

ITEM 3. DEVELOPMENT APPLICATION: HAROLD PARK - 10 MAXWELL ROAD - 72 AND 74 ROSS STREET - 1A AND 1B THE CRESCENT - FOREST LODGE - STAGE 2 - PRECINCT 2

FILE NO: D/2011/1312

SUMMARY

Date of Submission: 17 August 2011. Amended plans and documentation submitted up to 17 August 2012.

Applicant: Mirvac

Architect: Mirvac Design, SJB, ASPECT

Developer: Mirvac

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

Summary: Stage 2 DA for Precinct 2 including two residential buildings (8 storeys); 184 units; 166 car spaces and two pocket parks.

This Stage 2 DA follows the approval of a Stage 1 DA by the CSPC in July 2012.

A Stage 2 DA for Precinct 1 is being considered concurrently with this DA.

This Stage 2 DA is consistent with the controls and the conditions of the Stage 1 DA. Amendments have been made to address concerns relating to design, bulk and massing.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) Sydney Local Environmental Plan (Harold Park) 2011
- (ii) Sydney Development Control Plan (Harold Park) 2011
- (iii) Heritage Development Control Plan 2006
- (iv) Access Development Control Plan 2004
- (v) Contaminated Land Development Control Plan 2004
- (vi) 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 Architectural Plans
- B - Selected Landscape and Public Domain Plans
- C - 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/2011/1312 dated 22 August 2011 and Statement of Environmental Effects prepared by JBA planning, dated July 2011 and the following drawings, as amended by conditions of this consent:

Drawing Number	Architect	Date
DA-P2-01 D	SJB	August 2012
DA-P2-02 D	SJB	August 2012
DA-P2-10 D	SJB	August 2012
DA-P2-11 D	SJB	August 2012
DA-P2-12 D	SJB	August 2012
DA-P2-13 D	SJB	August 2012
DA-P2-14 D	SJB	August 2012
DA-P2-15 D	SJB	August 2012
DA-P2-20 D	SJB	August 2012
DA-P2-21 D	SJB	August 2012
DA-P2-22 D	SJB	August 2012
DA-P2-23 D	SJB	August 2012
DA-P2-30 D	SJB	August 2012
DA-P2-31 D	SJB	August 2012
DA-P2-33 D	SJB	August 2012

Drawing Number	Architect	Date
DA-P2-40 D	SJB	August 2012
DA-P2-46 D	SJB	August 2012
DA-P2-01 D	SJB	August 2012
DA-PDP2-001 J	ASPECT	08/06/2012
DA-PDP2-002 J	ASPECT	08/06/2012
DA-PDP2-003 J	ASPECT	08/06/2012
DA-PDP2-004 J	ASPECT	08/06/2012
DA-PDP2-005 J	ASPECT	08/06/2012
DA-PDP2-006 J	ASPECT	08/06/2012
DA-PDP2-007 J	ASPECT	08/06/2012
DA-PDP2-008 J	ASPECT	08/06/2012

and as amended by the conditions of this consent:

- (b) Amendments are required to the landscape / public domain plans, in accordance with conditions of this consent.
- (c) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(2) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 34.5 (AHD) to the roof and RL 36 (AHD) to the top of plant.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(3) APPROVED DESIGN ROOF - TOP PLANT

(4) COMPLIANCE WITH ANNOTATIONS ON DRAWINGS

(5) DESIGN DETAILS (MAJOR DEVELOPMENT)

- (a) An amended sample board with the final design details of the proposed building facades including all external finishes, colours and glazing must be submitted to and approved by the Director of Planning prior to any Construction Certificate being issued. The amended details are to reflect the requirements of consent conditions.

(6) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) to make the top levels more recessive:
 - (i) the seam jointed metal cladding that forms the mansard roof on level 8 of the parkside elevation (east) is to be generally provided on all elevations of level 8 and for the vertical wall sections of both levels 7 and 8 on the streetside elevations (west); except:
 - a. the southern wall to bedrooms 2 and 3 of the adaptable units of Building 2A; and
 - b. the north-west corners of Buildings 2A and 2B (to balconies).
 - (ii) in relation to the parkside elevations and returns, as shown on the drawings, the pitch of the mansard roof must be no less than 10 degrees, but may be vertical elsewhere;
 - (iii) the solid awning to the level 8 balcony on the southern elevation of Building 2B is to be replaced with a lightweight metal louvre awning to allow for the architectural resolution of the metal cladding.
- (b) the external walls to the garbage room area on levels 7 and 8 on the western elevation is to be amended to be more recessive and better integrated with the building's architecture. An alternative treatment is required and should consider a reduction in height, change in material to appear more of a roof element, louvres, or more glazing (subject to privacy considerations); and

The modifications are to be submitted to and approved by Council's Director City Planning prior to any Construction Certificate being issued.

(7) DESIGN QUALITY EXCELLENCE

(8) MAXIMUM GROSS FLOOR AREA

The following applies to Gross Floor Area (GFA):

- (a) The GFA for the business use must not exceed 53m² and for the residential use must not exceed 18,012m²; 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) CONSTRUCTION CERTIFICATE FOR EARLY WORKS

- (a) Notwithstanding conditions of this consent and the Stage 1 DA (D/2011/1298) consent (except for conditions 22, 24 and 25), a construction certificate may be issued for the following preparatory works:
 - (i) excavation, shoring and footings; and
 - (ii) installation of services.
- (b) 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 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.

(10) USE - SEPARATE DA REQUIRED

A separate development application for the fitout and use of the retail space must be submitted to and approved by Council prior to that fitout or use commencing.

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

BASIX Certificate 365537M_11 / ABSA Certificate 55282069 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.

(12) 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) 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;

- (iii) 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;
 - (iv) details of installation methodology including structural reinforcement or retention structures for sloping roofs, including details of prevention of slippage;
 - (v) 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;
 - (vi) 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.
- (c) 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.
- (d) All landscaping in the approved plan is to be completed prior to any Occupation Certificate being issued.
- (e) 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.

(13) PUBLIC ART

The Public Art Strategy prepared by Barbara Flynn, dated and signed 9 March 2012, is to be implemented as part of this development. This includes the incorporation of public art into the pocket park between Buildings 2B and 4B and within Precinct 2 itself.

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

(14) HERITAGE INTERPRETATION STRATEGY - PACEWAY PRECINCT

- (a) Details of the location, type, contents and materials of the heritage interpretation for Precinct 2, 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 2.

(15) POCKET PARKS

The proposed pram ramps/crossovers entering Arcadia Park and Toxteth Park from MC01 are not approved as part of this application. Their location and design is subject to submission of documentation to satisfy the Public Domain Plans and Essential Infrastructure conditions of this consent.

(16) ELECTRICITY SUBSTATIONS

Electricity substations, kiosks and the like are to be contained wholly within the property boundary of Precinct 2 and not in areas subject to easements for public access. The kiosks are to be appropriately screened to reduce their visibility from the public domain. Details are to be submitted for approval with the Public Domain Plan conditions of this consent.

(17) 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*.

(18) 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*.

(19) BASEMENT STORAGE

- (a) A storage area located in the basement is to be allocated to each unit and reflected on the strata plans and on title.
- (b) The storage area is to be large enough to accommodate a bicycle and is to be no smaller than a Class 1 bicycle locker.

(20) RESTRICTION ON RESIDENTIAL DEVELOPMENT

(21) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL

(22) CAR PARKING SPACES AND DIMENSIONS

- (a) A maximum of 165 off-street car parking spaces must be provided, inclusive of and distributed as follows:
 - (i) 156 residential spaces, including 28 accessible spaces;
 - (ii) 4 visitor spaces, including 1 accessible visitor space;
 - (iii) 1 retail space;
 - (iv) 2 service vehicle spaces;
 - (v) 2 car share spaces.
- (b) 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 a Construction Certificate for any early works being issued.

(23) BICYCLE PARKING NUMBERS

- (a) Bicycle parking for each unit is to be provided and in accordance with the requirements of the 'Bicycle Parking' condition of this consent. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.
- (b) Bicycle parking for visitors is to be provided and maintained for 18 bicycles. The parking must be in accordance with the requirements of the 'Bicycle Parking' condition of this consent.

(24) 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 requirements and are to be redesigned to provide a bollard and hatched "shared area".

(25) CAR SHARE SPACES

- (a) A minimum of 2 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, Development and Transport 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 at all times.
- (f) The car share spaces are to be available at the same time that the car park commences operation.

(26) 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 area must be submitted with the detailed design of the affected road.
- (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.

(27) PARKING PLAN

- (a) A parking plan for Precinct 2 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 2 must be submitted as part of the Public Domain package of works for each of the streets.
- (c) The Precinct 2 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.

(28) TRAFFIC CALMING

- (a) Traffic calming measures identified in the area wide traffic calming plan required under the conditions of the Stage 1 DA that are located within Precinct 2 must be installed prior to the issue of any occupation certificate for Precinct 2.
- (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.

(29) 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.

