

ITEM 8. DEVELOPMENT APPLICATION: 511-515 BOTANY ROAD ZETLAND**FILE NO: D/2013/1947****DEVELOPMENT APPLICATION NO: D/2013/1947****SUMMARY****Date of Submission:** 13 December 2013**Applicant:** Lateral Estate Pty Ltd**Architect:** Candalepas Associates**Developer:** Lateral Estate Pty Ltd**Owner:** Korifi Pty Ltd and Petao Pty Ltd**Cost of Works:** \$79,419,120

Proposal Summary: The proposal comprises the demolition of existing structures, staged construction of 3 mixed use buildings between 3 and 9 storeys containing 308 residential apartments, 1 ground and mezzanine floor retail space, a single 2 level basement car park.

In accordance with the executed Voluntary Planning Agreement the proposal includes the construction of new roads identified as the southern and eastern portion of Hinchcliffe Street; Sonny Leonard Street; new pedestrian connection to Emanuel Lane and a shared zone.

The proposal complies with building envelopes established by the planning controls. The proposed building height complies with the maximum building height control. The proposal complies with maximum FSR controls having regard to the bonus 10% FSR that becomes available subject to satisfying design excellence/competitive design processes.

The proposal has been amended to address concerns raised from Council Officers. These amendments related to proposed road levels and the interface between ground floor apartments and adjacent public domain, solar access, acoustic and visual privacy, and GFA calculations.

- Proposal Summary:**
(continued)
- The most significant concerns identified during the assessment related to the architectural quality of the buildings. Prior to revisions being made it was not considered that the proposal satisfied provisions for design excellence.
- The proposal was recently amended with modifications to the building expression, materials and finishes that have greatly improved the visual interest and adequately addressed the earlier concerns around design excellence.
- Summary Recommendation:** The development application is recommended for approval, subject to conditions.
- Development Controls:**
- (i) Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013 (Gazetted 6 September 2013)
 - (ii) Green Square Town Centre Development Control Plan 2012 (in force on 24 April 2012, as amended)
 - (iii) State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (Gazetted 26 July 2002, as amended)
 - (iv) State Environmental Planning Policy No. 55 (Gazetted 28 August 1998, as amended)
 - (v) State Environmental Planning Policy (Infrastructure) 2007
 - (vi) State Environmental Planning Policy (BASIX) 2004 (Gazetted 25 Ju2004, as amended)
- Attachments:** A - Selected Drawings

RECOMMENDATION

It is resolved that consent be granted to Development Application No. D2013/1947, subject to the following conditions:

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2013/1947 dated 13 December 2013 and the following drawings:

Drawing Number	Architect	Date
DA-1053 Staging Plans	Candalepas Associates	22.11.13
DA-1101 Basement 2 Plan – Issue B	Candalepas Associates	01.07.14
DA-1102 Basement 1 Plan – Issue B	Candalepas Associates	01.07.14
DA-1103 Ground Floor Plan - Issue C	Candalepas Associates	29.09.14
DA-1104 Level 1 Floor Plan – Issue C	Candalepas Associates	29.09.14
DA-1105 Level 2 Floor Plan – Issue C	Candalepas Associates	29.09.14
DA-1106 Level 3 Floor Plan – Issue C	Candalepas Associates	29.09.14
DA-1107 Level 4 Floor Plan – Issue C	Candalepas Associates	29.09.14
DA-1108 Level 5 Floor Plan – Issue C	Candalepas Associates	29.09.14
DA-1109 Level 6 Floor Plan – Issue C	Candalepas Associates	29.09.14
DA-1110 Level 7 Floor Plan – Issue C	Candalepas Associates	29.09.14

Drawing Number	Architect	Date
DA-1111 Level 8 Floor Plan – Issue C	Candalepas Associates	29.09.14
DA-1112 Roof Plan – Issue C	Candalepas Associates	29.09.14
DA-1150 Planter Details – Issue C	Candalepas Associates	29.09.14
DA-1201 Section A – Issue C	Candalepas Associates	29.09.14
DA-1202 Sections B-B and C-C - Issue C	Candalepas Associates	29.09.14
DA-1301 Elevations – Issue C	Candalepas Associates	29.09.14
DA-1302 Elevations – Issue C	Candalepas Associates	29.09.14
DA-1303 Elevations – Issue C	Candalepas Associates	29.09.14
DA-1304 Elevations – Issue C	Candalepas Associates	29.09.14

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) STAGED CONSTRUCTION

- (a) The works may be carried out in stages, with the relevant conditions being satisfied prior to issue of a Construction Certificate/Occupation Certificate where specified in the conditions of consent, for each stage as detailed below:

Stage	Description
Stage 1	Demolition of existing buildings and structures, including ground slab.
Stage 2	Construction of Building B and construction of Sonny Leonard Street.

Stage	Description
Stage 3	Construction of Building A and construction of Hinchcliffe Street (half road).
Stage 4	Construction of Building C and construction of pedestrian through-site link.

- (b) In addition to the above stages, some conditions may be required to be satisfied prior to the issue of ANY Construction Certificate or Occupation Certificate.

(3) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) Landscaping and fencing details are to be submitted. The plans must minimise the height of solid walls that address the public domain.
- (b) Planter boxes are to be minimum width of 2 metres;
- (c) Details of bedroom windows fronting onto the through site link and apartments G07 and G08 are to be submitted. Information must confirm the windows are both operable and provide suitable security for occupants (via locks or transparent screens etc);
- (d) Detailed design of the operable screens to apartments 1.01, 2.01 etc in Building A are to be submitted;
- (e) Provide confirmation that the pedestrian crossing on Sonny Leonard Street will meet pedestrian warrants;
- (f) Provision of a hammerhead turning arrangement at the eastern end of Sonny Leonard Street until the construction of Paul Street is completed;
- (g) Reduce the width of the 10m wide vehicular crossing on the southern side of Sonny Leonard Street to improve pedestrian amenity;
- (h) Provision of at least 50% of the proposed bicycle storage and parking on Basement Level 1 instead of Basement Level 2. Class 2 bike storage facilities will be acceptable to reduce the need for all bicycle storage to be lockers; and
- (i) Provision of end of trip facilities for the retail/commercial tenancy. One shower and cubicle is required. The proposed shower and change area should be located below Building C.

The modifications are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate for Stage 2.

(4) MATERIALS AND SAMPLES BOARD

A materials sample board detailing all proposed finishes must be submitted to and approved by Council's Director City Planning, Development and Transport prior to a Construction Certificate being issued for Stages 2, 3 and 4.

(5) VOLUNTARY PLANNING AGREEMENT

The development must be carried out in accordance with all of the obligations referenced within the Voluntary Planning Agreement entered into by Hatbands Pty Ltd or its successors.

The terms of the planning agreement are to be complied with.

(6) BUILDING HEIGHT

(a) The height of the buildings must not exceed the following:

- (i) Building A - RL 48.67 (AHD) to the top of the building and RL 46.545 (AHD) to the parapet of the building;
- (ii) Building B - RL 39.24 (AHD) to the top of the building and RL 37.72 (AHD) to the ceiling of the fifth floor; and
- (iii) Building C - RL 46.17 (AHD) to the top of the building and RL 43.90 (AHD) to the parapet of the building.

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

(7) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the business use must not exceed 0.034:1; for the residential use must not exceed 2.33:1 calculated in accordance with Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013. For the purposes of the calculation of FSR, the Gross Floor Area of the business component is 335sqm, for the residential component is 23,191sqm, and the total Gross Floor Area is 23,526sqm.
- (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 Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(8) DESIGN QUALITY EXCELLENCE

(a) In order to ensure the design quality excellence of the development is retained:

- (i) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - (ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - (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.

(9) STRATA SUBDIVISION – DEVELOPMENT CONSENT

Any proposal for strata subdivision will require development consent and therefore the lodgement of a separate development application or complying development application and subsequent approval from Council, or an accredited certifier, of the Strata Plan – and issue of a Strata Certificate, under the *Strata Schemes (Freehold Development) Act 1973*.

(10) LAND SUBDIVISION – SEPARATE DA REQUIRED

Any proposal for land subdivision will require a separate application to Council to obtain development consent and the subsequent approval of the plan of subdivision and issue of a Subdivision Certificate under Section 109J of the *Environmental Planning and Assessment Act 1979*.

(11) USE OF COMMERCIAL TENANCY - SEPARATE DA REQUIRED

A separate development application for the fitout and use of commercial/retail tenancy must be submitted to and approved by Council prior to that fitout or use commencing, except where the fitout and use is exempt or complying development under an environmental planning instrument or development control plan.

(12) SIGNS - SEPARATE DA REQUIRED

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

(13) SYDNEY AIRPORT CORPORATION APPROVAL

An approval for the proposed height of the development shall be obtained from Sydney Airport Corporation Limited in accordance with the Civil Aviation (Building Control) Regulations 1988 prior the issue of a Construction Certificate for Stage 2.

(14) CONSTRUCTION LIASION COMMITTEE

- (a) Prior to the commencement of any work, a Construction Liaison Committee is to be established by the developer to ensure that demolition and construction related impacts (including construction noise and vibration, loading, issues associated with construction workers and vehicles, traffic issues and management of the construction site) can be dealt with expeditiously and co-operatively.
- (b) The Committee is to be comprised of interested parties representing potentially affected properties adjacent to and surrounding the site and any interested group. A nominated representative of the Council may be an observer from time to time.
- (c) The Committee shall meet prior to the commencement of works on the site and prior to the submission of the final Construction Management Plan to Council to address initial areas of concern, and then at monthly intervals or as considered appropriate by the Committee throughout the construction process.
- (d) Prior to the commencement of work, the Site Manager is to provide the members of the Committee and Council with 24 hour contact details (including location of site offices and a 24 hour phone number) to ensure that any matters which arise during the construction process are addressed immediately. The Site Manager shall be available during normal business hours to provide information to the public about activities on site and to bring any complaints to the attention of the Applicant.
- (e) A register of all complaints shall be kept by the Applicant throughout the duration of the project and shall be made available to Council Officers on request.
- (f) The Committee meetings are to be recorded/minuted and such records/minutes are to be provided to Council within 14 days of the meeting.
- (g) The first Committee meeting should establish Terms of Reference, including purpose, size and membership, quorum, meeting frequency and duration, procedures for meetings, recording/distribution of comments and outcomes and the like.
- (h) The initial call for resident/worker nominations to be sent to the adjacent and adjoining property owners and tenants must be submitted to and approved by the Director City Planning, Development and Transport prior to sending.
- (i) The Site Manager is to inform each Committee meeting about the construction program, progress reports and impending work.

(15) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the *Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013*.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from “residential accommodation” as defined in *Sydney Local Environmental Plan (Green Square town Centre – Stage 2) 2013*. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) An owner, tenant or Owners Corporation shall not permit a Building Manager or agent to advertise or organise for short term accommodation or share accommodation in the building.

(16) 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.

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

In accordance with Clause 6.5 of *Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013*, and prior to a Construction Certificate being issued, the Applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Planning or a bank guarantee in favour of The Department of Planning to the value of the required contribution has been lodged. The contribution is \$3,500,054.95 based on the in lieu monetary contribution rate for non-residential development at \$50.05 per square metre of total non-residential floor area 335sqm, and for residential development at \$150.20 per square metre of total residential floor area 23,191sqm. Contributions will be indexed in accordance with the formula set out below.

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Applicant must provide evidence that the bank guarantee referred to above has been redeemed as payment of this contribution. If the contribution is paid after the indexation period in which the consent is granted [1 March 2014 to 28 February 2015], the amount of the contribution will be indexed in accordance with the formula set out below.

Notes:**(a) Applicants have two payment options:**

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

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

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

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

- (c) Forms A, B or C for payment of the affordable housing contribution can only be obtained from the City of Sydney, 456 Kent Street Sydney. Quote the development application number and the relevant Council officer will provide the applicant with an indexed contribution amount which must be paid at the Department of Planning. To arrange payment, contact the Housing Policy Team, NSW Department of Planning on Ph: 9228 6111 or Fax: 9228 6455 to arrange a time for payment.
- (d) The contribution will be indexed on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.
- (e) Contributions at Time of Payment = $C \times \text{HPI2} / \text{HPI1}$, where:
 - (i) C is the original contribution amount as shown above;
 - (ii) HPI2 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and
 - (iii) HPI1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics that applied at the date of the consent [1 March 2014 to 28 February 2015].

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

(18) DESIGN OF WASTE FACILITIES

- (a) Clearance height for access by collection vehicles must be no less than 3.8m at any one point.
- (b) The maximum travel distance between the waste storage point and collection point for all waste and recycling receptacles shall be no more than 10 metres.
- (c) Unimpeded access shall be provided for waste collection vehicles between 6.00am and 6.00pm on collection days.

