

ITEM 6. DEVELOPMENT APPLICATION: UNIT 35-35B/1A COULSON STREET ERSKINEVILLE**FILE NO: D/2014/912****DEVELOPMENT APPLICATION NO: D/2014/912****SUMMARY****Date of Submission:** 27 June 2014**Applicant:** Erskin FCP Pty Ltd**Architect:** dKO**Developer:** Fridcorp**Owner:** Erskin FCP Pty Ltd**Cost of Works:** \$38,900,000

Proposal Summary: The subject application seeks consent for a Stage 2 development application for the detailed design of residential flat buildings between 3 and 6 storeys containing 197 apartments, basement car parking for 142 cars and associated landscaping. The application is Integrated Development requiring the approval of the NSW Office of Water under the Water Management Act 2000.

The Central Sydney Planning Committee (the CSPC) approved a Stage 1 development application for the site at its meeting on 13 March 2014.

A Section 96(2) application to modify the approved Stage 1 design has been submitted. The Section 96 application is recommended for approval and will be considered by the CSPC at its meeting on 4 December 2014.

The proposal is considered to be consistent with the Stage 1 consent (including proposed modifications) and relevant planning controls. The proposal presents a strong design outcome and is contextually appropriate within the Ashmore Precinct urban renewal area.

**Proposal Summary:
(continued)**

Notification of the application resulted in 3 submissions being received and objecting to the proposal regarding the following:

- DCP building envelopes
- upper level setbacks
- landscaped setback and building separation.

Summary Recommendation:

The development application is recommended for deferred commencement consent requiring the owner of the site to execute the Voluntary Planning Agreement and register this agreement on title prior to the activation of the consent.

Development Controls:

- (i) Sydney Local Environmental Plan 2012
(Gazetted 14 December 2012, as amended)
- (ii) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended)

Attachments:

- A - Architectural Plans
- B - Photomontages
- C - Landscape Plans

RECOMMENDATION

It is resolved that:

- (A) pursuant to the provisions of Clause 6.21(7) of the Sydney Local Environmental Plan 2012, the consent authority award 10% additional floor space to the development as the proposal exhibits design excellence;
- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2014/912, subject to the following:

(1) PLANNING AGREEMENT

Prior to activation of this consent:

- (a) The Voluntary Planning Agreement, prepared by Council and placed on public exhibition on 21 November 2014, shall be executed and submitted to Council;
 - (b) The guarantee must be provided to Council in accordance with the Planning Agreement at the time of execution; and
 - (c) The Planning Agreement, as executed, must be registered on the title of the land in accordance with the Planning Agreement.
- (C) evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of this determination of this deferred commencement consent; failing which this deferred development consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979;
 - (D) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions as indicated above, have been satisfied; and
 - (E) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2014/912, dated 27 June 2014, and the following drawings:

Drawing Number	Architect	Date
3003/B Basement Plan	dKO	26/09/14
3004/B Level 1 Plan	dKO	26/09/14
3005/B Level 2 Plan	dKO	26/09/14
3006/B Level 3 Plan	dKO	26/09/14
3007/B Level 4 Plan	dKO	26/09/14
3008/B Level 5 Plan	dKO	26/09/14
3009/B Level 6 Plan	dKO	26/09/14
3010/B Roof Plan	dKO	26/09/14
4001/B North/East Elevations	dKO	26/09/14
4002/B South/West Elevations	dKO	26/09/14
4003/B Internal Elevations E05 E06	dKO	26/09/14
4004/B Internal Elevations E07 E08	dKO	26/09/14
4005/B Internal Elevations E09 E10	dKO	26/09/14
5003/B Section Details	dKO	26/09/14
7001/A GFA Plans	dKO	18/06/14
Stage 1 Subdivision Plan	CitiSurv	11/11/14
Stage 2 Subdivision Plan	CitiSurv	11/11/14

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) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

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

(3) POSITIVE COVENANT

- (a) Prior to the issue of the first Occupation Certificate, the owner of the site is to obtain registration on Title of the land of a Positive Covenant appurtenant to Council, and to Council's satisfaction.

- (b) The Positive Covenant is to be created in terms requiring the registered proprietor of the land, at the time, and upon request by Council to do all things necessary, including execution of all relevant documents and instruments to obtain termination and extinguishment of the rights currently possessed over the existing Right of Carriageway and Easement for Services 8 wide and variable, created by DP788543 within adjoining Lot 2 DP 788543, and the existing Right of Carriageway and Easement for Services 6.77 wide created by DP788543 within adjoining SP 36655.
- (c) The above action cannot be initiated by Council until such time as the construction of the full width of Zenith Street has been completed and dedicated as public road, for its full frontage to the subject site.

(4) TRANSFER OF LOT 104 TO COUNCIL

Prior to the issue of the first Occupation Certificate for the development, Lot 104 in the Stage 1 Plan of Subdivision is to be transferred into Council's ownership and evidence of the issue of the Title of that lot in the City of Sydney is to be submitted to Council's Director City Planning, Development and Transport.

(5) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLE BOARD

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by dKO dated 19 June 2014.

(6) APPROVED DESIGN ROOF - TOP PLANT

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

Details of screening to all roof-top plant, including external colours and finishes are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a construction certificate.

(7) WINDOW OPENINGS IN SLOT FACADE

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

(8) DESIGN QUALITY EXCELLENCE

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

(9) GROSS FLOOR AREA

The following applies:

- (a) The total Gross Floor Area of the development is 15,279m² as calculated in accordance with the definition contained within the Sydney Local Environmental Plan 2012.
- (b) Prior to a final Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(10) BUILDING HEIGHT

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

	RL to the parapet of the building	RL to the top of plant
North Building (cores C and D)	20.6	N/A
East Building (cores D and E)	30.0	30.50
South Building (cores A and F)	30.0	30.35
West Building (cores A and B)	30.0	31.60

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

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

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

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$433,861.70
Public Domain	\$267,233.79
New Open Space	\$2,082,224.79
New Roads	\$528,826.19
Accessibility	\$21,933.56
Management	\$23,715.24
Total	\$3,357,794.60

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

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

where:

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

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

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

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

(12) LANDSCAPING OF THE SITE

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

(13) LANDSCAPED (GREEN) WALLS

- (a) A detailed plan of the green walls, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. The plan must include:
- (i) A Design Statement that includes details of proposed use of the green walls, general accessibility, a description of the environmental parameters it sets out to address, including noise and privacy treatment and performance specification.
 - (ii) Survey Plans showing existing and proposed services and engineering details of existing walls proposed to be retrofitted.
 - (iii) Location of existing and proposed structures and hard landscaping on the walls, retaining walls, and roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.

- (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species and those specified for use by the City of Sydney.
 - (v) Details of installation methodology including structural reinforcement.
 - (vi) Details of drainage and irrigation systems, including overflow provisions.
- (b) Prior to the issue of a Construction Certificate, a Maintenance Manual is to be submitted and approved by the Principal Certifying Authority. A copy of the Maintenance Manual is to be kept on site at all times during construction and shall be produced to Council on request. The Maintenance Manual shall include as a minimum:
- (i) Frequency and methodology of different maintenance requirements.
 - (ii) Details of safety procedures.
 - (iii) Laminated copies of 'As Built' drawings.
 - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification; and
 - (v) Copies of warranties and guarantees relating to all materials and plant used in construction.

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

- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.
- (d) Prior to the issue of a Construction Certificate, the Certifying Authority must assess and approve the proposed design of the waterproofing system against the relevant performance provisions of the *Building Code of Australia* as required by Clause A0.5 of the Code and ensure the following is satisfied:
 - (i) A report from a structural engineer confirming the adequacy of the structure to support the saturated weight-bearing capacity of the green roof; and
 - (ii) A report from a hydraulic engineer certifying the drainage overflow provisions and water retention cells in the drainage layer used to facilitate self-watering for the plants.

(14) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) All apartments within the development must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Sydney Local Environmental Plan 2012.
- (b) No more than two adult people shall occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets.
- (c) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms.
- (d) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (e) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

(15) 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.

(16) TREES APPROVED FOR REMOVAL

- (a) All trees detailed in Table 1 below are approved for removal following the issuing of the Construction Certificate.
- (b) Table 1 – Trees to be removed during the development works

Tree No:	Botanical Name / Common Name
1, 2, 7-12	Corymbia citriodora (Lemon Scented Gum)
3a, 4a,	Sorbus spp. (Rowan Tree)
4b	Pittosporum undulatum (Native Daphne)
6a	Cotoneaster spp. (Cotoneaster)
6b	Callistemon spp. (Bottlebrush)

- (c) Reference should be made to the Development Impact Assessment Report prepared by 'Earthscape' dated June 2014 for tree numbering and locations

(17) TREES THAT MUST BE RETAINED

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

Tree No:	Botanical / Common Name
3-6	Corymbia citriodora (Lemon Scented Gum)

- (c) Reference should be made to the Development Impact Assessment Report prepared by 'Earthscape' dated June 2014 for tree numbering and locations

(18) COMPLIANCE WITH ARBORIST'S REPORT

All recommendations contained in the Development Impact Assessment Report prepared by 'Earthscape', dated June 2014, must be implemented during the demolition, construction and use of the development, including the following.

(19) 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 any excavation and trenching within the Tree Protection Zone.
 - (iii) During any Landscape works within 5 metres of the trunk of any tree listed for retention.
- (b) A quarterly Arboricultural compliance report shall be submitted to Council which provides details on the health and structure of tree to be retained and protected and must include:
- (i) Certification of compliance with each key milestone
 - (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).

(20) STREET TREE PLANTING AND MAINTENANCE

- (a) Landscape Plan indicating the location of the street trees to be planted in association with the development must be submitted to and approved by Council prior to the issue of the Construction Certificate.
- (b) All new Street trees must be located and planted in accordance with the City's Street Tree Master Plan and must be planted:
 - (i) by a qualified Arborist or Horticulturist (AQF Level 3); and
 - (ii) before the issue of an Occupation Certificate.
- (c) The tree pits must be inspected by Council's Contract Coordinator – Street Trees, before and after planting.
- (d) All street trees planted in accordance with the approved Landscape Plan must be maintained by a qualified Horticulturist or Arborist (AQF Level 2 or 3) for a minimum period of twelve (12) months commencing on the planting date. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
- (e) At the end of the twelve (12) month maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.
- (f) If a street tree has been replaced due to maintenance deficiencies during the twelve (12) month maintenance period, the twelve (12) month maintenance period will start again from the date that the street tree is replaced.

