

ITEM 4. DEVELOPMENT APPLICATION: 74 ROSS STREET FOREST LODGE - STAGE 2 - PRECINCT 3**FILE NO:** D/2013/582**DEVELOPMENT APPLICATION NO:** D/2013/582**SUMMARY****Date of Submission:** 3 May 2011**Applicant:** Mirvac Projects Pty Ltd**Architect:** Eeles Trelease Pty Ltd**Developer:** Mirvac**Owner:** Mirvac Projects Pty Ltd**Cost of Works:** \$122,663,969**Proposal Summary:**

Stage 2 application for Precinct 3 at Harold Park comprising construction of 4 residential apartment buildings (5-8 storeys) containing 345 apartments, basement parking for 296 cars, a green roof on Building 3D and associated landscaping.

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

The plans were significantly amended internally in October 2013 in response to feedback from Council officers.

Variations from the approved Stage 1 DA include minor non-compliances in relation to the setback for Buildings 3B and 3D. This issue is addressed in the body of this assessment report.

Summary Recommendation: That the CSPC grant development consent to this proposal.**Development Controls:**

- (i) Sydney Local Environmental Plan (Harold Park) 2011
- (ii) Sydney Development Control Plan (Harold Park) 2011

Attachments:

- A - Selected Drawings
- B - Selected Photomontages

RECOMMENDATION

It is resolved that consent be granted to Development Application No. D/2013/582, subject to the following conditions:

SCHEDULE 1A**Approved Development/Design Modifications/Covenants and Contributions/Use and Operation**

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2013/582 dated 3 May 2013 and the following drawings:

Drawing Number	Revision	Architect	Date
DA-P3-000	2	Mirvac Design and Eeles Trelease	October 2013
DA-P3-001	1	Mirvac Design and Eeles Trelease	April 2013
DA-P3-002	1	Mirvac Design and Eeles Trelease	April 2013
DA-P3-003	2	Mirvac Design and Eeles Trelease	October 2013
DA-P3-004	2	Mirvac Design and Eeles Trelease	October 2013
DA-P3-005	2	Mirvac Design and Eeles Trelease	October 2013
DA-P3-006	2	Mirvac Design and Eeles Trelease	October 2013
DA-P3-007	2	Mirvac Design and Eeles Trelease	October 2013
DA-P3-008	2	Mirvac Design and Eeles Trelease	October 2013
DA-P3-009	2	Mirvac Design and Eeles Trelease	October 2013
DA-P3-010	2	Mirvac Design and Eeles Trelease	October 2013
DA-P3-011	2	Mirvac Design and Eeles Trelease	October 2013
DA-P3-012	2	Mirvac Design and Eeles Trelease	October 2013
DA-P3-013	2	Mirvac Design and Eeles Trelease	October 2013
DA-P3-020	2	Mirvac Design and Eeles Trelease	October 2013

Drawing Number	Revision	Architect	Date
DA-P3-021	2	Mirvac Design and Eeles Trelease	October 2013
DA-P3-022	2	Mirvac Design and Eeles Trelease	October 2013
DA-P3-023	2	Mirvac Design and Eeles Trelease	October 2013
DA-P3-025	2	Mirvac Design and Eeles Trelease	October 2013
DA-P3-030	2	Mirvac Design and Eeles Trelease	October 2013
DA-P3-055	1	Mirvac Design and Eeles Trelease	April 2013
DA-P3-056	1	Mirvac Design and Eeles Trelease	April 2013
DA-P3-057	1	Mirvac Design and Eeles Trelease	April 2013
DA-P3-060	2	Mirvac Design and Eeles Trelease	October 2013
DA-P3-061	2	Mirvac Design and Eeles Trelease	October 2013
DA-P3-062	2	Mirvac Design and Eeles Trelease	October 2013
DA-P3-063	2	Mirvac Design and Eeles Trelease	October 2013
DA-P3-064	2	Mirvac Design and Eeles Trelease	October 2013
DA-P3-065	2	Mirvac Design and Eeles Trelease	October 2013
DA-P3-066	2	Mirvac Design and Eeles Trelease	October 2013
DA-P3-067	2	Mirvac Design and Eeles Trelease	October 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) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The proposed allocation of adaptable apartments within buildings in the precinct should maximise the opportunity for direct access which does not rely on the use of the lifts. Apartments on Level 1 in Building 3B should be considered for increased adaptable apartments, with amended drawings showing internal configurations that achieve the requirements for adaptable housing submitted to the Director City Planning, Development and Transport for approval.

(3) WINDOW OPENINGS IN SLOT FACADE

- (a) The proposed window openings located in the slots on the facades of Buildings 3A, 3B, 3C and 3D fronting the internal communal open space are to be designed to optimise natural cross ventilation in apartments and minimise privacy impacts on adjacent apartments. Amended drawings are to show the location, size and type of windows proposed.
- (b) The width of all proposed window openings in the slot facades in Buildings 3A, 3B, 3C and 3D must be a minimum width of 600mm.
- (c) Opaque glazing must be installed to proposed windows in the slot facades, except for highlight windows with a finished sill level at least 1.5m above the internal finished floor level.

(4) CONSTRUCTION CERTIFICATE FOR EARLY WORKS

- (a) Notwithstanding conditions of this consent and the Stage 1 DA (D/2011/1298) consent except for conditions 17, 18, 19, 22, a Construction Certificate may be issued for the following preparatory works:
 - (i) excavation, shoring and footings; and
 - (ii) installation of services.
- (b) The Construction Certificate may also allow for the construction of basement structures and Above Ground Structures but only if Condition 69 (Alignment Levels) of the Stage 1 DA (D/2011/1298) has been satisfied for the alignment levels immediately adjacent to Precinct 3 buildings only and a letter and any supporting documentation has been issued by Council's Director City Planning, Development and Transport stating that Condition 69 is satisfied.
- (c) Any basement construction works carried out under (b) must ensure that compliance with Condition 73 (Floor Levels for Buildings and Structures) of the Stage 1 DA (D/2011/1298) will be complied with. With the exception of the north-west portion of Building 3B and the south-west portion of Building 3D, Council will not allow the projection of basements or structures over 1.2m above the adjacent public domain, including the pocket parks.
- (d) In this condition, Above Ground Structures means the construction of slabs, columns, cores, vertical risers, walls, services and facades.

(5) BUILDING HEIGHT

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

Building	RL (AHD) to the top of the building (incl. plant)	RL (AHD) to roof soffit level
Building 3A	RL 36.00	RL 34.25
Building 3B	RL 36.00	RL 33.25
Building 3C	RL 36.00	RL 34.25
Building 3D	RL 28.00	RL 26.23

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

(6) APPROVED DESIGN ROOF - TOP PLANT

All roof-top plant and associated equipment must be located within the approved building envelope. Should the plant exceed the approved building envelope, then further approval is required from Council.

(7) DESIGN DETAILS (MAJOR DEVELOPMENT)

Final design details, colours, glazing, materials and finishes must be submitted to and approved by the City's Director City Planning, Development and Transport prior to a Construction Certificate being issued for above ground works.

(8) DESIGN QUALITY EXCELLENCE

- (a) In order to ensure the design quality excellence of the development is retained:
- (i) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - (ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project; and
 - (iii) Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council.

(9) MAXIMUM GROSS FLOOR AREA

The following applies to Gross Floor Area (GFA):

- (a) The GFA for the residential use must not exceed 30,200sqm; calculated in accordance with the Harold Park LEP.

- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Harold Park LEP, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority. A copy of the certification must be submitted to Council prior to occupation.

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

A revised BASIX Certificate for the proposed residential building works must be lodged with an application for a Construction Certificate. The items nominated as part of the revised BASIX Certificate must be specified on the plans submitted with the Construction Certificate application.

(11) ELECTRICITY SUBSTATIONS

Electricity substations, kiosks and the like are to be contained wholly with the property boundary of Precinct 3.

(12) 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.

(13) 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.

(14) 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 apartments. Where allocated to adaptable apartments, the apartment(s) and car spaces must be assigned to the apartments in any future strata subdivision of the building.

(15) BICYCLE PARKING

A minimum of 345 bicycle parking spaces for residents and a minimum of 34 bicycle parking spaces for visitors must be provided.

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

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

(16) CAR PARKING SPACES AND DIMENSIONS

A maximum of 273 off-street residential 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.

(17) 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.

(18) CAR SHARE SPACES

- (a) A minimum of 4 car parking spaces for the exclusive use of car share scheme vehicles are to be provided.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must be accessible to residents and visitors of the development at all times.
- (f) The car share spaces are to be available at the same time that the car park commences operation.

(19) CAR WASH BAYS

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

(20) MOTORCYCLES

An area equivalent to a maximum of 3 car spaces must be provided for motorcycles.

(21) TEMPORARY TURNING AREAS

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

(22) PRECINCT PARKING PLAN

- (a) A precinct parking plan for Precinct 3 must be submitted to the City's Traffic Operations Department for approval as part of the Precinct 3 Essential Infrastructure Package submission. The plan must include the location and information present on each stem and sign. The plan must include chainages to each sign and stem from the kerb line of the nearest intersection. The parking plan must be in line with the approved area wide parking plan with any changes identified with the submission.
- (b) The Precinct 3 signs must be approved and installed prior to the road being open for public use or prior to the issue of an Occupation Certificate, whichever is sooner. The plans will require a referral to the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC).

(23) TRAFFIC SIGNALS AND MEDIAN

The traffic signals at the intersection of The Crescent and MC02 and the median island at the intersection of Wigram Road and MC01 identified within the Stage 1 application for the site must both be approved, installed and operational prior to any Occupation Certificate being issued as part of Precinct 3.

(24) 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.

(25) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (part of basement 1 in Building 3D and levels 1 to 8 of Buildings 3A - 3D, inclusive) 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 *Sydney Local Environmental Plan (Harold Park) 2011*.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from residential accommodation as defined in *Sydney Local Environmental Plan (Harold Park) 2012*. 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 apartment shall not exceed twice the number of approved bedrooms.
- (e) If a apartment 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 apartment with which the space is associated. No storage should take place for commercial businesses in car parking spaces.

(26) 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.

(27) GREEN TRAVEL PLAN

- (a) The Green Travel Plan, prepared by Halcrow and dated March 2012, as amended shall be implemented, monitored and reviewed on an annual basis by the developer and the consultant nominated by the developer. The Green Travel Plan documentation associated with monitoring and reviews shall be collated and retained for future reviews and transport analysis purposes by the developer and the nominated consultant.
- (b) The Green Travel Plan is to be updated to identify the measures to be implemented as part of Precinct 3 and detail the integration between Precinct 3 and all future DAs. The updated Green Travel Plan is to be submitted for the approval of Council's Director City Planning, Development and Transport prior to the issue of a Construction Certificate for Precinct 3.
- (c) The measures and commitments in the Green Travel Plan shall be reflected in future construction certificates and provided to the Certifying Authority with the Green Travel Plan documentation prior to the release of a Construction Certificates.

(28) CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

- (a) In accordance with Condition 89 of the Stage 1 consent, prior to the issue of a Construction Certificate, a Construction Traffic Management Plan (CTMP) must be submitted to and approved by Council's Traffic Operations Department.
- (b) Once a CTMP is approved, the development must be carried out in accordance with the CTMP. The CTMP is also to incorporate the requirements of the Construction Traffic Management condition of this consent.

(29) INTERCOM FOR VISITORS

Where a boom gate 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 apartments (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.

(30) LOADING/PARKING KEPT CLEAR

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

(31) 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.

(32) 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.

(33) 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.

(34) 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.

(35) 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.

(36) VEHICLES ACCESS

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

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 Department to discuss the requirements prior to submission of the application for construction certificate.

(37) 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.

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

The Soil and Water Management Plan accompanying this Development Application has not been approved by this consent.

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; and
 - (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).

(39) 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).

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

For temporary shoring including ground anchors affecting the road reserve, a separate application under Section 138 of the Roads Act 1993 must be lodged with Council.

For new permanent basement wall/s or other ground retaining elements (not being anchors projecting under the road reserve):-

- (a) Prior to a Construction Certificate being issued, the following documents must be submitted to the Certifying Authority (CA) and a copy to Council (if Council is not the CA):
 - (i) Dilapidation Report of adjoining buildings/structures.
 - (ii) Evidence that public utility services have been investigated.
- (b) If adjoining a Public Way:
 - (i) Evidence of a \$10 million dollar public liability insurance policy specifically indemnifying the City of Sydney, valid for at least the duration of the project. The original document must be submitted to Council.
 - (ii) Bank guarantee in accordance with the Council's fees and charges. The original document must be submitted to Council.
- (c) Prior to commencement of work:
 - (i) The location of utility services must be fully surveyed and the requirements of the relevant public utility authority complied with; and
 - (ii) The following documents must be submitted to and approved by the Principal Certifying Authority (PCA) and a copy to Council (if Council is not the PCA):
 - a. Structural drawings and certification as prescribed elsewhere in this consent.
 - b. Geotechnical report and certification as prescribed elsewhere in this consent.
- (d) Prior to issue of Occupation Certificate, the Principal Certifying Authority must receive written and photographic confirmation that the restoration of the public way has been complete in accordance with the following:
 - (i) All ground anchors must be de-stressed and isolated from the building prior to completion of the project.

