

ITEM 2. DEVELOPMENT APPLICATION: HAROLD PARK - 10 MAXWELL ROAD - 72 AND 74 ROSS STREET - 1A AND 1B THE CRESCENT - FOREST LODGE - STAGE 2 - PRECINCT 1

FILE NO: D/2011/1311

SUMMARY

Date of Submission: 22 August 2011

Applicant: Mirvac

Architect: Mirvac Design and ASPECT

Developer: Mirvac

Site: Harold Park (10 Maxwell Road, 72 and 74 Ross Street, 1A and 1B The Crescent, Forest Lodge).

Summary: Stage 2 application for Precinct 1 at Harold Park comprising construction of 4 residential apartment buildings (5-8 storeys) containing a total of 298 apartments, basement parking for 252 cars and associated landscaping.

The Central Sydney Planning Committee (the CSPC) approved a Stage 1 DA for the site at its meeting on 26 July 2012. The proposal is generally consistent with the Stage 1 DA, the relevant planning controls and responds appropriately to the constraints of the site.

Variations proposed to the Stage 1 DA include non-compliances in relation to the height of buildings 1C and 1D and an upper level setback non-compliance for Building 1A. These issues together with issues of apartment amenity, parking/traffic, bulk and open space are addressed in the body of this assessment report.

For this development the applicant has met the requirements of BASIX to benefit from the bonus floor space scheme.

121 public submissions have been received in response to Council's notification of the DA.

Subject to the imposition of the recommended conditions, the proposal is considered to be satisfactory.

Summary Recommendation: That the CSPC grant development consent to D/2011/1311.

- Development Controls:**
- (i) Sydney Local Environmental Plan (Harold Park) 2011
 - (ii) Sydney Development Control Plan (Harold Park) 2011
 - (iii) City of Sydney Heritage Development Control Plan 2006
 - (iv) City of Sydney Access Development Control Plan 2004
 - (v) City of Sydney Contaminated Land Development Control Plan 2004
 - (vi) City of Sydney Notification of Planning and Development Applications Development Control Plan 2005
 - (vii) Council of the City of Sydney Policy For Waste Minimisation In New Developments
- Attachments:**
- A - Selected Drawings and Photomontages

RECOMMENDATION

It is resolved that consent be granted subject to the following conditions:

SCHEDULE 1A

Approved Development/Design Modifications/Covenants and Contributions/Use and Operation

Note: Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2011/1311 dated 22 August 2011 and the following drawings:

Drawing Number	Revision	Title	Date
DA-P1-000	B	Cover Sheet	June 2012
DA-P1-001	B	Location and Site Plan Precinct 1	June 2012
DA-P1-002	B	Site Analysis Plan Precinct 1	June 2012
DA-P1-003	B	Floor Plan – Basement 2 Precinct 1	June 2012
DA-P1-004	B	Floor Plan – Basement 1 Precinct 1	June 2012
DA-P1-005	B	Floor Plan – Level 1 Precinct 1	June 2012
DA-P1-006	B	Floor Plan – Level 2 Precinct 1	June 2012
DA-P1-007	B	Floor Plan – Level 3 Precinct 1	June 2012
DA-P1-008	B	Floor Plan – Level 4 Precinct 1	June 2012
DA-P1-009	B	Floor Plan – Level 5 Precinct 1	June 2012
DA-P1-010	B	Floor Plan – Level 6 Precinct 1	June 2012
DA-P1-011	B	Floor Plan – Level 7 Precinct 1	June 2012
DA-P1-012	B	Floor Plan – Level 8 Precinct 1	June 2012
DA-P1-013	B	Floor Plan – Roof Precinct 1	June 2012
DA-P1-020	B	Elevations – Building A Precinct 1	June 2012
DA-P1-021	B	Elevations – Buildings B Precinct 1	June 2012
DA-P1-022	B	Elevations – Building C	June 2012

Drawing Number	Revision	Title	Date
DA-P1-023	B	Elevations – Building D Precinct 1	June 2012
DA-P1-025	B	Section – A & B Precinct 1	June 2012
DA-P1-055	B	Facade Elevations Building A	June 2012
DA-P1-056	B	Façade Elevations Building C	June 2012
PD-DA-001	D	Public Domain Cover Sheet	18/06/2012
PD-DA-012	D	Public Footways Plan	18/06/2012

and as amended by the conditions of this consent:

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(2) CONSTRUCTION CERTIFICATE FOR EARLY WORKS

- (a) Notwithstanding conditions of this consent and the Stage 1 DA (D/2011/1298) consent except for conditions 17, 18, 19, 22, a construction certificate may be issued for the following preparatory works:

(i) excavation, shoring and footings; and installation of services. The construction certificate may also allow for the construction of basement structures but only if Condition 69 (Alignment Levels) of the Stage 1 DA (D/2011/1298) has been satisfied and a letter and any supporting documentation has been issued by Council's Director City Planning, Development and Transport stating that Condition 69 is satisfied.

- (c) Any basement construction works carried out under (b) must ensure that compliance with Condition 73 (Floor Levels for Buildings and Structures) of the Stage 1 DA (D/2011/1298) will be complied with. Council will not allow the projection of basements or structures over 1.2m above the adjacent public domain, including the pocket parks.

(3) BUILDING HEIGHT

- (a) The height of buildings must not exceed the maximums as identified in the below table:

Building	RL (AHD) to the top of the building (incl. plant)	RL (AHD) to roof soffit level
Building 1A	RL 36.00	RL 34.05
Building 1B	RL 36.00	RL 33.85
Building 1C	RL 36.00	RL 34.25
Building 1D	RL 30.00	RL 27.30

- (b) Prior to any Occupation Certificate being issued for each building, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(4) APPROVED DESIGN ROOF - TOP PLANT

(5) DESIGN DETAILS (MAJOR DEVELOPMENT)

- (a) The splayed south-west elevation to levels 7 and 8 of Building 1C is relatively solid. A painted finish is not approved for this location. The elevation is to be treated with a higher quality material, subject to review and approval of the City's Director City Planning Development and Transport.
- (b) The level 1, southern elevation of Building 1D is highly visible. A painted finish is not approved for this location. The elevation is to be treated with a high quality material, subject to review and approval of the City's Director City Planning Development and Transport.
- (c) Final design details, colours, glazing, materials and finishes must be submitted to and approved by the City's Director City Planning Development and Transport, prior to a Construction Certificate being issued for above ground works.

(6) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The area of open space between 1D and 1C and access to this space requires significant design resolution. A concept landscaped plan must be provided addressing CPTED principles, access arrangements, landscape and fencing details and the potential for the provision of public art.
- (b) The ground floor (Level 1) layout of Building 1A is to be amended to ensure a clear passage of minimum 1.6 metres in width from building entry (off Road No.1) to communal courtyard.
- (c) The proposed letterboxes within the entry canopy on the entry plaza off Road No.2 is not approved and should be deleted. A letterbox strategy is to be submitted providing alternate letter box locations which are more secure. Security, crime prevention and integration of the letterboxes into the built form/landscape features shall be paramount in alternate options presented.
- (d) A minimum of 298 separate residential bicycle parking spaces are to be provided. Where a dwelling has a basement storage area on title that is large enough to accommodate a bicycle and is no smaller than a Class 1 bicycle locker that space can be included for the purposes of satisfying the required 298 spaces.
- (e) A minimum of 30 separate visitor bicycle parking spaces are to be provided.

Details of the above required modifications are to be submitted to and approved by Council's Director City Planning, prior to a Construction Certificate being issued for above ground works.

(7) DESIGN QUALITY EXCELLENCE

(8) MAXIMUM GROSS FLOOR AREA

The following applies to Gross Floor Area (GFA):

- (a) The GFA for the residential use must not exceed 28,712sqm; calculated in accordance with the Harold Park LEP.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Harold Park LEP, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority. A copy of the certification must be submitted to Council prior to occupation.

(9) BASIX CERTIFICATE - DETAILS TO BE LODGED WITH A CC

BASIX Certificate 367105M_05 and 267245M_09 accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificates must be specified on the plans submitted with the construction certificate application.

(10) PUBLIC ART

The Public Art Strategy prepared by Barbara Flynn, dated February 2012, is to be implemented as part of this development. This includes the incorporation of public art into the pocket park and within Precinct 1 itself.

- (a) Prior to the issue of any occupation certificate, details of the public art are to be approved by Council's Director City Planning.
- (b) The public art is to be installed prior to the issue of the final occupation certificate.

(11) HERITAGE INTERPRETATION STRATEGY - PACEWAY PRECINCT

- (a) Details of the location, type, contents and materials of the heritage interpretation for Precinct 1, are to be submitted to the satisfaction of Council prior to the issue of a construction certificate. These details are prepared with input from the applicant's heritage consultant in accordance with the recommendations of the Interpretation Strategy for the Former Harold Park Paceway site by Graham Brooks and Associates, dated July 2011.
- (b) This interpretation is to be installed to the satisfaction of Council prior to the issue of any occupation certificate for Stage 2 Precinct 1.

(12) ELECTRICITY SUBSTATIONS

Electricity substations, kiosks and the like are to be contained wholly with the property boundary of Precinct 1.

(13) LAND SUBDIVISION

Any proposal to subdivide the site, including any stratum subdivision of the building(s), will require a separate application to Council to obtain development consent for the proposal and subsequent issue of the Subdivision Certificate under Section 109J of the *Environmental Planning and Assessment Act 1979*.

(14) STRATA SUBDIVISION

Any proposal to Strata subdivide the buildings (or parts) will require a separate application to be made to Council or an accredited Strata certifier to obtain approval of the Strata Plan and issue of the Strata Certificate under the *Strata Schemes (Freehold Development) Act 1973*.

(15) RESTRICTION ON RESIDENTIAL DEVELOPMENT

(16) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL

(17) CAR PARKING SPACES AND DIMENSIONS

A maximum of 251 off-street car parking spaces must be provided. This maximum number is inclusive of required car share, motorcycle and accessible spaces. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to any Construction Certificate for any early workbeing issued.

(18) CAR SHARE SPACES

- (a) A minimum of 3 car parking spaces for the exclusive use of car share scheme vehicles are to be provided. A revised basement plan showing these spaces must be submitted to and approved by Council's Director City Planning, prior to the Construction Certificate for any early works being issued.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must be accessible to residents and visitors of the development at all times.
- (f) The car share spaces are to be available at the same time that the car park commences operation.

(19) CAR WASH BAYS

A minimum of 2 car wash bay, measuring a minimum of 3.5m x 5.5m must be provided for the development with water connection and drainage. All wash bay discharges are to be disposed of according to the requirements of to the sewer which requires a trade waste agreement with Sydney Water.

(20) MOTORCYCLES

An area equivalent to a maximum of 2 car spaces must be provided for motorcycles.

(21) BICYCLE PARKING

The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 - 1993 Parking Facilities Part 3: Bicycle Parking Facilities except that:

- (a) all bicycle parking for occupants of residential buildings must be Class 1
- (b) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

(22) ACCESSIBLE PARKING SPACE

- (a) The design, layout, signage, line marking, lighting and physical controls of all off-street accessible parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate for any early works being issued.
- (b) The accessible car parking spaces shown on the plans do not comply with standards/requirements and are to be redesigned to provide a bollard and hatched "shared area".

(23) TEMPORARY TURNING AREAS

- (a) Any road which is constructed and dedicated as a dead end street, as a result of the staged delivery of the site, must provide a temporary vehicle turning area.
- (b) Details of the vehicle turning must be submitted with the detailed design of the affected road (as part of the submission to satisfy Public Domain Plans / Essential Infrastructure conditions).
- (c) All temporary turning areas must be designed to accommodate a Council waste collection vehicle as a minimum.
- (d) The vehicle turning area must remain until the relevant subsequent stages are complete and the turning area is no longer required.

(24) PARKING PLAN

- (a) A parking plan for Precinct 1 must be submitted to the City's Traffic Operations Unit for approval. The plan must include the location and information present on each stem and sign. The plan must include chainages to each sign and stem from the kerb line of the nearest intersection. The parking plan must be in line with the area wide parking plan, required as part of the Stage 1 approval, with any changes identified with the submission.
- (b) The parking plan for Precinct 1 must be submitted as part of the Public Domain package of works for each of the streets.
- (c) The Precinct 1 signs must be approved and installed prior to the road being open for public use or prior to the issue of an occupation certificate, whichever is sooner. The plans will require a referral to the LPCTCC for endorsement.
- (d) Note: The process of reporting an item to the Local Pedestrian, Cycling and Traffic Calming Committee takes approximately 8 weeks from the relevant officer being satisfied with the proposal.

(25) TRAFFIC CALMING

- (a) A area wide traffic calming plan must be submitted to the Traffic Operations team for review prior to issue of a Construction Certificate for above ground works. This plan must show all the proposed traffic calming devices proposed to be installed on the internal road network within the Harold Park site. This plan will be referred to the Local Pedestrian, Cycling and Traffic Calming Committee for endorsement. The plan must be approved prior to the issue of any Occupation Certificate.
- (b) All works must be endorsed by the LPCTCC and included in the Essential Infrastructure plans prior to their submission.

Note: The process of reporting an item to the Local Pedestrian, Cycling and Traffic Calming Committee takes approximately 8 weeks from the relevant officer being satisfied with the proposal.

(26) LOADING ZONE OPERATIONS

- (a) On-street loading zones are public parking spaces and as such cannot be managed by owner's corporations/strata managers/body corporate. No such arrangements are allowed to be put in place.
- (b) Roads and Maritime Services (RMS) leaflets providing information on the use of Loading Zones must be located in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be observed and read by residents of the building.
- (c) The leaflets must be in place prior to any Occupation Certificate being issued for the residential buildings and must be updated as required and maintained in good order at all times.

(27) TRAFFIC SIGNALS

Timing of Signal Delivery

- (a) The signalised intersection must be delivered no later than 12 months from any occupation certificate being issued for Precinct 1. This will require the signals to be approved, installed and operational prior to this date.

Signal Design Approval Process

- (b) The signal design and staging plan must be submitted to Council for referral to the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC).
- (c) All requirements and recommendations from the Committee must be complied with.
- (d) The design and staging plan must then be submitted to the RMS for their approval.
- (e) The signals must be endorsed by the LPCTCC and included in the Essential Infrastructure plans prior to their submission.
- (f) Prior to the issuing of any Occupation Certificate for Precinct 1, evidence must be submitted to the approval of Council to demonstrate that the necessary approvals are in place to enable the signals to be delivered in 12 months time as required by (a).

(28) SECTION 116 OF THE ROADS ACT

- (a) Approved medians also requires approval under section 116 of the Roads Act. This requires public consultation, a referral to the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC), a Traffic Management Plan to be approved by the RMS and a report to Council.
- (b) The developer is required to contact Council's Traffic Operations team when they wish to begin the process.
- (c) Any additional information or design amendments required as part of this process must be provided by the developer at no cost to Council.
- (d) This process must be completed prior to any approval for the construction of the median being granted.

Note: The Section 116 process can take up to 12 months from the date that Council is satisfied with the proposal. The Section 116 process can occur concurrently with the process to approve the median design outlined in Condition 23.

(29) VEHICLE FOOTWAY CROSSING

(30) GREEN TRAVEL PLAN

- (a) The Green Travel Plan, prepared by Halcrow and dated March 2012, as amended shall be implemented, monitored and reviewed on an annual basis by the developer and the consultant nominated by the developer. The Green Travel Plan documentation associated with monitoring and reviews shall be collated and retained for future reviews and transport analysis purposes by the developer and the nominated consultant.
- (b) The Green Travel Plan is to be updated to identify the measures to be implemented as part of Precinct 1 and detail the integration between Precinct 1 and all future DAs. The updated Green Travel Plan is to be submitted for the approval of Council's Director City Planning, prior to the issue of a construction certificate for Precinct 1.
- (c) This measures and commitments in the Green Travel Plan shall be reflected in future construction certificates and provided to the Certifying Authority with the Green Travel Plan documentation prior to the release of Construction Certificates.