(21) NOISE - GENERAL

- (a) The emission of noise associated with the use of the premises including the operation of any mechanical plant and equipment shall comply with the following:
 - (i) The $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the *NSW Industrial Noise Policy*. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment $L_{A90, 15 \text{ minute}}$ / rating $L_{A90, 15 \text{ minute}}$ process to be in accordance with the requirements for noise monitoring listed in the *NSW Industrial Noise Policy* and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.

- (iii) Modifying factors in Table 4.1 of the *NSW Industrial Noise Policy* are applicable.
- (b) An $L_{Aeq,15 \text{ minute}}$ noise level emitted from the use must not exceed the $L_{A90, 15 \text{ minute}}$ noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence or commercial premises provided that:
 - (i) Where the $L_{A90, 15 \text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.
 - (ii) The $L_{Aeq,15 \text{ minute}}$ noise level and the $L_{A90,15 \text{ minute}}$ noise level shall both be measured with all external doors and windows of the affected residence closed;
 - (iii) The relevant background noise level ($L_{A90, 15 \text{ minute}}$) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the *NSW Industrial Noise Policy* and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.
 - (iv) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.
 - (v) Modifying factors in Table 4.1 of the *NSW Industrial Noise Policy* are applicable. Internal Noise measurements are not to be corrected for duration.

(22) 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.

(23) 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.

(24) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

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

(25) ALLOCATION OF PARKING

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

Car Parking Type	Number
Residential spaces	98
Accessible residential spaces	29
Residential visitor spaces	12
Accessible residential visitor spaces	1
Motorcycle parking	3
Subtotal	143
Car wash bay	1
Medium Rigid Vehicle loading dock(s)	1
Total	145

Note:

- (a) Four (4) motorcycle parking spaces is equivalent to one (1) car parking space

(26) CAR SHARE SPACES

- (a) A minimum of 2 car parking spaces for the exclusive use of car share scheme vehicles are to be provided as shown in plan 10731/DA/3003 (revision B).
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must be publicly accessible at all times.
- (f) The car share spaces are to be available at the same time that the car park commences operation.

(27) PEARL STREET VEHICLE ACCESS

- (a) The Pearl Street vehicle access is to be constructed in-line with the design principles of a continuous footpath treatment.

- (i) The grade of the footpath is to continue across the vehicular crossing.
 - (ii) The layback is to be design and constructed so that the back of the layback matches the continuous grade of the footpath.
 - (iii) The vehicular crossing is to match the surface characteristics of the surrounding footpath.
 - (iv) The vehicular crossing pavement is to be constructed as per the City's design specifications (i.e. sub-base, concrete strength, thickness and reinforcement).
- (b) The details must be submitted to and approved by Council prior to the Construction Certificate being issued.

(28) LOADING DOCK SCHEDULE/REGISTER

The on-site medium rigid vehicle loading dock is also to be available for all residents for use by removal vehicles, bulky good deliveries and similar. This shall be managed either by a schedule showing residents when they can use the dock, or by a register managed on site to allow residents to reserve a time period for their deliveries. This information is to be made available to all residents.

(29) GREEN TRAVEL PLAN

A Green Travel Plan must be submitted to and approved by Council prior to the Occupation Certificate for the site/use being granted.

Note: It is recommended the applicant contact a member of the Transport and Access Unit, to discuss the Green Travel Plan with Council, prior to its submission.

(30) SMALL CAR PARKING SPACES

All small car spaces must be clearly marked and identifiable as small car spaces. The signs or line markings must be in place and approved by the Principal Certifying Authority prior to an Occupation Certificate being issued and must be maintained in good order at all times.

(31) ASSOCIATED ROADWAY COSTS

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

(32) BICYCLE PARKING

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

Bicycle Parking Type	Number	Requirements
Residential	197	Spaces must be a combination of class 1 bicycle lockers ⁽¹⁾ and class 2 facilities.
Residential visitor	20	Spaces must be Class 3 bicycle rails

Note:

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

(33) 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.

(34) 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.

(35) 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.*

(36) 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.

(37) PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(38) PARKING ON COMMON PROPERTY AREAS

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

(39) 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.

(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) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 9.9m.

(42) 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***.

(43) 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.

(44) TRAFFIC WORKS

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

(45) VEHICLE FOOTWAY CROSSING

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

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

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

(46) VEHICLES AWAITING REPAIR

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

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

(49) CERTIFICATION OF GEOTECHNICAL INSPECTION

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

(50) GEOTECHNICAL REPORT AND CERTIFICATION

Prior to commencement of any foundation or bulk excavation, a Geotechnical Report must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy submitted to Council (if it is not the Principal Certifying Authority).

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

- (a) Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA).
- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in Condition (47) above cannot be achieved, an alternative solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.

- (c) Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend the development approved in this consent.

Note: The provisions of Clause 94 of the Environmental Planning and Assessment Regulation 2000 have been considered in the assessment of the proposed development.

(52) 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.

(53) 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.

(54) BASIX

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

(55) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(56) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence, whichever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, WorkCover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the *Work Health and Safety Regulation 2011* and the NSW Government and WorkCover document entitled *How to manage and control asbestos in the work place: Code of Practice (NSW WorkCover)* and the *City of Sydney Managing Asbestos Policy*.

- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal work area should be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.
- (f) Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Appendix F of the City of Sydney's Managing Asbestos Guidelines.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

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

(57) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the *Building Code of Australia* and AS1668.1 and AS1668.2.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 and AS1668.2, the *Building Code of Australia* and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the *Building Code of Australia*, to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

- (c) Prior to issue of 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.

(58) CAR PARK VENTILATION

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

(59) MICROBIAL CONTROL IN WATER SYSTEMS

- (a) Prior to the issue of a Construction Certificate detailed plans of any water cooling system (including cooling towers) as defined under the *Public Health Act 2010* must be prepared by a suitably qualified person and certified in accordance with AS3666: 1: 2011 Air handling and water systems of buildings – Microbial Control – Design, installation and commissioning and must be submitted to and approved by Council.
- (b) Water cooling system operation and maintenance manuals and maintenance service records shall be readily available at the premises for inspection by an authorised officer upon request. Such records must be kept on the premises in accordance with Clause 2.6 to AS/NZS 3666:2:2011 Air handling and water systems of buildings – Microbial control, operation and maintenance.
- (c) The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the following:
 - (i) *Public Health Act 2010*, Public Health Regulation 2012 and Parts 1 and 2 (or part 3 if a Performance-based water cooling system) of AS3666:2011 Air handling and water systems of buildings – Microbial Control and the NSW Health Code of Practice for the Control of Legionnaires Disease.
 - (ii) Prior to the issue of an Occupation Certificate or if non applicable, prior to commencement of the use, the owner or occupier of the premises at which any warm water system and/or water cooling system is installed must cause notice of such installation(s) by providing to Council's Environmental Health department, written notification by way of the prescribed form under Clause 12 to the Public Health Regulation 2012. Any changes to these particulars must be notified to Council's Environmental Health department in writing within 7 days of the change(s). Copies of the notification forms are available on the City of Sydney website.

(60) RAINWATER HARVESTING & RAINWATER TANKS**(a) Use**

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

(b) Installation requirements

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

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

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

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

(c) Proximity to other services

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

(d) Marking and labelling

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

(e) Maintenance

- (i) All rainwater tanks installed are to be maintained by the owner in accordance with these provisions, the NSW Health Department Circular no 2002/1 "Use of rainwater tanks where a reticulated potable supply is available" and any other local water utility requirements.
- (ii) The rainwater collection system shall be constantly maintained in accordance to the manufacturer's instructions and in line with any approved maintenance plan so as to prevent risk of pathogenic microbial contamination including legionella and organisms.

(61) 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.

(62) 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.

(63) HAZARDOUS AND INDUSTRIAL WASTE

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the Department of Environment and Conservation (DEC) and the NSW Work Cover Authority pursuant to the provisions of the following:

- (a) *Protection of the Environment Operations Act 1997.*
- (b) *Protection of the Environment Operations (Waste) Regulation 1996.*
- (c) *Waste Avoidance and Recovery Act 2001.*
- (d) Work Health and Safety Act 2011.
- (e) *New South Wales Construction Safety Act 1912 (Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983).*
- (f) Work Health and Safety Regulation 2011.
- (g) *The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996.*

(64) CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the *Environment Operations Act 1997* and the *NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009)*. The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

(65) NOTIFICATION – NEW CONTAMINATION EVIDENCE

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

(66) 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 Site Audit Statement (SAS) is to be obtained from a NSW EPA Accredited Site Auditor is to be submitted to the Area Planning Manager. The SAS must confirm that the site has been remediated in accordance with the approved Remediation Action Plan and clearly state that site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.

- (a) Where the SAS is subject to conditions that require ongoing review by the Auditor or Council these should be reviewed and approved by Council before the SAS is issued. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a S96 application pursuant to the *Environmental Planning & Assessment Act 1979* shall be submitted to ensure that they form part of the consent conditions.
- (b) An Occupation Certificate must not be issued by the PCA unless a Site Audit Statement has been submitted to the City in accordance with this condition.

(67) COMPLIANCE WITH DEMOLITION, EXCAVATION & CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

All works conducted on site which form part of this development must be carried out in accordance with the submitted Demolition, Excavation and Construction Management Plan prepared by Acoustic Logic dated 22/05/2014.

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

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the Noise Impact Assessment prepared by Acoustic Logic, dated 11/05/2014, ref 20140549.1/1105A/RO/BW, titled must be certified as implemented during the detailed design stage prior to the construction and again verified prior to the commencement of the use of the premises in accordance with requirements of (b) and (c) below and to the satisfaction of the certifying authority.

- (b) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant* (see definition below) to be in accordance with the requirements of The DA Report set out below. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the Principal Certifying Authority (PCA – or other specified authority) which addresses the following requirements:
 - (i) All recommendations outlined in the Part 5.3 Recommendations of the report above.
- (c) Prior to the issue of an Occupation Certificate, a suitably qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the PCA or other authority as given in (b) above that the development complies with the requirements set out in The Report and in (a) and (b) above.

*Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

(69) ALIGNMENT LEVELS – MAJOR DEVELOPMENT

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

(70) PRESERVATION OF SURVEY MARKS

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

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

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

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

(71) 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*.

(72) 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".

(73) PUBLIC DOMAIN PLAN - MODIFICATIONS

The Public Domain Plan accompanying this Development Application has not been approved by this consent.

- (a) An amended, detailed Public Domain Plan must be prepared by an architect, urban designer, landscape architect or engineer to document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Design Code* and *Sydney Streets Technical Specification*, including 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. The 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 be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later.
- (c) The Public Domain Plan must be prepared in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*. 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.
- (d) 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.

(74) 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.

(75) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

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

The stormwater quality assessment must:

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

- b. reduce the baseline annual pollutant load for total suspended solids by 85%;
- c. reduce the baseline annual pollutant load for total phosphorous by 65%;
- d. reduce the baseline annual pollutant load for total nitrogen by 45%.

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

(76) 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.

(77) 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.

(78) DRAINAGE AND SERVICE PIT LIDS

Drainage and service pit lids throughout the public domain shall be heel guard 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.

(79) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 100 lineal metres of asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

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

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

(80) PUBLIC DOMAIN LIGHTING

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

(81) 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 *Sydney Streets Technical Specification* and the *Public Domain Manual*. 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) 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;
 - (iii) 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;
 - (iv) 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. 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. The location of public utility services;

- 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. Adjustments/upgrades to utility services as required;
 - vii. Standard engineering and structural details plan;
 - viii. Erosion and sedimentation control plans;
 - ix. 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 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.

(82) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

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

UPON COMPLETION OF EXCAVATION/DEMOLITION

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

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

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

(83) 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.

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

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

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

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

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

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

(86) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (a) A separate application under Section 138 of the *Roads Act 1993* is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) in a public place.
- (b) Where a consent is granted allowing the placement of temporary structures in a public place the structures must comply fully with Council's *Policy for the Design of Construction Hoardings* and the conditions of any consent granted including:
 - (i) maintaining a current and valid consent for the full duration that the temporary structures are installed in the public place (Section 139, *Roads Act 1993*);
 - (ii) bill posters and graffiti being removed within 24 hours of their placement (Clause 3.1);

- (iii) maintaining temporary structures in a clean and tidy condition including repainting where directed by an authorised officer of Council (Clause 3.1);
- (iv) hoarding site fences complying with Clause 3.3 - Element 3;
- (v) site sheds on decks of Type B hoardings being fully screened from the public place (Clause 3.3 - Element 5); and
- (vi) providing and maintaining operational artificial lighting systems under Type B hoardings (Clause 3.3 – Element 9).

(87) STRATA SUBDIVISION – APPROVAL OF STRATA PLAN REQUIRED

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

(88) ELECTRICITY SUBSTATION

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

(89) TELECOMMUNICATIONS PROVISIONS

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

(90) 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.

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(91) 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.

(92) ACOUSTIC ASSESSMENT PRIOR TO OCCUPATION CERTIFICATE

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

(93) 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*.

(94) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* is restricted to the hours of:

8:00am - 12:00pm and 1:00pm - 4:30pm Mondays to Friday

9:00am – 1:00pm on Saturdays

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*.

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

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

(96) 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.

(97) ACCESS DRIVEWAYS TO BE CONSTRUCTED

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

(98) 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.

(99) 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.

(100) 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.

(101) SYDNEY WATER CERTIFICATE

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

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

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

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

(102) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(103) 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.

(104) 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.

(105) 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.

(106) 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.

(107) STREET NUMBERING – MAJOR DEVELOPMENT

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

SCHEDULE 1D**Subdivision Conditions****STAGE 1****(108) PLANNING AGREEMENT COMPLIANCE**

The final Plan of Subdivision is to be consistent with the registered Planning Agreement (VPA) for the development, and in accordance with Section 109J(1)(c1) of the Environmental Planning and Assessment Act 1979, the final Plan of Subdivision is not to contravene or compromise a provision of the VPA that by its terms is to be satisfied prior to issue of the Subdivision Certificate.

(109) SUBDIVISION CERTIFICATE

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

(110) SYDNEY WATER CERTIFICATE

Prior to the issue of the Subdivision Certificate, a Section 73 (Subdivider) Compliance Certificate under the Sydney Water Act 1994 must be obtained from the Sydney Water Corporation and submitted to Council.

Application must be made through an authorised Water Servicing Coordinator. Refer to the Building Developing and Plumbing section on the web site; www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing your Land" or telephone 132092 for assistance. Following application, a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. It is advised to make early contact with the Coordinator, since the construction of sewer/water infrastructure can be time consuming and may impact upon other services and building works.

(111) TRANSFER OF LOT 104 TO COUNCIL

Prior to the issue of the first Occupation Certificate for the development, Lot 104 in the Stage 1 Plan of Subdivision is to be transferred into Council's ownership and evidence of the issue of the Title of that lot in the City of Sydney is to be submitted to Council's Director City Planning, Development and Transport.

(112) FUTURE DEDICATIONS AND TRANSFER

The final Plan of Subdivision is to include notation to the effect that:

- (a) Lot 101, Lot 102 and Lot 103 are reserved for future dedication as Public Road.
- (b) Lot 104 (partially in stratum) is to be transferred into Council's ownership in Fee Simple for future public purposes.

(113) EASEMENT FOR SUPPORT

The final Plan of Subdivision is to include the creation of a documentary Easement for Support over the part of Lot 100 containing an area of 122 m² below Lot 104 above, pursuant to Section 88B of the Conveyancing Act 1919. The easement is to burden Lot 100 in stratum, is to be created appurtenant to Lot 104, in terms granting rights of lateral and subjacent support of the land being that part of Lot 104 above, and to Council's satisfaction.

(114) POSITIVE COVENANT

The final Plan of Subdivision is to include the creation of a documentary Positive Covenant in association with the Easement for Support, pursuant to Section 88B of the Conveyancing Act 1919. The covenant is to burden Lot 100, appurtenant to Council, and is to include all terms considered necessary to protect the interests of Council and the public with regard to the maintenance of Support of the part of Lot 104 above, such land to be acquired for future public purposes, and created to Council's satisfaction.

(115) STRATA SUBDIVISION

Any proposal to Strata subdivide Lot 100 in the subdivision will require separate applications to obtain Development Consent from Council or a Complying Development Certificate from an appropriately accredited certifier and subsequent approval of the Strata Plan and issue of the Strata Certificate by Council or an accredited Strata certifier under the Strata Schemes (Freehold Development) Act 1973.

Any such Strata subdivision is to include the creation of appropriate Restrictions on Use of Land, pursuant to Section 88B of the Conveyancing Act 1919, to address prohibitions on use of car parking spaces, inappropriate use of basement level common areas, and prohibitions on short-term use of residential apartments, in accordance with the requirements and to the satisfaction of Council.

STAGE 2**(116) PLANNING AGREEMENT COMPLIANCE**

The final Plan of Subdivision is to be consistent with the registered Planning Agreement (VPA) for the development, and in accordance with Section 109J(1)(c1) of the Environmental Planning and Assessment Act 1979, the final Plan of Subdivision is not to contravene or compromise a provision of the VPA that by its terms is to be satisfied prior to issue of the Subdivision Certificate.

(117) SUBDIVISION CERTIFICATE

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

(118) SYDNEY WATER CERTIFICATE

Prior to the issue of the Subdivision Certificate, a Section 73 (Subdivider) Compliance Certificate under the Sydney Water Act 1994 must be obtained from the Sydney Water Corporation and submitted to Council.

Application must be made through an authorised Water Servicing Coordinator. Refer to the Building Developing and Plumbing section on the web site; www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing your Land" or telephone 132092 for assistance. Following application, a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. It is advised to make early contact with the Coordinator, since the construction of sewer/water infrastructure can be time consuming and may impact upon other services and building works.

(119) DEDICATION OF PUBLIC ROAD

The final Plan of Subdivision is to include the dedication as Public Road of the following parts of the site:

- (a) The 'Road Widening Variable Width' of Pearl Street.
- (b) The 'Road Widening Variable Width' of MacDonald Street.
- (c) The 'Road 6.9 Wide' (part of future Zenith Street).

(120) DESIGN AND CONSTRUCTION OF ROAD DEDICATION

Detailed engineering, road, drainage, infrastructure and landscaping works, design and construction plans for construction of the three road dedications and the temporary works associated with the upgrade of the existing Right of Carriageway over Lot 104 in the Stage 1 subdivision, are to be submitted to Council's Public Domain unit and approval gained prior to the issue of a Construction Certificate for those Subdivision Works. The design and documentation is to include any requirements and approvals from external parties such as public utility service authorities and is to be in accordance with Council's "Sydney Streets – Technical Specifications" and the "City of Sydney Public Domain Manual" or Council's civil works design and construction specifications current at the time and is to be in accordance with any approved flood analysis and assessment report for the site and is to be consistent with Water Sensitive Urban Design principles.

The submission to Council is to provide plans and specifications sufficient to describe in detail the design, scope and extent of all proposed road, drainage, infrastructure and landscaping works for the construction of the Subdivision Works, prepared and certified by a Professional Engineer. The design and construction plans are to be fully coordinated with the approved Public Domain Plan and Landscape Plan for the development and are to include confirmation that the design complies with Council's specifications and standards.

Council's acceptance of completed Subdivision Work and issue of the final Compliance Certificate as the Principal Certifying Authority will be subject to compliance with the approved drawings, certification of compliance with Council's specifications and applicable standards and the submission of certified Works as Executed drawings.

(121) PRINCIPAL CERTIFYING AUTHORITY FOR SUBDIVISION WORKS

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

(122) CONSTRUCTION CERTIFICATE FOR SUBDIVISION WORKS

A Construction Certificate is to be obtained from Council or an accredited certifier for the above Subdivision Works in accordance with Section 109C of the Act and submitted to Council prior to its appointment as the Principal Certifying Authority.

