

ITEM 7. SYDNEYGATE MASTERPLAN AMENDMENT AND DEVELOPMENT APPLICATION: 2 SAM SING STREET, WATERLOO (FORMERLY 2B ARCHIBALD AVENUE WATERLOO)**FILE NO:** M/2014/2 and D/2013/1995**MASTERPLAN AMENDMENT APPLICATION NO:** M/2014/2**DEVELOPMENT APPLICATION NO:** D/2013/1995**SUMMARY****Date of Submission:** 20 December 2013, 18 February 2014; amended application received 22 August 2014**Applicant:** BECTON GREENWICH PTY LTD**Architect:** TURNER**Developer:** EVEREST PROJECT DEVELOPMENTS**Cost of Works:** \$59,873,000**Proposal Summary:** **M/2014/2**

Amendment to the Sydneygate masterplan to delete term of approval No. 5 to remove the land use mix requirement (75% residential and 25% non-residential) across the masterplan site. The request was exhibited and 2 submissions were received relating to the impacts arising from converting the building from commercial to residential. This assessment finds that there is merit in deleting this requirement considering that the land is proposed to be rezoned to a zone that would allow a predominately residential land use and the development application sufficiently demonstrates that a compatible mixed use building with good internal amenity can be accommodated on the site.

D/2013/1995

Integrated Development Application for the construction of a 10 storey mixed use development on Block A of the Sydneygate site. The proposal comprises a 59 place child care centre, 3 ground level retail tenancies, 143 residential apartments, 136 car parking spaces and 65 bicycle parking spaces in 2 basement levels, 18 at grade car parking spaces off the private lane and associated landscaping, and the provision of community infrastructure including a dedicated setback to Sam Sing Street. Block A is the final block to develop on the masterplan site.

**Proposal Summary
(continued):**

The application was exhibited for a period of 30 days and 20 submissions were received raising concerns relating to the height, bulk, solar access, view loss, privacy, traffic and noise. The application was substantially amended in August 2014 and was re-exhibited for a period of 30 days. Five submissions were received raising concerns relating to height, bulk, solar access, view loss, privacy, traffic and noise. These concerns have been considered and addressed within this report.

The proposed application for the redevelopment of Block A, being the last block to be developed on the masterplan site, is for a predominately residential development. This assessment finds that the proposal is consistent with the objectives of the 10(e) Mixed Uses zone, specifically in relation to the interim 50% non-residential land use mix test for the zone.

The application was substantially amended during the assessment period to delete floor space and height, articulate the building into two separate forms over an activated ground level podium, improve amenity afforded to the apartments and maintain a level of solar amenity to surrounding apartments consistent with impacts established in the masterplan. The amended building comprises of a built form that is generally consistent with the controls and envelopes contemplated for the site under the endorsed masterplan (deemed DCP). Furthermore the proposal is considered to generally perform against the relevant controls contained in the Lachlan DCP, SEPP 65, RFDC and draft SEPP 65.

The assessment recognises that the built form is inconsistent with the draft FSR, height and design excellence provisions in the planning proposal (draft amendment to SLEP 2012). The departures are supported in this instance given the site forms part of a greater masterplan site that is realising completion, is integral to the delivery of the infrastructure upgrades secured in the existing planning agreement and the development is assessed as consistent with the built form contemplated for the site.

The application was accompanied by a request to amend the existing planning agreement that relates to the greater masterplan site. The amendment includes the updating of relevant information, reconciliation of costs associated with public domain improvements already undertaken to date, clarification of outstanding monetary contributions associated with the proposed Block A development and removal of obligations to construct a footpath along Lachlan Street.

**Proposal Summary
(continued):**

A draft deed of modification to the VPA has been prepared and placed on public exhibition. At the time of preparing this report no submissions had been received. Any submissions will be considered prior to the execution of the deed. It is recommended that deferred commencement consent is issued to ensure that the consent only becomes operational once the deed is executed and registered on title.

Summary Recommendation:

It is recommended that the masterplan amendment is endorsed and the development application is granted deferred commencement consent.

