

**ITEM 4. DEVELOPMENT APPLICATION: UNIT 36-36A/LOT 2 1A COULSON STREET ERSKINEVILLE****FILE NO: D/2011/2152****DEVELOPMENT APPLICATION NO: D/2011/2152****SUMMARY****Date of Submission:** 23 December 2011**Applicant:** Leighton Properties**Owners:** 36/1A Coulson Pty Ltd and Ashmore Developments Pty Ltd**Architect:** SJB Architects**Developer:** Leighton Properties**Proposal Summary: Stage 1 proposal**

Concept for the development of the entire site comprising site layout, public open space, street network and building envelopes for 4 residential flat buildings and 16 terraces ranging in height between 2 storeys and 8 storeys comprising a total of 70m<sup>2</sup> of non-residential floor space and 29,793 m<sup>2</sup> of residential floor space. The development will accommodate a total of 318 residential dwellings, one retail shop, 213 on-site car parking spaces and 1 service vehicle loading bay. The site is within one of the City's identified urban renewal areas.

Detailed design and construction of (buildings A, B and C) (as amended) comprising:

1. basement and ground level car parking for 197 vehicles, 260 bicycle spaces, one car wash bay and one service vehicle loading bay;
2. construction of a 8 storey residential apartment building (building "A") comprising 70m<sup>2</sup> of non-residential floor space and 84 dwellings totalling 7,718.1 m<sup>2</sup> of residential floor space;
3. construction of a 8 storey residential apartment building (building "B") comprising 8,029.7m<sup>2</sup> residential floor space containing 91 dwellings;
4. construction of a Part 3 part 8 storey residential apartment building (building "C") comprising 8,279.1m<sup>2</sup> residential floor space containing 88 dwellings;
5. infrastructure, landscaping and public domain works; and
6. subdivision of the site into 3 lots.

**Proposal Summary:**  
(continued)**Stage 2 proposal**

The detailed design and construction of buildings D and E which are to be the subject of future development applications.

The notification of the application resulted in 185 submissions being received and objection to the proposal regarding the following:

Scale, density, reliance on and exceedence of draft development standards and controls, traffic and transport impacts, drainage and flooding, site contamination, development conducted in isolation of other authorities, has not commissioned the appropriate studies that are necessary for the overall development of the Ashmore precinct; impact to existing infrastructure, not in character with adjoining conservation areas, proposed pocket park not suitable for the location of a community garden.

Following lodgement of the development application, the proposal was amended to address concerns of Council officers relating to architectural design, built form, vehicular access and existing right of ways, the public domain treatment, landscaping and the servicing of the site. The application has now been amended to address these issues and resulted in a reduction of height, FSR, bulk and scale. The amendments did not require re-notification.

The proposed development is the first site to be developed within the Ashmore precinct urban renewal area and is considered to positively contribute to the achievement of the redevelopment of the precinct. In its amended form, the proposal is considered to be consistent with the objectives of the Ashmore Precinct DCP, responds appropriately to the constraints of the site and achieves a satisfactory design outcome and streetscape presentation.

The proposal requires concurrence from RailCorp and the Roads and Maritime Services (RMS) under the Infrastructure State Environmental Planning Policy. Concurrence has been received from RailCorp and RMS.

During the assessment of the application, the developer offered to enter into a voluntary planning agreement (VPA) to dedicate roads and public open space outlined in the Development Control Plan. The VPA is currently being finalised, is consistent with the detailed offer and is due to be exhibited and executed in accordance with Sections 25D and 25E of the Environmental Planning and Assessment Regulation 2005.

**Summary  
Recommendation:**

That deferred commencement consent be granted to D/2011/2152.

- Development Controls:**
- (i) South Sydney Local Environmental Plan 1998
  - (ii) Draft Sydney Local Environmental Plan 2011
  - (iii) South Sydney Development Control Plan 1997 – Part G Special Precinct No.7 – Ashmore Precinct
  - (iv) City of Sydney Notification of Planning and Development Applications Development Control Plan 2005
  - (v) Development Control Plan No. 11 – Transport Guidelines for Development 1996 (Adopted 8 May 1996)
  - (vi) City of Sydney Contaminated Land Development Control Plan 2004
  - (vii) City of Sydney Access Development Control Plan 2004

**Developer Contributions:**

City of Sydney Development Contributions Plan 2006

**Attachments:**

- A - Selected Drawings
- B - Photomontages

**RECOMMENDATION**

It is resolved that:

- (A) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent is granted subject to the following:
- (1) That the Voluntary Planning Agreement, as detailed in the letter of offer submitted by the applicant, will be prepared by Council and placed on public exhibition and will be executed and submitted to Council;
  - (2) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement; and
  - (3) The Voluntary Planning Agreement, as executed, must be registered on the title of all land;
- (B) evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions (1) to (3), as indicated above, above, must be submitted to Council within 12 months of the date of this determination;
- (C) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions (1) to (3), as indicated above, have been satisfied; and
- (D) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent 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/2011/2152 dated 23 December 2011 and the following drawings prepared by SJB Architects:

<b>Drawing Number</b>	<b>Drawing Name</b>	<b>Date</b>
DA-103 Rev 16	Site Plan	10 September 2012
DA-201 Rev 16	Basement Plan	10 September 2012
DA-202 Rev 16	Level 1 Plan	10 September 2012
DA-203 Rev 16	Level 2 Plan	10 September 2012

Drawing Number	Drawing Name	Date
DA-204 Rev 16	Level 3 Plan	10 September 2012
DA-205 Rev 16	Level 4 Plan	10 September 2012
DA-206 Rev 16	Level 5 Plan	10 September 2012
DA-207 Rev 16	Level 6 Plan	10 September 2012
DA-208 Rev 16	Level 7 Plan	10 September 2012
DA-209 Rev 16	Level 8 Plan	10 September 2012
DA-210 Rev 16	Roof Plan	10 September 2012
DA-501 Rev 16	Elevations – Sheet 1	10 September 2012
DA-502 Rev 16	Elevations – Sheet 2	10 September 2012
DA-503 Rev 16	Elevations – Sheet 3	10 September 2012
DA-601 Rev 16	Sections – Sheet 1	10 September 2012
DA-602 Rev 16	Sections – Sheet 2	10 September 2012
	Materials and Finishes	10 September 2012

and the following drawings prepared by Lockley Land Title Solutions, Registered Surveyors:

Reference 35199SUB and numbered S1, S2, S3	Proposed Subdivision Plan	28 September 2012
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and as amended by the conditions of this consent including to the extent required by deferred commencement condition (2) in Part A of this consent:

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

## (2) STAGED CONSTRUCTION

- (a) The Stage 2 works may be carried out in stages with the relevant conditions being satisfied prior to the issue of a Construction Certificate for each stages as follows:

STAGE	DESCRIPTION	SPECIFIC CONDITIONS
1	Excavation, piling, retention	12, 33, 41, 43, 49, 50, 51, 52, 59, 60, 61, 72, 74, 75, 80, 81, 82, 84, 88, 89, 92, 93, 130, 131, 132, 133, 134, 136, 137, 138, 140
2	Footings, lift and stair cores, and pits	

STAGE	DESCRIPTION	SPECIFIC CONDITIONS
3	Building structure	3, 14, 15, 30, 35, 36, 38, 53, 54, 56, 58, 59, 66, 67, 70, 76, 77, 78, 79, 90, 91, 94, 116, 135
4	Services, facades, finishes	73

- (b) In addition to those conditions identified in the above table, other conditions may be required to be satisfied prior to the issue of a construction certificate at each stage of construction.
- (c) Any reference to 'A Construction Certificate' or 'An Occupation Certificate' relates to the first Construction Certificate and/or Occupation Certificate unless a Stage is nominated elsewhere in that particular condition. In all other cases, conditions are to be satisfied as specifically stated at Stages 1 to 4.

### (3) DESIGN DETAILS (LOADING BAY – BUILDING C)

The design detail of the gate/s to the loading bay of building C is to be submitted to the Director City Planning, Development and Transport for approval prior to the issue of a Construction Certificate.

### (4) DESIGN MODIFICATIONS (BUILDING D)

Any stage 2 development application for building D shall incorporate the following design modifications:

- (a) Building D is to be provided with 3m ground level landscaped setbacks along the future Metters Street and Pearl Street frontages of that building in accordance with the requirements of DCP (Special Precinct No. 7 – Ashmore Precinct).
- (b) The footprint of Building D is to be reduced so that no part of that building encroaches within the existing Right of Carriageway and Easement for Services that is located adjacent to the southern common property boundary of the subject site.
- (c) Alternatively to (b) above, the building envelope maybe retained as proposed subject to:
- (i) the existing Right of Carriageway and Easement for Services being extinguished, or
  - (ii) written approval has been obtained from all beneficiaries to the Right of Carriageway and Easement for Services to the effect that they have no objection to the proposed works within the Right of Carriageway and Easement for Services and that they agree to the terms of the Right of Carriageway and Easement for Services being varied to reflect the proposed development. The written approval/s is to be submitted to the Director, City Planning, Development and Transport as confirmation with any stage 2 development application.

**(5) DESIGN QUALITY EXCELLENCE****(6) FLOOR SPACE RATIO FOR TOTAL SITE**

The following applies to the Floor Space Ratio:

- (a) Approval is NOT given to the number of dwellings/apartments for building D and building E (Stage 1 approval only).
- (b) Prior to an final Occupation Certificate being issued for the development site, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the draft Sydney LEP 2011, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.
- (c) Precise details of the distribution of floor space shall be provided with the future development application/s for lot 2 and lot 3.

**(7) BUILDING HEIGHT**

- (a) The height of the buildings A, B and C (lot 1) must not exceed RL 35.620 (AHD), building D (lot 2) RL 30.620 (AHD), and building E (lot 3) RL 17.620 (AHD), to the top of the building.
- (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.

**(8) FUTURE STAGE 2 BUILDINGS (BUILDINGS D AND E)**

- (a) Buildings the subject of Stage 2 DAs shall be wholly contained within the approved building envelopes.
- (b) The approved building envelopes are inclusive of balconies, bay windows, shading devices and the like and are subject to modification to comply with the Residential Flat Design Code (RFDC) and other conditions of this consent.
- (c) Encroachments and variations to the building envelopes will be assessed on merit with Stage 2 DAs.

**(9) DETAILS TO BE PROVIDED WITH FUTURE DEVELOPMENT APPLICATION**

The future Stage 2 Development Applications must address compliance with:

- (a) Stage 1 building envelopes;
- (b) SEPP 65 - Design Quality of Residential Flat Development, and the provisions of the Residential Flat Design Code (Building D only).

**(10) USE - SEPARATE DA REQUIRED**

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

**(11) SECTION 94 WESTERN PRECINCT CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2006**

As a consequence of the stage 2 development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), and City of Sydney Section 94 Contributions Development Contributions Plan 2006 the following monetary contributions towards the cost of providing facilities and amenities are required.

<b>Contribution Category</b>	<b>Amount</b>
Community Facilities	\$181,886.80
Public Domain	\$350,696.00
New Open Space	\$2,879,094.93
Accessibility	\$28,783.83
Management	\$31,121.96
Total	\$3,471,583.52

The above payments will be adjusted according to the relative change in the Consumer Price Index using the following formula.

$$\text{Contributions at Time of Payment} = C \times \text{CPI}_2 / \text{CPI}_1$$

where:

C is the original contribution amount as shown above;

CPI<sub>2</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and

CPI<sub>1</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – 14 September 2012.

The contribution must be paid prior to issue of a Construction Certificate. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Personal or company cheques will not be accepted.

**Please contact Council's Planning Administration staff at [planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:planningsystemsadmin@cityofsydney.nsw.gov.au) to confirm the amount payable, prior to payment.**



Copies of the City of Sydney Section 94 Development Contributions Plan 2006 may be inspected at Council's offices.

**(12) AIR CONDITIONERS IN RESIDENTIAL BUILDINGS**

**(13) CAR PARKING SPACES AND DIMENSIONS**

A maximum of 197 off-street car parking spaces must be provided. 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 being issued.

**(14) PROVISION OF VISITOR CAR PARKING**

A maximum of 20 visitor car parking spaces must be provided within the on-site car parking area. Of these, two parking spaces must be allocated as disabled parking spaces. A revised basement plan showing these spaces must be submitted to and approved by Council prior to the Construction Certificate being issued.

**(15) ALLOCATION FOR VISITOR PARKING**

**(16) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES**

**(17) ASSOCIATED ROADWAY COSTS**

**(18) BICYCLE PARKING**

**(19) CAR WASH BAYS**

(a) A minimum of 1 car wash bay, measuring a minimum of 3.5m x 5.5m must be provided for the development with water connection and drainage. All wash bay discharges are to be disposed of according to the requirements of to the sewer which requires a trade waste agreement with Sydney Water.

(b) Car wash bays must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by all tenants.

**(20) COST OF SIGNPOSTING**

**(21) INTERCOM FOR VISITORS**

**(22) LOADING WITHIN SITE**

**(23) LOADING/PARKING KEPT CLEAR**

**(24) LOCATION OF ACCESSIBLE CAR PARKING SPACES**

**(25) LOCATION OF VISITOR PARKING**

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

**(27) SECURITY GATES**

**(28) SERVICE VEHICLE SIZE LIMIT**

The size of vehicles servicing the property must be a maximum length of 9.5m.

**(29) SERVICE VEHICLES**

Adequate space must be provided to allow manoeuvring and turning of the different sized vehicles. The design, layout, signage, line marking, lighting and physical controls for all service vehicles must comply with the minimum requirements of '*Australian Standard AS 2890.2 – 2002 Off-Street Parking Part 2: Commercial vehicle facilities*'. Details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

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

**(31) SIGNS AT EGRESS**

**(32) TRAFFIC WORKS**

**(33) VEHICLE ACCESS**

**(34) SHARED ZONE**

- (a) The design and typical cross sections of the proposed Shared Zone for the Bridge Street extension are not approved as part of this application.
- (b) The detailed design must be submitted concurrently with the Public Domain Plan. The design must be done in consultation with the City Infrastructure and Traffic Operations Unit.
- (c) The design of the shared zone will require a referral to the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) for endorsement and then a referral to the RMS for final approval.
- (d) Additional reports, information or design changes may be required by Council officers, the LPCTCC or the RMS during the approvals process. These must be undertaken by the applicant at no cost to Council.
- (e) The plan must be approved in conjunction with the Public Domain Plan prior to the issuing of the Construction Certificate.

**Note:** The process of gaining a shared zone approval can take a number of months. It is recommended the applicant begin the process as soon as practical to avoid holding up the issuing of the Construction Certificate.