(123) SECTION 138 APPROVAL

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

(124) PUBLIC UTILITY SERVICE AUTHORITIES

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

(125) COMPLETION OF SUBDIVISION WORK & PUBLIC DOMAIN WORK

Prior to the issue of the Subdivision Certificate, all Subdivision Work, and associated Public Domain Work is to be completed in accordance with the requirements and to the satisfaction of Council as the Principal Certifying Authority. A separate application can be made to exercise the provisions of Section 109J(2) of the Act with regard to any incomplete works.

(126) COMPLETION OF SUBDIVISION WORKS & PUBLIC DOMAIN WORKS

Prior to the issue of an Occupation Certificate for the development, all Subdivision Work, including any such work subject to a bond under Section 109J(2) of the Act, is to be completed in accordance with the requirements and to the satisfaction of Council.

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:

General

1. An authorisation shall be obtained from NSW Office of Water 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 in the authorisation.
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 in contact with groundwater watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for reasonably foreseeable high water table elevations to prevent potential future inundation.
3. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves 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. These measurements should be included in a report provided to the NSW Office of Water in support of the dewatering licence application, along with a schedule and indicative level predictions for 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 parameters (e.g. permeability predicted by slug-testing, pump-testing or other means) and calculation method shall be included in the report submitted to the NSW Office of Water in support of the dewatering licence.
6. A copy of a valid development consent for the project shall be provided in the report to the NSW Office of Water.

7. Groundwater quality testing shall be conducted on a suitable number of samples using a suitable suite of analytes and completed by a NATA-certified laboratory, with the results collated and certificates appended to a report supplied to the NSW Office of Water. Samples must be taken prior to the substantial commencement of dewatering, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
8. The method of disposal of pumped water shall be nominated (i.e. reinjection, 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 (sometimes referred to as "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
9. Contaminated groundwater (i.e. above appropriate NEPM 2013 investigation thresholds) shall not be reinjected into any aquifer without the specific authorisation of the NSW Environment Protection Authority (any such discharge would be regulated through a licence issued under the Protection of the Environment Operations Act 1997 [POEO Act]). 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 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. Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
11. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
12. 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.
13. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
14. 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 sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.

15. 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.
16. 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 procedures.

Following excavation

17. 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 is part of the Ashmore Precinct urban renewal area located in Erskineville. The precinct is bounded by Ashmore Street to the north, Mitchell Road to the east, Coulson Street to the south and the Illawarra rail line to the west.
2. The Ashmore Precinct is a large, predominantly light industrial precinct that is presently undergoing re-development into a mixed use, commercial and residential precinct. Renewal of the precinct will assist in delivering the City's Sustainable Sydney 2030 vision and targets through the provision of new residential, commercial and retail development and public infrastructure such as open space, stormwater management and cycle lanes. Figure 1 below shows the Ashmore Precinct urban renewal area.



Figure 1: Ashmore Precinct urban renewal area

3. The development site has a legal description of Lot 5 DP 788543. The site is largely rectangular with an area of approximately 7,992m² with a street frontage to Macdonald Street to the south.
4. The site is currently occupied by a large brick and metal shed comprising two warehouse and associated offices. The shed is currently being used as a real estate marketing suite (as approved by D/2013/1466).
5. The site is not a heritage item and is not located within a heritage conservation area.

6. Immediately to the west and northwest of the site within the Ashmore Precinct is the recently approved 'Erko' development comprising residential flat buildings with a total of 318 dwellings. Construction on the Erko site has commenced.
7. Land immediately to the north and east of the site is occupied by warehouse buildings. A large industrial site, earmarked for residential development and owned by Goodman, is further east.
8. The Ashmore Precinct is bounded to the north, west and east by heritage conservation areas that house the established communities of Erskineville and Alexandria.
9. The Illawarra railway line is adjacent to the eastern boundary of the Ashmore Precinct. To the north are existing single and two storey terrace style housing. To the south of the Ashmore Precinct is a mix of residential (3-7 storeys in height) and industrial properties (single storey).



Figure 2: Aerial view of the site and surrounding Ashmore Precinct



Figure 3: View of the subject site from Eve Street looking north with Building D of the Erko development in background



Figure 4: View of the subject site from Eve Street looking northeast



Figure 5: View of the subject site from Macdonald Street looking northeast



Figure 6: View of the subject site from Macdonald Street looking northeast with the Erko development to the west of the site



Figure 7: View looking west down Macdonald Street near the future intersection of Zenith Street



Figure 8: View of the subject site looking west from the existing right of way (future Zenith Street) with Erko development in background



Figure 9: View of the subject site from the north eastern corner of the site looking down the existing right of way (future Zenith Street)



Figure 10: View of the subject site looking west along the existing ROW (future pedestrian through link) with the Erko development in the background



Figure 11: View looking west along Ashmore Street (north of subject site)



Figure 12: View looking north along Bridge Street with the Illawarra rail line to the east

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION**Stage 1 Development Application (D/2012/1823)**

10. On 13 March 2014, development consent was granted by the Central Sydney Planning Committee (CSPC) for a Stage 1 concept proposal (site layout, street network and building envelopes) comprising 3 residential apartment buildings between 3 storeys and 6 storeys with a maximum building height of 22m, a residential gross floor area of approximately 13,982m² and 2 levels of basement car parking. Approved works included the demolition of all structures on site and site remediation.

Real Estate Marketing Suite (D/2013/1466)

11. On 30 October 2013, a development application was approved under delegation for a the fitout and use of part of existing warehouse building as temporary marketing suite, display apartment and associated meeting area. Approved works also included a new facade at the Macdonald Street elevation, car parking for 23 vehicles and hoarding along the Macdonald Street frontage with associated real estate signage.
12. Works associated with the development application have been completed and a portion of the site is currently operating as a temporary marketing suite.

Design Excellence Competition, April 2014

13. Following approval of the Stage 1 development application, a design competition process was undertaken. The competition entries utilised the development standards and controls contained in SLEP 2012 and SDCP 2012. Woods Bagot, SJB and dKO architects participated in the competition. A design excellence jury, Council representatives and client representatives met on 8 April 2014 to review the submitted architectural schemes. The jury unanimously selected dKO Architecture as the winner.

Stage 1 Section 96 Modification Application (D/2012/1823/A)

14. On the 9 July 2014, a Section 96(2) application was submitted to modify the Stage 1 approval to bring it in line with the winning design competition scheme. The proposed modifications comprise the following changes:
 - (a) building break/opening to Macdonald Street has been swapped from the west to the eastern side of the site;
 - (b) one opening to right of carriageway (RoC)/future pedestrian link along the northern boundary has been filled in;
 - (c) a single basement car parking level is proposed whereas two basements were approved;
 - (d) a minor setback change is proposed at Level 6 (Macdonald Street); and
 - (e) the ground level (Level 1) is consistently shown at RL 9.95 (to comply with the PMF).

15. An assessment of the proposed modifications has been undertaken and the application is recommended for approval. The Section 96(2) application will be considered by the CSPC at its meeting on 4 December 2014.

Voluntary Planning Agreement

16. An offer has been made by the land owner/s to enter into a Voluntary Planning Agreement (VPA) for the dedication of land within the subject site for public roads, including associated works and embellishments. The land dedication and associated works is consistent with SDCP 2012 (Ashmore Neighbourhood) and the Draft Ashmore Public Domain Strategy.
17. The VPA is currently on exhibition in accordance with section 25D and section 25E of the Environmental Planning and Assessment Regulation 2000. Following completion of the exhibition, the VPA will be executed. Accordingly, a deferred commencement consent condition is recommended that the VPA be exhibited and executed prior to the consent becoming operational.

PROPOSAL

18. The application seeks consent for the construction of the following:
 - (a) residential flat buildings between 3 and 8 storeys with a total GFA of 15,279m²;
 - (b) 197 apartments comprising:
 - (i) 51 x 1 bedroom apartments;
 - (ii) 133 x 2 bedroom apartments; and
 - (iii) 13 x 3 bedroom apartments;
 - (c) one basement car parking level accommodating 142 car spaces (127 resident and 15 visitor spaces) motorcycle parking, bicycle parking and storage accessed from Zenith Street;
 - (d) a loading dock/garbage collection point on the ground level accessed from Pearl Street;
 - (e) landscaping of the site including a central courtyard, setback planting and elevated common open space area; and
 - (f) subdivision of the site to create a development lot and land dedications to the Council.
19. Photomontages of the proposal are provided below. A full set of architectural plans are provided in Attachment A.



Figure 13: View of the proposal from the corner of Pearl and Macdonald Streets



Figure 14: Northern elevation to the proposed pedestrian through link



Figure 15: Ground floor private courtyards to Macdonald Street



Figure 16: Proposed central courtyard and vertical gardens



Figure 17: Proposed 'sky deck' located on the roof of the 3 storey northern building

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

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

State Environmental Planning Policy No 55—Remediation of Land

21. 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.
22. Site remediation and associated excavation works were approved under D/2012/1823.
23. A letter of interim advice, prepared by an accredited site auditor dated 4 October 2013 was submitted as part of the Stage 1 development application. This document states the site is suitable for residential use.
24. The application has been reviewed by Council's Environmental Health Officer and appropriate conditions have been recommended.

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

25. 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) **Principles 1, 2 and 3:** Context, Scale and Built Form

Complies: The Ashmore Precinct is undergoing transition from a predominately light industrial precinct to a mixed use, commercial and residential neighbourhood. The application for residential flat buildings is appropriate within the context of the future Ashmore neighbourhood and will contribute to the desired future character and scale of the area.

The proposal complies with the height controls under SLEP 2012 and is consistent with the height and building envelope under the modified Stage 1 application. The building design provides for appropriate modulation and articulation of facades through the use of a variety of materials and finishes and fine grain composition along street frontages. The built form has been articulated through the incorporation of deep and wide building slots, which also assist in reducing the scale of the proposal.

Appropriate street level massing reduces the bulk and scale of the proposal and provides good visual amenity. The upper levels of the building are setback from the predominate building line, providing an appropriate transition in scale.

The inclusion of landscaped setbacks to the RoC to be used as a pedestrian link will enhance the future desired character of the Ashmore neighbourhood.

(b) **Principle 4:** Density

Complies: The proposed FSR is consistent with that approved under Stage 1 and is appropriate in the Ashmore neighbourhood, given its proximity to established and proposed infrastructure, public transport, community and recreational facilities. The proposed density responds well to the areas existing and future context and does not result in unacceptable levels of amenity impact for neighbouring properties.

