

ITEM 5. DEVELOPMENT APPLICATION: 128-150 ROSS STREET FOREST LODGE - FORMER HAROLD PARK PACEWAY**FILE NO: D/2014/653****DEVELOPMENT APPLICATION NO: D/2014/653****SUMMARY****Date of Submission:** 13 May 2014. Amended plans received on 24 September 2014.**Applicant:** Mirvac Projects Pty Ltd**Architect:** Mirvac Design, Smart Design Studio**Developer:** Mirvac**Owner:** Mirvac Projects Pty Ltd**Cost of Works:** \$75,490,297**Proposal Summary:** The proposal seeks approval for a Stage 2 application for Precinct 4 at the former Harold Park paceway site, comprising construction of 2 residential flat buildings (3-8 storeys) containing 160 residential apartments, basement parking for 144 cars, a green roof on each building and associated landscaping.

The Central Sydney Planning Committee (the CSPC) approved a Stage 1 development application for the site at its meeting on 26 July 2012. The proposal is not inconsistent with the Stage 1 development consent, the relevant planning controls, and responds appropriately to the constraints of the site.

The plans were amended in response to feedback from Council Officers relating to building design, bulk and amenity. Variations from the approved Stage 1 application include non-compliances in relation to the setbacks. This issue is addressed in the body of this assessment report.

**Proposal Summary:
(continued)**

A total of 14 submissions were received as a result of the notification and advertisement of the application. All submissions received raised issues in relation to Building 4A specifically. No objections were received with regard to Building 4B. Concerns raised relate to the following:

- traffic and parking;
- Maxwell Road entry;
- construction impacts;
- roof top plant and access;
- building height;
- setbacks;
- landscaping; and
- notification

Summary Recommendation:

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

Development Controls:

- (i) Sydney Local Environmental Plan (Harold Park) 2011 (gazetted 16 December 2011, as amended)
- (ii) Sydney Development Control Plan (Harold Park) 2011 (adopted 14 February 2011)
- (iii) State Environmental Planning Policy No 32 – Redevelopment of Urban Land (Gazetted 15 November 1991, as amended)
- (iv) State Environmental Planning Policy No 55 – Remediation of Land (Gazetted 28 August 1998, as amended)
- (v) State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (Gazetted 26 July 2002, as amended)
- (vi) State Environmental Planning Policy (BASIX) 2004 (Gazetted 25 June 2004, as amended)

Attachments:

- A - Building 4A Architectural Drawings
- B - Building 4A Photomontages
- C - Building 4B Architectural Drawings
- D - Building 4B Photomontages

RECOMMENDATION

It is resolved that consent be granted to Development Application No. D/2014/653, subject to the following conditions:

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2014/653 dated 13 May 2014 and the following drawings:

Drawing Number	Architect	Date
NP:001/B Envelope Plan	Smart Design Studio	18/09/14
NP:100/B Basement Plan	Smart Design Studio	18/09/14
DA:101/B Ground Floor Plan	Smart Design Studio	23/09/14
DA:102/B Level 1 Floor Plan	Smart Design Studio	23/09/14
DA:103/B Level 2 Floor Plan	Smart Design Studio	23/09/14
DA:104/B Level 3 Floor Plan	Smart Design Studio	23/09/14
NP:105/B Roof Plan	Smart Design Studio	18/09/14
NP:300/B Elevations	Smart Design Studio	18/09/14
NP:301/B Elevations	Smart Design Studio	18/09/14
NP:400/B Sections	Smart Design Studio	18/09/14
DA:002/B GFA Areas	Smart Design Studio	23/09/14
DA:550/B Adaptable Apartment Layout	Smart Design Studio	23/09/14
DA-P4B-02/B Site Analysis	Mirvac Design	16/09/14
DA-P4B-03/B Carpark Access	Mirvac Design	16/09/14
DA-P4B-10/B Basements	Mirvac Design	16/09/14
DA-P4B-11/B Level 01 & 02	Mirvac Design	16/09/14

Drawing Number	Architect	Date
DA-P4B-12/B Level 03 & 04	Mirvac Design	16/09/14
DA-P4B-13/B Level 05 & 06	Mirvac Design	16/09/14
DA-P4B-14/B Level 07 & 08	Mirvac Design	16/09/14
DA-P4B-15/B Roof Plan	Mirvac Design	16/09/14
DA-P4B-20/B Elevations	Mirvac Design	16/09/14
DA-P4B-21/B Detail Elevations	Mirvac Design	16/09/14
DA-P4B-22/B Sections	Mirvac Design	16/09/14
DA-P4B-30/B Area Calculations	Mirvac Design	16/09/14
DA-P4B-40/B Adaptable Apartment Types	Mirvac Design	16/09/14

and as amended by the conditions of this consent.

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

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

Building 4A

- (a) The Maxwell Road entry should be modified as follows:
- (i) Lower the sandstone wall to a maximum of 900mm in height. Palisade fencing or planting should be used if a balustrade is required.
 - (ii) Include highlight windows to the bathroom and ensuite of apartment 301 to reduce the amount of blank wall to Maxwell Road.
 - (iii) Relocate the ramp to run perpendicular to the entry doors to allow for planting in front of the side wall of apartment 301.
- (b) All fencing along the western (park) elevation is to be constructed of sandstone.
- (c) Planted garden beds along the western (park) elevation are to be replaced with landscaping at ground level on the parkside of the fencing, within the property boundary.

- (d) A uniform, integrated blind system is to be included for all windows on the western (park) elevation.
- (e) Sliding doors to balconies are to include a side, operable or louvered window to enable improved ventilation to apartments in inclement weather.
- (f) The winter garden of apartment 105 and 206 are to include operable windows.

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 for fit out works including installation of kitchens and bathrooms for Building 4A.

Building 4B

- (g) Further refinement to the parkside elevation is recommended in order to provide clarity to the elevation and improve the relationship of the building to the adjoining Precinct 2B building. Improvements should be made to the painted concrete frame elements located within the middle levels of the elevation. Vertical elements should be incorporated to break up the horizontal proportion of the building.
- (h) Sliding doors to balconies are to include a side, operable or louvered window to enable improved ventilation to apartments in inclement weather.

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 for fit out works including installation of kitchens and bathrooms for Building 4B.

(3) WINDOW OPENINGS IN SLOT FACADE

- (a) The proposed window openings located in the slots on the facades of Buildings 4A and 4B are to be designed to optimise natural cross ventilation in apartments and minimise privacy impacts on adjacent apartments. Amended drawings are to show the location, size and type of windows proposed.
- (b) The width of all proposed window openings in the slot facades in Buildings 4A and 4B must be a minimum width of 600mm.
- (c) Opaque glazing must be installed to proposed windows in the slot facades, except for highlight windows with a finished sill level at least 1.5m above the internal finished floor level.

(4) CONSTRUCTION CERTIFICATE FOR EARLY WORKS

- (a) Notwithstanding conditions of this consent a Construction Certificate may be issued for the following preparatory works:
 - (i) excavation, shoring and footings; and
 - (ii) installation of services.

- (b) The Construction Certificate may also allow for the construction of basement structures and Above Ground Structures but only if Condition (70) (Alignment Levels) of this consent has been satisfied for the alignment levels immediately adjacent to Precinct 4 buildings only and a letter and any supporting documentation has been issued by Council's Director City Planning, Development and Transport stating that Condition (69) is satisfied.
- (c) Any basement construction works carried out under (b) must ensure that compliance with Condition (71) (Floor Levels for Buildings and Structures) of this consent will be complied with. Council will not allow the projection of basements or structures over 1.2m above the adjacent public domain, including the pocket parks.
- (d) In this condition, Above Ground Structures means the construction of slabs, columns, cores, vertical risers, walls, services and facades.

(5) BUILDING HEIGHT

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

Building	RL (AHD) to the top of the building (incl plant)
Building 4A	RL 22.5
Building 4B	RL 36.00

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

(6) APPROVED DESIGN ROOF - TOP PLANT

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

(7) MAXIMUM GROSS FLOOR AREA

The following applies to Gross Floor Area (GFA):

- (a) The GFA for the residential use must not exceed 15,449m² calculated in accordance with the Harold Park LEP.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Harold Park LEP, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority. A copy of the certification must be submitted to Council prior to occupation of the relevant building.

(8) MATERIALS AND SAMPLES BOARD

A materials sample board detailing all proposed finishes must be submitted to and approved by Council's Director, Planning, Development and Transport prior to a Construction Certificate being issued for fitout works including installation of kitchens and bathrooms.

(9) MAXWELL ROAD FRONTAGE

- (a) The design of the Maxwell Road frontage and cliff face shall be co-ordinated with the Public Domain Plans and Landscaping of the Site Plans.
- (b) The boundary treatment should include soft landscaping and a high quality fence to provide safety and security in accordance with the City's DCP.
- (c) Details of the boundary treatment are to be submitted to the City's Director City Planning, Development and Transport for approval prior to the issue of a Construction Certificate for fit out works including installation of kitchens and bathrooms for Building 4A.

(10) 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 Urban Design and Heritage Manager prior to the issue of a Construction Certificate for fitout works including installation of kitchens and bathrooms. The plan must include:
 - (i) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (iii) Location, numbers and type of plant species;
 - (iv) Details of planting procedure and maintenance; and
 - (v) Details of drainage and watering systems.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued for the relevant building.

(11) LANDSCAPED (GREEN) ROOFS AND WALLS

- (a) A detailed plan of the green roof for Building 4A and 4B and the green wall for Building 4A, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Urban Design and Heritage Manager prior to the issue of a Construction Certificate for above ground works in the relevant building. The plan must include:
- (i) A statement that includes details of proposed use of the green roof, general accessibility, any noise and privacy treatments
 - (ii) Location of proposed structures, services and hard landscaping on the rooftop, retaining walls, and roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (iii) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant local species.
 - (iv) Details of substrate type and depth.
 - (v) Details of installation methodology e.g. safety considerations for working at height, transport of materials etc.
 - (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 following completion and shall be produced to Council on request. The Maintenance Manual shall include as a minimum:
- (i) Frequency and methodology of different maintenance requirements, including the removal of green waste.
 - (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.
 - (v) Copies of warranties and guarantees relating to all materials and plant used in construction.
 - (vi) Decommissioning procedures.

The owner or, if different the occupier of the premises shall at all times comply with the ongoing maintenance requirements of the Maintenance Manual.

- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.
- (d) Evidence that the waterproofing and building structure have been assessed against the relevant performance provisions of the Building Code of Australia as required by Clause 1.0.5 of the Code.

(12) DESIGN QUALITY EXCELLENCE

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

(13) HERITAGE INTERPRETATION STRATEGY - PACEWAY PRECINCT

- (a) Details of the location, type, contents and materials of the heritage interpretation for Precinct 4 are to be submitted to the satisfaction of Council prior to the issue of a construction certificate for fit out works including installation of kitchens and bathrooms. These details are prepared with input from the applicant's heritage consultant in accordance with the recommendations of the Interpretation Strategy for the Former Harold Park Paceway site by Graham Brooks and Associates, dated March 2012.
- (b) This interpretation is to be installed to the satisfaction of Council prior to the issue of an occupation certificate for the relevant building.

(14) ELECTRICITY SUBSTATIONS

Electricity substations, kiosks and the like are to be contained wholly within the property boundary of Precinct 4.

(15) 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.

(16) ALLOCATION FOR VISITOR PARKING

A minimum of 6 visitor parking spaces are to be provided in the ground level parking area of Building 4A. A minimum of 6 visitor parking spaces are to be provided at basement level 1 of Building 4B.

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.

(17) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

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

(18) BICYCLE PARKING

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

(19) CAR PARKING SPACES AND DIMENSIONS

A maximum of 46 off-street car parking spaces must be provided for Building 4A.

A maximum of 98 off-street car parking spaces must be provided for Building 4A.

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(20) HOLDING AREAS

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

(21) INTERCOM FOR VISITORS

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

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

(22) LOADING WITHIN SITE

All loading and unloading operations associated with servicing Building 4A must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

(23) LOADING/PARKING KEPT CLEAR

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

(24) LOCATION OF ACCESSIBLE CAR PARKING SPACES

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

(25) LOCATION OF VISITOR PARKING

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

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

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

(27) 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.