**Note:** RMS shared zone policy and guidelines can be found on their website.

**(35) PARKING PLAN**

- (a) The applicant must undertake a review of the on-street parking restrictions on the developments frontages.
- (b) Two plans must be prepared, one showing the existing parking restrictions along Macdonald Street, and one showing the proposed parking restriction for all roads. Both plans must include the parking restrictions and the locations of all the parking signs and stems, and their chainages from the nearest intersection.
- (c) The plans must be submitted with the public domain plan. The plan must be approved by Council, and the concurrence of the Pedestrian Cycling and Traffic Calming Committee.
- (d) All parking signs are to be installed at no cost to Council and must be installed prior to the issuing of the Occupation Certificate.

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

**(36) LOADING DOCK SCHEDULE/REGISTER**

The on-site medium rigid vehicle loading dock is also to be available for all residents for removal vehicles, bulky good deliveries and similar. This shall be managed either by a schedule showing residents when they can use the dock, or by a register managed on site to allow residents to reserve a time period for their deliveries. This information is to be made available to all residents.

**(37) ACCESSIBLE PARKING SPACE**

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 being issued.

**(38) GREEN TRAVEL PLAN**

A Green Travel Plan must be submitted to and approved by Council prior to the Occupation Certificate for the site/use being granted.

**Note:** It is recommended that a member of the Transport and Access Unit be contacted, to discuss the Green Travel Plan with Council, prior to its submission.

**(39) DEWATERING****(40) SITE AUDIT STATEMENT****(41) NOISE - GENERAL**

**(42) COMPLIANCE WITH ACOUSTIC REPORT**

All recommendations contained in the acoustic report prepared by Vipac , dated 19 December 20011 and referenced 20C-11-0220-TRP-465040-3, must be implemented during construction and use of the premises to ensure that the following internal amenity criteria as stated within clause 102 of the State Environmental Planning Policy (Infrastructure) 2007 *Impact of road noise or vibration on non road development* are not exceeded.

**Bedrooms** (10.00pm to 07.00am) 35dB(A) Leq, 9hr

**Living rooms**  
(excluding garages, kitchens (07.00am to 10.00pm) 40dB(a) Leq, 15hr  
bathrooms and hallways)

**Note:** If noise levels of a proposed residential building exceeds the above criteria by more then 10dB (A) with the windows and doors open the ventilation system for the habitable rooms should be designed to enable residents to leave windows closed.

**(43) NOISE CONTROL VERIFICATION**

- (a) The Principal Certifying Authority (PCA) must ensure that a statement from a suitably 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 acoustic mitigation measures identified in the Noise Impact Assessment prepared by, prepared by Vipac , dated 19 December 20011 and referenced 20C-11-0220-TRP-465040-are suitably incorporated into the development, and the noise criteria in the subject report have been met prior to the issue of an Occupation Certificate.
- (b) The report should provide details of noise levels measured in typical living and bedroom areas likely to be worst affected by external noise to show compliance with the relevant internal acoustic design criteria as stated within clause 102 of the State Environmental Planning Policy (Infrastructure) 2007 *Impact of road noise or vibration on non road development*. Resultant noise levels from the operation of any externally located mechanical plant such as that associated with any ventilation system provided for the building must also be taken into account.

**(44) WASTE AND RECYCLING COLLECTION****(45) RESTRICTION ON RESIDENTIAL DEVELOPMENT**

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (levels 1 to 8) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the South Sydney Local Environmental Plan 1998.

- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from residential use as defined in South Sydney Local Environmental Plan 1998. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) No more than two adult people shall occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets.
- (d) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms.
- (e) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (f) An owner, tenant or Owners Corporation shall not permit a Building Manager or agent to advertise or organise for short term accommodation or share accommodation in the building.
- (g) Car parking spaces may only be used for parking of vehicles related to residence in the unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.

#### **(46) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL**

#### **SCHEDULE 1B**

#### **Prior to Construction Certification/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.

#### **(47) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE**

#### **(48) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

- (a) The Construction Traffic Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

#### **(49) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**

#### **(50) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN**

**(51) ACID SULFATE SOILS****(52) PHYSICAL MODELS****(53) SUBMISSION OF ELECTRONIC MODELS PRIOR TO CONSTRUCTION CERTIFICATE AND PRIOR TO OCCUPATION CERTIFICATE****(54) FLOOR TO CEILING HEIGHTS**

Prior to a Construction Certificate being issued, the Certifying Authority must ensure that all living rooms and bedrooms in sole occupancy units must have a minimum finished floor to ceiling height of not less than 2.7 metres.

**(55) BASIX CERTIFICATE - DETAILS TO BE LODGED WITH A CC****(56) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA****(57) BCA - NEW BUILDINGS WORKS - CLASS 2-9 BUILDINGS****(58) STRUCTURAL CERTIFICATION FOR DESIGN - BCA (ALL BUILDING CLASSES)****(59) CERTIFICATION OF GEOTECHNICAL INSPECTION****(60) CERTIFICATION OF GEOTECHNICAL INSPECTION****(61) ANNUAL FIRE SAFETY STATEMENT FORM****(62) FIRE SAFETY CERTIFICATE TO BE SUBMITTED****(63) INSTALLATION OF DUAL-FLUSH TOILETS****(64) INSTALLATION OF WATER EFFICIENT TAPS****(65) LANDSCAPED (GREEN) ROOFS**

(a) A detailed plan of the green roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council prior to the issue of a Construction Certificate. The plan must include:

(i) A Design Statement that includes details of proposed use of the green roof, general accessibility, a description of the environmental parameters it sets out to address, including noise and privacy treatment and performance specification.

(ii) Survey Plans showing existing and proposed services and engineering details of existing roofs proposed to be retrofitted.

(iii) Location of existing and proposed structures and hard landscaping on the rooftop, retaining walls, and roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.

- (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species and those specified for use by the City of Sydney.
  - (v) Details of installation methodology including structural reinforcement or retention structures for sloping roofs, including details of prevention of slippage.
  - (vi) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
  - (vii) Details of drainage and irrigation systems, including overflow provisions.
- (b) Prior to the issue of a Construction Certificate, a Maintenance Manual is to be submitted and approved by the Principal Certifying Authority. A copy of the Maintenance Manual is to be kept on site at all times during construction and shall be produced to Council on request. The Maintenance Manual shall include as a minimum:
- (i) Frequency and methodology of different maintenance requirements.
  - (ii) Details of safety procedures.
  - (iii) Laminated copies of 'As Built' drawings.
  - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification; and
  - (v) Copies of warranties and guarantees relating to all materials and plant used in construction.

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

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

- (66) MECHANICAL VENTILATION**
- (67) CAR PARK VENTILATION**
- (68) WATER POLLUTION**
- (69) RE-USE OF ROOF RAINWATER**
- (70) BARRICADE PERMIT**
- (71) DEMOLITION/SITE RECTIFICATION (if cost is over \$50m)**

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
  - (i) A bank guarantee to be provided in the sum of \$100,000 dollars as security for the costs of such works provided that:
    - a. the maximum liability under the Deed must not exceed \$100,000 dollars; and
    - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
  - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
    - a. demolition of the existing building has commenced but not been completed;
    - b. the existing building has been demolished; or
    - c. the site has been excavated; or
    - d. the erection of the structure has commenced;
  - (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:



- a. make the building safe and of an appearance acceptable to Council at ground level;
- b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
- c. for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or
- d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenable stage;

AND to call on such bank guarantee to cover the cost thereof.

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:
  - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (iii) to take place on the site; and
  - (ii) in the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.

**Note:** Where a bank guarantee has been entered into under D/2011/1755 then the requirement to enter into a further bank guarantee is waived.

## **(72) PUBLIC ART**

## **(73) FOOTPATH DAMAGE BANK GUARANTEE**

A Footpath Damage Bank Guarantee calculated for a sum to be determined by the City's Public Domain Section must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to issue of a Construction Certificate.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

**(74) ALIGNMENT LEVELS****(75) PUBLIC DOMAIN PLAN**

The Public Domain Plan accompanying this Development Application has not been approved by this consent.

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

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual and must include all areas of the public domain, including roads, footways, lighting, furniture, shared spaces, parks and associated works. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must be made concurrently with the Alignment Levels application. 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.

Note: A Public Domain Works Guarantee deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.

Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Road Opening Permit for works on the public way being issued.

The Bank Guarantee will be retained in full until all Public Domain works 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.

**(76) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER****(77) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT****(78) LANDSCAPING OF THE SITE****(79) PRESERVATION OF SURVEY MARKS****(80) STAGING PLAN**

A staging plan, clearly showing the proposed staging of the building works and the extent of public domain works to be delivered with each building, must be submitted to, and accepted by Council, prior to the issue of a Construction Certificate.

**(81) ROAD NETWORK AND GEOMETRIC ROAD DESIGN AND CONSTRUCTION**

- (a) The civil and drainage drawings prepared by AECOM accompanying this Development Application have not been approved by this consent.
- (b) Detailed design and construction documentation for the proposed public road system shall include all necessary liaisons with public utility authorities, the RTA, Council, the Sydney Traffic Committee and its nominated consultants in order to achieve design approvals and construction compliance.
- (c) The design and construction of all road infrastructure works shall be undertaken in accordance with City's current Development Specifications for Civil Works (design & construction). Detailed plans for the works shall be prepared and submitted to Council for approval prior to issue of any Construction Certificate or approval under Section 138 of the Roads Act 1993 for the proposed road, drainage, infrastructure and open space works within the development site and on the existing public way fronting the site. The detailed plans and supporting documentation shall include as a minimum the following information;
  - (i) General subdivision plan with contour details, clearly indicating the extent of work;
  - (ii) Typical road cross sections showing road and footway widths, pavement configuration, batter slopes, retaining walls (engineered), kerb and gutter types;
  - (iii) Plan and longitudinal section showing gutter invert, kerb and boundary alignments of the existing and proposed future public road network including public utility services;
  - (iv) Drainage plan and schedule of drainage elements and any special pit requirements;
  - (v) The construction of Ecopit is not approved for this development
  - (vi) Drainage profiles and longitudinal sections with hydraulic grade lines and other standard features;
  - (vii) Details, materials and specifications of all structures including pipes, pits, pipe bedding, concrete encasing and pipeline support structures, sub-soil drainage lines, backfilling of trenches;
  - (viii) Road cross sections and longitudinal sections of the kerb returns with pedestrian ramps and kerb and gutter grading;
  - (ix) Road pavement design structure, kerb and gutter, drainage works, traffic management measures, traffic and pedestrian signage, kerbside parking signage, wheel stops, and any necessary minor works and matching adjustments to the existing road network;

- (x) Details of intersections with existing roads, including a minimum 300mm road restoration of the existing road formation;
- (xi) Footpaths, pedestrian and bicycle facilities and management, street lights and street trees and other associated verge works
- (xii) Adjustments/upgrades to utility services as required;
- (xiii) Intersection layout details including line marking, pavement marking and signposting;
- (xiv) Standard engineering and structural details plan;
- (xv) Erosion and sedimentation control plans;
- (xvi) Compliance with all relevant Council requirements including, road opening permits, public liability insurance and compliance with Council' Quality Assurance for design(design certification report and check lists 1-9 from Council's Development Specification for Civil Works),Quality System requirements involving construction inspection and supervision procedures;
- (xvii) Drainage pit lids throughout the public domain shall be heel guarded and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Drainage pit lids shall be in accordance with Council Standards.

**Note:** All design documentation shall be completed in accordance with the relevant standards and specifications as adopted by Council from time to time. All engineering plans and calculations shall be checked, signed and certified by a suitably qualified practicing civil Engineer.

## **(82) EASEMENTS AND COVENANTS**

An appropriate documentary drainage easement and associated restrictive or positive covenant is to be created over any relocated/proposed local drainage system within private property, registered on Title of the affected land(s) pursuant to Section 88E of the *Conveyancing Act 1919*. The easement and covenant are to be created appurtenant to and in a location and in terms to the satisfaction of Council.

## **(83) STORMWATER PIPE RE-ALIGNMENT**

- (a) Design and documentation of the proposed re-alignment shall be submitted for Council's approval prior to commencement of the works. This must include details of the existing pipe system and flow component within the Right of Way past the development site (lot 2) that is being realigned;
- (b) Similarly the design and documentation including details of the existing stormwater pipe system at the intersection of Victoria Street and Bridge Street shall be submitted for Council's approval prior to commencement of the works;

- (c) The applicant shall undertake CCTV inspection and report prior to the issue of the Construction Certificate to confirm to Council if there are any latent connections that needs to be connected into the realigned system;
- (d) Any work associated with the removal of the existing drainage line through the site is not to commence until Council's acceptance of the completed realigned pipeline has been obtained;
- (e) The proposed 900 diameter stormwater in Pearl Street to be extended up to the existing Sydney Water system in Macdonald Street. In this regard the proposed easement (Z) in this section shall be clear of any building structures and to City's satisfaction;
- (f) The two new stormwater connections to the existing (1500 diameter pipe) Sydney Water asset in Macdonald Street shall be designed and constructed to their requirements and written confirmation sent to Council that Sydney Water's requirements have been satisfied with regard to the design and procedures for the construction of the connections;
- (g) Council's acceptance of completed drainage and civil works will be subject to confirmation from a Professional Civil Engineer that design complies with Council's Development Specification for Civil Works, demonstration of compliance with the approved drawings and the applicable standards and is subject to the submission of Certified "Works as Executed Drawings";
- (h) All stormwater drainage designs shall be based on recommended industry practice using minor and major systems as detailed in the Australian Rainfall and Runoffs, a guide to flood estimation by the Institution of Engineers, Australia.
- (i) All pipe drainage systems shall be minimum of 1 in 20 year standard and the remaining runoffs up to and including the 1 in 100 year runoffs shall be conveyed safely using road carriageways or overland flow paths.

#### **(84) FLOOD PLANNING LEVELS FOR THE DEVELOPMENT**

- (a) Floor levels of the proposed buildings, entry to car parks and below ground car parks must comply with the Flood Planning Level requirements. Flood Planning Levels must be calculated based on the 100 year flood levels recommended by Cardno (2011) and the freeboards as detailed below.
  - (i) Residential – 100 year flood level + 500 mm;
  - (ii) Non-habitable floors such as garages (excluding underground garages) or laundry – 100 year flood level;
  - (iii) Underground car parks – 100 year flood level + 500mm as a minimum or the PMF flood level whichever is the higher;

- (iv) 1% AEP level + 0.5 m (as a minimum) or a level that is determined based on a review of the PMF, whichever is the higher underground car parks.