(19) 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 Stage 2 (i.e. 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 Stage 2 (i.e. 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.

(20) 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".

(21) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for demolition being granted or a Construction Certificate being issued for Stage 1, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

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

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

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;

- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

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

(22) 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 for Stage 1, 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).

(23) 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*.

(24) 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 Council prior to a Construction Certificate being issued for Stage 2 or any Construction Certificate involving 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 Green Square Town Centre Public Domain Strategy, 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, 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 for Stage 2 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.

(25) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to a Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*.
- (b) Prior to a Certificate of Completion being issued for public domain works and before the issue of any Occupation Certificate for the development or before the use commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*, including requirements for as-built documentation, certification, warranties and the defects liability period.

(26) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) Prior to a Construction Certificate being issued for Stage 2 (i.e. any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work), details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued excluding any approved preparatory, demolition or excavation works.
- (c) Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.
- (d) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued for public domain works or above ground building works, whichever is earlier, and prior to the commencement of any work within the public way.
- (e) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.

- (f) Prior to a Construction Certificate being issued for Stage 2 (i.e. any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work), a stormwater quality assessment must be undertaken and must be approved by Council.

The stormwater quality assessment must:

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

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

(27) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Traffic Management Plan must be submitted to and approved by Council prior to works commencing or a Construction Certificate being issued, whichever is earlier.

(28) 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.

(29) ALLOCATION FOR VISITOR PARKING

Visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building visitors.

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

(30) 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 units and car spaces must be assigned to the unit in any future strata subdivision of the building.

(31) ALLOCATION OF PARKING

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

Car Parking Type	Number
Residential spaces	221
Visitor spaces	21
Retail parking	7
Motorcycle parking	6 car parking spaces, allowing for 24 motorcycle spaces
Total	255

The development shall otherwise provide a minimum 4 car share spaces and a maximum 4 service vehicle spaces within the basement car park.

(32) ASSOCIATED ROADWAY COSTS

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

(33) BICYCLE PARKING AND END OF TRIP FACILITIES

The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to a Construction Certificate for Stage 2 being issued.

(34) CHANGES TO KERB SIDE PARKING RESTRICTIONS

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

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

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

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

(35) COST OF SIGNPOSTING

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

(36) INTERCOM FOR VISITORS

Where a boom gate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 4m clear of the property boundary, wired to all units. The intercom must comply with *Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23*.

(37) ON SITE LOADING AREAS AND OPERATION

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

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

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

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

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

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

(40) 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.

(41) SIGNS AT EGRESS

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

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

(42) PHYSICAL MODELS

- (a) Prior to a Construction Certificate being issued for Stage 2, an accurate 1:500 scale model of the approved development must be submitted to Council for the City Model in Town Hall House; and
- (b) Prior to a final Occupation Certificate being issued, an accurate 1:500 scale model of the development as constructed must be submitted to Council for the City Model in Town Hall House

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modelers must be consulted prior to construction of the model.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under section 96 of the *Environmental Planning and Assessment Act*) that affect the external appearance of the building.

(43) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO CONSTRUCTION CERTIFICATE AND PRIOR TO OCCUPATION CERTIFICATE

- (a) Prior to a Construction Certificate being issued for Stages 2, 3 and 4, an accurate 1:1 electronic CAD model of the detailed construction stage drawings for that stage must be submitted to Council for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:

- (i) building design above and below ground in accordance with the development consent;
- (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
- (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

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

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

(44) ELECTRICITY SUBSTATION

If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Energy Australia, prior to a Construction Certificate being issued for Stage 2 or the commencement of the use, whichever is earlier.

(45) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

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

(46) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) A Waste Management Plan is to be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate for Stage 2 being issued. The plan must comply with the Council's *Policy for Waste Minimisation in New Developments 2005*. All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- (b) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's *Policy for Waste Minimisation in New Developments 2005*, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

UPON COMPLETION OF THE DEVELOPMENT

- (c) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

SCHEDULE 1B**Prior to Construction Certification/Commencement of Work/Health and Building**

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

(47) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

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

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

Prior to the issue of a Construction Certificate for Stages 2, 3 and 4, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to class 2-9 building) and Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the satisfaction of Council (where Council is the Certifying Authority).

(49) LAND REMEDIATION

- (a) The site is to be remediated and validated in accordance with the Remediation Action Plan prepared by Environmental Investigations, Report No. E1300.1 AG, 3rd February 2014 and Interim Advice No 1 reference 14003 L01 prepared by Environmental Strategies Mr Tim Chambers NSW EPA Accredited Site Auditor (1004), 4th February 2014.

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

(50) SITE AUDIT STATEMENT

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

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

(51) HAZARDOUS AND INDUSTRIAL WASTE

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

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

(52) IMPORTED WASTE DERIVED FILL MATERIAL

The only waste derived fill material that may be received at the development site is:

- (a) Virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*);

- (b) Any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

(53) CONTAMINATED WASTE

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

(54) ASBESTOS REMOVAL WORKS

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

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

The site notice board must include the following:

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

(55) WATER POLLUTION

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

(56) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

Wastewater arising from the use must be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements should be obtained prior to the commencement of Stage 2, 3 and 4 construction works.

(57) 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.

(58) 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.

(59) 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.

(60) DEMOLITION, EXCAVATION AND CONTRUCTION NOISE MANAGEMENT PLAN

A site-specific noise management plan shall be submitted to the Council's Health and Building department for comment and written approval prior to any Construction Certificate. The Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

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

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

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

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

Such periods should where possible be set and agreed with the Council and be given at times high noise levels are, or are likely, to cause most offence.

(62) NOISE USE - GENERAL

- (a) The emission of noise associated with 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 odifying factors in accordance with Appendix 2 of the Noise Guide for Local Government published by DECCW.
 - (iii) The background noise level shall be measured in the absence of noise emitted from the use in accordance with *Australia Standard AS 1055.1-1997-Description and measurement of environmental noise*.
 - (iv) The use of the premises shall be controlled so that any emitted noise is at level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997.

Internal residential amenity

- (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 (excluding air-conditioning equipment) normally servicing the affected residence operating.

Commercial premises

- (c) 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 commercial premises provided that:
 - (i) The LAeq,15minute noise level and the LA90,15minute noise level shall both be measured with all external doors and windows of the commercial premises closed.
 - (ii) The LA90,15minute noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (including air-conditioning equipment) normally servicing the commercial premises operating.
 - (iii) The use of the premises shall be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected residence.
 - (iv) In this clause, the term "noise level emitted from the use" means the contributing noise level from the use in isolation to any other ambient noise and account must therefore be taken of the LAeq,15minute when the use is not in operation.
 - (v) In circumstances where this development application refers to a modification or addition to an existing use, the background noise level referred to in this clause pertains to the LA90, 15-minute noise level measured in the absence of all noise from the site.

(63) USE OF INTRUSIVE APPLIANCES – TIME RESTRICTION

- (a) The operation of high noise intrusive plant and machinery such as pile-drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 "Guide to Noise Control on Construction, Maintenance and Demolition Sites is restricted to the hours of:
 - (i) 9:00am -12:00pm and 1:00 pm– 4:30pm Mondays to Friday
 - (ii) 9:00am – 1:00pm on Saturdays
 - (iii) No work is permitted on Sundays or Public Holidays

- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436- 2010 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.
- (c) All reasonable and feasible steps must be taken to ensure that noise levels from activities conducted on site are kept to a minimum including the adoption of less noise intrusive plant and equipment or technologies.

(64) COMPLIANCE WITH ACOUSTIC REPORT

All recommendations contained in the Acoustic Report prepared by Acoustic Logic, project number 20130959.1, document reference 20130959.1/0711A/R2/TA revision 2, 7 November 2013 must be implemented during construction and use of the premises.

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

(65) 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.

(66) INTRUDER ALARM

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

(67) NOISE CONTROL VERIFICATION

An Acoustic Verification Report must be submitted to the Private Certifying Authority to Occupation Certificate from an accredited acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants outlining all central services mechanical plant and equipment installed within the development.

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

(68) DEWATERING

- (a) If any dewatering of the site is to be undertaken, a bore licence may be required from the NSW Office of Water (NOW) under the provisions of Part V of the Water Act 1912. The NOW licences dewatering to allow excavation for construction for a temporary period, usually 12 months.
- (b) All conditions within the NOW licence will form part of this consent.

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

(69) MECHANICAL VENTILATION

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

(70) MICROBIAL CONTROL IN WATER SYSTEMS

- (a) Prior to the issue of a Construction Certificate for Stages 2, 3 and 4 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:
- (d) 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.
- (e) 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.

(71) 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.

(72) 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.

(73) RE-USE OF ROOF RAINWATER**(a) Use**

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

(b) Installation requirements

(i) All plumbing work is to be carried out by a licensed plumber and must be carried out in accordance with AS/NZS 3500. 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:

- a. Shall be fitted with a first flush device.
- b. 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.
- c. All gutters, downpipes and associated supply pipe work must be free draining to prevent ponding of rainwater and made of suitable non-corrodible materials.
- d. Shall have an overflow device fitted to the rainwater tank which directs to the existing stormwater drainage system, and shall have a suitable drainage system fitted that facilitates flushing and cleaning.
- e. Shall have all taps and outlets marked "non-potable - not for drinking" on a permanent sign and all pipes are to be coloured 'green' in accordance with AS 1345 / AS 2700.
- f. 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.
- g. 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.
- h. 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

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' 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 from wildlife including birds.

(74) CAR PARK VENTILATION

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

(75) FUTURE FOOD USE – MECHANICAL VENTILATION PROVISION

Any mechanical exhaust systems are to be designed to be capable of accommodating exhaust requirements for any ground floor retail tenancies in accordance with relevant Australia Standards, in order to allow for the event that any of the tenancies are approved for future use as food premises or other uses, which require mechanical exhaust. Any exhaust system servicing an area where food is being cooked must discharge exhaust air at roof level.

(76) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

Prior to a Construction Certificate being issued, an archival photographic recording of the existing buildings and structures is to be prepared to Council's satisfaction. The recording may be in either digital or film-based form, or a combination of both, prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

The form of the recording is to be as follows:

- (a) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
- (b) The Development Application number must be noted on the front of the folder and in the report.
- (c) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (d) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
- (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 licence 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.

A digital based recording is to include:

- (f) CD or DVD containing the report in PDF format and the electronic images saved as JPEG, TIFF or PDF files and cross referenced to the digital catalogue sheets and base plans.

A film based recording is to include:

- (g) 35mm film images submitted as contact sheets with equivalent negatives, a selection of black and white prints 200 x 250mm, and 35mm colour transparencies, all labelled and cross-referenced to the catalogue sheets and base plans.

(77) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.

- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the Occupation Certificate
- (d) If the discovery is on Council's land, Council must be informed.

(78) ARCHAEOLOGICAL ASSESSMENT RECOMMENDATIONS

The recommendations contained within the Archaeological Assessment prepared by Artefact Heritage dated December 2013 are to be implemented prior to and during the construction process.

(79) TREE MANAGEMENT – INFORMATION REQUIRED

- (a) The applicant must obtain permission from the owners of 105-115 Portman Street to remove the three trees (numbered 18, 19 and 20 in the Arboricultural Impact Assessment prepared by UTM dated 11 November 2013) located directly adjacent to the northern boundary of the site. Written consent must be provided to the City and referred to the Tree Management Unit prior to the issuing of the Construction Certificate for Stage 2.
- (b) Alternatively if the applicant does not obtain approval from the tree owner, then the design must be amended so that excavations for the basement carpark and associated steps and northern boundary wall of the new building is located outside of the nominated Tree Protection Zones. A maximum of 10% encroachment into the TPZ will be accepted. This will prevent substantial damage from being causing to the trees and prevent the trees from being destabilised during demolition and construction works.

The amended design must be submitted to and approved by Council prior to the issuing of the Construction Certificate for Stage 2.

(80) TREES APPROVED FOR REMOVAL

The trees detailed in Table 1 below are approved for removal.

Table 1 – Trees to be removed during the development works

Tree No:	Botanical Name / Common Name	Location
1	<i>Eucalyptus microcorys</i> (Tallow Wood)	Western boundary
2	<i>Liquidambar styraciflua</i> (Liquidambar)	Western boundary
3	<i>Callistemon citrinus</i> (Bottlebrush)	Western boundary
17	<i>Robinia pseudoacacia</i> 'Frisia' (Golden Robinia)	SE corner of existing building

Reference should be made to the Arboricultural Impact Assessment Report prepared by Urban Tree Management dated 11 November 2013 for tree numbering and locations.