(28) SERVICE VEHICLES

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

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

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

(30) 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.

(31) SIGNS AT EGRESS

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

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

(32) STACKED PARKING EMPLOYEES OR TENANTS ONLY

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

(33) VEHICLES AWAITING REPAIR

At all times vehicles awaiting repair, undergoing repair or awaiting collection after repair must stand entirely within the property.

(34) VEHICLES ACCESS

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

(35) ACCESSIBLE PARKING SPACE

The design, layout, signage, line marking, lighting and physical controls of all off-street accessible parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(36) CAR SHARE SPACES

- (a) A minimum of 1 car parking space in Building 4A for the exclusive use of car share scheme vehicles is to be provided.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must be publicly accessible at all times.
- (f) The car share spaces are to be available at the same time that the car park commences operation.

(37) PRECINCT PARKING PLAN

- (a) A precinct parking plan for Precinct 3 must be submitted to the City's Traffic Operations Unit for approval. The plan must include the location and information present on each stem and sign. The plan must include chainages to each sign and stem from the kerb line of the nearest intersection. The parking plan must be in line with the approved area wide parking plan with any changes identified with the submission.
- (b) The Precinct 4 signs must be approved and installed prior to the road being open for public use or prior to the issue of an occupation certificate, whichever is sooner. The plans will require a referral to the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) for endorsement.

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

(38) GREEN TRAVEL PLAN

- (a) The Green Travel Plan, prepared by Halcrow and dated March 2012, as amended shall be implemented, monitored and reviewed on an annual basis by the developer and the consultant nominated by the developer. The Green Travel Plan documentation associated with monitoring and reviews shall be collated and retained for future reviews and transport analysis purposes by the developer and the nominated consultant.
- (b) The Green Travel Plan is to be updated to identify the measures to be implemented as part of Precinct 4 and detail the integration between Precinct 4 and all future DAs. The updated Green Travel Plan is to be submitted for the approval of Council's Director City Planning, Development and Transport prior to the issue of a construction certificate for Precinct 4.
- (c) The measures and commitments in the Green Travel Plan shall be reflected in future construction certificates and provided to the Certifying Authority with the Green Travel Plan documentation prior to the release of Construction Certificates.

(39) CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

- (a) In accordance with Condition 89 of the Stage 1 consent, prior to the issue of any construction certificate for Building 4A, a Construction Traffic Management Plan (CTMP) must be submitted and approved by Council's Traffic Operations Unit.
- (b) The CTMP submitted for Building 4B, prepared by Parking and Traffic Consultant (T2-1119), dated October 2014 is to be complied with during the construction of the relevant building. (Ref. No. T2-1119)(Ref. No. T2-1119)

(40) LOADING ZONE OPERATIONS

- (a) On-street loading zones are public parking spaces and as such cannot be managed by owner's corporations/strata managers/body corporate. No such arrangements are allowed to be put in place.
- (b) Roads and Maritime Services (RMS) leaflets providing information on the use of Loading Zones must be located in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be observed and read by residents of the building.
- (c) The leaflets must be in place prior to any Occupation Certificate being issued for the residential buildings and must be updated as required and maintained in good order at all times.

(41) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) All apartments within the development 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) No more than two adult people shall occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets.
- (c) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms.
- (d) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (e) 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.

(42) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL

The following conditions apply to car parking:

- (a) The on-site car parking spaces are not to be used other than resident of the subject building for parking of vehicles related to residence in the unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.
- (b) The strata subdivision of the site is to include a restriction on user pursuant to Section 39 of the *Strata Schemes (Freehold Development) Act, 1973* as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to Section 88B of the *Conveyancing Act 1919*, burdening all car parking part lots in the strata plan.

(43) RIGHT OF CARRIAGEWAY AND EASEMENTS

The following documentary easements are to be created pursuant to Sec 88B of the Conveyancing Act 1919:

- (a) A Right of Carriageway of variable width over the vehicular access driveway of Building 2A from Ross Street to the basement entry of Building 4B.

(44) COMMUNITY CONSULTATION

- (a) The Applicant must ensure that before any works are commenced, an appropriate level of community consultation has been carried out with surrounding noise sensitive receivers. This should include the submission of a suitable and readily contactable site contact should any complaints or other issues arise during construction hours. Complaint logs shall be kept outlining the details of any complaint received together with the investigative and corrective actions taken in response to that complaint. The logs must be made available to the City on request.

- (b) The Applicant must provide a contact telephone number to the Managers of the City Rangers and the Manager of Health and Building West Team or other suitable person who will be readily contactable onsite at all times whilst any works are carried out and whom may be contacted should any complaints concerning offensive noise and vibration be received.

(45) COMPLAINTS - NOISE

Should noise complaint be received by Council from a place of different occupancy (including commercial premises) and the complaint being substantiated by a Council Officer, the use of area concerned must cease operation until "attenuation works" are carried out so as that the premises complies with the relevant Noise conditions.

(46) NOISE - GENERAL

- (a) The emission of noise associated with the use of the premises including the operation of any mechanical plant and equipment shall comply with the following criteria:
 - (i) The LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence.
 - (ii) The LAeq,15minute noise level shall be adjusted for modifying factors in accordance with Part 4 of the Environmental Protection Authority (EPA) NSW Industrial Noise Policy.
 - (iii) The background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1-1997-Description and measurement of environmental noise.
- (b) An LAeq,15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence provided that;
 - (i) Where the LA90, 15minute noise level is below the threshold of hearing Tf at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 - Normal Equal-Loudness-Level Contours then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead.
 - (ii) The LAeq,15minute noise level and the LA90,15minute noise level shall both be measured with all external doors and windows of the affected residence closed;
 - (iii) The LA90,15minute noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (excluding air-conditioning equipment) normally servicing the affected residence operating.

(47) AIR CONDITIONERS IN RESIDENTIAL BUILDINGS

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

- (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day; or
- (b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those *specified* in (i) and (ii) above, which exceeds the background ($L_{A90, 15\text{minutes}}$) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

(48) COMPLIANCE WITH ACOUSTIC REPORT

All recommendations contained in the acoustic report prepared by Renzo Tonin & Associates, dated 27 February 2014, must be implemented during construction and use of the premises.

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

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) 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).

(50) 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*.

(51) 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.

(52) DRAINAGE AND SERVICE PIT LIDS

Drainage and service pit lids throughout the public domain shall be heelguard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Pit lids shall be in accordance with the *City of Sydney's Sydney Streets Design Code* and *Sydney Streets Technical Specification*. Details of drainage and service pit lids shall be submitted and approved by Council prior to a Construction Certificate being issued for the relevant stage of work.

(53) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the Maxwell Road frontage of the site are to be retained and properly protected during excavation and construction works.

- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate. Note: all costs associated with the works are to be at no cost to the Council.
- (c) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
- (d) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- (e) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.
- (f) Council approval is required before kerbs are removed.
- (g) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

(54) 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.

(55) 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".

(56) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

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

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

The form of the recording is to be as follows:

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

(57) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 4 lineal metres of asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

In this regard, if the security bonds required in accordance with Conditions 17 and 45 of development consents D/2011/1299 (for remediation of the subject site) and D/2011/1298 (Stage 1 DA) respectively, have been submitted to Council, then Council may accept those security bonds in satisfaction of this condition. Additional securities may be required if Roads MC01 have been completed and dedicated to Council prior or during the works commencing.

The guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier.

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.

(58) PUBLIC PARK DAMAGE BANK GUARANTEE

- (a) A Public Park Damage Bank Guarantee of \$18,400 calculated on the basis of a nominated area of 200 metres of park frontage, must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Park Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.
- (b) In lieu of the bank guarantee required under (a), Council may accept an unconditional performance bond issued by an Australian Prudential Regulation Authority (APRA) regulated authorised deposit taking institution or an Insurer authorised by APRA to Conduct New or Renewal Insurance Business in Australia and that is in accordance with Council's policy on performance bonds.
- (c) The guarantees (or bond if approved by Council) must be lodged with Council prior to works commencing on site.
- (d) The guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier.

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

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

UPON COMPLETION OF CONSTRUCTION WORKS

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

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

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

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

- (a) The developer shall engage a suitably qualified structural engineer to monitor the bridge, approaches and adjacent stormwater channel for its structural integrity throughout the period of construction works. At the conclusion of construction works, a report on the structural stability of the bridge, prepared by suitably qualified structural consultant, is required to be submitted to Council. Where the structural engineer identifies structural insufficiencies, the developer shall be responsible for the upgrade of the bridge to ensure its stability. All costs are to be borne by the developer.
- (b) An unconditional bank guarantee in favour of Council in the amount of \$300,000.00 must be submitted as security for repairing any damage to the bridge and its immediate surrounds.
- (c) In lieu of the bank guarantee required under (b), Council may accept an unconditional performance bond issued by an APRA regulated authorised deposit taking institution or an Insurer authorised by APRA to Conduct New or Renewal Insurance Business in Australia and that is in accordance with Council's policy on performance bonds.
- (d) The guarantee (or bond if approved by Council) must be lodged with Council prior to works commencing on site.
- (e) The bond submitted to satisfy Condition 22 of the remediation DA (D/2011/1299) may be modified to also cover the financial security required by this condition.
- (f) The developer shall advise Sydney Water of the proposed access arrangements for their information in regards to any resultant damage to the adjacent stormwater channel and obtain any necessary approvals required from Sydney Water prior to works commencing.

(61) ESSENTIAL INFRASTRUCTURE

- (a) The extent of Essential Infrastructure for this Precinct is as defined by the staging plans in the previously approved Masterplan and includes at a minimum delivery of MC01 to the frontage of Building 4B and any traffic calming works beyond the boundary defined by this stage but required to satisfy traffic management conditions.

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

(62) ASSOCIATED ESSENTIAL INFRASTRUCTURE COSTS

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

(63) ESSENTIAL INFRASTRUCTURE – SECURITY

Security for Essential Infrastructure works is required to be lodged in accordance with the provisions of the Voluntary Planning Agreement.

(64) NOMINATED ENGINEERING WORKS SUPERVISOR

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

- (a) A Chartered Civil Engineer, with National Professional Engineering Registration (NPER) in the construction of civil works, or
- (b) A survey company of Registered Surveyors with accreditation from the Institution of Surveyors NSW Inc., or

- (c) An accredited certifier in civil engineering, as its nominated engineering works supervisor, the responsibility of whom shall be to sufficiently supervise the works to ensure compliance with all relevant statutory requirements, all relevant conditions of development consent, construction requirements detailed in the above specification, and the requirements of all legislation relating to environmental protection and occupational health and safety.

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

(65) ESSENTIAL INFRASTRUCTURE - HOLD POINTS AND HANDOVER

- (a) Prior to a Construction Certificate being issued for the relevant essential infrastructure works, a set of hold points for approved essential infrastructure work is to be determined with and approved by the City's Public Domain section in accordance with the City's Public Domain Manual.
- (b) Completion and handover of the constructed essential infrastructure works is to be undertaken in accordance with the City's Public Domain Manual and current specification and standard details, including requirements for as-built documentation, certification and defects liability period.

(66) UTILITY SERVICES

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

(67) WORK METHOD STATEMENT FOR FLOOD WATERS

Prior to commencement of excavation, an Excavation Work Method Statement prepared by a qualified person outlining how flood waters that run through the site be managed must be submitted to and approved by the Director City Planning, Development and Transport. This must identify all water courses and piped drainage that convey stormwater from upper catchment areas to Johnstons Creek.

(68) DRAINAGE SYSTEMS DESIGN

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

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

(69) STORMWATER AND DRAINAGE MANAGEMENT

- (a) The existing stormwater management and drainage connections servicing the upper catchment areas are to be maintained at all times (during and after approved works). Where temporary or interim stormwater works are required, permission is to be sought from the relevant authority (Council or Sydney Water) prior to works commencing. If a drainage line is to be removed or altered, replacing drainage line must have similar or better capacity.
- (b) Prior to any Construction Certificate being issued, details of the proposed stormwater disposal and drainage from the development including where required a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development. Stormwater pipes and connections cannot encroach into the future open space.
- (c) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued.
- (d) Any permanent or temporary drainage system is to be constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website - www.cityofsydney.nsw.gov.au.

