

**ITEM 4. DEVELOPMENT APPLICATION: 881-891 SOUTH DOWLING STREET - 879B SOUTH DOWLING STREET - 54A O'DEA AVENUE AND 56-60 O'DEA AVENUE WATERLOO****FILE NO:** D/2012/2000**DEVELOPMENT APPLICATION NO:** D/2012/2000**SUMMARY****Date of Submission:** 21 December 2012  
19 March 2013 (amended plans)**Applicant:** Meriton Property Services**Architect:** Tony Caro Architecture & Antoniades Architects**Developer:** Meriton Property Services**Proposal Summary:** The site comprises land on the corner of South Dowling Street and O'Dea Avenue and is known as the Wulaba Park site.

The application seeks approval for the erection of five residential flat buildings ranging in height from eight to twenty-five storeys and comprising a total of 361 units.

The proposal also includes parking for 254 vehicles, the construction of associated roads and shareways servicing the site, and the provision and embellishment of public open space. Remediation of the site, demolition of the existing structures and early works including earthworks and temporary roads have been previously dealt with as part of the applications D/2013/112, D/2012/289 and D/2012/289/A.

The applicant has agreed to enter into a Voluntary Planning Agreement (VPA) for the dedication of land for roads and public domain and monetary contribution to the value of embellishment for the purposes of a park, roads, shareways and a 10 metre wide landscaped setback. The applicant may also opt to undertake the embellishment works, in which case an amount commensurate to the embellishment value may be offset against Section 94 and bonus floor space contributions. The terms of the VPA are currently being negotiated and exhibition of the draft document is imminent.

The site has been deferred from the Sydney LEP 2012 and the relevant statutory planning instrument is the South Sydney LEP 1998. Specifically, the site is subject to the South Sydney DCP Wulaba Park amendment, which came into effect in August 2012.

**Proposal Summary:  
(continued)**

The new buildings are located within the Green Square urban renewal area and is considered an appropriate contemporary infill development within the context of this rapidly transitional area. The proposal would result in an overall FSR of 2.2:1, which is inclusive of the 0.5:1 bonus floor space attributable to community infrastructure and the 0.2:1 bonus of 10% attributable to the design competition under the Wulaba Park DCP.

The proposal is integrated development and General Terms of Approval from the Office of Water have been received.

The proposal requires concurrence from NSW Roads and Maritime Services (RMS) under the SEPP (Infrastructure) 2007 and in relation to the proposed shareways. The RMS has provided its concurrence

Seven (7) submissions were received in regard to the proposal, primarily with regard to overshadowing, parking, over-development, inappropriate design, and increased glare. The issues raised in the submissions have been addressed in the report and are considered not to warrant refusal of the application.

**Summary Recommendation:**

The development application is recommended for deferred commencement approval, subject to conditions.

It is recommended that the requirement for a Master Plan be waived in accordance with Clause 27C(2) of the South Sydney LEP 1998.

**Section 94 & Affordable  
Housing Contributions**

Section 94 - \$6,685,998.53  
Affordable Housing - \$4,869,974.89

**Development Controls:**

- (i) South Sydney Local Environmental Plan 1998 (Gazetted 28 April 1998, as amended).
- (ii) South Sydney Development Control Plan 1997 – Urban Design Part G: Special Precinct No. 9 Green Square (Specific Sites- Wulaba Park Site)(Adopted 30 July 2012, as amended).
- (iii) South Sydney Development Control Plan 1997 – Urban Design Part G: Special Precinct No. 9 Green Square (Adopted August 2006, as amended).
- (iv) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended).
- (v) Sydney Development Control Plan 2012 (Adopted 14 December 2012, as amended).

**Developer Contributions:**

- (vi) City of Sydney Development Contributions Plan 2006.

**Attachments:**

- A - Selected Drawings

**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 to Development Application No. D/2012/2000, subject to the following:

**(1) VOLUNTARY PLANNING AGREEMENT**

The owner is to enter into and execute a Voluntary Planning Agreement, in accordance with the Environmental Planning and Assessment Act 1979, to be prepared by the Council at the cost of the applicant, and shall include the general nature and extent of the provisions made under the offer by Meriton Property Services Pty Ltd dated 3 May 2013 for the dedication of lands, creation of an easement and for the provision of a monetary contribution equivalent to the cost of public domain embellishment works, as follows:

**Stage 1**

- (a) Dedication to Council and embellishment as a landscape setback to South Dowling Street and O'Dea Avenue, Waterloo all that land shown as proposed lot 3 in the Survey Plan by JBW Surveyors Pty Ltd dated 25 February 2013 and embellished in accordance with the Concept Design prepared by Gallagher Ridenour dated 17 January 2013 and the detailed design prepared by the Developer approved by the Council.
- (b) Dedication to Council and embellishment of all that land shown as proposed lot 2 in the Survey Plan by JBW Surveyors Pty Ltd dated 25 February 2013 attached at Schedule 7 as a public road ("Amelia Street" south) in accordance with Council's standards and policies.
- (c) Construction of stormwater works and all associated infrastructure in accordance with the Concept Design prepared by Gallagher Ridenour dated 17 January 2013 and the detailed design prepared by the Developer and approved by the Council.

**Stage 2**

- (a) Dedication to Council and embellishment of all that land shown as proposed lots 4, 5 and 8 in the Survey Plan by JBW Surveyors Pty Ltd dated 25 February 2013 as public roads ("Amelia Street" north, "Hatbox Place", "Archibald Avenue" and "Mystic Lane") in accordance with the Concept Design prepared by Gallagher Ridenour dated 17 January 2013 and the detailed design prepared by the Developer and approved by the Council.
- (b) Dedication to Council and embellishment of all that land shown as proposed lot 6 in the Survey Plan by JBW Surveyors Pty Ltd dated 25 February 2013 attached at Schedule 7 as a park (to be known as "Wulaba Park") and embellished in accordance with the Concept Design in Schedule 8 and the detailed design prepared by the Developer and approved by the Council.

- (c) Creation and registration of an easement for drainage and as a general right of footway in respect of that part of the land shown as proposed lot 1 and marked "proposed drainage easement" in the Survey Plan by JBW Surveyors Pty Ltd dated 25 February 2013 attached at Schedule 7 and embellished in accordance with the Concept Design in Schedule 8 and the detailed design prepared by the Developer and approved by the Council;
- (B) evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated in Clause (A) above, must be submitted to Council within 12 months of the deferred commencement consent;
- (C) alternatively, the applicant and Council may agree to undertake the works in kind, as outlined in Condition (1) of Clause (A) above, which may be claimed as an offset to relevant Contributions. In this instance, the above works are to be documented and executed in accordance with the public domain works Conditions (106) to (114), the landscaping works Condition (8), the design and construction of new roads Conditions (119) to (120), and the management and delivery of public domain and roads Conditions (119) to (121);
- (D) the Applicant is to register the Voluntary Planning Agreement on the Title to the land;
- (E) the Applicant is to provide the Security under the terms of the Voluntary Planning Agreement to the Council;
- (F) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied; and
- (G) 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.

## 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/2012/2000 dated 21/12/12, and the following drawings:

Drawing Number	Architect	Date
DA 0.01 (Rev F)	Antoniades Architects	12/3/13
DA 1.01 (Rev H)	Antoniades Architects	12/3/13
DA 1.02 (Rev K)	Antoniades Architects	12/3/13
DA 1.03 (Rev T)	Antoniades Architects	18/4/13
DA 1.04 (Rev P)	Antoniades Architects	12/3/13
DA 1.05 (Rev M)	Antoniades Architects	12/3/13
DA 1.06 (Rev M)	Antoniades Architects	12/3/13
DA 1.07 (Rev E)	Antoniades Architects	12/3/13
DA 1.08 (Rev L)	Antoniades Architects	12/3/13
DA 1.09 (Rev F)	Antoniades Architects	12/3/13
DA 2.01 (Rev G)	Antoniades Architects	12/3/13
DA 2.02 (Rev G)	Antoniades Architects	12/3/13
DA 2.03 (Rev G)	Antoniades Architects	12/3/13
DA 3.01 (Rev J)	Antoniades Architects	12/3/13
DA 3.02 (Rev H)	Antoniades Architects	12/3/13
DA 3.03 (Rev H)	Antoniades Architects	12/3/13
DA 3.04 (Rev G)	Antoniades Architects	12/3/13
000	Tony Caro Architecture	14/3/13
099 (Rev C)	Tony Caro Architecture	14/3/13
100 (Rev C)	Tony Caro Architecture	14/3/13
101 (Rev C)	Tony Caro Architecture	14/3/13
102 (Rev C)	Tony Caro Architecture	14/3/13
103 (Rev C)	Tony Caro Architecture	14/3/13
104 (Rev C)	Tony Caro Architecture	14/3/13
105 (Rev C)	Tony Caro Architecture	14/3/13
106 (Rev C)	Tony Caro Architecture	14/3/13
107 (Rev C)	Tony Caro Architecture	14/3/13
108 (Rev C)	Tony Caro Architecture	14/3/13
109 (Rev C)	Tony Caro Architecture	14/3/13
110 (Rev C)	Tony Caro Architecture	14/3/13
A200 (Rev A)	Tony Caro Architecture	14/3/13
A201 (Rev A)	Tony Caro Architecture	14/3/13
A202 (Rev A)	Tony Caro Architecture	14/3/13
A203 (Rev A)	Tony Caro Architecture	14/3/13
A204 (Rev A)	Tony Caro Architecture	14/3/13
A205 (Rev A)	Tony Caro Architecture	14/3/13
A206 (Rev A)	Tony Caro Architecture	14/3/13
A207 (Rev A)	Tony Caro Architecture	14/3/13
B01_100 (Rev C)	Tony Caro Architecture	14/3/13
B01_101M (Rev C)	Tony Caro Architecture	14/3/13
B01_102 (Rev C)	Tony Caro Architecture	14/3/13
B01_103 (Rev C)	Tony Caro Architecture	14/3/13
B01_104 (Rev C)	Tony Caro Architecture	14/3/13
B01_105 (Rev C)	Tony Caro Architecture	14/3/13
B01_106 (Rev C)	Tony Caro Architecture	14/3/13
B01_107 (Rev C)	Tony Caro Architecture	14/3/13
B01_108 (Rev C)	Tony Caro Architecture	14/3/13
B01_A351 (Rev B)	Tony Caro Architecture	14/3/13

Drawing Number	Architect	Date
B01_A411 (Rev A)	Tony Caro Architecture	14/3/13
B01_A412 (Rev A)	Tony Caro Architecture	14/3/13
B01_A423 (Rev A)	Tony Caro Architecture	14/3/13
B02_100 (Rev C)	Tony Caro Architecture	14/3/13
B02_101 (Rev C)	Tony Caro Architecture	14/3/13
B02_102 (Rev C)	Tony Caro Architecture	14/3/13
B02_103 (Rev C)	Tony Caro Architecture	14/3/13
B02_104 (Rev C)	Tony Caro Architecture	14/3/13
B02_105 (Rev C)	Tony Caro Architecture	14/3/13
B02_106 (Rev C)	Tony Caro Architecture	14/3/13
B02_107 (Rev C)	Tony Caro Architecture	14/3/13
B02_108 (Rev C)	Tony Caro Architecture	14/3/13
B02_109 (Rev C)	Tony Caro Architecture	14/3/13
B02_A352 (Rev B)	Tony Caro Architecture	14/3/13
B02_A421 (Rev A)	Tony Caro Architecture	14/3/13
B02_A422 (Rev A)	Tony Caro Architecture	14/3/13
B03_102 (Rev C)	Tony Caro Architecture	14/3/13
B03_103 (Rev C)	Tony Caro Architecture	14/3/13
B03_110 (Rev C)	Tony Caro Architecture	14/3/13
B03_A353 (Rev B)	Tony Caro Architecture	14/3/13
B01_A354 (Rev B)	Tony Caro Architecture	14/3/13
B03_A431 (Rev A)	Tony Caro Architecture	14/3/13
B03_A432 (Rev A)	Tony Caro Architecture	14/3/13
B03_A433 (Rev A)	Tony Caro Architecture	14/3/13
B03_A434 (Rev A)	Tony Caro Architecture	14/3/13
B04_100 (Rev C)	Tony Caro Architecture	14/3/13
B04_A355 (Rev A)	Tony Caro Architecture	14/3/13
B04_A441 (Rev A)	Tony Caro Architecture	14/3/13
DA-1213-01	Sturt Associates	11/12/12
DA-1213-02	Sturt Associates	11/12/12
DA-1212-01	Sturt Associates	13/12/12
DA-1212-02	Sturt Associates	13/12/12
DA-1212-03	Sturt Associates	13/12/12
2012_07 DA 01 (Rev B)	Gallagher Ridenour	17/1/13
2012_07 DA 02 (Rev B)	Gallagher Ridenour	17/1/13
2012_07 DA 03 (Rev B)	Gallagher Ridenour	17/1/13
2012_07 DA 04 (Rev B)	Gallagher Ridenour	17/1/13
2012_07 DA 05 (Rev B)	Gallagher Ridenour	17/1/13
2012_07 DA 06 (Rev B)	Gallagher Ridenour	17/1/13
Colour Sample Schedule	Antoniades Architects	March 2013
Exterior Materials Palette	Tony Caro Architecture	March 2013

and as amended by the conditions of this consent:

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

**(2) AFFORDABLE HOUSING CONTRIBUTION - GREEN SQUARE - PAYMENT OF MONEY IN LIEU OF FLOOR SPACE**

In accordance with Clause 27P of South Sydney Local Environmental Plan 1998 (as amended) and prior to a Construction Certificate being issued, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Planning or a bank guarantee in favour of The Department of Planning to the value of the required contribution has been lodged. The contribution is \$4,869,974.89 based on the in lieu monetary contribution rate for non-residential development at \$46.10 per square metre of total non-residential floor area 580.4sqm, and for residential development at \$138.35 per square metre of total residential floor area 35,007sqm. Contributions will be indexed in accordance with the formula set out below.

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the applicant must provide evidence that the bank guarantee referred to above has been redeemed as payment of this contribution. If the contribution is paid after the indexation period in which the consent is granted 1 March 2013 to 28 February 2014, the amount of the contribution will be indexed in accordance with the formula set out below.

Notes:

- (a) Applicants have two payment options:

Option 1 is payment by bank cheque using 'Form B - Receipt to Release Certificate of Construction after payment by Bank Cheque'. Form B must be obtained from the *Green Square Project Team in the City Strategy and Design Unit at the City of Sydney*, and then must be lodged with a bank cheque with the NSW Department of Planning.

Option 2 is lodgement of a bank guarantee using 'Form A - Receipt to Release Certificate of Construction after lodgement of Bank Guarantee'. Form A must be obtained from the *Green Square Project Team in the City Strategy and Design Unit at the City of Sydney*, and then must be lodged with a Bank Guarantee with the NSW Department of Planning.

Where Form A has been used, an occupation certificate will not be released until payment by bank cheque using 'Form C - Receipt to Release Certificate of Occupancy after payment by Bank Cheque'. Form C must be obtained from the *Green Square Project Team in the City Strategy and Design Unit at the City of Sydney* and then must be lodged with a bank cheque with the NSW Department of Planning.

- (b) Applicants are made aware that the contribution amount quoted in this condition may not be final and that a correct indexed affordable housing contribution amount can be obtained from the relevant Form A, B or C at time of payment.



- (c) Forms A, B or C for payment of the affordable housing contribution can only be obtained from the City of Sydney, 456 Kent Street Sydney. Quote the development application number and the relevant Council officer will provide the applicant with an indexed contribution amount which must be paid at the Department of Planning. To arrange payment, contact the Housing Policy Team, NSW Department of Planning on Ph: 9228 6111 or Fax: 9228 6455 to arrange a time for payment.
- (d) The contribution will be indexed on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.
- (e) Contributions at Time of Payment =  $C \times \text{HPI}_2 / \text{HPI}_1$ , where:
- (i) C is the original contribution amount as shown above;
  - (ii)  $\text{HPI}_2$  is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and
  - (iii)  $\text{HPI}_1$  is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics that applied at the date of the consent 1 March 2013 to 28 February 2014.
- (f) The amount of the monetary contribution is calculated on the total floor area (not a percentage of it). Contribution = (total residential floor area sqm) x residential rate (\$) + (total non-residential floor area (sqm) x non-residential rate (\$) + (total non-residential floor area (sqm) x non-residential rate (\$)).

**(3) SECTION 94 SOUTHERN PRECINCT CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2006**

As a consequence of this 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.

Contribution Category	Amount
Community Facilities	\$863,899.99
Public Domain	\$532,112.57
New Open Space	\$4,146,098.58
New Roads	\$1,052,992.09
Accessibility	\$43,673.83
Management	\$47,221.48
Total	\$6,685,998.53

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 - [insert latest quarter and year].

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.

#### **(4) HIGH LEVEL OPENINGS**

All habitable rooms must have a combination of windows and louvres that guarantee the minimum BCA cross sectional ventilation requirement when opened to the maximum dimension permitted by relevant legislation. The windows/louvres must be designed to be openable to provide the BCA-required ventilation cross section in wet weather and must also be reasonably secure from unauthorised/criminal intrusion when open. The windows/louvres must be provided **in addition** to any glass balcony doors as these cannot be adequately weatherproofed or secured against unauthorised when left partially open.