(81) TREES THAT MUST BE RETAINED

Approval is NOT granted for the removal of the following trees, which Council has determined to be prominent landscape elements:

Table 2 – Tree Retention

Tree No:	Botanical / Common Name	Location
4	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Southern Boundary
5	<i>Robinia pseudoacacia</i> 'Frisia' (Golden Robinia)	Southern Boundary
6 – 11	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Southern Boundary
12	<i>Robinia pseudoacacia</i> 'Frisia' (Golden Robinia)	Southern Boundary
13	<i>Eucalyptus leucoxylon</i> 'Rosea' (Yellow Gum)	Southern Boundary
15	<i>Acmena smithii</i> (Lilly Pilly)	Southern Boundary
16	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Southern Boundary
18 & 19	<i>Eucalyptus robust</i> (Swamp Mahogany)	105-115 Portman St (adj Northern Boundary)
20	<i>Eucalypts scoparia</i> (Wallangarra White Gum)	

Reference should be made to the Arboricultural Impact Assessment Report prepared by Urban Tree Management dated 11 November 2013 for tree numbering and locations.

(82) TREE PROTECTION ZONES

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

Table 3 - TPZ Schedule

Tree No	Species Name	Location	Radius (m) from Trunk
4	<i>Corymbia citriodora</i>	Southern Boundary	6.0
5	<i>Robinia pseudoacacia</i> 'Frisia'	Southern Boundary	2.0
6	<i>Corymbia citriodora</i>	Southern Boundary	3.8
7	<i>Corymbia citriodora</i>	Southern Boundary	4.8
8	<i>Corymbia citriodora</i>	Southern Boundary	5.6
9	<i>Corymbia citriodora</i>	Southern Boundary	4.2
10	<i>Corymbia citriodora</i>	Southern Boundary	5.2
11	<i>Corymbia citriodora</i>	Southern Boundary	4.8
12	<i>Robinia pseudoacacia</i> 'Frisia'	Southern Boundary	2.0

Tree No	Species Name	Location	Radius (m) from Trunk
13	<i>Eucalyptus leucoxylo</i> 'Rosea'	Southern Boundary	3.7
15	<i>Acmena smithii</i>	Southern Boundary	4.2
16	<i>Corymbia citriodora</i>	Southern Boundary	2.0
18	<i>Eucalyptus robust</i>	105-115 Portman St (adj Northern Boundary)	3.6
19	<i>Eucalyptus robust</i>	105-115 Portman St (adj Northern Boundary)	3.1
20	<i>Eucalypts scoparia</i>	105-115 Portman St (adj Northern Boundary)	4.8

(b) Each TPZ must be:

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

(c) The ground surface protection within the TPZ must be:

- (i) Protected with boarding (ie scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of 75mm and geotextile fabric.
- (ii) The protective boarding must be left in place for the duration of the construction and development.

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

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

- (v) The disposal of liquids and refuelling
- (vi) The disposal of building materials
- (vii) The sitting of offices or sheds
- (viii) Any action leading to the impact on tree health or structure
- (e) All work undertaken within or above the TPZs must be:
 - (i) Supervised by a qualified Consultant Arborist, who holds the Diploma in Horticulture (Arboriculture), Level 5 under the Australian Qualification Framework;
 - (ii) Carried out in accordance with the work methodology statement prepared by the Consultant Arborist and approved by Council's Tree Management Officer before its implementation (including, without limitation, handling and pedestrian/ machinery access).

(83) TREE ROOT PROTECTION

- (a) Excavations for the footings for the decking and dividing wall along the southern boundary must be undertaken using non-destructive methods (such as an Airspade) to ensure no tree roots greater than 40mm diameter are damaged, pruned or removed.
- (b) Footings shall be relocated / realigned if any tree root greater than 40mm in diameter is encountered during excavations. A minimum of 150mm clearance shall be provided between the tree root and footing.
- (c) Excavations for any pier and beam footings located within the Tree Protection Zone (TPZ), must be supervised by a qualified Consultant Arborist, who holds the Diploma in Horticulture (Arboriculture), Level 5 under the Australian Qualification Framework.
- (d) The consent from Council must be obtained prior to the undertaking of any root pruning greater than 40mm in diameter.
- (e) All root pruning must be undertaken by a qualified Arborist with a minimum AQF level 3

(84) SERVICES

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

(85) SITE SUPERVISION AND REPORTING

- (a) An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone in accordance with Australian Standard 4970 Protection of Trees on Development Sites. The Arborist must certify compliance with each key milestone detailed below:
 - (i) The Arborist must certify the installation of the tree protection measures to Council and the Principal Certifying Authority prior to the issuing of a construction certificate;
 - (ii) During excavation and construction of the piers / footings for the new decking and dividing walls located along the southern boundary
 - (iii) During any excavation and trenching within the Tree Protection Zone of any tree listed for retention.
 - (iv) During any Landscape works within 5 metres of the trunk of any tree listed for retention.
- (b) A monthly statement shall be submitted to Council which provides details on the health and structure of tree to be retained and protected and must include:
 - (i) Certification of compliance with each key milestone
 - (ii) Details of any other works undertaken on any tree to be retained or within TPZ/s
 - (iii) Documentary evidence of compliance with tree protection and measures (including photographs and site notes).

(86) TREE PRUNING ON PRIVATE PROPERTY

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

(87) LANDSCAPING OF THE SITE

- (a) The landscape Plan prepared by 'Sturt Noble Associates' dated 22 November 2013 is not approved.
- (b) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by the Area Planning Manager prior to a Construction Certificate being issued for Stage 2. The landscape plan must include:
 - (i) Location of existing and proposed structures on the site including existing trees (if applicable);

- (ii) Detailed designs, including construction methodology for the decking and dividing walls along the southern boundary. Details must also address how the barriers required around retained trees can be incorporated into the design of the deck through means such as integrated timber seating. The proposed metal palisade pool fencing is not an acceptable solution;
 - (iii) The tree species on Hinchcliffe Street shall be amended to *Celtis australis* (Southern Hackberry) which is consistent with the requirements of the Green Square Town Centre & Essential Infrastructure approved Development Application;
 - (iv) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (v) Location, numbers and type of plant species;
 - (vi) Details of planting procedure and maintenance; and
 - (vii) Details of drainage and watering systems.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued for each relevant stage.
- (d) Prior to a Construction Certificate being issued for Stage 2, a maintenance plan is to be submitted for approval of the Principal Certifying Authority and complied with during occupation of the property

(88) 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.

(89) 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.

(90) FLOOR LEVELS FOR BUILDINGS AND STRUCTURES

The level difference between ground floor building levels and the adjacent public footpath shall not exceed 1200mm. Detailed plans demonstrating compliance with this requirement must be submitted to and approved by Council as part of the Alignment Levels application prior to the issue of a Construction Certificate for any excavation, construction work or building work (whichever is earlier), excluding any approved preparatory or demolition work.

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, lift wells and pedestrian entry / exit points.

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 for Stage 2.

(91) NOMINATED ENGINEERING WORKS SUPERVISOR – MAJOR INFRASTRUCTURE

Prior to issue of a Road Opening Permit for works in the public domain, the developer shall give Council written notification of the appointment of either:

- (a) A Chartered Civil Engineer, with National Professional Engineering Registration (NPER 3) 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.

(92) PROTECTION OF STONE KERBS

- (a) Existing stone kerbs 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.

(93) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 4 lineal metres of concrete/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.

The guarantee must be lodged with Council prior to an approval for demolition being granted or any 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.

(94) PUBLIC DOMAIN LIGHTING

- (a) The applicant shall provide a system of underground street and pedestrian lighting along all roads, footpaths, and street closures in accordance with Ausgrid and Council standards. Prior to a Construction Certificate for public domain works or above ground building works being issued, whichever is later, a detailed Public Domain Lighting Plan for pedestrian and street lighting in the public domain must be prepared by a suitably qualified, practicing lighting engineer or lighting designer and must be submitted to and approved by Council. The Lighting Plan must be prepared in accordance with the City of Sydney's Interim Draft Sydney Lights Design Code, Sydney Streets Design Code, *Sydney Streets Technical Specification* and *Public Domain Manual* and must include the following:
- (i) Vertical and horizontal illuminance plots for the public domain lighting design to demonstrate compliance with all relevant Australian Standards and to meet the lighting categories and requirements specified by the City;
 - (ii) The location, type and category of existing and proposed lights, including details of luminaire specifications, required to ensure compliance with City policies and Australian Standards;
 - (iii) Footing locations and structural details;
 - (iv) Location and details of underground electrical reticulation, connections and conduits;
 - (v) Certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158, AS 3000 and AS4282;
 - (vi) Structural certification for footing designs by a suitably qualified, practicing engineer to certify that the design complies with City of Sydney policies and Australian Standards.
- (b) If lighting is to be fixed to adjoining buildings the above details plus details of the fixture and timing for delivery are to be included in the submission.
- (c) Temporary lighting to facilitate Staging or until adjoining developments are constructed and permanent lighting installed are to form part of the submission.
- (d) 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.

(95) ROAD NETWORK AND GEOMETRIC ROAD DESIGN

- (a) Preparation of the detailed design and construction documentation for the proposed public road system shall include all necessary liaison with and requirements of all relevant public utility authorities, Roads and Maritime Services, Council, the Local Pedestrian Cycling and Traffic Calming Committee and its nominated consultants in order to achieve design approvals and construction compliance. Written evidence of approval from relevant authorities must be submitted to Council with the road design submission.
- (b) The design and construction of all road works shall be undertaken in accordance with City of Sydney's *Green Square Town Centre Public Domain Strategy*. Detailed plans, construction details and specifications for the works shall be prepared and submitted to Council for approval prior to issue of a Construction Certificate, excluding for approved preparatory or demolition work, or before issue of an approval under Section 138 of the *Roads Act 1993* for the road and drainage, infrastructure work. The detailed plans and supporting documentation shall include as a minimum the following information;
- (i) General subdivision plan with contour details, clearly indicating the extent of work;
 - (ii) Details of existing and final site contours, levels and volumes of proposed earthworks providing confirmation that the site contours and levels will not adversely impact upon the flow of floodwater on the site.
 - (iii) Road cross sections showing road and footway widths, existing levels, design levels, cross fall grade pavement configuration, batter slopes, engineered retaining walls, kerb returns, kerb and gutter, vehicle crossovers, pedestrian ramps the location of public utility services and 900mm minimum road restoration to match smoothly into the existing road levels;
 - (iv) Plan drawing and longitudinal section showing gutter invert, kerb and boundary alignments with design grades of the existing and proposed future public road network including public utility services;
 - (v) Road design and drainage plans showing the following:
 - a. road pavement structure and design;
 - b. kerb, gutter and building alignment;
 - c. traffic management structures / measures;
 - d. traffic, pedestrian and parking signage;
 - e. details of intersections with existing roads including line-marking, pavement marking, sign-posting, swept paths for the largest expected vehicle;

- f. on-road bicycle route infrastructure and facilities;
- g. Details of design and specifications for footpaths, retaining walls, pedestrian and associated verge works,
- h. Details of structures and conduits for the provision and installation of any public utility services and any adjustment to existing services required;
- i. Geometric and hydraulic design of all stormwater drainage structures and systems including drainage swales and temporary downstream drainage, if required, and specifications and materials and details of connections into Council's public stormwater system.
- j. Drainage plans and schedule of drainage elements, showing the following:
 - i. 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;
 - ii. Details of the provision of stormwater stub connections for each Stage;
 - iii. Details and specifications for the construction of all components of the system in accordance with the *City of Sydney's Sydney Streets Technical Specification*;
 - iv. All assumptions and/or calculations made in the determination of the need or otherwise for subsurface drainage, including requirements of broader stormwater catchment analysis to undertaken beyond the site boundary;
 - v. Drainage details and longitudinal sections with hydraulic grade lines for the design storm and other standard features such as flow rates, pipe class, pipe grade and velocity;
 - vi. The location of and adjustments/upgrades to utility services as required;
 - vii. Adjustments/upgrades to utility services as required;
 - viii. Standard engineering and structural details plan;
 - ix. Erosion and sedimentation control plans;

- x. A design certification report for the road works prepared by an appropriately qualified civil engineer certifying that the design complies with the City of Sydney's policies, standards and specifications and those of all other relevant authorities as applicable. All design documentation shall be completed in accordance with the relevant standards and specifications as adopted by Council from time to time. All engineering plans and calculations shall be checked, signed and certified by a suitably qualified practicing professional engineer.
- (c) The documentation is to be fully coordinated with the Public Domain plans for the development.
- (d) The road and drainage 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.

(96) 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.

