

Premises: 128 Bunnerong Road & 120 Banks Avenue, Pagewood (Lot 1 DP1187426 / Lot 24 DP1242288)
DA: 2019/386

DRAFT SCHEDULE OF CONSENT CONDITIONS

BATA 2 – CONCEPT PLAN

GENERAL CONDITIONS

1. Concept approval is granted under Section 4.16 of the Environmental Planning and Assessment Act to the development described below:

Use of the site for a mixed use development including residential, retail, commercial and child care centre uses incorporating:

Building envelopes with podium (maximum 4 storeys) and tower zones;
Basement parking;
Podium sleeved car parking;
Maximum total gross floor area of 210,520sqm;
Minimum 20,000sq/m of publicly accessible open space across the site;
Minimum 5,000sqm of non-residential GFA
Internal local road network;
Torrens title subdivision.

Infrastructure works to support the development including:

Upgrades to the local road network;
Publically accessible open space and through site links; and
Pedestrian and cycle pathways internally and externally along the periphery of the site within the public domain.

2. This Consent relates to land, being Lot 1 DP1187426 and Lot 24 DP1242288. Building works must not encroach onto adjoining lands or other public places apart from approvals granted for works beyond the site boundary.
3. Future development consent shall be sought for demolition of any structures and any civil and built development upon the subject site or adjoining public domain.
4. The development shall be undertaken in accordance with the documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Document	Author	Dated
Pagewood Green (Stage 2) Stage 1 DA Design Report Pages 1 of 33 to 33 of 33	SJB Architects	6 October 2020
Pagewood BATA 2 (North) Landscape Stage 1 Concept Master Plan Report (31 pages)	Meriton	6 October 2020
Indicative Staging Plan A0110 Rev 14	SJB Architects	01 October 2020

Document	Author	Dated
Site Setbacks Plan A0105 Rev 14	SJB Architects	01 October 2020
Building Heights Plan A0201 Rev 14	SJB Architects	01 October 2020
Road Plan A0103 Rev 14	SJB Architects	01 October 2020
Public Domain Plan A0104 Rev 14	SJB Architects	01 October 2020
Lot Subdivision Plan A0102 Rev 14	SJB Architects	01 October 2020
Ground Non Residential Use A0111 Rev 14	SJB Architects	01 October 2020
Ground Levels A0106 Rev 14	SJB Architects	01 October 2020
Lot C Ground Floor Interface A0202 Rev 14	SJB Architects	01 October 2020
Deep Soil Plan A0109 Rev 14	SJB Architects	01 October 2020
Site Analysis Plan (Built Character Hierarchy) A0101 Rev 14	SJB Architects	01 October 2020
Building Envelopes Plan A0108 Rev 14	SJB Architects	01 October 2020
Block Sections 1 A0601 Rev 14	SJB Architects	01 October 2020
Block Sections 2 A0602 Rev 14	SJB Architects	01 October 2020
Block Elevations 1 A0501 Rev 14	SJB Architects	01 October 2020
Block Elevations 2 A0502 Rev 14	SJB Architects	01 October 2020
Site Flood Assessment for Concept Development Assessment	WMA Water	09 October 2020
ESD Report	Efficient Living	02 October 2020
Detailed Site Investigation for Contamination Pagewood Green Stage 2 Rev 0	Douglas Partners	11 September 2020
Interim Audit Advice #04: Detailed Site Investigation for Contamination, Draft B	senversa	11 September 2020
Quantity Surveying Cost Report, Pagewood BATA North Stage 1 DA	Steven Wehbe	24 October 2019
Aeronautical Impact Assessment LB00142 Final Version 1.0	Landrum & Brown Worldwide (Aust) Pty Ltd, 2018	25 July 2018
Stormwater Management Report Rev 9	Aurecon	19 December 2011
Summary of Geotechnical Conditions Pagewood Part II – Due Diligence	Douglas Partners	14 October 2019
Qualitative Wind Statement SLR Ref: 610.13932-R15 Version No: -v1.0	SLR Consulting Australia Pty Ltd	5 August 2019
Indicative Review of Noise Intrusion and Emissions	Acoustic Logic	24 July 2019

Stage 1 Concept Development Application, Transport Impact Assessment Issue 02	ARUP	23 October 2019
Site Survey	JBW Surveyors	30 July 2019

5. Voluntary Planning Agreement

- a) This consent must be read in conjunction with any executed Voluntary Planning Agreement entered into by Karimbla Properties Pty Ltd and Council for the subject site.
- b) This consent shall operate in tandem with any Voluntary Planning Agreement executed for the subject site.

6. Lapsing of Consent

Approval of the Concept Plan shall lapse 5 years after the determination date shown, unless a development application is submitted to carry out a project or development for which concept approval has been given.

7. Concept Plan Approval

This concept approval does not grant consent for any demolition, remediation, excavation or building works. This concept approval is limited to approval for the massing, modulation, siting and setbacks, maximum height of buildings, maximum gross floor area, uses, maximum floor space ratio, public domain provisions, indicative unit mix and car parking provisions.

8. Inconsistencies

In the event of any inconsistency between conditions of the Concept Plan approval identified in this document and drawings/documents referred to above, the conditions of the Concept Plan shall prevail.

9. Design Excellence

- a) Future Development Applications for each building and associated public open space area, shall be subject to a further design excellence review process review by Council as required by Clause 6.16 of Botany Bay Local Environmental Plan 2013.
- b) Future Development Applications shall demonstrate that the development achieves a high standard of architectural design incorporating a high level of modulation / articulation of buildings and a range of high quality materials and finishes.

10. Local Contributions

- a) Future Development Applications will be required to pay local monetary contribution per dwelling equivalent to s7.11 contributions to Bayside Council towards the provision or improvement of public amenities and services in accordance with any executed VPA for the site.
- b) Where nil executed VPA applies to the subject site, the relevant s7.11 and/or 94A contributions shall be levied to all future Development Applications in accordance with the relevant Botany Bay Section 7.11 and/or 94A Development Contributions Plan 2016.

11. Contamination

All future Development Applications for each building and/or public open space area on site, shall submit the following documentation at minimum with each future development application, unless the Detailed Site Investigation and Remediation Action Plan Reports are prepared for the whole site;

- i. Additional soil, groundwater and soil vapour investigations to meet the NSW EPA sampling guidelines, with reference to the intended site use, and to supplement the previous works undertaken from 2011-2013;
- ii. Preparation of a Remediation Action Plan (RAP);
- iii. Preparation of an Asbestos Management Plan (AMP);

- iv. Site remediation and validation reporting; and
- v. Preparation of a Site Audit Statement (Part A).

