 28. Tree Retention Plan – 30 trees to be retained are numbered in black.

Figure 29. Existing trees along the Banks Avenue frontage.

Figure 30. Existing trees at the corner of Banks Avenue and Westfield Drive.

Figure 31. Existing trees along Westfield Drive frontage.

Part 4C – Residential Flat Buildings

An assessment against Part 4C relating to Residential Flat Buildings has been provided below insofar as they relate to the proposed development.

Table 7: BBDCP 2013 Compliance Table – Part 4C Residential Flat Buildings

Control	Proposed	Complies?
4C.2.2 Streetscape Presentation		
C1 New development must be compatible in building bulk and scale with adjoining residential developments and reflect the patterns of buildings in the streetscape. It	As outlined elsewhere in this report. The development was the subject of an Architectural Design Competition and is a Stage 2 application. The development	Yes

Control	Proposed	Complies?
must respond to building setbacks, building height and treatment of the building facades.	is consistent with the winning Architectural Design and the Stage 1 consent, and as such it is considered to be consistent with the streetscape proposed for UB5W.	
C2 Development must comply with the following: (i) The maximum length of any building is 24 metres; (ii) All building facades must be articulated.	(i) The length of the building exceeds 24m. This was approved in concept in the Stage 1 and the development is consistent with this and the winning Architectural Design. Accordingly, the non-compliance is acceptable. (ii) The building facades are modulated and articulated with balconies, courtyards and building indentations for the entrances.	No-Acceptable Yes
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 un-built upon area of 20%.	4,764sqm of landscaped area proposed which equates to 35%. Unbuilt upon area is less than 20% of the site area.	Yes
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	The proposed development has 4 separate communal open space (COS) areas. These are listed below including the amount of solar access between 9am and 3pm in mid-winter: 1. Podium COS: At least 2 hours to 70% of the area; 2. 2 x Rooftop COS; Full solar access 6 hours to 100% of the area; 3. Indoor swimming pool and gym; The primary communal open space area at the podium exceeds the minimum required amount of solar access during mid-winter. The range of COS areas allow for the use for different activities and user groups within the development.	Yes
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 within the Banks Avenue and Westfield Drive Setbacks. The internal setbacks to the north and east include sufficient landscaping within planter boxes which is acceptable.	Yes
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 Stage 1 consent being 4m to the east and north, 12m to the south, and ranging between 6-14m to the west.	Yes
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.	There are no existing significant views.	N/A
4C.4.1 Dwelling Mix and Layout		

Control	Proposed	Complies?
Apartment Size and Mix **C1** Developments of ten or more apartments are 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.	The proposed apartment size and mix is consistent with the requirements of the Stage 1 consent.	Yes
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.	The proposal provides the following: 1 bed – 18% 2 bed – 51% 3 bed – 31% The number of 1 bedroom apartments does not exceed 25%. For a response to the family friendly controls, please refer to Note 7.	Yes **No Refer to Note 7**
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 3 bedroom apartments do not have 2 separate living spaces. Refer to Note 8.	**No Refer to Note 8**
C2 Studies not to be enclosed with a door	Separate studies all include doors. Refer to Note 8.	**No Refer to Note 8**
C3 Studies to be less than 9sqm to be considered studies.	All studies are 9sqm or less.	Yes
C4 Saddleback bedroom designs are not acceptable.	One apartment type includes a second bedroom which is considered to have a saddleback design. Refer to Note 8.	**No Refer to Note 8**
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	263 apartments of the 399 2 and 3 bedroom apartments (66%) have a separate study room or nook. Condition included requiring all 2 and 3 bedroom apartments to include a fixed study desk or nook.	Yes Refer to Note 7
C3 Other than the master bedroom, each bedroom is to be large enough to accommodate a single bed, a desk or table, and floor space for playing, to be illustrated on a standard apartment layout plan	Given the large size of the apartments far in excess of ADG minimum sizes, there is considered to be sufficient space in all second bedrooms for a bed and desk.	Yes
C4 The floor surface of the entry, dining room and kitchen floor and internal storage area are to be water-resistant and easy to be cleaned and maintained, not carpet	Condition to this effect included.	Yes Condition

Control	Proposed	Complies?
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 apartments include two bathrooms with one easily accessible off the primary corridor. At least one bathroom in all apartments includes a bathtub. Refer to Note 7 for discussion.	**No Refer Note 7**
C6 The private outdoor space is to be clearly visible from the kitchen	The majority of apartments have POS clearly visible from the kitchen.	Yes
C7 The entry areas and main corridors within apartments are to be generous in proportion to permit room for toys and sporting equipment, and for drying of wet shoes, boots and clothing	Given the large size of the apartments far in excess of ADG minimum sizes, there is considered to be sufficient space in entry areas for storage. Storage rates comply with ADG.	Yes
C8 The Apartment Design Guide sets out storage space requirements. The storage room is to be located near the entry, and be of adequate proportions to accommodate large household items including strollers, wheeled toys, suitcases, and sporting equipment	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.	One core has been providing access to each tower.	Yes
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.	Stair access is provided to each core.	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.	18 adaptable apartments have been provided in accordance the Stage 1 consent which is acceptable.	No Acceptable as consistent with Stage 1
<u>Accessible Parking</u> In developments containing 10 or more dwellings, accessible resident parking is required at 10% to be allocated to adaptable dwellings.	All 18 adaptable apartments provided with an accessible parking space which is consistent with the Stage 1 consent.	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 and comply with Part 3C - Access and Mobility.	An Access Report, prepared by Wall to Wall Design & Consulting, has been submitted with the application. The architectural design in terms of the prescriptive provisions of each 'Essential feature' and 'Desirable feature' within AS4299 – 1995 (Adaptable Housing) have been complied with.	Yes

Note 7 – Family Friendly Apartment Buildings

The two and three bedroom apartments generally meet the design requirements of the Family Friendly controls. The following provides additional detail regarding some of these controls.

Control C2 requires a study in all family apartments – 263 apartments of the 399 2 and 3 bedroom apartments (66%) have a separate study room or nook. 100% are a required to.

Notwithstanding the above, this does not imply that there is not sufficient space within the open-plan living area or in bedrooms to provide a desk so that parents can monitor children while working from home. All 2 bedroom apartments exceed the ADG minimum apartment size by 15 to 47sqm. Additionally, all of the 3 bedroom apartments exceed the ADG minimum apartment size by 20 to 66sqm. This indicates that there is sufficient size within the apartment to accommodate a desk within the open plan living area and that there is sufficient size to support the separation of conflicting activities within the living spaces. This satisfies Objective O2 and O3 which state:

O2 To ensure that apartments are designed with appropriate amenity and space so that apartments can support the separation of conflicting activities within the living spaces.
O3 To encourage applicants to consider the varying needs of families and to design apartments accordingly.

While it is considered that there is sufficient size for the location of a nook or desk within the open-plan living area, a condition has been recommended that amended plans be submitted showing compliance with this requirement by indicating that within each 2 and 3 bedroom apartment, there is either a study nook/space or indicate that a desk can adequately be accommodated within the open-plan living area.

Control C5 requires two bathrooms – Two bathrooms have been provided for all of the 2 and 3 bedroom apartments, however the ensuite has been provided with a bath tub and shower and the shared bathroom provided with a shower only. This is considered acceptable as the ensuite is generally the larger bathroom of the two and flexibility has been provided across both bathrooms to accommodate the needs of families with children.

Note 8 – Dwelling Mix and Layout

The apartment layouts generally meet the design requirements of the Dwelling Mix and Layout controls. The following provides additional detail regarding some of these controls.

Control C1 (Apartment Layout) states that dwellings with 3 or more bedrooms need to have two separate living areas. The development proposes 153 x 3 bedroom apartments.

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.

The 'Dwelling Mix and Layout' objectives are centred around providing a high standard of internal amenity for residents. As outlined below, the proposed development achieves the relevant objectives.

Objective O2 states *to ensure that apartments are flexible to suit the occupant's requirements*. The 3 bedroom apartments satisfy Objective 2 as the two zones facilitate flexibility for families as several separate activities can be undertaken within the open-plan living area. For example, children can be playing in the lounge room while a parent is either at the dining table, kitchen or study nook/desk. As the living area is open-plan, parents are able to monitor the children from all areas.