#### **(5) REFLECTIVITY**

The Certifying Authority must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20% prior to issue of the Construction Certificate.

#### **(6) GROUND FLOOR APARTMENTS**

The proposed ground floor apartments shall be modified, as follows, and met in accordance with Section 4.5.7 of the Wulaba Park DCP amendment:

- (a) fences at the frontage are to be a minimum 1.4m high and designed to in order protect occupant privacy whilst maintaining a degree of transparency;

- (b) deep soil planter bed at street level of at least 2 metres in width are to be provided;
- (c) a slightly raised deck of at least 2 metre in width is to be provided; and
- (d) all full height glazed openings at the ground level to have a sill or opaque glass to a minimum height of 0.8m.

The amended plans are to be submitted to and approved by the Director City Planning, Development and Transport prior to issue of a Construction Certificate.

#### **(7) DESIGN MODIFICATIONS**

- (a) Building No.3 External Blades: The proposed vertical blades affixed to the eastern elevation of Building 3 fronting onto South Dowling Street are to be sufficient in number and to be constructed of materials having a discernible timber-like appearance rather than a metallic finish as indicated on the Exterior Materials Palette to ensure greater consistency with the competition winning proposal. Details of the proposed design and materials to be used are to be submitted and approved by Director- City Planning, Development and Transport prior to issue of a Construction Certificate.
- (b) Building No.5 Balconies: The dividing walls at the balconies between apartments in Building 5 shall be solid timber, masonry or similar material instead of opaque glazing as indicated. Details of the proposed design modifications are to be submitted and approved by Director- City Planning, Development and Transport prior to issue of a Construction Certificate.

#### **(8) LANDSCAPING OF THE SITE**

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

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

A separate development application for the fitout and use of the retail/commercial tenancies at ground floor must be submitted to and approved by Council prior to that fitout or use commencing.

**(10) LAND CONTAMINATION AND SITE AUDIT STATEMENT**

- (a) The site is to be remediated and validated. All information contained in the "Interim Advice" letter from NSW EPA Accredited Site Auditor Kylie Lloyd dated 19 February 2013 must be complied with. Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation) a Site Audit Statement (SAS) from a NSW EPA Accredited Site Auditor is to be submitted to Council clearly indicating that the site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.

- (b) Where the SAS is subject to conditions that require ongoing review by the Auditor or Council these must be reviewed and approved by Council before the SAS is issued.
- (c) Any remediation work carried out shall be conducted in accordance with the criteria detailed in Appendix 3 of the City of Sydney Contaminated Land Development Control Plan 2004 and the guidelines in force under the Contaminated Land Management Act 1997.
- (d) Prior to the exportation of waste (including fill or soil) from the site the material should be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW DECC Waste Classification Guidelines, Part 1 Classifying Waste (April 2008). The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporter if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of Industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

## (11) NOISE USE

### (a) General criteria

The emission of noise associated with the use of the premises including the operation of any mechanical plant and equipment shall comply with the following criteria:

- (i) The LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence;
- (ii) The background noise level shall be measured in the absence of noise emitted from the use in accordance with *Australian Standard AS 1055.1-1997-Description and measurement of environmental noise*;
- (iii) The LAeq, 15minute noise level shall be adjusted to account for any applicable modifying factors in accordance with Part 4 of the EPA NSW Industrial Noise Policy;
- (iv) In this clause, the term "noise level emitted from the use" means the contributing noise level from the use in isolation to any other ambient noise and account must therefore be taken of the LAeq, 15minute when the use is not in operation; and
- (v) In circumstances where this development application refers to a modification or addition to an existing use, the background noise level referred to in this clause pertains to the LA90, 15minute noise level measured in the absence of all noise from the site.

(b) **Internal to internal noise transmission - residential amenity**

An LAeq,15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence provided that:

- (i) Where the LA90, 15minute noise level is below the threshold of hearing Tf at any Octave Band Centre Frequency as defined in Table 1 of *International Standard ISO 226 - Normal Equal-Loudness-Level Contours* then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead;
- (ii) The LAeq,15minute noise level and the LA90,15minute noise level shall both be measured with all external doors and windows of the affected residence closed; and
- (iii) The LA90, 15minute noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (excluding air-conditioning equipment) normally servicing the affected residence operating.

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

The air conditioner/s must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2008 and shall not:

- (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
  - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
  - (ii) before 7.00am and after 10.00pm on any other day; or
- (b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those *specified* in (i) and (ii) above, which exceeds the background (LA90, 15minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

**(13) INTRUDER ALARM**

Intruder alarm/s associated with the development must operate only in accordance with the requirements of Clause 53 of the *Protection of the Environment Operations (Noise Control) Regulation 2008* under the *Protection of the Environment Operations Act, 1997*.

**(14) MECHANICAL VENTILATION**

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 and AS1668.2-1991.

- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 and AS1668.2, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
- (c) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to the Principal Certifying Authority.

**(15) NO ENCROACHMENTS UPON O'DEA AVENUE**

The entries and stairs to Buildings 1 or 2 must be redesigned so that no part of these buildings encroaches upon the 10m wide section of the land to be dedicated as part of O'Dea Avenue. No part of the proposed buildings should otherwise encroach within this proposed lot.

**(16) GARBAGE ROOM BELOW BUILDING 3**

The turntable within the Garbage Storage Area located below Building 3 must have a clear unobstructed turning diameter of 13.5m to provide for Council's 12.5m long domestic waste collection vehicles.

**(17) COMPLIANCE WITH ACOUSTIC REPORTS**

All recommendations within 'Acoustic report, prepared by Acoustic Logic, 9 November 2012, (Site A) Project No. 20120490.1, Project reference 20120490.1/0911A/R2/TA and Acoustic report, prepared by Acoustic Logic, 9 November 2012, (Site B) Project No. 20120489.1, Project reference 20120489.1/1406A/R2/TA' must be complied with.

**(18) PARKING ON COMMON PROPERTY AREAS**

No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. The strata subdivision of the building is to include an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

**(19) STRATA LOTS FOR RESIDENTIAL DEVELOPMENT**

The provision of separate strata lots for car parking spaces under Strata Schemes (Freehold Development) 1973 is not supported and can lead to inappropriate allocation and abuse. Any proposal for separate parking lots will only be considered by the City of Sydney in exceptional circumstances, as part lots properly allocated to units should result in the appropriate use and allocation of parking spaces.

**(20) VEHICLE FOOTWAY CROSSING**

A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

All disused or redundant vehicle crossings and laybacks must be removed and footway and kerb reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of an Occupation Certificate.

Note: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

**(21) RESTRICTION ON RESIDENTIAL DEVELOPMENT**

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building 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 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.



**(22) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL**

The following conditions apply to car parking:

- (a) The on-site car parking spaces are not to be used other than resident of the subject building.
- (b) The strata subdivision of the site is to include a restriction on user pursuant to section 39 of the *Strata Schemes (Freehold Development) Act, 1973* as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to section 88B of the *Conveyancing Act 1919*, burdening all car parking part lots in the strata plan.

**(23) APPROVAL OF DESIGN – FIRE HYDRANTS AND BOOSTERS**

The location and design of the proposed fire hydrants and booster valves shall be approved in writing by the Director City Planning, Development and Transport prior to issue of a Construction Certificate.

**(24) ALLOCATION FOR CAR WASH BAYS**

If car wash bays are provided, spaces 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.

**(25) ALLOCATION FOR VISITOR PARKING**

Visitor parking spaces 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 building visitors.

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

For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the units in any future strata subdivision of the building.

**(27) ASSOCIATED ROADWAY COSTS**

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Development Specification for Civil Works Design and Construction".

**(28) BICYCLE PARKING**

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

- (a) 180 bicycle parking spaces are to be provided for Buildings 1-4 and 37 must be provided for Building 5; and
- (b) all bicycle parking for occupants of residential buildings must be Class 1 bicycle lockers; and
- (c) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities; and
- (d) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

### **(29) CAR PARKING SPACES AND DIMENSIONS**

A maximum of 252 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.

### **(30) COST OF SIGNPOSTING**

All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

### **(31) HOLDING AREAS**

Areas within the site must be clearly sign-posted and line marked as waiting bays for the purpose of allowing clear access to vehicles entering or exiting the site via a one-way access driveway. Details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

### **(32) INTERCOM FOR VISITORS**

Where a boomgate or barrier control is in place the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 6m clear of the property boundary, wired to all units (prior to an Occupation Certificate being issued or the use commencing, whichever is earlier).

The intercom must comply with 'Australian Standard AS 1428.2- 1992: Design for access and mobility – Enhance and additional requirements – Building and facilities Sections 22 and 23.

### **(33) LOADING WITHIN SITE**

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

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

Where a car park is serviced by lifts, accessible spaces for people with mobility impairment are to be located to be close to lifts. Where a car park is not serviced by lifts, accessible spaces for people with mobility impairment are to be located at ground level, or accessible to ground level by a continually accessible path of travel, preferably under cover.

**(35) LOCATION OF VISITOR PARKING**

All visitor parking spaces must be grouped together, and located at the most convenient location to the car parking entrance. All spaces must be clearly marked 'visitor' prior to the issue of an occupation certificate or the use commencing, whichever is earlier. All signs must be maintained in good order at all times.

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

All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.

**(37) SECURITY GATES**

Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the street front property boundary.

**(38) SERVICE VEHICLE SIZE LIMIT**

The size of vehicles servicing the property must be a maximum length of 10m.

**(39) 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.

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

Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must be located in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times.

**(41) SIGNAL SYSTEM**

A system of traffic lights and/or mirrors must be installed at the ends of any single lane ramp(s), to indicate traffic movement on the ramp(s). This system must be detailed in the application for a construction certificate. Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry, and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway.

**(42) SIGNS AT EGRESS**

The following signs must be provided and maintained within the site at the point(s) of vehicular egress:

- (a) Compelling drivers to stop before proceeding onto the public way; and
- (b) Compelling drivers to "Give Way to Pedestrians" before crossing the footway; or compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

**(43) STACKED PARKING EMPLOYEES OR TENANTS ONLY**

Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the same strata title comprising a single dwelling unit or commercial/retail tenancy, subject to the maximum parking limit applying. The stacked parking spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking), prior to an Occupation Certificate being issued. The moving of stacked vehicles must occur wholly within the property.

**(44) TRAFFIC WORKS**

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

**(45) VEHICLES ACCESS**

The site must be configured to allow all vehicles to be driven onto and off the site in a forward direction.

**(46) ROADS AND MARITIME SERVICES REQUIREMENTS**

- (a) RMS has no approved proposal that requires that any part of the subject property for road purpose. Therefore there are no objections to the development proposal on property grounds provided all buildings & structures are clear of the South Dowling Street road reserve (unlimited in height or depth).
- (b) The proposed on road shared zones shall be in accordance with the RMS Shared Zone Policy (attached).

- (c) RMS requires the following assessment criteria to be met for a 10 km/h shared zone:

**Site criteria:**

- (i) The traffic volume in a shared zone is to be equal to or less than 100 vehicles per hour and equal to or less than 1000 vehicles per day;
- (ii) The current speed limit is to be equal to or less than 50 km/h;
- (iii) A shared zone is to be equal to or less than 400 metres in length;
- (iv) The current speed limit of adjoining roads is to be equal to or less than 50 km/h;
- (v) The current carriageway width is to have a minimum trafficable width of 2.8 metres;
- (vi) A shared zone must not be located along a bus route or heavy vehicle routes, except delivery or garbage trucks;
- (vii) Shared zones are to have narrow or no footpaths, where pedestrians are forced to use the road; and
- (viii) A shared zone must not have a kerb and gutter.

**Design principles:**

- (ix) The pavement surface shall be changed to highlight the difference in street environment from the surrounding road network. It must be clearly distinguishable by colour, texture and materials;
  - (x) Parking within a shared zone must be in accordance with Australian Road Rules. It must be within marked bays or regulatory signs;
  - (xi) Traffic calming features/treatments, if needed, are to be installed at intervals as specified in the Shared Zone Policy to create a self enforceable 10 km/h speed zone;
  - (xii) Traffic calming features/treatments, if needed, are to be installed in line with Australian Standards; and
  - (xiii) Speed zone signage is to be installed by RMS in accordance with the NSW Road Rules (Section 4) – Shared Zone Signs.
- (d) The traffic report submitted with the application states that the intersection of Amelia Street and O’Dea Avenue will be restricted to left turn movements only, which is supported by RMS. However, no information is provided with regard to the mechanism that will be implemented to enforce the right turn prohibition at this intersection. This issue shall be addressed to Council’s satisfaction.

- (e) Council should ensure that post development storm water discharge from the subject site into the RMS drainage system does not exceed the pre-development discharge.

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RMS for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before the RMS approval is issued. With regard to the Civil Works requirement please contact the RMS Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766

- (f) The developer is to comply with the requirements of the attached Technical Direction (GTD 2012/001). This will require the developer to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RMS for assessment, prior to the issue of any Construction Certificate. The developer is to meet the fill cost of the assessment by the RMS.

This report would need to address the following key issues:

- (i) The impact of excavation on the stability of the South Dowling Street and detailing how the carriageway would be monitored for settlement;
  - (ii) Rock anchors will not be allowed under the South Dowling Street and its road reserve;
  - (iii) The impact of the excavation on the structural stability of the South Dowling Street.
  - (iv) The development must not interfere with the ongoing operation and maintenance of the Eastern Distributor. If the development is likely to impact on the Eastern Distributor, the developer must consult with Airport Motorways Ltd (the operator of the Eastern Distributor) and RMS; and
  - (v) Any other issues that may need to be addressed. (Contact: Geotechnical Engineer on phone 8837 0246 or 8837 0245 for details).
- (g) The developer shall be responsible for all public utility adjustment/relocation works in the vicinity of O'Dea Avenue and South Dowling Street corner, including the drainage line to Eastern Distributor pump station, necessitated by the above work and as required by the various public utility authorities and/or their agents.

- (h) The proposed development should be designed such that road traffic noise from South Dowling Street is mitigated by durable materials to satisfy requirements under Clause 102(3) of State Environmental Planning Policy (Infrastructure) 2007. The RMS's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.
- (i) Off-street parking shall be designed and constructed in accordance with AS2890.1-2004 and AS2890.2-2002.
- (j) The layout of the proposed car parking areas, loading docks and access driveway associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2 – 2002 for heavy vehicle usage.
- (k) The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTRROADS. In this regard, a swept path plan shall be submitted to Council for approval, which illustrates that the proposed development complies with this requirement.
- (l) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
- (m) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to the Council prior to the issue of a Construction Certificate.
- (n) All vehicles shall enter and exit the site in a forward direction.
- (o) All works associated with the proposed development shall be at no cost to the RMS.

## 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) STRUCTURAL CERTIFICATION FOR DESIGN - BCA (ALL BUILDING CLASSES)**

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to class 2-9 building) and Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the satisfaction of Council (where Council is the Certifying Authority).

**(48) FIRE SAFETY CERTIFICATE TO BE SUBMITTED**

A Fire Safety Certificate must be submitted to the Principal Certifying Authority for all of the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued. A copy of the Fire Safety Certificate must be submitted to Council if it is not the Principal Certifying Authority.

**(49) ANNUAL FIRE SAFETY STATEMENT FORM**

An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

**(50) NOISE CONTROL VERIFICATION**

An acoustic verification report must be submitted to the Principal Certifying Authority (PCA) prior to Construction Certificate from an accredited 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 outlining all central services mechanical plant and equipment installed within the development.

The report must also confirm that resultant operational noise levels from the mechanical plant and equipment is in compliance with the "Noise Use - General" condition which forms part of this consent when operating to maximum capacity at the most noise sensitive time of the day.

**(51) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN**

A site specific noise management plan shall be submitted to the Council for comment and approval prior to CC. The Plan must be prepared by a suitably qualified person 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.

The plan must include but not be limited to the following:

- (a) Identification of noise sensitive receivers near to the site;



- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the City of Sydney Construction Hours /Noise Code of Practice 1992 for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property;
- (c) A representative background noise measurement (LA90, 15min) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997;
- (d) Confirmation of the level of community consultation that has is and will be undertaken with Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases;
- (e) Confirmation of noise and dust monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code;
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise;
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum; and
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

## **(52) DUST MANAGEMENT**

All reasonable and feasible steps must be taken to ensure that dust from activities conducted on site is kept to a minimum. This includes the covering and wetting down of disturbed soils.

## **(53) EMISSIONS**

- (a) The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.

- (b) Gaseous emissions from the development must comply with the requirements of the Protection of the Environment Operations Act, 1997 and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

**(54) WASTE AND RECYCLING COLLECTION**

- (a) The collection of waste and recycling must only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.
- (b) Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.

**(55) 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.
- (e) The Principal Certifying Authority must ensure that waste handling works have been completed in accordance with the Waste Management Plan; other relevant development consent conditions; and Council's Policy for Waste Minimisation in New Developments 2005.