Development Controls:

- (i) State Environmental Planning Policy No 55—
Remediation of Land
- (ii) State Environmental Planning Policy No 65—
Design Quality of Residential Flat Development
 - a. Draft amendment to SEPP65 exhibited on
23 September 2014
- (iii) State Environmental Planning Policy 70
Affordable Housing (Revised Schemes)
- (iv) State Environmental Planning Policy
(Infrastructure) 2007
- (v) State Environmental Planning Policy No 32—
Urban Consolidation (Redevelopment of Urban
Land)
- (vi) State Environmental Planning Policy (Building
Sustainability Index: BASIX) 2004
- (vii) South Sydney Local Environmental Plan 1998
(Gazetted 28 April 1998, as amended)
- (viii) Sydney Local Environmental Plan 2012
(Gazetted 14 December 2012, as amended)
 - a. Lachlan Precinct Planning Proposal -
amendment to Sydney Local Environmental
Plan 2012
- (ix) Sydneygate Masterplan adopted 23 June 2005
– Deemed Development Control Plan

**Development Controls
(continued):**

- (x) South Sydney Development Control Plan 1997 – Urban Design (in force on 2 July 1997, as amended)
 - a. South Sydney DCP 1997: Urban Design - Green Square Part G: Special precinct No. 9 Green Square (in force on 19 December 2006)
 - b. South Sydney DCP 1997: Urban Design - Green Square Part G: Special precinct No. 9 Green Square (Lachlan Precinct) (in force on 16 April 2013)
- (xi) Development Control Plan No. 11 – Transport Guidelines for Development 1996 (Adopted 8 May 1996)
- (xii) City of Sydney Notification of Planning and Development Applications Development Control Plan 2005 (date of commencement – 18 May 2005)

Developer Contributions:

- (xiii) City of Sydney Development Contributions Plan 2006

Affordable Housing Contributions

- (xiv) Green Square Affordable Housing Program (adopted 12 March 2012)

Attachments:

- A - Architectural Drawings
- B - Photomontages and Perspectives
- C - Overshadowing Analysis

RECOMMENDATION

It is resolved that:

- (A) the Masterplan amendment M/2014/2 be endorsed by deleting Term 5 from the Masterplan (U03/00828):

(5) ~~**PERCENTAGE OF NON-RESIDENTIAL FLOOR SPACE ACROSS THE WHOLE MASTERPLAN**~~

~~*The percentage of Gross Floor Area across the whole masterplan for the purposes of residential uses must not exceed 75% of the total endorsed floor space for the whole masterplan.*~~

- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, and only after public notification of the Masterplan amendment in accordance with clause 27F of *South Sydney Local Environmental Plan 1998*, a deferred commencement consent be granted to Development Application No. D/2013/1995, subject to the following conditions contained in Part A and Part B:

PART A - DEFERRED COMMENCEMENT CONDITIONS**(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**

- The consent is not to operate until the following condition is satisfied, within **24 months** of the date of this determination:
 - (1) **AMENDED VOLUNTARY PLANNING AGREEMENT**
 - (a) That the second deed of modification to the registered Voluntary Planning Agreement is executed and submitted to council; and
 - (b) The second deed of modification, as executed, must be registered on the title of the land in accordance with the amended Voluntary Planning Agreement.
- 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.
- 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.

- 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 conditions of consent, as detailed in Part B (Conditions of Consent (Once the Consent is Operation)) of the subject report:

PART B

CONDITIONS OF CONSENT

(ONCE THE CONSENT IS IN OPERATION)

Upon written confirmation from Council that the deferred commencement conditions contained in Part A above have been satisfied, the consent will become operative from the date of that written confirmation, 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/2013/1995 dated 20 December 2013 (amended on 22 August 2014) and Statement of Environmental Effects prepared by JBA, dated November 2013 and supplementary letter dated 22 August 2014 and the following drawings:

| Drawing Number | Architect | Date |
|-----------------------|------------------|----------------|
| DA05 | Turner | 21 August 2014 |
| DA06 | Turner | 21 August 2014 |
| DA07 | Turner | 21 August 2014 |
| DA08 | Turner | 21 August 2014 |
| DA09 | Turner | 21 August 2014 |
| DA10 | Turner | 21 August 2014 |
| DA11 | Turner | 21 August 2014 |
| DA12 | Turner | 21 August 2014 |
| DA13 | Turner | 21 August 2014 |
| DA15 | Turner | 21 August 2014 |
| DA16 | Turner | 21 August 2014 |
| DA17 | Turner | 21 August 2014 |
| DA18 | Turner | 21 August 2014 |
| DA22 | Turner | 21 August 2014 |

| Drawing Number | Architect | Date |
|----------------|-----------|----------------|
| DA23 | Turner | 21 August 2014 |
| DA24 | Turner | 21 August 2014 |
| DA25 | Turner | 21 August 2014 |
| DA31 | Turner | 21 August 2014 |
| DA32 | Turner | 21 August 2014 |
| DA33 | Turner | 21 August 2014 |

and as amended by the conditions of this consent:

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

(2) STAGED CONSTRUCTION

This consent allows the staging of works into the following 2 stages:

- (a) **Stage 1** – Early works – site establishment, excavation and remediation.
- (b) **Stage 2** – Construction works – balance of works.