The 3 bedroom apartments range in size from 110sqm – 156sqm, all of which are between 20 to 66sqm in excess of the minimum requirement of 90sqm (as per the ADG). As such, the open-plan living areas provide a high standard of internal amenity as the separate living areas are spacious and are of an adequate size to comfortably accommodate separate areas/zones. The open-plan living areas are located adjacent to the balcony, thus providing natural light and ventilation and extending the internal living space. This satisfies Objectives O1 and O5 which state:

O1 to ensure that dwellings are efficient, have high standards of amenity for residents and satisfy environmental performance criteria, such as ventilation and access to natural light.

O5 To provide adequate amenity for building occupants in terms of access to sunlight and natural ventilation.

Both points above also satisfy Objective O4 which states: *to ensure adequate provision, design and location of internal facilities.*

Control C2 (Apartment Layout) states that to avoid a secondary living space, study or the like being used as a bedroom, it will only be regarded as such if it has no door or enclosure. All the proposed separate study rooms in the development include a door.

The intent of the control is clearly stated to avoid studies being used as a bedroom. Since all studies are 9sqm or less, below the ADG minimum size requirement for bedrooms and none include wardrobes it is considered that they will not be used as bedrooms. Studies typically require a degree of privacy for quiet study which is facilitated with a door enclosure. Additionally, having a door allows for greater flexibility in terms of the future use of the space, residents may wish to use these spaces as media rooms or music rooms.

To ensure the studies are not used as bedrooms, a condition of consent has been included that requires that studies are not to be used as bedrooms.

Control C4 (Apartment Layout) states that designs which utilise light corridors and saddle back bedroom designs are not acceptable. The proposed development includes one apartment type (2 BED_Type 04) which includes a bedroom which is considered to have a saddle back design for light and ventilation purposes. There are 52 of these apartment types which represents 10.6% of the apartments in the development.

The intent of this control is to provide adequate amenity to bedrooms in terms of access to sunlight and natural ventilation. The saddle back design provided to this apartment type is considered to achieve this objective as the corridor is has a sufficient width at 1.7 metres and the length is not excessive at 3 metres. This creates a space with reasonable useability which is demonstrates as a study nook is provided at the end.

The issue has been raised with the applicant who has indicated that this design is not the preferred approach however is considered necessary given the Stage 1 consent conditions relating to minimum apartment size and the building envelopes which do not provide sufficient frontage lengths to avoid this situation. Alternative layouts have been explored but are not considered feasible as reducing the length of the saddle back would reduce the apartment to under the minimum unit size requirement of the Stage 1 consent.

It is considered that the one apartment type provided with a saddle back bedroom design is the result of the Stage 1 consent minimum apartment sizes and building envelopes. On balance, given the saddle back is only provided to one apartment type and the saddle back is not overly narrow or long, the non-compliance is considered acceptable.

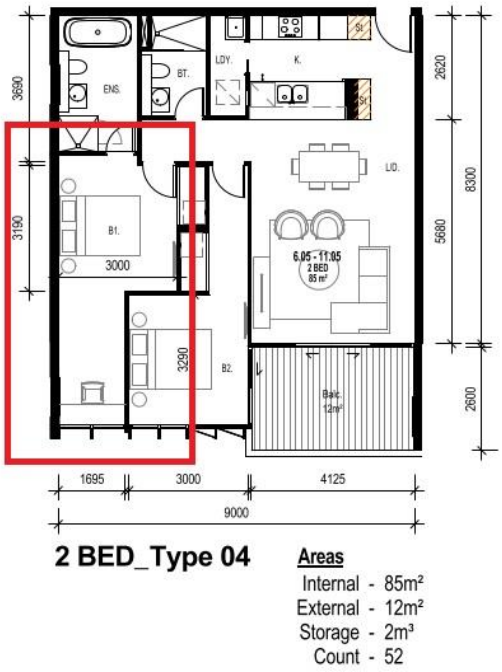


Figure 32. Apartment type 2 Bed Type 4 includes a bedroom which is considered to have a saddleback design.

Part 7C – Child Care Centres

An assessment against Part 7C relating to Child Care Centres has been provided below insofar as they relate to the proposed development. A separate DA will be submitted for the fit out and use of the child care centre.

Figure 33. Child care centre ground floor plan.

Table 8: BBDCP 2013 Compliance Table – Part 7C Child Care Centres

Control	Proposed	Complies (Yes/No)
C1 The design and siting of a Early Childhood Education and Care Service shall consider: (i) Existing vegetation; (ii) Site orientation and solar access; (iii) Natural drainage; (iv) Significant noise sources; (v) Views to and from the site; (vi) Pedestrian and vehicle access; (vii) Existing buildings on site; (viii) Location of surrounding buildings, uses, open spaces adjoining or adjacent to the site; and (ix) The predominant built form and character.	The proposed location of the child care centre in the south-western corner of the development is considered to be the most appropriate. The Stage 1 consent approved in concept a 600sqm child care centre for this urban block. Given the requirement for outdoor space, this corner is the only area with a sufficient setback area with solar access that can accommodate the space required. Conditions have been included that require further details regarding retaining as many trees as possible on this corner.	Yes
C2 Early Childhood Education and Care Service should be single storey in height.	Single storey proposed.	Yes
Part 4.3 Physical Environment - in the National Regulation 2011 prescribes information for Early Childhood Education and Care Services to adhere to as follows: *Part 4.3 Physical environment*		
104 Fencing – any outdoor space used by children at the education and care service premises is enclosed by a fence or barrier	The proposed outdoor area is enclosed by a fence that is of a height and design that children preschool age or under	Yes

Control	Proposed	Complies (Yes/No)
that is of a height and design that children preschool age or under cannot go through, over or under it.	cannot go through, over or under it.	
105 Furniture, materials and equipment - approved provider of an education and care service must ensure that each child being educated and cared for by the education and care service has access to sufficient furniture, materials and developmentally appropriate equipment suitable for the education and care of that child.	The proposed child care centre will be subject to a separate DA for the fit out. No fit out works under this DA.	N/A
106 Laundry and hygiene facilities	Appropriate laundry and hygiene facilities provided.	Yes
107 Space requirements—indoor space – for each child being educated and cared for by the service, the education and care service premises has at least 3.25 square metres of unencumbered indoor space	92 children proposed, 299sqm indoor space required. 306sqm provided.	Yes
108 Space requirements—outdoor space - for each child being educated and cared for by the service, the education and care service premises has at least 7 square metres of unencumbered outdoor space.	92 children proposed, 644sqm outdoor space required. 654sqm provided.	Yes
109 Toilet and hygiene facilities	Adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children.	Yes
110 Ventilation and natural light	The child care centre is located on the corner with openings across the full length of each frontage providing cross ventilation across the indoor space. Full height glass windows and doors are provided across the full length of the frontages providing natural light.	Yes
111 Administrative space	Administrative room provided.	Yes
112 Nappy change facilities	Nappy change facilities provided.	Yes
113 Outdoor space—natural environment - allow children to explore and experience the natural environment.	The outdoor space includes a range of natural landscapes including trees to be retained, open lawn areas, decked areas, mounds, water play etc.	Yes
114 Outdoor space—shade	Shade will be required to be provided in the future fit out DA.	N/A
115 Premises designed to facilitate supervision	Open plan internal space, and clear view lines across the outdoor space provided which facilitates supervision.	Yes
C5 Early Childhood Education and Care Service shall be designed and sited to maintain solar access for a minimum period of three hours between 9am and 3pm on 22 June to key areas of the centre including indoor and outdoor play areas.	Solar access perspectives indicate that at least 50% of the outdoor play area will receive direct sunlight between 11am to 3pm for 4 hours on June 22. Indoor play areas will receive direct sunlight between 12pm to 3pm for 3 hours on June 22.	Yes
C6 Where various uses or activities are proposed to be undertaken, a Site Plan is	A floor plan of the child care centre has been provided which specifies the	Yes

Control	Proposed	Complies (Yes/No)
required and must specify the location of where uses or activities are proposed to be undertaken.	location of where uses and activities are proposed to be undertaken. The plan shows the separated areas for different age groups, specific activity areas, etc.	
C7 Early Childhood Education and Care Service shall be designed in a manner that utilises cross ventilation as the primary ventilation control system.	The child care centre is located on the corner with openings across the full length of each frontage providing cross ventilation across the indoor space.	
C4 All pick-up / drop-off spaces shall be located close to a lift, ramp or building entrance and clearly sign posted and line marked. Signage and line marking shall comply with AS2890.1.	The pick-up and drop off spaces are located within the building car park ground floor immediately adjacent to the entrance to the childcare centre. A Traffic and Parking Report has been submitted indicating that signage and line marking will comply with AS2890.1.	Yes
C5 The number of carparking spaces required shall be in accordance with Part 3A - Car Parking.	As discussed elsewhere in this report, car parking for the child care centre complies with the BBDCP 2013.	Yes

Part 9D – 130-150 Bunnerong Road, Pagewood

It is noted that Part 9D of the BBDCP 2013 specifically relates to the redevelopment of the subject site, 130-150 Bunnerong Road, Pagewood, and guided the Stage 1 consent. The Stage 1 consent includes conceptual details of the proposed buildings which have been altered from the provisions of Part 9D. Accordingly, the Stage 1 consent now contains the relevant provisions for the subject Stage 2 application for UB5W which has been assessed in this report.