- (ii) The temporary structure, including foundation blocks, anchors and piers must be removed above and below the public way, prior to completion of project, down to a depth of 2m.
 - (iii) All timber must be removed.
 - (iv) All voids must be backfilled with stabilised sand (14 parts sand to 1 part cement).
 - (v) All costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way must be borne by the owner of the land approved for works under this consent.
- (e) The Bank Guarantee may be released after the Principal Certifying Authority submits certification to Council that all the works described in (d) above have been completed and that there is no remaining instability, damage or unevenness to the public domain as a result of the development. This certification is to include relevant photographs and must be to the satisfaction of the Council's Director City Planning.

(41) 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 Apartment 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 Apartment 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.

(42) 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.

(43) 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.

(44) SUBDIVISION WORKS

The Subdivision Works for the Stage 3 subdivision approval and Road No. 3 in the Stage 4 subdivision approval to DA D/2011/1298 (granted by the Central Sydney Planning Committee on 26 July 2012), and as amended, must be completed to the satisfaction of Council prior to the issue of any Occupation Certificate for the buildings within this precinct.

(45) LAND SUBDIVISION

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

(46) STRATA SUBDIVISION

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

(47) GREEN ROOF

Prior to the issue of a Construction Certificate, the following details need to be submitted and approved by the Principal Certifying Authority:

- (a) Evidence the green roof has been assessed as part of the structural certification provided for this development stage.
- (b) Evidence the green roof has been assessed as part of the waterproofing certification provided for this stage of the development
- (c) A maintenance plan to be complied with during the occupation of the property.

(48) LANDSCAPED (GREEN) ROOFS

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

- (b) Prior to the issue of a Construction Certificate for these works, a Maintenance Manual is to be submitted and approved by the Principal Certifying Authority. A copy of the Maintenance Manual is to be kept on site at all times during construction and shall be produced to Council on request. The Maintenance Manual shall include as a minimum:
- (i) Frequency and methodology of different maintenance requirements.
 - (ii) Details of safety procedures.
 - (iii) Laminated copies of 'As Built' drawings.
 - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification; and
 - (v) Copies of warranties and guarantees relating to all materials and plant used in construction.

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

- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.
- (d) Prior to the issue of a Construction Certificate for these works, 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.

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

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to class 2-9 building) and Cause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the satisfaction of the Certifying Authority (Council or a private accredited certifier). A copy of the certificate must be submitted to Council if Council is not the CA.

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

- (a) Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA) including:
- (i) Structural provisions - Part B1;
 - (ii) Fire resistance and stability - Part C1;
 - (iii) Compartmentation and separation - Part C2;
 - (iv) Protection of openings - Part C3;
 - (v) Provision for escape (access and egress) - Part D1;
 - (vi) Construction of exits - Part D2;
 - (vii) Access for people with disabilities - Part D3;
 - (viii) Fire fighting equipment - Part E1;
 - (ix) Smoke hazard management - Part E2;
 - (x) Lift installation - Part E3;
 - (xi) Emergency lighting, exit signs and warning systems - Part E4;
 - (xii) Damp and weatherproofing - Part F1;
 - (xiii) Sanitary and other facilities - Part F2;
 - (xiv) Room sizes - Part F3;
 - (xv) Light and ventilation - Part F4;
 - (xvi) Sound transmission and insulation - Part F5;
 - (xvii) Energy Efficiency - Building fabric - Part J1;
 - (xviii) Energy Efficiency - External glazing - Part J2;
 - (xix) Energy Efficiency - Building sealing - Part J3;
 - (xx) Energy Efficiency - AC and ventilation systems - Part J5;
 - (xxi) Energy Efficiency - Artificial lighting and power - Part J6;
 - (xxii) Energy Efficiency - Hot water supply - Part J7;
 - (xxiii) Energy Efficiency - Access for maintenance - Part J8;

- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- (c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend this consent.

(51) 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.

(52) 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.

(53) COMMUNITY CONSULTATION

- (a) The applicant must ensure that before any works are commenced, an appropriate level of community consultation has been carried out with surrounding noise sensitive receivers. This should include the submission of a suitable and readily contactable site contact should any complaints or other issues arise during construction hours. Complaint logs shall be kept outlining the details of any complaint received together with the investigative and corrective actions taken in response to that complaint. The logs must be made available to the City on request.
- (b) The applicant must provide a contact telephone number to the Managers of the City Rangers and the Health Compliance Apartment for the Site Manager or other suitable person who will be readily contactable onsite at all times whilst any works are carried out and whom may be contacted should any complaints concerning offensive noise and vibration be received.

(54) CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW DECC Waste Classification Guidelines, Part1: 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 transporters 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.

(55) HAZARDOUS AND INDUSTRIAL WASTE

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
- (e) Work Health and Safety Regulation 2011

(56) 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.

(57) COMPLIANCE WITH ACID SULFATE SOILS MANAGEMENT PLAN

All recommendations contained in the Acid Sulfate Soils Management Plan prepared by JBS Environmental Pty Ltd dated July 2011 and referenced JBS 41539-16774 (Rev 0) must be implemented during excavation, demolition and construction and associated works.

- (a) All works are to be in accordance with the NSW Acid Sulfate Soils Management Advisory Committee, Acid Sulfate Soils Assessment Guidelines 1998 for the works that are classified as being in an Acid Sulfate Soils zone Class 4.
- (b) Prior to the issue of an Occupation Certificate a statement from a suitably qualified and experienced geotechnical consultant must be submitted and approved by the consent authority. The statement must certify that the works identified in the ASSMP have been suitably incorporated into the development and that all works carried out onsite are in accordance with the requirements of Clause (a) of this condition.

(58) SITE AUDIT STATEMENT

Prior to an Occupation Certificate a Site Audit Statement needs to be submitted to Council clearly stating that this particular stage of the Harold Park site is suitable for the intended use.

(59) NOISE - GENERAL

- (a) 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 LAeq,15minute noise level shall be adjusted for modifying factors in accordance with Part 4 of the Environmental Protection Authority (EPA) NSW Industrial Noise Policy.
 - (iii) 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.
- (b) 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;
 - (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.

(60) COMPLIANCE WITH ACOUSTIC REPORT

All recommendations contained in the acoustic report prepared by RenzoTonin & Associates, dated 22 April 2013, must be implemented during construction and use of the premises.

The Principal Certifying Authority (PCA) shall obtain a statement from appropriately qualified acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied prior to issue of Occupational Certificate.

(61) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for excavation being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction. The dilapidation report previously submitted to satisfy Condition 19 and 48 of D/2011/1299 (for remediation of the subject site) and D/2011/1298 (Stage 1 DA) respectively may be resubmitted to satisfy this condition, except where the new street frontages for MC01 and MC02 have been completed and/or dedicated to Council, and should be updated accordingly.

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

The form of the recording is to be as follows:-

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

(62) 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).

(63) FOOTPATH DAMAGE BANK GUARANTEE

- (a) A Footpath Damage Bank Guarantee of \$41,500 calculated on the basis of a nominated area of 100 metres of asphalt/concrete site frontage to The Crescent, must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site. In this regard, if the security bonds required in accordance with Conditions 17 and 45 of development consents D/2011/1299 (for remediation of the subject site) and D/2011/1298 (Stage 1 DA) respectively, have been submitted to Council, then Council may accept those security bonds in satisfaction of this condition. Additional securities may be required if Roads MC01 and MC02 have been completed and dedicated to Council prior or during the works commencing.
- (b) In lieu of the bank guarantee required under (a), Council may accept an unconditional performance bond issued by an APRA regulated authorised deposit taking institution or an Insurer authorised by APRA to Conduct New or Renewal Insurance Business in Australia and that is in accordance with Council's policy on performance bonds.
- (c) The guarantees (or bond if approved by Council) must be lodged with Council prior to works commencing on site.

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

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

UPON COMPLETION OF CONSTRUCTION WORKS

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

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

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

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

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

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

(66) 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".

(67) ESSENTIAL INFRASTRUCTURE

- (a) The extent of Essential Infrastructure for this Precinct is as defined by the staging plans in the previously approved Masterplan and includes at a minimum delivery of MC03 and any traffic calming works beyond the boundary defined by this stage but required to satisfy traffic management conditions.
- (b) The Essential Infrastructure is defined by the Voluntary Planning Agreement (VPA) and includes the Stormwater Works (Surface Drainage, Stormwater Lines and Rain Gardens), Subsoil Drainage, Roads, Public Domain (Footways, Street Tree Planting, Landscaping, Street Furniture and Street Lighting), Road Closure Parks and Utility Services (Water, Gas, Sewer, Electricity and Telecommunications).
- (c) References throughout this consent to Essential Infrastructure refer to the works summarised in (b) above and further defined in the VPA.
- (d) The Essential Infrastructure must be designed and constructed in accordance with the City's technical specification and standard details for civil works current at the time of construction.
- (e) Public Domain Plans and Civil Documentation for Essential Infrastructure are to clearly indicate any temporary or sacrificial work (such as temporary vehicle turning areas, stormwater lines, or public footways) required due to the staging.
- (f) All Essential Infrastructure is to be completed prior to the issue of any Occupation Certificate of this Precinct as defined by the approved plans.

(68) ASSOCIATED ESSENTIAL INFRASTRUCTURE COSTS

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

(69) ESSENTIAL INFRASTRUCTURE – SECURITY

Security for Essential Infrastructure works is required to be lodged prior in accordance with the provisions of the Voluntary Planning Agreement, as amended by the letter of offer dated 6 June 2013 from the applicant.

(70) NOMINATED ENGINEERING WORKS SUPERVISOR

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

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

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

(71) ESSENTIAL INFRASTRUCTURE - HOLD POINTS AND HANDOVER

- (a) Prior to a Construction Certificate being issued for the relevant Essential Infrastructure works, a set of hold points for approved Essential Infrastructure work is to be determined with and approved by the City's Public Domain section in accordance with the City's Public Domain Manual.

- (b) Completion and handover of the constructed essential infrastructure works is to be undertaken in accordance with the City's Public Domain Manual and current specification and standard details, including requirements for as-built documentation, certification and defects liability period.

(72) UTILITY SERVICES

- (a) Prior to the commencement of work on the site evidence is to be submitted to the accredited certifier/Principal Certifying Authority that the requirements of all public utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) with services within and adjacent to the site have been satisfied with regard to the design of any deviation, diversion, construction or removal of service infrastructure within the site.
- (b) Prior to the issue of the Site Audit Statement required under the remediation DA (D/2011/1299), evidence is to be submitted to the accredited certifier/Principal Certifying Authority and Council that the requirements of all public utility authorities providing services to the site have been satisfied with regard to the completed construction, installation or diversion, of service infrastructure within the site.

(73) WORK METHOD STATEMENT FOR FLOOD WATERS

The approved Work Method Statement – Flood Waters for former Harold Park Redevelopment completed by Cardno dated 20 September 2012 and approved by the City of Sydney must continue to be complied with until such a time as the new drainage infrastructure is in place and is operational over the Harold Park site.

(74) DRAINAGE SYSTEMS DESIGN

Drainage systems that convey flood waters from upstream catchments through the site must be designed such that:

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

(75) STORMWATER AND DRAINAGE MANAGEMENT

- (a) The existing stormwater management and drainage connections servicing the upper catchment areas are to be maintained at all times (during and after approved works). Where temporary or interim stormwater works are required, permission is to be sought from the relevant authority (Council or Sydney Water) prior to works commencing. If a drainage line is to be removed or altered, replacing drainage line must have similar or better capacity.
- (b) Prior to a Construction Certificate being issued, details of the proposed stormwater disposal and drainage from the development including where required a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development. Stormwater pipes and connections cannot encroach into the future open space.
- (c) The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued.
- (d) Any permanent or temporary drainage system is to be constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website - www.cityofsydney.nsw.gov.au.
- (e) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way.
- (f) A Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD), if applicable, to ensure maintenance of the approved OSD system regardless of the method of connection.
- (g) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- (h) All stormwater easements are to be maintained and accessible throughout the works.

(76) SUBSURFACE DRAINAGE

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

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

The plans shall include as a minimum the following information:

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

(77) ROAD WORKS

The design and construction of the road works required to service this Precinct, including temporary road works, shall be undertaken in accordance with City's Sydney Streets Technical Specification. Detailed plans and construction specifications for the works shall be prepared and certified as complying with Council's specifications prior to the issue of the first Construction Certificate for the subdivision works. A design certification report for the road works shall be prepared by an appropriately qualified civil engineer and shall be submitted for approval of Council prior to the issue of the relevant Construction Certificate for the essential infrastructure works.

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

- (a) General subdivision plan with contour details and a clear indication of the extent of work;
- (b) Typical road cross sections showing road widths, pavement configuration, batter slopes, kerb and gutter types;

- (c) Plan and longitudinal section of the public road showing services;
- (d) Drainage plan and schedule of drainage elements;
- (e) Drainage profiles
- (f) Road cross sections and kerb returns;
- (g) Intersection layout details including linemarking, pavement marking and signposting;
- (h) Standard engineering and structural details plan;
- (i) Erosion and sedimentation control plans;
- (j) Utility services affecting the development;
- (k) Details of any temporary road works required due to the staged delivery of the development such as turning areas; and
- (l) Specifications for the construction of all components of the roadworks in accordance with City's current technical specification and standard details for civil works.

(78) PUBLIC DOMAIN PLANS

Three copies of detailed Public Domain Plans, prepared by an architect, urban designer or landscape architect, must be lodged with Council's Public Domain Section and be approved by Director City Planning, Development and Transport prior to the relevant Construction Certificate being issued for essential infrastructure work.

