NOTICE

Bayside Local Planning Panel - Other Applications will be held in the Committee Room, Botany Town Hall Corner of Edward Street and Botany Road, Botany on Tuesday 8 July 2025 at 5.00 PM

To consider items outside the public meeting In accordance with the Operational Procedures

Members of the public do not have the opportunity to speak on these items

ON-SITE INSPECTIONS

On-site inspections are undertaken beforehand.

AGENDA

1 ACKNOWLEDGEMENT OF COUNTRY

Bayside Council acknowledges traditional custodians: the Gadigal and Bidjigal people of the Eora nation, and pays respects to Elders past, present and emerging. The people of the Eora nation, their spirits and ancestors will always remain with our waterways and the land, our Mother Earth.

- 2 APOLOGIES
- 3 DISCLOSURES OF INTEREST
- 4 MINUTES OF PREVIOUS MEETINGS

Nil

5 REPORTS – PLANNING PROPOSALS

Nil

- 6 REPORTS DEVELOPMENT APPLICATIONS
 - 6.1 MDA-2024/201 30-34 High Street Mascot Section 4.56 Modification..2

Meredith Wallace General Manager



Bayside Local Planning Panel - Other Applications 8/07/2025

Item No 6.1

Proposal

Application No MDA-2024/201

Property **30-34 High Street Mascot**Application Type Section 4.56 Modification

Application Type Section 4.56 Modification

Modification to DA-2021/463 including an increase to the height and floor area of the building, conversion of four 2-bedroom units into 3-bedroom units, changes to external

materials and conditions of consent.

Owner JJ Evaline Pty Ltd

Applicant Benson McCormack Architecture Pty Ltd

Ward 2
Lodgement Date 2/01/2025

No. of Submissions 0

Cost of Development \$0

Reason Criteria Sensitive development

Report by Peter Barber, Director City Futures

Officer Recommendation

- 1. That the Bayside Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to S4.56 of the *Environmental Planning and Assessment Act* 1979 be satisfied that the proposed modification:
 - a) is substantially the same development as the development for which consent was originally granted and before that consent was modified;
 - b) has been notified in accordance with the Regulations and Bayside Development Control Plan 2022 and the submissions made have been considered;
 - c) is acceptable after considering reasons for the consent sought to be modified;
 - d) is acceptable having regard to the relevant matters in Section 4.15 of the Environmental Planning and Assessment Act 1979.
- 2. That the Bayside Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 and s4.17 of the *Environmental Planning and Assessment Act 1979*, determine Development Application MDA-2024/174 for modification to DA-2021/463 including an increase to the height and floor area of the building, conversion of four 2-bedroom units into 3-bedroom units, changes to external materials and conditions of consent at 30-34 High Street Mascot, by GRANTING CONSENT to modify the original consent in the following manner:

a) Amend Condition 1 - Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved	Approved Plans				
Plan No.	Revision	Plan Title	Drawn By	Date of Plan	
A-DA- 810-005	1	Generic 3.2m Floor to Floor Detail	Benson McCormack Architecture	20/01/2025	
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A-DA- 110-008	16	Roof Level	Benson McCormack Architecture	17/04/2025
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LP03	F	Schedule	Matthew Higginson Landscape Architecture Pty Ltd	17/06/2025

Approved Documents			
Document Title	Version	Prepared By	Date of Document
BASIX Certificate	-	-	1233341M_07
Site Waste Minimisation and Management Plan	-	Benson McCormack Architecture	16/12/2024
Power Assessment – Power Supply Arrangements	-	AAPE Engineering	14/02/2025
Access Report	A	Accessible Building Solutions	7 November 2022
Acid Sulfate soil assessment and Revised Management Plan	1	El Australia	22 August 2022
Detailed Site Investigation	0	El Australia	22 August 2022
Dewatering Management Plan	0	El Australia	12 September 2022
Building Code of Australia Assessment Report	3	Building Code Professionals	27 Augusts 2021
Fire Safety Schedule	А	Building Code Professionals Pty Ltd	25 August 2021
Acoustic Report	В	Acoustic Noise & Vibration Solutions	26 August 2021
Arboricultural Impact Assessment	А	Tree and Landscape Consultants	20 September 2021

Electrical Services Coordination Letter	А	CitiScope Engineers & Project Managers	27 August 2021
Flood Report	А	S&G Consultants	30 August 2021
Photomontage	А	Benson McCormack Architecture	Undated
Pedestrian Wind Environment Statement Report		Windtech	26 August 2021

[MDA-2024/201 Section 4.56 amended on 8 July 2025]

b) Amend Condition 9 - Parking Allocation

Parking spaces and associated facilities shall be provided and allocated in accordance with the approved drawings / following table.

Use	Number of Spaces Allocated				
Residential					
Residential units	A total of 41 car parking spaces allocated as per the below:				
	 1 space per studio/1 bedroom unit 2 space per 2 bedroom unit 2 space per 3 or more bedroom unit Excess car parking spaces shall be allocated to a residential unit. 				
Residential visitor	5 car parking spaces (including 1 car wash bay and 1 van loading bay)				
Non-Residential					
Commercial	2 car parking spaces				
Bicycle parking					
Residential	24 bicycle spaces in the basement & 2 residential visitor bicycle spaces on the ground level				
Motorcycle parking	Motorcycle parking				
Residential	3 Motorcycle spaces				
Commercial	1 Motorcycle space				

The above allocation must be adhered to and complied with at all times and shall be reflected in any subsequent Strata subdivision of the development.

All residential visitor spaces, car wash bays and loading bays shall be stated as common property on any Strata plan for the site.

All residential accessible parking spaces shall be allocated to adaptable dwelling units.

Any tandem / stacked parking spaces shall be allocated to a single residential / commercial unit only.

REASON

To ensure that car parking is provided and allocated in accordance with the approved plans and documentation.

[MDA-2024/201 Section 4.56 amended on 8 July 2025]

c) Amend Condition 18 - Payment of s7.11 Contributions

- a) Before the issue of the first occupation certificate in respect of any building to which this consent relates, a section 7.11 contribution calculated in accordance with subclause (c) must be paid, except as provided by subclause (b).
- b) If no construction certificate in respect of the erection of any building to which the consent relates has been issued on or before 25 September 2022, the monetary contribution must be paid before the issue of the first construction certificate after that date for any such building.
- c) The applicant must pay the following contributions to Council for:
 - (i) Former City of Botany Bay Section 7.11 Contributions Plan 2016 Amendment.

Community Facilities	\$37,470.39	
Open Space & Recreation	\$302,109.98	
Transport (Mascot)	\$77,038.56	
Administration	\$3,381.07	
Total in 2024/2025	\$420,000.00	

The total contribution payable to Council under this condition is \$420,000.00 as calculated at the date of this consent.

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of Former City of Botany Bay Section 7.11 Contributions Plan 2016 – Amendment.

A copy of the development contributions plan is available for inspection at Council offices.

REASON

To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

[MDA-2024/201 Section 4.56 amended on 8 July 2025]

d) <u>Amend Condition 22 – Waste Storage (Residential and Mixed Use Developments)</u>

The plans shall include details of the waste storage area. The waste storage area shall not be visible from the street. The waste storage area shall be located within the lot / building in accordance with the approved plans.

The waste storage area shall be large enough to accommodate the required number of bins for the development and located in an area to suitably facilitate servicing on waste collection day.

The path to the bin room is to be at least 1.0 metres wide and kept clear and unobstructed at all times.

Residential Waste

The development will require the provision of the following waste and recycling facilities:

- a) Domestic Waste 1 x 120 / 1,100 litre mobile bins per unit / dwelling. Usually provided as a 240 litre or 660 litre bin using this ratio, and
- b) Domestic Recycling 1 x 240 / 1,100 litre mobile bin per 3 units / dwellings, and
- c) Green Waste 1 to 2 x 240 litre mobile bins per unit block, and.
- d) Bulk Waste Storage Area Minimum 10m².

Commercial Waste

For the Commercial portion of the building appropriate waste and recycling containers and facilities will need to be provided for all specific end use businesses in accordance with the following waste generation rates:

- a) Retail Trading shops, to 100 square metres 0.1-0.2 cubic metres per 100 square metres of floor area per day, and
- b) Restaurants and Food Shops 0.3-0.6 square metres per 100 meals, plus up to 0.15 cubic metres of beverage containers per 100 meals, and
- c) Office 0.01-0.03 cubic metres per 100 square metres of floor area per day.

REASON

To manage waste in accordance with Council's Waste Management Technical Specifications.

[MDA-2024/201 Section 4.56 amended on 8 July 2025]

e) Amend Condition 29 - Intertenancy Acoustic Attenuation

The development shall achieve the following minimum equivalent AAAC Star Rating within the below specified areas of the development.

- a) Three (3) Star for tiled areas within kitchens, balconies, bathrooms and laundries. Tiled flooring within corridors, living areas and bedrooms is not permitted, and
- b) Four (4) Star for timber flooring in any area, and
- c) Five (5) Star for carpet in any area.

The development shall comply with the Building Code of Australia requirement for walls dividing occupancies.

A report shall be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The report is to include BCA requirements and details of floor/ceilings between residential apartments. Floor coverings within apartments shall be identified within the report.

A suitably qualified Acoustic Engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership is to certify that the details provided in the said report satisfy the requirements of this condition, with the certification to be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate for the relevant stage of works.

REASON

To minimise adverse amenity impacts to residents within the building. [MDA-2024/201 Section 4.56 amended on 8 July 2025]

f) Amend Condition 32 - Adaptable Units and Parking

Access must be provided to and within a minimum of five (5) residential units, and between these units and their allocated car parking spaces in accordance with Council's Development Control Plan and Australian Standard 4299: Adaptable housing. The required adaptable units shall be unit numbers 101, 105, 201, 205 and 304. The units shall be constructed to comply with the requirements of AS 4299.

Details demonstrating compliance shall be submitted to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate.

Note: Compliance with Council's Development Control Plan does not necessarily guarantee that the development meets the full requirements of the Disability Discrimination Act 1992. It is the responsibility of the applicant to make the necessary enquiries to ensure that all aspects of the Act are satisfied.

REASON

To ensure adaptable units are provided and designed in accordance with the relevant standards.

[MDA-2024/201 Section 4.56 amended on 8 July 2025]

g) <u>Amend Condition 36 – Detailed Design Stormwater Management Plan</u>

Prior to the issue of any Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Bayside Council Director of City Futures (or delegate) for assessment and approval. Engineering design certification and drainage design calculations are to be submitted with the plans. Bayside Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the site, including the final discharge/end connection point, must comply with Bayside Technical Specification Stormwater Management.

The detailed drainage design plans shall incorporate the provisions generally made in the stormwater concept plans prepared by John Romanous & Associates, project/job number 2426, dated 08.04.2025, revision/issue H along with the revisions/requirements detailed below:

- a) An On-Site Detention System (OSD) shall be provided for the site and designed in accordance with Section 6 of Bayside Technical Specification Stormwater Management.
- b) All calculations for the OSD storage and maximum site discharge are to be provided.
- c) An OSD catchment plan is to be provided showing the impervious (roof and hardstand) and pervious area draining into the OSD's system. Also show the bypass area. If there is OSD bypass, the combined bypass and OSD discharge is to comply with section 6 of Bayside Technical Specification Stormwater Management.
- d) An OSD base plan is to be provided showing all base levels and minimum 1% fall toward the outlet. The OSD base plan is also to include weir RL's and overall dimensions,
- e) The stormwater discharge from the site shall connect to the underground stormwater pit and pipe system along the frontage of the site (a connection to the kerb and gutter system is not permitted). A new kerb inlet pit shall be constructed along the sites frontage,
- f) A minimum capacity 10,000L rainwater tank is to be provided. Only non-trafficable roof areas shall drain to the rainwater tank, planter box and trafficable floor drains must not drain to the rainwater tank. The rainwater tank is to be to be connected to all ground floor toilet flushing, the cold water tap that supplies all clothes washing machines on the ground floor, the car wash bay(s), and the ground floor landscape irrigation system for non-potable stormwater re-use. The re-use of the rainwater tank must be shown on the drawings,

- g) The basement pump-out pit shall be designed as per AS3500.3. The top water level (TWL) of the pump well is to be shown and the lowest inlet into the pump well is to be 100mm higher than the TWL. The pump out system from the basement carpark proposed shall discharge to the on-site stormwater detention (OSD) system,
- h) No pump-out shall be used to drain seepage from the basement due to the elevated water table level. That is the basement shall be designed as a "fully tanked" structure. The pump-out can only be utilized to dispose runoff that may enter the basement carpark from driveway access to the basement,
- All surface run-off from the car parking levels is to be directed through an oil separator. Manufacturer details to be provided for the oil separator,
- j) The stormwater drainage plans shall incorporate a Stormwater Quality Improvement system to ensure compliance with section 7.1 of Bayside Technical Specification Stormwater Management. A MUSIC model must be prepared for the development demonstrating that water quality improvement meets or exceeds the stormwater pollution reduction targets as described in section 7.1 of Bayside Technical Specification Stormwater Management. The MUSIC model must be prepared in line with the NSW MUSIC Modelling Guidelines and submitted to council for assessment and approval.
- k) A WSUD catchment plan shall be provided and be aligned with the MUSIC modelling,
- I) Manufacturer details are to be provided for the proprietary products used for stormwater treatment,
- m) Overflow from the WSUD tank is not to be directed into the basement, it must be directed to the street.
- n) The drainage for the car wash bay is to be shown (to be fully bunded with all run-off directed to the sewer),
- o) Details of maintenance access through the side hatch to the OSD and RWT shall be detailed in the drawings. Step irons are to be provided.

REASON

To ensure compliance with Bayside Technical Specification Stormwater Management.

[MDA-2024/201 Section 4.56 amended on 8 July 2025]

h) <u>Amend Condition 40 – Protection of Basement and Building Structures</u> <u>Below Flood Level.</u>

All proposed habitable floor levels and basement car park entry levels within the development site shall be set 500mm above the 1% AEP flood level. The underground basement and substructures, access stair wells, lift wells, windows, pedestrian entry / exit points etc. shall be flood proofed and physically protected to a minimum of 500mm above the 1% AEP flood level. A design certification

report for floor levels of buildings and structures prepared by a suitably qualified engineer shall be submitted to the Principal Certifier prior to the issue of the relevant Construction Certificate.

REASON

To ensure the development meets flood planning requirements.

[MDA-2024/201 Section 4.56 amended on 8 July 2025]

i) <u>Amend Condition 42 – Detailed Parking Facility Design Requirements and Certification</u>

Prior to the issue of the relevant Construction Certificate, the construction certificate plans and supporting documentation shall demonstrate compliance with the following:

- a) Compliance with AS2890 Car, Bicycle and Motorcycle Parking:
 - i. The parking facility (including parking spaces, ramps, aisles, vehicular crossing etc.) must comply in full with AS2890.1. The longitudinal profile(s) of the access driveway and any ramps within the parking facilities must comply with the Ground Clearance, Gradient (%) and Length requirements of the 2890 Australian Standards Series, and
 - ii. All vehicles are to enter and exit the site in a forward direction, and
 - iii. The minimum number of accessible car parking spaces shall be in accordance with the relevant disability legislation. The design and construction of accessible car parking spaces shall be in accordance with AS2890.6, and
 - iv. The gate for the basement shall be located to permit the queuing of one (1) vehicle when waiting to enter the basement garage, and
 - v. Pedestrian sightlines for vehicles existing the site are to comply with AS2890.1, and
 - vi. Convex mirrors shall be provided at blind corners within, and leading to, the car parking levels to provide increased sight distance for vehicles, and
 - vii. The car wash bay(s) shall be 3.5m wide, and
 - viii. 4 motorcycle parking spaces shall be provided and designed as per AS2890.1:2004, and
 - ix. A minimum of 24 residential bicycle parking spaces and 2 visitor bicycle parking spaces must be provided as part of the development and designed in accordance with AS2890.3:2015. Bicycle parking for residents is to be in the form of bike racks within a well-lit secure room/structure monitored by security camera surveillance. All visitor bicycle spaces shall be located at the entrance to the development and be designed as security level C from table 1.1 of AS2890.3:2015. The visitor bicycle spaces are to be relocated so that they are not adjacent to the OSD or RWT (as

the bicycle spaces may prevent access for maintenance), and

x. A bollard shall be provided between spaces 14 & 15 on basement level 2 and between spaces 02-V and 03-V on basement level 1 to prevent vehicles parking in front of the basement fire escape doors.

The design of the entire car parking facility is to be certified by a Civil Engineer registered with the National Engineering Register (NER) as being strictly in accordance with the abovementioned requirements and the Australian Standard 2890 parking facilities series.

REASON

To ensure compliance with the relevant Australian Standard. [MDA-2024/201 Section 4.56 amended on 8 July 2025]

j) Amend Condition 57 – Electric Vehicle Charging

Prior to the issue of the relevant construction certificate, plans and specifications are to be submitted for approval by the Certifier demonstrating that 100% of the parking spaces for dwellings make provision for electric vehicle charging.

REASON

To maximise the sustainability of the development.

[MDA-2024/201 Section 4.56 amended on 8 July 2025]

k) Amend Condition 58 – Non-potable Stormwater Re-use

Prior to the issue of the relevant Construction Certificate the plans and specifications are to be submitted for approval by the Certifier demonstrating that the rainwater tank is connected for non-potable stormwater re-use to all ground floor toilets & clothes washers, the car wash bay and the landscape irrigation.

REASON

To maximise the sustainability of the development.

[MDA-2024/201 Section 4.56 amended on 8 July 2025]

I) <u>Amend Condition 59 – Solar Panels</u>

Prior to the issue of the relevant Construction Certificate plans and specifications are to be submitted for approval by the Certifier demonstrating the provision of additional solar panels to maximise the coverage of the non - trafficable roof space.

REASON

To maximise the sustainability of the development.

[MDA-2024/201 Section 4.56 amended on 8 July 2025]

m) Amend Condition 60 – Breakthrough Wall

Prior to the issue of the relevant construction certificate the design of basement levels 1 and 2 must be revised to show for a future connection (i.e., breakthrough) to a future development on 28 High Street Mascot. The location of the breakthrough is to be at the bottom of each ramp on the wall at the boundary with 28 High Street. The width of the breakthrough is to be 7.8m wide.

[MDA-2024/201 Section 4.56 amended on 8 July 2025]

n) <u>Amend Condition 108 – Certification of New Stormwater System</u>

Prior to the issue of any Occupation Certificate, a Civil Engineer registered with the National Engineering Register (NER) must certify that the stormwater system has been constructed in accordance with the approved plans and as required by Bayside Technical Specification Stormwater Management. The constructed stormwater drainage system shall be inspected, evaluated, and certified. The certification shall demonstrate compliance with the approved plans, relevant Australian Standards, Codes and Council Specifications. A works-as-executed (WAE) drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. The WAE plan must clearly illustrate the surveyed dimensions and details of all drainage aspects. The certification and WAE plan(s) shall be supplied to the Principal Certifier and Bayside Council.

REASON

To ensure that the stormwater system is constructed as approved and in accordance with relevant standards.

[MDA-2024/201 Section 4.56 amended on 8 July 2025]

Location Plan



Attachments

- Planning Assessment Report Architectural Plans
- 2 🗸
- 3 ♣ Floor to Floor Diagram
- 4 UDRP Minutes
- 5 Landscape Plans

BAYSIDE COUNCIL

Planning Assessment Report



Application Details

Application Number: MDA-2024/201 (PAN-498884)

Date of Receipt: 2 January 2025

Property: 30 - 34 HIGH STREET MASCOT NSW 2020

Lot 3 DP 557050

Owner: JJ Evaline Pty Ltd

Applicant: Benson McCormack Architecture Pty Ltd

Proposal: Modification to DA-2021/463 including an increase to the

height and floor area of the building, conversion of four x 2bedroom units into 3-bedroom units, changes to external

materials and conditions of consent.

