

## Brianna Cheeseman

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**Subject:** PPSSEC-114 - Lot E of BATA 2 - Determination 28 October 2021

**Attachments:** Draft Consent - FINAL.PDF

**Importance:** High

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**From:** Fiona Prodromou <fiona.prodromou@bayside.nsw.gov.au>

**Sent:** Tuesday, 19 October 2021 2:46 PM

**To:** Brianna Cheeseman <Brianna.Cheeseman@planning.nsw.gov.au>

**Subject:** PPSSEC-114 - Lot E of BATA 2 - Determination 28 October 2021

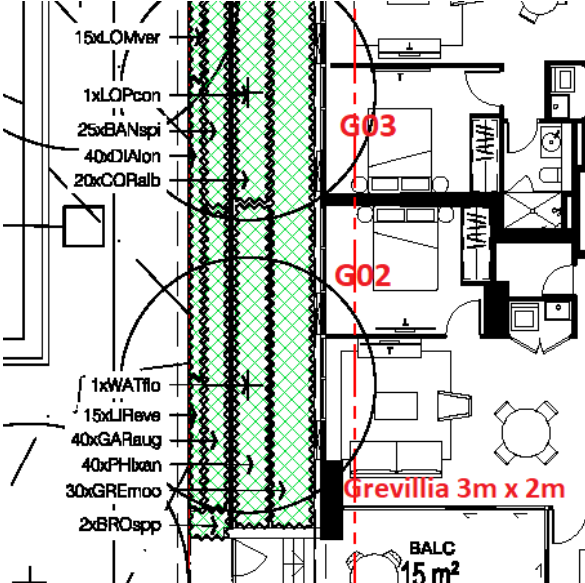
**Importance:** High

Condition	Revised Wording
<b><u>37 – Cladding</u></b>	The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of the external cladding works Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must: a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems (including installation) proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.
<b><u>41 – Design Excellence</u></b>	To ensure design excellence is achieved, as required by Botany Bay Local Environmental Plan 2013, prior to the issue of the relevant construction certificate entailing any works above basement levels, the following must be prepared by a registered architect commissioned for the construction of the project: a) Two physical (2) sample boards containing original samples and swatches of all external materials and colours including i. Wall and roof cladding, and ii. Columns located in front of the corner retail tenancy (including vertical elements attached to columns), and iii. Balustrading, and iv. Louvres, and v. Glazing, and vi. Window edge treatments, and vii. Paving/surface in front setback areas, and viii. Driveway, and

	<p>ix. Footpaths, and</p> <p>x. Retaining wall details, and</p> <p>xi. Roof top garden (including all surface treatments).</p> <p>b) Full coloured elevational details at a minimum scale of 1:10;</p> <p>c) Sections through relevant façade elements, public domain stairs, planter boxes at a minimum scale of 1:10</p> <p>The boards, elevations and sections required by this condition and referred in Condition 2 shall be reflected in the Construction Certificate entailing any works above basement levels. The Construction Certificate shall be precisely consistent with these approved materials. The development must be carried out with the aforementioned details.</p> <p>Any modifications to the approved materials under this condition require either further submission and approval by the Director City Futures (or delegate) or a modification of this consent.</p>
<b><u>43 – Basement Certification</u></b>	Prior to the issue of any Construction Certificate relating to above ground works, a certificate from a practising Structural Engineer shall be submitted to Council and the PCA, in relation to development consent numbers DA-2021/261 (Integrated Development - BATA 2 - Lot E - Excavation, shoring and piling works to create three basement levels) and DA-2021/368 (Construction of basement slabs associated with Lot E), confirming such works have been finalised and that existing building elements are structurally adequate to support all proposed additional loads.
<b><u>65 – Ausgrid</u></b>	<p>The applicant shall confer with Ausgrid to determine if:</p> <ul style="list-style-type: none"> <li>• installation of electricity conduits in the footway is required.</li> <li>• satisfactory clearances to any existing overhead High Voltage mains will be affected.</li> <li>• an electricity distribution substation is required.</li> </ul> <p>Written confirmation of Ausgrid's requirements shall be obtained prior to the issue of the ground floor fit out construction certificate.</p>
<b><u>66 – Sydney Water</u></b>	Any building proposed to be erected over or near the existing Sydney Water pipeline is to be approved by Sydney Water. If required, a copy of Sydney Water's approval and requirements are to be submitted to Council prior to issuing a Construction Certificate.
<b><u>106 - Contaminated Land – Site Validation Report</u></b>	Delete

Draft Conditions which Council / Meriton disagree upon and of which parties seek to liaise with the Regional Panel on the day of determination are as follows;