(30) WIGRAM RD / ROSS ST MEDIAN

A median on Wigram Road restricting turns from Ross Street is to be constructed in accordance with the timing required by the Stage 1 DA consent conditions (D/2011/1298).

(31) SECTION 116 OF THE ROADS ACT

- (a) The proposed median 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.
- (e) 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 Ross St median design, required by consent conditions.

(32) 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 2 and detail the integration between Precinct 2 and all future DAs. The updated Green Travel Plan is to be submitted for the approval of Council's Director City Planning, Development and Transport prior to the issue of a construction certificate for Precinct 2.
- (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.

(33) CAR WASH BAYS

(34) ALLOCATION FOR CAR WASH BAYS

(35) ALLOCATION FOR VISITOR PARKING

- (36) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES**
- (37) BICYCLE PARKING**
- (38) INTERCOM FOR VISITORS**
- (39) LOCATION OF ACCESSIBLE CAR PARKING SPACES**
- (40) LOCATION OF VISITOR PARKING**
- (41) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME APPLICATION OF CITY OF SYDNEY PERMIT PARKING POLICY – INELIGIBILITY FOR RESIDENT PARKING PERMITS**
- (42) SECURITY GATES**
- (43) SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME**
- (44) SIGNS AT EGRESS**
- (45) VEHICLES ACCESS**
- (46) VEHICLE FOOTWAY CROSSING**
- (47) ARCHAEOLOGY**
 - (a) Should any historical relics be unexpectedly discovered on the site during excavation or disturbance, all excavation and disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.
 - (b) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the Department of Environment and Climate Change is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.
- (48) HOARDINGS**
 - (a) 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.
- (49) 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

(50) PHYSICAL MODELS

- (a) Within 2 months of the date of this determination, an accurate 1:500 scale model of the approved development must be **submitted to Council** for the City Model in Town Hall House; and

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparingandLodgingaDA.asp. Council's model maker must be consulted prior to construction of the model for Town Hall House. The Manager of Customs House must be consulted prior to the construction of the model for City Exhibition Space.
- (ii) The models are to comply with all of the conditions of the Development Consent.

- (iii) The models must be amended to reflect any further modifications to the approval (under section 96 of the Environmental Planning and Assessment Act) that affect the external appearance of the building.

(51) SUBMISSION OF ELECTRONIC MODELS

- (a) Within 3 months of the date of this determination, an accurate 1:1 electronic model of the detailed construction stage drawings must be submitted to Council for the electronic City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
 - (i) building design above and below ground in accordance with the development consent;
 - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
 - (iii) property boundaries and the kerb lines adjacent to the site.

The data is to be submitted as a DGN or DWG file on physical media (floppy disc or CD). All plans are to be referenced to the submitted Integrated Survey Grid of NSW (ISG), Australian Map Grid (AMG) or Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) Within the DGN *or* DWG file each identified structure, feature, utility or service must be distinguished by a combination of layering and/or symbology schema. The submitted plans must be accompanied by a comma delimited text file, detailing the layering and/or symbology schema.
- (d) The electronic model must be constructed in accordance with the City's electronic data protocol. The protocol provides specific details of the information required to be shown and is available online at www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparingandLodgingaDA.asp. Council's Design/Technical Support staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

(52) DEWATERING

(53) 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.

(54) COMPLIANCE WITH SUBMITTED REPORTS

- (a) Except as modified by conditions of this consent, the works approved under this DA are to be carried out in accordance with the following reports:
- (b) Construction and Environmental Management Plan for Remediation & 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;
- (c) 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).

(55) 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.

(56) CONSTRUCTION TRAFFIC MANAGEMENT

- (a) The following traffic and parking conditions are to be complied with and where required relevant approvals are to be obtained as follows:
- (b) 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.
- (c) Heavy vehicle or truck is defined as a vehicle being greater than 4.5 tonnes.
- (d) All trucks must turn right out of Ross Street into Wigram Road.
- (e) All trucks must not use Wigram Road east of Ross Street or west of Minogue Crescent.
- (f) Trucks using Ross Street to **enter** the site from Wigram Road are limited to 2 vehicles per day.
- (g) Trucks using Ross Street to **exit** the site onto Wigram Road are limited to 2 vehicles per day.
- (h) All other trucks must use the access road off Nelson St / Chapman Road to enter and leave the site.
- (i) All vehicles must enter and exit the site in a forward direction.
- (j) 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.
- (k) 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.
- (l) No dog trailers to be used without City's Construction Regulation Unit approval.
- (m) The developer must obtain a permit from the City's Construction Regulation Unit regarding the placing of any plant/equipment on public ways.
- (n) No queuing, parking or marshalling of vehicles is permitted on any public road.

- (o) 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.
- (p) All loading and unloading must be within the development site or at an approved "Works Zone".
- (q) 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.**
- (r) 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).
- (s) 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.**
- (t) Physical barriers to control pedestrian or traffic movements need to be determined by the Construction Regulations Unit prior to commencement of work.
- (u) 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.
- (v) The developer must apply to the Construction Regulations Unit to organise appropriate approvals for cranes and barricades etc.
- (w) The developer must apply to Building Compliance Unit to organise appropriate approvals for hoarding prior to commencement of works.
- (x) The developer must apply to the Work Zones Co-ordinator to organise appropriate approvals for the Work Zones.
- (y) 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.

(57) 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.

(58) 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.

(59) NOISE – USE (GENERAL)

(60) NO SPEAKERS OR MUSIC OUTSIDE

Except for emergency address systems and the like required under relevant legislation and codes for work sites, speakers must not be installed for music in any of the outdoor areas associated with the site including the public domain.

(61) COMPLIANCE WITH ACOUSTIC REPORT

Tonin, dated 13 May 2011, reference TF200-01F08 (REV 4) PRECINCT 2 DA Report must be implemented during construction and use of the premises, including the following:

- (a) Acoustic Specifications outlined within Sections section 3.1, 3.2, 3.4, 4 and 5.

(62) CERTIFICATION OF ACOUSTIC STANDARDS

- (a) An acoustic verification report must be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of any Occupation Certificate.
- (b) The report must be from an appropriately qualified Acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants certifying that the recommendations of the acoustic report prepared by Renzo Tonin dated 13 May 2011, referred to in the 'Compliance with Acoustic Report' condition of this consent have been incorporated into the development and that relevant noise criteria as outlined within the reports have been satisfied.
- (c) The report must also detail the extent of the mechanical services provided within the development and confirm that resultant maximum individual and combined operational noise levels from their use complies with the City of Sydney "Noise Use - General" condition which forms part of the consent.
- (d) The report should have regard to the site specific reference background and ambient noise levels stated within section 2.1 table 1 (short term) and Section 2.2 table 2 (long term) of the Noise and Management Plan, Renzo Tonin reference TF200-01F04 (REV 1) DIR NVMP.DOC 17 February 2011.

- (e) The report shall also ensure compliance with internal acoustic criteria for the Sydney Development Control Plan (Harold Park) 2011, listed within Section 1, Table 1 of the acoustic report TF200-01F08 (REV 4) PRECINCT 2.
- (f) Should the report indicate that resultant noise levels are in exceedence of this criterion then further acoustic controls must be implemented as recommended by the acoustic consultant to ensure ultimate compliance.

(63) AIR CONDITIONERS IN RESIDENTIAL BUILDINGS

(64) MECHANICAL VENTILATION

(65) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION

(66) MICROBIAL CONTROL

(67) AIR HANDLING

(68) CONTROL OF LEGIONNAIRES DISEASE

(69) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

(70) RAINWATER HARVESTING & RAINWATER TANKS

(71) WATER POLLUTION

(72) REFLECTIVITY

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.

(73) 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.

(74) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for excavation being granted or a construction certificate being issued in association with Precinct 2, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's Director City Planning, Development and Transport.

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.

(75) FOOTPATH DAMAGE BANK GUARANTEE

- (a) A Footpath Damage Bank Guarantee of \$41,500 calculated on the basis of a nominated area of 100 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 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. 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.

(76) PUBLIC PARK DAMAGE BANK GUARANTEE

- (a) A Public Park Damage Bank Guarantee of \$18,400 calculated on the basis of a nominated area of 200 metres of park frontage, 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 guarantees (or bond if approved by Council) must be lodged with Council prior to works commencing on site.
- (d) 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.

**(77) 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.

(78) 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.

(79) 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).

(80) 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".

(81) 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.

(82) 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.

(83) 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.

(84) 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.

(85) 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.

(86) 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.

(87) WORK METHOD STATEMENT FOR FLOOD WATERS

- (a) 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.

(88) 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.

(89) 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.

(90) 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.

(91) 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.

(92) 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 Council 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.

(93) 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 Council's Director City Planning prior to any 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.

(94) 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.

(95) FLOOR LEVELS FOR BUILDINGS AND STRUCTURES

- (a) The level difference between any ground floor level and the adjacent public footpath shall not to exceed 1200mm. Detailed plans to this effect shall be submitted to Council in conjunction with the Alignment Levels prior to the issue of a Construction Certificate.
- (b) The following performance criteria shall apply to the design of buildings and structures on the site:
- (c) 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
- (d) Suitable freeboard protection shall be provided to other basement access points such as stair wells.
- (e) 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.

