

1-5 Chalmers Crescent, Mascot

## Section 4.55 Planning Statement

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## 1-5 CHALMERS CRESCENT, MASCOT

Proposed amendments to approved commercial development comprising retail and office space

**December 2020**

Prepared under instructions from  
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## 1.0 INTRODUCTION

This submission has been prepared as supporting documentation for an application made pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* to modify Development Application 2019/47 for demolition of existing structures, consolidation of the lots from two lots to one lot and construction of a twelve storey commercial development comprising retail, office space and associated car parking at 1-5 Chalmers Crescent, Mascot.

The application seeks to achieve the following primary amendments:

- Change of commercial office typology from strata suites, to large floor plate, PCA A-Grade type use, with associated changes to the shape and internal configuration of the typical floorplates;
- Raising of the ground floor level by 340mm to reduce the extent of excavation on the site, with a corresponding minor decrease of 150mm in floor to floor heights for the typical floors in order to maintain compliance with the 44 metre height control;
- Associated redesign to the entry arrangement to the ground floor to deal with the change of level;
- Reconfiguration to layout of the parking areas; and
- Minor changes to the landscape design.

The modifications result in:

- no change to the approved car parking;
- a reduction in height of RL 47.75 to RL 47.74;
- a very modest increase in the overall gross floor area of 83.3 square metres;
- a modest reduction in landscaped area; and
- no change to the approved architectural language of the development.

The proposed modifications are detailed in this submission and amended architectural package prepared by Rothelwoman.

This Statement has been prepared pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*. The Statement provides an assessment of the amended proposal having regard to the relevant legislative context, social economic and environmental impacts, potential amenity impacts of the development on the surrounding locality.

The Statement details the proposed amendments against applicable environmental planning instruments and development control plans including:

- Botany Bay Local Environmental Plan 2013
- Botany Bay Development Control Plan 2013

Having regard to the applicable legislative framework, the proposed amendments to the approved development retain the same fundamental characteristics and the amended proposal is therefore substantially the same development. The amended development represents an improvement to the approved development, remains consistent with the aims and objectives of the relevant environmental planning instruments and development control plan whilst remaining compatible with the character of the locality

## 2.0 SITE DESCRIPTION AND LOCATION

### 2.1 Locality Description

The site is located in the suburb of Mascot which is located within the Bayside local government area. The location of the site is illustrated in Figure 1 below.

The site is located within the Mascot Character Precinct and the Mascot Business Development Precinct as identified in the Botany Bay Development Control Plan. The existing character of the Mascot Business Development Precinct is described in the DCP as follows:

This Precinct is bounded by Coward Street, Alexandra Canal to the west and the airport to the south. The Precinct is comprised of warehouse and distribution developments (related to freight transportation); and industrial developments including smash repair stations and welding businesses. Newer buildings include commercial and office premises with active street frontages comprising coffee shops and retail outlets. Company headquarters occupy the commercial buildings in close proximity to their warehouse operations.

The Precinct is affected by a number of Classified Road Widening which are identified on the Botany Bay Local Environmental Plan 2013 - Land Reservation Acquisition Map. The Precinct is affected by 20 to 25 and 25 to 30 ANEF Contours and significant road and rail noise.

Part of the suburb is within the zone of influence of the High Pressure Gas Pipeline that follows the ARTC Rail Corridor to the Qenos Site at the Botany Industrial Park, Denison Street, Banksmeadow. Development Applications, planning proposals and rezoning of land received by Council for land within the Zone of Influence will be referred to the APA Group for consideration and comment.

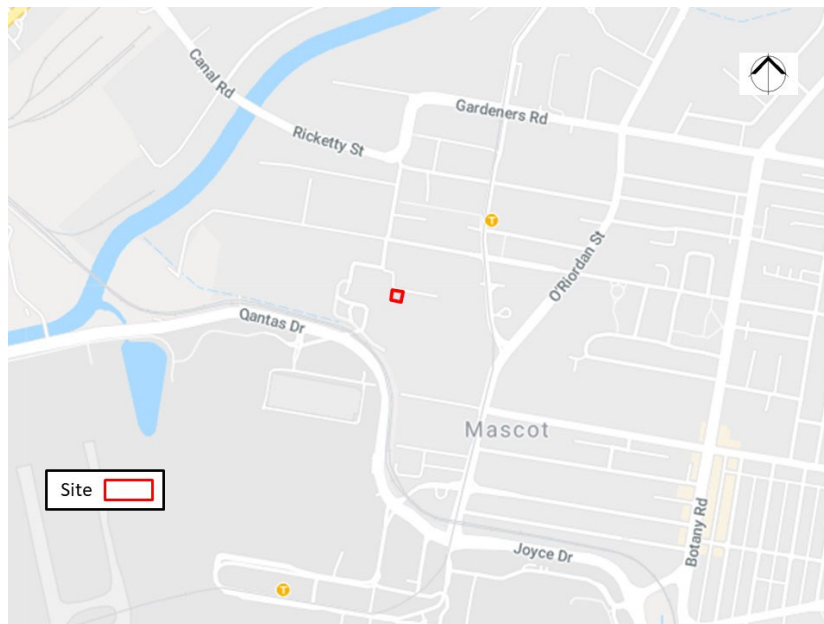


Figure 1:

Site Location:  
(Source: Google  
Maps 2018))

## 2.2 Site Description

The site comprises two allotments and is legally described as Lot 100 in DP 580123 and Lot 1 in DP 1005951 and is known as 1-5 Chalmers Crescent, Mascot. An aerial view of the site is included as Figure 2.

