SUTHERLAND
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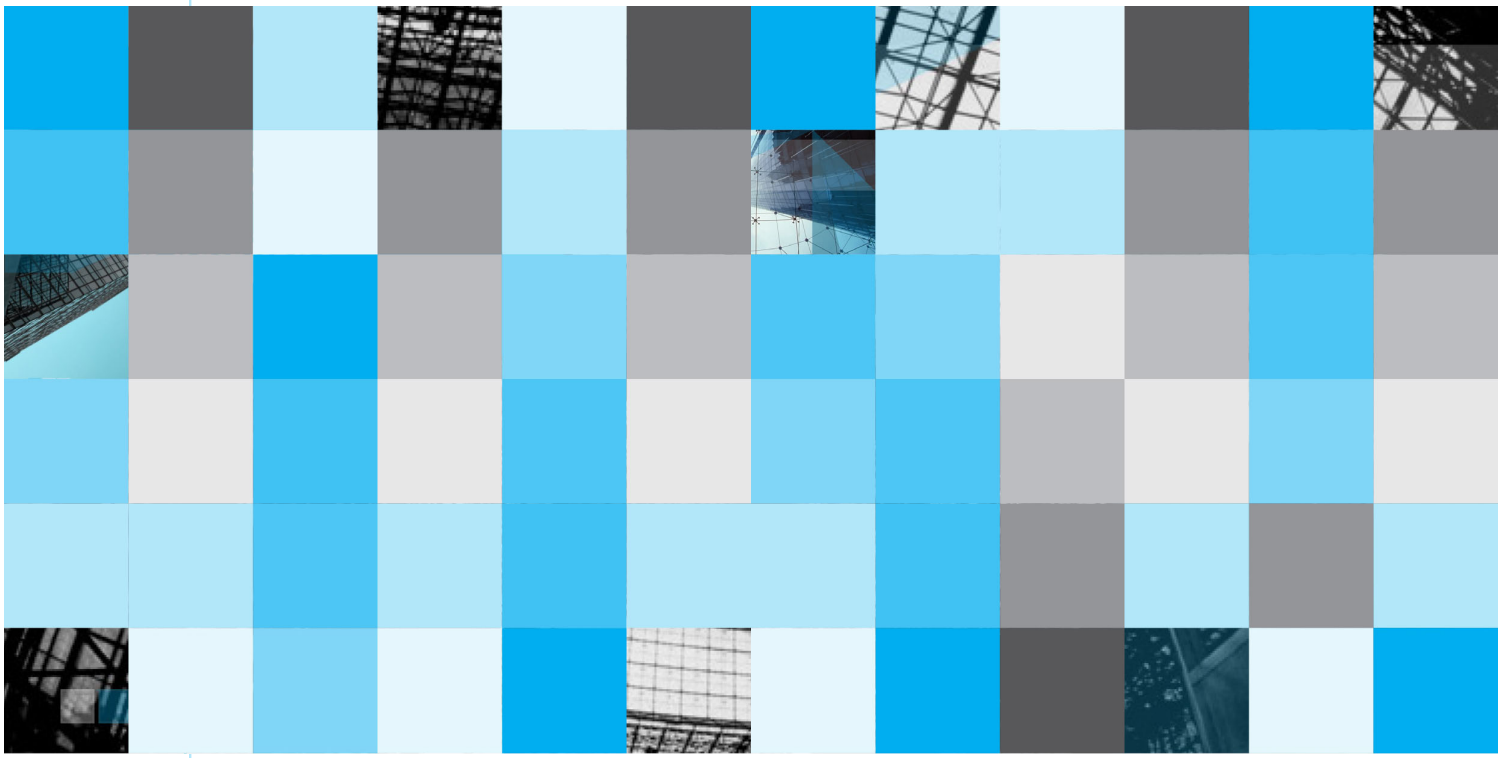

46-50 Kent Road, Mascot

Statement of Environmental Effects

SUTHERLAND & ASSOCIATES PLANNING

ABN 14 118 321 793 ACN 144 979 564

Statement of Environmental Effects

46-50 KENT ROAD, MASCOT

Demolition and construction of a commercial development comprising retail and office space

January 2020

Prepared under instructions from
Tipalea Partners Pty Ltd

by

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1.0 INTRODUCTION

This Statement of Environmental Effects has been prepared on behalf of Tipalea Partners Pty Ltd in support of a Development Application made under Part 4 of the Environmental Planning and Assessment Act 1979 for demolition and construction of a 12 storey commercial development at 46-50 Kent Road, Mascot.

This Statement of Environmental Effects has been prepared in support of the scheme and should be read in conjunction with the architectural plans prepared by Sissons Architects. The proposal is accompanied by the following supporting documentation:

- Place Narrative Report – Hoyne
- Survey – LLTS
- Landscape Plan – Aspect Studio
- Traffic and Parking Impact Report – Transport and Urban Planning
- Wind Report – Windtech
- Geotechnical Report – Edison Environmental
- Detailed Site Investigation – Edison Environmental
- Acid Sulphate Soils Management Plan – Edison Environmental
- Civil Report and Plans – Taylor Thompson Whitting
- Flood Advice – Bayside Botany Council
- BCA Report – Steve Watson & Partners
- Section J Report – Hurley Palmer Flatt
- Energy Efficiency Report – Hurley Palmer Flatt
- Accessibility Report – Accessible Building Solutions
- Noise Impact Assessment – Acoustic Logic
- Waste Management Plan – MMA
- Construction Management Plan – MMA
- Public Art Report – Cultural Capital
- QS Report – Altus Group

This Statement has been prepared pursuant to section 4.12 of the Environmental Planning and Assessment Act 1979 and clause 50 of the Environmental Planning and Assessment Regulation 2000. The Statement provides an assessment of the development proposal having regard to the relevant legislative context, social economic and environmental impacts, potential amenity impacts of the development on the surrounding locality and the measures proposed within the application to mitigate such impacts.

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

- State Environmental Planning Policy No.55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- Botany Bay Local Environmental Plan 2013
- Botany Bay Development Control Plan 2013

Having regard to the applicable legislative framework, it is considered that the proposed development is consistent with the aims and objectives of the relevant environmental planning instruments and development control plan whilst being compatible with the desire future character of the locality and minimising any potential impacts on the amenity of the surrounding properties.

2.0 PROJECT INTRODUCTION BY TIPALEA

This section has been provided by the developer, Tipalea Partners, to introduce the project and elaborate on some of the initiatives being undertaken at 50 Kent Road:

2.1 Purpose

As CEO of Tipalea Partners, the developer of 50 Kent Road Mascot, I wanted to introduce the project and outline our vision and high level aspirations that may not come through in the usual development application documents. Our proposal for 50 Kent Road will create Mascot's Healthiest and Most Productive Building – one that Council and Tipalea Partners can be proud of. We hope that Council shares and embraces our excitement and vision!

2.2 Well Certification

Wellness and excellence in design is at the heart of all we have tried to achieve at 50 Kent Road. By "Wellness" we mean the quality of life that our customers (tenants) experience as an end user of our building. It is about creating an environment focused on health and wellbeing. This has many benefits including increased productivity, greater employee retention, employee satisfaction and even longer lives.

Well Certification (www.WellCertified.com) is not an environmental rating like Green Star as it is focused on end user experience only. We will be seeking a Well Certification for 50 Kent Road – an accreditation that no other building in Mascot or even greater South Sydney has achieved. To this end we have engaged the Energy & Sustainability Services division of Jones Lang LaSalle (JLL) to undertake and advise on our formal certification.

2.3 Wellness Initiatives

With our amazing architects at Sissons and landscape architects at Aspect Studios, we have used exceptional design to deliver best in class user experiences in all aspects of our building with a primary focus on two areas that are accessible by all occupants – the ground floor and the roof top.

2.3.1 Ground Floor Plane Wellness

The ground floor is where the Wellness Initiatives really start to take shape. Rather than trying to "max-out" our leasable space, we have focussed our design on creating great spaces that are functional / substantial / healthy and free by dedicating generous areas back to the building such as:

- massive end of trip facilities of 591m^2 that will comprise 104 bike racks, 20 showers and 296 lockers;
- a dedicated "Wellness Centre" of 360m^2 (potential uses for the Wellness Centre are outlined in the next section of this letter);
- 265m^2 club lounge on the mezzanine providing peaceful areas away from the office desk or for post workout recovery;
- a café with healthier options in the lobby;

- beautiful landscaping and public seating inside and outside the lobby;
- oversized lobby of 529m² with an imposing 7m height;
- convenient Uber / Deliveroo / Disabled drop-off area outside the lobby;
- significant public art commitment of $300,000;
- indoor air quality monitoring available in real time; and a
- smoke free building policy.

2.3.2 Potential Uses for the Wellness Centre

The ultimate use for the Wellness Centre on the ground floor and potentially some of the activations on the roof are still very much a work in progress and to that end we have engaged award winning placemaking experts Hoyne to look at some of the wellness ideas adopted in other buildings around the world – their work is included in this application.

The Wellness Centre could be as simple as a dedicated yoga studio and gym or something more elaborate as suggested by Hoyne.

Hoyne's work is intended as a thought provoker, something to consider rather than a definitive direction for the building.

We would be very happy to discuss these Wellness Initiatives or the uses for the Wellness Centre further with Council.

2.3.3 Roof Plane Wellness

At over 3,000m² in area, the roof plane is too great an opportunity to ignore – it is just crying out to be utilised! I personally believe that all buildings over a certain floorplate size should have to activate their roof space and make useful what would otherwise be ugly, dead space.

At considerable expense we have designed an area that will be very well utilised by the building occupants – at no capital cost to the tenants.

Unlike anything else in Mascot, our roof structure will be an active space for the occupants that also screens out the plant rooms. Our rooftop design incorporates:

- extensive gardens and seating;
- a 200m running and exercise track;
- an incredibly generous raised exercise area of some 187m² (22m x 8.5m); and
- private and open seating areas of 187m² for meetings or thought time away from the office desk.

With the well-known dangers of the Australian sun, we have protected all of these spaces with a beautiful yet functional 'Architectural Roof Feature' to provide a balance between shading and light access.

2.3.4 FSR and Wellness Costs

These Wellness Initiatives are spaces that we could have leased out but instead we have dedicated these spaces back to the building occupiers at no capital cost. The viability of these Wellness Initiatives is only achievable by securing the quantum of FSR that we are seeking. We would be happy for Council to condition that these Wellness spaces are not to be leased out for profit.

2.4 Transformational Precinct

Never before has Mascot been able to deliver a "next generation" office development – historically the rents achieved in Mascot were in the range of $300m^2 – $400 m^2 which limited the amount that could be spent on construction. Now for the first time ever, thanks to higher rents and building values, Mascot is able to provide a number of next generation workplaces – put simply we can now build a CBD quality building because the higher rents and values mean we can spend more on construction. You will see this from the construction estimate provided by our QS for this development application – 50 Kent Road is well in excess of anything else built to date on a rate per square metre.

The building opposite us at 253 Coward Street recently lodged an application for a wonderfully designed new office development – this is the first wave of next generation workspaces that have the potential to transform Mascot.

What 253 Coward Street and 50 Kent Road have proposed is a logical extension of the existing office precinct with arguably better rail access and retail amenity than previously available – these will be the catalyst for what will become a transformational precinct for Mascot.

Importantly, these next generation workplaces will create the opportunity for a large number of employees to live and work in Mascot in offices of the quality usually only seen in the Sydney CBD.

2.5 Reboot the Mascot v Alexandria Narrative

For too long Mascot has had a negative reputation driven primarily by the build quality – which has been restricted by the lower rents and capital values achievable. On the other hand, Alexandria has a reputation as the cool and edgy place to be. However, it lacks the infrastructure and amenity that Mascot already has in place. Unlike Alexandria, Mascot already provides:

- well-established office precinct of over 190,000m^2;
- substantial residential worker base;

- diverse retail offering and amenity including Mascot Central and Connect Corporate Centre;
- number of childcare options; and
- fantastic rail and road infrastructure;

This latest generation of workplaces, starting with 50 Kent and 253 Coward, coupled with Mascot's existing infrastructure will help change this narrative. We have already engaged Hoyne to start work on defining a new narrative for Mascot as a commercial leader (which is included in this application). As Hoyne have said in their report:

"When compared to Alexandria, Mascot's superior retail amenity and transport infrastructure, as well its well-established resident and worker base, means there is an opportunity for Mascot to become the leading commercial precinct south of the Sydney CBD."

2.6 FSR Calculation

Our stated technical FSR is 3.99:1 however given the substantial area dedicated back to the building for Wellness and other initiatives, a more rational or objective analysis is to exclude the Wellness and End of Trip (EoT) facilities from these calculations in order to correctly compare to other buildings that have not provided such facilities (a 'Comparative FSR'). This is a position some Councils are now adopting with some even granting additional bonus FSR for substantial EoT facilities.