**(56) GARBAGE ROOM**

The garbage room is to be constructed in accordance with City of Sydney's policy for *Waste Minimisation in New Developments* and the BCA. The floor of the garbage room is to be drained to a floor waste connected to the sewer. The floor waste is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements. A constant supply of water is to be available within the vicinity.

**(57) WASTE AND RECYCLING COLLECTION CONTRACT**

Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is earlier, of the building the owner must ensure that there is a contract with a licensed contractor for the removal of **all trade waste**. No garbage is to be placed on the public way e.g. footpaths, roadways, plazas, and reserves at any time.

**(58) CAR PARK VENTILATION**

The car park must be ventilated in accordance with the *Building Code of Australia* and, where necessary, Australian Standard AS1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.

**(59) ASBESTOS REMOVAL WORKS**

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, Workcover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and Workcover document entitled How to Safely Remove Asbestos, Code of Practice and the City of Sydney Asbestos Policy.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.
- (e) Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Part 6 of the City of Sydney's Asbestos Policy.
- (f) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (g) No asbestos laden skips or bins are to be left in any public place without the approval of Council.
- (h) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

#### **(60) MICROBIAL CONTROL IN WATER SYSTEMS**

- (a) Prior to the issue of a Construction Certificate detailed plans of any water cooling system (including cooling towers) as defined under the Public Health Act 2010 must be prepared by a suitably qualified person and certified in accordance with AS3666: 1: 2011 Air handling and water systems of buildings – Microbial Control – Design, installation and commissioning and must be submitted to and approved by Council.
- (b) Water cooling system operation and maintenance manuals and maintenance service records shall be readily available at the premises for inspection by an authorised officer upon request. Such records must be kept on the premises in accordance with Clause 2.6 to AS/NZS 3666:2:2011 Air handling and water systems of buildings – Microbial control, operation and maintenance.
- (c) The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the following:

Public Health Act 2010, Public Health Regulation 2012 and Parts 1 and 2 (or part 3 if a Performance-based water cooling system) of AS3666:2011 Air handling and water systems of buildings – Microbial Control and the NSW Health Code of Practice for the Control of Legionnaires Disease.

- (d) Prior to the issue of an Occupation Certificate or if non applicable, prior to commencement of the use, the owner or occupier of the premises at which any warm water system and/or water cooling system is installed must cause notice of such installation(s) by providing to Council's Environmental Health department, written notification by way of the prescribed form under Clause 12 to the Public Health Regulation 2012. Any changes to these particulars must be notified to Council's Environmental Health department in writing within 7 days of the change(s). Copies of the notification forms are available on the City of Sydney website.

#### **(61) AIR HANDLING**

In the event of any process in any room being of such a nature that heat, excessive moisture, dangerous or noxious gases, fumes or other aerosols are given-off, an air handling system must be installed providing positive capture and removal of the effluents. The effluent must be discharged to atmosphere at a point that will not create a nuisance and located in a position complying with AS 1668.2.

**(62) SWIMMING POOL PUMPS IN RESIDENTIAL PREMISES**

The swimming pool pump shall not be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open) before 8am or after 8pm on any Sunday or public holiday, or before 7am or after 8pm on any other day .

**(63) SWIMMING POOL - WASTE AND OVERFLOW WATERS**

Swimming pool waste water and overflow waters must be collected and directed to the sewer in accordance with the requirements of Sydney Water, and details are to be submitted with the application for a Construction Certificate to the satisfaction of Council or the accredited certifier and approved by the certifying authority.

**(64) CONTAMINATED WASTE**

The generation, storage, transport, treatment or disposal of industrial, hazardous or Group A liquid waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997 and the NSW Department of Environment and Conservation's (DEC) waste tracking requirements. For further information contact the Department of Environment and Conservation (DEC) on 133 372.

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Environmental Protection Authority, NSW Work Cover Authority pursuant to the provisions of the following:

- (a) Protection of the Environment Operations Act 1997;
- (b) Protection of the Environment Operations (Waste) Regulation 2005;
- (c) Waste Avoidance and Recovery Act 2001;
- (d) Work Health and Safety Act 2011; and
- (e) Work Health and Safety Regulation 2011.

**(65) GEOTECHNICAL REPORT**

All recommendations and comments contained within the preliminary '*Geotechnical Report for Stage 1 DA, prepared by JK Geotechnics, July 2012, reference 25784Vrpt-Waterloo*' must be complied with at all times during the development. A detailed geotechnical investigation report is to be devised following further investigations after demolition. All recommendations and comments within the approved detailed geotechnical investigation report must be complied with at all times during the development.

**(66) LANDSCAPED (GREEN) ROOFS**

- (a) Prior to the issue of a Construction Certificate, a Maintenance Manual for all green roofs 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.

- (b) All green roof landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.
- (c) 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.

**(67) DESIGN AND CONSTRUCTION OF ROADS**

- (a) Detailed engineering, road, drainage and infrastructure works, design and construction plans for the construction of "Amelia Street", "Hatbox Place", "Mystic Lane", "Archibald Avenue", "Wulaba Park" and the widening of South Dowling Street and O'Dea Avenue are to be submitted to Council and approval gained prior to the issue of any Construction Certificate for the proposed Subdivision Works. The design and documentation is to include any requirements and approvals from external parties such as public utility service authorities and is to be in accordance with Council's "Development Specifications for Civil Works Design and Construction" and is to be in accordance with any approved flood analysis and assessment report for the site and is to be consistent with Water Sensitive Urban Design principles.

- (b) The submission to Council is to provide plans and specifications sufficient to describe in detail the design, scope and extent of all proposed road, drainage and infrastructure works for the construction of the road extensions prepared and certified by a Professional Engineer, and is to include:
- (i) Details of existing and final site contours, levels and volumes of proposed earthworks providing confirmation that the site contours and levels will not adversely impact upon the flow of floodwater on the site,
  - (ii) Geometric design and pavement design of the road extensions including formation widths, batter slopes, longitudinal sections, cross-sections, materials, specifications and thicknesses of pavement and surfacing,
  - (iii) Proposed contours and levels, showing existing and proposed adjacent levels at abutment to threshold of adjacent properties, proposed buildings, existing roads and existing parks including level and batter slopes. Details of the interpolation of the design levels demonstrating that the road will marry in with their thresholds with O'Dea Avenue,
  - (iv) Kerb and gutter design and specifications and any necessary works and matching into existing formations including a minimum 500mm existing road pavement restoration,
  - (v) Geometric and hydraulic design of all stormwater drainage structures and systems including drainage swales and temporary downstream drainage, if required, and specifications and materials and details of connections into Council's public stormwater system,
  - (vi) Details of design and specifications for footpaths, retaining walls, pedestrian and bicycle facilities, street lights, traffic and pedestrian signage, landscaping and associated verge works,
  - (vii) Details of structures and conduits for the provision and installation of any public utility services and any adjustment to existing services required,
  - (viii) Details of structures, procedures and measures adopted to address erosion and sediment control during the earthworks and construction process,
  - (ix) Details of traffic management and site management procedures during the construction process,
  - (x) Specifications showing assumptions, calculations and testing.

- (c) The certification is to include confirmation from a Professional Engineer that the design complies with Council's Development Specifications for Civil Works Design and Construction and that the development will be flood compatible by enabling the floor levels of buildings to provide a minimum of 500mm freeboard above the 1 in 100 year flood level and a minimum of 300mm for publicly accessible areas, and is to be in accordance with the approved flood assessment report.
- (d) The documentation is to be fully coordinated with the approved Public Domain and Landscape plans for the development, and submitted concurrently to Council's Public Domain Section for review and Council's acceptance of completed Subdivision Work and issue of the final Compliance Certificate as the Principal Certifying Authority will be subject to certification and compliance with the approved drawings, the Development Specifications for Civil Works Design and Construction, applicable standards and the submission of certified Works as Executed drawings.

**(68) CONSTRUCTION CERTIFICATE FOR SUBDIVISION WORKS**

In accordance with the provisions of Section 109C of the *Environmental Planning and Assessment Act 1979*, a Construction Certificate for the above subdivision work, being the construction of "Amelia Street", "Hatbox Place", "Mystic Lane", "Archibald Avenue", "Wulaba Park" and the widening of South Dowling Street and O'Dea Avenue, is to be obtained from Council or an appropriately accredited private certifier and submitted to Council as the Principal Certifying Authority, prior to the commencement of any such work on the site.

**(69) PRINCIPAL CERTIFYING AUTHORITY**

In accordance with the provisions of Sections 81A and 109E of the *Environmental Planning and Assessment Act 1979*, Council is to be formally appointed the Principal Certifying Authority for the Subdivision Work, prior to the commencement of any such work on the site.

**(70) COMPLETION OF SUBDIVISION WORKS**

Prior to the issue of the Subdivision Certificate for the subdivision, the Subdivision Work on the site 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 to exercise the provisions of Section 109C(2) of the Act with regard to any incomplete works.

**(71) COMPLETION OF PUBLIC DOMAIN WORKS**

Prior to the issue of the Subdivision Certificate for the subdivision, the public domain works associated with the subdivision works are to be completed in accordance with the requirements of and to the satisfaction of Council.



**(72) PUBLIC UTILITY SERVICES**

- (a) Prior to the commencement of any subdivision work on the site or public domain work, documentary evidence is to be submitted to Council that the requirements of all public utility service authorities with services to be installed in the new roads have been satisfied with regard to the design and provision of those services.
- (b) Prior to the issue of the Subdivision Certificate, documentary evidence is to be submitted to Council that the requirements of all public utility service authorities have been satisfied with regard to the completion of construction and installation of those services.

**(73) 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*.

**(74) SUBDIVISION**

- (a) A plan of subdivision of the site is to be lodged with Council for approval and subsequent issue of a Subdivision Certificate under Part 4A of the Environmental Planning and Assessment Act 1979 to facilitate registration of the plan and the dedications of the public roads, road widening and Public Reserve to the public. The plan of subdivision is to be registered prior to the issue of an Occupation Certificate for the development.
- (b) Any proposal to subsequently subdivide the site residue to separate in title the components of the development will require the lodgement of a separate development application and subsequent approval from the Council of the plan of subdivision and issue of the Subdivision Certificate under Part 4A of the Environmental Planning and Assessment Act 1979.

**(75) STRATA SUBDIVISION**

Any proposal to Strata subdivide the buildings will require a separate application to obtain approval of the final Strata Plan and issue of the Strata Certificate by Council or an accredited Strata Certifier.

**(76) TREES APPROVED FOR REMOVAL**

All trees, with the exception of Tree 1, are approved for removal

**(77) TREES THAT MUST BE RETAINED**

- (a) Approval is NOT granted for the removal of the following tree, which Council has determined to be prominent landscape elements.

## (b) Table 1 – Tree Retention

Tree No:	Botanical / Common Name	Location
1	Eucalyptus saligna x botryoides	Corner of O'Dea Ave & South Dowling Street (within 10m setback)

## (78) TREE PROTECTION ZONE

- (a) Before the commencement of works, a Tree Protection Zone (TPZ) must be established around the tree listed for retention not less than the distance indicated in the TPZ schedule below. Tree protection must be installed and maintained in accordance with the Australian Standard 4970 Protection of Trees on Development Sites.

## TPZ Schedule

Tree No	Species Name	Location	Radius (m) from Trunk
1	Eucalyptus saligna x botryoides	Corner of O'Dea Ave & South Dowling Street (within 10m setback)	9.5m

## (b) Each TPZ must be:

- (i) Enclosed with a 1.8m high fully supported chainmesh protective fencing. The fencing shall be secure and fastened to prevent movement. The fencing shall have a lockable opening for access. Woody roots shall not be damaged during the establishment or maintenance of the fencing;
- (ii) Have two signs identifying the name and contact details of the site Arborist attached facing outwards in a visible position. All signs must remain in place until works are completed on site; and
- (iii) Following removal of the bitumen and concrete from within the TPZ of tree 1, mulch shall be installed / maintained to a depth of 75mm for the duration of works and shall be kept free of weed and grass for the duration of works.

## (c) The following works shall be excluded from within any TPZ:

- (i) Soil cut or fill including excavation and trenching;
- (ii) Soil cultivation, disturbance or compaction;
- (iii) Stockpiling storage or mixing of materials;
- (iv) The parking, storing, washing and repairing of tools, equipment and machinery;

- (v) The disposal of liquids and refuelling;
  - (vi) The disposal of building materials;
  - (vii) The sitting of offices or sheds; and
  - (viii) Any action leading to the impact on tree health or structure.
- (d) All work undertaken within or above the TPZ must be:
- (i) Supervised by a qualified Consultant Arborist, who holds the Diploma in Horticulture (Arboriculture), Level 5 under the Australian Qualification Framework; and
  - (ii) Undertaken in accordance with all directions given by the Site Arborist and/or Council.

#### **(79) SERVICES**

- (a) Any trenching works for services / hydraulics / drainage etc must not be undertaken within a Tree Protection Zone (TPZ), and be referred to the Site Arborist with regard to tree protection, prior to commencement of any works.
- (b) Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed where large woody roots greater than 40mm diameter are encountered during the installation of any services adjacent to the specified TPZ.

#### **(80) Arboricultural Impact Assessment**

- (a) An updated Arboricultural Impact Assessment (AIA) must be submitted to and approved by Council prior to the issuing of the Construction Certificate. The report must reflect current industry practices, with particular reference to the Australian Standard 'Protection of trees on development site' (AS4970-2009) and must include;
  - (i) The AIA shall acknowledge the retention of Tree 1;
  - (ii) The AIA shall conform with the TPZ distance detailed in Condition 78 above;
  - (iii) An assessment and discussion of the likely impacts the proposed development will have on Tree 1. This should include above and below ground constraints on trees that should be retained;
  - (iv) Recommendations of any design modifications, construction techniques and/or other protection methods required to minimise adverse impact on tree 1 that should be retained during the demolition and construction works, and into the long term;
  - (v) 'Methodology Statement' for demolition of existing surface material' (concrete, bitumen etc) - detailing sensitive removal of the existing bitumen and concrete from the TPZ of tree 1, to ensure the protection of the root systems;

- (vi) 'Methodology Statement' for tree sensitive design requirements / methods for any works to be undertaken within the TPZ of tree 1 located within the 10m setback zone.

**(81) COMPLIANCE WITH Arboricultural Impact Assessment**

All recommendations, Tree Protection, and Methodology Statements contained in the approved Arboricultural Impact Assessment & Methodology Statement as required by Condition 80 above, must be implemented during the demolition, construction and use of the development.

**(82) SITE SUPERVISION AND REPORTING**

- (a) An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone in accordance with Australian Standard 4970 Protection of Trees on Development Sites. The Arborist must certify compliance with each key milestone detailed below:
  - (i) Induction of all construction staff into tree sensitive practices and prohibited practices within the TPZ;
  - (ii) The Arborist must certify the installation of the tree protection measures to Council and the Principal Certifying Authority prior to the issuing of a construction certificate;
  - (iii) Erection of protective fencing;
  - (iv) Removal of bitumen and concrete from TPZ of trees 1, as per the approved method statement, to be submitted;
  - (v) During any excavation, trenching and construction activities within the Tree Protection Zone of any tree listed for retention; and
  - (vi) During any Landscape works within 10 metres of the trunk of any tree listed for retention.
- (b) A three (3) monthly report shall be submitted to Council which provides details on the health and structure of tree to be retained and protected and must include:
  - (i) Certification of compliance with each key milestone detailed above;
  - (ii) Details of any other works undertaken on any tree to be retained or within TPZ/s; and
  - (iii) Documentary evidence of compliance with tree protection and measures (including photographs and site notes).

**(83) TREE PRUNING (PRIVATE PROPERTY)**

The consent from Council must be obtained prior to the undertaking of any tree pruning works, including tree roots greater than 40mm in diameter. Only minor pruning works will be approved by Council.

**(84) ADVANCED TREE PLANTING**

Tree planting within the property must be undertaken in accordance with the following conditions, and to Council's satisfaction, prior to the issuing of the Occupancy Certificate;

- (a) All newly planted trees must be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment;
- (b) The selection of tree species, when mature, must attain a minimum height of no less than 10 and minimum canopy spread of at least five (5) metres. Palms, fruit trees and species recognised to have a short life span are not considered a suitable replacement;
- (c) At the time of planting, the container size is to be a minimum of 100 litres and a minimum height of 2.5 metres;
- (d) The trees must be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF);
- (e) The replacement planting/s must be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity;
- (f) Any newly planted tree that fails to establish within 2 years of the initial planting date must be replaced with a tree of comparable qualities;
- (g) Upon receipt and acceptance that all replacement tree planting/s have been completed to Council's satisfaction, an occupancy certificate will be issued;

**(85) MAINTENANCE OF TREES ON SITE**

All newly planted trees on site must be appropriately maintained on an on-going basis. Maintenance includes watering, weeding, removal of rubbish from tree bases, pruning, fertilizing, pest and disease control and any other operations required to maintain a healthy robust tree.