(3) DESIGN QUALITY EXCELLENCE

- (a) In order to ensure the design quality excellence of the development is retained:
- (i) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
- (ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
- (iii) Evidence of the design architect's commission is to be provided to the Council prior to release of the Stage 2 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.

(4) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the mixed use must not exceed 4.4:1 calculated in accordance with South Sydney LEP 1998. For the purposes of the calculation of FSR, the total Gross Floor Area is 14,912sqm comprising of:
 - (i) residential component is 425sqm,
 - (ii) the child care centre component is 1,105sqm
 - (iii) retail component is 13,382sqm; and
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under South Sydney LEP 1998, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(5) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 63.1 (AHD) to the top of the building (plant) and RL 58.25 (AHD) to the parapet of the building.
- (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.

(6) MATERIALS AND SAMPLES BOARD

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

(7) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

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

(8) CHILD CARE CENTRE FITOUT AND OPERATION - SEPARATE DA REQUIRED

- (a) A separate development application for the fitout and operation of the child care centre must be submitted to and approved by Council prior to that fitout or use commencing.
- (b) The future DA is to address the need for any safety barrier along the Lachlan Street frontage in accordance with any RMS requirements.

(9) HOURS OF OPERATION – RETAIL TENANCIES

The hours of operation of the individual retail tenancies is between 7.00am and 10.00pm Monday to Saturday and 7.00am and 8.00pm on Sunday or Public Holiday.

(10) USE OF COMMON AREAS AND FACILITIES

The roof top terraces and communal rooms must be available for the use of all residents of the building, and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

(11) SIGNS - SEPARATE DEVELOPMENT APPLICATION REQUIRED

A separate development application for any proposed signs (other than signs under relevant exempt and complying policies) must be submitted to and approved by Council prior to the erection or display of any such signs.

(12) FLOOR TO CEILING HEIGHT

Prior to a Stage 2 Construction Certificate being issued, the Certifying Authority must ensure that all living rooms and bedrooms in sole occupancy units must have a minimum finished floor to ceiling height of not less than 2.7 metres.

(13) 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 | \$339,319.28 |
| Public Domain | \$209,001.11 |
| New Open Space | \$1,628,488.48 |
| New Roads | \$413,590.14 |
| Accessibility | \$17,154.04 |
| Management | \$18,547.47 |
| Total | \$2,626,100.51 |

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

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

where:

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

The contribution must be paid prior to issue of an Occupation 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.

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

In accordance with Clause 27P of *South Sydney Local Environmental Plan 1998 (as amended)* and prior to a Stage 2 Construction Certificate being issued, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Planning or a bank guarantee in favour of the Department of Planning and Environment to the value of the required contribution has been lodged. The contribution is **\$2,417,441.10** based on the in lieu monetary contribution rate for non-residential development at \$50.05 per square metre of total non-residential floor area 15,537sqm, and for residential development at \$150.20 per square metre of total residential floor area 1674sqm. Contributions will be indexed in accordance with the formula set out below.

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

Notes:

- (a) Applicants have two payment options:

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

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

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

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

- (iii) HPI1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics that applied at the date of the consent 1 March 2013 to 28 February 2014.

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

(15) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the *South Sydney Local Environmental Plan 1998*.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from multiple dwellings as defined in *South Sydney Local Environmental Plan 1998*. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

(16) NUMBER OF ADULTS PER ROOM

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

(17) 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.

(18) STRATA SUBDIVISION

Any proposal to strata subdivide the building will require separate applications to obtain development consent or a complying development certificate for the proposal and subsequent issue of a strata certificate by council or an accredited strata certifier.

(19) SYDNEY AIRPORT CORPORATION APPROVAL

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

(20) OSD LOCATION

The location of the OSD tank depicted on drawing DA07 dated 21 August 2014 prepared by Turner is not approved. The future location of the OSD tank is not to be below Thread Lane.