Our overriding thematic is that we should not be penalised for providing more generous facilities relative to other buildings.

I consider our true Comparative FSR to be in the order of 3.57:1 as broken down by the following table:

Component	Area	FSR Technical	FSR Comparative	Comment
Office / Café	17,722 m2	3.50:1	3.50:1	Our Base FSR.
Back of House	81 m2	0.02:1	0.02:1	
Lobby	529 m2	0.10:1	0.05:1	If this were really that important to be counted, we would reduce the size of the lobby.
End of Trip Facilities	416 m2	0.08:1		Is actually closer to 591m2 when the bike storage is included, these areas should not be counted in Comparative FSR – this is a gift to the building.
Wellness Facilities	625 m2	0.12:1		Should not be counted in Comparative FSR – this is a gift to the building.

Component	Area	FSR Technical	FSR Comparative	Comment
Wintergardens	820 m2	0.16:1		Should not be counted, this is a Wellness initiative that we can't rent that should be encouraged.
TOTAL	20,193 m2	3.99:1	3.57:1	

If FSR was a defining factor, we could have a much smaller lobby and do away with the Wellness initiatives but at the end of the day all that would achieve would be an inferior building for everyone – the height and scale would be the same but the built environment would be significantly compromised.

As raised previously in this letter, the only way we can afford to provide all of our Wellness Initiatives is by securing the quantum of FSR we are seeking.

2.7 Fig Trees

We personally love trees and see mature landscaping as an important element of any development. As you would be aware, 50 Kent Road is bounded by a number of fig trees that are not native to Australia. With that in mind, from the outset we have designed our building around retaining most of these trees.

We are happy to retain the trees if required to do so. However, a much better design outcome can be achieved if the trees are replaced with large natives and a better thought out landscape design. To this end we make the following points:

- the figs are an introduced species and are quite invasive and destructive to the footpaths, roads and our property;
- an independent arborist has evaluated all of the trees and has recommended they all be removed due to their age / invasive nature / poor state of health and dangerously lopsided canopies. They have recommended replacing with native trees. This arborist report is included with our development application.
- visually, the development is severely impacted by the trees – our beautiful building looks like it is coming out of a salad bowl when you see it superimposed behind the existing figs – not an outcome anyone desires.
- a much better ground plane and public domain can be achieved if the trees are replaced.

For comparison purposes, Aspect Studios, our landscape architects have provided an alternate landscape scheme without the fig trees and a much friendlier public domain which we think is beautiful – and uses native rather than introduced species.

We would be happy to work with Council and your arborists to determine the most appropriate course of action here.

2.8 Public Art

We consider the provision of high standard public art to be an important aspect of all developments we undertake – whether required by Council or not. We are excited about the options that 50 Kent Road presents for a meaningful public art installation. To assist with this, we have engaged Cultural Capital, one of the leading public art curators who we have used on previous projects. Whilst not required for our development application, Cultural Capital has identified a number of options for public art to be included in the project and we are excited with their initial suggestions – their report is included with this application. Just like the Hoyne report, this is a starting point to progress the conversation and we are sure it will evolve over time.

We take our public art commitment seriously and to reassure that we are not just paying lip service to this, we are happy for Council to condition the development consent to require a minimum of $300,000 be spent on public art at 50 Kent Road.

3.0 SITE DESCRIPTION AND LOCATION

3.1 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 West Business Park Precinct as identified in the Botany Bay Development Control Plan. The existing character of the Mascot West Business Park Precinct is described in the DCP as follows:

> The Mascot (West) Business Park 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. One heavy industrial use remains in the Precinct on a time-limited consent being the concrete batching plant at No.294-296 Coward Street, Mascot.

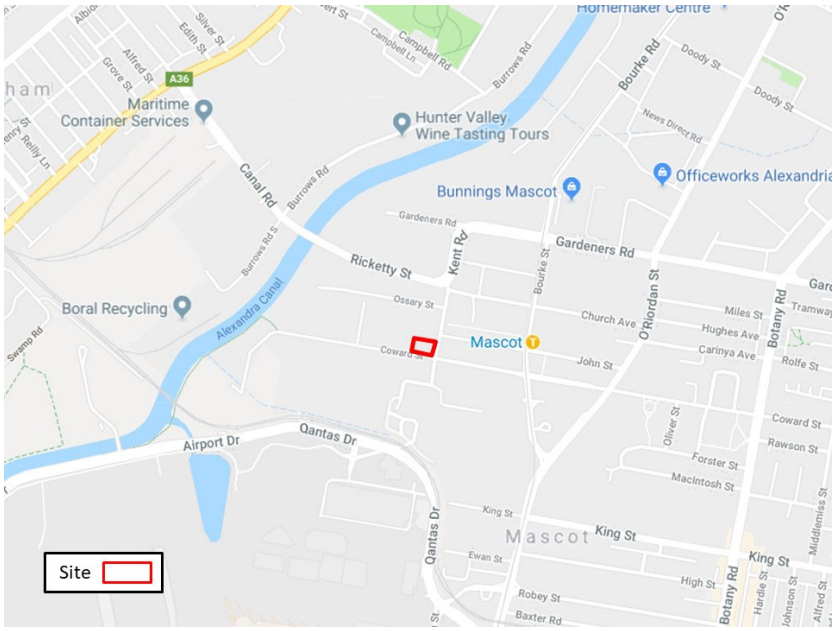

Figure 1:

Site Location: (Source: Google Maps 2019)

3.2 Site Description

The site comprises one allotment and is legally described as Lot 100 in DP 1118363 and is known as 46-50 Kent Road, Mascot. An aerial view of the site is included as Figure 2.

The site is generally rectangular in shape and has an area of 5,059 square metres. The site has a frontage of 90.89 metres to Coward Street, a frontage of 50.75 metres to Kent Road, a western boundary of 53.8 metres, and a northern boundary of 94.305 metres. The site is relatively level with a minor fall of approximately 500mm from east to west.

The site is currently occupied by a part one and part four storey commercial building which is aligned to the eastern side of the site, whilst the majority of the remainder of the site to the west is occupied by hardstand area for vehicle parking and manoeuvring. The site is currently serviced by two vehicle crossings, with one from the western end of the Coward Street frontage and the other from the northern end of the Kent Road frontage. The perimeter of the site along Coward Street and Kent Road comprises garden beds which contain a variety of vegetation and 13 trees whilst a further 12 trees are located elsewhere within the site. The perimeter trees are highly visible Hills Figs of significant height and trunk and limb size, however, these trees have been heavily pruned and disfigured in the past. The trees are not native to Australia.

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.

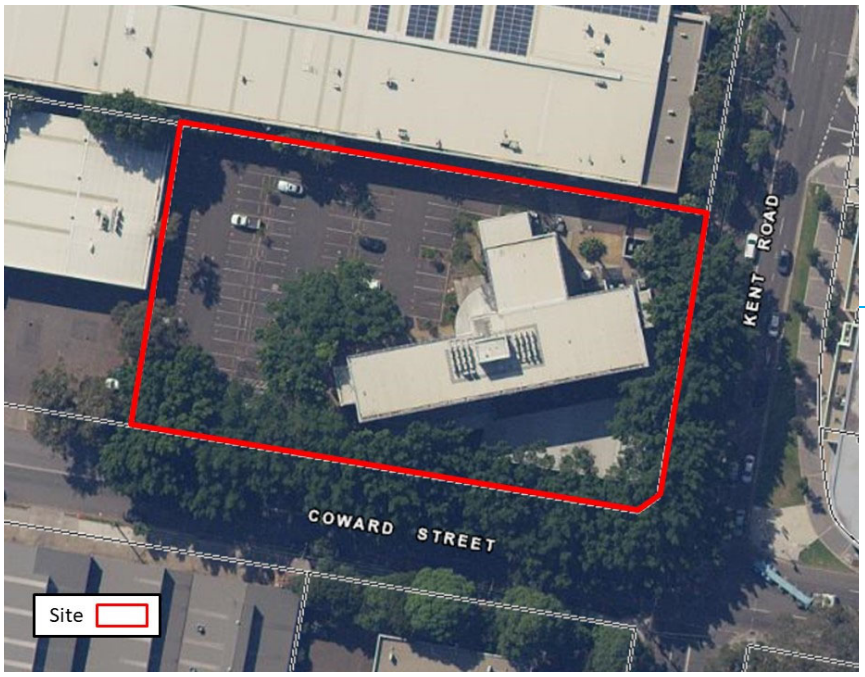

Figure 2:

Site (Source: Department of Lands, Six Maps 2019)

Photograph 1:

The site as viewed from the corner of Kent Road and Chalmers Crescent facing north-west

Photograph 2:

The site as viewed from Coward Street north

Photograph 3:

The western end of the Coward Street frontage of site

Photograph 4:

The existing hard stand car park at the western end of the site

Photograph 5:

The existing plant beds and trees along the Coward Street frontage of the site facing east

Photograph 6:

Coward Street frontage of site and existing pedestrian entry to the building

Photograph 7:

The existing plant beds and trees along the Kent Road frontage of the site facing north

Photograph 8:

The site as viewed from Kent Road facing west

3.3 Surrounding Development

To the west, the site adjoins 284 Coward Street which is currently improved by a 2 storey industrial and commercial building with a large hardstand area within the front setback. The building is constructed with a circa 1.5 metre setback from the common boundary with the subject site.

To the north of the site is 40-44 Kent Road which contains a large 2 storey industrial and commercial building which is aligned to the southern side of that site with a setback of approximately 3 metres from the common boundary with the subject site.

Opposite the site to the south across Coward Street are a variety of typically single or two storey industrial and commercial buildings, whilst opposite the site to the east across Kent Road is the recently constructed East Square mixed use development at 39 Kent Road which is 15 storeys in height.

To the south-east of the site, diagonally opposite is 253 Coward Street which currently contains a part one and part two storey industrial building which is aligned to the eastern side of the site, whilst the majority of the remainder of the site is occupied by hardstand area for vehicle parking and manoeuvring. However, this site is currently the subject of Development Application DA-2019/281 for demolition of existing buildings, construction of an 11 storey commercial building comprising one basement level car park, ground floor retail / commercial tenancies, commercial and parking on level one, parking on levels two and three, and seven levels of office use above.

Photograph 9:

284 Coward Street to the west of the site

Photograph 10:

261 Coward Street opposite the site to the south

Photograph 11:

60 Kent Road opposite the site to the south

Photograph 12:

The 15 storey mixed use building directly opposite the site to the east across Kent Road

Photograph 13:

40-44 Kent Road adjacent to the north

Photograph 14:

253 Coward Street diagonally opposite to the south-east

Photograph 15:

Proposed development at 253 Coward Street diagonally opposite the site

4.0 BACKGROUND

4.1 Pre-Lodgement Discussions

Pre-lodgement discussions have been held with Bayside Council in relation to the proposal. The feedback concerning the proposal was positive and in particular noted the following:

- The proposed approach towards front setbacks, of matching the established front setback alignment along Coward Street to the east and Kent Street to the north, has merit and is an appropriate approach.
- The proposal should achieve 20% landscaped area for the first 5,000 square metres of site area, plus 30% landscaping for any area in excess of 5,000 square metres.
- Reduced parking provision could be considered based on the lower office parking rate of 1 space per 80 square metres which applies in the Mascot Station precinct immediately to the east.
- The proposed scale of the building provides an appropriate response to the height control and a sensible match with the emerging context of the area, and minor variations to height would be considered provided these elements were recessive and do not result in adverse impact.
- It would be preferable to retain the existing trees within the front setback along each street frontage.
- Provided the proposal achieves a contextually appropriate response to the height, setback and landscape controls, some variation to the FSR control is potentially capable of support provided that it can be demonstrated that the variation does not result in any greater impacts beyond a compliant FSR. The development should also provide high quality end-of-journey cycling facilities.

5.0 DEVELOPMENT PROPOSAL

5.1 Description

The subject development application seeks consent for the following:

- Demolition of existing buildings on the site; and
- Construction of a 12 storey commercial development comprising: ground floor lobby/café, end-of-journey and wellness space, plant areas and a loading dock; parking and further wellness space on the mezzanine level; parking on levels 1 to 3; and 6 levels of office use above, with a plant room and common open space and architectural roof feature on top of the building.

The proposal is detailed on the accompanying architectural plans prepared by Sissons Architects and specifically involves the following:

Ground Floor

The ground level of the development provides a strong address to the street corner with a double height café and adjacent lobby presenting to the corner of Kent Road and Coward Street. The lobby is setback behind the line of the building above to create a generous undercover forecourt space which wraps around the building.