All documents shall be prepared and completed in accordance with the Contaminated Land Management Act 1997, SEPP 55 and all applicable NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997.

GFA AND FSR

12. Maximum Gross Floor Area

The maximum gross floor area of the site is referred to in Condition 1 of this consent.

13. Minimum Non Residential Gross Floor Area

A minimum of 5,000sq/m of non-residential gross floor area for non-residential purposes shall be provided on site. This shall not include any form of residential accommodation, a car park or a telecommunications facility. Non-residential GFA shall be provided throughout the site in locations not limited to those identified within the approved concept plan drawings nominated in condition 4 of this consent.

14. Maximum Residential Gross Floor Area

A maximum 205,520sq/m of gross floor area for residential accommodation shall not be exceeded upon the subject site.

15. Transfer of Unutilised Gross Floor Area

Where the maximum-gross floor area of a lot is not fully utilized within the development of that lot, this may be transferred to another lot within the site which has not yet been developed, given at all times, the maximum permitted gross floor area for the entire site subject of the Concept Approval and development standard for the site is not exceeded.

BUILDING DESIGN (ENVELOPES, FORM, HEIGHTS)

16. Landscape & Design Objectives for Village Heart

The following design objectives shall be incorporated into any future Development Application relevant to Lots B & E, to the satisfaction of Bayside Councils Design Excellence Panel.

- a) The architectural expression of the building at Lot B (eastern building), will reflect its differentiated status as the primary focal building within BATA 2. The design will perform an important role in appropriately defining the open space of the Village Heart. The tower will also establish a landmark to aid place-recognition and wayfinding.
- b) The detailed design of the village heart shall be coherent with the wider plan with regard to, material selection, construction details and spatial arrangement.
- c) The unique and special status of the Village Heart will be made clear in the design, including but not limited to high quality materials, elements to bring delight and interest and integrated public art.
- d) Design character will be appropriate to a neighborhood village square (rather than a CBD mall or private shopping centre). This relates to, intimately scaled spaces and elements, the containment of the whole space, the selection of warm and textured materials and finishes and selection and placement of elements.
- e) Edges of the space to be made habitable and comfortable with seating and shade and activated with good passive surveillance.
- f) The design will achieve a balance between flexibility of uncluttered open, paved space while providing amenity such as seating and shade and greening.

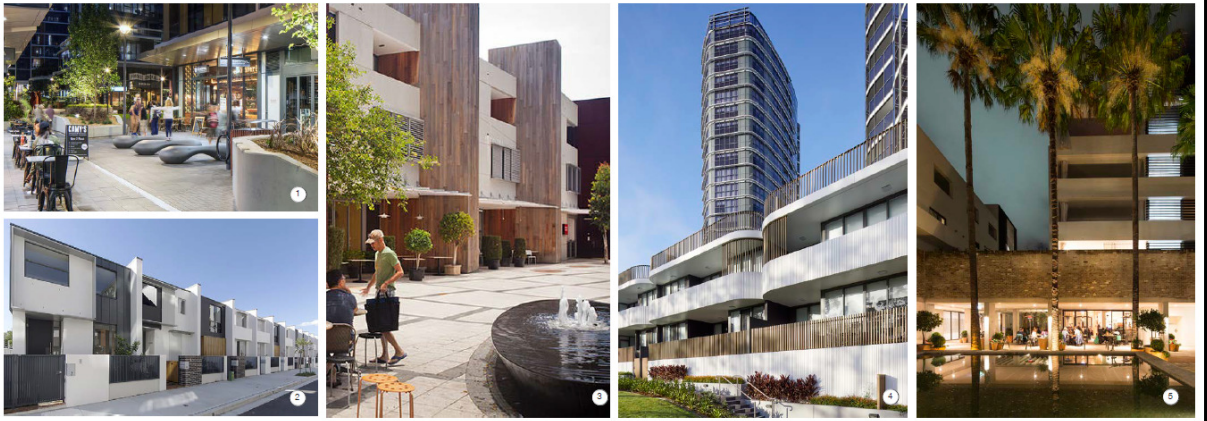
- g) Deep soil appropriate to healthy growth of canopy trees shall be accommodated
- h) The number of residential units with direct ground level access shall be maximized, albeit not at the expense of non-residential floor area.

The landscape and architectural design of the Village Heart, both public domain and built frontages, will be assessed by the design excellence review panel and will achieve design excellence. The village heart refers the area north of Lot B between Studio Drive and Lot E and the adjacent spaces.

17. **Materials, Finishes and Treatment of Building Forms**

The diversity of material, forms and architectural expression shall be as presented in sections 1.6, 1.7 and 1.8 of the approved Design Report referred to below and within this consent, prepared by SJB Architects.

1.6 Objective 05: Appropriate Built Form and Scale




Objectives

- Scale, bulk and height appropriate to the desired future characters of the development.
- Building alignments, proportions, types, articulation and elements that facilitate good amenity for residents, in terms of:
 - Balance between solar penetration and overshadowing
 - Views and vistas
 - Internal amenity and outlook
- Setbacks and built form that contributes to the character of streetscapes and public open spaces, including greater articulation that allows changes in street wall
- Utilising a mixture of materials that allow scale to be broken down

Figure 1: Podium with ground level retail. **Figure 2:** Town house with fine grain articulation at street level. **Figure 3:** Podium apartments with ground level retail and townhouses. **Figure 4:** Podium and tower typology. **Figure 5:** Interface between tower and podium, delineating public and private areas.

1.7 Objective 06: A mix of building typologies



Objectives

- A diversity of dwelling typologies with variation in heights, scale and form, such as tower & podium, and towers that come directly to the ground
- Provide a higher density around public space offering to maximise amenity and outlook for apartments.
- Building envelopes to ensure maximum solar access and compliance with Apartment Design Guidelines (ADG).
- Diversity within the building envelope with a range of dwelling sizes.
- Lower levels should interface with the street including balconies overlooking the streets and public realm.

Figure 1: Medium density residential developments. **Figure 2:** Mixed use development with direct interface with street. **Figure 3:** Town house with fine grain articulation at street level. **Figure 4:** Podium tower typology with height that tapers away from street intersection. **Figure 5:** 20' tower holding the corner and connected to podium building.

1.8 Objective 08: Architectural Quality and Materiality



Principles

- Reference history of the site through a range of mechanisms, such as reflecting the art-deco era warehouse buildings in future designs, referencing historic land uses, using materials, detailing and form to revive character elements and/or interpretive signage.
- Contribute to local character through a consistent form, transition, setbacks and streetscape.
- Integrate podium car parking to allow for natural ventilation, while maintaining activation and retail/residential overlooking of the street.
- Minimise vehicular crossovers and presence of garage doors.
- Provide visual interest from the street through facade treatments, public art, green walls.
- Integrate public realm amenity into residential dwellings through views and outlooks.
- Create a facade and interface of the development that activates the street frontage to create an engaging environment for pedestrians, visually and materially, minimising blank facades at street level and positively contribute to the public realm.
- Build a distinct local character through vegetation, materials and detailing that provides residents and visitors with a sense of place.
- Create internal amenity through visual connection to greenery outdoors.
- Create a balance of transparency and privacy to street level dwellings.
- Integrate sustainable initiatives and passive systems where possible.