The site is generally rectangular in shape and has an area of 3,154 square metres. The site has a frontage of 60.945 metres to Chalmers Crescent, an eastern boundary of 51.435 metres, a western boundary of 51.88 metres and a southern (rear) boundary of 60.945 metres.

The site is currently occupied by a part one part two storey warehouse building. The building adjoins the eastern, western and southern boundaries and is setback from the Chalmers Crescent frontage. The south eastern corner of the site comprises a hard stand that is currently occupied by a series of outbuildings. The site is serviced by three vehicle crossings from Chalmers Crescent. The building is currently used by a business that involves the manufacturing and distribution of patisserie products.

The topography of the site is generally level. A small amount of landscaping comprising shrubs is located on the site adjacent to the Chalmers Crescent frontage, however, there are no trees on the site. There are several street trees located along the frontage of the site, including a small stand of mature trees in front of 1 Chalmers Crescent and one immature tree in front of 5 Chalmers Crescent.

The site is not identified as a heritage item pursuant to the Botany Bay Local Environmental Plan 2013. The site is also not identified as being located within a heritage conservation area.

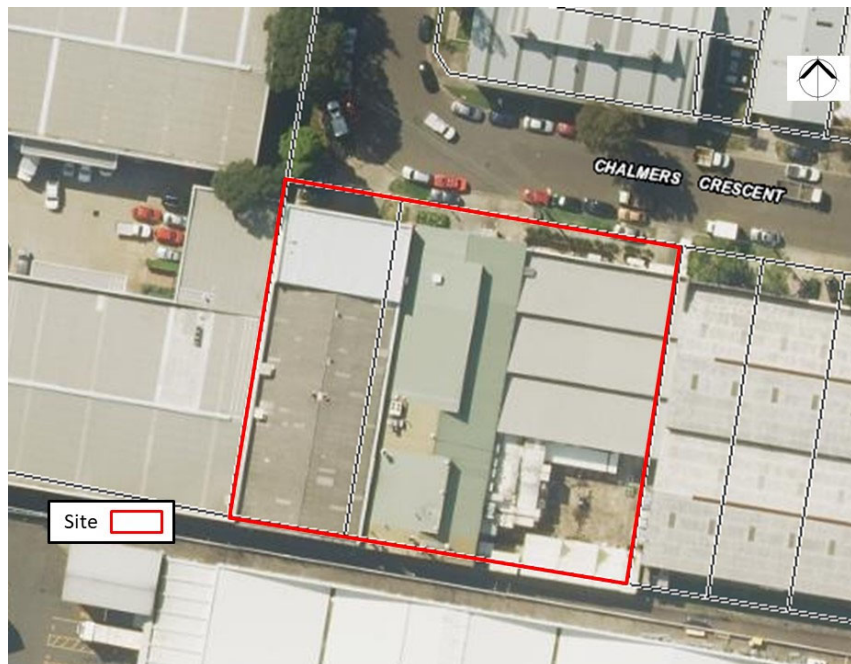


Figure 2:

Site (Source:  
Department of  
Lands, Six  
Maps 2018)



Photograph 1:

View of the site from Chalmers Crescent

### 2.3 Surrounding Development

To the east, the site adjoins 7-9 Chalmers Crescent which is currently improved by 2 x two storey industrial buildings one of which is built to the common boundary with the subject site. 7-9 Chalmers Crescent is the subject of Development Application DA15/191 that was approved by the Sydney Central Planning Panel on 1 March 2017. Development Application DA15/191 provided Stage 1 concept approval for the consolidation of 16 allotments known as 7-9, 14-18, and 19-21 Chalmers Crescent. The concept approval provided for the following:

- Construction of four eight storey towers comprising primarily commercial uses with lower floor retail space above a single two-storey parking podium
- 3 levels of car parking (including lower ground level) for 428 vehicles, 43 bicycles, and four loading bays with access from Chalmers Crescent.

To the north the site, on the opposite side of Chalmers Crescent is 4 Chalmers Crescent which is improved by a part one part two storey warehouse building which adjoins the eastern boundary. The building is provided with a nil setback from the Chalmers Crescent frontage on its southern side and a small landscaped setback on its western side.

Also to the north the site, on the opposite side of Chalmers Crescent is a substation and 6, 8 and 10 Chalmers Crescent which are improved by part one part two storey industrial buildings that are occupied by a range of businesses. These buildings are provided with a small setback from the Chalmers Crescent frontage and have either nil or small setbacks from their eastern and western boundaries.

The site adjoins 55 Kent Road to the west, which is improved by 2 x two storey warehouse buildings one of which is built to the common boundary with the subject site. This site is provided with substantial hardstand car parking and manoeuvring areas with vehicular access via Kent Street from both the northern and western frontages. The site also has frontage Chalmers Crescent for part of its eastern boundary.

A large warehouse building currently used as the Qantas Catering facility is located to the south the site.

## 3.0 BACKGROUND

### 3.1 DA-2019/47

On 30 July 2019, development consent was granted to Development Application 2019/47 for demolition of existing structures, consolidation of the lots from two lots to one lot and construction of a twelve storey commercial development comprising retail, office space and associated car parking at 1-5 Chalmers Crescent, Mascot.