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

Complies: The proposal is compliant with the requirements of BASIX, and an appropriate condition is recommended to ensure that the development complies with the commitments contained on its BASIX certificate.

To meet ESD requirements for site a number of strategies have been employed including use of large rainwater tanks, low water use vegetation, low energy and water consumption fixtures and the provision of landscaped roofs and vertical gardens to assist with thermal comfort. The proposal also complies with solar access and cross ventilation requirements.

(d) **Principle 6:** Landscape

Complies: A total of 965m² (12%) of deep soil zone planting is provided within the 3m landscaped setbacks and the future 3m wide swale to Macdonald Street. This is below the 25% required under the RFDC, however complies with the SDCP 201 requirement of 10%. The location of the proposed deep soil planting is considered positive as it assists in providing a landscaped buffer to delineate the public and private domain.

A total of 2128m² (26%) of landscaped common area is proposed, which exceeds the 25% requirement under the RFDC. Proposed common open space consist of a ground level communal courtyard in the centre of the proposed buildings, as well as a level 4 'sky garden' on the roof of the north building. The ground floor communal area will provide residents with space for passive recreation and will be accessible from either the main entry stair and ramp or secondary building entries. The courtyard will accommodate seating, pedestrian paths and extensive planting. The Level 3 sky garden will provide an additional communal space for passive and active recreation with shelters, daybeds, a BBQ area, tables and chairs, and a generous planted zone with northerly aspect. Pergola structures with a height of 3.5m are proposed on the rooftop to provide shade and amenity.

In addition to planting in the level 1 communal courtyard, a series of vertical gardens are proposed to the internal elevations of the buildings. The vertical gardens will provide screening between balconies.

(e) **Principle 7: Amenity**

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

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

Complies: The proposed development provides for casual surveillance of the surrounding public domain through windows being located along all facades. Proposed residential units at ground level fronting Metters and Pearl Streets, as well as the eastern property boundary include individual entrances providing for an active frontage which assists in deterring opportunities for crime. Proposed ground level treatments including windows, doorways and fences are designed in such a way to minimise opportunities for unauthorised access.

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

Generally complies: The proposed development has the following unit mix:

- (i) 51 x 1 bedroom apartments (26%);
- (ii) 133 x 2 bedroom apartments (67%), including 24 x 1 bedroom + study apartments capable of being used as second bedrooms;
- (iii) 13 x 3 bedroom apartments (7%).

This mix does not comply with the required mix outlined in SDCP 2012. This variation is supported and discussed in the Issues section.

The proposal has been designed to provide 30 apartments (15%) of the total dwellings as adaptable units, which complies with the SDCP 2012 requirement.

(h) **Principle 10: Aesthetics**

Complies: The proposed built form presents a high quality design, using a variety of architectural elements and materials to provide visual interest.

A strong corner element is proposed at the intersection of Macdonald Street and Pearl Street, with a curved form punctured by sharply framed balcony slots. The corner forms a gateway to the development.

The 3 storey northern building has a finer grain expression as response to the neighbourhood terrace context and the landscaped common space area improves outlook for residents looking down onto its roof.

The palette of materials proposed, including brick, concrete and glass reflects the past industrial nature of the site and the use of brick responds to the context of surrounding development in Erskineville.

26. 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.

Residential Flat Design Code

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

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
Visual Privacy	Yes	The proposal generally complies with the recommended building separation distances and the proposal largely achieves acceptable separation to maintain visual privacy for future occupants and those of adjoining buildings. Screening and vertical gardens have been incorporated to reduce potential overlooking impacts between balconies.
Single Aspect Apartments Single aspect apartments should be limited in depth to 8m from a window. Limit single aspect apartments with a southerly aspect (SW-SE) to max.10% of total units.	Acceptable	The proposal includes 20 single aspect south facing apartments (10%).
Apartment Layout (Kitchen) The back of a kitchen should be no more than 8m from a window.	Acceptable	Less than 2% of apartments have kitchens a maximum depth of 8.5m from a window, which is a minor departure from the control.
Apartment Layout (Cross-Over) The width of cross-over or cross-through apartments over 15 m deep should be 4m or greater to avoid deep narrow apartment layouts.	Yes	All cross-through apartments have a minimum width of 4m.

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
<p>Apartment Layout (Unit Sizes)</p> <p>Minimum unit sizes:</p> <ul style="list-style-type: none"> • Studio: 38.5m² • 1 bed: 50m² • 2 bed: 70m² • 3 bed: 95m² 	Acceptable	<p>The proposal includes minimum apartment sizes as follows:</p> <ul style="list-style-type: none"> • 1 bed: 51m² • 2 bed: 60m²-71m² • 3 bed: 95m²-102m² <p>The proposal includes 24 apartments (12%) that fall below the minimum size for 2 bedrooms apartments. These apartments are generally 60m² in area.</p> <p>The application classifies these apartments as 1 bedroom + study, as they are technically undersized. However floor plans show these studies as being capable of containing a bed and the majority are provided with built in storage areas. As such, these apartments are considered to be 2 bedrooms for planning assessment purposes.</p> <p>While the apartments are undersized, floor plans show adequate space is provided to accommodate bedroom furniture and rooms are regularly shaped with access to natural light and ventilation. The variation to minimum apartment sizes is supported.</p>
<p>Balconies</p> <p>2m min balcony width</p>	Acceptable	30% of balconies have minimum widths less than 2m. This departure is acceptable. See discussed under the Issues heading.
<p>Ceiling Heights</p> <p>2.7m min ceiling height in habitable areas.</p> <p>2.25-2.4m ceiling height in non-habitable areas.</p>	Yes	Floor to floor heights of between 3.15m and 3.2m are proposed, ensuring a minimum 2.7m floor to ceiling height can be achieved.
<p>Ground Floor Apartments</p> <p>Optimise the number of ground level units with separate entries.</p> <p>Provide ground floor apartments with access to private open space.</p>	Yes	All ground floor apartments have been provided with separate entries from the public domain or the internal common open space area. All ground floor apartments have private courtyards directly accessible from principal living areas.

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
<p>Internal Circulation</p> <p>The number of units accessible from a single core/corridor should be limited to eight.</p>	Yes	<p>Apartment numbers served by a single core range from 5 apartments, 6 apartments or 7 apartments.</p> <p>Internal corridors are provided with natural light and ventilation through the provision of windows in build slots.</p>
<p>Storage</p> <p>Minimum storage provision facilities:</p> <ul style="list-style-type: none"> • 1 bed: 6m³ • 2 bed: 8m³ • 3 bed: 10m³ <p>(With minimum 50% storage area located within unit)</p>	Yes	<p>Adequate storage is provided within each apartment. Additional residential storage is also proposed within basement levels.</p>
<p>Daylight Access</p> <p>70% of units to receive 3 hours of direct sunlight in midwinter to living rooms and private open spaces. 2 hours may be acceptable in urban areas.</p>	Yes	<p>The application proposes the following levels of solar access compliance.</p> <ul style="list-style-type: none"> • 74% of units receive solar access for 2hrs to living areas and private open spaces. • 56% of units receive solar access for 3hrs to living areas and private open spaces.
<p>Natural Ventilation</p> <p>60% of units to be cross ventilated.</p>	Acceptable	<p>A total of 81% of apartments propose cross ventilation as follows:</p> <ul style="list-style-type: none"> • 44% of apartments are natural cross ventilated as a result of cross through, corner apartment and the incorporation of internal balconies on the Level 6. • 36% of apartments are cross ventilated with the addition of slots. • 2% of apartments are cross ventilated with the addition of skylights.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)

28. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.

29. The Sydney Harbour Catchment Planning Principles must be considered in the carrying out of development within the catchment. The key relevant principles include:
- (a) protect and improve hydrological, ecological and geomorphologic processes;
 - (b) consider cumulative impacts of development within the catchment;
 - (c) improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
 - (d) protect and rehabilitate riparian corridors and remnant vegetation.
30. The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained with the deemed SEPP.

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

31. The BASIX Certificate has been submitted with the development application.
32. 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)

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

Sydney LEP 2012

35. The site is located within the B4 Mixed Use zone under SLEP 2012. The proposed use is defined as residential and is permissible.
36. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Table		
Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	A maximum height of 22m and 25m is permitted. A height of 22m and 25m is proposed.
4.4 Floor Space Ratio	Yes	The site has a maximum FSR of 1.75:1 and a bonus floor space of up to 10% for design excellence. A FSR of 1.91:1 is proposed, which complies with the maximum of 1.925:1.
5.9 Preservation of trees or vegetation	Yes	A number of trees are proposed to be removed. See discussion under the Issues heading.
Division 4 Design excellence	Yes	The Stage 1 development was subject to a competitive design process. This process permitted a bonus FSR of up to 10% over the site. The detailed design of the buildings proposed under this Stage 2 development application satisfies the requirements of this provision.
Part 7 Local provisions—general		
Division 1 Car parking ancillary to other development	Yes	A maximum of 157 car parking spaces are permitted for the development. A total of 142 car parking spaces are proposed.
7.16 Acid Sulphate Soils	Yes	The site is identified as containing class 4 Acid Sulphate Soil. A condition has been recommended to address acid sulphate soils on site.
7.17 Flood planning	Yes	The site is identified as being flood prone. Flood planning levels were assessed and determined as part of the Stage 1 concept approval. Proposed floor levels comply with the Stage 1 flood planning levels.
7.22 Development requiring preparation of a development control plan	Yes	A DCP is required under this clause as the site area is more than 5,000m ² . As per Section 83C of the Environmental Planning and Assessment Act 1979, this requirement may be satisfied by a staged development application.

