

**ITEM 4. DEVELOPMENT APPLICATION: 42-60 ROSEBERY AVENUE AND 94-100 AND 102 DALMENY AVENUE ROSEBERY****FILE NO. D/2014/526****DEVELOPMENT APPLICATION NO: D/2014/526****SUMMARY**

**Date of Submission:** 17 April 2014  
(Amended plans received 21 July 2014 and 30 July 2014)

**Applicant:** Karimbla Properties (No. 31)

**Architect:** Turner

**Developer:** Meriton

**Owner:** Karimbla Properties (No. 31)

**Cost of Works:** \$63,138,017  
Independent audit \$72,266,609

**Proposal Summary:** The application proposes:

- (a) Demolition of all existing buildings, remediation of site, excavation for single basement car parking with 220 car parking spaces.
- (b) Construction of a 3 to 7 storey mixed use development comprising of 3 buildings accommodating 235 residential units, a future childcare centre, site landscaping and public domain improvements.

The application was exhibited for a period of 28 days and three submissions were received raising concerns relating to traffic and the potential for noise from existing commercial operations on future residents. These concerns have been considered and addressed within this report.

The proposed development is generally consistent with the core development standards and zone objectives contained in SLEP 2012 with the exception of the Height of Building standard. The lift overruns of several buildings breach the 24m height control by 3.5-7 % (24.84m to 25.68m).

A written Clause 4.6 request to vary the standard has been submitted by the applicant and is considered acceptable in this instance.

**Proposal Summary:**  
(continued)

The building design has been the subject of a competitive design process and represents a well resolved architectural design that adopts an appropriate form, scale and expression to the two existing and third proposed street frontages and surrounding land.

The design provides generous setbacks for landscaping to improve and enhance the public domain and proposes large communal areas for private recreation.

The development performs well against the relevant built form and amenity controls in SDCP 2012 and SEPP 65. A good level of internal amenity is afforded to future residents.

The development demonstrates that the design excellence objectives are achieved and an additional 10% of floor space can be awarded by the consent authority in this instance.

Subdivision of the site in two stages is also proposed.

The application was accompanied by a public benefit offer for land dedication, embellishment and a monetary contribution to be allocated toward infrastructure within Green Square Town Centre. A draft Planning Agreement has been prepared to secure the provision of the community infrastructure. The terms of the planning agreement were publicly exhibited between 15 July 2014 and 13 August 2014. No submissions were received.

The requirement for a Stage 1 development application and a site specific DCP has been assessed as unnecessary in this circumstance given that a recent planning proposal incorporating the site was gazetted on 14 February 2014 and a detailed DCP amendment relating to the site came into effect at the same time. In this instance it is recommended that the requirement for a Stage 1 DA is waived.

**Summary Recommendation:**

It is recommended that a deferred commencement consent, requiring the planning agreement to be executed and registered on title and the submission of a Detailed Environmental Assessment be granted.

A number of additional design amendments are recommended to form part of the deferred commencement consent including:

**Summary Recommendation:**  
(continued)

- Amended acoustic report to address noise of existing non-residential uses;
- Amending basement car parking to meet SDCP 2012 requirements for childcare centres;
- Detailed design of the proposed community rooms;
- Updated tree report detailing level of pruning required (this may impact on the ability to retain a number of street trees);
- Detailed flood study determining that the proposal meets the SLEP 2012 and SDCP 2012 provisions.

**Development Controls:**

- (i) State Environmental Planning Policy No 55— Remediation of Land
- (ii) State Environmental Planning Policy No 65— Design Quality of Residential Flat Development
- (iii) State Environmental Planning Policy 70 Affordable Housing (Revised Schemes)
- (iv) State Environmental Planning Policy (Infrastructure) 2007
- (v) State Environmental Planning Policy No 32— Urban Consolidation (Redevelopment of Urban Land)
- (vi) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- (vii) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended)
- (viii) Planning Proposal for amendment to Sydney Local Environmental Plan 2012 - Design Excellence Incentive
- (ix) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended)

**Attachments:**

- A - Architectural Drawings
- B - Photomontages

**RECOMMENDATION**

It is resolved that:

- (A) pursuant to the provisions of Clause 7.20(3) of Sydney Local Environmental Plan 2012, the consent authority waive the requirements for the preparation of a site specific development control plan as it is considered to be unreasonable and unnecessary in this instance;
- (B) pursuant to the provisions of Clause 6.21(7) of Sydney Local Environmental Plan 2012, the consent authority award 10% additional floor space to the development as the proposal exhibits design excellence;
- (C) pursuant to the provisions of Clause 4.6 of Sydney Local Environmental Plan 2012, the variation sought to Clause 4.3 Building Height of the Sydney Local Environmental Plan 2012 be supported in this instance; and
- (D) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2014/526, subject to the following deferred commencement conditions:

**(1) PLANNING AGREEMENT**

- (a) That a Planning Agreement in accordance with the public benefit offer made by Karimbla Properties (No 31) Pty Ltd on 16 May 2014 be executed and submitted to Council;
- (b) The guarantee must be provided to Council in accordance with the Planning Agreement at the time of execution; and
- (c) The Planning Agreement, as executed, must be registered on the title of the land in accordance with the Planning Agreement.

**(2) DETAILED ENVIRONMENTAL SITE ASSESSMENT**

- (a) A Detailed Environmental Site Assessment (DESA) must be submitted to Council's Health and Building Unit for review and written approval. The DESA must be carried out in accordance with the NSW EPA Contaminated Sites guidelines, certifying that the site is suitable (or will be suitable, after remediation) for the proposed use.
- (b) **Note:** Where the Detailed Environmental Site Assessment states the site is suitable for the proposed use, it is to be peer reviewed by a NSW EPA accredited site auditor and a Site Audit Statement submitted to Council prior to granting any consent, certifying that the site is suitable for the proposed use.
- (c) Where the Detailed Environmental Site Assessment states that a Remediation Action Plan (RAP) is to be undertaken, the RAP is to be peer reviewed by a NSW EPA Accredited Site Auditor and include a statement certifying that the RAP is practical and the site will be suitable after remediation for the proposed use before scheduled conditions of consent can be activated.

- (d) The RAP and NSW EPA Accredited Site Auditor's review and statement must be submitted to the Health and Building Unit for review and written approval before scheduled conditions of consent can be activated.

### **(3) FLOOD CONTROLS**

A flood report is to be prepared providing compliance with the City of Sydney Draft Interim Flood Management Policy. The report must demonstrate:

- (a) A review of the architectural drawings to confirm that the proposed non-residential and residential floor levels comply with the recommended development levels in the submitted flood report.
- (b) The flood consultant is to consider the need for all services fronting Dalmeny Avenue to be flood proofed above the Q10 flood level. Flood proofing is to be undertaken using a combination of measures sufficient to ensure that the structure and building contents are able to withstand the forces due to the ingress or passage of floodwaters, including debris.
- (c) The flood planning level at the car park entry must be prescribed at the minimum PMF at the corresponding street gutter invert level for this location.

### **(4) COMMUNITY / MUSIC PRACTICE ROOMS**

- (a) The proposed ground floor community room within building B/C is to incorporate sound attenuated music practice rooms and community rooms. The music and community rooms are to be accessible from both the through site link and internal communal open space to provide a visual connection between these two spaces.
- (b) Details of the proposed layout and design of these rooms are to be submitted to and approved by the Director of City Planning, Transport and Development Assessment.
- (c) A management plan demonstrating how the music practice / community rooms will function including operating hours, booking system and caretaker facilities are to be provided to and approved by the Director City Planning, Development and Transport.

### **(5) ADDITIONAL REPORTING REQUIRED AND FINALISATION OF NOISE CONTROL CONDITIONS**

The proponent is to engage a suitably qualified acoustic consultant\* who will review and assess the detailed design of the proposal with regard to the proposed child care centre and new residential flat buildings to be located at *94 – 100 & 102 Dalmeny Avenue and 42 – 60 Rosebery Avenue, ROSEBERY NSW*, to assess and report on the following:

- (a) In relation to the matter of '*corrected wind data*', the proponent is to undertake one of the following which must be representative of wind levels at ground level:

- (b) Justify submitted background monitoring data:
- (i) With reference to the exclusion rules in the INP (not exceeding the allowances for excluding data);
  - (ii) By other means with reference to the INP;
  - (iii) By comparing noise levels during periods of acceptable weather data and unacceptable weather, data and contrasting any observed differences;
  - (iv) RBL90 Broadband and 1/1 octave levels will need to be presented in a revised report in accordance with the above.
- (c) Further submitted information following compliance with (a) above is to be submitted to the Health and Building Unit for review and written approval. Satisfactory background data will form part of this consent with regard to establishing noise performance criteria.
- (d) Internal noise emissions within the proposed residential apartments must comply with Australia Standard AS2021 – 2000 “**Aircraft Noise Intrusion – Building Siting and Construction**” and **Sydney Development Control Plan 2012 Section 4.2.1.1**.
- (e) Operational noise, inclusive of internal noise, mechanical plant and equipment, and noise breakout from the facility or any other activity proposed to be conducted or noise associated with that activity can comply with parts (a) and (b) of the given condition in this consent, **Noise – General** at all noise sensitive residential and commercial receivers once operating.
- (f) Specific assessment requirements for the above are as follows:
- (i)  $L_{Aeq}$  project specific noise levels are to be determined from long term unattended noise monitoring that has been conducted over a minimum seven (7) day period that encapsulates each day of the week.
  - (ii) The above  $L_{Aeq}$  noise levels are to be determined from assessment and rating background noise levels determined from the environmental monitoring strictly under the following terms:
    - a. In full accordance with *Sections 2, 3, 5 and Appendix B (note Figure B1 and Table B1)* of the NSW EPA *Industrial Noise Policy (INP)*.
    - b. Gradient wind speeds as measured at the Sydney Airport AWS that are less than 5m/s / 18km/h and no precipitation is to occur. Where this occurs during monitoring data, the events are to be excluded up to and within the limits specified in the INP.

- (g) A summary report is to be issued to the satisfaction of the Director, City Planning Development & Transport. The report is to document the results of the above assessment and if necessary provide written recommendations necessary for incorporation into the proposed development such that it will achieve compliance with the **Noise – General** condition once operating.
- (h) *\*Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.*

## **(6) STREET TREE PRUNING SPECIFICATION**

An updated Arboricultural Impact Assessment (AIA) must be submitted to and approved by Council's Director City Planning, Development and Transport. The report must reflect current industry practices, with particular reference to the Australian Standard 'Protection of trees on development site' (AS4970-2009) and must include;

- (a) A 'Pruning Schedule' (size of branches, location, extent of pruning) of any street trees to accommodate any construction activities. Pruning of any trees must not exceed more than 10% of the total live canopy area;
- (E) evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within **24 months** of the date of this determination of this deferred commencement consent, failing which this deferred development consent **will lapse** pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979;
- (F) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied; and
- (G) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

## **SCHEDULE 1A**

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

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

**(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2014/526 dated 17 April 2014 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
A-DA-110-000_Q	Turner	29 July 2014
A-DA-110-001_J	Turner	16 June 2014
A-DA-110-002_J	Turner	16 June 2014
A-DA-110-003_J	Turner	16 June 2014
A-DA-110-004_J	Turner	16 June 2014
A-DA-110-005_J	Turner	16 June 2014
A-DA-110-006_J	Turner	16 June 2014
A-DA-110-007_J	Turner	16 June 2014
A-DA-110-100_J	Turner	16 June 2014
A-DA-110-101_J	Turner	16 June 2014
A-DA-110-102_J	Turner	16 June 2014
A-DA-110-B01_J	Turner	16 July 2014
A-DA-210-001_E	Turner	16 June 2014
A-DA-210-002_E	Turner	16 June 2014
A-DA-210-003_E	Turner	16 June 2014
A-DA-210-004_E	Turner	16 June 2014
A-DA-310-001_G	Turner	16 June 2014
A-DA-310-002_F	Turner	16 June 2014
A-DA-310-003_F	Turner	16 June 2014
Subdivision plan 124765- sheet 1 of 2	JBW Surveyors Pty Ltd	18 June 2014
Subdivision plan 124765- sheet 2 of 2	JBW Surveyors Pty Ltd	JBW Surveyors Pty Ltd



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) 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.

**(3) BUILDING HEIGHT**

- (a) The height of each building is restricted as follows:

- (i) **Building A – Rosebery frontage** height of the building must not exceed RL 43.6 (AHD) to the top of the building, RL 43.9 (AHD) to the parapet of the building and RL 46.2 (AHD) to the top of the lift overrun.
- (ii) **Building A (3 storey wing)** height of the building must not exceed RL 34.1 (AHD) to the top of the building and RL 34.5 (AHD) to the parapet of the building.
- (iii) **Building B /C Rosebery Avenue** height of the building must not exceed RL 46.5 (AHD) to the top of the building, RL 47.5 (AHD) to the parapet of the building and RL49.1 (AHD) to the top of the lift overrun.
- (iv) **Building B/C (3 storey wing)** height of the building must not exceed RL 33.9 (AHD) to the top of the building and RL 34.3 (AHD) to the parapet of the building.
- (v) **Building D corner element** height of the building must not exceed RL 43.3 (AHD) to the top of the building, RL 43.6 (AHD) to the parapet of the building and RL 45.9 (AHD) to the top of the lift overrun.
- (vi) **Unnamed and unlabelled building fronting new street at northern end of site** – height of the building must not exceed RL 33.6 (AHD) to the top of the building and RL 34.6 (AHD) to the parapet of the building.
- (vii) **Building E – Dalmeny Avenue** height of the building must not exceed RL 47.1 (AHD) to the top of the building, RL 48.1 (AHD) to the parapet of the building and RL 49.7.
- (viii) **Building F – Dalmeny Avenue** height of the building must not exceed RL 48.1 (AHD) to the top of the building, RL 49.1 (AHD) to the parapet of the building and RL 50.7 (AHD) to the top of the lift overrun.
- (ix) **Building F (3 storey wing)** height of the building must not exceed RL 35.5 (AHD) to the top of the building and RL 36.0 (AHD) to the parapet of the building.

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

**(4) FLOOR SPACE RATIO - ALL OTHER AREAS**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the mixed use development must not exceed 2.1:1. For the purposes of the calculation of FSR, the Gross Floor Area of the childcare use (internal) is 476.37sqm, for the residential component of the total Gross Floor Area is 22,376 sqm.
- (b) Prior to any 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 Sydney LEP 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

**(5) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT**

The terms of the planning agreement entered into in accordance with Deferred Commencement Condition 1 are to be complied with.

**(6) 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;
  - (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's Director City Planning, Development and Transport.

**(7) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) An accessible ramp is to be incorporated into the childcare centre entrance from Rosebery Avenue.
- (b) Details of the proposed fences associated with private ground floor courtyards are to be supplied. The fences are to have a maximum height of 1.4m consistent with the site specific Sydney DCP 2012 criteria.

- (c) Direct access is to be provided from the lobby of Building A to the through site link at the southern end of the site.
- (d) The external area associated with the childcare centre is to be restricted to align with the eastern fire exit adjacent to the communal pool.

The modifications are to be submitted to and approved by Council's Director, City Planning, Development and Transport prior to the issue of a construction certificate.

#### **(8) MATERIALS AND SAMPLES BOARD**

A materials sample board detailing all proposed finishes must be submitted to and approved by Council's Director City Planning, Development and Transport prior to a Construction Certificate being issued.

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

- (a) No approval is granted by this consent for child placement numbers, fitout or trading hours associated with the childcare centre.
- (b) A separate development application is to be lodged for the fitout and use of the childcare centre.

#### **(10) USE OF COMMON AREAS AND FACILITIES**

The roof top terrace, gymnasium, swimming pool, community rooms and music practice rooms must be available for the use all residents of the building, and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

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

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

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$564,340.40
Public Domain	\$347,601.14
New Open Space	\$2,708,428.03
New Roads	\$687,864.32
Accessibility	\$28,529.81
Management	\$30,847.31
Total	\$4,367,611.02

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

Contributions at Time of Payment =  $C \times \text{CPI2} / \text{CPI1}$

where:

- C is the original contribution amount as shown above;
- CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
- CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – June 2014.

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

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

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

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

In accordance with Clause 27P of Sydney Local Environmental Plan 2012 and prior to a Construction Certificate being issued, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Planning or a bank guarantee in favour of The Department of Planning to the value of the required contribution has been lodged. The contribution is \$4,209,407.10 based on the in lieu monetary contribution rate for non-residential development at \$50.05 per square metre of total non-residential floor area 476.37sqm, and for residential development at \$150.20 per square metre of total residential floor area 27,866.61sqm. Contributions will be indexed in accordance with the formula set out below.

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

Notes:

- (a) Applicants have two payment options:

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

Option 2 is lodgement of a bank guarantee using "Form A - Receipt to Release Certificate of Construction after lodgement of Bank Guarantee". Form A must be obtained from the Green Square Project Team [GSPT@cityofsydney.nsw.gov.au](mailto:GSPT@cityofsydney.nsw.gov.au) in the City Strategy and Design Unit at the City of Sydney, and then must be lodged with a Bank Guarantee with the NSW Department of Planning.

Where Form A has been used, an occupation certificate will not be released until payment by bank cheque using "Form C - Receipt to Release Certificate of Occupancy after payment by Bank Cheque". Form C must be obtained from the Green Square Project Team [GSPT@cityofsydney.nsw.gov.au](mailto:GSPT@cityofsydney.nsw.gov.au) in the City Strategy and Design Unit at the City of Sydney and then must be lodged with a bank cheque with the NSW Department of Planning.

- (b) Applicants are made aware that the contribution amount quoted in this condition may not be final and that a correct indexed affordable housing contribution amount can be obtained from the relevant Form A, B or C at time of payment.
- (c) Forms A, B or C for payment of the affordable housing contribution can only be obtained from the City of Sydney, 456 Kent Street Sydney. Quote the development application number and the relevant Council officer will provide the applicant with an indexed contribution amount which must be paid at the Department of Planning. To arrange payment, contact the Housing Policy Team, NSW Department of Planning on Ph: 9228 6111 or Fax: 9228 6455 to arrange a time for payment.
- (d) The contribution will be indexed on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.
- (e) Contributions at Time of Payment =  $C \times \text{HPI2} / \text{HPI1}$ , where:
- (i) C is the original contribution amount as shown above;
  - (ii) HPI2 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and
  - (iii) HPI1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics that applied at the date of the consent 1 March 2013 to 28 February 2014.

The amount of the monetary contribution is calculated on the total floor area (not a percentage of it). Contribution = (total residential floor area sqm) x residential rate (\$) + (total non-residential floor area (sqm) x non-residential rate (\$) + (total non-residential floor area (sqm) x non-residential rate (\$)

**(13) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL, SERVICED APARTMENTS AND MIXED USE**

The following conditions apply to car parking:

- (a) The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used other than by an occupant, tenant or resident of the subject building.
- (b) Prior to any Occupation Certificate being issued, a documentary restrictive covenant, is to be registered on the Title of the development site pursuant to Section 88E of the *Conveyancing Act 1919*, to the effect of (a) above. The covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- (c) Any future strata subdivision of the site is to include a restriction on User pursuant to section 39 of the *Strata Titles (Freehold Development) Act, 1973*, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate restrictive covenant pursuant to section 88B of the *Conveyancing Act 1919* burdening all car parking part - lots in the strata scheme.

**(14) RESTRICTION ON RESIDENTIAL DEVELOPMENT**

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the *Sydney Local Environmental Plan 2012*.
- (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 flat building as defined in *Sydney Local Environmental Plan 2012*. The covenant is to be registered on title prior to any 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) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) 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.

**(15) ALCOVE LIGHTING**

Any proposed external alcove(s) shall be fitted with a sensor-activated vandal proof security light. The light shall be maintained in good working order to Council's satisfaction. The intensity, colour, and illumination must be varied if, at any time in the opinion of the consent authority, adverse impact or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor is being caused to the amenity of the area.

**(16) EXTERNAL LIGHTING**

A separate development application is required to be lodged and approved prior to any external floodlighting or illumination of the building or site landscaping.

**(17) AIR CONDITIONERS GENERALLY**

No air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring shall:

- (a) Not be located on awnings or attached to the face of the building
- (b) Not be located on roofs in such a way that it is visible from any street, footpath or park
- (c) Be visually screened if located 1.8 metres above ground level in other locations
- (d) Wiring shall be fully concealed.

**(18) AWNING MAINTENANCE**

The awning must be inspected and maintained to ensure the structural integrity, aesthetic and functional quality of the awning.

**(19) 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.

**(20) COMPLIANCE WITH THE ACOUSTIC REPORT & ADDITIONAL REPORTING & CERTIFICATION REQUIREMENTS PRIOR TO CONSTRUCTION AND OCCUPATION CERTIFICATES**

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the Approved Acoustic Report (the Acoustic DA Report) and any additional conditions resulting from satisfying the deferred commencement conditions and must be certified as implemented during the detailed design stage prior to the construction and again verified prior to the commencement of the use of the premises in accordance with requirements of (b) and (c) below and to the satisfaction of the certifying authority.

- (b) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant\* to be in accordance with the requirements of The DA Report. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the Principal Certifying Authority (PCA – or other specified authority).
- (c) Prior to the issue of any Occupation Certificate, a suitably qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the PCA or other authority as given in (b) above that the development complies with the requirements set out in The Report and in (a) and (b) above.
- (d) \*Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants *at the grade of member*.