- (e) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way.
- (f) A Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD), if applicable, to ensure maintenance of the approved OSD system regardless of the method of connection.
- (g) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- (h) All stormwater easements are to be maintained and accessible throughout the works.
- (i) Prior to a Construction Certificate being issued, 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%.
- (j) 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

(70) 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.

(71) FLOOR LEVELS FOR BUILDINGS AND STRUCTURES

The level difference between any ground floor level of Building 4B and the adjacent public footpath shall not to exceed 1200mm. Detailed plans to this effect shall be submitted to Council in conjunction with the Alignment Levels prior to the issue of any Construction Certificate.

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

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

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

(72) SUBSURFACE DRAINAGE

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

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

The plans shall include as a minimum the following information:

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

(73) ROAD WORKS

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

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

- (a) General subdivision plan with contour details and a clear indication of the extent of work;
- (b) Typical road cross sections showing road widths, pavement configuration, batter slopes, kerb and gutter types;
- (c) Plan and longitudinal section of the public road showing services;
- (d) Drainage plan and schedule of drainage elements;
- (e) Drainage profiles
- (f) Road cross sections and kerb returns;
- (g) Intersection layout details including linemarking, pavement marking and signposting;
- (h) Standard engineering and structural details plan;

- (i) Erosion and sedimentation control plans;
- (j) Utility services affecting the development;
- (k) Details of any temporary road works required due to the staged delivery of the development such as turning areas; and
- (l) Specifications for the construction of all components of the roadworks in accordance with City's current technical specification and standard details for civil works.

(74) 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; and
 - (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.

(75) PUBLIC DOMAIN PLAN

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by the Director City Planning, Development and Transport prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's *Public Domain Manual*).
- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Design Code* and *Sydney Streets Technical Specification*, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. 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.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (d) A Public Domain Works Deposit will be required for the public domain works to existing Maxwell Road street frontage, in accordance with the City of Sydney's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (e) 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 Construction Certificate being issued.
- (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.

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

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

(77) CERTIFICATION OF GEOTECHNICAL INSPECTION

Prior to the issue of a Construction Certificate, a **Geotechnical Inspection Certificate** in accordance with Clause A2.2(a)(iii) of the Building Code of Australia prepared by an appropriately qualified person must be submitted to the satisfaction of the Certifying Authority and a copy submitted to Council.

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

- (a) Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA) including:
- (i) Structural provisions - Part B1;
 - (ii) Fire resistance and stability - Part C1;
 - (iii) Compartmentation and separation - Part C2;
 - (iv) Protection of openings - Part C3;
 - (v) Provision for escape (access and egress) - Part D1;
 - (vi) Construction of exits - Part D2;
 - (vii) Access for people with disabilities - Part D3;
 - (viii) Fire fighting equipment - Part E1;
 - (ix) Smoke hazard management - Part E2;
 - (x) Lift installation - Part E3;
 - (xi) Emergency lighting, exit signs and warning systems - Part E4;
 - (xii) Damp and weatherproofing - Part F1;
 - (xiii) Sanitary and other facilities - Part F2;
 - (xiv) Room sizes - Part F3;
 - (xv) Light and ventilation - Part F4;
 - (xvi) Sound transmission and insulation - Part F5;

- (xvii) Energy Efficiency - Building fabric - Part J1;
 - (xviii) Energy Efficiency - External glazing - Part J2;
 - (xix) Energy Efficiency - Building sealing - Part J3;
 - (xx) Energy Efficiency - Air-conditioning and ventilation systems - Part J5;
 - (xxi) Energy Efficiency - Artificial lighting and power - Part J6;
 - (xxii) Energy Efficiency - Access for maintenance - Part J8;
- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- (c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend this consent.

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

A copy of the required completed BASIX certificate accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate application.

(80) 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.

(81) FIRE SAFETY CERTIFICATE TO BE SUBMITTED

A Fire Safety Certificate must be submitted to the Principal Certifying Authority for all of the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued.

(82) MECHANICAL VENTILATION

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

- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1-1998 and AS1668.2-1991, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
- (c) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to the Principal Certifying Authority.

(83) 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.

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

(85) 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 Department of Environment and Conservation (DEC) and 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 1996.*
- (c) *Waste Avoidance and Recovery Act 2001.*
- (d) *Work Health and Safety Act 2011.*
- (e) *New South Wales Construction Safety Act 1912 (Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983).*
- (f) *Work Health and Safety Regulation 2011.*
- (g) *The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996.*

(86) CONTAMINATION

- (a) The exportation of waste (including fill or soil) from the site must be 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)**.
- (b) Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Principal Certifying Authority.

(87) REMEDIATION

- (a) The site is to be remediated and validated in accordance with Remediation Action Plan prepared by JBS reference JBS 41539-16672 dated July 2011, and the additional measures as outlined by the EPA Site Auditor, Graeme Nyland, Environ Australia Pty Ltd, in the letter of interim advice reference AS121307 dated 6 September 2011.

- (b) Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation) a **Site Audit Statement** is to be submitted to Council clearly indicating that the site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.
- (c) Any variations to the proposed remediation Action Plan shall be approved in writing by the Accredited Site Auditor and Council prior to the commencement of such work.

(88) COMPLIANCE WITH ACID SULFATE SOILS MANAGEMENT PLAN

- (a) All recommendations contained in the Acid Sulfate Soils Management Plan prepared by JBS Environmental dated July 2011 must be implemented during excavation, demolition and construction and associated works.
- (b) All works are to be in accordance with the NSW Acid Sulfate Soils Management Advisory Committee, Acid Sulfate Soils Assessment Guidelines 1998 for the works that are classified as being in an Acid Sulfate Soils zone Class 2.
- (c) Prior to the issue of an Occupation Certificate a statement from a suitably qualified and experienced geotechnical consultant must be submitted and approved by the consent authority. The statement must certify that the works identified in the ASSMP have been suitably incorporated into the development and that all works carried out onsite are in accordance with the requirements of Clause (a) of this condition.

(89) 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 licenced 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.

(90) 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.

(91) WASTE AND RECYCLING MANAGEMENT - MINOR

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.

(92) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

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

UPON COMPLETION OF EXCAVATION/DEMOLITION

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

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

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

(93) EROSION AND SEDIMENT CONTROL - BETWEEN 250 AND 2,500SQM

Prior to the commencement of demolition/excavation/construction work, an Erosion and Sediment Control Plan (ESCP) must be submitted to and be approved by the Principal Certifying Authority. The ESCP must:

- (a) Conform to the specifications and standards contained in *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004); the *Guidelines for Erosion and Sediment Control on Building Sites* (City of Sydney, 2004); and the *NSW Protection of the Environment Operations Act 1997*.
- (b) Include a drawing(s) that clearly shows:
- (i) location of site boundaries and adjoining roads
 - (ii) approximate grades and indications of direction(s) of fall
 - (iii) approximate location of trees and other vegetation, showing items for removal or retention
 - (iv) location of site access, proposed roads and other impervious areas

- (v) existing and proposed drainage patterns with stormwater discharge points
- (vi) north point and scale
- (c) Specify how soil conservation measures will be conducted on site including:
 - (i) timing of works
 - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
 - (iii) access protection measures
 - (iv) nature and extent of earthworks, including the amount of any cut and fill
 - (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
 - (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
 - (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
 - (viii) frequency and nature of any maintenance program
 - (ix) other site-specific soil or water conservation structures.

(94) 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.

(95) 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).

(96) STRATA SUBDIVISION – APPROVAL OF STRATA PLAN REQUIRED

A separate application must be made to Council or an accredited certifier to obtain approval of the Strata Plan and issue of a Strata Certificate under the *Strata Schemes (Freehold Development) Act 1973*.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(97) OCCUPATION CERTIFICATE TO BE SUBMITTED – BUILDING 4A

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

(98) OCCUPATION CERTIFICATE TO BE SUBMITTED – BUILDING 4B

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

(99) ACOUSTIC ASSESSMENT PRIOR TO OCCUPATION CERTIFICATE

A statement is required to be submitted to the Certifying Authority prior to Occupation Certificate being issued for the relevant building that certifies the development or proposed use is capable of, complying with the design criteria and operating without causing a nuisance.

(100) 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*.

(101) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

- (a) The operation of high noise emission appliances, plant and/or 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) **8:00am -12:00pm and 1:00 pm– 4:30pm Mondays to Friday**
 - (ii) **9am –1pm 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*.

(102) 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.

(103) DUST MANAGEMENT

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

(104) 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.

(105) 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.

(106) 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.

(107) 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.

(108) SYDNEY WATER CERTIFICATE

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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

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

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

(109) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(110) 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.

(111) 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.

(112) EROSION AND SEDIMENT CONTROL

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

During the construction period;

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

(113) 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.

(114) STREET NUMBERING – MAJOR DEVELOPMENT

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

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 development site is known as "Harold Park" and is located in Forest Lodge approximately 2.5km from the Sydney CBD. The site was formerly used for harness racing. The Rozelle Tram Depot also operated on part of the site from 1904 through to the 1960s and the heritage listed Tram Sheds remain on the site.
2. The site was previously owned by the NSW Harness Racing Club and is now owned by Mirvac.
3. The development site has an area of approximately 10.63ha and is surrounded by the suburbs of Glebe, Forest Lodge and Annandale, generally comprising late 19th and early 20th century residential development, with small scale commercial and retail uses and some remnant industrial uses to the north.
4. The development site is within 1km of the Glebe and Annandale village centres, on Glebe Point Road and Booth Street, respectively, and the site is also about 1km away from Sydney University, the Royal Prince Alfred Hospital and Broadway shopping centre.
5. Except for heritage listed items all structures on the site have now been demolished. The buildings within the approved Precinct 1 are now occupied. The buildings within the approved Precinct 2 are currently under construction.
6. The development site is divided into six residential precincts, the Tram Sheds Precinct and the open space precinct. The section of the development site subject to this application is known as "Precinct 4".
7. Two separate buildings are proposed as part of Precinct 4; Building 4A, which is located to the north of the site, within close proximity to the Tram Sheds building and Maxwell Road, and Building 4B, which is largely internal to the Harold Park development site, adjacent to the public park and Precinct 2 (see Figure 2).
8. Site visits were carried out on 27 June and 26 September 2014. Photos of the site and surrounds are provided below:



Figure 1: Aerial image of the Harold Park development site and surrounding area

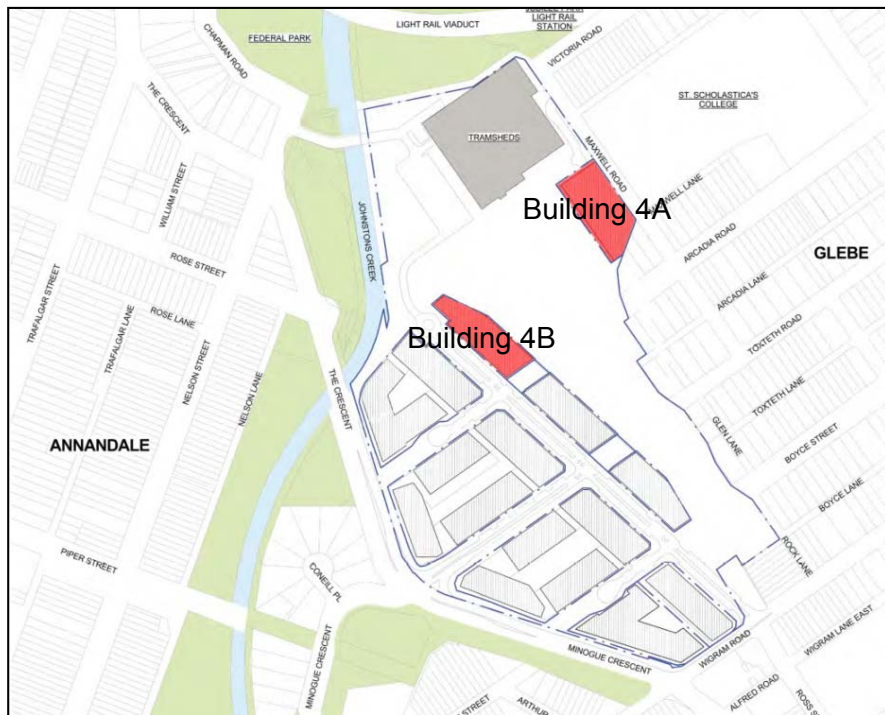


Figure 2: Precinct Plan showing location of Precinct 4



Figure 3: Looking east from The Crescent across the Harold Park site towards the cliff face and proposed Building 4A location