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

The likely impacts of the development in the locality have been considered in this report and are considered to be acceptable.

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

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

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

Accordingly, the site is considered suitable for the proposed development being for a mixed use development containing residential apartments and a child care centre.

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

In accordance with Part 2 Notification & Advertising of the BBDCP 2013, the proposed development was notified to surrounding property owners and advertised in

the local newspaper from 16 March 2016 to 20 April 2016. Three (3) submissions were received. The key issues from the submissions are addressed below.

Issue 1: Density, Height and FSR – *I object simply because the project is too big for the area.*

Comment: The proposed development complies with all density related controls that apply. In particular, the development complies with the maximum FSR, height, setbacks, building envelopes, and indicative apartment numbers as specified in the court approved Stage 1 DA-14/96. A Clause 4.6 request has been submitted in regards to height and FSR variations from the BBLEP 2013 and area supported primarily due to consistency with the court approved Stage 1 DA-14/96. Accordingly, the proposed density is considered acceptable.

Issue 2: Traffic and Car Parking Impacts on locality – *Traffic is already congested. Parking is a problem now. Traffic impacts will be extensive.*

Comment: The proposed development complies with all traffic and parking related controls that apply. In particular, the development complies with the car parking rates as specified in the court approved Stage 1 DA-14/96. Furthermore, a Traffic and Car Parking Report has been submitted which indicates that the proposal will not have unacceptable impacts in the locality. Accordingly, the proposed traffic and parking implications of the proposed development are is considered acceptable and consistent with the approved Stage 1 DA-14/96.

Issue 3: Construction Traffic Management Plan – *The submitted CTMP indicates the use of Westfield Drive which is not consented to by the owner of this private road.*

Comment: This issue was raised with the applicant. The CTMP has been revised to remove any construction traffic from Westfield Drive. Accordingly, this issue is considered to have been resolved.

Issue 4: Construction Management Plan Details – *Parking, Dust Management, Vibration.*

Comment: In regard to parking, the site is very large and mostly vacant. There is considered to be more and sufficient area to accommodate site worker vehicles. The specific details of dust management and vibration are to be further assessed prior to Construction Certificate which has been conditioned. The CMP has been reviewed by Council's Development Engineer who raised no objection subject to conditions.

Issue 5: Landscaping to Westfield Drive Setback – *More trees should be retained and more landscaping to screen the development*

Comment: Conditions have been included to delete the proposed footpath within this setback to allow additional trees to be retained. Furthermore, conditions require that additional landscaping be provided including on top of the proposed OSD. Council's Landscape Architect has reviewed the proposal and raised no objection subject to conditions.

Issue 6: Overshadowing and Visual Impact – *Significant overshadowing and visual impact on the adjoining golf course.*

Comment: The development application includes solar perspectives which indicate that shadows of the proposed development will only impact the adjoining Golf Course between 9am and 9.30am on June 22. This is considered a minimal impact and was anticipated by the approved building envelopes under the Stage 1 consent.

Issue 7: Car Parking Arrangement – *The conclusion of the report that the development will have minimal impact on local transport defies credulity. High proportion of stacked parking will adverse effect car parking facilities.*

Comment: The Traffic Report has been reviewed by Council's Development Engineer who raised no objection subject to conditions. The proposed car parking rates complies with the Stage 1 consent conditions. The Traffic Report indicates that the car park will comply with relevant Australian Standards. All stacked spaces will be required to be allocated to the same apartment.

(e) The public interest.

It is considered that the proposed development is in the public interest.

OTHER MATTERS

The Development Application was referred to Council's internal and external departments for comment. Appropriate conditions have been recommended to address the relevant issues raised. The following table is a brief summary of the comments raised by each referral department.

Table 9: Internal and external referrals

Referral Agency	Response Date	Comments
External Referrals		
Sydney Airport Corporation Limited (SACL)	19 November 2015	No objection to the erection of this development to a maximum height of 91m AHD. This information has been included in the Schedule of Consent Conditions.
Sydney Water	30 May 2016	The conditions have been included in the Schedule of Consent Conditions.
DPI – Water	23 March 2016	General Germs of Approval have been received and included in the Schedule of Consent Conditions.
NSW Police	N/A	No comment received.
NSW Fire and Rescue	N/A	No comment received.
RMS	30 March 2016	The conditions have been included in the Schedule of Consent Conditions.
Ausgrid	21 March 2016	The conditions have been included in the Schedule of Consent Conditions.
Randwick City Council	15 April 2016	General comments provided for consideration. These are considered to have been addressed throughout this report.
Internal Referrals		
Landscape Architect	18 May 2016	Conditions have been incorporated into the Schedule of Consent Conditions.
Development Engineer	10 May 2016	Conditions have been incorporated into the Schedule of Consent Conditions.

Referral Agency	Response Date	Comments
Strategic Planning	N/A	No comment received.
Environmental Scientist	17 May 2016	Conditions have been incorporated into the Schedule of Consent Conditions.
Environmental Health Officer	24 March 2016	Conditions have been incorporated into the Schedule of Consent Conditions.
Traffic Engineer	N/A	No comment received.

Section 94 Contributions

In accordance with the *Botany Bay Section 94 Development Contributions Plan 2005-2010* The Section 94 Contributions (indexed at the time of writing the report) for the proposed development are calculated as follows:

Residential

Small Dwellings (<75sqm) – 87 proposed x $24,282 (capped at $20,000) = $1,740,000
+
Medium Dwellings (75-109sqm) – 246 proposed x $41,261 (capped at $20,000) = $4,920,000
+
Large Dwellings (110-149sqm) – 153 proposed x $55,984 (capped at $20,000) = $3,060,000
+
Very Large Dwellings (+150sqm) – 1 proposed x $76,821 (capped at $20,000) = $20,000
=
Subtotal $9,740,000

Commercial

The development proposes a Child Care Centre with 17 employees x $3,880 per employee.
=
Subtotal $65,960

Total Contribution

$9,805,960.00

The above is broken down as follows:

(i)	Community Facilities:	$984,268.92
(ii)	Open Space and Recreation:	$8,413,959.00
(iii)	Administration:	$29,945.42
(iv)	Transport:	$373,893.80
(v)	Shopping Centre Improvements:	$3,893.00

The consent will be conditioned to require payment of the Section 94 Contribution prior to the issue of any Construction Certificate, as specified in the Plan.

CONCLUSION

In accordance with Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act, the Application is referred to the the Joint Regional Planning Panel Sydney East Region (JRPP) for determination.

The proposed development underwent an Architectural Design Competition and the Juror's comments have been appropriately addressed in the proposal.

The proposed development as lodged was generally supported with the exception of some minor issues which have been addressed through the submission of appropriate documentation and minor amendments to the proposal including increasing storage, reducing the size of studies, and providing improved privacy between the towers.

The proposal (as amended) is entirely consistent with the Stage 1 consent which contains a wide range of highly restrictive requirements covering key areas relating to building massing, modulation, overall siting and setbacks, height, GFA, FSR, public domain provision, unit mix, unit sizes, indicative unit numbers, and car parking rates. The non-compliances with ADG separation, primary balconies, and ceiling heights are considered to have been anticipated by the Stage 1 consent and given the relevant objectives have been achieved the non-compliances are acceptable. Likewise, the development exceeds the BBLEP 2013 height and FSR controls which are the result of the Stage 1 consent providing for additional height and FSR and Clause 4.6 requests have been submitted in this regard.

Another key issue which was raised during the assessment of the application was the proposed tree removals. The number of trees to be removed was considered excessive given that simple measures could be undertaken to retain more trees. Conditions have been included requiring the removal of the footpath in the Westfield Drive setback, the removal of some hard paving in the Banks Avenue setback, and additional details to be provided to ensure as many significant trees are retained as possible.

The application was the subject of three (3) submissions which generally raised concerns with the overall scale and density of the entire Stage 1 development site which has already been approved. These submissions have been addressed in the body of the report.

The proposal has been assessed in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979.* The proposal is permissible in the B4 – Mixed Use zone, and is considered to result in a development which is suitable in the context. It is therefore recommended that the Panel grant approval to the application subject to the conditions in the attached schedule.