Figure 3:

Photomontage of the approved development

## 4.0 DEVELOPMENT PROPOSAL

### 4.1 General Description of Modifications

The application seeks to achieve the following primary amendments:

- Change of commercial office typology from strata suites, to large floor plate, PCA A-Grade type use, with associated changes to the shape and internal configuration of the typical floorplates based on market demand for larger tenancies in the Mascot area. The amendments align with the requirements for PCA A-Grade office standards which increases the energy efficiency requirements of the building. The design of the Southern façade is rationalised for a more efficient floor plan to allow for daylight and sunlight, reduced services runs, efficient and effective services;
- Raising of the ground floor level by 340mm to reduce the extent of excavation on the site, with a corresponding minor decrease of 150mm in floor to floor heights for the typical floors in order to maintain compliance with the 44 metre height control;
- Associated redesign to the entry arrangement to the ground floor to deal with the change of level;
- Reconfiguration to layout of the parking areas; and
- Minor changes to the landscape design.

The modifications result in:

- no change to the approved car parking;
- a reduction in height of RL 47.75 to RL 47.74;
- a very modest increase in the overall gross floor area of 83.3 square metres;
- a modest reduction in landscaped area; and
- no change to the approved architectural language of the development.

### 4.2 Detailed Description of Modifications

A detailed description of the proposed modifications is provided below:

Item	Change	Drawing Ref	Reason
1a.	Building Floor plate and Facade Amendments	TP01.01-08, TP02.02-04, TP05.01, TP06.01	<p>As part of the adaption from strata type commercial, to PCA A-Grade, single floor tenancies, the currently approved U-Shaped floor plate with void on the southern elevation is removed.</p> <p>The current area per floor plate is then replanned such that the area is generally the same as approved, with the minimum rear setback increased as a result.</p> <p>The southern elevation retains an articulation break in order to minimise the visual bulk of the development viewed from the south.</p> <p>The facade amendments reflect the floor plan amendments by increasing the southern setback,</p> <p>The eastern setback is slightly reduced in order to match the western setback. This will be still greater than the minimum dimension within the DCP.</p>

Item	Change	Drawing Ref	Reason
			No change is proposed to the primary street elevation maintaining the significant articulation, and composition of the approved design.
1b	Building Services Upgrades	TP01.01-04, TP01.08	<p>As part of the upgrade to a PCA A-Grade, the building core, services and plant rooms have been modified in response to the whole floor plan arrangement and as a result are slightly larger.</p> <p>These changes are all contained to within the envelope of the approved building.</p> <p>As part of the mechanical services upgrades, air intakes are concealed within the East and West recessed façade zones. As part of this change, the recess in the external wall is retained to ensure the bulk and scale when viewed from East and West is consistent with the consent, but the two small balcony elements are removed.</p>
1c	Sustainability Measures	ELEVS	<p>As part of the upgrade of the building to PCA A-grade the external window specification has been detailed, and designed in conjunction with the northern façade sun shades, and screens to the West and East façade.</p> <p>Minor modifications are proposed to these external elements to meet Sustainability criteria.</p> <p>The originally proposed perforated screen is replaced with an integrated frit pattern to the glazing.</p>
1d	Car parking	CARPARK PLANS	<p>As part of the Core and services redesign, the internal carpark configuration has been amended.</p> <p>Carparking numbers are consistent with the approved DA. With 221 spaces, 12 motor bikes and 30 bicycle parking in a dedicated EOT facility</p>
1e	Gross Floor Area	GFA PLAN	Due to the change from Strata Suites, to full plate commercial, several services, and circulation zones are no longer required. This along with the change in shape to the rear façade has lead to a slight increase in GFA on the scheme of 83.3sqm.
2a	Change in Building Levels.	TP01.01-08 ALSO NEED ELEV SHEETS HERE	<p>The detailed geotechnical investigations on the site has recommended the elevation of the ground floor RL of the building.</p> <p>The ground floor is raised by 340mm from the approved scheme.</p> <p>This improves the currently compliant freeboard level within the building.</p>

Item	Change	Drawing Ref	Reason
			<p>In order to not exceed the overall building height as approved, 150mm is removed from each typical floor.</p> <p>The overall building height is consistent with the approved height and is lower than the approved OLS height limits.</p>
2b	Lobby and Forecourt amendments	GROUND FLOOR PLAN	<p>As part of the change in building levels at ground, the pedestrian and cycle entry, front landscape setback are adjusted to suit the new levels.</p> <p>No changes are proposed adjacent to the retained street trees.</p>
2c	Landscape	GROUND FLOOR AND FIRST FLOOR PLAN	<p>Minor changes are proposed to the detail design of the landscape planters on the carparking and podium levels, from an in-situ item, to prefabricated planters</p> <p>The approved Deep soil area is maintained at ground level with minor amendments to the front planters to align with the amended internal building levels.</p>

#### 4.3 Numerical Comparison

Element	Approved	Proposed Amendments
Site Area	<ul style="list-style-type: none"> <li>3-5 Chalmers Crescent: 2,170.03sqm</li> <li>1 Chalmers Crescent: 983.97 sqm</li> <li>Total: 3,154 sqm</li> </ul>	<ul style="list-style-type: none"> <li>3-5 Chalmers Crescent: 2,170.03 sqm</li> <li>1 Chalmers Crescent: 983.97 sqm</li> <li>Total: 3,154 sqm</li> </ul>
Gross Floor Area	<ul style="list-style-type: none"> <li>3 - 5 Chalmers Crescent: 7,674.8 sqm</li> <li>Total: 12,058.3sqm</li> </ul>	<ul style="list-style-type: none"> <li>3 - 5 Chalmers Crescent: 8,339 sqm</li> <li>Total: 12,141.6sqm</li> </ul>
Floor Space Ratio	3.53:1	3.84:1
Height	44 metres	<44 metres
Landscaped Area	25.6%	23.6%
Storeys	12 storeys	12 storeys
Front Setbacks	Ground – 4.9-9 metres Podium – 3 metres Tower – 9 metres	Ground – 4.9-9 metres Podium – 3 metres Tower – 9 metres
Car Parking	221 spaces	221 courier spaces
Motorcycles	12	12
Bicycle spaces	39 (30 internal and 8 visitor)	39 (30 internal and 8 visitor)

## 5.0 STATUTORY PLANNING FRAMEWORK

### 5.1 Environmental Planning and Assessment Act 1979

Section 4.55(2) of the Environmental Planning and Assessment Act 1979 empowers Council to modify a development consent, as follows:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

The amended proposal retains the fundamental components of the approved layout and spatial characteristics of the development. Conceptually, the proposal remains a 12 storey commercial development with basement parking and the amended proposal also retains essentially the same envelope to the approved development. To the casual observer, the amended proposal would appear generally the same as the approved development.