(97) ESSENTIAL INFRASTRUCTURE AND SERVICES

In principle support is given for the provision of Essential Infrastructure on the stamp approved plans including the provision of new, augmentation of existing and the removal of redundant services, road and public domain infrastructure.

Essential Infrastructure and Services must be designed and constructed in accordance with the Green Square Town Centre Public Domain Strategy, City's Sydney Streets Technical Specification and the relevant Authorities requirements. The design of the Essential Infrastructure is also to take into account any further refinement of the Essential Infrastructure DA (D/2012/1175/D) documentation undertaken by the City and as issued in approved Construction Certificates.

Public Domain Plans and Civil Documentation for the entire development site are to be submitted and approved by Council prior to approval for works being granted for any relevant Stage. The submission must clearly indicate any temporary or sacrificial work (such as temporary vehicle turning areas, public footways, stormwater lines, services, remediation areas and stormwater overland flow paths) required due to Staging.

All Essential Infrastructure and Services for each Stage are to be completed to the Council's satisfaction prior to the use commencing and the issue of any Occupation Certificate for the relevant stage.

(98) RAIN GARDENS AND LANDSCAPED VERGE

The location of the rain gardens and landscaped verges as shown on the stamped approved plans is supported in principle. Opportunities for additional rain gardens and landscaped verges are to be investigated and incorporated into the design where appropriate. Final locations and design of the raingardens and landscaped verge is to consider the following:

- (a) Crossings and driveway entrances
- (b) Sight lines
- (c) Street lights and other services
- (d) Maximum rainfall harvesting and overall stormwater management
- (e) Street tree locations
- (f) Good design practise

The design and construction of the rain gardens and landscaped verge is be undertaken in accordance with the City's Green Square Town Centre Public Domain Strategy, Sydney Streets Technical Specification and submitted concurrently with the Public Domain Plans and Essential Infrastructure Plans for approval. The submission shall include as a minimum the following information:

- (g) Detailed construction plans, drawn to scale, by suitably qualified landscape architect and engineers (as appropriate).
 - (i) Details of proposed levels and site grading including temporary surface treatments (if applicable);
 - (ii) Details of bio filtration and soil material;
 - (iii) Location, numbers and type of plant species;
 - (iv) Details of drainage systems including subsoil drainage.
- (h) Prior to the issue of a Construction Certificate, a maintenance plan addressing the Council's operational capabilities is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during the specified maintenance and defects liability periods.
- (i) All works in the approved plan is to be completed prior to any Occupation Certificate being issued for the relevant Stage.

(99) ASSOCIATED ESSENTIAL INFRASTRUCTURE COSTS

All costs associated with the construction of any new or temporary Essential Infrastructure works road works including kerb and gutter, road pavement, drainage system, footway, services, vehicle turning movements, remediation, landscaping and similar shall be borne by the developer.

(100) TRAFFIC CALMING

Any traffic calming measures required as a result of an approved area wide traffic calming plan under the Essential Infrastructure DA must be designed in accordance with the City's Sydney Streets technical specification and submitted concurrently with the Public Domain Plans and Essential Infrastructure Plans for approval.

(101) TEMPORARY TURNING AREAS

Any road which is constructed and dedicated as a dead end street, as a result of the staged delivery of the site, must provide a temporary vehicle turning area.

Details of the vehicle turning must be submitted with the detailed design of the affected road.

All temporary turning areas must be designed to accommodate a Council waste collection vehicle as a minimum.

The vehicle turning area must remain until the relevant subsequent stages are complete and the turning area is no longer required.

(102) DRAINAGE SYSTEM DESIGN

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

- (a) The drainage systems convey flood waters up to and including the 1 in 100 year ARI and flows safely to downstream trunk drainage system. 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 spaces to capture or divert overland flows must meet safety requirements in (a) above.

(103) TEMPORARY DRAINAGE CONNECTION

- (a) An easement for stormwater drainage is to be created over the temporary connection through Building 11C to Botany Road.
- (b) The temporary drainage connection and associated drainage easement through Building 11C is to be removed once the adjoining stormwater drainage network along Hinchcliffe St and Geddes Ave is constructed and the stormwater can be diverted to this system.

- (c) The cost of removing or capping off the temporary connection shall be borne by the developer.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(104) OCCUPATION CERTIFICATE TO BE SUBMITTED

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

(105) 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*.

(106) FIRE SAFETY CERTIFICATE TO BE SUBMITTED

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

(107) ANNUAL FIRE SAFETY STATEMENT FORM

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

(108) BASIX

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

(109) 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.

(110) 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.

(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.

(115) 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.

(116) 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.

(117) NOTICE TO PCA REGARDING RECYCLED WATER CONNECTION

A compliance certificate issued by Green Square Water shall be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

(118) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(119) ENCROACHMENTS – PUBLIC WAY

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

(120) 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.

SCHEDULE 2

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

SCHEDULE 3

Terms of Approval

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

NSW Office of Water General Terms of Approval**General**

- (1) An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
- (2) The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provisions for unforeseen high water table elevations to prevent potential future inundation.
- (3) Construction methods and material used in and for construction shall not cause pollution of the groundwater.

Prior to excavation

- (4) Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken and a report provided to the NSW Office of Water. A schedule and indicative plans of the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.
- (5) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the calculation method shall be included in the report.
- (6) A copy of a valid development consent for the project shall be provided to the NSW Office of Water.
- (7) Groundwater quality testing shall be conducted and a report supplied to the NSW Office of Water. Samples must be taken prior to the commencement of pumping, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
- (8) The method of disposal of pumped water shall be nominated (ie. street drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (tailwater) must comply with the provisions of the *Protection of the Environmental Operations Act 1997* and any requirements of the relevant controlling authority.

- (9) Contaminated groundwater shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

- (10) Piping or other structures used in the management of pumped groundwater (tailwater) shall not create a flooding hazard. Control of pumped groundwater (tailwater) is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
- (11) Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.
- (12) Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulphate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
- (13) The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.
- (14) Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety precautions.

Following excavation

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

BACKGROUND

The Site and Surrounding Development

1. The site comprises 511-515 Botany Road, Zetland and is located on the eastern side of Botany Road with a secondary frontage to Tosh Lane. The site is situated at the south-western corner of the future Green Square Town Centre.
2. The site is irregular in shape and has an area of approximately 9,951sqm. Its frontages to Botany Road and Tosh Lane measure 18.87m and 156.5m, respectively. The site has a splayed boundary to a future road extension to be known as Paul Street (the future northern extension of Dunning Avenue) to the east and is dissected from east to west by future road to be known as Sonny Leonard Street.
3. The site is currently occupied by a two storey masonry warehouse/office building with at grade car parking.
4. Surrounding developments are a mix of industrial and residential uses including the Waverley Council depot to the north and east, residential terraces fronting Hansard Street to the south and industrial uses to the west along Botany Road. Immediately to the south of the site, fronting Botany Road, is a masonry two storey commercial building.
5. The site is not a heritage item and is not within a conservation area. However, the properties located to the south of the site fronting Hansard Street are located within the Hansard Street Conservation Area (Conservation Area No. C72). Of the 23 terrace dwellings, three of the terraces are heritage items (Nos. 10, 12 and 24).
6. The area surrounding the site is set to undergo significant transformation over the next 5-15 years as the development of the Green Square Town Centre takes shape. The town centre covers an area of 13.74 hectares and comprises 15 allotments, including several large lots owned by State and local public authorities. These 15 allotments have been earmarked for 19 development sites within the applicable planning controls. The subject site is identified as "Development Sites 11A, 11B and 11C. The site is one of the southern-most development sites and forms a part of the southern boundary of the town centre.
7. The site area inclusive of land to be dedicated for roads is approximately 9,951m². Sites 11A, 11B and 11C have a combined developable area of approximately 7,546m².
8. A site visit was carried out on 1 April 2014.
9. Photos of the site and surrounds are provided below:



Figure 1: Aerial image of subject site and surrounding Green Square Town Centre area



Figure 2: View of site from Botany Road looking east



Figure 3: Existing buildings on site



Figure 4: Existing buildings on site (viewed from south-eastern boundary)



Figure 5: View of existing southern boundary (looking east along Tosh Lane)



Figure 6: View of Hansard Street terraces from Tosh Lane

PROPOSAL

10. The proposal comprises the demolition of existing structures and staged construction of three buildings between 3 to 9 storeys on development sites 11A, 11B and 11C. The proposed use includes mixed residential and commercial comprising 308 residential apartments, 335m² of retail space, a 2 level combined basement car park with 225 car spaces, 24 motorcycle spaces, 353 bicycle parking, storage and servicing for the whole site. The proposal also seeks approval to construct new public roads being Sonny Leonard Street, the southern end of Hinchcliffe Street, and construction of a pedestrian connection to Emmanuel Lane.
 - (a) **Building A (Development Site 11A)**
 - (i) a part 8 and part 9 storey residential flat building comprising 168 apartments;
 - (ii) through site link between Sonny Leonard Street and Development Site 9B to the north; and
 - (iii) deep soil planting adjacent to northern boundary and landscaping adjacent to ground floor apartments.
 - (b) **Building B (Development Site 11B)**
 - (i) a part 3 and part 6 storey residential flat building comprising 118 apartments;
 - (ii) vehicular access to basement car park via Sonny Leonard Street;
 - (iii) retention of existing masonry boundary fence fronting Tosh Lane, except for partial demolition to provide pedestrian connection to Emanuel Lane; and
 - (iv) deep soil planting and retention of 13 existing trees along adjacent to the southern boundary, and landscaping adjacent to ground floor apartments.
 - (c) **Building C (Development Site 11C)**
 - (i) a part 6 and part 8 storey mixed use building comprising 22 units and 1 retail space occupying the ground and mezzanine floor; and
 - (ii) construction of a temporary vehicular access from Botany Road to Sonny Leonard Street.
11. Removal of four existing trees located within the new shared zone between Buildings B and C and within the approved building footprint for Building B.
12. The proposed delivery of the project is to be carried out in 4 stages comprising the following:
 - (a) Stage 1 – Demolition;
 - (b) Stage 2 – shoring, remediation and construction of Building B including basement, and construction of Sonny Leonard Street;

- (c) Stage 3 – shoring, remediation and construction of Building A including basement, and partial construction of Hinchcliffe Street; and
 - (d) Stage 4 – shoring, remediation and construction of Building C including basement, construction of pedestrian connection to Emanuel Lane.
13. The proposal was modified on two occasions as a result of Council officer assessment and discussions with the applicant and their architect. Amended plans were submitted in May 2014 and again in September 2014. The amendments are discussed in more detail on the following pages.
14. Plans and elevations of the proposal are provided in **Attachment A**.

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

15. History relating to relevant planning controls:
- (a) The South Sydney Local Environmental Plan 1998 was amended in December 2006 to give effect to amended Green Square Town Centre zones and planning controls. The zoning and development controls guided planning and both public and private investment within the town centre for several years.
 - (b) On 13 September 2013, the Green Square Town Centre LEP 2013 was gazetted for three parcels of land within the Green Square Town Centre known as 355 Botany Road, 377-497 Botany Road and 956-960 Bourke Street. The land identified in the LEP includes land for the Green Square Library and Plaza. When the LEP was gazetted, planning controls for the site became “un-deferred” with the execution of a Voluntary Planning Agreement (VPA) between Green Square Consortium Pty Ltd and Council. The VPA secured a range of public benefits including the following:
 - (i) remediation of land, dedication of land for future public roads, public plaza and pedestrian colonnades;
 - (ii) works in kind for the construction of future roads, footpaths and public domain;
 - (iii) monetary contribution for infrastructure and services within the town centre; and
 - (iv) future connections to Council’s Green Infrastructure.
16. On 6 September 2013, the Green Square Town Centre (Stage 2) LEP 2013 was gazetted un-deferring planning controls for the subject site along with the site at 509-511 Botany Road and the City West affordable housing site at 130 Portman Street.
17. On 31 July 2013, a VPA between Hatbands and Council was executed to secure public benefits including the following:
- (a) monetary contribution and works in kind for the construction of roads, footpath and public domain;
 - (b) land dedication for through site link and pedestrian connection;

- (c) remediation of lands to be used for roads and public domain; and
 - (d) connection to Council's Green Infrastructure.
18. History relating to other DAs in the Green Square Town Centre:
- (a) D/2012/1175 – Provision of essential infrastructure for the Green Square Town Centre, including demolition of minor structures, tree removal, construction of new roads and associated infrastructure, concept landscaping and streetscape design and provision of above and below ground services (including stormwater, sewer, water, electricity and telecommunications) was approved by the Central Sydney Planning Committee (CSPC) on 8 March 2013).
 - (b) D/2012/1056 – Stage 1 DA for building envelopes for 301-303 Botany Road, the former “John Newell Mazda” site (also known as Development Site 6) was approved by the CSPC on 21 February 2013). A competitive design process has been carried out for the site, with a Section 96 modification currently being assessed by Council Officers. A Stage 2 DA will be lodged in due course.
 - (c) D/2013/1406 – Construction of a 9 storey affordable housing development by City West Housing comprising 104 apartments at 130 Portman Street (Development Site 13C) was approved by Council on 9 December 2013.
 - (d) D/2013/1423 – Construction of a 10 storey mixed use development including a basement car park for 138 vehicles, ground floor retail and 174 residential apartments at 335 Botany Road (Development Site 16A and 16B) was approved by the CSPC on 3 April 2014.
 - (e) D/2014/1084 – Construction of the Green Square Town Centre Library and Plaza at 377-497 Botany Road comprising a single storey underground structure with a triangular entry at ground level, sunken amphitheatre and a seven storey tower. The proposal also includes public domain improvement works such as a public plaza, shared access zone, signage and public art. The proposal is currently being assessed.
19. History relating to the subject DA:
- (a) A pre-DA meeting was held with the Applicant on 20 April 2011 to discuss the status of Planning Proposals relating to the Town Centre and the subject site. Council Officers recommended that pre-DA discussions relating to design matters should be delayed until the exhibition of the Planning Proposal for the Town Centre and a Planning Agreement un-deferring the planning controls for the site.
 - (b) Pre-DA advice relating to provision of a temporary access road and waste collection was provided to the Applicant between August and September 2011.
 - (c) The Green Square Town Centre LEP (Stage 2) was gazetted on 6 September 2013. The subject Development Application was lodged on 13 December 2013.