The ground floor of the building is one of the key areas where the proposal will deliver the WELLness initiatives as discussed further in Section 4.2 below. In particular, the following WELLness facilities are proposed to be provided on the ground floor:

- Very generous end of trip facilities of 591 square metres that will comprise 104 bike racks, 20 showers and 296 lockers;
- a dedicated “Wellness Centre” of 360 square metres which is likely to be occupied by a dedicated yoga studio and gym or the like;
- a café with healthier options in the lobby;
- extensive and generous landscaping and public seating inside and outside the lobby;
- convenient Uber / Deliveroo / Disabled drop-off area outside the lobby;
- public art commitment of $300,000

Vehicle entry is provided to the car parking areas within the building and also the loading dock at the western end of the Coward Street frontage of the building. A porte-cochere arrangement for Uber/deliveries and disabled access is also provided from Coward Street which utilises the car park entry vehicular crossing and an creates an additional exit driveway. The managers office, waste room and plant areas are located at the western end of the ground floor.

Mezzanine

The mezzanine level is located along the northern side of the floorplate and provides further ‘wellness’ facilities comprising a 265 square metre club lounge providing peaceful areas away from the office desk or for post workout recovery. Parking for 50 cars is also provided on the mezzanine level.

Levels 1 to 3

Levels 1 to 3 are car parking levels containing parking for 93 cars, 3 electric vehicles, 1 small car space and 7 motorbike spaces on each level.

Levels 4 - 9

Six levels of office space are provided above the parking levels. Level 4 is recessed to create a visual separation above the parking level and outdoor terraces around the perimeter and contains a floorplate with circa 2,427 square metres, whilst Levels 5 to 9 include wintergardens at the eastern and western ends and have a floorplate of circa 3,063 square metres each. The office floor levels have a central lift core with amenities and firestairs on either side of the core. In addition, a central indentation on the northern and southern side of the floorplate create atriums which serve to provide articulation to the longer building facades which also assist in segregating the floorplate into quarters as well as increased natural light penetration. The indentation also provides a location for potential future interconnecting stairs between levels in the event that future tenants occupy multiple levels of the building.

Roof top level

A centralised plant area is located on the roof of the building which is setback substantially from all four edges of the building. The plant area and lift core supports a generous architectural roof feature that acts as a canopy to provide sun shelter and weather protection to enable a high level of roof top amenity to be achieved. The roof will accommodate a perimeter running track, seating areas and extensive landscape and will be a high quality open space for the use of all occupants of the building and is an important feature for the wellness certification for the project.

Figure 3:

CGI of proposal as viewed facing north-west

Figure 4:

CGI of proposal as viewed facing north

Figure 5:

CGI of lobby

5.2 WELL Certification

Tipalea's vision is for the proposed building is to become Mascot's Healthiest and Most Productive office building and accordingly the building will be "WELL" Certified.

The WELL Building Standard was launched in October 2014 after six years of research and development by the International WELL Building Institute™ (IWBI™) which is leading the global movement to transform our buildings and communities in ways that help people thrive.

WELL Building Standard is the premier standard for buildings, interior spaces and communities seeking to implement, validate and measure features that support and advance human health and wellness. The Standard was developed by integrating scientific and medical research and literature on environmental health, behavioral factors, health outcomes and demographic risk factors that affect health with leading practices in building design, construction and management.

The WELL Certification is about creating an environment focused on the health and wellbeing of the users which results in increased productivity, employee retention and satisfaction.

WELL Certification takes into account the following 10 elements and factors of the development:

- Air
- Water
- Thermal Comfort
- Sound
- Nourishment
- Light
- Materials
- Mind
- Movement
- Community

In order to be able to achieve the Well Certification, the development includes a number of facilities and areas for the exclusive use of the future occupants of the building including the bicycle parking and end-of-journey facility, wellness areas in the ground floor and mezzanine which will be used for a variety of well purposes such as yoga and health check-ups etc, and the rooftop facility which includes a running track, gardens and exercise areas.

The areas at the ground floor and mezzanine could ordinarily be used as Net Lettable Area in the building, however, these spaces will be dedicated specifically as communal components within the building to assist with achieving the WELL Certification.

5.3 Gross Floor Area Breakdown

The table below provides a breakdown of the Gross Floor Area of the proposed development which takes into account the various components of the proposal:

Component	Gross Floor Area	FSR
Office/Café (i.e. NLA)	17,722 square metres	3.50:1
Lobby	529 square metres	0.10:1

Component	Gross Floor Area	FSR
Wintergardens	820 square metres	0.16:1
End of Trip facilities	416 square metres	0.08:1
Wellness facilities	625 square metres	0.12:1
Back of house	81 square metres	0.02:1
TOTAL	20,193 square metres	3.99:1

The end of trip facilities, wellness facilities, and wintergardens are not mandatory requirements for the project and could potentially be removed to lower the FSR to 3.57:1. However, it is considered that this would simply be to the detriment of the project and the future occupants with no public benefit achieved as a result of the removal of these components. The proposed FSR variation facilitates the implementation of these additional facilities.

5.4 Numerical Overview

Element	Proposed
Site Area	5,059 square metres total
Gross Floor Area	20,193 square metres
Floor Space Ratio	3.99:1
Height	45.87 metres maximum
Storeys	11 storeys + plant
Front Setbacks	Coward Street • Ground – 8.5m-12m • Tower – 5.3 metres Kent Road • Ground – 10m-12.7m • Tower – 8 metres
Side setbacks	North • Ground – 3.4m • Tower – 3.2m West • Ground – 3.4-5.8m • Tower – 3.2m
Landscaped area	• Ground Floor Deep Soil – 689sqm • Level 04 Landscaped Area – 237sqm • Rooftop Landscaped Area – 477sqm • Total – 1,403 square metres or 28%

Element	Proposed
Car Parking	345 spaces
Bicycle spaces	104

5.5 Materials and Finishes

The proposed materials and finishes are detailed in the architectural plans provided by Sissons Architects.

5.6 Access and Parking

Pedestrian access is provided to the primary lobby from both Kent Road and Coward Street which provides lift access to all levels of the building. Access to the lobby and the car park will be security controlled.

Vehicular access is provided via a combined ingress / egress driveways at the western end of the Coward Street frontage. This driveway provides direct vehicular access up a series of ramps for vehicles to the four levels of the podium parking. This driveway also provides vehicular ingress to the porte-cochere arrangement which relies on a secondary egress driveway.

A second and exclusive driveway further to the west provides exclusive access to the loading dock which provides parking for two SRVs and one MRV which can enter and exit the site in a forwards direction.

5.7 Tree Removal

The perimeter of site along Coward Street and Kent Road comprises garden beds which contain a variety of vegetation and 13 trees whilst a further 12 trees are located elsewhere within the site.

The proposal requires removal of all of the trees which are not within the perimeter of the site in order to achieve an efficient and viable floorplate. In relation to the trees along the perimeter of the site, the application only proposes to remove 4 of the 13 trees which is necessary in order to properly service the development with new driveway vehicle crossings which are properly located at the western end of the Coward Street frontage and away from the important corner presentation of the site. Furthermore, the removal of these trees facilitates the retention of the canopy of the retained trees.

The remainder of the perimeter Hills Figs are proposed to be retained as part of this proposal and are incorporated into a high quality new landscape treatment for the site as illustrated in the landscape package prepared by Aspect Studio which accompanies this application.

5.8 Alternative Ground Landscape Plan

Whilst the proposal includes retention of the majority of the Hills Figs along the site frontages, these trees have nonetheless been assessed by the project Arborist as having 'moderate' value, and have been recommended for consideration for removal particularly in light of their disfigurement which has resulted from unsympathetic pruning in the past. Accordingly, it is requested that as part of the assessment of the application that Councill give consideration to an alternative landscape approach with the replacement of Hills Figs along the perimeter of the site with large natives. To this end, the following points are made:

- the figs are an introduced species and are quite invasive and destructive to the footpaths, roads and the site;

- an independent arborist has evaluated all of the trees and has recommended they all be removed due to their age / invasive nature / poor state of health and dangerously lopsided canopies. They have recommended replacing with native trees. This arborist report accompanies the subject development application.
- visually, the development is severely impacted by the existing trees which substantially obscure the proposed new building to the extent that it significantly compromises the efforts to deliver a building which demonstrates design excellence. Refer to Figures 6 and 7 below for a visual comparison of retention of the existing trees versus their replacement with new native trees.
- a much better ground plane and public domain can be achieved if the trees are replaced.
- For comparison purposes, the landscape package prepared by Aspect Studios includes an alternate landscape scheme without the fig trees and a much friendlier and more attractive public domain outcome.

Figure 6:

CGI with retention of existing trees

Figure 7:

CGI with visual representation of replacement native trees

6.0 STATUTORY PLANNING FRAMEWORK

6.1 Environmental Planning and Assessment Act 1979

In accordance with section 4.15(1) of the Environmental Planning & Assessment Act 1979 in determining a development application a consent authority is to take into consideration the relevant matters listed in section 4.15(1). Section 5.2 of this report addresses the relevant provisions of the applicable environmental planning instruments as required by section 4.15(1)(a)(i). Section 5.3 of this report addresses the relevant provisions of the applicable development control plan as required by section 4.15(1)(a)(i). The remaining provisions of section 4.15(1) are addressed further in section 5 of this Statement.

6.2 Environmental Planning Instruments

6.2.1 State Environmental Planning Policy No.55 – Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land.

Clause 7 of SEPP 55 requires the consent authority to consider whether land is contaminated prior to granting consent to carrying out of any development on that land and if the land is contaminated, it is satisfied that the land is suitable in its current state or will be suitable after remediation for the purpose for which the development is proposed to be carried out.

A Detailed Site Investigation has been undertaken by Edison Environmental and accompanies this application. The Assessment included a desktop analysis of the history as well as soil sampling. Edison Environmental have concluded that based on the results of their investigation the site is suitable for ongoing commercial/industrial use and for redevelopment as a multi-storey office (no basement) without the need for remediation or further investigation as the results of field and laboratory assessments on fill and soil samples show all concentrations in all samples are below the Site Assessment Criteria for industrial/commercial use. Based on the above, it is considered that Council can therefore be satisfied that the site is suitable for the proposed development.

6.2.2 State Environmental Planning Policy (Infrastructure) 2007

The subject site has a frontage to Kent Road which is a Classified Road at this section of that Road. Clause 101 of the SEPP provides that the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Vehicular access to the site is currently provided via vehicular crossings from both Coward Street and Kent Road , however, the Kent Road access is proposed to be removed as part of the application with all vehicular access to the site proposed from Coward Street (which is not a classified road at this point). As such the development will improve the safety, efficiency and ongoing operation of Kent Road. The proposed uses are not sensitive to traffic noise nor are the uses particularly sensitive to vehicle emissions.

Clause 104 of SEPP (Infrastructure) requires that before granting consent to a development for a commercial premises which is 4,000 square metres or above, Councils must refer the application to the Roads and Maritime Services for comment and must consider the accessibility of the site, including:

- the efficiency of movement of people to and from the site and the extent of multi-purpose trips, and
- the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and
- any potential traffic safety, road congestion or parking implications of the development.

The application is accompanied by a Traffic Report prepared by Transport and Urban Planning which addresses the relevant traffic issues associated with the proposal.

6.2.3 Botany Bay Local Environmental Plan 2013

Zoning and Permissibility

The site is located within the B7 Business Park zone pursuant to the Botany Bay Local Environmental Plan 2013 (BBLEP). An extract of the Land Zoning Map is included as Figure 8.

The proposal is for the demolition of all structures on the site and the construction of a new 'commercial premises' which is defined as follows:

commercial premises means any of the following:

(a) business premises,

(b) office premises,

(c) retail premises.

Commercial premises are not prohibited and therefore are permissible with consent in the B7 Business Park zone.