**(21) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

A site specific noise management plan shall be submitted to the Council for comment and approval prior to issue of any Construction Certificate.

The Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

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

- (a) Identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement ( $L_{A90, 15 \text{ minute}}$ ) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.



- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

**(22) COMPLIANCE WITH DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN**

- (a) All works conducted on site which form part of this development must be carried out in accordance with the submitted and approved Demolition, Excavation and Construction Management Plan.
- (b) Where all such control measures have been implemented and the resultant noise levels at any noise sensitive receiver are still in exceedances with the council's noise criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite.
- (c) Such periods are to be agreed with the Council and be given at times high noise levels are, or are likely, to cause most offence.

**(23) 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:

- (i) The  $L_{Aeq, 15 \text{ minute}}$  noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the *NSW Industrial Noise Policy*. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
  - (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment  $L_{A90, 15 \text{ minute}}$  / rating  $L_{A90, 15 \text{ minute}}$  process to be in accordance with the requirements for noise monitoring listed in the *NSW Industrial Noise Policy* and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
  - (iii) Modifying factors in Table 4.1 of the *NSW Industrial Noise Policy* are applicable.
- (b) An  $L_{Aeq, 15 \text{ minute}}$  noise level emitted from the use must not exceed the  $L_{A90, 15 \text{ minute}}$  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 or commercial premises provided that;
- (i) Where the  $L_{A90, 15 \text{ minute}}$  noise level is below the threshold of hearing,  $T_f$  at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of  $T_f$  corresponding to that Octave Band Centre Frequency shall be used instead.
  - (ii) The  $L_{Aeq, 15 \text{ minute}}$  noise level and the  $L_{A90, 15 \text{ minute}}$  noise level shall both be measured with all external doors and windows of the affected residence closed;
  - (iii) The relevant background noise level ( $L_{A90, 15 \text{ minute}}$ ) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the *NSW Industrial Noise Policy* and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.
  - (iv) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.
  - (v) Modifying factors in Table 4.1 of the *NSW Industrial Noise Policy* are applicable. Internal Noise measurements are not to be corrected for duration.

**(24) SIGNS - SEPARATE DA REQUIRED**

A separate development application for any proposed signs additional to those approved as part of this consent (other than exempt or complying signs under Council's exempt and complying DCPs) must be submitted to and approved by Council prior to the erection or display of any such signs.

**(25) SIGNS/GOODS IN THE PUBLIC WAY**

No signs or goods are to be placed on the footway or roadway adjacent to the property.

**(26) 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.

**(27) 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.

All spaces must be clearly marked 'visitor' prior to the issue of any occupation certificate or the use commencing, whichever is earlier. All signs must be maintained in good order at all times.

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

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

**(29) CAR PARKING LAYOUT**

- (a) The layout of car parking spaces is to be amended as follows:
- (i) Spaces R80 through R88 are to be allocated as visitor parking spaces;
  - (ii) Spaces V01 to V04 are to be allocated as resident parking spaces;
  - (iii) Spaces R65 and R66 are to be allocated as car share;
  - (iv) Space R64 is to be allocated as a child care pick up and drop off space;
  - (v) Space CC03 is to be allocated as a resident parking space;
  - (vi) Spaces CC04, CC05, CC06, R64, CS01 and CS02 are to be allocated as pick up and drop off spaces; and

- (vii) Spaces CC01, CC02 are to be allocated the child care staff parking spaces.
- (b) The details are to be submitted to and approved by Council’s Director City Planning, Development and Transport prior to the issue of a Construction Certificate.

**(30) ALLOCATION OF PARKING**

The number of car parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Car Parking Type	Number
Residential spaces	161
Accessible residential spaces	36
Residential visitor spaces	12
Accessible residential visitor spaces	1
Childcare parking (staff)	2
Childcare drop off and pick up	6
Car share parking	2
<b>Subtotal</b>	<b>220</b>
Motorcycle parking (equivalent car parking spaces)	3
Service vehicle	1
<b>Total</b>	<b>224</b>

**(31) ASSOCIATED ROADWAY COSTS**

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City’s “Sydney Streets Technical Specification” including amendments and “Sydney Streets Design Code”.

**(32) BICYCLE PARKING AND END OF TRIP FACILITIES**

- (a) The minimum number of bicycle parking spaces and end of trip facilities to be provided for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Residential	235	Class 1 – 90 Class 2 – 128 Class 3 - 17
Residential visitor	24	Spaces must be Class 3 bicycle rails
Childcare	4	Spaces must be Class 3 bicycle facilities
End of Trip Facility Type	Number	
Showers with change area	1	For childcare staff
Personal lockers	4	For childcare staff

Notes:

- (i) If a basement storage area on title that is large enough to store a bike and is no smaller than a class 1 bike locker this can be counted as a space.
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Construction Certificate being issued.

**(33) CAR SHARE SPACES**

- (a) A minimum of 2 car share spaces for the exclusive use of a car share scheme vehicles are to be provided as shown in plan A-DA-110-B01 (Rev J).
- (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 by car share vehicles and well lit.
- (e) The spaces must be publically accessible at all times
- (f) The car share spaces are to be available at the same time the car park commences operation.

**(34) USE OF VISITOR CAR PARKING SPACES**

At no time are the car parking spaces allocated as visitor car parking to be used for the purpose of childcare staff parking.

**(35) CHANGES TO KERB SIDE PARKING RESTRICTIONS**

A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking the City's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use.

The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include chainages to all signs and stems from the kerb line of the nearest intersection.

All costs associated with the parking proposal will be borne by the developer.

Note: As parking in the LGA is at a premium, it is recommended that the applicant should approach the Area Traffic Engineer to discuss the proposal before making a submission.

**(36) CHILD CARE DROP OFFS AND PICK UP**

No approval is granted by this consent to change the traffic conditions on Rosebery Avenue to accommodate the drop off and pick up of children associated with the childcare centre.

Parents and Guardians are to be advised that allocated car parking spaces are available within the basement for this purpose. Signs are also to be erected within the childcare centre to this effect.

**(37) COST OF SIGNPOSTING**

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

**(38) ON SITE LOADING AREAS AND OPERATION**

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

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.

**(39) 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 4m clear of the property boundary, wired to all units. 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.*

**(40) PARKING DESIGN**

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 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 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.

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

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

**(42) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME - APPLICATION OF CITY OF SYDNEY PARKING POLICY**

All owners, tenants and occupiers of this building are advised that it is the Policy of Council that they are not eligible to participate in any existing or proposed Council on-street resident parking schemes. The owner of the dwelling must advise all intending owners, tenants and occupiers of the dwelling of this prohibition in writing at the time of entering into a purchase / lease / occupancy agreement.

**(43) 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 **permanently displayed and 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 any Occupation Certificate being issued and must be maintained in good order at all times **by the Owners of the building**.

**(44) 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.

**(45) SIGNAL SYSTEM**

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

**(46) SIGNS AT EGRESS**

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

- (a) Compelling drivers to stop before proceeding onto the public way

- (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.

**(47) TRAFFIC WORKS**

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

**(48) 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, kerb, gutter and road restoration 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 any Occupation Certificate.

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

**SCHEDULE 1B**

**Prior to Construction Certification/Commencement of Work/Health and Building**

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

**(49) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**

The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the *Building Code of Australia*.

If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council prior to a Construction Certificate being issued.

**(50) ADAPTABLE HOUSING**

Prior to a Construction Certificate being issued, information from an appropriately qualified access consultant:



- (a) Confirming that the required number of residential units are able to be adapted for people with a disability in accordance with the *Building Code of Australia*.
- (b) Demonstrating (in a checklist) compliance with Australian Standard AS4299

is to be submitted to the Certifying Authority.

#### **(51) ALIGNMENT LEVELS – MAJOR DEVELOPMENT**

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.
- (b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's *Public Domain Manual* and must be submitted with a completed Alignment Levels checklist (available in the *Public Domain Manual*) and Footpath Levels and Gradients Approval Application form (available on the City's website).
- (c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

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

A Footpath Damage Bank Guarantee calculated on the basis of 8 lineal metres of the concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

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

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

**(53) ALIGNMENT LEVELS**

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

**(54) PUBLIC DOMAIN PLAN**

- (a) Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for any new building work (including internal refurbishments) excluding approved preparatory, demolition or shoring work.
- (b) The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must be made concurrently with the Alignment Levels application. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (c) Note: A Public Domain Works Guarantee deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (d) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Road Opening Permit for works on the public way being issued.
- (e) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

**(55) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER**

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

**(56) NEW ROAD RESERVE**

The landscape plans submitted with this Development Application have not been approved by this consent. The design and construction of the new road reserve, including temporary road works, shall be undertaken in accordance with the Sydney Streets Technical Specifications. Detailed plans and construction specifications for the works shall be prepared and certified as complying with Council's specifications prior to the issue of a Construction Certificate for the adjacent buildings.

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, 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) Lighting details;
- (g) Standard engineering and structural details plan;
- (h) Erosion and sedimentation control plans;
- (i) Specifications for the construction of all components of the roadworks in accordance with **Sydney Streets Technical Specifications** and standard details for civil works.

All landscaping for the new road reserve is to be completed prior to any Occupation Certificate being issued for the adjacent building.

**(57) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to an approval for demolition 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 recording must include clear images of the building facade adjoining the footpath, 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.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before any Occupation Certificate is issued for the development, whichever is earlier.

**(58) EMISSIONS**

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

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

**(59) ASBESTOS REMOVAL WORKS**

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence whichever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, Workcover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the *Work Health and Safety Regulation 2011* and the NSW Government and Workcover document entitled *How to manage and control asbestos in the work place: Code of Practice (NSW WorkCover)* and the *City of Sydney Managing Asbestos Policy*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal work area should be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.
- (f) Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Appendix F of the City of Sydney's Managing Asbestos Guidelines.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

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

#### **(60) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA**

The proposed work must comply with the *Building Code of Australia* (BCA).

#### **(61) PHYSICAL MODELS**

- (a) Prior to a Construction Certificate being issued, an accurate 1:500 scale model of the approved development must be submitted to Council for the City Model in Town Hall House; and
- (b) Prior to a final Occupation Certificate being issued, an accurate 1:500 scale mode of the development as constructed must be submitted to Council for the City Model in Town Hall House

#### Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modellers must be consulted prior to construction of the model.
- (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.

#### **(62) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO CONSTRUCTION CERTIFICATE AND PRIOR TO OCCUPATION CERTIFICATE**

- (a) Prior to a Construction Certificate being issued, an accurate 1:1 electronic CAD model of the detailed construction stage drawings for that stage must be submitted to Council for the electronic Visualisation 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) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.
- (d) Prior to any Occupation Certificate being issued, a second and updated "as built" 1:1 electronic model, in accordance with the above requirements, of the completed development must be submitted to Council for the electronic City Model.

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

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

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

- (a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifying Authority:
  - (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
  - (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
  - (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.

- (iv) A Waste Management Plan for the demolition and or excavation of the proposed development.
- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Policy for Waste Minimisation in New Developments 2005*, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:
  - (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
  - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
  - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
  - (iv) The name and address of the transport contractor.
  - (v) The type and quantity of material to be removed from site.
  - (vi) Location and method of waste disposal and recycling.
  - (vii) Proposed truck routes, in accordance with this development consent.
  - (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
  - (ix) Measures to control noise emissions from the site.
  - (x) Measures to suppress odours.
  - (xi) Enclosing and making the site safe.
  - (xii) Induction training for on-site personnel.
  - (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.



- (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
  - (xv) Disconnection of utilities.
  - (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
  - (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
  - (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
  - (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
  - (xx) Working hours, in accordance with this development consent.
  - (xxi) Any Work Cover Authority requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

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

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

**UPON COMPLETION OF EXCAVATION/DEMOLITION**

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

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

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

**(66) 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;
  - (ii) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater;
  - (iii) 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).

**(67) 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.

**(68) LAND REMEDIATION**

- (a) The site is to be remediated and validated in accordance with the Approved Remediation Action Plan and associated Letters of Interim Advice from the NSW EPA Accredited Site Auditor.
- (b) A NSW EPA Accredited Site Auditor and Council shall approve any variations to the proposed Remediation Action Plan in writing prior to the commencement of such work.

- (c) Prior to the exportation of waste (including fill or soil) from the site the material should be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Environmental Guidelines Assessment, Classification and Management of Non- Liquid Wastes. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporter if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

**(69) SITE AUDIT STATEMENT**

Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation) a Section A Site Audit Statement from a NSW EPA Accredited Site Auditor is to be submitted to Council Health and Building Unit clearly indicating that the **site is suitable** for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.

**Note:** Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council these should be discussed with Council before the Site Audit Statement is issued.

**(70) 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 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 Resource Recovery Act 2001
- (d) Work Health and Safety Act 2011
- (e) Work Health and Safety Regulation 2011.

**(71) 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 (July 2009)*. 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.

**(72) DISCHARGE OF CONTAMINATED GROUNDWATER**

Prior approval must be sought from the City's Public Domain Department to discharge any groundwater into the City's stormwater drainage system.

Other options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**(73) IMPORTED FILL MATERIALS**

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

The City may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

**(74) NOTIFICATION – NEW CONTAMINATION EVIDENCE**

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the City's Area Planning Manager and the Principal Certifying Authority immediately.

**(75) 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.

**(76) CONTAMINATED WASTE**

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

**(77) STOCKPILES**

- (a) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Unit.
- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

**(78) 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's Area Planning Manager prior to the issue of a Construction Certificate. The plan must include:
  - (i) A Design Statement that includes details of proposed use of the green roof, general accessibility, a description of the environmental parameters it sets out to address, including noise and privacy treatment and performance specification.
  - (ii) Survey Plans showing existing and proposed services and engineering details of existing roofs proposed to be retrofitted.

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

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

- (c) All landscaping in the approved plan is to be completed prior to any Occupation Certificate being issued.
- (d) Prior to the issue of a Construction Certificate, the Certifying Authority must assess and approve the proposed design of the waterproofing system against the relevant performance provisions of the *Building Code of Australia* as required by Clause A0.5 of the Code and ensure the following is satisfied:

- (i) A report from a structural engineer confirming the adequacy of the structure to support the saturated weight-bearing capacity of the green roof; and
- (ii) A report from a hydraulic engineer certifying the drainage overflow provisions and water retention cells in the drainage layer used to facilitate self-watering for the plants.

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

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate for above ground building works. The plan must include:
  - (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
  - (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
  - (iii) Location, numbers, type and supply of plant species (and NATSPEC – see below);
  - (iv) Details of planting procedure and maintenance;
  - (v) Details of drainage, waterproofing 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 any Occupation Certificate being issued.

#### **(80) AIR HANDLING**

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

#### **(81) CAR PARK VENTILATION**

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

**(82) MECHANICAL VENTILATION**

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

**(83) INTRUDER ALARM**

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

**(84) MICROBIAL CONTROL IN WATER SYSTEMS**

- (a) Prior to the issue of a Construction Certificate detailed plans of any water cooling system (including cooling towers) as defined under the *Public Health Act 2010* must be prepared by a suitably qualified person and certified in accordance with AS3666: 1: 2011 Air handling and water systems of buildings – Microbial Control – Design, installation and commissioning and must be submitted to and approved by Council.
- (b) Water cooling system operation and maintenance manuals and maintenance service records shall be readily available at the premises for inspection by an authorised officer upon request. Such records must be kept on the premises in accordance with Clause 2.6 to AS/NZS 3666:2:2011 Air handling and water systems of buildings – Microbial control, operation and maintenance.
- (c) The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the following:
  - (i) *Public Health Act 2010*, Public Health Regulation 2012 and Parts 1 and 2 (or part 3 if a Performance-based water cooling system) of AS3666:2011 Air handling and water systems of buildings – Microbial Control and the NSW Health Code of Practice for the Control of Legionnaires Disease.



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

**(85) LETTERBOXES**

All letterboxes are to be designed and constructed to be accessible from the public way. Details of the location and design of all letterboxes are to be submitted to and approved by Council prior to the Construction Certificate being issued.

**(86) 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".

**(87) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to an approval for demolition 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 recording must include clear images of the building facade adjoining the footpath, 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.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before any Occupation Certificate is issued for the development, whichever is earlier.

#### **(88) 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).

#### **(89) PROTECTION OF SURVEY INFRASTRUCTURE**

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

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

**(90) PUBLIC ART**

Final details of the approved public art work must be submitted to and approved by Council's Area Planning Manager prior to issue of a Construction Certificate. The public artwork must be in accordance with the *Sydney DCP 2012* and the *Public Art Policy*. Installation of the art work must be completed to Council's satisfaction prior to the issue of any Occupation Certificate.

**(91) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION**

Wastewater arising from the use must be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements should be obtained prior to the commencement of construction work.

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

- (a) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) 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 excluding any approved preparatory, demolition or excavation works.
- (c) Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.
- (d) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued for public domain works or above ground building works, whichever is earlier, and prior to the commencement of any work within the public way.
- (e) 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.

- (f) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by Council.

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified drainage engineer with experience in Water Sensitive Urban Design;
- (ii) use modelling from an industry-standard water quality model; and
- (iii) demonstrate what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
  - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
  - b. reduce the baseline annual pollutant load for total suspended solids by 85%;
  - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
  - d. reduce the baseline annual pollutant load for total nitrogen by 45%.

Prior to the issue of any Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and approved by the Certifying Authority and a copy provided to Council.

**(93) ACOUSTIC PRIVACY BETWEEN UNITS**

- (a) The development must be designed and constructed to satisfy the requirements of the *Sydney DCP 2012* acoustic privacy requirements. A report prepared by a suitable qualified acoustic professional must be prepared and submitted to the Certifying Authority prior to the issue of a Construction Certificate, and must be suitably referenced in the Construction Certificate documentation.
- (b) The report must:
  - (i) quantify the level of impact (noise at the exposed facades) from the normal noise of the area on the development; and
  - (ii) identify acoustic mitigation measures to be incorporated into the building design to ensure compliance with the design goals contained within the *Sydney DCP 2012*.

- (c) The Certifying Authority (PCA) must ensure that the acoustic mitigation measures identified in the subject report are suitable incorporated into the development as erected prior to the issue of any Occupation Certificate.

**(94) FLOOR TO CEILING HEIGHT**

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

**(95) NUMBER OF ADULTS PER ROOM**

- (a) No more than two adult people shall permanently occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets.
- (b) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms.

**(96) SYDNEY AIRPORT CORPORATION APPROVAL**

An approval for the proposed height of the development shall be obtained from Sydney Airport Corporation Limited in accordance with the Civil Aviation (Building Control) Regulations 1988 prior to the issue of a Construction Certificate.

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

- (a) A separate application under Section 138 of the *Roads Act 1993* is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) in a public place.
- (b) Where a consent is granted allowing the placement of temporary structures in a public place the structures must comply fully with Council's *Policy for the Design of Construction Hoardings* and the conditions of any consent granted including:
  - (i) maintaining a current and valid consent for the full duration that the temporary structures are installed in the public place (Section 139, *Roads Act 1993*);
  - (ii) bill posters and graffiti being removed within 24 hours of their placement (Clause 3.1);
  - (iii) maintaining temporary structures in a clean and tidy condition including repainting where directed by an authorised officer of Council (Clause 3.1);
  - (iv) hoarding site fences complying with Clause 3.3 - Element 3;
  - (v) site sheds on decks of Type B hoardings being fully screened from the public place (Clause 3.3 - Element 5); and

- (vi) providing and maintaining operational artificial lighting systems under Type B hoardings (Clause 3.3 – Element 9).

**(98) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS**

All works to the City's public domain, including rectification of identified defects, are subject to a 12 month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.

**(99) PUBLIC DOMAIN LIGHTING**

- (a) Prior to a Construction Certificate for public domain works or above ground building works being issued, whichever is later, a detailed Public Domain Lighting Plan for pedestrian and street lighting in the public domain must be prepared by a suitably qualified, practicing lighting engineer or lighting designer and must be submitted to and approved by Council. The Lighting Plan must be prepared in accordance with the City of Sydney's Interim Draft Sydney Lights Design Code, Sydney Streets Design Code, *Sydney Streets Technical Specification* and *Public Domain Manual* and must include the following:
  - (i) Vertical and horizontal illuminance plots for the public domain lighting design to demonstrate compliance with all relevant Australian Standards and to meet the lighting categories and requirements specified by the City;
  - (ii) The location, type and category of existing and proposed lights, including details of luminaire specifications, required to ensure compliance with City policies and Australian Standards;
  - (iii) Footing locations and structural details;
  - (iv) Location and details of underground electrical reticulation, connections and conduits;
  - (v) Certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158, AS 3000 and AS4282;
  - (vi) Structural certification for footing designs by a suitably qualified, practicing engineer to certify that the design complies with City of Sydney policies and Australian Standards.
- (b) The public domain lighting works are to be completed in accordance with the approved plans and the City of Sydney's *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

**(100) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS**

All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

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

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

**(102) SERVICES**

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

**(103) SITE SUPERVISION AND REPORTING**

- (a) An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone in accordance with Australian Standard AS4970 Protection of Trees on Development Sites. The Arborist must certify compliance with each key milestone detailed below to the Director of City Planning, Development and Transport:
  - (i) The installation of tree protection measures prior to the issuing of a Construction Certificate;
  - (ii) During demolition of (insert specific details of structures to be demolished within close proximity to TPZ/s);
  - (iii) During excavation and construction of (insert details if applicable);
  - (iv) During any excavation and trenching within the Tree Protection Zone;
  - (v) During any Landscape works within xx metres of the trees trunk.
- (b) A fortnightly/monthly/quarterly compliance report shall be submitted to the Director of City Planning, Development and Transport which provides details on the health and structure of tree to be retained and protected and must include:
  - (i) Certification of compliance with each key milestone;
  - (ii) Details of any other works undertaken on any tree to be retained or within TPZ/s;

- (iii) Documentary evidence of compliance with tree protection and measures (including photographs and site notes);
- (iv) Ensure that the soil moisture is appropriate [Optional – Tree Management Team to insert] and the irrigation system is functioning in accordance with the Arborist’s specifications.