(96) ALIGNMENT LEVELS

- (a) Prior to the first Construction Certificate being issued, footpath alignment levels for the building must be submitted and approved by Council. The submission must be prepared by a Registered Surveyor and must be in accordance with the City of Sydney's Public Domain Manual.
- (b) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the application for the first Construction Certificate, excluding a Construction Certificate for approved preparatory, demolition, excavation or shoring work.
- (c) If a Public Domain Plan condition applies to the development the Alignment Levels application must be made concurrently or before the submission of a Public Domain Plan.

(97) 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 Council 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, luminaries, fixtures and category for street lighting, pedestrian lighting and feature lighting.

(98) 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, Development and Transport 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.
- (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.
- (o) 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.

(99) 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.

(100) 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, Development and Transport is required that tree plantings have been completed to Council's satisfaction.

(101) 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.

(102) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)

(103) CERTIFICATION OF GEOTECHNICAL INSPECTION

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

(105) ANNUAL FIRE SAFETY STATEMENT FORM

(106) FIRE SAFETY CERTIFICATE TO BE SUBMITTED

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

(108) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

(109) ROAD OPENING PERMIT

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

(111) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

(112) BARRICADE PERMIT

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(113) SUBDIVISION WORKS

The Subdivision Works for the Stage 3 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.

(114) BASIX

All commitments listed in BASIX Certificate 365537M_11 / ABSA Certificate 55282069 for the development must be fulfilled prior to an Occupation Certificate being issued for the relevant buildings.

(115) 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.

(116) ENCROACHMENTS – NEIGHBOURING PROPERTIES

(117) ENCROACHMENTS – PUBLIC WAY

- (118) SURVEY**
- (119) SURVEY CERTIFICATE AT COMPLETION**
- (120) OCCUPATION CERTIFICATE TO BE SUBMITTED**
- (121) ACCESS DRIVEWAYS TO BE CONSTRUCTED**
- (122) LOADING AND UNLOADING DURING CONSTRUCTION**
- (123) NO OBSTRUCTION OF PUBLIC WAY**
- (124) USE OF MOBILE CRANES**
- (125) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**
- (126) COVERING OF LOADS**
- (127) PROTECTION OF STREET TREES DURING CONSTRUCTION**
- (128) VEHICLE CLEANSING**
- (129) STREET NUMBERING – MAJOR DEVELOPMENT**
- (130) SYDNEY WATER CERTIFICATE**
- (131) CLASSIFICATION OF WASTE**
- (132) ASBESTOS REMOVAL**
- (133) SKIPS AND BINS**
- (134) 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 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. The site was previously owned by the NSW Harness Racing Club and is now owned by Mirvac.
2. The 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.
3. 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 St 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.
4. The 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.
5. 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.
6. Site location plans and photos are provided below.



Figure 1 - Harold Park shown circled (looking east).



Figure 2 - Harold Park (looking west). The general location of Precinct 2 is shown circled. As shown in the aerial, the paceway, grandstand and other ancillary buildings have been demolished.



Figure 3 - Looking across the site (northwest) towards The Crescent in the distance.



Figure 4 – Views across the site from the Cliff Terraces.

History of Development Applications Relevant to this Site

7. The Stage 1 DA was approved by the Central Sydney Planning Committee (CSPC) on 26 July 2012. The Stage 1 DA includes 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.
8. 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.
9. A Stage 2 DA for Precinct 1 (D/2011/1311) is being considered concurrently and is the subject of a separate report. That DA is for 4 residential apartment buildings ranging in height from 5 to 8 storeys, 298 apartments, basement parking for 252 cars and associated landscaping including a street closure park (at the intersection of MC04 and The Crescent).

PROPOSAL

10. The proposal is a Stage 2 DA for Precinct 2 and includes:
 - (a) two 8 storey residential buildings
 - (b) 184 apartments and 1 retail tenancy;
 - (c) total GFA of 18,065m², includes 18,012m² residential and 53m² retail tenancy;
 - (d) car parking for 165 vehicles, comprising:
 - (i) 158 residential spaces, including 28 accessible spaces;
 - (ii) 4 visitor, including 1 accessible space;
 - (iii) 1 retail space; and
 - (iv) 2 service vehicle spaces.

- (e) two “pocket parks” located between Buildings 2A and 2B and 2B and 4B. These will be privately owned with easements for public access.
- 11. The proposal has been amended to address concerns raised by Council. The amendments include modifications to setbacks and the façade design of the building elevations. The amendments are discussed in the report.
- 12. Selected plans are provided below. Further plans and photomontages are provided at **Attachments A, B and C.**



Figure 5 - Aerial photomontage from Stage 1 DA looking northwest with Precinct 2 circled. Note the aerial has not been updated to reflect changes to the proposed built form of Precinct 2.



Figure 6 - Aerial photomontage from Stage 1 DA looking south with Precinct 2 circled. Note the aerial has not been updated to reflect changes to the proposed built form of Precinct 2.



Figure 7 - Staging plan from Stage 1 DA with Precinct 2 shown circled.

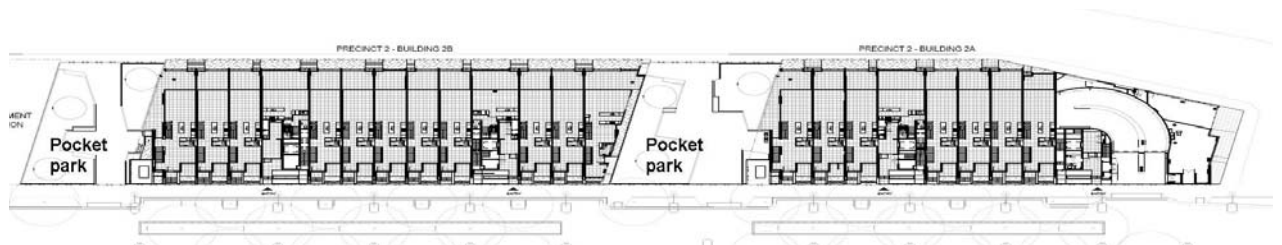


Figure 8 –Buildings 2A and 2B and proposed pocket parks / through-site-links.



Figure 9 – Photomontage of Building 2B (north elevation).



Figure 10 – Photomontage of Buildings 2B (foreground) and 2A (eastern / parkside elevation).



Figure 11 – Photomontage of Building 2A (south).

IMPLICATIONS OF THE PROPOSAL

Section 79C Evaluation

13. 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)

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

Infrastructure SEPP 2007

15. 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 (Building Sustainability Index: BASIX) 2004

16. BASIX requires that residential developments reduce water consumption by 40 per cent and energy by 20 per cent (for residential buildings over 6 storeys).

17. The Harold Park LEP allows a floor space bonus, of up to 10,630m² across the site, if the proposed buildings exceed BASIX targets by not less than 25%.
18. A BASIX assessment has been submitted that demonstrates that both buildings will exceed BASIX targets by 25%. The buildings achieve a 50% water saving; 6 star thermal comfort rating and a 25% energy saving rating.
19. As the buildings exceed BASIX targets by 25%, a floor space bonus is available. This (FSR) is discussed further in the Issues section.

SEPP 55 - Remediation of Land

20. 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.
21. The provisions of SEPP 55 are replicated in the Contaminated Land DCP 2005.
22. DA D/2011/1299 was approved on 29 June 2012 for 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

23. An assessment of the proposal against the design quality principles of the SEPP is provided below. Overall, the development complies with the objectives of SEPP 65, subject to amendments discussed in the Issues section of this report.

(a) **Principles 1, 2 & 3:** Context, Scale and Built Form

Complies: The amended proposal achieves an appropriate built form in terms of scale, proportions and building composition having regard to the building height control and maximum FSR applying to the site.

The amended design of the building includes different elements, materials and architectural language to provide interest and to break up the visual scale and bulk of the building. The upper levels are set back in generally in accordance with the controls. The parkside upper levels are also set back and take the form of a mansard roof to further reduce the apparent height of the buildings.

(b) **Principle 4:** Density

Complies: The number of proposed units is appropriate having regard to the overall development planned for the site. FSR is discussed in the Issues section.

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

Complies: The proposed buildings will exceed BASIX requirements by at least 25%. A condition will ensure that the development complies with the commitments in the BASIX certificate. Green roofs are also proposed and conditions are recommended regarding same.

The development includes a number of features to assist the building in being energy efficient. These include re-use of rainwater for landscaping irrigation, cross ventilated apartments and energy efficient light and water fittings.

(d) **Principle 6:** Landscape

Complies: The proposal includes courtyard landscaping for ground level terraces and also includes two pocket parks. While communal open space is not provided for parkside buildings, this is considered acceptable and is in accordance with the Harold Park DCP as the buildings are immediately adjacent to the future public park. Deep soil planting is also not required for the parkside buildings in accordance with the DCP.