5.0 CONDITIONS OF CONSENT

Premises: 130-150 Bunnerong Road, Pagewood **DA No: 16/18**

SCHEDULE OF CONSENT CONDITIONS

GENERAL CONDITIONS

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

Plans	Author	Dated / Received by Council
Cover Sheet DA0000 Project No. 5364, Revision: Unknown	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
Context Plan DA0101 Project No. 5364, Revision: 13	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
Approved Stage 1 DA Envelopes DA0102 Project No. 5364, Revision: 13	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
Floor Plan – Ground DA0200 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Floor Plan – Level 1 DA0201 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Floor Plan – Level 2 DA0202 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Floor Plan - Level 3 DA0203 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Floor Plan – Level 4 DA0204 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Floor Plan – Level 5 DA0205 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Floor Plan – Level 6-11 DA0206 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Floor Plan – Level 12-15 DA0212 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Floor Plan – Level 16-19 DA0216 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Floor Plan – Roof DA0220 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Elevations – North DA0501 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Elevations – South DA0502 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016

Elevations – East DA0503 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Elevations – West DA0504 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Sections DA0601 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Sections DA0602 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 26.05.2016
Detail Section DA0611 Project No. 5364, Revision: 13	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
Detail Elevation DA0621 Project No. 5364, Revision: 13	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
Apartment Types – 1 Bed DA0701 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 31.05.2016
Apartment Types – 2 Bed DA0702 Project No. 5364, Revision: 15	SJB Architects	Dated: 21.04.2016 Received: 31.05.2016
Apartment Types – 2 Bed DA0703 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 31.05.2016
Apartment Types – 2 Bed DA0704 Project No. 5364, Revision: 13	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
Apartment Types – 3 Bed DA0705 Project No. 5364, Revision: 15	SJB Architects	Dated: 21.04.2016 Received: 31.05.2016
Apartment Types – 3 Bed DA0706 Project No. 5364, Revision: 15	SJB Architects	Dated: 21.04.2016 Received: 31.05.2016
Apartment Types – 3 Bed DA0707 Project No. 5364, Revision: 21	SJB Architects	Dated: 20.05.2016 Received: 31.05.2016
Adaptable Apartments DA0708 Project No. 5364, Revision: 13	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
Shadow Diagrams DA0710 Project No. 5364, Revision: 13	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
Solar Analysis DA0720 Project No. 5364, Revision: 13	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
Solar Analysis DA0721 Project No. 5364, Revision: 13	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
Solar Analysis – Solar Point Perspectives DA0722 Project No. 5364, Revision: 11	SJB Architects	Dated: 15.01.2016 Received: 16.02.2016
Solar Analysis – Open Space DA0723 Project No. 5364, Revision: 11	SJB Architects	Dated: 15.01.2016 Received: 16.02.2016
Ventilation Analysis DA0730	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016

Project No. 5364, Revision: 13		
Ventilation Analysis DA0731 Project No. 5364, Revision: 13	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
GFA Calculation DA0740 Project No. 5364, Revision: 13	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
Landscape Coverage Calculation DA0741 Project No. 5364, Revision: 18	SJB Architects	Dated: 09.05.2016 Received: May 2016
External Finishes DA0750 Project No. 5364, Revision: 13	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
Childcare – Area Schedule Plan DA0763 Project No. 5364, Revision: 13	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
3D Perspectives DA0800 Project No. 5364, Revision: Unknown	SJB Architects	Dated: Unknown Received: 16.02.2016
3D Perspectives DA0801 Project No. 5364, Revision: Unknown	SJB Architects	Dated: Unknown Received: 16.02.2016
3D Perspectives DA0802 Project No. 5364, Revision: Unknown	SJB Architects	Dated: Unknown Received: 16.02.2016
3D Perspectives DA0803 Project No. 5364, Revision: Unknown	SJB Architects	Dated: Unknown Received: 16.02.2016
Plan showing selected detail and levels over UB5W at the corner of Banks Avenue and Westfield Drive, Pagewood	JBW Surveyors Pty Ltd	Dated: 23.02.2016 Received: 02.03.2016
Stormwater Management Plan SKC33 Project No. 13-155, Issue: A	At&l	Dated: 09.02.2016 Received: 16.02.2016
Siteworks and Stormwater Drainage Plan Sheet 2 Dwg No. DAC313 Project No. 13-155 Issue B	At&l	Dated: 09.05.2016 Received: May 2016
Stormwater Drainage Longitudinal Sections Sheet 4 Dwg No. DAC325 Project No. 13-155 Issue B	At&l	Dated: 09.05.2016 Received: May 2016
Stormwater Report – Urban Block 5W No. 13-155-5300 Rev: 01	At&l	Dated: 06.05.2016 Received: May 2016
Driveway Crest Section	SJB Architects	Dated: 05.05.2016 Received: May 2016
Privacy & Screening SK0901 Project No. 5364, Revision: Unknown	SJB Architects	Dated: 10.05.2016 Received: 11.05.2016

Document	**Author**	**Dated / Received by Council**
Statement of Environmental Effects	Meriton Property Services Pty Ltd and Karimbla	Dated: 12.02.2016 Received: 16.02.2016

	Constructions Services (NSW) Pty Ltd	
Stage 1 Compliance Table – 130-150 Bunnerong Road, Pagewood	Meriton Property Services Pty Ltd and Karimbla Constructions Services (NSW) Pty Ltd	Dated: Unknown Received: 16.02.2016
Quantity Surveying Cost Report	Steven Wehbe	Dated: 08.02.2016 Received: 16.02.2016
DA Access Report No. MTN-009	Wall to Wall Design + Consulting	Dated: 10.02.2016 Received: 16.02.2016
DA Noise Impact Assessment UB5W No. 610.13932 Rev: 0	SLR	Dated: 05.02.2016 Received: 16.02.2016
Aeronautical Impact Assessment No. J0469	The Ambidji Group Pty Ltd	Dated: 17.12.2015 Received: 16.02.2016
Arboricultural Assessment Report – 130-150 Bunnerong Road Pagewood	TALC Tree and Landscape Consultants	Dated: 09.02.2016 Received: 16.02.2016
Thermal Comfort & BASIX Assessment Ref. 9530 Issue: A	Efficient Living	Dated: 27.01.2016 Received: 16.02.2016
BASIX Certificate No. 694301M	Efficient Living	Dated: 27.01.2016 Received: 16.02.2016
Construction Management Plan – UB5W 130-150 Bunnerong Road, Pagewood	Meriton Property Services Pty Ltd	Dated: February 2016 Received: 16.02.2016
Construction Traffic Management Plan No. SBMG01100-00 R1	SBMG	Dated: 20.04.2016 Received: May 2016
Letter endorsing DP, DSI, and RAP – 130-150 Bunnerong Road, Pagewood	Consulting Earth Scientists	Dated: 10.04.2014 Received: 16.02.2016
Site Audit Report and Site Audit Statement	AECOM	Dated: 31.03.2014 Received: 16.02.2016
Updated Remedial Action Plan Ref: 71631.12 Rev: O	Douglas Partners	Dated: September 2013 Received: 16.02.2016
Report on Validation Assessment – Part 1A 130-150 Bunnerong Road, Pagewood No. 85009.R.006	Douglas Partners	Dated: January 2016 Received: May 2016
Site Audit Report and Site Audit Statement – Part 1A 130-150 Bunnerong Road, Eastgardens No. jc_NSW11a	Senversa Pty Ltd	Dated: 29.01.2016 Received: 17.05.2016
Part 1A Validation – Addendum 1 – Part 130-150 Bunnerong Road, Pagewood No. S11304_LET12	Senversa Pty Ltd	Dated: 10.05.2016 Received: May 2016
Part 1A Validation – Addendum 1 – Part 130-150 Bunnerong Road, Pagewood No. 85009.00.R.007 Rev: 0	Douglas Partners	Dated: 03.05.2016 Received: May 2016
Crime Risk and Security Report	Meriton Property Services Pty Ltd	Dated: 10.02.2016 Received: 16.02.2016
Geotechnical Investigation Report	Coffey	Dated: 08.08.2014 Received: 16.02.2016
Reflectivity and Glare Assessment No. 610.13932.00100-R2D1 Rev: 0	SLR	Dated: 02.02.2016 Received: 16.02.2016
Stage 2 Traffic and Transport Report	ARUP	Dated: 09.02.2016

No. 237575		Received: 16.02.2016
Waste Management Plan Rev: B	Elephants Foot	Dated: 09.02.2016 Received: 16.02.2016
Qualitative Wind Assessment No. 610.13932.00100-R1 Rev: 0	SLR	Dated: 02.02.2016 Received: 16.02.2016
Acid Sulfate Soils Management Plan No. CES 130805-MG-AD	Consulting Earth Scientists	Dated: 21.01.2016 Received: 16.02.2016
SEPP65 Design Statement – Urban Block 5W Ref: 5364 Version 01	SJB Architects	Dated: 29.01.2016 Received: 16.02.2016
Landscape Concept – Urban Block 5W Issue D	Arcadia Landscape Architecture	Dated: February 2016 Received: 16.02.2016

2 This Consent relates to land in Lot 2 in DP 1187426 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.

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

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

(i) The consent authority; or,

(ii) An accredited certifier; and,

(b) The person having the benefit of the development consent:

(i) Has appointed a principal certifying authority; and

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

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

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

5 This development is a Stage 2 consent. The development must comply with all conditions of the Stage 1 consent DA-14/96.

