COUNCIL ASSESSMENT REPORT

Panel Reference	2016SYE112 DA
DA Number	16/165
LGA	Bayside Council
Proposed Development	Integrated Development Application for the demolition of existing structures and the construction of a five (5) storey mixed commercial and residential apartment building consisting of two (2) levels of basement car parking containing 111 car parking spaces, three (3) ground floor retail spaces and 54 residential apartments across four (4) storeys.
Street Address	19-25 Robey Street and 5 and 5A Elizabeth Avenue, Mascot
Applicant/Owner	Brewster Murray Pty Ltd
Date of DA lodgement	16 September 2016
Number of Submissions	Three (3) submissions
Recommendation	Deferred Commencement consent
Regional Development Criteria (Schedule 4A of the EP&A Act)	Development with a CIV of $26,379,700.00
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 and the Apartment Design Guide* • *Botany Bay Local Environmental Plan 2013* *Botany Bay Comprehensive Development Control Plan 2013*
List all documents submitted with this report for the Panel's consideration	• Development Assessment Report (2016SYE112DA) • Schedule of Consent Conditions • Annexure A - SEPP 65 and ADG compliance table

	• Annexure B – Amended SEE • Annexure C – Amended Clause 4.6 Variation • Annexure D – Amended Plans
Report prepared by	Kim Johnston – Consultant Planner
Report date	27 November 2017

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **Not Applicable**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **No**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

RECOMMENDATION

In view of the below comments, it is RECOMMENDED that the Sydney Central Planning Panel (SCPP), as the Consent Authority, resolve to:

(a) Refuse consent to the Clause 4.6 variation request under Botany Bay Local Environmental Plan 2013 to permit a maximum building height of 16.1 metres (21.95m AHD); and

(b) Grant deferred commencement approval of Integrated Development Application No. 2016/165 for the demolition of existing structures and the construction of a mixed commercial and residential apartment building consisting of two (2) levels of basement car parking containing 111 car parking spaces, three (3) ground floor retail spaces and 54 residential apartments across five (5) storeys.

EXECUTIVE SUMMARY

Council received Development Application No. 16/165 on 16 September 2016 seeking consent for a mixed use development comprising two (2) buildings of five (5) storeys consisting of ground floor retail and residential apartments above in one building (Site A) and residential apartments in the other building (Site B). The development originally comprised a total of 81 residential apartments, 5 retail tenancies and two (2) levels of basement car parking in each building, containing a total of 160 car parking spaces.

Amendments were made to the development application following concerns raised by Council with the proposal throughout the assessment of this application. Subsequently, the proposal now consists of Site A only and proposes two basement parking levels with a total of 111 car parking spaces, three (3) retail premises on the ground floor, and 54 residential apartments (the amended proposal). Associated landscaping, stormwater and other infrastructure are also proposed. The amended proposal is the subject of this report.

The Development Application is required to be referred to the Sydney Central Planning Panel (SCPP) 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 Capital Investment Value of the proposal is $26,379,700.00.

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. In a letter dated 9 November 2016, Water NSW granted its General Terms of Approval to the proposed development.

The Development Application was advertised from 5 October 2016 to 4 November 2016. Three (3) submissions raising objections to the proposal were received which related to the size of the proposal and the associated concerns of overdevelopment, congestion, pollution (noise, waste, traffic), quality of life in the area, potential ghettos of the future, crime and safety and open spaces. Other issues which were raised in the submissions included traffic generation, vehicle access from Elizabeth Avenue, the lack of infrastructure and the potential asbestos in the existing warehouse buildings. Some of these issues were resolved in the amended plans, while the other issues have been discussed in detail throughout the report. The amended plans were not re-notified as there was no significant change to the overall height of the development and the proposal was reduced significantly.

Key issues that were raised in the assessment of the proposal include the non-compliance with the maximum height of buildings development standard of the *Botany Bay Local*

Environmental Plan 2013 ('BBLEP 2013') and the ceiling height controls of the *Apartment Design Guide* ('ADG').

The proposal (as amended) seeks a development with a maximum height of 16.1 metres, which is a 2.1 metre exceedance over the height development standard of 14 metres, representing a variation of 15%. This proposed height, however, involves Levels 2, 3 and 4 of the proposed building having ceiling heights which are inconsistent with Part 4C of the ADG and which are considered to be unacceptable. The ceiling heights of 2.65 metres (Levels 2 & 3) and 2.15 metres (Level 4) are contrary to these controls and will result in a reduced level of amenity for residents of this building.

The ground floor level ceiling height of 3.3 metres complies with the ADG requirement of 3.3 metres in mixed use areas. While Level 1 is also required to be 3.3 metres in this mixed use area, the proposal involves a ceiling height of 3.2 metres for Level 1, which is considered to be satisfactory given this level is proposed to be residential and not for commercial uses and given the site is flood affected.

While a variation to the maximum building height to some extent could be supported given other height exceedances in the area, to comply with the minimum ceiling height controls of the ADG for the currently proposed five (5) storey building, the overall height of the proposal would have to be increased to 16.75 metres, which is almost a 20% variation to the building height development standard.

Such a height variation cannot be supported. Accordingly, the Council can only support the proposal on the basis that Level 4 is deleted and the ceiling heights of Levels 2 and 3 are amended to be made compliant with the ADG control of 2.7 metres (to finished ceiling height).

In regards to compliance with the ADG, the development is inconsistent with a number of other controls (apart from ceiling heights discussed above), including building separation, dwelling sizes for four (4) of the proposed apartments and balcony size for two of the one (1) bedroom apartments. These minor inconsistencies with the ADG are considered to be acceptable in this instance given the majority of the amenity controls have been satisfied by the proposal.

With regard to non-compliances with the *Botany Bay Development Control Plan 2013* ('BBDCP 2013'), the proposal is inconsistent with the unit mix, some aspects of the family friendly apartment provisions, vehicle access for service vehicle requirement as well as the building form controls requiring a two (2) storey wall height. While the development is not compliant with some aspects of the unit mix and family friendly controls of the BBDCP 2013, there is considered to be an adequate mix of apartments proposed, with one, two and three bedroom apartments as well as accessible apartments to be provided.

Similarly, with the family friendly apartment controls, there are various layouts proposed which are considered to be satisfactory with over 60% of the proposed two (2) bedroom apartments being greater than 80 square metres in area allowing for additional room for a study nook.

In relation to the servicing of the site, a loading dock is provided on the site, however, there is no medium rigid vehicle (MRV) access to this area as the headroom is insufficient and there was no capacity to increase the height of the ground floor or basement levels due to the flooding and other height constraints on the site. A condition has been recommended to be imposed which requires that waste collection is carried out on the site within the loading dock by a small rigid vehicle (which can enter and exit the site in a forward direction) until such time as a Council collection vehicle can service the site within the loading dock.

Council is generally satisfied that the proposal provides the requisite open space, deep soil and landscaped areas, and provides sufficient solar access and car parking. The proposal is

also considered to minimise overshadowing to adjoining properties, will result in apartments with a high level of amenity and will have a positive impact on the streetscape subject to the recommended conditions and design changes.

Concurrence has been provided by all relevant authorities, being Water NSW.

In summary, the proposal has been assessed against the relevant controls and on balance, Council is generally supportive of the proposal subject to the deletion of Level 4. It is recommended that the application be approved, subject to the conditions of consent in the attached Schedule.

BACKGROUND

Prior to lodgement, on 12 May 2016, the application was reviewed by the Design Review Panel (DRP) who considered that the proposed design of the development would need substantial reconsideration before it could be supported by the Panel. The main concerns included the following:-

- The Panel strongly recommends Council to allow the end of Elizabeth Avenue to be acquired by the applicant to resolve issues to basement car park.
- Robey Street frontage to incorporate street front commercial/retail uses;
- Residential apartment fronting High Street must demonstrate potential to convert to commercial/retail in the long term.
- Inadequate setback of Block B from Elizabeth Avenue and adjacent residential developments.
- Unacceptable interface between Block B and the adjoining residential building to the east given the blank wall located on the common boundary. This adjoining building is setback and has a landscaped buffer.
- Unacceptable setback of Block B with the western boundary with likely privacy impacts given proximity of the open access corridor only 1.5m from common boundary and overshadowing.
- Some non-compliance with the height development standard may be acceptable given the flooding.
- FSR exceedance cannot be supported on the basis that there is no public benefit to justify the excess.
- Deep soil areas are less than required by the planning controls.
- Lobby entrances are too narrow, elevators should be re-orientated to face entrance and include seating area in lobbies.
- Provide area for garbage storage.
- Provide natural light and ventilation to top level bathrooms.
- Snorkel bedrooms are not supported, a full height window/door to balcony could avoid these rooms.
- Provide access to the adjacent John Curtin Reserve from Block A.
- Communal open space must be provided.

The development application was lodged with Council on 16 September 2016 for the demolition of existing structures and the construction of a shop top housing and residential apartment building on the current site, originally known as Site A, and a residential apartment building with separate basement car parking levels on the adjoining site to the north comprising Nos 24 and 26 High Street, known as Site B.

This original proposal lodged with Council comprised a total site area of 3,462m² involving Site A and Site B, and consisted of the following:-

- Demolition of existing structures on both Site A and Site B (consisting of 5 x single storey detached dwellings and 2 x industrial warehouses);
- Amalgamation of the sites (currently 8 separate lots);
- Construction and use of shop top housing (Site A – 60 units) and a residential apartment building (Site B – 21 units), comprising of a total of 81 dwellings across the combined site.
- Communal open space of 950m² (27% of site) and a deep soil zone of 372m² (11% of the site);
- Provision of 5 retail tenancies within Site A fronting Robey Street (282m²);
- Excavation and provision of 2 x two level basement carpark both accessed from Elizabeth Avenue;
- Associated landscape works and tree removal/replacement; and
- Extension and augmentation of physical infrastructure/utilities (including the diversion of a local drainage easement) as required.

The original proposal had an FSR of 2.15:1 with a gross floor area of 7,443m² and a maximum overall height of 15.739 metres with 160 car spaces across the two separate basements.

The development application was notified for a period of thirty (30) days from 5 October 2016 to 4 November 2016. Three (3) submissions were received, which are discussed in this report.

In February 2017, the application was presented to the Traffic Advisory Committee Meeting where recommendations were provided by the committee and were forwarded onto the Applicant to address, which included the following:-

1. *That the applicant be requested to consider the alternative vehicular access either from High Street or Robey Street due to poor visibility at the uncontrolled intersection of Elizabeth Avenue and Botany Road, the bus lane and the narrow width of the laneway which is not suitable for the generated traffic.*
2. *That the applicant be advised that Elizabeth Avenue is not suitable for any intensified traffic movements;*
3. *That the Applicant be requested to consider the bicycle access to the site linking with existing and proposed cycle routes in O'Riordan Street and Baxter Road.*

On 1 March 2017, an additional information letter was sent to the applicant requesting additional and amended information. Council's key concerns outlined in this correspondence included the following:-

- Height and FSR Exceedances - The Clause 4.6 requests for height and FSR under BBLEP 2013 were not supported as they did not adequately demonstrate the relevant tests required for such variations. The proposed additional floor space was not supported as there are no site specific reasons for a variation to the extent proposed, while the additional height may be supported subject to the submission of an adequate Clause 4.6 request.
- Bulk, scale and streetscape character – The original proposal had an inadequate streetscape presentation in that it was not adequately setback from the side boundaries for Levels 1 and 2. The original proposal involved a nil side setback for the first three (3) levels with no changes in alignment such that the frontage of the building to Robey Street was approximately 47 metres long and three (3) storeys high. The lack of any changes to the building footprint for the first three (3) storeys exacerbated the bulk and scale of the building, particularly having regard to the excessive FSR proposed. The

proposed side setbacks for the proposed building on Sites A and B were inappropriate, particularly for the front portions of each of the proposed buildings and Level 4 of the western setback for the proposed building on Site B. A general reduction in the proposed gross floor area and increased setbacks to the side boundaries, particularly along Robey Street, were required.

- Various non-compliance with ADG – There were various inconsistences with the ADG including:
    - Ceiling height for the proposed commercial ground floor on Site A;
    - Master bedrooms did not achieve the required minimum sizes;
    - Mailboxes required for Robey Street frontage;
    - Balconies under-sized in numerous apartments;
    - Storage provision is unclear (dimensions/area not provided); and
    - Unit A009 adjoined the bin collection area and was unsatisfactory.
- Active Street Frontage - An active street frontage was required along High Street which had not been provided.
- Stormwater Management – Further justification was required for the proposed method and management of stormwater, including the stormwater easement.
- Traffic and access - Traffic along, vehicle access to, and MRVs reversing onto, Elizabeth Avenue was unsatisfactory and the Traffic Committee encouraged an alternative vehicle access point to the site.
- Additional/amended information required – Various additional and amended information was required including landscape area calculations, inadequate separation between commercial and residential car parking, external windows were required into the internal courtyard area for non-habitable rooms, the submitted Acoustic report referenced the incorrect ANEF contour and relevant requirements, minor corrections to plans in relation to unit numbering were required, and a subdivision plan/plan of consolidation was required.
- Landscape issue and Tree Preservation – the landscaping issues included:
    - setbacks were not deep soil areas (particularly for Site B in relation to tree retention on the adjoining site),
    - setbacks to Elizabeth Lane insufficient and did not allow for footpaths,
    - insufficient deep soil and landscaped areas
    - Communal open space area lacked trees and landscaping, particularly for Site B, and the garbage storage area in this area was undesirable.
    - Potential impact to trees at 22 High Street from proposed Site B
    - Connections to John Curtin Reserve should be investigated;
    - Greater quantity and larger, evergreen tree species are required throughout the landscape areas.

On 23 March 2017, the matter was reported to a Briefing Meeting of the Sydney Central Planning Panel. Key issues discussed included an ooverview of DA, the site locality and surrounding developments, the Clause 4.6 variation for height and floor space ratio, review of building design and streetscape, the lack of support for the proposal from Bayside's Design Review Panel, traffic assess issues and the flood risk for the site.

On 30 March 2017, a meeting was held between Council and the applicant to discuss the additional information letter at which time the issues of concern were discussed.

On 21 April 2017, the applicant provided amended plans (Issue B) and additional information which addressed some of these concerns. This amended proposal reduced the scale of the

proposal to a total of 76 apartments proposed with a GFA of 6,934m², and an FSR of 2:1. The commercial premises were reduced to three (3) and additional and revised information was provided including a revised Clause 4.6 request for height, a revised Acoustic report, an Arborists report addressing the trees at 22 High Street as well as a revised Landscape Plan. The proposal, at this stage, still included both Site A and Site B.

Following a thorough review of these amendments, it was still considered that a number of fundamental issues had not been adequately addressed.

On 8 August 2017, a further letter from Council was sent to the applicant requesting amendments and additional information, which stated that while the proposal was considered acceptable at Site A, with various amendments and additional information, the proposal at Site B could not be supported. Council indicated that subject to the amendments to Site A being undertaken and Site B being removed from the application, that the application could be supported.

On 6 October 2017, a meeting between Council and the applicant was held to further discuss these issues. Subsequently, amended plans and additional information was provided by the applicant on 13 October 2017. Further minor amendments were made to these plans on 1 November 2017. These amended plans, which among other things removed Site B from the proposal, form the amended proposal and which are now the subject of this assessment report (Issue C).

The issues with Site B included the height and FSR exceedances, the lack of an Active street frontage along High Street (required by BBELP 2013) and the streetscape presentation of the proposal being unacceptable given the massing of the proposal to High Street is inappropriate, with a zero side boundary setback to the west and the lack of compliance with the street wall height controls.

There were also inadequate setbacks to the western side boundary and the rear setback to Elizabeth Avenue, there was insufficient communal open space provided, there was a lack of any waste storage area, garbage chute or caged area for bulky items disposal and there was no adaptable housing units or accessible car parking spaces provided.

There were also various concerns with the proposed apartment layout and configurations including some of the 2 bedroom units not complying with the family friendly apartments provisions, some of the main bedrooms of various one (1) bedroom units being undersized, some kitchens were more than 9 metres from a window, the balcony sizes of the proposed one (1) bedroom units undersized, some units were undersized, and only 38% of the proposed units had natural ventilation. The apartment mix was also unacceptable in that 42.8% of the proposed apartments were one (1) bedroom apartments and there are no three (3) bedroom apartments proposed.

The proposed deep soil zone on the site was insufficient, the vehicle access from Elizabeth Avenue was unacceptable and the building entry was too narrow. Some of the ceiling heights of the upper apartments on Level 4 and the ground and first floors were unacceptable. There was also information lacking including updated shadow diagrams, BASIX Certificate and landscaped area calculations.

Council's key concerns with Site A which were required to be addressed are outlined in the left-hand column of Table 1 below and commentary on the plans (as amended – Issue C), submitted on 1 November 2017, in the right-hand column. The subsequent removal of Site B from the application resolved the issues associated with that portion of the original proposal.

In general, with the exception of ceiling heights, the issues have been addressed and the amended proposal represents a significant improvement to the design and amenity of the proposal.

Table 1: Key Issues - Amended Proposal

Council's Key Issues	Comment on Amended Plans (Issue C)
Amended Information required	
Floor Space Ratio	
The amended proposal (when Site A is considered in isolation) involves a minor exceedance of the FSR development standard pursuant to Clause 4.4(2) of the *Botany Bay Local Environment Plan 2013* (BBLEP 21013). A Clause 4.6 request is required for any exceedance of the FSR development standard and should be provided with any amended plans.	The proposal was amended to comply with the maximum permissible FSR with a proposed GFA of 5,180m² and an FSR of 2:1 is now proposed. A Clause 4.6 variation to FSR is no longer required for the amended proposal.
Apartment Mix	
The amended proposal involves 31% of the development comprising one (1) bedroom apartments, contrary to Part 4C.4.1(C2) of *Botany Bay Development Control Plan 2013* (BBDCP 2013) which sets a maximum of 25% for one bedroom apartments. It is also noted that there are only three (3) x three (3) bedroom apartments proposed, representing only 5.4% of the development. A greater apartment mix is required, particularly a greater number of three (3) bedroom apartments.	The amended proposal has reduced the overall number of proposed apartments to 54 and now proposes the following unit mix:- • 1-bedroom unit – 15 = 28% • 2-bedroom unit – 35 = 65% • 3-bedroom unit – 4 = 7% The amended proposal has reduced the number of 1 bedroom units and increased the number of 3 bedroom units in accordance with BBDCP 2013. The unit mix still varies from the controls, however, is considered acceptable, which s discussed further in this report.
Apartment Layout	
The amended proposal involves numerous one (1) bedroom apartments which have bedrooms with saddle-back/snorkel designs, which are unacceptable including Units A109, A110, A209 and A210. Furthermore, the main bedrooms of various one (1) bedroom apartments are undersized, including Units A102, A103, A202 and A203. Further consideration of the layouts of these apartments are required, having regard to Part 4C.4.1 (C1) of the BBDCP 2013 and Part 4D of the *Apartment Design Guide* (ADG). This represents an opportunity to provide a more appropriate apartment mix as outlined above.	The amended proposal has removed all of the 'saddle-back/snorkel designs' from the one (1) bedroom apartments and provided compliant bedroom sizes. There are a number of the 2 bedroom apartments with 'snorkel' design, however, these have been re-designed to have a greater width which is open to the sky and a second window has been added to ensure there is adequate light and ventilation to these bedroom areas. The apartment layouts and configurations are further considered in the *Apartment Design Guide* Assessment attached to this report.
Rear Setback	
The setback of the amended proposal from Elizabeth Avenue in the north-east corner is only 2.1 metres at ground level and 2 metres for upper levels. This setback is	The proposed rear setback has been increased to 3.4 metres.

Council's Key Issues	Comment on Amended Plans (Issue C)
unacceptable and is required to be amended to allow for a minimum setback of 3 metres.	
Open Space	
The proposed three (3) bedroom apartments have insufficient balcony areas and depths pursuant to Part 4E of the ADG. Unit A006 requires an area of 15m², with a minimum depth of 3 metres (being a ground floor unit), while Units A108 & A208 require a minimum area of 12m² and minimum depth of 2.4 metres. Amended plans which provide larger balconies/courtyards for the proposed 3 bed apartments are required. It is also considered that a BBQ area should be added to the central courtyard communal open space area to allow for a variety of uses for this area.	The proposed 3 bedroom apartments have been redesigned to increase the overall area and depths of the private open space areas. A BBQ area has been added to the central courtyard communal open space area (on Landscape Plan).
Safety and Security	
(Part 4C.4.8 and Part 3I of BBDCP 2013) The proposed waste storage room is currently a potential entrapment site given this room is located down a narrow corridor with no vision into the room from this access way. An amended ground floor plan which includes windows/glazed areas on the northern elevation of this proposed waste room adjoining the narrow access way to allow vision into the waste room, prior to entering the room, is required.	The amended proposal includes windows/glazed areas on the northern elevation of the proposed waste rooms which adjoins the narrow access way, which will allow vision into these rooms.
Energy Efficiency	
(Part 4U of the ADG) The bathroom and front entry doors to the proposed apartments would benefit from windows and transom windows (doors) located towards the internal courtyard for light and ventilation purposes. Amended plans which provide these windows to this central courtyard for the non-habitable rooms to improve energy efficiency of the building is required. It is also unclear as to whether there are any rainwater tanks included in the amended proposal. These should be included.	The amended plans include high windows to this central courtyard for the non-habitable rooms to improve the energy efficiency of the building.
Laundries	
The laundries for the proposed apartments on Levels 3 and 4 are required to be shown on the amended plans.	Laundries are now shown on the lower level (Level 3) for the upper level apartments on the amended plans.
Ceiling Height	

Council's Key Issues	Comment on Amended Plans (Issue C)
The proposed ceiling height for the ground floor is 3.3 metres while Level 1 is currently proposed at 2.7 metres, notwithstanding that Part 4C of the ADG recommends a ceiling height of 3.3 meters for both the ground and first floors for buildings located in mixed use areas to promote future flexibility of use. The *Statement of Environmental Effects,* prepared by JBA dated September 2016 (SEE), however, indicates that the proposal complies with the ceiling height requirements. Further justification for the ceiling height for Level 1 is required.	The amended plans indicate that the proposed ceiling height of the ground floor remains 3.3 metres for the commercial premises and increases the ceiling height for Level 1 to 3.2 metres (which also needs to be 3.3m in mixed used areas). This is considered to be satisfactory. The ceiling heights of Levels 2, 3 and 4 are considered to be unsatisfactory and are addressed elsewhere in this report.
Building Entry	
The plans for the amended proposal are unclear with respect to whether the pedestrian entry to the building from Robey Street is accessible given there are proposed stairs from the street. Clarification is required, having regard to Part 4C.3.1(C2) of BBDCP 2013.	The amended plans provide a platform accessibility lift from street level to the front entry path into the proposal.
Additional Information required	
BASIX Certificate	
A revised BASIX Certificate is required for the amended proposal.	A revised BASIX Certificate has been provided.
Revised Montage and Streetscape Facade	
A revised streetscape montage and a more detailed streetscape façade drawing of the southern (street) elevation of the loading bay of the amended proposal is required to satisfy Part 4C.2.2 and Part 5.3.2.11 of BBDCP 2013.	A revised photomontage was provided with the amended plans which indicate that the proposed loading dock will comprise a glazed frontage to the street, which is considered acceptable.
Traffic Information	
There are several traffic related concerns which need further consideration following the provision of the revised Traffic Report prepared by *Traffix* dated April 2017: – The proposed loading bay is unacceptable and there is currently a lack of detail regarding its layout and functionality. In this regard, the FFL and a cross section through the loading bay is required. Reorientation of the loading bay is also required to enable Council garbage trucks to collect waste at the site as private collection using an SRV is unacceptable. Manoeuvring paths illustrating that an MRV can access	The amended proposal maintains to provide a private waste collection for the site and for Council to condition this via the use of a private Small Rigid Vehicle (SRV) for refuse collection. An updated Traffic Impact Assessment in the form of a brief letter report has been provided with the amended plans. Swept paths for an SRV to service the loading dock have been provided and relevant conditions have been recommended to be imposed.

Council's Key Issues	Comment on Amended Plans (Issue C)
this loading bay and can enter and leave the site in a forward direction, as well as providing the loading bay with a height clearance of 4.5 metres, is required. This is likely to result in a reconfiguration of the proposed apartments on Level 1 in the south-east corner of the building. – There is currently a 3-Ton weight limit in Robey Street, which does not appear to have been acknowledged in the Traffic Report. This needs to be recognised and assessed as to whether there are any impacts on the proposed development and construction traffic. – More detailed plans (1:200 in scale) for the proposed vehicle access point in Robey Street are required for Council to assess the impact of the proposed access point on the current on-street parking provision and traffic signage.	The 3-ton weight limit on Robey Street has been acknowledged. Provided on the swept path diagram.
Stormwater	
There were no stormwater plans provided as part of the amended proposal for Council's Engineer to review. Accordingly, revised stormwater plans which outline the stormwater management concept for the site as well as showing the existing Council stormwater assets and any relevant easements traversing the development site are to be shown. The SEE indicates on page 1 that the proposal includes: *"…Extension and augmentation of physical infrastructure/utilities (including the diversion of a local drainage easement) as required…"* The revised stormwater plans must illustrate the location of any easements and any works required to such easement/s to support the proposal, including relocation (where relevant). The survey plan indicates that there is an easement which runs in an east-west direction from the park to Elizabeth Ave, and in a north-south direction from the rear boundary of the Robey Street lots through to Robey Street. These easements must be fully investigated and relevant arrangements made to accommodate the proposal.	A revised Stormwater plan has been provided with the amended plans which outline the diversion of the existing drainage easement to the western side boundary of the site. Council's Stormwater Engineer has reviewed this plan and raises no objections subject to recommended conditions of consent which have been included.
Landscaped Area and Hard Landscaped Area	

Council's Key Issues	Comment on Amended Plans (Issue C)
Revised calculations for Site A are required for the amended proposal pursuant to Part 4C.2.4 (C1) of BBDCP 2013. Any non-compliance is to be fully justified.	A revised Landscaped area calculation has been provided with the amended plans. The proposal complies with the controls.
Landscaped Plan	
There are some concerns with the proposed planting regime outlined on the revised Landscape Plan prepared by Site Design Studios dated 20 April 2017 (Issue B).	A revised Landscape plan has been provided with the amended plans.
Solar Access and Shadows	
Revised shadow plans are required given only the original shadow plans dated 29 April 2016 have been provided. These plans appear to be incorrect as the autumn shadow is larger than the winter shadow (Part 5.3.3.3 of BBDCP 2013).	The amended plans include updated shadow diagrams, which are considered in detail in this report.

The amended plans were not re-notified as there was no significant increase to the overall height of the proposal (the RL of the roof was 750mm higher from RL 21.20 to RL 21.95) and the overall bulk, scale and floor space was significantly reduced as well as the removal of Site B from the application. It was considered that the potential impacts had been significantly reduced and therefore re-notification was not required.

DESCRIPTION OF SITE AND SURROUNDING LOCALITY

The subject site is legally known as 19-25 Robey Street and 5, 5A and 5B Elizabeth Avenue, Mascot. The site comprises seven (7) parcels of land described as Lot 15 Sec A DP 4115, Lot 16 Sec A DP 4115, Lot 1 DP 946234, Lot 1 DP 455491, Lot 19 Sec A DP 4115, Lot C DP 418600 and Lot 1 DP 4931264. The consolidation of these lots into one lot is proposed in this application.

The site is located on the northern side of Robey Street, between Botany Road to the east and O'Riordan Street to the west, and the southern side of Elizabeth Avenue. Botany Road is approximately 130 metres to the east, containing the Mascot Town Centre while Sydney Kingsford Smith Airport is a short distance to the south-west of the site. Mascot train station is approximately 1.2Km to the north-west of the site, with a bus interchange located within 200 metres of the site along Botany Road. John Curtin Reserve adjoins the site to the north. The site location is illustrated in **Figure 1**.

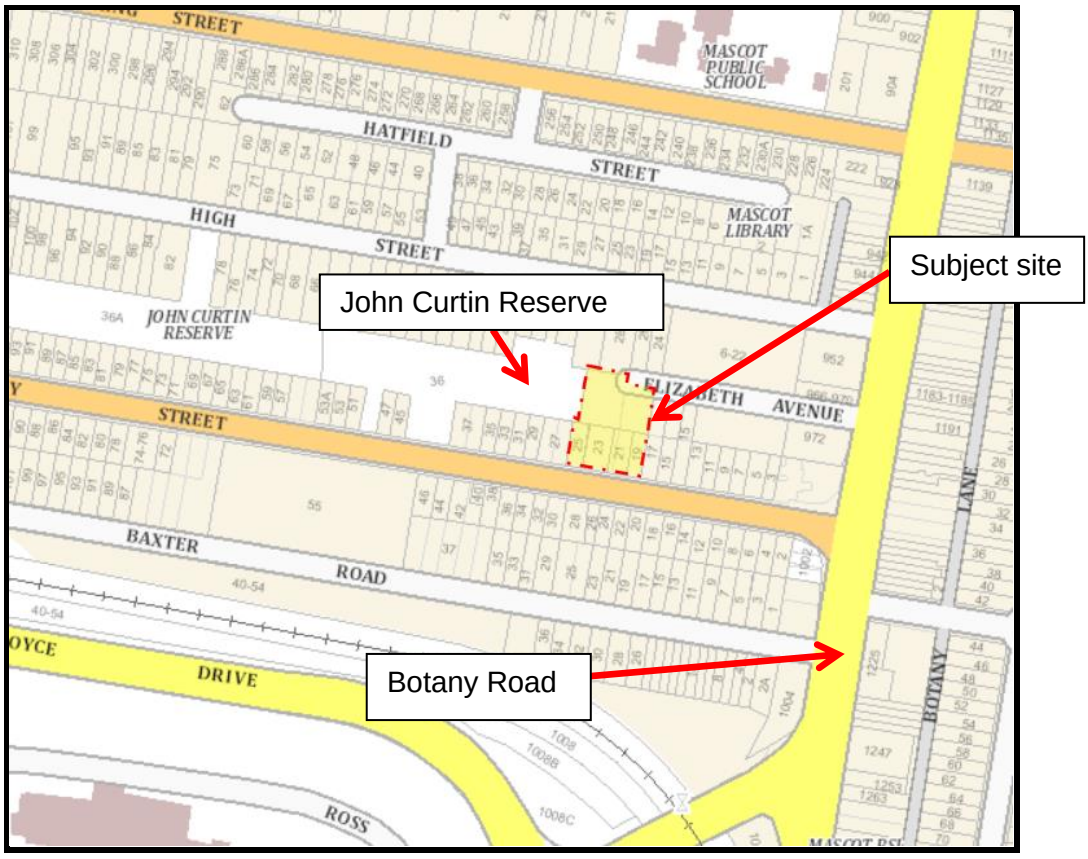

Figure 1: Locality Plan (*Source: SIX Maps*)

The site has a total area of 2,590m² with a 47 metre street frontage to Robey Street and two street frontages to Elizabeth Avenue of 6.6 metres and 18.3 metre frontage. The side boundaries comprise 53.8 metres along the eastern boundary and 60.3 metre along the western boundary. The rear boundary (stepped) to Elizabeth Avenue is 44.2 metres long.

The site comprises a generally regular shaped parcel of land, with the two street frontages to Robey Street and Elizabeth Avenue. There are numerous vehicle crossings into the site along Robey Street, while there is also existing vehicle access to the Elizabeth Avenue properties from the cul-de-sac in Elizabeth Avenue.

Existing development within the site consists of single storey detached dwellings on the Robey Street sites, some with vehicle access and car parking, The Elizabeth Avenue sites contain a part single, part two (2) storey industrial building with brick offices and workshops with a sawtooth-roof industrial building attached to the rear.

The site is relatively flat, with a 1.5 metre fall across the site from north to south. The internal areas of the site are largely devoid of vegetation with the exception of landscaping beds. There are a number of street trees along the Robey street frontage. There is a drainage easement which extends through the site, approximately between No's 21 and 23 Robey Street, which is proposed to be realigned to the western side boundary in this proposal.

The site is illustrated in **Figures 2, 3, 4 & 5** from the various street frontages.

Figure 2: View towards the north-west showing the subject site from Robey Street

Figure 3: View towards the west showing the subject site form Elizabeth Avenue

Figure 4: Existing factory building at the end of Elizabeth Avenue to be demolished

Figure 5: View of site from John Curtin Reserve from north-west of the site

Description of the Locality

The surrounding area includes a mix of residential, commercial and open space uses. Land to the north is occupied by single and two (2) storey detached dwelling houses with frontages to High Street. John Curtin Reserve, an area of passive public open space, is located adjoining the site to the north-west and links High Street with Robey Street to the west of the site.

A three (3) storey residential flat building is located to the north-east of the site along High Street while the Mascot Town Centre is located further to the east along Botany Road.

An 8 storey serviced apartments building is currently nearing completion to the west at 62-66 Robey Street on the southern side of Robey Street. A mixed use building at the corner of Robey Street and Botany Road has also recently been constructed, which comprises five storeys and a maximum height of 17.99 metres.

A five (5) storey mixed use building has been approved on the adjoining site to the west, known as No 27-29 Robey Street, with a gross floor area of 1,526.94m² and a maximum height of 16.16 metres. This adjoining and nearby development is illustrated in **Figures 6, 7** and **8**.

Figure 6: Photomontage of Approved Development at No 27-29 Robey Street (adjoining site to west) (*Source: Botany Council DA Tracker*)

SITE HISTORY

The site currently contains a mix of uses, including low density detached housing along Robey Street, with industrial and manufacturing uses occurring on the sites along Elizabeth Avenue. There is no other site history relevant to this development application.