**(104) TREES APPROVED FOR REMOVAL**

- (a) All trees numbered trees 5-11, 13 -18, 26-34, 38-40, 42-46, 49-51, 53-57 and 59-68 are approved for removal.
- (b) Reference should be made to Appendix F of the Arboricultural Assessment Report prepared by TALC dated 9 July 2014 for tree numbering and locations.

**(105) TREE PROTECTION ZONE**

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

Tree No	Species Name	Location	Radius (m) from Trunk
1	<i>Eucalyptus robusta</i>	Street Tree (Dalmeny Ave)	4.8m
2	<i>Eucalyptus robusta</i>	Street Tree (Dalmeny Ave)	4.8m
3	<i>Eucalyptus robusta</i>	Street Tree (Dalmeny Ave)	4.8m
4	<i>Eucalyptus robusta</i>	Street Tree (Dalmeny Ave)	4.8m
12	<i>Eucalyptus sp.</i>	Street Tree (Dalmeny Ave)	1.5m
19	<i>Angophora costata</i>	Street Tree (Dalmeny Ave)	1.8m
20	<i>Angophora costata</i>	Street Tree (Dalmeny Ave)	1.8m
21	<i>Lophostemon confertus</i>	Street Tree (Rosebery Ave)	1.5m
24	<i>Melaleuca quinquenervia</i>	Street Tree (Rosebery Ave)	5.4m
35	<i>Lophostemon confertus</i>	Street Tree (Rosebery Ave)	1.5m
36	<i>Lophostemon confertus</i>	Street Tree (Rosebery Ave)	1.5m
47	<i>Lophostemon confertus</i>	Street Tree (Rosebery Ave)	1.5m



Tree No	Species Name	Location	Radius (m) from Trunk
48	<i>Acacia binervia</i>	Street Tree (Rosebery Ave)	4.2m
52	<i>Melaleuca quinquenervia</i>	Street Tree (Rosebery Ave)	4.8m
58	<i>Acacia binervia</i>	Street Tree (Rosebery Ave)	5.4m
70	<i>Eucalyptus globulus</i>	Street Tree (Rosebery Ave)	4.2m
71	<i>Eucalyptus globulus</i>	Street Tree (Rosebery Ave)	5.4m
72	<i>Acacia binervia</i>	Street Tree (Rosebery Ave)	4.2m
73	<i>Eucalyptus globulus</i>	Street Tree (Rosebery Ave)	4.8m
22	<i>Lophostemon confertus</i>	22-40 Rosebery Ave	4.8m
23	<i>Lophostemon confertus</i>	22-40 Rosebery Ave	2.6m
25	<i>Melaleuca linariifolia</i>	22-40 Rosebery Ave	2m
69	<i>Casuarina glauca</i>	62-72 Rosebery Ave	2m

- (c) Amend the design of basement and building alignment, prior to the commencement of any construction or development works, to ensure the TPZ specified in the table above is achieved for all trees listed for retention.
- (d) The following works shall be excluded from within any TPZ:
- (i) Soil cut or fill including excavation and trenching;
  - (ii) Soil cultivation, disturbance or compaction;
  - (iii) Stockpiling storage or mixing of materials;
  - (iv) The parking, storing, washing and repairing of tools, equipment and machinery;
  - (v) The disposal of liquids and refuelling;
  - (vi) The disposal of building materials;
  - (vii) Any action leading to the impact on tree health or structure;
- (e) All work undertaken within or above the TPZ must be:
- (i) Supervised by a qualified Consultant Arborist, who holds the Diploma in Horticulture (Arboriculture), Level 5 under the Australian Qualification Framework;
  - (ii) Undertaken in accordance with all directions given by the Site Arborist and/or Council.

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

- (a) Approval is NOT granted for the removal of the following trees, which Council has determined to be prominent landscape elements.
- (b) Table 2 – Tree Retention.

Tree No:	Tree Name
1	<i>Eucalyptus robusta</i> (Swamp Mahogany)
2	<i>Eucalyptus robusta</i> (Swamp Mahogany)
3	<i>Eucalyptus robusta</i> (Swamp Mahogany)
4	<i>Eucalyptus robusta</i> (Swamp Mahogany)
12	<i>Eucalyptus sp.</i> (gum tree)
19	<i>Angophora costata</i> (Sydney Red Gum)
20	<i>Angophora costata</i> (Sydney Red Gum)
21	<i>Lophostemon confertus</i> (Brush Box)
24	<i>Melaleuca quinquenervia</i> (Broad leafed Paperbark)
35	<i>Lophostemon confertus</i> (Brush Box)
36	<i>Lophostemon confertus</i> (Brush Box)
37	<i>Eucalyptus botryoides</i> (Bangalay)
41	<i>Eucalyptus robusta</i> (Swamp Mahogany)
47	<i>Lophostemon confertus</i> (Brush Box)
48	<i>Acacia binervia</i> (Coastal Myall)
52	<i>Melaleuca quinquenervia</i> (Broad leafed Paperbark)
58	<i>Acacia binervia</i> (Coastal Myall)
70	<i>Eucalyptus globulus</i> (Southern Blue Gum)
71	<i>Eucalyptus globulus</i> (Southern Blue Gum)
72	<i>Acacia binervia</i> (Coastal Myall)
73	<i>Eucalyptus globulus</i> (Southern Blue Gum)

- (c) Reference should be made to Appendix F of the Arboricultural Assessment Report prepared by TALC dated 9 July 2014 for tree numbering and locations.

**(107) SERVICES**

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

**(108) SITE SUPERVISION AND REPORTING**

- (a) An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone in accordance with Australian Standard 4970 Protection of Trees on Development Sites. The Arborist must certify compliance with each key milestone detailed below:

- (i) The Arborist must certify the installation of the tree protection measures to Council and the Principal Certifying Authority prior to the issuing of a construction certificate;
  - (ii) During demolition of any building structures, retaining walls, ground surface material (concrete, pavers, bitumen etc) located within the Tree Protection Zone of any tree listed for retention;
  - (iii) During excavation of the basement carpark located within the TPZ of any tree listed for retention;
  - (iv) During any excavation and trenching within the Tree Protection Zone.
- (b) A monthly arboricultural compliance report shall be submitted to Council's Director - City Planning, Development & Transport which provides details on the health and structure of tree to be retained and protected and must include:
- (i) Certification of compliance with each key milestone;
  - (ii) Details of any other works undertaken on any tree to be retained or within TPZ/s;
  - (iii) Documentary evidence of compliance with tree protection and measures (including photographs and site notes).

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

- (a) The Landscape Plans prepared by Arcadia Landscape Architecture, dated March 2014 are not approved as part of this consent
- (b) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Director - City Planning, Development & Transport prior to the issue of a Construction Certificate for above ground building works. The plan must include:
  - (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
  - (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
  - (iii) Location, numbers, type and supply of plant species (and NATSPEC – see below);
  - (iv) Details of planting procedure and maintenance;
  - (v) Details of drainage, waterproofing and watering systems.

- (c) 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.
- (d) All landscaping in the approved plan is to be completed prior to any Occupation Certificate being issued.

#### **(110) STREET TREE PROTECTION**

Street trees must be protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

- (a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
  - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;
  - (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and
  - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
  - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Materials or goods, including site sheds, must not be stored or placed:
  - (i) around or under the tree canopy; or
  - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (d) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

**(111) WASTE CONDITIONS**

The following waste conditions apply:

- (a) A storage area for discarding bulky items must be provided per block of residential units.
- (b) Waste and recycling receptacles to be stored within the basement at all times with Council access key for servicing if required.
- (c) Residential and commercial waste rooms are to be separated (commercial tenants must not have access to residential waste and recycling bins)
- (d) A clearance height for access by collection vehicles must be no less than 3.6m at any point.
- (e) The maximum travel distance between the storage point and collection point for all waste recycling receptacles must be no more than 10 metres.
- (f) Unimpeded access shall be provided for collection vehicles between 6.00am and 6.00pm on collection days.
- (g) Waste and recycling containers will not be supplied until construction in development is completed unless otherwise organised with Council's Waste Services Unit.

**(112) ELECTRICITY SUBSTATION**

If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Energy Australia, prior to a Construction Certificate being issued or the commencement of the use, whichever is earlier.

The substation(s) are to be located adjacent to the ground floor lobby of building B/C within the building footprint.

**(113) TELECOMMUNICATIONS PROVISIONS**

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

**(114) 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.

**(115) WATER POLLUTION**

No wastewater, chemicals or other substances harmful to the environment shall be permitted to discharge to Council's stormwater system. Only clean, unpolluted water is permitted to discharge into the stormwater system.

**(116) 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's Area Planning Manager prior to a Construction Certificate being issued. The plan must comply with the Council's *Policy for Waste Minimisation in New Developments 2005*. All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- (c) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's *Policy for Waste Minimisation in New Developments 2005*, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

**UPON COMPLETION OF THE DEVELOPMENT**

- (d) Prior to any 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.

**(117) WASTE/RECYCLING COLLECTION – CHILDCARE CENTRE**

The collection of waste and recycling associated with the childcare must only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

**(118) GARBAGE ROOM**

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

**(119) WASTE AND RECYCLING MANAGEMENT**

The proposal must comply with the relevant provisions of Council's *Policy for Waste Minimisation in New Developments 2005* which requires facilities to minimise and manage waste and recycling generated by the proposal.

**(120) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA**

The proposed work must comply with the *Building Code of Australia* (BCA).

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

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

**(122) 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 any Occupation Certificate being issued. A copy of the Fire Safety Certificate must be submitted to Council if it is not the Principal Certifying Authority.

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

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

**SCHEDULE 1C****During Construction/Prior to Occupation/Completion****(124) BASIX**

All commitments listed in each relevant BASIX Certificate for the development must be fulfilled prior to any Occupation Certificate being issued.

**(125) HOURS OF WORK AND NOISE – OUTSIDE CBD**

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

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436 - 1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

Note: The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96 of the *Environmental Planning and Assessment Act 1979*.

**(126) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS**

Lighting of the site while any work is undertaken outside of Council's standard hours of construction must ensure that at no time must the intensity, hours of illumination or location of the lighting cause objectionable glare or injury to the amenity of the neighbourhood or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 *Control of the obtrusive effects of outdoor lighting*. If in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.

**(127) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT**

The immediately adjoining neighbours must be given a minimum of 48 hours notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.

**(128) DUST MANAGEMENT**

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

**(129) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**

A site notice is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:



- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (d) The approved hours of work, the Principal Certifying Authority including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.

#### **(130) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT**

- (a) The operation of high noise intrusive plant and machinery such as pile-drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 "Guide to Noise Control on Construction, Maintenance and Demolition Sites is restricted to the hours of:
  - (i) 9:00am -12:00pm and 1:00 pm– 4:30pm Mondays to Friday
  - (ii) 9:00am – 1:00pm on Saturdays
  - (iii) No work is permitted on Sundays or Public Holidays
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436- 2010 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.
- (c) All reasonable and feasible steps must be taken to ensure that noise levels from activities conducted on site are kept to a minimum including the adoption of less noise intrusive plant and equipment or technologies.

#### **(131) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

#### **(132) 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.

**(133) 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.

**(134) 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.

**(135) 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.

**(136) VEHICLE CLEANSING**

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

**(137) RAINWATER HARVESTING & RAINWATER TANKS****(a) 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.

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

Prior to any 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.

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

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

#### **(140) 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.

**(141) 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.
- (f) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

**(142) 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.

**(143) 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 1D

### Subdivision

#### (144) PLANNING AGREEMENT COMPLIANCE

The final Plans of Subdivision for the two stages of this consent are to be consistent with the Planning Agreement (VPA) for the development of the site, executed by Council and Karimbla Properties (No.31) Pty Ltd.

#### STAGE 1

#### (145) SUBDIVISION CERTIFICATE

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

#### (146) SYDNEY WATER CERTIFICATE

- (a) Prior to the issue of the Subdivision Certificate, a Section 73 (Subdivider) Compliance Certificate under the *Sydney Water Act 1994* must be obtained from the Sydney Water Corporation and submitted to Council.
- (b) Application must be made through an authorised Water Servicing Coordinator. Refer to the Building Developing and Plumbing section on the web site; [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing your Land" or telephone 132092 for assistance. Following application, a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. It is advised to make early contact with the Coordinator, since the construction of sewer/water infrastructure can be time consuming and may impact upon other services and building works.

#### (147) EASEMENT FOR PUBLIC ACCESS AND POSITIVE COVENANT

- (a) The final Plan of Subdivision is to include the creation of a documentary Easements for Public Access 6 Wide over the Public Through-Site-Link within the development at the southern end of the site, pursuant to Section 88B of the *Conveyancing Act 1919*. The easement is to be defined in stratum, to limits acceptable to Council, is to burden the affected part of Lot 20 in the subdivision, is to be created appurtenant to Council, in terms granting appropriate public pedestrian and bicycle access rights and is to be in accordance with the requirements and to the satisfaction of Council. The terms of the Easement are to include the obligation to remove the Barrier Fence upon receipt of 14 days notice from Council of the registration of the future extension of the Easement for Public Access to Dalmeny Avenue.

- (b) The final Plan of Subdivision is to include the creation of an associated Positive Covenant, burdening Lot 20, pursuant to Section 88B of the *Conveyancing Act 1919*, appurtenant to Council and in terms that include all requirements and obligations considered necessary to protect the interests of Council and the public, and created to the satisfaction of Council.
- (c) The Easement and Covenant are to be registered on Title of the subject land prior to issue of any Occupation Certificate for Buildings A and B in the development.

#### **(148) PUBLIC ROAD**

The final Plan of Subdivision is to provide notation to the effect that Lot 21 in the subdivision is reserved for future dedication as Public Road 4 Wide.

#### **(149) EASEMENTS AND COVENANTS**

- (a) The final Plan of Subdivision is to include the creation of any easements, rights of way, restrictive or positive covenants required as a consequence of the subdivision, pursuant to Section 88B of the *Conveyancing Act 1919* and to Council's satisfaction.
- (b) Any proposal to Strata subdivide a lot(s) in the subdivision will require separate applications to obtain Development Consent from Council or a Complying Development Certificate from an accredited certifier and subsequent approval of the Strata Plan and issue of the Strata Certificate by Council or an accredited Strata certifier under the *Strata Schemes (Freehold Development ) Act 1973*.

#### **(150) STRATA SUBDIVISION**

Any proposal to Strata subdivide the development occupying Lot 20 in the subdivision will require separate applications to obtain Development Consent from Council or a Complying Development Certificate from an accredited certifier and subsequent approval of the Strata Plan and issue of the Strata Certificate by Council or an accredited Strata certifier under the *Strata Schemes (Freehold Development ) Act 1973*. The Strata subdivision is to include the creation of appropriate Restrictions on Use of Land, pursuant to Section 88B of the *Conveyancing Act 1919*, to address Council's requirements for prohibitions on use of car parking spaces, inappropriate use of Common Property, and prohibitions on short-term use of residential apartments, in accordance with the requirements and to the satisfaction of Council.

### **STAGE 2**

#### **(151) SUBDIVISION CERTIFICATE**

- (a) A separate application is to be made to Council to obtain approval of the final Plan of Subdivision and issue of the Subdivision Certificate under Part 4A of the *Environmental Planning and Assessment Act 1979*.

- (b) As the Plan of Subdivision is effecting the dedication of Public Road only, the issue of the Subdivision Certificate will not require the submission to Council of a Section 73 Compliance Certificate from Sydney Water.

#### **(152) ROAD DEDICATION**

- (a) The part of the new road within the site, being Lot 21 in the Stage 1 subdivision, is to be dedicated to the public as Public Road 4 Wide, free of cost to Council.
- (b) Prior to the issue of the Subdivision Certificate, the provisions of Section 109J(2) of the Act with regard to subdivision work, must be satisfied.

#### **(153) DESIGN AND CONSTRUCTION OF DEDICATION**

- (a) Detailed engineering, road, drainage, infrastructure and landscaping works, design and construction plans for construction of the new Public Road 4 Wide Park, are to be submitted to Council's Public Domain unit and approval gained prior to the issue of a Construction Certificate for those Subdivision Works. The design and documentation is to include any requirements and approvals from external parties such as public utility service authorities and is to be in accordance with Council's "*Sydney Streets – Technical Specifications*" and the "*City of Sydney Public Domain Manual*" or Council's civil works design and construction specifications current at the time and is to be in accordance with any approved flood analysis and assessment report for the site and is to be consistent with Water Sensitive Urban Design principles.
- (b) The submission to Council is to provide plans and specifications sufficient to describe in detail the design, scope and extent of all proposed road, drainage, infrastructure and landscaping works for the construction of the part of the new Public Road within the site, prepared and certified by a Professional Engineer. The design and construction plans are to be fully coordinated with the approved Public Domain Plan and Landscape Plan for the development and are to include confirmation that the design complies with Council's specifications and standards.
- (c) Council's acceptance of completed Subdivision Work and issue of the final Compliance Certificate as the Principal Certifying Authority will be subject to compliance with the approved drawings, certification of compliance with Council's specifications and applicable standards and the submission of certified Works as Executed drawings.

#### **(154) PRINCIPAL CERTIFYING AUTHORITY FOR SUBDIVISION WORKS**

A separate application is to be made to Council for appointment as Principal Certifying Authority for the Subdivision Works under Section 109E of *the Act*, and Council's appointment is to be obtained prior to the commencement of any such work on the site.



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

**Prior to the issue of any Occupation Certificate** for Buildings D, E and F in the development occupying Lot 21 in the Stage 1 subdivision, all Subdivision Work, including any such work subject to a bond under Section 109J(2) of *the Act*, is to be completed in accordance with the requirements and to the satisfaction of Council.

**(156) SECTION 138 APPROVAL**

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

**(157) PUBLIC UTILITY SERVICE AUTHORITIES**

- (a) Prior to the commencement of any Subdivision Work on the site, or public domain work, evidence is to be submitted to Council that the requirements of all public utility service authorities with services installed or to be installed in the new road have been satisfied with regard to the design of those services.
- (b) **Prior to the issue of the Stage 2 Subdivision Certificate**, evidence is to be submitted to Council that the requirements of those public utility service authorities have been satisfied with regard to the completion of construction/installation of those services.

**SCHEDULE 2**

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

## BACKGROUND

### The Site and Surrounding Development

1. The site is generally L shaped with a 76.27m frontage to Dalmeny Avenue; a 157.31m frontage to Rosebery Avenue; a northern boundary of 91.42m; and two southern boundaries of 45.71m (91.42m in total). The total site area is 10,674 sqm.



**Figure 1:** Aerial view of the site and surrounds

2. The site is generally flat. Its highest point is in the southeastern corner (RL 24.64) and its lowest point is at the northwestern corner (RL 22.41).
3. The site is currently occupied by various commercial/light industrial buildings.



**Figure 2:** Dalmeny Avenue frontage with the site identified



**Figure 3:** Rosebery Avenue frontage (northern end)



**Figure 4:** Rosebery Avenue frontage



**Figure 5:** Rosebery Avenue frontage



**Figure 6:** Rosebery Avenue frontage (southern end)

4. The Rosebery Avenue frontage of the site has substantial landscaped setbacks of approximately 6m within the site as shown in Figure 7 below. This is characteristic of Rosebery Avenue and extends a substantial length of the street between Kimberley Grove and Epsom Road. Building setbacks of various depths are also provided to the Dalmeny Avenue frontage of the site as shown in Figure 8 below.



**Figure 7:** Typical Rosebery Avenue existing landscaped setbacks



**Figure 8:** Typical Dalmeny Avenue existing landscaped setbacks

5. Directly adjoining the north of the site is a two storey warehouse building as shown in Figure 9 below. Further north is a warehouse building occupied by Rohlig Logistics an international shipping service at 108 Dalmeny Avenue as shown in Figure 10 below. The use of this building was approved as part of development consent DU/1998/00670 with approved hours of operation between 7.00am and 6.00pm Monday to Friday and between 9.00am and 4.00pm on Saturday and Sunday.



**Figure 9:** Two storey warehouse adjoining the northern boundary Dalmeny Avenue



**Figure 10:** Rohlrig Logistics an international shipping service at 108 Dalmeny Avenue.

6. To the east of the site across Dalmeny Avenue are several large residential developments of contemporary construction known as the Kimberly Estate shown in Figure 11. These developments were completed by Meriton and incorporate a private cul-de-sac and a distinctive on site stormwater detention basin.