Recommendation: Approval

No. of submissions: Nil

Author: Fiona Prodromou – Senior Development Assessment

Planner

Date of Report: 17 June 2025

Key Issues

The subject site benefits from an existing development consent issued by the Land and Environment Court on 16 June 2023, for the demolition of existing structures, removal of trees and construction of a 5 storey building mixed use development comprising of a commercial tenancy to be used for business premises or retail premises and 23 residential units, 2 basement levels and associated landscaping.

The subject site benefits from a 2:1 FSR and 14m height of building standards. The approved development comprised an FSR of 1.93:1 and maximum building height of 17.375m. The aforementioned is an established height variation of 24.1% equivalent to 3.35m.

The proposal as modified does not alter the overall number of units within the development which remains at 23 in total, however, the modified development alters the unit mix as follows.

Bayside Planning Assessment Report

MDA-2024/201

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Approved Breakdown	Proposed Breakdown
7 x 1 bed	7 x 1 bed
10 x 2 bed	6 x 2 bed
6 x 3 bed	10 x 3 bed

The proposal as modified incorporates a minor increase in overall gross floor area i.e. 51.7sq/m and 2 surplus car parking spaces within the basement level, notwithstanding the modified development remains compliant with the 2:1 FSR for the site. i.e. 1.98:1.

The proposal as modified seeks to increase the floor to floor heights of the development to facilitate a 3.2m floor to floor, in lieu of the previously approved 3.1m floor to floor. This results in a proposed height of building increase beyond that was previously approved, from 17.375m to 18.225m as proposed. The aforementioned is a further increase of 850mm to the previously approved development and consequential overall 30.2% breach to the 14m height of building standard.

Considering the additional proposed variation to the height of building standard, it is essential to clarify that clause 4.6 – Exception to Development Standards of Bayside LEP 2021 does not apply to modification applications as in this case. This modification application is thus evaluated against the relevant criteria of 4.56 of the Act, ensuring that any proposed modifications to an approved development remain substantially the same as the original approval. This report includes an assessment of the modified proposal against 4.56.

The proposal as modified has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* ("the Act") and is recommended for Approval, subject to conditions.

The officers involved in writing and authorising this report declare, to the best of their knowledge, that they have no interest, pecuniary or otherwise, in this application or persons associated with it and have provided an impartial assessment.

Recommendation

- 1. That the Bayside Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to S4.56 of the *Environmental Planning and Assessment Act 1979* be satisfied that the proposed modification:
 - a) is substantially the same development as the development for which consent was originally granted and before that consent was modified;
 - b) has been notified in accordance with the Regulations and Bayside Development Control Plan 2022 and the submissions made have been considered;
 - c) is acceptable after considering reasons for the consent sought to be modified;
 - d) is acceptable having regard to the relevant matters in Section 4.15 of the Environmental Planning and Assessment Act 1979.
- 2. That the Bayside Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 and s4.17 of the *Environmental Planning and*

Bayside Planning Assessment Report

MDA-2024/201

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Assessment Act 1979, determine Development Application MDA-2024/174 for modification to DA-2021/463 including an increase to the height and floor area of the building, conversion of four 2-bedroom units into 3-bedroom units, changes to external materials and conditions of consent at 30-34 High Street Mascot, by GRANTING CONSENT to modify the original consent in the following manner:

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Bayside Planning Assessment Report

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			Architecture	
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MDA-2024/201

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			Landscape Architecture Pty Ltd	
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Power Assessment – Power Supply Arrangements	-	AAPE Engineering	14/02/2025
Access Report	А	Accessible Building Solutions	7 November 2022
Acid Sulfate soil assessment and Revised Management Plan	1	El Australia	22 August 2022
Detailed Site Investigation	0	El Australia	22 August 2022
Dewatering Management Plan	0	El Australia	12 September 2022
Building Code of Australia Assessment Report	3	Building Code Professionals	27 Augusts 2021
Fire Safety Schedule	А	Building Code Professionals Pty Ltd	25 August 2021
Acoustic Report	В	Acoustic Noise & Vibration Solutions	26 August 2021
Arboricultural Impact Assessment	А	Tree and Landscape Consultants	20 September 2021
Electrical Services Coordination Letter	A	CitiScope Engineers & Project Managers	27 August 2021

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Flood Report	А	S&G Consultants	30 August 2021
Photomontage	А	Benson McCormack Architecture	Undated
Pedestrian Wind Environment Statement Report		Windtech	26 August 2021

[MDA-2024/201 Section 4.56 amended on 8 July 2025]

b) Amend Condition 9 - Parking Allocation

Parking spaces and associated facilities shall be provided and allocated in accordance with the approved drawings / following table.

Use	Number of Spaces Allocated		
Residential			
Residential units	A total of 41 car parking spaces allocated as per the below:		
	 1 space per studio/1 bedroom unit 2 space per 2 bedroom unit 2 space per 3 or more bedroom unit Excess car parking spaces shall be allocated to a residential unit. 		
Residential visitor	5 car parking spaces (including 1 car wash bay and 1 van loading bay)		
Non-Residential			
Commercial	2 car parking spaces		
Bicycle parking			
Residential	24 bicycle spaces in the basement & 2 residential visitor bicycle spaces on the ground level		
Motorcycle parking			
Residential	3 Motorcycle spaces		
Commercial	1 Motorcycle space		

The above allocation must be adhered to and complied with at all times and shall be reflected in any subsequent Strata subdivision of the development.

All residential visitor spaces, car wash bays and loading bays shall be stated as common property on any Strata plan for the site.

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All residential accessible parking spaces shall be allocated to adaptable dwelling units.

Any tandem / stacked parking spaces shall be allocated to a single residential / commercial unit only.

REASON

To ensure that car parking is provided and allocated in accordance with the approved plans and documentation.

[MDA-2024/201 Section 4.56 amended on 8 July 2025]

c) Amend Condition 18 - Payment of s7.11 Contributions

- a) Before the issue of the first occupation certificate in respect of any building to which this consent relates, a section 7.11 contribution calculated in accordance with subclause (c) must be paid, except as provided by subclause (b).
- b) If no construction certificate in respect of the erection of any building to which the consent relates has been issued on or before 25 September 2022, the monetary contribution must be paid before the issue of the first construction certificate after that date for any such building.
- c) The applicant must pay the following contributions to Council for:
 - (i) Former City of Botany Bay Section 7.11 Contributions Plan 2016 – Amendment.

Community Facilities	\$37,470.39	
Open Space & Recreation	\$302,109.98	
Transport (Mascot)	\$77,038.56	
Administration	\$3,381.07	
Total in 2024/2025	\$420,000.00	

The total contribution payable to Council under this condition is \$420,000.00 as calculated at the date of this consent.

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of Former City of Botany Bay Section 7.11 Contributions Plan 2016 – Amendment.

A copy of the development contributions plan is available for inspection at Council offices.

REASON

To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

[MDA-2024/201 Section 4.56 amended on 8 July 2025]

d) Amend Condition 22 - Waste Storage (Residential and Mixed Use

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Developments)

The plans shall include details of the waste storage area. The waste storage area shall not be visible from the street. The waste storage area shall be located within the lot / building in accordance with the approved plans.

The waste storage area shall be large enough to accommodate the required number of bins for the development and located in an area to suitably facilitate servicing on waste collection day.

The path to the bin room is to be at least 1.0 metres wide and kept clear and unobstructed at all times.

Residential Waste

The development will require the provision of the following waste and recycling facilities:

- a) Domestic Waste 1 x 120 / 1,100 litre mobile bins per unit / dwelling. Usually provided as a 240 litre or 660 litre bin using this ratio, and
- b) Domestic Recycling 1 x 240 / 1,100 litre mobile bin per 3 units / dwellings, and
- c) Green Waste 1 to 2 x 240 litre mobile bins per unit block, and.
- d) Bulk Waste Storage Area Minimum 10m².

Commercial Waste

For the Commercial portion of the building appropriate waste and recycling containers and facilities will need to be provided for all specific end use businesses in accordance with the following waste generation rates:

- Retail Trading shops, to 100 square metres 0.1-0.2 cubic metres per 100 square metres of floor area per day, and
- b) Restaurants and Food Shops 0.3-0.6 square metres per 100 meals, plus up to 0.15 cubic metres of beverage containers per 100 meals, and
- Office 0.01-0.03 cubic metres per 100 square metres of floor area per day.

REASON

To manage waste in accordance with Council's Waste Management Technical Specifications.

[MDA-2024/201 Section 4.56 amended on 8 July 2025]

e) Amend Condition 29 - Intertenancy Acoustic Attenuation

The development shall achieve the following minimum equivalent AAAC Star Rating within the below specified areas of the development.

 a) Three (3) Star for tiled areas within kitchens, balconies, bathrooms and laundries. Tiled flooring within corridors, living areas and bedrooms is

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not permitted, and

- b) Four (4) Star for timber flooring in any area, and
- c) Five (5) Star for carpet in any area.

The development shall comply with the Building Code of Australia requirement for walls dividing occupancies.

A report shall be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The report is to include BCA requirements and details of floor/ceilings between residential apartments. Floor coverings within apartments shall be identified within the report.

A suitably qualified Acoustic Engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership is to certify that the details provided in the said report satisfy the requirements of this condition, with the certification to be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate for the relevant stage of works.

REASON

To minimise adverse amenity impacts to residents within the building. [MDA-2024/201 Section 4.56 amended on 8 July 2025]

f) Amend Condition 32 - Adaptable Units and Parking

Access must be provided to and within a minimum of five (5) residential units, and between these units and their allocated car parking spaces in accordance with Council's Development Control Plan and Australian Standard 4299: Adaptable housing. The required adaptable units shall be unit numbers 101, 105, 201, 205 and 304. The units shall be constructed to comply with the requirements of AS 4299.

Details demonstrating compliance shall be submitted to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate.

Note: Compliance with Council's Development Control Plan does not necessarily guarantee that the development meets the full requirements of the Disability Discrimination Act 1992. It is the responsibility of the applicant to make the necessary enquiries to ensure that all aspects of the Act are satisfied.

REASON

To ensure adaptable units are provided and designed in accordance with the relevant standards.

[MDA-2024/201 Section 4.56 amended on 8 July 2025]

g) Amend Condition 36 - Detailed Design Stormwater Management Plan

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Prior to the issue of any Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Bayside Council Director of City Futures (or delegate) for assessment and approval. Engineering design certification and drainage design calculations are to be submitted with the plans. Bayside Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the site, including the final discharge/end connection point, must comply with Bayside Technical Specification Stormwater Management.

The detailed drainage design plans shall incorporate the provisions generally made in the stormwater concept plans prepared by John Romanous & Associates, project/job number 2426, dated 08.04.2025, revision/issue H along with the revisions/requirements detailed below:

- a) An On-Site Detention System (OSD) shall be provided for the site and designed in accordance with Section 6 of Bayside Technical Specification Stormwater Management.
- All calculations for the OSD storage and maximum site discharge are to be provided.
- c) An OSD catchment plan is to be provided showing the impervious (roof and hardstand) and pervious area draining into the OSD's system. Also show the bypass area. If there is OSD bypass, the combined bypass and OSD discharge is to comply with section 6 of Bayside Technical Specification Stormwater Management.
- d) An OSD base plan is to be provided showing all base levels and minimum 1% fall toward the outlet. The OSD base plan is also to include weir RL's and overall dimensions,
- e) The stormwater discharge from the site shall connect to the underground stormwater pit and pipe system along the frontage of the site (a connection to the kerb and gutter system is not permitted). A new kerb inlet pit shall be constructed along the sites frontage,
- f) A minimum capacity 10,000L rainwater tank is to be provided. Only non-trafficable roof areas shall drain to the rainwater tank, planter box and trafficable floor drains must not drain to the rainwater tank. The rainwater tank is to be to be connected to all ground floor toilet flushing, the cold water tap that supplies all clothes washing machines on the ground floor, the car wash bay(s), and the ground floor landscape irrigation system for non-potable stormwater re-use. The re-use of the rainwater tank must be shown on the drawings,
- g) The basement pump-out pit shall be designed as per AS3500.3. The top water level (TWL) of the pump well is to be shown and the lowest inlet into the pump well is to be 100mm higher than the TWL. The pump out system from the basement carpark proposed shall discharge to the on-site stormwater detention (OSD) system,
- h) No pump-out shall be used to drain seepage from the basement due to the elevated water table level. That is the basement shall be designed as a "fully tanked" structure. The pump-out can only be utilised to dispose runoff that may enter the basement carpark from driveway access to the basement,

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- All surface run-off from the car parking levels is to be directed through an oil separator. Manufacturer details to be provided for the oil separator,
- j) The stormwater drainage plans shall incorporate a Stormwater Quality Improvement system to ensure compliance with section 7.1 of Bayside Technical Specification Stormwater Management. A MUSIC model must be prepared for the development demonstrating that water quality improvement meets or exceeds the stormwater pollution reduction targets as described in section 7.1 of Bayside Technical Specification Stormwater Management. The MUSIC model must be prepared in line with the NSW MUSIC Modelling Guidelines and submitted to council for assessment and approval.
- k) A WSUD catchment plan shall be provided and be aligned with the MUSIC modelling,
- Manufacturer details are to be provided for the proprietary products used for stormwater treatment,
- m) Overflow from the WSUD tank is not to be directed into the basement, it must be directed to the street.
- n) The drainage for the car wash bay is to be shown (to be fully bunded with all run-off directed to the sewer),
- Details of maintenance access through the side hatch to the OSD and RWT shall be detailed in the drawings. Step irons are to be provided.

REASON

To ensure compliance with Bayside Technical Specification Stormwater Management.

[MDA-2024/201 Section 4.56 amended on 8 July 2025]

h) Amend Condition 40 – Protection of Basement and Building Structures Below Flood Level.

All proposed habitable floor levels and basement car park entry levels within the development site shall be set 500mm above the 1% AEP flood level. The underground basement and substructures, access stair wells, lift wells, windows, pedestrian entry / exit points etc. shall be flood proofed and physically protected to a minimum of 500mm above the 1% AEP flood level. A design certification report for floor levels of buildings and structures prepared by a suitably qualified engineer shall be submitted to the Principal Certifier prior to the issue of the relevant Construction Certificate.

REASON

To ensure the development meets flood planning requirements.

[MDA-2024/201 Section 4.56 amended on 8 July 2025]

i) <u>Amend Condition 42 – Detailed Parking Facility Design Requirements and Certification</u>

Prior to the issue of the relevant Construction Certificate, the construction certificate plans and supporting documentation shall demonstrate compliance with the following:

a) Compliance with AS2890 Car, Bicycle and Motorcycle Parking:

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- i. The parking facility (including parking spaces, ramps, aisles, vehicular crossing etc.) must comply in full with AS2890.1. The longitudinal profile(s) of the access driveway and any ramps within the parking facilities must comply with the Ground Clearance, Gradient (%) and Length requirements of the 2890 Australian Standards Series, and
- ii. All vehicles are to enter and exit the site in a forward direction, and
- iii. The minimum number of accessible car parking spaces shall be in accordance with the relevant disability legislation. The design and construction of accessible car parking spaces shall be in accordance with AS2890.6, and
- iv. The gate for the basement shall be located to permit the queuing of one (1) vehicle when waiting to enter the basement garage, and
- v. Pedestrian sightlines for vehicles existing the site are to comply with AS2890.1, and
- vi. Convex mirrors shall be provided at blind corners within, and leading to, the car parking levels to provide increased sight distance for vehicles, and
- vii. The car wash bay(s) shall be 3.5m wide, and
- viii. 4 motorcycle parking spaces shall be provided and designed as per AS2890.1:2004, and
- ix. A minimum of 24 residential bicycle parking spaces and 2 visitor bicycle parking spaces must be provided as part of the development and designed in accordance with AS2890.3:2015. Bicycle parking for residents is to be in the form of bike racks within a well-lit secure room/structure monitored by security camera surveillance. All visitor bicycle spaces shall be located at the entrance to the development and be designed as security level C from table 1.1 of AS2890.3:2015. The visitor bicycle spaces are to be relocated so that they are not adjacent to the OSD or RWT (as the bicycle spaces may prevent access for maintenance), and
- x. A bollard shall be provided between spaces 14 & 15 on basement level 2 and between spaces 02-V and 03-V on basement level 1 to prevent vehicles parking in front of the basement fire escape doors.

The design of the entire car parking facility is to be certified by a Civil Engineer registered with the National Engineering Register (NER) as being strictly in accordance with the abovementioned requirements and the Australian Standard 2890 parking facilities series.

REASON

To ensure compliance with the relevant Australian Standard. [MDA-2024/201 Section 4.56 amended on 8 July 2025]

j) Amend Condition 57 – Electric Vehicle Charging

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Prior to the issue of the relevant construction certificate, plans and specifications are to be submitted for approval by the Certifier demonstrating that 100% of the parking spaces for dwellings make provision for electric vehicle charging.

REASON

To maximise the sustainability of the development.

[MDA-2024/201 Section 4.56 amended on 8 July 2025]

k) Amend Condition 58 – Non-potable Stormwater Re-use

Prior to the issue of the relevant Construction Certificate the plans and specifications are to be submitted for approval by the Certifier demonstrating that the rainwater tank is connected for non-potable stormwater re-use to all ground floor toilets & clothes washers, the car wash bay and the landscape irrigation.

REASON

To maximise the sustainability of the development.

[MDA-2024/201 Section 4.56 amended on 8 July 2025]

I) Amend Condition 59 – Solar Panels

Prior to the issue of the relevant Construction Certificate plans and specifications are to be submitted for approval by the Certifier demonstrating the provision of additional solar panels to maximise the coverage of the non - trafficable roof space.

REASON

To maximise the sustainability of the development. [MDA-2024/201 Section 4.56 amended on 8 July 2025]

m) Amend Condition 60 - Breakthrough Wall

Prior to the issue of the relevant construction certificate the design of basement levels 1 and 2 must be revised to show for a future connection (i.e., breakthrough) to a future development on 28 High Street Mascot. The location of the breakthrough is to be at the bottom of each ramp on the wall at the boundary with 28 High Street. The width of the breakthrough is to be 7.8m wide.

[MDA-2024/201 Section 4.56 amended on 8 July 2025]

n) Amend Condition 108 – Certification of New Stormwater System

Prior to the issue of any Occupation Certificate, a Civil Engineer registered with the National Engineering Register (NER) must certify that the stormwater system has been constructed in accordance with the approved plans and as required by Bayside Technical Specification Stormwater Management. The constructed stormwater drainage system shall be inspected, evaluated, and certified. The certification shall demonstrate compliance with the approved plans, relevant Australian Standards, Codes and Council Specifications. A

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works-as-executed (WAE) drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. The WAE plan must clearly illustrate the surveyed dimensions and details of all drainage aspects. The certification and WAE plan(s) shall be supplied to the Principal Certifier and Bayside Council.

REASON

To ensure that the stormwater system is constructed as approved and in accordance with relevant standards.

[MDA-2024/201 Section 4.56 amended on 8 July 2025]

Background

History

The site benefits from an existing consent issued by the Land and Environment Court on 16 June 2023.

DA-2021/463 was approved to facilitate the demolition of existing structures, removal of trees and construction of a 5 storey building mixed use development comprising of a commercial tenancy to be used for business premises or retail premises and 23 residential units, 2 basement levels and associated landscaping.

This application seeks to modify the aforementioned court consent pursuant Clause 4.56 of the EP&A Act.

Proposal

The proposal as modified seeks to undertake the following.