Figure 7: Development under construction at 62-66 Robey Street - Rex Serviced Apartments

Figure 8: Approved Development on the corner of Robey Street and Botany Road ***(Source: Botany Council DA Tracker)***

DESCRIPTION OF DEVELOPMENT

The proposed development (as amended) seeks consent for the demolition of the existing structures on the site and the construction of a mixed use commercial and residential apartment building consisting of two (2) levels of basement car parking comprising 111 car parking spaces, three (3) ground floor retail spaces and 54 residential apartments across five (5) storeys. The development will accommodate 54 apartments, communal open space, a loading dock and landscaping across the site. The proposal is for 'shop top housing', 'commercial premises' and a 'residential flat building' (for the rear portion which does not have retail premises at ground level) as defined under the BBELP 2013.

Specifically, the amended proposal involves the following:

- Demolition of existing structures;
- Construction of a five (5) storey residential apartment building and shop top housing development, comprising 54 apartments;
- Three (3) ground floor retail tenancies fronting Robey Street totalling 170m².
- Excavation and provision of two (2) levels of basement car parking with vehicle access from Robey Street, providing 111 spaces and a ground level loading dock;
- Amalgamation of seven (7) allotments;
- Landscaping; and
- Extension and augmentation of physical infrastructure and utilities as required.

The proposal is illustrated in **Figure 9** below.

Figure 9: Photomontage of the Proposal from Robey Street (*Source: Brewster Murray, October 2017*)

Demolition

The proposed demolition involves the demolition of the four (4) existing dwelling houses and associated attached and detached structures on the Robey Street lots within the site and the removal of two (2) warehouses and associated structures on the Elizabeth Avenue sites.

Built Form

The proposed built form comprises a courtyard style apartment building over underground basement car parking levels. The streetscape elevation is characterised by the proposed commercial/retail premises while an internal courtyard at ground level provides the communal open space. The proposal is provided as 'shop top housing' and a residential apartment building as there are ground floor apartments as well as apartments over ground floor retail premises.

The proposed built form includes the following:-

Basement Levels 1 & 2

The basement levels comprise a total of 111 car parking spaces as well as individual storage areas for the proposed apartments, lift and stairs access to the levels above (**Figure 10**).

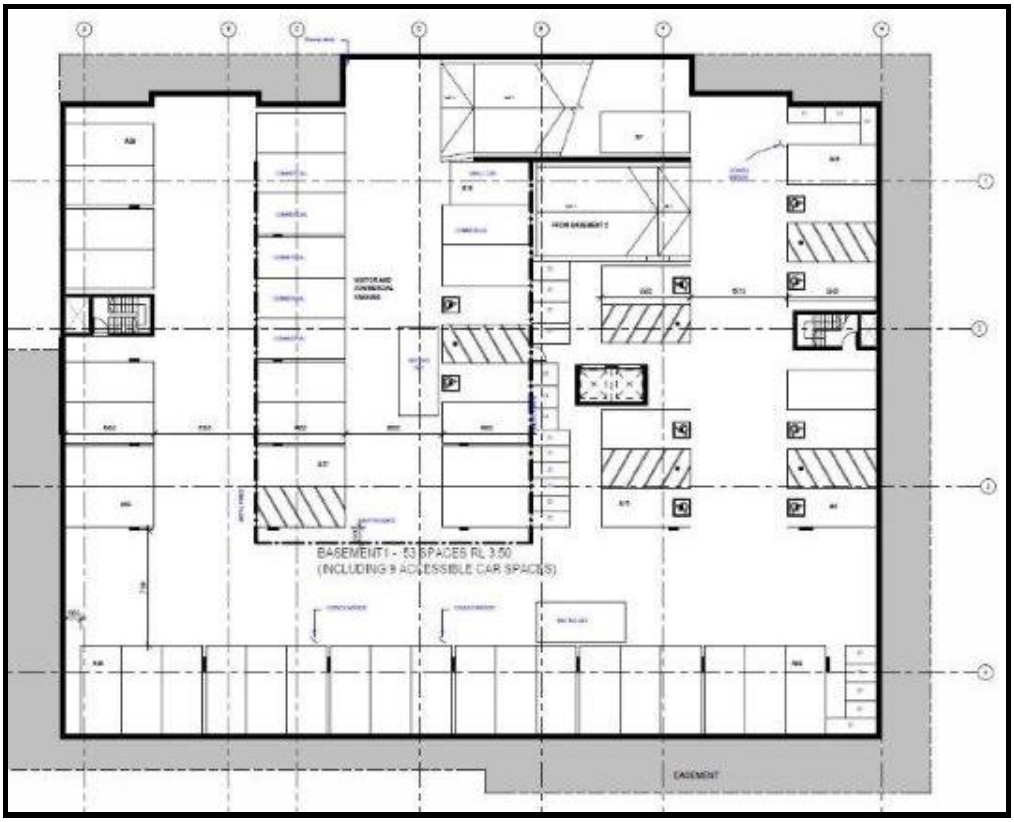

Figure 10: Proposed Upper level Basement *(Source: Brewster Murray, 13/10/2017)*

Ground floor

The ground floor consists of the three retail premises across the frontage of the site as well as loading dock and the vehicle access point on the eastern side of the street frontage. The

proposed ground floor apartments are located behind the retail premises and are orientated to the central communal open space as well as the open communal areas along the boundaries of the site. The central communal open space includes bicycle parking, a BBQ and seating area with a mailbox area located along the entry corridor to the site from the street.

Levels 1 to 4

The upper levels of the proposed building comprise one, two and three bedroom apartments with the associated private open space areas provided as balconies with views towards the boundary areas of open space as well as internal towards the central courtyard. The proposed apartments on Levels 3 and 4 are two storeys with the living areas located on Level 3 and bedrooms located on Level 4. **Figures 11, 12, 13** and **14** illustrate the elevations of the proposal.

Figure 11: Proposed Southern Elevation - Robey Street (*Source: Brewster Murray, 13/10/17)*

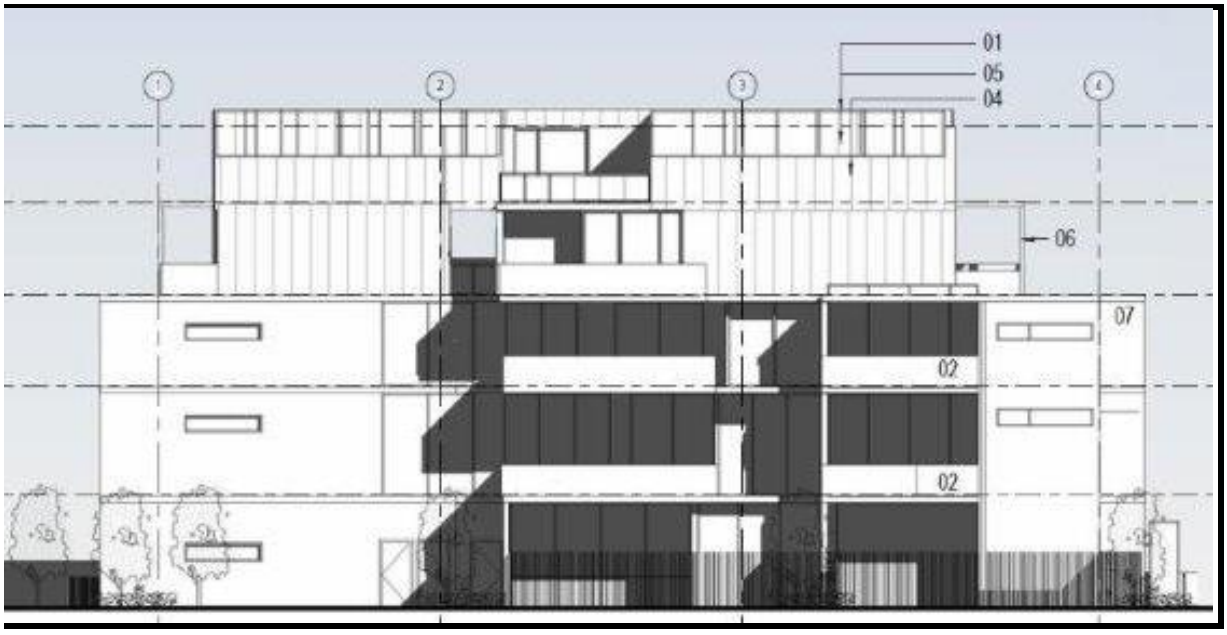

Figure 12: Proposed North Elevation - rear (*Source: Brewster Murray, 13/10/17*)

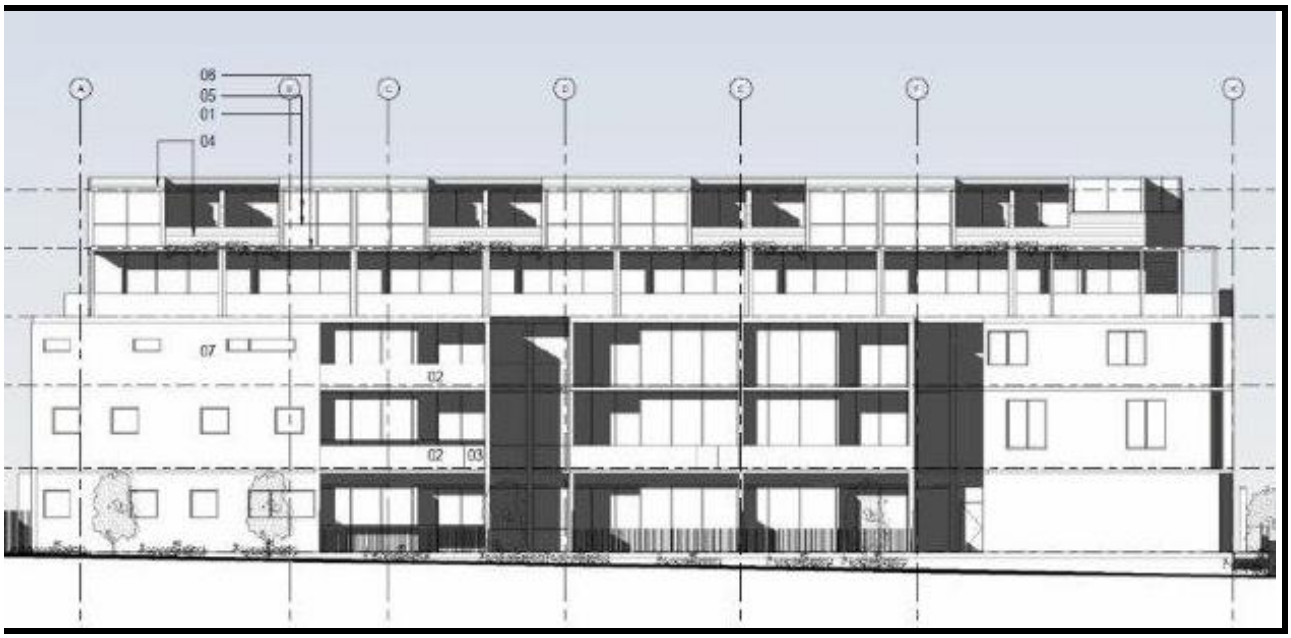

Figure 13: Proposed Western Elevation (*Source: Brewster Murray, 13/10/17*)

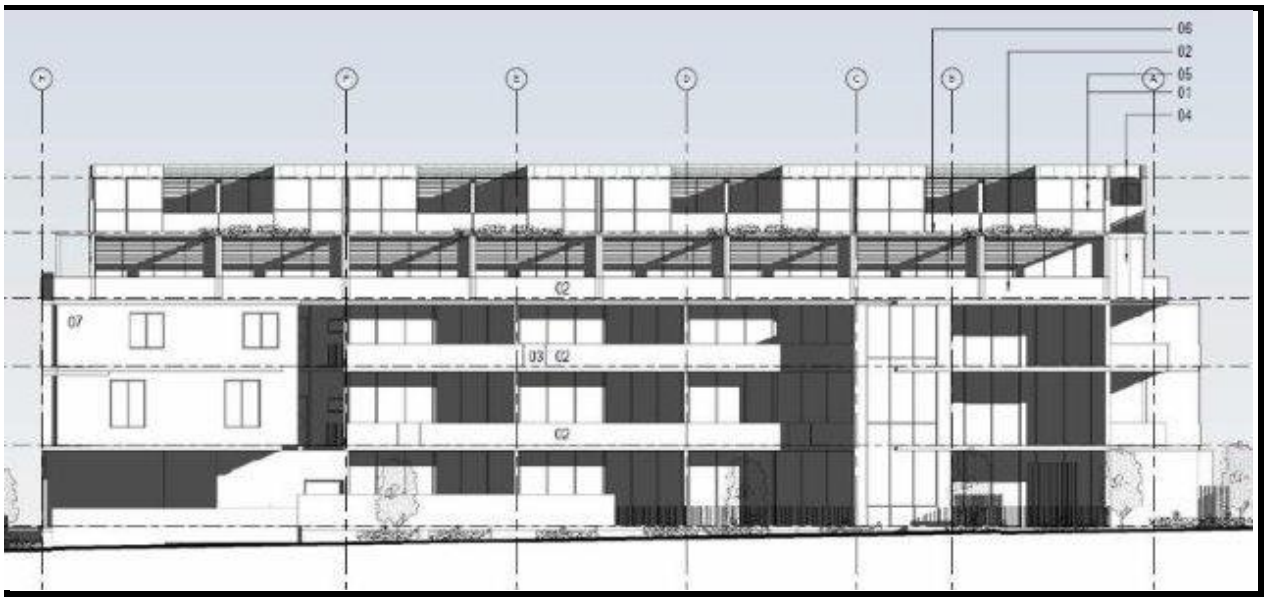

Figure 14: Proposed Eastern Elevation (Source: Brewster Murray, 13/10/2017)

Colours and Materials

The proposed development is to be primarily comprised of rendered and painted materials, with glass balustrades along the front elevation and solid balustrades to the rear and side boundaries. A steel awning at the upper level and cladding for added detail to Levels 3 and 4 is also proposed. The proposed colours include a predominantly dark colour with lighter tones as highlights for the solid balustrades and other infill details.

Apartment Mix

The proposal involves an apartment mix as follows:

- 15 x 1 bedroom apartments (28%);
- 35 x 2 bedroom apartments (65%); and
- 4 x 3 bedroom apartments (7%).

A schedule of the proposed apartments, including overall internal sizes and private open space is outlined below in **Table 2**.

Table 2: Proposed Apartment Schedule

Level	Unit No	Unit Type	Internal Area	Level	Unit No	Unit Type	Internal Area
Ground (9 units)	**G01**	2	79	Level 3 & 4 (18 units)	**337**	2	43 + 40 =83
	G02	2	80		**338**	2	43 + 40 =83
	G03	2	80		**339**	2	43 + 40 =83
	G04	3	95		**340**	2	43 + 40 =83
	G05	2	76		**341**	2	43 + 40 =83
	G06	2	80		**342**	2	43 + 40 =83
	G07	1	54		**343**	2	43 + 40 =83
	G08	1	54		**344**	2	43 + 40 =83
	G09	1	54		**345**	2	39 +45 = 84
Level 1 (13 units)	**110**	2	80		**346**	2	37+38=75
	111	2	80		**347**	2	37+38=75
	112	2	80		**348**	2	37+38=75
	113	3	99		**349**	2	37+38=75
	114	3	95		**350**	2	37+38=75
	115	2	80		**351**	2	37+38=75
	116	1	55		**352**	2	37+38=75
	117	1	54		**353**	2	37+38=75
	118	1	54		**354**	2	38+47 = 85
	119	2	**74**				
	120	1	50				
	121	1	51				
	122	2	75				
Level 2 (14 units)	**223**	2	80				
	224	2	80				
	225	2	80				
	226	3	98				
	227	1	**49**				
	228	1	**48**				
	229	2	80				
	230	1	55				
	231	1	54				
	232	1	54				

	233	2	**74**	
	234	1	50	
	235	1	51	
	236	2	82	

Commercial/Retail premises

There are three (3) commercial/retail tenancies proposed along the Robey Street frontage of the site. These retail spaces comprise the following (refer to **Figure 15**):

- Retail 1 – 48m²
- Retail 2 – 59m²
- Retail 3 – 63m²

Six (6) car parking spaces are provided for the commercial uses on the upper level of the basement.

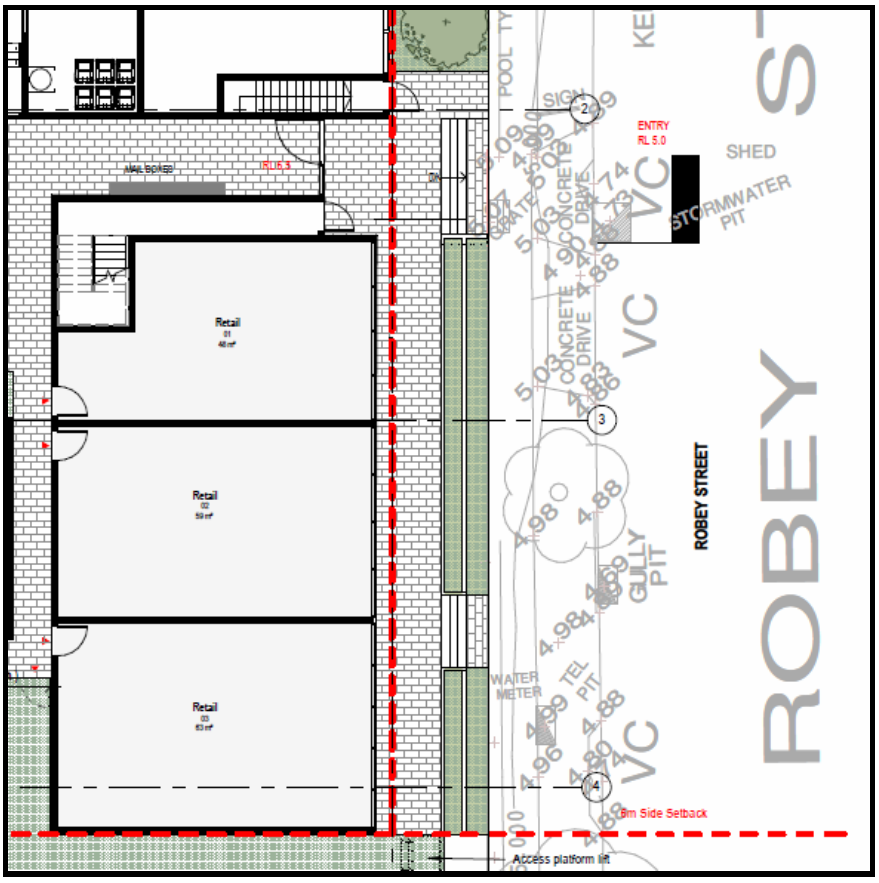

Figure 15: Proposed Commercial Development on Ground Floor (*Source: Brewster Murray, 13 October 2017)*

Car Parking and Servicing

The development includes two (2) levels of basement car parking located underneath the proposed building footprint. The basement car park is accessed via an entry/exit driveway located along the eastern side boundary of the site from Robey Street.

The total amount of car parking spaces is 111 car spaces, in the following configurations:

- Residential: 93 spaces (incl. 8 disabled spaces)
- Visitor (residential): 12 spaces (incl. 2 disabled space)
- Retail: 6 spaces
- Bicycle parking: 14 spaces provided in the ground level courtyard/communal open space.

Storage areas for the individual proposed apartments are also included in the basement levels (refer to **Figure 16**).

A loading dock is provided on the eastern elevation of the proposal, with vehicle access from the entry driveway. Separate waste rooms for the commercial and residential developments are also provided adjoin the loading dock on the ground floor.

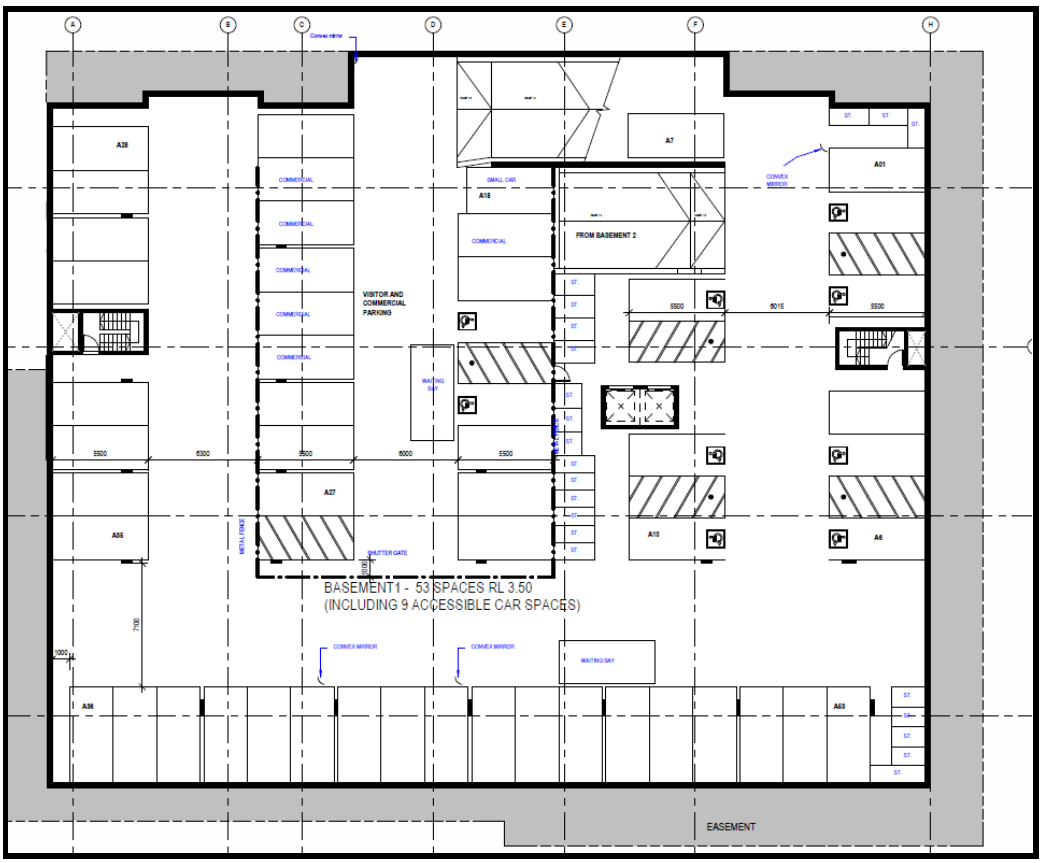

Figure 16: Proposed Basement Level 1 (Source: Brewster Murray, 13 October, 2017)

Communal area (internal and external)

The development includes an internal courtyard as well as areas along the northern, eastern and western boundaries which comprise the communal open space area (refer to **Figure 17**). This area comprises a total of 781m² which complies with the planning controls.

In particular, the central courtyard provides an area for communal passive recreation with seating and a BBQ provided in this area. The areas along the boundaries allow for quiet outdoor activity within a landscaped setting.

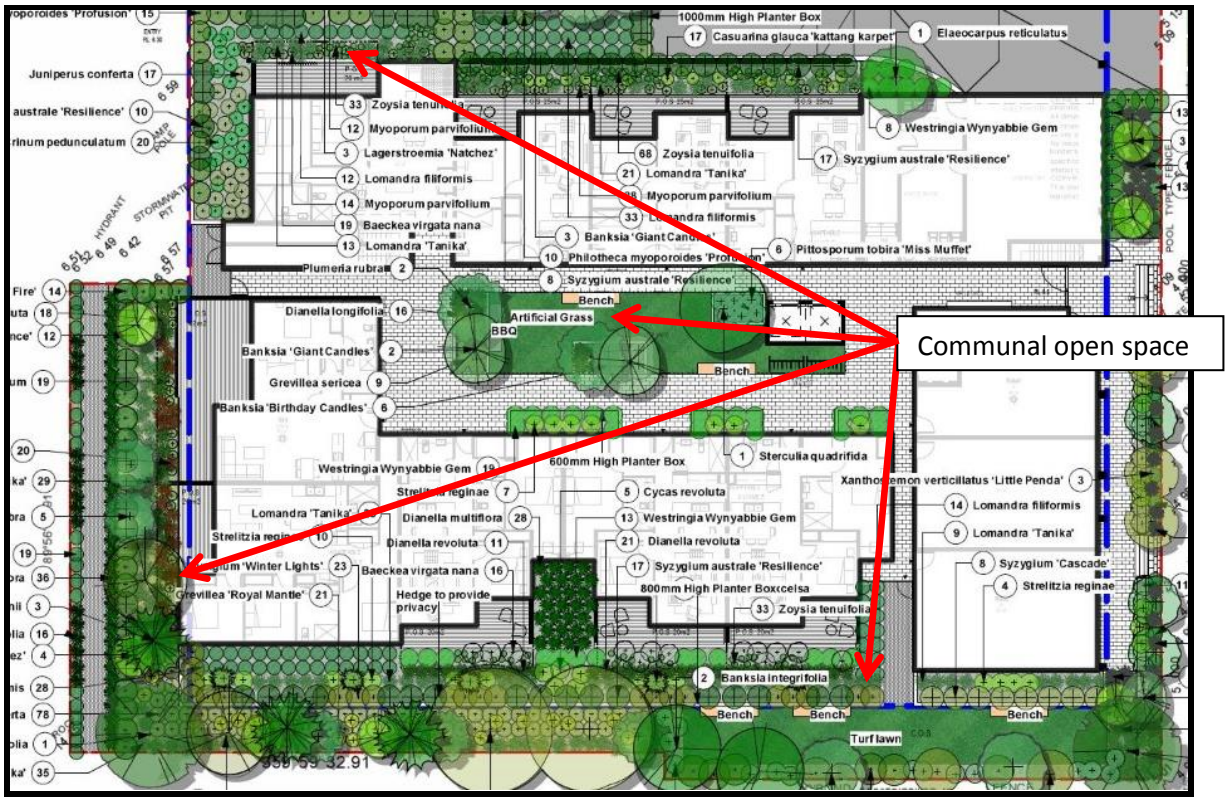

Figure 17: Proposed Communal Open Space (*Source: Site Design Studio's (3 November 2017)*)

Lot Consolidation

The proposal involves the consolidation of the existing seven (7) separate allotments into one (1) allotment. Relevant conditions have been recommended to be imposed to ensure this lot consolidation is undertaken and completed.

Key Controls

The key controls relevant to the proposal are provided below in Table 3:

Table 3: Consideration of the Key Controls

Control	Required	Proposal	Complies (yes/no)
Site Area	-	Site Area: 2,590sqm	N/A
SEPP 65 - ADG			

Control	Required	Proposal	Complies (yes/no)
Communal Open Space (Part 3D)	25% of site (647.5m²)	781m² (30.2% of the site)	Yes
	50% direct sunlight to the principal usable part of the COS for a minimum of 2 hours during mid-winter Note: Part 4C requires that COS receives 3 hours in winter.	More than 50% of COS receives greater than 2 hours of sun.	Yes Generally **Refer to Note 1**
Deep Soil (Part 3E)	Objective 3E-1 requires 7% of the site (for sites over 1,500sqm) as deep soil area with min. dimensions of 6m	300m² (11.5%)	Yes
Building Separation/ Visual Privacy (Part 3F)	<u>Up to 4 storeys (approx. 12m):</u> 3m from non-habitable rooms to site boundary 6m from habitable rooms/balconies to site boundary	<u>Ground to Level 2</u> Eastern boundary: 6m Western boundary: 6m Northern boundary: 6m Southern boundary: - Robey Street	Yes Yes Yes N/A
	<u>Five to eight storeys (25m):</u> 4.5m from non-habitable rooms to site boundary 9m from habitable rooms/balconies to site boundary	<u>Level 3</u> Eastern boundary: **8m (balcony)** to 10m (building) Western boundary: – **8.5m (balcony)** to 10.5m (building) for **rear portion**) and 10m (balcony) (front portion); Northern boundary: **7.5m (balcony of Unit 345) to 8.5m (building)** Southern boundary: - Robey Street <u>Level 4</u> Eastern boundary: 10m (balcony); Western boundary: 10.5m to 12m (balcony) Northern boundary: 8.5m (**balcony of Unit 445) & building)** Southern boundary: - Robey Street	**No** **No** **No** N/A Yes Yes **No** N/A **Refer to Note 2**
Solar Access (Part 4A)	Living rooms and POS for at least 70% of apartments (and in neighbouring development) to achieve 2 hours between 9am and 3pm	45 (83.3%) of apartments receive sunlight Neighbouring property- communal open space receives >2 hours	Yes Yes **Refer to Note 1**
	Max 15% of apartments in a building receive no direct	8 (14.8%) of the proposed apartments receive limited solar	Yes

Control	Required	Proposal	Complies (yes/no)
	sunlight between 9 am and 3 pm at mid-winter	access as they face due south (towards Robey Street).	
Natural Ventilation (Part 4B)	Min 60% of units to be naturally cross ventilated	54 apartments (100%) naturally ventilated	Yes
Building Depth (Part 4B)	Use a range of appropriate maximum apartment depths of 12-18 metres	Variety of depths averaging 10 metres	Yes
Ceiling Height (Part 4C)	Habitable Rooms: 2.7m Non-habitable: 2.4m Mixed Use: 3.3m for ground and first floor 2 storey units – 2.7 main floor & 2.4m for 2nd floor where area does not exceed 50% of apartment area	Mixed Use (GF): 3.3m (min.) Mixed Use (FF): 3.2m Ground floor (habitable) - 3.3m. Level 1 (habitable) – **3.2m** Level 2 (habitable) – **2.65m** Level 3 (habitable) – **2.65m** Level 4 (habitable) – **2.15m.**	Yes **No** Yes **No** **No** **No** **No** **Refer to Note 3**
Dwelling Size (Part 4D)	Minimum internal areas as follows: 1 bed unit: 50sqm 2 bed unit: 70sqm 3 bed unit: 90sqm	1 bed units: 49 – 55sqm 2 bed units: 74 – 80sqm 3 bed units: 95-99sqm	**No** **No** Yes **Refer to Note 4**
Balcony Sizes (Part 4E)	1 bed: 8sqm 2 bed: 10sqm 3+ bed: 12sqm Ground Floor: 15sqm	1 bed: 7.5-12.75sqm 2 bed: 11.5-16sqm 3 bed: 12.5-17.5sqm Ground Floor: 20-42sqm with widths of 2m-4m	**No** Yes Yes Yes **Refer to Note 5**
Storage (Part 4G)	1 bed: $6m^3$ 2 bed: $8m^3$ 3+ bed: $10m^3$ 50% of the storage area is to be contained in the unit	1 bed: 6sqm min. 2 bed: 8sqm min. 3+ bed: 10sqm min. 50% of the storage area is contained in unit	Yes Yes Yes Condition
Adaptable/Liveable (Part 4Q)	Min 20% of apartments	11 units (20.3%) are liveable/adaptable units	Yes
BBLEP 2013			
Zone	B2	Local Centre (Residential Flat Building, Commercial tenancies and Shop Top Housing)	Yes
FSR	2:1 under BBLEP 2013	2:1 (5,180m²)	Yes

Control	Required	Proposal	Complies (yes/no)
GFA	5,180m² (maximum) calculated based on permissible FSR under BBLEP 2013	5,180m²	Yes
Height	14 metres (maximum)	Building Height: 16.1m (RL 21.95) – ##% variance	**No- Refer to Note 6**
BBDCP 2013			
Car Parking	<u>Residential</u> 1 space/studio or one (1) bed dwellings (15 spaces req) 2 spaces/two (2) bed or more dwellings (78 spaces req) 1 visitor space/5 dwellings (11 spaces req) 1 car wash (as visitors space) <u>Commercial (shop)</u> 1 space / 25sqm (7 spaces eq.) <u>Service Bays</u> 1/50 units (1 req.) Note: 50% of service bays to be designed for MRV or larger) **111 car parking spaces required**	<u>Residential</u> 93 spaces <u>Visitor</u> 11 spaces <u>Commercial</u> 7 spaces <u>Service Bays</u> Service vehicle: 1 provided (SRV) car wash bay can be provided via condition **111 car parking spaces provided**	Yes
Bicycle Parking	10% of required car spaces (>600m²). **Total required: 12** (414.3 car spaces based on RTA Guide for Traffic Generating Development x 10%)	Residential: 14 bicycle spaces within the ground level central communal space open area **Total provided: 14 spaces**	Yes
Adaptable Housing	20% of dwellings to be adaptable dwellings designed in accordance with AS 4299 Class B (when 10+ dwellings	11 (20%) adaptable apartments provided	Yes
Basement Access	Minimum clearance height of 4.5m for MRV	No access for MRV to the basement or loading dock (required headroom of min. 4.5m not provided).	**No Refer to Note 7**
Streetscape Presentation	The maximum length of a building is 24m	The length of the building along Robey Street comprises two sections of 19 metres and 8 metres.	Yes

Control	Required	Proposal	Complies (yes/no)
Landscaped Area	Minimum of 35% (906.5m²)	911m² (35%)	Yes
Front setback	3 metres	3 metres	Yes
Unit Mix	No greater than 25% 1 bedroom units	11 apartments proposed (28%)	**No Refer to Note 8**
Dwelling Layout and Family Friendly Apartment Buildings	Satisfy the Family Friendly controls	Majority of proposed apartments do not satisfy these controls	**No Refer to Note 9**
Building form and design	2 storey wall height to street	3 storey wall height to street	**No Refer to Note 10**
Communal Open Space	70% capable of growing plants	>70%	Yes
Solar Access	(i) Neighbouring developments will obtain at least 2 hours of direct sunlight to 50% of the primary private open space and 50% of windows to habitable rooms;	Achieved	Yes
	(ii) 30% of any communal open space will obtain at least 2 hours of direct sunlight between 9am and 3pm on 21 June	Achieved	Yes

SECTION 79C 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)

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

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

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

In this regard, the development application was referred to Water NSW. In a letter dated 6 November 2016, Water NSW provided its General Terms of Approval (GTA) for the proposed development. This development application has been recommended for approval subject to conditions imposed by the GTAs from the Water NSW.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) aims to facilitate the effective delivery of infrastructure across the State and among other things, identifies matters to be considered in the assessment of development adjacent to particular types of development. The relevant clauses of the Infrastructure SEPP to this proposal are considered below:

Clause 101 – Development with frontage to a Classified Road

The application is accompanied by a Traffic Impact Assessment Report prepared by *Traffix Traffic and Transport Planners* dated April 2017 and 12 October 2017. Robey Street is not a State classified road and vehicular access to the proposal is from Robey Street, and therefore Clause 101(a) is not relevant to the proposal.