**(86) STREET TREE PLANTING AND MAINTENANCE**

- (a) A Landscape Plan indicating the location of street trees to be planted in association with the development must be submitted to Council for approval prior to the issuing of the Construction Certificate.
- (b) The applicant shall liaise with the City's Street Tree Contract Coordinator (prior to submitted the final Landscape Plan) to confirm tree species to be planted within new streets that are not detailed in the City's Street Tree Master Plan.

- (c) Street trees must be located and planted in accordance with the City's Street Tree Master Plan, and the following:
- (d) The street tree(s) must be planted:
  - (i) By a qualified Arborist or Horticulturist (AQF Level 3); and
  - (ii) Before the issuing of an Occupation Certificate.
- (e) The tree pits must be inspected by Council's Contract Coordinator – Street Trees, before and after planting.
- (f) All street trees planted in accordance with the approved Landscape Plan must be maintained by a qualified Horticulturist or Arborist (AQF Level 2 or 3) for a minimum period of twelve (12) months commencing on the planting date. Maintenance includes, without limitation, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
- (g) At the end of the twelve (12) month maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.
- (h) If a street tree has been replaced due to maintenance deficiencies during the twelve (12) month maintenance period, the twelve (12) month maintenance period will start again from the date that the street tree is replaced.

**(87) LANDSCAPING OF WULABA PARK (PUBLIC OPEN SPACE)**

- (a) A detailed landscape plan for Wulaba Park (Public Open Space), drawn to scale, by a qualified landscape architect must be submitted to and approved by Council prior to a Construction Certificate being issued. The plan must include:
  - (i) Location of existing and proposed structures on the site including existing trees (if applicable);
  - (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
  - (iii) Location, numbers and type of plant species;
  - (iv) The design must provide a minimum 20% canopy cover across the site, provided by a range of tree species with mature heights ranging from 6 metres to 15 metres;
  - (v) The applicant shall liaise with the City's Tree Management team about an appropriate and suitable selection of tree species for the park;
  - (vi) Details of planting procedure and maintenance;
  - (vii) Details of drainage and watering systems;

- (b) Prior to a Construction Certificate being issued, a maintenance plan is to be submitted for approval of the Principal Certifying Authority and complied with during occupation of the property; and
- (c) All landscaping in the approved plan is to be completed prior to and Occupation Certificate being issued.

**(88) PUBLIC ART**

High quality art work must be provided within the development in publicly accessible locations, including near main entrances, in lobbies and on street frontages, or incorporated into the building facades of South Dowling Street in accordance with the Wulaba Park DCP and the Public Art Policy. Details of the art work must be submitted to and approved by the Director City Planning, Development and Transport prior to a Construction Certificate being issued. Installation of the art work must be completed to Council's satisfaction prior to the issue of an Occupation Certificate.

**(89) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**

- (a) Prior to the commencement of excavation work the following details must be submitted to and be approved by the Principal Certifying Authority:
  - (i) An Excavation Work Method Statement prepared by an appropriately qualified person.
  - (ii) A Waste Management Plan for the demolition and or excavation of the proposed development.
- (b) Such statements must, where applicable, be in compliance with AS2601-1991 Demolition of Structures, the Occupational Health and Safety Act 2000 and Regulation; Council's Policy for Waste Minimisation in New Developments 2005, the Waste Avoidance and Resource Recovery Act 2001, and all other relevant acts and regulations and must include provisions for:
  - (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the Waste Avoidance and Resource Recovery Act 2001.
  - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
  - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
  - (iv) The name and address of the transport contractor.
  - (v) The type and quantity of material to be removed from site.
  - (vi) Location and method of waste disposal and recycling.
  - (vii) Proposed truck routes, in accordance with this development consent.

- (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
  - (ix) Measures to control noise emissions from the site.
  - (x) Measures to suppress odours.
  - (xi) Enclosing and making the site safe.
  - (xii) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
  - (xiii) Induction training for on-site personnel.
  - (xiv) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.
  - (xv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
  - (xvi) Disconnection of utilities.
  - (xvii) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
  - (xviii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
  - (xix) Waterproofing of any exposed surfaces of adjoining buildings.
  - (xx) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
  - (xxi) Working hours, in accordance with this development consent.
  - (xxii) Any Work Cover Authority requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.



**(90) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION**

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of the affected properties are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Certifying Authority and the Council prior to the issue of a Construction Certificate.

**UPON COMPLETION OF EXCAVATION/DEMOLITION**

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifying Authority and the Council prior to the issue of an Occupation Certificate.

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

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

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

Prior to the commencement of any works on site, including, but not limited to demolition, excavation or construction work, a Soil and Water Management Plan (SWMP) must be submitted to and be approved by the Principal Certifying Authority.

- (a) The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:
- (i) existing site contours;
  - (ii) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater;
- (b) Location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).

**(92) ROAD OPENING PERMIT**

A separate **Road Opening Permit** under Section 138 of the Roads Act 1993 must be obtained from Council prior to the commencement of any:

- (a) Excavation in or disturbance of a public way, or
- (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

**(93) ALIGNMENT LEVELS**

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

**(94) PRESERVATION OF SURVEY MARKS**

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

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

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

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

**(95) PROTECTION OF SURVEY INFRASTRUCTURE**

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the Surveying Act 2002 must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

Reason: To ensure that the survey control infrastructure and cadastral framework are preserved for the public benefit and in accordance with the Surveying Act 2002.

**(96) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT**

On-site detention, treatment and re-use is encouraged.

- (a) Prior to a Construction Certificate being issued, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued and prior to the commencement of any work within the public way.
- (c) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued.
- (d) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- (e) A Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

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

- (a) A separate application under Section 138 of the Roads Act 1993 is to be made to Council to erect a hoarding and/or scaffolding in a public place and such application is to include:-
  - (i) Architectural, construction and structural details of the design in accordance with the *Policy for the Design and Construction of Hoarding* (September 1997) and the *Guidelines for Temporary Protective Structures* (April 2001).
  - (ii) Structural certification prepared and signed by an appropriately qualified practising structural engineer.

Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.

Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins and JCDecaux street furniture including kiosks, bus shelters, phones, poster bollards, bench seats and litter bins. The applicant is responsible for the cost of removal, storage and reinstallation of any of the above as a result of the erection of the hoarding. In addition, the applicant is responsible for meeting any revenue loss experienced by Council as a result of the removal of street furniture. Costing details will be provided by Council. The applicant must also seek permission from the telecommunications carrier (e.g. Telstra) for the removal of any public telephone.

- (b) Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant must relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.
- (c) The hoarding must comply with the Council's policies for hoardings and temporary structures on the public way. Graffiti must be removed from the hoarding within one working day.

**(98) BARRICADE PERMIT**

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

**(99) FOOTPATH DAMAGE BANK GUARANTEE**

A Footpath Damage Bank Guarantee calculated on the total lineal metres of the public frontage of site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

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.

**(100) ELECTRICITY SUBSTATION**

If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation to be installed. 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.

**(101) TELECOMMUNICATIONS PROVISIONS**

- (a) Appropriate space and access for ducting and cabling is to be provided within the plant area and to each apartment within the building within for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery. The details must be submitted for the approval of the Certifying Authority prior to a Construction Certificate being issued.
- (b) separate DA must be submitted prior to the installation of any external telecommunication apparatus, or the like.

**(102) UTILITY SERVICES**

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

**(103) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL**

- (a) 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.
- (b) 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

- (c) 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.

**(104) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

**(105) ASSOCIATED ROADWAY COSTS**

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Development Specification for Civil Works Design and Construction".

**(106) ALIGNMENT LEVELS**

- (a) Prior to a Construction Certificate being issued, footpath and roadway alignment levels for the building must be submitted to Council for approval. The submission must incorporate the levels set out in the Green Square Mid-block Lachlan Precinct Proposed Road & Drainage Layout report prepared by Brown Smart Consulting (Ref X09191 04), modified as required in consultation with City officers to suit the site specific design. The submission must be prepared by a Registered Surveyor and must be in accordance with the City of Sydney's Public Domain Manual.
- (b) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the application for a Construction Certificate, excluding a Construction Certificate for approved preparatory, demolition or shoring work.
- (c) If a Public Domain Plan condition applies to the development the Alignment Levels application must be made concurrently with the submission of a Public Domain Plan.

**(107) 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 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. 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 staff 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.

#### **(108) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER**

- (a) Prior to a Construction Certificate being issued for a new building work, excluding approved preparatory, demolition and shoring work, a set of hold points for approved public domain and civil construction work is to be determined with and approved by the City in accordance with the City's Public Domain Manual.
- (b) Completion and handover of the constructed public domain works is to be undertaken in accordance with the City's Public Domain Manual, including requirements for as-built documentation, certification and defects liability period.

#### **(109) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT**

On-site detention, treatment and re-use is encouraged.

- (a) Prior to a Construction Certificate being issued, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued and prior to the commencement of any work within the public way.

- (c) The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued.
- (d) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- (e) A Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

### **(110) PRESERVATION OF SURVEY MARKS**

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

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

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

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

### **(111) PAVING MATERIALS**

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

### **(112) 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.



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

- (a) Detailed design and construction documentation for the proposed public road system shall include all necessary liaisons with public utility authorities, the Road Authority (RMS), Council, the Sydney Traffic Committee and its nominated consultants in order to achieve design approvals and construction compliance.
- (b) The design and construction of all road, civil, drainage and infrastructure works shall be undertaken in accordance with City's current development specification (Sydney Streets Design Code – Technical Specification, as amended). 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, structural 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 for the roads, infrastructure and park drainage;
  - (v) The design for construction of any Water Sensitive Urban Design (WSUD) to be detailed for review and approval.
  - (vi) Drainage profiles and longitudinal sections with hydraulic grade lines and other standard features.
  - (vii) Details, materials and specifications of all structures including retaining walls, 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 works and matching adjustments to the existing road and infrastructure 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 including certification for design of structures, roadways and other infrastructure;
  - (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.
- (c) 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.

**(114) STORMWATER PIPE RE-ALIGNMENT AND WULABA PARK DRAINAGE DESIGN**

- (a) Design and documentation for proposed stormwater diversion along South Dowling St and O'Dea Av within the 10m setback, Wulaba Park and drainage required for the development is to be and be approved by Council prior to a Construction Certificate being issued for any new building work submitted for review and approved by Council prior to a Construction Certificate being issued for any new building work. to 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;
- (i) The design to include details of any existing pipe system, pit modification and should consider that Wulaba Park is proposed as a detention basin. Overland flow from South Dowling St and from Wulaba Park detention basin including any weir type structures and the like for the detention basin to function in 1:100 year flows is to be included.

- (b) Similarly, the design and documentation to include details of the existing stormwater pipe system and how the proposed system will connect to the existing system. The drainage design connecting to consider the On-site detention (OSD) system connection for the proposed development.
- (c) The applicant shall undertake CCTV inspection and provide a 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 designed drainage system. Any works associated with the removal and/or modification of the existing drainage infrastructure is not to commence until Council's acceptance of the completed realigned pipeline and drainage design for the development has been obtained;
- (d) The applicants are to consult RMS and Sydney Water in relation to the proposed stormwater diversion and any modifications to RMS and Sydney Water drainage system. Written confirmation to be provided to Council stating that Sydney Water and RMS requirements have been satisfied with regard to the design and procedures for the construction of the connections; and
- (e) Council's acceptance of completed drainage and civil works will be subject to confirmation from a Professional Civil Engineer that constructed works complies with Council's Development Specification for Civil Works and demonstration of compliance with the approved drawings, the applicable standards and is subject to the submission of Certified "Works as Executed Drawings", certifications and other handover requires as set out in the City Of Sydney Public Domain Manual.

## **SCHEDULE 1C**

### **During Construction/Prior to Occupation/Completion**

#### **(115) OCCUPATION CERTIFICATE TO BE SUBMITTED**

An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

#### **(116) HOURS OF WORK AND NOISE – OUTSIDE CBD**

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

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

- (b) All work, including demolition, excavation and building work must comply with the *City of Sydney Building Sites Noise Code* and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

#### (117) USE OF INTRUSIVE APPLIANCES - TIME RESTRICTION

- (a) The operation of high noise intrusive plant and machinery such as pile-drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 "Guide to Noise Control on Construction, Maintenance and Demolition Sites is restricted to the hours of:
- 8:30am-12:30pm and 1:30pm–4:30pm Mondays to Saturday;
  - No work is permitted on Sundays or Public Holidays
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436- 2010 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.
- (c) All reasonable and feasible steps must be taken to ensure that noise levels from activities conducted on site are kept to a minimum including the adoption of less noise intrusive plant and equipment or technologies.

#### (118) SYDNEY WATER CERTIFICATE

**Prior to the issue of the Subdivision Certificate**, a Section 73 (Subdivider/Developer) 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.

**(119) DEDICATION OF ROADS**

Prior to the issue of an Occupation Certificate for the development, the owner of the site must dedicate to the public as road, free of cost to Council, the roads referred to in the plans accompanying the application as "Amelia Street" (nominally 13m and 10m wide), "Hatbox Place" (nominally 11.5m wide), "Mystic Lane" (nominally 13m and 11.5m wide) and "Archibald Avenue" (nominally 11.5m wide), to be detailed in a plan of subdivision/consolidation of the land.

**(120) DEDICATION OF ROAD WIDENING**

Prior to the issue of an Occupation Certificate for the development, the owner of the site must dedicate, for road purposes, free of cost to Council, a 10 metre widening along the site frontage to South Dowling Street and O'Dea Avenue as per the Voluntary Planning Agreement, to be detailed in a plan of subdivision/consolidation of the land.

**(121) PUBLIC RESERVE**

Prior to the issue of an Occupation Certificate for the development, the area referred to in the plans accompanying the application as "Wulaba Park" is to be vested in Council's ownership as Public Reserve as per the Voluntary Planning Agreement, free of cost to Council. The area to be created as a Public Reserve is to be detailed in a plan of subdivision/consolidation of the land.

**(122) RIGHT OF PUBLIC ACCESS**

- (a) Prior to the issue of an Occupation Certificate for the development, a documentary Right of Public Access, limited in stratum, is to be created and registered on the Title of Development Site A. The Easement is to be defined over a strip of land, nominally 13m in width, extending from the eastern end of "Hatbox Place", passing between Building 3 and Building 4, and leading to South Dowling Street, is to be created appurtenant to Council in terms granting unrestricted rights for public pedestrian access, without vehicles, exclusive of wheelchairs for the disabled, to Council's satisfaction,
- (b) Prior to the issue of an Occupation Certificate for the development, a documentary Positive Covenant is to be created and registered on the Title of Development Site A, appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Right of Public Access, and is to require the maintenance of a \$20,000,000 public indemnity insurance policy and is to require the maintenance, upkeep, repair and lighting of the Right of Public Access in accordance with Council's requirements and to the satisfaction of Council.

**(123) EASEMENT FOR OVERLAND FLOW**

Prior to the issue of an Occupation Certificate for the development, a documentary Easement for Overland Flow, limited in stratum, and associated Positive Covenant are to be created over the site of the Right of Public Access in terms acceptable and to the satisfaction of Council. The Positive Covenant is to require the maintenance of the site for the purpose of stormwater overland flow, is to prohibit the construction of any structure that impedes that flow and is to include any indemnities required by Council.

**(124) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**(125) ENCROACHMENTS – PUBLIC WAY**

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

**(126) SURVEY**

All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.

**(127) 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.

**(128) COVERING OF LOADS**

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

**(129) EROSION AND SEDIMENT CONTROL**

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifying Authority must be implemented in full during the construction period.

During the construction period;

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and

- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

#### **(130) PROTECTION OF STREET TREES DURING CONSTRUCTION**

All street trees adjacent to the site not approved for removal must be protected at all times during demolition and construction, in accordance with Council's Tree Preservation Order.

Details of the methods of protection must be submitted to and be approved by Council prior to the issue of the Construction Certificate and such approval should be forwarded to the Principal Certifying Authority. All approved protection measures must be maintained for the duration of construction and any tree on the footpath which is damaged or removed during construction must be replaced.

#### **(131) VEHICLE CLEANSING**

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

#### **(132) STREET NUMBERING – MAJOR DEVELOPMENT**

Prior to an Occupation Certificate being issued, street numbers and the building name must be clearly displayed at either end of the ground level frontage in accordance with the *Policy on Numbering of Premises within the City of Sydney*. If new street numbers or a change to street numbers is required, a separate application must be made to Council.

#### **(133) ACCESS DRIVEWAYS TO BE CONSTRUCTED**

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

#### **(134) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.

- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.

#### **(135) NO OBSTRUCTION OF PUBLIC WAY**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

#### **(136) USE OF MOBILE CRANES**

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

#### **(137) ACCESS DRIVEWAYS TO BE CONSTRUCTED**

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

#### **(138) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:



- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.

#### **(139) NO OBSTRUCTION OF PUBLIC WAY**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop **all** work on site.

#### **(140) USE OF MOBILE CRANES**

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

**(141) 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.

**(142) DESIGN VEHICLE**

The proposed public road network must be designed to accommodate a Council waste collection vehicle as outlined in the Waste Minimisation Policy. Swept paths must be provided with the detailed design show manoeuvres at each corner and intersection within the site.

This information must be provided with the public domain package of works and will be used to assess the suitability of the plans.