Basement Level 2 (27 car parking spaces)

- Relocate Fire Stair 3 from the southern corner of the basement to the centre of the floor plan, adjacent to the passenger lift.
- Reconfigure car parking layout.
- Lower basement level by 150mm to accommodate structural and mechanical engineering compliance requirements.
- Increase in adaptable/accessible car spaces from 2 3 spaces.
- Increase bicycle spaces from 12 24 and add two (2) residential motorcycle spaces.
- Introduction of building utilities (e.g. exhaust risers, car wash holding tank, pump station).
- Increase storage volumes per dwelling and amend layout.

Basement Level 1 (21 car parking spaces)

- Relocate Fire Stair 3 from the southern corner of the basement to the centre of the floor plan, adjacent to the passenger lift.
- Reconfiguration of car parking layout, addition of one (1) residential and one (1) business motorcycle space.
- Relocate diesel pump room to ground level.
- Reconfiguration of waste rooms to suit a revised number of bins.
- Introduction of building utilities (e.g. exhaust risers, pump station).

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Increase storage volumes per dwelling and amend layout.

Ground Floor

- Reconfigure commercial tenancy with increased front setback and relocated WC, reducing the tenancy from 79.9sq/m to 76.7sq/m.
- Reconfigured access to commercial tenancy (deleting the direct staircase) and increase in deep soil in the front setback.
- Relocate fire booster assembly and valve box to site frontage.
 Note A blast wall to the fire booster assembly is not required given the building is to be sprinkler protected in accordance with NCC requirements.



- Add meters to the John Curtin Reserve walkway behind the proposed landscaping.
- Relocate fire egress stairs from basement to adjoin western boundary of site and commercial tenancy.
- Remove pedestrian access to and from the subject site with the adjacent John Curtin Reserve including pedestrian access via the Lobby. Reconfigure the internal layout of apartment G03 accordingly.
- Addition of 1.8m high periphery metal palisade fencing to side and rear of the site adjoining John Curtin Reserve.
- Amend internal layout of each unit and subsequent modification to building envelope.
- · Deletion of the substation.
- Amend OSD/RWT location and reconfiguration to suit former substation space.
- Introduction of building utilities (e.g. MSB, domestic water pump, exhaust risers, etc.).
- Add residential visitor (2) and business (1) bicycle parking.
- Reconfigure extent of Private Open Space (POS) associated with apartments G01, G02 and G03 including extent and configuration of landscaping.
- Relocation of services i.e. mechanical supply / exhaust systems. Amend extent of rainwater and OSD tanks to accommodate the amended fire egress passages.
- Relocate recycle waste cupboard and house electrical distribution board.
- Maintain landscaping upgrades immediately adjacent to the subject site.

Level 1-2

- Amend the width of fire stair 1 to accommodate the interface with fire stair 3 at ground level.
- Increase floor-to-floor heights of both floors by 100mm from 3.1m to 3.2m.
- Reconfiguration of internal layouts of each unit.
- Conversion of 1 x 2 bedroom unit to 1 x 3 bedroom unit per floor.
- Swap adaptable unit allocation from Unit 103 to 101.
- Amend extent and location of balconies and window openings.
- Adjust fire stair configuration.

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- Modification to building envelope to accommodate above modifications.
- Introduction of building utilities and amendment to services (e.g. electrical, communication and hydraulic cupboards, exhaust risers, etc.).

Level 3

- Amend the width of fire stair 1 to accommodate the interface with fire stair 3 at ground level.
- Increase floor-to-floor height by 100mm from 3.1m to 3.2m.
- · Amend internal unit layouts f each unit.
- Conversion of 1 x 2 bedroom unit to 1 x 3 bedroom unit.
- Amend extent and location of balconies and window openings.
- Adjust fire stair configuration.
- Modification to building envelope to accommodate above modifications.
- Introduction of building utilities (e.g. electrical, communication and hydraulic cupboards, exhaust risers, etc.).

Level 4

- Amend the width of fire stair 1 to accommodate the interface with fire stair 3 at ground level.
- Increase floor-to-floor height by 100mm from 3.1m to 3.2m.
- Amend internal layouts of each unit.
- Amend extent and location of balconies and window openings.
- Adjust fire stair configuration.
- Modification to building envelope to accommodate above modifications.
- Increase size of the communal open space by 8sq/m from 149.4sq/m to 157.4sq/m and alteration to landscape design. Relocation of toilet for external access in lieu of access from lobby.
- Introduction of building utilities (e.g. electrical, communication and hydraulic cupboards, exhaust risers, etc.).

Roof Level

- Increase roof height by 540mm to suit 400mm of floor-to-floor height increases and 140mm of additional height to accommodate insulation requirements to the underside of the roof slab from the BASIX Certificate.
- Increase lift overrun height by 850mm to suit the 540mm increase above and an additional 310mm to satisfy vertical transportation engineering requirements.
- Replace three roof windows with two (2) operable skylights per unit (eight total).

Material Amendments

Material and finishes amendments, including replacing concrete spandrels and balustrades with corbeled face brickwork and introducing metal palisade balustrading in lieu of entirely concrete balustrades.

Changes to Conditions

The applicant seeks to modify conditions as follows to facilitate the staging of construction.

29 - Intertenancy Acoustic Attenuation

Amend 'prior to the issue of any construction certificate' to 'prior to the issue of the relevant construction certificate'.

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37 - Tanking and Waterproofing Basement Intercepting Groundwater Table.

Amend 'prior to the issue of any construction certificate' to 'prior to the issue of the relevant construction certificate'.

40 - Protection of Basement and Building Structures Below Flood Level.

Amend 'prior to the issue of any construction certificate' to 'prior to the issue of the relevant construction certificate'.

42 - Detailed Parking Facility Design Requirements and Certification.

Amend 'prior to the issue of any construction certificate' to 'prior to the issue of the relevant construction certificate'.

46 - Frontage Works Application.

Amend 'prior to the issue of any construction certificate' to 'prior to the issue of the relevant construction certificate'.

48 - Undergrounding of Overhead Services and Installation of Lighting.

Amend 'prior to the issue of any construction certificate' to 'prior to the issue of the relevant construction certificate'.

53 - Landscape Frontage Works Application.

Amend 'prior to the issue of any construction certificate' to 'prior to the issue of the relevant construction certificate'.

57 - Electric Vehicle Charging.

Amend 'prior to the issue of any construction certificate' to 'prior to the issue of the relevant construction certificate'.

58 - Non-potable Stormwater Re-use.

Amend 'prior to the issue of any construction certificate' to 'prior to the issue of the relevant construction certificate'.

59 - Solar Panels.

Amend 'prior to the issue of any construction certificate' to 'prior to the issue of the relevant construction certificate'.

60 - Breakthrough Wall.

Amend 'prior to the issue of any construction certificate' to 'prior to the issue of the relevant construction certificate'.

In the case of properties 24-28 High Street being amalgamated, the burden upon the future Owners Corporation for providing vehicular access through the subject property will no longer be necessary. As such, the following statement is being proposed for insertion:

'In the event properties 24-28 High Street are amalgamated through future development, the need for vehicular access to the neighbouring property through No.32-34 High Street is not

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reauired.

Site Location and Context

The subject site is commonly known as 30-34 High Street, Mascot, and is legally referred to as Lot 3 in Deposited Plan 557050 and Lot A in Deposited Plan 103830. The site is located on the southern side of High Street between the intersections of Botany Road in the east, O'Riordan Street in the west and Robey Street in the south.

The site is an irregular shape. The front boundary to High Street measures 27.775m in width. The western side boundary measures 46.885m. The rear boundary measures 17.485 in width to the existing 30 High Street, with a 13.255m dog-leg section and an additional 12.255m segment to the existing 34 High Street. The western side boundary is 33.46m. The overall site area is 1,198.5sg/m.

The subject site is zoned E1 – Local Centre, benefits from a maximum height of building standard of 14m and FSR of 2:1 as per Bayside LEP 2021.

The site is affected by the PMF and 1% AEP flood hazard and further positioned opposite and adjoining (to the west) properties within the R2 low density zone thus at the zone interface of high to low density. Properties within the R2 zone benefit from a maximum 9m height of building standard.

Currently located on the site are single storey brick with tile roof dwelling houses on each allotment with a brick garage at the rear of No. 30 and a metal shed at the rear of No. 34. Both properties have existing vehicle access and several trees of varying size. The site location is identified below.



Aerial view of subject site

The site is generally flat, with a level difference of 240mm from the front to north-western corner to south-eastern corner. Development in the area is mixed in nature from single storey detached dwellings to 5 storey mixed use and residential flat buildings.

Immediately adjoining the side western boundary is a pedestrian access handle to John Curtin Memorial Reserve. To the rear of the site the property adjoins John Curtin Reserve and an existing 5 storey mixed use development at 19-25 Robey Street.

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Notwithstanding the zoning, the predominant built form on High Street currently is single storey older stock dwelling houses. A mixture of red brick and rendered façades with tiled roofs are present. Further to the east at 6-22 High Street is an older style three storey residential flat building complex.

Directly adjoining the site to the east is 24 – 26 and 28 High Street, these properties are currently occupied by single storey detached dwelling houses, yet zoned for development of a height, bulk and scale akin to the proposed development. These properties are not developed to their full potential. It is noted that 24-26 High Street benefits from an existing court consent for a four storey boarding house development with basement car parking. To the rear of the site is the aforementioned John Curtin Memorial Reserve, an area of public open space centrally in the block between High Street and Robey Street. Also to the rear is a 5 storey mixed-use development at 19-25 Robey Street. A second 5 storey mixed use development is present at 27-29 Robey Street and a third at 1 Robey Street, on the corner with Botany Road.

Further to the east of the site is the primary commercial strip along Botany Road primarily two storeys in height and older stock.

The site is located within the Mascot Town Centre and is well located to local services and amenities. Buses frequently service Botany Road at stops located 270m walking distance from the site. Opposite is an IGA as are numerous eateries and shops. The site adjoins the primary area of public open space in John Curtin Memorial Reserve. It is also within easy walking distance of the Mascot Library and Mascot Public School.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

An assessment of the application has been undertaken pursuant to the provisions of the *Environmental Planning and Assessment Act, 1979* ("the Act").

S4.56 - Modification of consents granted by the Court

S4.56 - Modification by consent authorities of consents granted by the Court

The following quotes the provision of this Section of the Act, including a response to each:

Section 4.56 of the Act states:

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

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

Comment

The proposal remains as previously approved, namely a five storey mixed use development. Proposed modifications do not change the land use or substantially alter the nature, scale or extent of the development.

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Having regard to both the qualitative and quantitative changes proposed, it is considered that the proposed Modification Application remains substantially the same development as that originally approved.

- b) it has notified the application in accordance with:
 - (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Comment

The proposal as modified has been notified in accordance with Bayside Development Control Plan 2022.

c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and

Comment

Council sought to notify each person who made a submission in relation to the original application proposed to be modified, by written notice to the last known address on record.

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

Comment

The proposal as modified was notified from 20 January – 5 February 2025. Nil submissions were received.

S4.56(1A) of the Act (Matters for Consideration and Reasons for the Consent or conditions sought to be varied)

S4.56(1A) of the Act states:

i. In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Response

Consideration of matters in Section 4.15(1) are detailed below. The original court issued consent (DA-2021/463) did not include any reasons for the granting of this initial consent. Notwithstanding, implied reasons have been outlined in the subsequent 'Conclusion and Reason for Decision' section of this report.

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S4.15 (1) - Matters for Consideration - General

S4.15 (1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application.

State Environmental Planning Policies

State Environmental Planning Policy (Sustainable Buildings) 2022

The applicant has submitted a BASIX Certificate for the proposed development, being Certificate number 1233341M_07. Commitments made within BASIX certificates result in reductions in energy and water consumption on site post construction. Condition 1 shall be revised to reflect the updated BASIX certificate for the proposal as modified. The proposal is satisfactory in this regard.

State Environmental Planning Policy (Housing) 2021

The proposal as modified has been assessed against the relevant requirements of the SEPP and accompanying Apartment Design Guide as follows.

146. Design Review Panel (DRP)

The proposal as modified was peer reviewed by the Design Review Panel on 6 March 2025. The Panel supported the application subject to minor amendments discussed below. The Panel deemed the application to satisfy the design quality principles contained in SEPP Housing 2021.

147 (a) The design quality of the development when evaluated in accordance with the design quality principles.

The design quality principles have been considered in the assessment of the proposal as modified and are found to be satisfactory as detailed below.

Principle 1 - Context and Neighbourhood Character

Panel Comment

The panel raised no objection to the modified scheme, noting the area's mixed character and context.

Council Comment

The assessing officer concurs with the Panel and considers that the modified proposal remains in keeping with the existing and emerging 5 storey character of the mascot local centre and provides an acceptable transition to the adjoining low density zone to the west and opposite within High Street.

Principle 2 - Built Form and Scale

Panel Comment

The Panel stated "The previous approval included 23 apartments and a maximum building height of 17.375m. The revised proposal includes 23 apartments with a maximum building height of 18.225m (0.85m additional). The change is primarily due to an increase floor-to floor heights in order to align with recent changes to the NCC. This is considered acceptable."

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Council Comment

The assessing officer concurs with the Panel and considers the modified building form and overall building height to be acceptable, with minimal risk of adverse amenity impacts on neighbouring properties. The revised proposal maintains an appropriate height, bulk, and scale, and maintains compliance with the 2:1 FSR standard for the site. i.e. 1.98:1.

Principle 3 - Density

Panel Comment

The Panel stated that "due to the site's proximity to public transport, the sizing and mix of apartment types is considered reasonable."

Council Comment

It is reiterated that the revised proposal maintains an appropriate height, bulk, and scale, the number of units remains as approved, and FSR remains compliant despite a minor increase in gross floor area on site i.e. 51.7sq/m. The proposal as modified is satisfactory in this regard.

Principle 4 - Sustainability

Panel Comment

The Panel noted as follows;

- i. The proposal aims at minimum BASIX compliance. The Panel notes that the design has the potential to provide excellence in sustainability measures. Large expanses of roof space can be utilised for solar panels and rainwater catchment with particular consideration given to the future running of the building and the provision of basic sustainability measures (including natural cross ventilation, compliant sunlight, lowE glazing and sun shading). Additional measures should include rainwater reuse, deep soil planting, greenhouse gas reduction, GoGet car parking, electrical charging stations and ongoing strata commitments for commercial spaces.
- ii. Consider Bio solar or green roof with PV cells on roof space.
- Consideration should also be given to the introduction of shading devices in lieu of dark glazing across the facades.

Council Comment

The following is provided in response to the above;

i. The site is not subject to the Design Excellence requirements which trigger stricter sustainability requirements for the development. Notwithstanding, the provisions of BASIX apply, the proposal is compliant with the BASIX provisions. The proposal further adheres to the ADG requirements with respect of cross ventilation and solar access.

The proposal as modified further incorporates solar panels and operable skylights to units at the top level of the building, to maximise sustainability, a 10,000kl rainwater tank and deep soil planting. The proposal as modified is deemed to be satisfactory in this regard.

ii. Solar panels have been incorporated at the rooftop.

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iii. The design has been revised to include protruding elements to provide shade to north and west facing windows.

Principle 5 - Landscape

Panel Comment

The Panel noted as follows;

"The location of the site adjacent to the John Curtin Memorial Reserve provides opportunities to supplement and add to the landscape amenity that is present in the Reserve. The Reserve is typical of new open space areas that were provided in the 1970s and represents a mature treed landscape of predominately native species.

The applicant is supported in their design approach in complementing the existing vegetated amenity with further plantings on the subject site and the inclusion of upgrading of the entry to the Reserve that is on the western boundary of the subject site.

A further design refinement is necessary to define private and public open space. At present, there are no margins that define the site from the Reserve that could lead to confusion with public safety, CPTED considerations, and unnecessary amenity impacts on residents.

Due to the enclosed nature of the Reserve, the Reserve is closed at night. Presently there is 1800mm high fence on the subject site that provides security to the site and the Reserve. The proposal does replace this security but proposes an open landscape treatment adjacent to the upgraded gates and fence, leaving no security to the Reserve.

While the Panel supports to the concept of a visually "seamless" flow of landscape between the subject site and Reserve, a revised landscape plan with appropriate recognition of the issues of security and privacy is required."

Council Comment

In response to the Panel comments above and noting concerns regarding safety, security and the delineation of private / public land, the proposal has been revised to incorporate a 1.8m high fencing at the common western side and southern rear boundary of the site with the adjoining reserve.

Fencing is recessed from the legal rear and western side property boundaries of the site and facilitates the retention of previously approved planting at the common boundary with the reserve in this location. The aforementioned approach is supported and a positive response to the feedback of the panel.

Principle 6 - Amenity

Panel Comment

The Panel proposed the following modifications to improve the schemes urban built form response:

- a. Consider relocation of fire services out of landscaped front setback zone
- b. Review rear fire egress to ensure this is an adequate form of escape
- c. Consider landscape interface at proposed rear site boundary and public park particularly in regards to security and privacy

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Council Comment

Amended plans submitted to council have addressed the above as follows:

Relocating the fire hydrant booster entirely out of the landscaped front setback zone
is not possible due to essential compliance requirements for emergency access,
proximity to the street, and service clearances.

The visual impact of the booster however has been minimised through careful placement and integration within the landscape design to ensure the overall amenity and streetscape character are maintained.

- The matter of the fire egress has been discussed previously, the fire egress has been relocated and is since resolved.
- c. As previously noted, a 1.8m high metal palisade fence has been installed along the western and southern boundaries to enhance safety and security for the development, while maintaining visibility, amenity, and an appropriate interface with John Curtin Reserve.

Principle 7 - Safety

Panel Comment:

The Panel noted the proposal was acceptable with respect of safety and security as previously approved.

Council Comment

The assessing officer notes that the introduction of 1.8m high palisade metal fencing along the western side and southern rear boundaries of the site assists in improving safety and security to the proposed development.

Principle 8 - Housing Diversity and Social Interaction

Panel Comment:

The Panel stated that 'Due to the site's proximity to public transport, the sizing and mix of apartment types is considered reasonable."

Council Comment:

The assessing officer concurs with the Panel and supports the revised unit mix, specifically the increase in 3 bedroom larger dwellings within the development from 6 as approved to 10 as proposed.

Principle 9 - Aesthetics

Panel Comment

The Panel stated "the building form and façade articulation has been carefully considered and is acceptable".

Council Comment

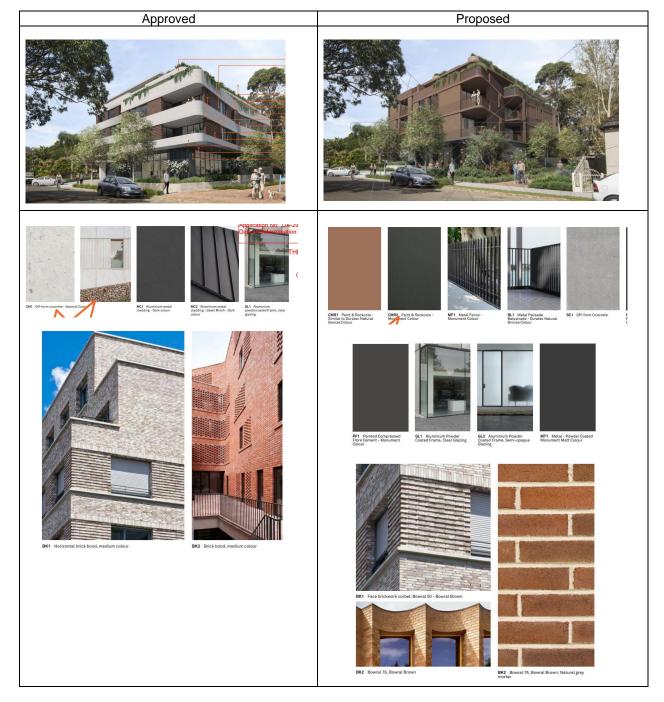
The proposal as modified seeks to alter previously approved material and finishes of the development, including replacing concrete spandrels and balustrades with corbeled face brickwork and introducing metal palisade balustrading in lieu of entirely concrete balustrades. A comparison is provided below.