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

(79) DRAINAGE AND SERVICE PIT LIDS

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

(80) FLOOR LEVELS FOR BUILDINGS AND STRUCTURES

The level difference between any ground floor level and the adjacent public footpath shall not to exceed 1200mm. Detailed plans to this effect shall be submitted to Council in conjunction with the Alignment Levels prior to the issue of a Construction Certificate.

The following performance criteria shall apply to the design of buildings and structures on the site:

- (a) All proposed habitable floor levels, ground floor levels and basement car park entry levels within the site shall be set 500mm above design 1% AEP flood levels; and
- (b) Suitable freeboard protection shall be provided to other basement access points such as stair wells.

A design certification report for floor levels of buildings and structures shall be submitted to the Principal Certifying Authority prior to the issue of a construction certificate. A copy of supporting reports and calculations shall be submitted to Council prior to the issue of a Construction Certificate.

(81) ALIGNMENT LEVELS

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

(82) STREET AND PEDESTRIAN LIGHTING

The applicant shall provide a system of underground street and pedestrian lighting along all roads, footpaths and street closure parks in accordance with Council and Ausgrid standards. Detailed plans and construction specifications for the works shall be prepared, submitted to the City's Director City Planning, Development and Transport for approval and certified as complying with Council's and Ausgrid's specifications prior to the issue of the relevant Construction Certificate for essential infrastructure work.

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

(83) LANDSCAPING OF THE STREET CLOSURE PARK (MC03)

- (a) A detailed landscape plan generally in accordance with Dwg No. PD-DA-010 dated 18.06.2012 prepared by Aspect Studios in D/2011/1298 (Stage 1 Masterplan DA), drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of the relevant Construction Certificate for essential infrastructure work. The plan must include:

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

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

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

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

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

(84) DEEP SOIL PLANTING

The location of the deep soil planting zones as shown on the stamped approved plans is supported. The areas of deep soil planting shall only be allowed to be modified in shape to accommodate detailed design resolution to the satisfaction of Council and not be reduced in size.

(85) RAINWATER HARVESTING & RAINWATER TANKS**(i) Use**

Rainwater is only to be collected from roof catchments and its use is restricted to toilet flushing, washing cars, garden use and for washing machines only.

(b) Installation requirements

- (i) All plumbing work is to be carried out by a licensed plumber and must be carried out in accordance with AS/NZS 3500:2003. A permit in accordance with the NSW Code of Practice - Plumbing and Drainage 2006 (as amended) is to be obtained from Sydney Water for the work to be carried out.
- (ii) Rainwater tanks shall be designed to include, but not be limited to the following:-
- (iii) Rainwater tanks shall be fixed to structurally adequate bases or walls in accordance with manufactures specifications or engineers details.
- (iv) Shall not be fixed to, or otherwise supported by a bounding common fence, wall or the like, without prior approval be adjacent land owners.
- (v) All roof gutter downpipes must be fitted with a first flush device in accordance with the manufacturer's recommendations.
- (vi) Openings being suitably sealed to prevent access by children and being fitted with a fine mesh screens in order to prevent penetration of contaminants and insects such as mosquitoes.
- (vii) All gutters, downpipes and associated supply pipe work must be free draining to prevent ponding of rainwater and made of suitable non corrodible materials.
- (viii) Shall have an overflow device being fitted to the rainwater tank which directs water into an existing stormwater drainage system, and shall have a suitable drainage plug/tap fitted and positioned in a manner that facilitates flushing and cleaning.
- (ix) The water supply system from a rainwater tank shall be clearly marked at intervals not exceeding 500 mm with the word 'RAINWATER' in contrasting colour, in accordance with AS 1345. Water outlets shall be identified as 'RAINWATER', or with a rainwater tap identified by a green coloured indicator with the letters 'RW'.

- (x) A suitable back up water supply using potable water must be provided to ensure that essential services such as toilet flushing are not contradicted where there is inadequate rainfall to meet demand or the rainwater harvesting system fails.

Rainwater tanks that are not directly connected with the potable supply, the indirect connection shall be by means of a visible "air gap" external to the rainwater tank, in accordance with the provisions of the National Plumbing Code AS /NZS 3500 - Minimum air gap requirements.

Where a rainwater tank is to be directly cross connected with the Sydney Water supply, an appropriate testable device shall be provided at the meter location on the potable water supply to prevent backflow of rainwater. This device must meet the requirements of Sydney Water.

- (xi) Water pumps are to be located so as not causing an "offensive noise" as defined by the Protection of the Environment Operations Act 1997 to any affected receiver.

(c) Proximity to other services

That all rainwater pipes must be separated from any parallel drinking water service. Above ground pipes must be 100mm away and below ground 300mm away from any drinking water pipe

(d) Marking and labelling

- (i) Above ground distribution pipes shall be continuously marked 'RAINWATER' in accordance with AS1345. Alternatively, adhesive pipe markers clearly labelled 'RAINWATER' made in accordance with AS 1345 can be used.
- (ii) Below ground distribution pipes shall be continuously marked 'RAINWATER' at intervals not exceeding 500mm in accordance with AS1345. Alternatively, identification tape/pipe sleeve continuously marked 'RAINWATER' made in accordance with AS 2648 can be used.
- (iii) All rainwater tank outlets, taps, valves and tank apertures shall be identified as 'RAINWATER' with a sign complying with AS1319 or a green coloured indicator with the letters 'RW'. Alternatively a permanent sign at the front of the premises and visible to all visitors may be displayed advertising rainwater use.

(e) Maintenance

- (i) All rainwater tanks installed are to be maintained by the owner in accordance with these provisions, the NSW Health Department Circular no 2002/1 "Use of rainwater tanks where a reticulated potable supply is available" and any other local water utility requirements.

- (ii) The rainwater collection system shall be constantly maintained in accordance to the manufacturer's instructions and in line with any approved maintenance plan so as to prevent risk of pathogenic microbial contamination including legionella and organisms.

(86) WATER POLLUTION

No waste water, chemicals or other substances harmful to the environment such as from washing garbage bins or communal garbage areas shall be permitted to discharge to Council's stormwater system. Only clean, unpolluted water is permitted to discharge into the stormwater system.

(87) LANDSCAPE WORKS – PRIVATE COMMUNAL OPEN SPACE AND COURTYARDS

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

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

The applicant shall provide a fully automatic irrigation system to all landscape areas and turf in common landscape areas. Hosecock's/QCV's installed in private landscaped areas are to be at one per 80m² of landscaped area, or one for each separate private or communal landscaped space. The applicant is responsible for all liaison, authorities certificates, approvals and commissioning from all relevant authorities.

Public and private open spaces shall be designed and constructed to provide multiple, continuous accessible paths of travel and in accordance with the City of Sydney Access Development Control Plan 2004 and AS 1428-2009: Design for Access and Mobility. All continuous paths of travel shall be clearly indicated. The applicant shall provide a certificate of compliance to the Principal Certifying Authority prior to issue of Construction Certificate for each stage.

The communal courtyards shall be designed and constructed as high quality aesthetic environments and as functional and usable space to maximise both passive and active recreation opportunities.

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

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

Lighting shall be designed by a suitably qualified Electrical/Lighting Engineer. The objectives of the lighting design shall be to provide an aesthetically pleasing, safe functional night time environment utilising variable high quality vandal resistant light fixtures.

Lighting shall comply with AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting. The lighting shall be designed in accordance with the appropriate P rating for the space as deemed necessary by the Electrical/Lighting Engineer and in reference to AS1158.3.1 Road Lighting- Pedestrian Area Lighting.

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

(88) 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) (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.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(89) DEWATERING

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

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

(90) HOURS OF WORK AND NOISE - OUTSIDE CBD

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

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Building Sites Noise Code and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

- (c) Notwithstanding (a) above, the use of “Highly Intrusive Appliances” or “Category A” Appliances as defined in the City of Sydney Code of Practice for Construction Hours/Noise 1992, shall be restricted to between 9.00am and 3.30pm Monday to Friday and between 9.00am and 1.00pm Saturday and must include a 1 hour respite period commencing at midday Monday to Friday.

(91) SYDNEY WATER REQUIREMENTS

- (a) Building Plan Approval
- (i) The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.
- (ii) For further assistance please telephone 13 20 92 or refer to Sydney Water’s website www.sydneywater.com.au for:
- a. Quick Check agent details - see Building and Developing then Quick Check; and
- b. Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating
- (b) Requirement for a Section 73 Certificate
- (i) Sydney Water will assess the impact of the development when the proponent applies for a Section 73 Certificate. This assessment will enable Sydney Water to specify any works required as a result of the development and to assess if amplification and/or changes to the system are applicable. The proponent must fund any adjustments needed to Sydney Water infrastructure as a result of any development.
- (ii) The proponent should engage a Water Servicing Coordinator to get a Section 73 Certificate and manage the servicing aspects of the development. The Water Servicing Coordinator will ensure submitted infrastructure designs are sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002) and the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).
- (iii) Sydney Water requests Council to continue to instruct proponents to obtain a Section 73 Certificate from Sydney Water. Details are available from any Sydney Water Customer Centre on 13 20 92 or Sydney Water’s website at www.sydneywater.com.au

(92) PHYSICAL MODELS

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

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparingandLodgingaDA.asp. Council's model maker must be consulted prior to construction of the model for Town Hall House. The Manager of Customs House must be consulted prior to the construction of the model for City Exhibition Space.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under section 96 of the Environmental Planning and Assessment Act) that affect the external appearance of the building.

(93) SUBMISSION OF ELECTRONIC MODELS

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

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

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

(94) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(95) 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.

(96) 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.

(97) 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.

(98) 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.

(99) 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.

(100) 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.

(101) SYDNEY WATER CERTIFICATE

A Section 73 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 then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

The Section 73 Certificate must be submitted to Council or the Principal Certifying Authority prior to an Occupation Certificate or subdivision/strata certificate being issued.

(102) 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.

(103) 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.

(104) 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.

(105) 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.

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 *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*

Clause 98A Erection of signs

Clause 98B Notification of *Home Building Act 1989* 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>

BACKGROUND

The Site and Surrounding Development

1. A site visit was carried out on 14 October 2013.
2. The development site is known as "Harold Park" and is located in Forest Lodge approximately 2.5km from the Sydney CBD. The site was formerly used for harness racing. The Rozelle Tram Depot also operated on part of the site from 1904 through to the 1960s and the heritage listed Tram Sheds remain on the site.
3. The site was previously owned by the NSW Harness Racing Club and is now owned by Mirvac.
4. The development site has an area of approximately 10.63ha and is surrounded by the suburbs of Glebe, Forest Lodge and Annandale, generally comprising late 19th and early 20th century residential development, with small scale commercial and retail uses and some remnant industrial uses to the north.
5. The development site is within 1km of the Glebe and Annandale village centres, on Glebe Point Road and Booth Street, respectively, and the site is also about 1km away from Sydney University, the Royal Prince Alfred Hospital and Broadway shopping centre.
6. Except for heritage listed items and the former administration building which is now being used as a marketing suite, all structures on the site have now been demolished.
7. The section of the development site subject to this application is known as "Precinct 3" and is located towards the south-western corner of the site, fronting The Crescent. The development site is divided into 6 residential precincts, the Tram Sheds Precinct and the open space precinct.
8. Photos of the site and surrounds are provided below:



Figure 1: Aerial image of subject site and surrounding area

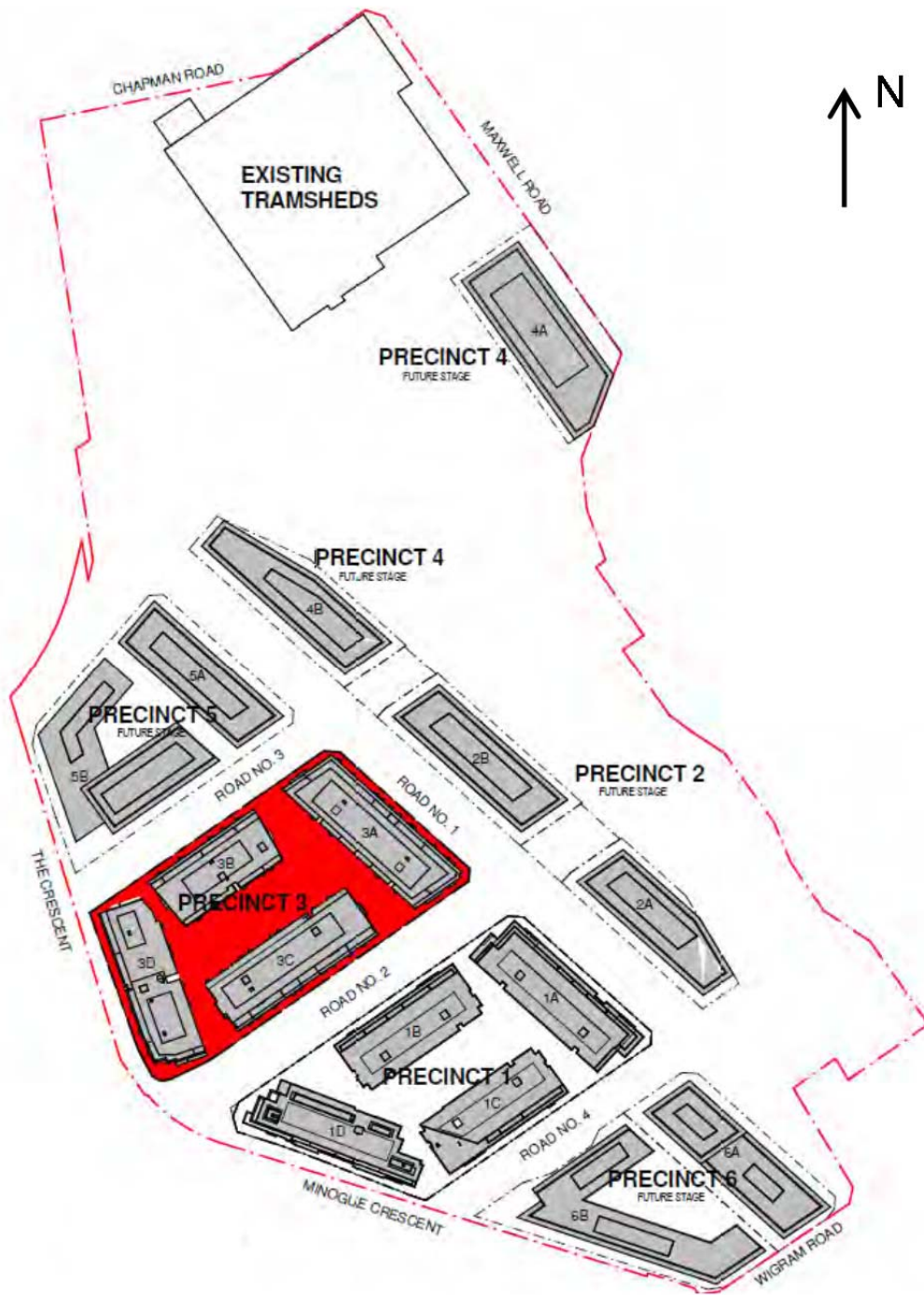


Figure 2: Plan of precincts

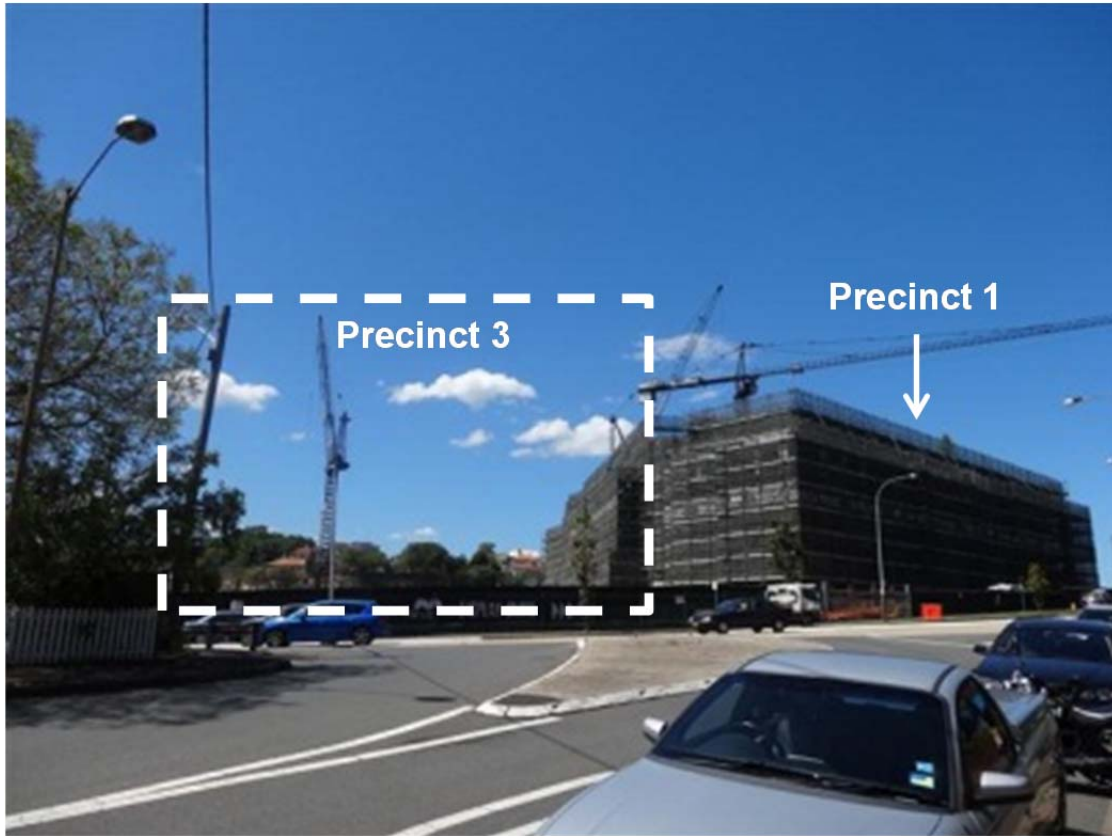


Figure 3: Looking towards the site at Minogue Crescent



Figure 4: Looking north-west along Minogue Crescent towards The Crescent

PROPOSAL

9. The proposal is for:
- Construction of four residential apartment buildings on one strata development lot comprising 345 apartments;
 - A common two level basement car park providing a total of 296 spaces comprising 273 residential, 10 visitor car spaces, 4 car share, 3 spaces for motorcycles, 2 car wash bays and 4 service vehicles, and 345 bicycle parking spaces for residents;
 - A centrally located landscaped courtyard for communal use by residents; and
 - Associated landscaping, excavation and infrastructure works.
10. The proposal has been amended to address concerns raised by Council. The amendments include:
- Internal reconfiguration of Levels 1 and 2 in Building 3B to replace 24 single aspect apartments with 22 apartments comprising 4 corner apartments, 2 cross through apartments, 4 maisonette apartments and 7 single aspect apartments; and
 - Reconfiguration of layout on Levels 3 to 6 (inclusive) of Building 3C to incorporate 2 cross through apartments per level.
11. Detailed plans and elevations are provided at Attachments A. Photomontages/indicative illustrations of the proposed development are provided below:

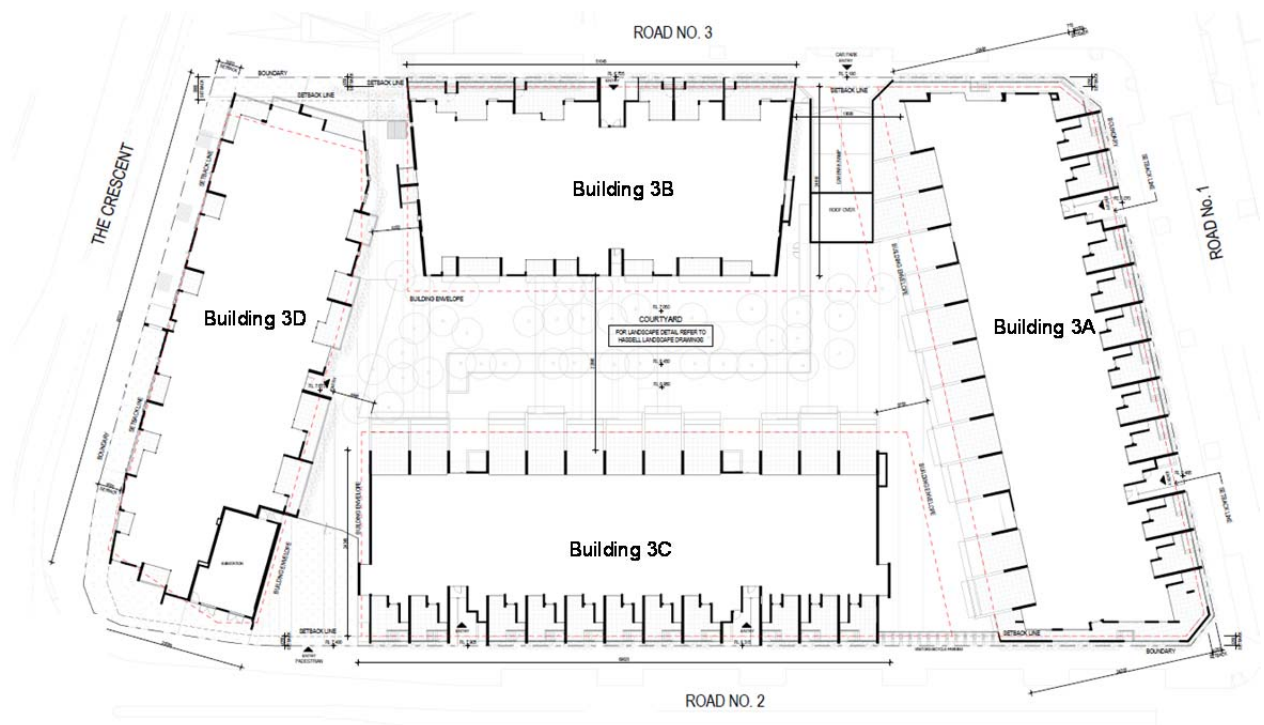


Figure 5: Precinct Plan



Figure 6: Photomontage of Building 3A from Road No. 1



Figure 7: Photomontage of Building 3B from Road No. 3



Figure 8: Photomontage of Building 3D from The Crescent

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

12. The Stage 1 DA (D/2011/1298) was approved by the CSPC on 26 July 2012. The Stage 1 DA proposal included residential building envelopes ranging from 3 to 8 storeys (approximately 1,250 dwellings); 7,553m² non-residential floor space (mainly in Tram Sheds); dedication of 3.8ha of public open space; bulk excavation and infrastructure works, new roads, intersection and road widening; re-alignment of Ross Street, car parking for Tram Sheds precinct; landscaping and subdivision.
13. The Stage 1 approval has since been modified by Amendment Nos. A to E as follows:
 - (a) Amendment No. A modified requirements for physical and digital models, timing for dismantling and storage of water tanks, traffic signal and traffic calming provisions, and design and construction of roads requirements.
 - (b) Amendment No. B modified the timing to submit amended plans, subdivision and to correct a drafting error.
 - (c) Amendment No. C modified the timing to submit measures to mitigate traffic impacts.
 - (d) Amendment No. D permitted the removal of additional trees along The Crescent, Minogue Crescent and Maxwell Road.

- (e) Amendment No. E modified the design of the roundabout on Road No. 1, reconfigured turning circle on Road No. 3 to mirror that on Road No. 4, deleted Road No. 5 adjacent to Precinct 5 and public open space, and amended building envelopes and setbacks in Precinct 2, 4 and 5 to accommodate for redesign of the roundabout on Road No. 1. The amendment also redistributed floor space and the staging of subdivision plans.
14. Development Applications (DAs) for remediation, demolition, a marketing suite and signage, associated with the redevelopment of Harold Park have also been approved since July 2011.
15. A Stage 2 application (D/2011/1311) for the construction of 4 residential apartment buildings in Precinct 1 was approved by the CSPC on 18 September 2012.
16. The Stage 2 approval for Precinct 1 has since been modified by Amendment Nos. A to D to amend alignment levels, incorporation of additional items as early works for the site, continuation of construction program and the required security for essential infrastructure works to reflect amendments made to the VPA.
17. A Stage 2 application (D/2011/1312) for the construction of 2 residential apartment buildings (8 storeys) in Precinct 2 comprising 169 apartments, 53m² retail area, basement car park for 171 cars and two pocket parks was approved by the CSPC on 18 September 2012.
18. The Stage 2 approval for Precinct 2 has since been modified by Amendment Nos. A to D) to amend the delivery times for the public art and heritage interpretation strategy, incorporation of additional items as early works for the site and modification to the required security for essential infrastructure works to reflect amendments made to the VPA.
19. A DA for the redevelopment of the former Rozelle Tram Sheds (D/2013/883) for uses including a supermarket, restaurants, a gym and associated car parking for 146 vehicles and 65 bicycles was submitted in July 2013. This DA is currently the subject of a separate assessment process.

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

20. The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:

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

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

State Environmental Planning Policy No 55—Remediation of Land

22. The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.

23. D/2011/1299, approved on 29 June 2012, included remediation works to the site. The application was accompanied by a Remedial Action Plan and Interim Advice from a Site Auditor. The consent requires a Site Audit Statement confirming that the site is suitable for the proposed use prior to the commencement of any other works on the site, other than those associated with remediation.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

24. BASIX requires that residential developments reduce water consumption by 40% and greenhouse gas emissions (energy) by 20%.
25. The Harold Park LEP allows for a floor space bonus, of up to 10,630sqm, if the proposed buildings exceed BASIX targets by not less than 25%.
26. The proposal was accompanied by a BASIX Certificate and assessment prepared by Efficient Living Pty Ltd dated 24 April 2013 confirming that the proposed scheme achieves a +50% water savings target (+25% above the required 40 per cent) and +25% energy savings target (+25% above the required 2%). The proposal also achieves a 5.5 star level thermal comfort rating.
27. The revised scheme also achieves BASIX targets +25% for water and energy savings.
28. As per the provisions of the Harold Park LEP, the development site is eligible for bonus floor space up to 10,630sqm.

State Environmental Planning Policy No 65 — Design Quality of Residential Flat Development

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

(a) **Principle 1: Context**

Complies: The proposed residential apartment scheme is consistent with the mixed use character of the development site. The scheme is also appropriate within the context of the surrounding neighbourhood.

(b) **Principle 2: Scale**

Complies: The proposed building heights (maximum RL 36.00) are consistent with the maximum building height controls (RL 36.00) approved under the Stage 1 consent and are therefore acceptable.