Figure 1: Facade articulation and visual interest in the detailing. Figure 2: Townhouses that introduce variety and interest through material choices. Figure 3: Development is integrated with the surrounding landscape. Figure 4: Podium car parking with naturally ventilated mesh screening. Figure 5: Complementary forms across multiple scales. Figure 6: Finer grain materials at lower levels. Figure 7: Legible podium forms that provide texture and detail. Figure 8: Natural materials that complement landscape. Figure 9: Articulated lower forms to break down scale and create variety across the precinct.

Each lot must demonstrate a differentiation in building heights within each lot as demonstrated in the Block Sections and Block Elevations.

The following detail at minimum shall be submitted with each future development application;

- Detail of the colours, finishes, treatment and materiality for each building form.
- Two (2) sample boards containing original samples and swatches of all external materials and colours.

18. Specific Controls for Lots G & H

Townhouse style building forms to be developed upon lots G and H shall adhere to the following requirements;

- A maximum site coverage of 75% for each proposed townhouse lot.
- A minimum of 15% of each proposed townhouse lot to be provided as deep soil landscaping.
- A minimum of one (1) tree, capable of reaching a minimum mature height of 5m, shall be provided within deep soil landscaped areas within each proposed townhouse lot.
- A minimum 20% canopy cover, of which 50% shall be endemic trees shall be provided to each for each proposed townhouse lot.
- Any pavement within townhouse lots is to be permeable.
- All public domain and vehicular laneway areas within Lots G and H shall be designed with permeable asphalt, permeable concrete or interlocking paving materials. Landscaped areas shall be maximized.

19. Ground Level Interface

Future Development Applications shall demonstrate an appropriate interface with adjoining streets and public domain areas at pedestrian level. The finished ground floor level of developments shall accommodate an appropriate design treatment to ensure an adequate level of privacy to ground level apartments and avoid subterranean residential and non-residential floor areas below existing and/or proposed finished external adjoining ground levels.

20. Finished Ground Floor Level

- Finished ground floor levels on site shall be in accordance with the approved plan 'Ground Levels A0106 Rev 14' prepared by SJB Architects, dated 1 October 2020 and the Site Flood Assessment for Concept Development Assessment report, prepared by WMA Water, dated 9th October 2020 with the following

exceptions. All flood affected allotments of land in the masterplan development shall adhere to the following minimum floor levels:

- All habitable floor levels shall be set 500mm above the 1% AEP flood level, and
 - All non-habitable floor levels shall be set 300mm above the 1% AEP flood level, and
 - All basements shall be physically protected to 500mm above the 1% AEP flood level.
- b) The finished ground floor level of all residential uses on site, shall be at or above the adjacent footpath/public domain level, so that the design achieves an appropriate degree of privacy and passive surveillance.

21. Height of Buildings

- a) Future Development Applications shall demonstrate the overall height of development, including RL's to the top of any rooftop structures or plant, do not exceed the relevant height standard permitted for the site in the approved Concept Approval.
- b) Development shall not exceed the maximum LEP height standard permitted, for the transfer of unutilised Gross Floor Area between development lots.

22. Floor to Floor Heights

Future Development Applications shall demonstrate compliance with the minimum floor to floor heights detailed in the relevant Apartment Design Guidelines

23. Basement Levels

- a) Future Development Applications shall ensure that basement parking levels do not exceed 1m above ground level (finished), excluding where sleeved by permissible uses. Where otherwise unavoidable given the constrained topography of the site, appropriate design treatment is to be provided to mitigate the visual impact of the protrusion.
- b) Basement levels shall be located below the building footprint and must not encroach into street setback areas as depicted in various shades of blue within A0105 Rev 14 – Site Setbacks Plan, with the exception of the 3m setback adjoining Lot J to the west.
- c) Basement levels are permitted beneath spur roads. The design of basement levels beneath spur roads must incorporate measures including but not limited to tree wells, a deeper structure or planter boxes of sufficient depth and volume in order to facilitate planting and longevity of street trees within spur roads, as depicted within the Pagewood BATA 2 (North) Landscape Stage 1 Concept Master Plan Report.

24. Future Building Adaptability

All future development applications shall be accompanied by plans which identify the capacity of sleeved car parking levels and service areas above ground floor level to potentially be repurposed. Design consideration shall ensure that the location of services do not compromise the future potential adaptability of the development.

25. Wind Report

Each future Development Application for buildings must include and be designed in accordance with a Wind Assessment Report, addressing the maximum criteria specified in Section 9D 6.3 of Botany Bay DCP 2013.

26. Reflectivity Report

Each future Development Application for buildings must include and be designed in accordance with a Reflectivity Report, addressing the controls specified in Section 9D 6.4. of Botany Bay DCP 2013.

27. Emergency Services Access & Egress

An Emergency Services Plan is to be provided with all future Stage 2 Development Applications.

28. Crime Prevention Through Environmental Design

Future Development Applications shall be accompanied by an assessment against Crime Prevention Through Environmental Design (CPTED) principles.

PUBLIC DOMAIN

29. Public Domain

- a) Public domain on site shall be provided in locations generally consistent with those detailed within the Public Domain Plan A0104 Rev 14, dated 01/10/2020, drawn by SJB and submitted to Council on 30/10/2020.
- b) Pursuant to S4.17(1B) of the Environmental Planning and Assessment Act 1979, development consent number DA-2019/387 - Civil Works involving the construction of roads, sewer, stormwater, water supply infrastructure and public domain landscaping in preparation for the future mixed use concept development application, approved on 24 August 2020, shall be amended to reflect the approved public domain plans detailed within this development consent (detailed above), prior to the issue of any occupation certificate for any building on any lot of the development. In particular the following needs to be modified:
 - i. Certain internal road footpath pavement types (within the public domain) require modification from plain concrete to paved finish (Sydney Black Granite from United stone and appropriate bandings or as otherwise agreed to by Bayside Council's landscape Architect and Public Domain Team).
 - ii. The provision of paved vehicular entrances in the internal road network as shown on the approved public domain masterplan.
 - iii. Any other changes associated with amending the plans to be in alignment with the approved public domain masterplan that forms part of this consent.
- c) The pavement type of the pathways and footpaths within the open space are to be a concrete honed finish (aggregate mix to be defined by Bayside Council).