**(143) PARKING PLAN**

The applicant must undertake a review of the on-street parking restrictions on the developments frontages.

They must prepare two plans, one showing the existing parking restrictions along O'Dea Avenue, and one showing the proposed parking restriction along O'Dea Avenue and all the new internal streets. Both plans must include the parking restrictions and the locations of all the parking signs and stems, and their chainages from the nearest intersection.

The plan must be approved by Council, with the concurrence of the Pedestrian Cycling and Traffic Calming Committee.

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.

**(144) SHARED ZONE**

The Shared Zone shown on the Landscape Plan (dwg no's: 2012\_07 DA 01 (Rev B) through 2012\_07 DA 06 (Rev B)) have not been approved by this consent.

The approval of the Shared Zone will need to be done by the following process:

- (a) The applicant must prepare a design of the shared zone in accordance with the RMS Shared Zone Policy available on the RMS website and relevant matters in Condition 46- RMS Requirements of this consent. The design must be done in consultation with Council, and gain in-principle support, prior to the design being submitted to the RMS for approval.

- (b) The submission to the RMS must include but not be limited to the following:
- (i) The design of the shared zone,
  - (ii) road safety audit of the design,
  - (iii) estimates of the future peak hour and 24 hour traffic flows along the shared zones,
  - (iv) Traffic Management Plan prepared by a qualified traffic engineer.

The RMS may request additional information or documentation.

- (c) Once approved by the RMS the design must be submitted to Council, along with any conditions the RMS placed on the design, for Council to give a final approval for the design, the design may also require a referral to the Pedestrian, Cycling and Traffic Calming Committee for its endorsement. This approval must be gained prior to the commencement of any shared zone works.
- (d) Once constructed the shared zone must gain a final built approval from the RMS who will be responsible for installing the speed restriction signage.

The shared zone must be constructed and gain the final RMS approval with the speed signage installed prior to the road being open to the public, and prior to the issuing of any Occupation Certificate which will require vehicles to travel through the shared zone.

Note: The applicant should be aware that the process outlined in this condition can take a long time and work should begin on the design to be submitted to Council as soon as possible to avoid any hold up to the issuing of Construction or Occupation Certificates.

#### **(145) LEFT IN/LEFT OUT**

The intersection of Amelia Street and O'Dea Avenue must be restricted to a left in/left out arrangement.

#### **(146) SIGNAGE PLAN**

A traffic sign and line marking plan must be submitted as part of the public domain package for the site.

The plan must include all proposed traffic signs (excluding parking signage) and line marking within the internal roads and on the development frontages.

The plan must include but not be limited to the following:

- (a) Signage to enforce the left in/left out arrangement at the intersection of Amelia Street and O'Dea Avenue,
- (b) Signage to enforce the keep clear across the intersection of Amelia Street and O'Dea Avenue,

- (c) All traffic priority signs and line marking at the new intersection,
- (d) Shared zone signage.

The plan must be approved by Council with the concurrence of the Pedestrian Cycling and Traffic Calming Committee.

All signs and linemarkings 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.

### **(147) LOADING DOCK SCHEDULE/REGISTER**

The on-site loading docks are also to be available for all users of those buildings for removal vehicles, bulky good deliveries and similar. This shall be managed either by a schedule showing tenants when they can use the dock, or by a register managed on site to allow tenants to reserve a time period for their deliveries. This information is to be made available to all tenants of the two buildings.

## **SCHEDULE 2**

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

Clause 98	Compliance with <i>Building Code of Australia</i> and insurance requirements under the <i>Home Building Act 1989</i>
Clause 98A	Erection of signs
Clause 98B	Notification of <i>Home Building Act 1989</i> requirements
Clause 98C	Conditions relating to entertainment venues
Clause 98D	Conditions relating to maximum capacity signage
Clause 98E	Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>

**SCHEDULE 3****Terms of Approval – NSW Office of Water**

The Terms of Approval for Integrated Development as advised by NSW Office of Water are as follows:

General

1. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
2. The design and construction of the structure shall preclude the need for permanent dewatering by waterproofing those areas that may be impacted by any water table (i.e. a fully tanked structure) with adequate provision for unforeseen fluctuations of water table levels to prevent potential future inundation.
3. Construction methods and material used in and for construction shall not cause pollution of the groundwater.

Prior to excavation

4. Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken and a report provided to the NSW Office of Water. A schedule and indicative plans of the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.
5. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the calculation method shall be included in the report.
6. A copy of a valid development consent for the project shall be provided to the NSW Office of Water.
7. Groundwater quality testing shall be conducted and a report supplied to the NSW Office of Water. Samples must be taken prior to the commencement of pumping, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.

8. The method of disposal of pumped water shall be nominated (i.e. street drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (tailwater) must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
9. Contaminated groundwater shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

#### During excavation

10. Piping or other structures used in the management of pumped groundwater (tailwater) shall not create a flooding hazard. Control of pumped groundwater (tailwater) is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
11. Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.
12. Pumped groundwater (tailwater) shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater (tailwater) shall be complied with.
13. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulphate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
14. The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.
15. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety precautions.

#### Following excavation

16. All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.

## BACKGROUND

### The Site and Surrounding Development

1. The site, known as the Wulaba Park site (former Elevators Pty Ltd site), is a group of four properties located in the south-eastern corner of the Lachlan Precinct on the corner of O’Dea Avenue and South Dowling Street. The landholdings have previously been referred to as the “EPL” site and as the “Kraft Panasonic” site.
2. The site is approximately 16,158m<sup>2</sup> in area and is currently occupied by a hardstanding area. The large industrial buildings that previously occupied the site have recently been demolished in accordance with development consent D/2012/289.
3. There is a narrow tower approximately 10 storeys high located on the South Dowling Street frontage featuring Meriton advertising signage which was formerly used to test lifts. Established trees are located within the site’s street frontage setbacks as well as an Ausgrid substation on O’Dea Avenue.
4. A site locality plan is provided below:



**Figure 1:** Site locality plan

5. An aerial view of the site identifying surrounding features is provided below:





Figure 2: Aerial view

6. The closest established residential precinct is located to the south-east of the site, approximately 58 metres away in the suburb of Kensington. To the south of the site is the development site of Victoria Park. D/2009/1702, approved 22 July 2010, comprises a mixed-use development on the corner of South Dowling Street and O'Dea Avenue (20 Gadigal Ave) which is currently nearing completion.
7. Retail and commercial uses are approved for lower floors with residential apartments above. The building is currently under construction, with Figure 3 indicative of the built character to be established for the subject site's immediate surrounds.
8. To the west, immediately adjoining the site, is a two-storey commercial/industrial building with associated 'at-grade' car parking area fronting O'Dea Avenue. The site is owned and operated by Woollahra Council and is used as a depot. To the north-west of the site are various warehouse/commercial buildings that front onto Amelia Street and Murray Street.
9. D/2010/1702, approved 27 June 2011, the construction of an 8 storey mixed use building comprising residential apartments and retail units at 18-22 Amelia Street. The building is currently under construction, with Figures 3 and 4 below indicative of the built character to be established for the subject site's immediate surrounds.
10. To the north-east of the site is a Shell petrol station, which fronts South Dowling Street, as well as a Sydney Water pumping station. Further to the east of the site, on the other side of South Dowling Street, is the Moore Park Supa Centa, a bulky goods and retail premises. Residential properties associated are located to the south east of the site on the opposite side of South Dowling Street within the Randwick Council suburb of Kensington.
11. Photographs of the site are provided below.





**Figure 3:** View of subject site looking south towards Victoria Park along South Dowling Street



**Figure 4:** View of lift tower looking south from Shell service station





**Figure 5:** View of Sydney Water property on South Dowling Street



**Figure 6:** View north across subject site from O'Dea Avenue.

**History of Development Applications Relevant to this Site**

12. The following development applications are considered relevant to the proposed development:
  - (a) **D/2007/2483** (withdrawn 19/8/09)- Kraft Panasonic EPL tower site: Stage 1 proposal for a predominantly residential mixed use development, comprising site layout, building envelopes for four buildings 6, 8 and 10 storeys high and a 23 storey tower at the corner of South Dowling Street and O'Dea Avenue, and basement parking. Public domain improvements include new public roads and new public park - subject to Planning Agreement to be advertised separately. The proposal is Integrated Development requiring approval from the Department of Water and Energy.
  - (b) **D/2012/289** (approved 30/4/12)- Demolish all existing structures on the site and remove all materials.
  - (c) **D/2012/289/A** (approved 20/3/13)- Deletion of Condition No. 2 to allow for removal of slabs and all surface materials and remediation of the site
  - (d) **D/2013/112** (approved 20/3/13)- Laying of utility services, undertaking earthworks to prepare site for future redevelopment, temporary roads, retaining walls and removal of trees.
13. On 26 March 2012, Council resolved to defer the Wulaba Park site within the Lachlan Precinct from being adopted within the pending Sydney LEP 2012. The Wulaba Park DCP amendment to the South Sydney DCP 1997, identifying site specific controls for development of the subject site, was subsequently exhibited in May and June 2012. The Wulaba Park DCP was subsequently adopted by Council on 30 July 2012 and came into force on 21 August 2012.
14. Demolition of the existing building on the site, with the exception of the former lift tower, has now been completed in accordance with D/2012/289 and D/2012/289/A. The applicant has obtained consent under D/2013/112 for preparation of the site for construction works including temporary roads and utilities. Stormwater infrastructure was removed from D/2013/112 in order to allow its consideration within the VPA negotiations.

**Competitive Design Process**

15. The applicant conducted a competitive design process for the proposed development prior to lodging the DA, in accordance with Council's requirements under the Wulaba Park DCP. Council's officers oversaw the Competitive Design Brief and a presentation of the shortlisted entrants was undertaken on 18 May 2012.
16. The entries prepared by Tony Caro Architecture for Buildings 1-4 and Antoniades Architects for Building 5 were deemed to be the most appropriate response to the design briefs. The applicant subsequently engaged both architects and has proceeded directly to full development applications for all buildings on the site, given that the Wulaba Park DCP provides the over-arching design principles and concept.
17. Photomontage views of the proposed development are provided below:





**Figure 7:** Photomontage of Buildings 1-4 as viewed from Wulaba Park

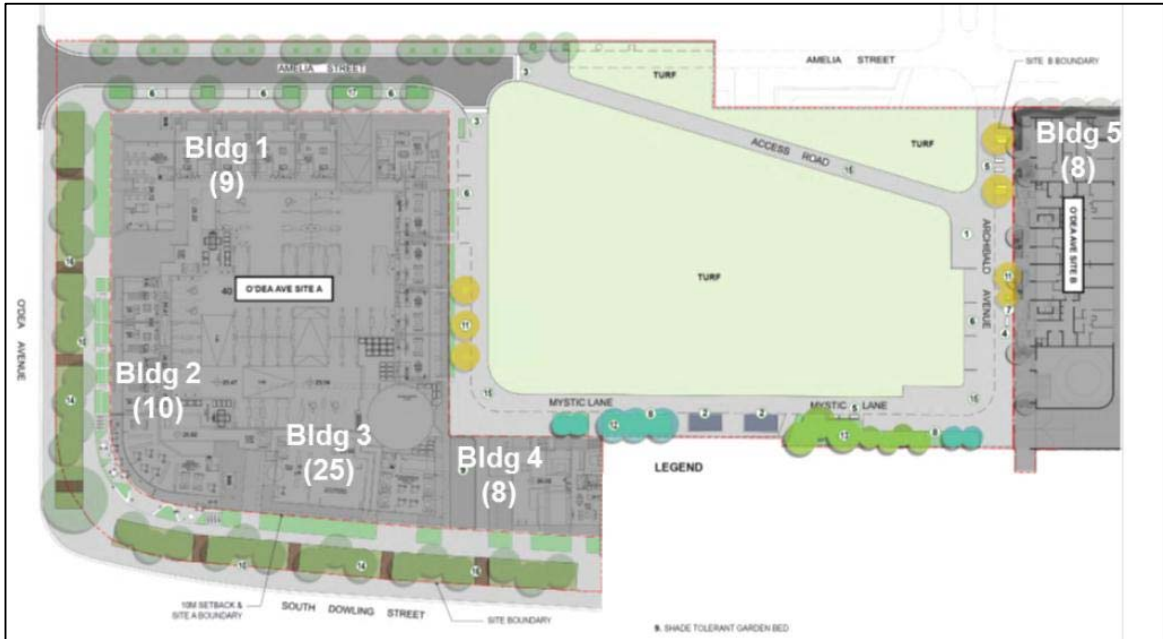


**Figure 8:** Photomontage of Building 5 northern elevation

**PROPOSAL**

18. The proposed development comprises the following:
- (a) Erection of five residential flat buildings, ranging in height from eight to 25 storeys, comprising a total of 361 residential apartments and a gross floor area of 35,587m<sup>2</sup>, as follows:
    - (i) Building 1 – Nine storeys in height, located in the south western corner of the development adjacent to O’Dea Avenue and Amelia Street South and comprising 88 apartments and one retail/commercial tenancy at ground floor
    - (ii) Building 2 – 10 storeys in height, located in the south eastern corner of the development adjacent to O’Dea Avenue and South Dowling Street and comprising 44 apartments and two retail/commercial tenancies at ground floor
    - (iii) Building 3 – 25 storeys in height, located in the south eastern portion of the development adjacent to South Dowling Street and comprising 144 apartments
    - (iv) Building 4 – Eight storeys in height, located in the south eastern portion of the development and comprising 22 apartments and one “SOHO” unit
    - (v) Building 5 – Eight storeys in height, located in the northern portion of the development adjacent to Wulaba Park and comprising 62 apartments
  - (b) Basement parking for a total of 252 spaces, with 213 spaces to be accommodated in the basement of Buildings 1-4 and 39 spaces to be accommodated in the basement of Building 5
  - (c) Construction of associated roads known as Amelia Street South, vehicle and pedestrian shareways known as Mystic Lane, Archibald Avenue and Hatbox Place servicing the site
  - (d) Provision and embellishment of Wulaba Park including landscaping works and park furniture including internal pathways, a new bridge structure, play equipment and a shade structure to the north western corner
  - (e) Through-site link from the corner of Mystic Lane and Hatbox Place through to South Dowling Street, to be a public right-of-way
  - (f) 10 metre landscaped and mounded setback to corner of O’Dea Avenue and South Dowling Street, comprising below ground stormwater diversion works
19. Remediation of the site, demolition of the existing structures and early works including earthworks and temporary roads have been previously dealt with as part of the applications D/2013/112, D/2012/289 and D/2012/289/A. Stormwater infrastructure previously proposed under D/2013/112 has not been approved and forms part of the subject application.

20. Plans and elevations of the development are provided in **Attachment A**. A site layout plan, elevations and model views are presented below:



**Figure 9:** Site layout plan (height in storeys shown in brackets)



**Figure 10:** O'Dea Avenue elevation – Buildings 1 and 2 (Building 3 shown behind)

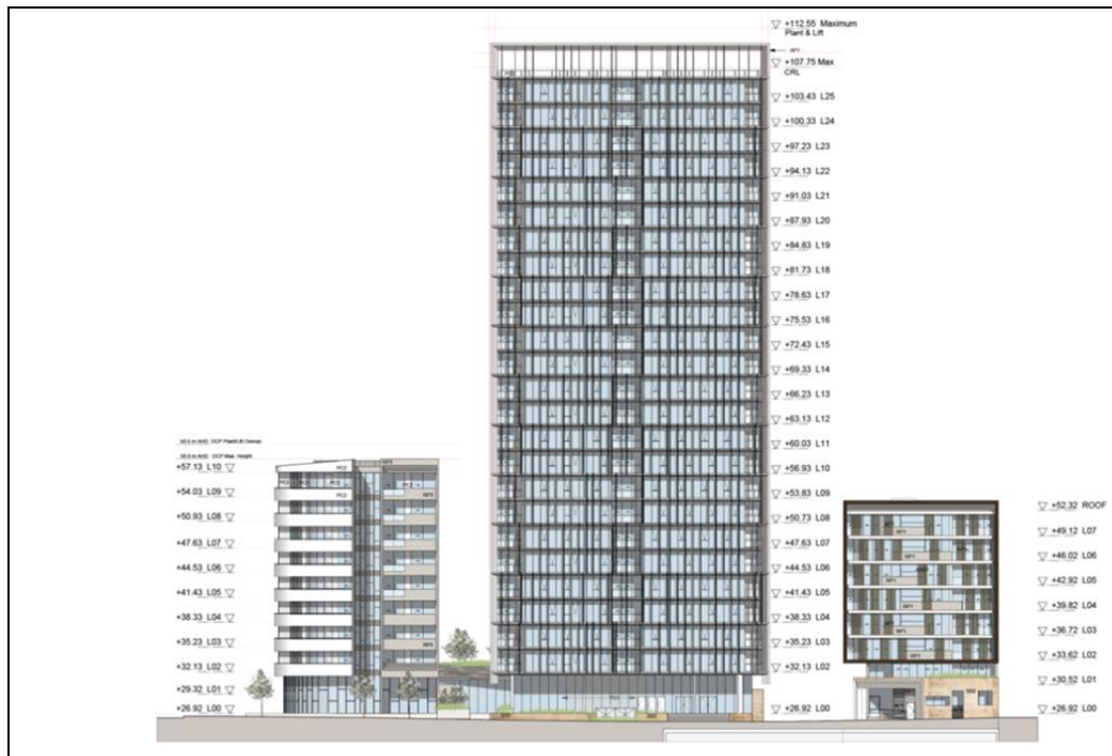


Figure 11: South Dowling Street Elevation - Buildings 2, 3, and 4



Figure 12: Wulaba Park elevation – Building 5





**Figure 13:** View of model looking west across South Dowling Street

## **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 Policy/Policies are relevant to the proposed development:

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

23. The proposal has been referred to the RMS in accordance with the requirements of the SEPP. The RMS has granted their concurrence subject to the imposition of conditions. The SEPP also details noise criteria for residential development on arterial roads. The applicant has submitted an acoustic report prepared by Acoustic Logic demonstrating that these criteria can be met subject to noise attenuation measures. Appropriate conditions of consent have been recommended in this regard.