<b>Condition</b>	<b>Meriton</b>	<b>Council</b>
<p><b><u>44 - Plan Amendments</u></b></p> <p><i>Plans submitted with the Construction Certificate shall demonstrate compliance with the following prior to the issue of the Construction Certificate, to the satisfaction of Bayside Council:</i></p> <p>A. <i>Private open space areas of west facing units G.02 / G.03 &amp; G.08 at ground level shall be restricted to the western edge of their respective balconies, at and behind the building line. Fencing forward of the building line indicated on plans with an RL of 23.85 which encloses a portion of the deep soil landscape setback area shall be deleted. The western front building setback shall remain in common ownership.</i></p>	<p>Seek deletion of 44(a)(b)(c).</p> <p>Notwithstanding, the timing needs to change as it has no effect on the construction of the entire development, but rather the fitout for the remainder of the condition, otherwise the entire development will be held up commencing for works that are not required until fitout takes place. Hence the wording of the condition needs to change as follows.</p> <p>Plans submitted with the Construction Certificate shall demonstrate compliance with the following prior to the</p>	<p>Refer to Assessment Report discussion - 3C – Public Domain Interface.</p> <p>Additionally, privacy to 4 bedrooms of these 3 units can be achieved by other means i.e. balconies of units can be reconfigured / blinds / frost the bottom half of the glazing.</p> <p>Landscaping adjoining bedroom windows are grevillia which reach a height of 3m with lower shrubs adjoining to front boundary.</p>

<p><i>Balustrading / fencing to the western periphery of balconies to the aforementioned units shall not exceed 1.2m in height from the finished floor level of the balcony.</i></p> <p>B. <i>Balustrading / fencing to the southern periphery of balconies of units G01 &amp; G02 shall not exceed 1.5m in height from the finished floor level of the balcony.</i></p> <p>C. <i>Fencing to the residential entry and stairwell of ground level dwellings G09 – G14 shall be a maximum height of 1.5m from finished floor level. The masonry component of the aforementioned fencing shall not exceed 1m in height. Fencing above 1m shall be open form.</i></p>	<p>issue of the <b>fitout</b> Construction Certificate, to the satisfaction of Bayside Council.</p>	 <p>The diagram is a site plan showing two residential units, G02 and G03, with their internal layouts. To the left of the units is a vertical strip of landscaping details including: 15xLOMver, 1xLOPcon, 25xBANspi, 40xDIAlon, 20xCORelb, 1xWATflo, 15xLIReve, 40xGARaug, 40xPHlxan, 30xGREmoo, and 2xBROspp. A red dashed line indicates a boundary. A red label 'Grevillia 3m x 2m' points to a specific area. A label 'BALC 15m²' is also present.</p>
<p><b>47 – Final Landscape Plan</b> (for developable portion of site)</p>	<p>We understand Council wants certainty that the landscaping will take place. Rather than our wording which states the landscaping CC documentation be done prior to the issue of the landscape construction certificate, we recommend the condition be amended to still have the Council approve the landscape plan, but this be prior to prior to the issue of the construction certificate for landscape works. Otherwise we will be held up for months without starting any construction works, putting pressure on Council to approve. This way Council are still involved and get to ensure the landscaping approval issued by the certifier has the Council approval as well. The condition to be worded as follows.</p> <p>The Final Landscape Plan shall be generally in accordance with the approved Landscape Plan referred to in this consent. Detailed landscape construction documentation (plans and specifications) to be submitted to, and <b><u>approved by Director City Futures of Bayside Council prior to the issue of the Construction Certificate for landscape works.</u></b></p>	<p>This condition relates to landscaping within the mixed use development on the site.</p> <p>Council raises concern that by moving the milestone of this condition that CC plans for the development may be approved by the PCA with below ground structures which impede in the landscaped setback areas, therefore not allowing the minimum number of trees to be planted within the minimum required tree pit sizes with nil structures below at a later date.</p> <p>Landscape and development CC plans should therefore be prepared at the same time as they are interrelated and reliant on each other.</p>

<p><b><u>128 – Access Road</u></b></p> <p><i>392 off-street car parking spaces shall be provided and line marked to the satisfaction of a Civil Engineer. The entirety of the new access road that permits vehicular access to the development from the public road network (shared with Lot B – DA-2020/303) is to be constructed as a whole and be appropriately paved prior to occupation of the development</i></p>	<p>Amend condition to be “<i>paved prior to the relevant parts of occupation to enable access to that respective building’s frontage.</i>” There will be some areas, still under construction, not paved prior to OC, however this should be conditioned to that respective building’s frontage.</p>	<p>Council engineers are currently reviewing this request and will advise Meriton. This matter can be discussed at determination.</p>
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