**(85) ROAD OPENING PERMIT**

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

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

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

**(89) ELECTRICITY SUBSTATION**

An electricity substation is required to be integrated within the building. The size and location of the substation is to be submitted for approval of Council and Energy Australia, prior to a Construction Certificate being issued or the commencement of the use, whichever is earlier.

**(90) TELECOMMUNICATIONS PROVISIONS**

**(91) UTILITY SERVICES**

**(92) 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.

**UPON COMPLETION OF THE DEVELOPMENT**

- (d) 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.

**(93) WASTE MANAGEMENT FACILITIES**

Prior to the issue of a Construction Certificate for the development, the waste management facilities within the building are to be consistent with Council's "Policy for Waste Minimisation in New Developments 2005" and redesigned to provide for:

- (a) The residential garbage room servicing proposed Buildings A, B and C to be large enough to accommodate the waste generated by the 263 apartments and include adequate space for the separation of putrescible waste from waste suitable for recycling,
- (b) All areas traversed by skip type mobile garbage bins, including the standing areas for Council's domestic garbage truck is to be a flat, level surface;
- (c) A minimum of 8m<sup>3</sup> storage area for discarded bulky items must be provided per block of residential units;
- (d) Clearance height for access by collection vehicles must be no less than 3.8m at any point;
- (e) The maximum travel distance between the storage point and collection point for the waste and recycling receptacles up to 1,000 litres shall be no more than 10 metres;
- (f) Unimpeded access shall be provided for collection vehicles between 6:00am and 6:00pm on collection days.

**SCHEDULE 1C****During Construction/Prior to Occupation/Completion**

- (94) OCCUPATION CERTIFICATE TO BE SUBMITTED**
- (95) HOURS OF WORK AND NOISE – OUTSIDE CBD**
- (96) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**
- (97) ACCESS DRIVEWAYS TO BE CONSTRUCTED**
- (98) LOADING AND UNLOADING DURING CONSTRUCTION**
- (99) BASIX**
- (100) NO OBSTRUCTION OF PUBLIC WAY**
- (101) VEHICLE CLEANSING**
- (102) COVERING OF LOADS**
- (103) NO OBSTRUCTION OF PUBLIC WAY**
- (104) PROTECTION OF STREET TREES DURING CONSTRUCTION**

**(105) EROSION AND SEDIMENT CONTROL****(106) USE OF MOBILE CRANES****(107) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION****(108) HAZARDOUS AND INDUSTRIAL WASTE****(109) STREET NUMBERING – MAJOR DEVELOPMENT****(110) ENCROACHMENTS – NEIGHBOURING PROPERTIES****(111) SURVEY CERTIFICATE AT COMPLETION****SUBDIVISION****(112) STAGING OF SUBDIVISION**

The subdivision of the site must be in accordance with Development Application No.2011/2152 and the staged subdivision as shown in the following drawings prepared by Lockley Land Title Solutions:

- (a) Stage 1: Plan of Proposed Subdivision of Lot 2 in DP 788543, known as 36,1A Coulson Street, Erskineville dated 28 September 2012, Job Reference 35199SUB, sheet S1 of 3 sheets,
- (b) Stage 2: Plan of Proposed Subdivision of Lot 1A in the Stage 1 subdivision dated 28 September 2012, Job Reference 35199SUB, sheet S2 of 3 sheets,
- (c) Stage 3: Plan of Proposed Subdivision of Lot 2A in the Stage 2 subdivision dated 28 September 2012, Job Reference 35199SUB, sheet S3 of 3 sheets

**The following conditions apply to the Stage 1, 2 and 3 Subdivision proposals****(113) SUBDIVISION CERTIFICATE**

A separate application must be made to Council to obtain the approval of the Plan of Subdivision and issue of the Subdivision Certificate under Part 4A of the *Environmental Planning and Assessment Act 1979*.

**(114) LAND SUBDIVISION**

Any proposal to further subdivide the site, exclusive of the subdivision to effect road dedications, 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*.

**(115) STRATA SUBDIVISION**

Any proposal to Strata subdivide the buildings 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*.



**(116) SYDNEY WATER CERTIFICATE**

**Prior to the issue of a Subdivision Certificate**, a Section 73 (Subdivider) Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council prior to a subdivision certificate being issued.

**(117) ADDITIONAL EASEMENTS AND COVENANTS**

Any Easements for Drainage, Services, Encroachments or other shared facilities or structures, Rights of Way or the like, any Restrictive or Positive Covenants required as a consequence of the subdivision are to be created pursuant to Section 88B and/or Section 88BB of the *Conveyancing Act 1919* and to Council's satisfaction.

**(118) SECTION 138 APPROVAL**

Prior to the commencement of any work within the existing public way, a separate application is to be made to Council to obtain approval under Section 138 of the Roads Act 1993.

**(119) PUBLIC UTILITY SERVICES**

- (a) Prior to the issue of the Construction Certificate for Subdivision Works evidence is to be submitted to Council (as the PCA) confirming that the requirements of the Public Utility Service Authorities have been satisfied with regard to the design of the services within the roads to be dedicated,
- (b) Prior to the issue of the Subdivision Certificate evidence is to be submitted to Council confirming that the requirements of the Public Utility Service Authorities have been satisfied with regard to the construction and installation of those services within the roads to be dedicated.

**(120) DESIGN AND CONSTRUCTION OF NEW ROADS AND ROAD WIDENING**

Detailed engineering road, drainage and infrastructure works design and construction and landscape plans for the construction of the proposed roads, lanes, pathways and road widening shown on the Plan of Proposed Subdivision of the site in 3 stages, prepared by Lockley Land Title Solutions, dated 28 September 2012 with Job Reference 35199SUB, are to be submitted to and approved by Council prior to the issue of any Construction Certificate for the proposed works.

The documentation is to include any requirements and approvals from external parties, such as public utility service authorities, and shall be in accordance with *Council's Development Specifications for Civil Works Design and Construction* and fully integrated with the approved Public Domain Plan for the development and is to provide plans and specifications sufficient to describe in detail the design, scope and extent of all proposed road, drainage, infrastructure works and landscaping, prepared by a Professional Engineer and Landscape Architect and certified by an appropriately accredited certifier.

**(121) CONSTRUCTION CERTIFICATE FOR SUBDIVISION WORK**

In accordance with the provisions of Section 109C of the *Environmental Planning and Assessment Act 1979*, a Construction Certificate for the Subdivision Work, being the construction of the roads to be dedicated, is to be obtained from Council or an appropriately accredited private certifier, prior to the commencement of any such work on the site.

**(122) PRINCIPAL CERTIFYING AUTHORITY FOR SUBDIVISION WORK**

In accordance with the provisions of Sections 81A and 109E of the *Environmental Planning and Assessment Act 1979*, Council is to be formally appointed as the Principal Certifying Authority (PCA) for the Subdivision Work and the Construction Certificate is to be forwarded to Council as the PCA.

**(123) COMPLETION OF SUBDIVISION WORK**

Prior to the issue of a Subdivision Certificate under Section 109J of the *Environmental Planning and Assessment Act 1979* for subdivision that effects the public road dedications, all Subdivision Work, being the road, drainage, infrastructure and landscaping work within the parts of the site to be dedicated as public road, is to be completed in accordance with the requirements and to the satisfaction of Council as the Principal Certifying Authority. A separate application can be made to Council with regard to outstanding Subdivision Work under the provisions of Section 109J(2) of the Act.

**(124) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

No portion of the proposed structure/s shall encroach onto adjoining properties.

**(125) SURVEY CERTIFICATE AT COMPLETION**

A Survey Certificate prepared by a Registered Surveyor must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment.

**The following conditions apply to the Stage 1 Subdivision proposal****(126) DEDICATION OF ROAD WIDENINGS AND ROADS**

Prior to the issue of an Occupation Certificate for the development, the owner must dedicate for road purposes, free of cost to Council, the following:

- (a) a 7.215m road widening along the site frontage to Macdonald Street (shown as area "A" on the Stage 1 Plan of Proposed Subdivision accompanying the application),
- (b) a road, 12.3m wide and variable width, located along the western boundary of the site between MacDonald Street and Bridge Street (shown as area "B" on the Stage 1 Plan of Proposed Subdivision accompanying the application),
- (c) a road, 13.8m wide and variable width, running easterly then southerly from proposed road "B" referred to above approximately to the prolongation of the northern boundary of a proposed right of carriageway (shown as area "C" on the Stage 1 Plan of Proposed Subdivision accompanying the application),
- (d) a road, 13.8 m wide and variable width, running southerly from the southern end of proposed road "C" referred to above to the boundary of the site (shown as area "D" on the Stage 1 Plan of Proposed Subdivision accompanying the application), together with the additional footway about 1.5m wide on the western side of proposed road "C", shown as footpath on the DA drawing numbered DA-202 revision 16 dated 10 September 2012 prepared by SJB Architects accompanying the application, which can be limited in height and depth to the satisfaction of the Director of Planning, Development and Transport,
- (e) a road of variable width but about 6.465m wide, running along the northern boundary of the site from Bridge Street to the prolongation of the western boundary of proposed Lot 1A (shown as a lane, area "E" on the Stage 1 Plan of Proposed Subdivision accompanying the application),
- (f) splayed corners, nominally 2.5m x 2.5m at the intersections of:
  - (i) the southern alignment of proposed road "C" with the eastern alignment of proposed road "B",
  - (ii) the southern alignment of proposed road "C" with the western alignment of proposed road "C",
  - (iii) the eastern alignment of proposed road "B" with the northern alignment of proposed road widening "A".

The dedications are to be on the understanding that the affected parts of the site can be used in the calculation of the floor area of the development. A separate application is to be made to Council for approval of the Plan of Subdivision and issue of the Subdivision Certificate under Section 109J of the *Environmental Planning and Assessment Act 1979* for the excision of those parts of the site and their dedication as public road.

### **(127) EASEMENTS**

The following specific easements are required to be included on the plan of subdivision:

- (a) A Right of Carriageway of variable width and limited in height to about 5.50m above the road surface, burdening proposed Lot 1A and benefitting the lands to the east of the development site (shown as (X) on the Stage 1 Plan of Proposed Subdivision accompanying the application),
- (b) A Right of Carriageway of variable width, burdening proposed Lot 1 and benefitting the lands to the east of the development site (shown as (Y) on the Stage 1 Plan of Proposed Subdivision accompanying the application),
- (c) An Easement for to Drain Water of variable width, burdening proposed Lot 1 and proposed Lot 1A and benefitting the lands to the east of the development site (shown as (Z) on the Stage 1 Plan of Proposed Subdivision accompanying the application).

### **The following conditions apply to the Stage 2 Subdivision proposal**

### **(128) DEDICATION OF ROAD WIDENINGS AND ROADS**

Prior to the issue of an Occupation Certificate for the development of Lot 2, the owner must dedicate for road purposes, free of cost to Council, the following:

- (a) a road, 6.40m wide and variable width, running along the northern boundary of the site from the end of proposed road "E", referred to in the Stage 1 plan, to the prolongation of the eastern boundary of the site (shown as a lane, area "F" on the Stage 2 Plan of Proposed Subdivision accompanying the application),
- (b) a road, of variable width, located adjacent to the southern boundary of proposed Lot 2 and running from the prolongation of the western boundary of proposed Lot 2 to the eastern boundary of the site (shown as area "H" on the Stage 2 Plan of Proposed Subdivision accompanying the application),
- (c) a laneway, 6.1m wide, running north-south along the eastern boundary of the site between proposed roads "F" and "H" referred to above (shown as area "G" on the Stage 2 Plan of Proposed Subdivision accompanying the application),

The dedications are to be on the understanding that the affected parts of the site can be used in the calculation of the floor area of the development. A separate application is to be made to Council for approval of the Plan of Subdivision and issue of the Subdivision Certificate under Section 109J of the *Environmental Planning and Assessment Act 1979* for the excision of those parts of the site and their dedication as public road.

**The following conditions apply to the Stage 3 Subdivision proposal**

**(129) DEDICATION OF ROAD WIDENINGS AND ROADS**

Prior to the issue of an Occupation Certificate for the development of Lot 3A, the owner must dedicate for road purposes, free of cost to Council, the following:

- (a) a road, of variable width, located adjacent to the southern and western boundaries of proposed Lot 3A and abutting roads "C" and "H" referred to in the Stage 1 and Stage 2 Plans of Proposed (shown as area "J" on the Stage 3 Plan of Proposed Subdivision accompanying the application),

The dedications are to be on the understanding that the affected parts of the site can be used in the calculation of the floor area of the development. A separate application is to be made to Council for approval of the Plan of Subdivision and issue of the Subdivision Certificate under Section 109J of the *Environmental Planning and Assessment Act 1979* for the excision of those parts of the site and their dedication as public road.

**ROADS AND MARITIME SERVICES**

**(130)** The proposed on road shared zones shall be in accordance with the former RTA's Technical Direction 200016.

**(131)** The layout of the proposed car parking areas, loading docks and access driveway associated with the subject development (including, grades, turn paths, sight distance requirements, aisle widths and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2 - 2002 for heavy vehicle usage.

**(132)** The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTRROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

**(133)** All works/regulatory signage associated with the proposed development are to be at no cost to the Roads and Maritime Services.

**RAILCORP**

**(134)** Prior to any demolition works commencing a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed demolition works are to be submitted to RailCorp for review and comment on the impacts on rail corridor. Demolition works shall not commence until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

**(135)** All excavation and construction works are to be undertaken in accordance with the following documentation:

- (a) Geotechnical Assessment Report prepared by Jeffery and Katauskas Pty Ltd dated 8 December 2011, Ref: 25263Z2rpt;
- (b) Survey Monitoring Plan prepared by Jeffery and Katauskas Pty Ltd dated 8 December 2011, Ref: 25263Z3rpt;
- (c) DA Structural Rail Impact Assessment Design Report prepared by AECOM dated 7 December 2011, Ref: 60224296;
- (d) Early Works Erosion and Sediment Control (Demolition) Plan prepared by AECOM - Drawing No. 60224296-DRG-EW0010 Rev 4 dated 27/10/11;
- (e) Early Works Basement Earthwork Plan prepared by AECOM - Drawing No. 60224296-DRG-EW0012 Rev 4 dated 27/10/11;
- (f) Macdonald Street, Erskineville DA Structural Rail Impact Assessment Section A prepared by AECOM - Drawing No. 60224296-SKE-ST0001 Rev 1 dated 08/12/11;
- (g) Macdonald Street, Erskineville DA Structural Rail Impact Assessment Section B prepared by AECOM - Drawing No. 60224296-SKE-ST0002 Rev 1 dated 08/12/11;
- (h) Macdonald Street, Erskineville DA Structural Rail Impact Assessment Section C prepared by AECOM - Drawing No. 60224296-SKE-ST0003 Rev 1 dated 08/12/11;

Subject to the following amendments:

- (i) The Survey Monitoring Plan is to be finalised and submitted to RailCorp for final endorsement;
- (j) The track "Normal Limits" are to be reviewed by RailCorp's Principle Engineer Track;
- (k) RailCorp Standard ESC302 for defect limits must be used to establish the "Normal Limits". For the masonry arch bridges, the limits are stringent, refer to page 13 of ESC302. The trigger levels in the monitoring plan must be set well below the defect limits prescribed in ESC302;
- (l) Another set of monitoring marks to be added to the north of Row 1;

- (m) The readings of the tracks must start at the same time as other survey marks;
- (n) Vibration due to excavation operation to be monitored and kept as safe level;
- (o) Excavation works to be Supervised and monitored by the geotechnical engineer;
- (p) The Applicant is to be aware that RailCorp will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.