(31) ALLOCATION FOR CAR WASH BAYS

(32) ALLOCATION FOR VISITOR PARKING

(33) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

(34) INTERCOM FOR VISITORS

(35) LOCATION OF ACCESSIBLE CAR PARKING SPACES

(36) LOCATION OF VISITOR PARKING

**(37) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT
SCHEME APPLICATION OF CITY OF SYDNEY PERMIT PARKING
POLICY - INELIGIBILITY FOR RESIDENT PARKING PERMITS**

(38) SECURITY GATES

**(39) SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING
PERMIT SCHEME**

(40) SIGNS AT EGRESS

(41) VEHICLES ACCESS

(42) NO SPEAKERS OR MUSIC OUTSIDE

(43) COMPLIANCE WITH ACOUSTIC REPORT

(44) CERTIFICATION OF ACOUSTIC STANDARDS

(45) NOISE – USE (GENERAL)

(46) AIR CONDITIONERS IN RESIDENTIAL BUILDINGS

- (47) MECHANICAL VENTILATION
- (48) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION
- (49) MICROBIAL CONTROL
- (50) AIR HANDLING
- (51) CONTROL OF LEGIONNAIRES DISEASE
- (52) RAINWATER HARVESTING & RAINWATER TANKS
- (53) WATER POLLUTION
- (54) REFLECTIVITY
- (55) ANNUAL FIRE SAFETY STATEMENT FORM

SCHEDULE 1B

Prior to Construction Certificate/Commencement of Work/Health and Building

Note: Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

(56) DEWATERING

As dewatering of the site is required, approval will be required from the Department of Planning under the provisions of Part V of the Water Act, 1912 for a bore licence which may be subject to conditions.

Note: The Department's instructions to Council are that they will not endorse the extraction of groundwater in perpetuity i.e. Permanent dewatering around a development site, because it considers such development to be unsustainable. For this reason any proposed basement or other area that requires dewatering on an on-going basis will be fully tanked.

(57) HOURS OF WORK AND NOISE - OUTSIDE CBD

The hours of work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.

- (b) All work, including demolition, excavation and building work must comply with the *City of Sydney Building Sites Noise Code* and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".
- (c) Notwithstanding (a) above, the use of "Highly Intrusive Appliances" or "Category A" Appliances as defined in the City of Sydney Code of Practice for Construction Hours/Noise 1992, shall be restricted to between 9.00am and 3.30pm Monday to Friday and between 9.00am and 1.00pm Saturday and must include a 1 hour respite period commencing at midday Monday to Friday.

(58) HOARDINGS

Prior to works commencing, hoardings are to be erected around the perimeter of the site in accordance with the details provided on 3 April 2012. They are to be maintained in good condition for the duration of works and any graphics are to be in accordance with the consent for DA D/2012/274.

(59) SYDNEY WATER REQUIREMENTS

- (a) Building Plan Approval
 - (i) The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.
 - (ii) For further assistance please telephone 13 20 92 or refer to Sydney Water's website www.sydneywater.com.au for:
 - a. Quick Check agent details - see Building and Developing then Quick Check; and
 - b. Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating
- (b) Requirement for a Section 73 Certificate
 - (i) Sydney Water will assess the impact of the development when the proponent applies for a Section 73 Certificate. This assessment will enable Sydney Water to specify any works required as a result of the development and to assess if amplification and/or changes to the system are applicable. The proponent must fund any adjustments needed to Sydney Water infrastructure as a result of any development.

- (ii) The proponent 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 & 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).
- (iii) Sydney Water requests Council to continue to instruct proponents to obtain a Section 73 Certificate from Sydney Water. Details are available from any Sydney Water Customer Centre on 13 20 92 or Sydney Water's website at www.sydneywater.com.au

(60) PHYSICAL MODELS

(61) SUBMISSION OF ELECTRONIC MODELS

(62) CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

- (a) In accordance with Condition 89 of the Stage 1 consent, prior to the issue of any construction certificate, a Construction Traffic Management Plan (CTMP) must be submitted and approved by Council's Traffic Operations Unit.
- (b) The CTMP must include the investigation into the use of the intersection between MC02 and the The Crescent / Minogue Crescent as a construction vehicle driveway. This will also need to be discussed with the RMS and the STA. If this is not possible, the CTM must document why not, along with any relevant supporting documentation.
- (c) Once a CTMP is approved, the development must be carried out in accordance with the CTMP. The CTMP is also to incorporate the requirements of the Construction Traffic Management condition of this consent.

(63) COMPLIANCE WITH SUBMITTED REPORTS

as modified by conditions of this consent, the works approved under this DA are to be carried out in accordance with the following reports:

- (a) Construction and Environmental Management Plan for Remediation and Stage 1 Master Plan (CEMP), Revision B, prepared by Mirvac and dated 16 May 2011. It is noted that references to "construction" in this CEMP are taken to refer to the works proposed as part of this DA and apply to this development;
- (b) Noise and Vibration Management Plan prepared by Renzo Tonin, dated 17 February 2011, as amended by letter prepared by same and dated 9 May 2011 (submitted as part of the remediation DA D/2011/1299).

(64) CONSTRUCTION TRAFFIC MANAGEMENT

The following traffic and parking conditions are to be complied with and where required relevant approvals are to be obtained as follows:

- (a) The approved truck route plan shall form part of the contract with all demolition staff and contractors and must be distributed to all truck drivers.
- (b) Heavy vehicle or truck is defined as a vehicle being greater than 4.5 tonnes.
- (c) All trucks must turn right out of Ross Street into Wigram Road.
- (d) All trucks must not use Wigram Road east of Ross Street or west of Minogue Crescent.
- (e) Trucks using Ross Street to **enter** the site from Wigram Road are limited to 2 vehicles per day.
- (f) Trucks using Ross Street to **exit** the site onto Wigram Road are limited to 2 vehicles per day.
- (g) All other trucks must use the access road off Nelson St / Chapman Road to enter and leave the site.
- (h) All vehicles must enter and exit the site in a forward direction.
- (i) No approval is given for traffic control on a public street. If traffic control on a public street is proposed, Traffic Control Plans are required to be submitted for the approval of Council prior to those works commencing. WorkCover requires that Traffic Control Plans comply with Australian Standards 1742.3 and be prepared by a Certified Traffic Controller (under RTA regulations). All Traffic Control Plans must also comply with RTA's Traffic Control at Work Sites Guidelines.
- (j) The applicant must provide Council with details of the largest truck that will be used during the works prior to the start of any work on site and obtain approval from City's Construction Regulation Unit for the use of this vehicle.
- (k) No dog trailers to be used without City's Construction Regulation Unit approval.
- (l) The developer must obtain a permit from the City's Construction Regulation Unit regarding the placing of any plant/equipment on public ways.
- (m) No queuing, parking or marshalling of vehicles is permitted on any public road.
- (n) All vehicles associated with the development shall be parked wholly within the site. All site staff related with the works are to park in a designated off street area, no staff are to park on the street.

- (o) All loading and unloading must be within the development site or at an approved "Works Zone".
- (p) Traffic Controllers are NOT to stop traffic on the public street(s) to allow trucks to enter or leave the site. They MUST wait until a suitable gap in traffic allows them to assist trucks to enter or exit the site. The Roads Act does not give any special treatment to trucks leaving a construction site - **the vehicles already on the road have right-of-way.**
- (q) Trucks are not (at no time) allowed to reverse into the site from the road for safety reasons (unless specific approval is obtained from the City's Construction Regulation Unit).
- (r) Pedestrians may be held only for very short periods to ensure safety when trucks are leaving or entering BUT you must NOT stop pedestrians in anticipation i.e. **at all times the pedestrians have right-of-way on the footpath not the trucks.**
- (s) Physical barriers to control pedestrian or traffic movements need to be determined by the Construction Regulations Unit prior to commencement of work.
- (t) Any temporary adjustment to a Bus Stop or Traffic Signals will require the applicant to obtain approval from the STA and RTA respectively prior to commencement of works.
- (u) The developer must apply to the Construction Regulations Unit to organise appropriate approvals for cranes and barricades etc.
- (v) The developer must apply to Building Compliance Unit to organise appropriate approvals for hoarding prior to commencement of works.
- (w) The developer must apply to the Work Zones Co-ordinator to organise appropriate approvals for the Work Zones.
- (x) Representatives of the City's Traffic Operations Unit and/or Construction Regulation Unit may meet with the applicant periodically (every 3-6 months) to review these conditions to ensure that the development is not resulting in pedestrian and road safety impacts or impacts on the surrounding street network.

(65) NOISE AND VIBRATION MANAGEMENT

- (a) All work must be carried out in accordance with the management, noise and vibration control measures and work methodology outlined within the submitted Noise and Vibration Management Plan (NVMP) prepared by Renzo Tonin & Associates dated 17 February 2011 and additional information received prepared by same and dated 9 May 2011 (provided with the remediation DA D/2011/1299), as amended by consent conditions and the Construction and Environmental Management Plan (CEMP) for Remediation & Stage 1 Master Plan, Revision B, prepared by Mirvac and dated 16 May 2011, as amended by consent conditions.

- (b) The "Vibration Management Procedure" outlined at 4.9 of the Construction and Environmental Management Plan for Demolition, Revision D, prepared by Mirvac and dated 16 April 2011 which was approved as part of the demolition DA (D/2011/277) is to be incorporated into the CEMP referred to in (a) above.
- (c) In addition, the following measures must also be adopted on site:
 - (i) The hotline number (9080 8588) set up is to be maintained and provided to the occupiers of all noise / vibration sensitive receivers in the locality of the site likely to be most affected by intrusive noise/vibration and be placed on public display. On receipt of any complaint the complaints process as outlined in section 9.9 of the CEMP must be implemented and action immediately taken to resolve any complaint. Complaint logs (of all complaints) must be kept and copies must be made available to Council officers on request.
 - (ii) All machinery and plant being operated on site must be effectively fitted and maintained with acoustic silencing devices or mufflers where possible in order to keep resultant site noise levels to a minimum.
 - (iii) Where noise/vibration levels from any site operation are predicted to result in an exceedance of the Council's noise criteria or relevant vibration criteria at the nearest sensitive receiver or gives rise to a complaint as work is in progress, the control measures outlined in the flow chart at section 9.7 of the CEMP and dated 16 April 2011 must be implemented immediately at the start of that work or on receipt of a complaint.
 - (iv) The community consultation initiatives outlined in section 14 of the CEMP.
- (d) Where all such noise control measures have been implemented and substantiated noise complaints are received, further ameliorative measures may be required by Council. This may include increased and sustained periods of respite, the installation of a noise logger, spot noise measurements or other such action as may be considered necessary in order to reasonably respond and resolve those complaints.

(66) ACID SULFATE MANAGEMENT PLAN

All excavation works associated with site remediation and construction activities undertaken as part of the proposed site development works must be taken out in accordance with the recommendations stated within the Acid Sulfate Soils Management Plan prepared by JBS Environmental Pty Ltd Ref 41539 - 16774 (Rev 0) JBS Environmental Pty Ltd. July 2011.

(67) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) The Waste Management Plan accompanying this Development Application has not been approved by this consent.

- (b) A Waste Management Plan is to be submitted to and approved by Council prior to a Construction Certificate being issued. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- (c) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's Policy for Waste Minimisation in New Developments 2005, to facilitate the separation of commercial waste and recycling from residential waste and recycling.
- (d) As a consequence of an on-street domestic garbage service, the waste generated by the development must be appropriately compacted and approved compaction systems are to be incorporated in the waste management facilities in the buildings and are to be included in the Waste Management for the development.

UPON COMPLETION OF THE DEVELOPMENT

- (e) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

(68) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for excavation being granted or a construction certificate being issued in association with Precinct 1, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's Director City Planning.

The recording must include clear images of the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;

- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

(69) FOOTPATH DAMAGE BANK GUARANTEE

- (a) A Footpath Damage Bank Guarantee of \$33,200 calculated on the basis of a nominated area of 80 metres of asphalt/concrete site frontage, must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site. In this regard, if the security bonds required in accordance with Conditions 17 and 45 of development consents D/2011/1299 (for remediation of the subject site) and D/2011/1298 (Stage 1 DA) respectively, have been submitted to Council, then Council may accept those security bonds in satisfaction of this condition.
- (b) In lieu of the bank guarantee required under (a), Council may accept an unconditional performance bond issued by an APRA regulated authorised deposit taking institution or an Insurer authorised by APRA to Conduct New or Renewal Insurance Business in Australia and that is in accordance with Council's policy on performance bonds.
- (c) The guarantees (or bond if approved by Council) must be lodged with Council prior to works commencing on site.

(70) PUBLIC PARK DAMAGE BANK GUARANTEE (PRIOR TO OCCUPATION)

- (a) Prior to the issue of any occupation certificate for any residential building or dedication of land to Council, a Public Park Damage Bank Guarantee must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Park Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.
- (b) In lieu of the bank guarantee required under (a), Council may accept an unconditional performance bond issued by an APRA regulated authorised deposit taking institution or an Insurer authorised by APRA to Conduct New or Renewal Insurance Business in Australia and that is in accordance with Council's policy on performance bonds.
- (c) The bank guarantee referred to in (a) above, must be provided to Council no later than the date on which the plan of subdivision for the Public Park is lodged with Land and Property Information for the dedication of that Public Park to Council provided that works have commenced to any other approved development that is adjacent to the Public Park.

**(71) DILAPIDATION REPORT - JOHNSTON'S CREEK BRIDGE,
APPROACHES AND ADJACENT STORMWATER CHANNEL**

- (a) Subject to the receipt of permission of the affected landowner dilapidation report/s, including a photographic survey of the bridge over Johnston's Creek, approaches and adjoining stormwater channel are to be prepared by an appropriately qualified structural engineer prior to commencement of excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property/asset owners, and a copy lodged with the accredited certifier/Certifying Authority and the Council prior to works commencing.

UPON COMPLETION OF CONSTRUCTION WORKS

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted no later than one month after the completion of excavation works (but not including the demolition of the administration building approved for use as a marketing suite). A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the property owners of the bridge over Johnston's Creek, approaches and adjoining stormwater channel, and a copy lodged with the accredited certifier/Principal Certifying Authority and the Council.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

(72) STRUCTURAL INTEGRITY OF BRIDGE OVER JOHNSTON'S CREEK

- (a) The developer shall engage a suitably qualified structural engineer to monitor the bridge, approaches and adjacent stormwater channel for its structural integrity throughout the period of remediation works. At the conclusion of remediation works, a report on the structural stability of the bridge, prepared by suitably qualified structural consultant, is required to be submitted to Council. Where the structural engineer identifies structural insufficiencies, the developer shall be responsible for the upgrade of the bridge to ensure its stability. All costs are to be borne by the developer.
- (b) An unconditional bank guarantee in favour of Council in the amount of \$300,000.00 must be submitted as security for repairing any damage to the bridge and its immediate surrounds.

- (c) In lieu of the bank guarantee required under (b), Council may accept an unconditional performance bond issued by an APRA regulated authorised deposit taking institution or an Insurer authorised by APRA to Conduct New or Renewal Insurance Business in Australia and that is in accordance with Council's policy on performance bonds.
- (d) The guarantee (or bond if approved by Council) must be lodged with Council prior to works commencing on site.
- (e) The bond submitted to satisfy Condition 22 of the remediation DA (D/2011/1299) may be modified to also cover the financial security required by this condition.
- (f) The developer shall advise Sydney Water of the proposed access arrangements for their information in regards to any resultant damage to the adjacent stormwater channel and obtain any necessary approvals required from Sydney Water prior to works commencing.

(73) PRESERVATION OF SURVEY MARKS

All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

Prior to the commencement of works, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.

At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.

A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

(74) PAVING MATERIALS

The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

(75) ESSENTIAL INFRASTRUCTURE

- (a) In principle support is given for the provision of the Essential Infrastructure as shown on the stamped approved plans. The extent of Essential Infrastructure for this Precinct is as defined by the staging plans in the previously approved Masterplan and includes at a minimum part delivery of MC01 and any traffic calming works beyond the boundary defined by this stage but required to satisfy traffic management conditions.

- (b) The Essential Infrastructure is defined by the Voluntary Planning Agreement (VPA) and includes the Stormwater Works (Surface Drainage, Stormwater Lines and Rain Gardens), Subsoil Drainage, Roads, Public Domain (Footways, Street Tree Planting, Landscaping, Street Furniture and Street Lighting), Road Closure Parks and Utility Services (Water, Gas, Sewer, Electricity and Telecommunications).
- (c) References throughout this consent to Essential Infrastructure refer to the works summarised in (b) above and further defined in the VPA.
- (d) The Essential Infrastructure must be designed and constructed in accordance with the City's technical specification and standard details for civil works current at the time of construction.
- (e) Public Domain Plans and Civil Documentation for Essential Infrastructure are to clearly indicate any temporary or sacrificial work (such as temporary vehicle turning areas, stormwater lines, or public footways) required due to the staging.
- (f) All Essential Infrastructure is to be completed prior to the issue of any Occupation Certificate of this Precinct as defined by the approved plans.