30. Public Open Space / Public Access / Through Site Links

- a) A minimum of 20,000sq/m of public open space shall be provided in accordance with the approved documents and any VPA executed on site.
- b) All footpaths providing access to public open space, drainage reserves and through site links shall be designed to be publicly accessible, providing access to people of all mobility levels and maintained in private ownership by the future body corporate unless otherwise dedicated to Council.
- c) Future Development Applications shall clearly set an appropriate legal mechanism for creating rights of public access to all publicly accessible areas of open space, drainage reserves and through site links, with the relevant instrument/s to be executed prior to the issue of the relevant occupation certificate for each development.
- d) Future Development Applications shall include detailed landscape plans for the embellishment of publicly accessible open space areas, including the location and detail of safe, accessible and convenient pedestrian links between;
 - i. The subject site and Chauvel Green (Penguin) Park within BATA 1.
 - ii. Open space within Lot E and that located between Lots G & H adjoining Heffron Road.
 - iii. The intersection of Banks Avenue and Tingwell Boulevard shall provide a pedestrian crossing to ensure north-south movements of pedestrians are safe and given priority.
 - iv. East west pedestrian connections between Bunnerong Road and Banks Avenue through the entire site, generally in line with the breaks in buildings and horizontal direction of open space 1 and 2.
- e) Open space areas on site shall include high quality landscaping and paved areas and a variety of recreation facilities including but not limited to, children's play areas, variation of surfaces, BBQs,

seating, water features, grassed areas, paths, shade trees, bicycle racks and exercise equipment/games.

31. Undergrounding of Utilities

- a) All existing above ground utilities and services (including all overhead high and low voltage electricity reticulation cables plus any telecommunication cables) or those proposed, along the entire length of all frontages of the development site must be relocated and/or provided underground. This undergrounding includes the underground placement of all above ground electricity and telecommunication cables in Banks Avenue, Heffron Road and Bunnerong Road to the site frontage only.

Existing lighting, and power poles/lines along these frontages will need to be decommissioned and new underground supplied lighting poles and associated infrastructure, shall be constructed along the entire frontage, public domain areas within the site and internal roads, satisfying the relevant lighting requirements. Undergrounding is required for all open space lots.

- b) Works must be completed and the electricity authority's approval for the works met to the satisfaction of Bayside Council prior to the issue of the Occupation Certificate for the final building on lots periphery to the development site. The applicant is responsible for all relocation costs, including costs associated with other cabling such as telecommunications cables.
- c) Where the road reserve along the frontage(s) of the site is congested with underground utility services and/or street trees, the person acting on the consent must design the undergrounding works around the congestion to the requirements of Ausgrid.
- d) In the event that any existing street trees are lost as a result of trenching related to undergrounding works, suitable replacements must be planted in keeping with Bayside Council's street tree masterplan to the site frontages.

32. Services

Future Development Applications shall provide for utility infrastructure, including but not limited to fire hydrants, substations and the like within the building footprint. Where this is not possible, infrastructure shall be located outside of the public domain and appropriately screened from the public view to the satisfaction of the relevant authority.

33. Public Art

- a) Public Art across the subject site within public open space areas as nominated within Part 5.4 – Public Art / Wayfinding of Pagewood BATA 2 (North) Landscape Stage 1 Concept Master Plan Report is to be designed, procured and implemented on site in collaboration with Bayside Council as per any executed VPA for the site.
- b) Future Development Applications shall provide details of the design of public art / wayfinding signage in the locations identified within Part 5.4 – Public Art / Wayfinding of Pagewood BATA 2 (North) Landscape Stage 1 Concept Master Plan Report as approved by this consent.
- c) Public Art design proposals for public open space areas shall be submitted with Future Development Applications as per the Pagewood BATA 2 (North) Landscape Stage 1 Concept Master Plan Report shall include, but not be limited to the following;
 - i. Information on the selected artist (a Curriculum Vitae).
 - ii. A minimum of three (3) concepts.
 - iii. Themes or community issues the project could address.

- iv. A description of the project proposal including location, size/dimensions, art form, colours, materials and life span; scale of the proposal in addition to other information which clearly explains the final outcome.
- v. Relevance of the concept in the context of the development and site/location. Details and images of the site in relationship to the surrounding area, architecture and the building design and accessibility to the public.
- vi. A detailed site plan showing the relationship of the artwork (whether wall mounted or a self-supporting structure) to the buildings/trees and other contextual elements.
- vii. Adherence to any conditions and/or relevant building codes.
- viii. Identification of all risks/safety issues which the public artwork might present to the users.
- ix. Identified stages for implementing the project and timeframes.
- x. A detailed artwork budget.
- xi. Installation requirements and an engineer's structural assessment (if applicable).
- xii. Detailed maintenance schedule and plans for caretaker duties and/or ownership of the artwork.

34. Wayfinding Signage Strategy

- a) A wayfinding signage strategy is to be provided as part of the development and submitted to Bayside Council for approval with the first development application submitted for the site.
- b) The wayfinding signage strategy required in (a) must demonstrate a connection of the development to its surrounding streets and facilities (e.g. parks, stations, bus stops etc.). It must be linked to a green travel plan/transport access guide and provide assistance in finding transport options in the surrounding area along with points of interest.

35. Public Domain Bicycle Parking

- a) Open Space lots 3 and 4 as identified upon the indicative staging plan are each to be provided with a minimum of 20 publicly accessible bicycle parking spaces.
- b) Open Space lots 1, 2, 5, 6, 7 and 8 as identified upon the indicative staging plan are each to be provided with a minimum of 10 publicly accessible bicycle parking spaces.

36. Public Domain Upgrades

- a) Pedestrian Crossing – BATA 1 to BATA 2
 - i. Plans and information depicting the location and design of a pedestrian crossing between Lot B and Chauvel Green (Penguin) Park are to be submitted to Council with the first Development Application for the site, being Lot B, DA-2020/303.
 - ii. The pedestrian crossing shall be aligned with open space 5, to the satisfaction of Bayside Council, prior to any occupation certificate for lot B.
 - iii. The pedestrian crossing connecting Lot B and Open Space 5, to Chauvel Green (Penguin) Park (Lot 43 DP 1256461) shall be constructed and completed, prior to the issue of any Occupation Certificate for Lot B or Open Space 5.
- b) Intersection Upgrade - Banks Avenue / Tingwell Boulevard
Design and construct traffic calming devices to the intersection of Banks Avenue and Tingwell Boulevard prior to the issue of any occupation certificate in Lot A and Lot D (WESTERN STAGE).