Clause 102 – Impact of road noise or vibration on non-road development

Pursuant to Clause 102 of Infrastructure SEPP, development on land in or adjacent to a road corridor with an annual average daily traffic volume of more than 40,000 vehicles must take appropriate measures to enquire that nominated LAeq levels are not exceeded. Roads with between 20,000 and 40,000 are recommended to include such an assessment. Robey Street is not included in either of these thresholds for daily traffic counts and therefore this clause is not relevant to the proposal.

The Development Application is accompanied by an Acoustic Report, prepared by Acoustic Logic dated 11 April 2017. This report concluded that subject to the recommended measures, the proposal is satisfactory with regards to traffic noise. Relevant conditions have been recommended to be imposed requiring compliance with these report recommendations.

Clause 104 – Traffic-generating development

Pursuant to Clause 104, certain development must be referred to the Roads and Maritime Services (RMS) for comment based on the type, capacity or location of the proposal. In this instance the proposal does not meet the criteria for traffic generating development as the site is more than 90 metres from a classified road (Botany Road to the east) and accordingly, a referral to the RMS is not required.

The proposal is consistent with the Infrastructure SEPP.

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

State Environmental Planning Policy 55 – Remediation of Land (SEPP 55) aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health ad to the environment. Clause 7 of SEPP 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. SEPP 55 has been considered in the assessment of this development application as the proposed development involves excavation of approximately 6 metres below ground level to accommodate two (2) levels of basement car park and has been used for past industrial land uses.

In relation to potential land contamination, the following reports have been completed for the site and form part of this assessment (the contamination reports):

- *Environmental Investigation Services (September 2016) 'Stage 1 Desktop Environmental Site Assessment for proposed residential development at 24-26 High Street, 5 Elizabeth Avenue and 19-25 Robey Street, Mascot' (REF: E29461KHrpt).*
- *Environmental Investigation Services (September 2016) 'Stage 2 Environmental Site Assessment and Acid Sulfate Soil Screening for proposed residential development at 24-26 High Street, 5 Elizabeth Avenue and 19-25 Robey Street, Mascot' (REF: E29461KHrpt-FINAL).*
- *JK Geotechniques (July 2016) 'Geotechnical Investigation for proposed residential development at 19-25 Robey Street, 24-26 High Street and 5-5A Elizabeth Avenue, Mascot, NSW', (Ref: 29461ZRrpt).*

The Stage 1 report indicated that, given the site's history for residential and industrial uses, that there are potential sources of contamination including fill material across the entire site, the historical use of No 5 Elizabeth Avenue for metal works (engineering) and the construction materials of the buildings on the site since they were constructed prior to the1990's when hazardous building materials were used. This report concluded that a Stage 2 investigation was required to further understand the potential risks for future development.

The Stage 2 report conducted a soil and material sampling program which was analysed for a range of contaminants identified in the Stage 1 report. The results of the analysis were assessed against the relevant criteria, with this report concluding that the site could be made suitable for the proposed residential development provided a Hazardous Materials Assessment for the existing buildings was undertaken prior to the commencement of demolition work and that a licensed asbestos assessor removed any asbestos containing material removed from the site.

A contingency plan was also recommended in the event that any fibre cement fragments were discovered during earthworks. In summary, the contamination reports concluded that the site can be made suitable for the proposed redevelopment of the site subject to conditions.

Council's Environmental Scientist has reviewed the development proposal and has provided the following comments:

> *"The site can be made suitable for a proposed commercial/residential use. There minimal exceedances within 0.1-0.3m of fill and these areas are located within the proposed basement excavation footprint. Some asbestos removal is required from the surface of the site. Should the basement footprint be changed*

a reassessment of the need to remove these areas will be required. Acid sulfate soil has not been located and there is an Acid Sulfate Soil Management Plan is not required. The development will extend into groundwater and dewatering during construction of the basement will be required. This water will require treatment prior to discharge to Councils stormwater system.

Recommendations
I have no objections subject to conditions…."

Based on the conclusions of the Contamination Reports and by Council's Environmental Scientist, the site can be made suitable for the proposed residential use and no objections are raised subject to conditions of consent recommended in the attached Schedule. It is considered that the applicant has adequately demonstrated that the site can be made suitable to accommodate the intended use and satisfy the provisions of SEPP No. 55.

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ("BASIX SEPP") applies to the proposal. The application was accompanied by BASIX Certificate No. 867867M dated 11 October 2017 prepared by SLR Consulting Pty Ltd committing to environmental sustainable measures. The Certificate demonstrates the proposed development satisfies the relevant water, thermal and energy commitments as required by the BASIX SEPP. Accordingly, a condition has been imposed on the consent to ensure that these requirements are adhered to. The proposal is consistent with the BASIX SEPP.

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* (SEPP 65) have been considered in the assessment of the Development Application.

Clause 28(2) of SEPP 65 requires that the consent authority is to take into consideration the following matters in determining a development application for consent to carry out development to which this Policy applies:

(a) the advice (if any) obtained from the design review panel, and
(b) the design quality of the development when evaluated in accordance with the design quality principles, and
(c) the *Apartment Design Guide (ADG)*.

Design Review Panel

Prior to the lodgement of the development application, the applicant submitted the original proposal to the former Botany Bay Council's Design Review Panel *(*DRP) for consideration. The meeting was held on 12 May 2016 with the proposal being presented to the DRP comprising 63 residential apartments and associated basement parking on the two (2) separate bocks, known as Site A and Site B. It should be noted that the amended proposal currently before the SCPP has been significantly reduced, and is quite different to, the original proposal presented to the DRP.

The DRP concluded that the design would need substantial reconsideration before it could be supported by the Panel. The specific recommendations of the Panel made at the meeting are detailed below with Council's comment on how these have been addressed in the amended proposal.

Table 4: Consideration of DRP Recommendations

DRP Recommendation	Comment
The Panel strongly recommends Council to allow the end of Elizabeth Avenue to be acquired by the applicant to resolve issues to basement car park.	This issue has been resolved by the removal of Site B from the proposal and vehicle access being achieved from Robey Street.
Robey Street frontage to incorporate street front commercial/retail uses.	The amended proposal includes commercial/retail uses at ground level along Robey Street, which is consistent with the BBLEP 2013 requirement for an active street frontage.
Residential apartment fronting High Street must demonstrate potential to convert to commercial/retail in the long term.	This issue has been resolved by the removal of Site B from the proposal.
Inadequate setback of Block B from Elizabeth Avenue and adjacent residential developments.	This issue has been resolved by the removal of Site B from the proposal.
Unacceptable interface between Block B and the adjoining residential building to the east given the blank wall located on the common boundary. This adjoining building is setback and has a landscaped buffer.	This issue has been resolved by the removal of Site B from the proposal.
Unacceptable setback of Block B with the western boundary with likely privacy impacts given proximity of the open access corridor only 1.5m form common boundary and overshadowing.	This issue has been resolved by the removal of Site B from the proposal.
Some non-compliance with the height development standard may be acceptable given the flooding if it can be demonstrated that there would be no unacceptable adverse impacts such as overshadowing of the park or neighbouring properties.	A Clause 4.6 request has been provided for the exceedance of the height development standard which is considered in detail in this report.
FSR exceedance cannot be supported on the basis that there is no public benefit to justify the excess. FSR non-compliance of 2.2:1 (10% excess) on Block A is not acceptable.	The amended proposal complies with the maximum permissible FSR for the site of 2:1.
Deep soil areas are less than required by the planning controls.	The amended proposal complies with the deep soil zone requirements of the ADG.
Lobby entrances are too narrow, elevators should be re-orientated to face entrance and include seating area in lobbies.	The amended proposal provides a wider entrance to the residential apartments from Robey Street and provides a communal area at the entry in close proximity to the mailboxes and central courtyard.

DRP Recommendation	Comment
In Block A, the separation between living rooms and bedrooms in adjacent units at the internal corners on Levels 1 and 2 is inadequate, both visual and aural privacy must be considered.	The amended proposal provides adequate separation between proposed apartments.
The design of all balconies should ensure their amenity by providing adequate privacy and screening.	The amended proposal generally involves compliant balconies separated by blade walls or are recessed to ensure privacy is maintained between balconies.
Direct access into units fronting both streets as proposed is fully supported.	There are no proposed apartments at ground level with direct access from the street given the Robey Street frontage comprises commercial/.retail premises as required by BBLEP 2013.
Provide area for garbage storage.	The amended proposal provides separate waste rooms for the commercial and residential areas of the development and is serviced by a garbage chute system directly to the waste room.
Snorkel bedrooms should be avoided, a full height window/door to balcony could avoid these rooms.	The snorkel bedrooms have been removed in the amended proposal, with these bedrooms (G01, G02, G03, 110, 111, 112, 223, 224 & 225) now comprising larger window areas to the west and a secondary window to the central courtyard to the east and are therefore no longer 'snorkel' bedrooms.
Provide natural light and ventilation to top level bathrooms.	Highlight windows to the central void area have been provided to the non-habitable rooms in the amended proposal.
Provide access to the adjacent John Curtin Reserve from Block A.	This has been provided as a private pathway between the park and Elizabeth Avenue.
No communal spaces are provided in either block, and this is not acceptable. Communal spaces must be provided.	Communal open space has been provided in accordance with the planning controls.

The amended proposal has incorporated the majority of these DRP recommendations listed above as outlined in Table 4 and is therefore consistent with Clause 28(2)(a) of SEPP 65.

Design Quality Principles

The applicant has submitted an assessment against the design quality principles specified in Schedule 1 of SEPP 65. It is considered that the proposal has had adequate regard for these design principles as summarised below:

- Principle 1 (context and neighbourhood character) - The proposal is generally consistent with the desired future character of the area, which is undergoing a transition from a low density residential area to a high density mixed use precinct adjoining the Botany Shopping strip along Botany Road and in close proximity to a large area of public open space.

- Principle 2 (built form and scale) - The proposal is of a similar bulk and scale to the adjoining development at No 27-29 Robey Street and is generally consistent with the desired future character of the area. The proposal is consistent with the maximum FSR, however, exceeds the maximum height limit under BBLEP 2013 which is discussed further in this report.
- Principle 3 (density) - The proposal is consistent with the maximum FSR under BBLEP 2013 and provides adequate amenity in the proposed apartments given the general consistency with the ADG in relation to apartment and bedroom sizes.
- Principle 4 (sustainability) - The proposal is consistent with the BASIX requirements and provides sufficient solar access to the proposed apartments.
- Principle 5 (landscape) - The proposed landscaping on the site is considered to be generally satisfactory given the site is located within a local centre.
- Principle 6 (amenity) - The proposal provides for adequate and functional outdoor private open space, communal open space and privacy for residents, the internal layouts of the proposed apartments are desirable and there is an adequate mix of apartments including for families.
- Principle 7 (safety) - The proposal provides adequate casual surveillance opportunities of public and communal open spaces. There is a clear distinction between public and private areas and there is adequate access control to the building and basement car parking levels.
- Principle 8 (housing diversity and social interaction) - The proposal provides for a range of dwelling types including family friendly and adaptable apartments.
- Principle 9 (aesthetics) -The proposed built form achieves a number of design measures to improve the aesthetics of the building, including using a variety of colours and materials, providing an articulated façade and incorporating landscaping throughout the site.

The proposal is considered to be consistent with Clause 28(2)(b) of SEPP 65.

Apartment Design Guide ('ADG')

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

Note 1 – Solar Access (Part 3D & Part 4A)

Parts 3B, 3D and 4A of the ADG all provide controls relating to solar and daylight access. Part 3B aims to minimise overshadowing of adjoining properties in mid-winter, Part 3D aims to provide the communal open space on the site with a minimum of 50% of direct sunlight for 2 hours in mid-winter and Part 4A aims to provide 2 hours of direct sunlight to living and private outdoor areas of a minimum of 70% of the proposed apartments.

The BBDCP 2013 also provides controls relating to solar access, requiring that adjoining developments achieve 2 hours of solar access to living room windows and private open space areas as well as setting controls for the provision of solar access to the proposed apartments.

The shadow diagrams provided are illustrated in **Figure 18**. Since the site is orientated north-south, with the southern frontage being to Robey Street, a large proportion of the shadow cast by the proposal falls over the road. While there is shadow cast over the adjoining properties, this shadow moves around such that the adjoining property to the west (No 27-29 Robey Street) achieves the required solar access from midday in mid-winter, while the adjoining property to the east (No 17 Robey Street) receives its required solar access in the morning up until the early afternoon in mid-winter. This ensures the adjoining properties receive the required amount of solar access.

The solar access information demonstrates that the proposed development will receive sunlight to 45 of the 54 proposed apartments for a minimum of 2 hours in June. This equates to 83% of the proposed apartments and complies with the ADG requirement. Additionally, only 8 of the 54 proposed apartments have no direct sunlight which results in a total of 14% thereby complying with the maximum number of apartments with no direct sunlight of 15%.

The communal open space located along the northern (rear), eastern (side) and western (side) boundaries receive solar access from midday and throughout the afternoon in mid-winter, which comprises more than the minimum requirement of 50% of the principal communal area. The central courtyard will be overshadowed for the majority of the day in mid-winter given its location within the footprint of the proposed building, however, there is sufficient solar access to the other areas of communal open space to satisfy this requirement. This central courtyard area provides an area for social interactions and for an entry into the apartments as well as providing a gap in the building to provide for greater solar access to the upper levels of the building throughout the day in mid-winter.

It is also noted that, apart from a minor departure from the minimal setbacks for the upper levels as outlined in Note 2 below, the proposed building is generally setback in accordance with the controls, which allows for sufficient solar access to adjoining buildings. Furthermore, the proposal is generally compliant with the height controls for a large portion of the building, with a height exceedance for the upper level, which is appropriately setback such that there is minimal impact on adjoining properties in terms of overshadowing from this height exceedance.

The solar access to both the proposal and the adjoining properties is considered satisfactory in this instance.

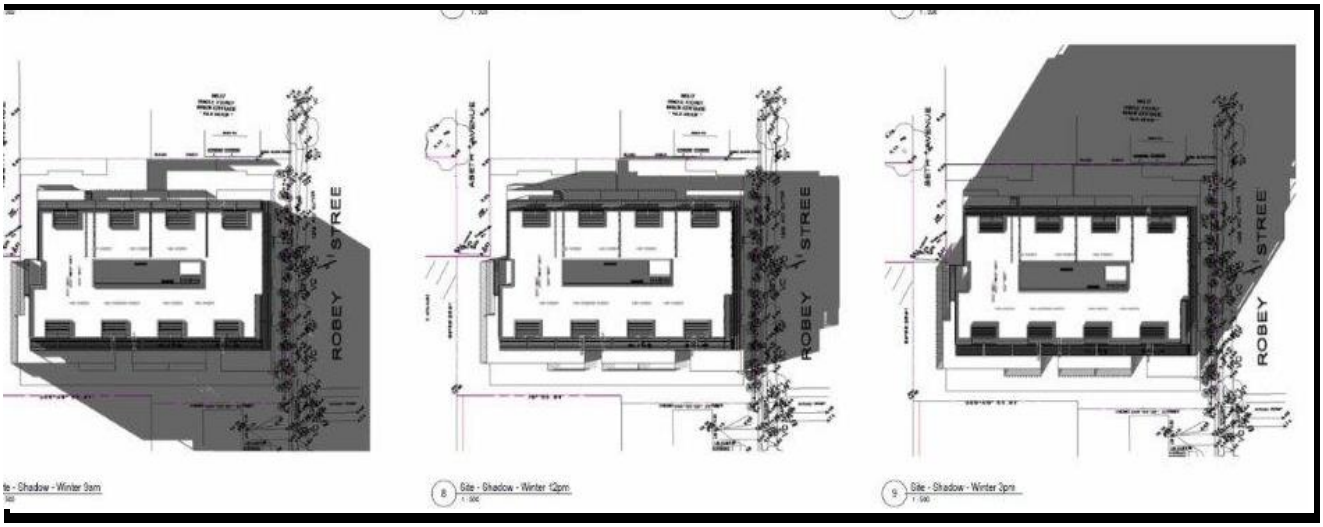

Figure 18: Shadow Diagrams - Mid Winter (Source: Brewster Murray, October 2017)

Note 2 – Visual Privacy (Part 3F)

Objective 3F-1 of the ADG requires separation between windows and balconies to ensure that visual privacy is achieved. This requires the building to have a 6 metre separation distance between habitable rooms and 3 metres for non-habitable rooms up to 12 metres in height. The proposed development provides the required 6 metre side and rear setback for the ground level as well as Levels 1 and 2 thereby complying with the controls for buildings up to 4 storeys (12 metres).

In relation to the controls for buildings between 5 to 8 storeys (25 metres), the proposal exhibits the following minor non-compliances (refer to **Figures 19** & **20**):

Eastern Boundary (side):

- Level 3: 8m (balcony) to 10m (building)

Western Boundary (side):

- Level 3: 8.5m (balcony) to 10.5m (building) for rear portion and 10m (balcony) front portion of the site

Northern Boundary (rear)

- Level 3: Northern boundary: 7.5m (balcony of Unit 345) to 8.5m (building)
- Level 4: 8.5m (balcony of Unit 445) & building)

It should be noted that the 4 storey limit for these controls would normally not include proposed Level 3, as it is technically the 4th storey of this development. However, Level 3 in this instance exceeds 12 metres which generally arises from the flooding hazard on the site which requires the proposed ground floor level to be raised.

These are restricted to a 0.5 metre wide strip of balcony along the rear portion of the western boundary which adjoins John Curtin reserve, a 1 metre strip of 15 metre building length of a balcony and building (with no windows) to the northern boundary, and a 1 metre strip of balcony along the astern boundary on Level 3. A minor non-compliance on Level 4 consists of a 0.5m encroachment of the building and balcony for a 15 metre length along the northern (rear) boundary.

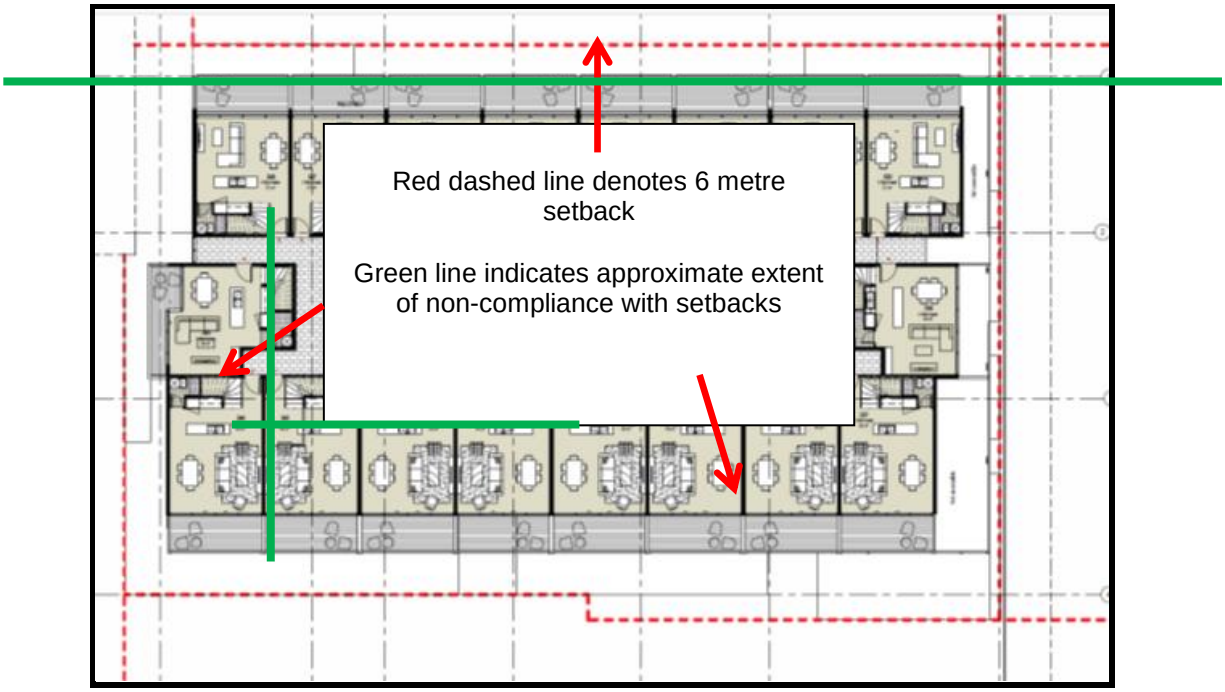

Figure 19: Side and Rear Setbacks - Level 3 (*Source: Brewster Murray, Nov 2017*)

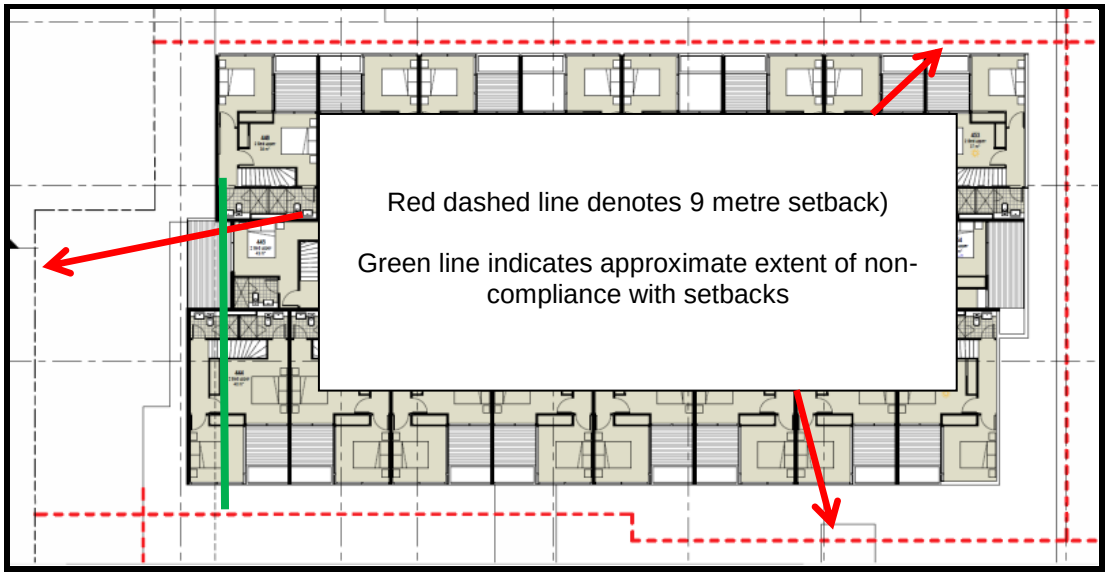

Figure 20: Side and Rear Setbacks - Level 4 (*Source: Brewster Murray, November 2017*)

While the proposal does not strictly satisfy the setback requirements, there are no walls of the building with habitable room windows which directly overlook adjoining developments within these non-compliances. There are portions of balconies in these setback areas, although the balcony on Level 4 in this area is only a secondary balcony to the upper level bedroom levels.

The other balconies along the eastern boundary are primary balconies. It is considered that given these balconies are setback 8 metres from the side boundary and that a

portion of proposed Level 3 is below the 12 metre limit for these controls, that this is sufficient to ensure there is no direct overlooking opportunities to the adjoining property.

Furthermore, this adjoining property to the east currently consists of a low density, single storey dwelling and industrial development, which will undergo redevelopment in the future. Such a future redevelopment can be designed to provide future windows and balconies which are offset from the proposed balconies within any potential future development. This will ensure that there is no direct overlooking between properties.

Accordingly, it is considered that there will be no adverse impacts on visual privacy resulting from the proposal and that these variations are acceptable in this instance.

Note 3 – Ceiling Height (Part 4C)

Part 4C of the ADG sets minimum ceiling heights for apartments, which is measured internally from the finished floor level to finished ceiling level. The minimum ceiling heights are outlined in Table 5 and **Figure 21,** along with the proposed ceiling heights for the development. As outlined below, there are numerous non-compliances with the ceiling heights in the proposal.

Table 5: Minimum Ceiling Heights under the ADG

Type/location of room	Min Ceiling Height (Part 4C of the ADG)	Proposal (to finished ceiling level)	Comply
Habitable rooms	2.7m	Ground – 3.3m Level 1 – 3.2m Level 2 – 2.65m Level 3 – 2.65m Level 4 – 2.15m	Yes Yes **No** **No** **No**
Non-habitable	2.4m	N/A	N/A
For 2 storey apartments	2.7m (main living floor) 2.4m (2nd floor where area<50% of apartment)	Level 3 – 2.65m Level 4 – 2.15m	**No** **No**
Attic spaces	1.8m at edge of room (30ºmin ceiling slope)	N/A	N/A
If located in mixed used areas	3.3m (ground & 1st floor to promote future flexibility of use)	Ground – 3.3m Level 1 – 3.2m	Yes **No**

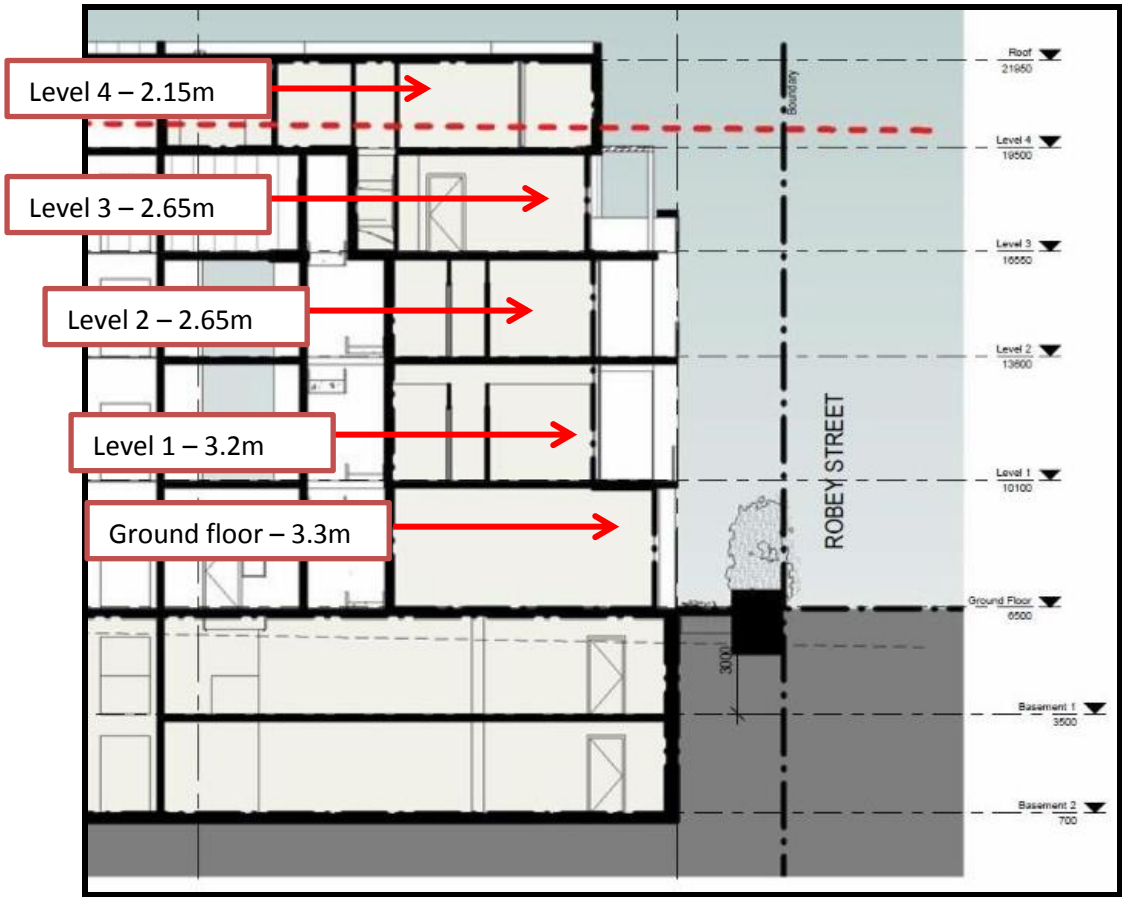

Figure 21: Proposed Ceiling Heights (*Source: Brewster Murray, 3 November 2017*)

Level 1 Ceiling Height

A ceiling height of 3.2 metres is provided for the proposed first floor, which is proposed to be residential apartments. This ceiling height is inconsistent with the required 3.3 metres (by 100mm) for first floor levels in mixed use areas which is to allow for the future adaptive use of the first floor for a commercial use, being located within the B2 Local Centre zone.

Given the proposed first floor will be used for residential use, and not commercial uses, it is considered that the proposed ceiling height to the first floor is satisfactory in this instance. Adaptive re-use in the future can still be undertaken since this ceiling level is higher than the standard 2.7 metres for residential development. Therefore, based on this assessment, the non-compliance of proposed Level 1 is acceptable.

Levels 2, 3 & 4 Ceiling Height

The ceiling height for Levels 2, 3 and 4 are below the minimum required by Part 4C of the ADG. These non-compliances range from 50mm for Levels 2 and 3 and 550mm for Level 4. The ceiling height for Level 4 is also inconsistent with the concession for two (2) storey apartments which allows a ceiling height of 2.4 metres for the upper levels of two storey apartments. Units 345 and 354 exceed this control as the top floor represents more than 50% of the area of the proposed apartment, while the majority of the remaining Level 4 apartments are close to this percentage.

Objective 4C-1 of the ADG states the following in relation to these minimum ceiling heights:

> *Objective 4C-1: Ceiling Height achieves sufficient natural ventilation and daylight access.*

The proposed ceiling heights of these upper levels are below the minimum required and it is considered that such inconsistences with the adopted standards results in inadequate light and ventilation to entering these levels. The resulting amenity is also considered to be significantly reduced. The height of ceilings can have a significant effect on the internal amenity of apartments and it is considered that such a fundamental aspect of building design needs to be complied with to ensure that the proposed apartments have a high level of amenity.

Accordingly, it is considered that these variations are unacceptable and cannot be supported.

The ceiling heights of the ground floor and Level 1 are satisfactory, however, it is considered that the remaining ceiling heights throughout the proposal are unacceptable and it is recommended that the ceiling heights are amended prior to any operational consent being granted. This can be achieved in the form of a deferred commencement consent which is recommended in this report.

Note 4 – Apartment Size (Part 4D)

Part 4D of the ADG provides controls relating to the layout of apartments and establishes the way rooms are arranged and located. Objective 4D-1 of the ADG requires that the layout of rooms within an apartment is *functional, well organised and provides a high standard of amenity*.

The majority of the proposed apartments comply with the minimum apartment sizes as outlined in the design criteria for Part 4D of the ADG, with the following exceptions:

- Unit 227 (1 bed) – 49m²;
- Unit 228 (1 bed) – 48m²;
- Unit 119 (2 bed with 2 bathrooms) – 74m²; and
- Unit 233 (2 bed with 2 bathrooms) – 74m²;

These proposed minor departures with respect to the size of the proposed apartments when factoring in the second bathroom is considered to be justified in this instance given the majority of the overall unit sizes generally exceeds the required area and there is adequate internal area provided for each of the units despite this minor non-compliance. The departure from the standard is 1m² and 2m² (Unit 228) which is considered to be minor.

It is considered that the objective is met despite this minor non-compliance for these four units as the units are only marginally undersized and there are adequate internal and external areas for living and sleeping as well as a good level of amenity. The solar access and ventilation requirements are satisfied for these proposed units despite this inconsistency. This variation is acceptable in this instance.

Note 5 – Balcony Sizes (Part 4E)

Part 4E of the ADG provides controls relating to area and width of private open spaces at ground level and balconies for the upper levels. Objective 4E-1 of the ADG states that apartments are to provide *appropriately sized private open space and balconies to enhance residential amenity*.

While the proposal complies with the ground floor level private open space requirements and the majority of balconies comply with the balcony controls, there are some minor exceptions to the minimum balcony sizes for the upper level apartments including the following:-

- Unit 227 (1 bed) – 7.5m² balcony area;
- Unit 228 (1 bed) – 7.5m² balcony area.

The proposed minor departure with respect to the size of the proposed balconies, in the order of 0.5m², is considered to be satisfactory given there is sufficient open space for these proposed one (1) bedroom apartments and there is ample communal open space on the site. Furthermore, the site is in close proximity to John Curtin Reserve, adjoining to the northwest, which is a large area of public open space.

It is considered that the objective is met despite this minor non-compliance for the balconies of these two units as the balconies are only marginally undersized and there are adequate open space areas for living as well as a good level of amenity given the solar access and ventilation requirements are satisfied for the proposed units. This variation is acceptable in this instance.

The proposal is considered to be generally consistent with Clause 28(2)(c) of SEPP 65, despite these variations, with the exception of ceiling heights as discussed above.

Clause 30(1) of SEPP 65 states that if a development application satisfies the design criteria for car parking, internal area of each apartment and ceiling heights, the consent authority cannot refuse an application in relation to those matters. The car parking criteria of the ADG does not apply in this instance as the site is more than 800 metres from a train station while the proposal generally complies with the minimum unit area of Part 4D of the ADG (with a minor variation which is considered acceptable as outlined in this report).

In relation to ceiling height, the proposal is inconsistent with the controls of Part 4C of the ADG, which is considered to be unacceptable in this instance. Accordingly, Clause 30(1) of SEPP 65 allows the consent authority to refuse the application on ceiling heights, if this was considered to be the most appropriate recommendation. In this case, it is considered that the proposal is capable of amendment to comply with the minimum ceiling heights of the ADG. Accordingly, a deferred commencement condition to address the ceiling height issue is considered to be the most appropriate recommendation in this instance.