Figure 4: Looking south east from The Crescent across the Harold Park site towards Precinct 2 currently under construction and proposed Building 4B location



Figure 5: Looking east towards the cliff face and Building 4A location. Maxwell Road and the Glebe neighbourhood are located behind the cliff



Figure 6: View of Building 4B location, looking south towards Precinct 2 buildings currently under construction (L) and the complete Precinct 1 buildings (R)

PROPOSAL

9. The application seeks consent for a Stage 2 application for Precinct 4 including 2 residential flat buildings referred to as Building 4A and Building 4B.
10. Building 4A comprises a residential flat building four storeys in height, containing 49 residential apartments, basement parking for 46 cars, a green wall and green roof, and associated landscaping and public domain works.
11. Building 4B comprises a residential flat building eight storeys in height, containing 111 residential apartments, a two-level basement parking area for 98 cars, a green roof and associated landscaping and public domain works.
12. The original proposal was amended to address concerns raised by Council Officers regarding building design, bulk, access and amenity. Amended plans were received on 24 September 2014.
13. Detailed plans and elevations for Building 4A and 4B are provided at Attachment A and C respectively. Photomontages, models and plans of the proposed development are provided below:

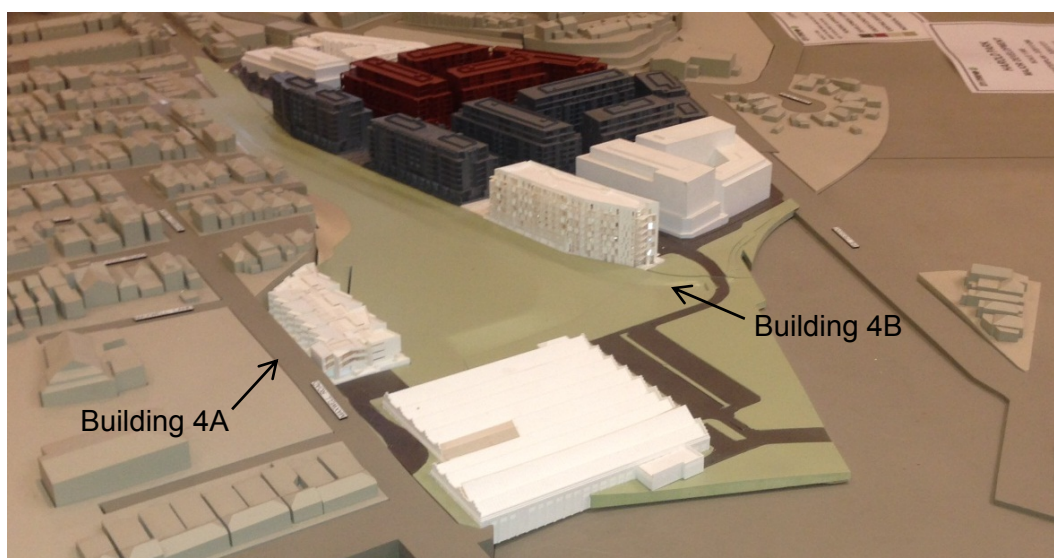


Figure 7: Model view of proposed Precinct 4 development



Figure 8: Photomontage of northern elevation of Building 4A viewed from Maxwell Road



Figure 9: Photomontage of proposed Building 4A viewed from the park



Figure 10: Photomontage of proposed Building 4B from the park



Figure 11: Photomontage of proposed Building 4B viewed from MC01

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

14. At its meeting on 26 July 2012, the Central Sydney Planning Committee (CSPC) approved the Stage 1 Development Application (D/2011/1298). The Stage 1 DA proposal included residential building envelopes ranging from 3 to 8 storeys (approximately 1,250 dwellings); 7,553m² non-residential floor space (mainly in Tram Sheds); dedication of 3.8ha of public open space; bulk excavation and infrastructure works, new roads, intersection and road widening; re-alignment of Ross Street, car parking for Tram Sheds precinct; landscaping and subdivision.
15. The Stage 1 approval has since been modified by Amendment Nos. A to E as follows:
 - (a) Amendment A modified requirements for physical and digital models, timing for dismantling and storage of water tanks, traffic signal and traffic calming provisions, and design and construction of roads requirements;
 - (b) Amendment B modified the timing to submit amended plans, subdivision and to correct a drafting error;
 - (c) Amendment C modified the timing to submit measures to mitigate traffic impacts;
 - (d) Amendment D permitted the removal of additional trees along The Crescent, Minogue Crescent and Maxwell Road; and
 - (e) Amendment E modified the design of the roundabout on Road No. 1, reconfigured turning circle on Road No. 3 to mirror that on Road No. 4, deleted Road No. 5 adjacent to Precinct 5 and public open space, and amended building envelopes and setbacks in Precinct 2, 4 and 5 to accommodate for redesign of the roundabout on Road No. 1. The amendment also redistributed floor space and the staging of subdivision plans.
16. Development Applications (DAs) for remediation, demolition, a marketing suite and signage, associated with the redevelopment of Harold Park have also been approved since July 2011.
17. A Stage 2 application (D/2011/1311) for the construction of 4 residential apartment buildings in Precinct 1 was approved by the CSPC on 18 September 2012.
18. A Stage 2 application (D/2011/1312) for the construction of 2 residential apartment buildings (8 storeys) in Precinct 2 comprising 169 apartments, 53m² retail area, basement car park for 171 cars and two pocket parks was approved by the CSPC on 18 September 2012.
19. A Stage 2 application (D/2013/582) for the construction of four residential apartment buildings in Precinct 3 was approved by the CSPC on 14 November 2013. Construction on Precinct 3 has commenced.
20. A development application for the redevelopment of the former Rozelle Tram Sheds (D/2013/883) for uses including a supermarket, restaurants, a gym and associated car parking for 146 vehicles and 65 bicycles, was approved by the Council on 7 April 2014.

21. A Stage 2 development application (D/2014/341) for Precinct 6B, for the construction of a residential flat building 3-5 storeys in height, containing 85 residential apartments, basement parking for 80 cars, a green roof and associated landscaping is currently being assessed.

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

22. 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.

VOLUNTARY PLANNING AGREEMENT (VPA)

23. A Voluntary Planning Agreement (VPA) between the Applicant (Mirvac) and Council has been executed and secures public benefits associated with the redevelopment of the site. The requirements of the VPA were considered as part of the Central Sydney Planning Committee's consideration of the Stage 1 development application.

State Environmental Planning Policy No 55—Remediation of Land

24. The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
25. D/2011/1299, approved on 29 June 2012, included remediation works to the site. The application was accompanied by a Remedial Action Plan and Interim Advice from a Site Auditor. The consent requires a Site Audit Statement confirming that the site is suitable for the proposed use prior to the commencement of any other works on the site, other than those associated with remediation.

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

26. BASIX requires that residential developments reduce water consumption by 40% and greenhouse gas emissions (energy) by 20%. The Harold Park LEP allows for a floor space bonus, of up to 10,630m², if the proposed buildings exceed BASIX targets by not less than 25%.
27. The proposal was accompanied by a BASIX Certificate and assessment for each building confirming that the proposed scheme achieves a 50% water savings target (25% above the required 40 per cent) and 25-38% energy savings target (+25% above the required 30%).
28. As per the provisions of the Harold Park LEP, the development site is eligible for bonus floor space up to 10,630m².

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

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

(a) **Principle 1: Context**

Complies: Precinct 4 is located within the Harold Park site, and within close proximity to Jubilee Park light rail station and bus routes along Wigram Road and Minogue Crescent. It is located approximately 2.5km to the west of the Sydney CBD. It is within the Mixed Use zone and is in accordance with the objectives of the Harold Park LEP and the DCP.

(b) **Principle 2: Scale**

Complies: The scale of the area is currently in transition from the former paceway to a mixed use development incorporating residential, commercial, community and open space uses. The proposed building heights are consistent with the maximum building height controls approved under the Stage 1 consent and are acceptable.

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

Partially complies: The finishes, materials and appearance of the proposed buildings are of an appropriate contemporary appearance. The proposal responds to the surrounding urban renewal context, achieves a suitable form and scale and is generally consistent with the Harold Park DCP and Stage 1 approval, as discussed further in the Issues section.

(d) **Principle 4: Density**

Complies: The Stage 1 DA set out proposed GFA for development across the site. This was considered against the overall site floor space control in the LEP. The proposed 15,449m² of GFA for Precinct 4 exceeds the allocated GFA of 15,015m² for the precinct under the Stage 1 consent (as modified by Amendment E).

Notwithstanding the above, the proposal can comply with the maximum FSR of 1.25:1 across the Harold Park development site, inclusive of bonuses. This density of development is consistent with the desired future character envisaged within the precinct and the broader Harold Park redevelopment area.

Compliance with the GFA controls for the wider Harold Park site is discussed further in the Issues section.

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

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

(f) **Principle 6: Landscape**

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

Communal open space is not provided for either building in accordance with the Harold Park DCP as the buildings are immediately adjacent to the future public park. Deep soil planting is also not required for the parkside buildings in accordance with the DCP.

Green roofs are proposed for both buildings and a green wall is proposed for the northern elevation of Building 4A. These elements will enhance the landscape setting of the development and the surrounding environment.

(g) **Principle 7: Amenity**

Partially complies: Compliance with amenity controls are detailed in the below RFDC table. In summary, the proposal generally presents an acceptable level of residential amenity for future occupants.

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

Complies: The development provides the opportunity for casual surveillance of the surrounding public domain through balconies and windows along all facades. The proposal provides for a number of secure pedestrian access lobbies, which are clearly defined at street or ground level. The proposed Maxwell Road entry to Building 4A will activate the street and provide for appropriate casual surveillance of the neighbourhood.

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

Partially complies: The apartment mix for Building 4A comprises 6% studios, 31% one bedroom apartments, 47% two bedroom apartments and 16% three bedroom apartments. The apartment mix for Building 4B comprises 31% one bedroom apartments, 51% two bedroom apartments and 18% three bedroom apartments.

The overall site dwelling mix provides a range of dwellings that are varied in design and size. The high ratio of three bedroom apartments is a positive outcome, and will assist with the provision of urban housing choice, particularly for families.

(j) **Principle 10: Aesthetics**

Complies: The proposed Building 4A built form presents a high quality design, using a variety of architectural elements and materials to modulate facades and provide visual interest. Painted facades include horizontal detailing for texture, and the incorporation of sandstone elements are appropriate in the context of the cliff-side location.

Darker, recessive colours are proposed for Building 4B, particularly on upper levels, to appropriately scale the building mass. Lower levels feature a variety of treatments to create interest at the street level. The incorporation of face brick at ground level assists in creating a consistent language of materials between the residential buildings located adjacent to Precinct 4 and the Tram Shed building.

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

30. In summary, the development is considered to be broadly acceptable when assessed against the above stated principles and the SEPP generally, which are replicated largely in part within Council's planning controls.

Residential Flat Design Code

31. Clause 30 of SEPP 65 requires consideration of the Residential Flat Design Code (RFDC), which provides additional detail and guidance for applying the design quality principles outlined in SEPP 65 to a specific locality. Compliance with the guidelines within the Residential Flat Design Code are addressed in the table below. Amenity concerns with regard to specific apartments are discussed further in the Issues section.