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 each relevant BASIX Certificate for each building in the development are fulfilled.

(a) Note:

Relevant BASIX Certificate means:

(i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or

(ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.

(iii) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

Where relevant, the following external authority conditions apply:

The following General Terms of Approval have been imposed by the **Department of Primary Industries – Water**:

General

7 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.

8 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.

9 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:

(a) 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

(b) 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

(c) 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.

10 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.

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

Prior to excavation

12 The following shall be included in the initial report:

(a) 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.

(b) 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.

(c) 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.

(d) 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.]

13 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.

14 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.

15 Groundwater quality testing generally in accordance the above condition, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.

16 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).

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

18 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.

19 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>

20 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.

21 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.

22 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.

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

24 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.

25 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.

26 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

27 Following completion of the dewatering operations, the applicant shall submit to DPI Water, Parramatta Office, the completion report which shall include:

(a) 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

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

(c) 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.

28 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

The following conditions are imposed by **Ausgrid**:

29 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 non-combustible 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 141.

30 Ausgrid requires the following conditions with respect to Chamber substations. The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings. In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake EF 520, V3, 19/07/13 and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres. Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment. For further details on fire segregation requirements refer to Ausgrid's Network Standard 113.

31 Any work undertaken near Overhead Power lines needs to be carried out in accordance with

(a) WorkCover Document ISSC 23 "Working Near Overhead Power Lines"

(b) Ausgrid Network Standards

(c) Ausgrid Electrical Safety Rules

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

33 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.

34 The developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/ or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (eg. whether a substation is required on site). The developer is to ensure that the proposed works do not contravene Ausgrids technical standards and statutory requirements, in regards to the safe and reliable operation of Ausgrid's network.

The following conditions are imposed by **Sydney Airport Corporation Limited (SACL)**:

35 The building must not exceed a maximum height of 91 metres AHD, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.

36 Buildings A3 and A6 (as referred to in the Stage 1 Consent DA-14/96) in Urban Block UB5W must be obstacle lit by low intensity red lighting at the highest point of the building. Obstacle lights are to be arranged so as to at least indicate the points or edges of the building to ensure the building can be observed in a 360 degree radius as per subsection 9.4.3 of the Manual of Standards Part 139-Aerodromes (MOS Part 139). Characteristics for low intensity lights are stated in subsection 9.4.6 of MOS Part 139.

37 The proponent must ensure obstacle lighting arrangements have a remote monitoring capability, in lieu of observation every 24 hours, to alert SACL reporting staff of any outage. For detailed requirements for obstacle monitoring within the OLS of an aerodrome, refer to subsection 9.4.10 of the MOS Part 139.

38 The proponent must ensure obstacle lighting is maintained in serviceable condition and any outage immediately reported to SACL.

39 Separate approval must be sought under the Regulations for any cranes required to construct the buildings. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore it is advisable that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.

40 At the completion of the construction of the building, a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the building.

The following conditions are imposed by the **NSW Roads and Maritime Services (RMS)**:

41 All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Bunnerong Road boundary.

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

42 Sydney Water Servicing

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.

43 Building Plan Approval

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 nex1 to assets).

44 Requirements for Business Customers for Commercial and Industrial Property Developments

If this property is to be developed for Industrial or Commercial operations, it may need to meet the following requirements:

Trade Wastewater Requirements

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.

45 Backflow Prevention Requirements

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 1300889099.

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

46 Water Efficiency Recommendations

Water is our most precious resource and every customer can playa role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS

  (Water Efficiency Labelling and Standards (WELS) Scheme, http://www.waterrating.gov.au/)

- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to http://www.sydneywater.com.aulWater4Life/lnYourBusiness/RWTCaIculator.cfm

- Install water-monitoring devices on your meter to identify water usage patterns and leaks.

- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

47 Contingency Plan Recommendations

Under Sydney Water's customer contract Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15 meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

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

48 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.

49 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.

50 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.

51 A sufficient area shall be provided onsite to enable separate stockpiling of excavated materials for sampling and analysis prior to removal or re-use on site. Details of this area shall be provided in the Soil and Water Management Plan (SWMP). This plan shall incorporate and reference the construction environmental management plan and address site limitations.

52 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.

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

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

(b) Each toilet provided:

(i) must be standard flushing toilet; and,

(ii) must be connected:

to a public sewer; or

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

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

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

54 This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.

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

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

56 Prior to the issue of the relevant Construction Certificate, construction plans are to show for all two and three bedroom apartments the floor surface of the entry, kitchen floor and internal storage areas to be of readily maintainable and water-resistant material (not carpet).

57 Prior to the issue of the relevant Construction Certificate, construction plans are to show all two and three bedroom apartments to include a fixed study desk or study nook where a separate study room has not been provided.

58 Prior to the issue of the relevant Construction Certificate, construction plans to show that compliance with the Apartment Design Guide minimum storage rates has been achieved as follows:

(a) 1 Bedroom apartments $6m^3$

(b) 2 Bedroom apartments $8m^3$

(c) 3 Bedroom apartments $10m^3$

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

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

(a)	Development Control	$13,445.00
(b)	Damage Deposit	$243,900.00 (See below)
(c)	Tree Preservation Bond	$60,000.00 (See below)
(d)	Section 94 Contributions	$9,805,960.00 (See below)
(e)	Long Service Levy	See below

60 Prior to the issue of any Construction Certificate, the payment of a monetary contribution of $9,805,960.00 in accordance with Council's Section 94 Contributions Plan 2005-2010 which is broken down as follows:

(a)	Community Facilities	$984,268.92
(b)	Open Space	$8,413,959.00
(c)	Administration	$29,945.42
(d)	Transport Management	$373,893.80
(e)	Shopping Centre Improvements	$3,893.00

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

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

62 Prior to the issue of any Construction Certificate, the applicant shall lodge a Damage Deposit of $243,900.00 (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.

63 Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's and RMS infrastructure shall be submitted to Council and Principal Certifying Authority. The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.

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

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

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

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

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

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

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

(g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the

washing down of vehicles shall be directed to the sediment control system within the site,

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

(i) Proposed protection for Council and adjoining properties, and

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

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

65 Prior to the issue of any Construction Certificate, a detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the relevant road authority (Council or Roads and Maritime Services). The plan shall:

(a) be prepared by a RMS accredited consultant,

(b) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police, and

(c) if required, implement a public information campaign to inform any road changes well in advance of each change. The campaign may be required to be approved by the Traffic Committee.

Note: Any temporary road closure shall be confined to weekends and off-peak hour times and is subject to Council's Traffic Engineer's approval. Prior to implementation of any road closure during construction, Council shall be advised of these changes and Traffic Control Plans shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

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

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

(b) For commercial developments, the applicant shall provide longitudinal sections along the extremities and the centre line of each internal driveway/access ramp at a scale of 1:25. These long sections shall extend from the horizontal parking area within the property to the centre line of the

roadway. The sections shall also show the clear height from the ramp to any overhead structure.

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

(a) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.2 and Council requirements including but not limited to Section 8(v) of the DCP Stormwater Management Technical Guidelines,

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

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

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

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

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

(a) Disabled car parking spaces shall be provided and clearly marked as per the Stage 2 Traffic and Transport Report by ARUP Group, dated 9 February 2016, Australian Standards AS 2890.6, SEPP 65 Design Code and Council requirements, and

(b) All off street disabled parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS 2890.6 and Council requirements.

69 Prior to the issue of any Construction Certificate, the applicant shall contact "Dial Before You Dig" to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction. Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.