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

Complies: The proposed scheme provides four buildings that are generally consistent with the approved orientation for buildings under the Stage 1 consent. The proposed building envelopes of Buildings 3A, 3B and 3C generally comply with the Stage 1 approval, except for the parts of balconies that protrude beyond the approved envelopes. The proposed northern setback of Building 3D exceed the approved building envelope between 3m and 3.8m. Non compliances with the approved Stage 1 building envelopes are addressed in the Issues section.

(d) **Principle 4: Density**

Complies: The Stage 1 DA set out proposed GFA for development across the site. This was considered against the overall site floor space control in the LEP. The proposed 30,480sqm of GFA for Precinct 3 does not exceed the allocated GFA of 30,545sqm for the precinct under the Stage 1 consent (as modified by Amendment No. E). The proposal contributes to the residential component as approved in the Stage 1 DA and complies with the maximum permitted FSR for the development site.

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

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

The amended proposal achieves 206 naturally cross ventilated apartments (60% of all apartments in the precinct). Of the 206 apartments, 46 rely on openings to slots within the façades fronting the internal communal open space to achieve cross ventilation as recommended in the RFDC.

The amended proposal achieves solar access to 50% of apartments within the precinct and does not comply with the minimum 70% requirement in the RFDC.

It is acknowledged that the development site is constrained by the approved building envelopes and alignment of roads approved under the Stage 1 DA. The orientation of the envelopes delivers a number of long south facing elevations. Overall compliance with solar access provisions are proposed to be achieved across the development site with the apartments in Precinct 3 contributing to the target of 70% of all apartments receiving adequate solar access.

Compliance with natural cross ventilation and solar access provisions and impacts on residential amenity is further addressed in the Issues section.

(f) **Principle 6: Landscape**

Complies: The proposed landscaping of private, communal and public open spaces is generally consistent with the Stage 1 DA and the requirements in the Harold Park DCP.

In particular, the proposal provides landscaping at the boundary of proposed buildings and the public domain. Private landscaped courtyards are provided for all ground floor dwellings along with deep soil areas equivalent to 10% of the precinct area. Areas of communal open space centrally located between all buildings measure approximately 2,192sqm.

Building 3D contains a green roof area approximately 206sqm on Level 6 and 37sqm on Level 7. The Harold Park DCP specifies that for a building with 6,088sqm of GFA approximately 333sqm should be used for a green roof. Although the proposal does not achieve the recommended area based on the roof area of the building, the proposed green roof is comparable to approved green roofs within the development site. Notably, green roof spaces measuring 208sqm in Precinct 1 and 367sqm in Precinct 2 have previously been approved.

The proposal generally satisfies the objectives for green roofs in the Harold Park DCP as it will enhance the landscape setting of the development and the surrounding environment.

(g) **Principle 7: Amenity**

Complies: The proposed apartment mix generally complies with provisions under the Harold Park DCP, except for the number of studio and 1 bedroom apartments. The non-compliance of apartment mix in the precinct is considered acceptable in this instance, as it is intended that apartment mix across the development site will achieve compliance with the DCP.

The amended proposal has apartment sizes, private open space and orientation that enhances residential amenity and is generally consistent with the RFDC.

Appropriately sized private open space at ground and upper levels are provided to a majority of apartments. There are some studio and one bedroom apartments with balcony dimensions that do not achieve the minimum requirement under the RFDC and DCP controls, however, the design of the apartments provide adequate outlook for residents over the communal open space and surrounding public domain. Future residents of the development site will have access to communal open space and be in close proximity to the 3.8ha publicly accessible open space immediately to the west and the larger existing parklands to the north.

The efficiency of internal circulation space within Buildings 3B and 3D, serviced by a single core, are addressed in the Issues section.

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

Complies: Casual surveillance of the surrounding public domain is provided through balconies and windows located on all facades. Passive surveillance is also provided to the centrally located communal open space from balconies and windows of dwellings and openings to entry lobbies and lift lobbies on most levels. Secure access to the communal open space for residents and visitors is provided at Level 1 of all buildings.

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

Partially Complies: The apartment mix within the precinct comprises 4% studios, 39% one bedroom apartments, 42% two bedroom apartments and 15% 3 bedroom apartments. The proposed two and three bedroom mix complies with the Harold Park DCP however, the proposed studio and one bedroom mix do not comply with the required mix of 5-10% for studios and 10-30% for one bedroom apartments.

The proposed apartment mix is acceptable as the variation will not have any significant impact on the provision of a range of apartment types across the development site.

(j) **Principle 10: Aesthetics**

Complies: The building facades are articulated to reflect the function of the internal areas, provide visual interest and a human scale at the street level.

A materials and finishes sample board was provided. A condition has been included for the final materials and finishes to be submitted for approval by the Director City Planning, Development and Transport.

30. In summary, the development is considered to be broadly acceptable when assessed against the above stated principles and the SEPP generally, which are replicated in large part within Council's planning controls.
31. As the DA relates to a residential flat development, the DA was required to be accompanied by a design verification statement from a qualified designer. Such a statement was prepared by Bruce Eeles of Eeles Trelease Pty Ltd Architects, a registered architect.

Residential Flat Design Code

32. The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

Residential Flat Design Code		
Matter to be Considered	Compliance	Comment
<p>Building Separation</p> <p><i>Up to four storeys/12m:</i></p> <ul style="list-style-type: none"> ▪ 12m between habitable rooms/balconies ▪ 9 m between habitable/balconies and non-habitable rooms ▪ 6 m between non-habitable rooms <p><i>Five to eight storeys/up to 25 metres:</i></p> <ul style="list-style-type: none"> ▪ 18m between habitable rooms/balconies ▪ 13 m between habitable/balconies and non-habitable rooms ▪ 9 m between non-habitable rooms 	<p>✓/x</p>	<p>Building separation is influenced by the approved building envelopes in the Stage 1 DA.</p> <p>The approved building envelopes have separation ranging between 6m and 13.6m, and a wider separation of 22.36m between Buildings 3B and 3C.</p> <p>The proposed separation between the first 4 storeys of Buildings 3A and 3B, Buildings 3A and 3C and Buildings 3B and 3C comply.</p> <p>The proposed separation between the first 4 storeys of Buildings 3B and 3D range between 3.6m and 8.6m, and between 6.8m and 8.4m for Buildings 3C and 3C, do not comply.</p>

Residential Flat Design Code		
Matter to be Considered	Compliance	Comment
		<p>The separation between Buildings 3C and 3D, and 3B and 3D do not comply at and above 5 storeys.</p> <p>The separation of Buildings 3A, 3B and 3C at and above 5 storeys generally comply except for the separation between balconies with a north-west orientation in Buildings 3A, 3B and 3C.</p> <p>The variation is supported and discussed in the Issues section.</p>
<p>Building Depth</p> <p><i>10-18m (glass to glass) wide is appropriate.</i></p>	✘	<p>The proposed buildings have a maximum glass to glass line as follows:</p> <ul style="list-style-type: none"> • Building 3A – 23m • Building 3B – 23m • Building 3C- 21.4m • Building 3D – 21.6m <p>The variation is supported and discussed in the Issues section.</p>
<p>Deep Soil Zone</p> <p><i>A minimum 25% of the open space area of the site should be deep soil zone.</i></p>	✔	<p>2,192sqm of the precinct area comprises communal open space. The proposed 989.9sqm of deep soil area within the precinct (45%) complies.</p>
<p>Communal Open Space</p> <p><i>Communal open space to be 25-30% of site area.</i></p>	✘	<p>2,192sqm of communal open space is provided centrally within Precinct 3. The communal open space is approximately 22% of the precinct. The proposed area is appropriately landscaped and considered acceptable given the proximity of the proposed 3.8ha parklands.</p>

Residential Flat Design Code		
Matter to be Considered	Compliance	Comment
<p>Private Open Space: Ground Level</p> <p><i>25sqm; minimum preferred dimension in one direction is 4m.</i></p>	✓/x	<p>Level 1 (ground floor) dwellings in Buildings 3A, 3B and 3C have direct access to private courtyards with dimensions of at least 4m and areas between 29.4sqm and 34.5sqm, and complies.</p> <p>Three apartments in Building 3D have direct access to The Crescent and have courtyard areas with minimum dimensions of 4m.</p> <p>However one apartment has an open space area of 18.4sqm with a minimum dimension of 4m. The subject apartment has an internal area of 58sqm and complies with minimum apartment size of 50sqm. The apartment is in close proximity to public parklands to the north and will have access to the landscaped communal open space in the precinct.</p>
Safety	✓	A CPTED statement was prepared identifying areas within the development that required appropriate design and security management.
Visual Privacy	✓	<p>Building separation is partly constrained by approved building envelopes approved in the Stage 1 DA. The proposal largely achieves acceptable separation between adjacent habitable room openings to maintain visual privacy.</p> <p>Where portions of buildings protrude beyond the approved building envelopes and do not comply with minimum separation distances, privacy treatment is recommended to alleviate direct overlooking.</p>

Residential Flat Design Code		
Matter to be Considered	Compliance	Comment
<p>Single Aspect Apartments</p> <p><i>limited in depth to 8m from a window. If not, building must demonstrate a satisfactory daylight and natural ventilation.</i></p> <p><i>Limit single aspect apartments with a southerly aspect (SW-SE) to max.10% of total apartments.</i></p>	x	<p>75 apartments (22%) of apartments in the precinct are single and southerly aspect.</p> <p>The proposed number of south facing apartments is partly constrained by the approved building envelopes in the Stage 1 consent.</p> <p>Proposed single aspect apartments that exceed 8m depths from a window range between 8.2m to 10m.</p> <p>All single aspect apartments have windows to habitable rooms and is acceptable in terms of achieving adequate daylight and natural ventilation.</p>
<p>Apartment Layout – Kitchen</p> <p><i>The back of a kitchen should be no more than 8m from a window.</i></p>	x	<p>136 apartments (40%) have kitchens setback more between 8.2m and 9.6m from a window. These kitchens are generally located against the rear wall of apartments.</p>
<p>Apartment Layout – Cross-Over</p> <p><i>The width of cross-over or cross-through apartments over 15 m deep should be 4m or greater to avoid deep narrow apartment layouts. If not, building must demonstrate a satisfactory daylight and natural ventilation.</i></p>	✓/x	<p>Buildings 3A, 3B and 3C have two storey cross through and maisonette apartments occupying Levels 1 and 2.</p> <p>The façades of apartments are modulated to accommodate balconies and courtyard. The apartments are capable of achieving natural cross ventilation.</p>

Residential Flat Design Code		
Matter to be Considered	Compliance	Comment
<p>Balconies</p> <p><i>2m min balcony width. If alternate depth is proposed, need to demonstrate furniture layout</i></p>	✓	<p>Principal balconies to all apartments have a minimum dimension of 2m.</p> <p>20 apartments in the precinct have secondary balconies 1m in width. These balconies propose to enhance access to natural light and ventilation and are not principle areas of private open space.</p>
<p>Ceiling Heights</p> <p><i>2.7m min ceiling height in habitable areas.</i></p> <p><i>2.25-2.4m ceiling height in non-habitable areas</i></p>	✓	<p>A minimum 2.7m floor to ceiling height is provided to all habitable rooms.</p>
<p>Ground Floor Apartments</p> <p><i>Optimise the number of ground level apartments with separate entries. Provide ground floor apartments with access to private open space</i></p>	✓	<p>Ground floor (Level 1) apartments in all buildings have separate entries directly from the public domain.</p> <p>All ground floor apartments have private courtyards directly accessible from principal living areas.</p>
<p>Internal Circulation</p> <p><i>In general, where apartments are arranged off a double-loaded corridor, the number of apartments accessible from a single core/corridor should be limited to eight</i></p>	✓/x	<p>Buildings 3A and 3C are serviced by dual cores and have no more than 8 apartments per corridor. Buildings 3A and 3C comply.</p> <p>Buildings 3B and 3D contain a single core servicing a maximum 9 apartments and 14 apartments per level, respectively. All apartments from Level 1 to 6 (inclusive) require lift access to the street level entry. Buildings 3B and 3D do not comply.</p>

Residential Flat Design Code		
Matter to be Considered	Compliance	Comment
<p>Storage</p> <p><i>Minimum storage provision facilities:</i></p> <p>1 bed: 6m³ 2 bed: 8m³ 3 bed: 10 m³</p> <p><i>(With minimum 50% storage area located within apartment)</i></p>	✓	<p>Adequate storage is provided within each apartment. Conditions are imposed to reinforce the provision and allocation of storage facilities.</p>
<p>Daylight Access</p> <p><i>70% of apartments to receive 3 hours of direct sunlight in midwinter to living rooms and private open spaces. In dense urban areas a minimum of 2 hours may be acceptable</i></p>	✘	<p>50% of apartments receive 3 hours of sunlight to living spaces and private open space.</p> <p>Due to the orientation of the building envelopes approved in the Stage 1 DA, the precinct comprises buildings with lengthy south facing facades that constrain access to direct sunlight in midwinter.</p> <p>The amended proposal which includes 8 cross through apartments replacing single aspect apartments in Building 3C and 4 maisonette apartments in Building 3B, improves access to sunlight and is supported.</p> <p>The proposed apartments will contribute to compliance with solar access requirements across the development site.</p>

Residential Flat Design Code		
Matter to be Considered	Compliance	Comment
<p>Natural Ventilation</p> <p><i>60% of apartments to be cross-ventilated. 25% of kitchens within a development should have access to natural ventilation.</i></p> <p><i>Variation must demonstrate how natural ventilation can be satisfactorily achieved</i></p>	✓	<p>60% of apartments achieve natural cross ventilation.</p> <p>60% of kitchens in apartments achieve natural ventilation.</p> <p>The amended proposal achieves the highest percentage of compliance within the development site (in comparison with Precinct 1 and 2 approvals) and will significantly contribute to the Stage 1 commitment of achieving SEPP 65 compliance across the development site.</p>