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
<p>Building Depth 10-18m (glass to glass)</p>	No	<p><u>Building 4A</u></p> <ul style="list-style-type: none"> 21m maximum building depth glass line to glass line <p><u>Building 4B</u></p> <ul style="list-style-type: none"> 22.5m maximum building depth glass line to glass line <p>This variation is supported and discussed in the Issues section.</p>
<p>Building Separation Up to four storeys/up to 12 metres:</p> <ul style="list-style-type: none"> 12m between habitable rooms/ balconies 9m between habitable/ balconies and non-habitable rooms 6m between non-habitable rooms <p>Five to eight storeys/up to 25 metres:</p> <ul style="list-style-type: none"> 18m between habitable rooms/ balconies 13m between habitable/ balconies and non-habitable rooms 9m between non-habitable Rooms 	No	<p>The separation between Buildings 4B and Building 2B is 16m for Levels 3-6 and a minimum of 18m for Levels 7-8, which does not comply for mid-levels above 5 storeys.</p> <p>The implications of building separation are discussed in the Issues section.</p>

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
<p>Deep Soil Zone</p> <p>A minimum of 25% of the open space area of the site should be a deep soil zone.</p>	Yes	The Harold Park DCP does not require deep soil zones for sites adjacent to public open space. Buildings 4A and 4B are adjacent to the future public park.
<p>Communal Open Space</p> <p>Communal open space to be 25- 30% of site area.</p> <p>Private Open Space</p> <p>25m² at ground level with minimum preferred dimension in one direction of 4m.</p>	Yes	<p>The Harold Park DCP does not require communal open space for sites adjacent to public open space.</p> <p>Private open space for ground level apartments comply with the minimum 25m² for Buildings 4A and 4B.</p>
<p>Safety</p>	Yes	A CPTED statement was prepared identifying areas within the development that required appropriate design and security management.
<p>Visual Privacy</p>	Yes	The proposal generally complies with the recommended building separation distances and the proposal largely achieves acceptable separation to maintain visual privacy for future occupants and those of adjoining buildings.
<p>Single Aspect Apartments</p> <p>Single aspect apartments should be limited in depth to 8m from a window.</p> <p>Limit single aspect apartments with a southerly aspect (SW-SE) to max.10% of total units.</p>	No	<p><u>Building 4A</u></p> <ul style="list-style-type: none"> 40% of apartments are single, southerly aspect <p><u>Building 4B</u></p> <ul style="list-style-type: none"> 30% of apartments are single, southerly aspect <p>The proposed number of south facing apartments is partly a product of approved building envelopes in the Stage 1 consent.</p> <p>Proposed single aspect apartments that exceed 8m depths from a window generally range between 8.2m to 10m in depth.</p> <p>All single aspect apartments have windows to habitable rooms and are acceptable in terms of achieving adequate daylight and natural ventilation.</p>

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
<p>Apartment Layout (Kitchen)</p> <p>The back of a kitchen should be no more than 8m from a window.</p>	No	<p><u>Building 4A</u></p> <ul style="list-style-type: none"> 24% of apartments have kitchens more than 8m from a window <p><u>Building 4B</u></p> <ul style="list-style-type: none"> 20% of apartments have kitchens more than 8m from a window <p>These kitchens are generally located against the rear wall of apartments.</p>
<p>Apartment Layout (Cross-Over)</p> <p>The width of cross-over or cross-through apartments over 15 m deep should be 4m or greater to avoid deep narrow apartment layouts.</p>	Yes	<p>All cross-through apartments have a minimum width of 4m for Buildings 4A and 4B.</p>
<p>Apartment Layout (Unit Sizes)</p> <p>Minimum unit sizes:</p> <ul style="list-style-type: none"> Studio: 38.5m² 1 bed: 50m² 2 bed: 70m² 3 bed: 95m² 	Yes/No	<p><u>Building 4A</u></p> <ul style="list-style-type: none"> Studio: 45m² 1 bed: 56m² 2 bed: 89m² – 105m² 3 bed: 128m² <p><u>Building 4B</u></p> <ul style="list-style-type: none"> 1 bed: 45m² – 66m² 2 bed: 73m² – 120m² 3 bed: 110m² – 170m² <p>Four of the proposed 1 bedroom apartments fall under the 50m² minimum in Building 4B. This is considered acceptable as the apartments are a small percentage of the overall apartments in Precinct 4, are only marginally undersized and still receive adequate amenity.</p>

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
<p>Balconies</p> <p>2m min balcony width</p>	Yes/No	<p><u>Building 4A</u></p> <p>The majority of apartments in Building 4A have balconies with widths less than 2m. This is primarily due to the angled building form, resulting in irregular shaped balconies.</p> <p>The variation is supported and discussed in the Issues section.</p> <p><u>Building 4B</u></p> <p>All apartments in building 4B comply with the minimum 2m requirement.</p>
<p>Ceiling Heights</p> <p>2.7m min ceiling height in habitable areas.</p> <p>2.25-2.4m ceiling height in non-habitable areas.</p>	Yes	<p>A floor to floor height of 3.1m is proposed, ensuring a minimum 2.7m floor to ceiling height can be achieved for Building 4A and Building 4B.</p>
<p>Ground Floor Apartments</p> <p>Optimise the number of ground level units with separate entries.</p> <p>Provide ground floor apartments with access to private open space.</p>	Yes	<p>Ground floor apartments within Building 4A fronting the park have been provided with separate entries from the public domain. Similarly, all ground floor apartments within Building 4B fronting the park and MC01 have separate entries from the public domain.</p> <p>All ground floor apartments in Buildings 4A and 4B have private courtyards directly accessible from principal living areas.</p>
<p>Internal Circulation</p> <p>The number of units accessible from a single core/corridor should be limited to eight.</p>	Partial	<p>No more than 8 apartments within Building 4A are accessed from each lift core.</p> <p>There are two lift cores proposed in Building 4B, with 7 apartments accessed from one and 9 apartments from the other. This is considered acceptable.</p>

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
<p>Storage</p> <p>Minimum storage provision facilities:</p> <ul style="list-style-type: none"> • 1 bed: 6m³ • 2 bed: 8m³ • 3 bed: 10m³ <p>(With minimum 50% storage area located within unit)</p>	Yes	Adequate storage is provided within each apartment. Additional residential storage is also proposed within basement levels.
<p>Daylight Access</p> <p>70% of units to receive 3 hours of direct sunlight in midwinter to living rooms and private open spaces.</p>	No	<p><u>Building 4A</u></p> <ul style="list-style-type: none"> • 20% of units receive solar access for 2hrs to both their living areas and private open spaces • 2% of units receive solar access for 3hrs to both their living areas and private open spaces <p><u>Building 4B</u></p> <ul style="list-style-type: none"> • 60% of units receive solar access for 2hrs to both their living areas and private open spaces • 40% of units receive solar access for 3hrs to both their living areas and private open spaces <p>Solar access is discussed further in the Issues section.</p>
<p>Natural Ventilation</p> <p>60% of units to be cross ventilated.</p> <p>25% of kitchens within a development should have access to natural ventilation.</p>	No	<p>The proposal includes a number of deemed to comply solutions in order to increase cross ventilation compliance as follows:</p> <p><u>Building 4A</u></p> <ul style="list-style-type: none"> • 40% of apartments are natural cross ventilated when assessed against SEPP 65 requirements • 90% of apartments are cross ventilated with the addition of slots • 94% of apartments are cross ventilated with the addition of slots and skylights.

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
		<p><u>Building 4B</u></p> <ul style="list-style-type: none"> • 38% of apartments are natural cross ventilated when assessed against SEPP 65 requirements • 52% of apartments are cross ventilated with the addition of slots • 58% of apartments are cross ventilated with the addition of slots and skylights • 63% of apartments are cross ventilated with the addition of slots, skylights and an air ventilation shaft. <p>Cross ventilation is discussed in more detail within the Issues section of this.</p>

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

32. 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.
33. The proposed development of the site is consistent with the aims and objectives of SEPP.

Sydney LEP (Harold Park) 2011

34. The site is located within the B4 Mixed Use zone. The proposed use is defined as residential development and is permissible.
35. The relevant matters to be considered under Sydney Local Environmental Plan (Harold Park) 2011 for the proposed development are outlined below.

Compliance Table		
Development Control	Compliance	Comment
2.1 Zoning	Yes	The proposal is permissible within the B4 zone.

Compliance Table		
Development Control	Compliance	Comment
3.2 Height of Buildings	Yes	<p><u>Building 4A</u> A maximum height of RL 22.5 is permitted. A height of RL 22.5 is proposed.</p> <p><u>Building 4A</u> A maximum height of RL 36 is permitted. A height of RL 36 is proposed.</p>
4.4 Floor Space Ratio	Yes	<p>The Harold Park development site has a maximum FSR of 1.15:1 and a Bonus Floor Space of up to 0.1:1 is available. A maximum of 132,918m² total GFA is permissible for the development site.</p> <p>The Precinct 4 proposal has a GFA of 15,449m².</p> <p>Refer to Issues section for further detail.</p>
5.2 Heritage Conservation	Yes	The statement has been reviewed and the development is considered acceptable subject to archaeological and heritage interpretation conditions.
6.1 Car Parking	Yes	<p><u>Building 4A</u> A total of 46 spaces are proposed, which complies with the maximum car parking controls under the LEP.</p> <p><u>Building 4B</u> A total of 98 spaces are proposed, which complies with the maximum car parking controls under the LEP.</p>
6.2 Acid Sulfate Soils	Yes	An Acid Sulfate Soils report has been submitted with the application. Soils classified as being located within areas that require specific attention will be covered by a relevant condition of consent requiring that works comply with applicable legislation.
6.3 Flooding	Yes	Flooding reports have been submitted. The application is compliant with the LEP with regard to appropriate flood planning.

Compliance Table		
Development Control	Compliance	Comment
6.4 Design Excellence	Yes	The design has been considered against the requirements of design excellence and is considered satisfactory.

Sydney DCP (Harold Park) 2011

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

Compliance Table		
Development Control	Compliance	Comment
Section 2. Desired Future Character		
Consistent with Government Architect's Office Urban Design Study	Yes	The proposal complies with the provisions within the DCP regarding open spaces, coherency of streets and connections, stormwater management, heritage protection and accessibility.
Section 3. General Provisions		
3.1 Ground Levels and Excavation	Yes	The proposed site levels generally satisfy the objectives for accessibility, usability overland flow paths and supported and subject to conditions ensuring consistency with the Stage 1 development application.
3.2 Public Domain	Yes	The wider Harold Park development site includes the dedication of 3.8ha of public open space to Council and satisfies the minimum requirement in the DCP.

Compliance Table		
Development Control	Compliance	Comment
3.3 Street Network and Access	Yes	<p><u>Building 4A</u> Vehicles will access the building via an internal road (MC04) that joins Maxwell Road near the Tram Sheds building.</p> <p><u>Building 4B</u> The Stage 1 approval required a shared driveway be provided for buildings within Precinct 2 and Building 4B. The basement floor plan for Building 4B shows that access is provided via the combined basement of Building 2A and 2B. The vehicular access to the basement is located at the south western end of Building 2A.</p> <p>Vehicular access points for Buildings 4A and 4B are consistent with the DCP and the Stage 1 approval. A discussion of the Maxwell Road pedestrian access to Building 4A is discussed further in the Issues section.</p>
3.4 Staging	Yes	Conditions on the staged delivery of essential infrastructure associated with the public domain and the dedication of public open space are included in recommended conditions.
Section 4. Heritage		
4.1 Harold Park Paceway	Yes	A Heritage Interpretation Strategy was submitted and is considered to be generally in accordance with heritage conservation and interpretation provisions.
Section 5. Building Use, Form & Design		
5.1 Land Uses 5.2 Centres Hierarchy & Retail Uses	Yes	The proposal does not comprise any non-residential land uses.

Compliance Table		
Development Control	Compliance	Comment
5.3 Building Form & Layout	Partial	<p>Both buildings have been designed to address street frontages and generally provide appropriate setbacks, with the exception of minor encroachments for both buildings.</p> <p>The proposed building heights and FSR comply with the objectives of the DCP and generally comply with the Stage 1 approval, with the exception of compliance with the height in storeys control for Building 4A.</p> <p>Variations to the approved building envelopes, height in storeys and setback encroachments are addressed in the Issues section of this report.</p>
5.4 Application of NSW Residential Flat Design Code	Partial	The proposal has been assessed against the recommendations of the RFDC and is addressed in the SEPP 65 section of this report.
5.5 Building typologies, design and dwelling mix	Partial	<p>Minimum floor to floor heights of 3.1m are proposed for both buildings, which will ensure compliance with the minimum 2.8m floor to ceiling height requirement.</p> <p>The combined dwelling mix over Precinct 4 for both buildings is as follows:</p> <ul style="list-style-type: none"> • 2% studios • 31% 1 bedroom units • 50% 2 bedroom units • 18% 3 bedroom units. <p>This generally meets the desired mix under the DCP and is considered acceptable.</p>
5.6 Safety and design	Yes	The CPTED report submitted with the application satisfactorily addresses safety and security measures and is generally compliant with the provisions of the DCP.