(21) PHYSICAL MODELS

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

Note:

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

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

- (a) Prior to a Stage 2 Construction Certificate being issued, an accurate 1:1 electronic CAD model of the detailed construction stage drawings for that stage must be submitted to Council for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
 - (i) building design above and below ground in accordance with the development consent;
 - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
 - (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

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

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

(23) 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.

(24) 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.

(25) 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.

(26) ALLOCATION OF PARKING

The maximum 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 Stage 2 Construction Certificate.

| Car Parking Type (basement) | Number |
|---|--------|
| Residential spaces | 83 |
| Accessible residential spaces | 22 |
| Residential visitor spaces | 22 |
| Accessible residential visitor spaces | 2 |
| Retail staff parking | 3 |
| Child care staff parking | 2 |
| Child care long term visitor parking | 1 |
| Motorcycle parking | 10 |
| Medium Rigid Vehicle loading dock(s) | 1 |
| Car Parking Type (Thread Lane) | |
| Child care drop off and pick up | 7 |
| Car Parking Type (either basement or Thread Lane) | |
| Service vehicle spaces | 1 |

(27) 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".

(28) BICYCLE PARKING AND END OF TRIP FACILITIES

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

| Bicycle Parking Type | Number | Requirements |
|---------------------------|--------|---|
| Residential | 48 | Spaces must be Class 2 bicycle facilities [1] |
| Employee | 3 | Spaces must be a Class 2 bicycle facilities |
| All visitors | 14 | Spaces must be Class 3 bicycle rails |
| End of Trip Facility Type | Number | |
| Showers with change area | 1 | |
| Personal lockers | 3 | |

Notes:

- (i) All visitor bicycle parking is to be provided at ground floor level.
- (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 Stage 2 Construction Certificate being issued.

(29) 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.

Note: This condition does not apply to changes along Thread Lane so long as it is a private road.

(30) CHILD CARE DROP OFFS AND PICK UP

- (a) Child care drop off and pick up spaces must be limited in duration to no more than 30 minutes at any one time.
- (b) The spaces must be clearly signposted with this time restriction and must not be used as unrestricted parking at any time.

(31) 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.

(32) 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*.

(33) 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.

(34) 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 Stage 2 Construction Certificate being issued.

(35) 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.

(36) 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.

(37) 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.

(38) 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**.

(39) 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.

(40) 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.

(41) 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.

(42) RELOCATION OF LOADING BAY

The proposed loading bay that runs along Thread Lane, adjacent to the basement entry is to be deleted.

A loading area, suitable for accommodating a typical removalist van, is to be provided within the basement on Level 1.

Details of the proposed loading area, including a swept path analysis and revised basement level plans, are to be submitted to Council prior to a Stage 2 Construction Certificate being issued. The plans must include swept paths for the largest vehicles to access the proposed loading areas. These will be used to determine a condition for the largest vehicle permitted to service the site.

Note: Council would support a reduction in the number of visitor parking spaces to accommodate internal loading provisions.

(43) 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 review information on Council's website about preparing Travel Plans. The applicant may also contact a member of the Transport and Access Unit, to discuss the Green Travel Plan prior to its submission.

(44) TREES APPROVED FOR REMOVAL

(a) Trees number 2 – 37 in the 'Tree AZ Assessment of Tree Health and Longevity (TreeAZ) and Fauna Habitat Value for Proposed Development by Becton' prepared by Anderson Environmental Pty Ltd dated June 2014 are approved for removal following issuing of the Construction Certificate.

(b) All other trees detailed in the report shall be retained.

(45) ROADS AND MARITIME SERVICE CONDITIONS

(a) The removal of the trees on the RMS land is to be undertaken in accordance with the conditions contained in the RMS letter to Becton dated 22 August 2014.

- (b) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CSD 2124.

A plan checking fee will be payable and a performance bond may be required before the Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 88492766.

- (c) The developer is to comply with the requirements of Technical Direction (GTD 2012/001). This will require the developer to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the Roads and Maritime for assessment. The developer is to meet the fill cost of the assessment by the Roads and Maritime.

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.

(46) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

The proposed work must comply with the Building Code of Australia (BCA) relevant to the appropriate building classification.

(47) STRUCTURAL CERTIFICATION FOR DESIGN - BCA (ALL BUILDING CLASSES)

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

(48) FIRE SAFETY CERTIFICATE TO BE SUBMITTED

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

(49) ANNUAL FIRE SAFETY STATEMENT FORM

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

(50) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Stage 1 Construction Certificate being issued.