- (d) On 12 May 2014, Council officers wrote to the applicant identifying a number of design issues that warranted amendments and clarifications. The major issues raised include the following:
- (i) design quality and articulation of external facades.
 - (ii) proposed road levels are higher than the City's adopted road levels particularly for Sonny Leonard Street and Hinchcliffe Street. The proposal will affect the overall gradient and design levels for the Green Square Town Centre.
 - (iii) the finished floor levels of ground floor apartments are approximately 2.3m above the adjacent road level. The difference in levels results in a lack of street address and limits opportunities for activation.
 - (iv) insufficient building setbacks for both Building 11A and Building 11B; and
 - (v) the design of stormwater drainage and overland flow should be designed so all future stormwater drainage connects to the City's future drainage system.
20. Council officers met with the Applicant on several occasions to discuss matters relating to proposed road levels, stormwater design and design excellence. The applicant confirmed that the proposal was able to be amended to match the City's design levels for new roads and design solutions would satisfy stormwater management requirements. The applicant also agreed to modify the proposal to incorporate higher quality design and materials to address the City's design excellence provisions.
21. The proposal has been further amended as follows:
- (a) The building expression and materials have been modified to ensure appropriate quality is proposed. There is a greater diversity of materials and less reliance on painted off form concrete in the revised scheme. The design now reflects the concepts proposed in the early stages of the competitive design process and is discussed in more detail in the issues section of this report;
 - (b) Road levels have been reduced to reflect the Council approved design levels;
 - (c) Finished floor levels of ground floor apartments have been lowered to minimum freeboard levels;
 - (d) 3m x 3m champered setbacks at ground level fronting Hinchcliffe Street, Sonny Leonard Street and Paul Street;
 - (e) Modify window openings to ground floor apartments and introduce planter boxes to create a buffer between the windows and common corridor areas to improve privacy;
 - (f) Reconfigured seven apartments to increase total number of units that achieve minimum solar access requirements;

- (g) Lightwell to Building C has been widened to 3 metres and east facing apartments have been reconfigured to improve amenity;
- (h) Increase height of balustrade and roof overhang to upper level south facing open corridor to Building B to improve weather protection;
- (i) Revised GFA calculations have resulted in a reduction in total GFA down to 23,526m². The original proposal had a GFA of 23,644m². The proposed FSR has reduced slightly as a result and is now 2.36:1; and
- (j) A reduction in the height of solid walls fronting public streets and the incorporation of open balustrades.

22. Selected elevations of the revised design are shown on the following pages.

Amended proposal (selected elevations)



Figure 7: Building A south elevation (view from Future Sonny Leonard Street)



Figure 8: Building A north elevation (view from adjoining site)



Figure 9: Buildings A & B west elevation (view from Future Hinchcliffe Street)

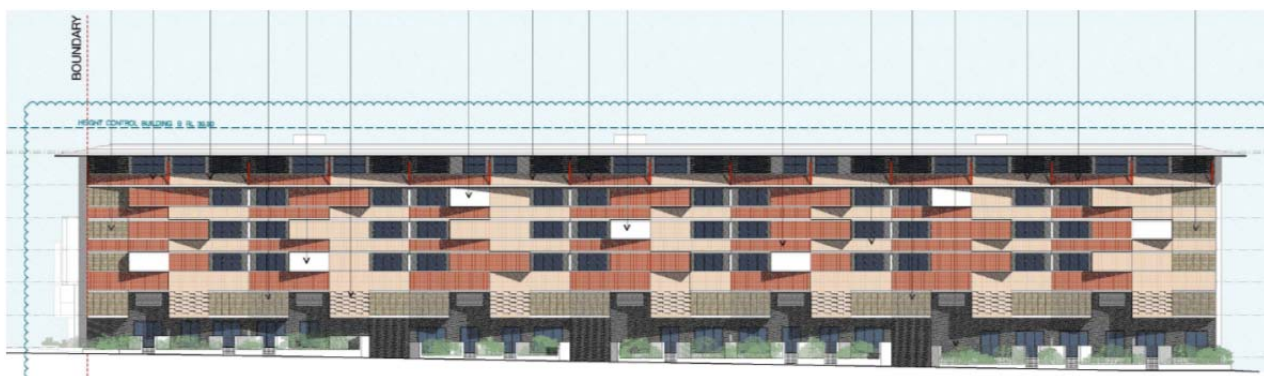


Figure 10: Building B north elevation (view from Future Sonny Leonard Street)

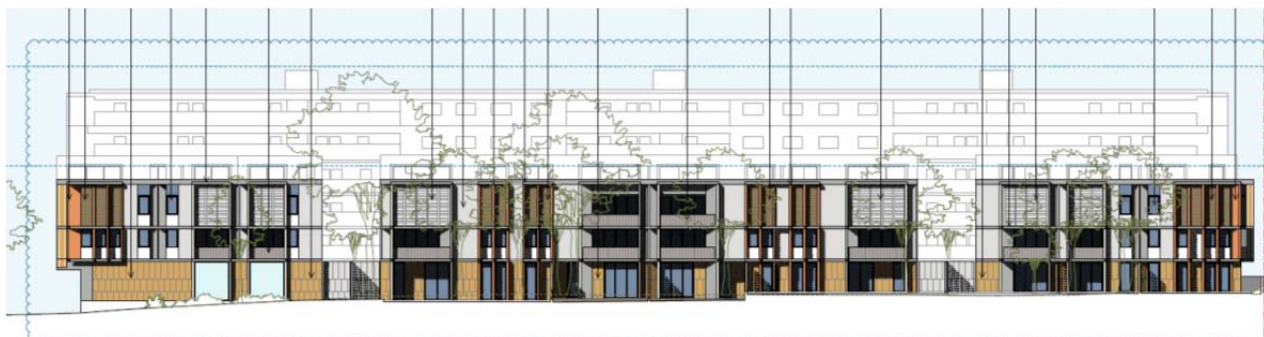


Figure 11: Building B south elevation (view from Tosh Lane)

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

23. The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
- (a) Environmental Planning Instruments and DCPs.

State Environmental Planning Policy No 55—Remediation of Land

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. An Environmental Site Assessment Report was submitted with the development application. It has been identified that given the historical commercial/industrial uses on the site there is potential for ground water contamination. Council officers requested the submission of a Remediation Action Plan or letter of Interim Advice certifying that the site is capable of being made suitable for the proposed use following remediation works.
26. A Remediation Action Plan and Interim Advice prepared by a NSW EPA Accredited Site Auditor were submitted to Council on 7 February 2014. The information was reviewed by the City's Health Unit and is considered satisfactory, as the site can be made suitable for the proposed use subject to remediation works.

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

27. 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**

The site is located within the Green Square Town Centre and is within close proximity to Green Square railway station and bus routes along Botany Road. The proposal contributes to the vitality of the Green Square Town Centre and the broader redevelopment area. It is within the Mixed Use zone and is consistent with the objectives of the LEP and GSTC DCP.

- (b) **Principle 2: Scale**

The scale of the area is currently in transition from industrial and warehouse uses to a mixed use town centre. The scale of the proposed buildings is generally consistent with the planning controls for the site and will contribute to the desired future character of the Green Square Town Centre.

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

Design Excellence – The revised design of the buildings has incorporated optimal vertical and horizontal proportions and use of varied materials and finishes to provide high quality façade treatments that reduces building bulk.

The proposed buildings provide separation distances in accordance with the RDFC and maximises opportunities for appropriate building massing, landscaping and residential amenity.

- (d) **Principle 4: Density**

The proposal is generally consistent with the future desired density for the Green Square Town Centre and will contribute to housing mix in the neighbourhood. The Green Square Town Centre will be an urban centre well serviced by public transport, infrastructure, community facilities to enhance residential amenity for future occupants.

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

The proposal incorporates environmentally sustainable design including natural ventilation and solar access to apartments, deep soil planting, and installation of water and energy efficient appliances. A BASIX Certificate has been submitted with the proposal indicating a commitment to achieving environmentally sustainable outcomes.

(f) **Principle 6:** Landscape

The landscape design includes the retention of significant existing trees along the southern boundary, planting of indigenous plants, new street trees and deep soil planting. The amended proposal has included additional plantings within common circulation areas of the buildings to enhance residential amenity.

(g) **Principle 7:** Amenity

The proposal achieves compliance with the requirements for apartment layouts and amenity, particularly in regard to minimum unit sizes, cross ventilation, apartment depths, storage, private open space and accessibility. Solar access is provided to 66% of proposed apartments for 2 hours between 9.00am and 3.00pm in midwinter. The proposal falls short of the minimum requirement that 70% of all units receive adequate solar access. Refer to the Issues section.

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

The proposal comprises a retail tenancy on the ground level fronting Botany Road that will contribute to the street activation and is consistent with planning controls. The amended proposal has lowered the finished floor level of ground floor apartments, lowered the height of front fences and provides direct street access from some ground floor apartments. The proposal encourages passive surveillance between public and private domains.

(i) **Principle 9:** Social Dimensions and Housing Affordability

The proposal comprises the following apartment mix:

Unit Type	Total No. Units	Percentage
Studio	3	1%
1 Bedroom Unit	130	42.2%
2 Bedroom Unit	129	41.9%
2 Bedroom dual key Unit	17	5.5%
3 Bedroom Unit	29	9.4%
	308	100%

The proposal complies with the flexible housing mix permitted under the GSTC DCP and also provides 61 adaptable apartments (20% of total apartments). The proposed apartment mix is considered acceptable and satisfies the objectives to cater for a range of housing demands in the GSTC DCP.

(j) **Principle 10: Aesthetics**

The proposed building articulation and the revised selection of materials and finishes display high design quality.

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

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

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

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

31. 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.
32. The proposed development of the site is consistent with the aims and objectives of SEPP.

Sydney LEP (Green Square Town Centre – Stage 2) 2012

33. The site is located within the B4 – Mixed Use zone. The proposed use is defined as a mixed use development comprising retail premises and residential accommodation, and is permissible.
34. The relevant matters to be considered under Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2012 for the proposed development are outlined below.

Compliance Table		
Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	<p>The maximum permitted height of buildings is as follows:</p> <p>Building 11A – RL48.7 Building 11B – RL30.7 to RL39.9 Building 11C – RL47.2</p> <p>The proposed building heights are: Building 11A – RL48.67 Building 11B – RL31.36 to RL39.24 Building 11C – RL46.17</p>
4.4 Floor Space Ratio	Yes	<p>A maximum FSR of 2.16:1 is permitted.</p> <p>A maximum bonus of 10% additional floor space (FSR 2.376:1) is permitted, subject to implementation of a competitive design process and the proposal exhibits design excellence.</p> <p>A FSR of 2.36:1 is proposed, relying on the bonus 10% additional floor space.</p> <p>Design excellence is discussed in the Issues section of this report.</p>
5.9 Preservation of trees or vegetation	Yes	<p>The proposal includes the retention of existing trees along the southern boundary and removal of 4 trees within the site.</p> <p>Council's Tree Management Unit raises no objection to the proposed tree removal. Recommendations have been made relating to tree protection measures to ensure excavation, demolition and construction works will not have any adverse impact on tree survival. Refer to discussion under the heading Issues.</p>
5.10 Heritage conservation	Yes	<p>The site is adjacent to a heritage conservation area. Council's Heritage Specialist has reviewed the heritage impact of the proposal and finds the proposal acceptable.</p>

Compliance Table		
Development Control	Compliance	Comment
Part 6 Additional local provisions		
6.6 Active street frontages	Yes	The proposal provides ground floor retail space fronting Botany Road which satisfies active street frontage requirements.
6.8 Car parking ancillary to other development	Yes	The maximum permitted car parking spaces is 255. The amended proposed provides 254 car parking spaces in the basement car park and complies.
6.9 Design excellence	Yes	See discussion of revised proposal under the heading Issues.
6.10 Essential Services	Yes	Essential services in accordance with the requirements of this provision will be available for the development.