VOLUNTARY PLANNING AGREEMENT (VPA)

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

Sydney Local Environmental Plan (Harold Park) 2011

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

Development Control	Permissible under the Sydney LEP (Harold Park) 2011	Comment
Zoning (CI 2.1)	Yes	B4 – Mixed Use permits residential development with consent.
Height of Buildings (CI 4.3)	Yes	<p>The maximum height for Precinct 3 ranges between 28m along The Crescent to 36m centrally within the site.</p> <p>A maximum height of 28m is proposed for Building 3C.</p> <p>A maximum height of 36m is proposed for Buildings 3A, 3B and 3D.</p>

Development Control	Permissible under the Sydney LEP (Harold Park) 2011	Comment
<p>Floor Space Ratio (CI 4.4)</p> <p>Development Site Area: 10.633ha (Precinct 3 Site Area = 9,899sqm)</p> <p>BASIX bonus (CI 6.6)</p>	Yes	<p>The development site has a maximum FSR of 1.15:1 + Bonus Floor Space. A maximum of 132,918sqm total GFA is permissible for the development site.</p> <p>The proposed has a GFA of 30,200sqm and a FSR is 3.05:1, including Bonus Floor Space.</p> <p>The proposal has met the requirements of BASIX to benefit from the bonus floor space scheme.</p> <p>The development leaves 57,656sqm of residential floor space for the remaining precincts.</p> <p>Refer to Issues section.</p>
Heritage Conservation (CI 5.10)	Yes	The statement has been reviewed and the development is considered acceptable subject to archaeological and heritage interpretation conditions
Car Parking (CI 6.1)	Yes	The proposed 273 car spaces do not exceed the maximum car parking rate in the LEP.
Acid Sulfate Soils (CI 6.2)	Yes	An Acid Sulfate Soils report has been submitted with the application. Soils classified as being located within areas that require specific attention will be covered by a relevant condition of consent requiring that works comply with applicable legislation.
Flood Planning (CI 6.3)	Yes	Flooding reports have been submitted. The application is compliant with the LEP with regard to appropriate flood planning.
Design Excellence (CI 6.4)	Yes	The design has been considered against the requirements of design excellence and is considered satisfactory.

Sydney Development Control Plan (Harold Park) 2011

35. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

Matters to be Considered	Compliance	Comment
Desired Future Character (Section 2)		
Consistent with Government Architect's Office Urban Design Study	Yes	The proposal complies with the provisions within the DCP regarding open spaces, coherency of streets and connections, stormwater management, heritage protection and accessibility.
Local Infrastructure (Section 3)		
Ground Levels and Excavation 3.1	Yes	The proposed site levels generally satisfy the objectives for accessibility, usability overland flow paths and supported and subject to conditions ensuring consistency with the Stage 1 DA.
Public Domain 3.2	Yes	The development site includes the dedication of 3.8ha of public open space to Council and satisfies the minimum requirement in the DCP.
Street Network and Access 3.3	Yes	A Traffic Management Plan was submitted with the application. Proposed access is generally consistent with the Stage 1 DA and the approvals granted for Precinct 1 and 2.
Staging 3.4	Yes	Conditions on the staged delivery of Essential Infrastructure associated with the public domain and the dedication of public open space are included in the recommendation.
Heritage (Section 4)		
Harold Park Paceway 4.1	Yes	A Heritage Interpretation Strategy was submitted and is considered to be generally in accordance with heritage conservation and interpretation provisions.

Matters to be Considered	Compliance	Comment
Building Use, Form and Design (Section 5)		
Land Uses 5.1 Centres and Hierarchy and Retail Uses 5.2	Yes	The proposal does not comprise any non-residential uses.
Building Form and Layout 5.3	Yes	<p>The buildings address the street frontages and are arranged in coherent blocks, with appropriate setbacks.</p> <p>The proposed building heights and FSR comply with the Stage 1 approval. Variations to the approved building envelopes are addressed in the Issues section of this report.</p>
Application of NSW Residential Flat Code 5.4	Partial	The amended proposal has been assessed against the recommendations of the RFDC and is addressed in the SEPP 65 section of this report.
Building Typology, Design and Dwelling Mix 5.5	Partial	The amended proposal comprises 4% studios, 39% 1 bedroom apartments, 42% 2 bedroom apartments and 15% 3 bedroom apartments. The proposed apartment mix satisfies the requirements in the DCP.
Safety and Design 5.6	Yes	The CPTED report submitted with the application satisfactorily addresses safety and security measures and is generally compliant with the provisions of the DCP.
Sun Access 5.7	Yes	<p>50% of apartments receive direct access to sunlight to living spaces and private open space for 3 hours in midwinter.</p> <p>The reduction in the length of Building 3B enhances sunlight access to the centrally located communal open space.</p>

Matters to be Considered	Compliance	Comment
Reflectivity 5.8	Yes	A reflectivity report has been submitted. Recommendations provided within the report satisfactorily addresses reflectivity provisions in the DCP and is acceptable. A condition has been imposed to ensure that the proposal adopts appropriate reflectivity measures to minimise impacts on pedestrians and motorists.
Acoustic Privacy 5.9	Yes	An Acoustic report has been submitted. The proposal generally satisfies the provisions in the DCP with regard to acoustic privacy. Conditions have been recommended to ensure compliance with relevant acoustic requirements.
Building Facades, Entrances and Articulation 5.10 Active Frontages 5.11	Yes	<p>The proposed facades and building entrances generally satisfy the provisions in the DCP and address the interface between public and private domains.</p> <p>Each building provides an address to the street via its primary entrance and all street level apartments have separate access to the street which satisfies SEPP 65 and the DCP.</p>
Landscaping 5.12 Private Open Space 5.13 Common Open Space 5.14 Deep Soil 5.15 Green Roofs 5.16	Partial	<p>Landscaping is provided along the boundaries of the site, in the communal open space and private courtyards.</p> <p>10% of the precinct area comprises deep soil planting areas and satisfies the provisions in the DCP.</p>

Matters to be Considered	Compliance	Comment
Fences 5.17	Yes	<p>Front fences to street level apartments measure approximately 1.9m with a 900mm solid base and 1m open/transparent balustrade.</p> <p>The 1.2m height control for open/transparent balustrade fencing above the footpath level, excludes retaining walls. As such, the proposed fences with an overall height of 1.9m are reduced to 1m in height and complies with the DCP.</p> <p>The fence height for internal courtyards at ground level measures 1.8m and complies with the DCP.</p>
Tree Management 5.18	Yes	There are no existing trees in the subject precinct area. Conditions have been imposed relating to the proposed landscape plan, tree planting and tree maintenance.
Environmental Management (Section 6)		
Ecologically Sustainable Development 6.1	Yes	<p>The proposal satisfies BASIX requirements.</p> <p>A sustainability report was submitted identifying commitments to sustainability across the development site (as part of the Stage 1 DA). The subject proposal incorporates green roofs, deep soil planting areas and harvesting rainwater.</p>
Waste Facilities and Minimisation 6.2	Yes	Waste storage and collection is proposed in the basement level and generally complies with the provisions in the DCP.
Stormwater and Water Sensitive Urban Design 6.3	Yes	<p>A stormwater management plan and statement was submitted and considered as part of the application.</p> <p>Appropriate water sensitive design principles have been incorporated across the development site.</p> <p>Appropriate stormwater conditions have been imposed.</p>

Matters to be Considered	Compliance	Comment
Vehicle and Bicycle Facilities (Section 7)		
Parking, visitor, service and motorcycle parking, Car share spaces, accessible parking, bicycle parking and parking design and access.	Yes	273 residential car parking spaces are proposed in the basement levels of the precinct. 10 car spaces are for visitors. 4 car spaces are for car share. 18 motorcycle spaces equivalent to 3 car spaces in area. 379 bicycle spaces, including 34 visitor bicycle spaces are proposed. Visitor bicycle spaces are provided in the basement and at street level on Road No. 2. The proposed design of the basement car park is generally consistent with the DCP and is acceptable, subject to conditions relating to car space allocation and use.

City of Sydney Access Development Control Plan 2004

36. Access from the public domain to the principal residential entries at street level provides equitable access in accordance with Part D3 of the BCA and the DCP requirements.
37. Each building is serviced by at least one lift between the basement levels and the uppermost residential level. The proposal complies with the minimum access requirements under the BCA but does not satisfy the recommendation for internal circulation in the RFDC. This is addressed in the Issues section of this report.

City of Sydney Heritage Development Control Plan 2006

38. A Statement of Heritage Impact prepared by Graham Brooks and Associates dated April 2013 as been considered as part of the assessment.
39. The proposed building envelopes and proportions of the buildings are generally consistent with the Stage 1 DA and will not have any additional impacts on the significance of surrounding heritage items and the surrounding heritage conservation area which was considered in the Stage 1 DA. The proposal is considered acceptable subject to archaeological and heritage interpretation conditions.

City of Sydney Contaminated Land development Control Plan 2004

40. Refer above to the heading SEPP 55 – Remediation of Land.

City of Sydney Policy for Waste Minimisation of New Developments

41. The proposed garbage and recycling storage areas are located in the basement. In The proposal provides satisfactory vehicular access to waste and recycling areas for collection and is acceptable subject to conditions.

ISSUES

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

Design Excellence

43. The proposal generally achieves design excellence in accordance with the considerations in Clause 6.4 of the LEP with appropriate built form and use of quality external materials and finishes, and is consistent with land use mix and building envelopes in the Stage 1 approval. The proposal also contributes to ecological sustainability through compliance with BASIX requirements (+25%) and the provision of a pocket park and green roofs in the precinct.

Compliance with Stage 1 building envelopes

44. The proposed buildings are generally consistent with the building envelopes approved in the Stage 1 DA with the exception of Building 3D which protrudes beyond the northern alignment fronting Road No. 3 by 3 to 3.88m. The proposed Building 3D setback is reduced from 5m to 2m at the north-western corner and from 9.6m to 5.6m at the north-eastern corner.
45. Figure 9 below illustrates the approved building envelope and setbacks in the Stage 1 DA.

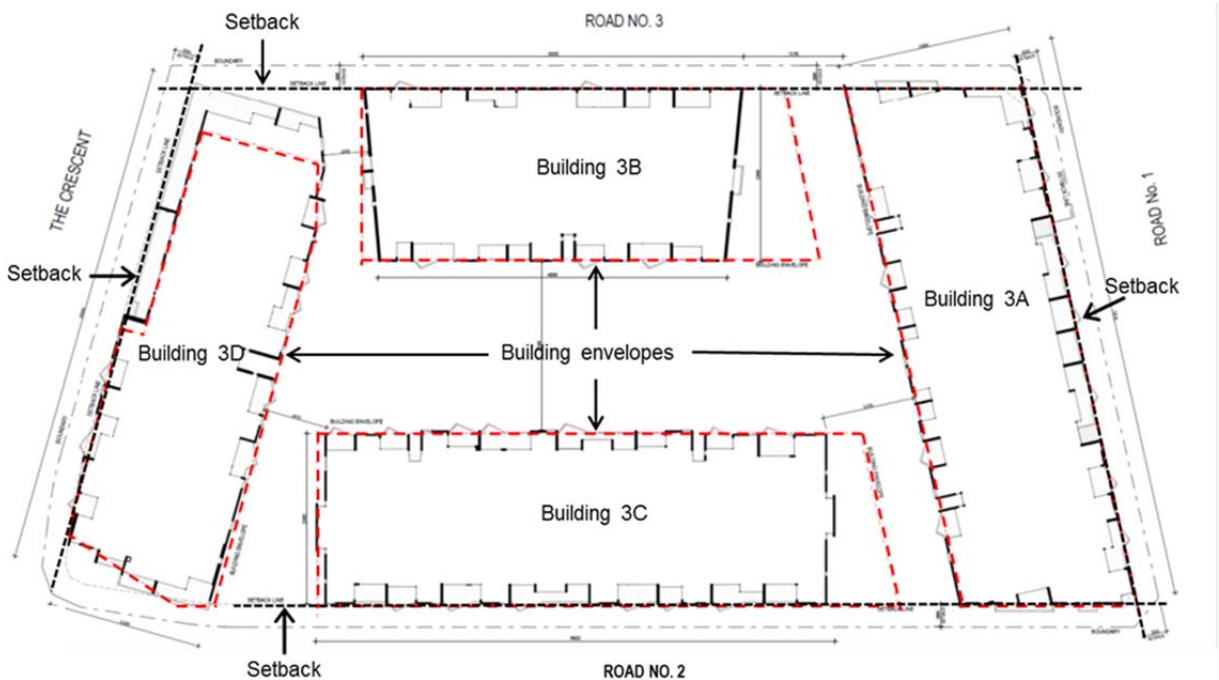


Figure 9: Proposed buildings against Stage 1 approved building envelopes and setbacks