(51) LANDSCAPING OF THE SITE

- (a) The submitted Landscape Plans are not approved.
- (b) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Stage 2 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 tree species;
 - (iv) Tree planting in the carpark along Thread Lane shall be consistent with the provisions of Urban Vegetation detailed in the City's DCP 2012
 - (v) Details of planting procedure and maintenance;
 - (vi) Details of drainage, waterproofing and watering systems.
 - (vii) Details of ground level soft landscaping in lieu of hard landscaping and the retaining wall between the northern boundary and building.

- (c) Prior to the issue of a Stage 2 Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (d) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

(52) STREET TREE PLANTING AND MAINTENANCE

- (a) A Landscape Plan indicating the location of the street trees to be planted along Sam Sing Street and in association with the development must be submitted to and approved by Council's Area Planning Manager prior to the issue of the Stage 2 Construction Certificate. Street trees must be located and planted in accordance with the City's Street Tree Master Plan, and the following:
 - (b) The street tree(s) 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.

(53) 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 "Development Specification for Civil Works Design and Construction".

(54) FOOTPATH DAMAGE BANK GUARANTEE

A Footpath Damage Bank Guarantee calculated on the basis of 60 lineal metres of the asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to issue of a Stage 1 Construction Certificate.

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

(55) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

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

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

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

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;

- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

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

(56) 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.

(57) 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 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*) and must show the following information as a minimum:
- (i) Sam Sing Street frontage;
 - (ii) Bourke Street frontage; and
 - (iii) Thread Lane Through Site Link
- (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.
- (e) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.

Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Road Opening Permit for works on the public way being issued.

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

(58) 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.

(59) 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.

(60) 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 Stage 1 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).

(61) 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*.

(62) 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".

(63) SUBSURFACE DRAINAGE

Subsurface drainage systems shall be provided for all road formations, cuttings, the base and sub base of pavement layers. The design and construction of the subsurface drainage system shall be undertaken in accordance with City's *Sydney Streets Technical Specification*. Detailed plans and construction specifications for the subsurface drainage systems shall be prepared and certified as complying with Council's specifications prior to the issue of the Stage 1 Construction Certificate. The plans shall include as a minimum the following information:

A design certification report for the subsurface drainage system shall be prepared by an appropriately qualified civil engineer and shall be submitted to the Principal Certifying Authority for approval prior to the issue of the Stage 1 Construction Certificate.

The plans shall include as a minimum the following information:

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

(64) LACHLAN STREET FRONTAGE

- (a) The design of the Lachlan Street building frontage shall be co-ordinated with RMS' future Lachlan/McEvoy Street realignment.
- (b) Any works to the landscaped mound including excavation and construction of retaining walls required to achieve the design are to have regard for the retention of the existing trees and levels. Where necessary, a subsoil drainage system is to be provided to the retaining wall and connected to the City's Stormwater Drainage System in accordance with the City's Policies.
- (c) The ground floor setback to Lachlan Street is to maximise soft landscaping and where possible, provide a consistent grade with the future footway.
- (d) The proposed drainage design in the ground floor setback is to be revised to better integrate with the building façade and incorporation of soft landscaping.
- (e) The applicant is to obtain written approval from RMS for any proposed works to the landscape mound, the retaining wall and the Lachlan Street frontage. The written approval is to be submitted with the amended plans as per (f) below.
- (f) The above amendments are to be incorporated into the submission requirements for Landscaping of the Site and Stormwater Drainage – Major Development accompanied by the written approval from RMS.

(65) AIR CONDITIONERS IN CLASS 1 RESIDENTIAL BUILDINGS

For Class 1 residential buildings as defined by the *National Construction Code*, The air conditioner/s must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2008 and shall not:

- (a) Emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):

- (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day; or
- (b) Emit a sound pressure level that when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background ($L_{A90, 15 \text{ minute}}$) by more than 5dB(A). The source and background noise level must be measured as an $L_{Aeq 15 \text{ minute}}$ and $L_{A90 15 \text{ minute}}$ in accordance with Australian Standard AS1055:1997, Acoustics – Description and measurement of environmental noise.

(66) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

A site specific noise management plan shall be submitted to the Council for comment and approval prior to issue of a Stage 1 Construction Certificate.

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

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

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

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

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

- (a) 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 Northrop dated 7 August 2014.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP)

Such periods must be set and agreed to by Council's Health and Building Unit.