(e) **Principle 7:** Amenity

Complies: The proposed development achieves satisfactory levels of solar access, cross flow ventilation, minimum apartment size, building depth, balcony size and storage.

The site planning and building location ensures an adequate level of acoustic and visual privacy, including the privacy of dwellings to the east on the Toxteth Estate, which are generally oriented north-south, therefore have side fences opposite Harold Park. Storage areas are provided within the basement. Access is provided to all upper level units via lifts and 15% of the apartments are adaptable.

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

Complies: The development provides the opportunity for casual surveillance of the surrounding public domain through balconies and windows along all facades. The proposal provides a secure pedestrian access area, which is clearly defined at street level. The proposed corner café will provide a high level of passive surveillance at street level which assists in preventing the opportunity for crime around the perimeter of the building.

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

Complies: The development provides an acceptable mix of studios (5%), one bedroom (32%), two bedroom (40%) and three bedroom (23%) apartments which will serve the future needs of residents. The proposal also includes 15% adaptable units.

(h) **Principle 10: Aesthetics**

Complies: The proposal has been amended to improve the building's design and appearance, particularly to the parkside elevations. Amendments have been made to address matters relating to façade articulation, roof form, recessing and balcony design, and subject to compliance with conditions, the buildings are considered to exhibit design excellence.

24. The development is considered generally acceptable when assessed against the above stated principles and the SEPP generally, which are replicated in large part within Council's planning controls.

Residential Flat Design Code

25. Clause 30 of SEPP 65 requires consideration of the *Residential Flat Design Code* (RFDC), which provides additional detail and guidance for applying the design quality principles outlined in SEPP 65 to a specific locality. Compliance with the guidelines within the *Residential Flat Design Code* are addressed in the table below.

Residential Flat Design Code		
Building Depth 10-18m (glass to glass)	✓/ ✗	Proposed building depth is between 15m and 22m, glass line to glass line. As all habitable rooms have access to light and air through the provision of well proportioned windows, building depth is acceptable.
Building Separation Five to eight storeys/up to 25 metres: <ul style="list-style-type: none"> • 18m between habitable rooms/balconies • 13m between habitable/balconies and non-habitable rooms • 9m between non-habitable rooms 	✓	Buildings exceed separation guidelines with 24m between Building 2A and 2B and a minimum of 21m- 22.5m between Buildings 1A and 2A and Building 2B and 3A.
Deep Soil Zone A minimum of 25 percent of the open space area of the site should be a deep soil zone.	✓	The Harold Park DCP does not require deep soil zones for sites adjacent to public open space. Buildings 2A and 2B are adjacent to the future park.
Communal Open Space Communal open space to be 25-30% of site area.	✓	The Harold Park DCP does not require communal open space for sites adjacent to public open space. Buildings 2A and 2B are adjacent to the future park.
Private Open Space (Ground Level) 25sqm; minimum preferred dimension in one direction is 4m.	✓	Typical private open space for ground level apartments is 28m ² . This includes rear and front courtyards.

Residential Flat Design Code		
Safety	✓	Generally the proposal provides excellent opportunities for casual surveillance, with all frontages addressing roads, public open space and pocket parks.
Visual Privacy	✓	The proposal exceeds the recommended building separation distances and amendments have been made to the parkside elevations to reduce the extent of glazing and increase solid treatments to balustrades to reduce potential privacy impacts.
<p>Single Aspect Apartments 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>Single aspect apartments generally comply with the maximum depth and 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>38% and 34% of units in Building 2A and 2B, respectively, are single aspect apartments with a southerly aspect. While this exceeds the 10% maximum, this is largely as a result of the site's orientation which complies with the Stage 1 DA envelopes and the Government Architect's Urban Design Study.</p>
<p>Apartment Layout (Kitchen) The back of a kitchen should be no more than 8m from a window.</p>	✓	All apartments comply with this requirement.
<p>Apartment Layout (Cross-Over) 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>	✓	All cross through apartments have a minimum width of 4.5m.
<p>Apartment Layout (Unit Sizes) Minimum unit sizes: Studio: 38.5sqm 1 bed: 50sqm 2 bed: 70sqm 3 bed: 95sqm</p>	✓/ ✗	The proposed development achieves minimum apartment sizes for studio apartments, 2 and 3 bedroom apartments. Five (5) undersized 1 bedroom apartments are proposed (between 45m ² and 47m ² which are 3-5m ² below the recommended 50m ²). This is considered acceptable as the apartments are a small percentage of the overall apartments in Precinct 2, are only marginally undersized and still receive adequate amenity.

Residential Flat Design Code		
Balconies 2m min balcony width	✓	Principal balcony widths are a minimum of 2m.
Ceiling Heights 2.7m min ceiling height in habitable areas. 2.25-2.4m ceiling height in non-habitable areas.	✓	Complies.
Ground Floor Apartments Optimise the number of ground level units with separate entries. Provide ground floor apartments with access to private open space.	✓	All but two ground level apartments have separate street level entries.
Internal Circulation The number of units accessible from a single core/corridor should be limited to eight.	✓ / ✗	There are two lift cores in each of the buildings with 7 apartments accessed off each lift core / corridor except for the southern core of Building 2B which has 9 apartments accessed off one lift core. This is considered acceptable.
Storage Minimum storage provision facilities: 1 bed: 6m ³ 2 bed: 8m ³ 3 bed: 10m ³ (With minimum 50% storage area located within unit)	✓	Complies. Conditions are imposed to reinforce the provision and allocation of storage facilities.
Daylight Access 70% of units to receive 3 hours of direct sunlight in midwinter to living rooms and private open spaces.	✗	64% of the residential apartments achieve at least 3 hours of direct solar access to principal living spaces. The shortfall is attributed to the predetermined block layout orientation, is not significant and is considered acceptable in this instance. It is noted that when taking into account sunlight to bedrooms and secondary private open space areas the proportion of complying apartments is 68.5%.
Natural Ventilation 60% of units to be cross-ventilated. 25% of kitchens within a development should have access to natural ventilation.	✗	51% of apartments are cross-ventilated. This is attributed to the predetermined block lengths and is considered acceptable in this instance as all habitable rooms have a window to light and air.

VOLUNTARY PLANNING AGREEMENT (VPA)

26. 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.
27. The requirements for land dedication for the public open space and payment of monetary contribution to embellish same are required prior to the issue of an occupation certificate for a building. Under s109H(2) of the Environmental Planning and Assessment Act, Council / a PCA cannot issue an occupation certificate unless requirements of a planning agreement are complied with.

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

28. 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.
29. 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.
30. The 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;

HAROLD PARK LEP

Development Controls	Permissible under the Sydney Local Environmental Plan (Harold Park) 2011	Proposal as assessed
Zoning (CI 2.1)	B4 – Mixed Use	The proposal is for residential development with a retail tenancy on the ground floor and complies with the zoning.

Development Controls	Permissible under the Sydney Local Environmental Plan (Harold Park) 2011	Proposal as assessed
Height of Buildings (Cl. 4.3)	RL 36	RL 34.5 to roof RL36 to top of plant
Floor Space Ratio (Cl. 4.4) BASIX bonus (Cl. 6.6) (Site Area = 106,334m ²) (Precinct 2 site area= 5,142m ²)	1.15:1 (122,284m ²) Includes maximum: 0.2:1 business/office 0.1:1 retail premises plus 10,630m ² across the site	18,065m ² Includes: 18,012m ² residential 53m ² retail
Architectural Roof Features (Cl. 5.6)	Minor architectural roof features may exceed height limits	No roof features are proposed.
Preservation of Trees or Vegetation (Cl. 5.9)	Approval required for removal of trees or vegetation.	No trees are proposed for removal as part of this DA.
Heritage Conservation (Cl. 5.10)	Conservation of heritage items on the site, including: <ul style="list-style-type: none"> • Former Rozelle Tram Depot and curtilage including Water Tank, former tram accessway and tram track fencing • Johnston's Creek • Avenue of fig trees • Various trams • Paceway cutting 	All listed heritage items are proposed to be retained, conserved and/or adaptively reused. This proposal will not impact on the significance on heritage items on the site. The site is not located in a conservation area.
Car Parking (Cl. 6.1)	Maximum under LEP: 157 residential 1 retail 18 visitor	Proposed: 158 residential 1 retail 4 visitor Refer to the Issues section.

Development Controls	Permissible under the Sydney Local Environmental Plan (Harold Park) 2011	Proposal as assessed
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. Appropriate conditions are recommended.
Flood Planning (Cl. 6.3)	Development permitted subject to flood assessment and risk management.	A Flood Study was submitted and peer reviewed by an independent consultant as part of the Stage 1 DA.
Design Excellence (Cl. 6.4)	Development must display design excellence.	The proposed buildings are capable of achieving design excellence subject to amendments. This is discussed in the Issues section.