Botany Bay Local Environmental Plan 2013 (BBLEP 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 in Table 6:

Table 6: BBLEP 2013 Compliance Table

Principal Provisions of BBLEP 2013	Complies Yes/No	Comment
Land use Zone	-	The site is zoned B2 Local Centre under the BBLEP 2013.
Is the proposed use/works permitted with development consent? (Cl 2.3)	Yes	The proposed residential flat building, shop top housing and commercial premises are permissible with Council's consent under the BBLEP 2013.
Does the proposed use/works meet the objectives of the zone? (Cl 2.3)	Yes	The proposed development is consistent with the following objectives of the B4 zone: • *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.* • *To encourage employment opportunities in accessible locations.* • *To maximise public transport patronage and encourage walking and cycling.* The proposal is consistent with these zone objectives in that it provides for a range of retail uses at ground level which will assist in serving the needs of the local population and encourages employment opportunities in accessible locations given the proximity to Botany Road for bus and other services. This proximity also assists with maximising the use of public transport and encouraging walking and cycling in the area.
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.
Is subdivision proposed? (Cl 2.6)	Yes	Lot consolidation is proposed and is permissible with consent (being a form of subdivision).
Is demolition proposed? (Cl 2.7)	Yes	Demolition is proposed and is permissible with consent.
What is the height of the building? (Cl 4.3)	**No** **Refer to Note 6**	The maximum permissible building height is 14 metres. The proposed maximum height is16.1 metres (RL 21.95).
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? (Cl 4.3(2A))	N/A	The subject site is not located within an R3 or R4 zone.
What is the proposed FSR? (Cl 4.4)	Yes	The maximum FSR allowed on the site is 2:1 (5,180sqm). The proposed FSR is 2:1 (5,180sqm).

Principal Provisions of BBLEP 2013	Complies Yes/No	Comment
Is the site within land marked "Area 3" on the FSR Map (Cl 4.4A)	N/A	The subject site is not identified as being within "Area 3" on the FSR map.
Is the land affected by road widening? (Cl 5.1)	Yes	The site is not affected by any road widening or any other land acquisition.
Is the site listed in Schedule 5 as a heritage item or within a Heritage Conservation Area? (Cl 5.10)	N/A	The 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	The subject site is affected by Class 4 ASS and there is excavation proposed for 2 basement levels. This clause requires consent for works >2m below the natural ground level and works by the watertable is likely to be lowered >2m below the natural ground surface. The Geotechnical report lodged with the application states that excavations to a maximum depth of about 6.5m will be required to achieve design subgrade levels. Council's Environmental Scientist has reviewed the application and raises no objections given there has not been any ASS located. Standard conditions of consent are recommended in the event that during excavation, ASS is encountered on the site. The development is considered to be consistent with this Clause.
6.2 –Earthworks	Yes	A Geotechnical report has been provided which concluded that the development is feasible subject to detailed design, including dewatering during construction.
6.3 – Stormwater Management	Yes	A Concept Stormwater Plan has been prepared by Henry & Hymas. Relocation of an existing drainage easement is proposed as well as on-site detention. Council's Engineer has considered the proposal and raised no objections to the proposal, subject to the imposition of conditions of consent. These conditions have been included in the schedule of conditions. The development is considered to be consistent with this Clause.
6.8 – Airspace Operations	Yes	The site is within an area defined in the schedules of the Civil Aviation (Building Control)

Principal Provisions of BBLEP 2013	Complies Yes/No	Comment
		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 the proposed maximum height of 23.0 metres AHD, subject to conditions to be imposed on any consent. The development is considered to be consistent with this Clause subject to recommended conditions.
6.9 – Development in areas subject to aircraft noise	Yes	The subject site is affected by the 25-30 ANEF contour. An acoustic report has been submitted with the development application, which indicates that if the development incorporates the recommendations of the report, it will comply with ASA2021-2000. The development is considered to be consistent with this Clause subject to recommended conditions.
6.15 – Active street frontage	Yes	The development proposes 170m² of retail space along Robey Street for the entire length of the frontage which complies with Clause 6.15 of the BBLEP 2013.
6.16 – Design excellence	Yes	The site is not a key site and therefore this Clause is not relevant to this proposal. .

Note 6 – Clause 4.6 variation to the height development standard

The BBLEP 2013 sets a maximum permissible height of 14 metres for the site. The development proposes an overall height of 16.1 metres when measured in accordance with the BBLEP definition of building height, thereby exceeding the maximum height development standard by 2.1 metres (15% exceedance). This is illustrated in **Figure 22**.

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.

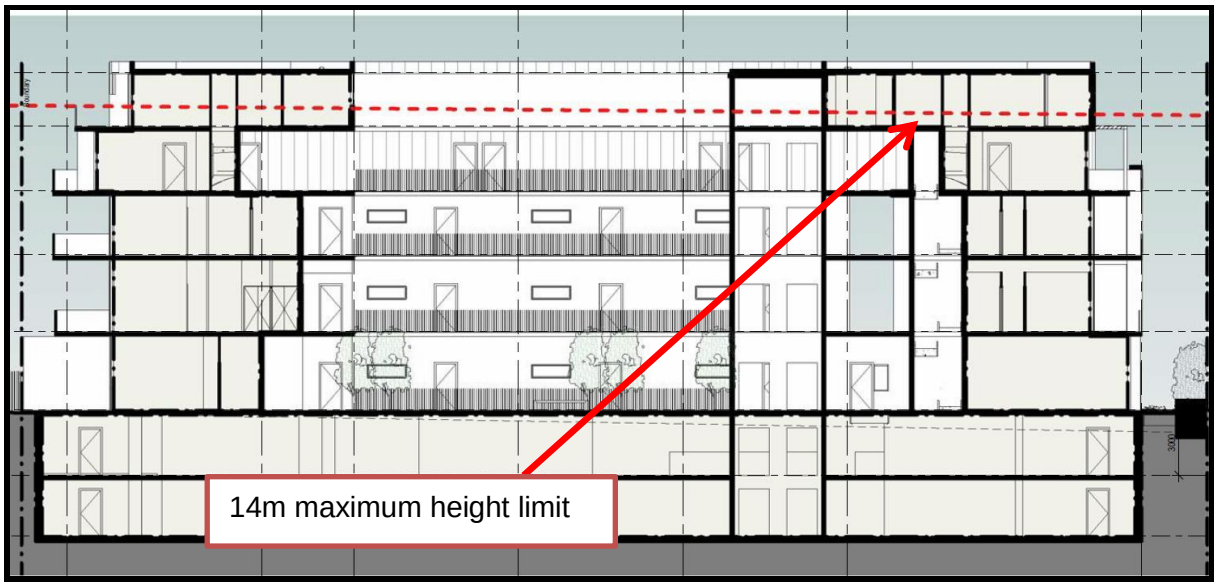

Figure 22: Height Exceedance (*Source: Brewster Murray, November 2017*)

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

"This Section demonstrates Council can be satisfied that:

- *That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case because the exceedance is minor in nature and compliance would not materially alter the design of the development, and*
- *That there are sufficient environmental planning grounds to justify contravening the development standard as the building responds to Council's intention for development in the Mascot precinct, delivers additional housing within the Botany Bay LGA, provides an appropriate design response to the site and will maintain the level of amenity for surrounding and future residents.*
- *The proposed building height variation is considered appropriate to the locality and again will be consistent with recent approvals (No. 27-29 Robey Street - Height 18.4m to lift overrun and No.1 Robey Street – Height 17.99m to lift overrun).*
- *The building is designed to have three storeys built closer to the street frontages with the two upper levels setback further to appear visually subordinate when viewed from Robey Street. The upper levels will provide a stepped building as desired by the DCP and a height of 16.1m.*

The apartments will provide additional residential accommodation within a highly sort after location due to its proximity to public transport, places of employment and recreation.

- *The proposed height variation is due to the application of a 700mm freeboard to control the site's flooding however despite this required flooding mitigation measure, the proposal maintains the storey capacity for the subject site.*
- *Further, the proposal has increased the floor to ceiling heights to 3.3 metres at Ground Floor to ensure improved functionality of the commercial space to allow for the appropriate activation of Robey Street.*
- *As detailed within the amended architectural drawings prepared by Brewster Murray, the proposal has now amended to ensure the Level 1 ceiling heights are 3.3 metres. The increase in ceiling height does not result in an overall increase in building height from that previous scheme.*

Council Officer's Comment:

While Council acknowledges that the proposed development, as presented in the amended plans, exceeds the development standard by 2.1 metres to the top of the building, this proposed building height results in ceiling heights which are inconsistent with the ADG (refer to Note 3 above).

Taking into consideration the required ceiling heights, the overall height of the proposal would be 16.75 metres, which would provide Levels 2, 3 and 4 with compliant ceiling heights of 2.7 metres. Therefore, for the purposes of this Clause 4.6 assessment, the maximum overall height of the proposal is considered to be 16.75 metres and not 16.1 metres as outlined in the applicant's Clause 4.6 request.

There are several surrounding developments which have been approved which also exceed the maximum height of buildings development standard of 14 metres under BBLEP 2013. These developments are outlined in **Table 7**.

Table 7: Approved FSR and Height of adjoining and nearby developments

Site	Location	Approval Body	Units	FSR	Height
62-66 Robey Street (DA 14/207)	West of the site along Robey Street	Former JRPP	146 serviced apartments	1.49:1 (12,222sqm) (max 1.5:1)	26.78 metres RL 31.250 (exceedance – 638mm - architectural roof feature; max 22m)
27-29 Robey Street (DA 15/254)	Adjoining to the west	Council meeting 7/09/2016	18 + 1 retail	FSR: 2:1 (1501.339 m²)	16.16 metres – RL 21.1m AHD (max 14m)
1 Robey Street (DA 13/223)	To the east (corner of Robey St & Botany Rd)	Council	18 + 4 retail	2.10:1	17.99 meters (max 14m)

As the table above shows, there has been several developments approved which exceed the maximum height limit, however, such buildings generally comply with the ceiling height requirements of the ADG. While the proposal may appear to be consistent in terms of height with these approved developments (some built, some awaiting construction) the proposal does not provide compliant ceiling heights.

The adjoining development to the west, No 27-29 Robey Street, was approved with a maximum height of 16.16 metres (to RL 21.1) as shown in **Figure 23**. While the ground floor of this adjoining building provides a ceiling height of only 2.7 metres (and not 3.3 metres required in mixed use areas), there is only one commercial premise of 45m² provided and accordingly this variation was supported. The remaining levels of this approved adjoining building comply with the minimum ceiling heights, with all habitable floors having a ceiling height of 2.7 metres.

While the subject site is also known to be impacted by flooding, the higher floor level will only slightly push the building height over the 14 metre LEP requirement since a freeboard of only around 700mm is required for the site. Such an exceedance for a proposal with compliant ceiling heights could potentially be supported.

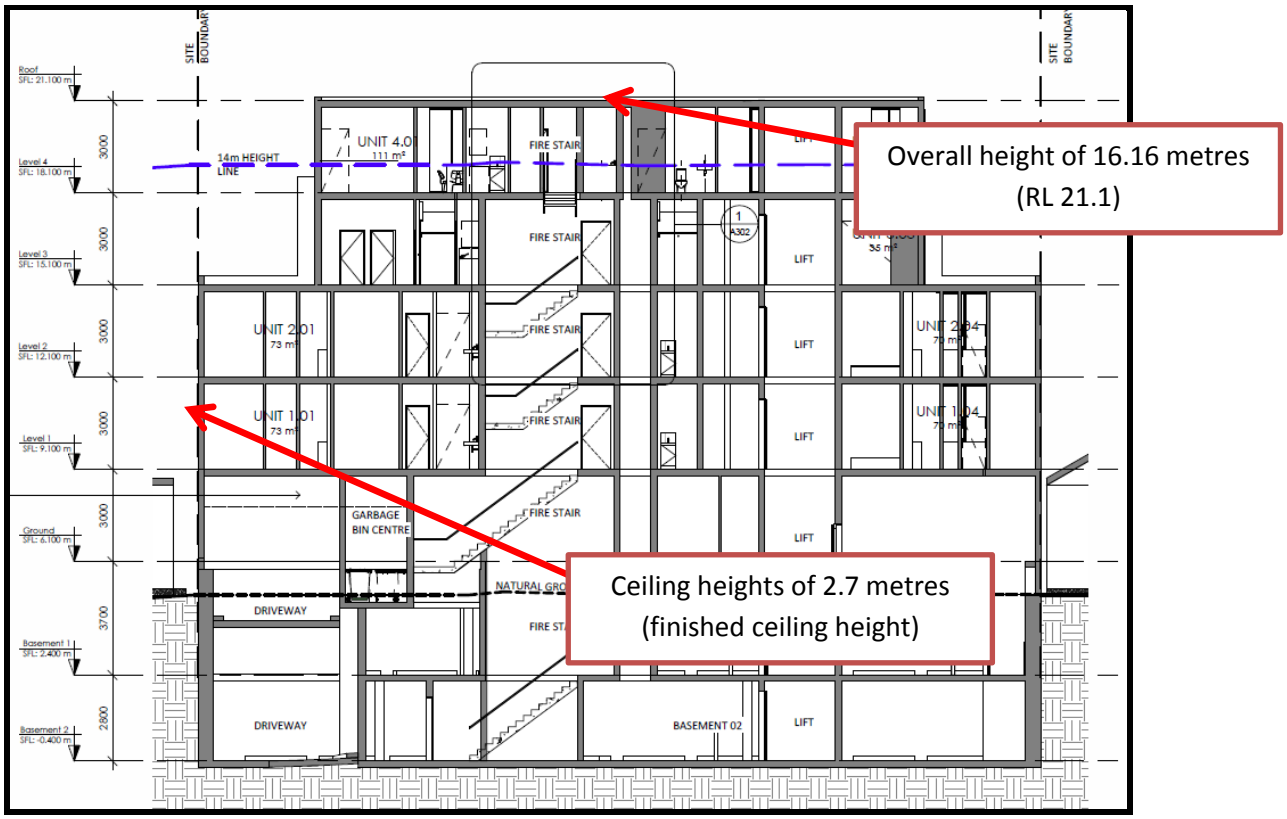

Figure 23: Approved Development adjoining to the west (Source: ACA, 24 August 2016)

The matters to be considered by Clause 4.6 are considered for the proposal in Table 8. Clause 4.6(6), (7) and (8) are not required to be considered in this instance.

Table 8: Consideration of Clause 4.6

Matter	Proposal	Comply
1. The objectives of this clause are as follows: *(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,* (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*	(a) The proposed height of 16.75 metres is not considered an appropriate use of this flexibility in that the degree of exceedance, being approximately a 20% variation, is not contextually appropriate since the adjoining development is 600mm lower than the proposal. (b) A better outcome is not achieved by the proposal exceeding the maximum height by this extent as the height exceedance is 20% and is not compatible with the adjoining development. A development without Level 4 and with the other levels with compliant ceiling heights would result in a better outcome for the site.	**No** **No**
2. Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.	Development consent may be granted to this proposal as the maximum height development standard of 14 metres pursuant to Clause 4.3(2) of BBLEP 2013 is capable of being varied under this Clause.	Yes
3. Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating: (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and (b) that there are sufficient environmental planning grounds to justify contravening the development standard.	The applicant has provided a Clause 4.6 request which addresses the matters required by Clause 4.6(3). (a) It is considered that the height exceedance (with compliant ceiling heights) is unacceptable for the site given the exceedance represents a 20% variation to the development standard which is inconsistent with the adjoining development, while the maximum height of the proposal with ceiling heights below the minimum heights required (as shown on the plans) is considered to be similarly unacceptable due to the lack of internal amenity of the proposed apartments. (b) There are insufficient	**No**

Matter	Proposal	Comply
	environmental planning grounds to justify exceeding the maximum height standard by 2.75 metres (virtually a whole floor) as the flooding constraints on the site do not unduly burden the site in terms of height and the site is large enough (and relatively unconstrained) to accommodate the required floor space and compliant ceiling heights for a viable development.	**No**
4. Development consent must not be granted for development that contravenes a development standard unless: (a) the consent authority is satisfied that: (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and (b) the concurrence of the Secretary has been obtained.	(a) (i) The applicant has provided a Clause 4.6 request which addresses the matters required by Clause 4.6(3). (ii) the objectives of the height development standard are: *(a) to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,* *(b) to ensure that taller buildings are appropriately located,* *(c) to ensure that building height is consistent with the desired future character of an area,* *(d) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,* *(e) to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities.* The proposed height exceedance is considered to be inconsistent with objective (a) in that the proposed additional 2.75 metres in height does not result in the built form developing in a coordinated and cohesive manner. The built form of this exceedance consists of a large mass of building at the top of the building which is not setback from the lower levels and therefore the bulk of this additional floor space over the height limit is visually obtrusive. This bulk could be reduced by stepping the upper level further back away from the street frontage and with a smaller footprint. The current proposal with the ceiling height non-compliance, or	Yes **No**

Matter	Proposal	Comply
	looking at it with the height at 16.75m with compliant ceiling heights, is unacceptable. The proposal is generally consistent with the zone objectives although such objectives are generally concerned with the use of the development than the overall height or design of the proposal. (b) The concurrence of the secretary is not required; however the matters for consideration are relevant and are considered below.	 N/A
5. In deciding whether to grant concurrence, the Secretary must consider: (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and (b) the public benefit of maintaining the development standard, and (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.	(a) There are no matters raised by the height exceedance of state or regional importance. (b) It is considered that there is a public benefit in maintaining the development standard as it will allow the buildings in the evolving streetscape to be compatible in terms of height and provide a high level of amenity to the proposed apartments. (c) No other matters are considered relevant.	N/A **No** N/A

Summary

The Clause 4.6 variation to the building height development standard has been assessed in accordance with the BBLEP 2013. It is considered that the proposal is inconsistent with the underlying objectives of the standard identified given the overall height to allow for compliant ceiling heights is 2.75 metres above the development standard.

It has been established by surrounding development that a height exceedance on this site may be supported to some extent; however, the proposed variation in this instance is inappropriate. Maintaining and enforcing the development standard in this case is considered to be reasonable and necessary as the current proposal would not result in a development of the site that would result in a better environmental planning outcome for the site. There are also insufficient planning grounds to justify the variation given the maximum height is almost a storey over the height limit with compliant ceiling heights.

It is considered that the applicant's Clause 4.6 is not well-founded and the departure to the height of buildings development standard is contrary to the public interest. On this basis, it is recommended that the development standard relating to the maximum

building height for the site pursuant to Clause 4.3(2) of the BBLEP 2013, not be varied in the circumstances as discussed above.

It is recommended that the proposal is supported in a deferred commencement consent to allow for amendments to be made to comply with the ceiling height controls of the ADG. If this recommendation is supported by the SCPP, a revised Clause 4.6 request would be required if the overall height of a future amended proposal exceeded the maximum height limit of 14 metres.

Botany Bay Development Control Plan (BBDCP) 2013

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

Part 3 – General Controls

An assessment against Part 3 relating to the general controls of BBDCP 2013 has been provided below in Table 9 insofar as they relate to the proposed development.

Table 9: Consideration of Part 3 - General Controls of BBDCP 2013

Control	Proposed	Complies (yes/no)
3A Parking and Access		
3A.2. Parking Provisions of Specific Uses Residential flat buildings & shop top housing • 1 space/studio or 1 bed (15 req) • 2 spaces/2+ bed (78 req) • 1 visitor/5 dwellings (11 req) Commercial (retail) 1 space / 25sqm (7 req.)	Residential 93 spaces Visitor 7 spaces Commercial 11 spaces 1 car wash bay provided via condition	Yes Yes Yes Condition
3A.3.1 Car Park Design Pedestrian entrances and exits shall be separated from vehicular access paths. For mixed use development, residential off-street parking facilities separated from other uses with security roller doors for residential security.	Waste collection and servicing within ground floor parking level; Traffic Assessment provided; Stormwater plans provided; Pedestrian access easily identifiable. Pedestrian entrances and exits are separated from vehicular access paths. Commercial and residential parking spaces are separated by roller door inside basement level.	Yes
C40 The waste collection point shall be designed to: (i) Allow waste loading operations to occur on	The garbage holding room (to be serviced by the garbage truck) is located within the ground floor which contains separate retail/commercial waste room. The loading dock area does not have sufficient head clearance to allow the lifting arc with a void	**No-**

Control	Proposed	Complies (yes/no)
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.	area above. Onsite waste collection will occur via a private contractor as a recommended condition of consent with the use of a small rigid vehicle. Such a vehicle can enter and exit the loading dock in a forward direction as shown on the swept path analysis provided.	**Refer to Note 7**
3A.3.2 Bicycle Parking **C1-C5** To comply with AS2890.3 & AUSTROADS. (i.e. 10% of the required amount of car parking = 11.1)	14 bicycle spaces are provided in the ground level car communal area. This complies with the requirement of 41.43 bicycle spaces.	Yes
3A.3.4 On-site Loading & Unloading **C1-C11** 1 service bay/50dwgs (50% to be Medium Rigid Vehicle (MRV) or larger) (1 req.)	Service vehicles: 1 SRV space provided	**No-** **Refer to Note 7**
3B Heritage		
Heritage items and conservation area controls.	The site is not affected by any heritage items and there are no items in the vicinity which are likely to be adversely affected by the proposed development.	Yes
3C Access and Mobility		
Controls relating to access to buildings and car parking areas.	An Access Report prepared by Accessible Building Solutions dated 2 September 2016 has been submitted and provides an accessibility overview of the proposal. Part 3C of BBDCP 2013 requires the following to be provided:- • Statement of consistency with Part 3C of the DCP; • 20% of dwellings to be adaptable dwellings designed in accordance with AS 4299 Class B (when 10+ dwellings proposed). • Appropriate access for all persons through the principal entrance of a building and access to all common facilities. • Accessible parking - half of the adaptable dwellings provided are required to have allocated accessible resident parking, Minimum 80% of these accessible spaces will be designed to AS4299 and maximum 20% of spaces complying with AS2890.6. The amended proposal provides 11 apartments as adaptable units (20.3%) which satisfy these controls. There is a lift to all levels and an access platform to provide access form the street level to the ground floor level of the development. Eight (8)	Yes

Control	Proposed	Complies (yes/no)
	disabled car parking spaces are provided for the residential development which is consistent with the controls.	
3E Subdivision and Amalgamation		
Development Applications shall demonstrate that the proposed subdivision or amalgamation is consistent with the Desired Future Character of the area.	The proposal involves the consolidation of the existing seven (7) lots into one (1) allotment. Relevant conditions have been recommended to address lot consolidation.	Conditioned
3G.2 Stormwater Management		
C1-C6 Comply with Stormwater Management Technical Guidelines; Part 3G.5 Stormwater Quality.	The site is affected by flooding, with the 1:100 year flood level for the site is 5.80AHD. The Stormwater plans have been submitted and reviewed by Council's Development Engineer. Conditions of consent have been recommended.	Yes
3H Sustainable Design		
C1-C6 BASIX; Solar hot water encouraged.	A revised BASIX Certificate for the amended proposal has been 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.	The established setback pattern of the street has been maintained and therefore there is natural surveillance of the street along the length of the development. Landscaping is generally low set which does not obscure lighting or sightlines in and around the communal open space and pathways throughout the site. The communal open space is overlooked from the entry areas of units. There are up to 18 units on Levels 3 and 4, however, there are two (2) lifts servicing these levels and therefore there are around 8 units per lift. Some additional visibility has been provided into the proposed waste room to ensure it does not become an entrapment site. The proposal is consistent with this Part of the DCP subject to conditions.	Yes
3J Aircraft Noise & OLS		
ANEF; Aircraft height limits in prescribed zones.	The subject site is located within ANEF contour 25-30. An acoustic report was submitted with the application. Pursuant to Clause 3J.2 (C3), the proposed development is "unacceptable" under Table 2.1 of AS2021-2000, in which case development may only take place, subject to Council consent and compliance with the requirements of AS2021-2000. An amended Acoustic report was prepared by Acoustic Logic (revised on 11 April 2017) which concluded that subject to the recommendations of the report, the development will comply with ASA2021-2000. Council's Environmental Health Officer has reviewed the proposal and has raised no objection subject to relevant conditions. In relation to the Obstacle limitation surface, the application was referred to SACL who have raised no objection to the proposal subject to conditions. The proposal is consistent with this Part of the DCP subject to conditions. SACL comments received – no objection.	Yes
3K Contamination		

Control	Proposed	Complies (yes/no)
Consider SEPP 55 & Contaminated Land Management Act 1997.	A detailed Site Investigation Reports (Stage 1 and 2) on Contamination prepared by Environmental Investigation Services dated 20 July 2016 and a Geotechnical Investigation prepared by JK Geotechnics dated July 2016, are submitted in support of the application. The reports conclude that the site can be made suitable for the proposed redevelopment.	Yes Refer to SEPP55 discussion
3L Landscaping and Tree Management		
General Requirements; Planting design & species; Landscaping in car parks; Green roofs.	Appropriate conditions have been recommended in the consent. Landscape Plans and Arborist reports have been provided.	Yes
3N Waste Minimisation & Management		
C1 Residential Development must provide recycle/waste bins in accordance with Table 3.	A WMP, prepared by Elephants Foot dated 2 September 2016 has been submitted for ongoing management of waste generated from the site.	Yes
C3 Where a building consists of 40 or more residential units, 660L bins can be used, subject to negotiation with Council. The use of 660L bins will only be considered where: (i) The building has > 20 units; and (ii) Adequate off site access for waste collection vehicles is provided and is in accordance with relevant Australian Standards.	Separate waste storage areas are provided for residential and commercial components on the ground floor of the development. While the exact number of bins has not been shown, it is considered that there is sufficient room in the waste rooms to store the required number of bins for the development.	Yes
C11 Garbage Chutes.	Garbage chutes provided on each level.	Yes
C19 min 4m³ caged area for bulky items (>10 units).	Can be accommodated in the round floor waste room behind loading dock.	Yes

Note 7 – Waste Collection and Loading Dock

The BBDCP 2013 requires that waste collection is carried out on the site and preferably within the basement. The proposal involves a loading dock along the street frontage, with a façade consistent with the remainder of the building such that it is adequately presented to the street. A swept path analysis indicates that this loading dock can be adequately accessed from the street by a small rigid vehicle. Such a vehicle will be used to service the site for deliveries as well as waste collection. This is considered to be satisfactory given the proposed retail spaces are small and the waste collection can still be carried out on the site and off the street.

Bayside Council collection vehicles are currently MRVs however in the future the site may be serviced by the standard Council collection service in the event that smaller Council collection vehicles will be used for waste collection. Relevant conditions have been recommended to be imposed to ensure on-site collection by a private contractor is carried out until such time as Council vehicles are able to access the site. This is considered to be acceptable in this instance and this issue is considered to be adequately addressed by the proposal.

Part 4C – Residential Flat Buildings

An assessment against Part 4C relating to Residential Flat Buildings has been provided below in **Table 10** insofar as they relate to the proposed development.

Table 10: Consideration of Part 4C Controls of BBDCP 2013

Control	Proposed	Complies (Yes/No)
4C.2.1 Design Excellence		
C1 Create high quality architecture which integrates environmental and social sustainability design principles early in the design process, to ensure equitable access to all.	The amended proposal provides for an appropriate built form to the streetscape along Robey Street, being of a compatible scale and design to that approved on the adjoining site to the west, subject to changes required to comply with the ceiling height controls. The use of a variety of materials and articulation through the use of breaks in the façade, windows and balconies assists in reducing bulk and scale to the street.	Yes
C2 Design development to promote good health and social wellbeing.	The amended proposal provides adequate communal open space with solar access and proximity to services and public transport which encourages social interaction.	Yes
C3 Respond positively to the existing and desired future neighbourhood character and urban context.	This is achieved as outlined above.	Yes
4C.2.2 Streetscape Presentation		
C1 New development must be compatible in building bulk and scale with adjoining residential developments and reflect the patterns of buildings in the streetscape. It must respond to building setbacks, building height and treatment of the building facades.	The massing of the proposal is generally acceptable in terms of being compatible with the future character and the recently approved surrounding development given the precinct is undergoing transition from a low to high density mixed use area. The amended proposal achieves a consistent approach to the building envelope which is set by the approved development at 27-29 Robey Street, subject to changes required to comply with the ceiling height controls. The overall bulk and scale is satisfactory given the street wall height of the building is generally 3 storeys with the upper levels having a greater setback to the balconies and building form. The increased side setback allows the bulk and scale of the building to be reduced and be compatible with the approved development to the west. However, given the inconsistency with the ceiling height control, the proposed five (5) storey building requires the removal of Level 4 to reduce (or remove) the height exceedance. In general, the 5 storey building to be constructed to the west and the 8 storey serviced apartment development currently under construction to the southwest of the site along Robey Street gives context to the proposed development.	Yes Subject to condition

Control	Proposed	Complies (Yes/No)
C2 Development must comply: (i) Max length of any building - 24 metres; and (ii) Façades articulated and employ materials and finishes to enhance and complement streetscape character.	The width of the building along Robey Street is 19 metres at the main façade of the building, while the south-eastern wing (loading bay) is 8 metres wide. This allows some breaks in this façade along with modulated and articulated with balconies and windows which provides for a positive impact on the streetscape character and is compatible with the adjoining development to the west.	Yes
C3 Buildings sited to address the street and relate to neighbouring buildings. Developments on sites with two or more frontages are to address both frontages. Buildings that are oriented contrary to the established development pattern are intrusive and are not permitted.	The proposal adequately addresses the street frontages along Robey Streets.	Yes
4C.2.3 Height		
C1 New buildings to consider topography and shape of site and respond to predominant and characteristic height of buildings within the neighbourhood.	The amended proposal has had regard for the topography and constraints of the site and is generally consistent with the prevailing scale of the desired future character of the area.	Yes
C2 Maximum number of storeys must not exceed that identified in the relevant character statement for each precinct (Part 8 - Character Precincts). If not identified, max number of storeys must be consistent with existing characteristic building height set by immediately surrounding apartment buildings.	The proposal exceeds the maximum permissible height under BBLEP 2013.	**No** **Refer to Note 6**
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%.	The amended proposal provides 911m² (35% of site area) as landscaped area.	Yes
C3 Landscaped areas distributed on site to minimise dominance of buildings, structures and paving when viewed from the street, public places and surrounding properties.	There are adequate areas of landscaping distributed throughout the site including along the side and rear boundaries with some landscaping along the front boundary.	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;	There is communal open space provided on the site in accordance with the ADG controls. This open space is usable and will provide for social interactions amongst future residents. The central area of communal open space also provides for building separation between the eastern and western wings of the proposal and allows for landscaping opportunities throughout the site.	Yes

Control	Proposed	Complies (Yes/No)
(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	On balance, enough of the communal open space areas receive 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.	
4C.2.6 Setbacks		
C2 All front, side and rear setbacks are to provide deep soil zones to allow unencumbered planting areas.	Deep soil zones are located along the rear boundary as well as various portions of the side boundaries. A small area of deep soil is provided along the front elevation. On balance there are sufficient areas of deep soil located within the setbacks areas on the site.	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.	The front setback is 3 metres and is generally consistent with adjoining development 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.	The proposal is consistent with surrounding development and allows for view corridors around the development given the 6 metre side setbacks. A pathway is provided along the rear of the site to provide access for residents of the site to the park. This path is to remain private as it is considered undesirable to provide a public pathway in this location given the area is relatively isolated and there is considered to be sufficient linkages to the park from both High and Robey Streets.	Yes
C2 If a site has a frontage to two (2) or more streets with a boundary length greater than 25 metres, then one through site link to the other street/s must be provided.	The site has only one (1) street frontage to Robey Street.	N/A
4C.2.8 Consideration of Site Isolation		
C1 Applicants must demonstrate that adjoining parcels not included in their development site will be capable of being economically developed as required by Council as part of the development assessment process for their site. This will include establishing appropriate separation distances between adjoining buildings.	The site includes 7 currently separate allotments. In terms of potential site isolation, there are ample sites to the east along Robey Street to allow redevelopment, while the adjoining site to the west (27-29 Robey Street) has approval for a redevelopment.	Yes
4C.3.1 Building Entries		
C1 Entrances must provide shelter and be well-lit and safe spaces to enter building, meet and collect mail. The front door must be visible from, and have direct access to, the street.	The entry area provided from Robey Street is approximately 4 meters wide and provides mailboxes at the entry and weather protection. This provides an entry which is clearly identifiable with direct access from the street.	Yes

Control	Proposed	Complies (Yes/No)
C2 A main pedestrian entry to be provided, separate from car parks or car entries. Disabled access through the primary entrance to the building must be provided.	Separate pedestrian and vehicle access is provided, with access provided via an access platform lift from street level into the proposed building from the street (Robey St).	Yes
C5 Mailboxes designed and provided so that they are convenient for residents and do not clutter the appearance of the development from the street.	Letter boxes are provided at the front entry from Robey Street.	Yes
4C.3.3 Materials and Finishes		
C1 A Schedule of Finishes and a detailed Colour Scheme for the building facade will accompany all Development Applications involving building works.	The proposal provides streetscape character through the use of cladding as well as glazing elements which add texture and visual interest to the main building material of painted surfaces. The changes in building alignment and the use of setbacks assist in achieving building articulation.	Yes
4C.4.1 Dwelling Mix and Layout		
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 development provides a range of apartment sizes and types.	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.	(i) The proposal provides the following: • 1 bed apartments (28%) • 2 bedroom apartments (65%) • 3 bedroom apartments (7%) The number of 1 bedroom apartments exceeds 25%. (ii) The 2 and 3 bed units do not satisfy the family apartments requirements (refer below).For a response to the family friendly controls, please refer to Note 15.	**No** **Refer to Note 8** **No** **Refer to Note 9**
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 two separate living spaces.	**No** **Refer to Note 9**
C4 Designs which utilise light corridors and saddle back bedroom designs are not acceptable.	All habitable rooms have windows and do not rely on saddle back/snorkel designs or light wells for light and ventilation.	Yes
C5 Kitchens are to be naturally ventilated.	Refer to ADG.	Yes