(68) COMPLIANCE WITH THE ACOUSTIC REPORT - ACOUSTIC ASSESSMENTS REQUIRED PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by **Acoustic Logic, Block A, Sydney Gate, Waterloo, 20120884.1, revision 1, dated 11th August 2014**, Council Ref 2014/396559 (*'The DA Report'*) 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 Stage 2 **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) Section 4.1.1 City of Sydney Council DCP
 - (ii) Section 4.1.3 AS 2107 : 2000
 - (iii) Table 3 – Internal noise level criteria
 - (iv) Section 5
 - (v) Table 5 – Glazing Construction
 - (vi) Table 6 – Minimum STC of Glazing
 - (vii) Section 5.1 Roof/Ceiling
 - (viii) Section 5.2 External walls
 - (ix) Section 5.3 External doors
 - (x) Section 5.4 Ventilation Requirements
- (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) 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.

(70) EMISSIONS

- (a) The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- (b) Gaseous emissions from the development must comply with the requirements of the Protection of the *Environment Operations Act, 1997* and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

(71) ASBESTOS REMOVAL WORKS

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

(72) 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.

(73) DISCHARGE OF CONTAMINATED GROUNDWATER

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

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

(74) IMPORTED FILL MATERIALS

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

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

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

(75) LAND REMEDIATION (Where Site Auditor engaged)

The site is to be remediated and validated in accordance with the *Remedial Action Plan* prepared by *JBS&G Pty Ltd* dated 12th November 2013 and referenced 42405-55860 and the Letter of Interim Advice prepared by *Ms Kylie Lloyd, Zoic Environmental Pty Ltd* dated 18th November 2013 and referenced 12069.05_Interim Advice 3. All remediation work carried out shall be conducted in accordance with the guidelines in force under the *Contaminated Land Management Act 1997*.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Principal Certifying Authority.

Any variations to the approved Remediation Action Plan shall be approved in writing by the Accredited Site Auditor and Council prior to the commencement of such work.

(76) 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.

(77) 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.

(78) STOCKPILES

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

(79) AIR HANDLING

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

(80) 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.

(81) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION

The required operation and performance of any mechanical ventilation, air pressurisation or other smoke control system must not be impaired by the proposed partitioning layout.

(82) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

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

(83) 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 Stage 2 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.

(84) MICROBIAL CONTROL IN WATER SYSTEMS

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

- (i) *Public Health Act 2010*, Public Health Regulation 2012 and Parts 1 and 2 (or part 3 if a Performance-based water cooling system) of AS3666:2011 Air handling and water systems of buildings – Microbial Control and the NSW Health Code of Practice for the Control of Legionnaires Disease.
- (ii) Prior to the issue of an Occupation Certificate or if non applicable, prior to commencement of the use, the owner or occupier of the premises at which any warm water system and/or water cooling system is installed must cause notice of such installation(s) by providing to Council's Environmental Health department, written notification by way of the prescribed form under Clause 12 to the Public Health Regulation 2012. Any changes to these particulars must be notified to Council's Environmental Health department in writing within 7 days of the change(s). Copies of the notification forms are available on the City of Sydney website.

(85) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) The Waste Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste Management Plan is to be submitted to and approved by Council's Area Planning Manager prior to a Stage 2 Construction Certificate being issued. The plan must comply with the Council's *Policy for Waste Minimisation in New Developments 2005*. All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- (c) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's *Policy for Waste Minimisation in New Developments 2005*, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

UPON COMPLETION OF THE DEVELOPMENT

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

(86) 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.

(87) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

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

(88) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

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

(89) 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.

(90) HAZARDOUS AND INDUSTRIAL WASTE

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

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

(91) 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.

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

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

(b) Installation requirements

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

- (ix) The water supply system from a rainwater tank shall be clearly marked at intervals not exceeding 500 mm with the word 'RAINWATER' in contrasting colour, in accordance with AS 1345. Water outlets shall be identified as 'RAINWATER', or with a rainwater tap identified by a green coloured indicator with the letters 'RW'.
- (x) A suitable back up water supply using potable water must be provided to ensure that essential services such as toilet flushing are not contradicted where there is inadequate rainfall to meet demand or the rainwater harvesting system fails.