Green Square Town Centre DCP 2012

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

1. General Provisions		
Development Control	Compliance	Comment
1.4 Objectives	Yes	The objectives for development of the Green Square Town Centre include creation of a model example of sustainable urban renewal with designs that demonstrate design excellence and contextual appropriateness. The proposal satisfies the key objectives of the DCP as the revised design will contribute to the high quality design of buildings sought for the town centre.
2 Desired future character	Yes	The proposed mix use development and public domain works will contribute to the establishment of Green Square Town Centre as a major urban centre.

1. General Provisions		
Development Control	Compliance	Comment
3.3 Street network	Yes	<p>The proposed extension of the pedestrian connection from Emanuel Lane to Sonny Leonard Street and the through site link from Sonny Leonard Street to Geddes Avenue via Development Site 11A and 9B are generally consistent with the DCP.</p> <p>The proposed temporary vehicular access point via Botany Road is consistent with the identified access under the DCP and will facilitate staging of construction works.</p>
3.4 Flooding and Stormwater management	Yes	Council's Flooding Engineer has determined that the proposal is satisfactory in relation to flooding.
4.1 Location of desired activities	Yes	The proposal complies with the desired location of the mix of retail, commercial and residential uses.
4.2 Retail uses	Yes	The proposed retail tenancy fronting Botany Road is consistent with the desired land uses identified under the DCP and will contribute to the overall retail floor space provided in the Green Square Town Centre.
4.3 Active frontages	Yes	The site is located on a nominated active frontage street under the DCP. These identified street frontages are to encourage activity, safety and natural surveillance of the public domain. The proposed ground floor retail tenancy has been designed to provide activation along Botany Road.
6.1 Competitive design process	Yes	<p>In accordance with the provisions of the Sydney LEP (Green Square Town Centre – Stage 2) 2012, a competitive design process was undertaken by the developer and an additional floor space of 10% is being sought.</p> <p>The revised proposal achieves the intent for high quality architectural outcomes for buildings in the Green Square Town Centre.</p>

1. General Provisions		
Development Control	Compliance	Comment
6.2 Design and architectural diversity	Yes/No	<p>Buildings A and B are greater than 45m in length. However they have been designed with visually distinctive vertical articulation particularly on the Sonny Leonard Street elevations.</p> <p>The proposed buildings vary in architectural expression and comply with the provisions under the DCP.</p>
6.3 Building Layout	Yes	<p>The DCP identifies appropriate locations for buildings within development sites. The proposed building envelopes are generally consistent with principles for buildings to address the street.</p>
6.4 Height in storeys and street frontage	Yes	<p>The proposed buildings do not exceed the maximum permitted height in storeys for development sites 11A and 11C.</p> <p>The southern portion of Building 11B has a stepped 3 and 4 storey façade. The 3 storey portion is closest to Tosh Lane and has a parapet height of RL29.3 which complies with the height control. The 4 storey portion of the building is setback 8 metres from the southern boundary and is located within the transitional zone between the 3 and 6 storey height control. The 4 storey portion of the building will not result in any additional visual bulk or amenity impacts on properties to the south.</p>
6.5 Building alignments and setbacks	Yes	<p>Ground and first floor residential street setbacks are consistent with the DCP. T</p> <p>The amended proposal has reduced ground floor levels of Buildings 11A and 11B, reflecting the lowering of road levels in accordance with Council's approved road levels.</p> <p>The topography of the site and proposed roads results in certain areas of the proposed buildings having a ground level greater than 1.2m above the adjacent public domain.</p>

1. General Provisions		
Development Control	Compliance	Comment
		<p>The amended proposal has reduced the overall height of solid fencing fronting the public domain and introduced open balustrades in some areas.</p> <p>The amended proposal has incorporated chamfered setbacks in accordance with the DCP.</p>
6.6 Roof form	Yes	Proposed plant and lift overruns are located centrally on the roof of Buildings A, B and C and do not exceed the maximum permitted height control.
6.8 Flexible housing and dwelling mix	Yes	The proposed dwelling mix is generally consistent with the range of dwellings required under the DCP. In addition, the proposal includes 2 bedroom dual key apartments which contribute to the availability of housing choice within the Green Square Town Centre and the broader neighbourhood.
6.9 Adaptable dwelling mix	Yes	A total of 61 apartments are provided as adaptable dwellings. The proposal achieves the required 20% adaptable dwelling mix.
6.10 Amenity	No	<p>The proposal does not provide at least 3 hours of direct solar access to living rooms and private open space of 70% of apartments as required under the RFDC (the RFDC notes that 2 hours is acceptable in dense urban areas).</p> <p>The DCP requires 2 hours of solar access between 9.00am and 3.00pm in midwinter to 70% of apartments. The revised proposal provides 66%. Refer to Issues section.</p> <p>Apartment depths range between 8m and 13m with single aspect apartments generally consistent with the maximum 8m recommended in the RFDC. Natural ventilation is provided to 88% of apartments and is acceptable.</p>

1. General Provisions		
Development Control	Compliance	Comment
6.10 Amenity (continued)	No	<p>The amended proposal has increased the width of the light wells on the northern and southern elevations of Building 11C to improve separation between window openings of adjacent apartments.</p> <p>The layout and orientation of apartments generally provide adequate privacy for future occupants. The amenity of ground floor apartments with window openings to common circulation areas is discussed in the Issues section.</p> <p>The proposal provides satisfactory access to all apartments and communal areas.</p> <p>Safety, security, landscaping, communal open space matters have been addressed in the SEPP 65 assessment above and Issues section.</p>
8.1 Ecologically sustainable development	Yes	The proposal is accompanied by a BASIX Certificate outlining sustainability measures to be incorporated into the development.
8.2 Energy	Yes	An appropriate condition has been recommended with regard to ensuring that sufficient electrical infrastructure is provided to the development.
8.3 Materials	Yes	The proposed materials are considered to be suitably durable and adaptable in accordance with this part.
8.4 Waste	Yes	<p>Waste storage and collection for garbage and recycling are accommodated within the basement car park.</p> <p>A condition requiring the submission of a waste management plan for approval has been recommended.</p>

1. General Provisions		
Development Control	Compliance	Comment
8.5 Water	Yes	The proposal will connect to the recycled water scheme operating throughout the GSTC. Conditions of consent have been recommended. WSUD measures will be incorporated into the storm water design.
8.6 Biodiversity	Yes	The proposal seeks to retain existing trees located along the southern boundary of the site. Trees located on adjacent sites but immediately adjacent to the site boundary are proposed to be retained. New plantings are proposed within the public domain and within private landscaped areas.
8.7 Tree management	Yes	Council's Tree Management Unit is satisfied that the proposed removal and retention of trees within the site, subject to recommended conditions relating to tree protection.
9 Social sustainability and impact	Yes	The proposal contributes to social sustainability requirements by contributing to the public domain within the Green Square Town Centre with pedestrian connections and through site links and provision of a range of housing types including adaptable housing. A condition has also been recommended to require contributions for affordable housing.
10.1 Managing transport demand	Yes	A Traffic and Parking Report has been prepared and submitted as part of this application to address traffic impacts arising from the proposed development. The proposal satisfies the relevant provisions for managing vehicular, bicycle and pedestrian traffic demands within the town centre.
10.3 Vehicle parking	Yes	The proposal complies with the maximum parking requirements for the site.

1. General Provisions		
Development Control	Compliance	Comment
10.4 Vehicle access and footpaths	Yes	<p>The proposed vehicular access point between Blocks 11C and 11B is consistent with the DCP controls. The proposal does not seek to provide a separate vehicular access point between Blocks 10A and 11A which is permissible under the DCP.</p> <p>The design of the integrated basement with a single vehicular access point will not have any significant impact on vehicular and pedestrian traffic through the site or the town centre.</p>

ISSUES

Design Competition History

36. In accordance with the design excellence provisions of the Sydney LEP (Green Square Town Centre – Stage 2) 2013 and the City of Sydney Competitive Design Policy, a competitive design process was undertaken by the proponent.
37. In May 2013, three participating architects were invited to present proposed designs to the jury. On 12 November 2013, the Jury selected the two preferred schemes prepared by Candelapas Associates and Tony Caro Architects. The architects were provided with a list of design issues to be addressed in further detailed design development.
38. The issues identified by the Jury in regard to the proposal prepared by Candelapas Associates included the following:
 - *Take into consideration the conversation areas of Hansard Street and reduce the bulk of the building facing Tosh Lane.*
 - *Consider introducing and or increasing the gaps in the building facing Tosh Lane.*
 - *Maintain the construction budget of \$66,000,000 with a yield of 300 units with consideration as follows: -*
 - *Use of external precast*
 - *Introduce colour and paint to precast elements*
 - *Alternatives to timber shutters and screening*
 - *Larger apertures to site 11B north facing units*
 - *Consideration of preliminary construction costs i.e. scaffolding*
 - *Alternatives to the Hume culvert pipes to the book ends of the development*

- Review the appropriateness of south facing three bedroom apartments as these are more likely to contain families who generally spend the most amount of the time in their apartment
 - Introduce private open space to the Lane with courtyard gates
 - Comply with the Public Domain Plan annexed to the brief. (tree positions)
 - Provide a carpark plan to enable the requirements of Council Waste Management Policy for garbage trucks entering the basement
39. The issues identified by the Jury in regard to the proposal prepared by Tony Caro Architects included the following:
- Consideration of the Briefs yield of approximate 300 units must be achieved. Dual Keys are not considered 2 units
 - Consider privacy from the communal and private open space terraces facing the Hansard Street Conservation area. (Tosh Lane)
 - Provide RL heights on your drawings to review compliance with the LEP/DCP controls including drafts
 - Achieve the brief requirements of 10% 3 bedroom units
 - Achieve the unit internal areas as noted within the brief. (i.e. 3 bedroom units of 95-100m²)
 - Comply with the VPA Public Domain plan where temporary access is required at the base of building 11C. (refer attached)
 - Take into consideration the conversation areas of Hansard Street and reduce the bulk of the building facing Tosh Lane



Figure 12: Re-submitted scheme to address jury issues (Building A – southern elevation)



Figure 13: Re-submitted scheme to address jury issues (Building B – northern elevation)



Figure 14: Re-submitted scheme to address jury issues (Buildings A and B – western elevation)

40. On 4 July 2013, the Jury reviewed the amended schemes and selected the winning proposal designed by Candelapas Associates.

DESIGN EXCELLENCE AND 10% ADDITIONAL FLOOR SPACE

41. In accordance with Clause 6.9(7) of the LEP, the applicant has carried out an architectural design competition and seeks approval for an additional 10% of floor space above the maximum permitted floor space ratio. Additional floor space can be granted by Council, subject to the proposal achieving the objectives and provisions for design excellence.
42. On 14 August 2014, Council officers met with the applicant and architect to discuss the City's concerns that the submitted proposal did not demonstrate high quality design that achieves architectural diversity and interest.
43. Although the applicant undertook a competitive design process to seek the award of 10% additional floor space permissible under Clause 6.5 of the LEP and Section 6.1 of the DCP, concern was raised that the matters provided by the Jury to the participating architects resulted in amended schemes that reduced the refinement of originally submitted competition proposals.
44. The scheme as originally submitted did not fully achieve the objectives and provisions for design excellence and therefore the award of additional floor space could not be supported without revisions to the scheme.