HAROLD PARK DCP

Matter to be Considered	Complies	Comment
Desired Future Character (Section 2)		
Consistent with Government Architect's Office Urban Design Study (GAO UDS), LEP design excellence requirements and DCP objectives and controls.	✓	Able to comply. Amendments have been made to make the parkside elevations of the two buildings more visually recessive and comply with upper level setback controls. Conditions are recommended in relation to materials and minor design modifications are required. Refer to the Issues section.
Local Infrastructure (Section 3)		
Public Domain 3.2	✓	Able to comply. The proposal includes the design and embellishment of two pocket parks located between the parkside buildings. The DCP requires that landscape design be of the highest quality and incorporate indigenous species, sculptural elements, stainless steel and high quality pavement design. The design is supported in principle however amendments are required to address visibility, connectivity and grades. Appropriate conditions are recommended.

Matter to be Considered	Complies	Comment
Street Network and Access 3.3	✓	Able to comply. As above, amendments are required to the pocket parks to maximise permeability and public access through the site and to encourage pedestrian movements through to the future park. Appropriate conditions are recommended.
Staging 3.4	✓	Complies. The proposed staging and GFA distribution is consistent with the Stage 1 DA. Conditions are recommended to address construction vehicle access to minimise local road impacts.
Heritage (Section 4)		
Harold Park Paceway 4.1	✓	Able to comply. 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> . Conditions are included to require interpretative works prior to occupation of Precinct 2 buildings.
Former Rozelle Tram Depot 4.2	✓	Able to comply. Conservation works and the adaptive reuse of the Tram Sheds are subject to a future DA.
Building Use, Form and Design (Section 5)		
Land Uses 5.1 & Centres and Hierarchy and Retail Uses 5.2	✓	Complies. A small retail space (53m ²) is proposed at the southern end of the site, at the ground floor of Building 2A in Precinct 2. This space will assist in ground level activation. The use and fitout will be subject to a future DA and appropriate conditions are recommended.
Building Form and Layout 5.3	✓	Generally complies. The buildings comply with LEP (RL) and DCP height controls (storeys and metres). The ground level of buildings is at an acceptable level of the adjoining public domain and streets. The architectural expression and diversity is sufficiently varied between this DA and the DA for Precinct 1 being considered concurrently. Amendments have been made to ensure compliance with Stage 1 DA requirements and DCP setback controls. Minor variations are proposed to setbacks. Refer to the Issues section.

Matter to be Considered	Complies	Comment
Application of NSW Residential Flat Design Code (RFDC) 5.4	✓	Generally complies. A detailed assessment against the RFDC is included in the table above.
Building Typology, Design and Dwelling Mix 5.5 Studio: 5-10% 1 bed: 10-30% 2 bed: 40-75% 3+ bed: 10-30%	✓/ ✘	Generally complies. 32% of apartments are 1 bedroom, slightly exceeding the maximum of 30%. This is considered acceptable as it equates to three (3) additional 1 bedroom apartments over the 184 proposed for Precinct 2.
Safety and Design 5.6	✓	Complies. A detailed assessment against the RFDC is included in the table above. In relation to public open space, Council will consider these matters in its design of the park which will be the subject of a separate DA.
Sun Access 5.7	✓/ ✘	Generally complies. No shadow impacts are created to adjoining properties. The proposal complies with the building envelopes approved under the Stage 1 DA and it is considered that adequate solar access is provided to apartments. A detailed assessment against the RFDC requirements is included in the table above.
Reflectivity and Acoustic Privacy 5.8 & 5.9	✓	Complies. Reflectivity and acoustic reports were submitted with the application and demonstrate compliance with Council's requirements. Appropriate conditions are recommended to ensure same.
Building Facades, Entrances and Articulation 5.10	✓	Generally complies. The proposed buildings address new road MC01, the future park and the pocket parks and have legible entrances. The proposal has been amended to address concerns about articulation, building modulation and massing and, subject to conditions, is considered to satisfy the DCP objectives. This is discussed further in the Issues section.
Active Frontages 5.11	✓	Complies. A retail use is proposed at the ground floor of Building 2A providing an active frontage at the southern end of the building along the future park.

Matter to be Considered	Complies	Comment
Landscaping, Private Open Space, Common Open Space and Deep Soil 5.12, 5.13, 5.14 & 5.15	✓	Able to comply. Common open space and deep soil zones are not required for buildings that front public open space. Private open space areas are directly accessible from living areas and all units have balconies. Landscaping is proposed to streetside and parkside elevations and landscape plans have been submitted. The landscape plans are subject to conditions that require more detailed plans to address drainage, planting layout and massing.
Green Roofs 5.16	✓	Able to comply. For buildings of the proposed size, the DCP encourages 30% of the roof space to be for green roofs. 13% of Building 2A and 15% of Building 2B are proposed to be used for green roofs. The roofs are not proposed to be used by residents, with access only allowed for maintenance. Appropriate conditions are recommended in relation to species, maintenance and the like.
Fences 5.17	✓/ ✘	Generally complies. Proposed fencing to the street (west) complies with the DCP. Fencing parkside and to the pocket parks does not comply. Refer to the Issues section.
Tree Management 5.18	✓	Able to comply. Future trees planted on the site will be in accordance with Council's Street Tree Masterplan and will be subject to approval of a public domain plan. Appropriate conditions are included in the recommendation.
Environmental Management (Section 6)		
Ecologically Sustainable Development 6.1	✓	Complies. BASIX certificates have been submitted that demonstrate buildings exceed BASIX targets.
Waste Facilities and Minimisation 6.2	✓	Able to Comply. Waste rooms are indicated on the drawings, generally in compliance with Council's requirements. Appropriate conditions are recommended.

Matter to be Considered	Complies	Comment
Stormwater and Water Sensitive Urban Design 6.3	✓	Able to comply. A flood study was submitted and the subject of a peer review as part of the Stage 1 DA. Detailed construction plans will be required in accordance with public domain plan conditions. All water harvesting and management will be subject to conditions of consent requiring design and operation to the relevant Australian Standards.
Vehicle and Bicycle Facilities (Section 7)		
Parking, visitor, service and motorcycle parking, Car share spaces, accessible parking, bicycle parking and parking design and access.	✓/ ✗	Able to comply. Parking is provided generally in accordance with the controls. Amendments are required to comply. Refer to the Issues section.
Social Sustainability (Section 8)		
Social Sustainability	✓	Able to Comply. A Public Art Plan is required to be implemented as part of the DCP's Social Sustainability Requirements. A Public Art Strategy was submitted as part of the Stage 1 DA and identified locations for the installation of public art. Locations relevant to this DA are the pocket park between building 2B and 4B and within the residential precinct itself. The DCP also requires that the public domain be enhanced through the incorporation of public art, among other elements. Appropriate conditions are recommended.

OTHER DCPs

Heritage Development Control Plan 2006

31. The site contains heritage items but is not located in a conservation area.
32. Generally to the east, south and west, the site adjoins conservation areas. To the east, above the cliff, is the Toxteth Estate, generally characterised by larger and freestanding homes. To the south, are predominantly 1 and 2 storey terraces and to the southwest, elevated above Minogue Crescent are the heritage listed Cliff Terraces.
33. The preparation of the planning controls for the site took into account the heritage character of the area and controls such as height and setbacks to ensure the development was compatible with the surrounding area were adopted accordingly. The proposed height of buildings complies with the controls and the Stage 1 DA.

Access Development Control Plan 2004

34. Adaptable units and accessible car parking spaces have been provided in accordance with the requirements of the Harold Park LEP and DCP. Buildings will also be required to comply with the BCA. Conditions are recommended.

Contaminated Land Development Control Plan 2004

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

ISSUES

36. 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

37. The DA proposes a GFA of 18,065m². The total permissible GFA across the site, including the BASIX "bonus" is 132,914m². The BASIX bonus is up to 10,630m² GFA across the site and is available if each building exceeds BASIX targets by at least 25%.
38. The Stage 1 DA report identified the proportion of GFA that could be considered as the BASIX bonus for each stage (see table below). It is indicative only but is used as a guide to ensure that the BASIX bonus GFA is apportioned across the site and not exhausted before the last of the buildings is developed. If the bonus GFA is exhausted before then there is no longer an incentive for buildings to exceed BASIX targets.
39. The table below from the Stage 1 DA report sets out the proposed GFA across the site and shows the percentage of the total residential GFA that was 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

40. The Stage 2 DA for Precinct 2 proposes a total GFA of 18,065m² and is consistent with figures in the table above. This means that the GFA proposed is considered to be acceptable when considered against the overall maximum GFA allowed across the site and the preservation of the BASIX bonus incentive.

Design Excellence

41. Under the LEP, the consent authority must not grant consent to a development unless it considers that the development exhibits design excellence. The LEP sets out the matters the consent authority must have regard to in determining whether the development exhibits design excellence. These include, but are not limited to:
- (a) whether a high standard of architectural design, materials and detailing appropriate to the building is achieved;
 - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain;
 - (c) whether the development impacts on view corridors;
 - (d) existing and proposed uses;
 - (e) heritage issues;
 - (f) the relationship with other development in terms of separation, setbacks, amenity and urban form;
 - (g) bulk, massing and modulation of buildings; and
 - (h) impact on the public domain.
42. Significant amendments have been made to improve the appearance of the buildings, break down the massing, increase setbacks, emphasise vertical elements and reduce the appearance of upper levels. A comparison between the original and amended proposal is provided in the figures below.