A Construction Certificate is not to be issued until the measures detailed in this condition of consent have been incorporated into the construction drawings and specifications. Prior to the commencement of works the Principle Certifying Authority is to provide verification to RailCorp that this condition has been complied with.

- (136)** Prior to the issue of a Construction Certificate the Applicant must obtain RailCorp's endorsement on the engineering and construction details for the proposed new Bridge Street which will separate the development and the rail corridor. The proposed road and protection measures for the rail corridor must meet RailCorp's requirements.

The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

- (137)** Prior to commencement of any works, the Applicant shall provide an accurate survey to RailCorp locating the development with respect to the rail boundary, RailCorp easements and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative.

- (138)** Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project (including RailCorp's retaining wall and arch bridge) is to be carried out by representatives from RailCorp and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.

- (139)** Prior to the issue of a Construction Certificate the Applicant must ensure that the recommendations provided in the Acoustic Report prepared VIPAC Engineers & Scientists Ltd dated 19/12/2011 are incorporated into the construction drawings and specifications.

The Principal Certifying Authority shall not issue a Construction Certificate until it has verified that the recommendations contained in the acoustic report have been incorporated in the construction specifications and drawings.

- (140) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- (141) The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of RailCorp.
- The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
- (142) Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment on the impacts on rail corridor, unless written advice has been received from RailCorp advising that this is not required. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
- (143) No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.
- (144) Prior to the issuing of a Construction Certificate the Applicant is to submit to RailCorp a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the Rail Authority confirming that this condition has been satisfied.
- (145) No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an agreement has been entered into with RailCorp. Where the Applicant proposes to enter the rail corridor, the Principle Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from RailCorp confirming that its approval has been granted.
- (146) During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- (147) Given the site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from RailCorp.



(148) Prior to the commencement of works appropriate fencing shall be installed along the rail corridor to prevent unauthorised access to the rail corridor. Details of the type of fencing and the method of erection are to be to the RailCorp's satisfaction prior to the fencing work being undertaken. RailCorp may provide supervision, at the developer's cost, for the erection of the new fencing.

(149) No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the RailCorp. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.

## **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 part of the Ashmore precinct urban renewal area which is bounded by Ashmore Street to the north, Mitchell Road to the east, Coulson Street to the south and the Illawarra railway embankment to the west.
2. The Ashmore Precinct in Erskineville is a large, predominantly light industrial precinct that is presently undergoing re-development into a mixed use, commercial and residential precinct. The precinct is bounded to the north, west and east by heritage conservation areas that house the established communities of Erskineville and Alexandria.
3. Figure 1 below shows the Ashmore precinct urban renewal area as defined by the *South Sydney DCP: Urban Design 1997 - Part G Special Precinct No.7 - Ashmore Precinct*.



Figure 1: Ashmore urban renewal precinct.

4. The subject site is irregularly shaped with an area of approximately 16,150m<sup>2</sup> and street frontages to Macdonald Street to the south and Bridge Street to the north (refer figure 2 below). The site contains a warehouse building with associated hardstand car park area. Access to the site is via a driveway that runs through the Ashmore Industrial Estate off Coulson Street to the south.



Figure 2: Aerial map showing the subject site in the north western corner of the Ashmore precinct urban renewal area

5. Encircled by the site at the north western corner is a Sydney Water pump station. The Illawarra railway line is adjacent to the eastern boundary and is elevated approximately 4m above that of the subject site. This railway line separates the site from the existing residential precinct of Erskineville some 40m away.
6. To the north, the site adjoins existing single and two storey terrace style housing most of which are orientated with their rear yards facing the site. To the south of the site is a mix of residential and industrial properties.
7. The property on Macdonald Street opposite the site consists of 3 storey residential flat development. A larger 5 to 7 storey residential building (Motto Apartments) is located further east along McDonald Street. To the east of the site is the remainder of the existing Ashmore industrial estate of which the site currently forms a part of. Like the character of the existing site, the industrial area to the east consists of large industrial warehouse buildings and strata suites used for general industrial purposes.
8. The site is not a heritage item and is not in a conservation area.
9. Photographs of the site (pre-demolition) are provided below.



Figure 3: View of site (pre-demolition)





Figure 4: View towards the east of the site showing the existing hardstand car park area and the remnant wall to the north



Figure 5: View towards the west of the site towards the existing warehouse building proposed to be demolished



Figure 6: View looking towards the south of the site



Figure 7: Looking west along the Macdonald Street frontage of the site



Figure 8: Eastern elevation of warehouse with part view of attached office building



Figure 9: Eastern elevation of warehouse showing attached office





Figure 10: View west along the northern boundary towards Bridge Road and the Illawarra railway line



Figure 11: View east along the northern boundary. Rear yards of residential dwellings to the north are immediately adjacent to the site



Figure 12: View along the western site boundary adjacent to the Illawarra railway line



Figure 13: View north along Bridge Street of adjacent terrace dwellings



Figure 14: View from the north west corner of the site at Bridge Street showing the Illawarra rail line



Figure 15: Looking west showing railway underpass forming a connection between Bridge Road and Victoria Street



Figure 16: 7 storey “Motto” residential apartment building on the southern side of Macdonald Street viewed from the south western corner of the subject site

### History of Development Applications Relevant to this Site

10. The following development applications are considered relevant to the proposed development:

(a) Development consent was granted under D/2011/1755 on for early works in preparation for the future construction of medium density residential development on the site the subject of this report. Approved works include:

- Demolition of existing industrial building and structures;
- Tree removal;
- Site remediation and associated excavation;
- Construction of site hoarding and fencing;
- Construction of a temporary display suite with associated landscaping and car parking for 24 vehicles; and
- Construction of temporary signage along the Macdonald Street and Bridge Street frontages and within the site.

The consent has been acted upon with existing buildings and structures demolished.

11. *Design Excellence Competition* - Prior to the lodgement of the subject development application, a competitive design competition process was undertaken (June 2011). The competition entries utilised the development standards and controls contained in the draft Sydney Local Environmental Plan and the draft Sydney Development Control Plan 2010. The following three architectural practices participated in the competition:

- (a) Allen Jack and Cottier Architects;
- (b) Kann Finch Architects; and
- (c) SJB Architects.

12. The scheme designed by SJB Architects was named as the winning scheme by the design jury in July 2011.



13. Photomontages of the winning scheme are provided below:

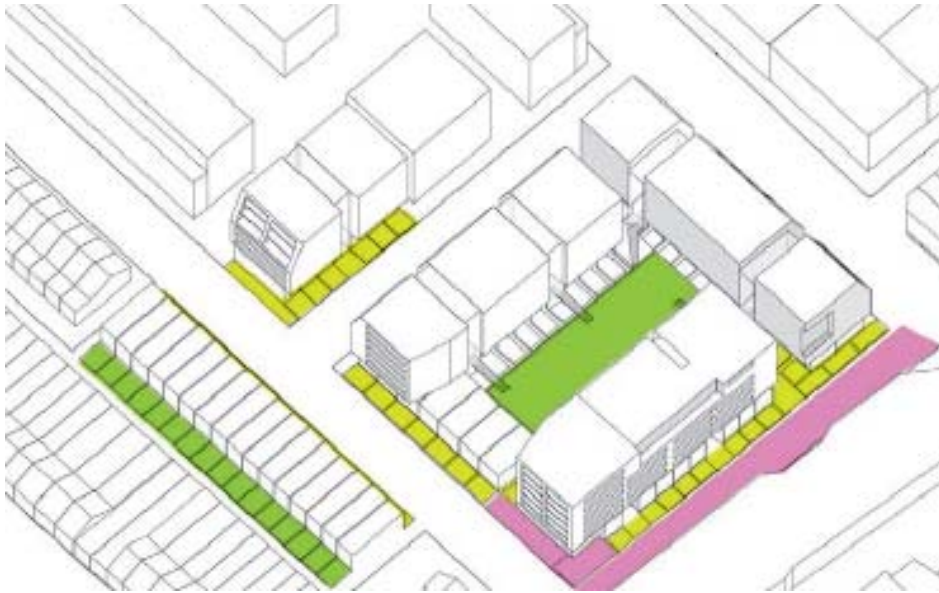


Figure 17: Massing and built form of the SJB winning scheme



Figure 18: Design competition scheme - Corner of Bridge Street and Metters Street looking east (northern portion of site)



Figure 19: Design competition scheme - Corner Macdonald Street and Bridge Street looking east (southern portion of site)

14. The proposed scheme (as amended) is illustrated in figures 21 and 22 below.

## PROPOSAL

15. **Stage 1** proposal for:

- (a) Concept plan for the development of the entire site (site layout, public open space, street network and building envelopes) comprising:
  - (i) four residential flat buildings ranging in height between 3 storeys and 8 storeys and sixteen 2 storey terraces comprising a total of 70m<sup>2</sup> of non-residential floor space and 29,793 m<sup>2</sup> of residential floor space, accommodating a total of 318 residential dwellings, one retail shop, 213 on-site car parking spaces and 1 service vehicle loading bay;
- (b) detailed design (as amended) and construction of buildings A, B and C comprising:
  - (i) basement and ground level car parking for 197 vehicles, 260 bicycle spaces, one car wash bay and one service vehicle loading bay;
  - (ii) construction of a 8 storey residential apartment building (building "A") comprising 70m<sup>2</sup> of non-residential floor space and 84 dwellings totalling 7,718.1 m<sup>2</sup> of residential floor space;
  - (iii) construction of a 8 storey residential apartment building (building "B") comprising 8,029.7m<sup>2</sup> residential floor space containing 91 dwellings;
  - (iv) construction of a part 3, part 8 storey residential apartment building (building "C") comprising 8,279.1m<sup>2</sup> residential floor space containing 88 dwellings;



- (v) infrastructure, landscaping and public domain works; and
  - (vi) staged subdivision of the site into 3 lots.
16. **Stage 2** proposal for the future detailed design and construction of buildings D and E, subject to future development applications.
  17. The applicant has committed to entering into a Voluntary Planning Agreement (VPA) for the dedication of land within the subject site for public roads and pocket park including associated works and embellishments. The land dedication and associated works is generally consistent with the formal offer and the Ashmore Precinct DCP 2006.
  18. Once finalised the VPA is to be exhibited and executed in accordance with section 25D and section 25E of the Environmental Planning and Assessment Regulation 2005. Accordingly, a deferred commencement consent condition is recommended that the VPA be exhibited and executed prior to the consent becoming operational.
  19. Proposed subdivision, staging plan and photomontages are provided in figures 20 to 22 below:

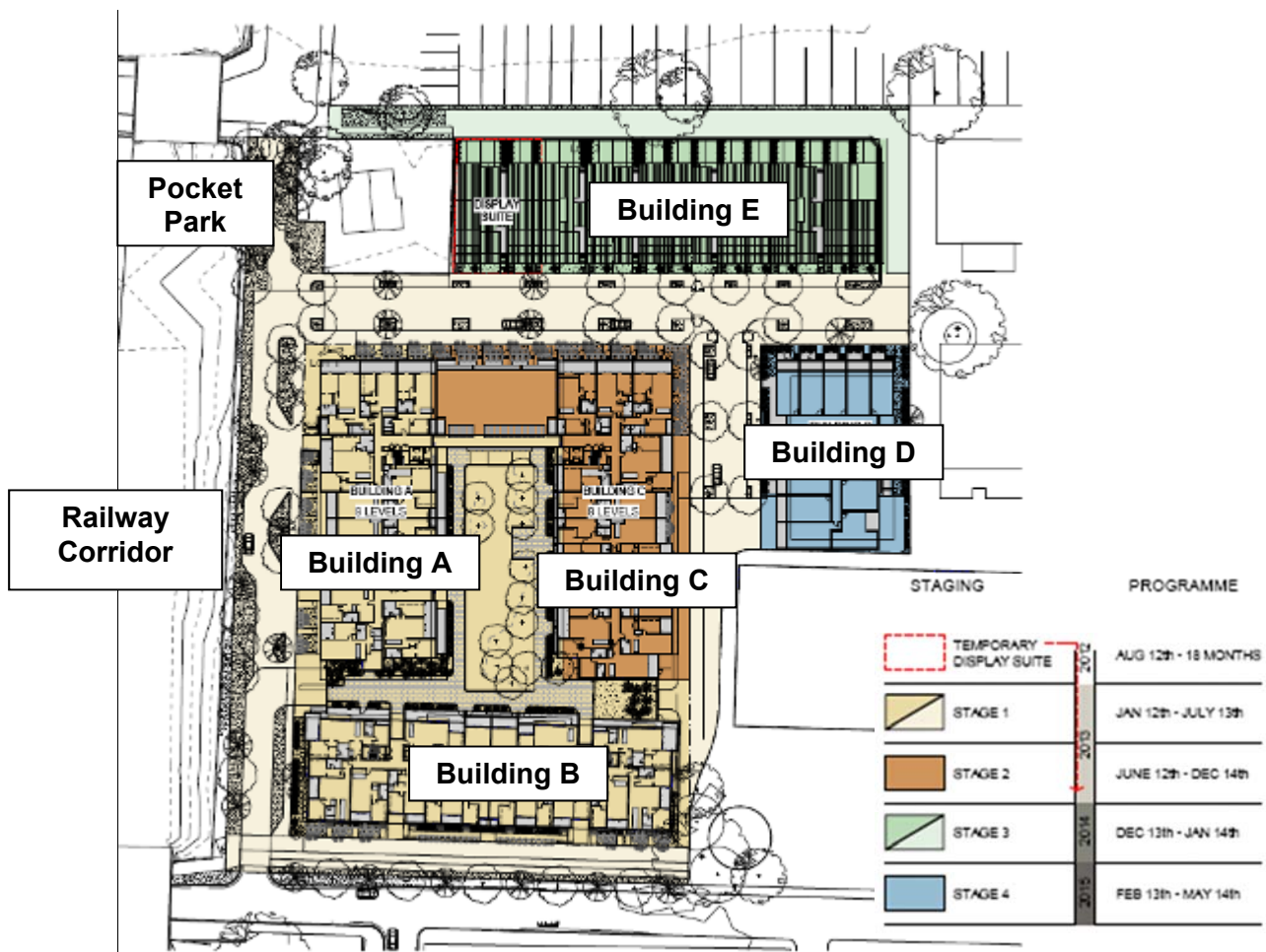


Figure 20: Proposed subdivision pattern and staging plan. Buildings A, B and C (detailed design) are the subject of this application. Buildings D and E are subject to future development applications.