The traffic facility (excluding traffic lights) must be provided at the intersection of Banks Avenue and Tingwell Boulevard to cater for the increased movements to and from the development but

also maintain the north-south movements along Banks Avenue.

This intersection needs to be investigated, analysed and addressed in detail to ensure that all road safety issues at Tingwell Boulevard & Banks Avenue are resolved.

Traffic calming shall be incorporated into the design of this intersection along with improved sightlines. The design of the traffic facility must incorporate the provision for a future dedicated two way separated cycleway along the western side of Banks Avenue, if necessary. The design will require endorsement by Bayside Councils Local Traffic Committee.

The design of this intersection is to reinforce that north-south movements of pedestrians and cyclists along Banks Avenue have priority in this area. Any design is to ensure that when walking along the eastern side of Banks Avenue and crossing Tingwell Boulevard, pedestrians have the right of way. This will require a raised pedestrian crossing along with appropriate line markings, colourings and texturalisation to the crossing and its approach. This is to improve pedestrian safety and ensure pedestrian movements are supported as part of the development.

All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed to the satisfaction of Bayside Council at the applicant's expense.

Inspection reports for the works on the road reserve shall be obtained from Bayside Council's authorized officer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied prior to the issue of the any occupation certificate for Lot A and D.

- c) Bus Shelter – Bunnerong Road
Reconstruction of the existing bus shelter along Bunnerong Road to an increased size and quality is required. This shall be undertaken to the satisfaction of Bayside Council's Transport Planner (including local and state bus operators) and Public Domain team prior to the issue of any occupation Certificate for any development on LOT F (EASTERN STAGE).
- d) Pedestrian Crossing – Heffron Road
Construct a pedestrian crossing to Heffron Road to the requirements as detailed in conditions of this consent and relevant approvals from Transport for NSW.

37. Public Domain Landscape Plans

Landscape plans shall be in accordance with the Pagewood BATA 2 (North) Landscape Stage 1 Concept Master Plan Report and comprise detailed landscape documentation (plans and specifications) as part of any future DA. The following shall be submitted for each Future Development Application.

- a) Further design resolution is required to integrate landscaping, levels, design of pedestrian walkways and any car parking areas with all spur / dead end roads on site. Details are to include but not be limited to existing / proposed levels, species selection, materials, finishes, and the like.
- b) A detailed Arborist Report is required to be submitted with each future Development Application.
- c) Landscape documentation for each open space, public domain and road reserve area of the site shall include, but not be limited to:
 - i. Each Development Application must clarify the relevant existing trees on site and those adjoining the frontages of the site, proposed to be removed and/or retained.
 - ii. Trees to be removed and/or retained shall be clearly identified upon a plan with schedule and reference numbers. Existing and proposed levels shall be confirmed around trees to be retained, within the necessary Tree Protection Zone. The TPZ of all trees to be retained shall be shown in landscape plans as informed by an Arborist Report detailing protection requirements and is to refer to the landscape and civil plans for proposed works within and proximate to the TPZ of the trees.

- iii. Include protection requirements in Construction Management Plan.
- iv. All hard-work details are to be provided including compliant paving slip resistance and tactile contrast/luminance.
- v. Specifications and details of the proposed pavement types, finishes, level, edging, garden beds, turf, imported soil; and surfacing to all areas.
- vi. All furniture within public open space areas shall be in accordance with Council specifications, including but not limited to bins, seats, lounges, bike racks, bubblers, pergolas, fences, arbours, shelters etc.
- vii. Signage and branding details shall be defined. Signage within public open spaces i.e. park names, prohibited activities signs etc. shall be in accordance with Council's Sign Manual and Specifications.
- viii. Public art designs and locations shall be defined and detailed.
- ix. A network of pedestrian / cycle paths with multiple access path connections, including for persons with a disability / mobility impairment and bicycles shall be depicted.
- x. Lighting Plan shall be prepared and shall include all publicly accessible areas and footpaths.
- xi. An irrigation plan to cover all landscaped areas, including tree pits shall be defined. All irrigation systems provided in public spaces are to be in accordance with Bayside Council specifications.

38. Public Domain External Frontage Works

The public domain of each external frontage of the site (Bunnerong Road, Heffron Road, Banks Avenue and Tingwell Boulevard) shall be suitably upgraded with new public domain improvements including new footpath, new kerb and gutter and new landscape street tree planting to the satisfaction of Bayside Council.

This shall include the public domain upgrades identified in the Pagewood BATA 2 (North) Landscape Stage 1 Concept Master Plan Report which includes the following:

- i. The footpath on Heffron road, adjacent to the site, is to be demolished and a new minimum width 3m wide share way footpath (for cyclists and pedestrians) is to be provided as part of the development.
- ii. The provision of a new paved arrival plaza at the corner of Bunnerong Road and Heffron Road which is to extend from internally within the open space to the back of kerb as per the approved public domain masterplan.
- iii. All other new footpaths on the periphery of the site shall have a minimum width of 1.8m (where possible).
- iv. The footpath along the frontage of all commercial premises shall be suitably paved.
- v. Existing street tree planting along Banks Avenue adjacent to the development site shall be removed and new street tree planting shall be provided as tree pits within the roadway parking lane adjacent to the development site (spaced out every three on-street car parking spaces) due to the narrow width of the existing verge. The planting type shall be consistent with the planting used along the frontage adjacent to 128 and 126 Banks Avenue. This shall be provided unless another street tree landscape provision is identified and agreed to by Bayside Councils Landscape Architect and Public Domain Team for the embellishment of the Banks Avenue frontage.

LANDSCAPING

39. Public Domain Canopy Cover

A minimum 30% tree canopy cover, of which 50% shall be endemic trees, shall be provided to all public domain landscaped areas within the site.

40. Landscaping

- a) Future Development Applications shall include detailed landscape plans for public and private open space areas, street setbacks areas, pedestrian connections across roadways and for the landscape treatment of all adjoining public domain areas and road reserves in accordance with approved documents.
- b) Future Development Applications shall include detailed landscape plans which demonstrate accessible paths of travel for all persons.

41. Tree Removal

This consent does not permit the removal of any trees on site or within the public domain surrounding the site. Future development applications must submit an Arborist Report to the satisfaction of Bayside Council. Tree removal will be assessed as part of future development applications and suitable replacement planting shall be provided to Councils satisfaction as compensation for any tree removal.

