

APPENDIX 1 – CONSISTENCY WITH CONDITIONS OF APPROVAL

Part A – Terms of Approval

As detailed in the S75W Modification Application Report, this application seeks to modify the administrative conditions of Concept Plan MP10_0154 (as modified) to include additional GFA within the Concept site and as well as incorporate non-residential uses within Precinct 2, as demonstrated in the attached revised Concept Plans.

Part B – Modifications

The proposal does not seek to modify this 'Part' of the approval.

Schedule 3 – Future Environmental Assessment Requirements

This application addresses all of the Conditions of Consent in accordance with the Concept Plan MP10_0154 (as modified) and confirm that the proposal is capable of providing a development which satisfies the relevant objectives and development controls applicable to this site. Refer to the detailed discussion in the S75W Report.

Detailed consideration of the consistency of the proposal with the Conditions of Consent in *Schedule 3 – Future Environmental Assessment Requirements* is as follows: -

Table 1: Analysis of the Consistency with MP10_0154 Schedule 3 - Conditions of Approval

SCHEDULE 3 – Future Environmental Assessment Requirements		
	CONDITION	COMMENT
1	Residential Amenity Future Development Applications shall demonstrate compliance with the provisions of the <i>State Environmental Planning Policy 65 – Design Quality of Residential Flat Development</i> (SEPP 65) and the accompanying <i>Residential Flat Design Code 2002</i> . In particular, future applications shall demonstrate that: (a) a minimum of 60% of apartments within each stage are capable of being naturally cross ventilated; and (b) a minimum of 70% of apartments within each stage receive a minimum of 2 hours solar access to living areas and balconies in mid-winter.	The proposal will not affect consistency with this condition.
2	Design Excellence Future Development Applications for buildings must demonstrate that the proposed buildings achieve a high standard of architectural design incorporating a high level of modulation/articulation of the building and a range of high quality materials and finishes.	The proposal will not affect consistency with this condition.

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3	Industrial Character Future Applications must be designed with consideration for the sites industrial history. Applications must demonstrate how the development will respond to the industrial heritage of the site, retaining links to Mortlake's industrial character, including through the use of materials, finishes and landscaping elements, as well as the provision of interpretive signage.	The proposal will not affect consistency with this condition. The future development associated with this modification will be situated within the existing building that is approved and constructed under DA513/2013.
4	Privacy Future Development Applications shall demonstrate that adequate privacy screening/treatment has been provided to minimise privacy impacts between buildings located on the site and also address privacy concerns of adjoining developments. Particular attention and design features will be required between Building 6A and 2A2 where the oblique aspect between the two buildings will require design features to ensure privacy.	The proposal will not affect consistency with this condition.
4a	Future Development Applications shall demonstrate that apartments facing the internal courtyard within the corner of Building 6A (where a 12 metre separation between habitable rooms and balconies/terraces cannot be met) shall be designed to minimise visual and acoustic privacy impacts. Particular attention and design features will be required to the north and west facing balconies which will require screening to ensure privacy.	The proposal will not affect consistency with this condition.
5	ESD Future Development Applications shall demonstrate the incorporation of ESD principles in the design, construction and ongoing operation phases of the development, including the selection of fabric and materials, water conservation and management initiatives, and energy efficiency and renewable energy initiatives.	The proposal will incorporate appropriate ESD principles.
6	Car Parking Future applications shall provide on-site car parking at the following rates: 1B – 1 space 2B – 1.5 spaces 3B – 2 spaces Vis – 1 per 5 apartments	The proposal incorporates additional non-residential floorspace into Precinct 2 of the Concept Approval. It is proposed to modify this condition to include appropriate parking rates for the future DAs to ensure parking is provided. As discussed in the 75W Assessment Report, the required parking will be accommodated within the existing basement levels, and will not effect consistency of the approved 'residential flat building' to provide the minimum parking for the residential units.
7	Bicycle Parking Future Development Applications shall provide bicycle parking for each unit with two bedrooms or more.	The proposal will not affect consistency with this condition. If bike parking is required as part of the future DAs, this can be included within the basement.
8	Traffic and Transport Management The first future application for buildings must include details on the upgrades to the intersection of Patterson Street and Wellbank Street with Concord Road to accommodate the traffic generation specifically attributed to the Mortlake development, and as demonstrated by a specialist traffic impact assessment. The detailed design of the upgrade works shall be to the satisfaction of the RMS or Council.	This matter has been resolved under DA 513/ 2013.