(76) ASSOCIATED ESSENTIAL INFRASTRUCTURE COSTS

- (a) All costs associated with the construction of any new or temporary Essential Infrastructure works including kerb and gutter, road pavement, drainage system, footway, tree planting, landscaping and utilities shall be borne by the developer.
- (b) The cost of any adjustment to previously installed utility services to accommodate detailed design amendments from this Precinct shall be borne by the developer.

(77) ESSENTIAL INFRASTRUCTURE SECURITY

- (a) Security for Essential Infrastructure works is required to be lodged prior to issue of the first Construction Certificate.
- (b) A detailed cost estimate (certified by a Quantity Surveyor) of each portion of Essential Infrastructure works in a precinct is to be prepared and submitted to Council for approval. The approved value will determine the Essential Infrastructure Security.
- (c) The Essential Infrastructure Security must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under the relevant consent.
- (d) The Security will be retained in full until all Essential Infrastructure works for the Precinct are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

- (e) A separate security shall be lodged for the works associated with the road widening works along the Minogue Crescent frontage of Precinct 1. This security amount will be retained until such time as the works are complete in conjunction with the traffic lights at the intersection with MC02

(78) NOMINATED ENGINEERING WORKS SUPERVISOR

Prior to issue of the first construction certificate, the developer shall give Council written notification of the appointment of either:

- (a) A Chartered Civil Engineer, with National Professional Engineering Registration (NPER) in the construction of civil works, or
- (b) A survey company of Registered Surveyors with accreditation from the Institution of Surveyors NSW Inc., or
- (c) An accredited certifier in civil engineering, as its nominated engineering works supervisor, the responsibility of whom shall be to sufficiently supervise the works to ensure compliance with all relevant statutory requirements, all relevant conditions of development consent, construction requirements detailed in the above specification, and the requirements of all legislation relating to environmental protection and occupational health and safety.

On completion of the works the nominated engineering works supervisor shall certify that the works have been constructed in accordance with the approved plans, specifications and conditions of approval, and that the "Works as Executed" plans are a true and correct record of what has been built. The works supervisor shall be independent of the Principal Certifying Authority.

(79) ESSENTIAL INFRASTRUCTURE - HOLD POINTS AND HANDOVER

- (a) Prior to a Construction Certificate being issued for any building, excluding approved preparatory, excavation and shoring work, a set of hold points for approved essential infrastructure work is to be determined with and approved by the City's Public Domain section in accordance with the City's Public Domain Manual.
- (b) Completion and handover of the constructed essential infrastructure works is to be undertaken in accordance with the City's Public Domain Manual and current specification and standard details, including requirements for as-built documentation, certification and defects liability period.

(80) UTILITY SERVICES

- (a) Prior to the commencement of work on the site evidence is to be submitted to the accredited certifier/Principal Certifying Authority that the requirements of all public utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) with services within and adjacent to the site have been satisfied with regard to the design of any deviation, diversion, construction or removal of service infrastructure within the site.

- (b) Prior to the issue of the Site Audit Statement required under the remediation DA (D/2011/1299), evidence is to be submitted to the accredited certifier/Principal Certifying Authority and Council that the requirements of all public utility authorities providing services to the site have been satisfied with regard to the completed construction, installation or diversion, of service infrastructure within the site.

(81) WORK METHOD STATEMENT FOR FLOOD WATERS

The Excavation Work Method Statement prepared by Mirvac dated July 2012 and by Cardno dated 22 July 2012, under cover letter from Mirvac dated 23 July 2012 shall be complied with for the duration works on-site.

(82) DRAINAGE SYSTEMS DESIGN

- (a) Drainage systems that convey flood waters from upstream catchments through the site must be designed such that:
- (b) The drainage systems convey flood waters up to and including the 1 in 100 year ARI flows safely to Johnstons Creek. The design must comply with the safety standard recommended in the Australian Rainfall and Runoff, a guide to Flood Estimation by the Institution of Engineers and NSW Flood Development manual, 2005.
- (c) Minimum of 1 in 20 year ARI flows must be contained within below ground pipes and the remaining flows above the pipe capacity and up to and including the 1 in 100 year ARI flows as overland flows. If roads are to be used to convey overland flows the safety requirements outlined in (a) above must be met.
- (d) Any special drainage structures or collection drainage pits within road reserves or in public open spaces to capture or divert overland flows must meet safety requirements in (a) above.

(83) STORMWATER AND DRAINAGE MANAGEMENT

- (a) The existing stormwater management and drainage connections servicing the upper catchment areas are to be maintained at all times (during and after approved works). Where temporary or interim stormwater works are required, permission is to be sought from the relevant authority (Council or Sydney Water) prior to works commencing. If a drainage line is to be removed or altered, replacing drainage line must have similar or better capacity.
- (b) Prior to a Construction Certificate being issued, details of the proposed stormwater disposal and drainage from the development including where required a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development. Stormwater pipes and connections cannot encroach into the future open space.

- (c) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued.
- (d) Any permanent or temporary drainage system is to be constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website - www.cityofsydney.nsw.gov.au.
- (e) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way.
- (f) A Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD), if applicable, to ensure maintenance of the approved OSD system regardless of the method of connection.
- (g) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- (h) All stormwater easements are to be maintained and accessible throughout the works.
- (i) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued and prior to the commencement of any work within the public way.
- (j) A Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

(84) SUBSURFACE DRAINAGE

Subsurface drainage systems shall be provided for all road formations, cuttings, the base and sub base of pavement layers, retaining walls and the street closure parks. The design and construction of the subsurface drainage system shall be undertaken in accordance with City's current technical specification and standard details for civil works. Detailed plans and construction specifications for the subsurface drainage systems shall be prepared and certified as complying with Council's specifications prior to the issue of the first Construction Certificate for each Precinct.

A design certification report for the subsurface drainage system shall be prepared by an appropriately qualified civil engineer and shall be submitted to the Principal Certifying Authority for approval prior to the issue of the first Construction Certificate.

The plans shall include as a minimum the following information:

- (a) The proposed location of all subsoil drains and sub-pavement drains, including the nominal width and depth of trenches, pipe diameters and materials, longitudinal design grades, and the locations of outlets and cleanouts;
- (b) The location of public utility services shall also be included on the plans and cross sectional drawings;
- (c) Specifications for the construction of all components of the system in accordance with Council's Development Specification for Civil Works; and
- (d) All assumptions and/or calculations made in the determination of the need or otherwise for subsurface drainage in special circumstances shall be submitted to Council for approval with the documentation.

(85) ROAD WORKS

The Civil Documentation accompanying this Development Application has not been approved by this consent.

The design and construction of the road works required to service this Precinct, including temporary road works, shall be undertaken in accordance with City's current technical specification and standard details for civil works. Detailed plans and construction specifications for the works shall be prepared and certified as complying with Council's specifications prior to the issue of the first Construction Certificate for each Precinct. A design certification report for the road works shall be prepared by an appropriately qualified civil engineer and shall be submitted for approval of Council prior to the issue of the first Construction Certificate.

The detailed plans and supporting documentation shall include as a minimum the following information:

- (a) General subdivision plan with contour details and a clear indication of the extent of work;
- (b) Typical road cross sections showing road widths, pavement configuration, batter slopes, kerb and gutter types;
- (c) Plan and longitudinal section of the public road showing services;
- (d) Drainage plan and schedule of drainage elements;
- (e) Drainage profiles
- (f) Road cross sections and kerb returns;
- (g) Intersection layout details including linemarking, pavement marking and signposting;
- (h) Standard engineering and structural details plan;

- (i) Erosion and sedimentation control plans;
- (j) Utility services affecting the development;
- (k) Details of any temporary road works required due to the staged delivery of the development such as turning areas; and
- (l) Specifications for the construction of all components of the roadworks in accordance with City's current technical specification and standard details for civil works.

(86) RAIN GARDENS

- (a) Final design of the rain gardens is to address:
 - (i) pedestrian, cycling and vehicle circulation requirements including pedestrian crossings and driveway entrances;
 - (ii) sight lines
 - (iii) street lighting locations and other services and access points
 - (iv) maximising rainfall harvesting and overall stormwater management; and
 - (v) street tree locations.
- (b) Understorey planting to raingardens shall be minimum tubestock to an approximate mature height of 500-750mm and include at least the following species selection:
 - (i) *Dianella caerulea* (Blue Flax Lily)
 - (ii) *Ficinia nodosa* (Knotted Club Rush)
 - (iii) *Juncus usitatus* (Common Rush)
 - (iv) *Lomandra 'Tanika'* (Spiny headed Matt-Rush)

Other species may be considered for approval by Council, with a preference for native grasses, sedges or rushes that can withstand periodic inundation.

- (c) The design and construction of the rain gardens shall be undertaken in accordance with the City's current technical specification and standard details for civil works and submitted concurrently with the Public Domain Plans, Road Works Plans and Sub Surface Drainage Plans. Detailed plans and construction specifications for the rain gardens shall be prepared and certified as complying with Council's specifications prior to the issue of the first Construction Certificate. The submission shall include as a minimum the following information:

- (i) Detailed construction plans, drawn to scale, by suitably qualified landscape architect and engineers (as appropriate), prepared and submitted concurrently with the Public Domain and Road Works Plans. These plans shall be approved by the Director City Planning prior to the issue of a Construction Certificate. The plan must include:
 - a. Location of existing and proposed structures on the site including lighting, storm water and other services (if applicable);
 - b. Details of proposed levels and site grading including temporary surface treatments (if applicable);
 - c. Details of biofiltration and soil material;
 - d. Location, numbers and type of plant species;
 - e. Details of planting procedure and maintenance;
 - f. Details of drainage systems.
- (d) Prior to the issue of a Construction Certificate, a maintenance plan addressing the Council's operational capabilities is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during the specified maintenance and defects liability periods.
- (e) All works in the approved plan is to be completed prior to any Occupation Certificate being issued for the buildings.

(87) PUBLIC DOMAIN PLANS

The Public Domain Plans accompanying this Development Application have not been approved by this consent.

Three copies of detailed Public Domain Plans, prepared by an architect, urban designer or landscape architect, must be lodged with Council's Public Domain Section and be approved by Director City Planning prior to a Construction Certificate being issued for any new building work (including internal refurbishments) excluding approved preparatory, demolition, excavation or shoring work.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual. Public Domain Plans are to be prepared and submitted to Council concurrently with the Civil Design Documentation required for the Alignment Levels, Road Works, Subsoil Drainage, Rain Gardens, Stormwater Management and Utility Services. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

(88) DRAINAGE AND SERVICE PIT LIDS

Drainage and service pit lids throughout the public domain shall be heelguard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Pit lids shall be in accordance with any Council standards and details provided to Council prior to issue of a Construction Certificate for each stage where relevant.

(89) FLOOR LEVELS FOR BUILDINGS AND STRUCTURES

- (a) The following performance criteria shall apply to the design of buildings and structures on the site:
- (b) All proposed habitable floor levels, ground floor levels and basement car park entry levels within the site shall be set 500mm above design 1% AEP flood levels; and
- (c) Suitable freeboard protection shall be provided to other basement access points such as stair wells.
- (d) A design certification report for floor levels of buildings and structures shall be submitted to the Principal Certifying Authority prior to the issue of a construction certificate. A copy of supporting reports and calculations shall be submitted to Council prior to the issue of a Construction Certificate.

(90) ALIGNMENT LEVELS

(91) STREET AND PEDESTRIAN LIGHTING

The applicant shall provide a system of underground street and pedestrian lighting along all roads, footpaths, street closure parks and the realigned Ross Street in accordance with Council and Ausgrid standards. Detailed plans and construction specifications for the works shall be prepared, submitted to Director City Planning for approval and certified as complying with Council's and Ausgrid's specifications prior to the issue of the first Construction Certificate for any residential building.

The Lighting Plan(s) shall indicate layout, location, connections, conduits, types, luminaires, fixtures and category for street lighting, pedestrian lighting and feature lighting.

(92) LANDSCAPING WORKS - THROUGH SITE LINKS / POCKET PARKS

- (a) The Landscape Plans accompanying this Development Application have not been approved by this consent. A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Director City Planning, prior to the issue of a Construction Certificate. The plan must include:
 - (i) Location of existing and proposed structures on the site including existing trees and services (if applicable);

- (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (iii) Location, numbers and type of plant species;
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage and watering systems.
 - (vi) Details of lighting, to the satisfaction of Council.
- (b) The pocket parks shall be designed and constructed as high quality aesthetic environments and as functional and usable space to maximise both passive and active recreation opportunities (including access requirements for pedestrians and cyclists).
- (c) No obstructions relating to the below ground car park or adjacent buildings such as access ways or service vents are permitted within the pocket parks. The through site links / pocket parks ramps shall not vary in grade along their length to accommodate the car park basement below. One continuous even, gentle, grade shall be provided from MC01 through to the future open space to match the approved bulk earth works levels.
- (d) The through site links / pocket parks shall provide continuous accessible paths of travel between MC01 and the future open space and in accordance with the City of Sydney Access Development Control Plan 2004 and AS 1428-2009: Design for Access and Mobility. All continuous paths of travel shall be clearly indicated. The applicant shall provide a certificate of compliance to the Principal Certifying Authority prior to issue of Construction Certificate for each stage. Through site links / pocket parks shall not be ramped to provide access to the buildings. Any required access to property shall be achieved through ramping or stairs within the property boundary and not within the encumbered land.
- (e) Views between MC02 / MC03 and the future open space are to be maintained. Location of trees, planter boxes and heights of the landscape elements within the through site links / pocket parks are not to obstruct the view corridors.
- (f) The through site links / pocket park paths shall be free from narrow sections of path which may restrict pedestrian and cyclists movements though the spaces.
- (g) The applicant shall include on the plans the extent of landscape areas on slab/planter boxes and provide details that include a cellular drainage system, water proofing, irrigation system, tanking and flushing tubes in accordance with relevant Council and Australian Standards. The minimum soil depths for planting on slab shall be 1000mm for trees, 600mm for shrubs and 300mm for groundcovers and turf.

- (h) The applicant shall provide a fully automatic irrigation system to all landscape areas and turf. Hosecock's/QCV's installed in landscaped areas are to be at one per 80m² of landscaped area, or a minimum of one for each separate landscaped space which ever is the greater. The applicant is responsible for all liaison, authorities certificates, approvals and commissioning from all relevant authorities.
- (i) Planting layout and massing for landscaped areas shall be in accordance with the following (unless determined otherwise by Council):

Material Mature	Height	Minimum Spacing Minimum	Pot Size
Trees	Varies	Varies	100L (min. 2.0m high)
Tall Shrubs	> 1.5m high	3-6 per sq.m.	10L
Shrubs	600mm-1.5m high	4-7 per sq.m.	5L pot
Groundcovers	<500mm high	5-10 per sq.m.	150mm pot

- (j) Lighting shall be designed by a suitably qualified Electrical/Lighting Engineer. The objectives of the lighting design shall be to provide an aesthetically pleasing, safe functional night time environment utilising variable high quality vandal resistant light fixtures.
- (k) Lighting shall comply with AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting. The lighting shall be designed in accordance with the appropriate P rating for the space as deemed necessary by the Electrical/ Lighting Engineer and in reference to AS1158.3.1 Road Lighting- Pedestrian Area Lighting.
- (l) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during the specified maintenance and defects liability periods.
- (m) All landscaping in the approved plan is to be completed prior to any Occupation Certificate being issued for the relevant Precinct buildings.
- (n) The use of advanced tree stock in all public domain areas is recommended. Larger planted trees suffer reduced vandalism rates, increasing successful tree establishment in the environment.

Note: The availability of advanced quality stock is a frequent industry problem. In most instances, a supply order is forwarded for stock to be grown on by supplier. This should be planned now to ensure stock is available.