Sydney DCP 2012

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

2. Locality Statements – Ashmore
<p>The subject site is located in the Ashmore locality. The proposed residential flat building is considered to be in keeping with the desired future character of the area by contributing new dwelling types and sizes in an area surrounded by predominately low density housing.</p> <p>The proposal balances the public and private domain through the provision of landscaped setbacks, active street frontages and opportunities for passive surveillance. The proposal provides a built form with high visual amenity, and reinforces the future pedestrian only pathway identified within the Ashmore Neighbourhood controls of SDCP 2012.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.1 Public Domain Elements	Yes	The proposed development will make a positive contribution to the public domain through the dedication of a portion of the site to Council to facilitate a future pedestrian right of way. This will allow for the transformation of this land into a landscaped pedestrian link in the future.
3.2 Defining the Public Domain	Yes	The proposed development will enhance the public domain by providing for landscaped, ground floor entries to private residents which will activate the street and provide opportunities for passive surveillance, while maintaining visual privacy for residents.
3.3 Design Excellence and Competitive Design Processes	Yes	<p>The Stage 1 development was subject to a competitive design process. This process permitted a bonus FSR of up to 10% over the site.</p> <p>The detailed design of the buildings proposed under this Stage 2 development application satisfies the requirements of this provision.</p>
3.5 Urban Ecology	Yes	<p>A number of trees are proposed to be removed.</p> <p>See discussion under the Issues heading.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.6 Ecologically Sustainable Development	Yes	The proposal will not have unacceptable impacts on the environment and satisfies BASIX requirements.
3.7 Water and Flood Management	Yes	The site is identified as being on flood prone land. The proposed development complies with the flood planning levels conditioned as part of the Stage 1 approval.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	<p>Subdivision to facilitate the dedication and transfer of land to the City in accordance with the VPA is part of the proposed application.</p> <p>In accordance with the requirements of the VPA, the subdivision will facilitate the dedication of road widening as public road and acquisition by Council of the part of the future pedestrian through link within the site and additionally, will include requirements regarding the construction of those components of the future public domain.</p> <p>The subdivision is proposed in 2 stages. The stage 1 subdivision proposal will allow the creation of the land that is to be dedicated/acquired. The stage 2 subdivision proposal will provide for those dedications and the acquisition. The 2 stage proposal can be supported and appropriate conditions have been included.</p> <p>Any proposed strata subdivision for the site is subject to a separate application. An appropriate condition has been included on the consent to this effect.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.11 Transport and Parking	Yes	<p>The maximum allowable car parking spaces is 157. A total of 142 spaces are proposed as follows:</p> <ul style="list-style-type: none"> • 127 resident car spaces • 13 visitor car spaces • 2 car share spaces • an area equivalent to 3 parking spaces is proposed for motorcycle parking. <p>Proposed car parking numbers do not exceed the maximum allowed under the LEP for each building, are generally consistent with the DCP and are acceptable, subject to conditions relating to car space allocation and use.</p> <p>A total of 207 bicycle spaces are proposed (197 residential and 10 visitor), which complies with the DCP requirement.</p>
3.12 Accessible Design	Yes	<p>SDCP 2012 specifies that when new developments propose more than 30 units, 15% of the dwellings are to be adaptable dwellings. The proposal includes 30 adaptable units (15%), which complies with this requirement.</p> <p>A BCA and accessibility report was submitted with the application. The proposal is capable of providing appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA, subject to recommended conditions.</p>
3.13 Social and Environmental Responsibilities	Yes	<p>The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.</p>
3.14 Waste	Yes	<p>A condition has been recommended for the proposed development to comply with the relevant provisions of the City of Sydney Code for Waste Minimisation in New Developments 2005.</p>

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.1 Building height		
4.2.2 Building setbacks	Acceptable	<p>Landscaped setbacks of variable widths are proposed to each property boundary.</p> <p>See further discussion under the Issues section of this report.</p>
4.2.3 Amenity	Acceptable	<p>The proposal's amenity with regard to solar access, landscaping and open space, ventilation, outlook and noise was addressed in the SEPP 65 and RFDC section of this report and is acceptable.</p> <p>Dwelling mix and private open space is discussed under the Issues section of this report.</p>
4.2.4 Fine grain, architectural diversity and articulation	Acceptable	<p>The proposal achieves a fine grain diversity through the use of building breaks that provide sightlines into the central courtyard, deep landscaped slots in the facades, modulation, a varied pallet or materials, increased setbacks on Level 6 and individual entries to ground level apartments.</p>
4.2.5 Types of development	Yes	<p>The proposal is designed as a perimeter street block buildings with a central courtyard. Although the central courtyard is not publically accessible, visual connections are provided to the street through building breaks and entrances.</p> <p>The development includes residential uses on the ground floor. Ground floor apartments incorporate individual entries and private open space in the form of decks. Balustrades to ground floor decks are primarily constructed of vertical, open style palings that maintain privacy while allowing for passive surveillance of the public domain.</p>

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.6 Waste minimisation	Yes	Each dwelling has adequate space to manage waste. Six chutes for garbage are provided (one per core) and are accessible on each level, with waste being collected in storage rooms within the basement. Waste will be collected from an internal loading bay, located off Pearl Street.
4.2.7 Heating and Cooling Infrastructure	Yes	Heating and cooling infrastructure is provided in appropriate locations to satisfy this control.
4.2.8 Letterboxes	Yes	The proposal includes individual letterboxes located at street level adjacent to the main entrance on the corner of Macdonald and Pearl Streets. Ground floor dwellings have their own letterbox.

5. Specific Areas		
5.5 Ashmore Neighbourhood		
Development Control	Compliance	Comment
5.5.2 Urban design principles		
5.5.2 Urban design principles	Acceptable	Landscaped setbacks are provided to the ground floor generally in accordance with the 3m DCP requirement. Upper levels are setback approximately 6m in line with the DCP controls for Macdonald and Zenith Streets, with the exception of a small portion of Level 6 at the corner of Macdonald and Pearl Streets. Setbacks are discussed in further detail in the Issues section of this report.

5. Specific Areas		
5.5 Ashmore Neighbourhood		
Development Control	Compliance	Comment
5.5.3 Local infrastructure and public domain		
5.5.3.1 Street network	Yes	The proposal includes the provision of new streets in accordance with the DCP and the draft Ashmore Public Domain Strategy. A 3m swale and bike link is also being provided along the Macdonald Street property boundary in accordance with the provisions of the VPA.
5.5.3.2 Movement and connectivity	Acceptable	Two access points are provided to the proposal. A loading dock access is provided via Peel Street, in accordance with the DCP. The development proposes an additional vehicular access from Zenith Street to the east of the site, which is not identified on the DCP map. The provision of this access point was assessed as part of the Stage 1 application and found to be acceptable.
5.5.4 Accessibility and amenity in the public domain		
5.5.4.2 Quality of landscaping and landscaped setbacks	Yes	A mix of native and exotic species is proposed within the landscaped setbacks. Plant selection will attract and support native wildlife, complement street trees and will not restrict light into apartments. The planting to the development will be maintained as part of the strata management program to ensure consistent maintenance.
5.5.8 Building layout, form and design		
5.5.8.1 Height of Buildings	Acceptable	The proposal complies with the DCP height in storeys map, with the exception of a minor encroachment on Level 6 at the corner of Macdonald and Peel Streets. This encroachment is acceptable and is discussed in the Issues section below.

5. Specific Areas		
5.5 Ashmore Neighbourhood		
Development Control	Compliance	Comment
5.5.8.2 Views	Yes	The proposal retains important district views to the CBD and Newtown from Sydney Park.
5.5.8.3 Dwelling type and location	Yes	The proposal for a residential flat building, including a mix of apartments and terraces form complies with the preferred dwelling type for the site.
5.5.8.4 Building form and design	Yes	The proposal includes individual front entries for ground floor apartments and appropriate setbacks satisfy the provisions of this control.
5.5.8.5 Typical ground floor condition for residential flat buildings 5.5.8.7 Fences	Acceptable	<p>The proposal incorporates deep soil planting areas within landscaped setbacks on the ground floor. All ground floor apartments are provided with a private open space deck of adequate depth and size to satisfy the intent of this control.</p> <p>Flooding controls require the ground floor to be raised above ground level. As a result, the ground floor is located 1.5m above the public domain, which does not comply with the maximum 1m requirement.</p> <p>Ground level entries and courtyards have been designed to address the level change by providing wide entry areas to ground level apartments and open style fencing to a maximum height of 1.1m (see Figures 14 and 15).</p>
5.5.8.8 Building materials	Yes	A variety of materials are proposed including face brick, timber and stone finishes, which complement existing materials predominantly used in surrounding areas.

ISSUES

Level 6 setback

38. The DCP requires buildings be setback 4m above the street frontage height. In this instance the street frontage height is 5 storeys. Consistent with the setback control, the height in storey control nominates 5 storeys as the height limit immediately fronting Macdonald Street and then 6 storeys from the 4m setback point onwards.

- 39. The application proposes a minor non-compliance with the setback and height in storeys controls, as shown in Figure 18 and Figure 19.
- 40. The proposed design seeks to align the proposal with the Competitive Design Alternatives Process (design competition) winning design prepared by dKO architecture. The design of the winning scheme creates a non-compliance with the setback and height in storey provisions at the upper level of the building facing Macdonald Street.



Figure 18: Extract of DCP height in stories plan showing 5/6 storey height transition

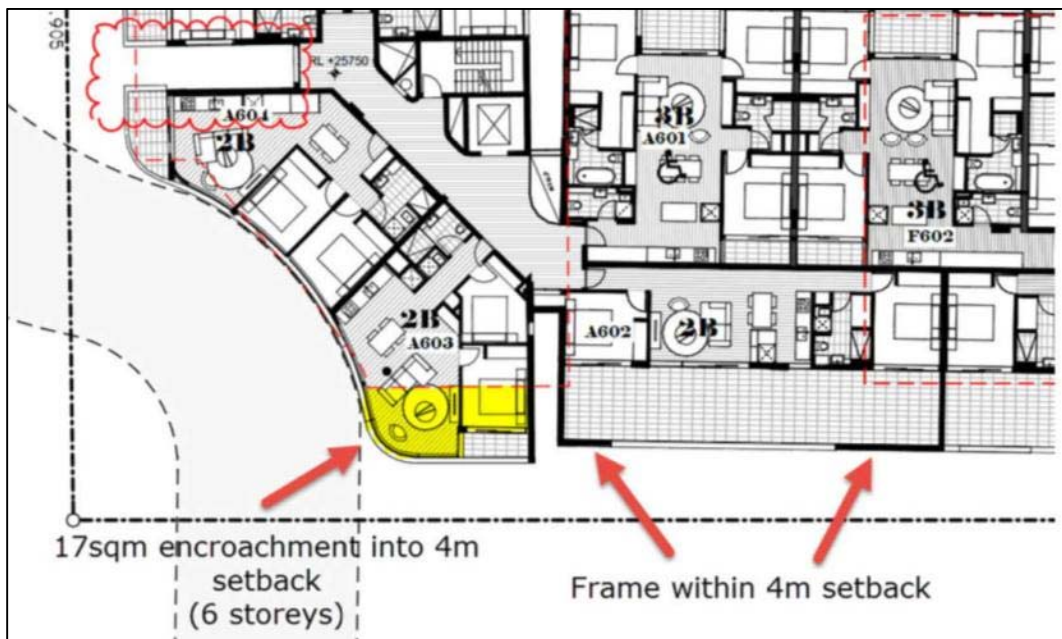


Figure 19: Extent of non-compliance with DCP controls

- 41. The impact of the non-compliance is considered to be minor in this instance. The winning design has sought to respond to the constraints posed by the existing right of carriageway that traverses the south western corner of the site as well as creating a strong and distinctive corner treatment.