42. Landscape Setbacks / Deep Soil Zones

- a) All site setbacks as depicted in various shades of blue within A0105 Rev 14 – Site Setbacks Plan, with the exception of the 3m setback adjoining Lot J to the west and those identified in Green within A0109 Rev 14 – Deep Soil Plan prepared by SJB Architects, shall comprise deep soil zones.
- b) Soft landscape treatment with canopy cover is to be maximized within deep soil zones. Deep soil zones shall not be covered by buildings, hard surfacing or structures, except for footpaths / driveways / fire egress leading into / from buildings, plant / services required by relevant service providers and the like, of whose extent shall be minimized. Details shall be determined in Stage 2 Development Applications.
- c) Setbacks above 2 or 4 storey podiums shall include soft landscape treatments in the form of built in planter boxes to soften building forms. Built in planters are to be designed to provide soft landscape treatment to improve the general streetscape.

43. Tree Canopy Cover and Species Selection

- a) A minimum 30% tree canopy cover shall be provided to public domain areas. Landscape plans submitted with all future development applications shall demonstrate compliance with the aforementioned.
- b) Proposed landscape on site shall include a cohesive mix of Australian endemic, native and low water use plant material. This shall include as follows:
 - Minimum 50% endemic trees
 - Minimum 50% native vegetation (shrubs and ground covers)

Landscape plans submitted with all future development applications shall demonstrate compliance with this condition.

44. Shrubs & Ground Covers

A minimum of 50% of shrubs and groundcovers used in landscaped areas on site shall comprise native vegetation.

SUSTAINABILITY

45. ESD

Future Development Applications are to comply with the Ecologically Sustainable Design (ESD) report prepared by Efficient Living, issue E, dated 02-10-20 and must demonstrate the incorporation of ESD principles in the design, construction and ongoing operation phases of the development to the satisfaction of Bayside Council. This is also to include the following:

- a) The provision of electric charging facilities for 10% of the required bicycle spaces.
- b) Extensive use of planters on interior and exterior to the buildings.
- c) Each development is to designate a podium area for community gardens for residents, and a composting facility.
- d) Increased floor to ceiling heights for above ground car parking.

46. Site Specific Sustainable Travel Plan

A Green Travel Plan and Transport Access Guide is to be provided for the entire development (and an individual one for each building proposed as part of the subsequent development application) and shall address, but not be limited to, the following.

- i. Encourage people to cycle and/or walk to the development;
- ii. Encourage people to use public transport to travel to development ;
- iii. Adopt car sharing and car pool scheme;
- iv. Provide bike storage area and end-of-trip facilities in the convenient locations;
- v. Include clear and time bound targets, actions, measurements and monitoring framework;
- vi. Develop Transport Access Guides (TAGs) to TfNSW requirements for residents / visitors with information on how to reach the site via public transport, walking or cycling.

TRANSPORT

47. Car Parking Rates

Future Development Applications shall provide on-site car parking in accordance with the table below;

<i>Residential</i>	<i>Car Parking Rate</i>
1 bedroom	Maximum 0.6 space per dwelling
2 bedroom	Maximum 0.9 space per dwelling
3 bedroom	Maximum 1.4 space per dwelling
Residential Visitor Parking	Maximum 1 space per 20 dwellings
<i>Non Residential</i>	<i>Car Parking Rate</i>
Commercial premises	1 space per 80sq/m GFA
Retail use in a standalone tenancy greater than 1,000sq/m GFA (i.e. Supermarket in LOT B)	1 space per 30sq/m GFA
Child Care	1 space per 2 Employees 1 pick-up and set-down space per 10 children

Where a residential development proposes less than the maximum number of car parking spaces permissible, any reduction in the number of spaces shall be shared proportionally between resident parking spaces and visitor parking spaces.

Parking provision greater than the maximum rate is not permitted.

Any serviced apartment development is to be provided with parking at the same rate required for residential development (this includes ancillary aspects such as bicycle parking etc.)

48. Loading and Unloading

- a) Provision shall be made for adequate loading and unloading facilities for service vehicles, suitably sized and designed for the proposed use to the satisfaction of Bayside Council and generally in accordance with the loading/unloading requirements of Botany Bay DCP 2013 Part 3A.3.4.
- b) All waste collection, furniture removal or retail / commercial servicing or deliveries must be undertaken wholly within the building on the site and concealed from public view. No bins are permitted to be presented to the street or placed on footpath for waste collection.
- c) A loading dock management plan will be required for all buildings.

49. Car Wash Bays

Car wash bays are to be provided within residential buildings at a rate of 1 car wash bay space per 200 residential car parking spaces and designed with a minimum 3.5m width. Spaces are to be provided with a cold water tap and connected to Sydney Water sewerage system.

50. Car Share

Nominated fixed car share spaces are to be provided at a rate of 1 space per 50 dwellings and 1 space per 500m² non-residential GFA within the development. These spaces must be designed to ensure that they are only used and operated by a recognized commercial car share operator. Car share spaces can be shared with visitor spaces and shall be located in a publicly accessible area.

51. Electric Vehicle Charging

A minimum of 20% of all car parking spaces, regardless of use, must be equipped with Electric Vehicle (EV) charging facilities as per ESD Report referred to in condition 4 of this consent. Publicly accessible EV charging stations must be equipped with fast charging facilities.

52. Bicycle Facilities

Future development applications shall adhere to the following minimum bicycle parking provision;

A) Residential

- A minimum of 1 bicycle space per 2 dwellings.
- A minimum of 1 bicycle visitor space per 5 visitor car parking spaces
- A minimum of 10% of the required spaces shall be fitted with electric bicycle charging stations.

B) Non-Residential

- A minimum of 1 bicycle space per 150m² GFA.
- Appropriate 'end of trip facilities' for cyclists shall be provided to the satisfaction of Bayside Council.
- A minimum of 1 visitor bicycle space per 450m² GFA
- A minimum of 10% of the required spaces shall be fitted with electric bicycle charging stations.

C) Publicly Accessible

- 20 bicycle spaces within each open space area identified as 3 and 4 upon the indicative staging plan.
- 10 bicycle spaces within each open space area identified as 1, 2, 5, 6, 7 and 8 upon the indicative staging plan.
- A minimum of 10% of the required spaces shall be fitted with electric bicycle charging stations.

All bicycle parking facilities shall be located in safe, convenient and well illuminated locations.

53. Motorbike Facilities

Future Development Applications shall provide motorbike parking at the minimum rate of 1 space per 15 car parking spaces.

RESIDENTIAL AMENITY & UNIT MIX

54. Unit Mix

All future development applications shall be accompanied by plans which illustrate residential units which have the capacity to be modified so as to facilitate a dual key or aging in place arrangement, facilitating flexibility for future occupants.

The development of the site shall achieve a density mix consistent with the NSW Apartment Design Guide.

55. Residential Amenity

Future Development Applications shall be consistent with the provisions of State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65) and the accompanying Apartment Design Guide.