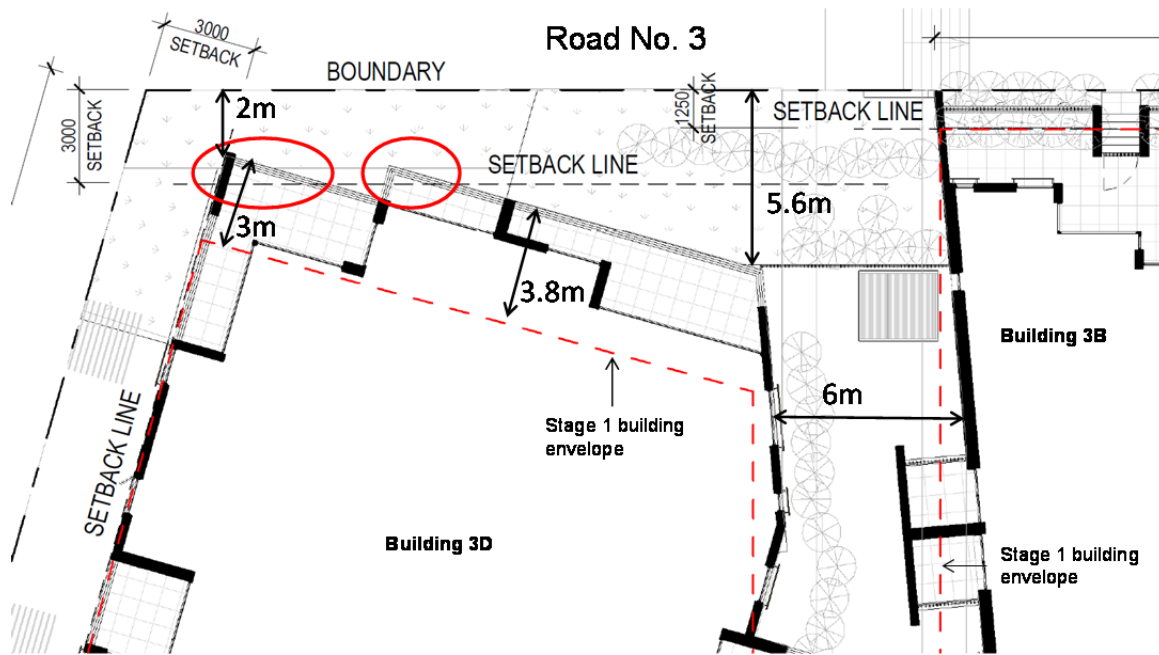


Figure 10: Extent of non-compliance beyond approved setback line from Road No. 3

46. The proposed building is contained behind the 3m setback for Building 3B along Road No. 3 except for minor protrusions comprising of fin walls and the corners of north facing balconies as shown in the Figure 10 above.
47. Whilst the partial projection of balconies beyond the approved building envelopes is inconsistent with the building envelopes approved in Stage 1, condition 2 of the Stage 1 consent enables variations to be considered as part of this assessment. Condition 2 of the Stage 1 consent reads as follows:

(2) STAGE 2 BUILDINGS

- (a) *Buildings the subject of Stage 2 DAs shall be wholly contained within the approved building envelopes, as amended by consent conditions.*
- (b) *The approved building envelopes are inclusive of balconies, bay windows, shading devices and the like and are subject to modification to comply with the Residential Flat Design Code (RFDC) and other conditions of this consent.*
- (c) *Variations to RFDC building separation requirements are not approved under this Stage 1 DA.*
- (d) *Encroachments and variations to the building envelopes will be assessed on merit on stage 2 DAs.*
48. The proposed northern setback of Building 3D reduces the available area for deep soil planting in the designated pocket park fronting Road No. 3 and reduces the building separation with the south-western façade of Building 3B. Notwithstanding this, the proposed extension of the length of Building 3D does not result in any excessive building bulk or significant amenity impacts. It should also be noted a similar 6m separation between some building envelopes was approved in the Stage 1 DA. Amenity impacts are discussed in more detail further below.

49. The non-compliance of Building 3D is off set by the reduced building footprint of Building 3B, particularly to the north-east which provides additional communal open space areas, enhances views and sense of space between the communal open space and Road No. 3, improves both daylight access to the communal area and visual amenity for residents.
50. Some balconies on Levels 2 to 6 of all buildings protrude beyond the approved building envelope and setback in the Stage 1 consent. The balconies do not extend more than 1m from the required building setback and is consistent with the permitted location for balconies in the Harold Park DCP. The proposed balconies provide articulation to the building facades and contribute to the architectural character of the development. As such, the protrusion of some balconies beyond the building envelopes and setbacks has merit and is considered acceptable.

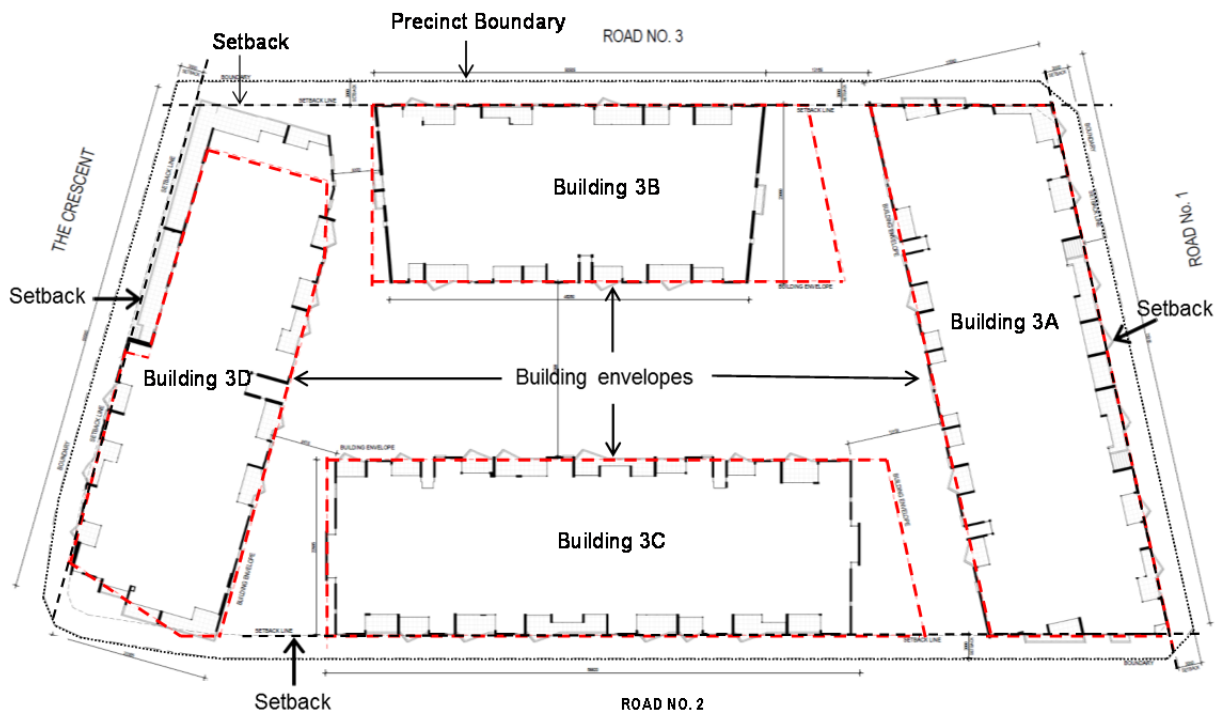


Figure 11: Stage 1 DA building envelopes and setbacks

Floor Space Ratio

51. The Precinct 3 DA proposes a GFA of 30,200sqm. The total permissible GFA across the development site, including the BASIX “bonus” is 132,914m². The BASIX bonus is up to 10,630m² GFA across the development site and is only available if each building exceeds BASIX targets by at least 25%.
52. The assessment of the Stage 1 (Amendment No. E) application which was approved on 3 October 2013, specified the proportion of GFA that could be considered as the BASIX bonus for each stage (see table below).

Precinct	Residential (m ²) – not including development subject to 6.6(1)(c)	Retail (m ²)	Development subject to (6.6)(1)(c)	Total (m ²)	Proportion of total Residential GFA (%)	Proportion of total Precinct GFA that could be considered as BASIX bonus (m ²)
1	28,712	-		28,712	23%	2,435
2	18,066	53		18,119	15%	1,550
3	32,545	-		32,545	26%	2,735
4	15,015	-		15,015	12%	1,225
5	20,894	-		20,894	14%	1,605
6	7,182	-	5,000	12,182	10%	1,080
Tram Sheds		7,500		7,500		
Total	122,414	7,553	5,000	134,967	100%	10,630

53. A BASIX assessment report has been submitted demonstrating that the proposal achieves the required BASIX target and an additional 25% in accordance with the Stage 1 consent for bonus floor space. The proposal does not exceed the maximum allocation of GFA for Precinct 3, including the permitted BASIX bonus GFA and is acceptable.

Communal Open Space

54. The proposal provides 2,192sqm of landscaped communal open space centrally within the Precinct. The communal area is accessible from Level 1 (ground floor) of all buildings and is a secure space for the use of residents and visitors. The proposed location and area of communal open space is consistent with the identified area for communal open space in the Stage 1 consent.
55. The Harold Park DCP and the RFDC requires a minimum 25-30% of the precinct area to be provided for communal open space. The DCP contains an exception where the site is immediately adjacent to public open space.
56. The proposed communal open space occupies approximately 22% of the precinct area and does not comply with the numerical control in the DCP or RDFC. However, the proposal is consistent with the allocated communal open spaces across the development site and contributes to the overall landscaping, particularly deep soil areas approved under the Stage 1 DA. The proposed landscaping will enhance the experience of the communal open space for residents and visual outlook.
57. Future residents of Buildings 3A to 3D will be able to use the communal area for passive recreation and also have access to the proposed 3.8ha public parklands.

Private Open Space

58. The proposal provides private courtyards with dimensions that generally comply with the RFDC and DCP. The courtyards at ground level comprises paved areas and landscaped planting to meet the recreational needs of occupants and contribute to the environment.
59. Upper level apartments are all provided with balconies. A majority of the apartments are provided with balconies with minimum depths of 2m and complies with the RFDC. The proposal includes a number of apartments, particularly cross through and corner apartments that have access to two balconies.
60. The proposal also includes some apartments with balconies that do not achieve a minimum depth of 2m and an area of 10sqm, and does not satisfy the private open space requirements under the DCP. Balconies that do not achieve a depth of 2m or 10sqm are generally servicing studio or 1 bedroom apartments. Given that these apartments have window openings to all habitable rooms and the balconies provide an outlook over the landscaped communal courtyard and the surrounding area, the level of residential amenity is considered to be acceptable.

Solar Access

61. The approved building envelopes and road alignments approved in the Stage 1 DA results in blocks that have extensive southerly aspect facades. The amended proposal achieves adequate solar access for 50% of apartments in the precinct in accordance with solar access controls in the DCP. However, the proposal does not achieve the minimum requirement for 70% of proposed apartments to receive at least 2 hours of direct sunlight to living spaces and private open space in the RFDC. It is acknowledged that the applicant has amended the internal layout and apartment mixes of Buildings 3B and 3C to provide more cross through apartments to enhance internal amenity for future residents.
62. Whilst the amended proposal does not achieve full compliance with the RFDC, it contributes to the overall percentage of apartments that achieve solar access across the development. In this regard, the proposed 50% results in a total of 56% of apartments (465 apartments) that achieve adequate solar access across Precincts 1, 2 and 3. This is considered to be acceptable given the orientation of building envelopes set by the Stage 1 approval and compliance with solar access controls in the DCP.
63. As considered as part of the assessment of the Stage 1 DA and Stage 2 DAs for Precinct 1 and 2, compliance with RFDC is being sought across the development site and would need to be achieved with the remaining Precincts 4, 5 and 6.

Natural Ventilation

64. The original scheme achieved natural cross ventilation to only 39% of apartments and resulted in 45% of all apartments in Precincts 1, 2 and 3 (combined) achieving natural cross ventilation. The original scheme was deficient and would require future developments in Precincts 4, 5 and 6 to achieve natural cross ventilation to 374 apartments out of the remaining 419 apartments (90% of future proposed apartments) across the development site.

65. The applicant submitted that the originally proposed scheme achieves satisfactory natural ventilation, on a performance basis, and that the proposed single southerly aspect apartments comply with deemed to satisfy requirements for natural ventilation and therefore satisfies RFDC provisions. The City does not agree with these contentions and sought further design modification to increase the number of apartments that meet the deemed to comply requirements of the SEPP, these include through apartments, cross over apartments and corner apartments.
66. Subsequently, an amended scheme was submitted comprising a mix of cross through apartments, cross over apartments, corner apartments, maisonette apartments and single aspect apartments. Modifications have been made to proposed single aspect apartments through introduction of slots in the façade of the proposed buildings, internal reconfiguration and design of operable awning windows. The amendments improve natural cross ventilation and contribute to compliance with the RFDC across Precinct 3.
67. The amended proposal achieves natural cross ventilation to 60% of apartments and natural ventilation to 60% of kitchens in accordance with the recommendations in the RFDC as follows:
68. The RFDC Rules of Thumb for natural ventilation are as follows:
- *Building depths, which support natural ventilation typically range from 10 to 18 metres*
 - *Sixty per cent (60%) of residential apartments should be naturally crossed ventilated*
 - *Twenty five per cent (25%) of kitchens within a development should have access to natural ventilation*
 - *Developments, which seek to vary from the minimum standards, must demonstrate how natural ventilation can be satisfactorily achieved, particularly in relation to habitable rooms.*
69. The proposed reconfiguration of internal apartment layouts has increased the percentage of apartments capable of achieving natural cross ventilation from 39% to 60%. The proposal contributes an additional 206 apartments to the overall compliance of apartments across Precincts 1, 2 and 3. 54% of apartments will now comply with the RFDC, up from 50% after Precinct 1 and 2.
70. The remaining 419 apartments to be developed across Precincts 4, 5 and 6 will need to comprise of 302 naturally cross ventilation apartments to meet the RFDC target of natural cross ventilation to 60% of apartments within the development site.
71. The amended proposal introduces window openings onto the slot facades of each building fronting the internal communal open space. The proposed windows will be operable to facilitate natural cross ventilation. The location and type of openings are designed to provide effective ventilation and minimise privacy impacts such as direct overlooking to habitable rooms of adjacent apartments. A condition has been imposed to reinforce the minimum width of proposed window openings and privacy treatments to minimise direct overlooking and loss of privacy between apartments.