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	Alternatively, the application may be accompanied by documentation demonstrating that Council has agreed to a monetary contribution that is proportionate to the value of the upgrade works, in lieu of the works occurring, or to alternative road upgrades of an equivalent value, in the event that upgrades to the intersections of Patterson Street and Wellbank Street with Concord Road are not necessary.	
9	Traffic and Transport Management Future Development Applications for residential buildings shall include a Travel Access Guide (TAG)/Green Travel Plan, to encourage public and active transport use, for future occupants and visitors.	DA 513/2013 includes Green Travel Plan.
10	Urban Design Building Separation – Non Habitable Facades Condition 10 of Schedule 3 Future Development Applications for buildings which include facades denoted 'without openings to habitable rooms', on the Building Separation Plan, (CP_02_18_0, March 2015) must demonstrate what architectural treatments, articulation and/or landscape screening will be used, to ensure the attractive presentation of these walls.	The proposal will not affect consistency with this condition. However, as the subject plan number has been updated to show the proposed modified GFA, this condition has been amended for consistency.
11	Ground Floor Apartments Future Development Applications for buildings addressing Hilly, Northcote, Edwin and Bennett Streets must provide ground floor apartments with individual entries and private courtyards.	The proposal includes minor changes to development which will not be visible from the streets.
12	Building 6A Design The Future Development Application for Building 6A shall include a design assessment which details those measures used to articulate the building to prevent it having a monolithic form. Design features such as breaks in the façade, modulation, articulation and stepping of the built form up the slope of Edwin Street, and use of ground floor courtyards and separate entrances fronting the street are to be explored. Alternatively, the building may need to be 'broken' up in the detailed design stage.	The proposal will not affect consistency with this condition.
13	Roads and Maritime Services Requirements Future Developments Applications which include driveways, must include "No stopping" signs on the either side of the driveway. Council's Local Traffic Committee Meeting shall review and determine the suitability of the signs.	The proposal will not affect consistency with this condition.
14	Roads and Maritime Services Requirements The Future Application which proposes the upgrading of the existing bus stop in Whittaker Street must demonstrate that Council and the Ministry of Transport have reviewed and approve of the works.	This matter has been resolved under DA 513/2013.
15	Roads and Maritime Services Requirements Relevant Future Development Applications shall demonstrate the swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as its manoeuvrability through the site, is in accordance with AUSTROADS, AS 2890.1– 2004 and AS 2890.2 – 2002.	The proposal will not affect consistency with this condition. This will be demonstrated under future DAs.

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16	Roads and Maritime Services Requirements Relevant Future Development Applications shall demonstrate that the layout of the proposed car parking areas (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are in accordance with AS 2890.1 – 2004, AS 2890.2 – 2002, and AS 2890.6 – 2009.	The proposal will not affect consistency with this condition. This will be demonstrated under future DAs.
17	Roads and Maritime Services Requirements Relevant Future Development Application shall demonstrate that clear sight lines will be provided at the property boundary line to ensure adequate visibility between vehicles leaving the car park and pedestrians along the frontage road footpath in accordance with Figure 3.3 of AS 2890.1 – 2004 for light vehicles and AS 2890.2 – 2002 for heavy vehicles.	This matter has been resolved under DA 513/2013
18	Roads and Maritime Services Requirements Relevant Future Development Application shall demonstrate that vehicles are able to enter and exit the site in a forward direction.	The proposal will not affect consistency with this condition.
19	Roads and Maritime Services Requirements Each Future Development Application which seeks consent for the construction of a residential building must be accompanied by a Draft Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted with each future Development Application.	The Construction Traffic Management Plan has been approved under DA 513/2013.
20	Open Space/Public Access/Seawall Future application/s shall: (i) Provide for the embellishment (to Council's requirements and standards) and dedication (free of cost) a minimum of 3,395m ² of public foreshore open space to Council. Embellishment works requested by Council may include the repair of the sea wall. (ii) Provide for the embellishment of a minimum of 2,386m ² of publicly accessible open space to be maintained in private ownership by the future body corporate to specifications agreed to with Council. Future applications for each relevant stage shall clearly set out the mechanism for creating rights of public access all publicly accessible areas of open space and through site links, with the relevant instrument/s to be executed prior to commencement of the occupation/use of the development. Future applications must also demonstrate what strategies will be used to make the public aware of their right to use these spaces, including any purchaser or residential units. The Concept Plan does not require Council to accept land for dedication that it considers to be through site links or ancillary spaces for the proposed buildings. Accordingly, if Council does not agree to take ownership of this land, the proponent will identify a suitable alternative public or private land ownership option.	The proposal will not affect consistency with this condition. Additionally this matter has been resolved under the DA 513/2013