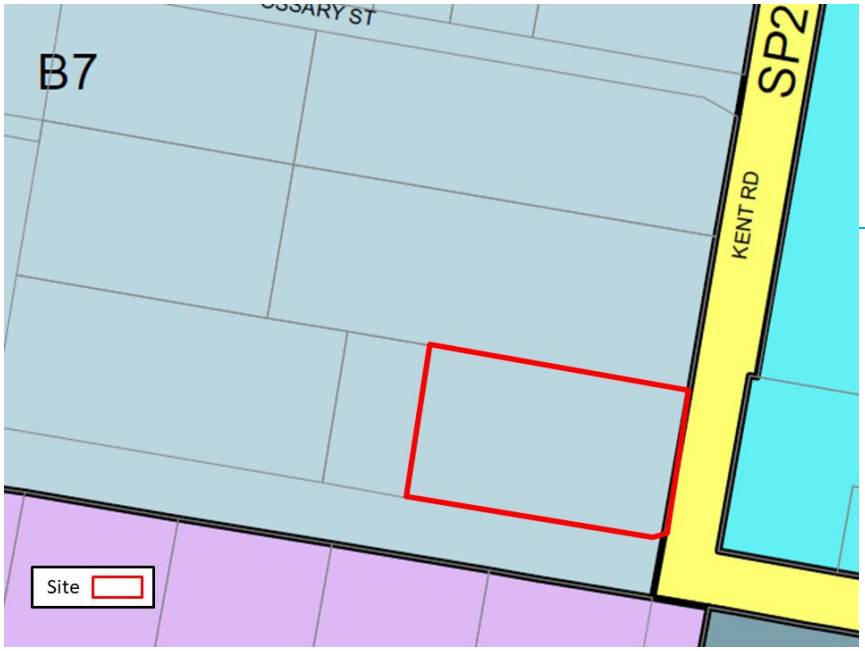

Figure 8:

Extract from the BBLEP Land Zoning Map

Clause 2.3(2) of the BBLEP provides that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The objectives of the B7 Business Park zone are:

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To encourage uses in the arts, technology, production and design sectors.

The proposal will provide for a commercial use, being predominantly office, which will result in increased employment density on the site compared to the maximum capacity available within the existing building. The proposed development includes a café which will meet the day to day needs of workers in the area. The office is capable of being used for the arts, technology, production and design sectors.

For the reasons the proposal is considered to be consistent with the objective of the B7 zone.

Subdivision

Clause 2.6 of the BBLEP states that Land to which this Plan applies may be subdivided, but only with development consent. The application does not propose subdivision.

Demolition

Clause 2.7 of the BBLEP requires development consent to be granted for and prior to the demolition of a building or work. The application proposes the demolition of the existing structures on the site.

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 above ground level as shown in Figure 9.

Figure 9:

Extract from the BBLEP Height of Buildings Map

The plant room and architectural roof feature exceed the 44 metre height control up to a maximum of 1.87 metres or 4.25%. However, there is no gross floor area contained above the height control and the entire of the top office floor is contained well below the 44 metre height control.

The proposed variation to the 44 metre height control is considered to be acceptable and strict compliance would be unreasonable and unnecessary in this instance for the following reasons:

- The street walls of the proposal are well below the 44 metre height control and the plant room which exceeds the height control is located centrally within the floorplate and not visible from the public domain.
- The proposal development remains below the Obstacle Limitation Surface of RL 51 AHD, notwithstanding the minor height non-compliance.
- The architectural roof feature which also exceeds the height control is also setback from the edge of the building to ensure that it remains recessive. Furthermore, the roof top canopy is a horizontal architectural device which provides a 'lid' to the building which is an important design feature as an architectural roof feature. The canopy is an important component for the building which substantially improves the amenity of the roof top area and allows the roof top to be used by the occupants of the building, which assists in the WELL Certification for the project.
- The addition of the architectural roof feature facilitates a highly articulated roof form for the building which substantially improves visual interest and architectural merit of the development. Strict compliance with the height control would only serve to remove the roof top canopy and roof top amenity which would negatively impact on the architectural merit and amenity of the proposal.
- The scale of the development in terms of its three dimensional size will not be perceived as jarring or antipathetic in a streetscape and urban design context.

- The elements of the proposal which exceed the height control do not result in any unreasonable impacts on the amenity of the adjoining properties in terms of loss of solar access, loss of privacy or view loss.
- The locality is undergoing a transition in its character and other developments are likely to occur within the B7 and adjacent B5 zoned areas within the vicinity of the site. The proposed variation to the height control is minor and will not result in a building which is inconsistent with the desired future character of development in the zone and locality generally.
- Requiring strict compliance would impact on the reasonable development of the site without resulting in any benefit to the streetscape or the amenity of the adjoining properties.

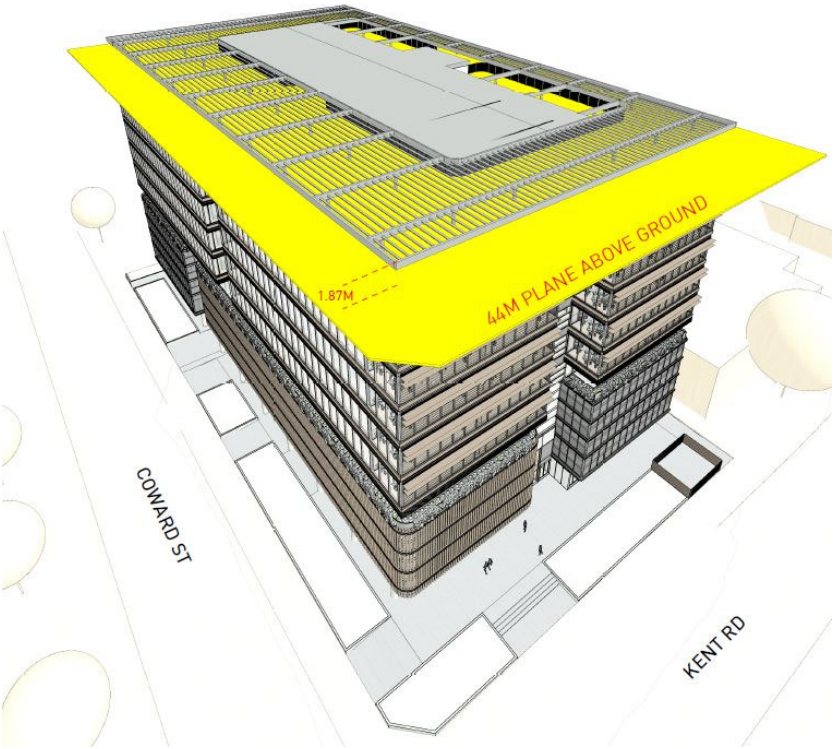

Figure 10:

Height plane diagram illustrating variation

Clause 4.6(2) of the BBLEP provides that development consent may be granted for development even though the development would contravene a development standard imposed by the BBLEP, or any other environmental planning instrument.

However, clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- that compliance with the development standard is unreasonable or unnecessary in the circumstance of the case, and
- there are sufficient environmental planning grounds to justify contravening the development standard.

A request for an exception to the building height development standard, prepared on behalf of the applicant, is included as Appendix A which demonstrates that strict application of the development

standard, in the absence of any tangible impact, would be unreasonable and unnecessary and without basis.

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 a floor space ratio of 3:1 applying to the site. An extract of the Floor Space Ratio Map is included as Figure 11.

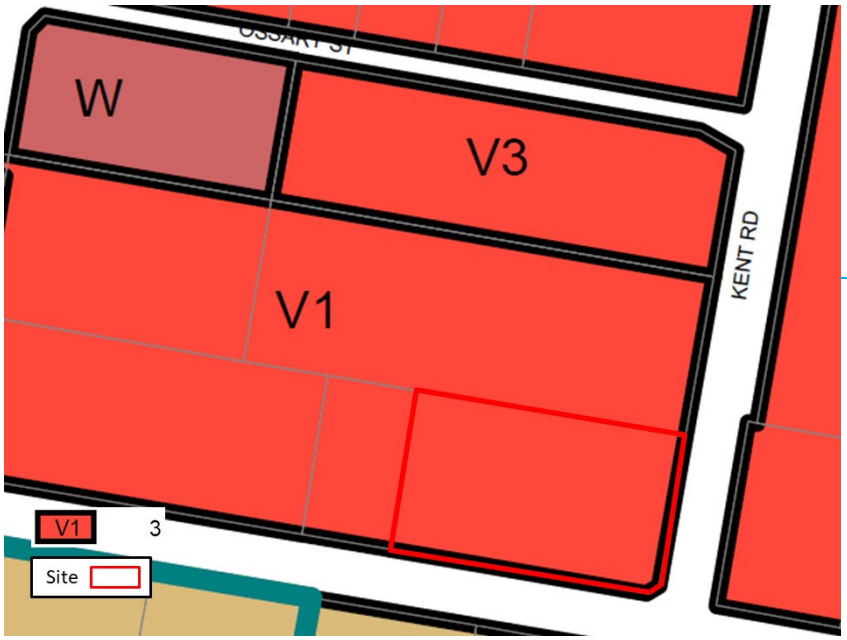

Figure 11:
Extract from the BBLEP FSR Map

The proposed development has an FSR of 3.99:1 which exceeds the FSR control. However, strict compliance with the FSR control is considered to be unreasonable and unnecessary under the circumstances for the following reasons:

- The proposal has been designed to respond properly to opportunities and constraints of the site and is considered to provide an appropriate outcome having regard to the context of the site. In particular, the proposed street setbacks respond to the pattern of setbacks already established to the east and the north of the site, the proposal provides a very high amount of landscaping, and there is no office floor space above the height control. A reduction in the floor space ratio of the development would not result in any meaningful difference or improvement in relation to the impact of the proposal however would diminish its fit within the context of the site. 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 West Business Park Precinct.
- The height of the development generally complies with the 44 metre height limit under the BBLEP 2013, with the exception of some plant areas and a canopy to improve the amenity of the roof top facilities, and so any reduction in density would not require a reduction to the height and scale of the development.
- The proposed development provides both retail and office uses which will support the viability of the centre and provide much needed employment floor space in a location which is close Sydney Airport and various transport nodes.

- 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 density proposed does not give rise to any unreasonable impacts on the adjoining properties in terms of overshadowing, loss of privacy or visual impact.
- The location of the subject site and restriction on car parking for the building is such that the proposed additional floor space does not generate any additional traffic beyond that which would be generated by a complying development on the site which would involve the same car parking provision.
- A high level of amenity is provided for occupants of the development.
- Where a considered site analysis and careful spatial arrangement of built and landscape elements has demonstrated that an alternative floor space ratio is appropriate, as is the case for the proposed development, Council have been willing to consider variations to FSR on a site by site basis. It is considered that the subject proposal demonstrates a careful and appropriate spatial arrangement of built and landscape elements, such that the FSR variation can be supported in this instance.
- 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 proposed development offensive, jarring or unsympathetic to its location and the proposed development will be compatible with its context.
- Finally, it is noted that there are a number of additional facilities proposed within the project for the significant benefit of the occupants which increase the Gross Floor Area but are not Net Leasable Area or profit producing components of the proposal. These facilities include end of trip facilities, wellness facilities, and wintergardens which are not mandatory requirements for the project and could potentially be removed to lower the FSR to 3.57:1. However, it is considered that this would simply be to the detriment of the project and the future occupants with no public benefit achieved as a result of the removal of these components. The proposed FSR variation facilitates the implementation of these additional facilities. Strict compliance, or any required reduction in the gross floor area, for the proposal would undermine the ability to provide these additional communal facilities for the benefit of the future occupants.
- .

Component	Gross Floor Area	FSR
Office/Café (i.e. NLA)	17,722 square metres	3.50:1
Lobby	529 square metres	0.10:1
Wintergardens	820 square metres	0.16:1
End of Trip facilities	416 square metres	0.08:1
Wellness facilities	625 square metres	0.12:1
Back of house	81 square metres	0.02:1
TOTAL	20,193 square metres	3.99:1

Clause 4.6(2) of BBLEP 2013 provides that development consent may be granted for development even though the development would contravene a development standard imposed by BBLEP, or any other environmental planning instrument.

However, clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- that compliance with the development standard is unreasonable or unnecessary in the circumstance of the case, and
- there are sufficient environmental planning grounds to justify contravening the development standard.

A request for an exception to the FSR development standard, prepared on behalf of the applicant, is included as Appendix B which demonstrates that strict application of the development standard, in the absence of any tangible impact, would be unreasonable and without basis.

Heritage

The site is not identified as a heritage item in Schedule 5 of the BBLEP nor is the site located in the vicinity of any heritage items. The site is also not located within a heritage conservation area.

Acid Sulfate Soils

Clause 6.1 of the BBLEP relates to acid sulfate soils. The objective of the clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The site is identified as Class 2 land on the Acid Sulfate Soils Map. Pursuant to clause 6.1(2) development consent is required for works below the natural ground surface and by which the watertable is likely to be lowered. Subclause (3) provides that development consent must not be granted under the clause for the carrying out of works unless an acid sulfate soils management plan has been prepared. An Acid Sulphate Soils Management Plan prepared by Edison Environmental accompanies this application.