Quantitatively, the proposed amendments to the approved development are not such that they significantly change the development in relation to the gross floor area, height, parking, landscaped area, or number of storeys. The proposed amendments are improvements to the functionality of the building and do not radically transform the proposal.

The proposal is therefore considered to be “essentially or materially” the same as the approved development in that the modification does not materially alter any fundamental elements of the original application such as the use or scale of the development on the site.

On this basis the proposal is appropriately categorised as being “substantially the same” as required by Section 4.55(2) of the EP&A Act.

## 5.2 Environmental Planning Instruments

In accordance with Section 4.55(3) of the Environmental Planning and Assessment Act 1979 in determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.

The provisions contained within the applicable environmental planning instruments and development control plan which are relevant to the proposed modification are addressed below.

### 5.2.1 Botany Bay Local Environmental Plan 2013

#### Zoning and Permissibility

The site is located within the B5 Business Development zone pursuant to the Botany Bay Local Environmental Plan 2013 (BBLEP). An extract of the Land Zoning Map is included as Figure 4. Pursuant to the Land Use Table in the BBLEP commercial premises are permissible with consent in the B5 Business Development zone. The proposed amendments do not alter the approved use and the amended development remains permissible with consent.

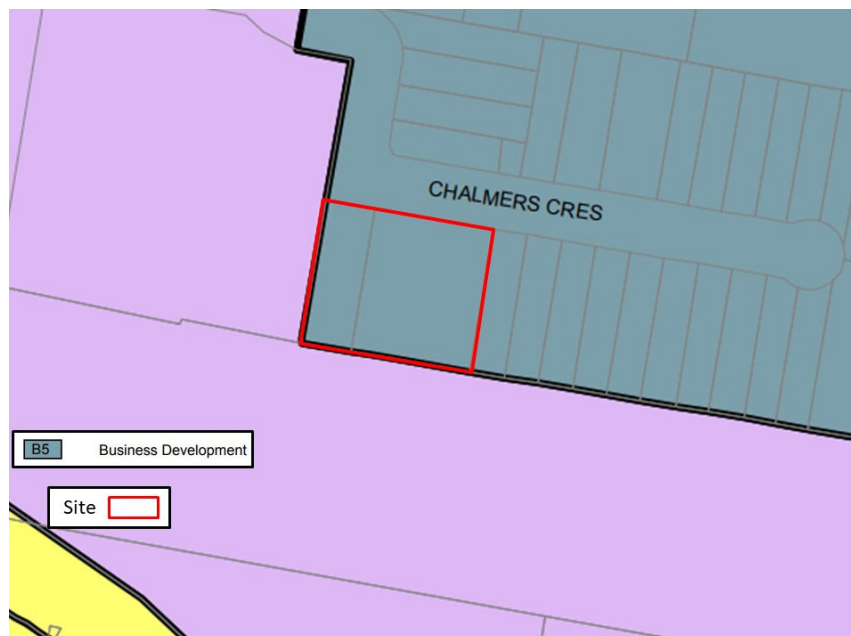


Figure 4:

Extract from  
the BBLEP  
Land Zoning  
Map

#### Height

In accordance with clause 4.3 'Height of Buildings' of the BBLEP the height of a building on any land is not to exceed the maximum height shown for the land on the 'Height of Buildings Map'. The maximum height shown for the site is 44 metres as shown in Figure 5. The approved development had a maximum height of 44 metres and the amended proposal reduces the height slightly and remains compliant with the maximum 44 metre height control.

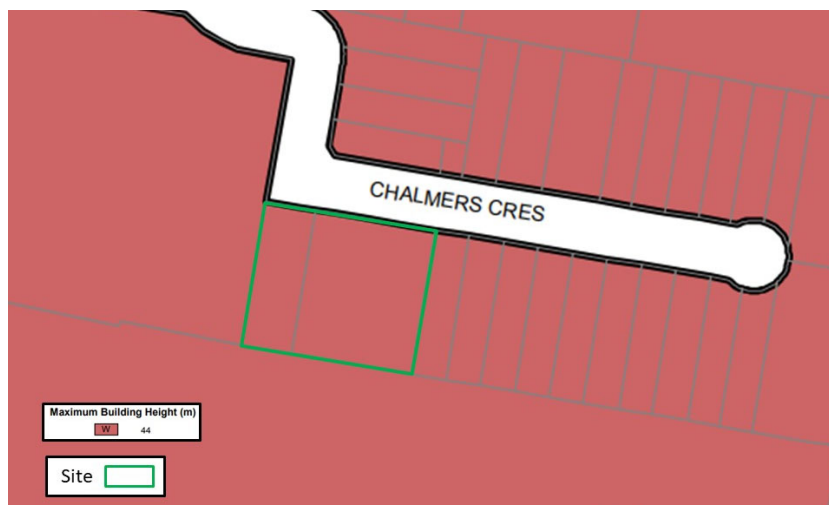


Figure 6:

Extract from the  
BBLEP Height of  
Buildings Map

#### Floor Space Ratio

Clause 4.4 of the BBLEP provides that the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The Floor Space Ratio Map shows the eastern portion of the site (3 and 5 Chalmers Crescent) within area 'V1' with a floor space ratio of 3:1 applying to this portion of the site. There is no specified floor space ratio for the western portion of the site (1 Chalmers Crescent). An extract of the Floor Space Ratio Map is included as Figure 7.