Figure 12 – Original south-west corner.



Figure 13 – Amended south-west corner.



Figure 14 – Original north-west corner (Building 2B).



Figure 15 – Amended north-west corner (Building 2B).



Figure 16 – Original parkside (east) elevation.



Figure 17 – Amended parkside (east elevation).

43. While amendments have achieved greater compliance with controls and improved the appearance of the buildings, some elements require refinement and further amendments to comply with the controls. These are discussed below.

Upper levels (parkside)

44. The DCP requires that the architectural style of buildings at Harold Park be visually recessive and that buildings above 4 storeys be designed to minimise the visual impact of upper levels.
45. As discussed and shown in the above figures, amendments have been made to make the upper levels of the parkside elevations more recessive. This has mostly been achieved by the incorporation of a metal clad mansard roof so that the uppermost floor (level 8) of the parkside elevation is contained within a roof element. To further reduce the apparent height of the buildings and make the upper levels more recessive, conditions are recommended to require that the metal cladding be adopted for the entire upper floor and to both levels 7 and 8 of the streetside elevations. Appropriate conditions have been recommended.

Setbacks

46. The proposal complies with the setback controls of the DCP and the conditions of the Stage 1 DA, except for minor encroachments as discussed below.

Mid level (levels 3 to 6)

47. The Stage 1 DA required modifications to provide mid level setbacks to the south and west of Building 2A. **Figure 18** below shows where variations to mid level setbacks were supported (ticks) and where modifications were required to provide 3m setbacks instead of the 1.25m proposed (crosses).

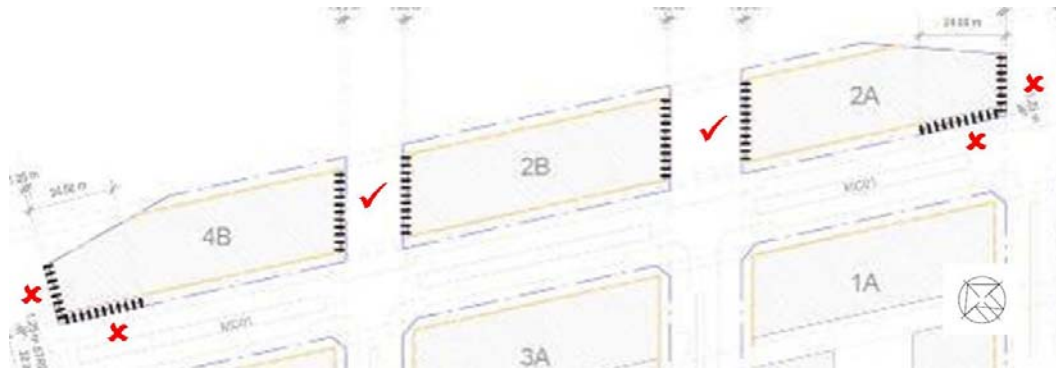


Figure 18 – The hatching shows where buildings are proposed to maintain the 1.25m lower level setback only and not be set back 3m.

48. Reduced setbacks in these locations were not supported at Stage 1 having regard to the reduced setbacks already proposed between the buildings (to the 'pocket parks') and because it was considered that further encroachments into the setback zones would potentially diminish the overall effectiveness of the mid level setbacks proposed along the rest of the building's frontages and the reduction in bulk that is achieved by those setbacks. The Stage 1 DA did make provision for the consideration of reduced setbacks with detailed Stage 2 DAs.
49. The required mid level setback is 3m. The proposed setback on the southern elevation of Building 2A ranges between 1m and 4m. At the western (streetside) elevation, a portion of the façade encroaches 1.7m into the setback zone.
50. The extent of the proposed encroachments is shown below at **Figure 19**. These are considered relatively minimal and can be supported. At the streetside elevation, the encroachment is limited to 15% of the entire length of the elevation and is considered to provide some modulation to the building.



Figure 19 – Portion of Building 2A (typical plan, southern and western ends) which extends beyond the mid level setback is shown dashed.

Upper level (levels 7 and 8)

51. For 8 storey buildings, the DCP requires that levels 7 and 8 are set back 4m from the street frontage height. This would typically mean a 7m setback from the property boundary.

52. The Stage 1 DA required modifications to provide upper level setbacks in the locations shown below at **Figure 20**, as follows (measured from the property boundary):

- (a) Building 2A - north elevation (5.25m) and west elevation (7m); and
- (b) Building 2B - north and south elevation (5.25m).

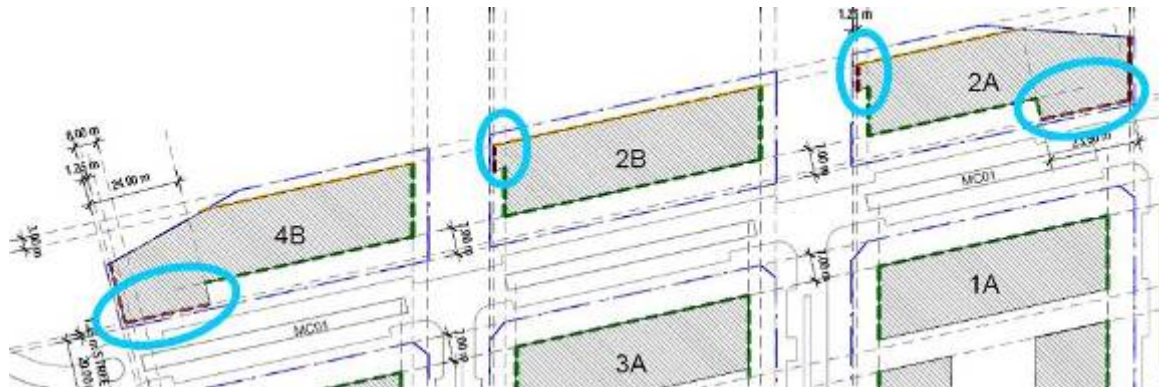


Figure 20 – Locations where upper level setbacks were required by the Stage 1 DA.

53. The proposed upper level setbacks are as follows:

- (a) Northern elevation of 2A and 2B (level 7) – between 1.8m and 6.8m
- (b) Northern elevation of 2A and 2B (level 8) – between 3m and 6.8m
- (c) Western elevation of 2A – amended to comply to provide 7m setback
- (d) Southern elevation of 2B (levels 7 and 8) – 4m

54. The proposed encroachment of the 5.25m required setback along the northern ‘pop-out’ sections of Buildings 2A and 2B and the southern elevation of Building 2B is shown dashed below in **Figures 21 to 24**. Given the splayed elevations, the encroachments in these corners will not be highly perceptible from the west looking towards the future park. The encroachments are considered relatively minor and are acceptable.

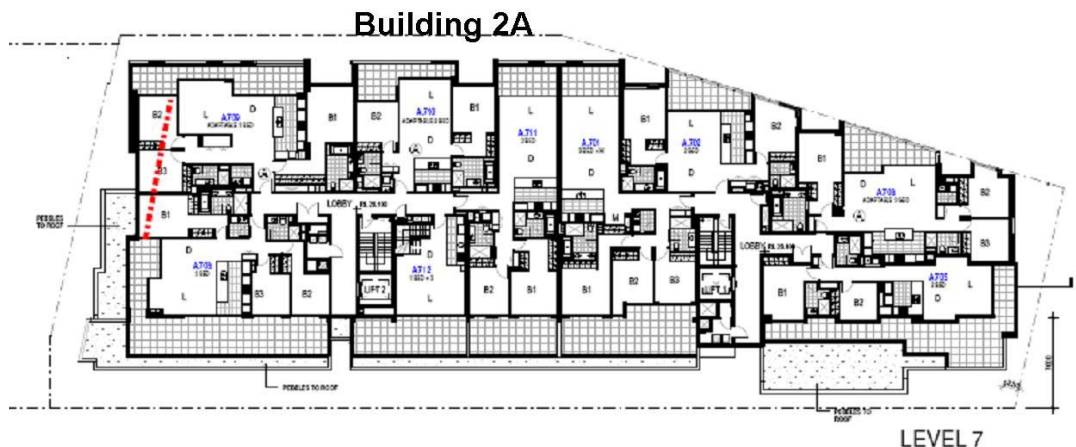


Figure 21 – Building 2A – Level 7 - encroachment into northern setback area shown dashed.