70 Prior to the issue of the relevant Construction Certificate, to ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:

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

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

(i) The additional load on the system, and

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

(c) The Ausgrid lighting poles along Banks Avenue, will need to be decommissioned and new lighting poles shall be constructed satisfying V2 lighting requirements any other requirements as specified by Council, RMS and any other service provider,

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

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

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.

71 Prior to the issue of the relevant Construction Certificate, detail design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority or Council for approval. (The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's Development Control Plan 'Stormwater Management Technical Guidelines', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. All drawings shall correspond with the approved architectural plans.)

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.

72 **A. Tree retention**

Prior to the issue of any Construction Certificate and the removal of any tree, the applicant is required to utilise the services of a Landscape Architect and AQ5 Aborist to advise on tree retention, tree protection zones and root protection zones (or allowable incursions to the TPZ under the Australian Standard), and tree protection during construction in order to retain as many of the following significant trees and possible.

Westfield Drive

No. 26 Broad Leaf Paperbark 14m high

No. 73 and 74, 2 x Coast Banksia 12m and 7m high

No. 71 Lemon Scented Gum 18m high

No. 126 Tallowwood Eucalypt 17m high

No. 131 Lemon Scented Gum 18m high

No. 139 Spotted Gum 18m high

No. 142 Broad Leaf Paperbark 5m high

Westfield Dr/Banks Av

No. 59 and 66 Saw Banksia 8m high

Banks Avenue

No.89 Tallowwood 18m high

No. 106 to111, 6 x Lemon Scented Gums 12m high.

In addition to other trees on the approved Landscape Plan Issue D AND/OR Arborist Report marked as being retained, as follows:

Banks Av/Westfield Dr

No. 56, 58 and 67 Lemon Scented Gums 12, 17-18m high

No.74 Coast Banksia 7m high

No. 75 and 76 Red Bloodwoods 12-13m high

Westfield Drive

No. 38, 46 and 123 Lemon Scented Gums 17-18m high

No. 124 Broad Leaved Paperbark 17m high

No. 125 Tallowwood Eucalypt 18m high

Trees between the end of North-South Street 1 and Westfield Drive

C.citriodora

Full written, plan and section details of tree retention are to be provided to Council for written approval. The retention of significant trees may require the reconfiguration of the OSD tank – these details must be shown on the plans.

B. Deep soil and landscaping

The following measures are to be undertaken to ensure deep soil and soft landscaping provision and to ensure as many significant trees are retained on site as possible:

(a) The hard paving and planters within the Banks Avenue setback are to be minimised to allow the retention of existing trees and planting of replacement trees. The internal north-south footpath is not supported and is to be removed from the plans, the paved entrance leading to each unit may remain;

(b) The internal footpath within the Westfield Drive setback is to be deleted to allow the retention of existing trees and planting of replacement trees;

(c) Detailed drawings of the outdoor play area for the Child care centre are to be submitted to Council which investigate potential for additional tree retention in this area in conjunction with Part A above. The drawings are to include likely placement of shade structures within the play area.

C. Landscaping plans

Revised landscaping plans incorporating the matters in A and B above are also to include.

(d) A planting design that includes not only tree retention but new significant canopy tree plantings on all frontages, internal and external. Trees shall be a

variety of heights in all setbacks and include small, medium and large canopy trees with the majority (80-90%) being evergreen species. Species should be shade tolerant. Trees must be of an appropriate scale to complement and ameliorate the built form and massing and to pedestrianise setbacks.

(e) Shrubs of varying height shall be used throughout the entire Westfield Drive setback including at the base of buildings to visually ground buildings and screen edges and facades. Lawn shall be minimized in favour of extensive mass planted areas using shrubs of varying heights and using shade tolerant species.

(f) A planting plan showing all plant locations, groupings and centres. There is to be a dense, layered planting of trees and shrubs of varying height in all landscaped areas.

(g) 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

(h) All fencing details for all fencing visible in the public domain of both internal and external roads – sectional details and materials. Details for privacy screening, pergolas and the like that are visible in the public domain.

(i) Other landscape elements such as furniture and pedestrian amenity/security lighting within street setbacks.

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

Full written, plan and section details of all landscape works are to be provided to Council for written approval.

73 Within 18 months of the issue of the first Construction Certificate, a public domain improvements plan shall be submitted for approval to Council's Landscape Architect for Banks Avenue. The Plan shall be prepared by a suitably experienced Landscape Architect and shall include but not be limited to new street tree planting, footpath paving (to be designed in conjunction with setback paving and access to ground floor units), street tree pit treatments and tree guards, street furniture such as seats, bollards and bike racks where required and ground level landscaping. The Plan shall be in accordance with Council's City Identity Program and any other Council specification or requirement. Civil drawings shall include levels and detailed footpath construction sections.

74 Prior to the issue of any Construction Certificate, the Applicant is to submit payment for a Tree Preservation Bond of $60,000.00 to ensure protection of the existing trees listed above and in the final Council approved landscape plan (including new trees) from damage during construction and occupation. 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. If a 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.

75 Prior to the issue of the relevant Construction Certificate, the recommendations of the Qualitative Wind Assessment Report from SLR referred to in this consent are to be incorporated into the design in order to ensure compliance with the Councils maximum wind criteria (as set out at Part 9A.4.5.4 Wind Mitigation, Control C1 of the DCP 2013) as follows:

(a) 10 metres/second along commercial/retail streets;

(b) 13 metres/second along main pedestrian streets, parks and public places; and

(c) 16 metres/second in all other streets.

76 Prior to the issue of the relevant Construction Certificate, the building shall be constructed in accordance with AS2021-2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction, the details of which must be prepared by a practicing professional acoustical consultant. The report shall be submitted to Principal Certifying Authority and the building plans endorsed with the required acoustical measures.

The measures required in the acoustical assessment report prepared by SLR, dated 05/02/2016, Report reference number 610.13932 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).

77 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 in Table 1 of Australian Standard AS 2107-2000. Details shall be submitted to the Principal Certifying Authority.

78 Prior to the issue of the relevant Construction Certificate, details on the mechanical plant and equipment to be submitted to the Principal Certifying Authority. The report must:

(a) identify each item of plant and equipment;

(b) the following additional criteria adopted by City of Botany Bay Council:

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

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

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

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

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

79 Prior to the issue of the relevant Construction Certificate, plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Principal Certification Authority. The garbage and recycling storage area shall be adequately ventilated, roofed and screened from public view. The floor shall be made of an impervious surface, drained to sewer and include a dry arrestor pit with a removable basket. Washing facilities shall be provided within close proximity to the garbage and recycling storage area.

80 Prior to the issue of the relevant Construction Certificate, 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.

81 Prior to the issue of the relevant Construction Certificate, an independent review by an appropriately qualified person demonstrating consistency of the development with the Crime Prevention Through Environmental Design (CPTED) principles and strategies to be submitted to the Principal Certifying Authority.

CONDITIONS WHICH MUST BE SATISFIED DURING WORKS

82 Prior to any work commencing and during works, in order to ensure that the trees specifically listed in the conditions above are protected during all stages of construction, and their health and structural stability ensured, the following is required:

a) Engage the Consultant Arborist for all tree root and canopy work to trees. Comply with recommendations and requirements and management plan contained within the Arborist's report.

b) Trees to be retained and in accordance with the Council approval final landscape plan are to be tagged with clearly visible marking tape at a height of approx. 2 metres from ground and numbered with the corresponding number in the Tree Report/Landscape Plan.

c) 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.

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

e) 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.

All detailed relevant Construction Certificate plans shall show trees to be protected and the TPZs.

83 Tree protection

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.

i) 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.

84 Construction operations shall comply with the following:

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

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

(c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.

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

(e) Concrete trucks and trucks used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land.

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

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

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

86 During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.

87 To ensure the land remains suitable, from a contamination perspective, for the proposed uses, all management protocols outlined in the conclusion of the Report on Validation Assessment Part 1A, Proposed Residential Development - Part 130 - 150 Bunnerong Road, Pagewood. Project 85009.R.006.Rev 0 dated 15 January 2016 by Douglas Partners Pty Ltd shall be implemented during construction of the proposed development. The following specific management protocols must be followed to prevent contamination of the site:

(a) The site should be cordoned off from the remainder of the overall development area such that earthworks machinery does not inadvertently pass through the site from other parts of the overall development area;

(b) No stockpiling of soils, building rubble or excavated hardstand from other parts of the overall development area is to take place within the site; and

(c) Only materials approved by Douglas Partners Pty Ltd (DP) and the Site Auditor as virgin excavated natural material (VENM) or compliant with a relevant Resource Recovery Order and its corresponding Resource Recovery Exemption issued under the Protection of the Environment Operations (Waste) Regulation 2014, can be used as filling on the site. Other materials from within the remainder of the overall development area may also be used once appropriately validated by DP and the Site Auditor

88 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.