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21	<p>Section 94 Contributions</p> <p>Future applications shall be required to pay developer contributions to the Council towards the provision or improvement of public amenities and services. The amount of the contribution shall be determined by Council in accordance with the requirements of the Contributions Plan current at the time of approval.</p> <p>Section 94 contributions are required in addition to any public benefit delivered through a voluntary planning agreement. Street/footpath/intersection upgrades will require discussion between the developer and Council to determine what is expected as part of the development and what is considered as material public benefit and works-in-kind.</p> <p>Note: The dedication of foreshore land and the upgrade of seawalls is part of the community benefit required to allow for the incentive height and GFA on the site and is not a material public benefit which may be used to offset a monetary contribution for local infrastructure (i.e. Section 94 contributions).</p>	The proposal will not affect consistency with this condition.
22	<p>Contamination</p> <p>The first application for works on site must include a Remediation Action Plan for the entire site. The Remediation Action Plan must take into account any staging of development and be accompanied by advice from a Site Auditor, accredited under the CLM Act, on whether the works proposed in the Remediation Action Plan will make the site suitable for the proposed use, and the suitability of any proposed staging of the remediation works.</p>	This matter has been resolved under DA 513/2013.
23	<p>Contamination</p> <p>Each development application must demonstrate compliance with the Remediation Action Plan, endorsed by a Site Auditor, accredited under the CLM Act. Following remediation and validation works, a site audit statement must be issued by an accredited Site Auditor commenting on the suitability of the site for the proposed use.</p>	This matter has been resolved under DA 513/2013.
24	<p>Sydney Water Requirements</p> <p>Future Development Applications shall address Sydney Water's requirements in relation to:</p> <ul style="list-style-type: none"> (a) required amplification works to existing drinking water mains; (b) required amplification works to the wastewater system; (c) application for a Section 73 certificate. as necessary. <p>The developer should engage a Water Servicing Coordinator to get a Section 73 Certificate and manage the servicing aspects of the development. The Water Servicing Coordinator will ensure submitted infrastructure designs are sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002) and the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).</p>	The proposal is capable of satisfying the Sydney Water requirements.
25	<p>Transport for NSW Requirements</p> <p>Future applications that proposed any changes to on-street traffic and parking arrangements</p>	This matter has been resolved under DA 513/2013.

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	associated with the new development must accommodate the parking, manoeuvring and turning requirements of low-floor buses in consultation with the State Transit Authority (STA). Any new kerbside plantings or placements of street furniture including posts and poles, need to be placed with sufficient clearances to facilitate the safe operation of buses.	
26	Transport for NSW Requirements Future Development Applications for residential buildings must incorporate appropriate noise mitigation measures for its future residents to avoid adverse impact from the operations of buses.	This matter has been resolved under DA 513/2013. The building will include noise mitigation measures as per the conditions of DA 513/2013.
27	Groundwater Future applications shall provide an assessment of ground water, including the need for licences in relation to taking or interfering with groundwater and dewatering.	This matter has been resolved under DA 513/2013.
28	Stormwater Future applications shall provide for treatment of stormwater prior to discharge to surface water and/or groundwater sources.	This matter has been resolved under DA 513/2013.
29	Flooding Future applications shall demonstrate consistency with the requirements and recommendations of the Worley Parsons Flood Assessment Report 301015-02438 – ENREP-0001 [E], dated September 20122.	This matter has been resolved under DA 513/2013.
30	Staging The first future application shall be accompanied by details of the intended future staging of the development, to ensure the orderly and coordinated development of the site. The indicative staging plan is to be updated and re-submitted with each subsequent application to ensure the documentation outlined in the indicative staging plans remains current as redevelopment of the site progresses. Each subsequent stage shall be delivered in full to ensure adequate open space, road upgrades and other elements essential to the delivery of the project. The proponent shall demonstrate with each development application that the proposed development represents orderly and coordinated development in that: <ul style="list-style-type: none"> • It may be serviced by existing infrastructure or is capable of being serviced; • Access for vehicles and pedestrians is available and can be made available; • Adequate on-site facilities including open space exist or will be provided to serve future occupiers / residents of the site; and • Obligations for the provision of these facilities are provided. 	The proposal will not affect consistency with this condition. The application seeks to maintain the staging of the development.
31	Building 7B Design Future Development Applications for Building 7B shall provide living areas and habitable rooms with openings at the northern elevation to maximise opportunities for solar access and cross ventilation. The detailed design of Buildings 7B and 4C shall provide an	This condition is not affected by this application.