Therefore, the FSR calculation is only technically undertaken on the eastern part of the site.

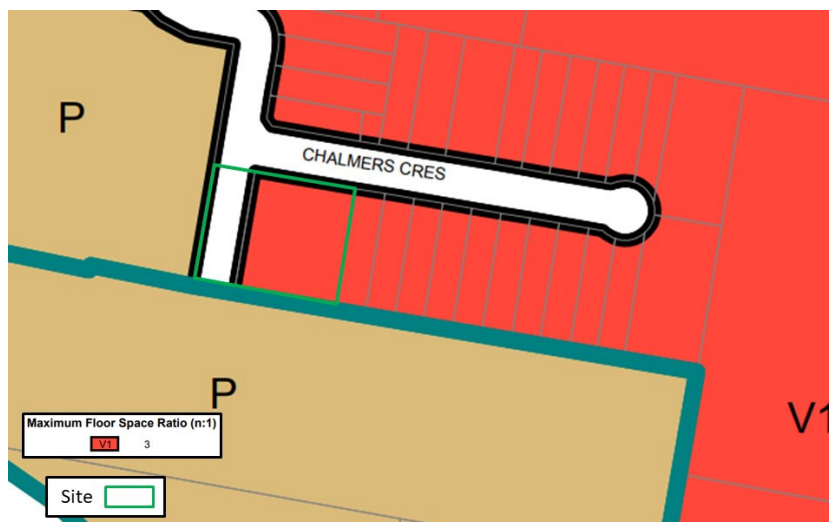


Figure 7:

Extract from the  
BBLEP FSR Map

A comparison of the approved Gross Floor Area and Floor Space Ratio for the entire site, as well as the eastern part of the site where the FSR control applies is shown in the table below:

	Eastern part (where the FSR control applies): 2,170.03 sqm	Total site: 3,154sqm
Approved GFA/FSR	<ul style="list-style-type: none"> <li>• 7,674sqm</li> <li>• 3.53:1</li> </ul>	<ul style="list-style-type: none"> <li>• 12,058.3sqm</li> <li>• 3.82:1</li> </ul>
Proposed GFA/FSR	<ul style="list-style-type: none"> <li>• 8,339 sqm (+671.6sqm)</li> <li>• 3.84:1</li> </ul>	<ul style="list-style-type: none"> <li>• 12,141.6sqm (<b>+83.3sqm</b>)</li> <li>• 3.85:1</li> </ul>

The above table shows that the approved FSR is 3.53:1 and the proposed amended FSR is 3.84:1. However, the vast majority of the apparent increase in the FSR is as a result of a change to the floor plate design which has redistributed Gross Floor Area into the part of the site where the FSR control technically applies, which has skewed the figure.

The actual increase in Gross Floor Area for the development as a consequence of the proposed amendments is only **83.3 square metres**, or an increase of 0.7% of the previously approved floor area.

Whilst the proposed amendment technically increases the approved FSR from 3.53:1 to 3.84:1, the proposed further variation to the 3:1 FSR control is considered reasonable in this instance for the following reasons:

- The proposed amendment only actually increases the overall Gross Floor Area by 83.3 square metres which is very minor and does not represent any meaningful change to the approved density of the overall development.
- The amended proposal responds properly to opportunities and constraints of the site and is considered to remain an appropriate outcome having regard to the context of the site. A reduction in the floor space ratio of the development would not result in any meaningful difference in relation to the impact of the proposal within the context of the other approved towers with Chalmers Crescent. Furthermore, a reduction in floor space would unnecessarily reduce employment opportunities on an ideally located site, to the detriment of achieving the vision for the Mascot Business Development Precinct.
- The height of the amended development has actually reduced slightly and is still compliant with the 44 metre height limit under the BBLEP 2013 and so any reduction in density would not require a reduction to the overall height and scale of the development.
- The proposal has been amended in response to market feedback and demand specifically for large floor plate, PCA A-Grade type use.
- The availability and capacity of local infrastructure and public transport supports the additional floor space proposed. The site is located in close proximity to Mascot Train Station and a range of bus services.
- The increase in overall density of 83.3 square metres does not give rise to any unreasonable impacts on the adjoining properties in terms of overshadowing, loss of privacy or visual impact.
- Having regard to the planning principle established in the matter of Project Venture Developments v Pittwater Council [2005] NSWLEC 191 most observers would not find the amended development offensive, jarring or unsympathetic to its location and the proposed development will be compatible with its context.

### Earthworks

The objective of clause 6.2 of the BBLEP is to ensure that earthworks for which development consent is required will not have a detrimental impact on the environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Subclause (3) requires the consent authority to consider the following matters before granting development consent:

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The proposed amendment specifically aims to reduce the extent of earthworks to minimise associated impacts with excavation and earthworks.

### Design excellence

Clause 6.16 applies to land at Mascot Station Precinct on the Key Sites Map. The site is located within the Mascot Station Precinct. Subclause (3) states that development consent must not be granted to development involving the construction of a new building or to external alterations to an existing building on land to which this clause applies unless the consent authority considers that the development exhibits design excellence.