Control	Proposed	Complies (Yes/No)
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, although there are some inconsistencies. Refer to the assessment below.	**No Refer to Note 9**
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.	9 (16.6%) of the proposed apartments have study nooks.	**No Refer to Note 9**
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.	Each of the second (and third) bedrooms is shown to be able to accommodate a double bed and therefore would be capable of accommodating a single 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.	This has not been demonstrated on the plans. A relevant condition has been recommended to be imposed that requires water resistant floors to these areas.	**Condition**
C5 Two bathrooms are required. One bathroom is to be a shared bathroom which is accessible off a common corridor. This shared bathroom is to have a bathtub, and is to be large enough to allow for parental supervision.	Two bathrooms have been provided for all of the 2 and 3 bedroom apartments with at least one of these bathrooms in each of these apartments capable of accommodating a bath tub.	Yes
C6 The private outdoor space is to be clearly visible from the kitchen.	All private open space areas can be viewed 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	Generally provided.	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.4.3 Internal Circulation		
C1 Development will provide multiple cores within the building.	Two lift and stair cores have been provided within the building.	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	Two elevators service the building as well as fire stairs.	Yes

Control	Proposed	Complies (Yes/No)
is out-of-service due to breakdown or routine servicing.		
4C.4.4 Views		
C1 Development to preserve views of significant topographical features (urban skyline, landmark buildings and areas of high visibility).	There are no significant views in the area which will be obstructed by the proposal.	Yes
4C.4.5 Acoustic Privacy		
C1 An acoustic report prepared by a certified acoustic consultant will be submitted with the development application addressing the requirements detailed in Controls C2, C3 and C4 below.	An Acoustic report has been provided which concludes that the proposal can comply with the relevant requirements including aircraft and road noise, subject to its recommendations. Relevant conditions recommended.	Yes
4C.4.7 Site Facilities		
C1 Development must not be carried out on the land until arrangements satisfactory to Sydney Water have been made for the provision to the land of water and sewerage services.	Adequate Sydney Water services provided to the site.	Yes
C2 Mailboxes located indoors in accordance with Australia Post's requirements.	Mailboxes are provided at the Robey Street frontage.	Yes
C5 Garbage storage and collection points comply with the provisions of Part 3N.	A waste chute and storage area provided with access to the loading area.	Yes
C8 The existing above ground electricity and telecommunication cables within the road reserve and within the site will be replaced, at the applicant's expense, by underground cable and appropriate street light standards, in accordance with the Energy and Communication Provider's guidelines.	Relevant conditions where appropriate.	Yes
4C.4.8 Safety & Security		
C1 Applications must comply with Part 3I - Crime Prevention, Safety and Security.	The amended proposal is satisfactory with respect to safety and security.	Yes
4C.4.9 Car and Bicycle Parking and Vehicle Access		
C1 Development not located within 800m of Mascot Train Station must comply with the car parking and bicycle rates and design requirements within Part 3A - Car Parking. Development that is located within this area must comply with the provisions of the ADG.	Refer to Part 3A.	Yes

Control	Proposed	Complies (Yes/No)
C7 Basement car parking: (i) Max 1.2 metres out of the ground; (ii) Must be located under building footprint; (iii) Must not extend under dwelling balconies or setback areas; (iv) Must be designed to have adequate vertical clearance for largest vehicle accessing the basement car parking area; (v) Must have suitable intercom system link to all units within development at vehicle entrance to ensure visitors to the site can gain access to visitor parking; (vi) For mixed use developments the loading/unloading facilities separate from the vehicle car parking area; (vii) For mixed use developments a security roller gate or door to be provided for separation between residential and non-residential car parking areas; and (viii) Natural top lighting and ventilation must be integrated into the building and/or landscape design.	Generally complies. Roller door/gate provides the required separation between commercial and residential car parking.	Yes
4C.5.1 Adaptable Housing		
C1 A statement from the architect or builder must be submitted with the development application certifying that the adaptable dwelling has been designed in accordance with the provisions of the Australian Standards AS 4299-1995 Adaptable Housing.	A total of 11 (20%) of the proposed apartments are adaptable, which complies with Council's requirement for 20%. An Access Report has been provided. Refer to Part 3C for adaptable housing.	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 Accessible Building Solutions dated 2 September 2016, 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
4C.7 Mixed Use		
C1 Any retail or commercial component must be located at ground level.	The proposed commercial development is located on the ground floor.	Yes
C2 Adequate storage provided for commercial or retail premises.	Can be provided at rear of tenancies if required.	Yes
C4 Building to encourage uses that will enhance and promote active street front activities.	Active street frontages provided along Robey Street.	Yes

Control	Proposed	Complies (Yes/No)
C5 Layout and design of building to ensure privacy for dwellings within the development.	Privacy provided for dwellings given the proposed commercial uses are located along the front elevation and facing away from the proposed residential apartments on the site.	Yes
C6 Parking areas and loading facilities is to take into account the use of these areas by a range of activities and will minimise any conflicts that may arise as a result of the multiple use of these facilities.	Adequate service facilities provided (refer to Note 7).	Yes
C7 Visitor parking for shop component conveniently located,	Commercial car parking provided on the upper basement level and is adequately separated from residential car parking.	Yes
C8 Site facilities, storage, mailboxes, and garbage collection points designed to adequately service needs of the occupants of building and are to be conveniently located within the development.	These facilities have been provided and are adequately separated between residential and commercial facilities.	Yes

Note 8 - Unit Mix

Part 4C.4.1 provides controls for dwelling mix and layout and requires that developments with 10 or more units provide a maximum of 25% of the total units as studio and one (1) bedroom units. The proposed development includes 15 x one (1) bedroom units, comprising 28% of the total development, being inconsistent with this control. The departure equates to an additional 1.5 to 2 of the one bedroom apartments.

It is also noted that the ADG does not stipulate a specific unit mix, however, recommends that an 'appropriate unit mix should be provided' and should take into consideration the distance to public transport, employment, and education centres, the current market demands and projected future demographic trends and the demand for social and affordable housing. The subject site is located within close proximity to services, employment opportunities and public transport within the Mascot Local Centre to the east of the site.

It should be further noted that the majority of the proposed apartments comply with the minimum unit sizes (discussed above) and are expected to provide a good level of internal amenity to future occupants.

The relevant objectives of the DCP controls include:

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;

O2 To ensure that apartments are flexible to suit the occupant's requirements;

O3 To ensure residential development contains a mix of residential types (based on the number of bedrooms) to increase the potential to accommodate all the varied family sizes in future years;

O4 To ensure adequate provision, design and location of internal facilities;

The control is there to allow for dwelling choice where it would not ordinarily be provided by the market. The non-compliance is supported as the 1 bedroom unit mix exceedance is minor and the development provides a mix of unit sizes, particularly in relation to 3 bedroom apartments provided, to reflect market demand.

The proposal is considered to be consistent with these objectives notwithstanding this inconsistency, given the proposal provides a good range and mix of apartment sizes comprising one, two and three bedroom apartments and provides adaptable units as well as some units which are family friendly (discussed below). Given the small size of the inconsistency with the controls and the good spread of apartment sizes proposed, it is considered that the proposal is acceptable in this instance.

Note 9- Family Friendly Apartments and Apartment Layout

The two and three bedroom apartments are required to comply with the family friendly provisions of BBDCP 2013 so as to accommodate the living needs of families with children. The proposed apartments generally comply with these requirements with the exception of Control C2 which requires a study to be provided in each of the two and three bedroom apartments.

While approximately 23% of these apartments provide a study nook (indicated on the plans), the size of the two and three bedroom apartments are generally in excess of the minimum ADG requirement of 70sqm and 90sqm which indicates that there is sufficient size within the apartment to accommodate a desk within the open plan living area. This ensures that there is sufficient space within the proposed apartments 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.*

Since there is sufficient room for a study nook/space to be accommodated within the open-plan living area, it is considered that the proposal is generally consistent with this control.

Control C5 requires that the apartments have a minimum of two bathrooms, with at least one of the bathrooms capable of accommodating a bathtub to be used for children. This has been achieved by the proposal. Control C6 requires that the private outdoor space is to be clearly visible from the kitchen. All kitchens are in close proximity to the primary balconies which are the principal open space for the apartments. The private outdoor areas (balconies) are generally designed to be an extension to internal living area.

Controls C7 & C8 require that a storage space is provided near the entry which is to be of water-resistant materials. The plans (as amended) indicate that the majority of apartments contain 50% of their storage areas within the apartment. Some apartments have generous enough space at the entry for the storage of household items while other proposed apartments, due to the layout of the floor plate, have a narrow entry

but provide a storage area further within the apartment, or area within a laundry. Conditions has been recommended to be imposed which requires a water-resistant floor covering in the entry areas to the proposed apartments. The proposal is considered to be generally consistent with these controls.

While there are some controls which the proposal does not strictly comply with for the family friendly apartments, in general the proposal provides sufficiently sized and designed apartments to ensure families could easily live within the proposed apartments. The provision of sufficient communal open space areas and equitable access throughout the building would make living in the building with small children in prams and the like more comfortable. It is considered that the proposal is acceptable having regard to the family friendly provisions of the BBDCP 2013.

Part 5 – Business Centres

An assessment against Part 5 relating to Business Centres, in particular the controls of Part 5.2.2.8 for the Mascot Local Centre, have been provided below insofar as they relate to the proposed development. **Figure 24** contains the controls for the Mascot Centre outlined in **Table 11**.

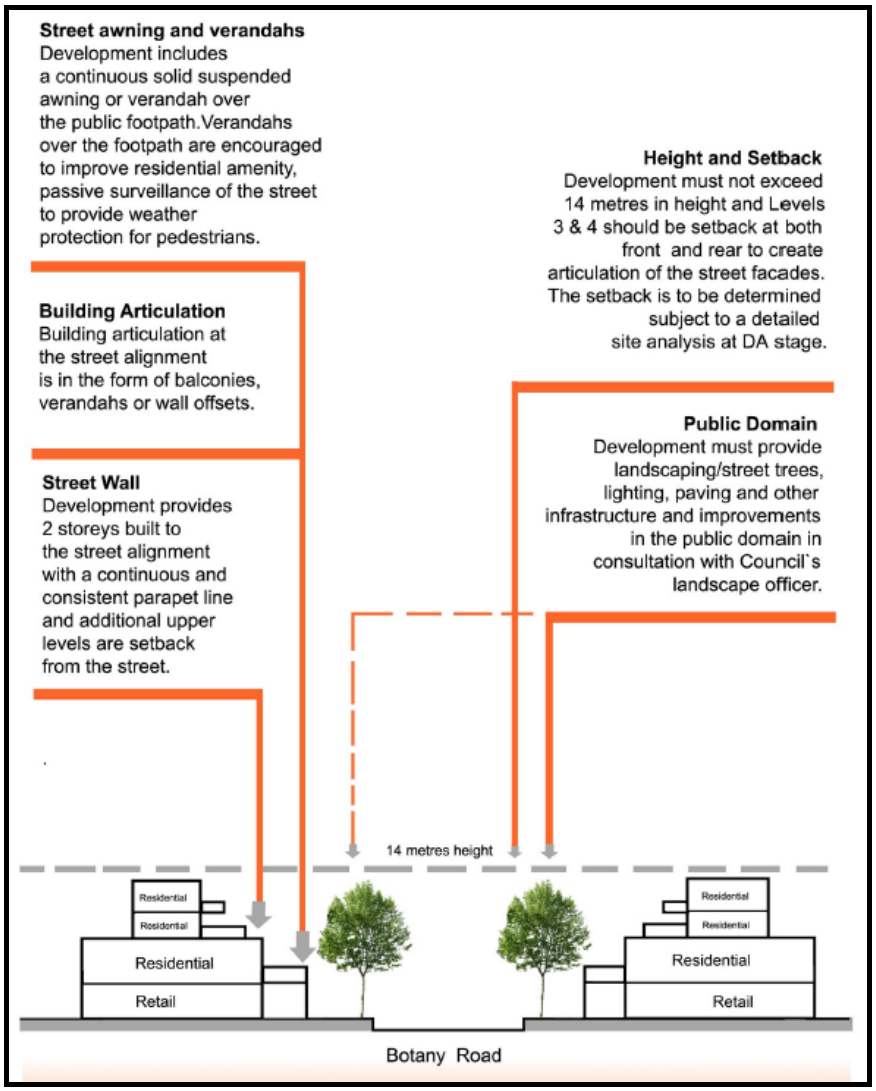

Figure 24: Mascot Local Centre Controls - Part 5 of BBDCP 2013 (Figure 26 of Part 5 of BBDCP 2013)

Table 11: Consideration of Part 5 Controls (Business Centres) of BBDCP 2013

Control	Proposed	Complies (Yes/No)
5.2 Character Statements For the Business Centres		
5.2.2.8 Mascot Local Centre (Botany Road)		
Public Domain/Streetscape **C1** Development must provide landscaping, street trees, lighting, public seating, paving and other public domain improvements identified by Council.	Street trees are retained and are to be augmented. Council's Landscape officer has provided relevant conditions which have been recommended to be imposed.	Yes
C2 Pedestrian amenity and connectivity must be enhanced in conjunction with new development. Through site links and arcades are encouraged with redevelopment to improve pedestrian access, amenity and safety.	Pedestrian amenity is satisfactory with the development adequately setback.	Yes
Site Amalgamation **C3** Redevelopment encouraged through logical lot consolidation of sites and infill development. Avoid inappropriate lot consolidation patterns that would isolate and unreasonably restrict redevelopment on a single lot.	Site amalgamation and lot consolidation is proposed, and there will be no site isolation resulting from the proposal.	Yes
Building Form and Design **C4** Design of development generally consistent with desired future character of the centre (Figure 26).	The proposal is generally consistent with the desired future character for the area, although the proposed street wall height is three (3) storeys when Figure 26 of the DCP indicates a maximum street wall height of two (2) storeys. While this is consistent with the adjoining development to the west, this exceeds the controls.	**No** **Refer to Note 10**
C5 New development to take into account and respond sympathetically to an established streetscape with strong architectural features and identity. New buildings are to reinforce these features and contribute to its character by incorporating traditional shopfronts and building facades.	The proposal is consistent with the desired future character for the area.	Yes
C6 A setback to the rear may be required where a site adjoins a residential area and is to be determined following a detailed site analysis at development application stage. Applicants must therefore demonstrate to Council with the development application that the amenity of neighbouring residential properties is protected in terms of sunlight and natural daylight access privacy and visual amenity.	Rear setback of 6 metres characterised by a landscaped deep soil area, which is satisfactory.	Yes

Control	Proposed	Complies (Yes/No)
C7 Contemporary architectural design solutions encouraged, however designs will need to demonstrate that they will not lead to a replacement or diminution of a street's existing character. Council encourages diversity in building designs provided that development outcomes complement the existing character of the centre.	The building is of a contemporary design, using a variety of colours and materials to minimise bulk and scale.	Yes
C8 Buildings must address the street and their entries are to be readily apparent from the street. Developments on sites with two or more frontages must address both frontages, to promote, add prominence and diversity to the streetscape.	The building addresses Robey Street and is generally consistent with the bulk and scale of the emerging street character, with mailboxes and pedestrian comfort considered in the design. The entry is 4 meters wide which is clear and legible from the street.	Yes
C9 Shop top housing must have windows and/or verandahs in the street elevation to encourage surveillance of the street.	Windows and balconies are provided on the upper levels which overlook the street.	Yes
C11 New development when viewed from the street is to be compatible with the character of buildings within the site's visible locality by using similar shaped windows, doors and similar building materials.	The proposal is consistent with the locality with a 2-3 storey wall height, which is consistent with the adjoining development to the west.	Yes
Parking and Access **C16** Vehicular access from Botany Road must be avoided where access is available from a side street or rear laneway.	There is no vehicle access from Botany Road proposed.	Yes
C17 All loading and unloading to be carried out on-site or from rear laneway where it exists.	A loading dock is proposed which will allow service vehicles to enter and exit the site in a forward direction to Robey Street. Elizabeth Ave is too narrow and inappropriate for service as well as other general vehicle access.	Yes
Advertising and Signage **C19** Maintain limited advertisements and business signage to minimise visual impact.	Advertising and signage will be subject to a separate (future) development application.	Yes
Height **C22** A maximum height of 14 metres applies under BBLEP 2013. Building height at street frontage maximum of 2 storeys with Levels 3 and 4 setbacks from the street.	Refer to Cl 4.6, similar street setback to adjoining development at No 27-29 Robey St with a street frontage height of 3 storeys.	**No** **Refer to Note 6**
Stormwater	Stormwater plan provided, refer to Part 3G of BBDCP 2013.	N/A

Control	Proposed	Complies (Yes/No)
C24 A Stormwater Management System is to be provided in accordance with Part 3G - Stormwater Management.		
5.3 General Controls		
5.3.1 Built Form		
5.3.1.1 Floor Space Ratio	Refer to BBLEP 2013.	Yes
5.3.1.2 Height	Refer to BBLEP 2013.	**No** **Refer to Note 6**
5.3.1.3 Street Setbacks **C1** Buildings to be aligned along street frontage to create a consistent street wall no higher than two storeys. A variation to the two storey wall height along the street frontage will only be permitted in certain circumstances where the height of adjoining buildings on the street exceeds two storeys or where the site is located on a street corner. In this instance applicants must submit a written justification to Council for this variation at development application stage. The variation will be considered by Council on its merits. **C2** Setbacks for buildings which exceed two storeys are provided in the Character Precincts for each centre in Part 5.2 - Character Statements for the Business Centres.	A street wall height of 3 storeys is proposed. Refer above.	**No** **Refer to Note 10** N/A
5.3.1.4 Side and Rear Setbacks and Building Separation **C1** Where a site adjoins residential development appropriate rear or side setbacks must be provided to ensure that potential impacts on adjoining or surrounding residential properties are minimised in terms of loss of privacy, sunlight and daylight access and visual amenity. The appropriate setback will be determined at development application stage, subject to a detailed Site Analysis. Applicants must therefore demonstrate to Council at development application stage that impacts on the residential area are minimised. **C2** Developments to which SEPP 65 applies are to adhere to the Apartment Design Guide provisions for building separation	Refer to the ADG assessment.	N/A

Control	Proposed	Complies (Yes/No)
5.3.1.5 Built Form and Streetscape		
C1 Built form consistent with the Desired Future Character Statements for each centre and result in a high quality built form and energy efficient architectural design (refer to Part 5.2 - Character Statements for Business Centres).	As outlined above.	N/A
C2 Buildings must have a consistent street wall height and provide a continuous street frontage and awning height along the street frontage where appropriate.	As outlined above.	N/A
C3 Blank walls avoided adjoining principle streets and the public domain. If they are unavoidable amelioration measures such as artwork or landscaping is required to enhance the visual amenity and reduce vandalism.	There are no blank walls proposed to the public domain/street frontages.	Yes
5.3.1.6 Excavation		
C1 Buildings must not dominate nor detract from the natural landform.	The proposed basement is appropriately located on the site and is within the building footprint.	Yes
5.3.2 Design		
5.3.2.1 Design Excellence		
C2 The Development Application must identify, through a design statement, how design excellence will be achieved in the proposed development. The design statement must include drawings and examples of the building features, textures, materials, finishes and colours and how they are suitable to the subject site and its context.	Provided.	Yes
5.3.2.2 Building Design		
C1 Building construction must be undertaken in compliance with the Building Code of Australia (BCA).All development applications must submit a BCA report outlining the compliance of the building design with the BCA.	BCA report provided.	Yes
C2 All development applications that contain residential development or are adjacent to residential development must provide a design statement addressing privacy and overshadowing of residential dwellings from the business component.	There is adequate privacy for the proposed residential units given the proposed landscaping and the adequate setbacks as outlined in this report. Solar access/overshadowing is within acceptable limits.	Yes
		Yes

Control	Proposed	Complies (Yes/No)
C4 If residential dwellings are proposed as part of a mixed use development, balconies, private open space area and communal open space areas must be screened to address any privacy impacts on adjoining residential properties**.**	The private and communal open space areas on the site have adequate privacy within the site and do not result in any significant overlooking opportunities for adjoining sites.	
5.3.2.3 Reflectivity **C1** The reflectivity of building materials must not result in glare to motorists, residents or pedestrians or endanger their safety.	There are various glazed areas on the building, however, glare is unlikely to have any significant adverse impacts on nearby properties or the road.	Yes
5.3.2.4 Awnings and Verandahs **C1** New development must provide awnings above the footpath to provide weather protection for pedestrians.	There is weather protection for the retail and pedestrian entries to the proposed buildings from the balconies on the first floor.	Yes
5.3.2.5 Public Domain Interface at Ground Level **C2** Development must be designed so that it has a clearly definable entry and addresses street.	An active street frontage and clear entry areas are provided along Robey Street.	Yes
C3 For mixed use development which contains residential dwellings, the primary area of outdoor private open space must not be located on the street frontage, unless it is on the first floor or above.	There is no private open space at ground level provided along the street.	Yes
C5 Public domain improvement works such as footpath paving, reconstruction of kerb and gutter, landscaping, street trees, amenity area lighting and furniture may be required at the developer's expense.	Appropriate conditions where required.	Yes
5.3.2.6 Active Street Frontages **C1** Development to provide active street frontages in accordance with the Active Street Frontages Map and Clause 6.15Active Street Frontages under BBLEP 2013.	An active street frontage is provided along Robey Street with shops proposed in accordance with Cl 6.15 of BBLEP 2013.	Yes
C3 Developments must identify landscaping, street paving and furniture etc along the active street frontage to improve the private and public domain interface at the ground level. Any proposed works in the public domain must be approved by Council and be consistent with the Desired Future Character for the centre, as identified in	Appropriate conditions where required.	Yes

Control	Proposed	Complies (Yes/No)
Part 5.2 -Character Statements for the Business Centres.		
5.3.2.9 Landscaped Area **C1** Residential setbacks from streets and parks are to support planting, at a scale that allows passive surveillance of the public domain. This requirement may vary with each block.	There is landscaping within the front and rear setbacks in close proximity to John Curtin Reserve. Relevant conditions have been recommended to be imposed as outlined by Council's Landscape officer.	Yes
5.3.2.10 Private Open Space & Communal Open Space **C1** The primary area of outdoor private open space must not be located at grade on the street frontage.	There are no balconies at ground level on the street frontage.	Yes
C2 Communal open space can be provided at grade or on podiums and roof tops. The space must be appropriately landscaped and provided with a recreational facilities or features, for example BBQ area, seating, children's play area, landscape features or the like and must include pedestrian scale lighting, to be shown in the detailed landscape plan.	Communal open space is provided in the central courtyard and along the side and rear boundaries at ground level and is consistent with the controls.	Yes
C3 More than 70% of the communal open space area must be capable of growing plants, grasses and trees of carrying height and canopy.	The large proportion of the communal open space is deep soil zone while other areas are capable of growing shrubs and other landscaping. This area is considered acceptable.	Yes
C4 Where a site adjoins a residential property, 3 metre wide landscape planting must be provided along the common boundary to provide a visual separation between the residential and the non-residential development. The area is to be mass planted with tall shrubs and suitable dense trees.	A 6 metre landscape zone is provided to the western boundary and a similar setback with some planting to the eastern boundary.	Yes
5.3.2.11 Materials and Finishes **C1** A Schedule of Finishes and a detailed Colour Scheme for the building facade is to accompany all Development Applications involving building works.	The proposed materials are satisfactory, and the colours are satisfactory. One of the main colours is a dark tone; however, this is sufficiently offset by the lighter tones and use of glazing and panelling throughout the façade.	Yes
5.3.2.12 Servicing **C1** New commercial or mixed use buildings must provide a loading dock on-site. Where this is not viable loading and unloading may be permitted from to a rear lane or side street subject to Council's engineer approval.	A loading dock is provided from Robey Street.	Yes

Control	Proposed	Complies (Yes/No)
C2 Loading and unloading areas must be well screened from the public domain and located underground where practical.	The proposed loading dock has been integrated into the design of the front façade to the street and is acceptable.	Yes
C3 Service vehicles must enter and leave the loading dock in a forward direction.	The loading dock allows vehicles to enter and leave the site in a forward direction. A condition has been imposed which requires that the site is serviced by a private contractor via an SRV until the site can be serviced by Council using such a vehicle (refer to Note 7).	Yes
C4 Delivery and operation of loading docks is to be restricted to the approved trading hours.	Conditions required.	Condition
C5 No garbage collection is permitted between 10pm and 6am.	Conditions required.	Condition
C6 Loading docks must comply with AS 2890/2 (2002) – Off-street commercial vehicle facilities.	The loading dock allows a small rigid vehicle to enter and leave the site in a forward reaction (refer to Note 7).	Yes
C7 The largest delivery vehicle permitted will be restricted to Medium Rigid Vehicle (MRV) as denoted by AS 2890.2. Vehicles larger than MRV may be considered by Council for a large development site with loading and unloading to be carried out on-site only.	The site is to be serviced by SRVs for garbage collection as outlined above. Relevant conditions have been recommended to be imposed.	Yes
5.3.3 Amenity		
5.3.3.1 Acoustic Privacy **C1** Dwellings close to high noise sources such as busy roads, railway lines and airports must be designed to locate noise sensitive rooms and secluded private open spaces away from noise sources and be protected by appropriate noise shielding techniques.	Addressed in acoustic report.	Yes
5.3.3.2 Visual Privacy **C1** In some cases potential visual privacy impacts can be mitigated by incorporation of one or more of the following design measures: (i) Fixed screens of a reasonable density (min 75% block out); (ii) Fixed windows with translucent glazing (providing natural ventilation is not compromised); (iii) Appropriate screen planting or planter boxes;	The proposed windows and balconies are adequately setback from the side boundaries to ensure there are minimal overlooking opportunities. Where possible, the main living area windows are orientated to the street or the rear common open space. There is also significant landscaping proposed along the side boundaries to reduce potential overlooking between properties.	Yes

Control	Proposed	Complies (Yes/No)
5.3.3.3 Solar Access & Shadow **C1** Development must demonstrate: (i) Neighbouring developments will obtain at least 2 hours of direct sunlight to 50% of the primary private open space and 50% of windows to habitable rooms; and (ii) 30% of any communal open space will obtain at least 2 hours of direct sunlight between 9am and 3pm on 21 June.	There will be adequate sunlight to adjoining properties as the overshadowing from the proposal largely falls to Robey Street in the morning during mid-winter with only a minor portion of the south-eastern corner of the adjoining property to the west (No 27-29) being affected by shadow in the morning during mid-winter. At midday, the shadow is largely cast over Robey Street and the proposed driveway/basement entry ramp of the subject site along the eastern boundary. In the afternoon, the shadow falls over the adjoining property to the east along Robey Street (No 17 Robey Street). While the windows along this elevation and rear private open space will be overshadowed at this time, it will receive adequate solar access in the morning during mid-winter.	Yes
C2 The Development Application must provide solar diagrams that, as a minimum, illustrate compliance with the above control and comprise of plans and elevations demonstrating the shadows of the proposal at 9am, 12 noon, and 3pm on 21 March, 21 June and 21 December.	Shadow diagrams have been provided. Overshadowing is further discussed in **Note 1**.	Yes
C3 Buildings designed and sited to ensure sun access to private and communal open space within the development, and adjoining properties and public open space.	*The site* The communal open space along the western side boundary on the subject site will receive adequate solar access in mid-winter from midday, while the central courtyard will be overshadow throughout the day in mid-winter. The common open space along the eastern boundary will receive solar access throughout the morning during mid-winter. Throughout the day in mid-winter, there will be some solar access available to different parts of the common open space, which is satisfactory. The balconies of the proposed apartments will receive adequate open space. *Adjoining properties* The adjoining property to the west (No 27-29 Robey Street) will receive adequate solar access to its communal open space (located at the rear) from midday and throughout the afternoon in mid-winter. This will also be the case for the private open space/balcony areas which are generally located to the front (from midday throughout the afternoon) and to the rear (throughout the day in mid-winter). In relation to the adjoining property to the east (No 17 Robey Street), this private and communal open space areas will receive adequate solar access in the morning and throughout the early afternoon.	Yes

Control	Proposed	Complies (Yes/No)
	John Curtin Reserve There will be no overshadowing impact to John Curtin Reserve, the large public open space area to the north-west of the site.	
5.3.3.6 Stormwater Management & Flooding **C1** Development must comply with Part 3G - Stormwater Management.	Refer to Council's Engineer comments. Subject to conditions	Yes

Note 10: Two Storey Wall Height

Parts 5.2.2.8 (Mascot Local Centre - Botany Road (C4) and 5.3.1.3 of BBDCP 2013 require that buildings are aligned along the street frontage to create a consistent street wall no higher than two storeys. The controls also state that a variation to the two storey wall height along the street frontage will only be permitted in certain circumstances where the height of adjoining buildings on the street exceeds two storeys or where the site is located on a street corner. Figure 26 in Part 5.2.2.8 of BBDCP 2013, illustrated below, demonstrates the need for a two storey street wall height.

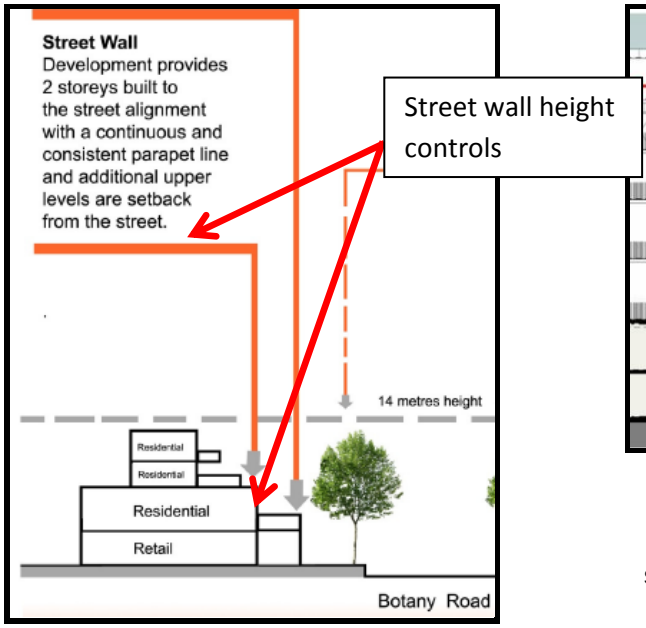

Figure 25: Street Wall Height diagrams (Figure 26 from Part of Source: BBDCP 2013)

Figure 26: Proposed street wall height of 3 storeys (Source: Brewster Murray, October 2017)

Figure 27: Approved street wall height of 3-4 storeys (*Source: Botany Council DA Tracker)*

The proposal involves a street wall height of three (3) storeys (refer to **Figures 25** and **26** above), which includes the ground floor commercial development and Levels 1 and 2 of the proposed residential apartments. While this exceeds the controls, it is consistent with the approved development adjoining to the west at 27-29 Robey Street (**Figure 27**).

The objectives of the Mascot Centre controls include:

- *O3 To ensure that development recognises predominant streetscape qualities (i.e. setbacks & design features);*
- *O4 To ensure development complements the height and architectural style found in the immediate vicinity, particularly where this has a clearly established character;*
- *O6 To allow reasonable redevelopment and to improve the architectural quality of building stock;*
- *O7 To retain a coherent streetscape with a consistent street wall and parapet line;*

The proposal, with its three storey street wall height is consistent with the emerging character in this street, given the approved adjoining development to the west. Furthermore, the slightly higher street wall height does not adversely impact on the streetscape given the articulation of the building form and the proposed landscaping which allows the proposal to be integrated into the streetscape. The setbacks of the proposal from both the front and side boundaries also reduce its bulk and scale to the street such that there is a satisfactory pedestrian scale achieved for the proposal. Accordingly, it is considered that this variation is acceptable in this instance.

Part 8 – Character Precinct

Part 8.7.2 Desired Future Character of the Mascot Character Precinct has been considered in the assessment of this application. The subject site is located within an area of mixed character consisting of largely single and two (2) storey detached dwelling houses with some newer construction occurring along the southern side of Robey Street, comprising the REX serviced apartments building. To the east is the linear retail shopping strip along Botany Road comprising largely shop top housing within two storey buildings.

The precinct is undergoing transition from a low density residential area to a mixed use area with commercial at ground floor and residential apartments on the upper levels over basement car parking. This changing character has commenced with the serviced apartments to the

south-west and the adjoining site to the west (No 27-29 Robey Street) gaining recent development consent for a five (5) storey mixed development similar to the current proposal. A large area of open space exists to the north-west of the site, being John Curtin Reserve.

The site is located within the B2 Local Centre zone with a frontage to Robey Street. The proposal is considered to be consistent with the function and diversity controls in that the proposal enhances the public domain due to the active street frontage provided along Robey Street, and the articulated facade and the landscaping proposed along the street frontage. Neighbourhood amenity is also provided via the casual surveillance of the street, the level and identifiable entry and the general compatibility with development in the area. The proposal retains the future character as a residential area with a dominance of high rise residential and encourages a site layout, building style and design which are consistent with the surrounding built form and dwelling styles. The proposal provides a consistent streetscape through the use of front setbacks and landscaping.

The proposal satisfies the form, massing, scale and streetscape controls in that the Robey Street frontage is integrated into the site with landscaping along this elevation. The 5 storey height however is an inappropriate scale for the area given the inconsistency with the ceiling height control will require this height to be increased. The articulation in the façade is consistent with the height and architectural style of future development in this area of Mascot. A flat roof is proposed which is of a contemporary design and is compatible with existing development.