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CONDITION	COMMENT
increased setback between the buildings, or other measures to provide an acceptable level of privacy and acoustic amenity in accordance with the Residential Flat Design Code.	

Statement of Commitments

This application is consistent with the items provided in the Statement of Commitments, as detailed in the table below.

Statement of Commitments				
Item	Issue	Commitment	Delivery	Comment
1	Consultation	The proponent shall hold another community consultation session to be held at a local venue and shall incorporate and address any feedback from the public.	During formal exhibition of Concept Plan application.	Completed.
2	Consultation (Project Development Applications)	The proponent shall engage with and consult the following authorities: <ul style="list-style-type: none"> • Canada Bay City Council; • NSW Department of Planning & Infrastructure; • Roads and Maritime Services; • Sydney Water; • NSW Office of Environment & Heritage; • NSW Maritime; • Transport for NSW. 	Prior to lodgement of future Development Application/s. Much of this consultation was undertaken in preparation of the preferred proposal. Consultation as required will be undertaken for the detailed Development Application stages.	Each of these stakeholders were consulted for DA 513/2013.
3	VPA-Land Transfers	The proponent will continue to discuss arrangements for the dedication and transfer of land with Council, specifically the dedication to the public of the foreshore land and through site links, (and agreed improvements thereof), and the transfer of the “dunny lane” and “car park” to the proponent. Any VPA should include a provision, which creates a mechanism to value the land elements to allow for an equitable outcome.	Prior to approval of the applicable Development Applications in relation to foreshore land and through site links. Prior to the approval of the applicable Development Applications in relation to the “dunny lane” and “car park.”	The proposal is consistent with this commitment; the matter was sought as part of DA 513/2013.
4	VPA-Developer Contributions	Given the substantial public benefits associated with the proposal it is proposed to enter into a VPA with Council that could address relevant S94 contributions. Contributions within the VPA may include monetary contributions and works in kind. Proposed contributions proposed to be discussed	As part of VPA and on a Project basis.	The VPA executed under DA 513/2013 satisfies this condition.

		<p>with Council include:</p> <ul style="list-style-type: none"> • implementation of a resident's parking scheme including relevant signposting • Provision of a car share scheme (such as GoGet) within the development as an alternative form of transport • Provision of a bicycle to each unit with 2 bedrooms or more as an alternative form of transport • Street upgrades to public roads including resurfacing, new kerb and guttering, footpaths and street tree planting • Infrastructure upgrades to stormwater and drainage system including implementation of Gross Pollutant Traps and bioretention • Contributions to local roads in the immediate vicinity or if nil, potential intersection upgrades at the Patterson Street and Wellbank Street intersections along Concord Road as per TTPA report prepared for Council in September 2011 • Sea wall – the proponent will undertake detailed studies and repair work where necessary as part of relevant Development Applications 		
5	Staging	<p>Precinct 1 (Buildings 1A and 1B) will be proposed to be first to be completed and shall include access to the foreshore and the dedication of the foreshore land to Council at the western portion of the Precinct. Flexibility is sought with respect to the sequence of the remaining stages. However, each stage as should shown in the accompanying documentation once commenced shall be delivered in full to ensure adequate open space, roads upgrades and other elements essential to the orderly development of the Precinct.</p>	Future Development Applications	<p>The proposal includes minor changes to Precinct 2.</p> <p>The proposal does not affect consistency with this commitment.</p>