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Modified finishes were deemed acceptable by the Panel and will ensure the delivery of a well designed built form within the existing and emerging context of the site.



147(b). The Apartment Design Guide

The proposal as modified has been assessed against the relevant sections of the Apartment Design Guide (ADG) below.

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SECTION	DESIGN CRITERIA	СОММ	COMPLIES		
3C – Public Domain Interface	Max 1m level change from footpath to ground floor level of building. Landscaping to soften building edge and improve interface.	Level access from within High Street	Yes		
	Mailboxes located in lobbies or integrated into front fence	Mailboxes integra wall of commercia		Yes	
3D - Communal Open Space	25% (299.6sq/m) Site Area	As Approved Proposed 149.4sq/m 157.4sq/m (12.9%) at Level 4 4 4 4		No – increase from approved, variation originally granted given proximity to public open space.	
	50% (149sq/m) to receive 2 hours solar access in midwinter 9am - 3pm			Yes	
3E - Deep Soil Zone	7% (83.8sqm) site area Minimum Dimensions 3m	12% (145	Yes		
3F - Visual Privacy Min separation - side & rear boundaries.	Up to 12m (4 storeys) Hab. Rooms / Balconies = 12m Non Hab. Rooms = 6m +3m at zone interface	2m (4 storeys) poms / Balconies = 12m b. Rooms = 6m 9m setback to western side at zone interface, retained as approved. Party wall construction to eastern			
3G – Pedestrian	Multiple entries provided to activate street edge	Commercial and provide activation		Yes	
Access & Entries	Building access clearly visible from public domain			Yes	
	Steps / ramps integrated into building & landscape design	Level ramped acc into the primary c pedestrian entry c landscaped comn within the develop	Yes		
	Electronic access to manage access	Secure access to originally propose		Yes	
3H – Vehicular Access	Car park access integrated with building façade & behind building line.	Recessed roller d basement, car pa integrated into faç originally approve	rk access çade as	Yes	

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SECTION	DESIGN CRITERIA	COMMENTS	COMPLIES
	Garbage collection, loading & servicing areas screened	Waste storage areas within basement	Yes
	Pedestrian / vehicle access separated & distinguishable.	Pedestrian and vehicular access areas are physically delineated and distinguishable	Yes
3J - Bicycle & Car Parking	Parking as per Council DCP.	Refer to assessment in 3.5 – Transport, Parking and Access	Yes
4A – Solar & Daylight Access	Living rooms + POS of at least 70% (16 of 23) of apartments receive min 2hrs direct sunlight b/w 9am & 3 pm mid-winter	73.9% (17 of 23)	Yes
	Max 15% (4 of 23) apartments receive no direct sunlight b/w 9am & 3pm mid-winter	13% (3 of 23)	Yes
4B – Natural Ventilation	Min 60% (14 of 23) of apartments are naturally cross ventilated.	74% (17 of 23)	Yes
4C – Ceiling	Floor to Ceiling	2.7m / 2.4m	Yes
Heights	Habitable – 2.7m		
	Non Habitable - 2.4m		
4D – Apartment	1 bed - 50sqm	55.4sq/m - 56.4sq/m	Yes
Size & Layout	2 bed+ 2 bath - 75sqm	83.9sq/m - 95.2sq/m	Yes
+5sq/m per extra bathroom	3 bed + 2 bath - 95sqm	108.3sq/m – 128sq/m	Yes
4E – Private	1 bed – 8sqm 2m min depth	11.8sq/m - 56.4sq/m	Yes
Open Space & Balconies.	2 bed – 10sqm / 2m min depth	10.4sq/m – 53.9sq/m	Yes
	3 bed – 12sqm / 2.4m min depth	13.6sq/m - 134 sq/m	Yes
4F – Common Circulation	Max apartments off a circulation core on a single level is eight.	Max 6	Yes
4G – Storage	1 bed - 6 cubic metres	C. #isiant standard within shoulling	Yes
50% is located within	2 bed - 8 cubic metres	Sufficient storage within dwellings and basement level	
apartment	3 bed - 10 cubic metres		
4K – Apartment Mix	Variety of apartment types provided & flexible apartment configurations to support diverse household types and stages of life	Refer to 5.1.4 - Quality of Design and Housing Choice and Diversity	Yes

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SECTION	DESIGN CRITERIA	COMMENTS	COMPLIES
	Larger apartment types located on ground / roof level where there is potential for more open space &corners where more building frontage is available		Yes

Bayside Local Environmental Plan 2021

	Relevant Clauses	Compliance with Objectives	Compliance with Standard / Provision
2.3	Zone and Objectives E1 – Local Centre	Yes see discussion	Not Applicable
4.3	Height of Buildings 14m maximum	Yes see discussion	No see discussion
4.4	FSR 2:1 maximum	Yes see discussion	Yes see discussion
5.21	Flood Planning	Yes see discussion	Yes see discussion
6.1	Acid Sulfate Soil Class 4	Yes see discussion	Yes see discussion
6.2	Earthworks	Yes see discussion	Yes see discussion
6.3	Stormwater and Water Sensitive Urban Design	Yes see discussion	Yes see discussion
6.7	Airspace Operations	Yes see discussion	Yes see discussion
6.8	Development in areas subject to aircraft noise 25-30 ANEF	Yes see discussion	Yes see discussion
6.11	Essential services	Yes see discussion	Yes see discussion

2.3 - Zone

The subject site is zoned E1 – Local Centre under the provisions of the LEP. The proposal as modified remains defined as "commercial premises" and "shop top housing", which constitute permissible development only with development consent. The proposal as modified remains consistent with the objectives of the zone.

4.3 - Height of Buildings

A maximum height standard of 14m applies to the subject site. A comparison of building height between the approved and proposed schemes is provided below.

Height	Approved	Proposed	Difference	Complies
14m	17.375m top of lift overrun 3.375m (24.1%) variation	18.225m top life overrun (30.2%) variation	+0.85m	No – Refer to discussion below.

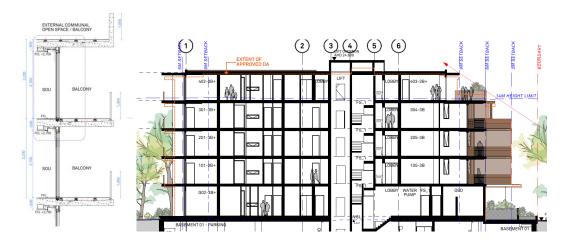
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As evidenced above, the proposal seeks to increase the overall building height by 0.850m as a consequence of the proposed increase to the floor to floor height of the development at levels 1 and above from 3.1m to 3.2m floor to floor height.

Sections depicting the overall building height increase and proposed 3.2m floor to floor required to facilitate the construction of the development are indicated below.



A summary of the applicant's justification for the proposed height exceedance is outlined below.

- The purpose of the increase in height is threefold: to meet the 2.7m habitable room floor to ceiling height mandated under Section 148 of SEPP (Housing) 2021, provide sufficient clearance for insulation on the underside of the roof (+140mm), and meet engineering requirements for the lift overrun (+310mm).
- It is sought to increase the height of the building by 400mm, in the form of 100mm per floor on Levels 1-4, to achieve a 3.2m floor to floor height. It is well known across the industry that 3.2m is now the minimum floor to floor height necessary under the current National Construction Code (NCC) to ensure a 2.7m floor to ceiling height for habitable rooms.
- It is noted that the 14m height of buildings development standard was introduced with the gazette of the Botany Bay Local Environmental Plan 2013 on 21 June 2013. At the time, the Residential Flat Design Code was in force and the industry achieved a 2.7m floor to ceiling height at a 3m floor to floor height. Subsequent amendments to the Building Code of Australia (and now NCC) have necessitated an increase of 200mm per floor to maintain the same 2.7m floor to ceiling height. The height of buildings development standard has not kept apace with these amendments.
- The original development application was lodged with a 3.1m floor to floor, as was sufficient at the time to meet that requirement. It is since the approval of the application that the NCC was updated and now requires 3.2m.
- The height of the lift overrun is sought to be increased by 850mm to serve the other amendments and an additional 310mm above to satisfy vertical transportation engineering requirements.

Council Comment

Currently, it is recognised in the construction industry and by Councils Design Review Panel, that a floor-to-floor height of up to 3.2m is generally required to achieve a minimum internal floor-to-ceiling height of 2.7m for habitable rooms during construction.

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A minimum floor to floor height of up to 3.2m provides sufficient tolerance to accommodate minimum floor to ceiling heights of 2.7m as required by the Apartment Design Guide, whilst incorporating required building services.

Historically the 22m and 28m height of building standard introduced in 2021 by Bayside LEP 2021, was at the time based on an industry understanding that a 2.7m floor to ceiling height was achievable with a minimum 3m floor to floor height.

The minimum 3m floor to floor height no longer facilitates sufficient structural clearance to achieve the intended amenity outcomes of the Apartment Design Guide and provide for the 2.7m floor to ceiling heights required.

Accordingly, as construction methods evolve and premium amenity for future occupants is sought to be achieved, it can be stated that the height of building standard has not kept up to date.

Notwithstanding the above, consideration has been given to the objectives of the height of building standard in the circumstances of this application.

The immediately surrounding area is characterised by a range of building forms and typologies with an existing building height ranging from one to five storeys. Five storey development is evident upon land zoned E1 – Local Centre as existing.

A search of Council records confirms the presence of existing approvals in context of the site, all of which benefit from an approved maximum of five storeys in building height overall within the Mascot Local Centre. Akin to the existing court approved consent on site, such approvals incorporate a height of building standard variation.

As existing, building forms to the rear and south west of the site along Robey Street, within the extent of E1 zoned land are a maximum of 5 storeys in height. Building forms adjoining the subject site to the west and opposite to the north are limited to two storeys in height given the R2 – Low Density Residential zone.

An appropriate transition in building height, scale and form is required on the subject site, given its context as previously detailed, to ensure the delivery of the intended future desired character as established by the current planning controls.

The existing and emerging predominant character of built form remains at five storeys and it can be confirmed that the proposal as modified is consistent with the future desired character of the area.

Further to the above, the proposed minor increase in overall building height does not adversely impact upon views nor result in adverse impact with respect of privacy or solar access to neighbouring existing developments.

As previously discussed in this report, the proposed overall height, bulk and scale is generally consistent with the original consent and nil increase in yield is sought on site despite a minor increase in GFA. The proposal as modified retains an appropriate transition in built form and land use intensity on the site.

Given the above, the assessing officer considers the proposed increase in building height to be acceptable in this instance and supports it on that basis.

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4.4 - Floor Space Ratio

A maximum FSR standard of 2:1 (GFA of 2,397sq/m) applies to the subject site and proposal. A comparison of the approved and proposed to be modified GFA and FSR is detailed below, the proposal as modified remains compliant with the FSR standard and is satisfactory

Maximum FSR / GFA	As Approved	Proposed	Complies
2:1	1.93:1	1.93:1 1.98:1	
2,397sq/m	2,315.9sq/m GFA	2,393.52q/m GFA	(+51.7sq/m GFA + 2 surplus car spaces)
		2,367.6sq/m + 2	
		surplus car spaces	
		(25.92sq/m)	

5.21 - Flood Planning

Council records indicate that the lot is subject to flooding in a 1% AEP event. The floor levels of the development are therefore required to be raised by 0.5m above the 1% AEP to a level of 6.7RL.

The original application was accompanied by a Flood Report prepared by S&G consultants, dated 30 August 2021. This report formed part of the original consent for the site and necessitated the flood proofing of the development and preparation of a detailed flood risk management plan for the site.

The proposal as modified does not seek to alter the required flood levels of which are required to safeguard the development. The proposal as modified is satisfactory in this regard.

Appropriate conditions were included within the original consent and are not proposed to be altered by the proposal as modified. The proposal as modified remains satisfactory with respect of this Clause.

6.1 - Acid Sulfate Soil

The subject site is affected by Class 4 acid sulfate soils. Accordingly, works more than 2m below the natural ground surface which may lower the water table and potentially impact upon acid sulfate soils, require the submission of an Acid Sulfate Soils Management Plan prior to determination.

The original application was accompanied by an Acid Sulfate Soil Assessment and Management Plan dated 22 August 2022. Conditions of consent as originally imposed necessitated the implementation of the aforementioned documents and their recommendations on site.

The proposal as modified does not seek to alter originally imposed conditions with respect to acid sulfate soils and the proposal as modified is satisfactory in this regard.

6.3 - Stormwater and WSUD

The proposal as modified has resulted in a redesign of the previously approved stormwater system on site. Councils Development Engineer has reviewed submitted plans and information and notes that further detailed drainage design plans are required to ensure compliance with Bayside Technical Specification Stormwater Management.

Condition 36 is therefore proposed to be revised to facilitate revisions and ensure compliance

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with Councils Technical Specifications. i.e. addition of OSD, 10,000kl rainwater tank etc. As conditioned the proposal as modified is satisfactory with respect of this clause.

6.7 - Airspace Operations

The subject site is located within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24m above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority. Consequentially the proposal was referred to Sydney Airport Corporation Limited (SACL), as a result of the proposed overall height of building increase.

Correspondence from SACL confirms no objection to the proposed development to a maximum overall height of 25m AHD. The proposal has a maximum overall height of 24.6RL to the top of the lift overrun and is thus satisfactory in this regard. Condition 16 of the original consent is not required to be modified as it reflects the 25m AHD stated by SACL.

6.8 - Development in Areas subject to Aircraft Noise

The subject site is located within the 25-30 ANEF Contour, thus subject to potential adverse aircraft noise. Given this, appropriate noise attenuation measures are required for the development.

The original application was accompanied by an Acoustic Report prepared by Acoustic Noise & Vibration Solutions dated 26 August 2021. The report recommended acoustic mitigation measures as follows for the development, the below is not an exhaustive list.

- a) Acoustic glazing to windows and doors, and
- b) Detailed roof and ceiling construction, and
- c) Wall and ceiling corner details, and
- d) External door specification.
- e) Acoustically treated mechanical ventilation.

The original consent was conditioned to require the implementation of the recommended acoustic mitigation measures during construction. Existing conditions of consent further ensure such measures are certified prior to occupation.

The proposal as modified does not seek to alter previously imposed acoustic conditions and thus the proposal as modified remains satisfactory with respect to this clause.

6.11 - Essential Services

Services are generally available on site to facilitate the proposal as modified. The original consent incorporates standard conditions requiring approval or consultation with relevant utility providers regarding any specific requirements for the provision of services on the site.

S4.15(1)(a)(ii) - Provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

There are no draft environmental planning instruments of direct relevance to the proposal.

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S4.15 (1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application.

Bayside Development Control Plan 2022

The application is subject to the Bayside Development Control Plan 2022 ("the DCP").

Relev	vant Clauses	Compliance with Objectives	Compliance with Standard / Provision	
PAR	T 3 – GENERAL DEVELOPMENT	PROVISIONS		
3.5	Transport, Parking and Access	Yes - see discussion	Yes - see discussion	
3.6	Social Amenity, Accessibility and Adaptable Design	Yes - see discussion	Yes - see discussion	
3.12	Waste Minimisation and Site Facilities	Yes - see discussion	Yes - see discussion	
3.13	Areas subject to Aircraft Noise and Airport airspace	Yes - see discussion	Yes - see discussion	
3.18	Utilities and Mechanical Plant	Yes - see discussion	Yes - see discussion	
PART 5 - RESIDENTIAL AND MIXED-USE DEVELOPMENTS				
5.1.4 Quality of Design, Choice and Diversity		Yes - see discussion	Yes - see discussion	
PAR	7 - SPECIFIC PLACES			
7.10	Mascot Local Centre	Yes - see discussion	Yes - see discussion	

The following Sections elaborate on Key matters from the above table.

Part 7 is dealt with first, as the DCP states: "Provisions in the chapter [7] prevail over any similar provisions in other sections of the DCP".

Part 7 - Mascot Local Centre

The objectives, controls and future desired character statement for the Mascot Local Centre as detailed below are relevant to the proposal as modified development.

'The Desired Future Character for the Mascot Local Centre is for it to be retained and conserved as a shopping strip, encouraging a viable and attractive centre through public domain and public/private interface improvements. Distinctive elements of its character will be protected including predominant streetscape qualities, height, and architectural style.'

The modified proposal remains consistent with the prevailing streetscape character, building height, and architectural style of existing and emerging shop top and high-density residential developments in the context of the site and the broader Mascot local centre.

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PART 3 – GENERAL DEVELOPMENT CONTROLS

3.5 - Transport, Parking and Access

The proposal as modified reconfigures the layout of previously approved basement car parking levels 1 and 2. Council's Development Engineer has reviewed the submitted plans and notes that the proposal includes two surplus car parking spaces. As outlined earlier in this report, these spaces have been accounted for in the Gross Floor Area (GFA) and Floor Space Ratio (FSR) calculations, and the proposal continues to comply with the applicable FSR standard.

An assessment against the car parking requirements of this part is undertaken as follows.

Car Parking Rate	Required	Proposed	Complies
1 space per 1 bed	39 car spaces	41 car spaces	Yes – 2 surplus
2 space per 2 bed	(7 x 1 bed / 6 x 2 bed /		
2 space per 3 bed	10 x 3 bed)		
Visitor	1 visitor parking space per 5 dwellings (5 spaces required)	5 car spaces	Yes
Commercial	1 per 40sq/m GFA (2 spaces required)	2 car spaces	Yes
Bicycle	1 space per dwelling	24 spaces in	No – 1 deficient,
	(residents) (23 required)	Basement 2	conditioned to comply.
	1 space per 10 dwellings (visitors) (2 required)		
	(visitors) (2 required)		
Motorbike	1 motorcycle space per 15 car spaces (3 – Residential / 1 – commercial required)	4 proposed	Yes

The proposal as modified is satisfactory in terms of aisle widths, car parking space dimensions, vehicle and pedestrian access, and circulation. As indicated above, condition 9 is to be revised to ensure full compliance.

3.6 - Social Amenity, Accessibility and Adaptable Design

The proposal as modified remains accessible from the public domain and internally. The development provides level access from the footpath to the lift core and to associated communal open space on site. The proposal as modified retains 5 x adaptable units within the development with associated accessible car spaces near the lifts. The proposal is satisfactory and complies with the objectives of this Part of the DCP.

Part 3.12 – Waste Minimisation and Management

A Site Waste Minimisation and Management Plan prepared by Benson McCormack Architecture dated 16/12/2024 was submitted with the application listing methods for minimising and managing construction and ongoing waste on site.

The proposal incorporates as follows with respect of ongoing waste management for the commercial component of the development.

• 2 x 240 L general waste bins

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• 1 x 240 L recycling bins

The proposal incorporates as follows with respect of ongoing waste management for the residential component of the development.

- 6 x 240 L general waste bins
- 12 x 240 L recycling bins
- 5 x 240 L green bins
- 13sq/m bulk waste room

Waste storage is provided within the basement level of the development with waste chutes incorporated into the development. Waste collection is to be undertaken via private waste collection between the hours of 6am – 9am, as originally consented to and required by Condition 127 – Private Waste Collection of the original consent. Condition 127 is not proposed to be modified.

3.13 – Development in areas subject to Aircraft Noise and Sydney Airport Operations

Refer to previous discussions in Clauses 6.7 – Airspace Operations and 6.8 – Development in Areas subject to Aircraft Noise of this report.

3.18 - Utilities and Mechanical Plant

Appropriate site facilities are provided. Utilities are located in appropriate locations.