The proposal is generally consistent with the setback controls in that the front setback is generally consistent with existing development in the area and the side setbacks are consistent with future development in the area.

In terms of solar access, the submitted shadow diagrams indicate that there will be adequate solar access to adjoining properties. Noise and traffic impacts have been addressed by the proposal as outlined in this report.

There is considered to be adequate car parking provided for the proposal as required by BBDCP 2013 and the proximity of public transport and services to the site. There are no view corridors which will be obstructed by the proposal. The proposal is considered to be consistent with the controls for the Mascot Character Precinct pursuant to Part 8.7 of the BBDCP 2013.

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

The proposed development will have no significant adverse environmental, social or economic impacts on the locality.

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

The site is affected by flooding and appropriate conditions have been recommended.

Adequate information has been submitted to demonstrate that the site is suitable for the proposed development in relation to potential land contamination. Appropriate conditions have been recommended in the attached Schedule.

The traffic impacts have been considered and are satisfactory and SACL have raised no objection to the height of the proposed development.

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

In accordance with Part 2 Notification & Advertising of the BBDCP 2013, the development application was notified to surrounding property owners and advertised in the local newspaper for a period of thirty (30) days from 5 October 2016 to 4 November 2016. Three (3) submissions were received which generally raised issue with traffic generation, overdevelopment, potential impacts on amenity, infrastructure provision, demolition of the existing warehouse building and the current state of Robey Reserve. These issues have been discussed in detail throughout the report and below.

The amended plans were not re-notified given the bulk of the proposal was significantly reduced and the potential impacts to adjoining properties were reduced by the amended proposal.

The key issues from the submission are provided below:

- *Object to the size of the proposal and the associated concerns of overdevelopment, congestion, pollution (noise, waste, traffic), quality of life in the area, potential ghettos of the future, crime and safety and open spaces*

  Comment: The amended proposal is generally in accordance with the planning controls, having achieved compliance with the FSR development standard while there is an exceedance of the height development standard, which is considered to be unacceptable as outlined in this report. In relation to congestion, there is adequate car parking provided on the site and the vehicle access point now being from Robey Street is satisfactory given this road is capable of absorbing the additional traffic and it's the width and capacity is greater than that of Elizabeth Avenue. In relation to quality of life in the area, this is considered to be maintained given overshadowing is not excessive (with adjoining properties receiving adequate sunlight) and there being limited overlooking opportunities given the landscaping proposed and the adequate setbacks achieved by the development.

  The amended proposal is also considered to provide adequate safety given the surveillance opportunities of the street and open space areas as well as the commercial tenancies giving the development a presence during the day when the proposed apartments may be vacant. In terms of open space, adequate areas of private and communal open space areas have been provided on the site which are usable and which promote social intersection between future residents.

- *Traffic generation and movement*

  Comment: Concern is raised regarding the traffic generated from the proposal on the already congested streets. The development achieves the car parking requirements under the BBDCP 2013. The application was submitted to the Traffic Advisory Committee who provided recommendations.

- *Vehicle Access to the development from Elizabeth Avenue will cause significant disruption and is an inappropriate access point to the development given it is narrow and is dangerous for pedestrians*

  Comment: Concerns were raised in the submissions regarding the inappropriateness of Elizabeth Avenue for both construction access and the main vehicle access to the development. These concerns were primarily associated with the narrow width of Elizabeth Avenue and its already congested state with cars and pedestrians being subject to potential safety concerns. The location of the bus stop near the intersection of Elizabeth Avenue and Botany Road as well

as the presence of the Post Office (and associated PO boxes) causing potential conflicts and further congestion was also raised. This issue has been resolved as the amended proposal involves vehicle access from Robey Street only with no vehicle access being provided from Elizabeth Avenue.

- *Lack of infrastructure including no extra parks, schools, hospitals, police stations or transport infrastructure increases*

  Comment: Concerns were raised that there is significant development taking place in Mascot without the necessary increases in infrastructure. The proposal is generally consistent with the development controls and will be levied Section 94 Contributions which will assist in the provision of local infrastructure.

- *The poor state of Robey Reserve*

  Comment: Concerns were raised with the current state of Robey Reserve. These concerns should be raised directly with Council's public lands/compliance officers.

- *Potential danger of the asbestos present in the existing warehouse building being released during demolition*

  Comment: Concerns were raised with the removal of asbestos from the existing warehouse building on the site, which was revealed in a recent fire in this building. Relevant conditions have been imposed to ensure any asbestos contained in the existing structures is appropriately handled and disposed of.

(e) The public interest.

It is considered that the proposed development is in the public interest, subject to the amendments required to address ceiling heights, as it will provide for housing stock within an appropriately zoned area which is located in close proximity to the Mascot local centre. It will provide services and employment opportunities through the provision of the retail tenancies, and will provide appropriate housing opportunities across a mix of apartment types (including adaptable housing).

OTHER MATTERS

Internal and External Referrals

The development application was referred to Council's internal referral officers as well as various external departments for comment. Appropriate conditions have been recommended to address the relevant issues raised. **Table 12** provides a brief summary of the comments raised by each referral department.

Table 12: Internal and External Referrals

Referral Agency	Response Date	Comments
External Referrals		
Sydney Airport Corporation Limited (SACL)	31 October 2016	No objection to the erection of this development to a maximum height of 23m AHD. This information has been included in the Schedule of Consent Conditions.
Sydney Water	2 November 2016	No objection to the proposed development subject to conditions. These comments have been included in the Schedule of Consent Conditions.
Water NSW	9 November 2016	General Terms of Approval have been received and have been included in the Schedule of Consent Conditions.
Ausgrid	23 November 2017 (Council)	No objections to the proposed development subject to conditions included within the Schedule of Consent Conditions.
DRP	-	Held 12 May 2016. Comments are discussed in this report.
Internal Referrals		
Traffic Engineer / Traffic Advisory Committee	February 2017	Recommendations made at the Traffic Advisory Committee have been considered in this assessment and addressed in the amended plans, including relocating the vehicle access to Robey Street.
Landscape Architect	22 November 2017	Plans (as amended) have generally addressed the initial comments provided by the Council's Landscape Architect. Conditions have been incorporated into the Schedule of Consent Conditions.
Development Engineer	22 November 2017	Plans (as amended) have incorporated the initial comments provided by the Development Engineer. Conditions have been incorporated into the Schedule of Consent Conditions.
Traffic Engineer	1 November 2017	Plans (as amended) have incorporated the initial comments provided by the Development Engineer in that an SRV can enter and leave the loading dock/site in a forward direction. Conditions have been incorporated into the Schedule of Consent Conditions.
Strategic Planning/ Urban Design Officer	15 November 2016	Concerns with building form, streetscape appearance, unit mix, open space, entry areas, lack of active street frontage along High Street and other issues which were raised with the original proposal. Generally supported height exceedance but not the FSR exceedance. Majority of these concerns

Referral Agency	Response Date	Comments
		have been addressed by the amended proposal.
Environmental Scientist	9 November 2016	No objections subject to conditions which have been incorporated into the Schedule of Consent Conditions.
Environmental Health Officer	16 November 2016	No objections subject to conditions which have been incorporated into the Schedule of Consent Conditions.

Section 94 Contributions

The Section 94 Contributions (indexed at the time of writing the report) for the proposed development are calculated as follows:

Section 94 Development Contributions Plan 2016

The construction of a five storey mixed use development containing a total of 54 apartments and commercial tenancies of169sqm in total:

Residential

Unit Type	Proposed	Contribution per dwelling	Total payable
1 bed	15	$8,654.53	$129,817.95
2 bed	35	$14,239.60	$498,386
3 bed	4	$18,609.44	$74,437.76
TOTAL	54		**$702,641.71**

Credit for Existing Development

Pursuant to Clause 2.16(2) of the *Section 94 Contributions Plan 2016*, where existing dwellings are to be replaced by new dwellings on the site, the applicant will be entitled to a credit for one existing dwelling and the new dwelling/s will be charged at the applicable occupancy rate under the Plan. In this instance, a credit for four (4) existing dwellings on the site is to be applied to the total amount payable. This credit is for 4 x 2 bedroom dwellings. Therefore $14,239.60 x 4 = $56,958.40 credit.

The total contribution, following the application of this credit, is **$645,683.31**.

Commercial

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

For the condition, the breakdown is as follows:

- Community Facilities = $111,057.52
- Recreation = $481,034.06
- Transport = $45,197.83
- Administration = $8,393.88

CONCLUSION

In accordance with Clause 3 of Schedule 4A of the *Environmental Planning and Assessment Act 1979*, the Application is referred to the the Sydney Central Planning Panel (SCPP) for determination.

The proposed development underwent a review with the design review panel and the majority of the Panels' comments have been appropriately addressed in the proposal.

The proposal seeks a maximum 2.1m height variation which results in a 15% variance to the 14 metre height control. However, having regard to providing compliant ceiling heights, an overall height exceedance of 2.75 metres occurs. A Clause 4.6 variation request was submitted which stated that the adjoining development to the west exceeded the height limit (albeit the height exceedance was misrepresented as having an approved height of 18.4m to the lift overrun when in fact it was 16.1m with no lift overrun) and that the site was affected by flooding. This Clause 4.6 request fails on the basis that the ceiling heights fail to achieve the required ceiling heights required by the ADG. Accordingly, the Clause 4.6 request cannot be supported on these grounds. The Clause 4.6 request to the maximum height is not considered to be well founded and the variation to the height control cannot be supported by Council in this case.

Non-compliances with the ADG and DCP controls have been considered and are generally supported by Council, in particular building separation, dwelling sizes for some of the proposed apartments and balcony size for two of the 1 bedroom unit mix, family friendly apartments, vehicle access for service vehicle requirement as well as the building form controls requiring a two (2) storey wall height.

The inconsistencies with the ceiling height controls however remain outstanding. Appropriate conditions have been recommended to achieve compliance with the ceiling height controls, among other conditions. The final amended plans submitted to the SCPP for determination are considered to address the majority of the issues raised by the Council's DRP and Council's request for further information with the exception of ceiling height as outlined in this report.

The application was the subject of three (3) submissions during the notification period which generally raised concerns relating to overdevelopment, congestion, pollution (noise, waste, and traffic), and quality of life in the area, crime and safety and open spaces. Other issues which were raised included traffic generation, vehicle access from Elizabeth Avenue, the lack of infrastructure and the potential asbestos in the existing warehouse buildings. These submissions have been addressed in this report or were addressed in the amended plans.

The proposal has been assessed in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979.* The proposal is permissible within the B2 – Local Centre zone and is considered to result in a development which is suitable in the context subject to the removal of Level 4 and ceiling heights being revised to comply with the ADG.

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

with respect to ceiling heights and provide amended plans which comply with the planning controls.

19-25 Robey Street and 5, 5A and 5B Elizabeth Avenue, Mascot

SCHEDULE OF CONSENT CONDITIONS

DEFERRED COMMENCEMENT CONDITIONS

Pursuant to the provisions of S. 80(3) of the *Environmental Planning and Assessment Act 1979* the development application is granted a Deferred Commencement Consent subject to the completion of the following:

Amended plans are to be prepared to the satisfaction of Council incorporating the following changes:

a. Deletion of Level 4 and provision of the following ceiling heights (measured internally from finished floor level to finished ceiling level) for the proposal:

   (i) Ground floor – 3.3 metres;
   (ii) Level 1 – 3.2 metres;
   (iii) Level 2 – 2.7m; and
   (iv) Level 3 – 2.7m.

b. In the event that the maximum height of the proposal results in an exceedance of the maximum permissible building height of 14 metres pursuant to Clause 4.3(2) of the *Botany Bay Local Environmental Plan 2013*, a Clause 4.6 request must be provided.

The applicant must provide to the Council appropriate documentary evidence sufficient to enable it to be satisfied of the matters in the above Condition(s) within six (6) months or such further period as Council may determine is appropriate upon application in writing being made to Council no later than four weeks before the Notice of Expiry date.

Upon written confirmation of compliance with the above requirements from Council, the consent will become operable subject to the following 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
DWG No.A000 Rev C(3)- Cover Sheet Plan		Dated 13 October 2017; Received 1 November 2017
DWG No.A100 Rev C(3) - Site Analysis Plan		Dated 13 October 2017; Received 1 November 2017
DWG No.A101 Rev C(3) – Basement 2 Plan		Dated 13 October 2017; Received 1 November 2017
DWG No.A102 Rev C(3) – Basement 1 Plan		Dated 13 October 2017; Received 1 November 2017

DWG No.A103 Rev C(3) – Ground Floor Plan	Brewster Murray	Dated 13 October 2017; Received 1 November 2017
DWG No.A104 Rev C(3) – Level 1 Plan		Dated 13 October 2017; Received 1 November 2017
DWG No.A105 Rev C(3) – Level 2 Plan		Dated 13 October 2017; Received 1 November 2017
DWG No.A106 Rev C(3) – Level 3 Plan		Dated 13 October 2017; Received 1 November 2017
DWG No.A107 Rev C(3) – Level 4 Plan		Dated 13 October 2017; Received 1 November 2017
DWG No.A108 Rev C(3) – Roof Plan		Dated 13 October 2017; Received 1 November 2017
DWG No.A201 Rev C(3) – Elevations Plan		Dated 13 October 2017; Received 1 November 2017
DWG No.A202 Rev C(3) – Elevations Plan		Dated 13 October 2017; Received 1 November 2017
DWG No.A203 Rev C(3) – Sections Plan		Dated 12 October 2017; Received 1 November 2017
DWG No.A111 Rev C(3) – Landscape & Deep Soil		Dated 13 October 2017; Received 1 November 2017
DWG No.A1018 Rev C(3) – Construction Management Plan		Dated 13 October 2017; Received 1 November 2017
DWG No.A1018 Rev C(3) – Shadow Diagrams		Dated 13 October 2017; Received 1 November 2017
DWG No.A502 Rev C(3) – SEPP 65 & GFA		Dated 13 October 2017; Received 1 November 2017
Photomontage		Received 17 October 2017
Finishes Board		Received 16 September 2016
Landscape Plan DWG No. 922 Sheet L-01B – Site Plans/Calculations	Site Design Studio	Dated 3 November 2017; Received 13 October 2017
Landscape Plan DWG No. 922 Sheet L-02B – Planting Schedule and Image		Dated 3 November 2017; Received 13 October 2017
Landscape Plan DWG No. 922 Sheet L-03B – Planting Details		Dated 3 November 2017; Received 13 October 2017
Landscape Plan DWG No. 922 Sheet L-04B – Specifications		Dated 3 November 2017; Received 13 October 2017
Civil Engineering Works DWG No. 16533_DA_C000 Rev 02 - Cover Sheet, Drawing Schedule, Notes & Locality Sketch		Dated 16 October 2017; Received 23 November 2017
Civil Engineering Works DWG No. 16533_DA_C100 Rev 02 – Ground Floor Plan		Dated 16 October 2017; Received 23 November 2017
Civil Engineering Works DWG No. 16533_DA_C101 Rev 02 – Basement Level 1 Plan		Dated 16 October 2017; Received 23 November 2017

Civil Engineering Works DWG No. 16533_DA_C102 Rev 02 – Basement Level 2 Plan	Henry & Hymas	Dated 16 October 2017; Received 23 November 2017
Civil Engineering Works DWG No. 16533_DA_C200 Rev 02 – Stormwater Miscellaneous Details		Dated 16 October 2017; Received 23 November 2017
Civil Engineering Works DWG No. 16533_DA_C201 Rev 02 – Stormwater Quality and OSD Details, Sheet 1 of 2		Dated 16 October 2017; Received 23 November 2017
Civil Engineering Works DWG No. 16533_DA_C250 Rev 02 – Roof OSD Plan		Dated 16 October 2017; Received 23 November 2017
Civil Engineering Works DWG No. 16533_DA_C251 Rev 02 – Stormwater Catchment Plan		Dated 16 October 2017; Received 23 November 2017
Civil Engineering Works DWG No. 16533_DA_SE01 Rev 02 - Sediment & Erosion Control Plan		Dated 16 October 2017; Received 23 November 2017
Civil Engineering Works DWG No. 16533_DA_SE02 Rev 01 - Sediment & Erosion Control Details and Sections		Dated 29 January 2016; Received 17 October 2017
Survey Plan (Ref: 3558)	Cedar Surveying Services Pty Ltd	Dated 7 June 2016 Received 16 September 2016
Swept Paths SRV Entry and Exit Vertical Clearance (Project NO 16.213), Drawing No TX.01 Rev 02	Traffix Traffic and Transport Planners	Dated 24 April 2017 Received 1 November 2017

Reference Document(s)	**Author**	**Dated / Received by Council**
Statement of Environmental Effects (Ref: 16362)	JBA	Dated September 2016; Received 16 September 2016
Supplementary Statement of Environmental Effects (Ref: 16362)	Ethos Urban (formerly JBA)	Dated 13 October 2017; Received 13 October 2017
DCP Compliance Table	JBA	Received 16 September 2016
Clause 4.6 variation to the height development standard	Ethos Urban (formerly JBA)	Dated 2 November 2017 Received 3 November 2017
Letter to Council responding to additional information	JBA	Dated 21 April 2017 Received 21 April 2017
Statement of Compliance: Access for people with a disability (Ref: 216196)	Accessible Building Solutions	Dated 2 September 2016 Received 16 September 2016

Traffic Impact Assessment Rev B- Ref: 16.213r01V02	Traffix Traffic and Transport Planners	Dated April 2017; Received 21 April 2017;
Traffic Impact Assessment – Letter Report Rev B- Ref: 16.213r01V02	Traffix Traffic and Transport Planners	Dated 12 October 2017; Received 13 October 2017;
BASIX Certificate No. 867867M	SLR Consulting Pty Ltd	Dated 11 October 2017; Received 13 October 2017
Acoustic Report- Ref: 20161114.1/1104A/R1/RL (Rev 1)	Acoustic Logic	Dated 11 April 2017; Received 21 April 2017
NATHERS Statement (Certificate NO 0002020750)	SLR Consulting Pty Ltd	Dated 11 October 2017; Received 13 October 2017
Access Report (Ref: 216196)	Accessible Building Solutions	Dated 2 September 2016; Received 16 September 2016
Arboricultural Assessment Report (Ref: R 17/11)	Angophora Consulting Arborist	Dated 24 August 2016; Received 16 September 2016
Arboricultural Assessment Report - Tree Impact Statement & Root Investigation	Naturally Trees	Dated 12 April 2017; Received 21 April 2017
National Construction Code 2016 Compliance Report (Ref: 16/0377)	Dix Gardner Group Pty Ltd	Dated September 2016; Received 16 September 2016
SEPPP 65 Design Verification Statement	Brewster Murray	Dated August 2016; Received 16 September 2016
Waste Management Plan Rev B	Elephants Foot	Dated 2 September 2016; Received 16 September 2016
Pedestrian Wind Environment Statement (Ref: WD221-01F02(REV0) - WS Report)	Windtech	Dated 26 August 2016; Received 16 September 2016
Stage 1 Desktop Environmental Site Assessment (Ref: E29461KHrpt	Environmental Investigation Services (EIS)	Dated 20 July 2016; Received 16 September 2016
Stage 2 Environmental Site Assessment (Ref: E29461KHrpt2-interim)	Environmental Investigation Services (EIS)	Dated 16 September 2016; Received 16 September 2016
Geotechnical Investigation- Ref: 29461ZRrpt	JK Geotechnics	Dated 20 July 2016; Received 16 September 2016

2 No construction works (including excavation) shall be undertaken prior to the issue to the Construction Certificate.

3 This Consent relates to land in Lot 15 Sec A DP 4115, Lot 16 Sec A DP 4115, Lot 1 DP 946234, Lot 1 DP 455491, Lot 19 Sec A DP 4115, Lot C DP 418600 and Lot 1 DP 493126 and as such, building works must not encroach on to adjoining lands or the adjoining public place.

4 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:

(a) The consent authority; or,

(b) An accredited certifier; and,

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

(a) Has appointed a principal certifying authority; and

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

(c) 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.

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

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:

(a) 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

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

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

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

7 The following conditions are imposed by **Ausgri**d:

a) The developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (e.g. whether a substation is required on site).

b) In general, works to be considered by Ausgrid include, but are not limited to, the following:

(i) Changes in electrical load requirements

(ii) Changes to Ausgrid's infrastructure (i.e. asset relocations, decommissioning substations etc.);

(iii) Works affecting Ausgrid's easements, leases and/ or right of ways

(iv) Changing the gradients of any roads or paths

(v) Changing the level of roads or foot paths

(vi) Widening or narrowing of roads

(vii) Closing roads or laneways to vehicles

(viii) In all cases Ausgrid is to have 24 hour access to all its assets

c) Any work undertaken near overhead power lines needs to be done in accordance with:

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

(ii) Ausgrid's Network Standard

(iii) Ausgrid's Electrical Safety Rules

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

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

a) This location lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.

b) The application sought approval for the property development to a height of 23.0 metres Australian Height Datum (AHD).

c) In my capacity as Airfield Design Manager and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, I have no objection to the erection of this development to a maximum height of 23.0 metres AHD. Should you wish to exceed this height a new application must be submitted.

d) Should the height of any temporary structure and/or equipment be greater than 15.24 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

e) Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations. Sydney Airport advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.

f) "Prescribed airspace" includes "the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) surface for the airport (Regulation 6(1)). The height of the prescribed airspace at this location is 51 metres above AHD.

g) Planning for Aircraft Noise and Public Safety Zones: Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Air services in December 2012 (Sydney Airport 2033 ANEF). Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.

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

a) Sydney Water Servicing - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. 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.

b) Building Plan Approval - The developer must have 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).

10 The following conditions are imposed by **Water NSW** in the following General Terms of Approval (GTAs):

General

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

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

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

(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 part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.

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

e) Documentation (referred to as a 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process must be provided. 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 in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

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

(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. [Note that groundwater level measurements should be undertaken on a continuous basis using automatic loggers in monitoring bores.

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

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

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

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

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

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

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

<u>During excavation</u>

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

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

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

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

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

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

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

<u>Following excavation</u>

u) Following cessation of the dewatering operations, the applicant shall submit 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.

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

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE DEMOLITION OF ANY BUILDING OR STRUCTURE

11 A Hazardous Building Material Assessment (HBMA) shall be carried out and a report provided to council to ensure that any hazardous materials that may have been used within the structural components of buildings and infrastructure are adequately addressed to protect site personnel and the public from the risk of exposure. This shall be undertaken by an appropriately qualified consultant and shall be submitted to the Principal Certifying Authority (and the Council if the Council is not the Principal Certifying Authority) prior to the demolition of any building or structure.

Should any hazardous materials be identified a Work Management Plan completed in accordance with *AS2601 – Demolition of Buildings* shall be submitted to the Principal Certifying Authority prior to the demolition of any building or structure. The report shall contain details regarding the type of hazardous material and the proposed methods of containment and disposal.

12 Prior to the commencement of demolition work a licensed demolisher who is registered with WorkCover NSW must prepared a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy shall be sent to Council (if it is not the PCA). A copy of the Statement shall also be submitted to WorkCover NSW.

The statement must be in compliance with *AS2601:1991 – 'Demolition of Structures*', the requirements of WorkCover NSW and conditions of the Development Approval, and shall include provisions for:

a) Enclosing and making the site safe, any temporary protective structures must comply with the "Guidelines for Temporary Protective Structures (April 2001)";

b) Induction training for on-site personnel;

c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);

d) Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;

e) Disconnection of Gas and Electrical Supply;

f) Fire Fighting – Firefighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;

g) Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;

h) Waterproofing of any exposed surfaces of adjoining buildings;

i) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the "Protection of the Environmental Operations Act 1997";

j) Working hours, in accordance with this Development Consent;

k) Confinement of demolished materials in transit;

l) Proposed truck routes, in accordance with this Development Consent;

m) Location and method of waste disposal and recycling in accordance with the "Waste Minimisation and Management Act 1995".

n) Sewer – common sewerage system.

13 Should the demolition process require a building waste container(s) (builders' skip), then such container must not be placed or left upon the public road, footpath, reserve or the like without the prior approval of the Council. The use of any part of Councils road reserve must also have prior approval of Council.

14 Vibration levels induced by the demolition activities shall not exceed levels listed in Standard DIN 4150-3 (1999-02), Structural vibration Part 3 – Effects of vibration on structures Table 12-7. The operation of plant and equipment must not give rise to the transmission of vibration nuisance or damage to other premises. Prior to commencement a specific vibration monitor shall be set up to monitor and record the vibration levels affecting surrounding buildings.

15 Prior to the commencement of any demolition, excavation or remediation works, the applicant must inform Council, in writing, of:

(a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or

(b) The name and permit number of the owner-builder who intends to do the work;

(c) The Council also must be informed if: -

(i) A contract is entered into for the work to be done by a different licensee; or

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

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

16 The applicant must prior to the issue of any Construction Certificate, pay the following fees:

(a)	Development Control	$2,940.00
(b)	Builders Security Deposit	$47,000 (Condition No. 17)
(c)	Section 94 Contributions	$**645,683.31** (Condition No.18)

17 Prior to the issue of any Construction Certificate, the applicant shall lodge a Damage Deposit of **$47,000.00** (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.

18 Bayside Council being satisfied that the proposed development will increase the demand for public amenities within the area, and in accordance with Council's Section 94 Contributions Plans, a contribution of **$645,683.31** is payable as calculated below:

City of Botany Bay Section 94 Contributions Plan 2016

The s94 contributions (as indexed to April quarter 2017) for residential are as follows:

a) Community Facilities- Citywide	$111,057.52
b) Recreation Facilities- Citywide	$481,034.06
c) Transport Management- Citywide	$45,197.83
d) Administration	$8,393.88
TOTAL:	**$645,683.31**

The total Section 94 Contribution of **$645,683.31** is to be paid to Council prior to the issue of any Construction Certificate.

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

19 Prior to the issue of the relevant Construction Certificate, the applicant shall submit amended plans to Council's Manager of Development Services for approval, showing the following:

a) Storage areas are to comply with the minimum ADG requirement of 6sqm for 1 bedroom apartments, 8sqm for 2 bedroom apartments and 10sqm for 3 bedroom apartments. 50% of the storage area is to be included within the apartments. A breakdown of the storage area is to be provided within a Schedule;

b) The balustrades along the front elevation are to comprise frosted glass to provide privacy for the balconies;

c) Ceiling heights compliant with Part 4C of the *Apartment Design Guide* (NSW Department of Planning and Environment, July 2015).

d) Front entries of the apartments, dining rooms, kitchen floors and internal storage areas are to be finished with materials that are water resistant and easy to clean (family friendly apartment provisions of the BBLEP 2013).

20 Plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Certifying Authority with the application for the relevant Construction Certificate. The garbage and recycling storage area shall be adequately ventilated. 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.

21 The drawings for the construction certificate for the basement shall show the following parking requirements:

a) Residential - 93 car parking spaces;

b) Visitor - 11 car parking spaces;

c) Commercial – 7 car parking spaces;

Any excess parking is to be allocated to residential apartments. This information is to be provided prior to the issue of the relevant Construction Certificate.

22 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 the certifying authority prior to the issue of the relevant Construction Certificate and the building plans endorsed with the required acoustical measures.

The measures required in the approved acoustical assessment report 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.

23 A suitable intercom system linked to all units within the development shall be provided at the vehicle entrance to the development to ensure any visitors to the site can gain access to the visitor parking in the car parking area. The details of the intercom system shall be submitted to Certifying Authority prior to the issue of the relevant Construction Certificate and its location and specifications endorsed on the construction drawings.

24 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 (e.g. 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.

25 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.

26 A Construction Management Program shall be submitted to, and approved by the Private Certifying Authority prior to the issue of any 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.

27 Prior to the release of the Construction Certificate, the applicant shall provide certification from a suitably qualified Traffic Engineer to the Private Certifying Authority attesting that the design of the proposed development is in accordance with the approved Traffic Management Report by Traffix.

28 Prior to the issue of any Construction Certificate, detail design and construction plans in relation to the habitable areas shall be submitted to the Principal Certifying Authority for approval. The plans shall incorporate but not limited to the finished floor level of the habitable areas of the building that shall be a minimum of RL 6.3 m AHD.

29 Prior to the issue of any Construction Certificate, all driveways/access ramps/vehicular crossings shall be designed to conform to the current Australian Standards AS 2890.1 and Council's Infrastructure Specifications, currently under review. These include but are not limited to E-01, E-04, E-07 and E-16.

As part of this development, a new concrete driveway shall be constructed. A new 5 (five) metre-wide driveway layback shall be constructed as part of the new driveway. A minimum 1.0 metre length of existing kerb and gutter on each side of the driveway layback shall be removed and replaced with new kerb and gutter to enable a transition for a correct tie-in with proposed public domain works.

The design shall be submitted to the Private Certifying Authority for approval and the approved design shall form part of the subsequent road opening permit application.

30 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) for approval. The plan shall:

a) be prepared by a RMS accredited consultant,

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

c) during construction, if access from **Bourke Road** is required, the applicant is to submit documentary evidence to the Principal Certifying Authority that the required Section 138 Consent under the Roads Act, 1993 has been issued by the New South Wales Roads and Maritime Services, and

d) 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.

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

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

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

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

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

b) 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),

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

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

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

a) Disabled car parking spaces shall be provided and clearly marked as per the Stage 2 Traffic and Transport Report by ARUP Group, dated 10 August 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.

34 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.

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

(The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's Development Control Plan 'Stormwater Management Technical Guidelines', 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) Incorporate a Stormwater Quality Improvement system to ensure compliance with Section 16 of Botany Bay's SMTG;

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

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

e) The submission of detailed calculations including computer modelling where required supporting the proposal;

f) The finished floor levels of any non-habitable and habitable buildings/structures shall be minimum 100mm and 300mm above the maximum top water level of the OSD system, which free-standing OSD tanks, situated on a the ground floor slab, would not be able to achieve;

g) Particular attention is also drawn to the requirements of SMTG Part 6, with respect to 6.2 (i) and (iii) – Discharge Control Pit and Storage Tank configuration; 6.2 (viii) and (x) – Orifice plate requirements; Part 7 – Underground Structures; Part 8 – Finished Floor Levels;

h) Concrete encasement of stormwater drainage pipelines within proposed Council drainage easements is not permitted by Council. Furthermore, the proposed diversion of stormwater drainage pipelines within proposed easements shall be shown on plans (with long-sections showing cover over pipes, pits and pit sizes, pipe sizes, pipe gradients, pipe material, and other relevant pipe characteristics) to be submitted to Council for approval prior to the issue of a construction certificate. The detailed design shall be in accordance with the requirements of Parts 12 and 13 of the SMTG, and shall include the stormwater drainage pipelines currently traversing 21 Robey Street – to the Robey Street Council drainage system from the end of Elizabeth Avenue. All costs involved in the creation, dedication and registration of the easements shall be born entirely by the applicant, and the easements shall be registered with Land and Property Information NSW prior to the issue of the Final Occupation Certificate; and

i) The basement shall be protected from inundation up to and including the 1% AEP flood by a driveway crest situated on land that is not public land, and with a flood planning level of the 1% AEP flood level plus 300mm freeboard.

36 The pathway along the rear boundary **i**s to remain private and must be noted as common property on any future strata plan of subdivision.

37 Prior to the issue of Construction Certificate, the applicant is to submit payment for a Street Tree Planting Bond of $6,000 to ensure the installation and establishment of specific street trees in accordance with Councils *Street Tree Master Plan*. Establishment includes watering for a period of six months following installation. The duration of the Bond shall be limited to a period of 6 months after Council approval of the planted tree. At the completion of the 6 month period the Street Tree Planting Bond shall be refunded pending a satisfactory inspection by Council. If the tree was found be to be in decline, damaged, dead, excessively pruned or removed then all or part thereof of the bond shall be forfeited to allow Council to replace or maintain the tree.

38 The **Final Landscape Plan** generally in accordance with the approved Landscape Plan prepared by Site Design Studios (Issue C, dated 3 November 2017) shall comprise detailed landscape construction documentation (plans and specifications) to be submitted to and approved by Council's Landscape Architect prior to the issue of the Construction Certificate. The landscape documentation shall include, but not be limited to:

a) A planting plan at 1:100 showing all plant locations/groupings and plant centres/species. There is to be a dense layered planting scheme consisting of trees, shrubs and groundcovers in all of these areas.

b) The following amendments are to be made to the approved Landscape Plan in the final Landscape Plan:

(i) Elizabeth Avenue plant selection to be adjusted on the final landscape plan, with Raphiolepis (to be changed to Leionema 'Green Screen' and Westringia's changed on west side to be a screen planting which is staggered to form a thicker hedge, using Syzigium 'Cascade' or equivalent.

(ii) The East side plantings should also be a staggered planting of the Syzigiums.

(iii) *Cycas revoluta* should be replaced or moved from bench areas on South side.

(iv) Robey Street retail area plant selections are to be reviewed with greater variety including *Syzigium* 'Allyn Magic' and *Xanthostemon verticillatus* 'Little Penda' in the north-west landscape bed adjoining OSD can accommodate plants and small trees to a greater height. Leptospermum petersonii can tolerate the strong heat, which should be supplemented with Brachychiton acerifolius plantings.