89 The management of potential and actual acid sulfate soils shall be conducted in accordance with all recommendations within the approved Acid Sulfate Soil Management Plan as referenced in this consent.

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

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

(b) Protection of the Environment Operations Act 1997; and

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

91 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.

92 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.

93 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.

94 Vibration caused by excavation and construction at any residence or structure outside the site must be limited to: a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and b) for human exposure to vibration, the evaluation criteria set out in the Environmental Noise Management Assessing Vibration: a Technical Guideline (Department of Environment and Conservation, 2006). Vibratory compactors must not be used in the

vicinity of residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

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

(a) Level Restrictions

Construction period of 4 weeks and under:

the L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20 dB(A).

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

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

(b) Time Restrictions

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

Monday to Friday: 07:00 am to 06:00 pm

Saturday: 07:00 am to 03:00 pm

No Construction to take place on Sundays or Public Holidays.

(c) Silencing

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

96 The Council street trees on Banks Avenue must remain during the construction phase and may only be removed at the commencement of public domain re-landscaping works after Council approval of a Public Domain Plan has been obtained. Once approved, the Applicant may remove the street trees at their own expense. All work is to take place on the Council road reserve with the appropriate safety and directional signage implemented to ensure public safety and access otherwise road and footpath closures require a Council Road Occupancy Permit. A Dial-Before-You-Dig enquiry is required prior to stump grinding the trunk and shall occur without damage to Council infrastructure or underground services/utilities. Council will take no responsibility for any damage incurred to persons, property or services during the tree removal works.

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

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

98 Prior to the issue of the relevant Occupation Certificate, car parking is to be allocated as follows:

(a) 764 residential spaces

(b) 49 visitors spaces

(c) 1 car share space within the car park

(d) 4 car share spaces provided on the adjoining private access way

(e) 32 child care centre spaces

99 Prior to the issue of the relevant Occupation Certificate, at least 121 bicycle spaces are to be provided in the car park.

100 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 the damage deposit.

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

102 Prior to the issue of the relevant Occupation Certificate, the applicant shall carry out the following works:

(a) On Banks Ave, adjacent to development, reconstruct existing kerb and gutter for the full length of the property in accordance with Council's Infrastructure Specifications,

(b) On Banks Ave, adjacent to development, demolish existing concrete footpath and construct new footpath as per Council's Infrastructure and Landscape Architect specifications, and

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

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

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

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

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

105 Prior to the issue of the relevant Occupation Certificate, 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 the Principal Certifying Authority within 21 days of the installation of the system and prior to the occupation of the premises.

106 Prior to the issue of the relevant Occupation Certificate, the developer must submit to the Principal Certifying Authority an acoustic report to verify that the measures stated in the pre-construction acoustic report have been carried out and certify that the construction meets the 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).

107 Prior to the issue of the relevant Occupation Certificate, evidence of a Sydney Water permit or consent for discharge of wastewater to the sewer shall be submitted to the Principal Certifying Authority. 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.

108 Prior to the issue of the relevant Occupation Certificate, to ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all 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.

109 Prior to the issue of the Occupation Certificate for the Child Care Centre, 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.

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

110 A separate application is to be submitted for the use and fit out of the child care centre.

111 The use of studies as bedrooms is prohibited.

112 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.

113 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.

114 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.

115 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.

116 A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):

(a) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or

(b) Before 7 am or after 10 pm on any other day.

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

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

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

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

118 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.

119 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. 16/18 dated as 16 February 2016 and that any alteration, variation, or extension to the use, for which approval has been given, would require further approval from Council.

ANNEXURE A: SEPP 65 ASSESSMENT – APARTMENT DESIGN GUIDE

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)	The building is oriented to the streets with the main entrances to each tower clearly visible from the street and all ground level apartments including direct street entrances.	Yes
Where the street frontage is to the east or west, rear buildings should be orientated to the north	NA - no rear buildings	N/A
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)	To the south of the site is Westfield Drive and the Shopping Centre. Shadows will only impact the rooftop car park of Westfield which is acceptable.	Yes
Objective 3B-2 *Overshadowing of neighbouring properties is minimised during mid winter*		Yes
Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access	Refer to those sections	Yes
Solar access to living rooms, balconies and private open spaces of neighbours should be considered	Refer to solar access section	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%	N/A	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	Proposal will not significantly reduce solar access to neighbours	N/A
Overshadowing should be minimised to the south or down hill by increased upper level setbacks	To the south of the site is Westfield Drive and the Shopping Centre. Shadows will only impact the rooftop car park of Westfield which is acceptable.	Yes
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*		Yes
Terraces, balconies and courtyard apartments should have direct street entry, where appropriate	All ground floor apartments have direct street entrances.	Yes

Objective / Control	Proposal	Complies?
Length of solid walls should be limited along street frontages	Frontage is well articulated with minimal solid walls	Yes
Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets	Private courtyard is adjacent to street	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	Pedestrian entries are clearly defined.	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*		
Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view	Service areas located within the carpark or on rooftop out of view of public domain.	Yes
Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels	Flat entries proposed.	Yes
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	N/A – Site does not adjoining public park, open space or bushland	N/A
On sloping sites protrusion of car parking above ground level should be minimised by using split levels to step underground car parking	N/A – Site is not sloping	N/A
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*		Yes
Design criteria		
Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)	3,844.8sqm or 29% communal open space for the indoor pool and gym, podium, and roof top gardens.	Yes
Developments achieve a minimum of 50% direct sunlight to the principal usable part of	Podium – direct sunlight to at least 50% of the space between 9.30a –	Yes

Objective / Control	Proposal	Complies?
the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)	2.30p 4.5 hours Roof Top Gardens – direct sunlight to at least 50% of the spaces for 5 hours.	
Design guidance		
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	Ground level COS includes DSA	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 and roof top	Yes
Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should: • provide communal spaces elsewhere such as a landscaped roof top terrace or a common room • provide larger balconies or increased private open space for apartments • demonstrate good proximity to public open space and facilities and/or provide contributions to public open space	N/A - design criteria achieved	N/A
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	COS areas include a range of facilities including open lawn areas on the ground, and decked areas, partitioned spaces of differing sizes, BBQ, sink, toilet and seating on the roof top.	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.	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		

<table>
<tr><th>Objective / Control</th><th>Proposal</th><th>Complies?</th></tr>
<tr><td>Communal open space is designed to maximise safety</td><td></td><td></td></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>A range of lighting is provided to the rooftop COS area</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. The roof top space is setback from the edge with planter beds.</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 = 13,507sqm

1,465sqm or 10.8% with minimum dimensions of 6m.</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>Larger DSA provided. See above.</td><td>Yes</td></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:</td><td>N/A – no existing trees on site</td><td>N/A</td></tr>
</table>

<table>
<tr><th>Objective / Control</th><th>Proposal</th><th>Complies?</th></tr>
<tr><td>• 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</td><td></td><td></td></tr>
<tr><td>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>N/A - design criteria achieved</td><td>N/A</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>Yes</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 distances between buildings on the same site should combine required building separations depending on the type of room.
Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</td><td><u>5-8 Storeys: 18m required</u>

▪ Front to rear towers – 12m NO
▪ Rear to rear towers – 12m NO
▪ Front to front – 36.5m YES

<u>9+ Storeys: 24m required</u>

▪ Front to rear towers – 12m NO
▪ Rear to rear towers – 12m NO
▪ Rear to rear (+16 storey) 55.4m YES

Corners of rear towers – privacy maintained through positioning of balconies, recessed, blade walls, and orientation.</td><td>No – Acceptable due to compliance with Stage 1</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</td><td>N/A - no steps in building apart from setback 4th storey loft</td><td>N/A</td></tr>
</table>

Objective / Control	Proposal	Complies?
is desirable. Additional steps should be careful not to cause a '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	N/A – not next to commercial buildings	N/A
Direct lines of sight should be avoided for windows and balconies across corners	Design has considered this and no direct sightlines.	Yes
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*		Yes
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 ▪ 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	COS and access paths are placed appropriately so that they will not impact privacy of the units. There are no windows (except for highlight windows) to the access paths and the COS areas are appropriately located away from apartment windows.	Yes
Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas	Separation has been provided between access paths, circulation spaces and the habitable rooms of the apartments	Yes