(93) LANDSCAPE PLANS - SOIL VOLUMES

Landscape plans are to address soil depth and quality for tree planting. The City considers the following as minimum soil volume requirements for successful long-term tree establishment:

- (a) Large Trees (canopy diameter of up to 16 metres at maturity) require a minimum soil volume of 150 cubic metres, minimum soil depth of 1.5 metres and minimum soil area 10 metres x 10 metres.

- (b) Medium Trees (canopy diameter of up to 8 metres at maturity) require a minimum soil volume of 35 cubic metres, minimum soil depth of 1.2 metre and minimum soil area 6 metres x 6 metres.
- (c) Small Trees (canopy diameter of up to 4 metres at maturity) require a minimum soil volume of 9 cubic metres, minimum soil depth of 1.2 metre and minimum soil area 4 metres x 4 metres.

(94) LANDSCAPED (GREEN) ROOFS

- (a) A detailed plan of the green roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council prior to the issue of a Construction Certificate. The plan must include:
 - (i) A Design Statement that includes details of proposed use of the green roof, general accessibility, a description of the environmental parameters it sets out to address, including noise and privacy treatment and performance specification.
 - (ii) Survey Plans showing existing and proposed services and engineering details of existing roofs proposed to be retrofitted.
 - (iii) Location of existing and proposed structures and hard landscaping on the rooftop, retaining walls, and roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species and those specified for use by the City of Sydney.
 - (v) Details of installation methodology including structural reinforcement or retention structures for sloping roofs, including details of prevention of slippage.
 - (vi) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
 - (vii) Details of drainage and irrigation systems, including overflow provisions.
- (b) Prior to the issue of a Construction Certificate, a Maintenance Manual is to be submitted and approved by the Principal Certifying Authority. A copy of the Maintenance Manual is to be kept on site at all times during construction and shall be produced to Council on request. The Maintenance Manual shall include as a minimum:
 - (i) Frequency and methodology of different maintenance requirements.
 - (ii) Details of safety procedures.

- (iii) Laminated copies of 'As Built' drawings.
- (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification; and
- (v) Copies of warranties and guarantees relating to all materials and plant used in construction.

The owner of the premises shall at all times comply with the on going maintenance requirements of the Maintenance Manual and shall promptly upon request produce a copy of the Manual to Council.

- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.
- (d) Prior to the issue of a Construction Certificate, the certifying authority must assess and approve the proposed design of the waterproofing system against the relevant performance provisions of the Building Code of Australia as required by Clause A0.5 of the Code and ensure the following is satisfied:
 - (i) A report from a structural engineer confirming the adequacy of the structure to support the saturated weight-bearing capacity of the green roof; and
 - (ii) A report from a hydraulic engineer certifying the drainage overflow provisions and water retention cells in the drainage layer used to facilitate self-watering for the plants.

(95) TREE PLANTING AND MAINTENANCE

- (a) New tree planting are to be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment.
- (b) Trees must be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF).
- (c) Trees must be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity.
- (d) Any newly planted tree that fails to establish within 2 years of the initial planting date must be replaced with a tree of comparable qualities.
- (e) Prior to the issue of an occupation certificate, approval is required from Council's Director City Planning is required that tree plantings have been completed to Council's satisfaction.

(96) LANDSCAPE WORKS - PRIVATE COURTYARDS

The Landscape Plans accompanying this Development Application have not been approved by this consent.

The applicant shall submit a plan to the Principal Certifying Authority to indicate extent of landscape areas on slab/planter boxes and provide details that include a cellular drainage system, water proofing, irrigation system, tanking and flushing tubes in accordance with relevant Council and Australian Standards. The minimum soil depths for planting on slab shall be 1000mm for trees, 600mm for shrubs and 300mm for groundcovers and turf.

The communal courtyards shall be designed and constructed as high quality aesthetic environments and as functional and usable space.

Planting layout and massing for private open space shall be in accordance with the following (unless determined otherwise by Council):

Material Mature	Height	Minimum Spacing Minimum	Pot Size
Trees	Varies	Varies	100L (min. 2.0m high)
Tall Shrubs	> 1.5m high	3-6 per sq.m.	10L
Shrubs	600mm-1.5m high	4-7 per sq.m.	5L pot
Groundcovers	<500mm high	5-10 per sq.m.	150mm pot

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. The plan must include:
 - (i) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (iii) Location, numbers and type of plant species;
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage and watering systems.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

(97) STRUCTURAL CERTIFICATION FOR DESIGN - BCA (ALL BUILDING CLASSES)

(98) CERTIFICATION OF GEOTECHNICAL INSPECTION

(99) BCA - NEW BUILDINGS WORKS - CLASS 2-9 BUILDINGS

(100) FIRE SAFETY CERTIFICATE TO BE SUBMITTED

(101) EROSION AND SEDIMENT CONTROL - MORE THAN 2,500SQM

(102) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

(103) ROAD OPENING PERMIT

**(104) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND
PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD
RESERVE**

**(105) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC
PLACE**

(106) BARRICADE PERMIT

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(107) SUBDIVISION WORKS

The Subdivision Works for the subdivision approval to DA D/2011/1298 (granted by the Central Sydney Planning Committee on 26 July 2012) must be completed to the satisfaction of Council prior to the issue of any Occupation Certificate for the buildings within this precinct.

(108) OCCUPATION CERTIFICATE TO BE SUBMITTED

(109) BASIX

All commitments listed in BASIX Certificates 367105M_05 and 267245M_09 for the development must be fulfilled prior to a relevant Occupation Certificate being issued for each building.

(110) GREEN ROOFS

Prior to an Occupation Certificate being issued, the Principal Certifying Authority must certify that the approved green roofs have been installed in accordance with the stamped plans and conditions of consent.

(111) ENCROACHMENTS - NEIGHBOURING PROPERTIES

(112) ENCROACHMENTS - PUBLIC WAY

(113) SURVEY

(114) SURVEY CERTIFICATE AT COMPLETION

(115) ARCHAEOLOGY

(116) ACCESS DRIVEWAYS TO BE CONSTRUCTED

(117) LOADING AND UNLOADING DURING CONSTRUCTION

(118) PROTECTION TREES DURING CONSTRUCTION

(119) NO OBSTRUCTION OF PUBLIC WAY

(120) USE OF MOBILE CRANES

(121) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

(122) COVERING OF LOADS

(123) VEHICLE CLEANSING

(124) CLASSIFICATION OF WASTE

(125) ASBESTOS REMOVAL

(126) SKIPS AND BINS

(127) SIGNAGE LOCATION AND DETAILS

SCHEDULE 2

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply to the development.

BACKGROUND

The Site and Surrounding Development

1. The development site is known as 'Harold Park' and is located in Forest Lodge, approximately 2.5km from the Sydney CBD. The site was formerly used for harness racing. The Rozelle Tram Depot also operated on the site from 1904 to the 1960s and the heritage listed Tram Sheds remain on the site.
2. The site was previously owned by the NSW Harness Racing Club and is now owned by Mirvac.
3. The development site has an area of approximately 10.63ha and is surrounded by the suburbs of Glebe, Forest Lodge and Annandale, generally comprising late 19th and early 20th century residential development, with small scale commercial and retail uses and some remnant industrial uses to the north.
4. Approximately 13ha of public parkland, comprising Federal, Jubilee and Bicentennial Parks, is located to the north of the site as is Jubilee light rail station. The Johnston's Creek stormwater channel, The Crescent and Minogue Crescent and Nelson Street are to the west of the site. Maxwell Road and the cliff face are to the east, with the area atop the cliff known as the Toxteth Estate, is a conservation area under the Leichhardt LEP.
5. The development site is within 1km of the Glebe and Annandale village centres, on Glebe Point Road and Booth St, respectively, and the site is also about 1km away from Sydney University, the Royal Prince Alfred Hospital and Broadway shopping centre.
6. Except for heritage listed items and the former administration building which is now being used as a marketing suite, all structures on the site have now been demolished.
7. The section of the development site subject to this application is known as "Precinct 1" and is located towards the south-western corner of the site, fronting Minogue Crescent.
8. Aerials images of the development site with subject site indicatively indicated in context are provided below:

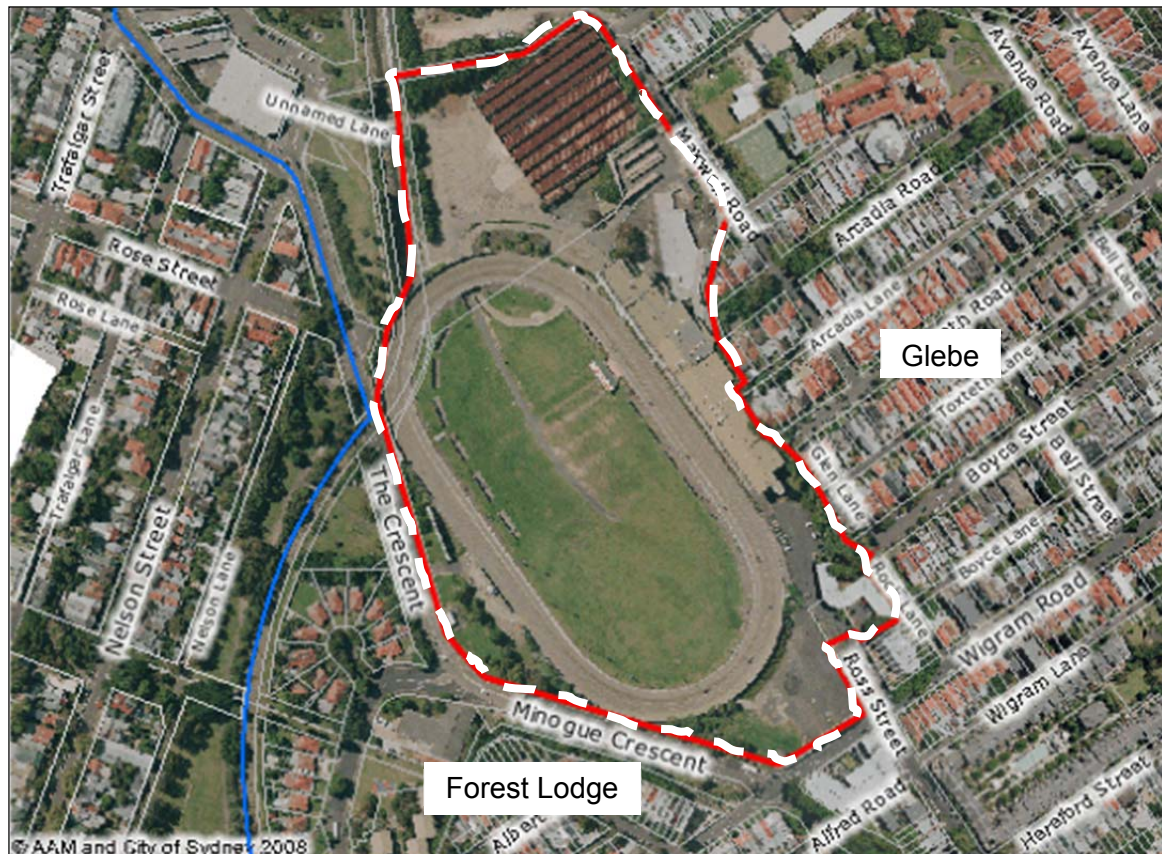


Figure 1: Harold Park. The paceway, grandstand and other ancillary buildings have now been demolished as per the below aerial images.



Figure 2: Aerial image of the development site looking north



Figure 3: Aerial image of the development site looking north-west



Figure 4: Aerial image of the development site looking south-west



Figure 5: Aerial image of the development site looking south



Figure 6: Proposed Precinct 1 and Precinct 2 buildings in context of surrounding Stage 1 building envelopes.

History of Development Applications Relevant to this Site

9. The Stage 1 DA (D/2011/1298) was approved by the CSPC on 26 July 2012. The Stage 1 DA proposal included residential building envelopes ranging from 3 to 8 storeys (approximately 1,250 dwellings); 7,553m² non-residential floor space (mainly in Tram Sheds); dedication of 3.8ha of public open space; bulk excavation and infrastructure works; new intersection and road widening; re-alignment of Ross Street; car parking for Tram Sheds precinct; landscaping and subdivision.
10. Development Applications (DAs) for remediation, demolition, a marketing suite and signage, associated with the redevelopment of Harold Park have also been approved since July 2011.
11. A Stage 2 DA for Precinct 2 (D/2011/1312) is being considered concurrently and is the subject of a separate report. That DA is for 2 residential apartment buildings (8 storeys) with a total of 169 apartments, 53sqm retail area, basement parking for 171 cars and two pocket parks.

PROPOSAL

12. The proposal is for:
 - (a) construction of four residential apartment buildings, on one strata development lot comprising of 298 dwellings;
 - (b) provision of a common two level basement carpark providing 252 spaces;
 - (c) establishment of a central private landscaped courtyard; and
 - (d) associated tree removal, landscaping earthworks and infrastructure works.
13. The proposal has been amended to address concerns raised by Council. The amendments include:
 - (a) amendments to the Building 1C envelope;
 - (b) landscape design refinement;
 - (c) minor reconfiguration of apartment layouts, and;
 - (d) refinement and reconfiguration of the basement car park.
14. Detailed plans and elevations are provided at **Attachments A**. Photomontages/indicative illustrations of the proposed development are provided below:



Figure 7: Indicative illustration of typical street/terrace frontage treatment



Figure 8: Photomontage - corner of Road No.1 and Road No.2 – looking south



Figure 9: Photomontage – Road No.4 frontage – looking west towards Minogue Crescent



Figure 10: Photomontage – corner of Minogue Crescent and Road No.2 – looking east

IMPLICATIONS OF THE PROPOSAL

Section 79C Evaluation

15. An assessment of the proposal under Section 79C of the Environmental Planning and Assessment Act 1979 has been made, including the following:

Section 79C(1)(a) Environmental Planning Instruments, DCPs and Draft Instruments

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs) and REGIONAL ENVIRONMENTAL PLANS (REPs)

16. The following SEPPs and REPs are relevant to the proposed development:

Infrastructure SEPP 2007

17. The application was referred to the Road and Maritime Services (RMS - formerly the RTA) in accordance with the requirements of the Infrastructure SEPP. The Sydney Regional Development Advisory Committee (SRDAC) / RMS raised no objection to the proposal.

SEPP 32 - Urban Consolidation (Redevelopment of Urban Land)

18. SEPP 32 provides for the increased availability of housing within the inner city and to assist in meeting the demand for housing which is close to employment, leisure and retail opportunities.
19. The proposed development is not inconsistent with the aims and objectives of SEPP No. 32 and the State Government's urban consolidation initiatives in that the site is urban land that has the potential for multi-unit housing. The Harold Park LEP allows for residential development on the land. The subject proposal satisfies the requirements for redevelopment of the site, and increases the availability of housing within the City.

SEPP (Building Sustainability Index: BASIX) 2004

20. BASIX requires that residential developments reduce water consumption by 40 per cent and greenhouse gas emissions (energy) by 20 per cent.
21. The Harold Park LEP allows a floor space bonus, of up to 10,630sqm, if the proposed buildings exceed BASIX targets by not less than 25%.
22. The applicants amended Precinct 1 scheme, submitted 6 June 2012, was accompanied by an amended BASIX certificates confirming that the amended scheme achieves a +50% water saving target (+25% above the required 40%) and a +25% energy savings target (+25% above the required 20%). The amended scheme also achieves a 6.5 star level thermal comfort rating. Two separate BASIX certificates were provided for buildings A & B (Cert# 367105M_05) and C & D (Cert # 267245M_09) respectively.
23. As per the provisions of the Harold Park LEP, the amended Precinct 1 development is eligible for a floor space bonus, of up to 10,630m².

SEPP 55 - Remediation of Land

24. SEPP 55 requires the consent authority to consider whether the land is contaminated prior to granting consent for development. If the land is contaminated, the consent authority must be satisfied that the land is suitable for its intended use in its present state, or that it will be suitable after remediation.
25. The provisions of SEPP 55 are replicated in the Contaminated Land DCP 2005.
26. D/2011/1299, approved 29 June 2012, remediation works to the site. The application was accompanied by a Remedial Action Plan (RAP) and Interim Advice from a Site Auditor. The consent requires a Site Audit Statement confirming that the site is suitable for the proposed use prior to the commencement of any other works on the site, other than those associated with remediation.