(v) Robey Street Tree Planting – the following is to be installed:

- 2 x trees - *Fraxinus griffithii* min. height 1.4 metres and pot size (45 litre) and 1 x *Callistemon viminalis* (Botany *Street Tree Master Plan 2014*) shall be installed in the Robey Street nature

strip at 7 metre centres by a qualified landscape contractor to aid to the public amenity are required along the Robey Street reserve;

- A Dial-Before-You-Dig enquiry is required prior to all tree planting;
- The shrubs shall be planted in an area measuring 1 metre square, backfilled with imported soil/compost, water holding additive and fertiliser, and mulched with leaf mulch to a depth of 100mm. The trees are to be staked in accordance with Council's Landscape DCP and NATSPEC recommendations;
- Two hold point inspections are required: prior planting trees to ensure plant stock is suitable and post planting;
- The Applicant is required to obtain a Council inspection of new trees prior to the maintenance period commencing;
- Verge plantings of low shrubs and groundcovers are also highly encouraged for aesthetic appeal to the streetscape of Robey and High Street. This verge under planting species should consist of Dianellas, Lomandras, native grasses and groundcovers such as Brachyscome multifida and Chrysocephalum apiculatum;

c) Elevated planter box sectional details and drainage details. All planter box depths and dimensions shall be in accordance with Council's DCP and capable of supporting medium and large canopy trees;

d) All deep soil areas to include canopy trees where feasible to mitigate the loss of existing mature trees on site and to provide a level of amelioration to the development that is appropriate to the scale of the building heights;

e) Indicate the location of all basement structures relative to the landscape areas;

f) A tree removal and tree retention plan is required to be submitted that clearly shows trees numbered to correspond with the Arborist report;

g) Areas of paving, schedule of materials, edge treatments, tactile and sectional construction details. Use of WSUD initiatives or materials is required to be indicated. All internal access driveways, parking areas and pedestrian walkways shall be unit paved (interlocking pavers). Large areas of asphalt or concrete are not permitted. The basement driveway shall be constructed of plain broom finished concrete;

h) Impervious surfacing is to be minimised. Permeable pavements are to be used where possible, e.g. Decks, pebbles, spaced pavers, specialised permeable pavers (DCP - 3L Landscaping and Tree Management);

i) Bench seats should vary from Urban Seat 1 (US1.18.MR.U.PL +USAR2.PL), Bench Seat 9 (BS9.18.MR.U.PL + BSAR2.PL) and Bench Seat 12 (BS12.18.MR.U.PL) supplied by Botton & Gardiner Pty Ltd, with aluminum body and slat finish;

j) Rigid polyethylene sheet type tree root barriers shall be installed alongside the kerb and footpath edge for all new street trees for a depth of 900mm, for 3 metres each side of the tree centre and shall be located 150mm inward of the footpath and kerb edge, or any other built element. Root deflectors/directors surrounding the root ball are not permissible. Trees planted within paved areas shall have the barriers installed around the inside edge of the pavement cut-out. The Applicant is required to contact Council's Landscape Architect for an inspection of root barriers located within the public domain prior to backfilling and turfing; and

k) A raised concrete edge shall be installed around the landscape areas to contain soil and mulch finishes from spilling out onto adjoining pavements. The edge shall be raised a minimum of 150mm above the adjoining pavement. Timber retaining edges are unsuitable.

39 Side boundary fences forward of the building alignment shall be no more than 1 metre in height. Encourage and retain fencing character, styles and height for each street which may in some circumstances include no fences.

40 Planter boxes constructed over podium shall be built in accordance with the following requirements:

a) Ensure soil depths in accordance with Council's DCP. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes;

b) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter;

c) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil;

d) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns;

e) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building; and

f) Medium canopy trees (5-8 metre height) must contain a minimum soil depth of 1000mm with planter dimensions 6 x 6 metres. The Livistona australis must be planted in a minimum soil depth of 1300mm, with planter dimensions 10 x 10 metres. (Section 10 – Landscape Guidelines)

Details are to be provided on the Final Landscape Plan prior to the issue of the Construction Certificate.

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

41 The proposed development shall comply with the following:

(a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

(i) Stating that unauthorised entry to the work site is prohibited;

(ii) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;

(iii) The Development Approval number; and

(iv) The name of the Principal Certifying Authority including an afterhours contact telephone number.

(b) Any such sign is to be removed when the work has been completed.

42 If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.

43 A dilapidation report, including a photographic survey prepared by a Practising Structural Engineer, must be prepared on surrounding properties. A copy of the dilapidation report together with the accompanying photographs shall be given to the above property owner/s, and a copy lodged with Principal Certifying Authority prior demolition. The extent of the Dilapidation Survey is to be prepared by a practising Geotechnical Engineer having regard to foundations/structures of the locality

44 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.

45 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.

46 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.

47 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.

48 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:

(a) must be standard flushing toilet; and

(b) 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.

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

50 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.

51 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.

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

53 For any water from site dewatering to be permitted to go to the stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for marine water. The results of all testing must be completed by a NATA accredited laboratory.

All laboratory results must be accompanied by a report prepared by a suitably qualified person indicating the water meets these guidelines and is acceptable to be released into council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater shall be provided in this report. Reports shall be provided to council prior to discharge of any groundwater to the stormwater system.

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

55 The applicant shall provide Council with a 24 hour contact number for the manager of the remediation works prior to the commencement of any works at the site.

56 Prior to commencement of any works, the Applicant must indemnify Council against all loss of or damage to the property of others and injury or death to any persons which may arise out of or in consequence of the carrying out of the work and against all claims, demands, proceedings, costs, charges and expenses whatsoever in respect thereof or in relation thereto. In this regard, the Applicant shall take out a public liability policy during the currency of the works in the sum of not less than $20,000,000 and to be endorsed with Bayside Council as principal, and keep such policy in force at the Applicant's own expense. A certificate from the Applicant's insurers to this effect is to be LODGED WITH COUNCIL BEFORE ANY WORK IS COMMENCED. The amount of Common Law liability shall be unlimited.

57 Prior to the commencement of excavation or any building works, the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35%

of the total cost of the development, however this is a State Government Fee and can change without notice.

58 In order to ensure that the Trees 17 and 26 are protected during construction, and its 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 *Tree Risk Assessment Report* by Angophora consulting Arborist, dated 24 August 2016.

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

c)

(i) Prior to commencing demolition/any works the tree/s is/are to be physically protected by fencing underneath the canopy dripline using 1.8 metre high chainwire fence or 1.5 metre steel pickets and nylon para-webbing/hessian to form the Tree Protection Zone (TPZ). The fence shall remain in place until construction is complete;

(ii) 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;

(iii) Fencing shall be erected to ensure the public footway is unobstructed;

(iv) 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);

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

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

f) All TPZ's as well as the entire 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 (or Consultant Arborist);

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

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

i) 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 so as not to unduly impact or stress the tree;

j) 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. This will be required for Tree NO 20 (Council Street Tree). Approved pruning shall be undertaken by a qualified Arborist in accordance with AS 4373.

59 Sub-surface OSD tanks and infiltration trenches are to be located at least 3 metres away from the canopy dripline of any existing tree to be retained and not located where it will limit the planting of trees on the site. Excavation proximate to trees shall be carried out manually using hand tools, or with small machinery to minimise tree root damage, disturbance or soil compaction. If tree roots are encountered Council's Tree Officer must be called for a site inspection. If tree roots cannot be cut without compromising the tree then the OSD will be required to be re-configured or relocated.

60 A qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the existing stormwater drainage infrastructure on Robey Street road reserve and the pipes traversing 21 Robey Street between Robey Street and Elizabeth Avenue. The camera and its operation shall comply with the following:

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

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

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

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

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

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

61 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 (e.g. Ausgrid, Sydney Water, Telecommunications Carriers and Council in connection with:

(a) The additional load on the system; and

(b) The relocation and/or adjustment of the services affected by the construction;

c) As part of this development, the Ausgrid lighting poles along Bourke Road and Church St, will need to be decommissioned and new lighting poles shall be constructed satisfying P2 lighting requirements and any other requirements as specified by Council, RMS and any other service provider;

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

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

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

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

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

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

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

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

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

e) If the soil conditions required it:

i) Retaining walls associated with the erection of a building (swimming pool) or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided and:-

ii) Adequate provision must be made for drainage.

DURING WORKS

64

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 (e.g. 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.

65 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 and surrounding development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, and concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

66 Inspections must be conducted by Council's Engineer at the following occasions:

a) Formwork inspection of driveway layback and adjacent kerb and gutter prior to laying of concrete;

b) Formwork inspection of Council's kerb and gutter prior to laying of concrete;

c) Formwork inspection of Council's footpath prior to laying of concrete;

d) Final inspection of driveway layback and adjacent kerb and gutter;

e) Final inspection of Council's kerb and gutter;

f) Final inspection of Council's footpath.

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

68 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.

69 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.

70 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.

71 Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:

a) SafeWork NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m^2 of bonded asbestos and/or any friable asbestos;

b) Protection of the Environment Operations Act 1997;

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

d) NSW Environment Protection Authority Waste Classification Guidelines 2014.

72 A clearance certificate for the removal of asbestos from the site shall be prepared by a suitably qualified consultant and shall be in accordance with:

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

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

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

The report shall provide a notice of completion of asbestos remediation works at the site and shall be submitted after completion of asbestos removal works and prior to the commencement of building works on the site. The report shall be submitted to the Principal Certifying Authority (and the Council if the Council is not the Principal Certifying Authority).

73 For any water from site dewatering to be permitted to go to the stormwater system, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for Marine Water. All testing must be completed

by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into Councils stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater shall be provided in this report. Reports shall be provided to council prior to discharge of any groundwater to the stormwater system.

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

75 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.

76 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.

77 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.

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

79 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.

80 All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.

81 Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.

82 The following shall be complied with during construction and demolition:

(a) Construction Noise

(i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Interim Construction Noise Guideline and the Protection of the Environment Operations Act 1997.

(b) Level Restrictions

(i) Construction period of 4 weeks and under:

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

(ii) Construction period greater than 4 weeks and not exceeding 26 weeks:

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

(c) Time Restrictions

(i) Monday to Friday 07:00am to 05:00pm

(ii) Saturday 08:00am to 01:00pm

(iii) No demolition or construction to take place on Sundays or Public Holidays.

(d) Silencing

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

83 During excavation and construction work the Council nature strip shall be maintained in a clean and tidy state at all times. The nature strip shall be suitably replaced where damaged due to construction work in accordance with Council Specification at the completion of construction, and at the Applicant's expense.

84 During excavation and construction works, the applicant / builder is required to ensure the protection and preservation of all boundary fencing or boundary walls between the subject site and adjoining properties. Any damage caused as a result of such works will be at the full cost of the applicant/builder.

85 An experienced Landscape Contractor shall be engaged to undertake all landscaping (site and public domain) work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements. The contractor shall be engaged weekly for a minimum period of 52 weeks from final completion of landscaping for maintenance and

defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.

86 To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscaped areas. The system shall be installed by a qualified landscape contractor and provide full coverage of planted areas with no more than 300mm between drippers, automatic controllers and backflow prevention devices, and should be connected to a recycled water source. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.

87 The public footpaths in Robey Street and Elizabeth Avenue shall be constructed in accordance with the approved Public Domain Plan and Council specifications. The footpath dimensions, location, paver type and construction methods shall be in accordance with these specifications. Hold points and Council inspections are required after formwork setback and to prior pouring the concrete blinding slab, at the commencement of paving works and at final completion as a minimum. Pavers shall be ordered allowing for adequate lead time for manufacture (10-12 weeks).

88 Fire booster assemblies and electrical kiosks and the like are to be housed within the building structure or screened by a built screen enclosure and/or landscaping so as not to reduce the visual amenity of the development or the streetscape and public domain. The location of, and screening treatment surrounding these utilities is to be approved by Council's Landscape Architect prior to their installation.

89 Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:

a) Ensure soil depths and dimensions in accordance with Council's DCP allowing a minimum soil depth of 1 metre to support trees. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes;

b) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter;

c) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil;

d) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns; and

e) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.

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

90 Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C (1)(c) and 109M of the *Environmental Planning and Assessment Act 1979*.

91 The consolidation of all allotments into one allotment must be undertaken. Details demonstrating compliance with this requirement are to be submitted to the satisfaction of the Principal Certifying Authority prior to the release of the Final Occupation Certificate. Evidence of registration shall be submitted to Council or the Principal Certifying Authority prior to occupation and use of the building.

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

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

a) 93 residential spaces;

b) 11 visitors spaces;

c) 7 commercial/retail spaces;

d) 1 carwash bay located in the basement car park level;

Any excess parking is to be allocated to an apartment.

94 Prior to the issue of the relevant Occupation Certificate, at least 14 bicycle spaces are to be provided in the car park.

95 Prior to the issue of any Occupation Certificates:

a) That before entering a purchase/lease/occupancy agreement, or individual units are on-sold, all tenants and occupiers of the development are to be advised by the owner of the building that residents are not eligible to participate in on-street resident parking schemes;

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

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

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

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

report on the existing condition of the existing and new stormwater drainage infrastructure on **Robey St and Elizabeth Avenue**.

The camera and its operation shall comply with the following:

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

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

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

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

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council for review. Any damage to the culvert/pipeline since the commencement of construction on the site shall be repaired in full to the satisfaction of Council. A written acknowledgement shall be obtained from Council (attesting this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.

98 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.

99 Prior to the issue of any Occupation Certificate, the applicant shall carry out the following works:

a) On Robey St, adjacent to development, reconstruct existing Kerb and Gutter for the full length of the property in accordance with Council Infrastructure Specifications. Location of kerb & gutter to be confirmed with Council prior to construction;

b) On Robey Street and Elizabeth Avenue St, adjacent to development, demolish existing concrete footpath and construct new paved footpath as per Council's Infrastructure and Landscape Architect specifications;

c) On Robey Street, adjacent to development, construct new stormwater pipe underneath and adjacent to the new kerb & gutter location and repair (where required), at the applicants expense, Council's Stormwater Drainage Infrastructure as per Council's Infrastructure specifications;

d) On Elizabeth Avenue, adjacent to development, construct kerb and gutter, drainage pits and pipes to be confirmed in accordance with Council Infrastructure Specifications. Location of kerb & gutter to be confirmed with Council prior to construction;

e) Reconstruct the blind end of Elizabeth Avenue where the road pavement is more damaged as per civil engineering design and in accordance with Council Infrastructure specifications and with the written approval by Council. The road pavement shall be designed for construction vehicle traffic and certified by a suitably qualified pavement engineer.

The Robey Street public footpath shall be constructed in accordance with Council specifications. The footpath dimensions, location, paver type and construction methods shall be in accordance with this specification only. Pavers shall be ordered accounting for adequate lead time for manufacture.

Construction hold points and Council inspections are required at the following points:
(i) after formwork installation and to prior pouring the concrete blinding slab,
(ii) at the commencement of paving works, and
(iii) at final completion.
Council approval of public domain works is required prior issue of Occupation Certificate.

Elizabeth Avenue footpath to be constructed to Council standard. This footpath should be accessible and be minimum width of 700mm

100 Prior to the issue of any 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.

101 Prior to the issue of any 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 and Positive Covenant for On-Site Detention System. Refer to Appendix B of the SMTG for suggested wording, and

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

c) Waste collection is to be undertaken within the site by a private collection service using a small rigid vehicle until such time as Council vehicles are able to access the site.

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

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

103 That before entering a lease/occupancy agreement, all tenants and occupiers of the development is to be advised by the owner of the building that residents are not eligible to participate in on-street resident parking schemes. Prior to the issue of the relevant Occupation Certificate, a sign to this effect shall be located in a prominent place, to Council's satisfaction, such as on a the notice board in the communal room, where it can easily be observed and read by persons entering the building.

104 Prior to release of the any Occupation Certificate the developer must submit to the Principal Certifying Authority an acoustic report to verify that the measures stated in the acoustic report have been carried out and certify that the construction meets the

above requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).

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

106 All services (Utility, Council, etc.) within the road reserve (including the footpath) shall be relocated and/or adjusted to match the proposed/existing levels as required by the development.

107 Prior to the issue of any Occupation Certificate, street numbers shall be clearly displayed with such numbers being of contrasting colour and adequate size and location for viewing from the footway and roadway.

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

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

(b) A Floor Space Ratio (FSR) of 2:1 and height of RL 21.95m AHD as approved under this Development Consent No. 16/165, have been strictly adhered to and any departures are to be rectified in order to issue the Occupation Certificate.

(c) The development as built stands within Lot 15 Sec A DP 4115, Lot 16 Sec A DP 4115, Lot 1 DP 946234, Lot 1 DP 455491, Lot 19 Sec A DP 4115, Lot C DP 418600 and Lot 1 DP 493126.

109 The applicant is responsible for the installation and protection of all regulatory/ parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works shall be replaced at full cost to the applicant.

110 Any air conditioning units are to be located so that they are not visible from the street or public place and are not obscure windows/window frames or architectural features of the development and installed in a manner not be inconsistent with the relevant provisions of the Building Code of Australia (BCA).

111 At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan. The Certificate is to be submitted to the Bayside Council prior to the Issue of an Occupation Certificate.

112 At the completion of all construction works, a qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit

television (CCTV) inspection and then report on the existing condition of the street stormwater drainage system adjacent to the development site.

The camera and its operation shall comply with the following:

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

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

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

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

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council for review. Any damage to the culvert/pipeline since the commencement of construction on the site shall be repaired in full to the satisfaction of Council. A written acknowledgement shall be obtained from Council (attesting this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.

113 Prior issue of an Occupation Certificate the Council footpath in front of the property is to be suitably repaired and made good after completion of construction works to Council specification and at the Applicant's expense. If existing pavers are damaged, subject to Council inspection and instruction, the Applicant is to source and purchase new pavers to match existing pavers in the street. If a significant number of new pavers are required Council may require that the entire frontage be replaced to allow for a uniform appearance. The footpath shall be maintained in a clean and tidy state at all times by the occupiers. Maintenance includes the removal of weeds and rubbish and periodic cleaning.

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

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

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

a) Restrictions on Use of Land and Positive Covenants for On-site Stormwater Detention systems and Stormwater Quality Improvement Devices (SQIDs). Refer to Appendices B and E of the SMTG for suggested wording.

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

117 The use of the retail tenancies is subject to a separate approval (DA or complying development certificate).

118 Any signage or advertising is subject to a separate approval (DA or complying development certificate).

119 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.

120 New street trees shall be maintained by the Applicant/Owner/Strata Corporation for a period of 12 months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter to sustain adequate growth and health, bi-annual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties. Maintenance but does not include trimming or pruning of the trees under any circumstances.

121 Ongoing maintenance of the road verges and footpaths and nature strips in Church Avenue and Galloway Street shall be undertaken by the owner/body corporate/Strata Corporation. Maintenance includes mowing, watering and maintaining the landscaping in these areas at all times. Maintenance does not include pruning, trimming, shaping or any work to street trees at any time.

122 The landscaped areas on the property shall be maintained in accordance with the Council stamped and approved landscape documentation, the conditions of development consent and Council's DCP all times.

123 The use of the premises shall not give rise to any of the following when measured or assessed at "sensitive" positions within any other property. These "sensitive" positions should be selected to reflect the typical use of a property (ie any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.

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

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

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

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

124 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the *Protection of the Environment Operations (Noise Control) Regulation 2008*, and AS2201, Parts 1 and 2 - 1978 Intruder alarm systems.

125 Any air conditioning units (where possible) shall comply with the following requirements:

(a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the dwelling.

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

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

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

126 All loading and unloading associated with the retail tenancies are to be undertaken within the ground floor loading dock.

127 The loading dock shall not be used between the hours of 6pm and 6am Monday to Sunday.

128 No garbage collection associated with the retail premises is permitted between 10pm and 6am.

129 The collection of garbage associated with the residential premises shall be restricted to 6am to 6pm Monday to Sunday.

130

(a) The adaptable apartments approved under this development consent are to remain as adaptable units at all times; and

(b) The storage areas located within the basement shall be allocated to the relevant residential dwelling <u>in any future subdivision of the site.</u> In addition, any isolated storage areas and other spaces as identified by the NSW Police, shall be monitored by CCTV cameras at all times.

131 All parking bays shown on the approved architectural plans shall be set aside for parking purpose only and shall not be used for other purposes, e.g. storage of goods. Vehicle turning areas shall be kept clear at all times and no vehicles are permitted to park in these areas.

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)	Oriented to the street with the entrance facing the street.	Yes
Where the street frontage is to the east or west, rear buildings should be orientated to the north.	Street frontage is to the north and south, with solar access available to the majority of units.	Yes
Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west (see figure 3B.2)	Street frontage is to the south, with appropriate orientation for the site with the building facing to the east and north. Acceptable building massing provided.	Yes
Objective 3B-2 *Overshadowing of neighbouring properties is minimised during mid-winter*		
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 3D and 4A of the ADG table.	N/A
Solar access to living rooms, balconies and private open spaces of neighbours should be considered.	Considered in the overshadowing analysis.	Yes
Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%	Neighbouring properties currently receive sufficient solar access.	N/A
If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy.	Sufficient solar access is provided to the adjoining property to the west as the majority of the shadow in winter is cast over Robey Street.	Yes
Overshadowing should be minimised to the south or downhill by increased upper level setbacks.	The upper levels are setback.	Yes
It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development.	Minimal overshadowing of adjoining properties.	Yes
A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings	Minimal overshadowing of adjoining properties and there are no solar collectors.	Yes

Objective / Control	Proposal	Complies?
3C Public Domain Interface		
Objective 3C-1 *Transition between private and public domain is achieved without compromising safety and security*		
Terraces, balconies and courtyard apartments should have direct street entry, where appropriate.	The proposal is within a local centre and ground floor uses are retail for street activation.	N/A
Upper level balconies and windows should overlook the public domain.	Achieved	Yes
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	The entry to the site has been widened and includes mailboxes, with this corridor leading to the central communal open space. Attention has been given to this entry area to make it an inviting space, with ample room and amenity to encourage social interaction.	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	A door separates the retail uses from the residential area to the rear of the front façade along Robey Street.	Yes
Opportunities for people to be concealed should be Minimised	Concealment opportunities have been minimised, with good sight lines throughout the central communal area, which is also overlooked by the upper levels. The waste room has now achieved adequate surveillance and minimises concealment opportunities.	Yes
Objective 3C-2 *Amenity of the public domain is retained and enhanced*		
Planting softens the edges of any raised terraces to the street, for example above sub-basement car parking	Basement parking is provided generally below ground with landscaping proposed along front and side elevations.	Yes
Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided	Letterboxes provided in the foyer at the entry.	Yes

Objective / Control	Proposal	Complies?
The visual prominence of underground car park vents should be minimised and located at a low level where possible	Underground car park does not protrude above ground level	Yes
Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view	Service areas generally located out of view with the exception of the substation which is at the front. Street trees are to be retained which will reduce prominence of the building within the frontage of the building which is acceptable.	Yes
Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels.	Excessive ramping is not provided and an access platform lift is proposed on the western end of the street elevation for access to the building from the street.	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	The site adjoins John Curtin Reserve, with a pathway proposed along the rear boundary for access from the park to Elizabeth Avenue. This is for use by residents only as it was considered a safety hazard for the general public given it is relatively isolated and is located within a narrow part of the site which is not overlooked by the proposed building..	Yes
3D Communal and public open space		
Objective 3D-1 *An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping*		
Design criteria		
Communal open space has a minimum area equal to 25% of the site.	The proposal provides communal open space (COS) in the central courtyard and along the side and rear boundaries at ground level, with the total area provided being 781m² (30.2%) of the site as COS.	Yes
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).	The communal open space areas along the rear and eastern side boundaries achieve the required solar access throughout the day in mid-winter. While the central courtyard area of communal open space receives some	Yes **Refer to Note 1**

Objective / Control	Proposal	Complies?
	solar access, this area will be in shadow for a large portion of the day in mid-winter. The communal open space is provided in generous proportions, and, subject to conditions, provides an optimal amenity given the controls and site constraints.	
Design guidance		
Communal open space should be consolidated into a well-designed, easily identified and usable area	The different areas of communal open space are suitably sized.	Yes
Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions	COS areas exceed 3m minimum dimension	Yes
Communal open space should be co-located with deep soil areas.	A large portion of the COS is provided in the deep soil areas, particularly along the northern, eastern and western boundaries. The central area is not deep soil (being over the basement) however, is well located for visual amenity and surveillance. Significant landscaping including within the COS areas is provided.	Yes
Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies.	Provided.	Yes
Where communal open space cannot be provided at ground level, it should be provided on a podium or roof	Provided at ground level.	Yes
Where developments are unable to achieve the design criteria *such as small lots, within business zones) COS should be provided elsewhere (rooftop).	COS is provided on the ground floor and is adequate.	Yes
Objective 3D-2 *Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting*		
Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and spaces), incorporating some of the following elements: • seating for individuals or groups • barbecue areas • play equipment or play areas	The central area of COS includes a BBQ and seating area, while the other areas of COS are larger and may be used for more active recreation purposes.	Yes

<table>
<tr><th>Objective / Control</th><th>Proposal</th><th>Complies?</th></tr>
<tr><td>• swimming pools, gyms, tennis courts or common rooms</td><td></td><td></td></tr>
<tr><td>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.</td><td>The COS will receive adequate solar access. Communal facilities provided at ground level.</td><td>Yes</td></tr>
<tr><td>Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks.</td><td>Visual impacts are minimised</td><td>Yes</td></tr>
<tr><td>Objective 3D-3
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>Able to comply</td><td>Yes</td></tr>
<tr><td>Where communal open space/facilities are provided for children and young people they are safe and contained</td><td>COS areas are safe and contained.</td><td>Yes</td></tr>
<tr><td>Objective 3D-4
Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</td><td>N/A - no public open space provided.</td><td>N/A</td></tr>
<tr><td colspan="3">3E Deep soil zones</td></tr>
<tr><td>Objective 3E-1
Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</td><td></td><td></td></tr>
<tr><td>Design criteria</td><td></td><td></td></tr>
<tr><td>Deep soil zones are to meet the following minimum requirements:

<table>
<tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr>
<tr><td>< 650m²</td><td>-</td><td rowspan="4">7%</td></tr>
<tr><td>650m² - 1,500m²</td><td>3m</td></tr>
<tr><td>> 1,500m²</td><td>6m</td></tr>
<tr><td>> 1,500m² with significant existing tree cover</td><td>6m</td></tr>
</table>
</td><td>Site area = 2,590m²

Deep soil area is 300m² (11.5%) and is provided along northern, eastern and western boundaries of the site with a minimum dimension of 6 metres.</td><td>Yes</td></tr>
</table>

Objective / Control	Proposal	Complies?
Design guidance		
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.	The provided deep soil zone is considered to be sufficient.	Yes
Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Design solutions may include: • basement and sub-basement car park design that is consolidated beneath building footprints • use of increased front and side setbacks • adequate clearance around trees to ensure long term health • Co-location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil.	There are no significant trees proposed to be removed for the proposal (previous tree removal issues were largely on Site B which is no longer part of the proposal).	Yes
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	The deep soil zone is achieved on the site.	Yes
3F Visual privacy		
Objective 3F-1 *Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy*		
Design criteria		
Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:	<u>East (side)</u> • Ground to Level 2 – 6m (Up to 12m); • Level 3 – **8m (balcony)** to 10m (building) (Up to 25m) • Level 4 – 10m (balcony) (Up to 25m);	**No** (Level 3 & Level 4 (north)) **Refer to Note 2**

<table>
<tr><th>Objective / Control</th><th>Proposal</th><th>Complies?</th></tr>
<tr><td>
<table>
<tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr>
<tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr>
<tr><td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr>
<tr><td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr>
</table>
Note:
Separation between windows and balconies is provided to ensure visual privacy is achieved.

Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties</td><td><u>West (side)</u>
Ground to Level 2 – 6m (Up to 12m);
Level 3 – 8.5m (balcony) to 10.5m (building) for rear portion (Up to 25m) and 10m to balcony (front portion);
Level 4 – 10.5m to 12m (balcony) (Up to 25m).
<u>North (rear)</u>
Ground to Level 2 – 6m (up to 12m)
Level 3 – 7.5m (balcony of Unit 345) to 8.5m (building) (Up to 25m)
Level 4 – 8.5m (balcony of Unit 445 & building) (Up to 25m).</td><td></td></tr>
<tr><td>Design guidance</td><td></td><td></td></tr>
<tr><td>Generally one step in the built form as the height increases due to building separations is desirable. Additional steps should be careful not to cause a 'ziggurat' appearance</td><td>Stepped only for Levels 3 and 4.</td><td>Yes</td></tr>
<tr><td>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</td><td>Adjoining development is mixed development with residential on the upper levels.</td><td>N/A</td></tr>
<tr><td>New development should be located and oriented to Maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include:
site layout and building orientation to minimise privacy impacts (see also section 3B Orientation)
on sloping sites, apartments on different levels have appropriate visual separation distances (see figure 3F.4)</td><td>The building is orientated to the central courtyard and communal areas on the boundaries, however, screen planting and setbacks ensures privacy is maintained for adjoining properties.</td><td>Yes</td></tr>
<tr><td>Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5)</td><td>The site adjoins land also within the B2 Local Centre zone.</td><td>N/A</td></tr>
</table>

Objective / Control	Proposal	Complies?
Direct lines of sight should be avoided for windows and balconies across corners	There is sufficient landscaping and offsetting of the building elements to ensure there is minimal direct overlooking within the site.	Yes
No separation is required between blank walls.	There are no blank walls to the side boundaries.	N/A
Objective 3F-2 *Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space*		
Design guidance		
Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows. Design solutions may include: ▪ setbacks ▪ solid or partially solid balustrades to balconies at lower levels ▪ fencing and/or trees and vegetation to separate spaces ▪ screening devices ▪ bay windows or pop out windows to provide privacy in one direction and outlook in another ▪ raising apartments/private open space above the public domain or communal open space ▪ 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.	Hedging and vegetation provided between habitable areas and communal open space.	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	Kitchens, bathrooms and stairs within units adjoin the proposed gallery access areas within the site.	Yes
Balconies and private terraces should be located in front of living rooms to increase internal privacy.	Balconies and terraces are all located adjacent to living areas.	Yes
Windows should be offset from the windows of adjacent buildings.	Windows offset where required.	Yes
Recessed balconies and/or vertical fins should be used between adjacent balconies.	Blade walls and recessed balconies are proposed to maintain privacy between	Yes

Objective / Control	Proposal	Complies?
	balcony areas with the exception of the balconies along the front façade however these are separated by gaps in the built form.	
3G Pedestrian access and entries		
Objective 3G-1 *Building entries and pedestrian access connects to and addresses the public domain*		
Design guidance		
Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge	Multiple entries provided with a separate residential entry provided and individual retail entries.	Yes
Entry locations relate to the street and subdivision pattern and the existing pedestrian network	Main entry is located in the middle of the street frontage.	Yes
Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries	Entries are clearly identifiable and are appropriately distinguishable from the retail premises. There is appropriate separation 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	The street frontage is not limited and there is only one building proposed.	N/A
Objective 3G-2 *Access, entries and pathways are accessible and easy to identify*		
Design guidance		
Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal spaces	Access to the upper levels is directly accessible from the main entry path and clearly identified from the central courtyard.	Yes
The design of ground floors and underground car parks minimise level changes along pathways and entries	An access platform lift is provided from the street to the entry level into the building.	Yes
Steps and ramps should be integrated into the overall building and landscape design	The access platform and steps are integrated into the landscaping along the street frontage.	Yes
For large developments 'way finding' maps should be provided to assist visitors and residents.	The proposal is clearly identified.	Yes
For large developments electronic access and audio/video intercom should be provided to manage access	To be addressed via condition	Yes, subject to condition
Objective 3G-3		

Objective / Control	Proposal	Complies?
Large sites provide pedestrian links for access to streets and connection to destinations		
Design guidance		
Pedestrian links through sites facilitate direct connections to open space, main streets, centres and public transport	Not required on this site. The pathway is to remain private as it is considered that there is a lack of surveillance of this pathway for it to be a public pathway linking the park and Elizabeth Avenue.	N/A
Pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private open spaces of dwellings, be well lit and contain active uses, where appropriate	Not required on this site. Refer above.	N/A
3H Vehicle access		
Objective 3H-1 *Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes*		
Design guidance		
Car park access should be integrated with the building's overall facade. Design solutions may include: • materials and colour palette to minimise visibility from the street • security doors or gates at entries that minimise voids in the facade • where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed	Vehicular entry is provided from Robey Street and does not dominate the street facade.	Yes
Car park entries should be located behind the building line	Entry setback and located behind main street façade.	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
Car park entry and access should be located on secondary streets or lanes where available	Car park entry from Robey Street is appropriate given Elizabeth Avenue is inappropriate and Robey Street is not a classified road.	Yes
Vehicle standing areas that increase driveway width and encroach into setbacks should be avoided	Loading dock provided adjoining ramp facing away from the street.	Acceptable
Access point locations should avoid headlight glare to habitable rooms	There are no walls or windows which face towards the basement ramp, reducing the likelihood of vehicles entering	Yes

Objective / Control	Proposal	Complies?
	affecting the amenity of the proposed units.	
Adequate separation distances should be provided between vehicle entries and street intersections	The driveway is provided with adequate separation from any intersections, being located away from the Robey Street and Botany Road intersection.	Yes
The width and number of vehicle access points should be limited to the minimum	A single vehicle crossing is proposed from Robey Street.	Yes
Visual impact of long driveways should be minimised through changing alignments and screen planting	Driveway is not long. It leads directly to the basement ramp.	Yes
The need for large vehicles to enter or turn around within the site should be avoided	Required by BBDCP 2013 for garbage collection. An SRV can enter and leave the site/loading dock in a forward direction.	Acceptable **Refer to Note 7**
Garbage collection, loading and servicing areas are screened	The loading dock is located adjoining the entry to the basement and the front façade of this area is integrated into the overall design of the proposal.	Yes
Clear sight lines should be provided at pedestrian and vehicle crossings	Clear sight lines are provided at the pedestrian and vehicle crossings.	Yes
Traffic calming devices such as changes in paving material or textures should be used where appropriate	Not required.	N/A
Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include: ▪ changes in surface materials ▪ level changes ▪ the use of landscaping for separation	The pedestrian access is separated from the vehicle access.	Yes
3J Bicycle and car parking		
Objective 3J-1 *Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas*		
Design criteria		
For development in the following locations: ▪ on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or ▪ on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less	The site is more than 800 metres from Mascot Station. Therefore parking rates shall be as per the BBDCP 2013.	Yes