**Figure 11:** Kimberly Estate development

7. The residential developments are setback approximately 5m from Dalmeny Avenue with established landscaping and building range in height up to 7 storeys.
8. Further east is Southern Cross Drive motorway and the Australian Golf Club.
9. To the north east of the site across Dalmeny Avenue is the Overlands Gardens or the Top Place site which is currently under construction as a mixed use residential development. The large redevelopment site includes the delivery of a new public park.
10. To the south of the site are a number of warehouse and industrial buildings. Further to the south are low density single residential dwellings fronting Kimberly Grove and Morley Avenue.
11. To the west of the site on the opposite side of Rosebery Avenue is the Dexu site that includes a number of industrial buildings and an office tower of 9 storeys. The applicable planning controls for this site include residential apartments and the delivery of a public park that forms part of detailed DCP controls that apply to this site.
12. To the north west of the site are additional industrial and warehouse buildings.
13. Approximately 250m to the west of the site with frontages to Rothschild Avenue, Mentmore Avenue, Queen Street and Cressy Street is the former RTA/Otto site which is currently under construction including the delivery of a new public park.

#### **HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION**

14. The following development applications and competitive design process are relevant to the proposed development:

## The Site

### (a) CMP/2013/9 – 42-60 Rosebery Avenue, 94-100 & 102 Dalmeny Avenue Rosebery

In November 2013, a Competitive Design Alternatives process commenced where 4 invited architects designed schemes for redevelopment of the site.

The architects included PTW, Stansic, Allen Jack & Cottier and Turner. The selected winner of the process was Turner Architects and Figures 12-14 illustrate the winning scheme.

The selection panel included James Weirick (independent panel member), Robert Nation (independent panel member), Peter Spira (General Manger, Meriton Apartments), Graham Jahn (independent observer).



**Figure 12:** Winning design scheme – Dalmeny Avenue frontage and new street frontage



**Figure 13:** Winning design scheme – Rosebery Avenue frontage and new street frontage



**Figure 14:** Winning design scheme – Rosebery Avenue frontage



(b) **D/2014/837 – Demolition and landscaping**

On 13 June 2014 a development application was lodged for the demolition of all structures on site and temporary landscaping. In accordance with Clause 7.19 of the Sydney LEP 2012, this application will not be determined until development consent has been granted for redevelopment of the site.

(c) **D/2014/862 – Excavation and remediation**

On 18 June 2014 a development application was lodge for the excavation of the site and remediation of the site. In accordance with Clause 7.19 of the Sydney LEP 2012, this application will not be determined until development consent has been granted for redevelopment of the site.

**Vicinity of the Site**(d) **D/2008/102 – 67-77 Epsom Road and 95 Dalmeny Avenue, Rosebery Overland Gardens site**

Stage 1 approval for 5 residential buildings ranging in height from 4 to 8 storeys and one mixed use building up to 13 storeys and a new 3,260 sqm public park.

(e) **D/2011/1202 – Stage 2 approval for Building D at Overlands Garden site**

Demolition of existing buildings, land remediation, and construction of a 5-8 storey residential building with 106 apartments and basement car parking for 105 cars.

**PROPOSAL**

15. The applicant seeks consent for the demolition of all structures on site, excavation, remediation, landscape works, public domain works and the construction of 3 buildings 3-7 storeys in height. Space for a future childcare centre is also proposed. More specifically the application describes:



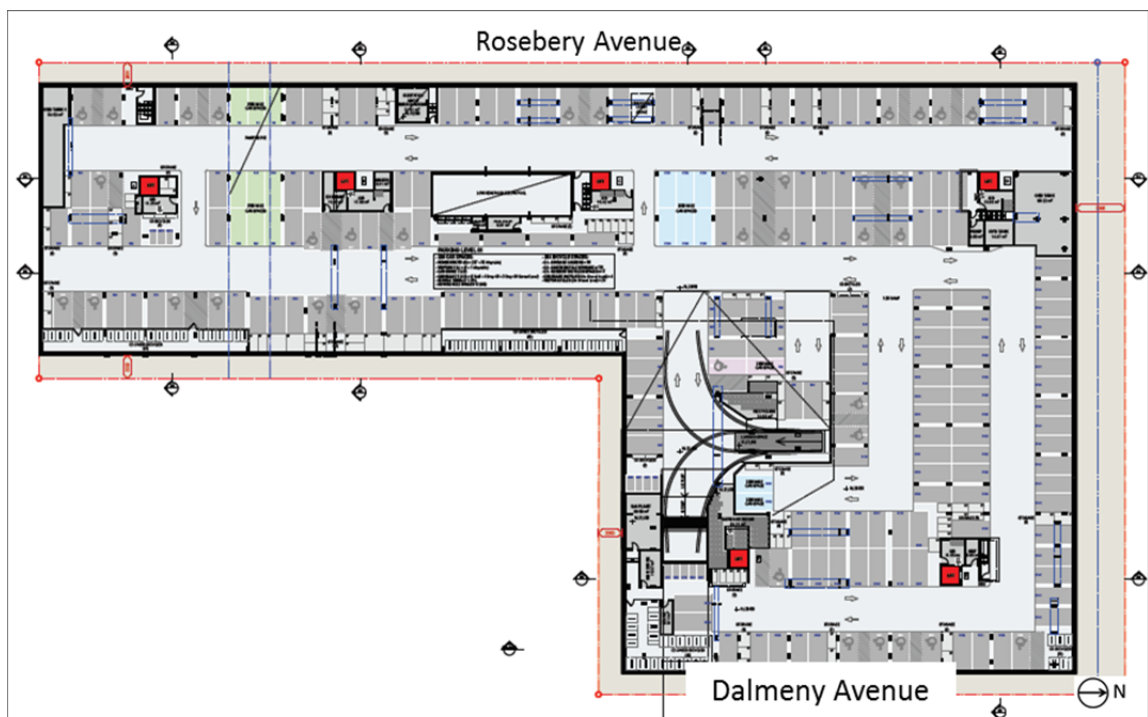
**Figure 15:** Site plan

(a) **Demolition and excavation**

- (i) Full demolition of all buildings on site, excavation and remediation.

(b) **Basement and car parking**

- (i) Single basement level of car parking with access from Dalmeny Avenue.
- (ii) A total of 220 car parking spaces, a loading dock, 12 motorcycle spaces and bicycle parking.
- (iii) Two car share spaces are proposed (included in the above figures).
- (iv) 4 drop off and pick up spaces associated with the child care centre within the basement and 3 on street drop off and pick up spaces.
- (v) Two dedicated parking spaces for child care works and 9 visitor spaces are also proposed (included in the above figures).
- (vi) Access is provided from the basement to each building via lift cores.
- (vii) The basement has been designed to allow Council's waste collection vehicles to enter the basement and undertake all collection of waste within the basement.



**Figure 16:** Basement floor plan

(c) **Building A**

- (i) Southern end of the Rosebery Avenue (west) frontage of the site

- (ii) Two building elements including a 6 storey building fronting Rosebery Avenue and a 3 storey wing towards the eastern side of the site.
- (iii) Double height accessible entrance lobby to Rosebery Avenue.
- (iv) 32 apartments.
- (v) Ground floor apartments with a frontage to the street or through site link have landscaped courtyards and direct street access.
- (vi) The top floor is set back approximately 4m to the glazing line from Rosebery Avenue site boundary.



**Figure 17:** Rosebery Avenue frontage Building A ground floor plan



**Figure 18:** Rosebery Avenue frontage Building A elevation and ground floor plan

(d) **Building B/C**

- (i) It is unclear from the submitted information which element of the building is 'B' and which is 'C'. The applicant declined to provide this information.
- (ii) Two building elements including a 5/7 storey building fronting Rosebery Avenue and a 3 storey wing towards the eastern side of the site.
- (iii) Double height accessible entrance lobby to Rosebery Avenue.
- (iv) Building B/C is separated from Building A by a landscaped through site link of various widths between 6m and 14.4m.
- (v) 77 apartments.
- (vi) Space for a future child care centre with 476 sqm internal space and 494.37sqm of external space with a potential capacity of 77 children and 12 staff.
- (vii) Communal recreation facilities for the entire development include an indoor pool, sauna, and community room.
- (viii) A managers office and substation room are located within the Rosebery Avenue element of the building;

- (ix) Ground floor apartments with a frontage to the street or through site link have landscaped courtyards and direct street access.
- (x) The top two floors are set back approximately 4m to the glazing line from Rosebery Avenue site boundary.



Figure 19: Building B/C Rosebery Avenue frontage elevation



Figure 20: Building B/C Rosebery Avenue frontage ground floor plan

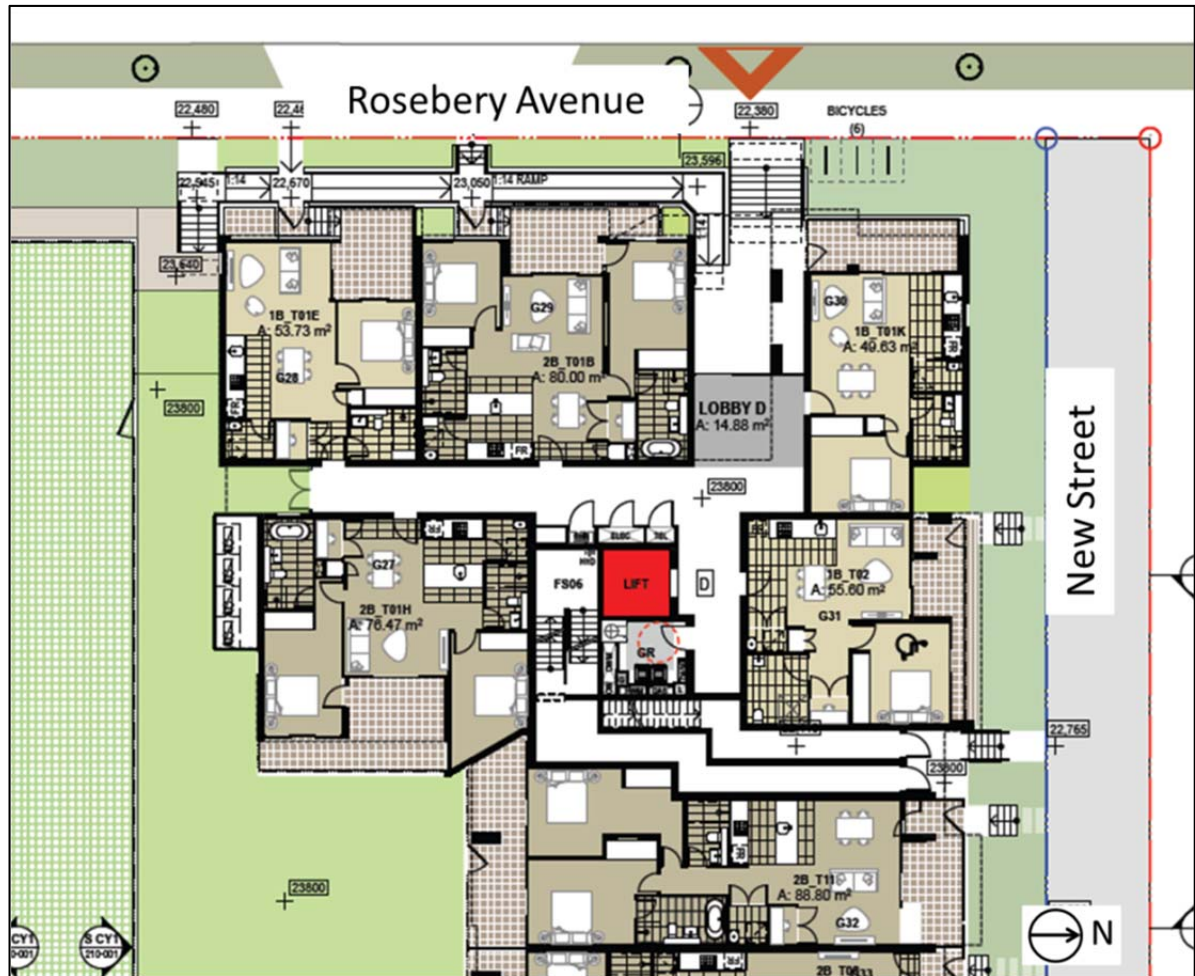
(e) **Building D/E/F**

- (i) It is unclear from the submitted information which element of the building is 'D', 'E' or 'F'. The applicant declined to provide this information.
- (ii) Building runs from Rosebery Avenue frontage (west) to Dalmeny Avenue (east) incorporating new street frontage (north);
- (iii) Three building elements including 6/7 storeys to east and west frontages and 3 storey to new north frontage;
- (iv) Roof top garden to 3 storey building;

- (v) 126 apartments;
- (vi) Ground floor apartments with a frontage to the street or new street have landscaped courtyards and direct street access.
- (vii) The top floor of building D which turns the northwest corner of the site is setback 4m from both the Rosebery Avenue and new street site boundaries (excluding the additional 4m dedication for the new road) to the glazing line.
- (viii) The two top floors of building E and F with a frontage to Dalmeny Avenue are set back approximately 8m from the site boundary to the glazing line.



**Figure 21:** Corner element of Building D, E and F on Rosebery Avenue frontage elevation



**Figure 22:** Corner element of Building D, E and F on Rosebery Avenue frontage elevation and ground floor plan



**Figure 23:** New street frontage elevation of Building D, E and F

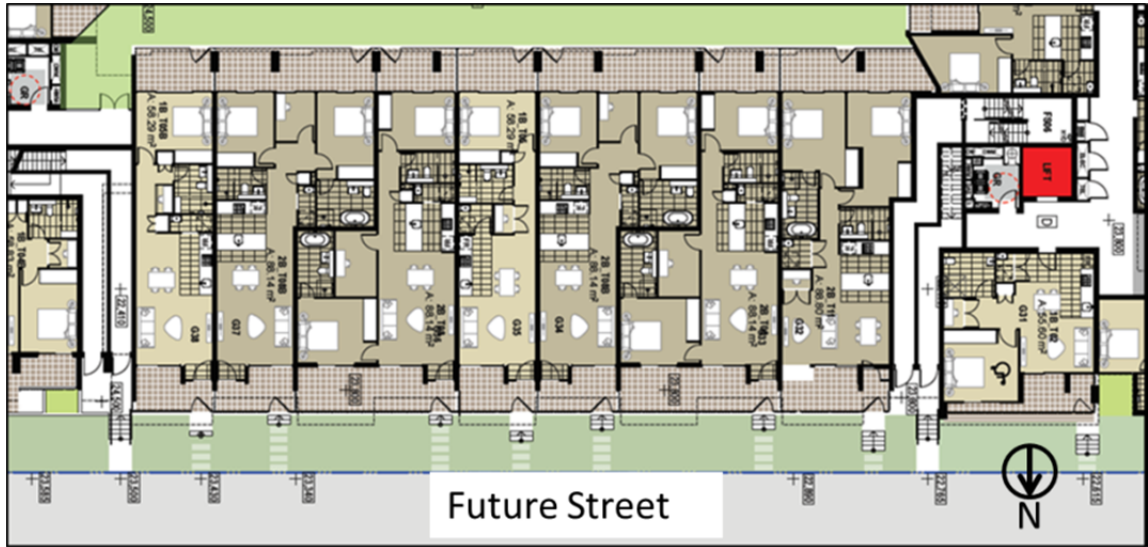


Figure 24: Building D, E and F new street frontage ground floor



Figure 25: Building D/E/F ground floor elevation Dalmeny Avenue





**Figure 26:** Building D/E/F ground floor plan Dalmeny Avenue frontage

**(f) Landscaping**

- (i) Deep soil areas around the perimeter of the site with a minimum width of 3m provides 1,067 sqm which complies with the 10 % requirement.
- (ii) Two areas of communal landscaping at the ground floor level are provided in the form of north and south landscaped courtyards 810sqm and 968 sqm.
- (iii) A communal landscaped garden of 630 sqm is provided at the rooftop level of the unlabelled / named building fronting the new road at the northern end of the site.
- (iv) A landscaped through site link is provided at the southern end of the site between Buildings A and B. The link has a minimum width of 6 m and terminates at the eastern boundary of the site. The link relies on the site to the east to be developed to provide a functional link between the Rosebery Avenue and Dalmeny Avenue frontages.
- (v) A temporary shared way (pedestrians and bicycles), landscaped setback and path is provided at the northern end of the site 4m wide. The shareway will eventually form part of a new road between Rosebery Avenue and Dalmeny Avenue once the site to the north is redeveloped.
- (vi) The site to the north is currently occupied by a two storey warehouse building constructed to its southern boundary.



Figure 27: Landscape plan

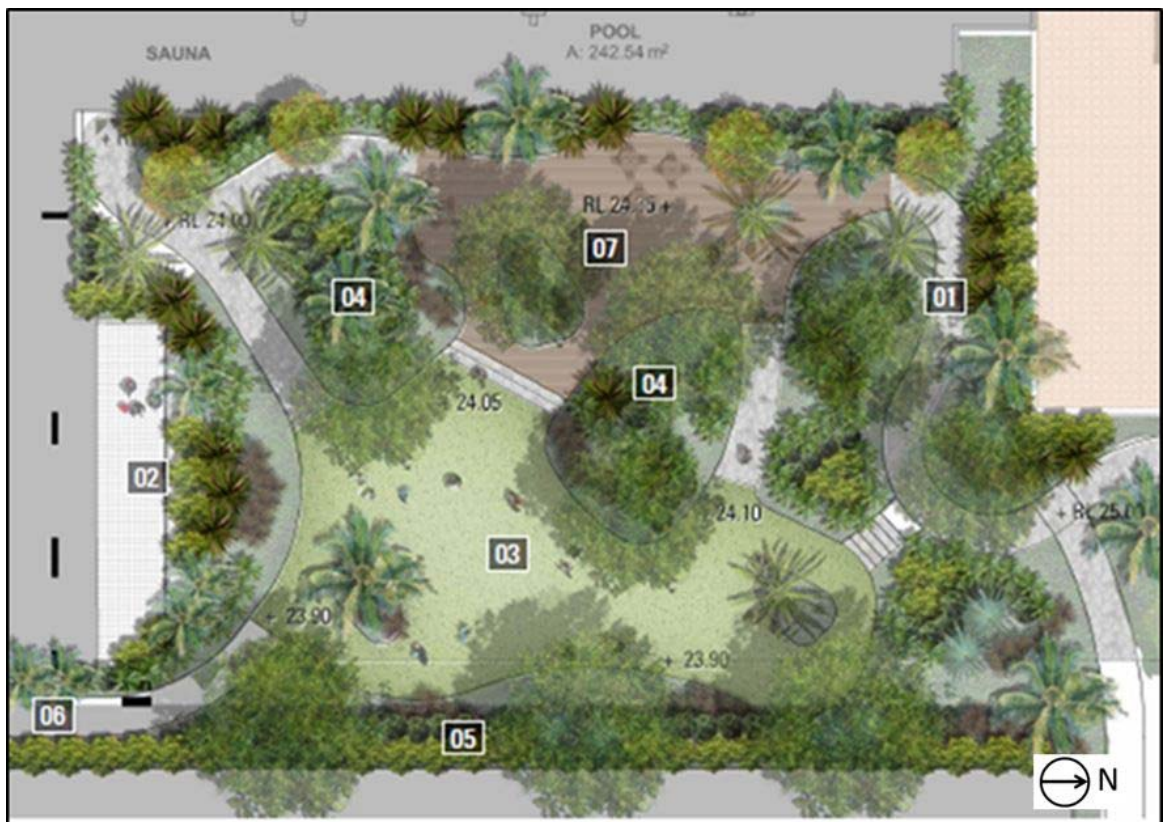


Figure 28: Landscape plan – southern courtyard



**Figure 29:** Landscape plan – northern courtyard

**Figure 30:** Landscape plan – green roof on unnamed building fronting new road at northern end of the site

(g) **Subdivision**

- (i) It is proposed to subdivide (and consolidate) the site to create a total of two new lots. Proposed Lot 20 is to accommodate the redevelopment site, and Lot 21 is to be dedicated to Council for public domain purposes. An easement is also proposed over Lot 20 that is to provide Right Of Way for a future public through site link.

**ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS**

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

- (a) Environmental Planning Instruments and DCPs.

**State Environmental Planning Policy No 55—Remediation of Land**

17. The aim of SEPP 55 is to reduce the risk of harm to human health or any other aspect of the environment arising from contaminated land through remediation. The land has been previously used for industrial purposes and the application proposes more sensitive land uses, being for residential and child care centre purposes.
18. A Stage 1 Environmental Site Assessment (“ESA”) was submitted with the application. The assessment recommended that a Stage 2 Detailed Environmental Assessment be conducted. Council’s Health and Building Unit confirmed that to consider the application further a Stage 2 assessment would need to be completed or letter of Interim Advice from an accredited NSW EPA Site Auditor be provided.
19. A letter of Interim Advice from an accredited NSW EPA Site Auditor was submitted concluding that subject to further information and certain matters being satisfied, the site is capable of being made suitable for the proposed use. Council’s Health and Building Unit raise no objection to the granting of deferred commencement consent on the basis of the Interim Advice and have recommended a number of conditions of consent.
20. On the basis of the Interim Advice of the accredited NSW Site Auditor Council’s obligations under SEPP 55 have been to be satisfied subject to a Stage 2 Detailed Environmental Assessment being the subject of a deferred commencement condition. If recommended as an outcome of the Stage 2 Detailed Assessment an RAP may also need to be prepared before the deferred commencement can be satisfied.