Figure 21: Photomontage of Building A looking south from proposed pocket park (at north western corner of the site).



Figure 22: Photomontage of proposed Building B looking west down Macdonald Street with new Bridge Street extension running north-south

20. Plans, elevations and photomontages of the development are provided in **Attachment A** and **Attachment B** respectively.

## **IMPLICATIONS OF THE PROPOSAL**

### **Section 79C Evaluation**

21. 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)**

22. The following State Environmental Planning Policies are relevant to the proposed development:

### **SEPP (Infrastructure) 2007**

#### *RailCorp*

23. The application was referred to RailCorp due to the proximity of the works to the adjacent rail corridor. RailCorp has provided its concurrence to the proposed development subject to the imposition of conditions.
24. In addition, clause 87 of the SEPP details specific noise criteria for residential development in or adjacent to a rail corridor, which apply to the subject development as it is located adjacent to the Illawarra rail corridor. The subject application has been accompanied by an acoustic report and includes noise attenuation measures which have satisfactorily addressed the SEPP criteria. Conditions of consent shall ensure that these acoustic attenuation measures are implemented during construction.

#### *Roads and Maritime Services*

25. A referral to the Sydney Regional Development Advisory Committee (SRDAC) was undertaken. The SRDAC did not object to the approval of the proposed development and RTA concurrence was granted subject to the imposition of standard conditions.

### **SEPP 34 – Urban Consolidation (Redevelopment of Urban Land)**

26. SEPP 34 provides for the increased availability of housing within the inner city and to assist in meeting the demand for housing which is close to employment, leisure and retail opportunities.
27. The proposed development is consistent with the aims and objectives of SEPP 34 and the State Government's urban consolidation initiatives. The site is urban land that has the potential for multi-unit housing. It is strategically located in proximity to the Sydney CBD and is generally serviced by existing public infrastructure, transport and community facilities.

**SEPP 55 – Remediation of Land**

28. The aim of SEPP 55 and the DCP is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
29. Site remediation and associated excavation works was approved under D/2011/1755.
30. A letter of interim advice prepared by accredited site auditor, Andrew Kohirusch dated 20 February 2012, stating that the site is capable of being made suitable for the proposed development on condition that it is remediated and validated in accordance with the remediation action plan prepared by Peter J Ramsay & Associates dated November 2010 and addendum remediation action plan prepared by Argus dated 15 February 2012.
31. An appropriate condition has been recommended for imposition by Council's Environmental Health Officer requiring the applicant provide to Council, prior to construction works associated with the built form, a site audit statement indicating that the site is suitable for the proposed use.

**SEPP 65 - Design Quality of Residential Flat Development**

32. SEPP 65 provides that in determining an application for a residential flat development of three or more floors and containing four or more apartments, that the consent authority take into consideration a number of matters relating to design quality, including 10 design quality principles, being:

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

**Complies:** The proposal is the first residential development within the Ashmore precinct urban renewal area. The subject development proposes a built form and scale that is generally consistent with these site specific controls.

The proposal provides contemporary buildings within an urban renewal area and is of a courtyard block edge building type to reinforce the existing and new roads. The buildings achieve an appropriate scale in terms of built form, proportions, building composition, streetscape activation and surveillance, relationship of buildings with one another and vehicular and pedestrian connectivity through the site.

The stage 1 concept plan proposes 2 storey terraces along the northern edge of the subject site to provide an appropriate transition between the existing low scale residential terrace development along Ashmore Lane and the proposed residential flat buildings to the south of Metters Street. The central portion of the building along Metters Street (building C) is 3 storeys to provide improved solar access to the central elevated courtyard, and assists in providing an appropriate relationship to the existing and proposed terrace development to the north.

In addition, the scale of the buildings is reduced at the street edge along Macdonald Street and Pearl Street by providing for upper level setbacks of up to 3m. The building lengths of the residential apartment buildings have been appropriately modulated and articulated to reduce their presence along the long street frontages and reduce the apparent heights of the buildings.

(b) **Principle 4:** Density

**Complies:** The development will result in a sustainable increase in residential population of Erskineville envisaged for the Ashmore urban renewal precinct.

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

**Complies:** The proposal is BASIX compliant. A condition is recommended requiring that the development complies with the commitments in the BASIX certificate.

The development proposes minimisation of energy use through design features including balconies and external sun shading elements to provide solar protection, energy efficient light and water fittings, OSD/rainwater tanks and provision of green roofs.

(d) **Principle 6:** Landscape

**Complies:** The proposal includes significant public domain works to facilitate new streets and the upgrading of existing streets (Macdonald Street to the south) which are planned for the site together with associated street landscaping.

The quantum of public and private open space (including the internal central elevated courtyard, new roads, new pocket park and landscaped perimeter setback areas) represents approximately 47% of the site area.

The elevated private communal open space represents approximately 15.3% of the site area excluding areas to be dedicated as public domain. Whilst this is below the 25% rule of thumb of the RFDC it is considered acceptable given:

- the contribution to public open space through the dedication of land for the provision of new and existing roads and pocket park;
- a new pocket park to be provided to the north west corner of the site,
- planned public open space located in the western portion of the Ashmore urban renewal precinct;
- the existing pocket park directly opposite the site at the south western corner along Macdonald Street; and
- street setback and courtyard landscaping for all ground level terraces.

Sufficient soil depths for the podium landscaping of between 360mm (turf) and 920mm has been provided to ensure shrubs and mature trees can be planted.

The development achieves approximately 15.5% of the site area as deep soil zones which is consistent with the objectives of SEPP 65 and the RFDC. Whilst the majority of the deep soil planting is to occur within the (future) public domain, this outcome is considered acceptable given the constraints of the site and the extent of land to be dedicated towards the public domain (approximately 36.4% of the site).



(e) **Principle 7: Amenity**

**Complies:** As amended, the proposal achieves satisfactory levels of cross flow ventilation, minimum apartment size, balcony size and storage (buildings A, B and C). Acoustic and visual privacy is achieved through a layout which achieves satisfactory building separation as well as the incorporation of screening on balconies. Access is provided to all upper level units via 6 lift cores with 20% of the apartments to be adaptable (64 residential apartments in total).

The apartments along the eastern site boundary (building C) which directly interface with the adjacent industrial uses to the east have been reconfigured and sufficiently setback from the right of way to improve amenity for future occupants and to permit safe pedestrian and vehicular movements along the right of way adjacent to the development. This has been achieved through the provision of a 1.5m landscaped strip, a 1.5m footpath which is further separated by a 2m private terrace between the public domain and the apartments (refer figure 23 below).

In addition, units along this elevation have been reconfigured to have their primary living areas relocated to the first floor opening onto the internal courtyard area and primary access via an internal building corridor.

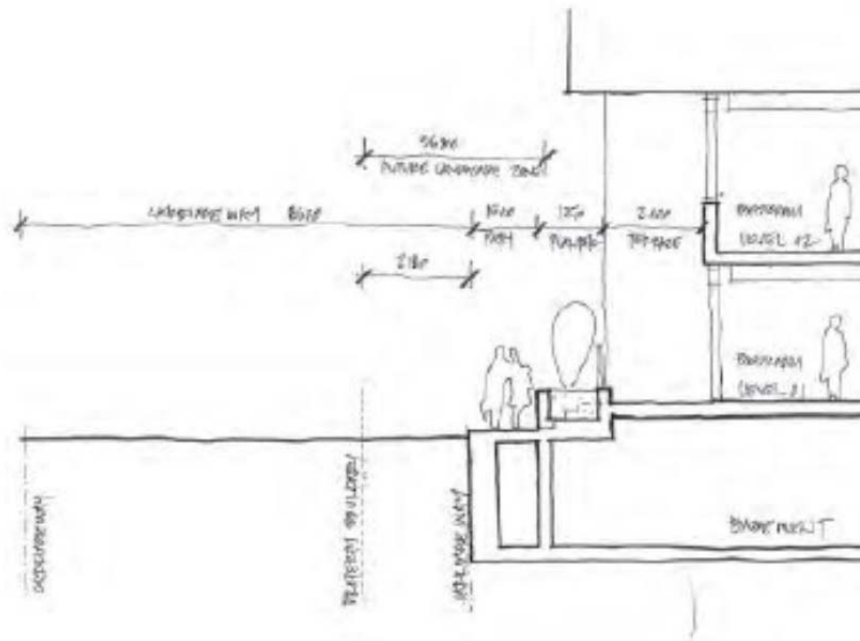


Figure 23: Illustration of amended design

### Solar Access

The overall building envelope (buildings A, B and C), including balconies has a maximum depth of 22.5m. Dependant on the location taken on the buildings, the building depth varies between 17.5m and 22.5m. In addition, only 40% of the apartments receive the minimum 2 hours solar access between 9.00am and 3.00pm at the winter solstice to living areas and private open space.

The variations are considered acceptable for the following reasons:

- all single aspect apartments are optimised by having generous widths generally ranging between 5m and 11m, with all habitable spaces (living rooms and bedrooms) located adjacent to balconies to maximise daylight access.
- solar access to the central private communal courtyard has been maximised by providing for a lower scale 3 storey building to its north. This lower scale building element also improves vistas to the north for upper level apartments to the south and reduces the scale of the development when viewed from within the courtyard and the public domain.
- The buildings are orientated in a block edge courtyard configuration with buildings having an east-west and north-south orientation. The proposed building configuration has been informed by the *Erskineville, Alexandria (West) and Newtown (south) Urban Design Report* as the most appropriate configuration having modelled sun shadow effects to future and existing development over the whole of the precinct. The orientation of the buildings as envisaged effects the daylight amenity of the apartments.

#### *Unit Sizes*

Four of the 1 bedroom units have an area of 47.5m<sup>2</sup> which is below the recommended minimum of 50m<sup>2</sup>. This represents only approximately 1.3% of the total apartment dwellings and is considered only a minor variation. The development proposes a diversity of dwelling types with one, two and three bedroom dwellings provided to cater for different household requirements and socio-economic groups

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

**Complies:** The proposed development has been assessed against the Crime Prevention Through Environmental Design Principles outlined in 'Crime prevention and the assessment of development applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979' prepared by the Department of Urban Affairs and Planning (now Department of Planning).

The development provides the opportunity for the casual surveillance of the surrounding public and private domain through terraces, balconies and windows along all facades. The proposal provides a number of secure pedestrian access areas, which are clearly defined at the street level.

Discussed previously, building C apartments which interfaces directly with the adjoining industrial development has been designed to minimise conflicts between the residential and industrial uses through street setbacks and unit orientation.

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

**Complies:** The proposed development is generally consistent with the desired dwelling mix. The stage 1 proposal provides a balanced mix of 1 bedroom (42%), 2 bedroom (51%) and 3 bedroom (7%), and provides a range of unit sizes and configurations to cater for a variety of household types. Disabled access is provided throughout, and there is a range of adaptable units within the development.

(h) **Principle 10: Aesthetics**

**Complies:** The proposed design has been the subject of a design excellence competition in July 2011. The amended proposal generally adopts the architectural expression of the winning scheme. A greater use of textures, materials and modulation has been introduced to provide visual interest and diversity to the buildings appearance and form.

33. 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.

**SEPP (Building Sustainability Index: BASIX) 2004**

34. A BASIX certificate was submitted confirming the proposal will meet NSW government minimum requirements for sustainability if built in accordance with the certificates commitments.

**LEPs AND DCPs**

35. The following Local Environmental Plans are relevant to the proposal:

**South Sydney Local Environmental Plan 1998**

36. Compliance of the proposal with the LEP controls is summarised below:

<b>Development Controls</b>	<b>Permissible under South Sydney LEP 1998</b>	<b>Proposal as assessed under South Sydney LEP 1998</b>
<b>Planning Principles (Part 2)</b>	Development is to be considered having regard to the goals and objectives within the Strategy for a Sustainable City of South Sydney.	The proposed development application satisfies the Strategy.
<b>Zoning Controls (Part 3)</b>	Mixed Uses 10	The development is permissible.
<b>Non Residential Development in Zone 10, 10(b) and 10(c) (Cl 27J or 37)</b>	Non residential uses are to be consistent with the residential character of the area, safeguard residential amenity and be no more than 25% of the floor space of the development.	The development satisfies these provisions.



Development Controls	Permissible under South Sydney LEP 1998	Proposal as assessed under South Sydney LEP 1998
<b>Urban Design Principles and Master plans (CI 28)</b>	Development is to satisfy urban design requirements. Before granting consent to development in Zone 5 or on a site greater than 5000 sqm Council must consider any master plan for the land that is available.	The development satisfies these provisions.
<b>Flood Liable Land (CI 38)</b>	Council is to consider the likely impacts of flooding in determining an application for the erection of a building or the carrying out of works on land.	The development satisfies these provisions subject to appropriate conditions of consent.
<b>Contaminated Land (CI 39)</b>	Council is to consider the issue of contamination in determining an application for a residential, child care centre or commercial use on land previously occupied by an industrial use.	The development satisfies these provisions subject to appropriate conditions of consent.

### Draft Sydney LEP 2011

37. Whilst the SLEP 2011 is presently a draft instrument, it is a matter for consideration under S79C(1) of the Environmental Planning and Assessment Act 1979. The draft instrument is currently awaiting Ministerial sign-off and gazettal before it is formally adopted and the standards applying to this particular site are considered to be certain with gazettal expected before November 2012.
38. The Draft Sydney LEP 2011 was placed on public exhibition in February 2011. The provisions of the Draft LEP have been taken into consideration in the assessment of the proposal.
39. The site is located within the proposed B4 Mixed Use zone. The proposal is permissible.
40. Clause 4.3 of the Draft LEP permits maximum heights of 9m, 22m and 27m across the site. The development satisfies the permitted maximum heights across the site.