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

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

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

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

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

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

(93) COMPLIANCE WITH CHILD CARE CENTRE ACOUSTIC REPORT – CERTIFICATION PRIOR TO CONSTRUCTION AND OCCUPATION CERTIFICATES

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Acoustic Logic, dated **30th May 2014**, ref **20140607.1/3005A/R1/GC**, entitled **Proposed Childcare Centre at Block A, Sydney Gate, Waterloo – Environmental Noise Impact Assessment**, Council Ref 2014/396557 ('The DA Report') 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 Stage 2 **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) Section 4.3 Predicted Noise Levels
 - (ii) Table 6 – Predicted Outdoor Play Noise to Nearest Noise Receivers
 - (iii) Section 5 Indoor Teaching Noise Emissions
 - (iv) Table 7 – Predicted Noise Levels from Indoor Play
 - (v) Section 6.1.1.3 Criteria by AAAC
 - (vi) Section 6.1.1.4 Summarised Indoor Noise Criteria
 - (vii) Table 9 – Summarised Indoor Traffic Noise Criteria
 - (viii) Table 11 – Measured External Traffic Noise Level

- (ix) Section 7 Recommendation
 - (x) Section 7.1 Building Controls Points 1 – 6
 - (xi) Section 7.2 Management Controls – Signs reminding staff and visitors to minimise noise at all times shall be installed at entry and exit points from the child care centre. No music is allowed within outdoor play area. A noise management plan be implemented. The management plan shall include.
 - Ensure children are supervised at all times to minimise noise generated by children.
 - Install a contact phone number at the front of the centre so that any complaints regarding centre operation can be made.
 - Complaint(s) handling procedure.
- (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.*

(94) 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 Stage 2 Construction Certificate being issued or the commencement of the use, whichever is earlier.

(95) 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 Stage 2 Construction Certificate being issued.
- (b) A separate DA must be submitted prior to the installation of any external telecommunication apparatus, or the like.

(96) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Stage 1 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.

(97) 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.

(98) 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.

(99) 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).

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(100) HOURS OF WORK AND NOISE – OUTSIDE CBD

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

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

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

(101) 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.

(102) 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.

(103) 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.

(104) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(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) 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.

(107) 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.

(108) 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.

(109) 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.

(110) BASIX

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

SCHEDULE 1D

(111) DEDICATION OF SAM SING STREET WIDENING

The owners of the site are to dedicate the nominal 2m widening of Sam Sing Street to the public as road, vested in Council's ownership, for the full frontage of the site to that street, in accordance with the registered Planning Agreement for the development and free of cost to Council.

A separate application is to be made to Council to obtain approval of the final Plan of Subdivision and issue of the Subdivision Certificate in accordance with the provisions of Section 109J of the *Environmental Planning and Assessment Act 1979*. Such Plan of Subdivision, for road dedication purposes only, is exempt from Development Consent and will not require the submission of a Section 73 Certificate from Sydney Water.

The widening is to be dedicated as public road prior to the issue of an Occupation Certificate for the development.

(112) RIGHT OF PUBLIC ACCESS

A documentary Right of Public Access Variable Width is to be created over the 'Through Site Link' on the eastern side of the proposed building, pursuant to Section 88B of the *Conveyancing Act 1919*. The Right of Public Access is to burden the affected part of the site, from Bourke Street to the existing Easement for Public Access Variable Width currently burdening the site and created by the registration of DP1172110 over the internal roadway known as Thread Lane, to extend the formal rights of public access from Sam Sing Street to Bourke Street, and is to be created appurtenant to and to the satisfaction of Council, prior to the issue of an Occupation Certificate for the development.

(113) POSITIVE COVENANT

A documentary Positive Covenant is to be created in association with the Right of Public Access, pursuant to Section 88B of the *Conveyancing Act 1919*. The covenant is to be created appurtenant to Council and in terms requiring the on-going maintenance, repairs, upkeep and lighting of the 'Through Site Link' within the site and is to include all terms considered necessary to protect the interests of Council and the public and to the satisfaction of Council, prior to the issue of an Occupation Certificate for the development.

(114) ROAD WIDENING CONSTRUCTION (SUBDIVISION WORKS)

Detailed civil works engineering design and construction plans for the Sam Sing Street widening formation are to be submitted to Council and approval gained prior to the issue of a Construction Certificate for those works. The design and documentation is to include any approvals from external parties such as public utility service authorities, if required, and is to be in accordance with Councils' civil works specifications and Public Domain Manual.