PART 5 - RESIDENTIAL AND MIXED-USE DEVELOPMENTS

5.1.4 - Quality of Design and Housing Choice and Diversity

The proposal as modified does not alter the overall number of units within the development which remains at 23 in total, however alters the unit mix within the development as follows. An assessment against the unit requirements of this section are detailed below.

Requirement	Approved	Proposed	<u>Complies</u>
	<u>Breakdown</u>	<u>Breakdown</u>	
1 bed Min 10% (3) – Max 30% (7)	7 x 1 bed	7 x 1 bed	Yes
2 bed Min 40% (9) – Max 75% (18)	10 x 2 bed	6 x 2 bed	No (-3 variation)
3+ bed Min 10% (3)	6 x 3 bed	10 x 3 bed	Yes

Whilst a minor variation is evident with respect to a shortfall in the number of 2 bedroom units on site, the provision of larger 3 bedroom dwellings is a positive social outcome and will provide for a diverse mix of larger dwelling types within the Mascot locality and is thus supported in this regard.

S4.15(1)(a)(iii) – Provisions any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There is no planning agreement applicable to the proposal.

Bayside Planning Assessment Report

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S4.15(1)(a)(iv) - Provisions of the Regulation

In terms of provisions of the Regulation:

- The application is accompanied by a revised BASIX certificate, as required by section 27 of the Regulations.
- The Modification Application is accompanied by a statement by a qualified designer which
 addresses the relevant provisions of s102(1) Residential Apartment Development of the
 Regulations.
- Concurrences and other approvals are addressed in the "Proposal" section of this Statement or in response to relevant SEPPs;
- Demolition works can meet the provisions of Australian Standard ("AS") 2601 and this is addressed by originally imposed conditions of consent.

All relevant provisions of the Regulations have been taken into account in the assessment of this proposal.

S4.15(1)(b) - Likely Impacts of Development

Condition 37 – Tanking and Waterproofing Basement Intercepting Groundwater Table.

The applicant seeks to amend this condition from 'prior to the issue of any construction certificate' to 'prior to the issue of the relevant construction certificate'.

Councils Development Engineer has stated that as this relates to the first construction certificate for the basement of the development, Council is not supportive of the proposed change and this is to remain as imposed.

Condition 46 - Frontage Works Application.

The applicant seeks to amend this condition from 'prior to the issue of any construction certificate' to 'prior to the issue of the relevant construction certificate'.

Condition 46 is to remain unchanged, as it has already been satisfied by the lodging of the frontage works application with Council on 07/03/2025. This condition is timed to ensure the frontage works application is submitted at the commencement of construction.

Approval of plans is not required prior to the issue of any construction certificate for the site.

Condition 48 - Undergrounding of Overhead Services and Installation of Lighting.

The applicant seeks to amend this condition from 'prior to the issue of any construction certificate' to 'prior to the issue of the relevant construction certificate'.

Council's Development Engineer does not support changing the wording of this condition, as it relates to a significant infrastructure matter that requires the developer's commitment before construction can commence on site.

Condition 53 - Landscape Frontage Works Application.

The applicant seeks to amend this condition from 'prior to the issue of any construction certificate' to 'prior to the issue of the relevant construction certificate'.

Condition 53 is to remain unchanged, as it has already been satisfied by the lodging of the frontage works application with Council on 07/03/2025. This condition is timed to ensure the frontage works application is submitted at the commencement of construction.

Approval of plans is not required prior to the issue of any construction certificate for the site.

Bayside Planning Assessment Report

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Condition 60 - Breakthrough Wall

The applicant seeks to modify Condition 60 – Breakthrough Wall as follows.

Amend 'prior to the issue of any construction certificate' to 'prior to the issue of the relevant construction certificate'. Additionally, the applicant states as follows:

"In the case of properties 24-28 High Street being amalgamated, the burden upon the future Owners Corporation for providing vehicular access through the subject property will no longer be necessary. As such, the following statement is proposed to be added to this condition".

'In the event properties 24-28 High Street are amalgamated through future development, the need for vehicular access to the neighbouring property through No.32-34 High Street is not required."

Comment

The applicants proposed rewording and requested "statement" for inclusion in this condition was reviewed by Councils Development Engineer.

The condition as originally drafted ensures that legal and practical vehicular access is secured to the benefit of 24–28 High Street, regardless of any future development scenario.

Introducing a "statement" as requested by the applicant which anticipates a potential future amalgamation — which is speculative and not the subject of any current application — would undermine the purpose of this condition and introduce ambiguity.

Planning legislation requires that access arrangements be resolved at the time of assessment based on existing land configuration and lawful entitlements. Any future development and potential amalgamation would be subject to its own merit assessment, including access and servicing arrangements at that time.

It is not appropriate to pre-emptively modify this condition and insert the applicants suggested "statement" based on a hypothetical future outcome which may not occur. The suggested "statement" is not to be included in this condition, in an effort to preserve clarity, enforceability, and equitable access rights.

Notwithstanding the aforementioned, given the applicant's intent to stage the development, it is reasonable to amend condition 60 to state: "Prior to the issue of the construction certificate for the basement".

S4.15(1)(c) - Suitability of the Site

The relevant matters pertaining to the suitability of the site for the development were considered in the assessment of the original proposal. The suitability of the site for the proposal as modified has not altered from that deemed originally acceptable.

There are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposal as modified. Subject to existing and recommended conditions, the proposal as modified is suitable for the site.

Bayside Planning Assessment Report

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S4.15(1)(d) - Public Submissions

Public Submission

The notification of the proposal as notified occurred from 20 January – 5 February 2025. Nil submissions were receipted.

S4.15(1)(e) - Public Interest

The proposal as modified has been assessed against the relevant planning instruments and controls applying to the site, also having regard to the applicable objectives of the controls. As demonstrated in this assessment of the development application, the proposal is suitable for the site and has acceptable environmental impacts, subject to recommended conditions. Impacts on adjoining properties have been considered and addressed. As such, granting approval to the proposed development will be in the public interest, subject to the recommended conditions which help manage and mitigate environmental or potential environmental impacts.

S7.11 - Development Contributions

The modified proposal alters the unit mix within the development but retains the originally approved total of 23 units. While the overall Section 7.11 contribution remains unchanged, the revised unit mix affects the allocation of these funds. As a result, Condition 18 is to be updated accordingly.

Housing and Productivity Contribution (HPC)

The HPC does not apply as the original consent was granted prior to the introduction of the HPC and nil increase in density on site is sought.

Conclusion and Reasons for Decision

The proposed development at 30 - 34 HIGH STREET MASCOT NSW 2020 has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act* 1979 including relevant environmental planning instruments and Bayside Development Control Plan 2022.

The proposal as modified is a permissible land use within the zone with development consent. The proposal as modified is supported for the following primary justifications:

- The proposal as modified is substantially the same development to which consent was originally granted.
- The proposal as modified is acceptable when considered against relevant State Environmental Planning Policies, the associated Apartment Design Guide and was supported by the Design Review Panel.
- The scale and design of the proposal as modified is suitable for the location and is compatible with the desired future character of the locality.

Bayside Planning Assessment Report

MDA-2024/201

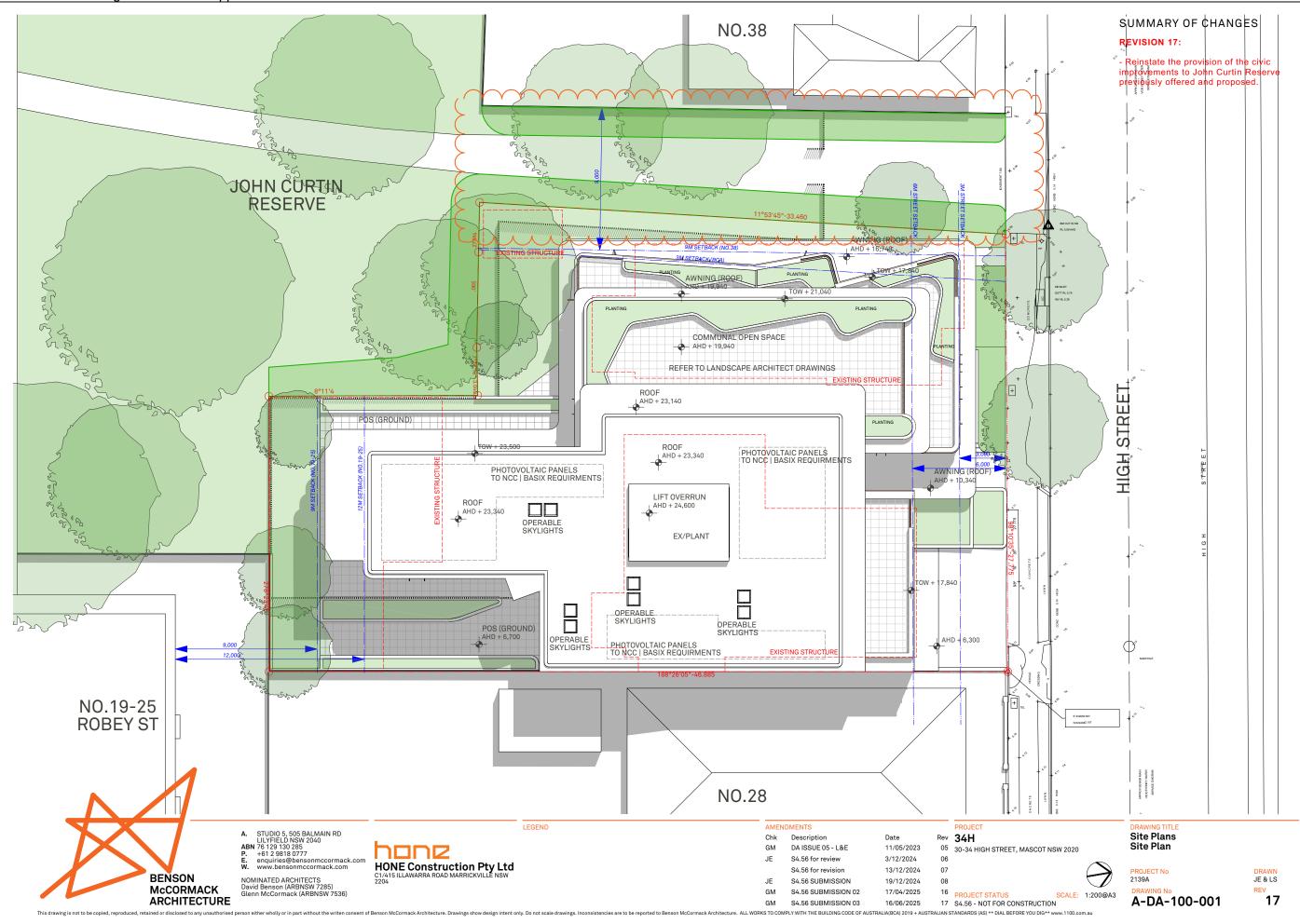
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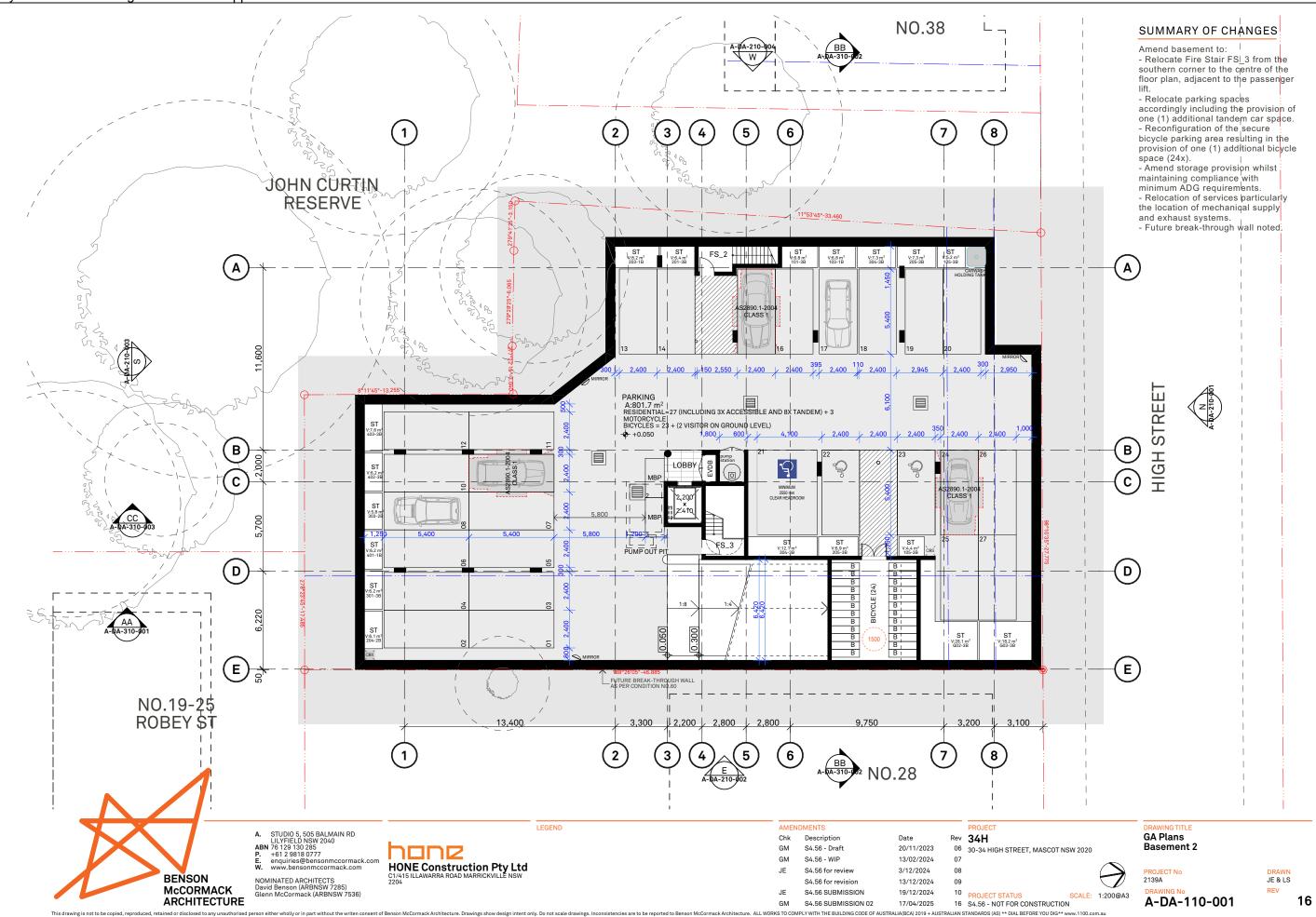
- The proposal as modified is an appropriate response to the streetscape and context of the site and will not result in any significant adverse impact on the environment or the amenity of nearby residents.
- The proposal as modified, subject to conditions, is generally consistent with the objectives of Bayside Development Control Plan 2022.

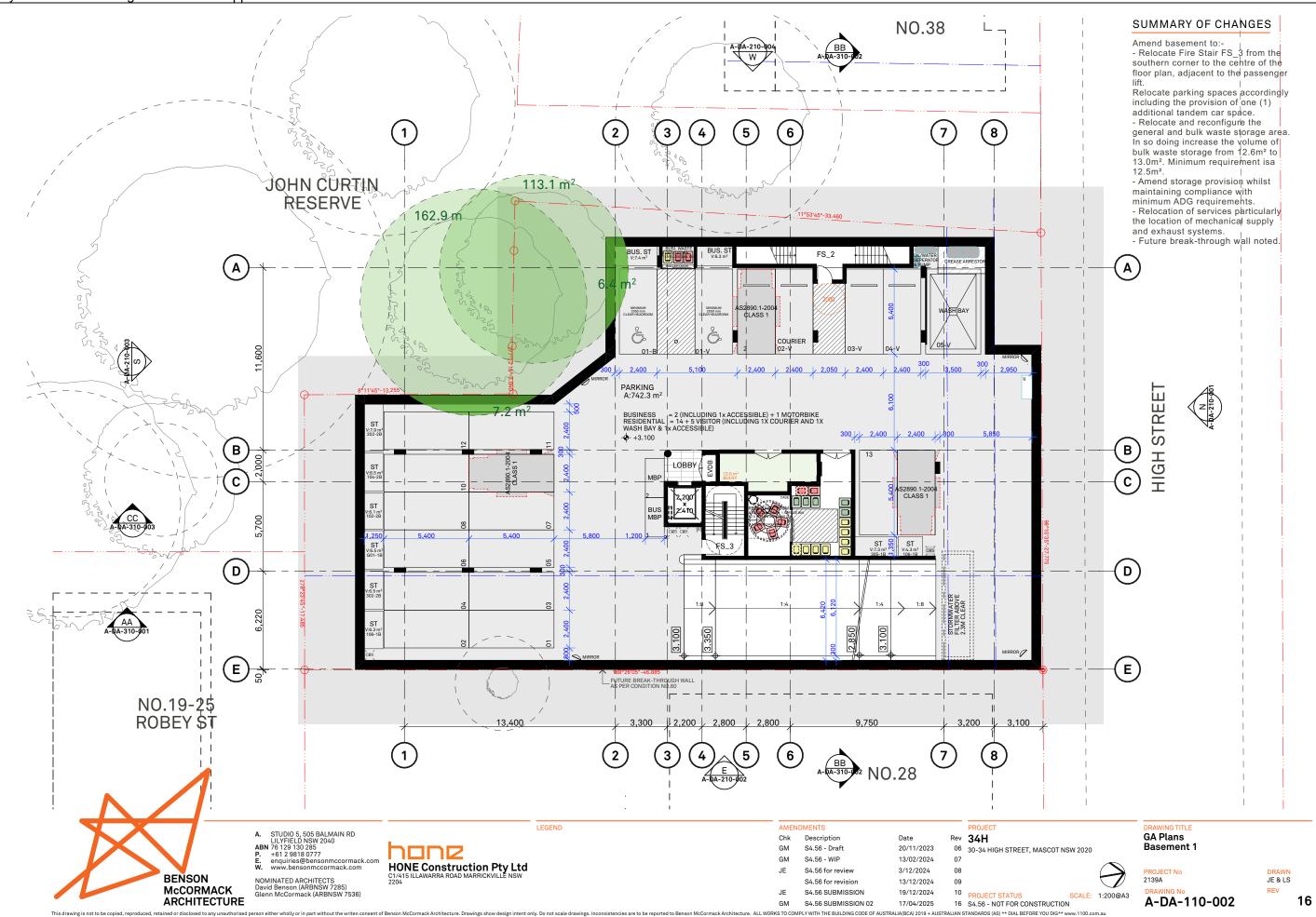
Bayside Planning Assessment Report

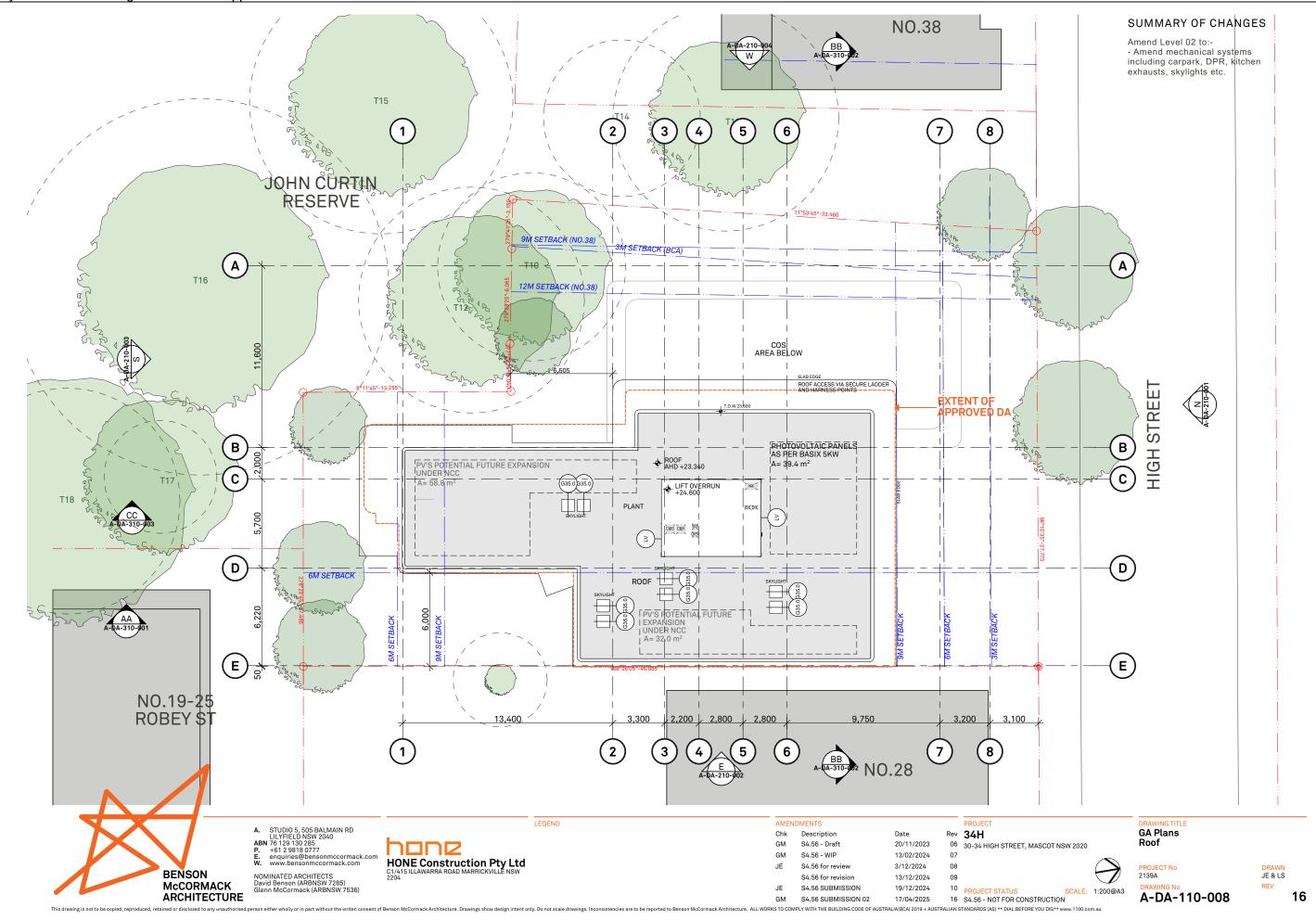
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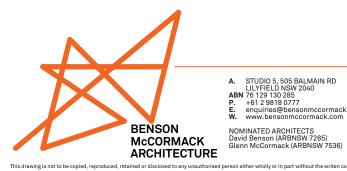