Figure 15: Original DA submission (Building A – southern elevation)



Figure 16: Revised Building A south elevation (view from Future Sonny Leonard Street)



Figure 17: Original DA submission (Building B – northern elevation)

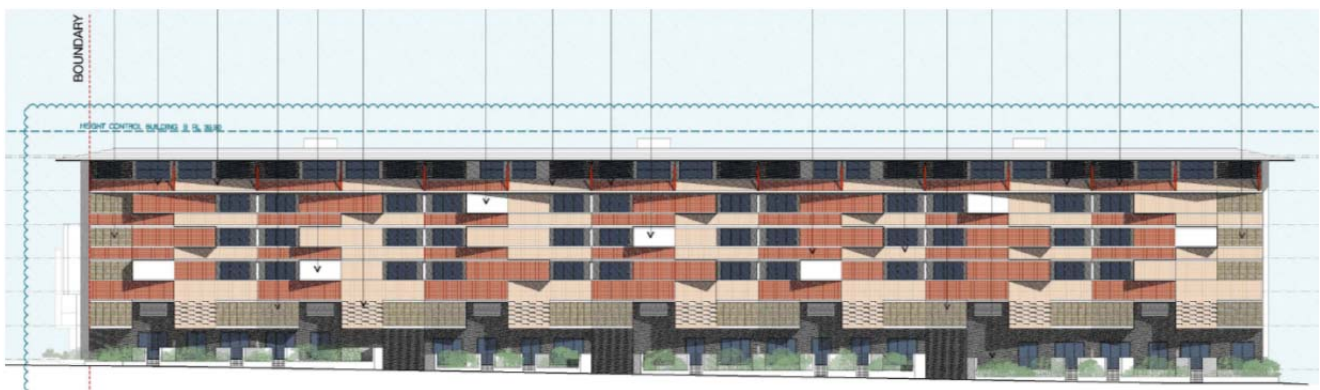


Figure 18: Revised Building B north elevation (view from Future Sonny Leonard Street)



Figure 19: Original DA submission (Buildings A & B – western elevation)



Figure 20: Revised Buildings A and B west elevation (view from Future Hinchcliffe Street)

45. The applicants architect provided revised plans and a response dated 29 September 2014 to address concerns raised by City officers (refer to **Attachment A**). The response sought to amend the expression of the buildings to more closely reflect the successful architectural concepts of earlier the original design competition entry.
46. The subsequent amendments are generally related to the external appearance of the building. There were some minor changes to apartment layouts and unit mix. The revisions did not significantly alter the height, setbacks or massing of the buildings. Updated figures for a range of controls including GFA, unit mix solar access were provided and have been used throughout this report.
47. It is considered that the revised scheme re-establishes the required level of design excellence to merit the award of 10% additional floor space. Conditions are recommended to require additional details to be submitted for approval of the Director City Planning, Development and Transport prior to any above ground construction commencing. The condition will ensure the quality of the design and intended materials is followed through with and design excellence is delivered.

Height, Scale and Bulk

48. The proposed building heights in metres and storeys are consistent with the permitted height controls subject to additional floor space being granted through the competitive design process in accordance with the provisions of the LEP. Proposed building heights are contextually appropriate with future developments in the GSTC.

49. Height control for the area immediately along the southern boundary of Development Site 11B is RL30.7, increasing to RL39.9 for built form fronting Sonny Leonard Street. The maximum permitted building height for Development Site 11A is RL48.7 and RL47.2 for Development Site 11C.
50. Building 11B presents as a 3 storey building when viewed from Tosh Lane and complies with the height controls under the LEP and GSTC DCP. The proposed fourth storey is setback behind a parapet with the external wall approximately 8 metres from the southern boundary. The parapet height of the fourth storey measures RL31.65 which exceeds the height control for the southern portion of Building 11B by 950mm however, the proposed building does not exceed the sun access plane and will not result in any adverse amenity impacts.
51. The proposal satisfies the objectives for building heights as the built form of Buildings 11A, 11B and 11C provide appropriate transitional heights from existing surrounding developments and will not detract from the character of the adjacent conservation area or impact on the amenity of adjacent residents.
52. The proposal relies on the 10% bonus floor space and additional storey in building height permitted as part satisfying requirements for a competitive design process. As discussed above, the revised proposal demonstrates design excellence in accordance with the objectives of the LEP. Additional floor space and building height should be supported.

Setbacks

53. Setback controls for the proposed buildings on the site fronting Hinchcliffe Street and Paul Street include a 1.5m full height landscape setback and a 4m setback for the ground and first floor levels. A landscape setback of 6m is required along the southern boundary fronting Tosh Lane. The northern setback control for Building B is a 6 storey street frontage height with no secondary setback.
54. The proposed eastern portion of Buildings A and B encroaches the 4m setback control along Paul Street with parts of the building, particularly above Level 2, built to the property boundary. Given the proximity of the eastern elevations to the property boundary, it is considered critical that the façade treatment and landscaping is of high quality and contributes to the future character of Paul Street. Appropriate landscaping and fence treatments are discussed in detail below.
55. The proposal has been amended to include a 3m x 3m chamfered setback from the site boundaries at street intersections and provides satisfactory sight lines.

Access to ground level apartments

56. The amended proposal incorporates reduced future road levels and subsequent lowering of the internal finished floor level for the ground floor of Buildings A and B. Individual entries directly accessible from the street are provided to ground floor apartments with access to Hinchcliffe Street and Sonny Leonard Street.
57. The reduction in road and floor levels improves the relationship between the public and private domains. To further enhance the streetscape, amenity for pedestrians and opportunities for passive surveillance, Council officers recommended lowering of solid fence heights and use of palisade fencing above the solid fence level. The DCP recommends a maximum palisade fence height of 1.35m at the site boundary.

58. The applicant has amended the proposal to improve the spatial and visual relationship between ground floor apartments, setbacks, fencing and associated landscaping along the boundary. The height and extent of solid walls has been reduced and open steel balustrades have been incorporated into parts of the ground floor terraces. A condition has been imposed to allow more detailed fencing plans to be submitted for approval at the same time as the landscape details. This will ensure an integrated fencing and landscaping solution is promoted across the site.

Private Open Space

59. Private open spaces for apartments comply with minimum provisions under the DCP and will provide adequate amenity. All apartments within the development, except for two apartments located on the western side of Building A (on Levels 1 and 8), are provided with private courtyards or balconies. The proposal provides balconies and private open space to 99.6% of apartments and satisfies the control to provide balconies and courtyards to at least 75% of all apartments.
60. The two apartments identified as not having balconies are two bedroom dual key apartments located on the south-western corner of Building A. No balcony is provided to west facing bedrooms however, a balcony is provided to the southern elevation and is directly accessible from the principle living areas of the apartment.
61. Where building orientation permits, courtyards and balconies have a northerly aspect to enhance residential amenity.
62. Ground floor apartments are provided with courtyard areas that are directly accessible from principle living area, have minimum dimensions of 2.5 metres and are greater than 16 square metres. In accordance with the landscaping provisions for ground floor apartments, planter beds are provided adjacent to the street boundary, where practical.
63. Private open space on the ground floor level of Buildings A and B adjacent to street frontages comprise of decks measuring between 2 and 2.5 metres in depth. The decks and internal finished floor levels have been reduced to be no more than 1.2m above the adjacent public domain and comply with the DCP controls.
64. The proposed first floor balconies comply with the DCP controls measuring a maximum 2.5m in length and 1.25m in depth.
65. Balconies located above the first floor of proposed buildings generally have depths of at least 2m and are directly accessible from principal living areas. The dimensions of balconies vary as balconies are used to contribute to the articulation of building facades. However, the proposed balcony depths and orientation will provide functional outdoor living spaces for future residents and passive surveillance over the public domain.

Landscaping and open space

66. Landscaping and deep soil planting has been incorporated into ground level of the development with planting provided adjacent to the property boundaries including future streets and Tosh Lane. Deep soil planting measuring approximately 13.7% of the site area (excluding the dedication of roads and pedestrian connections) complies with the minimum requirement for 6.25% of the development site to comprise deep soil planting.

67. Open space with deep soil planting areas is provided along the northern boundary is designated as communal open space for residents. The landscaped area will provide a visual buffer between the Building 11A and future development at development site 9B immediately to the north.
68. The proposal also seeks to retain existing mature trees along the southern boundary. The trees will be located within private courtyards of ground floor apartments in Building 11B. Timber decking is proposed for the courtyards and will be erected in close proximity to the trunks of existing trees. As identified by the Arborist report and Council's tree management officer, ongoing protection of the trees will require adequate setbacks of structures and protective fencing.
69. The proposed decking is considered appropriate, subject to further specific details being submitted with the landscape plans post approval. The details need to include appropriate setbacks for the decking from the trees. In addition details of barriers around the tree (not pool type fencing as originally proposed) due to the height of decking above natural ground are required.

Common open space

70. The proposal provides common open space at ground level along the northern boundary of the site. The area of common open space is approximately 17.3% of the site area, which does not satisfy the requirement that common open space occupy a minimum 25% of the site area. However, the location and design of the common open space generally satisfies the provisions under Section 6.13.4 of the DCP and will contribute to the amenity for future residents.

Solar Access

71. The RFDC requires a minimum three hours of direct solar access to living rooms and private open space to at least 70% of apartments between 9.00am and 3.00pm in mid-winter. This requirement can be reduced to two hours for dense urban areas, which will be the future character of the Green Square Town Centre.
72. Additionally, Section 6.10.2 of the GSTC DCP require that two hours of direct solar access is maintained for at least 70% of proposed apartment living rooms and private open space between 9.00am and 3.00pm on 21 June.
73. The amended proposal which has incorporated additional window openings and reconfigured internal apartment layouts in order to provide a minimum two hours of solar access to 66% of all apartments. Hence the proposal does not fully satisfy the recommended solar access provisions.
74. A total of 19% of apartments within the development are single aspect and south facing which exceeds the maximum 10% control under the RFDC. Single aspect apartment layouts are generally consistent with maximum 8 metre apartment depths, have access to private open space and adequate outlook.
75. Achieving compliance with solar access provisions to living rooms and private open space and limiting single aspect, south facing apartments is constrained given the orientation of the site, approved east to west street layouts for future roads within the GSTC and building envelopes in accordance with the GSTC DCP. On balance the revised proposal is considered to provide acceptable levels of compliance.

76. The proposal will result in some additional overshadowing of private open spaces and living room windows of terraces located immediately to the south, fronting Hansard Street. The terraces are mainly affected by additional overshadowing to the northern façade between 9.00am and 3.00pm on 21 June, particularly between 9.00am and 10.00am, and 1.00pm and 3.00pm. However, additional overshadowing will not reduce overall solar access to less than 2 hours or a total reduction of 10% for 22 of the 23 terraces and is generally consistent with the provisions of the GSTC DCP.
77. The proposal to maintain solar access to 74% of private open space and 96% of living room windows of adjacent terraces and to 66% of proposed apartments is considered acceptable given that the proposed buildings are consistent with the adopted built form controls of the relevant LEP and GSTC DCP.
78. The proposal will result in additional overshadowing to the adjacent terrace at 2 Hansard Street that provides 45 minutes less solar access to private open space between 9.00am and 3.00pm on 21 June. However, it is noted that 8.7m² of existing private open space retains adequate solar access. This complies with the requirement that 50% of the minimum required private open space has adequate access to sunlight.
79. The additional overshadowing to the northern façade of 2 Hansard Street is considered to be acceptable. The overshadowing falls predominantly across the roof area of the rear ground floor extension. There will be minimal impact on existing window openings. There are no living room windows on the northern façade that are affected by the proposal.
80. There are also existing openings on the western façade fronting Emanuel Lane that will experience additional overshadowing between 12.00 noon and 2.00pm on 21 June. They will retain approximately 47 minutes of direct sunlight which falls short of the minimum 2 hours desired by the DCP controls. This terrace does have openings on three sides and in effect benefits from more access to natural light compared to a typical terrace which only has front and rear elevations providing access to natural light and amenity.

Acoustic and Visual Privacy

81. An Acoustic report was submitted with the application and was reviewed by the City's Environmental Health Unit. The acoustic privacy for a majority of the apartments are considered satisfactory, subject to compliance with recommendations contained in the Acoustic Report.
82. However, concern was raised about the internal amenity for some ground floor apartments where window openings are immediately adjacent to common area corridors. Subsequently, the applicant revised the internal layout of ground floor apartments plan and the common area corridors by providing at least one bedroom with a northern aspect and 1.5m deep planter boxes adjacent to window openings. The proposed internal reconfiguration of five of the ground floor units in Building B and new planter boxes providing physical separation between high level opaque windows and the adjacent corridor will improve the amenity for future residents. The amended proposal is generally supported, subject to reducing the width of the corridors (ramps) and increasing the depth of the planter boxes from 1.6-1.8m to at least 2m (required by condition).