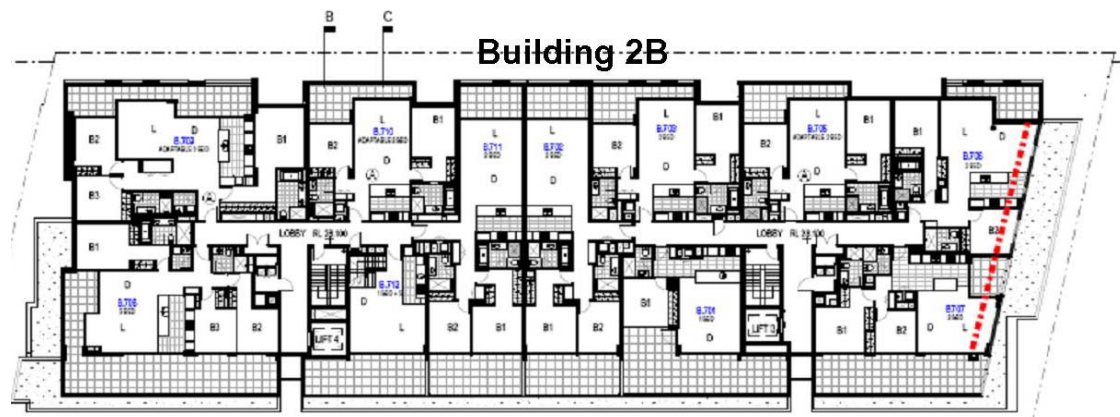


Figure 22 - Building 2B – Level 7 - encroachment into southern setback area shown dashed.

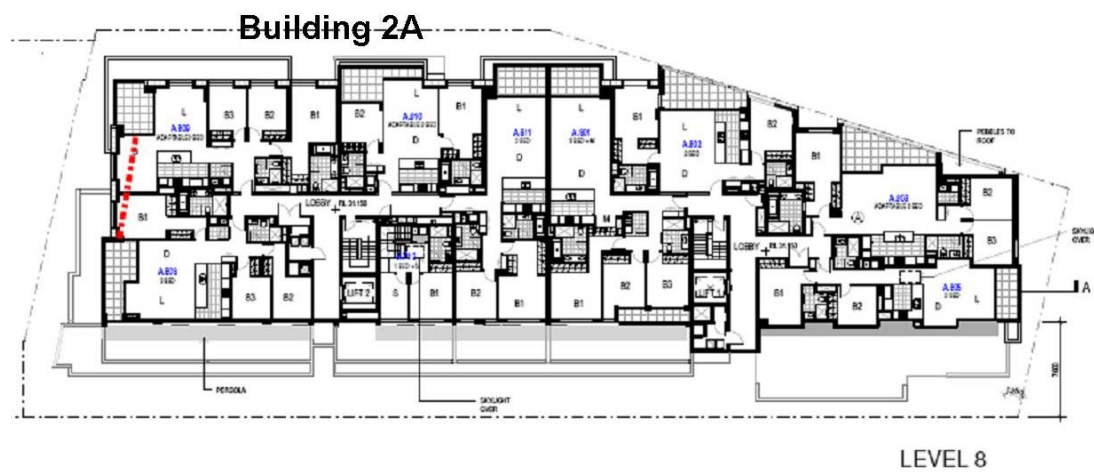


Figure 23 - Building 2A – Level 8 - encroachment into northern setback area shown dashed.

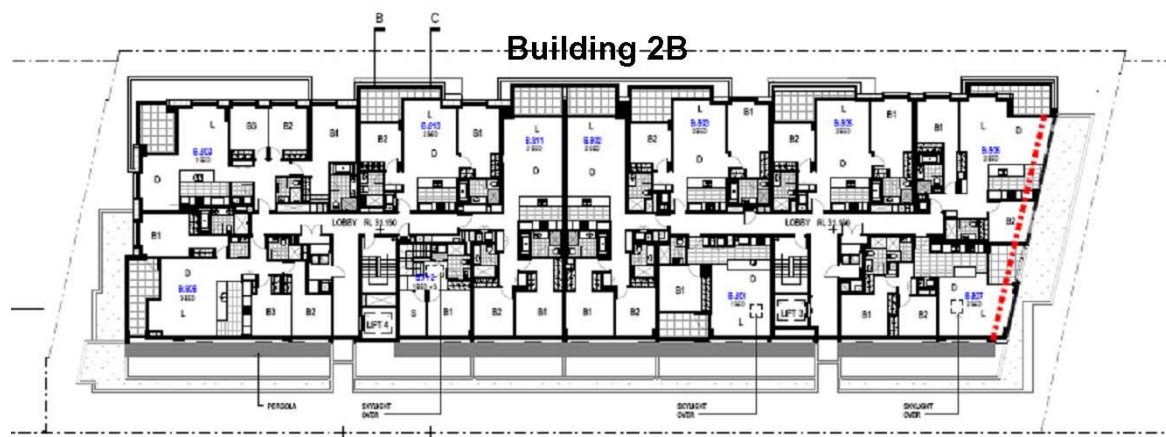


Figure 24 - Building 2B – Level 8 - encroachment into northern setback area shown dashed.

Building alignment and articulation (parkside)

55. Under the DCP, balconies, sun shading devices and architectural features are permitted to extend 1m beyond the required building setback so long as the sum of these areas does not exceed 65% of the length of the elevation at any floor level.

56. The proposal has been amended to reduce the extent of projections into the setback zone. A comparison of the original and amended proposal is provided in **Figures 25 and 26** below. The dashed line shows the required building setback.



Figure 25 – Typical level, Building 2B. Original proposal showing extent of encroachments beyond the required setback, shown dashed. In the original proposal apartments and balconies projected beyond the allowed setback for almost 100% of the elevation.



Figure 26 – Typical level, Building 2B. Amended proposal. The extent of projections has been reduced to 72%.

57. 73% of Building 2A's and 72% of Building 2B's parkside façade projects 1m forward of the setback zone, exceeding the maximum allowed projection of 65%. Or put another way, to comply, Building 2A and 2B would need to reduce the extent of projections by about 5m each. Further reductions have not been made by the applicant in order to preserve the amenity to apartments.
58. On balance, while compliance with the control may further reduce the bulk and mass of the building, it is considered that the reductions made have substantially improved the building's appearance and can be supported.

Streetside elevation – Building 2A

59. The DCP requires that roof forms, lift overruns and plant are discrete, simple and visually unobtrusive. At the upper levels (7 and 8), the DCP also requires that the building be set back 7m from the property boundary.

60. At levels 7 and 8 on the streetside (western) elevation towards the southern end of the building, a portion of the building encroaches 2m into the 7m setback zone and presents as a boxy unresolved design treatment. Refer **Figure 27** below. It is noted that the photomontage does not match the plans as the windows shown on the return (south) of the “box” are not shown on the plans.



Figure 27 – External element to garbage room facing west (street).

61. It is considered that this element could be improved and its encroachment into the required upper level setback zone detracts slightly from the overall appearance and architectural integrity of the building. At 5m in width and the only element along this elevation that protrudes beyond the predominant upper level setback, it is a prominent element. It is more prominent on level 8 and brings the roofline forward which is contrary to the DCP controls that require upper levels to be recessive.
62. Internally to this element of the building is a waste room and adjacent to that is one of two lift cores to the building. As such, it cannot be easily deleted or significantly amended without impacting on the overall planning of the building. In addition to the lift core, the location of the garbage rooms is replicated on all levels. Notwithstanding, this element can be refined to be more visually recessive and to improve its appearance. Design modification conditions have been included in the recommendation.

Fences and the public domain interface

63. The DCP requires that buildings be designed to maximise opportunities for casual surveillance of the public domain and that ground floor dwellings adjacent to the public domain have an “address” to the public domain.

64. The parkside elevations have been designed to provide entries from the public open space. Front fences to the public open space and side fences to the pocket parks are around 2.1m high and of masonry construction. Refer to **Figures 28 and 29** below.



Figure 28 – Proposed fences parkside.

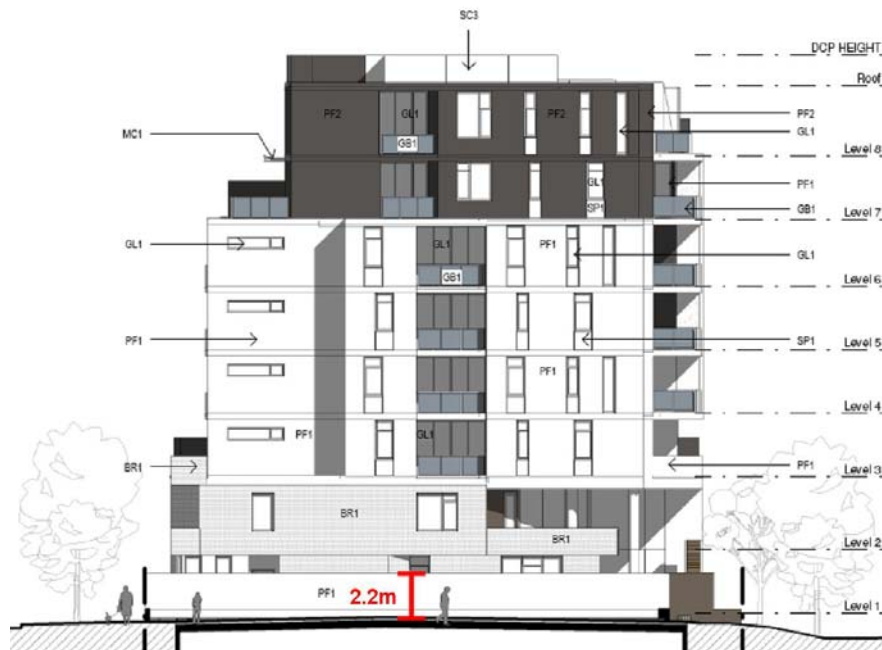


Figure 29 – Proposed side fences to pocket parks.