Privacy

72. The separation distances between the proposed buildings are generally consistent with the Stage 1 consent, although the approved building envelopes do not provide separation distances that satisfy adequate separation between openings of habitable rooms in the RFDC.
73. The proposal provides greater buildings separation between Buildings 3A and 3B, and Buildings 3A and 3C given the reduction in the building footprint of Buildings 3B and 3C. The separation between Buildings 3A, 3B and 3C comply with the RFDC requirements for windows and balconies to habitable rooms.
74. The separation between Buildings 3B and 3D, and Buildings 3C and 3D do not satisfy RFDC requirements, however it is noted that the proposed setbacks between these buildings are generally consistent with the approved building envelopes in the Stage 1 consent. Variation to the building envelope occurs at the northern and north-eastern portion of Building 3D which has been addressed above.
75. The key consideration with the setbacks is privacy impacts between apartments in adjacent buildings in the precinct have generally been mitigated through satisfactory building separation and the design and arrangement of openings to minimise direct overlooking.

Transport and parking

76. Vehicular parking for residents, visitors and servicing of the precinct will be provided within the basement levels. The proposed 297 car parking spaces do not exceed the maximum 304 car spaces allowable under the LEP and is acceptable.
77. The proposal includes 4 car share spaces to be located within the basement car park. In accordance with the requirements of the DCP, car share spaces are to be included in the calculation of total of street parking spaces and therefore part of the proposed 297 spaces.
78. A maximum of 23 visitor car parking spaces are permitted by the LEP. The proposal provides 10 visitor car parking spaces located within the basement car park and complies with the LEP.
79. The proposal includes a minimum 347 bicycle parking spaces for residents and 35 bicycle parking spaces for visitors. Visitor bicycle parking spaces are proposed in in the basement and at grade fronting Road No. 2 along the south-eastern boundary of the precinct. A swept path analysis was provided demonstrating that satisfactory access and egress for garbage trucks can be achieved in the basement without adversely affecting the proposed bicycle parking area. The number and location of bicycle parking spaces are generally consistent with the requirements of the DCP and are acceptable, subject to conditions.
80. In accordance with the motorcycle parking requirements under Section 7 of the DCP, 18 motorcycle spaces contained within an area equivalent to 3 car spaces is proposed. The proposal complies with the provisions for motorcycle parking allocation and design, and is acceptable.

Access and Circulation

81. Access for disabled persons can be provided to the premises.
82. Primary access to apartments and the basement car park is via lifts, with the exception of apartments that have direct access from the street.
83. Proposed lift access for buildings in Precinct 3 are as follows:

	No of Apartments	No Lift Core	No of Apartments per Level/Core (max)
Building 3A	94	2	8
Building 3B	72	1	12
Building 3C	95	2	9
Building 3D	74	1	14

84. The proposal for single lift cores in Buildings 3B and 3D do not comply with internal circulation requirements in the RFDC as the lift will service more than 8 apartments per floor. In particular, the maximum number of apartments serviced by the proposed single core in Building 3B is 12 and Building 3D is 14 apartments.
85. Whilst the centrally located lift core and lobby in Building 3D separates the apartments on each floor into two groups of 7 apartments and comply with the numerical requirements under the RFDC, access for future residents of the building will be provided by only one lift across 6 floors.
86. A single lift core and lobby will provide access to 69 apartments located on Levels 2-8 of Building 3B. Level 1 apartments in Building 3B can be access from the lobby which has equitable access directly from Road No. 3.
87. The proposal was reviewed by the City's Design Advisory Panel at its meeting on 8 October 2013. The Panel raised concerns to the proposed single cores in Buildings 3B and 3D given the excessive number of apartments and residents that will rely on the single core as primary access to and from each level of the building and long waiting times particularly during peak travelling times. In addition, concern was raised regarding reliance on a single core and accessibility issues particularly during maintenance and repair of a lift.
88. The applicant was advised of the concerns regarding insufficient lift cores servicing Buildings 3B and 3D and it was recommended that additional lift cores should be introduced to the buildings to improve circulation and access and overall quality of the building design. The applicant has submitted amended plans to address concerns raised regarding natural cross ventilation however, no additional lift cores have been incorporated into the amended proposal for Buildings 3B and 3D. The applicant contends that the number of lifts and cores is sufficient based on performance based engineering assessments.

89. The applicant contends that the proposed length of Building 3B (51m) restricts the practicality of installing 2 separate lift cores to service the apartments in the building and any required modification to include an additional lift will likely result in undesirable flow on impacts to GFA and fire egress.
90. A total of 52 adaptable apartments (15% of all apartments) are proposed for Precinct 3. The allocation of adaptable apartments in the proposed buildings is as follows:
- (a) Building 3A – 22 apartments
 - (b) Building 3B – 14 apartments
 - (c) Building 3C – 14 apartments
 - (d) Building 3D – 2 apartments
91. The provision of 52 adaptable apartments complies with the provisions for adaptable housing under the City of Sydney Access DCP 2006. Adaptable apartments are proposed to be provided above ground level in all buildings.
92. Given that 2 storey units occupy the ground level of Buildings 3A and 3C, opportunity to provide accessible units with ground level access is limited. The alignment levels for Building 3D also limit the provision of adaptable apartments with satisfactory access from the street. Building 3B, with the exception of the proposed two storey maisonette apartments, may be capable of accommodating some adaptable apartments that can be directly accessible from Road No. 3. Future residents of adaptable apartments located above ground level will depend solely on lift access.
93. Concern is raised that access to adaptable apartments located above ground level in buildings serviced by a single lift will severely affect the amenity of future residents in the event of mechanical failure, routine maintenance, pedestrian traffic or the like.
94. In this regard, the proposed single cores to Buildings 3B and 3D do not represent best practice and do not satisfy the rules of thumb under the RFDC.
95. It is acknowledged that there are no statutory controls requiring the provision of dual cores or multiple lifts to residential buildings of the proposed scale. Therefore the design outcome for internal circulation does not warrant refusal of the development application. To minimise access impacts for future residents, particularly residents of accessible apartments, a condition has been imposed requiring the allocation accessible units from the upper levels of proposed buildings to the ground level, where appropriate.

Green Roof Landscaping

96. The proposed green roof areas in Building 3D occupy a total area of approximately 239.4sqm (approximately 22% of the 1110.5sqm roof area). Building 3D is the only building in the precinct to comprise a green roof. The proposal provides approximately 94sqm less green roof (30% of the roof area) than the recommended area for a building with GFA between 5,000sqm and 9,999sqm in the DCP.

97. The DCP encourages the provision of green roofs in developments and does not mandate that green roofs are incorporated into the design of each proposed buildings. Whilst the proposed area of green roof in Building 3D does not occupy the desired 30% of the roof area of the building, the proposal contributes to achieving environmental objectives to improve air quality, ecologically sustainable development, aesthetics and amenity across the development site.
98. Green roofs are proposed to be provided in each precinct approved under Stage 1 to contribute to achieving environmental objectives across the development site. Green roof areas measuring 208sqm and 367sqm have been approved for Precincts 1 and 2, respectively. The combination of proposed green roofs in Precincts 1, 2 and 3, contribute to visual amenity of upper level apartments in adjacent buildings and views from surrounding areas and is acceptable, subject to conditions relating to on-going management and maintenance.

Other Impacts of the Development

99. The proposed development is capable of complying with the BCA. It is Class 2 and 7a.
100. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Suitability of the site for the Development

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

INTERNAL REFERRALS

Design Advisory Panel

102. At its meeting on 8 October 2013, the Design Advisory Panel (DAP) reviewed the originally submitted proposal including supplementary consultant reports relating to natural cross ventilation. The panel did not support the proposal. Specifically, DAP recommended modification to the proposed building envelopes and internal apartment layouts to achieve improved natural cross ventilation, enhance daylight access to apartments and common corridors.
103. In addition, DAP also raised concerns that the single lift cores to service Buildings 3B and 3D do not provide adequate vertical circulation. DAP suggested that additional lift cores should be provided for the amenity of residents particularly during maintenance or in the event of mechanical failure.

104. In response to the concerns raised by planning officers and DAP, the applicant has amended the proposed internal layout of Levels 1 and 2 of Building 3B and replaced 12 predominantly single aspect apartments with 4 maisonette apartments, 6 corner apartments and 12 single aspect apartments. The internal layout of Levels 3 to 6 (inclusive) in Building 3C have also been reconfigured to provide 2 cross through apartments per level. The applicant has also committed to optimising opportunities for natural cross ventilation of apartments by offsetting operable windows located within slots in the façade of the buildings.
105. The applicant has not amended the proposal to include any additional lift cores in Buildings 3B or 3D. The applicant has submitted accessibility reports prepared by consultants, ARUP, in support of the adequacy of single lift cores in the proposed development.
106. The application was referred to Council's:
- (a) Green Roof Officer
 - (b) Urban Design
 - (c) Heritage
 - (d) Environmental Health
 - (e) Safe Cities
 - (f) Waste Management
 - (g) Public Domain
 - (h) City Access and Transport
 - (i) Building Surveyor
 - (j) Specialist Surveyor
107. Concerns raised about aspects of the development have been addressed throughout this report. Conditions recommended for inclusion have been incorporated into the conditions.

EXTERNAL REFERRALS

Roads & Maritime Services

108. The Roads & Maritime Services was notified of the proposal and raised no objection.

Sydney Traffic Committee

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

Notification, Advertising and Delegation (Submission(s) Received)

110. In accordance with Schedule 1 the Sydney DCP 2012, the proposed development is required to be notified and advertised. As such the application was notified and advertised for a period of 28 days between 16 May and 14 June 2013. As a result of this notification there were 4 submission(s) received.
111. Some of the issues raised in the submissions relate to the overall development of Harold Park. The issues relating to provision of publicly accessible open space and car parking for retail floor space were addressed in detail as part of the Stage 1 DA assessment.
- (a) The proposed building height and density is excessive and does not complement surrounding developments. The development will result in overcrowding of the area.

Response – The proposal generally complies with height controls in the Harold Park LEP and DCP. Determination of height controls at the rezoning stage had regard to achieving housing targets and public benefits to be provided as part of the development. The height controls provide for future buildings that are equivalent to the height to buildings above the cliffs.

The proposal complies with the maximum floor space ratio control for the site as discussed in this report.

- (b) Existing parks in the area are overused by current residents and cannot support additional residents. Publicly accessible open space should be provided by this development.

Response – The Stage 1 approval included the provision of 3.8ha of public open space as part of the development of Harold Park. The development will sufficiently cater for future residents and existing surrounding residents.

- (c) The proposal does not provide sufficient car parking for residents or visitors and will place additional pressure on parking in surrounding streets.

Response – The proposed number of car parking spaces provided for residents and visitors does not exceed the maximum car parking rate in the LEP and is acceptable.

- (d) Lack of traffic modelling to demonstrate how large numbers of residents will impact on existing traffic conditions.

Response – Detailed traffic modelling was carried out and considered as part of the Stage 1 DA assessment. The proposed scale and density for Precinct 3 does not exceed that envisaged under the Stage 1 consent and therefore further traffic modelling to assess impacts on existing traffic conditions is not considered necessary.

- (e) Error in the description of the development in relation to the street frontage as it should refer to Minogue Crescent instead of The Crescent.

Response – The description of the proposal used during the notification period did not contain any errors. In particular, the reference to having a frontage to The Crescent is accurate as Precinct 3 is located at the south-western portion of the development site and occupies the frontage adjacent to the intersection of Minogue Crescent and The Crescent.

PUBLIC INTEREST

112. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

FINANCIAL IMPLICATIONS/S94 CONTRIBUTION

Section 94 Contributions

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

RELEVANT LEGISLATION

114. The Environmental Planning and Assessment Act 1979.

CONCLUSION

115. The proposal is generally consistent with the Stage 1 consent for the development site and contributes to the existing and desired future character of the site.

116. Proposed variations to the Stage 1 consent particularly the approved building envelopes do not result in any adverse built form or environmental impacts. The proposed internal configuration of apartments and articulation of building facades maximises outlook from each apartment, minimises loss of privacy and promotes passive surveillance.

117. The overall scheme comprises non compliances including variations to building envelopes approved in the Stage 1 consent, building depths, solar access and apartment mix within the proposed buildings. The non-compliances do not warrant modification or refusal when considered individually.

118. The proposed single lift core to Buildings 3B and 3D is not considered best practice as it diminishes the functionality of the building and level of amenity for future residents. It is noted that there is no planning policy context in which modification to include additional lift cores can be required and refusal of the proposal on this basis is not warranted.

119. Subject to the recommendations within this report, the revised proposal demonstrates a design that responds to the constraints of the site and the future context of the area.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Peggy Wong, Specialist Planner)