42. Shadow diagrams submitted with the proposal show that the adjoining development to the south will receive in excess of 2 hours of sunlight to living spaces and balconies on the 21 June. The impacts of the non-compliance in terms of overshadowing are minor.
43. It is considered that the architectural integrity of the winning scheme would be adversely affected if it was required to strictly comply with the setback control. The proposed modification to the approved envelope is considered to have merit and is supported.



Figure 20: Perspective image of building with DCP non-compliance highlighted

Landscaped Setbacks

44. SDCP 2012 requires the provision of 3m landscaped setbacks to the ground floor to Pearl, Macdonald and Zenith Streets. The application proposes setbacks between 2.5m and 5.6m to these frontages on the ground level. Private courtyards are also proposed to be located within the 3m setback area.
45. The proposed design seeks to average the 3m landscaped setback by providing for an increased area of landscaping to offset the setback encroachments. Figure 21 shows the total landscaped area if the proposal complied with the 3m setback control (636m²). Figure 22 illustrates the proposed landscaped area of the current design (656m²). The area of landscaping for the proposal is generally equivalent to the area of landscaping on a compliant design.
46. Figure 23 illustrates the typical treatment to the ground floor landscaped area. It is considered that the proposal complies with the objectives of the DCP and will provide a high quality interface with the public domain through the provision of landscaping in the form of trees, shrubs and groundcovers, and a combination of open fences and masonry walls to balance the privacy needs of residents and visual permeability to allow for social interaction. The proposed setbacks are considered to be acceptable.

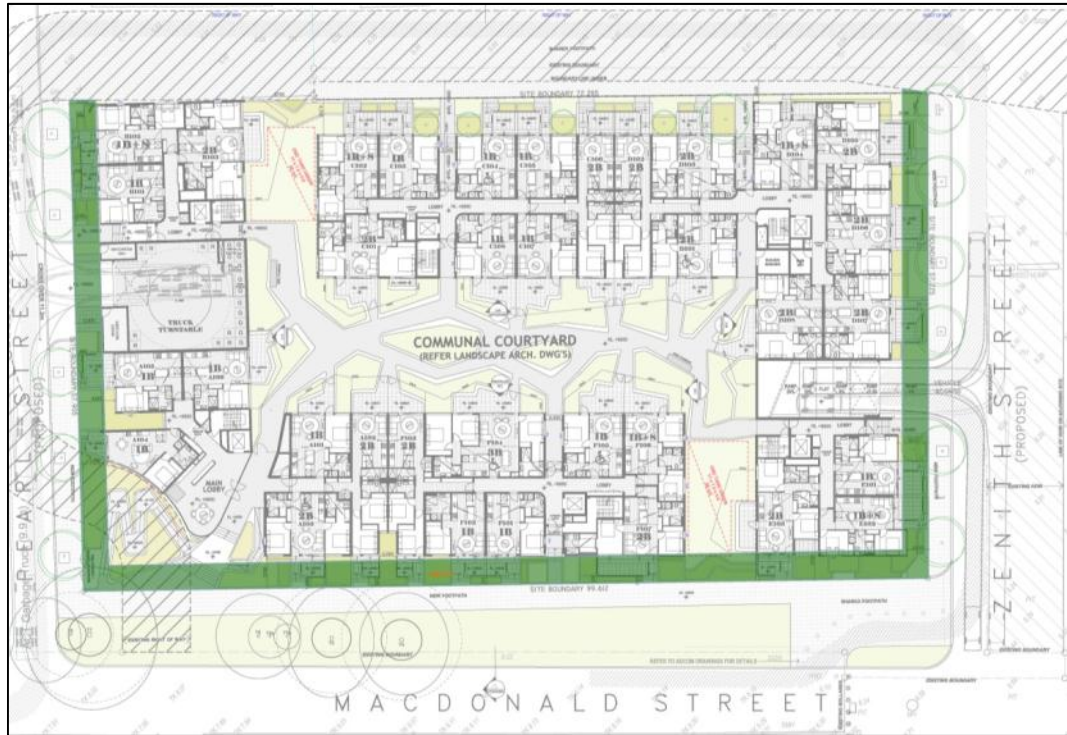


Figure 21: 3m landscaped setback area



Figure 22: Proposed variable landscaped setback area



Figure 23: Proposed treatment to the landscaped setback area to Macdonald Street

Setback to pedestrian through link and building separation

47. The application proposes a setback of between 0m and 6.5m to the future pedestrian through link, located adjacent to the northern property boundary.
48. The proposed setbacks were assessed under the Stage 1 application and the variation was supported. The Stage 2 proposal is consistent with the approved Stage 1 setbacks.
49. Building D, located within the Erko development immediately to the northern of the site encroaches approximately 2m into the future pedestrian through link at the upper levels. At this location the through link has a width of approximately 10.75m which will allow for a minimum building separation of 8.65m and 10.75m between the northern end of the western building (6 storeys) and Building D (7 storeys) (see Figure 24).

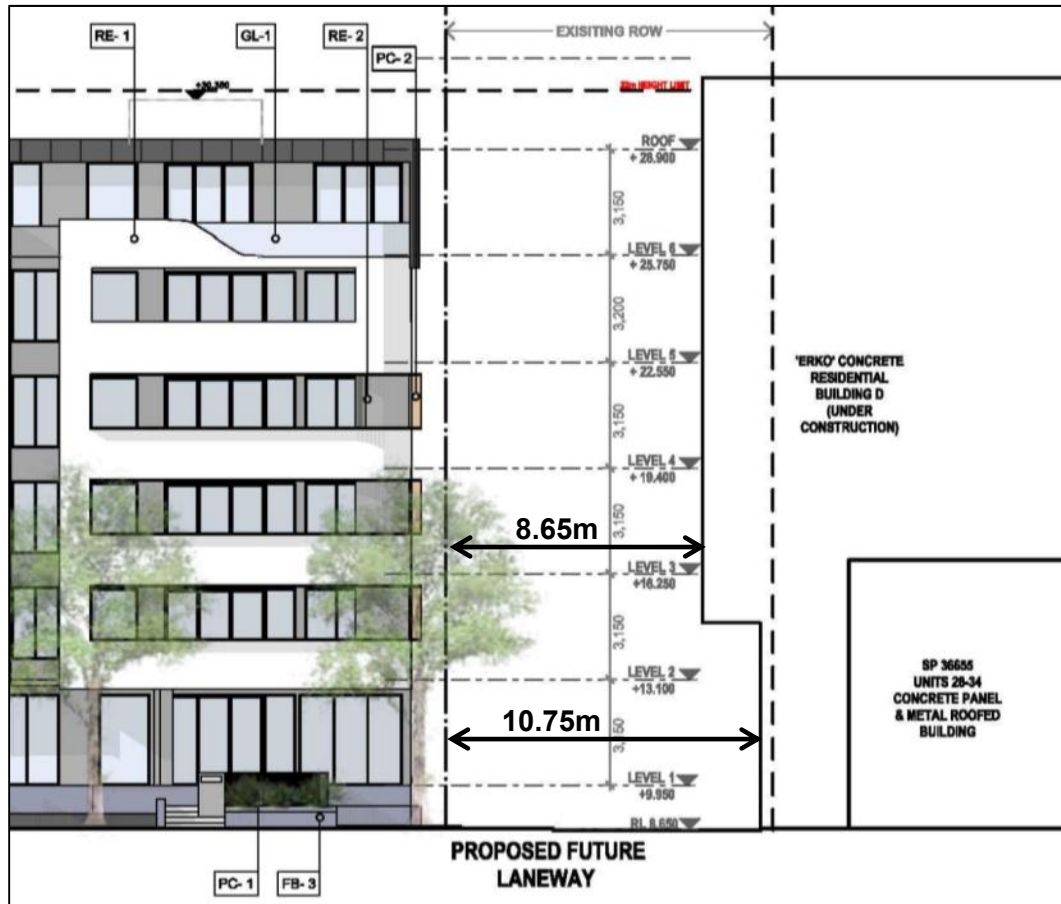


Figure 24: Building separation between proposal and approved Building D

50. The proposal has been designed to minimise overlooking from the proposed building to Building D. Living areas and balconies of apartments located within this portion of the building have been orientated to the east or west. No primary living spaces are located along the northern elevation and window openings along this boundary are to bedrooms and bathrooms, which are generally occupied less frequently than living rooms and are maintained with a certain level of privacy by occupants (Figure 25 and Figure 26).
51. The proposed distance separation with regard to privacy impacts is considered to be acceptable.