ENGINEERING

56. Groundwater Management

- a) Future Development Applications for each stage of the development shall provide a report prepared by a qualified Geotechnical Engineer that models the consequences of the basement construction of the development will have on groundwater flow, flooding of the locality, building stability including buildings nearby to the development site and groundwater levels.
- b) If this modelling and investigation give rise to adverse consequences to any or all the nominated issues, the onus is upon the applicant to respond to and address the consequences in a manner that negates adverse impact on the neighbourhood. Such measures are to be detailed in the development applications.

57. Flood Planning

The development shall be designed in accordance with the Flood Study report prepared by WMA water and titled “Site Flood Assessment for Concept Development Assessment”, Ref:120066 and dated 9 October 2020.

The detailed design of Lot G shall incorporate the required overland flow path. All required flood planning levels shall be adhered to in the design of the development with the following revisions:

- a) All habitable floor levels shall be set 500mm above the 1% AEP flood level
- b) All non-habitable floor levels shall be set 300mm above the 1% AEP flood level, and
- c) All basements shall be physically protected to 500mm above the 1% AEP flood level.

58. Flood Risk Management

A Flood Risk Management Plan, prepared by a qualified practicing Civil Engineer registered with the National Engineering Register (NER), must be provided for all future development applications. Flood impacts on site shall be assessed for the 1% AEP and PMF storm events.

A management plan must make provision for, but not be limited to, the following:

- a) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development, and
- b) Flood warning signs / depth indicators for areas that may be inundated, and
- c) A flood evacuation strategy, and
- d) A flood awareness strategy, and
- e) On site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.

59. Stormwater Management

Future Development Applications for each stage of the development shall include a Stormwater Management Plan. The management for stormwater in the development shall be in accordance with Bayside Council's and Sydney Water's stormwater management requirements for the site, generally in accordance with the recommendations made in the Civil DA Report (Pagewood Part II – DA Report) prepared by at&I, report No: 13-155-7102, Revision 04 and dated 21/10/19.

OTHER

60. Construction Phase Commitments

Pedestrian access through the subject site to and from the village heart, so much as is safe and feasible, shall be maintained for public access during construction stages, in order to allow future users to avoid circuitous paths or back tracking.

61. Pedestrian Crossing – Heffron Road

Prior to any occupation certificate being issued for Lot D, scenarios for the potential creation of a pedestrian crossing upon Heffron in the mid-block showing whether:

- i) A crossing can be achieved,
- ii) A crossing can not be achieved.

Where a crossing is possible, this is to be constructed to the satisfaction of Bayside Council and TfNSW prior to the issue of any occupation certificate for the building in Lot D.

STAGING AND TIMING OF WORKS / DELIVERY OF PUBLIC OPEN SPACE

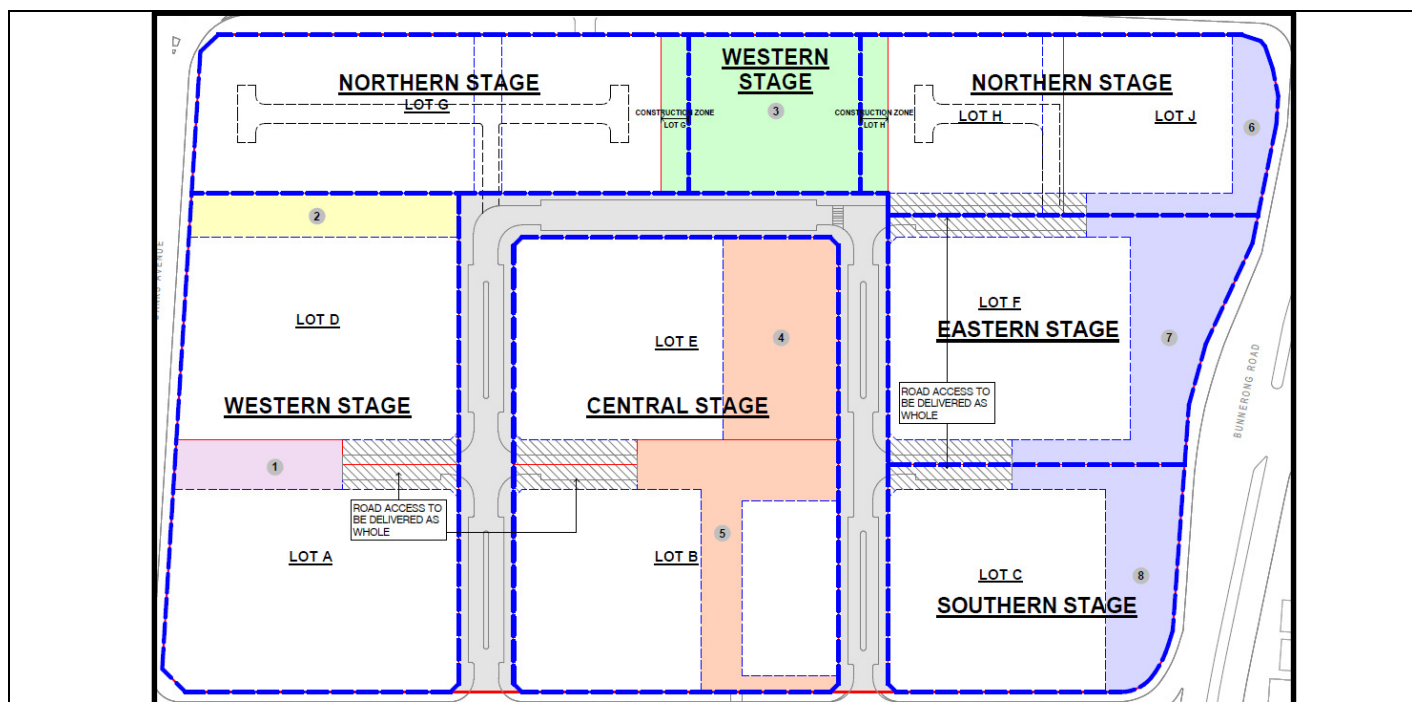
62. Staging and Timing of Works / Dedication of Public Open Space

The development of the subject site shall be staged as follows and as per the staging diagram below;

Stage	Open Space Area	Timeframe
Central Stage	4 & 5 (Orange, centrally located on site)	Open space 5 is to be completed prior to the issue of the occupation certificate of the final building in Lot B. Open Space 4 is to be completed prior to the issue of the occupation certificate of the final building in Lot E.
Western Stage	1 / 2 / 3 (pink / yellow / green) Easement for public access to benefit Council is proposed across open spaces 1 & 2.	Open Space 1 is to be completed prior to the issue of the occupation certificate of the final building in Lot A (excluding a construction setback). Open Space 2, 3 and the remainder of open space 1 are to be completed prior to the issue of the occupation certificate of the final building in Lot D (excluding the construction zones in open space 3).
Northern Stage	6 & Partial 3 (Purple, adjoining eastern periphery of site & Partial 3)	Open space 6 is to be completed prior to the issue of the occupation certificate of the final building in Lot J. The eastern and western edges of open space 3 (construction zones) are to be completed prior to the issue of the occupation certificate of the final building in Lots G & H respectively.
Eastern Stage	7 (Purple, adjoining eastern periphery of site)	Open space 7 is to be completed prior to the issue of the occupation certificate of the final building in Lot F.
Southern Stage	8 (Purple, adjoining eastern periphery of site)	Open space 8 is to be completed prior to the issue of the occupation certificate of the building in Lot C
-	Internal Road Network	Public Roads are to be dedicated to Council, fully completed and embellished at the completion of the final development stage. The extent of works is to be to the satisfaction of Bayside Council.