#### **SEPP 32- Urban Consolidation (Redevelopment of Urban Land)**

24. SEPP 34 provides for the increased availability of housing within urban locations within close proximity to transport, housing and employment centres. The site is located within close proximity to the Sydney CBD and major transport links. The proposal is consistent with the provisions of the SEPP 34 and the NSW Government's urban consolidation objectives, being located within the Lachlan Precinct of the Green Square redevelopment area.



**SEPP 55 – Remediation of Land**

25. Clause 7(1) of the SEPP requires the consent authority to consider whether the land is contaminated and, if it is contaminated, that the site is suitable or will be suitable after remediation for the development proposed. The Sydney DCP 2012 effectively replicates these provisions.
26. There is site history indicating a likelihood of contamination on the subject site. Remediation of the site has been recently approved under D/2012/289/A. An accredited Site Auditor has submitted a Letter of Interim Advice No. 3 dated February 2013, stating that a Remedial Action Plan is not required due to the minor remedial works intended.
27. Council's Health and Building Unit have previously requested that a Site Audit Statement be submitted to confirm that the site has been remediated and validated. This has been imposed by way of a condition to D/2012/289/A, which encompasses remediation of the site. An appropriate condition to the current proposal has been recommended. On this basis proposal the site is considered suitable with regard to the use proposed having regard to Clause 7 of SEPP 55.

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

28. SEPP 65 provides that in determining an application for a residential flat development of three or more floors and containing four or more apartments, the consent authority take into consideration a number of matters relating to design quality, including 10 design quality principles within the Residential Flat Design Code (RFDC) as discussed below:

(a) **Principle 1: Context**

The site is located within close proximity to South Dowling Street, the Eastern Distributor, major bus routes and Green Square railway station. It is located approximately 4km to the south of the Sydney CBD. The proposal contributes to the vitality of the Green Square redevelopment area. It is within a Mixed Uses zone and is in accordance with the objectives of the zone and the Wulaba Park DCP.

(b) **Principle 2: Scale**

The surrounding area is currently in transition from industrial and warehousing to mixed use with a predominant focus on residential uses. The scale of development to the immediate south of the site within Victoria Park is consistent with the height and typology of the proposal. Four of the five proposed buildings range in height from eight to ten storeys, while Building 3 has a height of 25 storeys. This is in accordance with the design principles of the Wulaba Park DCP, which provide for a tower building at this location and encourage a 'gateway' feature along the South Dowling Street frontage.

(c) **Principle 3: Built Form**

The proposal has been the subject of a design competition in accordance with the provisions of the Wulaba Park DCP. The finishes, material and appearance of the proposed buildings are of an appropriate high quality contemporary appearance. The proposal responds to the surrounding urban renewal context, achieves an acceptable form and scale and is consistent with the Wulaba Park DCP.

(d) **Principle 4: Density**

The proposed achieves the maximum FSR of 2.2:1, comprising of available bonuses as discussed under the Issues section. This density of development is consistent with the desired future character envisaged within the Green Square redevelopment area.

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

The proposal incorporates sustainability features and includes proposed green roofs to the lower buildings. Dual aspects are achieved for most apartments throughout the development. The proposal has been accompanied by a BASIX certificate indicating that the proposal achieves suitable sustainability outcomes.

(f) **Principle 6: Landscape**

The proposal incorporates a central courtyard and perimeter planting to Buildings 1-4. A 10 metre wide landscaped strip along the O'Dea Avenue and South Dowling Street frontages and a landscaped through site link from Mystic Lane to South Dowling Street are also proposed. The proposal comprises landscaping and embellishment of Wulaba Park, to be dedicated to Council. This is discussed further at the Issues section.

(g) **Principle 7: Amenity**

The proposal meets each of the rules of thumb in the Residential Flat Design Code as follows:

(i) Unit Size

The proposal generally exceeds the minimum required sizes of 38m<sup>2</sup> for studio apartments, 50m<sup>2</sup> for one-bedroom apartments, 70m<sup>2</sup> for two-bedroom apartments for and 95m<sup>2</sup> for three-bedroom apartments across all buildings within the development. Only one two bedroom unit in Building 1 falls below this requirement having an area of 67m<sup>2</sup>. Given the minor nature of the shortfall and overwhelming compliance across the scheme this is considered to be acceptable.

(ii) Cross Ventilation

The proposal achieves 60% of units having cross ventilation within Buildings 1-4 and 61% of units having cross ventilation within Building 5 in accordance with the requirements of the RFDC.

(iii) Apartment Depth and Width

The proposed single aspect apartments within the development are no greater than 8 metres in depth in accordance with the RFDC. The proposed apartments generally have a depth of no greater than 18 metres as suggested under the RFDC. This is with the exception of Building 3 which features depths of 18-19.2 metres. Given that the floor plan of this building achieves good cross ventilation and is constrained by the tower footprint suggested under the DCP, this minor variation is considered acceptable.

(iv) Private Open Space

The Rules of Thumb suggest a minimum private open space area of 8m<sup>2</sup> for studios/one bedroom apartments, 11m<sup>2</sup> for two bedroom apartments and 24m<sup>2</sup> for three bedroom apartments, with a minimum balcony depth of 2 metres. All apartments within the buildings feature private outdoor balconies or courtyards and the proposed ground floor units across the development achieve a minimum area of 25m<sup>2</sup> as suggested.

Given the ground floor courtyards throughout the development and associated provision of a public park, the provision of private open space is considered to be acceptable.

(v) Storage

The Rules of Thumb suggest a lockable storage area of 6m<sup>3</sup> for studio/one bedroom apartments, 8m<sup>3</sup> for two bedroom apartments and 10m<sup>3</sup> for three bedroom apartments. The proposal provides for this amount for appropriate storage primarily within the apartments with some storage cages provided in the basement.

(vi) Solar Access

The rules of thumb suggest that living rooms and private open space achieve sunlight for three hours between 9am and 3pm in midwinter for at least 70% of units, with a minimum two hours being acceptable within dense urban areas. The solar studies and accompanying reports indicate that 78% of units within Buildings 1-4 and 86% of units within Building 5 achieve solar access for two hours in midwinter. Refer to Issues section.

(vii) Floor-to-Ceiling Heights

The proposed floor-to-ceiling heights exceed the minimum height of 2.7 metres for habitable rooms as suggested under the rules of thumb.

(viii) Visual and Acoustic Privacy

The Rules of Thumb suggest a minimum separation of 12 metres between habitable rooms and balconies for building up to four storeys, 18 metres for buildings of five to eight storeys and 24 metres for buildings of nine storeys and above.

Building 5 is effectively a stand-alone development on the northern side of Wulaba Park. The proposal achieves a separation distance of 5 metres between Buildings 1 and 2, 21.6 metres between Buildings 1 and 4, 6 metres between Buildings 2 and 3, and 8 metres between 3 and 4. This variation from the Rules of Thumb is largely unavoidable given the approved design competition and built form requirements of the Wulaba Park DCP. The proposal would not result in any instances of overlooking between habitable rooms and balconies between buildings.

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

The development optimises safety and security and locates units facing directly onto the proposed Wulaba Park. The proposed through site link has been considered acceptable by Council's crime prevention officer and arrangement of ground floor units provides for passive surveillance of the public domain.

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

The proposed dwelling mix is detailed within the table below and is considered to be acceptable within the surrounding context:

	<b>Buildings 1-4:</b>	<b>Building 5:</b>	<b>Total:</b>
<b>Studio/1-bedroom:</b>	69	20	89 (25%)
<b>2-bedroom:</b>	196	42	238 (66%)
<b>3-bedroom:</b>	34	0	34 (9%)

The proposal development is considered to be acceptable with regard to the Wulaba Park DCP and provides a total of 46 (15%) of the apartments as adaptable units.

(j) **Principle 10: Aesthetics**

The site features distinctive designs from two different architects following on from the design competition undertaken. Differentiation is achieved within the southern portion of the site by way of the tower design and overall there is a high standard of design quality achieved across the site. Refer to Issues section.

29. 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.

**LEPs AND DCPs**

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

**South Sydney Local Environmental Plan 1998**

31. 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. Refer to Issues section of report.
<b>Zoning Controls (Part 3)</b>	Mixed Uses 10(b)	The proposed development is permissible within the zone.
<b>Vision for Green Square (CI 27A) Planning Principles for Green Square (CI 27B)</b>	Diversity, connectivity, interdependency and longterm growth.	The proposal is considered to be consistent with the planning principles for Green Square.
<b>Determination of Development Applications (CI 27C)</b>	Consent not to be granted unless development is consistent with adopted Master Plan.	It is considered reasonable to waive the requirement for a Master Plan due to the adequacy of the planning controls within the Wulaba Park amendment to the South Sydney DCP 1997. Refer to Issues section.
<b>Affordable housing (CI 27P)</b>	Development within Zone 10(b) is subject to affordable housing contributions.	A condition of consent has been recommended requiring payment of affordable housing contributions.
<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.	It is considered reasonable to waive the requirement for a Master Plan given that the proposal can be assessed against the Wulaba Park DCP amendment. Refer to Issues section of report.
<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.

Development Controls	Permissible under South Sydney LEP 1998	Proposal as assessed under South Sydney LEP 1998
<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 as discussed under SEPP 55.

### Sydney LEP 2012

32. Sydney LEP 2012 was gazetted by the Minister on 14 December 2012. The site was deferred from the LEP in anticipation that the Wulaba Park DCP site specific amendment would apply, and is subject to the South Sydney LEP 1998 as discussed above.

### South Sydney DCP 1997

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

Matter to be Considered	Compliance	Comment
<b>PART B: URBAN DESIGN PRINCIPLES</b>		
<b>Urban Form</b> Section 2	✓	<b>Complies:</b> The proposal provides a high quality design outcome which has been developed by way of a design competition. Refer to Issues section of the report.
<b>Urban Villages, Public Spaces and Pedestrian Networks</b> Section 3	✓	<b>Complies:</b> The proposal maintains pedestrian linkages to and throughout the site and is of an appropriate scale and appearance for the locality.
<b>Sustainable, Healthy Environment</b> Section 4	✓	<b>Complies:</b> The proposal incorporates ecological sustainability provisions and is supported by a BASIX Certificate.

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 for the creation and embellishment of the new park and comprises a high quality public interface. A VPA has been agreed for delivery of the public domain works and appropriate conditions have been recommended.
<b>Security</b> Section 3	✓	<b>Complies:</b> Suitable passive surveillance is introduced to the ground floor units at all facades which would overlook the proposed public domain.
<b>Implementation (Section 94, FSR Bonus)</b> Section 4	✓	<b>Complies:</b> The proposal utilises the 0.5:1 FSR bonus as discussed in further detail at the Issues section.
<b>PART D: SOCIAL PLANNING</b>		
<b>Access</b> Section 2	✓	<b>Complies:</b> The proposal provides for appropriate access and has been supported by access reports.
<b>Social Housing and Mix</b> Section 3	✓	<b>Complies:</b> The proposal provides for an appropriate mix of units within the development site.
<b>Community Infrastructure</b> Section 5	✓	<b>Complies:</b> The proposal provides an appropriate public benefit to offset the required community infrastructure contributions. Refer to Issues section.

Matter to be Considered	Compliance	Comment
<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>Stormwater Drainage</b> Section 1.7 <b>Site Contamination</b> Section 1.8 <b>Site Facilities</b> Section 1.9 <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>Complies:</b> Refer to Wulaba Park controls below and Issues section.
<b>Façade Treatment</b> Section 2.5	✓	<b>Complies:</b> Refer to Wulaba Park controls below and Issues section.
<b>Visual and Acoustic Privacy</b> Section 4.1	✓	<b>Complies:</b> Suitable privacy can be achieved for each of the proposed units. Refer to Issues section.
<b>Safety and Security</b> Section 4.2	✓	<b>Complies:</b> Suitable passive surveillance is introduced to the ground floor units at all facades which would overlook the proposed public domain.
<b>Access and Mobility</b> Section 4.4	✓	<b>Complies:</b> 15% of the proposed units within the development are adaptable and the proposal achieves equitable access via lifts.
<b>Fire Regulations</b> Section 4.6	✓	<b>Able to comply</b>



Matter to be Considered	Compliance	Comment
<b>Energy Efficiency</b> Section 5.1 to 5.3	✓	<b>Complies:</b> The proposal has been supported by a BASIX Certificate and is considered acceptable with regard to energy efficiency.
<b>PART F: DESIGN CRITERIA FOR SPECIFIC TYPES</b>		
<b>Residential Flat Buildings Dwelling Houses</b> Section 2 to 2.4.4	✓	<b>Complies:</b> Refer to Wulaba Park controls below and Issues section.
<b>Mixed Use Development</b> Section 4 to 4.3.2	✓	<b>Complies:</b> Refer to Wulaba Park controls below and Issues section.

**South Sydney Development Control Plan 1997: Urban Design - Part G: Special Precinct No. 9 Green Square (2006)**

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

Matter to be Considered	Complies	Comment
<b>PART 2: URBAN STRATEGY</b>		
<b>Landscape Elements</b> Section 2.2	✓	<b>Complies:</b> The proposal provides landscaping in excess of the requirement under SEPP 65 and includes public domain elements as previously described. Refer to the Issues section.
<b>Transport and Parking</b> Section 2.3	✓	<b>Complies:</b> The proposal provides new pedestrian and cycle networks throughout the site and delivers an appropriate quantum of parking for the development site. Refer to Issues section.
<b>Stormwater Management</b> Section 2.5	✓	<b>Complies:</b> Conditions have been recommended by Council's Public Domain team with regard to stormwater and drainage.
<b>Social Infrastructure</b> Section 2.6	✓	<b>Complies:</b> The proposal comprises deliver of the new park and is considered acceptable with regard to the quantity and mix of units provided.

Matter to be Considered	Complies	Comment
Land Use and Neighbourhood Character Section 2.7	✓	<b>Complies:</b> The proposal responds to the desired future character of the precinct and provides an appropriate built form having regard to the Wulaba Park DCP amendment and SEPP 65.
<b>PART 3: URBAN FRAMEWORK PLAN</b>		
Public Domain Section 3.1	✓	<b>Complies:</b> The proposal comprises public domain improvements including provision of the new park, shareways, roads and a 10 metre landscaped strip along the O'Dea Avenue and South Dowling Street corner frontage. Conditions of consent have been recommended to ensure that road, drainage, infrastructure works and landscaping and constructed and delivered accordingly.

**South Sydney DCP 1997: Urban Design – Part G: Special Precinct No.9 Green Square (Specific Sites – Wulaba Park Site)**

35. Compliance of the proposal with the Wulaba Park site specific DCP controls is summarised below:

Matter to be Considered	Complies	Comment
Character Statement and Principles Section 4.3	✓	<b>Generally complies:</b> The Wulaba Park DCP contains a Character Statement and Principles which inform the below development controls that apply to the site. Compliance with the specific controls is addressed below with non-compliances addressed as appropriate.  Generally, the proposed development is considered to be consistent with the Wulaba Park Character Statement and Principles, providing for a development that contributes to the desired future character of the area.