41. Clause 4.4. of the Draft LEP stipulates a draft floor space ratio of 1.75:1 for the site. The proposed development has a FSR of 1.845:1 representing an additional 5.4% of gross floor area. Clause 6.21 permits bonus floor space of 10% where the development has undergone a competitive design process and the proposed development exhibits design excellence. The development has undergone a competitive design process, has been amended to reflect the architectural language and form of the winning scheme and is considered to exhibit design excellence.
42. The draft LEP permits a maximum of 237 car parking spaces with a maximum of 20 on-site visitor car parking spaces and 32 car parking spaces for the stage 1 terrace development.
43. The development proposes a total of 213 car spaces including 9 visitor car parking spaces and 16 car parking spaces for the stage 1 terrace development. A condition of consent is recommended for the provision of 20 on-site visitor car parking spaces.

### South Sydney DCP 1997

44. Compliance of the proposal with the DCP controls is summarised below:

Matter to be Considered	Compliance	Comment
<b>PART C: PUBLIC DOMAIN</b>		
<b>Public Domain Improvement</b> Section 2	✓	<b>Complies</b> The proposal provides high quality public domain interface. A condition of consent will be imposed requiring the submission of a Public Domain Plan prior to the release of a Construction Certificate.
<b>Security</b> Section 3	✓	<b>Complies</b> The proposal introduces activation to all facades which achieves surveillance over the public domain.
<b>Implementation (Section 94)</b> Section 4	✓	<b>Able to Comply</b> An appropriate condition is recommended for imposition on any consent granted.

Matter to be Considered	Compliance	Comment
<b>PART D: SOCIAL PLANNING</b>		
<b>Access</b> Section 2	✓	<b>Complies</b> The proposal provides ramping at ground level (Macdonald Street) and 6 lift cores to ensure equitable access to all parts of the building.
<b>Social Housing and Mix</b> Section 3	✓	<b>Complies</b> The proposal provides an appropriate mix of apartments and is consistent with the desired apartment mix contained within the Central Sydney DCP 1996
<b>PART E: ENVIRONMENTAL DESIGN CRITERIA</b>		
<b>Site Analysis/Layout</b> Section 1.1 and 1.2 <b>Public/Private Open Space</b> Section 1.3 and 1.4 <b>Landscaping</b> Section 1.5 <b>Parking, Access and Servicing</b> Section 1.6 <b>Storm water Drainage</b> Section 1.7 <b>Building Envelope</b> Section 2.1 <b>Floor Space Ratio</b> Section 2.2 <b>Height and Scale</b> Section 2.3 <b>Setbacks</b> Section 2.4	✓	<b>Addressed under Part G: Ashmore Precinct 2006 Controls</b>
<b>Site Facilities</b> Section 1.9	✓	<b>Complies</b> Site facilities including garbage rooms, plant, maintenance and storeroom are provided.
<b>Façade Treatment</b> Section 2.5	✓	<b>Complies</b> As amended, the facades incorporate a number of differing elements, treatments and materials which introduce depth, variation and articulation to create a satisfactory level of visual interest.

Matter to be Considered	Compliance	Comment
<b>Visual and Acoustic Privacy</b> Section 4.1	✓	<b>Complies</b> The proposal provides satisfactory building separation and design to achieve an appropriate level of privacy within the development.
<b>Access and Mobility</b> Section 4.4	✓	<b>Complies</b> The proposal provides equitable access via internal lifts.
<b>Fire Regulations</b> Section 4.6	✓	<b>Able to comply</b>
<b>Energy Efficiency</b> Section 5.1 to 5.3	✓	<b>Complies</b> The development is BASIX compliant and incorporates a number of energy efficiency measures including the use of green roofs.
<b>Operational Controls</b> Section 6	✓	<b>Able to comply</b> The fit-out and use of the retail tenancy will be the subject of a further development application.

**South Sydney Development Control Plan: Urban Design – Part G: Special Precinct No.7 – Ashmore Precinct 2006**

Matter to be Considered	Compliance	Comment
<b>PART 1: LAND USE</b>		
<b>Land Use by Precinct</b> Section 1.1	✓	<b>Complies</b> The proposed development proposes a total of 318 residential dwellings with 1 retail shop of 70m <sup>2</sup> .

Matter to be Considered	Compliance	Comment
<b>PART 2: BUILDING DESIGN AND FORM</b>		
<b>Floor Space Ratio</b> Section 2.1 and 2.2 <b>Height</b> Section 2.3	*	<b>Does not comply</b> The permitted FSR for the site is 1:1 with no bonus FSR awarded in the Ashmore Precinct. The proposed FSR for the site is 1.845:1 including a bonus FSR of 5.4% (awarded through the design competition process).  The permitted height is 6m (2 storeys plus attic) and 14m (4 storeys). The development proposes a height of 9m, 22m and 27m across the site which are not compliant with the DCP provisions but the heights are consistent with the permitted maximum heights in the draft SLEP 2011.  Refer issues section of the report.
<b>Important Views</b> Section 7.2.4	✓	<b>Complies</b> Important views from the eastern knoll in Sydney Park are retained.

Matter to be Considered	Compliance	Comment
<p><b>Built Form</b> Section 7.2.6</p>	✓	<p><b>Generally complies/Able to comply</b> The proposed built form layout is consistent with the indicative building typology contained in the Ashmore DCP 2006.</p> <p>The design and architectural language of the buildings provides visual interest to the streetscape and generally reflects the winning competitive design process scheme.</p> <p>Building D (stage 1) at the corner of Metters and Pearl Streets has been designed with the upper levels extending over the existing right of carriageway and Easement For services (ROC), and which the Ashmore DCP 2006 also designates as a proposed laneway.</p> <p>Refer to the issues section of the report.</p>
<p><b>Building Setbacks</b> Section 7.2.7</p> <p><i>Terraces – 2m to front porch/balcony and 4m to the external wall</i></p> <p><i>All other buildings - 3m to front porch/balcony and min. 4m to the external wall</i></p>	✓	<p><b>Complies/Able to comply</b> Except for building D, the development proposes setbacks in accordance with the DCP.</p> <p>Whilst building D is for building envelope only (stage 1), a street setback of only 1m is proposed. A deferred commencement condition is recommended that a 3m setback be provided.</p>
<p><b>Building Finishes</b> Section 7.2.8</p>	✓	<p><b>Complies</b> A variety of materials and textures are proposed to provide visual interest to the public domain.</p>

Matter to be Considered	Compliance	Comment
<p><b>Landscaping</b> Section 7.2.10</p> <p>Min. 15% of site area as deep soil area</p>	✓	<p><b>Complies</b> Approximately 15.5% of the site area is deep soil.</p> <p>The development provides a podium level communal open space which is not able to provide deep soil planting. Notwithstanding, the landscape design of the communal open space area provides a high level of soft landscaping comprising a large lawn area, formal raised planter beds containing a variety of vegetation. The landscaped podium is accessible and able to be accessed from all buildings and provides a high level of outdoor amenity</p>
<p><b>Residential Amenity</b> Section 7.3</p>	✓	<p><b>Generally complies</b> Addressed under the SEPP 65 discussion, the amended design provides an appropriate level of amenity.</p>
<p><b>Staging</b> Section 7.4</p>	✓	<p><b>Complies</b> The application comprises a stage 1 and stage 2 developments. A staging plan has been provided outlining the timing of future stage 2 development applications for lots 2 and 3 and the construction staging for lot 1.</p> <p>The subdivision of the site into 3 lots is also proposed to be staged to reflect the proposed staging of the development.</p>

Matter to be Considered	Compliance	Comment
<p><b>Public Domain</b> Section 7.5 and 7.6</p>	✓	<p><b>Complies</b> The proposal provides a strong interface with the public domain surrounding the site with 3m landscaped setbacks generally provided to all street frontages.</p> <p>The development incorporates a pocket park and north-south and east west streets to achieve a high level of connectivity and permeability through the site and the wider Ashmore precinct.</p>
<p><b>Vistas</b> Section 7.7</p>	✓	<p><b>Complies</b> The proposal retains existing and proposed view corridors within the precinct along Victoria Street and Bridge Street respectively.</p> <p>The development proposes a building envelope within the maximum height permitted by the draft SLEP 2011 which has given consideration to impact to district views from Sydney Park.</p>
<p><b>Community Facilities</b> Section 7.8</p> <p><i>Encourage provision of child care places within the Ashmore precinct that meet the needs of the community.</i></p>	✓	<p><b>Complies</b> A Childcare centre is not provided nor required as part of the development proposal.</p>
<p><b>Sustainability</b> Section 7.9</p>	✓	<p><b>Complies</b> The residential flat buildings are BASIX compliant and incorporate a number of energy efficiency measures discussed previously. Green roofs totalling an area of approximately 530m<sup>2</sup> is also proposed to buildings A, B and C.</p> <p>Swales are also to be provided along Macdonald Street as part of the public domain works.</p>



Matter to be Considered	Compliance	Comment
<b>Transport, Traffic and Street Design</b> Section 7.10	✓	<b>Generally complies</b> The development is to deliver the planned main and local streets surrounding the site to provide for connectivity to the development site and the wider Ashmore urban renewal area.  An east west laneway which is envisaged by the Ashmore Precinct DCP 2006 is not being provided. Refer issues section of the report.

### South Sydney DCP 11: Transport Guidelines for Development

45. DCP 11 sets out maximum car parking levels in order to reduce traffic congestion and reduce reliance on private vehicles in the city. Compliance of the proposal with the DCP requirements is summarised below:

South Sydney DCP 11: Transport Guidelines for Development			
Parking	Maximum permissible under DCP 11	Proposed	Compliance
Car	253 spaces including 50 visitor spaces 5 disabled spaces	213 spaces including 9 visitor spaces 1 retail space nil disabled spaces	<b>Able to comply</b>
Servicing	Servicing for removal trucks, Garbage collection etc 3 car wash bays	1 Car wash bay and 1 loading bay	<b>Complies</b>
Bicycles	100	260	<b>Complies (see below)</b>

46. The development proposes only nine on-site car parking spaces to service the site. The application relies on the use of on-street parking to service the 'visitor' demand to the site. The parking rates under the draft SLEP 2011 require 20 visitor car parking spaces. A condition of consent is recommended for 20 visitor car parking spaces to be provided. Of these 20 visitor car parking spaces, two of the spaces are to be accessible to comply with DCP 11.

47. The development proposes in excess of the maximum permitted bicycle parking spaces. Bicycle parking is to be incorporated into the individual basement storage facilities for each unit. The quantum of bicycle parking proposed is satisfactory as reliance on alternative forms of transport is supported.

### Strategy for a Sustainable City of South Sydney

48. One of the principal objectives of the LEP as stated in Clause 7 is to implement the goals and objectives contained in the Strategy for a Sustainable City of South Sydney. Clause 8 also provides that in assessing any development application that the Council must take into consideration the goals and objectives of the Strategy as they relate to the proposed development.
49. In order to realise the main goal of the strategy, a number of detailed strategies were developed and are grouped under sub-goals of Environment, Land Use and Transport, Character and Identity, Community Well-Being and City Management. An assessment of the development application reveals that it meets the goals of the above strategies.

### ISSUES

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

### Built Form (Height and Floor Space Ratio)

51. The draft Sydney Local Environmental Plan 2011 applies the following principle development standards to the site:

	Draft SLEP 2011	Proposed	Complies
<b>Height</b> Section 4.3	9m, 22m and 27m	9m, 22m and 27m	✓
<b>FSR</b> Section 4.4	1.75:1	1.845:1 (being 1.75:1 plus 5.4% bonus)	✓
<b>Bonus FSR</b> Section 6.21	10%		

52. Buildings A, B and C equate to a FSR of 1.49:1, building D to 0.21:1 and building E (terraces) to 0.146:1.
53. As previously discussed, prior to the lodgement of the DA a competitive design process was held in relation to the proposed development which permits a bonus FSR of up to 10%. The amended proposal largely reflects the built form and architectural language of the winning scheme and is considered to exhibit design excellence.

54. Whilst the SLEP 2011 is presently a draft instrument, it is a matter for consideration under S79C(1) of the Environmental Planning and Assessment Act 1979. The draft instrument is currently awaiting Ministerial sign-off and gazettal before it is formally adopted and the standards applying to this particular site are considered to be certain with gazettal expected before November 2012. In this regard significant weight should be given to the application of these standards as the draft SLEP is considered both imminent and certain.
55. The proposal provides a block edge courtyard form of development surrounding a central private communal courtyard area which is envisaged by the Ashmore Precinct DCP 2006. The building envelope of the central portion of the building having frontage to Metters Lane to the North of the site is 3 storeys to maximise solar access to the central communal courtyard area, maximise views to the north of the upper level residential apartments and to assist in the transition of scale from the existing low scale residential development to the north.
56. Whilst the proposed residential flat buildings are up to 8 storeys in height, street wall heights of 5 storeys (Macdonald Street) and 6 Storeys (Pearl Street) together with upper level setbacks of up to 3m is provided to ensure an appropriate scale to the street edge reflecting the low scale character of the existing surrounding development.

### **Urban Design**

57. Concerns was initially raised from Council Officers regarding the variation to the design competition scheme and building form including height, scale, FSR, building separation and servicing of the site.
58. An amended scheme is consistent with the maximum heights of the draft SLEP 2011, provides the servicing of the site and substation within the existing envelope, increase building separation and is of an architectural language which reflects the design competition scheme.
59. The amended design has reduced the FSR from 1.925:1 including 10% FSR bonus) to 1.845:1 (5% FSR bonus), representing a reduction in the gross floor area of approximately 1,300m<sup>2</sup>. This has resulted in a reduced building footprint with increased building separation and building articulation and modulation and an increased landscaped setback at Macdonald Street to the south and Pearl Street to the east.
60. The proposed and existing street frontages surrounding the site are in excess of 65m. To visually reduce the impact of these long lengths of building along the street edge, deep vertical shadow cut-outs have been introduced in the form of building recesses which articulate the buildings breaking down the scale and providing a better distinction between buildings within the overall development.

### ***Building A – Bridge Street***

61. The proposed building is architecturally modulated in order to break down the scale and length of the elevation. The overall facade now reads as three distinguishable building parts - two ends and one central element - achieving sufficient articulation and visual interest when viewed from the surrounding public domain. The building is now more vertically proportioned reducing the impact of building length a the street.