Objective / Control	Proposal	Complies?
The car parking needs for a development must be provided off street		
Design guidance		
Where a car share scheme operates locally, provide car share parking spaces within the development. Car share spaces, when provided, should be on site.	No car share spaces are provided.	Acceptable
Where less car parking is provided in a development, council should not provide on street resident parking permits	Car parking complies with BBDCP 2013.	Yes
Objective 3J-2 *Parking and facilities are provided for other modes of transport*		
Design guidance		
Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters.	Bicycle parking is provided.	Yes
Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas	Bicycle parking is provided.	Yes
Conveniently located charging stations are provided for electric vehicles, where desirable	No charging stations are provided.	Acceptable
Objective 3J-3 *Car park design and access is safe and secure*		
Design guidance		
Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces	Supporting facilities can be accessed without crossing car parking spaces.	Yes
Direct, clearly visible and well-lit access should be provided into common circulation areas	Lifts and stairs are clearly visible and easy to access.	Yes
A clearly defined and visible lobby or waiting area should be provided to lifts and stairs	Lifts and stairs provided with lobby area for waiting.	Yes
For larger car parks, safe pedestrian access should be clearly defined and circulation areas have good lighting, colour, line marking and/or bollards	In accordance with the Australian Standard at CC stage as per conditions imposed on consent.	Yes
Objective 3J-4 *Visual and environmental impacts of underground car parking are minimised*		
Design guidance		
Excavation should be minimised through efficient car park layouts and ramp design.	The proposed car parking levels are of an efficient design and layout.	Yes
Car parking layout should be well organised, using a logical, efficient structural grid and double loaded aisles.	The proposed basement levels are satisfactory in regards to these controls.	Yes
Protrusion of car parks should not exceed 1m above ground level. Design solutions may	The basement is <1m out of ground at any point on the site.	Yes

Objective / Control	Proposal	Complies?
include stepping car park levels or using slit levels on sloping sites.		
Natural ventilation should be provided to basement and sub-basement car parking areas.	Adequate ventilation is provided in accordance with the BCA.	Yes
Ventilation grills or screening devices for car parking openings should be integrated into the façade and landscape design.	As required.	Yes
4A Solar and daylight access		
Objective 4A-1 *To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space*		
Design criteria		
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in Sydney Metro area, Newcastle and Wollongong.	45 (83.3%) of the proposed apartments receive adequate solar access 2 hours direct sunlight in midwinter.	Yes
In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter	N/A – Sydney Metropolitan controls apply. See above.	N/A
A Maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	8 (14.8%) of the proposed apartments receive limited solar access as they face due south (towards Robey Street).	Yes
Design guidance		
The design maximizes north aspect and the number of single aspect sough facing apartments is minimised.	The vast majority of units face north or north east, which is assisted with the two storey units on upper levels. Only 8 units along the Robey Street frontage are single aspect, south facing.	Yes
Single aspect, single storey apartments should have a northerly or easterly aspect.	The single aspect units face south, although there is some southwest and southwest aspect to the units.	Acceptable
Living areas are best located to the north and service areas to the south and west of apartments.	The units with a direct northerly orientation have their living rooms on the northern side.	Yes
To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used: • dual aspect apartments; • shallow apartment layouts; • two storey and mezzanine level apartments; • bay windows.	The proposal involves dual aspect apartments (to internal courtyard and gallery access), shallow apartments with depths generally less than 10 metres and two storey units on the upper levels.	Yes
To maximise the benefit to residents of direct sunlight within living rooms and private open	This is achieved.	Acceptable

Objective / Control	Proposal	Complies?
spaces, a minimum of 1m² of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes.		
Achieving the design criteria may not be possible on some sites. This includes: • where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source • on south facing sloping sites • where significant views are oriented away from the desired aspect for direct sunlight Design drawings need to demonstrate how site constraints and orientation preclude meeting the design criteria and how the development meets the objective	The design criteria is achieved for this site (refer above).	Yes
Objective 4A-2 *Daylight access is maximised where sunlight is limited.*		
Design guidance		
Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms.	High level windows provided only in the circumstances described.	Yes
Where courtyards are used : ▪ use is restricted to kitchens, bathrooms and service areas ▪ building services are concealed with appropriate detailing and materials to visible walls ▪ courtyards are fully open to the sky ▪ access is provided to the light well from a communal area for cleaning and maintenance ▪ acoustic privacy, fire safety and minimum privacy separation distances (see section 3F Visual privacy) are achieved	A courtyard is proposed in the central portion of the site, which is open to the sky. All habitable rooms have windows. Non-habitable rooms have highlight windows to the central open space area.	Yes
Opportunities for reflected light into apartments are optimised through: ▪ reflective exterior surfaces on buildings opposite south facing windows ▪ positioning windows to face other buildings or surfaces (on neighbouring sites or within the site) that will reflect light ▪ integrating light shelves into the design ▪ light coloured internal finishes	All habitable rooms have windows.	Yes
Objective 4A-3 *Design incorporates shading and glare control, particularly for warmer months*		

Objective / Control	Proposal	Complies?
Design guidance		
A number of the following design features are used: ▪ balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas ▪ shading devices such as eaves, awnings, balconies, pergolas, external louvres and planting ▪ horizontal shading to north facing windows ▪ vertical shading to east and particularly west facing windows ▪ operable shading to allow adjustment and choice ▪ high performance glass that minimises external glare off windows, with consideration given to reduced tint glass or glass with a reflectance level below 20% (reflective films are avoided)	Balconies extend far enough out to shade the summer sun from a portion of the balcony and the living area windows.	Yes
4B Natural ventilation		
Objective 4B-1 *All habitable rooms are naturally ventilated*		Yes
Design guidance		
The orientation of each building maximises capture and use of prevailing breezes for natural ventilation in habitable rooms.	Many apartments are dual aspect; apartments generally provided with good cross ventilation	Yes
Depths of habitable rooms support natural ventilation.	Majority of apartments are dual aspect with appropriate depth for cross ventilation	Yes
The area of unobstructed window openings should be equal to at least 5% of the floor area served.	Majority of living areas and some rooms have large floor to ceiling sliding doors	Yes
Light wells are not the primary air source for habitable rooms	No light wells are proposed.	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/or sliding doors to all habitable rooms.	Yes
Objective 4B-2 *The layout and design of single aspect apartments Maximises natural ventilation*		

<table>
<tr><th>Objective / Control</th><th>Proposal</th><th>Complies?</th></tr>
<tr><td>Apartment depths are limited to maximise ventilation and airflow.</td><td>Apartment depths generally no more than 10 metres.</td><td>Yes</td></tr>
<tr><td>Natural ventilation to single aspect apartments is achieved with the following design solutions:
• primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation)
• stack effect ventilation / solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries
• courtyards or building indentations have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells.</td><td>Natural ventilation is provided to the single aspect apartments along Robey Street due to their dual aspect nature arising from the proposed central courtyard design of the building.</td><td>Yes</td></tr>
<tr><td>Objective 4B-3
The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents</td><td></td><td></td></tr>
<tr><td>Design criteria</td><td></td><td></td></tr>
<tr><td>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</td><td>54 apartments (100%) are provided with natural cross ventilation largely resulting from their dual aspect nature arising from the central courtyard design of the building and the corner location of a number of the proposed apartments.</td><td>Yes</td></tr>
<tr><td>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</td><td>Depths do not exceed 18m.</td><td>Yes</td></tr>
<tr><td colspan="3">4C Ceiling heights</td></tr>
<tr><td>Objective 4C-1
Ceiling height achieves sufficient natural ventilation and daylight access</td><td></td><td></td></tr>
<tr><td>Design criteria</td><td></td><td></td></tr>
<tr><td>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:
<table>
<tr><td colspan="2">Minimum ceiling height for apartment and mixed use buildings</td></tr>
<tr><td>Habitable rooms</td><td>2.7m</td></tr>
<tr><td>Non-habitable</td><td>2.4m</td></tr>
<tr><td>For 2 storey apartments</td><td>2.7m for main living area floor
2.4m for 2nd floor, where its area does not exceed 50% of apartment area</td></tr>
</table>
</td><td>• Ground floor – residential & commercial – 3.3m.
• Level 1 (residential) – 3.2m
• Level 2 (residential) – 2.65m
• Level 3 (residential) – 2.65m
• Level 4 (residential) – 2.15m.</td><td>No
Refer to Note 3</td></tr>
</table>

Objective / Control	Proposal	Complies?
<table><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		
Design guidance		
Ceiling height can accommodate use of ceiling fans for cooling and heat distribution	Noted.	-
Objective 4C-2 *Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.*		
Design guidance		
A number of the following design solutions can be used: • the hierarchy of rooms in an apartment is defined using changes in ceiling heights and alternatives such as raked or curved ceilings, or double height spaces • well-proportioned rooms are provided, for example, smaller rooms feel larger and more spacious with higher ceilings • ceiling heights are maximised in habitable rooms by ensuring that bulkheads do not intrude. The stacking of service rooms from floor to floor and coordination of bulkhead location above non-habitable areas, such as robes or storage, can assist	As above	-
Objective 4C-3 *Ceiling heights contribute to the flexibility of building use over the life of the building*		
Ceiling heights of lower level apartments in centres should be greater than the minimum required by the design criteria allowing flexibility and conversion to non-residential uses.	This has been achieved for the ground level, which has a ceiling height of 3.3m, however, Level 1 is only 3.2m. considered acceptable.	**No** **Refer to Note 3**
4D Apartment size and layout		
Objective 4D-1 *The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity*		
Design criteria		
Apartments are required to have the following minimum internal areas <table><tr><th>Apartment type</th><th>Minimum internal area</th></tr></table>	The following unit sizes are proposed:- • 1 beds – 48m² (Unit 228) to 55m²	**No** Units 227 & 228 (1 beds) and 119 &

Objective / Control	Proposal	Complies?
<table><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.	• 2 beds – 74m²- (Units 119 & 233) to 80m² • 3 beds – 95m² to 99m² All 2 & 3 bedroom apartments are provided with an additional bathroom (as calculated above). There are no 4 bedroom units proposed.	233 (2 beds) undersized by 1m²-2m² **Refer to Note 4**
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.	All habitable rooms have a window to an external wall.	Yes
Design guidance		
Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space).	Kitchens are not located as part of the main circulation spaces.	Yes
A window should be visible from any point in a habitable room.	Windows or doors to the balconies are visible from any point in habitable rooms	Yes
Where minimum areas or room dimensions are not met apartments need to demonstrate that they are well designed and demonstrate the usability and functionality of the space with realistically scaled furniture layouts and circulation areas. These circumstances would be assessed on their merits.	The undersized units are generally acceptable given they are only undersized by 1m² and there is sufficient private open space provided for each of the proposed apartments.	Yes
Objective 4D-2 *Environmental performance of the apartment is maximised*		
Design criteria		
Habitable room depths are limited to a Maximum of 2.5 x the ceiling height (6.75m).	Habitable room depths are generally limited to a maximum of 6 metres.	Yes
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Open plan living areas are generally a maximum of 5-8m from a window.	Yes
Design guidance		
Greater than minimum ceiling heights can allow for proportional increases in room depth up to the permitted maximum depths.	Increased ceiling heights not required as depths are limited.	Yes
All living areas and bedrooms should be located on the external face of the building	All living areas and bedrooms are located on the external face of the buildings	Yes
Where possible: ▪ bathrooms and laundries should have an external openable window	Where bathrooms and laundries have an external wall, external openable windows have been provided. Living areas are orientated to the	Yes

Objective / Control	Proposal	Complies?
▪ main living spaces should be oriented toward the primary outlook and aspect and away from noise sources	balconies, courtyard and/or the street.	
Objective 4D-3 *Apartment layouts are designed to accommodate a variety of household activities and needs*		
Design criteria		
Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).	All bedrooms comply (refer to the plans).	Yes
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	All bedrooms have minimum dimensions of 3m.	Yes
Living rooms or combined living/dining rooms have a minimum width of: ▪ 3.6m for studio and 1 bedroom apartments ▪ 4m for 2 and 3 bedroom apartments	All living rooms satisfy these requirements.	Yes
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	Yes
Design guidance		
Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas	Access is separated.	Yes
All bedrooms allow a minimum length of 1.5m for robes	Provided.	Yes
The main bedroom of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high	Main bedroom robe dimensions acceptable.	Yes
Apartment layouts allow flexibility over time, design solutions may include: ▪ dimensions that facilitate a variety of furniture arrangements and removal ▪ spaces for a range of activities and privacy levels between different spaces within the apartment ▪ dual master apartments ▪ dual key apartments *Note: dual key apartments which are separate but on the same title are regarded as two sole occupancy units for the purposes of the Building Code of Australia and for calculating the mix of apartments* ▪ room sizes and proportions or open plans (rectangular spaces (2:3) are more easily furnished than square spaces (1:1)) ▪ efficient planning of circulation by stairs, corridors and through rooms to maximise	Proportions are generally rectangular, circulation spaces are efficiently planned.	Yes

<table>
<tr><th>Objective / Control</th><th>Proposal</th><th>Complies?</th></tr>
<tr><td>the amount of usable floor space in rooms</td><td></td><td></td></tr>
<tr><td colspan="3">4E Private open space and balconies</td></tr>
<tr><td>Objective 4E-1
Apartments provide appropriately sized private open space and balconies to enhance residential amenity</td><td></td><td></td></tr>
<tr><td>Design criteria</td><td></td><td></td></tr>
<tr><td>All apartments are required to have primary balconies as follows
<table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</td><td>The proposed apartments generally comply with these requirements for balconies, with the exception of Units 227 & 228 (1 bed units) which are only 7.5m² when 8m² is required.</td><td>No

Acceptable on merit

Refer to Note 5</td></tr>
<tr><td>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</td><td>The proposed ground floor apartments provide the required depth of 3 metres and a minimum area of 20m².</td><td>Yes</td></tr>
<tr><td>Objective 4E-2
Primary private open space and balconies are appropriately located to enhance liveability for residents</td><td></td><td></td></tr>
<tr><td>Design guidance</td><td></td><td></td></tr>
<tr><td>Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space</td><td>All living areas located adjacent to open plan living areas.</td><td>Yes</td></tr>
<tr><td>Private open spaces and balconies predominantly face north, east or west</td><td>Where possible, POS generally oriented to the north</td><td>Yes</td></tr>
<tr><td>Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms</td><td>Longer side facing outwards on all POS areas.</td><td>Yes</td></tr>
<tr><td>Objective 4E-3
Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building</td><td></td><td>Yes</td></tr>
<tr><td>Design guidance</td><td></td><td></td></tr>
<tr><td>Solid, partially solid or transparent fences and balustrades are selected to respond to the location. They are designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing</td><td>Glass and solid balustrades are provided.</td><td>Yes</td></tr>
</table>

Objective / Control	Proposal	Complies?
for a range of uses on the balcony. Solid and partially solid balustrades are preferred		
Full width full height glass balustrades alone are generally not desirable	The proposed clear glazing on the street façade is to be frosted glass (via a condition).	Yes
Downpipes and balcony drainage are integrated with the overall facade and building design	Required by condition	Yes
Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design	Required by condition	Yes
Ceilings of apartments below terraces should be insulated to avoid heat loss	Required by condition	Yes
Water and gas outlets should be provided for primary balconies and private open space	Required by condition	Yes
Objective 4E-4 *Private open space and balcony design Maximises safety*		Yes
Changes in ground levels or landscaping are minimised	All POS and balconies are level.	Yes
Design and detailing of balconies avoids opportunities for climbing and falls	Minimal opportunities for climbing and falls.	Yes
4F Common circulation and spaces		
Objective 4F-1 *Common circulation spaces achieve good amenity and properly service the number of apartments*		
Design criteria		
Maximum apartments off a circulation core on a single level are eight.	There are a maximum number of 18 units off a level (Levels 3 & 4) and there are 2 lift cores, which is satisfactory.	Yes
10 storeys and over, Maximum apartments sharing a single lift is 40.	N/A, the proposal is five storeys.	N/A
Design guidance		
Greater than minimum requirements for corridor widths and/or ceiling heights allow comfortable movement and access particularly in entry lobbies, outside lifts and at apartment entry doors	Circulation spaces are appropriate.	Yes
Daylight and natural ventilation should be provided to all common circulation spaces that are above ground	Provided on the gallery access.	Yes
Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors	Provided on the gallery access.	Yes
Longer corridors greater than 12m in length from the lift core should be articulated. Design solutions may include: ▪ a series of foyer areas with windows and spaces for seating ▪ wider areas at apartment entry doors and varied ceiling heights	Provided on the gallery access, lobby areas provided near lift cores.	Yes

Objective / Control	Proposal	Complies?
Design common circulation spaces to maximise opportunities for dual aspect apartments, including multiple core apartment buildings and cross over apartments.	The common circulation space surrounding the central courtyard is satisfactory and provides for dual aspect apartments.	Yes
Achieving the design criteria for the number of apartments off a circulation core may not be possible. Where a development is unable to achieve the design criteria, a high level of amenity for common lobbies, corridors and apartments should be demonstrated, including: ▪ sunlight and natural cross ventilation in apartments ▪ access to ample daylight and natural ventilation in common circulation spaces ▪ common areas for seating and gathering ▪ generous corridors with greater than minimum ceiling heights ▪ other innovative design solutions that provide high levels of amenity.	Provided on the gallery access.	Yes
Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level	Achieved.	Yes
Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled	No living or bedroom windows open to common circulation spaces, generally hallways with bathrooms and kitchen areas etc.	Yes
Objective 4F-2 *Common circulation spaces promote safety and provide for social interaction between residents*		
Design guidance		
Direct and legible access should be provided between vertical circulation points and apartment entries by minimising corridor or gallery length to give short, straight, clear sight lines	Common circulation spaces have direct and clear access to the proposed apartments.	Yes
Tight corners and spaces are avoided.	Tight corners avoided	Yes
Circulation spaces should be well lit at night.	Required by condition	Yes
Legible signage should be provided for apartment numbers, common areas and general way finding	Required by condition	Yes
Incidental spaces, for example space for seating in a corridor, at a stair landing, or near a window are provided	Incidental spaces provided in the ground level circulation areas. Seating provided.	Yes
In larger developments, community rooms for activities such as owners corporation meetings or resident use should be provided and are ideally co-located with communal open space.	The proposal includes landscaped courtyards which incorporate deep soil planting. A central courtyard is provided	Yes

<table>
<tr><th>Objective / Control</th><th>Proposal</th><th>Complies?</th></tr>
<tr><td></td><td>at ground level for these purposes as required.</td><td></td></tr>
<tr><td>Where external galleries are provided, they are more open than closed above the balustrade along their length</td><td>The proposed external galleries for apartment access are open.</td><td>Yes</td></tr>
<tr><td colspan="3">4G Storage</td></tr>
<tr><td>Objective 4G-1
Adequate, well designed storage is provided in each apartment</td><td></td><td></td></tr>
<tr><td>Design criteria</td><td></td><td></td></tr>
<tr><td>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:

<table><tr><td>Dwelling type</td><td>storage size volume</td></tr><tr><td>Studio</td><td>4m³</td></tr><tr><td>1 bed</td><td>6m³</td></tr><tr><td>2 bed</td><td>8m³</td></tr><tr><td>3 bed</td><td>10m³</td></tr></table>
This is At least 50% of the required storage is located within apartment.</td><td>There is storage provided in both the proposed apartments as well as within individual storage areas within the basement levels.</td><td>Yes</td></tr>
<tr><td>Design Guidance</td><td></td><td></td></tr>
<tr><td>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>Objective 4G-2
Additional storage is conveniently located, accessible and nominated for individual apartments</td><td></td><td></td></tr>
<tr><td>Design Guidance</td><td></td><td></td></tr>
<tr><td>Storage not located in apartments is secure and clearly allocated to specific apartments.</td><td rowspan="5">The proposed storage areas within the basement are to be allocated to specific apartments at the Construction Certificate stage.</td><td rowspan="5">Yes</td></tr>
<tr><td>Storage is provided for larger and less frequently accessed items.</td></tr>
<tr><td>Storage space in internal or basement car parks is provided at the rear or side of car spaces or in cages so that allocated car parking remains accessible</td></tr>
<tr><td>If communal storage rooms are provided they should be accessible from common circulation areas of the building</td></tr>
<tr><td>Storage not located in an apartment is integrated into the overall building design and is not visible from the public domain</td></tr>
<tr><td colspan="3">4H Acoustic privacy</td></tr>
<tr><td>Objective 4H-1
Noise transfer is minimised through the siting of buildings and building layout</td><td></td><td></td></tr>
<tr><td>Design guidance</td><td></td><td></td></tr>
<tr><td>Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses (see</td><td>Adequate separation provided</td><td>Yes</td></tr>
</table>

Objective / Control	Proposal	Complies?
also section 2F Building separation and section 3F Visual privacy)		
Window and door openings are generally orientated away from noise sources.	Windows and door openings to Robey Street are provided. However, there are no suitable alternatives and is considered acceptable subject to the Acoustic report recommendations.	Yes
Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas	Noisy areas located next to each other and the same for quiet areas.	Yes
Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources	Sensitive areas of apartments are separated from circulation areas.	Yes
The number of party walls (walls shared with other apartments) are limited and are appropriately insulated	Party walls provided throughout the development. Insulation required by BCA condition.	Yes
Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.	All bedrooms are at least 3m away from noise sources. The proposed loading dock is separated from proposed Unit G09 by a corridor and the living areas are located along this elevation of this proposed adjoining apartment.	Yes
Objective 4H-2 *Noise impacts are mitigated within apartments through layout and acoustic treatments*		
Design guidance		
Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following design solutions: ▪ rooms with similar noise requirements are grouped together ▪ doors separate different use zones ▪ wardrobes in bedrooms are co-located to act as sound buffers	The recommended design solutions have been incorporated into the proposal.	Yes
Where physical separation cannot be achieved noise conflicts are resolved using the following design solutions: ▪ double or acoustic glazing ▪ acoustic seals ▪ use of materials with low noise penetration properties ▪ continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements	There is sufficient physical separation provided as outlined in the Acoustic Report.	Yes
4J Noise and pollution		

Objective / Control	Proposal	Complies?
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*	Satisfactory as outlined in the Acoustic report.	Yes
Objective 4J-2 *Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission*		
Design Guidance		
Design solutions to mitigate noise include: ▪ limiting the number and size of openings facing noise sources ▪ providing seals to prevent noise transfer through gaps ▪ using double or acoustic glazing, acoustic louvres or enclosed balconies (winter gardens) using materials with mass and/or sound insulation or absorption properties e.g. solid balcony balustrades, external screens and soffits	Satisfactory as outlined in the Acoustic report.	Yes
4K Apartment mix		
Objective 4K-1 *A range of apartment types and sizes is provided to cater for different household types now and into the future*		
Design Guidance		
A variety of apartment types is provided.	1, 2 and 3 bedroom units are provided, which results in a satisfactory mix provided.	Yes
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 groups	The proposed unit mix is: • 1 bed – 15 (28% • 2 bed - 35 (65%) • 3 bed – 4 (7%)	Yes
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, including adaptable apartments, are provided,	Yes
Objective 4K-2 *The apartment mix is distributed to suitable locations within the building* **Design Guidance**		

Objective / Control	Proposal	Complies?
Different apartment types are located to achieve successful facade composition and to optimise solar access (see figure 4K.3)	There is sufficient variety in the facade resulting from the apartment mix.	Yes
Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available	The proposed 3 bedroom apartments are generally provided as corner units.	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.	Direct entry from Robey Street is not practical given the activated street frontage.	Yes
Retail or home office spaces should be located along street frontages	Retail uses are provided along the Robey Street frontage.	Yes
Objective 4L-2 *Design of ground floor apartments delivers amenity and safety for residents*		
Design Guidance		
Privacy and safety should be provided without obstructing casual surveillance. Design solutions may include: ▪ elevation of private gardens and terraces above the street level by 1-1.5m (see figure 4L.4) ▪ landscaping and private courtyards ▪ window sill heights that minimise sight lines into apartments ▪ integrating balustrades, safety bars or screens with the exterior design	There is adequate surveillance of the street frontage from the proposed retail spaces which are required for an active street frontage along Robey Street.	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 proposal provides for streetscape character given the use of a variety of colours and materials and the modulation and articulation used in the façade. Cladding elements have been added to the streetscape facade for visual interest. The use of aluminum framing and glazing promotes a sense of human scale and proportion. Formal manipulation of the building envelope to achieve building articulation has been achieved.	Yes

Objective / Control	Proposal	Complies?
Building services should be integrated within the overall façade.	Services integrated appropriately.	Yes
Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include: ▪ well composed horizontal and vertical elements ▪ variation in floor heights to enhance the human scale ▪ elements that are proportional and arranged in patterns ▪ public artwork or treatments to exterior blank walls grouping of floors or elements such as balconies and windows on taller buildings	Façade is appropriately portioned with human scale elements to the street and no blank walls.	Yes
Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.	The proposal is compatible with the approved adjoining building in terms of heights (except ceiling heights) and setbacks.	Yes
Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals.	The front façade is sufficiently articulated with balconies, screens, and varied balustrades which will create sufficient shadowing.	Yes
Objective 4M-2 *Building functions are expressed by the façade*		
Design guidance		
Building entries should be clearly defined.	The main entry to the building is in the middle of the frontage and is clearly defined on the street frontage.	Yes
Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height.	The front and side facades differ in colours and materials to ensure there is appropriate articulation in the proposed built form.	Yes
The apartment layout should be expressed externally through facade features such as party walls and floor slabs.	The variety of apartment types to the street is visible in the façade with differing distances between blade walls and window/glass door types.	Yes
4N Roof design		
Objective 4N-1 *Roof treatments are integrated into the building design and positively respond to the street*		
Design guidance		
Roof design relates to the street. Design solutions may include: ▪ special roof features and strong corners	Balconies for the upper floor break up the parapet of the roof as well as the glazing as the	Yes

Objective / Control	Proposal	Complies?
▪ use of skillion or very low pitch hipped roofs ▪ breaking down the massing of the roof by using smaller elements to avoid bulk ▪ using materials or a pitched form complementary to adjacent buildings	main materials for the upper level.	
Roof treatments should be integrated with the building design. Design solutions may include: ▪ roof design proportionate to the overall building size, scale and form ▪ roof materials compliment the building ▪ service elements are integrated	The proposed roof is proportionate to the building and is of a contemporary design.	Yes
Objective 4N-2 *Opportunities to use roof space for residential accommodation and open space are maximised*		
Design guidance		
Habitable roof space should be provided with good levels of amenity. Design solutions may include: ▪ penthouse apartments ▪ dormer or clerestory windows ▪ openable skylights	There is no habitable roof space proposed.	N/A
Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations	There is no open space proposed on the roof top.	N/A
Objective 4N-3 *Roof design incorporates sustainability features*		
Design guidance		
Roof design maximises solar access to apartments during winter and provides shade during summer. Design solutions may include: ▪ the roof lifts to the north ▪ eaves and overhangs shade walls and windows from summer sun	A void is provided in the roof to allow sunlight to enter the courtyard which allows light to disperse to lower levels.	Yes
Skylights and ventilation systems should be integrated into the roof design	A void area is provided (refer above) to the proposed central courtyard.	Yes
4O Landscape design		
Objective 4O-1 *Landscape design is viable and sustainable*	Refer to Landscape Plan and Landscape Officer's comments.	Yes Subject to Conditions
Objective 4O-2 *Landscape design contributes to the streetscape and amenity*		
4P Planting on structures		
Objective 4P-1 *Appropriate soil profiles are provided*	Landscaping is satisfactory.	Yes
Objective 4P-2		

Objective / Control	Proposal	Complies?
Plant growth is optimised with appropriate selection and maintenance		
Objective 4P-3 *Planting on structures contributes to the quality and amenity of communal and public open spaces*		
4Q Universal design		
Objective 4Q-1 *Universal design features are included in apartment design to promote flexible housing for all community members*		
Design guidance		
Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features	11 units (20.3%) are liveable/adaptable units.	Yes
Objective 4Q-2 *A variety of apartments with adaptable designs are provided*		
Design guidance		
Adaptable housing should be provided in accordance with the relevant council policy.	DCP requires at least 20% of apartments to be adaptable, with which the proposal complies.	Yes
Design solutions for adaptable apartments include: • convenient access to communal and public areas • high level of solar access • minimal structural change and residential amenity loss when adapted • larger car parking spaces for accessibility • parking titled separately from apartments or shared car parking arrangements	Complies as outlined above	Yes
Objective 4Q-3 *Apartment layouts are flexible and accommodate a range of lifestyle needs*		
Design guidance		
Apartment design incorporates flexible design solutions which may include: ▪ rooms with multiple functions ▪ dual master bedroom apartments with separate bathrooms ▪ larger apartments with various living space options ▪ open plan 'loft' style apartments with only a fixed kitchen, laundry and bathroom.	Complies as outlined above	Yes
4R Adaptive reuse		
Objective 4R-1	N/A - new building proposed, no Adaptive reuse.	N/A

Objective / Control	Proposal	Complies?
New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place *Objective 4R-2* *Adaptive buildings provide residential amenity while not precluding future Adaptive reuse*		
4S Mixed use		
Objective 4S-1 *Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement*		
Design guidance		
Mixed use development should be concentrated around public transport and centres.	Provided.	Yes
Mixed use developments positively contribute to the public domain. Design solutions may include: • development addresses the street • active frontages are provided • diverse activities and uses • avoiding blank walls at the ground level • live/work apartments on the ground floor level, rather than commercial	Active retail frontage to Robey Street has been provided.	Yes
Objective 4S-2 *Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents*		
Design guidance		
Residential circulation areas should be clearly defined. Design solutions may include: • residential entries are separated from commercial entries and directly accessible from the street • commercial service areas are separated from residential components • residential car parking and communal facilities are separated or secured • security at entries and safe pedestrian routes are provided • concealment opportunities are avoided.	There are separate commercial and residential entry areas and the car parking and waste storage rooms are separated.	Yes
Landscaped communal open space should be provided at podium or roof levels.	The communal open space area is provided at the ground level/podium area portion of the site.	Yes
4T Awnings and signage		
Objective 4T-1		

Objective / Control	Proposal	Complies?
Awnings are well located and complement and integrate with the building design		
Design guidance		
Awnings should be located along streets with high pedestrian activity and active frontages	There is no awning proposed as the site is not a high pedestrian activity area.	Yes
4U Energy efficiency		
Objective 4U-1 *Development incorporates passive environmental design*		
Design guidance		
Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access)	Solar access requirements are achieved	Yes
Well located, screened outdoor areas should be provided for clothes drying	Large communal open space areas are provided.	Acceptable
Objective 4U-2 *Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer*		
Design guidance		
A number of the following design solutions are used: ▪ the use of smart glass or other technologies on north and west elevations ▪ thermal mass in the floors and walls of north facing rooms is Maximised ▪ polished concrete floors, tiles or timber rather than carpet ▪ insulated roofs, walls and floors and seals on window and door openings ▪ overhangs and shading devices such as awnings, blinds and screens	Development includes a compliant BASIX certificate which is considered to cover a range of environmental design solutions	Yes
Provision of consolidated heating and cooling infrastructure should be located in a centralised location (e.g. the basement)	N/A - no heating or cooling infrastructure	N/A
Objective 4U-3 *Adequate natural ventilation minimises the need for mechanical ventilation.*		
Design guidance		
A number of the following design solutions are used: • rooms with similar usage are grouped together • natural cross ventilation for apartments is optimised • natural ventilation is provided to all habitable rooms and as many non-habitable rooms, common areas and circulation spaces as possible.	Natural ventilation requirements are met and like rooms are generally grouped together.	Yes
4V Water management and conservation		
Objective 4V-1		

Objective / Control	Proposal	Complies?
Potable water use is minimised		
Design guidance		
Water efficient fittings, appliances and wastewater reuse should be incorporated	Compliant BASIX certificate submitted	Yes
Apartments should be individually metered	Required by condition	Yes
Rainwater should be collected, stored and reused on site	Compliant BASIX certificate submitted and Stormwater plans are acceptable	Yes
Objective 4V-2 *Urban stormwater is treated on site before being discharged to receiving waters*		
Design guidance		
Water sensitive urban design systems are designed by a suitably qualified professional	As above	Yes
A number of the following design solutions are used: ▪ runoff is collected from roofs and balconies in water tanks and plumbed into toilets, laundry and irrigation ▪ porous and open paving materials is Maximised ▪ on site stormwater and infiltration, including bio-retention systems such as rain gardens or street tree pits	As above	Yes
Objective 4V-3 *Flood management systems are integrated into site design*	Development Engineer has reviewed the stormwater plans and raised no objection.	Yes
4W Waste management		
Objective 4W-1 *Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents*		
Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park.	A waste storage room is located adjoining the loading dock and away from the front façade.	Yes
Waste and recycling storage areas should be well ventilated	Provided with windows etc.	Yes
Circulation design allows bins to be easily maneuvered between storage and collection points	Can be easily moved into loading dock.	Yes
Temporary storage should be provided for large bulk items such as mattresses	Capable of being stored in waste room.	Yes
A waste management plan should be prepared		
Objective 4W-2 *Domestic waste is minimised by providing safe and convenient source separation and recycling*		
Design guidance		
All dwellings should have a waste and recycling cupboard or temporary storage	Sufficient capacity within the proposed apartments.	Yes

Objective / Control	Proposal	Complies?
area of sufficient size to hold two days' worth of waste and recycling		
Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core	Adjoining the loading dock and near the entry area.	Yes
For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses	Separate waste rooms are provided.	Yes
4X Building maintenance		
Objective 4X-1 *Building design detail provides protection from weathering*	Range of design features will protect the building from weathering including minimal blank walls, windows and doors protected by balconies and awnings above.	Yes
Objective 4X-2 *Systems and access enable ease of maintenance*	Building maintenance systems are incorporated into the design.	Yes
Objective 4X-3 *Material selection reduces ongoing maintenance costs*	Materials selection is appropriate	Yes