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

21. SEPP 65 applies to the proposal as the development is a residential flat building.
22. The Environmental Planning and Assessment Regulation 2000 (“EP&A Regulation”) contain specific requirements for information to be submitted when making an application for which SEPP 65 applies. A design verification statement prepared by the architect Turner was submitted with the application.
23. SEPP 65 provides that in determining an application for a residential flat building that the consent authority takes into consideration a number of matters relating to design quality. Guidelines have been developed to aid in the assessment of design quality and are contained in the Residential Flat Design Code (“RFDC”). Each of the design quality principles and RFDC discussion are provided below:

(a) **Principle 1: Context**

The subject site is located within the North Rosebery Locality of the Green Square redevelopment area. The locality comprises a number of industrial, commercial and residential uses. It is in a period of transition to a desired character of primarily medium density residential development and mixed uses. The locality statement highlights the importance of a new public park opposite the site at the corner of Crewe Place and Rosebery Avenue as a community node, the need to undertake future public domain improvements and ensuring new development adopts a finer grain street network and new open spaces.

Rosebery Avenue adjacent to the site is designated as a future public transport link in the Sydney DCP 2012.

The proposal is predominately residential and is consistent with the desired uses anticipated for the area. The development addresses the need for public domain upgrades by proposing to dedicate and embellish 365.6sqm of land to create a new east west link that will become a future road. A through site link is also proposed towards the southern end of the site. The proposed buildings generally comply with the built form controls and adopt a scale and expression that appropriately addresses the three street frontages and the adjoining sites.

(b) **Principle 2: Scale**

The development is up to 7 storeys high and is consistent with the scale of the portions of the Kimberly Estate development to the immediate east. The proposed buildings are of a higher scale than the existing 1 and 2 storey warehouses in the vicinity of the site.

The scale and visual massing is considered appropriate as the development generally complies with both the height development standard and height in storeys controls and is generally consistent with the site specific DCP amendments that relate to the site. Minor exceptions to the controls are considered as part of this report. While the proposed buildings are of a higher scale than the existing warehouses in the vicinity of the site, this is considered appropriate given that the area is in a period of planned transition to higher density built form.

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

The building type is perimeter courtyard style that aligns to the three street frontages (including the new part street which forms part of the development) with a central communal open space into two separated courtyards.

Building A is 5 storeys to the street, setting back to 6 storeys with a 3 storey "wing" to the rear.

Building B and C are combined. They are 5 storeys to the street, setting back to 7 storeys, with a 3 storey "wing" to the rear.

The two sets of 3 storey "wings" of Building A and Building B/C, help "frame" the new through site link.

Building D, E and F are linked, changing from 5 storeys to the west, setting back to 6 storeys, then to 3 storeys to the new street at the north, then 5 storeys to the east, setting back to 7 storeys, with a 3 storey "wing" to the rear.

The basement car park protrudes up to a maximum of 0.75m above the ground level to provide security and privacy to the ground level apartments, as well as responding to the requirements of stormwater freeboards.

Deep soil landscaped setbacks to the east and west boundaries varying between 3m and 3.6m wide are provided. An additional setback of 7m is provided to the new street frontage, 4m of which is to be dedicated to Council. The setback on this street frontage comprises a standard footpath, curb, a road based at the same level as the footpath to form a shared pedestrian / cycleway and a metre of low planting. This 4m wide "road" will function as a shared pedestrian/cycle link until the balance of the full road reservation (full width of 7m) is achieved on the neighbouring northern site.

Internally, the buildings are separated by a maximum of approximately 21.2m across the northern courtyard and on average 24m across the southern courtyard. Where there are apartments at corner locations the minimum distance provided between habitable rooms is 2.6m which is less than the 12m for a building of 3 storeys and 18m distances for 7 storey buildings encouraged under the RFDC. The reduced distance is considered acceptable in this instance given that perimeter block edge built form inevitably creates corner locations and an acceptable level of privacy is afforded between the habitable rooms.

(d) **Principle 4: Density**

The development has been designed to maximise the allowable density on the site. The density of 2.1:1 is appropriate in the context as the development is consistent with the objectives of the FSR development standard, the community infrastructure FSR provisions and incorporates the design excellence bonus of 10%.

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

In addition to energy and water efficiency commitments required under SEPP BASIX, the Selected Design addresses sustainability through the implementation of use of low embodied energy materials (precast concrete), a robust construction system, efficient floor spans, provision of natural ventilation to most cores and corridors.

The principles of passive solar design have been satisfactorily addressed, noting that the number of south facing single orientation apartments has been limited to 4. Glazing along the western elevation has been treated with window hoods and awnings integrated into the facade.

(f) **Principle 6: Landscape**

Tree removal is necessary to allow vehicular and pedestrian access to the development and is acceptable in this instance as several trees are to be retained and various new trees and plants are proposed. A greater number of medium to large trees are recommended to increase the quantity and range of species proposed for a desirable level of screening and visual enhancement of the streetscape.

The internal site landscaping is provided in the form of two large courtyards over the basement level identified as the northern and southern courtyards in addition to a roof top garden at the northern end of the site. These landscaped areas achieve the minimum levels of open space for the development. The communal areas do not contain deep soil, however, deep soil landscaping has been achieved by the setbacks of 3m to 3.6m around the perimeter of the site for landscaping. This will be consistent with the site and locality which has characteristic landscaped setbacks.

In addition to the courtyards is a recreation pavilion and separated outdoor play area for a future childcare centre. The communal landscape areas are assessed as quality functional spaces for the recreational needs of the future residents.

(g) **Principle 7: Amenity**

When considering all relevant amenity principles, the level of internal amenity afforded to the apartments is assessed as appropriate.

The residential levels are at least 3.1m floor to floor heights to enable delivery of a 2.7m floor to ceiling height during construction and comply with the RFDC. The proposed apartment sizes comply with the minimums recommended and the layouts are reasonably efficient and functional.

167 of the 235 apartments (70%) receive a minimum of 2 hours of direct sunlight between 9.00am and 3.00pm on June 21 onto at least 1sqm of living room windows and a minimum 50% of each balcony complying with the minimum 70% recommended in the RFDC.

Four of the 235 apartments (2%) have a single south facing aspect, complying with the maximum 10% recommended in the RFDC

150 of 235 apartments (64%) are naturally cross ventilated and comply with the minimum 60% recommended in the RFDC. A range of dual aspect apartment types including, cross through, cross over and corner apartments are provided. The proposed maisonette apartments inherently facilitate natural ventilation and the remaining single aspect apartments have been limited in depth to encourage natural ventilation.

The number of apartments accessible from a single core/corridor exceeds the maximum of 8 within building D/E/F which have 11, 12 and 16 units accessed from each core respectfully. This internal configuration of these cores are acceptable as the subject apartments are in maisonette style, many of which are accessible directly from the street.

The building separation between most habitable rooms in the development exceeds the minimum 12m RFDC requirement for 3 storey buildings and 18m for 7 storey buildings. Where there are apartments at corner locations the minimum distance provided between habitable rooms is 2.8m. External vertical blade screening devices have been proposed to openings to minimise cross looking between these apartments. The reduced separation is considered acceptable in this instance given that the viewing angle between the rooms is oblique and screening devices have been integrated into the design.

Visual privacy has been addressed through building separation, apartment layout, offsetting of openings, screening devices, courtyard fencing and landscaping. Each apartment contains private open space and an outlook to either the communal courtyard or district views. Subject to suitable measures being integrated at building construction stage, the acoustic privacy within the apartments can achieve an acceptable level.

The proposal provides individual storage facilities within the basement of the development for each apartment. Some apartments also provide a study/utility area which also provides supplementary storage space for those apartments. It is recommended that a condition is incorporated into the consent to ensure that the utilities areas are designated for storage and study purposes and shall not be converted to separate habitable bedroom.

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

The proposed residential lobbies and balconies will provide improved casual surveillance of the public domain. Maisonette terrace style apartments have been proposed to the new street at the north of the site with individual entrances and front gardens that will provide activation and surveillance of the street.

The vehicular access is concentrated to a single cross over to reduce potential conflicts between vehicles and pedestrians and maximises opportunity for landscape and urban design elements.

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

The proposal provides a mix of studio, one, two and three bedroom dwellings that can cater for a range of lifestyles, budgets and housing needs. The development suits the anticipated social mix for the neighbourhood noting that every residential lobby entrance includes an integrated ramp to provide access for all age groups and degrees of mobility. Notwithstanding this, an access ramp is recommended to the future childcare centre entrance to provide equitable access and ease for guardians using prams.

(j) **Principle 10: Aesthetics**

The primary building material is precast concrete with a variety of applied coloured accents.

The buildings are typically 5 storey forms to the east and west with 1-2 storey setback proportions. The top setback levels will be clad in metal to read as 'caps'. The bottom 2 storeys are also set back and articulated differently from those above. The central building forms are 3 storey.

The architectural treatment defines a human street scale by way of a horizontal layering of treatments. The length of the street is given scale by the break-up of built form and the differing architectural details and colours used.

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



**State Environmental Planning Policy (Infrastructure) 2007**

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

**Clause 45**

26. The application is subject to Clause 45 SEPP (Infrastructure) as the development is likely to affect an electricity transmission or distribution network. The application was referred to Ausgrid who advised that an electricity substation will be required to be accommodated within the development. A substation chamber has been incorporated into Building B/C. Notwithstanding this, it is recommended the standard Electricity Substation condition be incorporated in the consent.
27. Full details of the proposed substation and any required shielding mechanism to the proposed child care centre will be required prior to the issue of a construction certificate.

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

28. A BASIX Certificate has been submitted with the development application.
29. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated in the proposal. A condition is recommended ensuring the measures detailed in the BASIX certificate are implemented.

**State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)**

30. SEPP 32 provides for the increased availability of housing within the inner city and to assist in meeting the demand for housing close to employment, leisure and retail opportunities.
31. The proposal is consistent with the aims and objectives of SEPP 32 in that the development increases the housing stock and provides a mix of studios, 1, 2 and 3 bedroom apartments to meet the demand generated by urban renewal within Green Square.

**Sydney LEP 2012**

32. The site is located within the B4 Mixed Use zone. The proposed uses are defined as a residential flat building and a child care centre. Both uses are permissible with development consent and is consistent with the zone objectives.
33. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Table		
Development Control	Compliance	Comment
4.3 Height of Buildings	Complies in part	<p>The site contains three separate height limits, 24m to both the Rosebery Avenue and Dalmeny Avenue frontages, 3m relating to the part new road and a 12m height limits to the central portion of the site and adjoining the new road to the north.</p> <p>Several of the highest buildings on the Rosebery Avenue and Dalmeny Avenue frontages exceed the 24m height limits by 3.5 % to 7 % (24.84m to 25.68m) .</p> <p>This additional height relates to lift over runs only and does not include habitable floor space.</p> <p>The applicant has made a formal 4.6 written request to vary the development standard which is assessed in detail as part of this report and is considered acceptable in this instance.</p> <p>Refer to issues section.</p> <p>Full compliance is achieved for the 3m and 12m height limits.</p>
4.4 Floor Space Ratio	Yes	<p>A base FSR of 1:1 is permitted.</p> <p>An additional FSR of 1:1 is available on the site subject to the provision of community infrastructure.</p> <p>An additional amount up to 10% FSR can be awarded subject to meeting the design excellence provisions and undertaking a competitive design process.</p> <p>A FSR of 2.1:1 is proposed.</p> <p>Refer to issues section.</p>

Compliance Table		
Development Control	Compliance	Comment
4.6 Exceptions to development standards	Yes	<p>The proposal seeks to vary the development standard prescribed under Clause 4.3 Height of Building.</p> <p>The additional height above the 24m control, by between 3.5 % and 7% is considered acceptable in this instance as the additional height relates to non-habitable lift overruns that are setback from the street and will not be visible from the public domain.</p> <p>There will be no amenity impact on existing or intended occupants as a result of the non-compliance with the height control.</p> <p>Refer to issues section.</p>
5.9 Preservation of trees or vegetation	No	<p>The proposal involves the removal of 49 trees within the site and one of the 22 existing street trees around the site.</p> <p>Council's Tree Service Unit has raised concern with the removal of 3 of the trees within the site.</p> <p>Specifically a significant Sydney Blue Gum (No 14) and a street tree on the Dalmeny Avenue frontage will be removed to accommodate the single basement access to the development.</p> <p>No objection is raised to the removal of the street tree.</p> <p>Notwithstanding the significance of the existing Sydney Blue Gum (No 14) tree, the proposed driveway location has been prescribed by the site-specific DSP controls. The removal of this tree is acceptable on this basis.</p> <p>A Bangalay (No 37) and a Swamp Mahogany (No 41) on Rosebery Avenue will be removed.</p> <p>These two trees are in an area of future landscaping and their removal is not supported.</p> <p>Refer to Issues section.</p>

Compliance Table		
Development Control	Compliance	Comment
5.10 Heritage conservation	Yes	The site is not listed as a heritage item and is not within the vicinity of a heritage item or conservation area.
<b>Part 6 Local provisions - height and floor space</b>		
Division 2 Community Infrastructure floor space at Green Square	Yes	<p>The site is within area identified as 'Area 8', which permits an additional FSR of 1:1 subject to the provision of community infrastructure.</p> <p>Community infrastructure including a part new road connecting Rosebery Avenue to Dalmeny Avenue forms part of site specific DCP controls that apply to the site.</p> <p>A public benefit offer for the new part road consistent with these DCP provisions and a monetary contribution was publicly exhibited between 15 July 2014 and 13 August 2014.</p> <p>No submissions were received.</p> <p>Refer to Issues section.</p>
Division 4 Design excellence	Yes	<p>The size of the site is such that a site specific development control plan is required to be prepared under Clause 7.20 of SLEP. This requirement, in turn, triggers the need for a competitive design process to be undertaken under clause 6.21 of SLEP.</p> <p>Under this provision, the winning design of a competitive design process, subject to Council being satisfied that the building exhibits design excellence, an amount of floor space that exceeds the amount permitted may be granted consent.</p> <p>The subject application is based on the design of the winner of a competitive design process and seeks 10% additional FSR.</p>

<b>Compliance Table</b>		
<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
Division 4 Design excellence (continued)	Yes	The assessment of the subject application finds that the development meets the objectives of this provision and performs when tested against the matters to be considered under this provision.  Refer to Issues section.
<b>Part 7 Local provisions—general</b>		
Division 1 Car parking ancillary to other development	No	A maximum of 242 car parking spaces are permitted to service the development including residential, childcare parking, childcare drop off and pick up development, car share and visitor parking.  A total of 220 parking spaces are proposed which complies with the maximum standard. However the individual allocation of car parking spaces are exceeded.  A loading bay to service the development is also shown.  The applicant has shown 3 drop off spaces associated with proposed child care centre directly adjacent to the childcare centre on Rosebery Avenue.  This is directly contrary to the DCP controls and specific advice given to the applicant that all drop off and pick up is to occur within the basement.  No approval can be given for on street parking as part of this consent.  Should the applicant wish to use the existing on street parking arrangements then it would be their responsibility to prepare a separate application to the Local Pedestrian, Cycling and Traffic Calming Committee.

Compliance Table				
Development Control	Compliance	Comment		
Division 1 Car parking ancillary to other development (continued)	No	<b>Allocations</b>		
		<b>Use</b>	<b>Permitted</b>	<b>Proposed</b>
		Residential apartments	202	203
		Visitors	22	9
		Child care centre staff	6	2
		Child care drop off and pick up	10	4
		Car share	2	2
		<b>Total</b>	<b>242</b>	<b>220</b>
		<p>The number of parking spaces allocated for the residential apartments exceeds the amount permitted under the maximum development standard.</p> <p>Council requires that where a residential development proposes less than the maximum number of visitor car parking spaces permissible under LEP 2012, the reduction in the number of spaces must be shared proportionally between resident and visitor parking spaces.</p> <p>Refer to Issues section.</p>		
Division 3 Affordable housing	Yes	The site is located in Green Square and subject to an affordable housing contribution, which has been included as a consent condition.		
7.16 Acid Sulphate Soils	Yes	The site is located within class 5 ASS areas, which is 900m from a class 3 area and is 23m above sea level height datum. The site is located within an area of no known occurrence of acid sulphate soils		

Compliance Table		
Development Control	Compliance	Comment
7.15 Flood planning	No	The applicant has not provided sufficient information to confirm that the design of the ground floor and basement are sufficient to meet Council's flood controls. A deferred commencement condition is proposed to ensure this information is provided prior to the activation of the consent.
7.16 – 7.17 Airspace operations	Yes	The land is not identified as being in an area sensitive to aircraft noise and the building does not penetrate aircraft operation space.
7.19 Demolition must not result in long term adverse visual impact	Yes	A separate development application (D/2014/834) has been lodged for demolition only. The application will not be determined until the application the subject of this report has been finalised.
7.20 Development requiring preparation of a development control plan	Yes	<p>The site area for the development is more than 5000sqm and triggers the requirement for a site specific development control plan to be prepared.</p> <p>Sufficient justification as to why preparation of a site specific DCP is unnecessary in this circumstance has been provided and it is recommended that the DCP requirement be waived in this instance.</p> <p>Refer to Issues section.</p>

### Sydney DCP 2012

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

<b>2. Locality Statements – Green Square - North Rosebery</b>
<p>The subject site is located in the North Rosebery Locality. The neighbourhood is in transition from traditional industrial land uses to a mix of uses including medium-density residential development and commercial and retail uses.</p> <p>New residential development in the area are encouraged to include upgrades to the public domain, including a finer grain street network and new open spaces to create a more permeable and walkable neighbourhood.</p> <p>The proposed mixed use development includes a new portion of road as part of the street network and a through site link. These new thoroughfares will assist in providing much needed east west mid block connections when the corresponding sites to the north and east are developed. The scale of buildings facing these new links is considered appropriate at the pedestrian level and will encourage casual surveillance and a sense of security.</p> <p>For these reasons, the development is considered to be consistent with the desired future character principles for the locality.</p>

<b>3. General Provisions</b>		
<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
<p>3.1 Public Domain Elements</p>	<p>Yes</p>	<p><b>Streets, lanes and footpaths</b></p> <p>The proposal will result in an improved public domain outcome adjacent to the site. A new part road will be constructed to the northern boundary in accordance with the requirements of the site specific DCP requirements</p> <p>The proposed development is to be setback a minimum of 3m from all major frontages and to the new street frontage. The setback is to accommodate deep soil planting for front gardens and landscaped setbacks.</p> <p>All existing driveway crossings are proposed to be removed and replaced with a single driveway and footpaths upgraded in accordance with Council standards to improve the pedestrian amenity.</p>



3. General Provisions		
Development Control	Compliance	Comment
3.1 Public Domain Elements (continued)	Yes	<p><b>Pedestrian and bike network</b></p> <p>The new part road to the northern boundary will initially operate as a shared zone to accommodate both pedestrians and bicycles until the site to the north is developed and the new road can be completed.</p> <p>This interim measure is consistent with the site specific SDCP 2012 provisions that have been adopted by Council.</p> <p><b>Public art</b></p> <p>No public art is proposed as part of the subject application. A detailed Public Art Strategy and provision of public art is recommended given the site contains a number of public areas including a through site link and new part road.</p> <p><b>Sites greater than 5,000sqm</b></p> <p>The development provides a range of house types, including single storey apartments, garden apartments and maisonette apartments.</p> <p>Specifically, 7% or 16 of the apartments are maisonette style and complies with the minimum 5% control.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.2 Defining the Public Domain	Yes	<p><b>Improving the public domain</b></p> <p>Sun access and views to the public domain will not be adversely affected as a result of the development.</p> <p><b>Addressing the street and public domain</b></p> <p>The residential dwellings at ground level are slightly above footpath level and have individual entries from Rosebery Avenue, Dalmeny Avenue and the new northern street. Acceptable privacy and security to each ground floor apartment is maintained through appropriate fencing and landscaping.</p> <p>The majority of the development addresses the street and the buildings have been designed to maximise the number of entries at ground level.</p> <p>Each building has an individual double height entrance lobby approximately 4m wide.</p> <p>The proposed materials and finishes will not result in an unreasonable level of solar glare when viewed from the public domain.</p> <p>Overall the development is considered to result in a desirable level of street activation and a positive relationship with the public domain.</p>