6	Construction Management Plans	<p>The Proponent shall prepare a detailed Construction Environmental Management Plan (CEMP) in order to ensure appropriate measures are in place to minimise any potential impacts. The CEMP will include but not be necessarily limited to the following:</p> <ul style="list-style-type: none"> • Demolition Plan; • Waste Management Plan; • Erosion and Sediment Control Plan; • Soil and Water Management Plan; • Traffic Management Plan; and • Air Quality Management Plan. <p>The CEMP shall be prepared to the satisfaction of Council.</p>	With each Development Application	A CEMP has been approved under DA 513/2013.
7	Contamination, Salinity and Hazardous Materials	The Proponent will implement all recommendations made by Aargus in the environmental Site Assessments and Salinity Assessment accompanying this application.	Prior to and during construction	This matter is resolved under DA 513/2013.
8	Geotechnical Assessment	The recommendations provided in the Aargus Environmental Preliminary geotechnical Assessment at Section 4.7, be implemented.	Prior to and during construction	This matter is resolved under DA 513/2013.
9	Basement Entry Levels	Finished ground levels at the entry to basements shall be set at a minimum of RL. 2. Civil design shall be prepared on the basis of diverting overland storm water flows from entering the basement.	Development Application	The application will not affect this condition.
10	Further Information	<p>Urban Design In response to those detailed design requirements set out in Mortlake DCP 2007, the proponent shall provide all necessary information to allow for a comprehensive assessment in this respect at Development Application Stage.</p> <p>Acoustics Further detailed acoustic assessments shall accompany each future Development Application. Future stages will be designed to comply with the following criteria:</p>	Development Application	These matters have been resolved under DA 513/2013.

		<ul style="list-style-type: none"> • Interim Construction Guideline – DECCW; • AS2107 Recommended Design Sound Levels and Reverberation Times for Building Interiors; • NSW Industrial Noise policy. <p>Wind Further detailed wind assessments shall accompany each future Development Application. Further Wind Assessments will:</p> <ul style="list-style-type: none"> • Take into account the known characteristics of mean and gust speeds on both an annual and seasonal basis associated with the local (e.g. Sydney) wind climate, i.e. taking into account the strength characteristics of prevailing Sydney wind directions on a seasonal basis. • identify all public spaces of interest, e.g. footpaths, building entry points, areas designated for quiescent type activities (e.g. outdoor eating areas). • identify potential adverse wind conditions and the likely wind intensities compared to standard acceptability criteria for pedestrian and occupant safety and comfort. • make recommendations to reduce adverse wind effects, e.g. using landscaping, porous windbreaks, awnings and canopies, etc. <p>These modifications would be developed in tandem with the Project Team (for viability, practicality, cost effectiveness, aesthetic impact, etc).</p>		
11	Heritage	<p>An archival recording of the former public baths shall be conducted prior to demolition. Monitoring shall be carried out during site</p>	<p>Prior to demolition During excavation</p>	<p>An Heritage Impact Statement was provided with DA 513/2013.</p>

		excavation to observe any archaeological relics.		
12	Motorcycle and cycle parking	<p>Future Development Applications will include the provisions of parking/storage for motorcycles and cycles at the following rates:</p> <ul style="list-style-type: none"> • Motorcycles - 1 space per 20 units; • Cycle storage - 1space per unit; • Visitor cycles – 1 space per 12 units. 	Development Application	The proposal includes minor changes to Precinct 2. Overall, the development will comply with requirement. This will be demonstrated under any future DA.
13	Public Transport	<p>Letters shall be sent to the NSW Minister for Transport and Transport for NSW the Sydney Transport Authority informing them of this residential development and the opportunities it creates to increase in public transport use and a request that existing services are extended and intensified in frequency to better serve the Mortlake locality.</p> <p>In addition, further consultation is to occur with Transport for NSW STA on the upgrade and design of the Whittaker Street bus stop. It is also proposed to undertake further consultation with Canada Bay Council regarding the implementation of a car share scheme.</p>	Prior to first Development Application.	This matter was resolved under DA 513/2013.
14	Travel Access Guide	A Travel Access Guide shall be prepared for the future residents and visitors to the area.	Prior to Occupation of first Stage.	A Green Travel Plan was provided with DA 513/2013.
15	Water Quality Maintenance	<p>The following on-going maintenance schedule for water quality systems shall be implemented:</p> <ul style="list-style-type: none"> • 6 Monthly – Inspection of Bio-retention basis and removal of any coarse sediments, litter and other gross pollutants, replacement of vegetation as necessary. • 3 Monthly (and after any storm greater than 1 yr ARI) – Removal of trapped pollutants from Gross Pollutant Traps. 	Project Approval – on going.	Water quality maintenance will be implemented.
16	Further Approvals	The Proponent commits to obtaining all further statutory approvals such as s.68 Approval under the Local Government Act 1993 for any connection to Council's stormwater infrastructure and s.138	Prior to commencement of such works.	The necessary approvals will be obtained.

		Approval under the Roads Act 1993 for works in the road reserve.		
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