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 extent of proposed earthworks are unlikely to result in a significant or adverse disruption of drainage patterns at the site, particularly given that there is no basement proposed. A detailed stormwater management and drainage plan has been prepared and accompanies this application. The plans detail the provision for onsite stormwater detention and various control measures across the site. The proposed development is unlikely to disrupt or negatively impact on neighbouring land uses or structures with adequate measures proposed to mitigate against potential instability during the construction. It is not expected that relics will be unearthed given the site has previously been developed. The site is not significant in terms of its contribution to habitat nor is it environmentally sensitive. All reasonable measures will be taken to avoid, minimise or mitigate the impacts of the development.

Stormwater management

Clause 6.3 Stormwater management of the BBLEP provides that:

(1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.

(2) This clause applies to all land in residential, business and industrial zones.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and

(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and

(c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

A detailed stormwater management and drainage plan has been prepared and accompanies this application. The plans detail the provision for onsite stormwater detention and various control measures

across the site. All reasonable measures will be taken to avoid, minimise or mitigate the impacts of stormwater runoff from the development.

Airspace Operations

Clause 6.8 of the BBLEP prevents Council from granting consent to a proposal which would penetrate the Limitation or Operations Surface, unless it has consulted with the relevant Commonwealth body about the application. The subject site is subject to a 51 metre AHD Obstacle Limitation Surface. However, the proposal does not penetrate the Obstacle Limitation Surface with a maximum height of RL 51 metres.

Development in areas subject to airport noise

Clause 6.9 provides that before granting consent to development on land in the vicinity of Sydney Airport the consent authority:

> a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and
>
> b) will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000.

The site is located within the 25-30 contour on the Aircraft Noise Exposure Forecast (ANEF) chart, and in determining the subject application Council must take into consideration the guidelines provided in AS 2021 for aircraft noise. In this regard, the proposal consists of a commercial use within an existing industrial area, which is considered 'conditional' within the 25-30 contour under Table 2.1 of the Australian Standard AS 2021 for aircraft noise.

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.

The proposed development is considered to exhibit design excellence for the following reasons:

- The bulk, massing and modulation of the proposed development is consistent with the scale and form of development anticipated by the planning controls in this location.
- The design intention of the new development is to create a building which provides a high quality signature building on this prominent street corner. The sculptured building design and facade system achieves a high level of visual interest and a robust solution for the site.
- A varied palette and materiality are used to provide a clear identity for the development as well as to define the differing components of the building. The varied architectural language generates a high level of visual interest and will positively influence the ground floor plane by improving the relationship between the building and the frontages through the provision of active uses along the street frontages and by introducing a highly programmed landscaped character to the site.
- The proposed development will sit comfortably within the emerging streetscape of Coward Street and provides an appropriate gateway into Kent Road and the emerging office precinct of Chalmers Crescent.
- The internal planning of the proposed development is well resolved and a high standard of architectural design and materiality is proposed as detailed in the architectural plans prepared by Sissons architects.
- The proposed development will achieve a particularly high level of amenity for the occupants.
- The proposal achieves the principles of ecologically sustainable development.
- The proposed development will continue to contribute a highly landscaped outcome for this prominent corner site as it facilitates the retention of the majority of the existing perimeter trees, or alternatively provides sufficient space for the planting of new and more appropriate endemic species trees.

6.3 Botany Bay Development Control Plan

The Botany Bay Development Control Plan 2013 (BBDCP) came into force on 17 December 2013 and has been amended on several occasions.

The DCP has been prepared to guide future development within the Botany Bay Local Government Area, support the controls found within the Botany Bay Local Environmental Plan 2013 and protect and enhance the public domain.

The following table addresses the proposal's compliance with the relevant provisions of Parts 3, 6 and 8 of the DCP.

Control	Requirement	Proposed
Part 3 General Provisions		
3A.2 Car Parking	General: Table 1 provides the following minimum car parking rates: Office premises are required to provide 1 space per 40m2 of GFA. Table 1 does not provide a minimum car parking requirement for a café with a GFA less than 100m2, but	Based on the proposed gross floor area each use generates the following requirement of car parking: Office premises floor area (18,435m2) – 460.875 car parking spaces. Café/Retail (<100m2) – Nil Total car parking spaces required = 461

Control	Requirement	Proposed
	does indicate that the following parking provision is desirable: 1 space / 2 employees; plus 1 space / 3 seats (internal and external); or 1 space / 10m² GFA, whichever is greater In relation to cafes Table 1 indicates that applicants can take into account car parking available in adjacent parking areas, including on-street and its time of usage. Alternatively a parking assessment based on survey of similar sized developments can be utilised	The proposal provides 345 car parking spaces. Refer to discussion under Section 5.3.1.
	Car parking: C4 Where tandem or stack parking is proposed, the following shall be complied with: (i) A maximum of two (2) spaces will be permitted for each tandem or stacked parking arrangement. No small car spaces defined in AS2890.1 shall be used as tandem or stacked parking; (ii) For multi-unit developments, each tandem or stacked parking arrangement shall be allocated to the same unit/ strata title; (iii) Tandem or stacked parking arrangement shall not be used for visitor parking; and (iv) Shuffling of stacked vehicles shall be carried out wholly within the premises.	There is no tandem parking proposed.
	Bicycle Parking: C7 In every new building, where the floor space exceeds 600m² 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 proposed development incorporates 104 bicycle parking spaces within the ground floor which is well in excess (more than double) the minimum 10% of the required parking provision of 461 car spaces.
3A.3.1	General:	A Traffic and Parking Report prepared by Transport and Urban Planning

Control	Requirement	Proposed
Car Park Design	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.	accompanies the application which addresses compliance with the standards relating to the car park design and includes a swept path analysis.
	Location: C10 Off-street parking facilities are not permitted within the front setbacks. C11 Car parks must provide a direct and safe access to a building's entry and exit (well lit and free of concealment opportunities). C12 Off-street parking facilities must not dominate the streetscape and are to be located away from the primary frontages of the site.	No car parking is provided within the front setback. All vehicles will enter and exit the site in a forward direction minimising the impact of vehicles on pedestrian movements. The vehicular entry point will be lit at night and free of concealment opportunities. The above ground level car parking will be concealed within the building facades and will not be visible from Kent Road or Coward Street..
	Access: C13 Pedestrian entrances and exits shall be separated from vehicular access paths. C14 A maximum of one vehicle access point is permitted per property. Council may consider additional vehicle access points for large scale developments.	All vehicular access to the site has been designed to ensure all vehicles enter and exit the site in a forward direction minimising the impact of vehicles on pedestrian movements. Pedestrian access is separated from vehicular access. The proposal is a large scale development and provides two vehicle access points, one for the loading dock and the other for the car parking levels. However, the access points are appropriately co-located at the western end of the Coward Street frontage and as far removed from the nearby intersection as practical. The access points allow all

Control	Requirement	Proposed
		vehicles to enter and exit the site in a forwards direction and minimise conflict between cars and service vehicles.
	Basement parking: C21 Basement car parking facilities are preferred for large scale development. C22 Basement parking areas are to be located directly under building footprints to maximize opportunities for deep soil planting.	The proposal does not include a basement.
	At-Grade Parking: C25 At-grade parking shall be avoided for large scale residential and commercial development.	All parking is contained within the building and there is no at-grade car parking.
	Non-Residential: C29 Car parking areas shall be adequately finished with fully sealed surfaces, internal drainage systems, line markings, appropriate kerbing, paved aisle dividers and/or wheel stops. C30 Appropriate landscaping which responds to the site conditions and surrounding context, particularly the transition between public and private spaces must be provided on-site. C31 The minimum width of access driveway for non-residential development shall be designed to accommodate the largest commercial vehicle accessing the site in accordance with AS2890.2.	All parking and manoeuvring areas will be sealed and finished in accordance with Council requirements. The proposal incorporates site landscaping as detailed in the accompanying landscape plan prepared by Aspect Studio. A Traffic and Parking Report prepared by Transport and Urban Planning accompanies the application which addresses vehicular access and manoeuvring.
	Pavement: C32 All off-Crescent parking areas and internal circulation roadways shall be sealed with hard-standing all weather materials or approved alternatives to Council's satisfaction.	All parking and manoeuvring areas will be sealed and finished in accordance with Council requirements.
	Lighting: C34 Adequate lighting shall be provided if the parking facility is expected to be used at night. Design	Lighting will be provided in accordance with the relevant Australian Standards.

Control	Requirement	Proposed
	of lighting shall be in accordance with relevant Australian Standards and be consistent with the relevant requirements to allow drivers to manoeuvre vehicles safely into and out of parking spaces.	
	Accessible parking: C35 Accessible parking spaces for people with disabilities shall be designed in accordance with AS2890.6.	The development provides a total of 4 accessible car parking spaces that are located in close proximity to an accessible lift on the mezzanine level. In addition, the porte cochere can be utilised for short term pick up/drop off.
	Waste Collection Points: C40 The waste collection point shall be designed to: (i) Allow waste loading operations to occur on a level surface away from parking areas, turning areas, aisles, internal roadways and ramps; and (ii) Provide sufficient side and vertical clearance to allow the lifting arc for automated bin lifters to remain clear of any walls or ceilings and all service ducts, pipes and the like. C41 Where any collection vehicles are required to enter a building, the access will provide for: (i) Minimum vertical clearance (clear of all service ducts, pipes etc) of 4.5 metres, depending on the gradient of access and the type of collection vehicle; (ii) Collection vehicles shall enter and exit the premises in a forward direction; (iii) Maximum grades shall be 1:20 for the first 6 metres from the property boundary, then a maximum of 1:8 with a transition of 1:12 for 4 metres at the lower end;	A Waste Management Plan accompanies the application and indicates that waste will be collected from within the building by a private waste contractor

Control	Requirement	Proposed
	(iv) A minimum width of an access driveway shall be in accordance with AS2890.2; (v) Minimum turning circle radius is to be 10.5 metres; (vi) For new development, access must be designed to accommodate a Council garbage truck (MRV) as well as any vehicles used by private waste contractors; and (vii) For new residential development fronting a classified road, provision must be provided on site for a 23 cubic metre capacity rear load garbage compactor to enter and exit the site in a forward direction. Refer to Part 3N.5.2 Garbage Dimensions for Residential Waste Collection. C42 For multi-unit residential buildings and multi-storey commercial buildings, waste collection points shall be located inside the building, for example - in an underground car park, as this reduces noise impact on surrounding residents.	
3A.3.2 Bicycle Park Design	C1 Bicycle parking areas shall be designed in accordance with Australian Standards AS2890.3 and AUSTROADS Guide to Traffic Engineering Practice, Part 14, Bicycles. C2 Bicycle parking and access shall be designed to ensure that potential conflicts with vehicles are minimised. C3 Bicycle parking is to be secure (lockers, compounds or racks) and located undercover with easy access from the street and building entries. C4 End of trip facilities accessible to staff (including at least 1 shower and change room) are to be provided for	The proposal provides secure bicycle parking within the ground floor of the building that is easily accessible from the street and building entries which will be designed to comply with the relevant Australian Standards. Generous end of trip facilities are provided that include separate male and female shower and change rooms.

Control	Requirement	Proposed
	all commercial, industrial and retail development.	
3A.3.3 Traffic and Transport Plans and Reports	C1 A Traffic and Parking Impact Assessment Report shall be provided for development: (i) Listed in Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007; and (ii) Where, in the opinion of Council, the proposed development is likely to generate significant traffic and/or parking demand or land use. C2 The Traffic and Parking Impact Assessment Report shall be prepared by a qualified and experienced traffic engineer.	A Traffic and Parking Report prepared by Transport and Urban Planning accompanies the application which addresses compliance with the car parking requirements and standards relating to the car park design, local traffic conditions, traffic generation associated with the development and the availability and frequency of public transport.
3A.3.4 On-Site Loading and Unloading Facilities	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.	Office premises with a GFA of 15,000-19,999m2 are required to provide a minimum of 5 service bays for courier vans, 2 bays for SRV and 3 bays for MRV. The proposal provides one (1) Medium Rigid Truck (MRV) 8.8 metres long and two (2) Small Rigid Trucks (SRV) 6.4 metres long. In addition, the porte cochere area can accommodate short term drop off and pick up by cars (B99 vehicle), couriers and motorbikes. Whilst not strictly meeting the minimum requirement, having regard to the proposed use of predominantly office with minimum deliveries, adequate provision for parking of services vehicles is provided. Servicing of the development is addressed further within the Traffic and Parking Report prepared by Transport and Urban Planning that accompanies the application.
3C Access and Mobility	Commercial and industrial developments: A Statement of consistency is to be lodged with the DA.	The Accessibility Report which accompanies this application confirms that appropriate access to and within all areas normally used by the occupants, designed in accordance with the BCA

Control	Requirement	Proposed
	Appropriate access to and within all areas normally used by the occupants, designed in accordance with the BCA and relevant Australian Standards. General access for all persons to appropriate sanitary facilities and other common facilities including kitchens, lunch room, shower facilities, indoor and outdoor recreational facilities. In a vehicle parking area containing 6-49 vehicle spaces, one accessible vehicle space, designed in accordance with relevant Australian Standards will be provided. The ratio of accessible parking spaces will comply with Table D3.5 of BCA, except that car parks for retail and medical facilities will provide 5% of spaces as accessible.	and relevant Australian Standards is provided. Four accessible parking spaces are proposed within the carpark. In addition, the porte cochere can be utilised for short term pick up/drop off.
3E Subdivision & Amalgamation	DAs shall demonstrate that the proposed subdivision or amalgamation is consistent with the Desired Future Character of the area.	The proposal does not involve lot consolidation or subdivision.
3F – Not Allocated		
3G Stormwater Management	Stormwater Management: C2 Stormwater runoff generated from the development site shall be collected and discharged in accordance with Council's Part 10 – Stormwater Management Technical Guidelines.	The application is accompanied by Stormwater Concept Plan prepared by Taylor Thompson Whitting that provides details of the stormwater management measures that have been designed having regard to the Part 10 – Stormwater Management Technical Guidelines.
	Water Sensitive Urban Design: C1 All Development Applications shall adopt the following ten WSUD design elements (refer to Water Sensitive Planning Guide: for the Sydney Region (2003)): (i) Integrating the design; (ii) Respecting the site; (iii) Conserving water;	The application is accompanied by Stormwater Concept Plan prepared by Taylor Thompson Whitting that provides details of the stormwater management measures that have been designed having regard to water sensitive urban design elements. The development incorporates water sensitive urban design measures as outlined in this documentation.