65. Under the DCP, front and side fences are not to exceed:
- (a) 900mm for masonry fences; and
 - (b) 1200mm for open/transparent fences with posts/piers of 1500mm.
66. The height of the front (parkside) and side (pocket parks) fences exceeds the permitted DCP heights, as shown in the figures above. At the parkside elevations, the fences are considered acceptable as they are a result of the floor levels of the terraces being set about 1m above the adjoining future park, which is permitted by the DCP. At the pocket parks, as the DCP allows higher side fences for corner buildings if required for safety and security, the higher fences are also acceptable.

Parking

Residential spaces

67. Under the LEP, based on the dwelling mix, the maximum number of allowed spaces is 157. The LEP requires that if total spaces calculated are not a whole number, the total is to be rounded down. The total allowed residential spaces is 157.7; therefore the maximum allowed is 157. The proposed number of spaces is 158 and a condition is required that 1 space be reallocated from residential to car share parking (discussed further below).

Accessible spaces

68. Not all of the accessible parking within the basement is compliant with Australian Standards (AS). Double width car parking spaces have been provided instead of accessible parking with an adjoining hatched "shared area" and bollard in accordance with the AS. This means, for example, that an adaptable unit allocated an accessible space that does not presently require an accessible space has the space to park 2 vehicles instead of the 1 space allocated. This would mean that parking is provided in excess of the LEP maximum and would be a breach of consent conditions. Conditions have been included to address accessible car parking.

Motorcycle parking

69. 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 1.6 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 1 space. A condition has been imposed requiring that this space be reallocated to car share parking. Following the reduction of 1 residential space to 157, discussed above, this means the residential spaces is reduced by a further 1 space to 156.

Visitor parking

70. Under the LEP, based on the total number of dwellings, up to a maximum of 18 visitor spaces may be provided. Four (4) visitor spaces are proposed. It is noted that the plans describe 6 visitor spaces, but only 4 are provided as the other 2 spaces are for service vehicle parking, provided in accordance with the DCP. Under the DCP service spaces are not to be shared with spaces for other purposes.

Car Share

71. The Harold Park DCP requires at least 1 car share space per 90 dwellings. Based on the proposed 184 dwellings, 2 car share spaces are required. The Stage 1 DA identified that 3 car share spaces were proposed on street and that the balance of the spaces would be required within residential basements. No car share spaces have been included and conditions are recommended to require that 2 car share spaces are provided in accordance with the DCP and Stage 1 DA. These spaces can be reallocated from the 2 residential spaces required to be deleted to comply with the controls.
72. It is noted that under the DCP, car share spaces are included in the maximum number of allowed car parking and the condition reflects this requirement.

Consistency with Stage 1 Traffic DA conditions

On-Street Car Parking

73. The Stage 1 approval requires parking plans to be submitted and approved prior to any occupation certificates being granted. Street specific plans are also required and sign installed prior to occupation. Conditions from the Stage 1 approval have been copied across to this consent.

Temporary Construction Access

74. The Stage 1 consent requires that the use of a private road connection be investigated for construction traffic only until the new signalised intersection is installed. The Stage 1 consent requires that this connection be investigated as part of the Precinct DA Construction Traffic Management Plans (CTMP). The intent is relieve the volume of construction traffic over Johnston's Creek Bridge and surrounding local streets, including Ross St. No details have been provided to address the Stage 1 condition therefore this is addressed by conditions as part of this DA.

Median

75. The Stage 1 approval requires the median to be approved and constructed prior to any occupation certificates being issued for the site. As such the requirements of the Stage 1 DA consent have been reflected in the recommended conditions.

Green Travel Plans

76. The Stage 1 consent requires that the Green Travel Plan be updated with each Precinct DA to detail the measures that will be incorporated into that Precinct. No additional details have been provided and conditions are included to address the Stage 1 DA requirements.

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

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

BCA Matters

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

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

79. The suitability of the site for urban renewal was determined at the rezoning stage. The proposed buildings generally comply with the Stage 1 DA requirements and the planning controls. Subject to compliance with consent conditions, it is considered that the development will not detract from the character of the surrounding area.

Section 79C(1)(e) Public Interest

80. 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 park and a monetary contribution for embellishment, land for affordable housing and a community facility.

POLICY IMPLICATIONS

81. Not applicable to this report.

FINANCIAL IMPLICATIONS/SECTION 94 CONTRIBUTIONS

Section 94 Contributions

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

PUBLIC CONSULTATION

Section 79C(1)(d)

Notification and Advertising

83. 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.
84. 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).

85. Since the exhibition period, 224 submissions have been received in relation to the Harold Park development generally. Of the 224 submissions received, 114 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

- (a) ***Precinct 2 buildings are too high***
- (b) ***Buildings are too close to the cliff***
- (c) ***Building should not exceed the height of the cliff***

Comment: The proposal complies with the LEP and DCP height controls. 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. Variations to the approved building envelopes are discussed in the Issues section of this report.

Design

- (d) ***Architecture and detailing is unattractive and lacks quality***
- (e) ***Conventional, drab and uninteresting design***
- (f) ***Modern, bland uniform design***

Comment: It is agreed that the original proposal as submitted could be improved. Amendments have been made to the proposed buildings to make the upper levels more recessive, reduce the mass of the buildings by having a more vertical emphasis and to achieve greater compliance with the controls, particularly setback and building modulation requirements. Subject to conditions discussed in the report, the buildings are considered to exhibit design excellence, as required by the LEP.

- (g) ***Privacy impacts***

Comment: Potential privacy impacts from parkside elevations have been discussed in the report and the proposal was amended to reduce the extent of glazing on the parkside elevation. Conditions are recommended to require an integrated blind/curtain system to ensure privacy is provided in a coordinated way to reduce visual clutter to the public park.

- (h) ***Setbacks - reduced setbacks for terraces at ground levels will reduce privacy for future occupants.***

Comment: The terraces on the lower levels of the buildings are typical of terraces in that they are generally built close to the property boundaries but have front gardens to provide a buffer, and privacy, between the private and public domain.

- (i) ***Overshadowing of the cliff***

Comment: Buildings 2A and 2B cast shadows that touch the cliff at 3pm in March and December. The cliff casts shadows over the park year-round at 9am and until midday on June 21. The buildings comply with the height controls and do not overshadow existing development.

- (j) ***Views - loss of views to heritage items on the cliff (Toxteth Estate) and to and from the Cliff terraces. The Toxteth Estate and Cliff Terraces are shown on Figures 3 and 4.***

Comment: The proposed building envelopes 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.

Views from Cliff Terraces were considered in the heritage study as part of the rezoning process and also considered as part of the Stage 1 DA. The views to the city skyline are unlikely to be affected by the proposal as lower level buildings are proposed in the location where views are enjoyed. Views to the Cliff Terraces will be maintained from the public domain.

Parking

- (k) ***Insufficient resident and visitor parking***
- (l) ***DCP's car parking limits unrealistic as based on assumptions that most residents will use public transport: workers outside CBD rely on cars and CBD workers use cars on weekends/outside peak***
- (m) ***Parking impacts/overflow on surrounding streets***
- (n) ***Distance and topography from supermarkets will make it difficult for the elderly and people with disabilities to shop without a vehicle.***

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.

Subject to compliance with conditions, the proposal will comply with LEP and DCP parking controls.

- (o) ***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 Council's parking permit scheme.

- (p) ***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.

- (q) ***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.

- (r) ***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.

- (s) ***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

- (t) ***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.

(u) **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.
- (v) **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 1 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

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

RMS / Sydney Regional Development Advisory Committee

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

Augrid (formerly Energy Australia)

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

INTEGRATED DEVELOPMENT

89. 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

90. 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;
 - (g) Stormwater Engineer;
 - (h) Tree Unit;
 - (i) Transport and Access Unit.
91. 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

92. The Environmental Planning and Assessment Act 1979.

CONCLUSION

93. The proposal generally complies with the Stage 1 DA consent, the Harold Park LEP and DCP. Amendments have been made to address concerns about design, bulk, scale and massing. Proposed variations are considered to be generally minor and have been discussed throughout the report. Conditions are recommended to require design modifications, where required.
94. The overall redevelopment of Harold Park will deliver public benefits including the dedication of 3.8ha of land for public open space. Included in this DA is the embellishment of two pocket parks that will be publicly accessible and important gateways to the future park.

95. The proposal is supported, subject to conditions as discussed in the report.

GRAHAM JAHN

Director City Planning, Development and Transport

(Silvia Correia, Senior Planner)