<b>3. General Provisions</b>		
<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
3.3 Design Excellence and Competitive Design Processes	Yes	<p>The control provides detail and guidance where a development is the subject of a competitive design process and specifically awarding additional floor space and height. A competitive design process was undertaken in accordance with the City of Sydney Competitive Design Policy and using the Model Competitive Processes Brief on this site.</p> <p>Refer to Issues section.</p>
3.5 Urban Ecology	Acceptable	<p><b>Urban Vegetation</b></p> <p>A landscape concept plan was submitted showing areas of planting large enough to support some biodiversity and some substantial tree planting. The concept also includes vegetated areas above the basement level, calling for additional structural and maintenance measures.</p> <p>It is recommended that more substantial trees are incorporated into the landscape plan including medium to large trees capable of growing over 10m.</p> <p>It is recommended that detailed landscape plans are required to be submitted and approved prior to issue of a construction certificate.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.5 Urban Ecology (continued)	Acceptable	<p><b>Tree Management</b></p> <p>The proposal involves the removal of 49 trees within the site and one of the 22 existing street trees.</p> <p>Council's Tree Service Unit has raised concern with the removal of 3 of the trees within the sites. No objection is raised to an existing street tree.</p> <p>Specifically a significant Sydney Blue Gum (No 14) on the Dalmeny Avenue frontage will be removed to accommodate the single basement access to the development.</p> <p>This assessment finds that removal of tree No 14, is acceptable in this circumstance as the existing site specific detailed DCP controls dictate where the sole driveway access is to be located.</p> <p>The retention of this significant tree was not part of the design brief. The proposed driveway location is consistent with the winning design scheme and the site specific DCP controls.</p> <p>A Bangalay (No 37) and a Swamp Mahogany (No 41) on Rosebery Avenue are to be removed.</p> <p>The removal of these trees are not acceptable.</p> <p>Refer to Issues section.</p>

<b>3. General Provisions</b>		
<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
3.6 Ecologically Sustainable Development	Yes	<p>In addition to energy and water efficiency commitments required under SEPP BASIX, Council encourages all applicants to implement the principles of ecologically sustainable development (ESD) in the proposed development.</p> <p>The Selected Design Architect addresses sustainability through the implementation of use of low embodied energy materials (precast concrete), a robust construction system and efficient floor plans.</p>
3.7 Water and Flood Management	Yes	The applicant has supplied a flood report which demonstrates acceptable flood planning levels. A further report will be required as part of a deferred commencement condition to confirm that the proposed development will meet these levels.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	Appropriate conditions are recommended
3.9 Heritage	Yes	The site is not a heritage item or located within a heritage conservation area.
3.10 Significant Architectural Building Types	Yes	The existing buildings and structures on site are of relatively contemporary construction and are not of asthenic or technical significance

3. General Provisions		
Development Control	Compliance	Comment
3.11 Transport and Parking	Capable of complying	<p><b>Managing transport demand</b></p> <p>A Traffic Impact Assessment was submitted with the application which concludes that the generated volumes of traffic will not unreasonably impact on the local road network.</p> <p>The submitted report did not adequately address drop off and pick up of children associated with the childcare centre.</p> <p><b>Car share scheme parking spaces</b></p> <p>The initial application did not include facilities for car share. At the request of Council the applicant has amended the basement plan to include 2 car share spaces consistent with the provisions of the SDCP 2012.</p> <p>The applicant has not provided details as to how users will access the basement to car share system. It is recommended as a condition of consent that these details are provided prior to the issue of a construction certificate as it may affect the layout of basement plan.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.11 Transport and Parking (continued)	Capable of complying	<p><b>Bike parking and associated facilities</b></p> <p>A total of 264 bicycle parking spaces are proposed including:</p> <ul style="list-style-type: none"> <li>• 90 individual resident storage cages</li> <li>• 129 spaces on caged allocated bicycle parking areas</li> <li>• 17 additional resident bicycle parking spaces</li> <li>• 4 bicycle parking spaces on the ground level near the childcare entry</li> <li>• 24 visitor bicycle parking spaces at ground level</li> </ul> <p><b>Vehicle Parking</b></p> <p>A total of 220 car parking spaces are proposed and as a total, complies with the parking rates in the SLEP 2012.</p> <p>The number of parking spaces allocated for the residential apartments exceeds the amount permitted under the maximum development standard.</p> <p>Council requires that where a residential development proposes less than the maximum number of visitor car parking spaces permissible under LEP 2012, the reduction in the number of spaces must be shared proportionally between resident and visitor parking spaces.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.11 Transport and Parking (continued)	Capable of complying	<p><b>Service vehicle parking</b></p> <p>A single loading space has been provided which is considered sufficient for the proposed development.</p> <p><b>Passenger pick up and set down areas</b></p> <p>Schedule 7 of SDCP 2012 currently requires 10 drop off and pick up spaces and 6 long term visitor car parking space to service the proposed child care centre.</p> <p>It is proposed to signpost 3 parking spaces on the Rosebery Avenue frontage to facilitate set down / pick up of children for the childcare centre. This arrangement is not supported.</p> <p>Refer to discussion in Issues section later in this report.</p> <p><b>Motorbike parking</b></p> <p>A total of 12 motorcycle spaces are provided in the basement which complies with the minimum control.</p> <p><b>Accessible parking</b></p> <p>In accordance with Council's controls, 36 accessible parking spaces are required for the 36 adaptable units. The parking spaces are to be assigned to these apartments and reflected in any strata subdivision of the development.</p>



3. General Provisions		
Development Control	Compliance	Comment
3.11 Transport and Parking (continued)	Capable of complying	<p><b>Vehicle access for developments greater than 1000sqm GFA</b></p> <p>The vehicular access to the site is via a single (two- way) 6.5m wide driveway, located on Dalmeny Avenue which is consistent with the site specific SDCP 2012 controls.</p> <p><b>Tandem, stacked and mechanical parking areas</b></p> <p>No tandem, stacked or mechanical parking areas are proposed.</p> <p><b>Design and location of waste collection points and loading Areas</b></p> <p>Waste is proposed to be collected within the basement from a central garbage collection room and the manoeuvring area for Council's standard garbage truck appears to be acceptable.</p> <p><b>Parking area design</b></p> <p>The proposed car parking area is capable of being well lit and sufficiently visible and safe. The basement is proposed to be mechanically ventilated and cannot be practically naturally ventilated and achieve the positive relationship with the public domain and communal areas.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.12 Accessible Design	Can comply	<p><b>General</b></p> <p>Equitable access is provided to each residential lobby and from the accessible car parking spaces to the apartments.</p> <p>Access for pedestrians and vehicles is clearly separated with a single vehicle entry and a number of level or ramped entries at ground level to the landscaped courtyards or building lobbies.</p> <p>Equitable access is provided in the form of a platform lift to the proposed child care centre. This is not acceptable as it would be unreasonable for a guardian or less mobile adult / child to use a platform lift.</p> <p>It is recommended as a condition of consent that a ramp is incorporated into the main entrance from the street to the child care centre consistent with other integrated ramps into the residential lobbies.</p> <p><b>Adaptable dwelling mix</b></p> <p>The development proposes a total of 36 adaptable apartments (15%), in a range of apartment sizes and configurations. It is considered that the adaptable apartments are sufficiently spread amongst unit sizes and throughout the development.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.13 Social and Environmental Responsibilities	Capable	<p><b>Promote safety through design of buildings</b></p> <p>A Crime Risk Assessment was submitted with the application which addresses generic safety considerations.</p>
3.14 Waste	Yes	<p>All waste is to be collected from the common basement. The entrance has been designed to accommodate Council waste vehicles.</p> <p>The waste management on the site can be provided in accordance with the <i>City of Sydney Policy for Waste Minimisation in New Developments 2005</i> subject to recommended conditions.</p>

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.1 Building height	No	<p><b>Height in metres</b></p> <p>Several buildings do not comply with the height in metres control. Lift over runs in building B/C and E/F breach the 24m height limit control.</p> <p>A written 4.6 request to vary the development standard has been received and is considered acceptable in this instance.</p>

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.1 Building height (continued)	No	<p><b>Height in storeys and street frontage height in storeys</b></p> <p>Site specific SDCP 2012 controls for the site require the primary building to the Dalmeny Avenue frontage to be 5 storeys with an additional 2 top storeys towards the northern end of the building.</p> <p>The entire building in this location is 7 storeys and therefore breaches the height in storeys control (but not the height in metres control).</p> <p>The additional storeys are acceptable in this location as the top two levels are recessed and the design is consistent with the winning scheme of the competitive design process.</p> <p>An additional building beyond that shown on the height in storeys map is proposed. Specifically an additional 3 storey wing building attached to building A is proposed.</p> <p>The design and location of the building formed part of the scheme of the competitive design process.</p> <p>The additional building is considered acceptable as it complies with the FSR and height limits, does not result in overshadowing or view obstruction of adjacent sites or the intended occupants of the site.</p>

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.1 Building height (continued)	No	<p>The amenity of the intended occupants of both new addition building and the development at large will meet both the RFDC and the SDCP 2012 standards.</p> <p>The additional building represents the 10% bonus floor space achieved by conducting a competitive design process.</p> <p>No objection to the additional building is therefore raised.</p> <p>All of the proposed buildings are consistent with the required street frontage heights.</p> <p><b>Floor to ceiling heights</b></p> <p>The control requires a minimum of 3.1m floor to floor for residential floor and 3.6m floor to floor for non-residential ground floor uses. Each building complies with these controls.</p>
4.2.2 Building setbacks	Yes	<p>A 3m landscape setback applies to Rosebery Avenue and the Dalmeny Avenue frontage. The proposal complies with this control.</p> <p>A 4m landscaped setback applies to the new street frontage. The proposal provides just 3.2m. Notwithstanding the numerical noncompliance this is considered acceptable as genuine deep soil landscaping in the form of front gardens to the maisonette apartments are provided along this frontage.</p> <p>An upper level setback of 4m is required for buildings on the Rosebery Avenue and Dalmeny Avenue frontages. Each building where required fully complies with this setback.</p>

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.2 Building setbacks (continued)	Yes	Building setbacks for this site are also provided in the Green Square part of the SDCP 2012 (Section 5). Considering the controls in section 5 take precedence over those in Section 4, please refer to discussion under 5.2.10 of SDCP 2012 and Issue section later in this report.
4.2.3 Amenity	Yes	<p><b>Internal solar access</b></p> <p>The RFDC and SDCP 2012 require 70% of dwellings in a development to achieve a minimum of 2 hours of direct sunlight to living areas between 9.00am and 3.00pm on June 21 onto at least 1sqm of living room windows and a minimum 50% of each balcony.</p> <p>The proposal complies with this control.</p> <p><b>Overshadowing to adjoining properties</b></p> <p>The proposal will cause overshadowing beginning at 2.00pm in mid winter to several apartments within the Kimberly Estate development to the east on Dalmeny Avenue.</p> <p>The extent of overshadowing is such that it does not reduce the solar access to the existing apartments and communal open space to below 2 hours direct sunlight between 9.00am and 3.00pm 21 June.</p> <p><b>Lightwells</b></p> <p>It is not proposed to rely on lightwells for daylight to the apartments.</p> <p><b>Internal common areas</b></p> <p>The common corridors have a minimum width of 1.76m – 2.5m. The internal common areas, lift lobbies and majority of corridors have access to daylight and an outlook.</p>

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.3 Amenity (continued)	Yes	<p><b>Design features to manage solar access</b></p> <p>The development proposes fixed shading devices (window hoods and awnings) above habitable room windows which do not substantially restrict access to natural daylight or outlook.</p> <p>Glazing is integrated into all elevations and selected habitable room windows are protected by fixed shading devices.</p> <p>The living areas are recessed into the building and protected by the upper floor balcony.</p> <p>Extensive double storey high glazing is proposed to the street elevations which are partially protected from mid-summer sunlight by the glazing line being recessed into the building and placement of proposed street trees.</p> <p><b>Landscaping</b></p> <p>A landscape concept plan was submitted showing areas of planting large enough to support some biodiversity and some substantial tree planting. Landscaping is proposed within the deep soil areas to the three street frontages and within the communal open space located above the basement. A rooftop communal garden is also proposed over building D located on the new northern frontage.</p> <p>Council's Green Roof and Walls Specialist has advised that subject to further detail the soil depths and species of plants are appropriate and recommends standard structural, drainage and maintenance conditions are included in the consent.</p> <p>It is recommended that detailed landscape plans are required to be submitted and approved prior to issue of a construction certificate.</p>

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.3 Amenity (continued)	Yes	<p><b>Deep Soil</b> The proposed deep soil area equates to 1,067sqm or 10% of the site, is consolidated along the street frontages and complies with the minimum 10% control.</p> <p><b>Private open space and balconies</b> Each dwelling has a balcony or courtyard directly accessible from the living area which exceeds the minimum 75% control. The majority of private open space is orientated to the north, east or west with limited oriented directly south.</p> <p>Each balcony complies with 2m minimum dimension and the majority are between 8sqm and 10sqm. While there are balconies under 10sqm, the proposal is supportable as they are dimensionally appropriate to facilitate recreational uses and 100% of units have a balcony/courtyard.</p> <p>The majority of the ground level courtyards comply with the minimum 25sqm area and the 4m dimension control.</p> <p><b>Common open space</b> The common open space is in the form of two separate landscaped courtyards divided by Building F, i.e. north courtyard and south courtyard. The total area of common open space is 4000sqm or 37% and complies with the minimum 25% control</p>



4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.3 Amenity (continued)	Yes	<p>At least 30% of the common open space area receives a minimum 2 hours of direct sunlight between 9am and 3pm on 21 June and complies with the control.</p> <p>The proposed ground floor communal open space does not meet the 50% unpaved area requirement with just 22% unpaved. Notwithstanding this a variety of different landscape types are proposed in addition to the communal roof top terrace which includes large areas of turf and soft landscaping. Direct access from all residential lobbies to the courtyards is not provided. This arrangement is not supported. Refer to discussion in Issues section later in this report.</p> <p><b>Ventilation</b> The RFDC recommends 60% of dwellings in a development should be naturally cross ventilated. 150 of 235 apartments (64%) are naturally cross ventilated.</p> <p><b>Outlook</b> Each apartment will benefit from district outlooks or an outlook over the communal open space. The proposed buildings are unlikely to affect significant views to the City skyline from surrounding residences.</p>

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.3 Amenity (continued)	Yes	<p><b>Acoustic privacy</b> An Acoustic Assessment was submitted with the application which assesses the external noise impact and impact of the childcare centre on the future residential occupants.</p> <p>The report emitted a number of factors and contains anomalies in the calculations. It is recommended as a condition of consent that an updated and corrected report is provided as part of a deferred commencement condition to ensure the proposed development fully complies with the acoustic standards.</p> <p><b>Construction Noise</b> Given there are sensitive receivers in proximity to the site and it is likely that noise disturbances will occur during excavation and construction stages, it is recommended that a Construction Noise and Vibration Management Plan is submitted and approved prior to a Construction Certificate being issued.</p> <p>It is recommended that the Plan include noise measurements to determine the effect on residential receivers and detail the stages of development along with the equipment to be used.</p>

4. Development Types																	
4.2 Residential Flat, Commercial and Mixed Use Developments																	
Development Control	Compliance	Comment															
4.2.3 Amenity (continued)	Yes	<p><b>Flexible housing and dwelling mix</b> The development proposes a dwelling mix of:</p> <table border="1"> <thead> <tr> <th>Type</th> <th>Control</th> <th>Proposed</th> </tr> </thead> <tbody> <tr> <td>Studios</td> <td>5-10% max</td> <td>2%</td> </tr> <tr> <td>1 bedroom</td> <td>10-30% max</td> <td>30%</td> </tr> <tr> <td>2 bedroom</td> <td>40-75% max</td> <td>58%</td> </tr> <tr> <td>3 bedroom</td> <td>10 % minimum</td> <td>10%</td> </tr> </tbody> </table> <p>The proposed fully complies with the above unit mix requirement and will provide a variety of different unit types.</p> <p>It is noted that a number of apartments have a study room with a door and are large enough to contain a bed. It is recommended that a condition is imposed to ensure that the designs of these apartments are modified to remove the doors and require the subject rooms to be a contiguous part of the surrounding space.</p>	Type	Control	Proposed	Studios	5-10% max	2%	1 bedroom	10-30% max	30%	2 bedroom	40-75% max	58%	3 bedroom	10 % minimum	10%
Type	Control	Proposed															
Studios	5-10% max	2%															
1 bedroom	10-30% max	30%															
2 bedroom	40-75% max	58%															
3 bedroom	10 % minimum	10%															
4.2.4 Fine grain, architectural diversity and articulation	Acceptable	<p>Dalmeny Avenue and Rosebery Avenue have widths of more than 18 metres. The buildings that face those streets have lengths up to 22, 28, 60 and 72 metres.</p> <p>The 72m long building is broken in two sections with two storey high entrance lobbies.</p> <p>The proposal is assessed as achieving an acceptable level of architectural diversity and fine grain articulation though suitable massing, composition of building elements and fenestration and the varied use of materials and finishes. Further discussion relating to the architectural character is discussed in the SEPP 65 section and Issues section in this report.</p>															

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.5 Types of development	Capable	<p><b>Courtyard buildings and perimeter street block buildings</b> A through site link consistent with the site specific DCP provisions has been integrated into the design of the building.</p> <p>Building breaks are provided to each primary street frontage to encourage visual permeability and provide a visual connection to the courtyard space.</p> <p>Notwithstanding the above, several lobbies do not provide direct access to the communal open space.</p> <p>It is recommended as a condition of consent that direct access be provided from each lobby to the communal open space.</p> <p>Refer to Issues section of this report.</p>
4.2.6 Waste minimisation	Yes	<p>Waste is proposed to be collected within the basement. A waste and recycling chute is provided within a garbage store room on each floor adjacent to each core.</p> <p>The development is capable of providing waste management in accordance with <i>City of Sydney Policy for Waste Minimisation in New Developments 2005</i> subject to recommended conditions requiring separated commercial and residential storage areas and bulky items room.</p>

<b>4. Development Types</b>		
<b>4.2 Residential Flat, Commercial and Mixed Use Developments</b>		
<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
4.2.7 Heating and Cooling Infrastructure	Yes	<p>There is capacity in the basement to enable infrastructure upgrades and heating and cooling infrastructure.</p> <p>The location of external air conditioner units has been shown on submitted plans and integrated into the building design with screening.</p>
4.2.8 Letterboxes	Capable	A standard condition relating to letter boxes is recommended as a condition of consent.

<b>4. Development Types</b>		
<b>4.4 Other Development Types and Uses</b>		
<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
Childcare Centres	No	<p>The application proposes a 77 place child care centre on the ground floor of Building B/C, accessed from Rosebery Avenue Street.</p> <p>Limited details have been provided with the application relating to the childcare centre design, fitout and operational requirements and the like. This is because a childcare operator is yet to be found.</p> <p>It is recommended as a condition of consent that a separate application be lodged for the fitout of the child care centre.</p> <p>Refer to Issues section for discussion.</p>

<b>5. Specific areas – Green Square – North Rosebery</b>		
<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
5.2.1 Green Square Urban Strategy 5.2.2 Objectives for Green Square	Yes	The proposal is considered to satisfy the relevant objectives and is consistent with the planning strategy envisaged for the area in that it contributes to the housing stock and is a building type and form appropriate in the streetscape.
5.2.3 Community infrastructure	Yes	<p>The application seeks consent for the maximum GFA permitted under clause 6.12 and clause 6.14 of SLEP 2012 which can only be achieved where a development provides community infrastructure to the satisfaction of the consent authority.</p> <p>The application was accompanied by a public benefit offer which has been reviewed by Council and it is considered that there are sufficient reasons for consent to be granted for the maximum gross floor area achievable under clause 6.12 and clause 6.14 of SLEP 2012.</p> <p>Refer Issues section.</p>
5.2.4 Local Infrastructure	Yes	The proposal includes a part new road to the north of the site consistent with the site specific DCP provisions.
5.2.5 Pedestrian and bike networks	Yes	The site includes a through site link to the south of the site consistent with the site specific DCP provisions.
5.2.6 Public Open Space	Yes	The site is not identified as requiring the provision of public open space, noting that sites to the east and west both have requirements for public open space.

5. Specific areas – Green Square – North Rosebery		
Development Control	Compliance	Comment
5.2.7 Stormwater management and waterways	Capable of complying	<p><b>Water sensitive urban design principles</b> On-site detention of stormwater is integrated into the development to ensure post-development peak flows do not exceed pre-development peak flows.</p> <p>The applicant has supplied a flood report which demonstrates acceptable flood planning levels. A further report will be required as part of a deferred commencement condition to confirm that the proposed development will meet these levels.</p>
5.2.8 Highly Visible Sites	Yes	The site is not identified as a Highly Visible Site.
5.2.9 Building Design	Yes	<p>The development performs against the controls in this section for the following reasons:</p> <ul style="list-style-type: none"> <li>• The buildings are aligned to the street, consistent with the control, to define and frame the street edge and provide clear delineation between the public and private domain.</li> <li>• It is unlikely that the buildings will affect significant views to the City skyline from surrounding residences.</li> <li>• The development includes the provision of new street tree plantings and landscaping along footpaths to enhance the quality of the streetscape and maximise pedestrian amenity.</li> <li>• The building facades incorporate a variety of finishes and colours.</li> <li>• Five building lobbies have been provided from the street to the residential interiors and are clearly defined by double storey voids.</li> </ul>

5. Specific areas – Green Square – North Rosebery		
Development Control	Compliance	Comment
5.2.9 Building Design (continued)	Yes	<ul style="list-style-type: none"> <li>In addition to the 5 building entrances, every ground floor apartment incorporates a courtyard entrance from either the street, communal open space or the through site link.</li> <li>The vehicular entry is contained to a single, two way driveway which is separated from the residential lobby entries to minimise pedestrian and vehicle conflict.</li> </ul>
5.2.10 Setbacks	Yes	<p><b>Dedicated Setbacks</b> The control requires a dedicated 4m setback at the northern end of the site to accommodate a part road. The proposal is consistent with this control.</p> <p><b>Building Setbacks</b> The proposed buildings are setback 3m from the new site boundaries (post dedication) to provide a supplementary landscape setback and enhanced amenity to ground level apartments addressing the street.</p>
5.2.11 Carparks under the public domain	Yes	No part of the basement car park is located below the land to be dedicated as public domain.
5.2.12 Above ground and adaptable car parking spaces	Yes	The application does not propose above ground car parking.