Subclause (4) states:

- (4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:
  - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
  - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,

- (c) whether the development detrimentally impacts on view corridors,
- (d) the achievement of the principles of ecologically sustainable development.

Council formed the view that the approved development achieved design excellence. The amended proposed retains the characteristics of the approved development which were the basis for Council's conclusion that the development achieved design excellence and the amended proposal continues to exhibit design excellence noting that there is no meaningful change to the architectural expression of the development.

The internal planning of the amended proposal is improved and a high standard of architectural design and materiality is retained as detailed in the architectural plans prepared by Rothelowman architects.

#### Remaining Provisions

The subject proposal is only for minor design amendments to the approved development and does not require any further consideration against the remaining provisions of the BBLEP beyond those which were considered in the assessment of the original development application

### 5.3 Botany Bay Development Control Plan

The amended proposal does not result in any significant difference in relation to compliance with the provisions of the Botany Bay Development Control Plan 2013 (BBDCP).

The following table addresses the provisions of Parts 3, 6 and 8 of the DCP which are relevant to the proposed amendments:

Control	Requirement	Proposed
Part 3 General Provisions		
3A.2 Car Parking	<p>General:</p> <p>Table 1 provides the following minimum car parking rates:</p> <p>Office premises are required to provide 1 space per 40m<sup>2</sup> of GFA.</p> <p>Table 1 does not provide a minimum car parking requirement for a café with a GFA less than 100m<sup>2</sup>, but does indicate that the following parking provision is desirable:</p> <p>1 space / 2 employees; plus 1 space / 3 seats (internal and external); or 1 space / 10m<sup>2</sup> GFA, whichever is greater</p> <p>In relation to cafes Table 1 indicates that applicants can take into account car parking available in adjacent parking areas, including on-street and</p>	<p>The approved development provided 221 total car spaces which was a reduction to the car parking requirement of the DCP of 253. The variation was supported by Council on the basis that</p> <ul style="list-style-type: none"> <li>• The site has good access to public transport</li> <li>• The proposed development encourages alternative transport options to the building with the provision of bicycle spaces and end-of-journey facilities within the ground floor.</li> <li>• The reduction in car parking will minimise traffic impacts</li> <li>• The proposed car parking is sufficient to meet the demand created by the development.</li> </ul>

Control	Requirement	Proposed
	its time of usage. Alternatively a parking assessment based on survey of similar sized developments can be utilised	The proposed amendment increases the total Gross Floor Area of the development by 83.3 square metres, which technically increases the parking requirement under the DCP by a further 2 car parking spaces. However, the proposal maintains the previously approved car parking provision within the development, which is considered acceptable as the approved development already represents a significant departure from the DCP control on the basis that reduced parking represents a better outcome in the circumstances of the subject site and development. Accordingly, the proposed parking provision is considered to remain acceptable for the amended development.
	Bicycle Parking: C7 In every new building, where the floor space exceeds 600m <sup>2</sup> GFA (except for houses and multi unit housing) bicycle parking equivalent to 10% of the required car spaces or part therefore as required in Table 1 shall be provided.	The amended proposal retains the previously approved 38 bicycle parking spaces.
3A.3.1 Car Park Design	General: C1 All off-street parking facilities shall be designed in accordance with current Australian Standards AS2890.1 and AS2890.6 (for people with disabilities). The design of off-street commercial vehicles facilities (including parking) shall be in accordance with AS2890.2. C2 Vehicle access points, loading/unloading area and the internal circulation of an off-street parking facility shall be designed in a manner that entry to and exit from the site is made in a forward direction (except for dwelling houses). C5 A swept path analysis shall be provided for manoeuvring of commercial vehicles.	The amended car parking layout remains compliant with the standards relating to the car park design.

Control	Requirement	Proposed
3A.3.2 Bicycle Park Design	<p>C1 Bicycle parking areas shall be designed in accordance with Australian Standards AS2890.3 and AUSTROADS Guide to Traffic Engineering Practice, Part 14, Bicycles.</p> <p>C2 Bicycle parking and access shall be designed to ensure that potential conflicts with vehicles are minimised.</p> <p>C3 Bicycle parking is to be secure (lockers, compounds or racks) and located undercover with easy access from the street and building entries.</p> <p>C4 End of trip facilities accessible to staff (including at least 1 shower and change room) are to be provided for all commercial, industrial and retail development.</p>	<p>The amended proposal retains secure bicycle parking within the ground floor as previously approved that is easily accessible from the street and building entries which will be designed to comply with the relevant Australian Standards.</p> <p>End of trip facilities are retained that include separate male and female shower and change rooms.</p>
3A.3.4 On-Site Loading and Unloading Facilities	<p>C2 The number of service bays shall be provided in accordance with Table 2. Where calculated provision of servicing bays numbers results in a fraction, the requirements shall be rounded up to the nearest whole number.</p>	<p>The proposal retains the previously approved loading facilities.</p>
3L Landscaping and Tree Management	<p>General Requirements:</p> <p>A Landscape Plan is to be prepared.</p> <p>C1 Existing trees including street trees must be preserved. The arrangement of buildings, secondary dwellings, pods, car parks, driveways, ancillary building and paved vehicle/other circulation spaces must consider existing trees and incorporate them into the site layout.</p> <p>C2 Landscaping will be designed to reduce the bulk, scale and size of buildings, to shade and soften hard paved areas, to create a comfortably scaled environment for pedestrians in the public domain, or from within the site, and to screen utility and vehicle circulation or parking areas. Emphasis</p>	<p>The amended proposal retains the previously approved deep soil landscaping within the front building line to Chalmers Crescent, and within both the eastern and western side boundary setbacks, as well as planters on the upper levels.</p> <p>Whilst there has been a minor reduction to landscaped area, this still remains compliant with the minimum 20% requirement.</p>