Matter to be Considered	Complies	Comment
<b>SECTION 4.4: PUBLIC DOMAIN</b>		
<b>Street Hierarchy and Transport</b> Section 4.4.1	✓	<p><b>Complies:</b> New streets including Amelia Street (south), Archibald Avenue, Mystic Lane and Hatbox Place are proposed in line with those required by the DCP. The new streets will be constructed by the developer, with their embellishment, delivery and dedication subject to a VPA.</p> <p>Consideration has been given to the detailed design requirements for the new streets contained within the DCP, with further design development undertaken in consultation with Council to ensure compliance with Council and RMS design specifications and stormwater requirements.</p>
<b>Open Space</b> Section 4.4.2	✓	<p><b>Complies:</b> Public open space in the form of a 4,011m<sup>2</sup> public park is proposed as part of the application in line with the requirements of the DCP. The new park will be constructed by the developer, with its dedication subject to a VPA.</p> <p>The park will be constructed to a level of detail as agreed by Council, as supported by a concept plan for its design. Refer to the Issues section of this report.</p> <p>Consideration has been given to the detailed design requirements for the park contained within the DCP, with further design development undertaken in consultation with Council to ensure compliance with Council and design specifications and stormwater requirements.</p> <p>In addition to the required public park a 10 metre wide landscaped setback along South Dowling Street and O'Dea Avenue, acting as a visual and acoustic buffer to the busy road frontages, forms part of the application. The 10 metre setback will be constructed by the developer, with its dedication subject to a VPA.</p>

Matter to be Considered	Complies	Comment
<b>Waterways and Stormwater Management</b> Section 4.4.3	✓	<p><b>Complies:</b> The proposal includes an integrated approach to stormwater management across the site. Primarily the proposed public park will act as a flood/stormwater detention basin in periods of extreme weather.</p> <p>Consideration has been given to the detailed stormwater design requirements contained within the DCP, with further design development undertaken in consultation with Council, including accommodation of an overland flow path to the satisfaction of Council.</p> <p>Buildings have been designed with regard to flood levels and established floor levels.</p>
<b>SECTION 4.5: BUILT FORM</b>		
<b>Floor Space Ratio</b> Section 4.5.1	✓	<p><b>Complies</b></p> <p>The DCP permits a base FSR of 1.5:1 and a maximum FSR of 2:1. The maximum FSR can only be achieved where the:</p> <ul style="list-style-type: none"> <li>• development provides material public benefit to the satisfaction of the Consent Authority; and</li> <li>• the four landholdings which form the Wulaba Park Site remain amalgamated.</li> </ul> <p>The proposal complies with this requirement as discussed further in the Issues section of this report.</p> <p>Furthermore, the DCP permits that the Consent Authority may grant consent for development that exceeds the maximum FSR permitted by up to 10% provided that:</p> <ul style="list-style-type: none"> <li>• the development exhibits design excellence; and</li> <li>• the development satisfies the objectives of the DCP and RFDC.</li> </ul> <p>The development is therefore subject to a maximum FSR of 2.2:1. The proposal complies with this requirement as discussed further in the Issues section of this report.</p>

Matter to be Considered	Complies	Comment
<b>Building Height</b> Section 4.5.2	✓	<p><b>Partially complies:</b> The South Sydney DCP imposes a predominant height limit of 24 metres (seven storeys) across the site. The Wulaba Park DCP provides a height in storeys map which varies from the 24 metres generic requirement up to a maximum of 25 storeys.</p> <p>Variations are permitted to the height in stories map following consideration of items identified in the DCP. The proposal meets the suggested heights within the DCP as discussed in the Issues section of this report.</p>
<b>Design Excellence</b> Section 4.5.3	✓	<p><b>Complies</b></p> <p>The application has been the subject of a competitive design process and achieves a suitably high standard of design. A sample board of materials has been provided and would form part of any approval granted.</p> <p>The proposed development satisfies these requirements as addressed in the Issues section of this report.</p>
<b>Building Form and Design</b> Section 4.5.4	✓	<p><b>Partially complies</b></p> <p>The permitted tower is required to have a maximum floor plate of 750m<sup>2</sup> to promote a slender tower form. The proposed tower complies with an approximate floor plate of 738m<sup>2</sup>.</p> <p>Buildings 10 storeys or above are required to be separated from other buildings 10 storeys or above by a minimum of 60 metres, unless it can be demonstrated that the objectives of the RFDC can still be met.</p> <p>The edges of Buildings 1 and 2 are located 67 metres to 20 Gadigal Avenue to the south on the opposite side of O’Dea Avenue. However Building 2 is proposed in part at 10 storeys and is within 6.5 metres of Building 3 (25 storeys). Notwithstanding, the proposal is generally consistent with the built form layout envisaged by the DCP.</p>

Matter to be Considered	Complies	Comment
<p><b>Building Form and Design</b> Section 4.5.4 (continued)</p>	<p>✓</p>	<p>Compliant deep soil planting is provided to the front building setbacks of Archibald Avenue/Hatbox Place (1.5m) and Amelia Street (3m). Building height in storeys has been addressed previously and at the Issues section of this report.</p> <p>The location of proposed uses within the development does not strictly comply with DCP. The DCP envisages commercial/retail uses on the ground floor fronting South Dowling Street and O’Dea Avenue. The proposal includes a Small Office Home Office (SOHO) use, where premises principally operate as dwellings with a home office function at ground floor. The majority of the SOHO units from the original scheme have been deleted with the exception of one ground floor unit to Building 4. This is considered acceptable as addressed in the Issues section of this report. The remainder of uses proposed on site comply with the locational requirements of the DCP.</p> <p>Where provided, ground floor non-residential uses achieve a floor to ceiling height of 5 metres in compliance with the DCP.</p> <p>The DCP envisages the potential for a through site link running north-south between buildings 1 and 2 of Site A. This is however not provided. Given that there is an alternative east-west through site link proposed between Buildings 3 and 4 this is considered to be acceptable.</p> <p>Active frontages are generally maximised across the site, particularly at the ground floor frontages along South Dowling Street and O’Dea Avenue which are predominantly retail and commercial.</p> <p>The DCP requires the length of buildings along street frontages is to be limited to 60 metres, with any non-compliant frontages articulated to reduce the apparent length of the façade. The façade of Building 1 does not comply with this requirement, with a length of 78 metres. The building façade is suitably articulated into three distinct characters as required by the DCP, and varies in height from 7 to 9 storeys.</p>

Matter to be Considered	Complies	Comment
<b>On-Site Landscaping</b> Section 4.5.5	✓	<b>Complies</b>  The proposal provides for four trees within the internal courtyard to Buildings 1-4. Three of the proposed four trees are located within pits that are in accordance with the DCP specifications. The proposal achieves a 3.5 metre deep soil landscaped building setback for the majority of the Amelia Street elevation, with the minor exceptions of the podium entry and basement level.  The proposal achieves an 8 metre setback including a 5 metre deep soil setback to the building edge at the rear of Building 5, complying with the 6m requirement. The DCP requires that green roofs are to be incorporated on all rooftops less than 35m above ground level and the proposal meets this requirement.
<b>Public Art Strategy</b> Section 4.5.6	✓	<b>Able to comply</b>  No public art has been indicated within the proposal and this matter does not form part of the VPA. Public art will be incorporated into the South Dowling Street façade as per the DCP and a condition has been recommended.
<b>Typical Ground Floor Condition</b> Section 4.5.7	✓	<b>Able to comply</b>  The proposed ground floor units are capable of compliance with the typology suggested within the DCP. A condition has been recommended to ensure compliance with the DCP by achieving the following: <ul style="list-style-type: none"> <li>• Fences at the frontage are to be a minimum 1.4m high and designed to in order protect occupant privacy whilst maintaining a degree of transparency</li> <li>• Deep soil planter bed at street level of at least 2 metres in width are to be provided</li> <li>• A slightly raised deck of at least 2 metre in width are to be provided</li> <li>• All full height glazed openings at the ground level to have a sill or opaque glass to a minimum height of 0.8m</li> </ul>

Matter to be Considered	Complies	Comment
<b>Development Levels</b> Section 4.5.8	✓	<b>Able to comply</b>  Consideration has been given to the detailed design requirements for the new streets contained within the DCP, with further design development undertaken in consultation with Council to ensure compliance with Council and RMS design specifications and stormwater requirements. Appropriate conditions have been recommended.
<b>Parking and Access</b> Section 4.5.9	✓	<b>Complies</b>  The proposed vehicular access points are consolidated as per the DCP and minimise disruption to pedestrians. Refer to Issues section.  The proposed shareways will be limited to one way circulation with a temporary access road across the north western corner of Wulaba Park, until such time as the northern extension to Amelia Street is completed.
<b>Waste, Loading and Servicing</b> Section 4.5.10	✓	<b>Complies</b>  The proposed waste collection vehicle entry points and storage room locations are in accordance with the locations suggested in the DCP. Appropriate conditions relating to waste and servicing have been recommended.
<b>Staging and Implementation</b> Section 4.5.11	✓	<b>Able to comply</b>  The proposed staging of public domain works and a delivery sequence for these works is to be agreed within the VPA. The proposed residential buildings are capable of developed in two distinct sections concurrently with this public domain delivery. Appropriate conditions have been recommended.

### South Sydney DCP No. 11- Transport Guidelines for Development

36. Although the DCP is no longer strictly in force, as a guide compliance with the parking rate requirements are outlined in the table below:



**Buildings 1-4**

<b>DCP 11 Parking Requirements</b>			
<b>Apartment Type</b>	<b>Maximum permissible under DCP</b>	<b>Proposed Spaces</b>	<b>Compliance</b>
1-bedroom	58 units x 0.5 = 29	177	✓
2-bedroom	206 units x 1.0 =		
3-bedroom	35 units x 1.2 = 42		
Visitor Spaces	299 units / 6 = 50	30	✓
Retail	1 space / 50m <sup>2</sup> = 12	6	x
<b>Total</b>	219	213	✓
Bicycles - Residential	299 units / 2 = 150	Not indicated	Complies by condition
Bicycles - Visitor	299 units / 10 = minimum 29.9	Not indicated	Complies by condition

**Building 5**

<b>DCP 11 Parking Requirements</b>			
<b>Apartment Type</b>	<b>Maximum permissible under DCP</b>	<b>Proposed Spaces</b>	<b>Compliance</b>
1-bedroom	16 units x 0.5 = 8	39	✓
2-bedroom	46 units x 1.0 = 46		
Visitor Spaces	62 units / 6 = 6	3 provided	✓
<b>Total</b>	60	42	✓
Bicycles - Residential	62 units / 2 = 31	20 provided	✓
Bicycles - Visitor	62 units / 10 = minimum 6.2	6 provided	✓

37. The proposal generally meets the relevant parking requirements under the DCP with the exception retail spaces and bicycle parking for Buildings 1-4. Refer to Issues section.

**Green Square Affordable Housing Development Control Plan 2002**

38. The DCP requires 3% of residential and 1% of non-residential floor area to be provide as affordable housing, or in lieu of this a monetary contribution to be provided. An appropriate condition of consent securing the affordable housing contributions has been recommended.

## ISSUES

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

### Requirement for Masterplan

40. Clauses 27C and 28 of the South Sydney LEP 1997 provides that a Master Plan is required for development on sites greater than 5000m<sup>2</sup> in area within Green Square. Clause 27(2) however states that Council may waive the requirement for a Masterplan if the applicable planning controls are considered adequate otherwise.
41. Council agreed on 26 March 2012 to defer the site from the adoption of the Sydney LEP 2012 subject to the preparation of a site specific DCP. This amendment to the South Sydney DCP was subsequently adopted by Council on 30 July 2012 and came into force on 21 August 2012. The site specific DCP amendment for Wulaba Park contains suitably detailed planning controls and it is recommended that the requirement for a Masterplan is waived in this instance.

### Urban Design

42. The proposed development has been the subject of a design competition and the two schemes pursued for Buildings 1-4 and Building 5 respectively were selected as the entries which best met the objectives of the panel.
43. The proposed Buildings 1-4 demonstrated the highest degree of design excellence of all entries based on the inter-relation of the four distinctive buildings around a common internal courtyard. Building 1 consists of three distinct elements along its primary Amelia Street elevation. Building 2 accentuates the corner curvature of O'Dea Avenue and Amelia Street.
44. Building 3 is a slender tower comprised of two rectangular elements which are clad with blade features along the length of the primary South Dowling Street façade. Building 4 is a smaller relatively simple design in contrast to the highly articulated Buildings 1 and 2 which are of a similar scale. These are depicted within the photomontage drawings below:



**Figure 14:** Photomontage drawings of Buildings 1-4 as viewed looking north along South Dowling Street

45. The proposed Building 5 demonstrated the highest degree of design excellence of all entries based on a design that comprises three basic rectangular elements that are broken up and framed separately within the frontage onto Wulaba Park. This is depicted within the photomontage drawings below:



**Figure 15:** Photomontage drawings of Building 5 as viewed north from Wulaba Park

46. The design of the proposed units achieves a high standard of internal amenity and has been assessed against the relevant provisions of SEPP 65 as discussed previously. The proposed size, layouts and internal height are considered acceptable and the proposal meets the relevant design criteria under the SEPP.
47. The form and scale is consistent with the emerging character of the Green Square redevelopment area including Victoria Square to the south, as depicted below, and the building footprints prescribed by the Wulaba Park DCP have been adhered to.



**Figure 16:** Adjacent development to the south within Victoria Square (20 Gadigal Avenue)

48. The proposal provides for a variation of building typologies across the site, with the low scale of the majority of buildings providing a counterbalance to the form of the tower. Variation in design is also achieved by the use of multiple architects and individual design approaches for each building.

#### **Distribution of Land Uses**

49. The applicant has amended the scheme following discussions with Council to removing the proposed SOHO units on the ground floor fronting onto O'Dea Avenue. Within the amended scheme active retail/commercial uses are now provided along the entirety South Dowling Street and O'Dea Avenue, with the exception of the ground floor unit to Building 4.
50. Although this unit has remained as a SOHO unit, given that the remainder of the units along the O'Dea Avenue elevation achieves an active retail/commercial frontage the proposed distribution of land uses is considered acceptable.

#### **Height**

51. The Wulaba Park DCP provides a height in storeys map which varies from the 24 metres generic requirement imposed under the South Sydney DCP. This also provides a guide as to where variations in height will be permitted subject to achieving design excellence.

52. Included on the height in storeys map is provision for a tower for up to 25 storeys in height. The table below shows the proposals compliance in relation to the height in storeys map:

Site, Building No.	DCP height	Proposed height
Building 1	8 and 9	7 and 9
Building 2	7 and 9	8 and 10
Building 3	25	25
Building 4	8	8
Building 5	8	8

53. The proposal complies with the maximum height for all buildings with the exception of Building 2, which exceeds both the base height and the design excellence maximum height by one storey respectively.
54. The proposed eight storey element steps down visibly from the adjacent Building 1, maintaining the intent of the DCP maximum height provision. Similarly the ten storey element at the corner of O'Dea Avenue and South Dowling Street accentuates this corner and has little to no discernible impact upon the adjacent 25 storey tower. The proposed development also meets the maximum FSR, hence the additional height does not accommodate any non-compliant floor space. No additional amenity impacts are anticipated as a result of the additional height to Building 2.

### Floor Space Ratio

55. The DCP permits a base FSR of 1.5:1 and a maximum FSR of 2:1. The DCP also states that in order to qualify for the 0.5:1 maximum FSR bonus, the proposed development must provide for a material public benefit to Council's satisfaction.
56. The Development Guidelines - Providing Community Infrastructure in Green Square (December 2012) states that public benefit works for Community Infrastructure to a value of \$475/m<sup>2</sup> for the additional floor space should be provided. The suggested value of public benefit works for the proposal is described in the table below:

<b>Site Area</b>	16,158m <sup>2</sup>
<b>Base FSR</b>	1.5:1 (24,237m <sup>2</sup> )
<b>Bonus FSR permitted</b>	0.5:1 (8,079m <sup>2</sup> )
<b>Bonus FSR rate (residential)</b>	\$475 / m <sup>2</sup>
<b>Value of required Community Infrastructure public benefit works</b>	<b>\$3,837,525</b>

57. The applicant's offer to enter into a VPA for public benefit works has been accepted and the agreement will be exhibited during May, as discussed below at Embellishment and Land Dedication. The offer encompasses works or an equivalent monetary contribution that achieves the required value of \$3,837,525. Accordingly the proposal qualifies for the bonus floor space ratio of 0.5:1 and can achieve the maximum FSR of 2:1 under the DCP.

58. Furthermore, the Wulaba Park DCP permits that the Consent Authority may grant consent for development that exceeds the maximum FSR permitted by up to 10% provided that the development is subject to a competitive design process and satisfies the objectives of the DCP and RFDC. The proposal achieves design excellence as discussed previously within this report and is therefore subject to an overall maximum FSR of 2.2:1. The proposed development complies with this requirement having a total FSR of 2.2:1 (35,547m<sup>2</sup>) across the site.

### **Parking**

59. The proposal comprises basement parking to the Buildings 1-4 and Building 5 for a total of 252 vehicles, in addition to the provision of additional on-street spaces associated with the shareways for park users. This provision is considered to be acceptable as discussed previously. 177 resident parking spaces, 6 commercial and 30 visitor spaces are provided within the basement for Buildings 1-4. 36 resident parking spaces and 3 visitor spaces are in the basement for Building 5.
60. The proposed provision of 6 commercial spaces does not comply with the DCP 11 requirement for 12 spaces, however as this figure is used for guidance as the DCP no longer applies. The provision of commercial parking is considered acceptable.
61. The proposal also comprises provision for bicycle parking across the development and this has been addressed by condition to ensure an appropriate number of spaces. The access points for the basement parking areas have been located in accordance with the requirements of the Wulaba Park DCP, minimising the impact upon pedestrians. Appropriate conditions have been recommended by Council's Transport Officer with regard to parking and access.