Control	Requirement	Proposed
	(iv) Preventing increased flooding; (v) Preventing increased stream erosion; (vi) Maintaining water balance; (vii) Reducing ecotoxic risk; (viii) Controlling stormwater pollution; (ix) Managing the construction site; and (x) Ensuring long-term effectiveness.	
	Stormwater Quality: C1 Water quality objectives stated in "Botany Bay & Catchment Water Quality Improvement Plan (BBWQIP)" shall be satisfied. C2 As a minimum, stormwater runoff generated from developments for regular rainfall events (i.e. 1 in 2 ARI storm events) must be captured for treatment prior to discharge from the site.	The application is accompanied by a Stormwater Concept Plan prepared by Taylor Thompson Whitting which demonstrates that the development will achieve post development pollutant load standards within code requirements.
3H Sustainable Design	Passive design: C1 Buildings are to be oriented and designed to achieve optimum solar access and natural ventilation where practical. C2 Measures to reduce heat loss and gain in winter and summer must be incorporated into the building design. Details to be provided at DA stage. C3 The following design elements must be incorporated in regards to the natural ventilation of buildings: (i) Windows and doors are to be sited to allow for cross flow ventilation from prevailing winds; (ii) Landscaping and water features are to be used to provide evaporative pre-cooling; (iii) Internal walls and partitions are to be positioned to allow for any prevailing passage of air through the building; and	The design of the building takes advantage of the sites easterly and northerly aspects and will receive excellent levels of solar access and natural ventilation. The proposed design and construction methodology reduces heat loss and gain in winter and summer and provides for natural ventilation, incorporating the following measures: • wintergardens at each end of the office floor plates • sensor lighting and other smart technology; • fittings and fixtures to minimise energy use, • Insulated roofing to limit heat gain and heat loss to the environment, • Construction comprises high thermal mass components such as on-ground concrete slab flooring and concrete wall panels.

Control	Requirement	Proposed
	(iv) Insulation is to be used in external walls and roofs to reduce heat escaping from a building in winter and to maintain a lower internal temperature in summer.	
	Solar Panels: C4 Solar hot water systems are encouraged to be installed in all new developments and major alterations and additions.	The roof plan identifies an area for solar panels on the roof.
3I Crime Prevention, Safety and Security	The building is to be designed in accordance with CPTED principles.	The proposed development provides opportunities for natural surveillance to all surrounding streets. The entries to the development will be appropriately lit at night to enhance safety, visibility and legibility. Effective access control has been achieved through the provision of physical barriers to attract, channel and/or restrict the movement of people within the development. The internal areas within the development such as the entrances and lobbies will be well used.
3J Aircraft Noise & OLS	In certain circumstances and subject to Council's discretion, Council may grant consent to development where the building site has been classified as "conditional" or "unacceptable" under Table 2.1 of AS2021-2000 Pursuant to Part 3J.3 of the DCP if a building is located within a specific area identified on the OLS map or seeks to exceed the height limit specified in the map the application must be referred to Civil Aviation Safety Authority and Airservices Australia for assessment.	The site is located within the 25-30 contour on the Aircraft Noise Exposure Forecast (ANEF) chart, and in determining the subject application Council must take into consideration the guidelines provided in AS 2021 for aircraft noise. In this regard, the proposal consists of commercial and warehouse uses within an existing industrial area, which is considered 'conditional' within the 25-30 contour under Table 2.1 of the Australian Standard AS 2021 for aircraft noise As the site is within the area identified on the OLS map and the building exceeds 15.24 metres, Council is required to refer the application to the Civil Aviation Safety Authority and Airservices Australia for assessment.
3K Contamination	Contamination of the site is to be investigated in accordance with SEPP 55 and the Managing Land Contamination: Planning Guidelines.	The development application includes sufficient information to allow Council to meet its obligation to determine whether development should be restricted due to

Control	Requirement	Proposed
		the presence of contamination as detailed under the SEPP 55 discussion above.
3L Landscaping and Tree Management	General Requirements: A Landscape Plan is to be prepared. 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. 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 is to be placed upon landscaped setbacks. 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.	The proposed development incorporates deep soil landscaping within the front building line to all surrounding streets, within both side boundary setback areas, as well as planters on the upper levels and roof. A Landscape Plan prepared by Aspect Studio accompanies the application and has taken into consideration the requirements detailed within the BBDCP. In addition, an alternative landscape design has also been included which demonstrates the positive outcome which can be achieved with the removal of all of the existing Hills Fig trees.
	Planting Design & Species C2 A minimum of 80% of a planting scheme is to consist of native plants. Locally indigenous species, as specified in Part 10 – Technical Guidelines for Landscaping on Development Sites, are to be incorporated where practical and suit the microclimate conditions.	A Landscape Plan prepared by Aspect Studio accompanies the application and has taken into consideration the requirements detailed within the BBDCP in terms of species selection.
3M Natural Resources	Not applicable.	Not applicable.
3N Waste Minimisation and Management	Demolition, construction and ongoing waste is to be minimised. A Site Waste Minimisation Plan is to be submitted for all development applications.	A Waste Management Plan prepared by MMA accompanies the application which addresses waste management during demolition, construction and ongoing use.

Control	Requirement	Proposed
		A common garbage storage room is provided at ground level.
Part 6 Employment Zones		
6.1.3 Contamination	Contamination of the site is to be investigated in accordance with SEPP 55 and the Managing Land Contamination: Planning Guidelines.	The development application includes sufficient information to allow Council to meet its obligation to determine whether development should be restricted due to the presence of contamination as detailed under the SEPP 55 discussion above.
6.1.4 Design Quality Principles	Developments covered by this Part are required to consider the following Design Quality Principles:	
	P1 The contribution of industrial and business land use activity at the Local, Regional and State levels.	The proposal will provide for an increased employment density on the site with modern employment floor space in a desirable location which is close Sydney Airport and various transport nodes. The proposal provides for both commercial and retail uses which are ideally suited to other land uses in the Mascot West Business Park Precinct.
	P2 The improvement to the built form/urban form and public domain of the industrial and business areas of the City.	The proposed development provides a new modern commercial building of high architectural quality, with the proposed development representing a high quality architectural outcome for the site that will positively contribute to the character of the Mascot West Business Park Precinct whilst delivering an increased employment density on the site. A varied palette and materiality are used to provide a clear identity for the development as well as to define the differing components of the building.
	P4 The efficient design, operation and function of industrial / business land uses.	All plant and equipment required for the development will be located within the site boundaries and screened from public view. The proposal provides two co-located ingress / egress driveways at the western end of the Coward Street frontage. The proposed car parking and vehicular access provides efficiencies in terms of access to the site and the ability to

Control	Requirement	Proposed
		provide car parking suitable for the demand created by the proposed development. A Traffic and Parking Report prepared by Transport and Urban Planning accompanies the application which addresses compliance with the standards relating to the access and car park design. The proposed use will not result in any unreasonable impacts on surrounding properties.
	P5 The need for a compatible and workable relationship between industrial/business and nonindustrial/business uses.	The site does not directly adjoin any residential land uses, with non-residential uses directly to the north and the west. The use as retail and office premises is unlikely to generate any unreasonable noise impacts or affect air quality levels. The Traffic and Parking Report prepared by Transport and Urban Planning that accompanies the application addresses the impact of the proposed development on local traffic conditions and finds that the proposal will not result in any adverse traffic implications.
	P6 The promotion of developments that are sustainable and encourage the protection of the environment.	The redevelopment of the site is consistent with the principles of ecologically sustainable design.
6.2 Precinct Controls		
6.2.2 Mascot West Business Park Precinct	C1 Development is to encourage a higher public transport (including walking and cycling) use and include strategies to encourage and promote car sharing and car polling strategies. In this respect a Workplace Travel Plan is to be lodged with the development application.	The site is particularly well located in terms of access to a range of public transport options. It is anticipated that a Workplace Travel Plan would be required as a condition of consent.
	C2 Developments, including alterations and additions shall: (i) Improve the appearance of buildings, particularly along the roads which serve a gateway function to Sydney Airport and the Sydney CBD; and	The proposed development provides a new modern commercial and retail building of high architectural quality, with the proposed development representing a high quality architectural outcome for the site that will positively contribute to

Control	Requirement	Proposed
	(ii) Comply with Sydney Airport's regulations in regard to safety, lighting and height of buildings.	the character of the Mascot West Business Park Precinct. As the site is within the area identified on the OLS map and the building exceeds 15.24 metres Council is required to refer the application to the Civil Aviation Safety Authority and Airservices Australia for assessment.
	C3 Developments within the precinct shall submit a detailed Flood Study/Assessment for 1 in 100 year average recurrence interval (ARI) design storm events and probable maximum flood (PMF).	The site is not flood affected.
	C4 Development shall: (i) Have finished floor levels of a minimum 500mm above the 1 in 100 year flood level habitable areas and 300mm for industrial areas and garages; and (ii) Not impede the passage of floodwater to cause a rise (afflux) in the flood level upstream and/or increase the downstream velocities of flow.	The site is not flood affected.
	C5 Development within the precinct shall require submission of a Risk Management Plan to address potential risks related to coastal sea levels (projected to increase above Australian Height Datum by 40cm by 2050 and by 90cm by 2100).	Appropriate measures are adopted in the design to ameliorate the potential risks related to coastal sea levels.
	C7 Development shall be designed and constructed in accordance with Australian Standard AS 2021 (Acoustic Aircraft Noise Intrusion-Building siting and Construction).	The site is located within the 25-30 contour on the Aircraft Noise Exposure Forecast (ANEF) chart, and in determining the subject application Council must take into consideration the guidelines provided in AS 2021 for aircraft noise. In this regard, the proposal consists of commercial uses within an existing industrial area, which is considered 'conditional' within the 25-30 contour under Table 2.1 of the Australian Standard AS 2021 for aircraft noise.