Control	Requirement	Proposed
	<p>is to be placed upon landscaped setbacks.</p> <p>C9 A deep soil landscape zone is required for all developments within boundary setbacks (particularly where a site adjoins a residential property), communal and private open space, and green corridors.</p>	
6.3 General Provisions		
	<p>C2 Through careful site arrangements new building works must:</p> <ul style="list-style-type: none"> <li>(i) Address the street and highlight any non-industrial aspects (ie office section) of the development;</li> <li>(ii) Avoid long blank walls of warehouse units facing the street and long continuous roof lines; and</li> <li>(iii) Provide regular modulation to the façade or division of massing.</li> </ul>	<p>The amended configuration of the ground floor plane retains a fine grain active frontage with the buildings architecture combined with the public domain improvements, ground level commercial and cafe use and pedestrian entry that will serve to activate and enliven the street frontage of the site.</p> <p>The amended façade design retains differing architectural typologies for the upper and lower components of the building each with considerable articulation, with the commercial tower appearing as a lightweight and contemporary element to the building.</p>
	<p>C4 Setbacks are to be deep soil zones (refer to Part 3L - Landscaping for Definition). No part of the building or structure (including basement car parks, driveways, or OSD/infiltration system are to encroach into the setbacks.</p>	<p>Deep soil landscaped zones are retained on the northern, eastern and western sides of the development.</p>
	<p>C13 For sites in excess of 1,000m<sup>2</sup>, an outdoor staff recreation area is to be provided. This area:</p> <ul style="list-style-type: none"> <li>(i) Must be a minimum of 16m<sup>2</sup>. with a minimum dimension of 3 metres;</li> <li>(ii) May be located within the front building setback, within an upper floor balcony, in an enclosed courtyard or in any other landscaped setting on the site. If this area is provided within the landscaped area at the front of the site, then the landscaped setback required in Part 6.3.5 - Setbacks</li> </ul>	<p>Terraces are retained throughout the development that well exceed the minimum size and dimension outlined within the DCP and will provide high quality break out spaces that will deliver considerable amenity for building occupants.</p>

Control	Requirement	Proposed
	<p>should be increased by an additional 1 metre;</p> <p>(iii) Should be designed to include a table and chairs;</p> <p>(iv) Enable at least 6m<sup>2</sup>, to receive direct sunlight for the four hours between 10am and 2pm during mid winter; and</p> <p>(v) Should provide shading in summer.</p>	
6.3.3 Floor space	The maximum FSR is identified on the Floor Space Ratio Map within Botany Bay Local Environmental Plan 2013.	This issue is addressed under the BBLEP 2013 considerations above in this Statement.
6.3.4 Building Design and Appearance	<p>Height:</p> <p>C1 The maximum building height is indicated in the Building Height Map attached to the Botany Bay Local Environmental Plan 2013.</p> <p>C2 The maximum height of an industrial building must comply with other controls in this DCP relating to urban design, solar access, privacy and residential/industrial interface.</p> <p>C3 Compliance with the Civil Aviation Safety Authority requirements.</p> <p>C4 The maximum height of a building must be consistent with the height of other buildings in the immediate vicinity.</p> <p>C6 All rooftop or exposed structures including lift motor rooms, plant rooms, etc., together with air conditioning, ventilation and exhaust systems, are to be suitably screened and integrated with the building in order to ensure a properly integrated overall appearance.</p>	The amended proposal reduces the overall height by 250mm with a total height of 43.75m which remains compliant with the maximum 44 metre height control.
	<p>Design:</p> <p>C7 All development applications involving external building works must be accompanied by a schedule of finishes and a detailed colour scheme for all external walls.</p>	<p>The amended proposal will continue to deliver a modern commercial building of high architectural quality that is generally consistent with the design controls relevant to new development.</p> <p>The amended proposal retains the varied architectural language of the approved development which generates a high level</p>

Control	Requirement	Proposed
	<p>C8 External finishes must be robust and graffiti resistant.</p> <p>C10 Walls of new development must make use of non reflective colours and materials to avoid glare. The maximum reflectivity of any glazing is not to exceed 20% to avoid nuisance in the form of glare to occupants of nearby buildings, pedestrians and motorists.</p> <p>C11 All elevations of a building fronting a public place, or visible from a rail line, public place or proposed road, must be constructed of face brickwork or other decorative facade treatment to Council's satisfaction.</p> <p>C12 Buildings should be of a contemporary and innovative design. All public frontages should be specially articulated with the use of brick, stone, concrete, glass (non-reflective), and like materials, but not concrete render.</p> <p>C13 Open style or transparent materials are encouraged on doors and/or walls of lifts and stairwells, where fire safety requirements allow.</p> <p>C14 Building height, mass, and scale should complement and be in keeping with the character of surrounding and adjacent development.</p> <p>C15 New buildings must be designed to:</p> <ul style="list-style-type: none"> <li>(i) Address the street and highlight any non-industrial aspects (such as the office section) of the development;</li> <li>(ii) The administration office or showroom must be located at the front of the building;</li> <li>(iii) The front door to a building is to face the street;</li> <li>(iv) Building entrances should be clearly defined and well articulated through form, materials and colour and provide level or ramped access;</li> </ul>	<p>of visual interest and will positively influence the ground floor plane through the provision of active uses along the frontage and by introducing a landscaped character to the site.</p>