### **Solar Access**

62. The solar study diagram submitted by the applicant indicates that 292 (83%) of the 353 apartments would receive sunlight to living rooms and private open space for at least two hours between 9am and 3pm in midwinter. Adequate solar access to the proposed Wulaba Park would also be maintained, with sunlight maintained to over 50% of the park between 9am and 3pm in midwinter. The proposal would maintain unhindered solar access to the property to the south, 20 Gadigal Avenue, between 12 midday and 3pm.
63. Objections have been received from properties to the south east of the site, within the Randwick council area of Kensington, with relation to the proposed overshadowing resulting from the proposal in the afternoon hours. As a general guide two hours of solar access should be maintained to 50% of private open space and windows of principal living areas on 21 June. The applicant has supplied shadow diagrams indicating the proposal's shadow impact at hourly intervals on 21 June would maintain at least three hours to the affected properties.
64. In addition, Council's 3D modelling team have undertaken an assessment of the proposed shadow impact at hourly intervals from midday to 3pm, as depicted below:

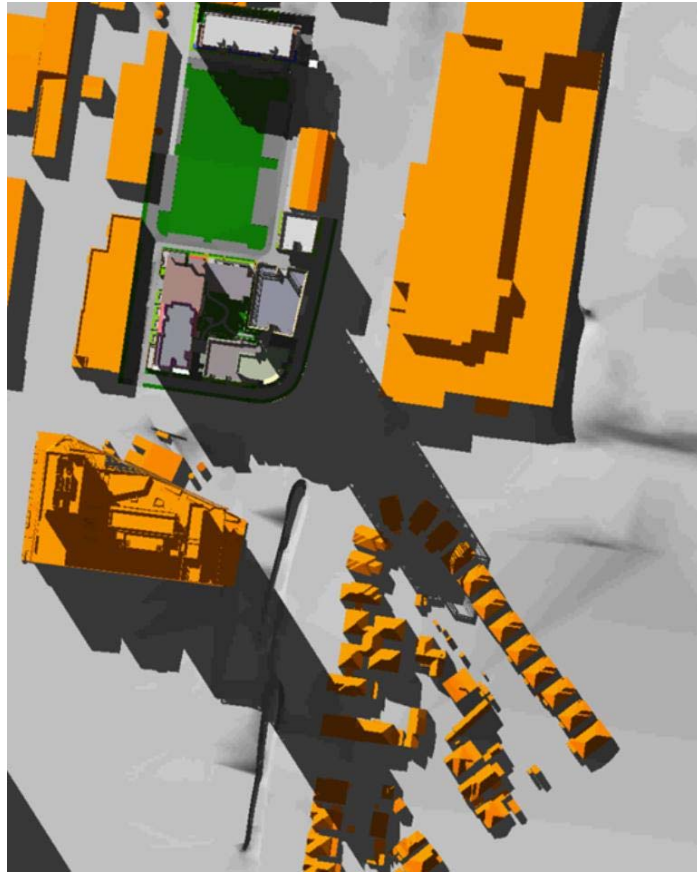




**Figure 17:** Overshadowing impact at 12 midday on 21 June



**Figure 18:** Overshadowing impact at 1pm on 21 June



**Figure 19:** Overshadowing impact at 2pm on 21 June



**Figure 20:** Overshadowing impact at 3pm on 21 June



65. The residential properties in question would remain unaffected during the morning hours until after midday. At 1pm, the three northernmost dwellings only on the corner of South Dowling Street and Todman Avenue would be overshadowed. The open space of these properties would not be affected until after 1pm.
66. The majority of the properties in Kensington to the south west would remain unaffected by the proposed development until 1pm. All of these properties enjoy uninterrupted solar access during the morning, achieving in excess of the 3 hour minimum required. The proposal is hence considered to be acceptable with regard to solar access.

### Landscaping and Public Domain

67. The landscape scheme for the park proposed for this DA is based upon Council's concept designs. Should the applicant opt to provide a cash contribution to the value of the proposed works only, these works are to be wholly undertaken by Council. Should the applicant opt to embellish the landscaping works, the design development of these works are to be undertaken by the applicant and overseen by Council. This is discussed in further detail below. The proposed landscape plan is depicted below:



**Figure 21:** Concept landscaping design for Wulaba Park

68. The landscape works comprise landscaping and mounding to the park, creation of a detention basin, the provision of a pedestrian bridge, play equipment to the north eastern corner and a shade structure to the north western corner.
69. The proposed public domain works also encompass a 10 metre wide landscaped strip on the O'Dea Avenue and South Dowling Street frontage, to be dedicated to Council. A through site link is proposed between Buildings 3 and 4, linking Hatbox Place with South Dowling Street as required by the DCP. This is also required as an overland flow path for stormwater.
70. In addition, the proposed roads surrounding the park are to be constructed and dedicated as shareways. Appropriate conditions have been recommended requiring the submission of a detailed landscape designs in accordance with the requirements of the DCP.

### **Embellishment and Land Dedication**

71. The developer has provided an offer to enter into an agreement with Council to:
  - (a) Provide a monetary contribution to the value of the proposed embellishments which include Wulaba Park, a 10 metre landscaped strip on the O'Dea Avenue and South Dowling Street frontage and proposed shareways; or
  - (b) Opt to undertake the proposed embellishment works and offset the relevant costs against Section 94 Contributions and the required value of Community Infrastructure works.
72. Plans of the proposed public domain works and dedications are provided below:

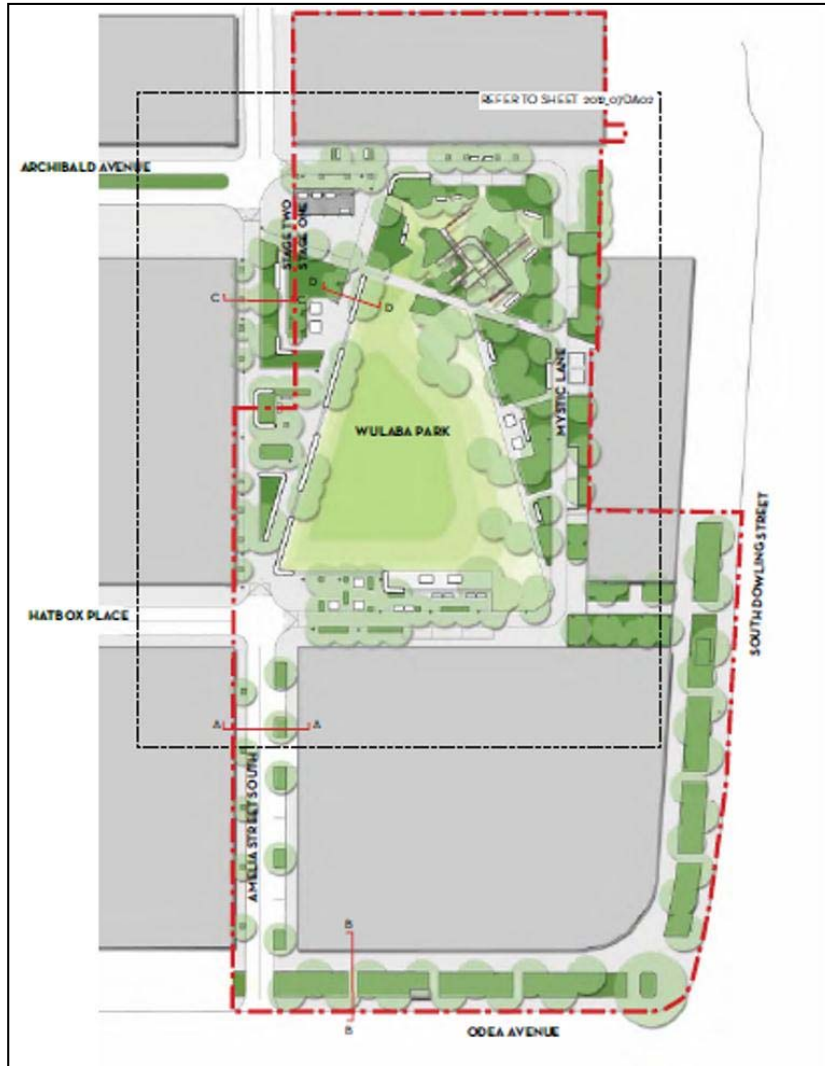
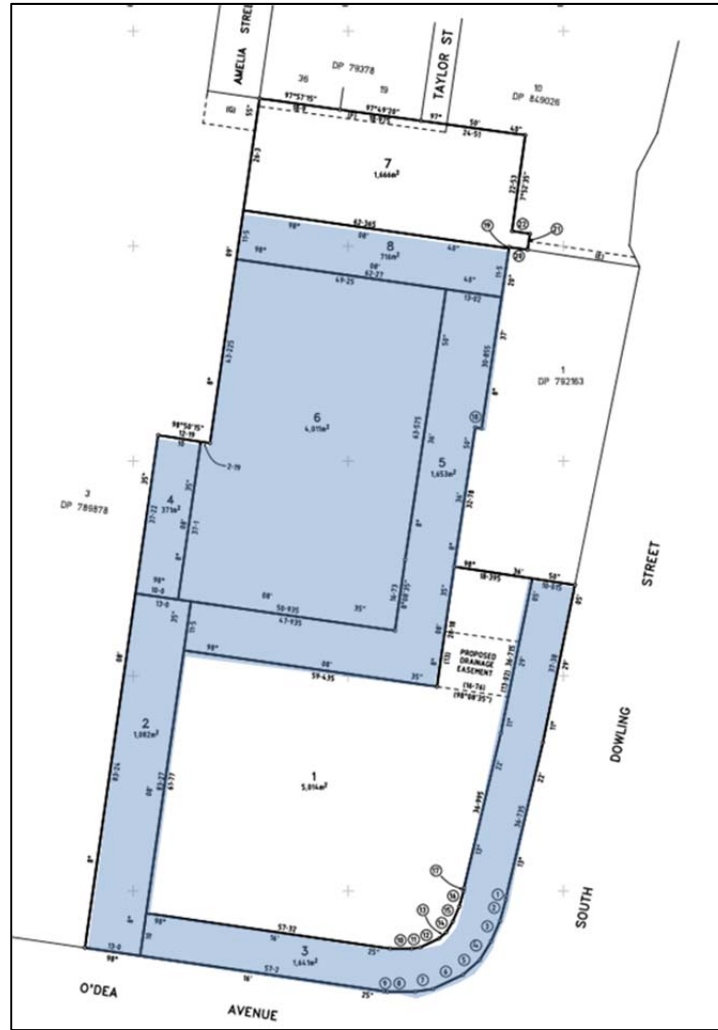


Figure 22: Overall concept landscape plan of public domain works



**Figure 23:** Survey plan of lots to be dedicated (shown coloured)

73. A draft Voluntary Planning Agreement has been prepared by Council based on the offer provided for a cash contribution to the value of the proposed public domain embellishment works. Should the applicant opt to undertake the embellishment works within the draft VPA, the value of public domain works encompasses the value of \$3,837,525 required to qualify for the bonus FSR provision of 0.5:1, as discussed previously under Floor Space Ratio.
74. Accordingly a deferred commencement approval has been recommended, which ensures that the applicant will enter into and execute the VPA prior to the consent being activated. An appropriate condition of consent has been recommended.

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

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

### **BCA Matters**

76. The development is capable of satisfying the requirements of the BCA.

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

77. The proposed development will not result in unacceptable impacts within the locality and the site is considered suitable on this basis.

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

78. The proposed development is generally compliant with the relevant planning controls and is within the public interest as it is in accordance with the site outcome envisaged by the Wulaba Park DCP.

**POLICY IMPLICATIONS**

79. Not applicable to this report.

**FINANCIAL IMPLICATIONS - SECTION 94 CONTRIBUTIONS****Section 94 Contributions**

80. A total contribution of \$6,685,998.53 is required in accordance with the City of Sydney Development Contribution Plan 2006.

81. The applicant has requested a credit to Section 94 Contributions for the embellishment works to the public domain. As an exact figure for the proposed works has yet to be determined, the credit has not been applied. Once the VPA has been executed the applicant may seek to amend this figure to account for the credit as finalised costings will be in place.

82. The contribution amount has been calculated as follows:-

(a)	89 studio/one bedroom units @ \$14,475.41	= \$1,288,311.26
	238 two-bedroom units @ \$20,000	= \$4,760,000
	34 three-bedroom units @ \$20,000	= \$680,000
	26 workers @ 2,226.99	= \$57,901.63
	<b>TOTAL:</b>	<b>= \$6,786,212.89</b>
(b)	Credit available	= \$100,214.36
(c)	NETT payable ((a) – (b))	= \$6,685,998.53

**PUBLIC CONSULTATION****Section 79C(1)(d)****Advertising and notification**

83. Adjoining and nearby owners and occupiers of buildings were notified of the proposal and invited to comment between 8<sup>th</sup> January and 8<sup>th</sup> February 2013. In addition, notices were placed on the site and the proposal was advertised in the daily press in accordance with the provisions of the City of Sydney Notification of Planning and Development Applications Development Control Plan 2005.

84. Seven (7) submissions were received. The grounds for objection are summarised as follows:-

- (a) Increased overshadowing resulting from proposal in relation to properties in Kensington

**Comment:** The proposal would maintain at least three hours of solar access to the private open space and habitable rooms of these properties. This has been modelled by Council as discussed in further detail at the Issues section.

- (b) Impact upon parking and traffic movements within the locality

**Comment:** The proposal provides on-site parking for 252 vehicles in accordance with the DCP, in addition to in-street spaces that will be provided a part of the proposed shareways to Wulaba Park. The future road network within Green Square, including the extensions of Amelia Street, has been designed to accommodate the volumes of traffic associated with proposed residential development in the area.

- (c) Over-development of the site

**Comment:** The proposal complies with the maximum FSR for the site and the form and scale of the proposed development is in accordance with that envisaged by the Wulaba Park DCP amendment. The proposal is hence consistent with the desired future character of the locality and would not represent an over-development of the site.

- (d) Inappropriate design within context

**Comment:** The proposed development has been the subject of a design competition and two separate entries have been selected to design buildings within different parts of the site. The proposal is considered to achieve design excellence as discussed at the Issues section of the report and the proposed buildings are in accordance with the built form anticipated by the DCP.

- (e) Increased glare and reflectivity

**Comment:** The application has been accompanied by solar reflectivity reports for both Buildings 1-4 and Building 5, which have concluded that the proposal will not result in unacceptable glare upon passing motorists and pedestrians. An appropriate condition of consent has been recommended in this regard.

- (f) Main building entry located on South Dowling Street and should be Hatbox Place

**Comment:** The proposed main entry is on South Dowling Street however individual entrances to ground floor units on Hatbox Place is provided, activating this frontage and making use of the local street.

- (g) 10 metre setback should be parkland

**Comment:** The 10m setback is to be dedicated to Council and will comprise a landscaped buffer to South Dowling Street.

**EXTERNAL REFERRALS****Office of Water**

85. The application constitutes integrated development; as such the application was advertised and notified for 30 days in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000. Notices were placed on the site of the proposal, advertised in the local press and adjoining and nearby owners and occupiers of surrounding buildings were notified of the proposal and invited to comment.
86. The Terms of Approval of the Office of Water have been received. The conditions from the Authority are included in the Recommendation.

**Ausgrid**

87. Ausgrid were notified of the proposed development. Energy Australia has advised that an electricity substation will be required and a condition to this effect has been recommended.

**Roads and Maritime Services**

88. The RMS was notified of the development as required under Clauses 103 and 104 of the Infrastructure SEPP, as previously discussed. The RMS has raised no objection subject to conditions, which have been included in the recommendation.

**Sydney Water**

89. Sydney Water was notified of the proposed development. Sydney Water has raised no objection subject to submission of a Section 73 Certificate, which has been addressed by way of condition.

**Local Pedestrian, Cycling and Traffic Calming Committee**

90. The proposed alterations to traffic operation and signage along O'Dea Avenue will require consideration by the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC), which can occur following the granting of development consent.

**INTERNAL REFERRALS**

91. The application was referred to Council's:
- (a) Specialist Surveyor;
  - (b) Urban Designer;
  - (c) Strategic Urban Designer;
  - (d) Building Services Unit;
  - (e) Waste Management Unit;
  - (f) Environmental Health Unit;

- (g) Public Domain Unit;
  - (h) City Strategy Unit;
  - (i) Green Roofs Unit;
  - (j) Safe City Unit; and
  - (k) Transport Management Unit.
92. No objection to the proposed development was raised, subject to the imposition of appropriate conditions and amendments as discussed throughout this report. Appropriate conditions have been included in the recommendation of this report.

### RELEVANT LEGISLATION

93. The Environmental Planning and Assessment Act 1979 and Water Management Act 2000.

### CONCLUSION

94. The proposal is generally consistent with the objectives, standards and guidelines of the relevant planning controls including the Wulaba Park DCP amendment, the South Sydney LEP, the South Sydney DCP and SEPP 65.
95. The proposed development is considered to be appropriate within its setting and is generally compliant with the relevant planning controls. The design has been subject to a competitive design process and achieves design excellence. Furthermore the scheme delivers an additional 4,011m<sup>2</sup> as public parkland and associated road infrastructure that will service the Lachlan Precinct.
96. The application is recommended for deferred commencement approval subject to conditions.

### GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Calvin Houlison, Specialist Planner)