Compliance Table		
Development Control	Compliance	Comment
5.7 Sun access	No	The proposal does not meet the requirement for solar access to 50% of primary open space and to living rooms between 9am and 3pm on 21 June. Solar access is discussed further within the Issues section of this report.
5.8 Reflectivity	Yes	A reflectivity report has been submitted indicating that the proposal is capable of achieving reflectivity of no more than 20%. A condition has been imposed.
5.9 Acoustic privacy	Yes	An acoustic report has been submitted and determined to be acceptable by Council's Environmental Health Officer. Appropriate conditions with regard to acoustic attenuation have been recommended.
5.10 Building facades, entrances and articulation 5.11 Active frontages	Yes	<u>Building 4A</u> The amended building provides an address to the street via its primary pedestrian entry on Maxwell Road. Two additional building entries are also provided on the ground floor of the building from the public park, and all ground floor apartments fronting the park are provided with separate entries. <u>Building 4B</u> Two separate, distinct entries are provided from MC01 along the western elevation of the building. All ground floor apartments fronting MC01 and the public park are provided with separate entries. The proposed building entrances for both buildings generally satisfy the provisions in the DCP and address the interface between public and private domains. Specific issues with regard to public domain interface are discussed further within the Issues section of this report.

Compliance Table		
Development Control	Compliance	Comment
5.12 Landscaping & Setbacks 5.13 Private open space 5.14 Common open space 5.15 Deep soil 5.16 Green roofs	Partial	<p><u>Building 4A</u></p> <p>Building 4A contains a green roof area of approximately 436m². This area exceeds the DCP requirement of 210m² (20% of roof space for buildings under 5,000m² of GFA).</p> <p>A green wall is also proposed on the northern elevation, which will provide visual interest and assist with the passive cooling of the building.</p> <p>Landscaping is provided along the boundaries of the site, including along the edge of the cliff, as well as in private courtyards.</p> <p><u>Building 4B</u></p> <p>Building 4B contains a green roof area approximately 227m². This area is below the 506m² required under the DCP (40% of roof space for buildings 10,000 m² to 14,999m² of GFA).</p> <p>Landscaping is also provided along the boundaries of the site and in private courtyards.</p> <p>Although the proposal does not achieve the recommended green roof area for Building 4B, the proposed green roof is comparable to approved green roofs within the development site and will enhance the landscape setting of the development and the surrounding environment. On balance, the proposal is considered acceptable.</p>
5.17 Fences	Yes	<p>A number of amendments have been made to both buildings to reduce fence heights and improve passive surveillance of the public domain.</p> <p>Specific issues with regard to public domain interface are discussed further within the Issues section of this report.</p>
5.18 Tree management	Yes	<p>Conditions have been imposed relating to the proposed landscape plan, tree planting and tree maintenance.</p>

Compliance Table		
Development Control	Compliance	Comment
Section 5. Environmental Management		
6.1 Ecological sustainable development	Yes	The proposal satisfies BASIX requirements. A sustainability report was submitted identifying commitments to sustainability across the development site (as part of the Stage 1 development application).
6.2 Waste facilities and minimisation	Yes	Waste storage and collection generally complies with the provisions in the DCP. Appropriate conditions have been recommended.
6.3 Stormwater and water sensitive urban design	Yes	A stormwater management plan and statement was submitted and considered as part of the application. Appropriate water sensitive design principles have been incorporated across the development site. Appropriate stormwater conditions have been imposed.
Section 7. Vehicle and Bicycle Facilities		
7.2.1 Residential parking 7.2.2 Visitor parking 7.2.3 Motorcycle parking 7.2.4 Car share 7.2.5 Accessible parking 7.4 Service vehicles	Yes	<u>Building 4A</u> The maximum allowable car parking spaces for Building 4A is 53. A total of 46 spaces are proposed as follows: <ul style="list-style-type: none"> • 40 residential car spaces • 3 visitor car spaces • 1 car share spaces • 1 service vehicle spaces • 1 car wash space • 5 motorcycle spaces equivalent to 1 car space in area..

Compliance Table		
Development Control	Compliance	Comment
		<p><u>Building 4B</u></p> <p>The maximum allowable car parking spaces for Building 4B is 111. Vehicle parking is proposed as follows:</p> <ul style="list-style-type: none"> • 98 residential car spaces • 4 motorcycle spaces equivalent to less than 1 car space in area <p>It is noted that no visitor or car share spaces are proposed for Building 4B, as existing spaces within the shared basement of Precinct 2 are proposed to be utilised.</p> <p>Upon entry to the basement from Precinct 2, 4 visitor, 2 car share and 2 service vehicle spaces are provided. A panel tilt door provides a second security layer between 4B and 2B, and makes providing additional internal visitor and car share spaces difficult. However combined, the 3 buildings (2A, 2B, 4B) generate a visitor parking requirement of 32 spaces. It is considered that some visitor parking should be provide for Building 4B. Appropriate conditions have been recommended requiring the provision of visitor spaces for Building 4B.</p> <p>Proposed car parking numbers do not exceed the maximum allowed under the LEP for each building, are generally consistent with the DCP and are acceptable, subject to conditions relating to car space allocation and use</p>
7.3 Bicycle parking	Partial	<p>For both buildings, bicycle parking for residents is proposed by way of individual storage lockers, which is considered satisfactory.</p> <p>No additional bicycle parking is proposed for visitors, however bicycle rails are provided in the pocket parks and within public domain areas adjacent to the buildings, which is acceptable.</p>

Compliance Table		
Development Control	Compliance	Comment
7.5 Parking area design	Yes	The proposed design of the basement car parks for both buildings is acceptable, subject to conditions ensuring compliance with Australian standards.

PRECINCT-WIDE ISSUES

37. The issues identified in the above tables as non-complying or requiring further discussion are discussed in detail below. Precinct-wide issues relating to both Building 4A and 4B are discussed initially, with specific buildings issues following separately.

Floor space ratio

38. The Stage 1 DA set out proposed GFA for development across the site. This was considered against the overall site floor space control in the LEP. The total permissible GFA across the development site, including the BASIX “bonus” is 132,918m². Amendment E to the Stage 1 DA approved a redistribution of floor space across various precincts.
39. As shown in the table below, the proposed 15,449m² of GFA for Precinct 4 exceeds the allocated GFA of 15,015m² for the precinct under the Stage 1 consent (as modified by Amendment E). The GFA for Precinct 6B (currently under assessment) also exceeds the allocated GFA under Stage 1 Amendment E. However, the approved GFA for Precincts 2 and 3 is below the allocated GFA under Stage 1 Amendment E.
40. FSR is assessed on a site wide basis for the Harold Park development site. As such, it is permissible to exceed the nominal GFA distribution approved under Stage 1 (Amendment E), provided the development complies on a site wide basis. In order to ensure compliance with the overall permissible GFA of 132,918m², a reduction in allocated GFA for Precinct 5 will be required. At present, this reduction equates to 414m², however a full GFA audit will be undertaken following determination of Precincts 4 and 6B.

Precinct	Residential approved under Stage 1 (Amendment E)	Residential approved/proposed (not including affordable housing Precinct 6A)	Retail	Affordable housing Precinct 6A	Total (m ²)
1	28,712m ²	28,712m ²			28,712m ²
2	18,066m ²	18,012m ²	76m ²		18,088m ²
3	32,545m ²	30,200m ²			30,200m ²
4	15,015m ²	*15,449m ²			15,449m ²
5	20,894m ²	**20,894m ²			20,894m ²
6	7,182m ²	*7,464m ²		**5,000m ²	12,464m ²
Tram Sheds	7,500m ²		7,525m ²		7,525m ²
TOTAL	122,414m ²	120,731m ²	7,601m ²	5,000m ²	133,332m²

*Currently under assessment **Future development applications

Natural ventilation

41. The original proposal achieved natural cross ventilation to 17% of apartments in Building 4A and 36% of apartments in Building 4B. Following internal amendments, including the provision of additional cross through and corner apartments, the provision of natural cross ventilation was increased to 40% for Building 4A and 38% for Building 4B. While an improvement, the amended proposal still does not comply with the minimum 60% rule of thumb outlined within the RFDC. Developments, which seek to vary from the minimum standard, must demonstrate how natural ventilation can be satisfactorily achieved, particularly in relation to habitable rooms.
42. The application proposes a deemed-to-satisfy solution in the form of window openings onto façade slots to achieve compliance with cross ventilation requirements. The proposed slots are a minimum width of 2m, with operable windows of a minimum 600mm in width to facilitate cross ventilation.
43. Taking into account apartments that receive cross ventilation from the deemed-to-satisfy slot solution, 90% of apartments in Building 4A and 52% of apartment in Building 4B achieve cross ventilation. This equates to 64% of all apartments in Precinct 4 achieving cross ventilation, which complies with the RFDC rules of thumb.
44. It is noted that additional deemed-to-satisfy solutions in the form of operable skylights and an air ventilation shaft are also proposed for Buildings 4A and 4B. These solutions will also assist with improving ventilation to apartments. Further, conditions are recommended regarding the location and type of openings within slots to ensure they are designed to provide effective ventilation and minimise privacy impacts such as direct overlooking to habitable rooms of adjacent apartments.

45. The Stage 2 applications for Precinct 1, 2 and 3 considered site-wide compliance cross ventilation. Based on approved percentages from Precincts 1, 2 and 3, and including proposed percentages from Precincts 4 and 6B (currently under assessment), site-wide cross ventilation compliance, based on the deemed-to-satisfy slot solution, is currently at 57%, which does not comply with the RFDC 60% requirement.
46. Site-wide compliance now relies on Precincts 5 and 6A achieving excellent levels of cross ventilation. Based on the estimated number of units remaining for Precincts 5 and 6A, apartments in Precincts 5 and 6B may have to achieve cross ventilation compliance of up to 70%.

Solar access

47. Building 4A does not comply with the solar access controls in the DCP, which requires 50% of apartments receive solar access to living rooms and private open space for a minimum of two hours. Neither 4A nor 4B comply with the RFDC minimum requirement for 70% of proposed apartments to receive at least three hours of direct sunlight to living spaces and private open space in the RFDC.
48. The building envelopes and road alignments approved in the Stage 1 development application results in blocks that have extensive southerly aspect facades. In particular, the approved Building 4A envelope is located adjacent to the cliff face, which further hinders solar access. Shadow diagrams indicate that even if the building was setback significantly further to the west, away from the cliff, solar access would unlikely improve due to the height of the cliff and orientation of the approved envelope.
49. The Stage 2 applications for Precinct 1, 2 and 3 considered site-wide compliance with the DCP and RFDC solar access requirements. Whilst the proposal does not achieve compliance with the DCP or RFDC, it contributes to the overall percentage of apartments that achieve solar access across the development.
50. Based on approved percentages from Precincts 1, 2 and 3, and including proposed percentages from Precincts 4 and 6B (currently under assessment), site-wide solar access compliance is currently at 52%. While this complies with the DCP control, it does not comply with the RFDC rule of thumb.
51. Site-wide compliance now relies on Precincts 5 and 6A achieving excellent levels of solar access. However even if 100% of remaining apartments in Precincts 5 and 6B meet the RFDC solar access control, compliance with the 70% control accords the site is still unachievable.

Private open space

52. Both buildings include private courtyards at ground level comprised of paved areas and landscaped planting to meet the recreational needs of occupants and contribute to the environment. All of the ground floor courtyard areas for both buildings meet the minimum requirement of 25m² in area.

53. All upper level apartments are provided with balconies. For Building 4A, all of the balconies have minimum dimension of less than 2m. This is primarily due to the angled building form, resulting in irregular shaped balconies. The building proposes balconies that do not achieve a minimum depth of 2m or minimum area of 10m². Balconies that do not achieve a depth of 2m or 10m² are generally servicing studio or 1 bedroom apartments.
54. Balconies to apartments 309, 311, 409, 411, 509, 511 and 609, 611 within Building 4B are all undersized at approximately 4.2m². While these balconies are undersized, they equate to 7% of apartments within Building 4B, which is a small percentage.
55. Despite non-compliances with dimensions, both buildings comply with the DCP requirement that only 75% of apartments need to be provided with private open space. The variations to private open space are considered acceptable, given the sites close proximity to the 3.8ha of public open space within the wider Harold Park site.