SEPP 65 - Design Quality of Residential Flat Development

27. SEPP 65 provides that a number of matters relating to design quality, including 10 design quality principles are taken into account, being:
 - (a) **Principle 1, 2 and 3:** Context, Scale and Built Form

Complies: The amended scheme exceeds the Stage 1 approved envelope in two locations; the upper level setback on the southern end of Building 1A, and; the upper storey on the western end of Building 1C. These two non-compliances are addressed in the Issues section of this report.

Issues in regards to building depth and building separation distance were addressed in Council's assessment of the Stage 1 DA that applies to the site, with the following conclusions drawn:

Building Depth

The proposed building envelopes generally have a building depth of 22m, inclusive of the balcony areas. Future DAs for residential buildings will be required to demonstrate compliance with amenity, solar access and cross ventilation to apartments and the requirements of the RFDC.

Building Separation

The DA generally proposes complying separation between buildings. Where reduced separation is indicated, it is generally not much less than RFDC rules of thumb, assuming that these locations are between non-habitable rooms.

In regards to the two above points it is noted that the Precinct 1 DA proposes a non-conforming scheme in relation to RFDC solar access and ventilation requirements and non-conforming building separations distances between habitable rooms. These issues are discussed in the RFDC section of this report.

The remainder of the proposed development is consistent with building envelope approved under the Stage 1 DA for the site. The envelopes provide for satisfactory amenity and reflect the desired future character of the area as envisaged by the Harold Park LEP, DCP and Stage 1 DA.

(b) Principle 4: Density

Complies: The proposed development is consistent in density with that approved in the Stage 1 DA for the subject site. The proposal will have no unreasonable impacts upon the amenity of surrounding properties and is well placed to draw on existing and proposed services such as shops, public transport, parks and emerging community facilities.

(c) **Principle 5:** Resource, energy and water efficiency

Complies: The proposal's residential component is BASIX compliant. This is generally achieved through the proposed use of energy efficient light and water fittings, use of building materials with thermal properties, external shading and high performance glazing. A condition will require that the development complies with the commitments in the applicant's submitted BASIX certificates.

In regards to RFDC recommend cross ventilation (60% of apartments) and solar access (70% of apartments) requirements, the Precinct 1 scheme achieves 49% of apartments with natural cross ventilation and 58% of apartments with appropriate solar access.

This is justified on a development site scale, with overall compliance with the solar access and cross ventilation recommendations of the RFDC achievable across the whole development site.

Precinct 1's performance in regards to meeting the recommended amenity requirements of the RFDC is not considered to warrant refusal in this instance given the developments compliance with the approved Stage 1 envelope and resource, energy and water efficiency performance measures contained within the Harold Park LEP and DCP.

The issue of apartment amenity is discussed further in the RFDC section and Issues section of this report.

(d) **Principle 6:** Landscape

Complies: The proposal incorporates private, communal and public landscaped areas which respond to the constraints of the site and the landscape requirements of the Stage 1 DA and the Harold Park DCP.

Located centrally within the Precinct 1 development is a landscaped communal private open space area (approximately 2,160sqm) provided for all future residents of Buildings 1A – 1D. Included within the communal private open space is provision of a deep soil zone (equivalent in size to at least 10% of Precinct 1, in accordance with the Sydney Development Control Plan (Harold Plan) 2011).

At roof level there is the provision of a green roof above Building 1D, together with planting to be provided to the roofs over the carpark entry and garbage bin store room.

(e) **Principle 7: Amenity**

Complies: The proposed development achieves minimum apartment sizes for studio apartments, 2 bedroom apartments and 3 bedroom apartments. Some undersized 1 bedroom apartments are proposed (being 7sqm below the recommended 50sqm). This is considered acceptable in this instance as the smaller apartments are provided adequate amenity and only form a small percentage of overall apartments for Precinct 1.

Adequately sized balconies and ground floor private open space is provided for the majority of apartments as well as appropriately located and dimensioned storage facilities.

Acoustic and visual privacy is achieved through a layout which creates satisfactory separation. Disabled access is provided, and there is a range of adaptable units.

(f) **Principle 8: Safety and Security**

Complies: The development provides for casual surveillance of the surrounding public domain through balconies and windows being located along all facades. The high level of passive surveillance achieved will assist in preventing the opportunity for crime around the perimeter of the building. The proposal provides a number of secure pedestrian access points. Some of these access areas are considered poorly resolved in terms of activation which is further discussed in the Landscape section of this report above and the Issues section of this report. Conditions are recommended to improve safety and security.

(g) **Principle 9: Social Dimensions**

Complies: The proposal complies with the maximum and minimum dwelling mix range contained within the Harold Park DCP:

Apartment Type	Required Mix	Proposed Mix
Studio apartments	5% - 10%	6% studios
1 bed apartments	10% - 30%	29% 1 bed apartments
2 bed apartments	40% - 75%	53% 2 bed apartment
3+ bed apartments	10% - 30%	12% 3 bed apartment

(h) **Principle 10: Aesthetics**

Complies: The building facades reflect the activity and function of internal areas. The ground level terraces assist in providing a level of humans scale to the streetscape. A materials and finishes sample board was provided. A condition has been included which requires approval by the Director of Planning, for final materials and finishes.

A painted finish is proposed for the south-west elevation to levels 7 and 8 of Building 1C; and the level 1, southern elevation of Building 1D. This is not considered appropriate given how visible these elevations will be from the surrounding public domain. A condition will require a high quality material and finish for these locations.

28. The development is considered generally acceptable when assessed against the above stated principles and SEPP 65, which are replicated in large part within Council's planning controls.
29. As the DA relates to a residential flat development, the DA was required to be accompanied by a design verification statement from a qualified designer. Such a statement was prepared by Robert Graham of Mirvac Design, a registered architect.

Residential Flat Design Code

30. Pursuant to Clause 30(2) of SEPP 65 in determining a development application for a residential flat building the consent authority is to take into consideration the Residential Flat Design Code (RFDC). The following table is an assessment of the proposal against the guidelines provided in the RFDC.

Residential Flat Design Code		
<p>Building Depth</p> <p>10-18m (glass to glass) wide is appropriate.</p>	<p>✓/✗</p>	<p>Buildings 1A, 1B and 1C: 17 to 20m</p> <p>Building 1D: 21.5m</p> <p>Although the building depth in part exceeds the recommended 18m glass line to glass line, all habitable rooms have access to light and air through the provision of well proportioned windows.</p>
<p>Building Separation</p> <p>Up to four storeys/12m:</p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9 m between habitable/balconies and non-habitable rooms • 6 m between non-habitable rooms <p>Five to eight storeys/up to 25 metres:</p> <ul style="list-style-type: none"> • 18m between habitable rooms/balconies • 13 m between habitable/balconies and non-habitable rooms • 9 m between non-habitable rooms 	<p>✓</p> <p>✗</p> <p>✗</p>	<p>Between Buildings 1B and 1C: minimum of 21m between habitable rooms.</p> <p>Between Buildings 1B, 1C and 1A: minimum 7.6m between habitable rooms.</p> <p>Between Buildings 1B, 1C and 1D: minimum 6m between habitable rooms.</p> <p>By adopting a defensive built form, including blank facades and slot windows, for the eastern and western elevations of buildings 1B and 1C, the separation distances proposed provide for adequate amenity considering the sites high residential density context and compliance with the Stage 1 DA envelopes.</p>

Residential Flat Design Code		
<p>Deep Soil Zone</p> <p>A minimum of 25 percent of the open space area of the site should be a deep soil zone.</p>	✓	<p>948sqm or 10% of the site area.</p> <p>The Harold Park DCP provisions exceed the RFDC requirements which equate to 6.35% of site area.</p>
<p>Communal Open Space</p> <p>Communal open space to be 25-30% of site area.</p> <p>Private Open Space:Ground Level</p> <p>25sqm; minimum preferred dimension in one direction is 4m.</p>	✓/✘	<p>The communal open space for the exclusive use of residents is 1518sqm or 16.2%. This is less than the 25-30% required.</p> <p>In regards to private open space:</p> <p>Buildings 1A, 1B and 1C: compliance achieved.</p> <p>Building 1D: Apartments 1.1.02, 1.1.03, 1.1.05 and 1.1.06. All of these except Apartment 1.1.03 achieve a minimum dimension of 4m but none achieve the recommended area of 25sqm (the smallest being 6sqm).</p> <p>Overall the above non-compliances are considered acceptable because of the provision of additional and significant accessible public open space across the Harold Park precinct.</p>
<p>Safety</p>	✓	<p>There are a few spaces that may provide risk due to poor sightlines to and from these areas. These areas are discussed in the Issues section of this report. Conditions of consent are recommended.</p>
<p>Visual Privacy</p>	✓	<p>The Proposal exceeds the recommended building separations distances where active frontages are provided. Where non-compliances exist defensive facades are proposed in the form of blank facades and slot windows. This is further discussed in building separation section of this report above.</p>

Residential Flat Design Code		
<p>Single Aspect Apartments</p> <p>Single aspect apartments should be limited in depth to 8m from a window.</p> <p>Limit single aspect apartments with a southerly aspect (SW-SE) to max.10% of total units.</p>	<p>✓/✖</p>	<p>Buildings 1A, 1B and 1C: The maximum depth of single aspect apartments is 10.8m with a width of 6.9m. This is a typical 2 bedroom apartment.</p> <p>Building 1D: The majority of single aspect apartments have a depth of 8m from a window.</p> <p>Although some of the single aspect apartments have a depth greater than 8m from a window, this is acceptable as all habitable rooms have windows.</p> <p>Single aspect apartments with a southerly aspect: Building 1A = 16 or 20% Building 1B = 12 or 15% Building 1C = 11 or 15% Building 1D = 32 or 42%</p> <p>Overall 24% of apartments have a southerly aspect. This is largely due to the sites orientation and to the number of single aspect apartments proposed for Precinct 1 – 51%. This exceeds the requirement of a maximum of 10% and is a result of the Stage 1 approved envelopes.</p>
<p>Apartment Layout – Kitchen</p> <p>The back of a kitchen should be no more than 8m from a window.</p>	<p>✓</p>	<p>All apartments comply with this requirement.</p>
<p>Apartment Layout – Cross-Over</p> <p>The width of cross-over or cross-through apartments over 15 m deep should be 4m or greater to avoid deep narrow apartment layouts.</p>	<p>✓</p>	<p>All cross through apartments have a minimum width of 4m-5m.</p>

Residential Flat Design Code		
<p>Apartment Layout – Unit Sizes</p> <p>Minimum unit sizes: Studio: 38.5sqm 1 bed: 50sqm 2 bed: 70sqm 3 bed: 95sqm</p>	<p>✓/✖</p>	<p>The proposed development achieves minimum apartment sizes for studio apartments, 2 bedroom apartments and 3 bedroom apartments. Some undersized 1 bedroom apartments are proposed (43sqm which are 7sqm below the recommended 50sqm). This is considered acceptable in this instance as the smaller apartments are provided adequate amenity and only form a small percentage of overall apartments for Precinct 1.</p>
<p>Balconies</p> <p>2m min balcony width.</p>	<p>✓</p>	<p>Principal balcony widths are a minimum of 2m.</p> <p>However, there are additional instances where the balcony will have an area with a depth of 0.9m-1m. These balconies are principally to bedrooms and/or living room spaces with greater balcony area provided. They are considered to be secondary balcony areas that provide additional amenity above and beyond principle balconies.</p>
<p>Ceiling Heights</p> <p>2.7m min ceiling height in habitable areas.</p> <p>2.25-2.4m ceiling height in non-habitable areas.</p>	<p>✓</p>	<p>Ceiling heights are a minimum of 2.4m to kitchens and bathrooms with a range of 2.7m-2.8m for habitable rooms.</p>

Residential Flat Design Code		
<p>Ground Floor Apartments</p> <p>Optimise the number of ground level units with separate entries. Provide ground floor apartments with access to private open space.</p>	<p>✓/✗</p>	<p>Buildings 1A, 1B and 1C: All ground level units have separate entries.</p> <p>Building 1D: None of the ground level units have separate entries. All units are entered from the internal lobby. The activation of the ground level interface for Building 1D would be improved by separated entries at ground level. This is addressed in the Issues section of this report.</p>
<p>Internal Circulation</p> <p>Units arranged off a double-loaded corridor: the number of units accessible from a single core/corridor should be limited to eight.</p>	<p>✓/✗</p>	<p>Buildings 1A, 1B and 1C: Maximum of 6 apartments per corridor/core.</p> <p>Building 1D: This building has a single core with a double sided lift. There is a door that separates the corridor into two parts. For Levels 2-5 the northern corridor has 10 apartments, the southern corridor has 5 apartments. All the apartments in this building are single aspect apartments.</p> <p>Level 1: the northern corridor has 4 apartments and the southern corridors provides entry to 1 apartment. However, there are services and common storage areas accessed from the same corridor.</p> <p>Level 6 complies with the northern corridor has 8 apartment entries.</p> <p>The minor compliance detailed above is not considered an issue in this instance. The corridors are provided adequate light and air, are legible and respond to the envelopes approved under the Stage 1 DA.</p>

Residential Flat Design Code		
<p>Storage</p> <p>Minimum storage provision facilities: 1 bed: 6m³ 2 bed: 8m³ 3 bed: 10m³ (With minimum 50% storage area located within unit)</p>	✓	<p>The development caters for storage over and above that required by the RFDC. Conditions are imposed to reinforce the provision and allocation of storage facilities.</p>
<p>Daylight Access</p> <p>70% of units to receive 3 hours of direct sunlight in midwinter to living rooms and private open spaces.</p>	✘	<p>Due to the orientation of the Stage 1 Masterplan blocks, 58% of the residential apartments achieve at least 2 hours of direct solar access to the windows of the Living area.</p> <p>59% of the residential apartments achieve at least 2 hours direct solar access to the floor slab of the Private open space associated with the living area.</p>
<p>Natural Ventilation</p> <p>60% of units to be cross-ventilated. 25% of kitchens within a development should have access to natural ventilation.</p>	✘	<p>For the purposes of these calculations, apartments that have a dual aspect have been assumed to achieve cross ventilation:</p> <p>Building 1A: 46 apartments or 57.5% Building 1B: 43 apartments or 60% Building 1C: 41 apartments or 58% Building 1D: 16 apartments or 21%</p> <p>Due to the length of the Masterplan blocks, only Building 1B achieves the recommended 60% cross ventilation. This is generally acceptable because (with the exception of the studio apartment) all habitable rooms have a window to light and air. On average the development achieves a 49% rate of cross-ventilated units.</p>

VOLUNTARY PLANNING AGREEMENT (VPA)

31. A Voluntary Planning Agreement (VPA) between the applicant (Mirvac) and Council has been executed and secures public benefits associated with the redevelopment of the site. The requirements of the VPA were considered as part of CSPCs consideration of the Stage 1 DA.