Objective / Control	Proposal	Complies?
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
Recessed balconies and/or vertical fins should be used between adjacent balconies	Vertical fins and recessed balconies 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*		Yes
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
Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries	The entry is 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*		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 entries should be located behind the building line	Car park entry is located behind the building line.	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
Access point locations should avoid headlight glare to habitable rooms	Vehicle headlights entering the car park will not glare into any habitable rooms	Yes
Adequate separation distances should be provided between vehicle entries and street intersections	The driveway and crossover is not located near to an intersection	Yes
Garbage collection, loading and servicing areas are screened	Service areas are located within the basement and 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	N/A – no need for traffic calming devices.	N/A

Objective / Control	Proposal	Complies?
where appropriate		
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 and vehicle access are clearly distinguishable as different surface materials are used and the levels are different.	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*	N/A - DCP car parking requirements apply.	N/A
Design criteria		
For development in the following locations: ▪ on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or ▪ on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less The car parking needs for a development must be provided off street	N/A - the site is not within 800m of a railway station or light rail stop in the Sydney Metro Area. It is not in a nominated regional centre. DCP parking requirements apply.	N/A

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*		Yes
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	487 apartments x 70% = 340 apartments require 2hrs solar access. 340 apartments receive at least 2hrs to living and POS – 70%	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
Design guidance		
The design Maximises north aspect and the number of single aspect south facing apartments is minimised	Almost all of the apartments have a dual north-south aspects	Yes
4B Natural ventilation		
Objective 4B-1 *All habitable rooms are naturally ventilated*		Yes

Objective / Control	Proposal	Complies?
Design guidance		
The building's orientation maximises apartment and use of prevailing breezes for natural ventilation in habitable rooms	Majority of apartments are dual aspect 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: ▪ 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	Large openable windows and sliding doors to all habitable rooms	Yes
Objective 4B-3 *The number of apartments with natural cross ventilation is Maximised to create a comfortable indoor environment for residents*		
Design criteria		
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed	234 apartments in the first 9 storeys x 60% = 141 apartments required to cross ventilate 150 out of 234 apartments or 64% cross ventilate in first 9 storeys. In total 403 out of 487 apartments or 83% cross ventilate.	Yes
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	Maximum apartment depth is 10.8m	Yes
4C Ceiling heights		
Objective 4C-1 *Ceiling height achieves sufficient natural ventilation and daylight access*		Yes
Design criteria		
Measured from finished floor level to finished ceiling level, minimum ceiling heights are: Minimum ceiling height for apartment and mixed use buildings Habitable rooms: 2.7m Non-habitable: 2.4m	2.7 – 3.0m ceiling heights.	No

<table>
<tr><th>Objective / Control</th><th>Proposal</th><th>Complies?</th></tr>
<tr><td>
<table>
<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></td><td></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 5m$_2$ each

A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m$_2$ each</td><td>1 Bedrooms = 65 – 93sqm
2 Bedrooms = 85 – 117sqm
3 Bedrooms = 110 – 134sqm

All apartments comply with minimum internal areas.</td><td>Yes</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 criteria</td><td></td><td></td></tr>
<tr><td>Habitable room depths are limited to a maximum of 2.5 x the ceiling height</td><td>Habitable rooms depths are limited to a maximum of 2.5 x the ceiling height</td><td>Yes</td></tr>
<tr><td>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</td><td>Open plan living areas are generally a Maximum of 5-8m from window</td><td>Yes</td></tr>
<tr><td>Design guidance</td><td></td><td></td></tr>
<tr><td>Greater than minimum ceiling heights can allow for proportional increases in room depth up to the permitted maximum depths</td><td>Increased ceiling heights not required as depths are limited</td><td>Yes</td></tr>
</table>

<table>
<tr><th>Objective / Control</th><th>Proposal</th><th>Complies?</th></tr>
<tr><td>All living areas and bedrooms should be located on the external face of the building</td><td>All living areas and bedrooms are located on the external face of the buildings</td><td>Yes</td></tr>
<tr><td>Objective 4D-3
Apartment layouts are designed to accommodate a variety of household activities and needs</td><td></td><td></td></tr>
<tr><td>Design criteria</td><td></td><td></td></tr>
<tr><td>Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</td><td>Master bedrooms have a minimum area of 10sqm and other bedrooms have minimum are of 9sqm</td><td>Yes</td></tr>
<tr><td>Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</td><td>All bedrooms have a minimum dimension of 3m.</td><td>Yes</td></tr>
<tr><td>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</td><td>All living rooms have minimum width of 3.6m for studio and 1 bedroom apartments and 4m for 2 and 3 bedroom apartments.</td><td>Yes</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>All 2 bedroom apartments have primary balconies of at least the required 10sqm with the exception of Apartment Type 1, 7, 9, and 12 which have primary balcony sizes of 8.3-8.9sqm. Likewise, all 3 bedroom apartments have primary balconies of at least the required 12sqm with the exception of Apartment Type 2, 4, and ST Type 1 which have primary balcony sizes of 9.7-11sqm.</td><td>No</td></tr>
<tr><td colspan="3">4F Common circulation and spaces</td></tr>
<tr><td>Objective 4F-1
Common circulation spaces achieve good amenity and properly service the number of apartments</td><td></td><td>Yes</td></tr>
<tr><td>Design criteria</td><td></td><td></td></tr>
<tr><td>10 storeys and over, Maximum apartments sharing a single lift is 40.</td><td>Bldg A – 145 apartments (5 street access), 3 lifts (120) NO
Bldg B - 91 apartments (8 street access), 2 lifts (80) NO
Bldg C - 90 apartments (7 street access), 2 lifts (80) NO
Bldg D - 161 apartments (6 street access), 3 lifts (120) NO</td><td>No</td></tr>
</table>

<table>
<tr><th>Objective / Control</th><th>Proposal</th><th>Complies?</th></tr>
<tr><td colspan="3">4G Storage</td></tr>
<tr><td colspan="2">Objective 4G-1
Adequate, well designed storage is provided in each apartment</td><td></td></tr>
<tr><td colspan="2">Design criteria</td><td></td></tr>
<tr><td colspan="2"><table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio</td><td>4m²</td></tr><tr><td>1 bed</td><td>6m²</td></tr><tr><td>2 bed</td><td>8m²</td></tr><tr><td>3 bed</td><td>10m²</td></tr></table>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</td><td>Complies.</td><td>Yes</td></tr>
<tr><td colspan="2">Design guidance</td><td></td></tr>
<tr><td colspan="2">Storage is accessible from either circulation or living areas</td><td>Storage areas are accessible from either circulation or living areas</td><td>Yes</td></tr>
<tr><td colspan="3">4H Acoustic privacy</td></tr>
<tr><td colspan="2">Objective 4H-1
Noise transfer is minimised through the siting of buildings and building layout</td><td></td></tr>
<tr><td colspan="2">Design guidance</td><td></td></tr>
<tr><td colspan="2">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)</td><td>Adequate separation provided</td><td>Yes</td></tr>
<tr><td colspan="2">Window and door openings are generally orientated away from noise sources</td><td>Windows and door openings are oriented away from noise sources which are minimal on this site</td><td>Yes</td></tr>
<tr><td colspan="3">4J Noise and pollution</td></tr>
<tr><td colspan="2">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</td><td>N/A - site is not in a noisy or hostile environment.</td><td>N/A</td></tr>
<tr><td colspan="3">4K Apartment mix</td></tr>
<tr><td colspan="2">Objective 4K-1
A range of apartment types and sizes is provided to cater for different household types now and into the future</td><td></td></tr>
<tr><td colspan="2">Design guidance</td><td></td></tr>
<tr><td colspan="2">A variety of apartment types is provided</td><td>A variety of apartment layouts is provided and studio, 1, 2, and 3 bedroom apartments are provided.</td><td>Yes</td></tr>
<tr><td colspan="2">The apartment mix is appropriate, taking into consideration:

▪ the distance to public transport, employment and education centres
▪ the current market demands and projected future demographic trends
▪ the demand for social and affordable housing
▪ different cultural and socioeconomic</td><td>1 bed – 18%
2 bed – 51%
3 bed – 31%</td><td>Yes</td></tr>
</table>

Objective / Control	Proposal	Complies?
groups		
Flexible apartment configurations are provided to support diverse household types and stages of life including single person households, families, multi-generational families and group households	A range of apartment layouts are provided.	Yes
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 apartments	All ground floor apartments have direct street access	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 façade includes a variety of materials and differing finishes and textures.	Yes
Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals	The front façade is highly articulated with balconies, screens, varied balustrades which will create sufficient shadowing.	Yes