ELEVATION	2,900	2,400	3,100	7 July 2	1,550	2,770		610			2,850	2,100 00Z	1,700	970
ID	G1.0	G2.0	G3.0	G4.0	G5.0	G6.0	G7.0		G7.1	G8	3.0	G9.0	G9.0	G10.0
WxHSIZE	2,900×2,700	2,400×2,700	3,100×2,700	4,040×2,700	1,550×2,700	2,770×2,700	610×1,800		610×1,800	2,8	350×2,700	2,100×2,700	1,700×2,700	970×1,800
DESCRIPTION	BALCONY SLIDING DOOR	BALCONY SLIDING DOOR	BALCONY SLIDING DOOR	R BALCONY SLIDING DOO	DR BALCONY SLIDING DOOR	BALCONY SLIDING DO	OR AWNING W	INDOW	AWNING WINDOW	BA	LCONY SLIDING DO	OOR BALCONY SLIDING	DOOR BALCONY SLIDING D	OOOR AWNING WINDOW
GLAZING	CLEAR	CLEAR	CLEAR	CLEAR	CLEAR	CLEAR	CLEAR		SEMI-OPAQUE	CL	EAR	CLEAR	CLEAR	CLEAR
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ID	G10.1	G11.0	G12.0	G13.0	G14.0	G14.0		G14.1	G14.2		G14.3		G15.0	G16.0
WxHSIZE	970×1,800	1,570×1,810	2,700×2,700	1,000×2,700	780×2,700	780×2,700)	780×2,700	780×2,7	00	780×2,70)	1,560×2,700	610×2,920
DESCRIPTION	AWNING WINDOW	AWNING WIND	OW BALCONY SLIDING DO	OOR AWNING-FIXED WIN	DOW	AWNING-F	FIXED WINDOW						AWNING-FIXED WINDOW	AWNING-FIXED WINDOW
GLAZING	SEMI-OPAQUE	CLEAR	CLEAR	CLEAR		CLEAR							CLEAR	CLEAR
QTY	3	2	4	4	1	3		1	1		1		3	3
ELEVATION	7 7 800	1,450	3,750	1,670	1,194			4,540	1 2 200	2,940	2,400	4,450	2,700	6,300
ID		G18.0	G20.0	G21.0	G22.0	G23.0		G24.0	G25.0	G26.0		G27.0	G28.0	G29.0
WxHSIZE	800×2,940	1,450×430	3,750×2,700	1,670×2,700	1,194×3,300	1,195×3	,300	4,540×2,700	900×2,700	2,400×2	2,940	4,450×2,940	2,700×2,940	6,300×2,700
DESCRIPTION	AWNING-FIXED WINDOW	KITCHEN AWNING WIND	OW BALCONY SLIDING D	OOR BALCONY SLIDING I	DOOR RETAIL FRONTAGE WI	NDOW-FIXED RETAIL F	RONTAGE DOOF	BALCONY SLIDING	G DOOR AWNING-FIXED	WINDOW BALCON	NY SLIDING DOOR	BALCONY SLIDING DOOR	R BALCONY SLIDING DOOR	BALCONY SLIDING DOOR
GLAZING	CLEAR	CLEAR	CLEAR	CLEAR	CLEAR	CLEAR		CLEAR	CLEAR	CLEAR		CLEAR	CLEAR	CLEAR
QTY	5	5	2	3	4	3		1	2	1		1	4	1
ELEVATION	2,180	2,200	4,040	2,100	1,000,1	0,0000	800	**	2,000,1	1,200				
ID	G30.0					4.0	G35.0		G36	G37.0				
WxHSIZE	2,180×2,700					300×2,940			1,000×2,700	1,200×1,800				
DESCRIPTION	BALCONY SLIDING DOOR	ROOF AWNING DOOR	BALCONY SLIDING DOOR	ALCONY SLIDING DOOR	AWNING-FIXED WINDOW AW	NING-FIXED WINDOW	OPERABLE SKY	LIGHT WINDOW	BALCONY HINGED DOOR	AWNING WINDOW	V			
GLAZING	CLEAR	CLEAR	CLEAR	LEAR	CLEAR CL	EAR	CLEAR		CLEAR	CLEAR				
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hone HONE Construction Pty Ltd C1/415 ILLAWARRA ROAD MARRICKVILLE NSW 2204

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Schedules Windows Schedule

A-DA-620-001

DRAWN JE & LS 17



CMR1 - PAINT & ROCKCOTE - SIM NATURAL BRONZE COLOUR
CMR2 - PAINT & ROCKCOTE - MONUMNET COLOUR
BK1 - FACE BRICKWORK CORBEL; BOWRAL 50 - BOWRAL BROWN
BK2 - BOWRAL 76, BOWRAL BROWN; NATURAL GREY MORTAR
PF1 - PAINTED COMPRESSED FIBRE CEMENT - MONUMENT COLOUR
MT1 - METAL - POWDER COATED MONUMENT MATT COLOUR

MF1 - METAL FENCE - MONUMENT COLOUR BL1 - METAL PALISADE BALUSTRADE - NATURAL BRONZE COLOUR SC1 - OFF-FORM CONCRETE GL1 - ALUMINIUM POWDERCOATED FRAME, CLEAR GLAZING GL2 - ALUMINIUM POWDERCOATED FRAME, SEMI-OPAQUE GLAZING



BENSON NOMINATED ARCHITECTS David Benson (ARBNSW 7285) Glenn McCormack (ARBNSW 7536) McCORMACK ARCHITECTURE

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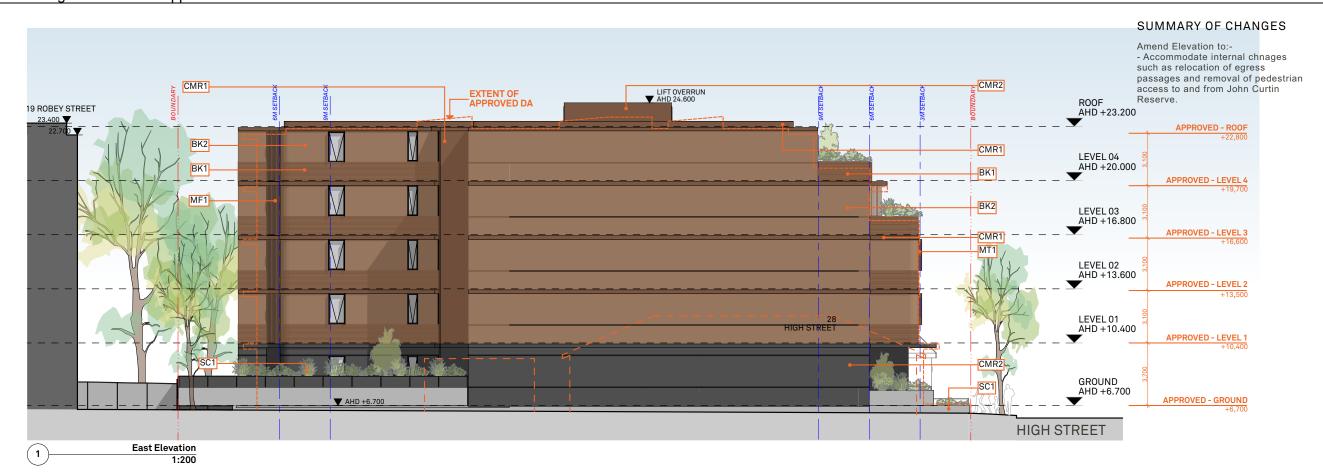
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GA Elevation North Elevation

PROJECT No 2139A A-DA-210-001

DRAWN JE & LS 17



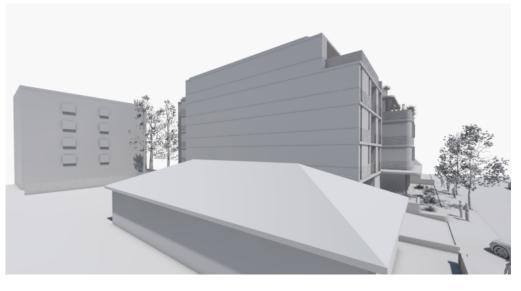
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ARCHITECTURE

CMR1 - PAINT & ROCKCOTE - SIM NATURAL BRONZE COLOUR
CMR2 - PAINT & ROCKCOTE - MONUMNET COLOUR
BK1 - FACE BRICKWORK CORBEL; BOWRAL 50 - BOWRAL BROWN
BK2 - BOWRAL 76, BOWRAL BROWN; NATURAL GREY MORTAR
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MF1 - METAL FENCE - MONUMENT COLOUR BL1 - METAL PALISADE BALUSTRADE - NATURAL BRONZE CC SC1 - OFF-FORM CONCRETE GL1 - ALUMINIUM POWDERCOATED FRAME, CLEAR GLAZING GL2 - ALUMINIUM POWDERCOATED FRAME, SEMI-OPAQUE G





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	JE	S4.56 SUBMISSION	19/12/2024	10	PROJECT STATUS SCALE: 1:200@A3	DRAWING No
	GM		17/04/2025		S4.56 - NOT FOR CONSTRUCTION	A-DA-210-002

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BENSON

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ARCHITECTURE

CMR1 - PAINT & ROCKCOTE - SIM NATURAL BRONZE COLOUR CMR2 - PAINT & ROCKCOTE - MONUMNET COLOUR BK1 - FACE BRICKWORK CORBEL; BOWRAL 50 - BOWRAL BROWN BK2 - BOWRAL 75, BOWRAL BROWN; NATURAL GREY MORTAR PF1 - PAINTED COMPRESSED FIBRE CEMENT - MONUMENT COLOUR MT1 - METAL - POWDER COATED MONUMENT MATT COLOUR

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HONE Construction Pty Ltd

MF1 - METAL FENCE - MONUMENT COLOUR BL1 - METAL PALISADE BALUSTRADE - NATURAL BRONZE CC SC1 - OFF-FORM CONCRETE GL1 - ALUMINIUM POWDERCOATED FRAME, CLEAR GLAZING GL2 - ALUMINIUM POWDERCOATED FRAME, SEMI-OPAQUE G

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NOMINATED ARCHITECTS David Benson (ARBNSW 7285) Glenn McCormack (ARBNSW 7536)

Rev 34H Chk Description GM S4.56 - WIP 13/02/2024 07 30-34 HIGH STREET, MASCOT NSW 2020 S4.56 for review 3/12/2024 S4.56 for revision 13/12/2024 S4.56 SUBMISSION 19/12/2024 10 16 PROJECT STATUS
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GA Elevation South Elevation

PROJECT No 2139A DRAWN JE & LS A-DA-210-003

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Item 6.1 – Attachment 2 62

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LEGEND



CMR1 - PAINT & ROCKCOTE - SIM NATURAL BRONZE COLOUR CMR2 - PAINT & ROCKCOTE - MONUMNET COLOUR BK1 - FACE BRICKWORK CORBEL; BOWRAL 50 - BOWRAL BROWN BK2 - BOWRAL 76, BOWRAL BROWN; NATURAL GREY MORTAR PP1 - PAINTED COMPRESSED FIBRE CEMENT - MONUMENT COLOUR MT1 - METAL - POWDER COATED MONUMENT MATT COLOUR

MF1 - METAL FENCE - MONUMENT COLOUR BL1 - METAL PALISADE BALUSTRADE - NATURAL BRONZE CC SC1 - OFF-FORM CONCRETE GL1 - ALUMINIUM POWDERCOATED FRAME, CLEAR GLAZING GL2 - ALUMINIUM POWDERCOATED FRAME, SEMI-OPAQUE G

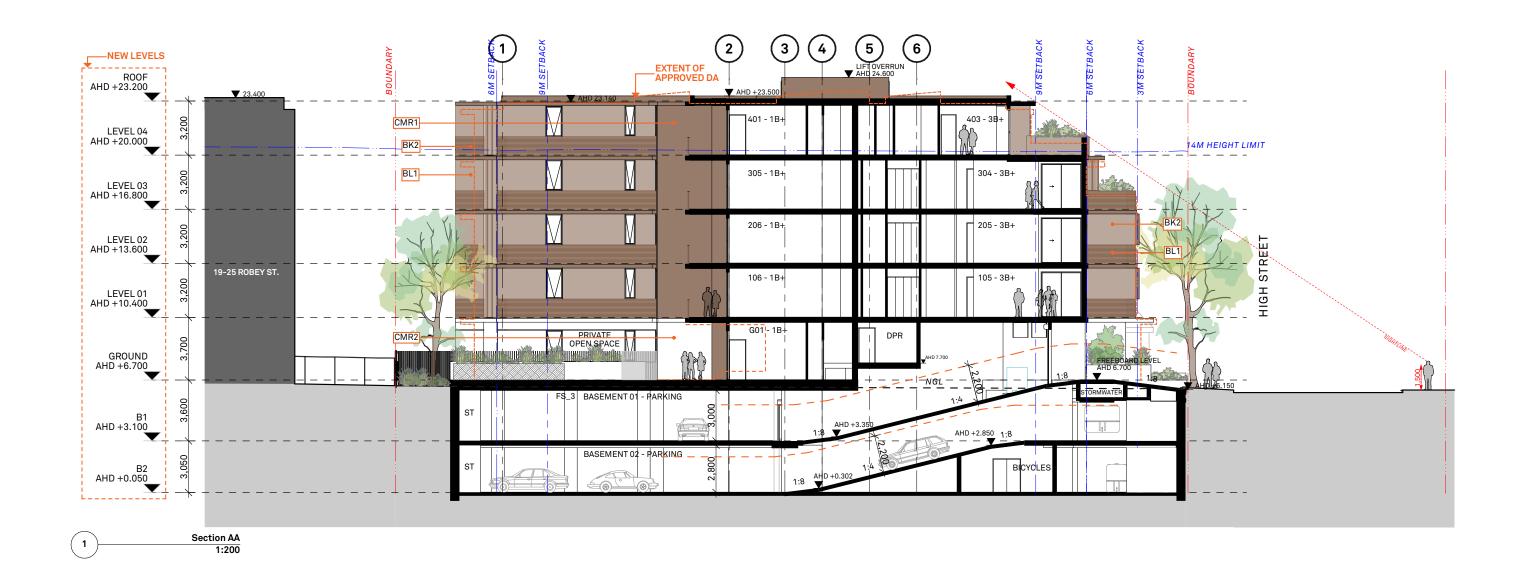




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SUMMARY OF CHANGES

Amend Section to:- Accommodate internal chnages such as relocation of egress passages and removal of pedestrian access to and from John Curtin Reserve.





SUMMARY OF CHANGES

Amend Section to:-- Accommodate internal chnages such as relocation of egress passages and removal of pedestrian access to and from John Curtin

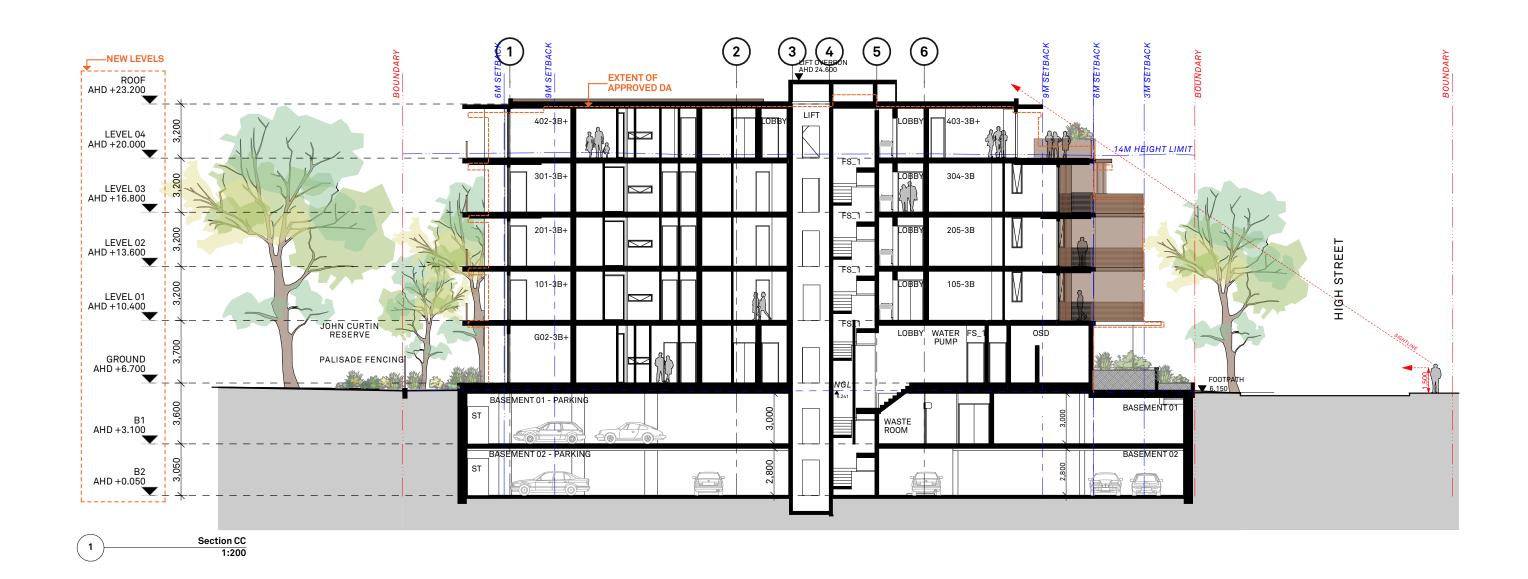
REVISION 17:
- Move the western glass-line of the Apartment No.G03 by 300mm toward the site boundary.