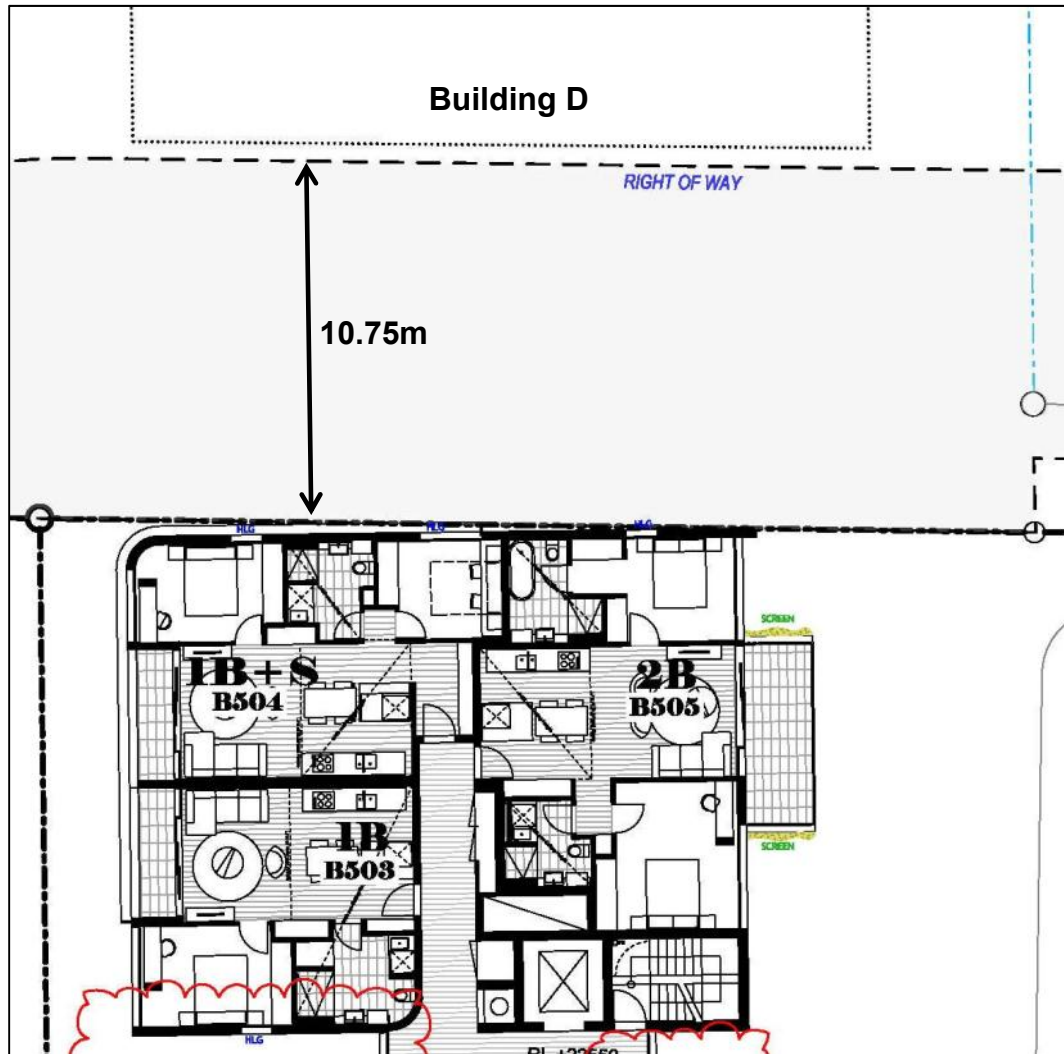


Figure 25: Building separation between proposal and approved Building D



Figure 26: Proposed northern elevation

Dwelling mix

52. The application proposes 51 x 1 bedroom apartments (26%), 133 x 2 bedroom apartments (67%) and 13 x 3 bedroom apartments (7%).
53. The 3 bedroom percentage does not comply with the required mix outlined in SDCP 2012 of 10%, which equates to 19 apartments for the proposal, or a shortfall of 6 apartments.
54. The proposal provides a mix of one, two and three bedroom dwellings that are varied in design and size and will cater for a range of lifestyles, budgets and housing needs. Given the non-compliance is relatively minor the proposal can be considered acceptable and is not considered to negatively impact on objectives of the control from a City wide perspective.

Private open space

55. SDCP 2012 states that private open space may be in the form of courtyards, decks and balconies and is to be provided for at least 75% of dwellings in a development. Ground floor private open spaces should have a minimum area of 25m² and minimum dimension of 4m, and upper levels are to have a minimum of 10m² and 2m dimension.
56. A total of 35 ground level apartments are proposed, with 33 apartments (94%) being provided with area of 25m² or more (94%), with minimum widths generally in accordance with the 4m requirement. The remaining two ground floor apartments (6%) have an area of 20m² with minimum widths of 3.2m.
57. A total of 162 above ground apartments are proposed, 114 (70%) of which have balconies of at least 10m² and minimum widths of approximately 2m. The remaining 48 apartments (30%) have balconies of less than 10m². Undersized balconies range in area between 3.8m² to 5.3m².
58. Overall, 147 apartments have a private open space areas that comply with the minimum area controls outlined in the DCP, which meets the 75% requirement for private open space provision.

Tree removal

59. The application involves the removal of 13 trees to facilitate the proposal as follows. This includes five (5) trees with low to very low retention value, five (5) trees with moderate retention value and four (4) trees with high retention values.
60. Tree removal is required due to the location of these trees within the proposed building envelope, new roadway (Pearl Street) and associate footpaths.
61. Tree removal has been assessed by Council's Tree Management Officer who advised the following:
 - (a) No objection is raised to the removal of the trees with low to moderate retention value.
 - (b) Trees with moderate to high retention value are considered worthy of retention, however the extent of design changes require to allow retention of these trees is considered unacceptable, considering the location of trees within proposed roadways and approved Stage 1 building envelopes.

62. Tree removal is considered acceptable. It is noted that new street trees will be planted in accordance with the draft Ashmore Public Domain Strategy.

Other Impacts of the Development

63. The proposed development is capable of complying with the BCA. It is Class 2 and Class 7a.
64. 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

65. The premises are in an area transitioning from industrial uses to future commercial/residential uses. The proposal is of a nature in keeping with the overall function of the site, and is consistent with the desired future character of the overall Ashmore Precinct.

INTERNAL REFERRALS

66. The application was referred to Council's:
- (a) Heritage and Urban Design Specialists;
 - (b) Strategic Planning Unit;
 - (c) Building Services Unit;
 - (d) Environmental Health;
 - (e) Public Domain;
 - (f) Safe City; Surveyors;
 - (g) Transport and Access; and
 - (h) Waste Management.
67. No objection to the amended proposal was raised, subject to the imposition of appropriate conditions. The recommended conditions have been included in the recommendation of this report.

EXTERNAL REFERRALS

Notification, Advertising and Delegation

68. 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, three submission(s) were received.

Non-compliance with DCP building envelopes

- (a) The application does not comply with the DCP building envelopes that show 2 openings to the future pedestrian link.

Response – A Section 96(2) application has been submitted to modify the approved Stage 1 development application to close the eastern building break along the pedestrian through link.

An assessment of the proposed modifications has been undertaken and the application is recommended for approval. The Section 96(2) application will be considered by the CSPC at its meeting on the 4 December 2014.

The assessment found that the modified proposal achieves fine grain diversity through the use of building breaks that provide sightlines into the central courtyard, deep landscaped slots in the facades, modulation, a varied pallet or materials, increased setbacks on Level 6 and individual entries to ground level apartments.

The proposed modification still provides for breaks between buildings, albeit in different locations, and will still allow for an appropriate response in terms of architectural diversity and articulation.

Non-compliance with upper level setbacks

- (b) The application does not provide a 4m setback to upper levels (above 5 storeys).

Response – The proposal complies with the height in storeys and upper levels setback requirements, with the exception of a minor encroachment on Level 6 at the south western corner of the site. This encroachment has been assessed in detail above and is considered to be satisfactory.

Non-compliance with 3m setback and building separation

- (c) The application does not provide a 3m landscaped setback to the future pedestrian link. The application does not comply with distance separation requirements.

The above will create a sense of congestion and will reduced views that residents will have from their apartments and reduce line of sight of pedestrians on the ground.

The proposal will reduce sunlight access for residents.

Close proximity will create acoustic and visual privacy issues.

Congested laneways could encourage crime in the area.

The reduced setback has the potential to create accidents as a result of diminished light of sight for traffic (car and pedestrian) approaching from a southerly or easterly direction.

The proposed zero setback is out of character with recent developments in the Ashmore Precinct.

Response - The non-compliance with landscaped setback and building separation between Building D in the Erko development is assessed in detail above.

The proposal has been designed to reduce acoustic and visual privacy concerns by orientating living area to the east and west.

The proposal is considered to be appropriate with regard to bulk and scale and will not result in the loss of any important views.

The proposal complies with solar access requirements. The reduced setback will not result in additional overshadowing impacts to buildings located to the north of the site.

The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles. Ground floor apartments with individual entries are provided along the northern elevation of the proposal, which will assist in activating the link.

The proposal is setback 3m from the western property boundary in the northern western corner of the site. This setback, combined with the 10.75m width of the pedestrian through link will result in acceptable sight lines.

The proposed zero setback to the future pedestrian link is consistent with the adjoining Building D proposal, which is also provided with a zero setback on the ground level, and an 2m encroachment at upper levels. The proposed is considered to be consistent with the desired character of the area.

PUBLIC INTEREST

69. 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

70. The development is subject to a Section 94 Contribution of \$3,475,782.06 under City of Sydney Development Contributions Plan 2006. This calculation is based on 197 new dwellings and a credit for 92 existing workers. An appropriate condition has been included.

RELEVANT LEGISLATION

71. The Environmental Planning and Assessment Act 1979.

CONCLUSION

72. The Stage 1 development was subject to a competitive design process, which established the potential for design excellence and bonus FSR of up to 10% for the site. It is now considered that the proposed Stage 2 detailed design development application exhibits design excellence and the award of bonus floor space is merited.
73. The proposal is consistent with the modified Stage 1 development application and the zone objectives and core development standards contained in SLEP 2012.
74. The proposal will contribute substantially to the supply of housing in the Local Government Area and the revitalisation of the Ashmore Precinct – a key objective of the Urban Consolidation SEPP and Sustainable Sydney 2030.

75. The development has been designed having regard to the relevant constraints of the site and relevant controls including the Ashmore Neighbourhood provisions within SDCP 2012. The proposal will result in a strong design outcome and a building form which provides a positive interface with the public domain and suitable level of amenity for future occupants.
76. The development application is recommended for approval as a deferred commencement consent requiring the preparation, exhibition, execution and registration on title of the VPA prior to the issuing of an operational consent.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Natasha Ridler, Senior Planner)