BUILDING 4A ISSUES

Compliance with Stage 1 approval

Height in storeys

56. The application proposes a non-compliance with the Stage 1 approved height in storeys, which specifies a maximum of three storeys for Building 4A. The proposal provides for a three storey form fronting the adjoining eastern cliff with a four storey form to the public park to the west (Figure 13).

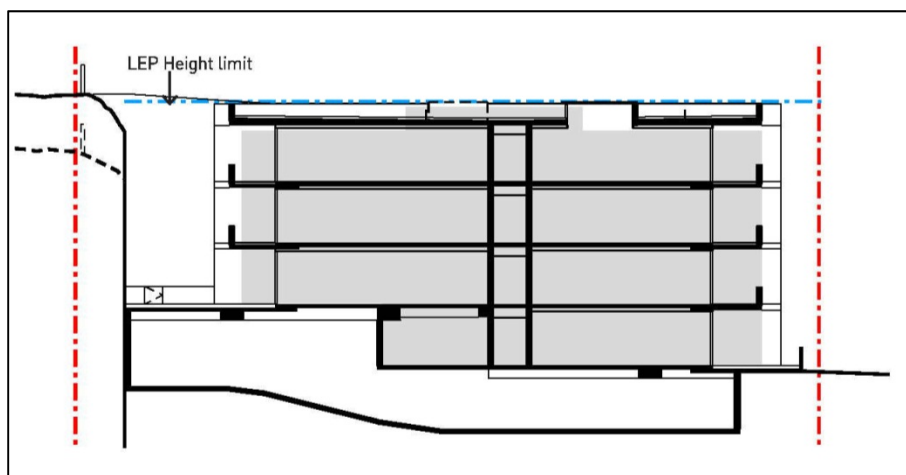


Figure 12: Proposed envelope section

57. As a result of the level changes across the site, the additional storey is able to be accommodated within the LEP height control. Views across the site when viewed from Maxwell Road and the surrounding Glebe neighbourhood are also maintained. The additional storey does not result in significant non-compliances with the approved Stage 1 envelope height. Further, due to the location of the site below the cliff line, the additional storey will not result in additional overshadowing or privacy impacts to adjoining properties or open space.
58. In light of the above, the height in storeys non-compliance is considered acceptable.

Setbacks

59. Condition (2) of the Stage 1 consent requires that buildings the subject of Stage 2 application shall be wholly contained within the approved Stage 1 envelopes, and that approved envelopes are inclusive of balconies, shading devices, window elements and the like. The condition also states that encroachments and variations to the building envelopes will be assessed on merit as part of the Stage 2 detailed design applications.
60. Condition (10) of the Stage 1 consent required setbacks for Building 4A be provided in accordance with the DCP, and that appropriate setbacks to the cliff were to be determined at Stage 2.
61. The proposal includes a number of setback encroachments as illustrated in Figure 14 and described below:
- encroachment of balconies and architectural features into the required 3m setback to the western (parkside) property boundary; and
 - encroachment of the building into the 3m setback to the northern property boundary adjacent to MC06.



Figure 13: Building 4A setback encroachments

62. The DCP allows for the projection of balconies, sun shading devices and architectural features up to 1m beyond the primary building setback, provided the sum of the length of all such features, measured parallel to the street frontage, does not exceed 65% of the length of the elevation of any floor level.

63. The balcony encroachments to the western elevation do not extend more than 1m from the required building setback and are consistent with the permitted location for balconies in the Harold Park DCP. The proposed balconies provide articulation to the building facades and contribute to the architectural character of the development. As such, the protrusions of balconies beyond the setback to the western property boundary are considered acceptable.
64. The proposed building encroachment to the northern property boundary followed as a result of design amendments to improve the amenity and built form of the building. The original application proposed the southern elevation sit flush with the cliff face. This resulted in poor amenity for the six apartments that were built up against the cliff wall. The application was amended to provide an increased setback from the cliff to the southern elevation by between 1.2m and 3.8m. The increased setback will enhance amenity to apartments along the southern elevation and provides additional separation between the building and the rear of existing properties along Arcadia Road.
65. Shifting the building closer to the northern property boundary to accommodate the increased southern setback requires careful resolution of the northern elevation. A number of design amendments have been made to the northern elevation, which are discussed in further detail in the building expression section below. The setback encroachment is considered to be acceptable, subject to conditions.

Maxwell Road entrance

66. In addition to the above setback departures, the proposal also includes an extension of the approved building envelope to meet the cliff face at the north-eastern corner of the building.
67. The original proposal included a primary pedestrian building entrance via MC06, with no formal access point or street address to Maxwell Road. The proposed arrangement presented significant issues for the legibility of the building for visitors, deliveries and mail.
68. In addition to the legibility issue of not providing a street address, the original proposal included a blank wall to the portion of the Maxwell Street elevation that is visible above the cliff line (Figure 15).

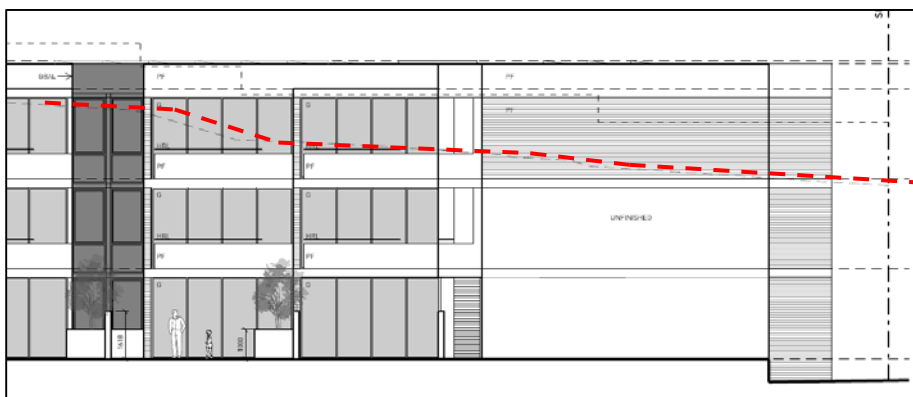


Figure 14: Originally proposed elevation to Maxwell Road. Red line shows the cliff line.

69. The light of the above, the applicant was requested to amend the design of the building to include a building entrance, including security door and mailboxes with direct access for all apartments within the building.
70. The proposal has been modified to include a secure access point which will be utilised by residents of the building and their visitors. Public access to the Harold Park site through this entry will not be permitted.
71. The inclusion of a building entry and street address will improve the legibility and appearance of the building, activate the street and provide for appropriate casual surveillance of the neighbourhood. On balance, the non-compliance with the approved building envelope is considered to be acceptable.



Figure 15: Photomontage of proposed Maxwell Road entry

Building expression

72. A number of design amendments have been made to address concerns relating to building expression, as well as internal amenity. In addition to the changes outlined above, amendments include:
 - (a) deletion of the middle bank of apartments along the western elevation and provision of a 4m wide building 'split' to provide increased separation between the northern and southern building cores;
 - (b) incorporation of additional slots to the western elevation, reducing the bulk of the building and assisting with cross ventilation; and
 - (c) provision of additional glazing, painted terracotta louvers and a green wall to the northern elevation.
73. Figures 17 and 18 below illustrate the amendments to the western elevation. The proposed northern elevation illustrated previously in Figure 9. The modifications present a positive improvement to the building, assisting with reducing the scale of the built form.

74. Notwithstanding the above, the western elevation is comprised primarily of glazing. While the use of glazing is supported, suitability of the extent of glazing for residential uses should be considered having regard to privacy. Reliance on curtains or blinds to protect resident's privacy can result in visual clutter. As such, it is recommended that a uniform, integrated blind system be incorporated to ensure a consistent visual outcome. Appropriate conditions have been included (see Condition (2)(d)).



Figure 16: Photomontage of originally proposed design



Figure 17: Photomontage of amended proposal showing building split, additional slots and increased southern setback

Relationship with the public domain

75. The proposal has been amended to improve the relationship to the public domain, primarily by rationalising and reducing masonry walls to the western elevation adjoining the public park, and reducing the height of the retaining wall in the north-western corner of the site.

- 76. The original proposal incorporated walls of generally between 1.4m to 1.8m along the public park elevation and up to 3.5m in the north-western corner of the site. The high walls contributed to the buildings bulk, diminished the purpose of the landscape setback, limited casual surveillance and hindered outlook onto the park from ground floor apartments. The walls along the western elevation have been lowered to generally sit between 980mm and 1.5m in height. A combination of open balustrades and planting has been incorporated to improve the north-western corner. Minor design modifications are recommended to further resolve and improve this interface. Conditions have been recommended (see Condition (2)(b) and Condition (2)(c)).
- 77. The design of the proposed Maxwell Road entry is generally supported; however, minor modifications are recommended to further improve access and visual amenity. Modifications include lowering the height of the sandstone wall, incorporating palisade fencing or planting and highlight windows to the solid wall of apartment 301. Appropriate conditions have been recommended regarding these modifications (see Condition (2)(a)).

BUILDING 4B ISSUES

Compliance with Stage 1 approval

Western elevation setbacks

- 78. The DCP allows for the projection of balconies, sun shading devices and architectural features up to 1m beyond the primary building setback, provided the sum of the length of all such features, measured parallel to the street frontage, does not exceed 65% of the length of the elevation of any floor level. The intention of the control is to provide opportunities for articulation while containing bulk.
- 79. The proposal includes setback encroachments of balconies and architectural features on Levels 4 to 7 of the eastern (parkside) elevation. These encroachments project 1m into the setback area for 73% of the elevation. In order to comply with the DCP control, the extent of projects would need to be reduced by 5m on each level. This may be achieved through the deletion of balcony areas in front of bedrooms at the south-eastern corner of the site, as shown in Figure 19.



Figure 18: Level 5 setback encroachments and potential DCP compliance option

80. On balance, while compliance with the control may further reduce the bulk and mass of the building, it is considered that the reduced amenity to the apartments through loss of private open space does not warrant these changes. Alternative methods to improve the western elevation façade are discussed in further detail in the building expression section below.

Southern elevation setback

81. The DCP requires a 3m setback to mid-levels. Building 4B proposes to provide a 1.25m setback across the south elevation middle levels, with the upper levels tapering in to achieve a 4m setback. The upper level setback of 4m departs from the Stage 1 approval, which requires a 7m setback from the property boundary.
82. The proposed mid-level encroachment was considered as part of the Stage 1 development application, and was supported in principle, subject to detailed review at the Stage 2.
83. The reduced setbacks result in separation distances between Building 4B and Building 2B of 16m at mid-levels and 18m at upper-levels. The 16m separation does not satisfy separation distances outlined in the RFDC rules of thumb, which requires 18m between habitable rooms/balconies.
84. The key consideration with regard to setbacks is privacy impacts between apartments in adjacent buildings within the precinct. Habitable rooms on the southern elevation of Building 4B are generally restricted to bedrooms. Living/dining and balconies have been orientate to the east and west, or offset from habitable rooms on the northern elevation of Building 2B where possible. The proposed 16-18m separation between Buildings 4B and 2B is considered to be satisfactory to maintain visual privacy for future residents.

Building expression

85. The original proposal included painted concrete frames to the ground and first floor of the park elevation. This material has been amended to face brick frames. The incorporation of face brick at ground level assists in creating a consistent language of materials between the residential buildings located adjacent to Precinct 4 and the Tram Shed building.
86. Notwithstanding the above amendment, further refinement to the parkside elevation is recommended in order to provide clarity to the elevation and improve the relationship of the building to the adjoining Precinct 2B building. Specifically, improvements should be made to the painted concrete frame elements located within the middle levels of the elevation. Vertical elements should be incorporated to break up the horizontal proportion of the building (Figure 20).
87. Refinement of the parkside elevation has been discussed with the applicant, who is open to further resolution of the design. Appropriate conditions have been recommended with regard to these design modifications (see Condition (2)(f)).



Figure 19: Elevation of proposed eastern, park elevation of Building 4B



Figure 20: Photomontage of proposed eastern, park elevation of Building 4B

Relationship with the public domain

88. The proposal has been amended to improve the relationship to the public domain. The original proposal incorporated walls of up to 2m along the public park elevation. These walls have been reduced in height by 500mm, and open palisade fencing has been incorporated.
89. Other improvements include the provision of direct access from the public domain for all ground floor apartments and the pairing of entries to the terraces fronting MC01. This allows for a more continuous landscaped setback and improved contribution to the public domain.