SUMMARY OF CHANGES

Amend Section to:- Accommodate internal chnages such as relocation of egress passages and removal of pedestrian access to and from John Curtin Reserve.









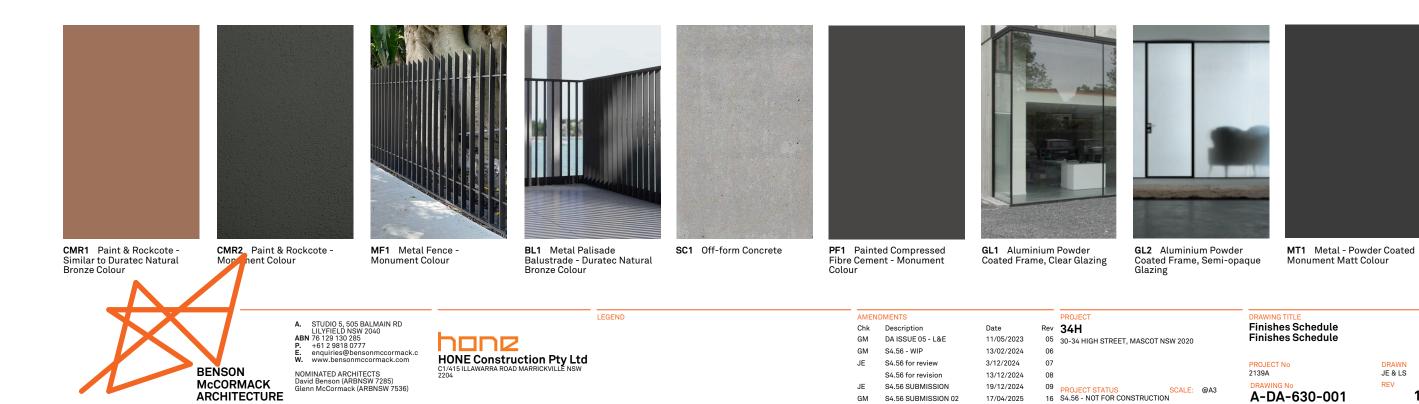




BK2 Bowral 76, Bowral Brown

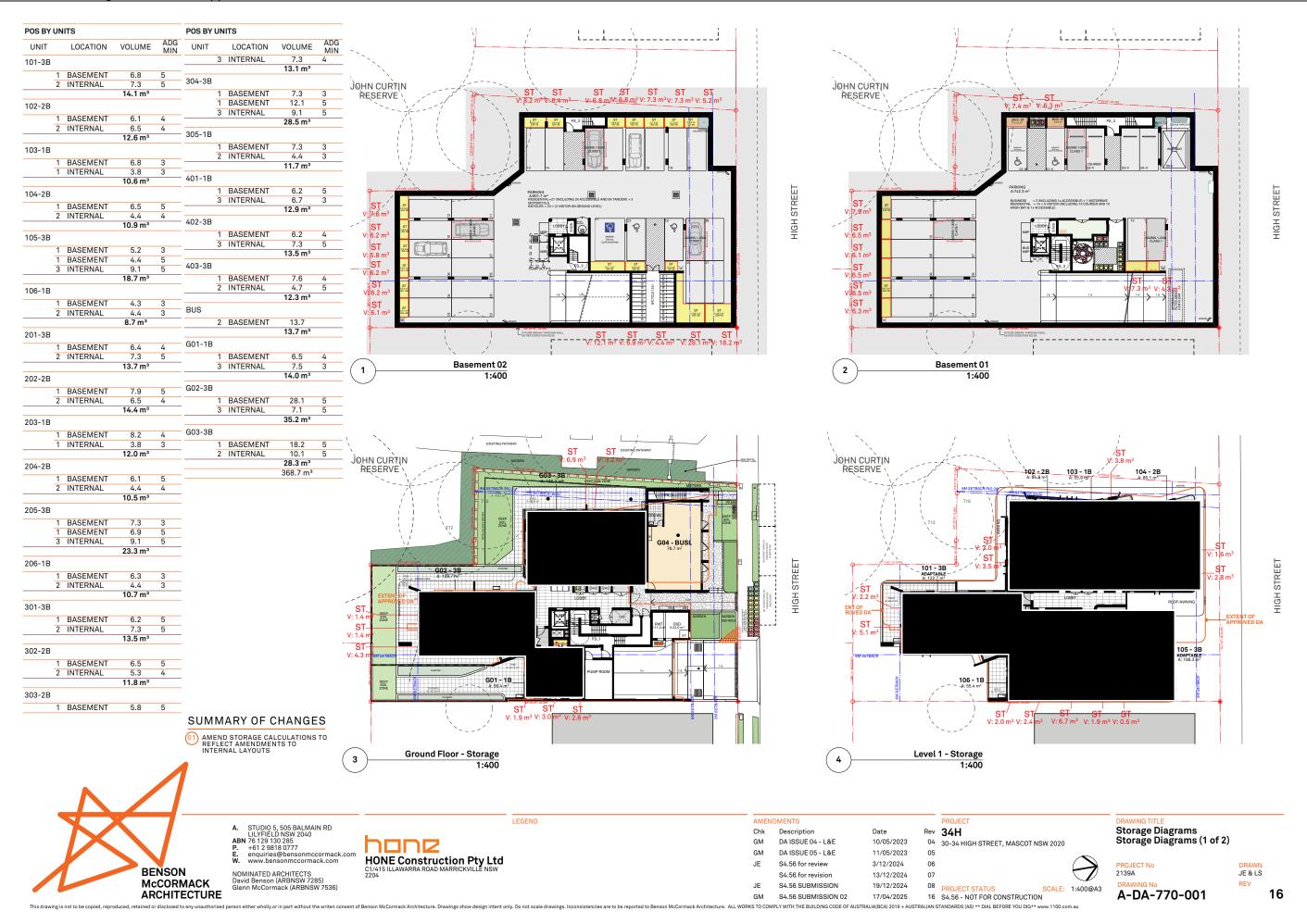
BK2 Bowral 76, Bowral Brown; Natural grey mortar

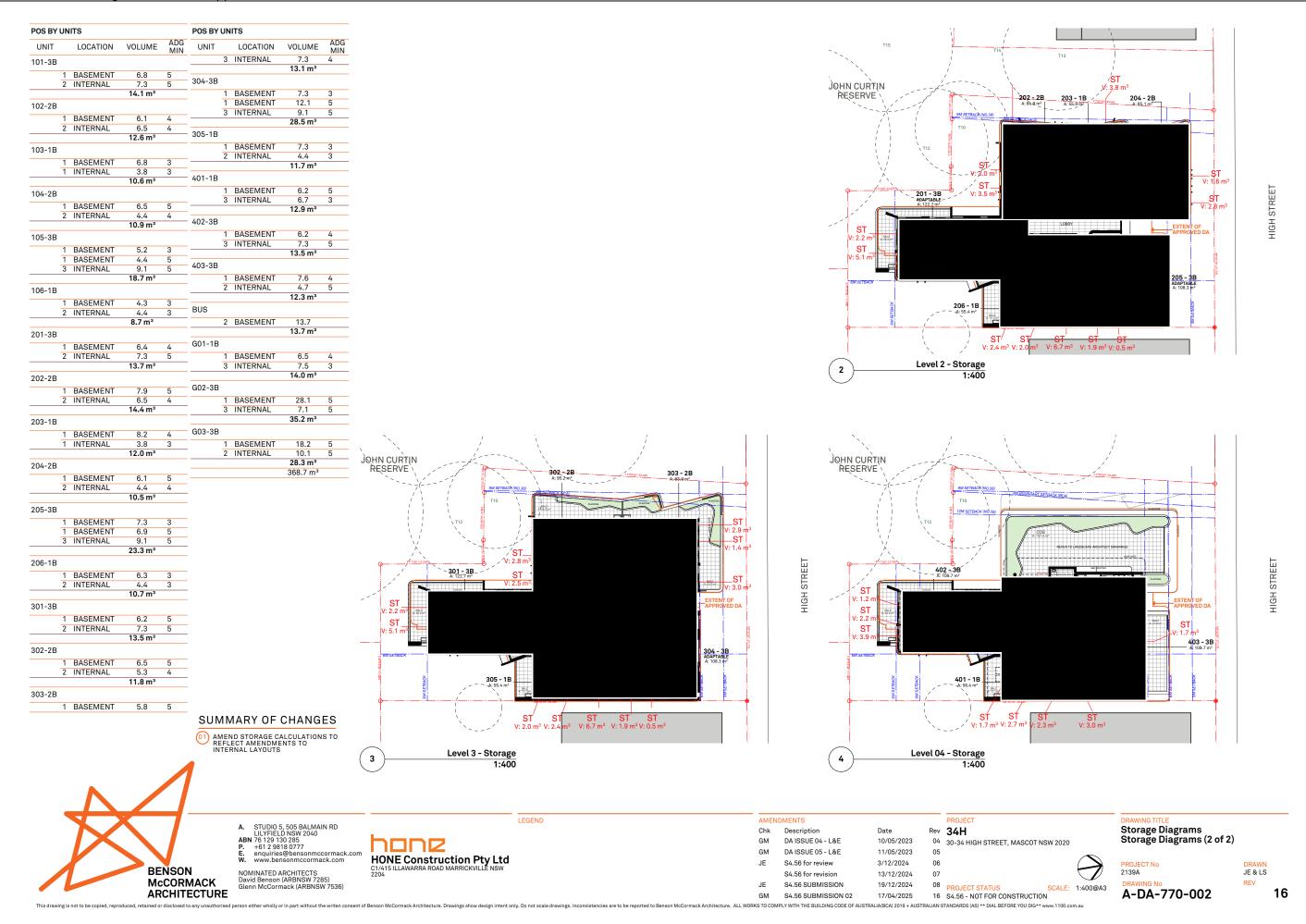
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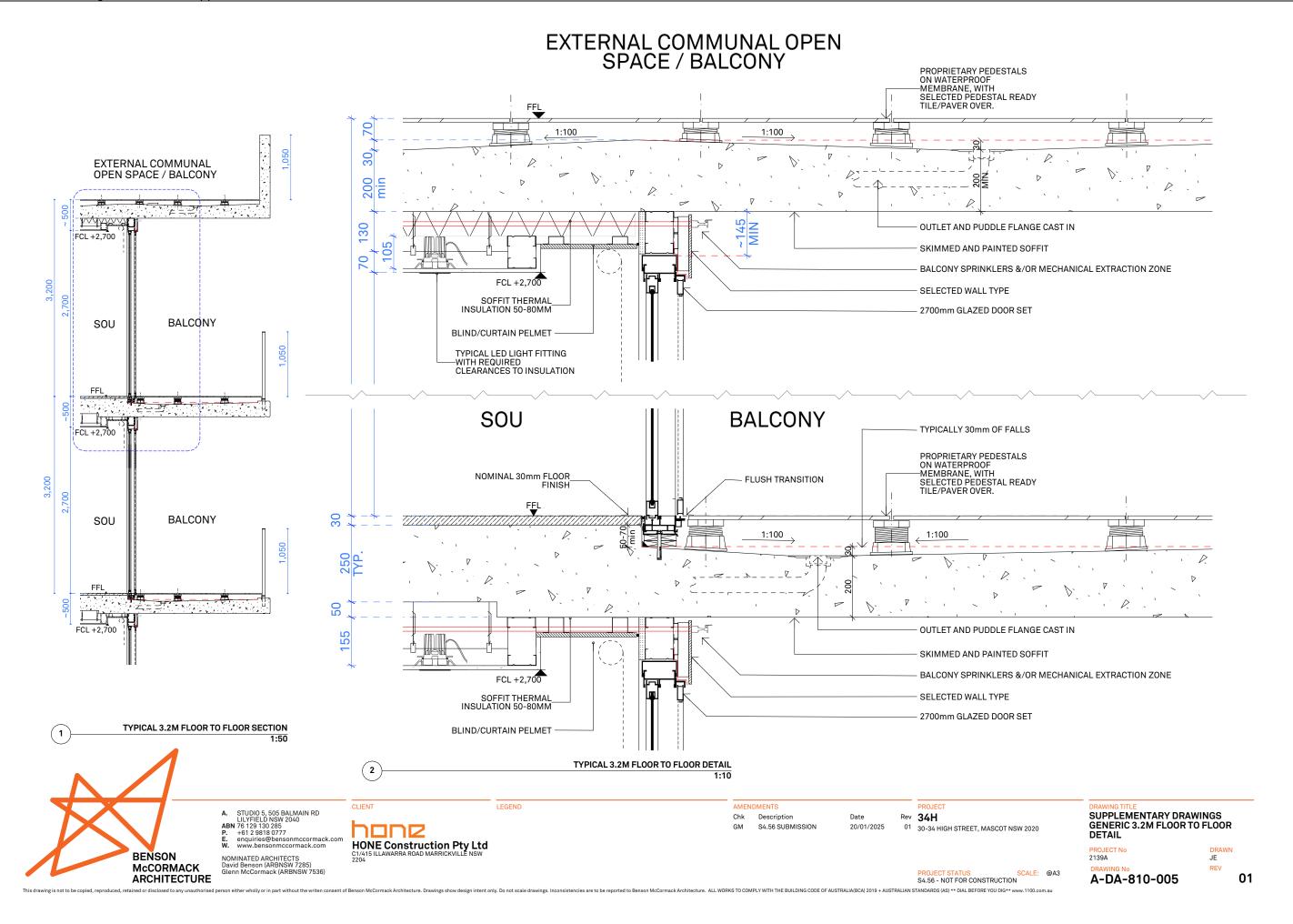


Item 6.1 – Attachment 2

rson either wholly or in part without the writen consent of Benson McCormack Architecture. Drawings show design intent only. Do not scale drawings, inconsistencies are to be reported to Benson McCormack Architecture. ALL WORKS TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA(BCA) 2019 + AUSTRALIAN STANDARDS (AS) ** DIAL BEFORE YOU DIG** www.1100.com.au







Pascal Van De Walle

Bayside Design Review Panel

REPORT OF THE BAYSIDE DESIGN REVIEW PANEL

Meeting held on Thursday, 6 March 2025 at Bayside Council

Panel members: Coordinator:

Matthew Taylor Brendan Randles Emili Fox Duncan Corrigall

ITEM # 1 DESIGN EXCELLENCE

Date of Panel Assessment:	6 March 2025
Applicant:	Glen McCormack
Architect:	Glen McCormack
Property Address:	30-34 High Street, Mascot
Proposal:	Modification to DA-2021/463 including an increase to the height and floor area of the building, conversion of four 2-bedroom units into 3-bedroom units and changes to external materials
No. of Buildings:	1
No. of Storeys:	5
No. of Units:	22
Consent Authority Responsible:	Bayside Council
Application No.:	MDA-2024/201
Declaration of Conflict of Interest:	Nil

The Panel inspected the site, reviewed the submitted documentation and met with representatives of the applicant including Glen McCormack, Director; Matthew Higginson, Landscape Architect; Darren Laybutt, Town Planning; Jabbour Jabbour, Owner and Pascal Van de Walle, Coordinator & Fiona Prodromou, Snr Planner - Bayside Council.

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Design Principle Comments Context and Neighbourhood The subject site is commonly known as 30-34 High Street, Character Mascot, and is legally referred to as Lot 3 in Deposited Plan 557050 and Lot A in Deposited Plan 103830. The site is located Good design responds and on the southern side of High Street between the intersections of contributes to its context. Context is Botany Road in the east, O'Riordan Street in the west and the key natural and built features of Robey Street in the south. an area, their relationship and the character they create when The site is an irregular shape. The front boundary to High Street combined. It also includes social, measures 27.775m in width. The western side boundary economic, health and measures 46.885m. The rear boundary measures 17.485 in width to the existing 30 High Street, with a 13.255m dog-leg environmental conditions. section and an additional 12.255m segment to the existing 34 Responding to context involves High Street. The western side boundary is 33.46m. The overall identifying the desirable elements site area is 1,198.5m2. of an area's existing or future character. Well-designed buildings Currently located on the site are single storey brick with tile roof respond to and enhance the dwelling houses on each allotment with a brick garage at the qualities and identity of the area rear of No. 30 and a metal shed at the rear of No. 34. Both properties have existing vehicle access and a number of trees of including the adjacent sites, streetscape and neighbourhood. varying size. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change. **Built Form and Scale** The site is generally flat, with a level difference of 240mm from the front to north-western corner to south-eastern corner. Refer Good design achieves a scale, bulk to the survey plan prepared by Geometra Consulting. and height appropriate to the Development in the area is mixed in nature. The site is zoned existing or desired future character B2 Local Centre but is bounded opposite and to the west by R2 of the street and surrounding Low Density Residential land. Further, immediately over the buildings. western boundary is an access handle to John Curtin Memorial Good design also achieves an Reserve. appropriate built form for a site and Notwithstanding the zoning, the predominant built form on High the building's purpose in terms of Street currently is single storey older stock dwelling houses. A building alignments, proportions, mixture of red brick and rendered façades with tiled roofs are building type, articulation and the present. The immediate eastern neighbour at 28 High Street manipulation of building elements. and western neighbour over the access handle at 38 High Street Appropriate built form defines the are consistent with this pattern. A two storey contemporary public domain, contributes to the dwelling has been erected at 31 High Street diagonally opposite character of streetscapes and the site. Further to the east at 6parks, including their views and 22 High Street is an older style three storey residential flat vistas, and provides internal building complex. amenity and outlook. To the rear of the site is the aforementioned John Curtin Memorial Reserve, an area of public open space centrally in the

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Botany Road.

block between High Street and Robey Street. Also to the rear is a 5 storey mixed-use development at 19-25 Robey Street. A second 5 storey mixed use development is present at 27-29 Robey Street and a third at 1 Robey Street, on the corner with

Further to the east of the site is the primary commercial strip

Design Principle	Comments
Density Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.	along Botany Road primarily two storeys in height and older stock. The site is located within the Mascot Town Centre and is well located to local services and amenities. Buses frequently service Botany Road at stops located 270m walking distance from the site. Opposite is an IGA as are numerous eateries and shops. The site adjoins the primary area of public open space in John Curtin Memorial Reserve. It is also within easy walking distance of the Mascot Library and Mascot Public School. The previous approval included 23 apartments and a maximum building height of 17.375m. The revised proposal includes 23 apartments with a maximum building height of 18.225m (0.85m additional). The change is primarily due to an increase floor-to-floor heights to align with recent changes to the NCC. This is considered acceptable. Due to the site's proximity to public transport, the sizing and mix of apartment types is considered reasonable.
Sustainability Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and livability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.	The proposal aims at minimum BASIX compliance. The Panel notes that the design has the potential to provide excellence in sustainability measures. Large expanses of roof space can be utilised for solar panels and rainwater catchment with particular consideration given to the future running of the building and the provision of basic sustainability measures (including natural cross ventilation, compliant sunlight, lowE glazing and sun shading). Additional measures should include rainwater reuse, deep soil planting, greenhouse gas reduction, GoGet car parking, electrical charging stations and ongoing strata commitments for commercial spaces. Consider Bio solar or green roof with PV cells on roof space. Consideration should also be given to the introduction of shading devices in lieu of dark glazing across the facades. These commitments should be integrated into the design approach, clearly documented and outlined as part of the broader explanation of design excellence. Considerations for Connecting with Country should also form the underlying principles of the design excellence approach.