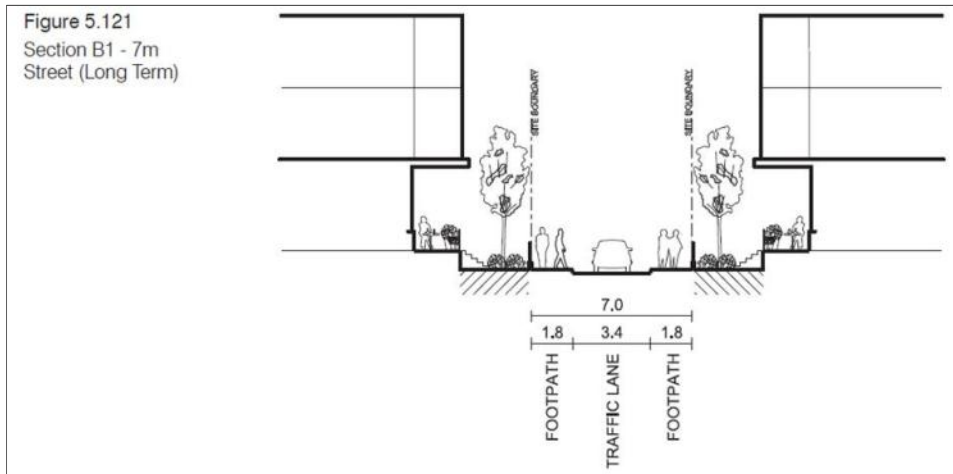
## ISSUES

### Community Infrastructure - Public Benefit Offer

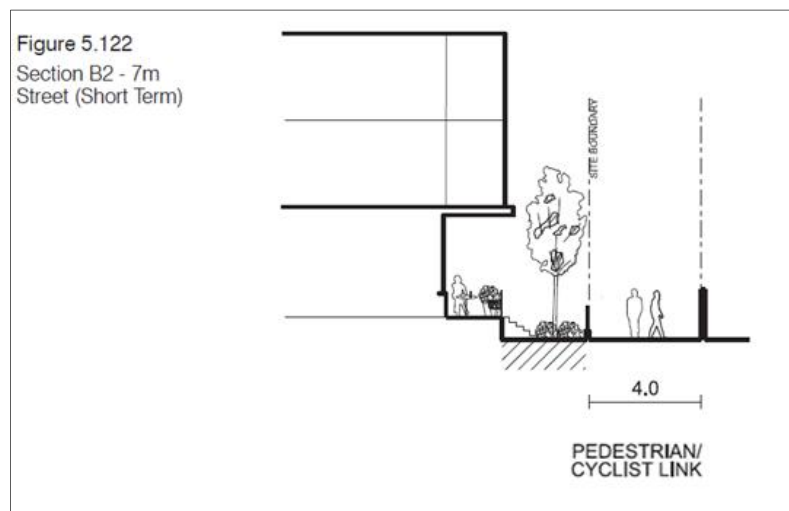
35. The application seeks consent for the maximum amount of GFA permitted under Clause 6.12 and Clause 6.14 of SLEP 2012 which can only be achieved where a development provides community infrastructure to the satisfaction of the consent authority.
36. The application was accompanied by a public benefit offer for land dedication, embellishment of the dedicated land and a monetary contribution. The total package value is calculated on the basis of the additional floor space amount and the adopted residential rate.



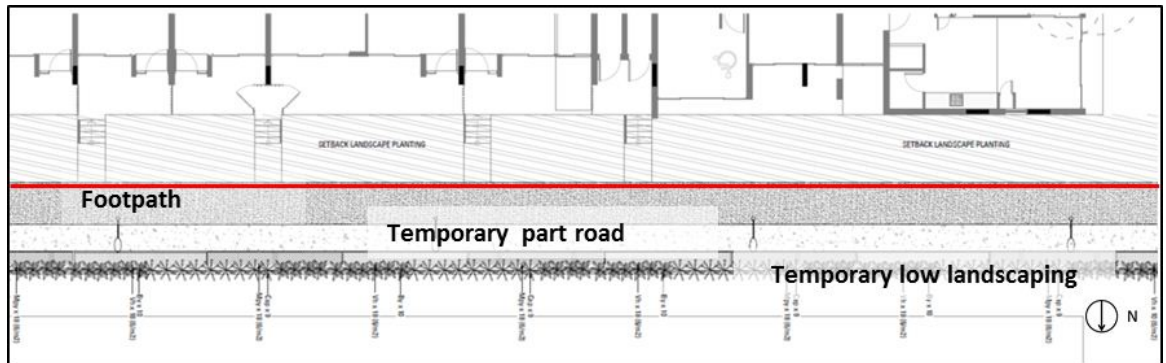
37. Council reviewed the offer and is satisfied that it is consistent with the examples of community infrastructure identified in the control, in that it comprises of:
- (a) The dedication of 365.6sqm portion of land to the public comprising a 4m wide and 91.42 m long strip of land at the northern end of the site to be used as a part road;
  - (b) The embellishment of the part road as a shared pedestrian / cycleway consistent with the site specific SDCP 2012 provisions.
  - (a) Payment of a monetary contribution of \$4,850,865 to be allocated to the provision of infrastructure in or about the area known as Green Square Town Centre, which can include works relating to new/modified roads, stormwater management systems, public open space and public art.
38. Figures 31 and 32 illustrates the SDCP 2012 requirement for the northern portion of the site and Figure 33 demonstrates compliance with this design.



**Figure 30:** Extract from SDCP 2012 showing long term plan for new street



**Figure 31** Extract from SDCP2012 showing short term plan for new street



**Figure 32** Proposed new street at northern end of site

39. A draft Planning Agreement was prepared to secure the public benefit offer in connection with the Development Application for the site. The planning agreement was publically advertised for a period of 28 days between 15 July 2014 and 13 August 2014. No submissions were made.
40. It is considered that there are sufficient reasons for consent to be granted for the maximum GFA achievable under Clause 6.12 and Clause 6.14 of the SLEP 2012.

#### **Competitive Design Process, Design Improvements and Design Excellence**

41. The size of the site is such that a site specific development control plan is required to be prepared under Clause 7.30 of the SLEP 2012. This requirement in turn triggers the need for a competitive design process to be undertaken under Clause 6.21 of SLEP 2012.
42. A planning proposal that incorporated the subject site and site specific provisions as part of a SCP 2012 amendment came into effect on 14 February 2012. The site specific DCP amendments provided height in storeys, the location of each building, setbacks and streetwall heights. The design of community infrastructure to be delivered on the site also formed part of the site specific DCP amendments.
43. A competitive design process was undertaken in November 2013 and Turner Architects design (the subject of this application) was the winner of the competitive design process. In accordance with Clause 6.21 (7) of SLEP 2012, the consent authority may grant up to 10% additional floor space where design excellence is achieved through a competitive design process.
44. The application seeks consent for 10% additional FSR. The full 10% is permitted to be awarded under Clause 3.3.5 of the SDCP 2012, as the entire site was the subject of the competitive design process.
45. In selecting Turner Architects as the preferred proposal, the Competitive Design Process Judging Panel recommended that the following should be explored:
  - (a) Examine appropriate sun-shading treatments to the west-facing glazed upper levels;
  - (b) Resolve basement loading manoeuvring space to ensure it is functional;
  - (c) Relocate pool and recreation building from Rosebery Avenue frontage to a position more central on the site;

- (d) Redesign front garden spaces of the ground floor units facing the streets to ensure appropriate soft and hard landscaping treatments in accordance with Council's DCP;
  - (e) Identify suitable location for chamber substation;
  - (f) Incorporate childcare pick-up and drop-off parking spaces within the allowable LEP maximum childcare parking allocation.
46. The design was amended in part in response to the Panel's recommendations by
- (a) Introducing sunshade hoods into the western facade;
  - (b) Reconfiguring the loading spaces within the basement;
  - (c) Relocating the recreational building to provide greater access to the communal courtyards;
  - (d) Redesigning the front garden spaces of the ground floor units;
  - (e) Incorporating a substation location into the design of the ground floor of Building B/C;
  - (f) Attempts were made at incorporating child care drop off within the basement. The submitted application included a drop off zone adjacent to a lift in the basement. This arrangement was not practical and this is not supported to be used for children under 6 years and would nevertheless have resulted in an obstruction within the car park.
- The applicant subsequently amended the drop off and pick up location. There are a number of outstanding issues relating to the amended scheme that can be resolved as a condition of consent. Refer to Issues section for further discussion.
47. Upon review of the detailed application, Council's Urban Designer and the Design Advisory Panel initially recommended further consideration be given to a number of aspects of the design including the provision of natural light and ventilation to all cores and corridors, sun protection devices to correspond to window orientation and fully complying with the SDCP 2012 standards for car parking associated with child care centres.
48. Further information was submitted to address, in part, the issues raised. This assessment recommends that further design modifications are made to provide more direct access to the communal open space and compliance with childcare drop off provisions of the SDCP 2012.
49. In considering whether development exhibits design excellence, the consent authority must have regard and be satisfied that the development achieves this criteria. Each criterion is addressed below:

- (a) **A high standard of architectural design, materials and detailing appropriate to the building type and location**

The development is considered to represent a well resolved architectural design with a clear concept relating to the use of precast panels to create a robust yet differentiated facade. The use of various applied finishes, and colours introduces a fine grain to the facades.

- (b) **A form and external appearance of the proposed development will improve the quality and amenity of the public domain**

The bulk, massing and modulation of the buildings are suitable for the street block, ensuring that the form presents as three buildings with meaningful breaks and recesses in the facade. The buildings adopt deep soil setbacks supplementing the public domain, allow for a wide verge of tree planting and vegetation to enhance the appearance and setting of the buildings.

- (c) **Does the proposed development detrimentally impact on view corridors**

The proposal is unlikely to detrimentally impacts on view corridors to significant city skyline views.

- (d) **Does the proposed development address site suitability, use, constraints, environmental impacts, ESD, pedestrian, cycle, vehicular and service access and circulation, public domain improvements, and interface, landscape design**

As addressed elsewhere in this assessment, the proposal satisfactorily addresses each of these matters in accordance with the relevant SDCP 2012 and RFDC controls.

50. The assessment of the subject application finds that the development meets the design excellence objectives and, as such, it is recommended that in accordance with Clause 6.21(7) of SLEP 2012, the consent authority award 10% additional floor space to the development.

#### **Request to waive preparation of a site specific development control plan**

51. Pursuant to clause 7.20 of SLEP 2012, development consent must not be granted to development on the subject site (as it is greater than 5000sqm) unless a site specific development control plan has been prepared.
52. Clause 7.20(3) provides that a site specific DCP is not required to be prepared if the consent authority is satisfied that such a plan would be unreasonable or unnecessary in the circumstances.
53. The applicant has submitted that Council has exercised its ability to exempt the site from requiring the preparation of a development control plan when it endorsed the Competitive Design Process brief and Design Alternatives Report which concluded that the winning scheme exhibited design excellence and a detailed DA be prepared. As such, the applicant requests that the site specific DCP requirement be waived.
54. It is considered that a site specific DCP would be unreasonable or unnecessary in these circumstances, which are outlined below:

- (a) A planning proposal that incorporated the subject site and site specific provisions as part of a SDCP 2012 amendment came into effect on 14 February 2014. The site specific DCP amendments provided height in storeys, the location of each building, setbacks and streetwall heights. The design of community infrastructure to be delivered on the site also formed part of the site specific DCP amendments.

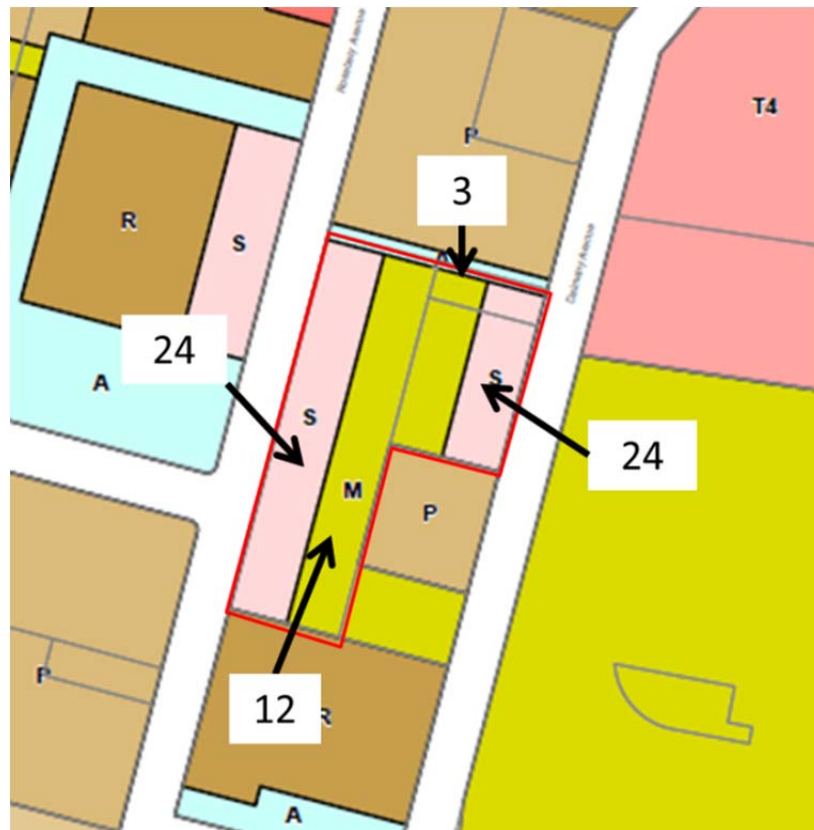
As these controls have been recently developed and adopted and relate to the site, an additional DCP that would reflect much of what is in these documents is considered unnecessary in this instance.

- (b) The redevelopment of the site has been the subject of a Competitive Design Process, where 3 architects developed schemes for the site. The terms of the brief included that the schemes were to comply with SLEP 2012 and SDCP 2012. In preparing those schemes, the foremost considerations go to siting parameters, appropriate location for massing and modulation of buildings, provision of open space, site access, public domain interface and integrated landscape design. The outcome is a scheme that addresses the fundamental considerations that would be reflected in a DCP, as such, preparing a separate DCP is considered unnecessary.

55. For the abovementioned reasons, the preparation of a site specific DCP in this circumstance is considered unnecessary and recommend that the consent authority waive this requirement pursuant to clause 7.20(3) of SLEP 2012.

#### Building Height – Exception to Development Standard

56. Clause 4.3 of the SLEP 2012 provides three different heights (3m, 12m and 24m) for the subject site which are illustrated in Figure 33 below.



**Figure 33:** Extract from SLEP 2012 Building Height (metres) with site identified

- 57. The height of buildings B/C and E/F exceed the 24m height limit with lift overruns.
- 58. The applicant is relying on the provisions of Clause 4.6 of the SLEP 2012 to seek exception to the height development standard.
- 59. Clause 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes. The Council may grant the exception as the concurrence of the Director-General of the NSW Department of Planning and Infrastructure can be assumed where Clause 4.6 is adopted as per Department of Planning Circular PS 08-003 dated 9 May 2008.
- 60. In order to demonstrate whether strict numeric compliance is unreasonable or unnecessary in this instance, the proposed exception to the height development standard has been considered against the objectives and provisions of Clause 4.6 in the following table:

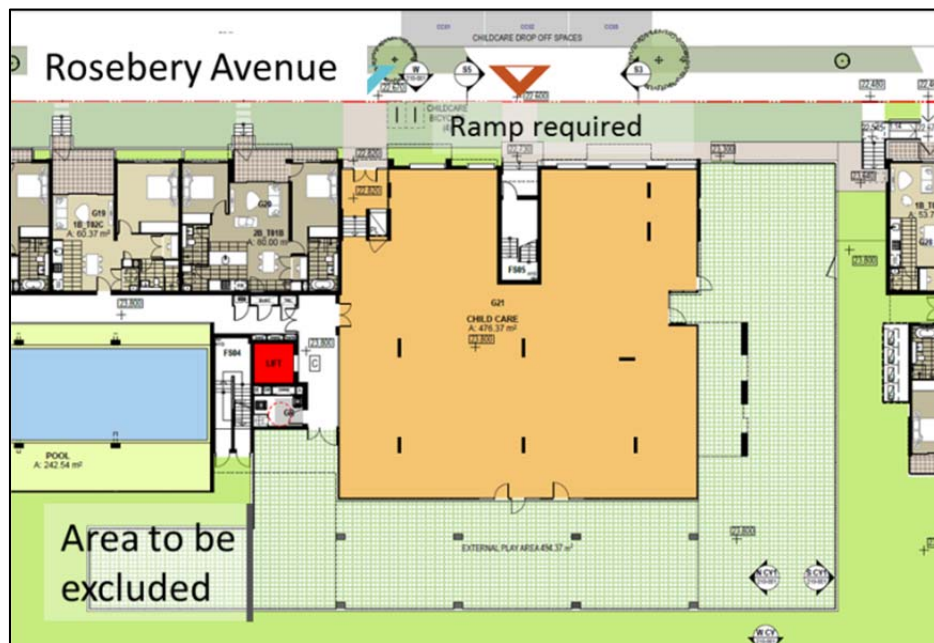
<b>Clause 4.6 Requirement</b>	<b>Assessment</b>
<p><b>4.6(4)(a)(i)</b> The applicant must submit a written request to vary the development standard</p>	<p>A written request has been submitted to Council justifying the proposed contravention of the height development standard on the following basis:</p> <ul style="list-style-type: none"> <li>• The degree of non-compliance is minimal at between only 3.5% and 7% above the maximum. This is negligible and below the recognised 10% rule.</li> <li>• The proposed development is based entirely on the winning competition scheme, including the proposed height.</li> <li>• The proposal complies with the LEP (in FSR) and generally with the DCP (in storeys) height controls.</li> <li>• The development displays minimal bulk and scale characteristics. The visual bulk is greatly reduced by the fine grain character of the buildings.</li> <li>• The additional height relates to lift overruns which are setback from the roof edges and will not be viable from the public domain. The proposal achieves design excellence having been the winner of a competitive design process.</li> <li>• The winning scheme, including the heights, was based on the Council endorsed design competition brief.</li> <li>• The proposal will result in no adverse impacts such as unreasonable overlooking and overshadowing.</li> </ul>

<b>Clause 4.6 Requirement</b>	<b>Assessment</b>
<p><b>4.6(4)(a)(i)</b> The applicant must submit a written request to vary the development standard (continued)</p>	<ul style="list-style-type: none"> <li>• The proposal is entirely consistent with the objectives of the land use zone and the height standard, which is addressed below.</li> </ul> <p>The applicant's written rational satisfactorily addresses the objectives associated with contravening the development standard and is considered to be well founded.</p>
<p><b>4.6(4)(a)(ii)</b> Council must be satisfied that the proposed development is consistent with the objectives of the development standard and the objectives for development within the zone</p>	<p>The proposed development is consistent with the objectives for Height of Buildings provided under Clause 4.3 of SLEP 2012 for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposed development is based entirely on the winning competition scheme, including the proposed height.</li> <li>• The site is not within a conservation area or proximity to a heritage item;</li> <li>• It is unlikely that views will be impacted by the additional height</li> </ul>
<p><b>4.6(4)(a)(ii)</b></p>	<ul style="list-style-type: none"> <li>• The amenity of the public domain is not impacted by the additional height as the lift overruns are setback from the street edge</li> </ul> <p>The proposed development is consistent with the objectives of the B4 Mixed Use Zone in which it is located. Specifically:</p> <ul style="list-style-type: none"> <li>• The proposal includes a mixture of compatible uses being residential dwellings and a childcare centre.</li> <li>• The site is in close proximity to existing public transport and a future public transport corridor.</li> <li>• The proposal will not compromise the viability of centres.</li> </ul>

61. It is considered that the written statement provided by the applicant has sufficiently justified that strict numeric compliance with the development standard is unreasonable and unnecessary in this instance. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the height development standard and it is recommended that a Clause 4.6 exception be granted.

### Childcare centre

62. The site specific S DCP 2012 provisions require a childcare centre on the Rosebery Avenue frontage of the site.
63. The applicant seeks consent for the use of a portion of the ground floor of building B/C on the Rosebery frontage as a 77 place child care centre. A separate development application is to be lodged for the fitout. Limited details of the internal layout, fitout or operation have been provided.
64. The childcare centre includes 476.37sqm internal area and 494.37sqm external area which is partly covered to provide sun shading. As part of recent amendments the outdoor area has been extended into the communal courtyard. It is recommended that this area be returned to the original configuration as the extended outdoor space would not be functional as shown in Figure 34.
65. The external area has an outlook to the two communal courtyards but is separated by fencing. It is unlikely that these areas will be capable of providing the best practice standard or minimum required space for the number of children proposed. It is recommended that no placement numbers be supported as part of the subject application.