Control	Requirement	Proposed
	<p>(v) Waiting areas and entries to lifts and stairwells are to be close to areas of active use and be visible from building entrances;</p> <p>(vi) Windows on the upper floors of a building must, where possible, overlook the street;</p> <p>(vii) Avoid long blank walls of warehouse units facing the street and long continuous roof lines; (viii) New construction is to achieve both functional and visually attractive buildings;</p> <p>(ix) Provide regular modulation to the facade or division of massing;</p> <p>(x) Architecturally express the structure of the building by variation and minimal use of reflective glass;</p> <p>(xi) Visually reinforce entrances, office components and stair wells of units to create rhythm on long facades and reduce perceived scale;</p> <p>(xii) Introduce variation in unit design within building works;</p> <p>(xiii) Introduce solid surfaces, preferably masonry, and incorporate horizontal and vertical modulation including windows in appropriate proportions and configurations;</p> <p>(xiv) New development on corner sites must address both street frontages in terms of facade treatment and articulation of elevations; and</p> <p>(xv) Avoid bulky roof forms or extensive blank facades in a single material or colour.</p>	
6.3.5 Setbacks	<p>C1 Setbacks are to be in accordance with the following Table 1. The DCP suggests the following setbacks:</p> <ul style="list-style-type: none"> <li>A 9m building setback and 3m landscaped setback to Chalmers Crescent.</li> </ul>	The amended proposal does not result in any change to the approved setbacks.

Control	Requirement	Proposed
	<ul style="list-style-type: none"> <li>A 2m landscaping and building setback to the eastern and western side boundaries.</li> <li>A nil to 3m landscaping and building setback from the southern rear boundary.</li> </ul>	
6.3.21 Business Premises & Office Premises in the B5 Business Development & B7 Business Park Zones	<p>C1 Building expression through façade modulation, roof silhouette and the use of a variety of contemporary materials and finishes is required to achieve buildings that are of architectural merit, innovation, variety and attractiveness. There is to be a balance between the solid walls and openings and between horizontal and vertical planes. A Schedule of Finishes is required for new buildings.</p> <p>C14 There shall be a minimum landscaped setback of 3 metres on all Crescent frontages, and 4 metres on classified roads. The landscaped setback may be varied by Council to enable landscaping to be in proportion to the height of the building, on large development sites or to be consistent with setbacks in the Crescent. For example, buildings greater than 4 storeys in height will usually require a larger landscaped setback.</p> <p>C15 Not less than 10% of the site area shall be landscaped. New commercial development shall allocate landscaping in accordance with the following ratios:</p> <p>Site Area</p> <p>0-2,000m<sup>2</sup>, minimum 10%</p> <p>2000m<sup>2</sup>-5000m<sup>2</sup> 20%</p> <p>&gt;5000m<sup>2</sup> 30%</p>	<p>The amended proposal provides a total 23% landscaping at ground level and in planters throughout the building. Whilst this is a minor reduction from the approved provision of 26% of the site area, the amended landscaped provision nonetheless remains compliant with the 20% minimum requirement and the amended proposal has not reduced deep soil provision.</p> <p>The provision of landscaping on the site in the amended proposal remains consistent with the intent of the DCP and capable of support.</p>
Part 8 Character Precincts		
8.7.2 Mascot Character Precinct	Desired Future Character	The amended proposal remains consistent with the desired future character for the Mascot Character Precinct as follows:

Control	Requirement	Proposed
		<ul style="list-style-type: none"> <li>The amended proposal will enhance the public domain and streetscape of Chalmers Crescent.</li> <li>The varied architectural language, palette and materiality of the amended proposal are used to provide a clear identity for the development as well as to define the differing components of the building whilst generating a high level of visual interest and will positively influence the ground floor through the provision of active uses along the frontage and by introducing a landscaped character to the site that will significantly increase vegetation within the front building line to Chalmers Crescent in comparison to the current situation.</li> <li>The site access and parking facilities in the of the amended proposal will not dominate the streetscape.</li> <li>The shadow from the of the amended proposal will not impact on any residential properties or public or private open spaces and will allow for solar access to adjoining properties.</li> <li>The provision of on-site car parking of the amended proposal remains appropriate for the reasons outlined in this Statement.</li> <li>The of the amended proposal will not impact on any significant views.</li> </ul>

## 6.0 CONCLUSION

This application seeks to amend Development Application 2019/47 for demolition of existing structures, consolidation of the lots from two lots to one lot and construction of a twelve storey commercial development comprising retail, office space and associated car parking at 1-5 Chalmers Crescent, Mascot.

The application seeks to achieve the following primary amendments:

- Change of commercial office typology from strata suites, to large floor plate, PCA A-Grade type use, with associated changes to the shape and internal configuration of the typical floorplates;
- Raising of the ground floor level by 500mm to reduce the extent of excavation on the site, with a corresponding minor decrease of 200mm in floor to floor heights for the typical floors in order to maintain compliance with the 44 metre height control;
- Associated redesign to the entry arrangement to the ground floor to deal with the change of level including a new partially elevated external terrace;
- Reconfiguration to layout of the parking areas; and
- Minor changes to the landscape design.

The amended proposal retains the fundamental components of the approved layout and spatial characteristics of the development. The amended proposal achieves an improved design outcome in relation to the functionality of the development, and the contribution of the site to the street.

As detailed in this submission the proposed modifications may be made by the consent authority in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979 as the proposed amendments are substantially the same development as originally approved and will not result in any adverse impacts on the amenity of the locality.

The proposed amendments remain consistent with the aims and objectives of the relevant environmental planning instruments and development control plan and will not result in any adverse impacts on the amenity of the locality. Accordingly, the proposed amendments are considered acceptable as they represent an improvement and refinement of the approved development and therefore warrant approval.