Control	Requirement	Proposed
	C8 The introduction of noise abatement measure to achieve compliance with current AS 2021 must be done in a manner that does not compromise the architectural design of a building or impact on the character of an existing streetscape.	Any noise abatement measures required to achieve compliance with AS 2021 will be integrated within the architecture of the proposed development and will not negatively impact on the character of the streetscape.
	C9 All development that is in, or immediately adjacent to, the rail corridor or a busy road must be designed in accordance with NSW Department of Planning 'Development Near Rail Corridors and Busy Roads - Interim Guidelines, December 2008'.	Not applicable.
6.3 General Provisions		
6.3.1 Amalgamation and Subdivision	Development must comply with Part 3E - Subdivision and Amalgamation.	There is no proposed lot consolidation or subdivision.
6.3.2 Building and Site Layout	C1 A site analysis plan is to be lodged with the Development Application in accordance with the Council's Development Application Guide.	A site analysis plan forms part of the architectural package.
	C2 Through careful site arrangements new building works must: (i) Address the street and highlight any non-industrial aspects (ie office section) of the development; (ii) Avoid long blank walls of warehouse units facing the street and long continuous roof lines; and (iii) Provide regular modulation to the façade or division of massing.	The configuration of the ground floor plane provides for a fine grain active frontage with the buildings architecture combined with the public domain improvements, ground level wellness and cafe uses and pedestrian entry that will serve to activate and enliven the street frontages of the site. The design provides differing architectural typologies for the upper and lower components of the building each with considerable articulation, with the commercial tower appearing as a contemporary element to the building. No blank walls are proposed facing the adjacent streets.
	C3 Floor space is to be distributed on the site to ensure the scale of the building reinforces the role of the street and buildings are arranged and aligned to create a pleasant working environment.	The proposal has been designed to respond properly to opportunities and constraints of the site and is considered to provide an appropriate outcome having regard to the context of the site. A reduction in the floor space ratio of the

Control	Requirement	Proposed
		development would not result in any meaningful difference in relation to the impact of the proposal or its fit within its context, but would harm the contribution of the project towards employment floor space to the detriment of achieving the vision for the Mascot West Business Park Precinct.
	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.	Deep soil landscaped zones are provided on the northern, southern and western and eastern sides of the development.
	C13 For sites in excess of 1,000m^2, an outdoor staff recreation area is to be provided. This area: (i) Must be a minimum of 16m^2. with a minimum dimension of 3 metres; (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 should be increased by an additional 1 metre; (iii) Should be designed to include a table and chairs; (iv) Enable at least 6m^2, to receive direct sunlight for the four hours between 10am and 2pm during mid winter; and (v) Should provide shading in summer.	The proposal provides a generous range of outdoor areas for future occupants including ground level outdoor areas in the street setbacks, and also a particularly generous roof top area which includes a running track, and other programmed spaces including mixed seating arrangements in a garden setting for the enjoyment of the staff for outdoor recreation. The rooftop area is capable of received year round direct sunlight, but also incudes shading which is important to ensure that is still capable of being enjoyed in the warmer months.
	C15 Building entrances are to be clearly defined and located so that visitors can readily distinguish the public entrance to each building. Access to each entrance is to be provided by a safe direct route, avoiding potential conflict with vehicles manoeuvring on site.	The primary building entrances from Kent Road and Coward Street will be easily identifiable from the public domain. All vehicular access to the site has been designed to ensure all vehicles enter and exit the site in a forward direction, minimising the impact of vehicles on pedestrian movements.

Control	Requirement	Proposed
6.3.3 Floor space	The maximum FSR is identified on the Floor Space Ratio Map within Botany Bay Local Environmental Plan 2013.	The proposed development has an FSR of 3.99:1 which exceeds the FSR control of 3:1 for this part of the site. This issue is addressed under the BBLEP 2013 considerations above in this Statement as well as in the Clause 4.6 variation which accompanies the proposal.
6.3.4 Building Design and Appearance	Height: C1 The maximum building height is indicated in the Building Height Map attached to the Botany Bay Local Environmental Plan 2013. 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. C3 Compliance with the Civil Aviation Safety Authority requirements. C4 The maximum height of a building must be consistent with the height of other buildings in the immediate vicinity. 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.	Whilst the street facades are below the 44 metre height control, the plant above and roof top canopy exceed the height control by a maximum of 1.87 metres. Notwithstanding, the perceived height of the proposed development will sit comfortably within the streetscape and the proposed provides a balanced approach towards the height control with the areas that exceed the control balanced by the areas which are under the height control. This issue is addressed under the BBLEP 2013 considerations above in this Statement as well as in the Clause 4.6 variation which accompanies the proposal.
	Design: 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. C8 External finishes must be robust and graffiti resistant. C10 Walls of new development must make use of non reflective colours and materials to avoid glare. The maximum reflectivity of any glazing is	The proposal will deliver a modern commercial building of high architectural quality that is generally consistent with the design controls relevant to new development. The design intention of the new development is to create a building which references the commercial use whilst providing differing architectural typologies for the upper and lower components of the building. The commercial tower will appear as a contemporary building which provides an

Control	Requirement	Proposed
	not to exceed 20% to avoid nuisance in the form of glare to occupants of nearby buildings, pedestrians and motorists. 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. 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. C13 Open style or transparent materials are encouraged on doors and/or walls of lifts and stairwells, where fire safety requirements allow. C14 Building height, mass, and scale should complement and be in keeping with the character of surrounding and adjacent development. C15 New buildings must be designed to: (i) Address the street and highlight any non-industrial aspects (such as the office section) of the development; (ii) The administration office or showroom must be located at the front of the building; (iii) The front door to a building is to face the street; (iv) Building entrances should be clearly defined and well articulated through form, materials and colour and provide level or ramped access; (v) Waiting areas and entries to lifts and stairwells are to be close to areas of active use and be visible from building entrances;	appropriately robust architectural solution for this important street corner. A varied palette and materiality are used to provide a clear identity for the development as well as to define the differing components of the building. The proposed materials and finishes are detailed in the architectural plans provided by Sissons architects. The varied architectural language generates a high level of visual interest and will positively influence the ground floor plane through the provision of active uses along the frontage and by maintaining the landscaped character of the site. The proposed building materials will not lead to hazardous, undesirable or uncomfortable glare to pedestrians, motorists or occupants of surrounding buildings.

Control	Requirement	Proposed
	(vi) Windows on the upper floors of a building must, where possible, overlook the street; (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; (ix) Provide regular modulation to the facade or division of massing; (x) Architecturally express the structure of the building by variation and minimal use of reflective glass; (xi) Visually reinforce entrances, office components and stair wells of units to create rhythm on long facades and reduce perceived scale; (xii) Introduce variation in unit design within building works; (xiii) Introduce solid surfaces, preferably masonry, and incorporate horizontal and vertical modulation including windows in appropriate proportions and configurations; (xiv) New development on corner sites must address both street frontages in terms of facade treatment and articulation of elevations; and (xv) Avoid bulky roof forms or extensive blank facades in a single material or colour.	
6.3.5 Setbacks	C1 Setbacks are to be in accordance with the following Table 1. The DCP suggests the following setbacks: • A 9m building setback and 4m landscaped setback to Kent Road • A 3m building and landscaped setback to Coward Street. • A 2m landscaping and building setback to the northern and western side boundaries.	The suggested DCP setbacks do not relate to the established pattern of development within the visual catchment of the site, in this instance. A detailed analysis has been undertaken of the established setbacks which has determined that an 8 metre setback to Kent Road and a 5.3 metre setback from Coward Street represents the axis of alignment, as illustrated in the design report prepared by Sissons. The proposal has adopted these setbacks. The setback from Kent Road is only

Control	Requirement	Proposed
	• A nil to 3m landscaping and building setback from the southern rear boundary.	marginally less than the DCP suggested 9 metres, however, the setback from Coward Street is 2.3 metres in excess of the minimum 3 metre suggested setback by the DCP. In addition, the proposal maintains the existing generous landscaping provision along each street setback area which are in excess of the DCP minimum. This ensures that the majority of the existing perimeter trees are capable of being maintained, or alternatively replaced with more appropriate endemic species which can retain the existing landscaped quality of the site. When viewed from surrounding properties and the public domain, the development will sit comfortably within the established pattern of development within the streetscapes of Coward Street and Kent Road. The proposal is provided with a 3.2 metre setback from both the northern and western side boundaries which is in excess of the DCP requirement of 2 metres.
6.3.6 Parking and Vehicular Access	C1 All vehicles (including deliveries) are to enter and leave the site in a forward direction with no vehicles permitted to reverse from or onto public road. C2 A Traffic and Parking Impact Assessment Report shall be prepared. C3 Car parking areas are to be suitably covered with canopy trees and are to be screened with landscaping and paved to reduce their impact (refer to Part 3L - Landscaping). C4 Parking provision should be in accordance with the Part 3A - Car Parking. C5 All internal circulation roads, turning areas, parking aisles, parking bays, service areas and service bays are required to be sealed with hard	All vehicles will enter and exit the site in a forward direction. The proposal incorporates three loading bays and is designed to allow all servicing, including garbage collection, to be carried out within the site boundaries. Where possible service areas have been separated from parking areas. A Traffic and Parking Report prepared by Transport and Urban Planning accompanies the application which addresses compliance of the proposal with the car parking requirements and standards relating to the car park and vehicular access design, local traffic conditions, traffic generation associated with the development and the availability and frequency of public transport.

Control	Requirement	Proposed
	standing all weather materials. Any alternative materials require Council approval. C6 Separation of service areas (loading/unloading) and parking areas is required. C7 All loading and unloading operations shall only be carried out wholly within the dedicated service bays at all times and shall not be made direct from public places, public streets or any road related areas. C8 All loading/unloading facilities and service bays (including parking bays for commercial vehicles) are to be provided in accordance with the current RMS "Guide to Traffic Generating Developments" and Australian Standard 2890.2 - 2002 Off Street commercial vehicle facilities. C9 All loading docks, car parking spaces, internal circulation access and access driveways are to be kept clear of goods at all times and should not be used for storage purposes including garbage storage, good and machinery. C10 Access driveways/vehicular crossings are to be designed to accommodate the turning circle of the largest vehicle expected to use the service area without crossing the centreline of the road. Specific consideration is to be given to two-way simultaneous movements C11 The minimum width of the access driveways/vehicular crossing at the property boundary shall be in accordance with AS2890.2. C12 All servicing, including garbage collection, is to be carried out within the site with suitable collection points at convenient locations. C13 The following information is required:	

Control	Requirement	Proposed
	(i) Details of all traffic generation and possible impacts; (ii) The largest vehicle expected to access the site (including delivery); (iii) The frequency of deliveries to the site; and (iv) The maximum number of staff expected to be on-site at any one time.	
6.3.8 Site Facilities	New site facilities such as mail boxes and electricity sub-stations shall be designed and/or sited so that they enhance the development.	The proposal provides two new kiosks as part of the development which will be properly integrated as part of the landscaped setback from Kent Road. Letterboxes will be located along the front boundary adjacent to the lobby entry and will be clearly visible and accessible from the street.
6.3.9 Landscape	Landscaping is to be designed to ameliorate the bulk and scale of industrial and business park buildings, to shade and ameliorate large expanses of pavement and surfacing, to create a comfortably scaled environment for pedestrians in the public domain or from within the site and to screen utility areas and the like. Emphasis is to be placed on leafy internal spaces and landscaped setbacks designed for screening and visual amenity.	The Landscaped Plan prepared by Aspect Studio that accompanies the application demonstrates a high quality landscaping solution for the site that will provide a generously landscaped setting for the development when viewed from the surrounding streets having regard to the character of the area. The proposed development incorporates landscaping within the front building line to both Coward Street and Kent Road, as well as the side setbacks and landscaping is also incorporated throughout the design of the building with various planters on the upper levels of the building. The proposed landscaping will soften the built form, provide a human scale to the development whilst providing an improved contribution to the surrounding streetscape.
6.3.12 Noise and Hours of Operation	To ensure appropriate noise attenuation measures are incorporated into building design and site layout.	An Acoustic Assessment prepared by Acoustic Logic accompanies the application and details a number of design measures which will be implemented to ensure that the development incorporates appropriate noise attenuation measures to ensure

Control	Requirement	Proposed
		that noise generated from the operation of the development does not adversely affect surrounding properties.
6.3.13 Waste	Development must comply with Part 3N - Waste Management and Minimisation. Sufficient space shall be provided for on-site separation and storage of recyclables and garbage.	A Waste Management Plan prepared by MMA accompanies the application which addresses waste management during demolition, construction and ongoing use. A common garbage storage room is provided at ground level.
6.3.14 Environmental Protection	To ensure that development takes account of and minimises any adverse effects upon the environment. To limit the potential for noise, air (including odour), ground water, soil and surface water pollution	Appropriate measures will be employed within the design to ensure the development does not result in any adverse environmental effects from the ongoing use of the premises. The development will be carried out in accordance with the provisions of the Protection of the Environment Operations Act 1997. Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.
6.3.15 Risk	To ensure that any risk to human health, property or the natural environment arising from the operation of the development is minimised and addressed.	The use will not involve the storage and/or transport hazardous substances.
6.3.21 Business Premises & Office Premises in the B5 Business Development & B7 Business Park Zones	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. 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	The proposal represents a new modern commercial building of high architectural quality. The design intention of the new development is to create a building which references the commercial use whilst providing differing architectural typologies for the various components of the building. The proposed materials and finishes are detailed in the architectural plans provided by Sissons architects which demonstrate that a varied palette and materiality are used to provide a clear identity for the development as well as to define the differing components of the building. The proposal provides the following landscaping provision:

Control	Requirement	Proposed
	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. C15 Not less than 10% of the site area shall be landscaped. New commercial development shall allocate landscaping in accordance with the following ratios: Site Area 0-2,000m², minimum 10% 2000m²-5000m² 20% >5000m² 30%	• Ground Floor Deep Soil – 689sqm • Level 04 Landscaped Area – 237sqm • Rooftop Landscaped Area – 477sqm • Total – 1,403 square metres or 28% Whilst a site over 5,000sqm is ordinarily required to provide 30% landscaping, the subject site is only 69sqm over 5,000sqm and is considered unreasonable to require strict compliance with the 30% requirement. If the 20% requirement for sites under 5,000sqm and 30% over 5,000sqm was provided on a pro-rata basis, the proposal would only need to provide 1,021sqm of landscaped area. The subject proposal provides 1,403sqm of landscaped area which is well in excess of this amount. The provision of landscaping on the site is consistent with the intent of the DCP and appropriate for the following reasons: • The proposed development incorporates soft landscaping within the front building lines with the extent of hard paving minimised to that necessary to provide appropriate vehicular and pedestrian access to the development. This landscaping ensures that the majority of the existing perimeter trees are capable of being maintained, or alternatively replaced with more appropriate endemic species which can retain the existing landscaped quality of the site • The landscaping proposed within the front building line will complement the existing landscaped character within the visual catchment of the site. • Landscape components have been incorporated into the design and façade of the development which demonstrates a high quality landscaping solution that is appropriate for the site conditions.