LOCAL ENVIRONMENTAL PLANS (LEPs) and DEVELOPMENT CONTROL PLANS (DCPs)

32. The *Sydney LEP (Harold Park) 2011* ("Harold Park LEP") was gazetted on 16 December 2011. The *Sydney Development Control Plan (Harold Park) 2011* ("Harold Park DCP") provides the detailed built form controls for the site and came into effect on the same day.
33. The Harold Park LEP repealed the Leichhardt LEP 2000 in so far as it applied to Harold Park. The Draft Sydney LEP 2011 does not apply to Harold Park.
34. This Stage 2 DA has been assessed against the provisions of the Harold Park LEP and DCP, which contains detailed controls on matters such as built form, heritage, traffic and parking, rather than the provisions of the Leichhardt DCP as:
- (a) due to its site specific nature, the provisions of the Harold Park DCP are more detailed and relevant to the site;
 - (b) the provisions of the Harold Park DCP complement the provisions and objectives of the Harold Park LEP to a greater extent than those in the Leichhardt DCP. Accordingly, it is considered that the application of the provisions of the Leichhardt DCP to the proposal would undermine the objectives of the Harold Park LEP; and
 - (c) there are inconsistencies between the provisions of the Harold Park DCP and the Leichhardt DCP. Accordingly, the provisions of the Harold Park DCP prevail to the extent of those inconsistencies;

Sydney Local Environmental Plan (Harold Park) 2011

35. Compliance of the proposal with the Harold Park LEP relevant controls is summarised below:

Development Controls	Permissible under the Sydney Local Environmental Plan (Harold Park) 2011	Proposal as assessed
Zoning (Cl. 2.1)	B4 – Mixed Use	The proposed residential development is permissible with consent.
Height of Buildings (Cl. 4.3)	Permissible height varies across the site from RL 30 at the western end to RL 36 at the centre of the site.	<p>The heights proposed are consistent with the height controls for the site and comply with the LEP.</p> <p>Building 1A: max RL 34.05 (8 storeys) Building 1B: max RL of 33.85 (8 storeys) Building 1C: max RL 34.25 (8 storeys) Building 1D: max RL of 27.30 (5/6 storeys)</p>
<p>Floor Space Ratio (Cl. 4.4)</p> <p>Development Site Area: 10.6334ha</p> <p>(Precinct 1 Site Area = 9,328sqm)</p> <p>BASIX bonus (Cl. 6.6)</p>	1.15:1 + Bonus Floor Space	<p>A maximum of 132,918sqm total GFA is permissible for the development site.</p> <p>The maximum total Site GFA reflects the achievement of the maximum FSR (inclusive of the BASIX bonus) – i.e. 1.25:1.</p> <p>For this development the applicant has met the requirements of BASIX to benefit from the bonus floor space scheme.</p> <p>The development achieves a GFA of 28,712sqm, leaving 96,641sqm residential and 7,565sqm non-residential left for the remaining Precincts.</p> <p>Refer to Issues section.</p>
Preservation of Trees or Vegetation (Cl. 5.9)	Allows for the removal of trees or vegetation subject to development consent.	The proposal requires the removal of 10 trees. Council's Tree Management Officer has assessed these trees as appropriate for removal subject to conditions requiring protection of remaining retained trees and future approval of both private and public domain landscaping details. These requirements have been imposed as conditions of consent.

Development Controls	Permissible under the Sydney Local Environmental Plan (Harold Park) 2011	Proposal as assessed
Heritage Conservation (Cl. 5.10)	A Statement of Heritage Impact has been submitted to Council.	The Statement has been reviewed and the development is considered acceptable subject to archaeological and heritage interpretations conditions.
Car Parking (Cl. 6.1)	The LEP sets out the maximum number of car parking spaces permissible for particular land uses on the site.	Refer to issues section.
Acid Sulfate Soils (Cl. 6.2)	The site contains areas that are classified as being within Class 1, 2, 3, and 5.	An Acid Sulfate Soils report has been submitted with the application. Soils classified as being located within areas that require specific attention will be covered by a relevant condition of consent requiring that works comply with applicable legislation.
Flood Planning (Cl. 6.3)	Development permitted subject to flood assessment and risk management.	Flooding reports have been submitted and have been the subject of a peer review. The application is compliant with the LEP with regard to appropriate flood planning.
Design Excellence (Cl. 6.4)	Development must display design excellence.	The design of the proposal has been reviewed and is considered to satisfy the requirements of the design excellence Clause.

City of Sydney Development Control Plan (Harold Park) 2011

36. Compliance of the proposal with the Harold Park DCP relevant controls is summarised below: -

Matter to be Considered	Complies	Comment
Desired Future Character (Section 2)		
Consistent with Government Architect's Office Urban Design Study	✓	Complies: The proposal complies with the provisions within the DCP regarding, open spaces, coherency of streets and connections, stormwater management, heritage protection and accessibility.

Matter to be Considered	Complies	Comment
Local Infrastructure (Section 3)		
Ground Levels and Excavation 3.1	✓	Able to comply: Amendments have been made to address concerns regarding the originally proposed site levels, particularly the levels of the public open space. The amended site levels generally fulfil objectives of accessibility, consistent gradients, usable open spaces and overland flow paths. While generally levels are supported, amendments are recommended to ensure compliance with DCP objectives and the conditional requirements of the Stage 1 DA.
Public Domain 3.2	✓	Complies: 3.8ha. of public parkland has been dedicated to Council which complies with the minimum stipulated within the DCP.
Street Network and Access 3.3	✓	Complies: A Traffic Management Report has been submitted and has been peer reviewed. Refer to Traffic and Parking under issues section.
Staging 3.4	✓	Complies: Conditions on the staged delivery of Essential Infrastructure associated with the public domain and the dedication of public open space are included in the recommendation.
Heritage (Section 4)		
Harold Park Paceway 4.1	✓	Complies: An Interpretation Strategy has been submitted and is considered to be generally in accordance with the Heritage Conservation & interpretation Guidelines - <i>Harold Park Paceway Map</i> . D/2011/277 approved the demolition of the paceway, grandstand and related structures. An archival recording of the site was submitted prior to demolition in accordance with the conditions of that DA.
Building Use, Form and Design (Section 5)		
Land Uses 5.1 Centres and Hierarchy and Retail Uses 5.2	✓	Complies: The proposal does not incorporate any non-residential uses.

Matter to be Considered	Complies	Comment
Building Form and Layout 5.3	✓	<p>Complies: Proposed residential buildings generally address the street and are arranged in coherent blocks, with adequate setbacks and building levels.</p> <p>The proposal is compliant with the permissible floor area and general objectives for built form as specified within the DCP.</p> <p>Non-compliances in relation to height, upper level setbacks and the potential for Building 1D to provide an address to Minogue Crescent are addressed in the Issues section of this report.</p>
Application of NSW Residential Flat Code 5.4	✓/x	<p>Partially complies: The proposals compliance with the recommendations of the RFDC are addressed in the SEPP 65 section of this report.</p>
Building Typology, Design and Dwelling Mix 5.5	✓	<p>Complies: Buildings that create 20 or more apartments comply with the dwelling mix as stated within the DCP. The proposal provides for 6% studios, 29% 1 bedroom apartments, 53% 2 bedroom apartments and 12% 3 bedroom apartments in compliance with the relevant DCP maximums and minimums. The arrangement of units internally is varied and will allow for adaption over time.</p> <p>Dwelling mix, typology and design are considered adequate.</p>
Safety and Design 5.6	✓	<p>Able to comply: Security, lighting and the detailed design of public and private spaces is generally considered to be compliant with the provisions within the DCP.</p> <p>There are some spaces that may provide risk due to poor sightlines to and from these areas. These areas are discussed in the Issues section of this report.</p>

Matter to be Considered	Complies	Comment
Sun Access 5.7	✓/✘	<p>Partially complies: Solar access plans submitted indicate that the development is able to comply with core requirements of the clause in regards to overshadowing to public domain areas and over shadowing to existing neighbouring developments.</p> <p>The proposed developments non-complaint solar access to the proposed apartments is addressed in the SEPP 65, RFDC and Issues section of this report.</p>
Reflectivity 5.8	✓	<p>Complies: A reflectivity report has been submitted. The report was examined and is considered to comply with the objective of this clause.</p>
Acoustic Privacy 5.9	✓	<p>Able to comply: An acoustic report has been submitted. The report was examined and is considered to comply with the DCP with regard to acoustic privacy. Conditions will be imposed to ensure compliance with relevance acoustic amenity requirements.</p>
<p>Building Facades, Entrances and Articulation 5.10</p> <p>Active Frontages 5.11</p>	✓	<p>Able to comply: Generally, the built form proposed adequately address, both the surrounding streets and the public domain and internal open spaces.</p> <p>Proposed entrances and facades, materials, form and design of individual elements are acceptable and comply with the DCP.</p> <p>Building 1D's ability to be provided a street address is addressed in the Issues section of this assessment report.</p>

Matter to be Considered	Complies	Comment
Landscaping 5.12 Private Open Space 5.13 Common Open Space 5.14 Deep Soil 5.15 Green Roofs 5.16	✓	<p>Able to comply: Landscaping plans submitted to Council conceptually indicate high quality materials. A condition of consent will require final signoff of design, materials, services and finishes from Council.</p> <p>Private open spaces are acceptable in size and orientation and are generally compliant with the Stage 1 DA and DCP with regard to minimal size, location, privacy and solar access.</p> <p>Plans indicate that the proposed location of common open spaces is generally compliant with the DCP with regard to minimal size and location, with appropriate deep soil areas provided.</p> <p>Green roofs are proposed and are considered to comply with the DCP. Final details are required to be provide as a condition of consent.</p>
Fences 5.17	✓/x	<p>Partially complies: the proposal complies with the 1.8 metre maximum fence height for internal courtyard walls.</p> <p>The requirements for front fence heights are addressed in the issues section of this report.</p>
Tree Management 5.18	✓	<p>Complies: Trees planted or retained on the site are subject to Council Register of Significant Trees and any Tree Preservation Orders. Tree removal has been addressed in the LEP section of this report.</p>
Environmental Management (Section 6)		
Ecologically Sustainable Development 6.1	✓	<p>Complies: The application has satisfied the requirement of BASIX.</p> <p>All water harvesting and management will be subject to conditions of consent requiring design and operation to the relevant Australian Standards.</p>

Matter to be Considered	Complies	Comment
Waste Facilities and Minimisation 6.2	✓	<p>Able to comply: All loading for the site will be off street. The proposed development is generally compliant with the DCP requirements for waste management. A Waste Management plan was submitted in support of the development application. The submitted Waste Management Plan confirms that the development in regards to space provided for storage of waste and recycling etc can be provided in accordance with the DCP and Council's Waste Policy. A condition of consent will require certification of waste facilities prior to construction on site.</p>
Stormwater and Water Sensitive Urban Design 6.3	✓	<p>Able to comply: A stormwater management plan and statement was submitted and considered as part of the application.</p> <p>Appropriate water sensitive urban design principles have been adopted across the site, which have taken into consideration flooding, rain fall variances, water storage, use and distribution.</p> <p>A condition of consent will require final signoff of all stormwater and flood details to ensure compliance with the provisions of the DCP and Council requirements.</p>
Vehicle and Bicycle Facilities (Section 7)		
Parking, visitor, service and motorcycle parking, Car share spaces, accessible parking, bicycle parking and parking design and access.	✓ ^x	<p>Able to comply: It is noted that submissions have raised concern with Council's parking controls. This is discussed in the Issues section.</p>

Other DCPs

City of Sydney Access Development Control Plan 2004

37. The public domain access ways to residential lobbies on the ground floor areas of the development will provide appropriate access for people with disabilities in accordance with Part D3 of the BCA and Council's Access DCP.
38. The various lifts provide access to the basement parking and all upper levels including communal facilities in a manner that will satisfy Part D3.3 of the BCA and Council's Access DCP.

39. Details of accessible sanitary facilities associated common domain residential areas indicate equitable access consistent with AS1428.1 to satisfy Council's Access DCP and Part F2.4 of the BCA, which will be confirmed at construction certificate stage to verify compliance.
40. The proposed accessible parking spaces for adaptable apartments facilitate easy access for dual transfers or vehicles with side-loading ramps and hoists which complies with AS4299 and Council's Access DCP.
41. The apartments will provide access in terms of wheelchair access to enter apartments, which satisfies Table D3.1 of the BCA and is consistent with SEPP 65 and Residential Flat Design Code.

Heritage Development Control Plan 2006

42. A Heritage Impact Statement has been submitted and reviewed as part of this assessment. The development is considered acceptable subject to archaeological and heritage interpretations conditions. The bulk and scale of the development was considered under the Stage 1 DA. Given the proximity of the subject development to heritage conservation areas and heritage items, the proposal is not considered to have a material impact above and beyond that considered acceptable under the assessment of the Stage 1 DA.

City of Sydney Contaminated Land Development Control Plan 2004

43. Refer above under the heading *SEPP 55 - Remediation of Land*.

Council of the City of Sydney Policy for Waste Minimisation In New Developments

44. This is discussed in the DCP section of this report.

Issues

45. The issues identified in the above instruments/policies as non-complying or requiring further discussion in the abovementioned tables are discussed in detail below:

Floor Space Ratio/Bulk and Scale

46. The DA proposes a FSR of 3.1:1 and a GFA of 28,712sqm, which includes 2,435sqm proportion of the bonus GFA available to the development site under the LEP if each building exceeds BASIX targets by at least 25%.
47. The table below sets out the proposed GFA across the development site considered as part of the Stage 1 DA. It shows the percentage of the total residential GFA that is indicatively proposed within each precinct:

Precinct	Residential (m ²) - (not including development subject to 6.6(1)(c)	Retail (m ²)	Development subject to (6.6)(1)(c)	Total (m ²)	Proportion of total Residential GFA (%)	Proportion of total Precinct GFA that could be considered as BASIX bonus (m ²)
1	28,712	-		28,712	23%	2,435
2	18,226	53		18,279	15%	1,550
3	32,253	-		32,253	26%	2,735
4	14,452	-		14,452	12%	1,225
5	18,952	-		18,952	15%	1,605
6	7,766	-	5,000	12,766	10%	1,080
Tram Sheds	-	7,500		7,500		
Total	120,361	7,553	5,000	132,914	100%	10,630

48. As discussed in the LEP and BASIX sections of this report this Precinct 1 DA is considered eligible to be “awarded” an appropriate floor space bonus. Given the proposed floor space is in line with the indicative floor space breakdown above, its considered that the proportion of floor space proposed for this stage is acceptable and does not limit the maximum overall floor space for the development site being achieved.
49. The proposed floorspace and built form is considered to be compliant with the Harold Park LEP, DCP and generally with the approved Stage 1 envelope.

Height

50. The approved Stage 1 DA contains the following design modification condition:

(10) DESIGN MODIFICATIONS

- (a) *The following building envelopes are not approved and are to be modified as follows:*

- (i) *Building 1C - The number of storeys is to comply with the DCP. The southwest corner of the site is to be 5 storeys.*

Note: Increased storeys may be considered with the Stage 2 DA against the requirements of the planning controls.

- (ii) *Building 1D - The number of storeys is to comply with the DCP.*

Note: Increased storeys to the courtyard may be considered with the Stage 2 DA against the requirements of the planning controls.

51. The above identified non-compliances still form part of the proposed Stage 2 Precinct 1 buildings. The merits of the non-compliances are discussed below.

Building 1C

52. Building 1C straddles two different height controls – most of the building is located in an 8 storey zone but the northwest corner is in a 5 storey zone.

53. Building 1C is proposed to be 8 storeys with a 6 storey street frontage height. This means that the proposal exceeds the 5 storey height control by 1 storey in one portion of the site, as shown at Figure 11 below:

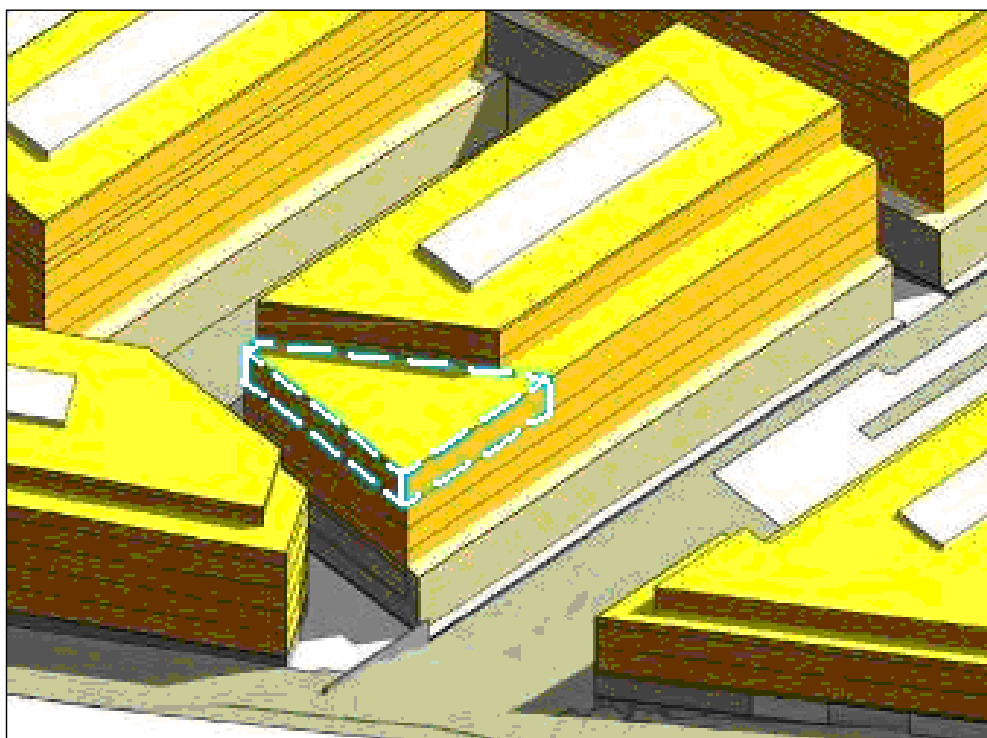


Figure 11: 3D massing showing the portion of Building 1C. The hatched area shows the portion of the building which exceeds the height control by 1 storey.