83. The internal amenity for the bedroom of ground floor apartments fronting onto the pedestrian through site link through Building A may be compromised given the window will open directly onto a publicly accessible walkway. Design details of the windows have not been submitted to demonstrate how acoustic and visual privacy will be maintained. It is recommended that a condition be imposed requiring the window openings incorporate safety and security measures that will enable residents to operate the windows.
84. Relevant acoustic conditions to ensure adequate acoustic privacy for future residents have also been included in the recommendation.

Transport and parking

85. The proposed two level basement car park will be integrated with Development Sites 10A and 10B. As shown on the proposed plans, the breakthrough point is located on the western boundary of the subject site at Basement Level 1. The design of the basement car park is generally consistent with the provisions of the DCP and will not have any adverse impacts on services, stormwater drainage or other infrastructure.
86. The original proposal comprised 255 car parking spaces, 353 bicycle spaces and 24 motorcycle spaces within the two level basement car park. A transport and parking report was submitted with the application which rounded car parking numbers up to the nearest whole number instead of down to the nearest whole number. As such, the proposal exceeded the maximum car parking control by 1 car space.
87. The applicant has revised car parking calculations in accordance with the maximum controls in the LEP. Motorcycle parking spaces are to be provided in the basement.
88. The proposed number of car parking spaces, motorcycle spaces and bicycle spaces are consistent with the LEP and DCP controls and is acceptable.
89. Council's Traffic Planning Unit reviewed the proposal and provided the following recommendations:
 - (a) provision of a minimum four car share spaces, maximum four service vehicle spaces and 24 motorcycle spaces (equivalent to 6 car parking spaces) within the basement car park;
 - (b) delete pedestrian crossing on Sonny Leonard Street;
 - (c) provision of a hammerhead turning arrangement at the eastern end of Sonny Leonard Street until the construction of Paul Street is completed;
 - (d) reduce width of vehicular crossing on the southern side of Sonny Leonard Street to improve pedestrian amenity;
 - (e) location of bicycle storage and parking would be preferred on Basement Level 1 instead of Basement Level 2. Council officers are also supportive of some Class 2 facilities to reduce the need for all bicycle storage to be lockers; and

- (f) provision of end of trip facilities for the retail/commercial tenancy. The proposed shower and change area should be located below Building C.
90. The Applicant has indicated they are willing to address the above matters as part of the finalisation of the civil engineering designs. It is recommending that conditions of consent be imposed to address the relevant traffic and parking comments above.

Heritage

91. The site is a not a heritage item and is not located within a Conservation Area. However, it is immediately adjacent to the Hansard Street Conservation Area which includes a row of heritage listed terraces on the southern side of Tosh Lane (identified in Sydney LEP 2012).
92. A Heritage Impact Statement and an archaeological assessment were submitted with the application. Council's Heritage Specialist viewed the information and raised no issues with the classification of existing structures as having low heritage significance.
93. The proposed height and scale of Buildings A and B are sufficiently setback from the southern boundary and will not have any significant impacts on the setting of the Hansard Street conservation area. In particular, the retention of the existing mature trees and fence along Tosh Lane maintains the existing character of the lane and the subject site's interface with the conservation area.
94. Council's Heritage Specialist had suggested that the height Building C could be reduced from the proposed eight storeys to a lower height to better relate to the 4 storey height control for properties located immediately to the south. Although immediately adjacent properties have a height control of four storeys, the properties are located within the Hansard Street Conservation Area and existing buildings are generally 2-3 stories in height.
95. Building C has very a small footprint and fronts onto Botany Road. The proposed height of building C complies with the maximum height controls permitted for the site. The proposed height in this location is considered to be appropriate in the location and a reduction of height is not considered necessary.
96. The proposal is supported in principle, subject to imposition of relevant heritage related conditions included in the recommendation.

Access

97. Access for disabled persons can be provided to each building within the development. A Building Code of Australia report addressing accessibility was submitted with the application and appropriate conditions have been included in the recommendation.

Other Impacts of the Development

98. The proposed development is capable of complying with the BCA.
99. 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

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

VOLUNTARY PLANNING AGREEMENT

101. A VPA was executed by Council and Hatbands Pty Ltd on 31 July 2013.
102. The provisions of the VPA have been taken into consideration in the assessment of this application. The VPA provisions include monetary contributions, dedication of land for future roads and through site links, remediation of lands, public domain works, and future connection points for green infrastructure and services.

INTERNAL REFERRALS

103. The conditions of other sections of Council have been included in the proposed conditions. The application was discussed with the following units, who advised that the proposal is acceptable subject to conditions except where discussed throughout this report:
- (a) Public Domain
 - (b) Urban Designer
 - (c) Heritage Specialist
 - (d) Tree Management
 - (e) Landscape Officer
 - (f) Traffic
 - (g) Environmental Health
 - (h) Building Surveyor Safe City
 - (i) Waste Services

EXTERNAL REFERRALS**Quantity Surveyor**

104. The DA was referred to an external Quantity Surveyor (QS) to review the Applicant's estimated cost of development. Council's QS determined that the Applicant's estimated cost of development is fair and reasonable.

Authorities

105. The proposal was referred to the NSW Office of Water for comment. The Office of Water confirmed that authorisation for dewatering of the site is required and relevant conditions have been recommended.

Notification, Advertising and Delegations (Submissions Received)

106. The application constitutes integrated development and as such the application was notified and advertised for 30 days in accordance with the provisions of Environmental Planning and Assessment Regulations 2000. As a result of this, 10 submission(s) were received.

- (a) Insufficient period of public exhibition of DA. Residents were not given sufficient time to prepare submissions.

Response – The public exhibition period was undertaken between 6 January to 6 February 2014 which was beyond the general Christmas and New Year’s holiday period. The proposal was advertised and notified for 30 days in accordance with the City’s notification policy with documentation available for viewing on Council’s website and in Council offices.

- (b) A new pedestrian connection to Emanuel Lane is unnecessary and will cause conflict between pedestrians and vehicular traffic in Tosh Lane.

- (c) The proposal is excessive in height and scale.

Response – The proposed buildings do not exceed the permitted height and setback controls for each development site under the relevant LEP and DCP. In accordance with planning controls, the building height adjacent to Tosh Lane responds to the scale of the terraces with lower heights at the southern edge of the site increasing towards the northern portion of the site as they move away from the conservation area.

- (d) Heritage impact on heritage listed terraces and character of the conservation area.

Response – The proposed built form and presentation of Building B and associated landscaping along the southern boundary complies with the adopted controls and responds appropriately to the scale and character of the adjacent heritage conservation area.

- (e) The proposal will have unacceptable solar access impacts on surrounding properties.

Response – Overshadowing impacts on adjacent properties, particularly terraces fronting Tosh Lane have been addressed in the report above. It is acknowledged that the proposal will result in some minor additional overshadowing to the rear of the terraces. However the proposed buildings are fully compliant with building envelope and height controls adopted for the future town Centre. The proposal does not have a detrimental impact on the amenity on surrounding residents and is acceptable.

- (f) Nil building setbacks at the north-western corner of Building A will require future development within Site 9B to provide separation distances up to 24 metres, entirely within Site 9B.

Response – A small portion of building A is built to the boundary, approximately 10 metres in length. There are no window openings to this portion of the northern elevation (there are balcony openings to both the north and east). The lack of windows assists with allowing the a building on the adjoining site to be developed and it may not require 24m separation to be provided, subject to overlooking issues between the balconies and habitable rooms being avoided and/or mitigated.

A condition is suggested to ensure operable screens on the northern elevation of the building A balconies or enclosure of the northern face to provide future occupants with some control over the degree of overlooking.

- (g) The proposal does not satisfy the 10 design quality principles of SEPP 65.

Response - The proposal has been assessed against the provisions of SEPP 65 and the Residential Flat Design Code as detailed in previous sections of this report. The proposal has also been assessed against the objectives and controls under the Sydney LEP (Green Square Town Centre – Stage 2) 2013 and Green Square Town Centre DCP 2012. The revised scheme is considered to be consistent with built form, environmental and amenity controls.

- (h) The southern setback of Building B from Tosh Lane is insufficient and will result in overlooking and loss of privacy for residents in Hansard Street.

Response – The proposed height and building setbacks for Building B complies with the built form controls for the site under the LEP and DCP and are considered sufficient. The upper level of Building B is setback approximately 18.5m from the southern boundary. The setback in conjunction with retention of existing mature trees will minimise direct overlooking and loss of privacy for terraces located on the southern side of Tosh Lane.

- (i) Timing of construction and operation of new roads – i.e. traffic management

Response – The timing of construction and operation of the new roads within the Green Square Town Centre is a matter covered by the VPA for the site. It is also the subject of ongoing consultation and coordination between the city and all the various landowners within the GSTC. In the case of this project the new Sonny Leonard Street will be constructed and operational as part of this development, with access to the basement provided from Botany Road whilst the remaining road network insider the town centre is delivered.

- (j) Protection of existing trees on Tosh Lane given proximity of proposed buildings/structures

Response – details of the required tree protection measures is outlined in the submitted Arborist report. These requirements are reinforced through relevant conditions of consent.

- (k) Insufficient building setbacks from southern boundary will have amenity impacts on Hansard Street terraces

Response – The provision of a new pedestrian connection to Emanuel Lane is identified in the planning controls and is supported by the City as maximising pedestrian access within the Green Square Town Centre and connections to immediately surrounding areas is consistent with objectives for a sustainable urban area and is beneficial to the community. It is envisaged that Tosh Lane will predominantly service Hansard Street terraces and it is unlikely that the volume of pedestrians and vehicular traffic will result in significant conflict.

- (l) The proposal provides insufficient on-site parking for future occupants. Future residents must be prevented from parking on Hansard Street.

Response – The proposed number of car parking spaces to be provided within the basement car park complies with the maximum car parking controls and is acceptable. A condition has been recommended to prohibit future residents of the development from participating in the resident parking permit scheme which will restrict the ability to park in surrounding local streets beyond the nominated time restrictions.

- (m) Amenity and environmental impacts from construction/demolition works must be controlled by strict conditions of consent.

Response – Appropriate conditions have been recommended to ensure that site works related to the development adhere to relevant controls to minimise any environmental and amenity impacts on surrounding properties.

- (n) Proposed road levels for Hinchcliffe Street must minimise amenity impacts on surrounding residents, particularly with south bound traffic and headlights beaming into bedrooms.

Response – The amended proposal has incorporated road levels in accordance with the City approved design levels for future road in the Green Square Town Centre.

- (o) If Building B is constructed and occupied prior to the construction of Buildings A and C, amenity of new residents will be impacted by construction works and there will be increase conflict between pedestrians and vehicular traffic.

Response – The staging of construction will be determined by the applicant and they are required to ensure the safety of new residents and the general public at all times. The applicant has provided information to confirm that they can ensure pedestrian safety during various stages of construction through the use of hoardings and other standards construction practices. Appropriate conditions are also imposed in relation to construction management.

- (p) Contamination issues have not been adequately addressed by supporting documentation.

Response – Council's Environmental Health Unit have reviewed contamination matters and is satisfied that the proposal can address relevant requirements relating to land remediation. Conditions requiring the submission of further information prior to commencement of remediation works have been recommended.

- (q) The proposal does not display design excellence and should not be awarded bonus floor space.

Response – The proposal was amended to address concerns City officers had in relation to the design quality of the buildings. The recent revisions submitted in September are considered to display design excellence as outlined in the Issues section of this report.

- (r) Tree protection conditions should be imposed to ensure that excavation works do not adversely affect the health of existing trees located on adjacent properties.

Response – Tree protection measures have been included in the recommendation to ensure the protection of trees to be retained.

PUBLIC INTEREST

107. 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

108. The development is not subject to Section 94 Contributions by virtue of the provisions within the executed Voluntary Planning Agreement which, among other things sets out the monetary contributions to be paid for services and facilities in the Green Square Town Centre.
109. The development is subject to an Affordable housing contributions levied under Clause 6.5 of the Sydney LEP (Green Square Town Centre – Stage 2) 2013. A monetary contribution of **\$104,666.32** is payable based on the residential and non-residential floor space of the proposal.

RELEVANT LEGISLATION

110. The Environmental Planning and Assessment Act 1979, Heritage Act 1977.

CONCLUSION

111. The proposal is generally consistent with the objectives, standards and guidelines of the relevant planning controls including the Green Square Town Centre DCP, the Green Square LEP and SEPP 65.
112. The proposed development is considered to be appropriate within its setting and is generally compliant with the relevant planning controls. It represents a significant residential development within the Green Square Town Centre on a site with good access to existing and planned employment, services and community facilities.

113. The proposal has been subject to a thorough design process and discussions with Council Officers. With the imposition of the recommended conditions of consent the revised scheme is capable of achieving design excellence.
114. The application is recommended for approval subject to conditions.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(David McNamara, Area Planning Manager)