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Design Principle Comments Landscape The location of the site adjacent to the John Curtin Memorial Reserve provides opportunities to supplement and add to the Good design recognises that landscape amenity that is present in the Reserve. The Reserve together landscape and buildings is typical of new open space areas that were provided in the operate as an integrated and 1970s and represents a mature treed landscape of sustainable system, resulting in predominately native species. attractive developments with good amenity. A positive image and The applicant is supported in their design approach in contextual fit of well-designed complementing the existing vegetated amenity with further developments is achieved by plantings on the subject site and the inclusion of upgrading of contributing to the landscape the entry to the Reserve that is on the western boundary of the character of the streetscape and subject site. neighbourhood. A further design refinement is necessary to define private and Good landscape design enhances public open space. At present, there are no margins that define the development's environmental the site from the Reserve that could lead to confusion with performance by retaining positive public safety, CPTED considerations, and unnecessary amenity natural features which contribute to impacts on residents. the local context, coordinating Due to the enclosed nature of the Reserve, the Reserve is water and soil management, solar closed at night. Presently there is 1800mm high fence on the access, micro-climate, tree canopy, subject site that provides security to the site and the Reserve. habitat values and preserving The proposal does replace this security but proposes an open green networks. landscape treatment adjacent to the upgraded gates and fence, Good landscape design optimises leaving no security to the Reserve. usability, privacy and opportunities While the Panel supports to the concept of a visually "seamless" for social interaction, equitable flow of landscape between the subject site and Reserve, a access, respect for neighbours' revised landscape plan with appropriate recognition of the amenity and provides for practical issues of security and privacy is required. establishment and long-term management. The Panel proposes the following modifications to improve the Amenity schemes urban built form response: Good design positively influences Consider relocation of fire services out of landscaped internal and external amenity for front setback zone residents and neighbours. Achieving good amenity contributes Review rear fire egress to ensure this is an adequate to positive living environments and form of escape resident well-being. Consider landscape interface at proposed rear site Good amenity combines boundary and public park particularly in regards to appropriate room dimensions and security and privacy shapes, access to sunlight, natural

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ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and

degrees of mobility.

Safety

Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose.

Opportunities to maximise passive surveillance of public and communal areas promote safety.

Acceptable

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.

Housing Diversity and Social Interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.

Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents. Due to the site's proximity to public transport, the sizing and mix of apartment types is considered reasonable.

Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

The building form and façade articulation has been carefully considered and is acceptable.

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Design Excellence – Clause 6.10 of	f Bayside LEP 2021
In considering whether the developm regard to the following matters:	nent exhibits design excellence, the consent authority must have
 (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, 	(a) yes
(b) whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,	(b) yes
(c) whether the development detrimentally impacts on view corridors,	(c) yes
(d) the requirements of any development control plan made by the Council and as in force at the commencement of this clause,	(d) yes
(e) how the development addresses	the following matters:
(i) the suitability of the land for development,	(i) yes
(ii) existing and proposed uses and use mix,	(ii) yes
(iii) heritage issues and streetscape constraints,	(iii) yes
(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	(iv) yes
(v) bulk, massing and modulation of buildings,	(v) yes
(vi) street frontage heights,	(vi) yes
(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,	(vii) yes
(viii) the achievement of the principles of ecologically sustainable development,	(viii) yes – refer comments above

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(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,	(ix) yes
(x) the impact on, and any proposed improvements to, the public domain,	(x) yes
(xi) achieving appropriate interfaces at ground level between the building and the public domain,	(xi) yes
(xii) excellence and integration of landscape design.	(xii) yes

RECOMMENDATION

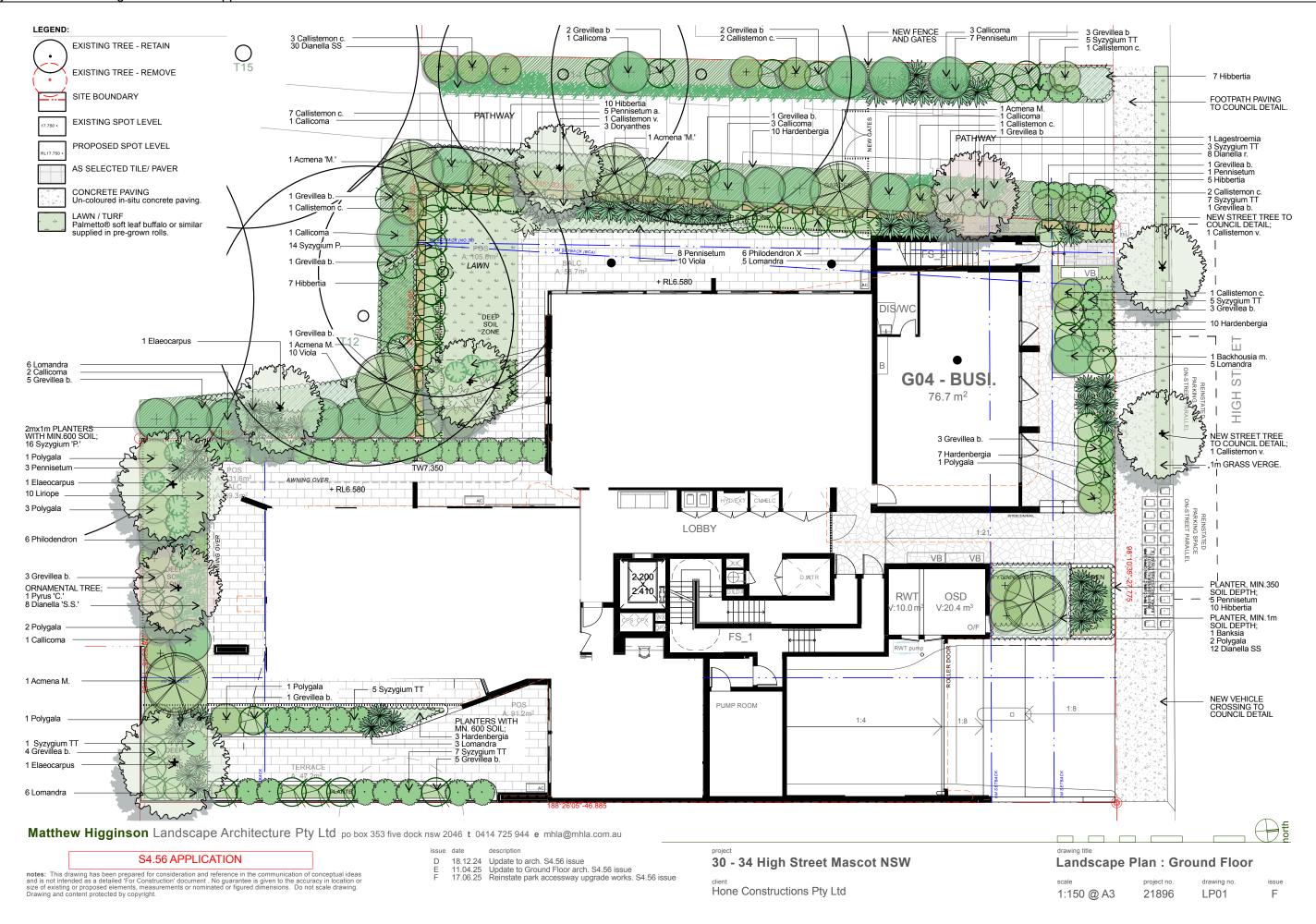
The Panel supports the application subject to the changes described above. The application satisfies the design quality principles contained in SEPP 65.

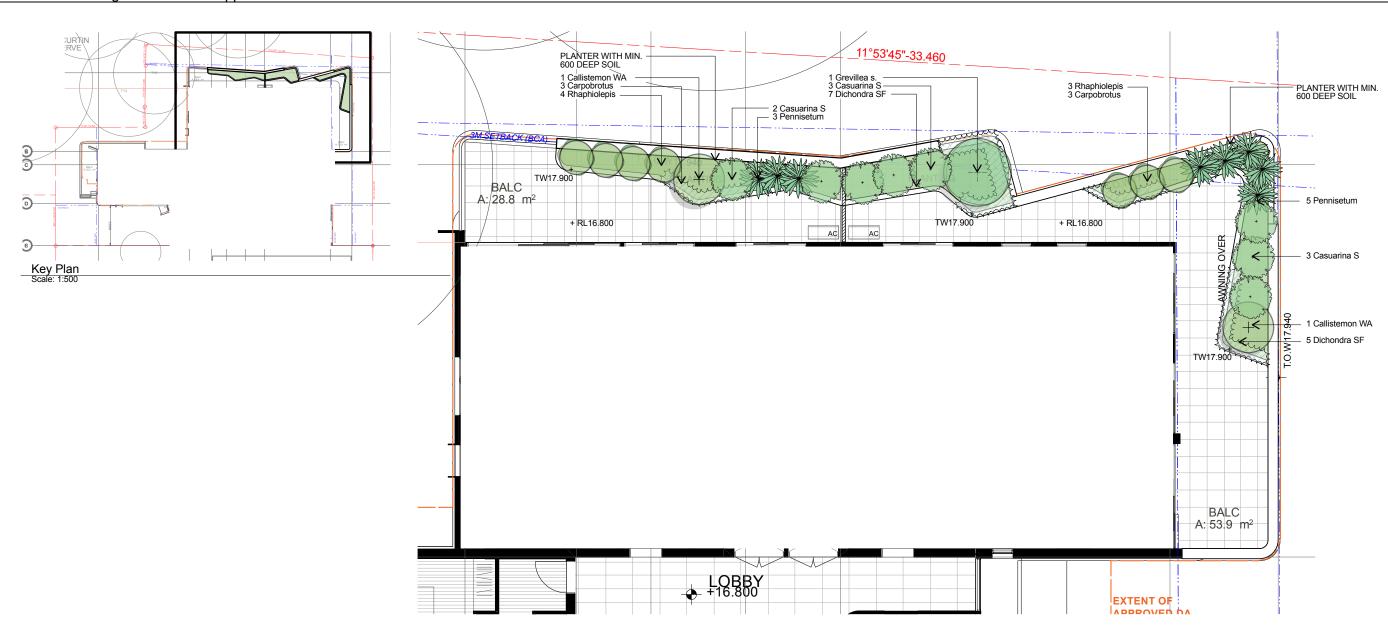
RECOMMENDATION - DESIGN EXCELLENCE

 The Panel supports the application. The application achieves Design Excellence in accordance with Clause 6.10 of Bayside LEP 2021.

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PLANT SCHEDULE: LEVEL 3

Botanic Name	Common Name	Supply Size (mm/L)	Mature Height	Mature Spread	Qty
Shrubs					
Callistemon 'White Anzac'	White Anzac Bottlebrush	200mm	1m	1.5m	2
Grevillea seracea	Pink Spider Flower	200mm	1m	1m	1
Rhaphiolepis 'Snow Maiden' *	Snow Maiden Hawthorn	300mm	1m	1m	7
Groundcovers					
Carpobrotus glaucescens	Pig Face	140mm	0.2m	1m	6
Casuarina Shagpile	Shagpile Prostrate She-Oak	200mm	0.3m	1m	8
Dichondra Silver Falls	Silver Falls Kidnev Weed	140mm	0.2m	1m	12
Pennisetum alopecuroides	Foxtail Grass	140mm	1.2m	1.2m	8

Casuarina Shagpile









Grevillea sericea

Carpobrotus glaucescens

Pennisetum alopecuroides

Matthew Higginson Landscape Architecture Pty Ltd po box 353 five dock nsw 2046 t 0414 725 944 e mhla@mhla.com.au

S4.56 APPLICATION

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D 18.12.24 Update to arch. S4.56 issue
E 11.04.25 Update to Ground Floor arch. S4.56 issue

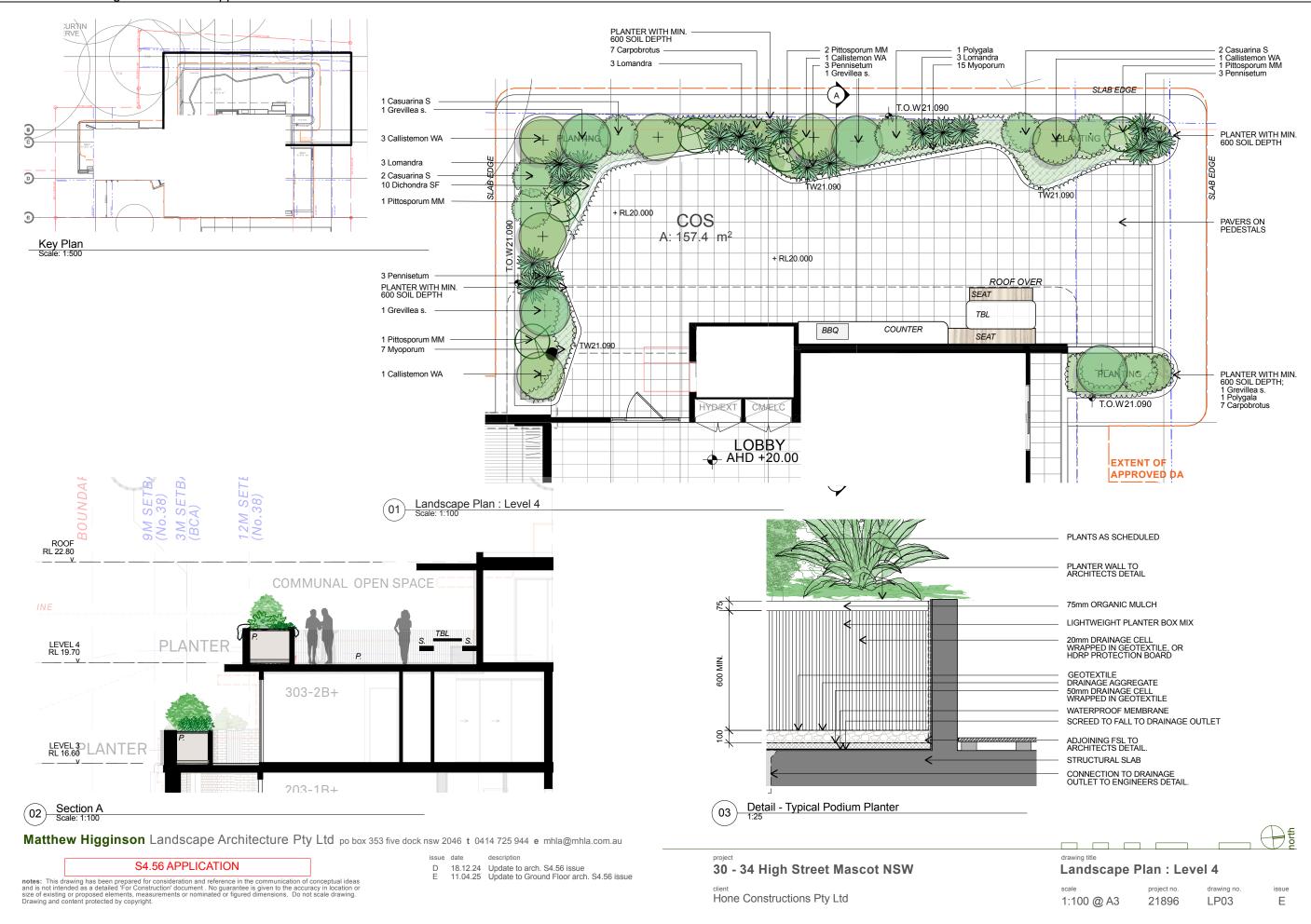
30 - 34 High Street Mascot NSW

Hone Constructions Pty Ltd

1:100 @ A3

Landscape Plan: Level 3

21896 LP02



PLANT SCHEDULE: GROUND FLOOR

Botanic Name	Common Name	Supply Size (mm/L)	Mature Height	Mature Spread	Qty
Trees					
Backhousia myrtifolia	Grey Myrtle	75L	4m	3m	1
Callistemon viminalis	Weeping Bottlebrush	75L	5m	4m	5
Elaeocarpus reticulatus	Blueberry Ash	75L	8m	4m	3
Lagerstroemia indica 'Tuscarora' *	Tuscarora Crepe Myrtle	75L	5m	4m	1
Pyrus calleryana 'Chanticlear' *	Chanticlear Ornamental Pear	75L	8m	4m	1
Shrubs					
Acmena smithii 'Minor'	Compact Lilly Pilly	75L	6m	3m	5
Banksia spinulosa	Hairpin Banksia	300mm	3m	3m	1
Callistemon citrinus	Crimson Bottlebrush	300mm	2m	2m	20
Callicoma serratifolia	Black Wattle	200mm	3m	2m	13
Doryanthes excelsa	Gymea Lily	200mm	1.5m	1.5m	3
Grevillea buxifolia	Grey Box	200mm	1m	1m	38
Philodendron 'Xanadu' *	Xanadu Philodendron	300mm	0.9m	0.9m	15
Polygala myrtifolia	Milkwort	200mm	1.5m	1.5m	11
Syzygium 'Pinnacle'	Pinnacle Lilly Pilly	45L	5m	2m	30
Syzygium 'Tiny Trev'	Tiny Trev Lilly Pilly	300mm	1.5m	1m	33
Groundcovers					
Asplenium nidum	Birds Nest Fern	200mm	1m	1m	3
Dianella revoluta	Blue Flax Lily	140mm	0.5m	0.5m	28
Dianella 'Silver Streak'	Silver Streak Flax Lily	140mm	0.7m	0.7m	50
Hardenbergia 'Flat White'	Flat White Hardenbergia	140mm	0.2m	1m	40
Hibbertia scandens	Snake Vine	140mm	0.2m	1m	39
Liriope muscari *	Turf Lily	140mm	0.4m	0.4m	10
Lomandra longifolia	Long Leaf Mat Rush	140mm	1m	1m	32
Pennisetum alopecuroides	Foxtail Grass	140mm	1.2m	1.2m	29
Viola hederacea	Native Violet	140mm	0.1m	1m	20

^{* -} denotes exotic species

PLANT SCHEDULE: LEVEL 4

Botanic Name	Common Name	Supply Size (mm/L)	Mature Height	Mature Spread	Qty
Shrubs					
Callistemon 'White Anzac'	White Anzac Bottlebrush	200mm	0.5m	1.5m	6
Grevillea seracea	Pink Spider Flower	200mm	1m	1m	4
Polygala myrtifolia	Milkwood	200mm	1.5m	1.5m	2
Pittosporum Miss Muffet	Miss Muffet	200mm	1m	1m	5
Groundcovers					
Casuarina Shagpile	Shagpile Prostrate She-Oak	200mm	0.3m	1.5m	5
Carpobrotus glaucescens	Pig Face	140mm	0.2m	1m	14
Dichondra 'Silver Falls'	Silver Falls Kdney Weed	140mm	0.1m	1m	10
Lomandra 'Lime Tuff'	Tanika Mat Rush	140mm	0.5m	0.5m	9
Myoporum parvifolium	Creeping Boobialla	140mm	0.2m	1m	22
Pennisetum alopecuroides	Foxtail Grass	140mm	1m	1m	9

^{* -} denotes exotic species

NOTE: PLANTING TO COMPRISE 80% NATIVE SPECIES TO COMPLY WITH DCP REQUIREMENT.

DESIGN - 557 PLANTS; 526 (94%) NATIVE.























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S4.56 APPLICATION

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D 18.12.24 Update to arch. S4.56 issue
E 11.04.25 Update to Ground Floor arch. S4.56 issue
F 17.06.25 Update Ground floor schedule. S4.56 issue

30 - 34 High Street Mascot NSW

Hone Constructions Pty Ltd

Schedule

1:1 @ A3 21896 LP03