54. The non-compliance is considered to be an acceptable outcome as the application of the height in storeys control will result in a poorly proportioned elevation; the base to top ratio being approximately 50/50.
55. Whilst the southwest corner is proposed to be 6 instead of 5 storeys, that portion of the building will still generally read as 5 storeys from Minogue Crescent owing to the fall of the land and the ground floor of Building 1C being below Minogue Crescent. Because of the topography, the height of the southwest corner will read as being the same height of the 5 storey (southern) portion of Building 1D. Reducing the height to 5 storeys at the southwest corner would not reduce the overall height of the building as the bulk of it is 8 storeys.
56. The built outcome is considered to satisfy the intention of the controls to setback the 8 storey part of the building from the edges of the development site.

Building 1D

57. Building 1D straddles two height controls - 5 and 6 storeys to Minogue Crescent. Owing to the fall of the land, an additional 6th storey has been gained in the 5 storey zone to the courtyard, as shown at Figure 12 below:

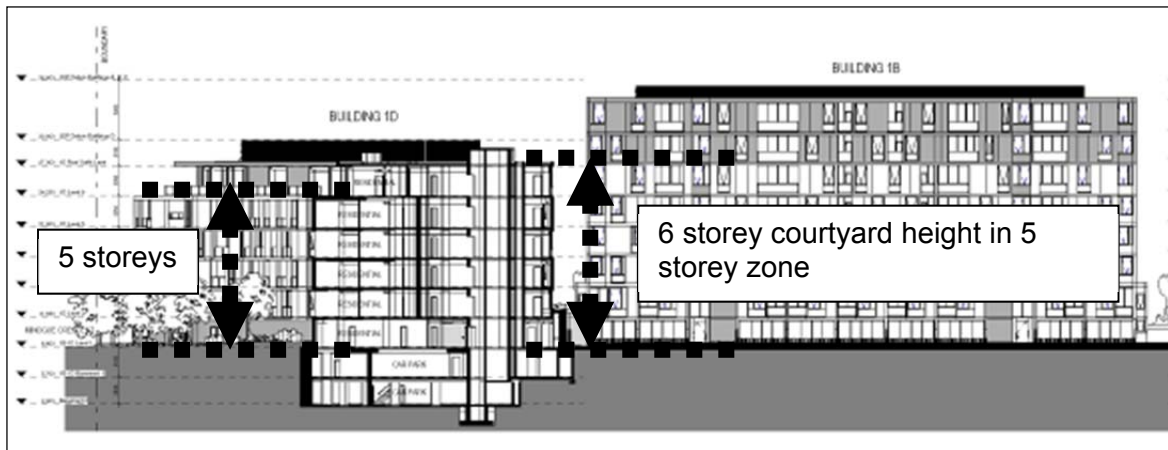


Figure 12: Section through Precinct 1, looking north.

58. Council's original Stage 1 DA assessment concluded that subject to demonstration of adequate amenity and solar access to future dwellings and compliance with FSR and other planning controls, an additional storey to the courtyard could be considered with a detailed Stage 2 DA.
59. In regards to amenity and solar access, the provision of an additional courtyard storey is considered positive as it provides for an increased proportion of north facing apartments. The additional storey does not result in a non-compliant FSR and is appropriately designed and positioned so as not to result in any additional environmental impact above those created by a Stage 1 DA compliant scheme.

URBAN DESIGN

Building 1D street activation and access

60. The approved Stage 1 DA contains the following design modification conditions:

(7) BUILDING ENTRANCES

- (a) *All buildings are to provide legible and accessible entrances.*
- (b) *Consideration is to be given to Buildings 1D, 3D, 5B and 6B providing building entrance lobbies from The Crescent / Minogue Crescent.*

(10) DESIGN MODIFICATIONS

- (b) *The envelopes are to be amended to improve their relationship with the public domain as follows:*
- (i) *ground levels be as close as possible to the adjacent public domain;*

61. Building 1D has no direct street address. Visitors and residents have to cross through a 'line of defence' or gate, enter through the communal courtyard to access the entry lobbies to Building 1D.

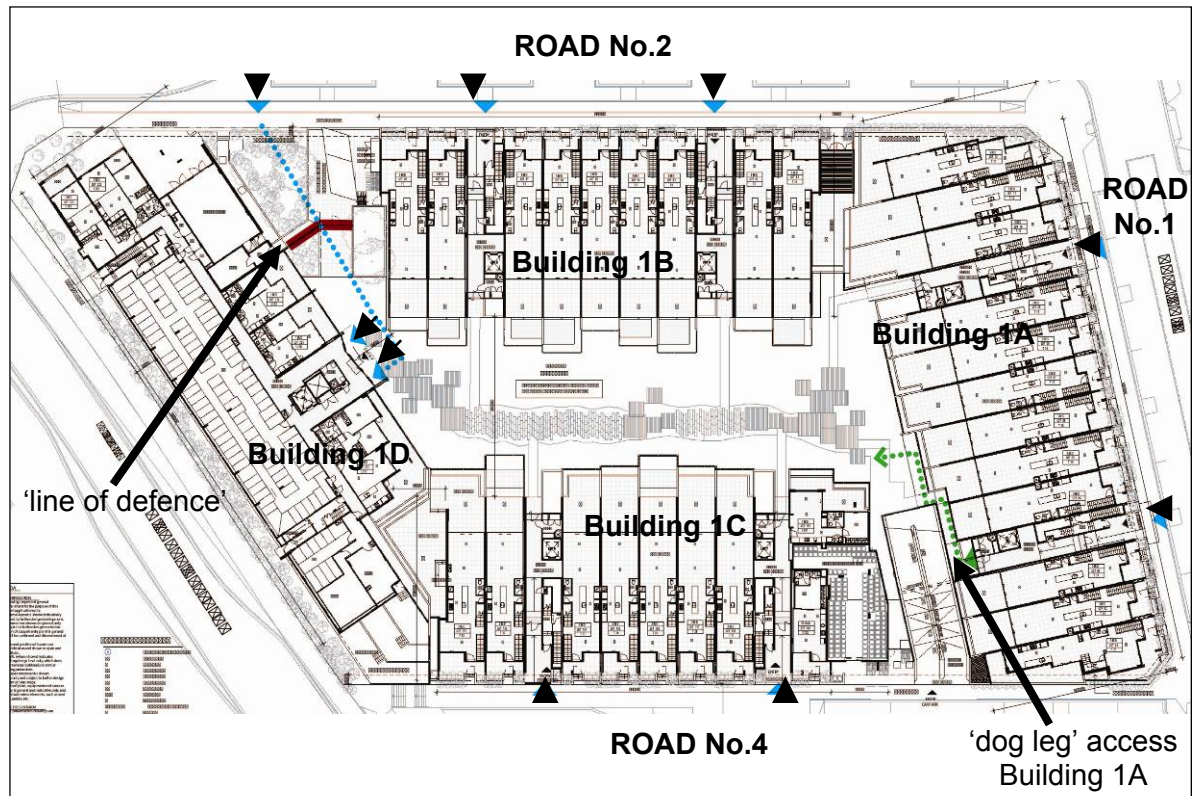


Figure 13: Analysis of entry points and lines of defence. Existing proposed entry points shown as an arrow.

62. The potential for a street address and entry lobby to be provided to Minogue Crescent has been investigated. To provide an entry lobby as indicated in Figure 14 below there will be a loss of approximately 7 out of 105 storage spaces. Elevational changes would also be required including ramping to accommodate a fall in the land along the Minogue Street frontage. The loss of landscaping involved in accommodating the required ramping is considered to outway the benefit of providing the separate secondary entrance in this instance.
63. The Entry Plaza [shown as (1) in Figure 14 below] is poorly designed with a lack of identity and activation resulting in a poor outcome for this space. The entry canopy/letter boxes will create some CPTED issues as it creates a visual obstruction to the entry forecourt space. This area is to be redesigned and conditions are recommended.
64. The letter box location in the entry structure is not approved via a condition of consent. Conditions require the Applicant to submit a letter box strategy detailing alternate options for letter box locations, the primary objective being to secure letter box locations that assist in crime prevention and present as an integrated architectural/landscape solution. Options that could be investigated include the provision of letterboxes in individual apartment building lobbies or letter boxes built into landscape elements such as fences.

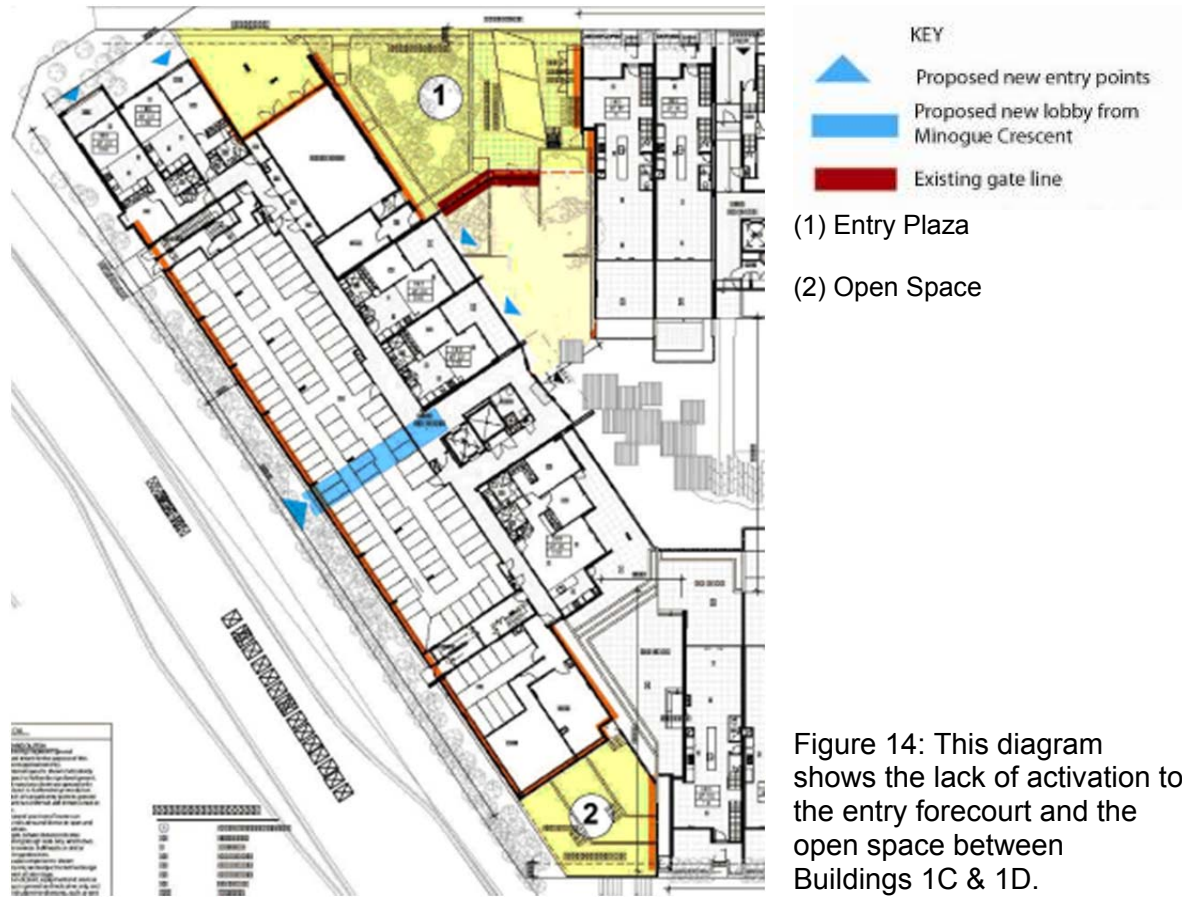


Figure 15: Photomontage – Entry Plaza

65. The open space between Buildings 1C and 1D [shown as (2) in Figure 14] also suffers from poor definition with no windows or entries to activate it. This area is to be redesigned and conditions are recommended including the consideration of public art in this location.

Building 1A and general ground level courtyard activation

- 66. The southern entry lobby from Building 1A to the communal courtyard is indirect to the communal courtyard with 'dog leg' corners that compromise the safety and security of the residents. It is a poor spatial relationship between the entry and the communal courtyard.
- 67. A condition of consent is recommended that requires the access point to be improved by increasing the minimum width of the passage from 1.4 metres to 1.6 metres.

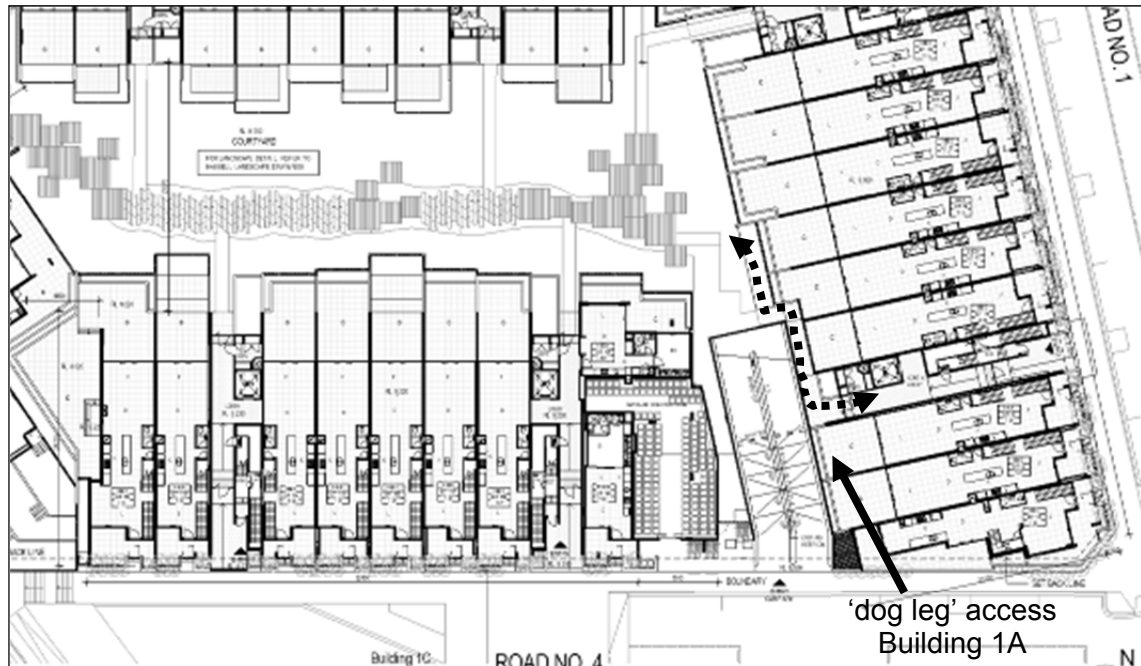


Figure 16: Ground floor plan - amendments required

Front Fences and setback area

- 68. The below figures show the proposed front fence and setback arrangement for the majority of the development fronting Road No.1, No.2 and No.4.