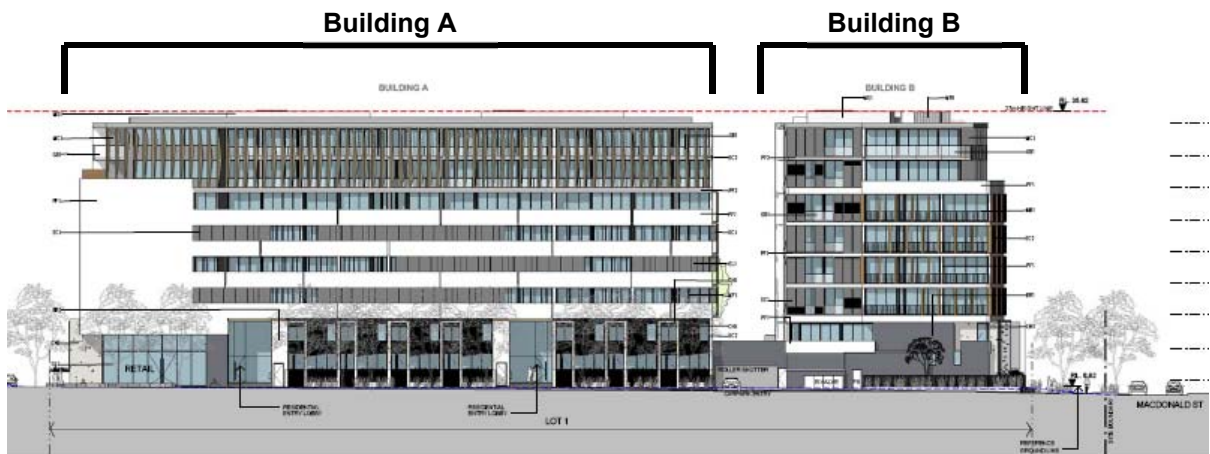


Figure 24: Building A at Bridge Street – DA Submission scheme



Figure 25: Building A at Bridge Street - Amended scheme

*Building B – Macdonald Street*

- 62. Building B at MacDonal Street presents a modulated built form that has been achieved through the introduction of projecting massing elements separated by recessed portions to create perceived “breaks” in the frontage at the bottom two-thirds of the elevation.
- 63. Figures 26 and 27 illustrate the design variation between the DA and the amended design.



Figure 26: Building B at Macdonald Street – DA submission scheme



Figure 27: Building B elevation showing proposed facade modulation to MacDonal Street – Amended scheme

*Building C – Pearl Street*

- 64. The amended design revises the facade treatment of building C by introducing a greater variety of materials and balcony treatments together with reduced glazing to improve the perceived building scale and support the verticality of the proposed form.
- 65. The building has been refined to now read as two distinct building components due to the separation of the building form into two prominent street wall massing elements at the northern and southern ends of the building.

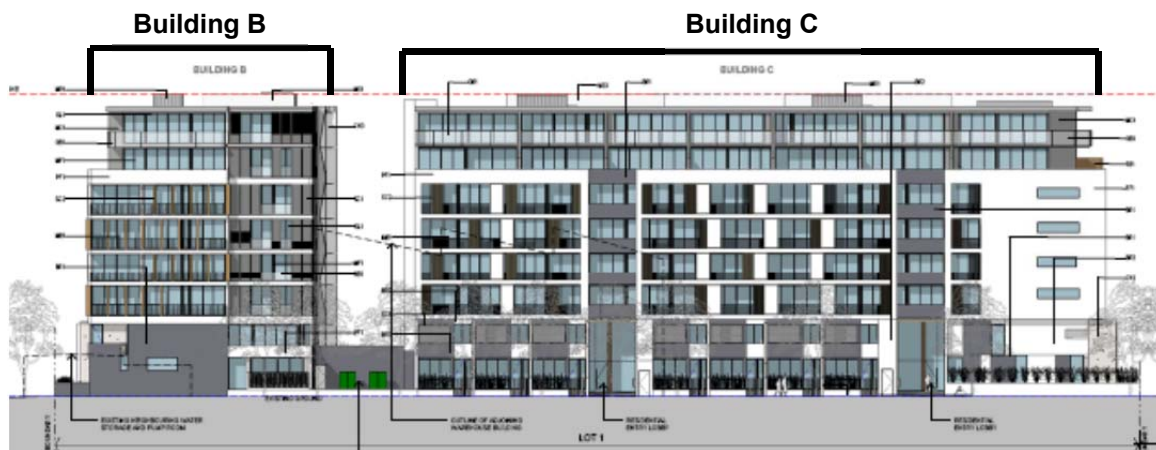


Figure 28: Building C at Pearl Street –DA submission scheme



Figure 29: Building C at Pearl Street –Amended scheme

*Building D – Corner of Metters Street and Pearl Street – Proposed Stage 1 Envelope*

66. The front landscaped setbacks to Metters Street (1.2m) and Pearl Street (1m) is inconsistent with the Ashmore DCP 2006 which requires a 3m setback to the front porch/balcony.
67. To provide consistency with the Ashmore Precinct DCP 2006 and the proposed design for building C along Metters and Pearl Streets, a condition of consent is recommended requiring the landscaped setback area of building D along the Metters and Pearl Streets street frontages to be a minimum of 3m at ground level.
68. A comprehensive assessment against the relevant controls and SEPP 65 is to be undertaken when a stage 2 detailed design development application has been submitted with Council.

*Building E – Terraces (Metters Street with secondary frontage to Ashmore Lane)*

69. Approval is for building envelope only and is generally acceptable. A comprehensive assessment against the relevant controls is to be undertaken when a stage 2 detailed design development application has been submitted with Council.

**Right of Carriageway and Easement for Services (ROC)**

70. The south east corner of the site is encumbered by a Right of Carriageway and Easement for Services 8m wide and variable in favour of industrial properties to the east as shown in figure 30 below (shaded). The right of carriageway extends further east and south of the site through the existing industrial development extending to Coulson Street and Macdonald Street respectively to the south.



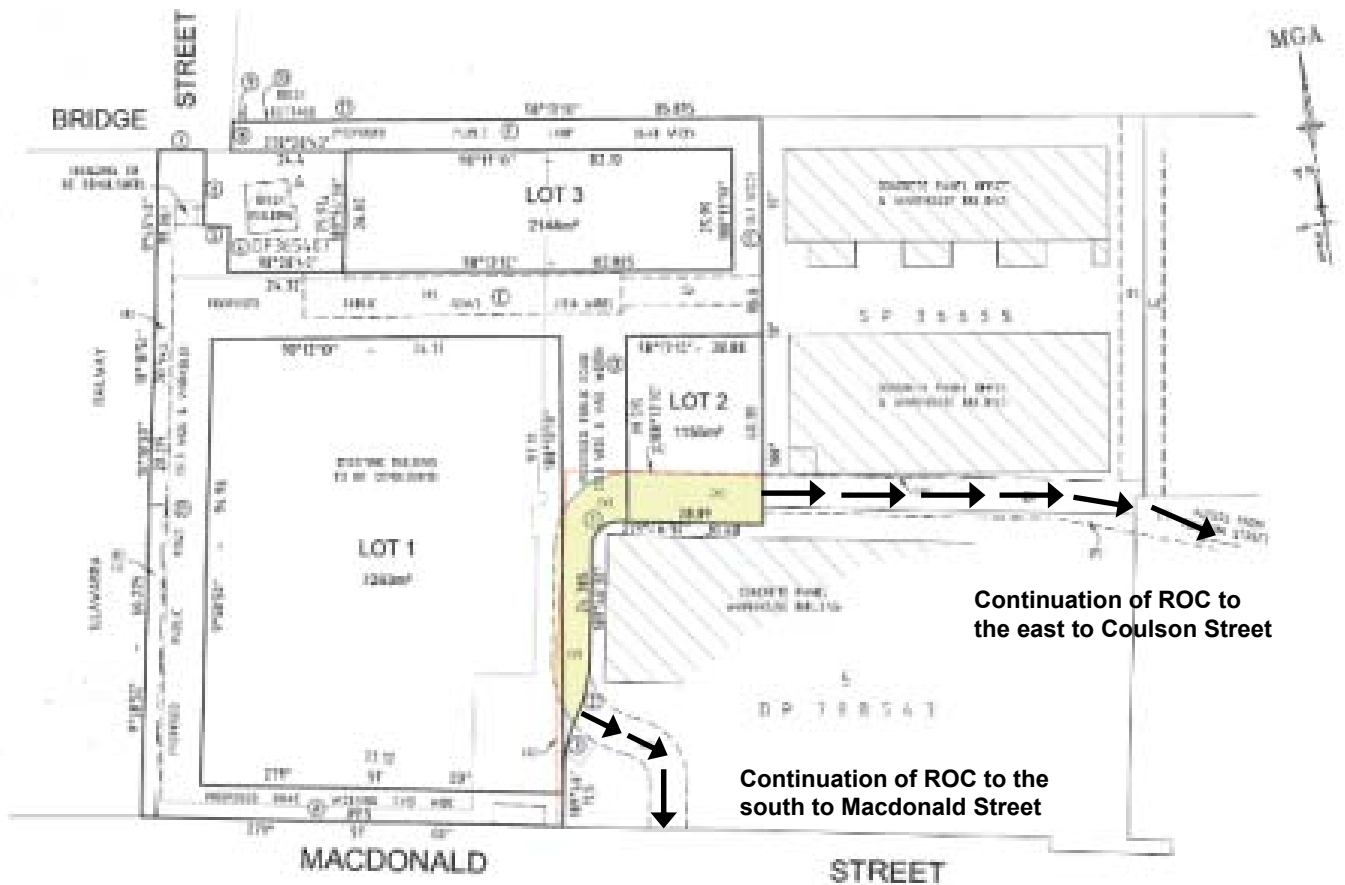


Figure 30: ROC located at the south eastern section of the site.

71. The beneficiaries possess rights of use of the ROC within Lot 2 for pedestrian and vehicle access and rights of use for the purpose to retain, use, install and repair utility services required by the existing and future development of the lands comprising the beneficiaries.
72. The development proposes a stage 1 building envelope (building D) which has been designed for the upper levels (levels 3 to 7) to extend over the full extent of the ROC as illustrated in figures 31 and 32 below.

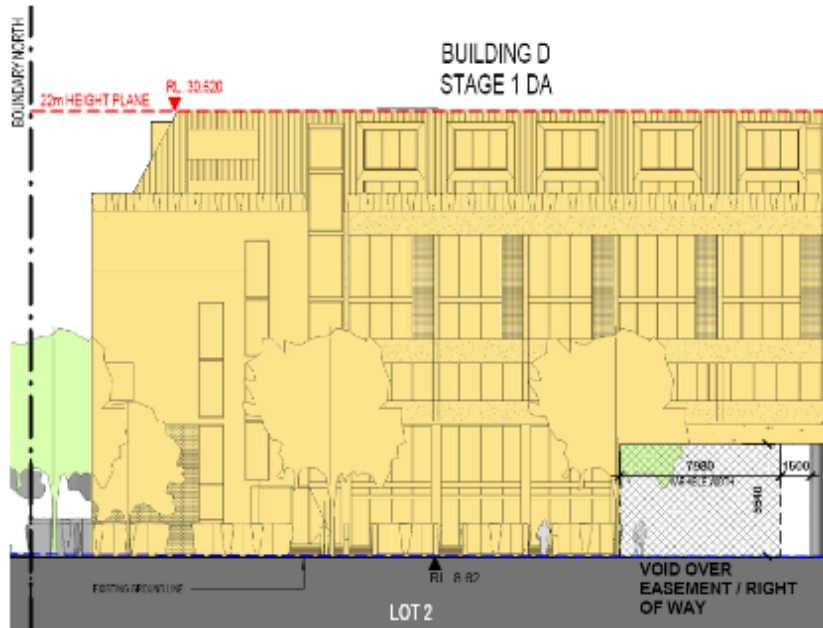


Figure 31: Elevation of building D with upper levels extended over the proposed ROC

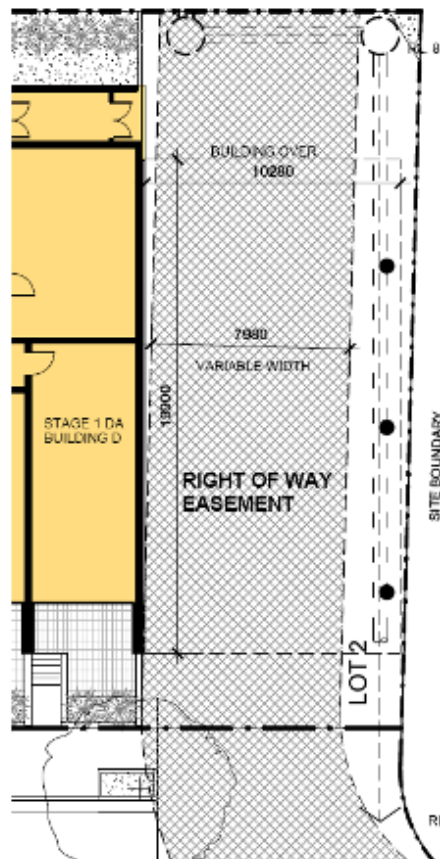


Figure 32: Building D showing structure extending over the proposed Right of Carriageway



73. The proposal includes a row of several reinforced concrete columns located along the southern boundary to provide structural support of the upper levels of the building above the ROC and provide a height clearance of 5.54m from the trafficable surface to the underside of the building above.
74. Concern has been raised by adjoining owners/beneficiaries to the ROC regarding the adverse impact the proposed development might have on the operation of the ROC.
75. In addition, Council's Legal Section has raised concern regarding the encroachment of building D over the ROC without first obtaining a letter of approval from the beneficiaries to the ROC to the effect that they have no objection to the proposed works within the ROC and that they agree to the terms of the ROC being varied to reflect the development.
76. A condition of consent is recommended that as part of any stage 2 development application that the footprint of Building D be reduced so that no part of that building encroaches within the existing ROC, or alternatively, maybe retained where either the existing ROC is extinguished or a letter of approval from the beneficiaries to the ROC is received by Council to the effect that they have no objection to the proposed works within the ROC and that they agree to the terms of the ROC being varied to reflect the development.

#### **Planned Laneway in the Ashmore Precinct DCP 2006**

77. The Ashmore Precinct DCP 2006 provides for an east west one way landscaped laneway which traverses the subject site (refer figure 33 below). The development proposes a form and configuration which does not incorporate the planned laneway into the proposed scheme due to the increased density permitted on the site in the draft controls.