**Figure 34** Proposed childcare centre with extended area identified

66. The applicant seeks consent for operation between 6.00am and 8.00pm daily with the outdoor area to be used between 8.00am and 6.00pm daily. As no details of the operation have been provided and there are a number of outstanding acoustic issues it is recommended that no trading hours be supported as part of the subject application.
67. The applicant seeks consent for child placement ratios of 21% in the under 2 years group. This does not comply with the minimum 33% provision of the SDCP 2012. A variation of the control is not supported. The ratio control seeks to address a documented shortage in under 2 years placements.



68. The entrance to the childcare centre is unclear with multiple gates and doors shown. The SDCP 2012 requires a single entrance to be provided (with the exception of fire exits).
69. Internal access within the base building can be gained. For residents within other unit blocks or external to the development, stair and platform lift access is available from Rosebery Avenue. This arrangement is not supported.
70. It is recommended that a ramp on Rosebery Avenue be incorporated into the entrance to the childcare centre. This will also assist in providing a clear entry into the centre. Currently a fire exit for the base building reads as a main entrance.
71. Given the nature of the proposed childcare centre in a high density residential development and within an area with an imminent large population increase, it can be reasonable be expected that many care givers will walk to the child care centre.
72. Notwithstanding this, there will still be demand for car parking associated with the use as a childcare centre and the drop off and pick up of children.
73. Direct lift access from the basement to the lobby outside the childcare centre is proposed however insufficient parking spaces have been proposed within the basement as shown in Figure 35 below.

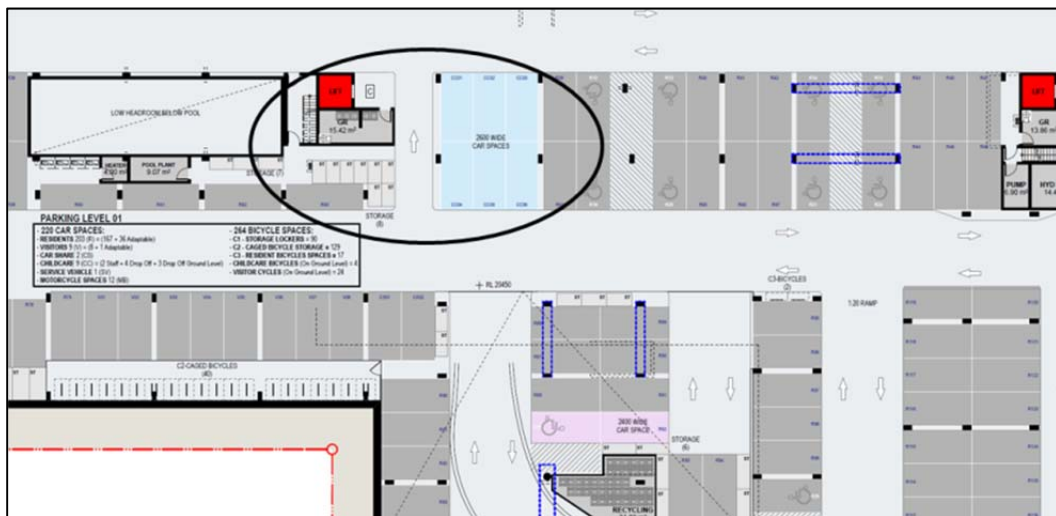


Figure 35 Proposed drop off spaces for childcare centre in basement

74. It is recommended the basement plan be amended to include 6 drop off and pick up spaces and 2 staff car parking spaces as shown in Figure 36 below. Visitor parking could also be used drop off and pick up noting that it would be the responsibility of building management to ensure that visitor parking is not used permanently by residences.

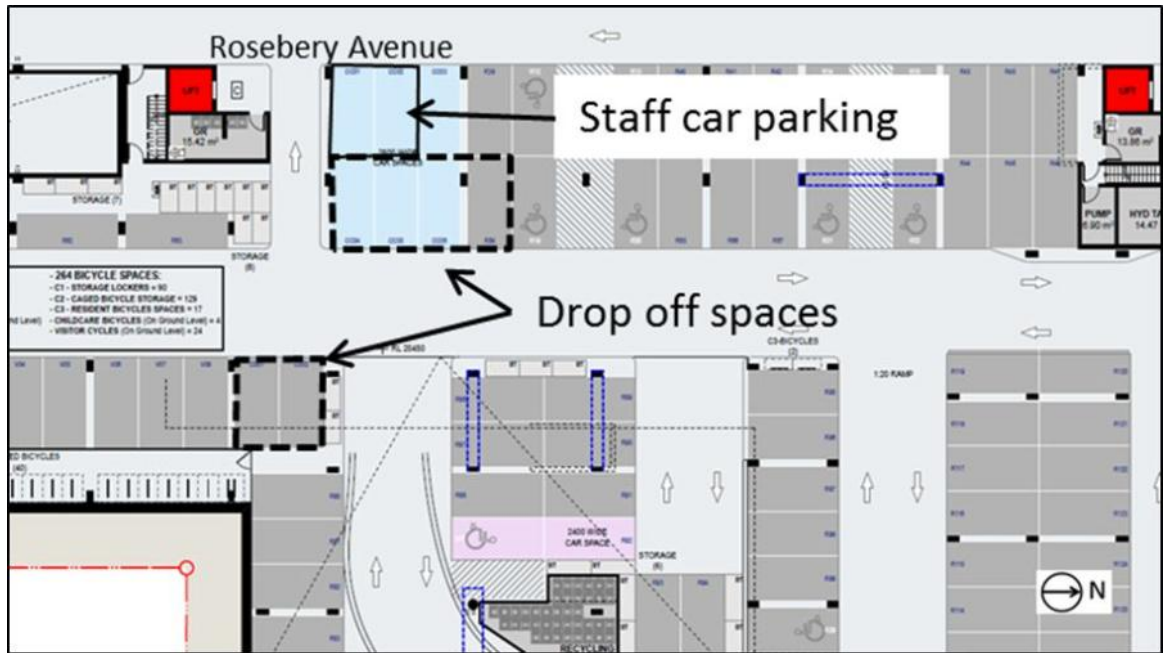


Figure 36: Recommended drop off spaces

75. The applicant seeks consent as part of this application for 3 on street spaces for the purpose of drop off and pick up as shown in Figure 34 earlier in this report.
76. This arrangement directly contradicts the advice given to the applicant. It is also inconsistent with the SDCP 2012 and may result in double parking and unsafe practices. On street drop off and pick up spaces would discourage the use of the basement carpark and may compromise the future public transport corridor on Rosebery Avenue. Notwithstanding the above, development consent cannot be given for the use of a public road for a private purpose as part of this consent.
77. It is therefore recommend as a condition of consent that all required drop off and pick up spaces be provided within the basement.

### Height in Storeys

78. The proposal includes an additional building element outside the SDCP 2012 controls that relate to the site as shown in Figure 37. Specifically a 3 storey wing attached to Building A as shown in Figure 38 below is sought:



**Figure 37:** Extract from Figure 5.138 North Rosebery Height in Storeys SDCP 2012



**Figure 38:** Site plan identifying additional building element

79. The additional building is supported for the following reasons:
- (a) The subject design is based entirely on the winning competition scheme, including the additional building element;
  - (b) The proposal complies with the FSR that applies to the site;

- (c) The site specific SDCP 2012 provisions do not specify a particular location on the site where bonus FSR awarded as part of competitive design process is to be located.
- (d) There will be no amenity impact on neighbouring sites and there will be no compromise in amenity to the intended occupants as a result of the additional building element;
- (e) The additional building element is integrated into the design of the site and will assist in activating the through site link.

### Additional storeys

- 80. In addition to the above Building E/F exceeds the height in storeys controls on the Dalmeny Avenue frontage. Specifically the SDCP 2012 control as shown in Figure 37 earlier in this report requires the south eastern portion of the building to be 5 storeys where it intersects with a required 3 storey element that extends into the centre of the site.
- 81. The applicant has proposed a uniform building of a five storey base with two recessed levels above as shown in Figure 39 below;



**Figure 39:** Site plan identifying additional storeys

- 82. The additional storeys are supported for the following reasons:
  - (a) The subject design is based entirely on the winning competition scheme, including the additional storeys;
  - (b) The proposal complies with the FSR that applies to the site;
  - (c) There will be no amenity impact on neighbouring sites and there will be no compromise in amenity to the intended occupants as a result of the additional storeys;

- (d) The additional storeys are integrated into the design of the building.

### Transport

83. The applicant seeks consent for a single basement level containing 220 car parking spaces accessed from Dalmeny Avenue. The driveway location is consistent with site specific SDCP 20112 provisions and the winning scheme of the competitive design process.
84. The proposed allocation of residential car parking slightly exceeds that permitted by the SLEP 2012. This is a result of reducing the number of apartments from 236 to 235 to accommodate community rooms.
85. Notwithstanding the above the car parking standard cannot be varied in accordance with Clause 4.6 (8) of the SLEP. It is recommended the additional space be allocated to visitor car parking.
86. The applicant currently proposes 9 visitor car parking spaces, however the SLEP 2012 requires 22 spaces.
87. Council requires that where a residential development proposes less than the maximum number of visitor car parking spaces permissible under LEP 2012, the reduction in the number of spaces must be shared proportionally between resident and visitor parking spaces.
88. It is therefore recommended that 13 visitor car parking spaces be provided within the basement with a corresponding reduction in spaces for the residents.
89. The recommended final allocation of basement car parking is provided below:

Use	Recommended Allocation
Residential apartments	198
Visitors	13
Child care centre staff	2
Child care drop off and pick up	5
Car share	2
<b>Total</b>	<b>220</b>

### Trees

90. The site and adjoining road reserves contains 71 trees 50 of which are proposed to be removed. Council's Tree Management Unit have advised that 47 of the tree are acceptable for removal however 3 significant trees are assessed as healthy substantial specimens and are not supported for removal. Council's Tree Management Unit has recommended that the design is modified to allow retention of Tree No. 14 on Dalmeny Avenue and on Rosebery Avenue trees No 37 and No 41.

91. Tree No 14 is on the Dalmeny Avenue frontage and is a Sydney Blue Gum approximately 20m high. It is located on private land within an existing setback close to the south east boundary. It is proposed to remove this tree to accommodate the single driveway access to the basement as shown in Figure 40 below:

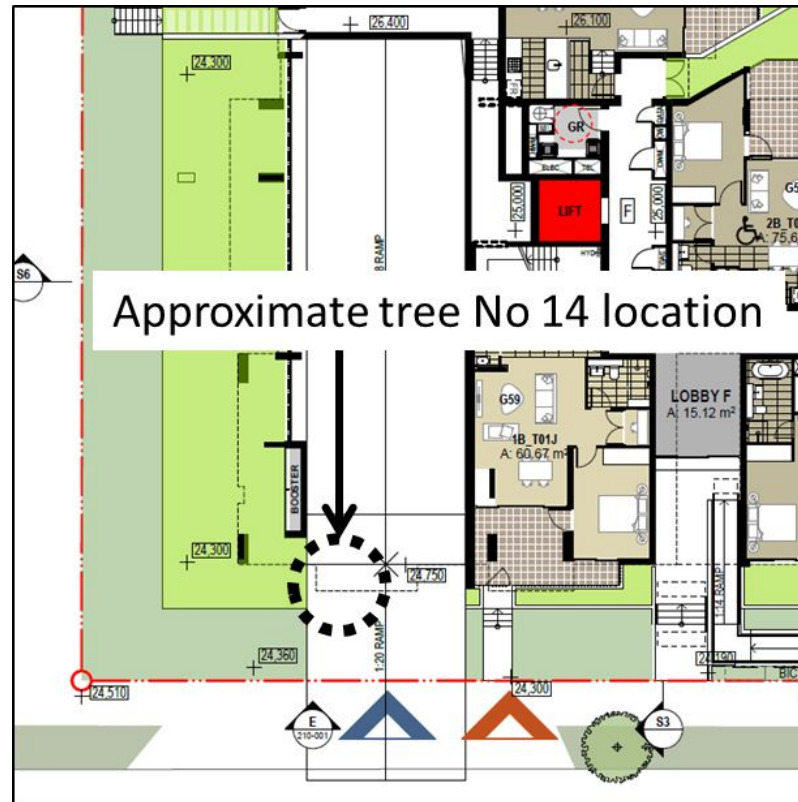


Figure 40: Approximate location of tree 14 Dalmeny Avenue

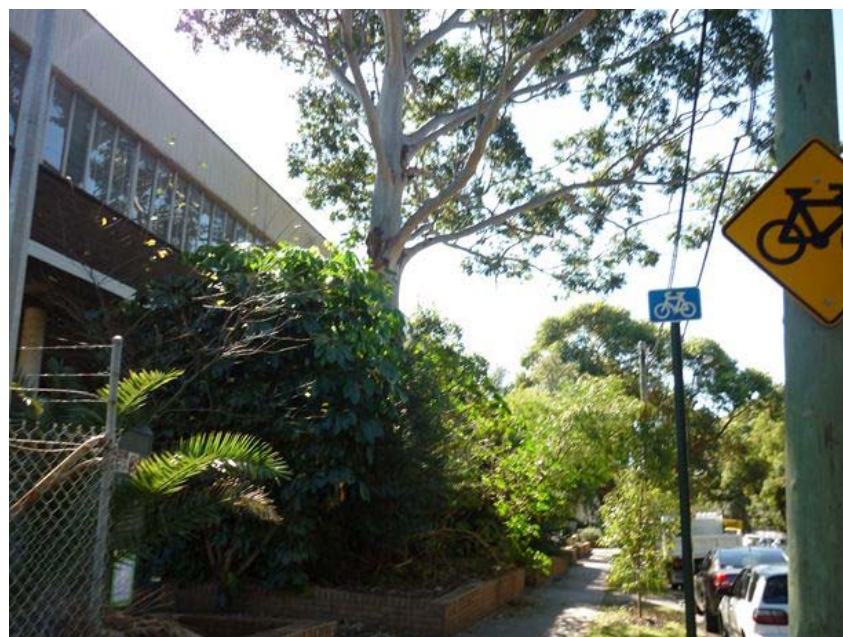


Figure 41: Tree 14 Dalmeny Avenue

92. A street tree in this location is also proposed to be removed to accommodate the driveway crossover. No objection is raised to the removal of this street tree.
93. The proposed driveway location is consistent with the site specific detailed SDCP 2012 controls which dictate where the sole driveway access is to be located. The site specific DCP for this development was adopted by Council in December 2013 and came into effect in February 2014. The retention of this significant tree was not part of the design brief of the competitive design process. The proposed driveway location is consistent with the winning design scheme.
94. In order to retain this tree design amendments to accommodate a 10m setback would be required. It is would not be possible to keep the driveway in the current location and retain the existing tree. Substantial amendment to the basement layout would also be required.
95. Trees No 37 and No 41 are located on the Rosebery Avenue frontage and are a Bangalay and a Swamp Mahogany. They are located on private land within an existing setback approximately 35m from the north west boundary of the site.
96. It is considered feasible to retain these trees as they are within an area of future landscaping. A condition of consent is recommended to retain these trees.
97. When considering whether significant design amendments are warranted in this instance, it is recommended that the proposal is tested against the objectives of the relevant controls contained in SDCP 2012.
98. Overall, SLEP 2012 and SDCP 2012 seeks to ensure the protection of trees within and around development sites, maximise the quality and quantity of healthy tree canopy coverage and locate driveway crossovers to minimise impact on existing street trees and to maximise opportunities for new street trees.
99. It is considered that significant design changes are not warranted and the removal of tree No 14 is acceptable in this circumstance as the proposal performs against the relevant objectives in that:
  - (a) the provision of a single driveway to a development with a combine 325.6m street frontage inherently minimises impacts on existing street trees and maximises opportunity for new street trees
  - (b) the remaining 21 street trees are to be retained and protected and supplemented with additional street trees consistent with Council's Street Tree masterplan; and
  - (c) substantial levels of new planting and trees are proposed within the setbacks

### **Access to Common Open Space**

100. The common open space is in the form of two separate landscaped courtyards and a green roof terrace.
101. Direct access from the ground floor lobbies of all buildings and their respective communal open space is not provided. Specifically the residents of the main portion of Building A would need to take a circuitous route outside of the development and re-access the development from the street.

102. Figure 42 illustrates the proposed routes from the residential lobbies to the communal open space.



**Figure 42:** Site plan identifying routes from lobbies to communal open space

103. Easy, direct and equitable access from each residential building to the common open space within a development is considered essential to achieve the design excellence standards in SLEP 2012, the design quality principles in SEPP 65 and overall objectives of SDCP 2012.
104. As such, it is recommended that direct access be provided from the ground floor lobby of Building A to the through site link. A separate condition is recommended that the community rooms be detailed to allow a visual connection between the through site link and the communal courtyards. This will also assist in providing a visual link between for the intended occupants.

### Access

105. The development provides exceptional access to each residential lobby which fully embodies the Sydney DCP 2012 objectives of providing non-discriminatory, equitable and dignified access for everyone in the City.
106. The proposed child care centre however is only accessed from the street with a platform lift. This arrangement is not acceptable as it would be unreasonable for a guardian or less mobile adult/child to use a platform lift. A platform lift would also discourage the use of prams which in turn may reduce the number of guardians walking to the site.
107. It is recommended as a condition of consent that a ramp is provided to the childcare centre consistent with those provided to the residential lobby.

### Other Impacts of the Development

108. The proposed development is capable of complying with the BCA.



109. 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**

110. The proposal is of a nature in keeping with the overall function of the site. The premises are in a commercial/residential surrounding and amongst similar uses to that proposed.

#### **INTERNAL REFERRALS**

111. The application was referred to Council's Urban Designer, Building Services Unit, Environmental Health Unit, Public Domain Unit, Specialist Surveyor, Transport and Access Unit, Tree Management Unit, Waste Management Unit, Childcare Services, Green Roofs and Walls Landscaping Unit and Safe City.
112. The conditions recommended by other sections of Council are considered reasonable and have been included in the proposed conditions, except the conditions recommended to retain tree No 14, which has been excluded for reasons outlined earlier in this report.

#### **EXTERNAL REFERRALS**

113. 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 6 May 2014 and 4 June 2014 and. As a result of this notification there were 3 submissions received. The submissions raised the following concerns:

- (a) *Insufficient private car parking*

**Comment:** The site is close to existing public transport and a future public transport corridor. The applicant is seeking consent for the maximum permissible car parking under the Sydney LEP 2012. No additional car parking will be permitted.

- (b) *A two way road should be provided between Dalmeny Avenue and Rosebery Avenue*

**Comment:** A 7m road is proposed by the site specific provision of the SDCP 2012. Four of the proposed metres are to be allocated on the subject site as a temporary pedestrian / cycle way until the site to the north is developed with an addition 3m to construct the new road.

- (c) *The entry to the underground car park should be moved to Rosebery Avenue.*

**Comment:** The car park location forms part of site specific SDCP 2012 amendments and Council's brief for the competitive design process. Rosebery Avenue is designated as a future public transport corridor.

- (d) *The submitted acoustic report does not address the existing non-residential uses in the area.*

**Comment:** Acknowledged. It is recommended as a condition of consent that an updated acoustic report is submitted that addresses existing non-residential uses and other anomalies identified in the submitted acoustic report.

- (e) *Light spill from existing non-residential uses has not been addressed.*

**Comment:** It is unlikely that light spill would significantly impact on the proposed occupants. Primary windows are generally located to the east and west of the site with the exception of Building E residences. These residences are within a 3 storey building that will generally be protected from light spill due to the existing two storey warehouse building to the north.

## **PUBLIC INTEREST**

114. 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**

115. The development is subject to the following Section 94 Contribution of \$4,367,611.02. No credit for existing workforce has been sought.
116. An affordable housing contribution is required to the value of \$4,209,407.10.

## **RELEVANT LEGISLATION**

117. The Environmental Planning and Assessment Act 1979.

## **CONCLUSION**

118. The proposed development is generally consistent with the core development standards and zone objectives contained in SLEP 2012. The development will provide a childcare centre and contributes 235 residential apartments to the housing stock required for the incoming population anticipated for the Green Square locality.
119. The building design has been the subject of a competitive design process and represents a well resolved architectural design that adopts an appropriate form, scale and expression to the three street frontages and surrounding land. The design provides generous setbacks for landscaping to improve and enhance the public domain and proposes large communal areas for private recreation.
120. The development performs against the relevant built form controls in SDCP 2012 and design principles in SEPP 65. A good level of internal amenity is afforded to future residents and is maintained to adjoining residential apartments.
121. The development demonstrates that the design excellence objectives are achieved and an additional 10% of floor space can be awarded by the consent authority in this instance.

122. The application was accompanied by a public benefit offer for land dedication, embellishment and a monetary contribution to be allocated toward infrastructure within Green Square Town Centre. A draft Planning Agreement has been prepared to secure the provision of the community infrastructure. The terms of the planning agreement have been publically exhibited and no submissions had been received.
123. The requirement for a site specific DCP has been assessed as unnecessary in this circumstance given that there are recently adopted built form standards and controls for the site and the considered site planning undertaken during the site specific competitive design process.

**GRAHAM JAHN, AM**

Director City Planning, Development and Transport

(Jai Reid, Senior Planner)