Notes:

- (1) "Completed" means the subject item (road/open space) is fully constructed and embellished to the satisfaction of Bayside Council and a final occupation certificate for relevant works has been obtained.
- (2) Upon the embellishment and completion of open space areas to the satisfaction of Bayside Council, as referred to above the subject lots are to be dedicated to and maintained by Bayside Council as per any executed VPA upon the site.
- (3) Areas noted above are subject to final survey plan.



SUBDIVISION AND ADDRESSING

63. Subdivision

Subdivision of the site shall occur as follows;

<i>Proposed Lot</i>	<i>Proposed Area</i>		<i>Proposed Lot</i>	<i>Proposed Area</i>
A	9,203sq/m		Roads	8,786sq/m
B	10,372sq/m		Open Space 1	1,098sq/m
C	8,529sq/m		Open Space 2	1,558sq/m
D	9,290sq/m		Open Space 3	4,729sq/m
E	9,054sq/m		Open Space 4	3,074sq/m
F	10,702sq/m		Open Space 5	2,764sq/m
G	9,671sq/m		Open Space 6	1,309sq/m
H	4,170sq/m		Open Space 7	3,262sq/m
J	4,891sq/m		Open Space 8	2,330sq/m

64. Road Naming

The name of all roads within the development (public and private) shall be in accordance with Section 5.3 of the NSW Address Policy and user manual.

65. Addressing

Address numbers are to be in accordance with AS/NZS 4819:2011 Rural and Urban Addressing Standard and Section 5.2 of the NSW Address Policy.

Numbering (sub-addresses) of individual units in multi-level sites shall be consistent with Australian Standards AS/NZS 4819:2011 Rural and Urban Addressing Standard & NSW Address Policy and User Manual.

66. Instruments

- a) Any existing easement(s), right of carriageway(s), right of footway(s) and lease(s) burdening the property, shall be clearly defined and detailed with each future development application.
- b) Construction on or over any easement(s), right of carriageway(s), right of footway(s) and lease(s) without written approval/agreement of the beneficiary is strictly prohibited.
- c) The extinguishing of any easement(s), right of carriageway(s), right of footway(s) and lease(s) must occur with the written approval/ agreement of the beneficiary and detailed within the relevant stages of development as specified within this consent.
- d) Prior to the issue of any Occupation Certificate for the relevant stages of development as specified within this consent, any proposed new easements shall be created in consultation with Council and the beneficiary.
- e) Easements are to be imposed over Lots A, B, C, D, E, F, H, and J to provide a public right of footway through the privately owned road access.
- f) Open space allotments 1 – 8 and road allotments detailed in condition 62, are to be covered by restrictive covenant(s) and easements, worded to the satisfaction of Bayside Council, detailing the following;
 - i. A covenant to the effect of identifying that lot is a “restricted lot” identifying that no further floor space is able to be placed on the lot. Bayside Council shall be a signatory to the covenant and the only authority who can vary or release the covenant;
 - ii. A covenant for maintenance, burdening the respective development lots; and
 - iii. Easement for public access/right of footway, across the entirety of all open space allotments of land, benefiting Bayside Council.

EXTERNAL AGENCIES

67. Transport for NSW

- a) For all buildings and structures that are located within the zone of Influence of TfNSW roads, all buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Bunnerong Road boundary.
- b) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon Bunnerong Road are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.
- c) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. Please send all documentation to development.sydney@rms.nsw.gov.au

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2018 for heavy vehicle usage.

- d) The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as maneuverability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- e) All construction and demolition vehicles are to access the site via local roads Heffron Road, Banks Avenue and Tingwell Boulevard. A construction zone will not be permitted on Bunnerong Road.
- f) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate for any future development application.

68. Ausgrid / Telstra

The relevant requirements of Telstra and Ausgrid are to be considered in the preparation of any future development application for the site, specifically with respect to;

- a) Existing overhead electricity network assets in Heffron Rd and Bunnerong Rd.
- b) Underground electricity assets in Heffron Road, Bunnerong Road, Tingwell Boulevard and Banks Avenue.
- c) Any existing electricity substation asset onsite or along the periphery of the site.
- d) Associated existing telecommunications infrastructure within or adjoining the periphery of the site.

69. Sydney Airport Corporation Limited (SACL)

The relevant requirements of SACL and the Civil Aviation Safety Authority shall be considered in the preparation of any future development application for the site and submitted with any development application.

Any development on site shall not exceed a maximum height of 91m AHD. Details confirming compliance with the aforementioned shall be submitted with all future development applications.

70. Sydney Water

Water Servicing

- Water servicing should be available via a 200mm PVC water main (laid in 2016) located within the property boundary. Amplifications may be required.
- The Randwick and Maroubra supply system which serves this property should have adequate capacity, however, this is subject to change.
- Due to the scale of the development, the extension and/or augmentation of our water assets may be required to service the property. Detailed requirements of these works will be covered under the Section 73 Application stage.

Wastewater Servicing

- Wastewater servicing should be available via a 375mm CI branch sewer main (laid in 1937). Amplifications and extensions may be required.
- Where proposed works are in close proximity to a Sydney Water asset, the developer may be required to carry out additional works to facilitate the development and protect the wastewater main. Subject to the scope of development, servicing options may involve adjustment/deviation and or compliance with the Guidelines for building over/adjacent to Sydney Water assets.

71. WaterNSW

WaterNSW requires that the subsequent building construction DA should include, as a minimum, the following documents:

Groundwater/Geotechnical Report, including the following info:

- a) Depth of excavation, including the depth of standing groundwater table;
- b) If groundwater dewatering is proposed, the dewatering and excavation methodologies; and
- c) The volume of groundwater to be taken, including the method of disposal.
- d) Architectural Drawings, Elevations and Sections.

- e) Statement of Environmental Effects, including any dewatering methodologies.