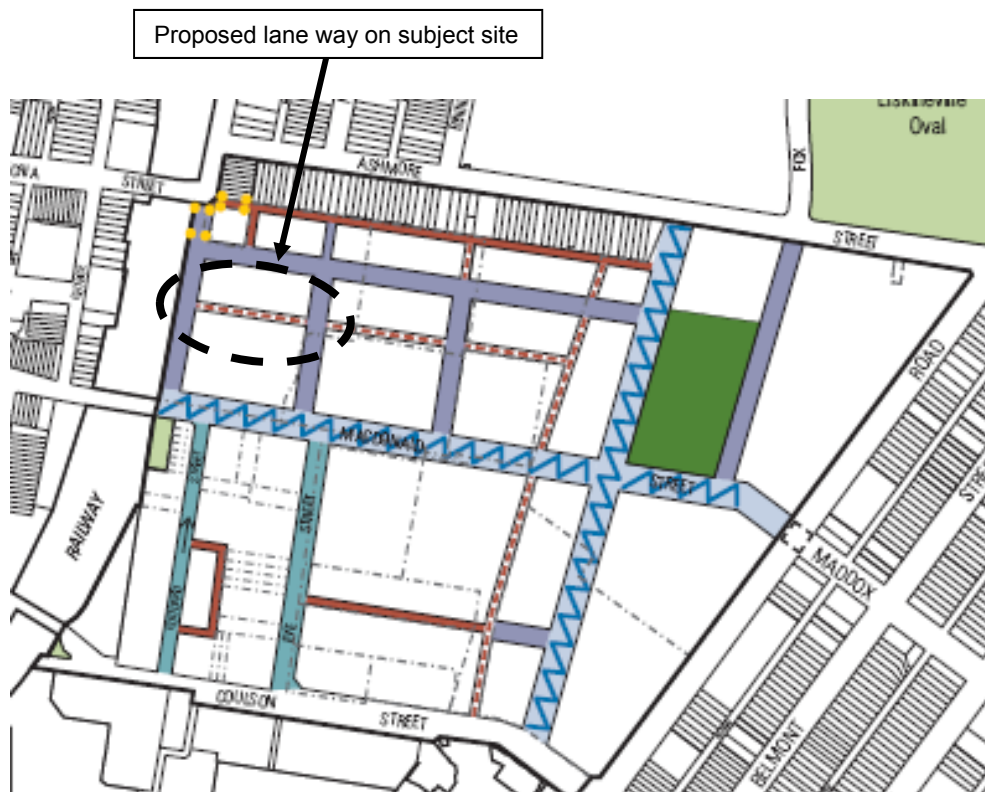


Figure 33: extract of Figure 29 – 'Street Hierarchy and Road Layout, Ashmore Precinct DCP 2006

78. As part of the 2030 vision for the Ashmore Urban Renewal Precinct and to inform appropriate development capacities of the precinct for City Plan (FSR and height), the Erskineville, Alexandria (West) and Newtown (south) Urban Design Report 2008 was commissioned.
79. The Study recommended increased FSR and height across the site which has been incorporated into the draft SLEP 2011. In order to accommodate the new densities the road network servicing the precinct was revised with many of the laneways rationalised to provide larger development blocks and accommodate higher density apartment development.
80. The removal of the lane does not impact the connectivity and permeability through the site or the wider Ashmore precinct. Council is currently finalising a draft amendment to the Ashmore DCP 2006 which amends building typologies, development block size and the street network to reflect the permitted densities in the draft SLEP 2011.

### Voluntary Planning Agreement

81. The applicant has agreed to enter into a voluntary planning agreement (VPA) for the provision of the new roads and pocket park. The preparation of the VPA is currently being finalised and is to be exhibited and executed in due course. The exhibition and execution of the VPA by the applicant has been made a deferred commencement condition.
82. The applicant has also requested that S94 Contributions be offset against the public domain improvements to be made on the site.

83. The *City of Sydney Development Contributions Plan 2006* states that an applicant, at the discretion of Council, may provide a 'Material Public Benefit', being works not specifically listed in the S94 works programme, as an alternative to paying a monetary contribution towards the work/s identified in the works programme. However, the non-identified alternative works must be of "*a truly exceptional, relevance, quality and scale to be considered eligible for acceptance as a material public benefit*". These alternative works are to form part of the formal planning agreement.
84. The applicant has not provided sufficient detail to determine whether the works are of such a nature that they are of a material public benefit that satisfy the criteria above.
85. The matter is to be resolved in the future by way of finalising the VPA and where an offset to S94 contributions is considered appropriate, a S96 application to amend the relevant condition of consent.

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

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

#### **BCA Matters**

87. The BCA Classification of the buildings are Class 1a, 2, 6 and 7a.
88. The development is capable of satisfying the requirements of the BCA without significant modification.

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

89. The site is suitable for the proposed development. Site suitability has already been discussed in the table/issues section above.

#### **Section 79C (1) (e) Public Interest**

90. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed on any consent.

#### **POLICY IMPLICATIONS**

91. Not applicable to this report.

#### **FINANCIAL IMPLICATIONS - SECTION 94 CONTRIBUTIONS**

##### **Section 94 Contributions (Stage 2 buildings A, B and C)**

92. A total contribution of \$3,471,583.52 is required in accordance with the City of Sydney Development Contribution Plan 2006. The contribution amount has been calculated as follows:-

(a)	108 studio/one-bedroom units @ \$11,200.66	=	\$1,209,671.79
	149 two-bedroom units @ \$16,370.20	=	\$2,439,160.14
	6 three-bedroom units @ \$20,000	=	\$120,000
	<b>TOTAL:</b>	=	\$3,768,831.93
(b)	Credit available @ 172.5 workers	=	\$297,248.41
(c)	NETT payable ((a) – (b))	=	\$3,471,583.52

## PUBLIC CONSULTATION

### Section 79C(1)(d)

#### Advertising and notification

93. 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.

One hundred and eighty-five (185) submissions were received. The grounds for objection are summarised as follows:-

#### (a) Scale and Density

**Comment:** The development is consistent with the maximum FSR (including bonus FSR) and height development standards permitted by the Draft SLEP 2011.

- (b) **Does not satisfy the objective of the Sustainable Sydney 2030 vision is that renewal areas should be “ensuring new development is integrated with the diversity and ‘grain’ of the surrounding city”.**

**Comment:** It is recognised that the predominant light industrial uses is different to the existing Erskineville village. The Ashmore Precinct DCP 2006 aims to encourage the development of a precinct with its own character and sense of place that also respects and contributes to the village character of Erskineville.

Building heights and FSRs are the result of extensive urban design analysis and has resulted in a transition in scale from the lower heights and densities surrounding the precinct. This is to ensure that new development is integrated within the existing urban character of surrounding development.

A range of dwelling types are to be provided across the wider Ashmore precinct, and include a range of dwelling types including terraces, apartments, duplex apartments that will attract a mixed demographic. Other sites in the precinct will also provide retail and some commercial uses to provide diversity and activity within the precinct throughout the day.

- (c) **Current infrastructure such as public transport, vehicular access, traffic conditions and off street and on street parking availability are not able to accommodate the density of development proposed.**

**Comment:** A complex landownership pattern, which includes strata industrial Lots means that development across the wider Ashmore precinct is likely to take up to 20 years to be fully realised.

The City continues to take on an advocacy role with the relevant state agencies such as Transport and Education and Communities so that they are aware of proposed developments and can plan the provision of their services in the local area.

A Traffic and Transport study is currently being undertaken by AECOM in response to submissions to the Ashmore DCP amendment and to assess the impacts of additional traffic that may result from development within the precinct as a whole. This study will look at impact of the entire proposed development on road network, taking into account likely staging of development across the precinct, and suggest measures to be taken to mitigate impacts as development occurs over time.

Proposed parking is considered appropriate and is in line with City Plan levels. Parking rates are Council policy aimed at discouraging car dependence and complies with Council's draft and existing control for car parking provision.

- (d) **Height of building D should be reduced to 4 storeys oriented in an east-west direction and provide for a 12m building separation with any future development on the adjoining site**

**Comment:** The height of building D is consistent with the maximum height permitted by the draft SLEP 2011. As a result of the increase in FSR and height, and the recommendations contained in the Erskineville, Alexandria (West) and Newtown (south) Urban Design Report 2008 building orientation, typologies, and proposed street layout have been revised which is to be reflected in the draft amendment Ashmore Precinct DCP 2006.

As a result of Council concerns the design has been amended to provide for appropriate setbacks to the eastern site boundary. A nil setback has been provided at the southern site boundary to facilitate a consistent built form to the street edge.

- (e) **The general approach appears to maximise the design quality and amenity for buildings A, B and C and shift all the negative or less desirable aspects to building D**

**Comment:** Building D is a stage 1 development only. A more detailed assessment is to be undertaken once a stage 2 development application has been lodged.

- (f) **Reliance on and exceedence of draft development standards and controls.**

**Comment:** The development is consistent with the FSR and height development standards contained in the Draft SLEP 2011 which is a matter for consideration. The draft amendment Ashmore Precinct DCP 2006 presently has no weight and has not been given consideration in the assessment of this development.

- (g) **Impact to amenity as a result of increased FSR and height and changed building orientation/typology.**

**Comment:** Building heights and FSR comply with the height and FSR development standards permitted by the Draft SLEP 2011.

- (h) **The use of the design excellence provisions is not appropriate in the Ashmore precinct given issues with infrastructure capacity. The proposed maximum FSRs align with infrastructure capacity issues identified in Council studies.**

**Comment:** A competitive design process enables Council to achieve innovative architectural and urban design solutions designed to enrich the private and public domain of the City. Transport infrastructure has been addressed previously.

- (i) **Proposed pocket park not suitable for the location of a community garden.**

**Comment:** A community garden is not proposed as part of the pocket park.

- (j) **Social impact - There is no provision for a child care facility. Increased population on the scale proposed would place an intolerable pressure on child care centres and schools in the local area and all around Sydney.**

**Comment:** An audit of community facilities including child care centres is currently being conducted and will recommend opportunities to ensure that sufficient facilities are in place to support the new population envisaged for the Ashmore urban renewal precinct. In addition, the City continues to have dialogue with state agencies such as Education and Communities so that they are aware of proposed developments and can plan the provision of their services in the local area.

- (k) **The proposed plan of subdivision changes the terms of the existing Right of Carriageway and Easement for Services (ROC) at the south western corner which has not been agreed to by the adjoining land owners.**

**Comment:** A condition of consent is recommended requiring that any future Stage 2 DA for building D either reduces the building footprint of building D such that it does not encroach on the ROC, or alternatively, the building footprint maybe retained where either the ROC is extinguished or written approval is received from all beneficiaries to the effect that they have no objection to the proposed works within the ROC and that they agree to the terms of the ROC being varied to reflect the development.

- (l) **The right of carriageway is currently used by heavy vehicles and given the proximity to the proposed residential uses will compromise the rights of access that are currently enjoyed and will lead to conflicts and complaints regarding the subject traffic movements.**

**Comment:** The design of buildings C has been amended to ensure that use rights of the beneficiaries are not impeded and to provide for a greater level of amenity to future occupants.

- (m) **The Voluntary Planning Agreement (VPA) should be available for public exhibition at concurrent with the subject development application documents, to provide for meaningful public consultation.**

**Comment:** The development application and VPA are not required to be notified to the public concurrently. The development application provides sufficient information regarding land dedication and works to the public domain to make an assessment of the public benefits to be offered. The exhibition and execution of the VPA has been made a deferred commencement condition.

- (n) **The new north-south road will be used as shared zone in the future. It is unclear what this means.**

**Comment:** The new north south road is the Bridge Street extension which extends to Macdonald Street to the south. The road is identified in the Ashmore Precinct DCP 2006 as a shared zone for the use of pedestrians, cyclists and vehicles.

- (o) **Public art should be adopted consistently across all development sites within the Ashmore Precinct.**

**Comment:** The provision of public art is dependant upon the size and scale of the development. A condition of consent has been recommended that public art be provided with details to be approved prior to the issuing of a Construction Certificate.

- (p) **Impact of Construction through the industrial estate due to increased truck vehicular movements, impact to the existing industrial estate tenants, impact of noise and vibration.**

**Comment:** Conditions of consent are recommended governing construction management and noise.

- (q) **The road network (via a series of Right of Ways) through the industrial estate does not have the capacity for the servicing of residential vehicular movements associated with the development.**

**Comment:** Vehicle access to the proposed residential development is via Bridge Street to the west of the site, accessed from Macdonald Street to the south of the site. Service vehicle access is located at the south eastern portion of the site. These vehicles will require to traverse the right of carriageway to enter the site, however the use is expected to be infrequent being restricted to garbage collection, removalist vehicles and the servicing of the retail shop.

- (r) **Cumulative Impacts - There is no appropriate discussion either within the draft DCP or proposed development as to the cumulative impacts within the site, precinct and wider locality.**

**Comment:** The City is currently scoping a project that will look at the cumulative affect of development in the wider southern Local Government Area. This will include developments in Alexandria, the Australian Technology Plan and Harold Park.

- (s) **Only one third of dwellings have car parking.**

**Comment:** A total of 213 car parking spaces is proposed representing 77% of the total dwellings to be provided. Parking rates reflect the City's strategic direction on parking that is to discourage car dependence. The proposed car parking provision satisfy the car parking rates specified in Councils existing controls and the rates within the Draft SLEP 2011.

## EXTERNAL REFERRALS

### Ausgrid

94. Ausgrid (formerly Energy Australia) advised that provision must be made for an electricity substation within the premises. An electricity substation has been integrated within the proposed building envelope of building C.

### Commonwealth Airports (Protection of Airspace) Regulations 1996

95. The proposal has been referred to the Sydney Airport Corporation in accordance with the requirement of Clause 8 of the *Airports (Protection of Airspace) Regulation 1996* as the development is a 'controlled activity' (a building which is proposed within 'prescribed airspace').
96. Sydney Airport Corporation Limited raise no objection to the proposed development.

### Integrated Development

97. The proposal is not Integrated Development.

## INTERNAL REFERRALS

98. The application was referred to Council's:
- (a) Specialist Surveyor;
  - (b) Urban Designer;
  - (c) Building Services Unit;
  - (d) Health Unit;
  - (e) Safe City;
  - (f) Public Domain Unit;
  - (g) Strategic Planning Unit; and
  - (h) Transport Management Unit.
99. No objection to the amended proposed development was raised, subject to the imposition of appropriate conditions. Appropriate conditions have been included in the recommendation of this report.



**RELEVANT LEGISLATION**

100. The Environmental Planning and Assessment Act 1979.

**CONCLUSION**

101. The proposal is generally consistent with the objectives, standards and guidelines of the relevant planning controls including the South Sydney LEP, the Ashmore Precinct DCP and the draft SLEP 2011.

102. The development is the first site to be developed within the Ashmore urban renewal precinct. The proposal has been amended to achieve an appropriate architectural form consistent with the winning competitive design process scheme, a high quality design outcome and streetscape presentation. The proposal responds appropriately to the context and constraints of the site and is accordingly recommended for approval as a deferred commencement consent requiring the exhibition and execution of the VPA prior to the issuing of an operational consent.

**GRAHAM JAHN**

Director City Planning, Development and Transport

(Mark Solomon, Specialist Planner)