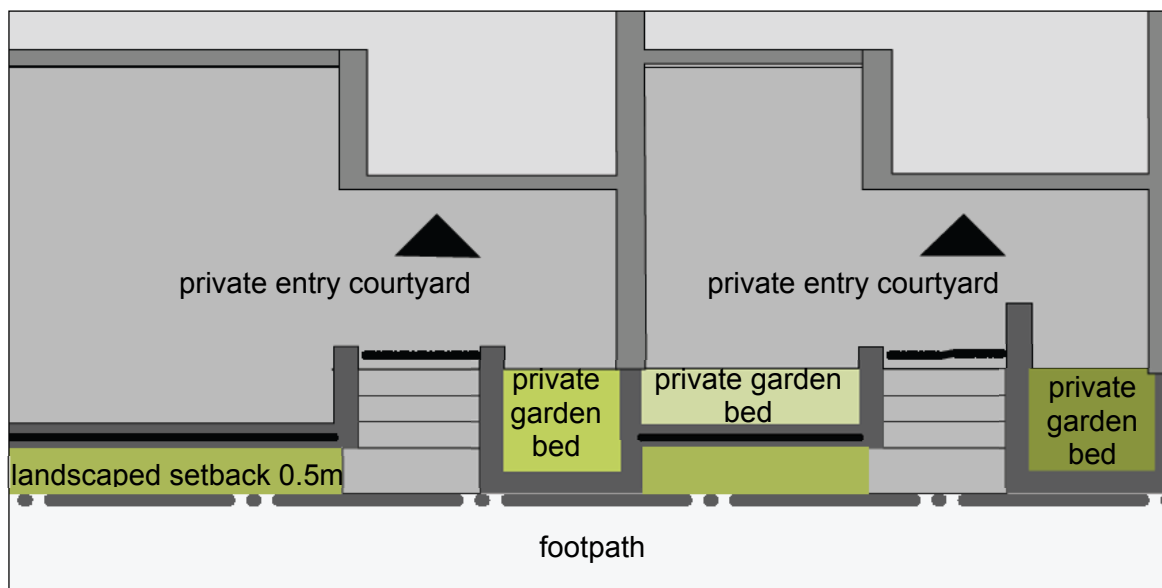


Figure 17: indicative landscape plan detail – typical front setback plan to primary roads

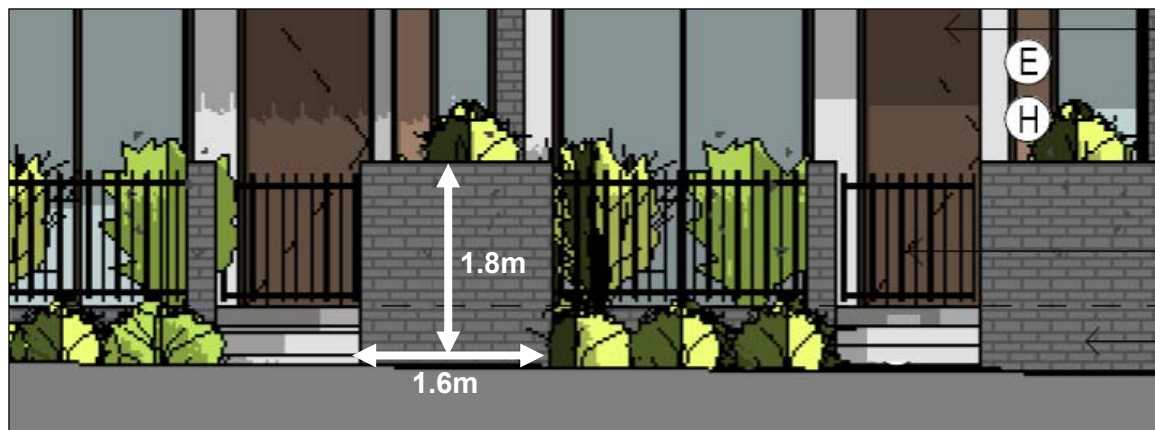


Figure 18: indicative elevational detail – typical front setback elevation to primary roads

69. The Harold Park DCP requires front fences to be:
- i) *constructed with solid masonry: 900mm above footpath level (excluding the height of any retaining wall); and*
 - ii) *constructed with open or transparent materials: 1200mm above footpath level (excluding the height of any retaining wall), and 1500 mm for any associated posts and piers.*
70. The above figures show that the proposed front fences on average achieve a maximum height of 1.8 metres, which is in excess of the maximum 1.2 metres by 600mm. Taking into consideration the 600mm high retaining wall the proposed front fences are set upon, brings the total fence height (excluding the retaining wall) down to 1.2 metres, in compliance with the control. The provided 500mm landscaped setback to the front fences is also considered to aid in softening the transition between private and public areas. The 1.6m wide x 1.8m high masonry element which protrudes into the front setback, effectively as a masonry planter for a private residential garden bed, is considered an appropriate response in this instance. The masonry element, which is repeated between each terrace along the road frontage emphasises the rhythm of the lower level terrace typology, emphasising address and providing a separate layer of materiality that aids in creating pedestrian scale. The masonry elements are positioned far enough apart so as not to create a significant security concern (in reference to creating hide spaces).
71. Overall, sight lines, access and privacy are maintained through the proposed fence arrangement. Proposed fencing across the subject site will allow for passive surveillance and contribute positively to the character of the local streets and public domain.

Parking

On-Site Car Parking

72. The proposed 252 car parking spaces are one space greater than the maximum 251 allowable under the LEP. As such that space will need to be reallocated to another use. The LEP requires all part spaces to be rounded down, the applicant has rounded up. This space is to be deleted and utilised for bicycle parking.

73. Under the requirements of the DCP, car share spaces are to be inclusive of the maximum allowable LEP parking rate, not provided on top of as has been proposed as part of the Precinct 1 application. A condition of consent incorporates a minimum of 3 car share spaces to be provided as part of the 251 maximum.
74. The proposal does not include any on-site visitor parking. The maximum requirements of the LEP are that car parking for visitors is 26. The provision of no on site visitor spaces complies with the maximum.
75. Some accessible parking spaces must be amended to provide the hatched "shared area" and bollard to comply with the Australian Standards for accessible parking spaces. A suitable condition is imposed.

Motorcycle parking

76. The proposal includes motorcycle parking in accordance with the DCP, however, the DCP requires that the area allocated for motorcycle parking is to be included in the maximum number of spaces permitted by the LEP, at a rate of 5 motorcycle parking spaces, or part thereof, per car space. The area provided for motorcycle parking is equivalent to 2.4 spaces. Adopting the LEP requirement to round down to whole numbers, this means that the total number of residential spaces is required to be reduced by 2 spaces. A condition has been imposed requiring that these spaces be reallocated to bicycle parking.

On-Street Car Parking

77. The Stage 1 approval requires two parking plans to be submitted and approved prior to any occupation certificates being granted. The first plan is a Harold Park wide plan; this will show the developers intentions for the site as a whole. The second plan is specific to the sections of road within each precinct and will need to show exact arrangements. The street specific parking plans for each precinct will need to be approved, and the signs installed, prior to any Occupation Certificate being granted for that precinct. As such the conditions from the Stage 1 approval have been copied across to this consent.
78. A condition relating to the operation of loading zones has also been included.

Construction

79. There is a possibility that a private road connection could be provided for construction traffic only. This connection is to be investigated as part of the Precinct 1 CTMP and will be included as a condition on that approval. This would relieve the volume of construction traffic over Johnsons Creek Bridge. The connection would need to be provided as a left in/left out arrangement from The Crescent and would need to be gated to ensure it was used for construction vehicles only. The set back of these gates would also need to be checked to ensure the largest construction vehicle could be contained without blocking back into The Crescent.

Traffic Signals

80. The proposed traffic signals at the intersection of Road No.2 and The Crescent are required to be provided no later than 12 months following the final Occupation Certificate from Precinct 1. Conditions included in the Stage 1 application have been amended to reinforce the requirement to evidence that work on the signals is underway and that in 12 months time the Applicant can deliver the signals.

Temporary turning areas

81. The stage 1 approval requires temporary turning areas to be provided where temporary dead-end roads are being created, as a result of the staged nature of the development. Precinct 1 will result in Road No.2 being a dead-end at its future connection to The Crescent (which isn't proposed until 12 months after occupation). The relevant traffic condition from the Stage 1 DA has been copied across.

Green Travel Plans

82. The Green Travel Plan condition has been copied across from the Stage 1 application, with the wording for section (b) amended to reflect to the fact the Precinct 1 application was submitted concurrently with the Stage 1 application.

Section 79C(1)(b) Other Impacts of the Development

83. The proposed development will not result in any additional impacts other than those already identified and discussed above.

BCA Matters

84. The proposal is capable of satisfying the requirements of the BCA.

Section 79C(1)(c) Suitability of the site for the development

85. The suitability of the site for urban renewal was determined at the rezoning stage. Except as noted throughout this report, the proposal generally complies with the provisions and objectives of the LEP and DCP. Where variations are proposed they are either capable of support, having had regard to their potential impacts, or are required to be amended by consent conditions and/or addressed with future detailed DAs.

Section 79C(1)(e) Public Interest

86. Subject to consent conditions to address issues discussed in this report, the proposal is considered to be in the public interest. The public benefits of the redevelopment of Harold Park include a new regional park and a monetary contribution for embellishment and land for affordable housing and a community facility.

POLICY IMPLICATIONS

87. Not applicable to this report.

FINANCIAL IMPLICATIONS/SECTION 94 CONTRIBUTIONS

Section 94 Contributions

88. In accordance with the VPA, the development is not subject to a Section 94 Contribution.

PUBLIC CONSULTATION

Section 79C(1)(d)

Notification and Advertising

89. Adjoining and nearby owners and occupiers of buildings were notified of the proposal and invited to comment. In addition, notices were placed on the site and the proposal was advertised in the daily press in accordance with the provisions of the City of Sydney Notification of Planning and Development Applications Development Control Plan 2005.
90. The Stage 1 DA, along with DAs for remediation and Stage 2 DAs for Precincts 1 and 2 were exhibited concurrently between August and October 2011. Given the scale of the development, the exhibition period was extended by 2 weeks (the DAs were notified for 7 weeks in total) and the notification radius extended from 75m required by the DCP to 200m. Over 1,800 residents were notified (including residents in Leichhardt Council).
91. Since the exhibition period, 224 submissions have been received in relation to the Harold Park development generally. Of the 224 submissions received, 121 specifically referenced to this DA. However, most of those submissions received during the concurrent exhibition relate to the overall development. Only submissions relevant to Precinct 2 (this DA) are addressed below. It is noted that a detailed response to all submissions was included in the Stage 1 DA report.

Height

Comment: The proposal generally complies with the LEP and DCP height controls as assessed in this report. The height controls were determined at the rezoning stage having regard to the compatibility with the scale and character of the surrounding area. Consideration was also given to meeting housing targets and the public benefits to be provided as part of the redevelopment. The height controls have been designed so that future buildings are equivalent to the height of buildings above the surrounding cliffs.

Building locations and comply with controls and the Stage 1 DA. Minor variations to the approved building envelopes are discussed in the Issues section of this report.

Density

Comment: The proposal complies with the LEP density controls as assessed in this report.

Traffic

Comment: Traffic impacts of the proposal were addressed in the Stage 1 application for the site. Conditions of consent imposed ensure the proposal complies with the LEP maximums in regards to on site parking. Overall the development is considered to have an acceptable impact, consistent with that assessed at Stage 1.

Design

Comment: Subject to conditions discussed in the report, the buildings are considered to exhibit design excellence, as required by the LEP.

Views

Comment: The proposed building envelopes generally comply with the maximum LEP and DCP height controls. As discussed as part of the Stage 1 DA, existing public views are largely maintained and in some cases extended due to the alignment of the proposed streets. There will be some encroachments on some private views, however this is generally considered acceptable where building's comply with the planning controls.

Services

Comment: The allocation of local services was assessed during the Stage 1 development application. Whilst local services are not provided for in this development, they are provided for in future precincts.

Parking

Comment: The parking controls for Harold Park aim to balance the need for parking with the public transport available and potential traffic impacts. The parking rates in the LEP are maximum rates and reflect the values of Sustainable Sydney 2030, which aim to reduce the economic and environmental impacts of car use and encourage the use of sustainable transport.

Parking rates are based on City and State Government objectives to reduce private vehicle trips. The site is well served by public transport and there are suitable alternatives to private car travel. Parking rates are based on a City wide study for the City Plan LEP. The parking rates are generally consistent with those in South Sydney DCP 11 which has been applied to the medium and high density development throughout the former South Sydney Council area. Implementing constrained parking along with a resident parking scheme, to which residents of Harold Park will not have access, means less cars in the area and less traffic.

(a) ***New residents of the development should not be entitled to residential parking permits.***

Comment: New Harold Park residents will not be eligible to participate in the parking permit scheme.

- (b) ***Restrictive on-site parking policy may result in dispersal of overflow parking to surrounding streets***

Parking impact on the surrounding street will be managed in part by the residents of the Harold Park not being eligible for resident parking permits.

- (c) ***Each car space should include a secure bicycle storage space***

Bicycle parking and storage is provided for each unit, visitor bicycle parking is provided within the pocket parks and within each development.

- (d) ***Car washing facilities should be provided with recycled water***

A car wash bay is located in the basement. Stormwater reuse is proposed as part of the development and that may extend to the car wash bay.

- (e) ***Spaces should be provided with provisions for electrical charging of vehicles***

The use of electric vehicles is going to be a consideration for users of the vehicles, similar to the use of internal combustion engines (petrol stations). Private electric vehicles could be charged in a garage with a suitable power outlet. At this stage the City is monitoring the electric vehicle market and take-up rate in Sydney to make informed decision regarding electric vehicle infrastructure.

Staging

- (f) ***Precinct 1 and 2 DAs being assessed in isolation: cumulative impacts won't be considered***

Comment: The Stage 1 DA considered the overall development including density, massing, traffic and parking. The Precinct 2 DA generally complies with the planning controls and the Stage 1 DA. The Precinct 1 DA is being considered concurrently.

- (g) ***Construction Impacts***

Comment: Matters relating to traffic, noise, dust and amenity impacts associated with construction activities have been addressed in detail in recent reports for Harold Park, including the Stage 1 DA (D/2011/1298) and the remediation DA (D/2011/1299). Conditions of consent address requirements relating to:

- (i) traffic, including restrictions on the use of Ross St for trucks;
- (ii) staff parking;
- (iii) noise and vibration;
- (iv) construction hours, including restrictions on the use of noisier equipment;
- (v) dust and dirt impacts, including covering of loads on trucks, vehicle cleansing and watering of the site;
- (vi) soil and erosion management.

- (h) ***Notification – not all affected residents notified and information on website provided in an unusable format, dozens of files for each precinct etc***

Comment: This DA, along with the Stage 1 DA, DA for remediation and Stage 2 DA for Precinct 2 exhibited concurrently (as they were lodged concurrently) between August and October 2011. Given the scale of the development, the exhibition period was extended by 2 weeks (the DAs were notified for 7 weeks in total) and the notification radius extended from 75m required by the DCP to 200m. Over 1,800 residents were notified (including residents in Leichhardt Council).

The amount of documentation that formed part of the exhibition was unavoidable and is commensurate with the size of the development. To provide more time for residents to go through plans and documents, the exhibition period was extended.

EXTERNAL REFERRALS

Sydney Water

92. Conditions recommended by Sydney Water have been included in the recommendation.

RMS / Sydney Regional Development Advisory Committee

93. The Sydney Traffic Committee was notified of the proposed development and raised no objection.

Ausgrid (formerly Energy Australia)

94. Ausgrid was notified of the proposed development and advised that substations would be required.

INTEGRATED DEVELOPMENT

95. Dewatering will be required as a result of proposed excavation for basement levels. The NSW Office of Water has provided General Terms of Approval in association with the remediation DA recently approved. A condition relating to dewatering is included in the recommendation addressing future water license requirements.

INTERNAL REFERRALS

96. The application was referred to Council's:
- (a) Specialist Surveyor;
 - (b) Specialist Health Surveyor;
 - (c) Heritage Architect;
 - (d) Urban Designer;
 - (e) Building Services Unit;
 - (f) Public Domain Unit;

97. Concerns raised about aspects of the development have been addressed throughout this report. Conditions recommended for inclusion have been incorporated into the conditions.

RELEVANT LEGISLATION

98. The Environmental Planning and Assessment Act 1979.

CONCLUSION

99. The proposal has been assessed as being generally consistent with the Masterplan for the site and the site's existing and desired future character.
100. The proposed non-compliances in relation to the height of buildings 1C and 1D are considered acceptable as they do not result in additional environmental impacts outside of those considered under the Stage 1 DA.
101. Conditions have been imposed requiring compliance with the maximum car parking rate. The design conditions imposed seek to increase overall accessibility and safety of the development.
102. The proposal is considered to be consistent with the relevant planning controls and responds appropriately to the constraints of the site. With the imposition of the recommended conditions, and when considered in the context of being a 3.8 hectare urban renewal site, the proposal is considered to be a satisfactory design outcome.

GRAHAM JAHN

Director City Planning, Development and Transport