Control	Requirement	Proposed
Part 8 Character Precincts		
8.7.2 Mascot Character Precinct	Desired Future Character	The proposal is consistent with the desired future character for the Mascot Character Precinct as follows: • The proposed development will enhance the public domain and streetscape of both Coward Street and Kent Road. • The varied architectural language, palette and materiality 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 also by retaining a strong landscaped character to the site that will continue to support vegetation within the front building lines to Coward Street and Kent Road. • The site access and parking facilities will not dominate the streetscape. • Any necessary measures will be adopted into the design to minimise aircraft noise transmission in accordance with AS2021. • The shadow from the proposed development will not impact on any residential properties or public or private open spaces and will allow for solar access to adjoining properties. • The provision of on-site car parking is appropriate for the reasons outlined in this Statement. • The Traffic and Parking Report prepared by Transport and Urban Planning that accompanies the application addresses the impact of the proposed development on local traffic conditions and finds that the proposal will not result in any adverse traffic implications.

Control	Requirement	Proposed
		• The proposal will not impact on any significant views.

6.3.1 Car Parking

Table 1 to Part 3A.2 of the DCP provides a rate of 1 car parking space per 40 square metres of floor area for office use which generates a need for 461 car parking spaces for the total of 18,435 square metres of the office space gross floor area within the development. The proposal provides 345 car parking spaces, which translates to a car parking rate of 1 space per 58 square metres

Whilst Part 3A.2 of the DCP applies to the entire local government area of the former Botany Bay Council, Part 9A of the DCP applies to the Mascot Station Town Centre Precinct which is literally opposite the site to the east across Kent Road and Part 9A.4.4.9 Car Parking Rates of the DCP provides a significantly reduced car parking rate of 1 space per 80 square metres of gross floor area for new office development, which would require a parking provision of 230 parking spaces for the office component of the proposal.

Whilst this part of the DCP does not technically apply to the subject site, the reduced parking rate is derived from the Mascot Town Centre Precinct Transport Management and Accessibility Plan (Mascot TMAP) and the subject site is located within the study area to which the Mascot TMAP applies. The car parking rates and traffic analysis within the TMAP have therefore assumed an office car parking rate of 1 space per 80 square metres for the subject site and so it is considered that a reduced provision of office parking below the 1 space per 40 square metre rate is appropriate in this instance.

The proposal provides 345 car parking spaces which translates to a car parking rate of 1 space per 58 square metres which fits in between the current DCP rate of 1 space per 40 square metres for office, and the Mascot Station Town Centre Precinct rate of 1 space per 80 square metres of office floor space. This car parking provision for the office component is considered appropriate in the circumstance of the site for the following reasons:

- The reduced car parking provision for the office component satisfies the first objective under Part 3A. 1.2 of the DCP to minimise car parking in areas which have good access to public transport to promote sustainable transport.
- The DCP provides a pathway for considering a reduction in car parking in certain circumstances, including where a site is located adjacent to high-frequency public transport services and/or urban services. The subject site is located in close proximity to Mascot train station and a range of bus services. Pedestrian access to the train station has recently been significantly improved with the completion of nearby large scale mixed use developments which incorporate publicly accessible through-site links to provide a particularly pleasant pedestrian route to the train station.
- Council has recently allowed substantial variation to the car parking provisions applicable to the site in its determination of the following development:
  - DA-15/191 – Stage 1 Masterplan for 7-9, 14-18 and 19-21 Chalmers Crescent, Mascot
  - DA-2017/1253 – Alterations and additions and change of use to office building – 40 Ricketty Street, Mascot
  - DA-2019/47 – Construction of a 12 storey commercial development – 1-5 Chalmers Street, Mascot
- The proposed development encourages alternative transport options to the building with the provision of generous bicycle parking provision and end-of-journey facilities on the ground floor.

- The reduction in car parking provision on the site will achieve a positive outcome as it will serve to minimise traffic impacts associated with the proposed development which is of critical importance in this location, and will serve to encourage higher public transport patronage and well as walking and cycling.
- The Traffic and Parking Report prepared by Transport and Urban Planning that accompanies the application also addresses the compliance with the car parking requirements and standards relating to the car park design and finds the proposal to be acceptable in terms of the provision of car parking for the demand created.

The proposed provision of car parking is therefore appropriate for the site in the circumstances.

7.0 SECTION 4.15 CONSIDERATIONS

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979. Guidelines to help identify the issues to be considered have been prepared by the Department of Urban Affairs and Planning (now the Department of Planning and Environment) are included below.

7.1 The provisions of any planning instrument, draft environmental planning instrument, development control plan or regulations

The proposal is permissible pursuant to the Botany Bay Local Environmental Plan 2013 and is in conformity with the envisaged scale and form of development permitted under the LEP. A request to vary the height development standard is included in Appendix A and a request to vary the floor space ratio development standard is included as Appendix B. The proposal is also generally compliant with the development controls contained within the Botany Bay Development Control Plan 2013 as detailed in this Statement.

7.2 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Context and Setting

What is the relationship to the region and local context in terms of:

the scenic qualities and features of the landscape?

the character and amenity of the locality and streetscape?

the scale, bulk, height, mass, form, character, density and design of development in the locality?

the previous and existing land uses and activities in the locality?

The proposed redevelopment will provide for the renewal of a site within the Mascot West Business Park Precinct that will contribute to the vibrancy, economic success and employment floorspace choice within the Mascot West Business Park Precinct. The siting, scale, bulk, and massing of the development is consistent with that anticipated for the site and represents an appropriately designed development which will contribute positively to the character of the Mascot West Business Park Precinct. The proposed development will not result in any significant impacts on the amenity of the adjoining properties.

What are the potential impacts on adjacent properties in terms of:

- relationship and compatibility of adjacent land uses?
- sunlight access (overshadowing)?
- visual and acoustic privacy?
- views and vistas?
- edge conditions such as boundary treatments and fencing?

The proposed development incorporates appropriate design elements to ameliorate potential amenity impacts to adjoining properties. These issues have been discussed in detail in the body of this report.

Access, transport and traffic

> Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:
>
> travel demand?
>
> dependency on motor vehicles?
>
> traffic generation and the capacity of the local and arterial road network?
>
> public transport availability and use (including freight rail where relevant)?
>
> conflicts within and between transport modes?
>
> traffic management schemes?
>
> vehicular parking spaces?

The proposed development provides appropriately for car parking for the reasons detailed within this Statement and will result in no adverse traffic impact on the surrounding road network as detailed in the Traffic and Parking Report which accompanies the application.

Public domain

The property's presentation in a streetscape context will be significantly enhanced as a consequence of the proposed development given the unique and high quality architectural form. The proposal includes a high quality landscaping solution for the site that will provide a generously landscaped setting for the development when viewed from Coward Street and Kent Road. The proposed landscaping will soften the built form and provide a human scale to the development. The proposal includes high quality public domain works including street trees that are designed to enhance the visual quality of the streetscape. The development will also improve the surveillance of the public domain.

Utilities

Where necessary utility services will be upgraded to service the development.

Flora and fauna

The proposed development will maintain the existing landscaped character of the site with landscaping proposed within the front setback areas to Coward Street and Kent Road as well as the side boundary setbacks and is incorporated throughout the design of the building with various planters. The proposal ensures that the majority of the existing perimeter trees are capable of being maintained, or alternatively replaced with more appropriate endemic species which can retain the existing landscaped quality of the site.

Waste collection

Normal commercial waste collection arrangements will apply to this development. A Waste Management Plan accompanies the application which details how demolition, construction and ongoing waste will be managed.

Natural hazards

The site is not affected by any known hazards.

Economic impact in the locality

The proposal will provide for an increased employment density on the site that will directly contribute to the economic growth of the area.

The proposed development will provide temporary employment through the construction of the development.

Site design and internal design

> Is the development design sensitive to environmental conditions and site attributes including:
>
> size, shape and design of allotments?
>
> the proportion of site covered by buildings?
>
> the position of buildings?
>
> the size (bulk, height, mass), form, appearance and design of buildings?
>
> the amount, location, design, use and management of private and communal open space?
>
> landscaping?

The impact of the proposal with respect to design and site planning is positive. The proposed distribution of built form and massing of the building is the result of a considered analysis of the context of the site and the desire to deliver a positive urban design outcome. The scale of the development is appropriate given the development predominantly complies with the height control. The design outcome will contribute positively to the built form quality of the building stock located in the Mascot West Business Park Precinct.

> How would the development affect the health and safety of the occupants in terms of:
>
> lighting, ventilation and insulation?
>
> building fire risk – prevention and suppression/
>
> building materials and finishes?
>
> a common wall structure and design?
>
> access and facilities for the disabled?
>
> likely compliance with the Building Code of Australia?

The proposed development will comply with the provisions of the Building Code of Australia as required by clause 98 of the Environmental Planning and Assessment Regulation 2000. There will be no detrimental effects on the occupants through the building design which will achieve the relevant standards pertaining to health and safety.

Construction

What would be the impacts of construction activities in terms of:

the environmental planning issues listed above?

site safety?

The development will be carried out in accordance with the provisions of the Protection of the Environment Operations Act 1997. Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

7.3 The suitability of the site for the development

Does the proposal fit in the locality?

- are the constraints posed by adjacent developments prohibitive?
- would development lead to unmanageable transport demands and are there adequate transport facilities in the area?
- are utilities and services available to the site adequate for the development?

The adjacent development does not impose any insurmountable development constraints. There will be no excessive levels of transport demand created.

Are the site attributes conducive to development?

The site does not have any physical or engineering constraints which would prevent the proposed development from occurring.

7.4 Any submissions received in accordance with this Act or the regulations

It is envisaged that any submissions made in relation to the proposed development will be appropriately assessed by Council.

7.5 The public interest

The property's presentation in a streetscape context will be significantly enhanced as a consequence of the proposed development. The development will improve the surveillance of the public domain and provide a high level of internal amenity for future occupants whilst minimising impacts on neighbouring properties.

The development will also seek to achieve WELL Certification and will therefore set a new benchmark for occupant amenity for a commercial building in Mascot.

The proposal will provide for an increased employment density on the site that will directly contribute to the economic growth of the area with modern employment floor space in a desirable location which is close Sydney Airport and various transport nodes.

The development is consistent with the objectives of the relevant planning provisions. For these reasons the approval of the development is considered to be in the public interest.

8.0 CONCLUSION

The relevant matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 have been addressed in this report and the proposed development has been found to be consistent with the objectives of all relevant planning provisions.

The proposal is permissible with Council's consent within the zone and meets the relevant objectives of the B7 Business Park zone. In accordance with Clause 4.6 of the LEP, variation is proposed to the maximum permitted height and FSR on the site. The variations are considered reasonable as the proposal provides an appropriate contextual response which meets the objectives of the standards due to the site context, design excellence evident in the proposal, complying street wall heights, precedent set by other approvals within the suburb of Mascot, and the absence of amenity impacts on surrounding properties.

Careful consideration has been given to the location, size and design of the proposed development to ensure that a high quality outcome will be achieved. The application demonstrates that the site is suitable for the development proposed which will positively contribute to the office stock within the suburb of Mascot.

For reasons outlined in this Statement of Environmental Effects the proposed development at 46-50 Kent Road, Mascot should be granted development consent.

APPENDIX A

Sutherland & Associates Planning

REQUEST TO VARY BUILDING HEIGHT DEVELOPMENT STANDARD

A

APPENDIX B

Sutherland & Associates Planning

REQUEST TO VARY FLOOR SPACE RATIO DEVELOPMENT STANDARD

B