Other Impacts of the Development

90. The proposed development is capable of complying with the BCA. It is Class 2 and 7a.

91. 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

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

INTERNAL REFERRALS

Design Advisory Panel Harold Park Sub-committee

93. At its meeting on 15 July 2014, the Design Advisory Panel (DAP) reviewed the originally submitted proposal. The Panel noted the importance of Precinct 4, and that residential buildings should be exemplar with high levels of amenity leveraging on its prime public location and presence adjoining the park.
94. The Panel raised concerns with the original design of Building 4A with regard to internal amenity, relationship with the cliff face and proposed blank walls to the northern façade. The Panel also supported Council Officer's recommendations for a building entry to be provided to Maxwell Road.
95. Concerns with regard to Building 4B included non-compliance with natural cross ventilation and solar access controls, choice of materials and finishes at the lower levels of the building and encroachments into the setback.
96. At the July meeting, the Panel recommended the forming of a sub-committee to further review the proposals with the applicant and the design teams, as well as provide site-wide design advice for the remaining precincts. Two sub-committee meetings have since been held to review the proposal and provide feedback on the wider Harold Park development site.
97. The amended Precinct 4 proposal was presented to the sub-committee on 30 September 2014.
98. The Panel supported the design amendments undertaken for Building 4A, including the Maxwell Road entry, northern elevation and building separation. The Panel noted that some apartments do not comply with the RFDC minimum depth from a window to the back of the kitchen, and recommended introducing additional windows to blade walls (with treatment as required for privacy) to bring in additional light.
99. The Panel did not support the proposed resolution of façade detailing to the park-side building elevation of Building 4B and requested that alternate options be explored. Building expression and recommended design modifications for Building 4B have been discussed in the relevant sections above.

Council Referrals

100. The application was referred to Council's:

- (a) Urban Designer;
- (b) Heritage Specialist;
- (c) Landscape Architect;
- (d) Environmental Health;
- (e) Safe Cities;
- (f) Waste Management;
- (g) Public Domain;
- (h) City Access and Transport;
- (i) Building Surveyor; and
- (j) Specialist Surveyor.

101. Concerns raised about aspects of the development have been addressed throughout this report. Conditions recommended for inclusion have been incorporated into the conditions.

EXTERNAL REFERRALS

Roads & Maritime Services

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

Sydney Water

103. Sydney Water was notified of the proposal and raised no objection.

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

104. In accordance with Schedule 1 of SDCP 2012, the proposed development is required to be notified and advertised. The original application was notified and advertised for a period of 28 days between 2 June 2014 and 1 July 2014.

105. Due to a newly registered subdivision pattern and corresponding changes to internal Lot and DP numbers within the Harold Park site, many residents did not receive notification of the application during the first notification period. As a result, the application was re-notified and re-advertised for a period of 28 days between 1 July 2014 and 30 July 2014.

106. Following submission of amended plans in September, the application was re-notified for a period of 14 days between 22 September 2014 and 7 October 2014.

107. A total of 14 submissions were received as a result of the notification process. All submissions received raised issues in relation to Building 4A specifically. No objections were received with regard to Building 4B.

Traffic, parking and road safety

- (a) Concerns regard traffic impacts of the development on surrounding streets.

Concern raised that the number of car parking spaces has increased from 30-35 spaces indicated at Stage 1 to 45 at Stage 2, resulting in additional traffic and road safety concerns.

Recent implementation of residential parking restrictions in nearby Streets (Boyce Street and Toxteth Road) has created parking issues in Arcadia Road and Maxwell Road, which remain unrestricted. It was requested by objectors that residential parking restrictions be placed in Arcadia Road.

Response – The proposed number of car parking spaces provided for residents and visitors does not exceed the maximum car parking rate in the LEP and is acceptable. Traffic generated as a result of the proposal has previously been assessed and will not result in adverse impacts with regard to traffic congestion, safety or emissions.

Introduction of permit parking in Maxwell Road and Arcadia Road was previously investigated by the City, but was not supported by residents. The City is currently not considering installing parking restrictions in this area however, the City would consider installing timed permit parking in this area if this change was strongly supported by residents. If residents support a change, a joint submission should be forwarded to the City with this request.

Should permit parking be introduced along Maxwell Road and Arcadia Road in the future, residents of Building 4A will not be eligible for residential or visitor parking permits.

Traffic, parking and safety – Maxwell Road entry

- (b) The new building entrance will encourage residents of the building and their visitors to park along Maxwell Road. Easier access to parking will lead to an increase in traffic volume, congestion and carbon emissions.

The previous access was located a reasonable distance from the school entrance and close to the light rail stop. The previous access would not have impinged on traffic to and from the school and would have encouraged light rail use and discouraged motor vehicle use.

Response - The new access is proposed in addition to, not instead of, the originally proposed vehicular and pedestrian access via MC06. Modifications to the proposal have resulted in a reduction in units from 53 to 49; however, parking has not been reduced. 46 car parking spaces, including six visitor spaces and a car share space are proposed. These parking rates comply with SDCP 2012 and are satisfactory.

The new entry is a pedestrian only access. No changes are proposed to vehicle movements. Residents and their visitors who drive will still have to enter the site via MC06 in order to gain access to the basement level resident and visitor parking spaces.

Parking is currently permitted along the eastern and western sides of Maxwell Street and a bus zone is located on the eastern side of the road in front of the school. The area has a local speed limit of 50km/hr. The proposed pedestrian access does not change any of the existing parking or traffic arrangements along Maxwell Road.

The new pedestrian entry provides equitable access via a lift and ramps directly to Maxwell Road, improving pedestrian connectivity to the light rail station.

Inconsistent with Stage 1

- (c) The proposal conflicts with the Stage 1 assessment which states “the future building will have no real street address as a result of its elevation to Maxwell Road being below the cliff” and “the eastern side of the future building will not be directly visible from Maxwell Road”.

The proposed form/height of Building 4A is above the line of the cliff face adjoining Maxwell Road at its northern end and will block existing views of the Tram Sheds from Maxwell Road

Concern that no adverse impacts on the Tram Shed, public park or existing and proposed residents be created as a result of shifting the building to the north and reduction in setback to the northern property boundary.

Response – The majority of the approved building envelope is located below the cliff line, with the exception of the north eastern corner. The proposal complies with the LEP height control and maintains views to the Tram Sheds and public park from Maxwell Road.

The Stage 1 approval does not specifically prohibit a pedestrian access from Maxwell Road. The extension of the building envelope to meet Maxwell Road and setback encroachment to the north has been discussed previously in this report and is considered to be acceptable.

Safety

- (d) The new pedestrian entry is directly opposite one of the boarding facilities and one of the entry/exits to the school, which may make it easier for various people to loiter near the school entry/exit potentially bringing harm to students.

Response – One of the primary principles of CPTED (Crime Prevention Through Environmental Design) is surveillance. Natural surveillance relates to the ability to see and be seen and this is achieved through strategic placement of entries and windows etc. The introduction of a pedestrian entrance along Maxwell Road will activate the street and provide opportunities for natural surveillance.

Construction impacts

- (e) The Construction and Environmental Management Plan (CEMP) for Precinct 4A states that upon commencement of the Tram Shed works, there will be no onsite parking available for persons engaged in the work at Harold Park. This contradicts Stage 1 condition that requires all construction parking to be accommodated on the site. The proposed "Works Zone" on Maxwell Road adjacent to the 4A development site will contribute to on street parking pressure.

Response - The application includes a CEMP for Building 4A, however these documents are not approved at this time. Conditions have been recommended requiring a Construction Traffic Management Plan be submitted and approved by Council's Traffic Operations Unit, in accordance with Stage 1 conditions.

Building height

- (f) It was requested that in addition to the height limit of RL 22.5m, specific height restrictions be included. It was suggested that the RL control has no relevance for lay people, and height limit measurements should be provided in relation to the height of the adjoining cliff for a clearer point of reference, and to allow assessment of compliance with the RL control during the building process.

Response – Plans and elevations show the height of the building in relation to the adjoining cliff. The top of the building is located approximately 100mm below the Maxwell Road foot path near the south eastern corner of the site and approximately 100mm below the rear yard of no. 26 Arcadia Road which adjoins the site to the south.

Height controls within Harold Park are expressed as an Australian Height Datum Reduced Level (RL) as oppose to metres. Height in metres controls are measured from natural ground level, which allows buildings to follow the natural topography of a site. RL controls ensure a building cannot exceed the height of surrounding development or landscape, in this case, the top of the cliff at the southern property boundary.

A condition has been included requiring that a Registered Surveyor provide certification that the height of the building is in accordance with the RL height control.

Roof top access and plant

- (g) Confirmation required as to whether the roof of Building 4A would be accessible to the general public and building residents. Clarification requested as to how the roof would be accessed for maintenance and where the access points are located.

Concerns raised regarding the positioning on the roof of any plant/ machinery including lifts, air conditioners and exhausts etc and potential noise and odour impacts.

Response – The Building 4A green roof will not be accessible to residents of the building or the general public. Access for maintenance is proposed via two access panels that connect to the Level 3 corridor below, located in the roof adjacent to the two lift cores. Roof access from adjacent properties is not proposed.

Building services (garbage room, condensers, exhaust fans etc) are located on the ground floor of the building where possible. The location of plant, including exhausts are shown on the roof plan. An acoustic report was submitted with the application, which has been reviewed by Council's Environmental Health Unit and is satisfactory. Appropriate conditions have been included with regard to design of mechanical ventilation systems, and noise emissions. The proposal is considered satisfactory in this regard.

Southern setback

- (h) Concerns regarding the 1.2m setback of the building from southern property boundary, and why the building was not required to provide a 3m setback.

Response - The application has been amended to provide an increased setback from the southern cliff face and southern property boundary. The amended plans show that the building is located between 1.2m and 3.8m from the southern cliff, and between 3m and 5.4m from the southern property boundary. The building is also entirely below the cliff line in this location. Setbacks to southern adjoining properties are considered satisfactory.

Landscaping to cliff

- (i) Question regarding the detail of the proposed planting on the top of the cliff face along the eastern and southern property boundaries. Question whether meaningful landscaping could be establishing in such a constrained area, and whether it could be maintained.

Response – Indicative landscaping plans show planting along the top of the southern and eastern cliff face. Specific plant species have not been listed. Conditions have been included requiring the submission of detailed landscaping plans, including a maintenance schedule be submitted to and approved by Council's Landscape Architect. Given the constrained nature of the area, low maintenance planting will be required.

Re-notification process

- (j) Re-notification of application and submission period occurred in school holidays, making review of the proposal difficult.

Concern raised from Saint Scholastica's College that a notification letter was not received.

Response - Schedule 1 of SDCP 2012 outlines the City's notification and advertising policy. Objectives of the policy include ensuring consistency in the notification of similar applications and to facilitate the efficient processing of applications without compromising the opportunity for public participation.

In line with the policy, the application was re-notified following receipt of amended plans for a period of 14 days. Re-notification letters were sent to residents within a 75m radius of the site. Schedule 1 does include provisions for extension of notification periods over the December/January holiday period, however it is not extended to mid-year holidays in order to allow for the timely processing of applications.

Review of the property list shows that two re-notification letters were sent to the school's address (2 Avenue Road, Glebe), one to the owner and the other to the occupier. Australia Post has provided confirmation that re-notification letters were received at their business centre.

PUBLIC INTEREST

108. 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

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

RELEVANT LEGISLATION

110. The Environmental Planning and Assessment Act 1979.

CONCLUSION

111. The proposal is not inconsistent with the Stage 1 development consent, and the Harold Park LEP and DCP. Proposed minor variations to the Stage 1 consent and controls are considered to be acceptable and have been discussed throughout the report. Conditions are recommended to require design modifications, where appropriate.

112. Amendments have been made to both buildings to provide a more appropriate response to the site context, as well as to address concerns about design, bulk and amenity.

113. Subject to the recommendations within this report, the revised proposal demonstrates a design that responds to the constraints of the site and contributes to the existing and desired future character of the site.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Natasha Ridler, Senior Planner)