The submission to Council is to provide plans and specifications sufficient to describe in detail the design, scope and extent of all proposed footway formation, drainage, and landscape works for the construction of the road widening, prepared and certified by a practicing Professional Engineer and/or Landscape Architect and is to be fully coordinated with the approved public Domain plan for the development and is to be submitted to Council's Public Domain unit for approval.

Council's acceptance of completed Subdivision Work and issue of the final Compliance Certificate will be subject to compliance with the approved drawings, the specifications and Australian Standards and submission of certified Works as Executed drawings.

(115) CONSTRUCTION CERTIFICATE

A Construction Certificate is to be obtained from Council or an appropriately accredited private certifier for the above subdivision work and submitted to Council as the Principal Certifying Authority, prior to the commencement of any such work on the site.

(116) PRINCIPAL CERTIFYING AUTHORITY

In accordance with the provisions of the Environmental Planning and Assessment Act 1979, a separate application is to be made to Council's Public Domain unit and Council is to be formally appointed the Principal Certifying Authority for the Subdivision Work, prior to the commencement of any such work.

(117) SECTION 138 APPROVAL

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

(118) COMPLETION OF WORKS

Prior to the issue of the Subdivision Certificate for the widening dedication, the road widening works are to be completed in accordance with the requirements and to the satisfaction of Council as the Principal Certifying Authority.

SCHEDULE 2

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

- Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*
- Clause 98A Erection of signs
- Clause 98B Notification of *Home Building Act 1989* requirements
- Clause 98C Conditions relating to entertainment venues
- Clause 98D Conditions relating to maximum capacity signage
- Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>

SCHEDULE 3**Terms of Approval****Other Integrated Development Approvals**

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

General

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

Prior to excavation

- (122) Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken and a report provided to the NSW Office of Water. A schedule and indicative plans of the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.
- (123) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the calculation method shall be included in the report.
- (124) A copy of a valid development consent for the project shall be provided to the NSW Office of Water.
- (125) Groundwater quality testing shall be conducted and a report supplied to the NSW Office of Water. Samples must be taken prior to the commencement of pumping, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
- (126) The method of disposal of pumped water shall be nominated (i.e. street drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (tailwater) must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
- (127) Contaminated groundwater shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

- (128) Piping or other structures used in the management of pumped groundwater (tailwater) shall not create a flooding hazard. Control of pumped groundwater (tailwater) is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
- (129) 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.

- (130) Pumped groundwater (tailwater) 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 (tailwater) shall be complied with.
- (131) Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulphate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
- (132) 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.
- (133) Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety precautions.

Following excavation

- (134) 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

1. The site is legally identified as Lot 103 DP 1172110 and has a street address of No. 2 Sam Sing Street, Waterloo (**the site**). The site forms part of the Sydneygate site, a 36,877sqm site that has been redeveloped in accordance with the applicable masterplan over the past decade (**greater masterplan site**). The site is commonly known as Block A and is the last block to develop in the greater masterplan site.
2. The greater masterplan site is made up of the following land, 13 Archibald Avenue, 2 Sam Sing Street, Lots 1-75 SP86512 6 Archibald Avenue, Lots 1-47 SP86810 6 Archibald Avenue, Lots 1-45 SP87085 1 Thread Lane, 10 Archibald Avenue, 830 Bourke Street, 832 Bourke Street, 834 Bourke Street, Waterloo.
3. The site is irregular in shape and has three street frontages including a curved frontage of 140 metres to Lachlan Street and Bourke Street and 52 metres to Sam Sing Street. The site is 5038sqm in area and is relatively flat.
4. The site is currently occupied by a private road way (cul-de-sac known as Thread Lane), parking area, concrete paving, boundary fencing and material stockpiles. The site has until recently been used as a staging area for the construction of the buildings to the south.
5. The site is burdened by easements located on the land identified as Thread Lane for public access and garbage truck access and encroaching structure.
6. The site is identified as containing contaminated soil and groundwater, with the water table approximately 3.3m below existing ground level.
7. Work is also proposed on land identified as Lot 11 DP 1112470 with a street address of 1-9 Lachlan Street, Waterloo which is owned by the Roads & Traffic Authority of NSW (**RMS land**).
8. The public domain adjacent to the site to the east contains a footpath, kerb and guttering and recently constructed public road (Sam Sing Street). A public reserve known as the Rope Walk is adjacent to part of the southern boundary of the site.
9. **Figures 1 - 8** below illustrate the site location and existing development.



Figure 1: Aerial image of subject site and surrounding area.

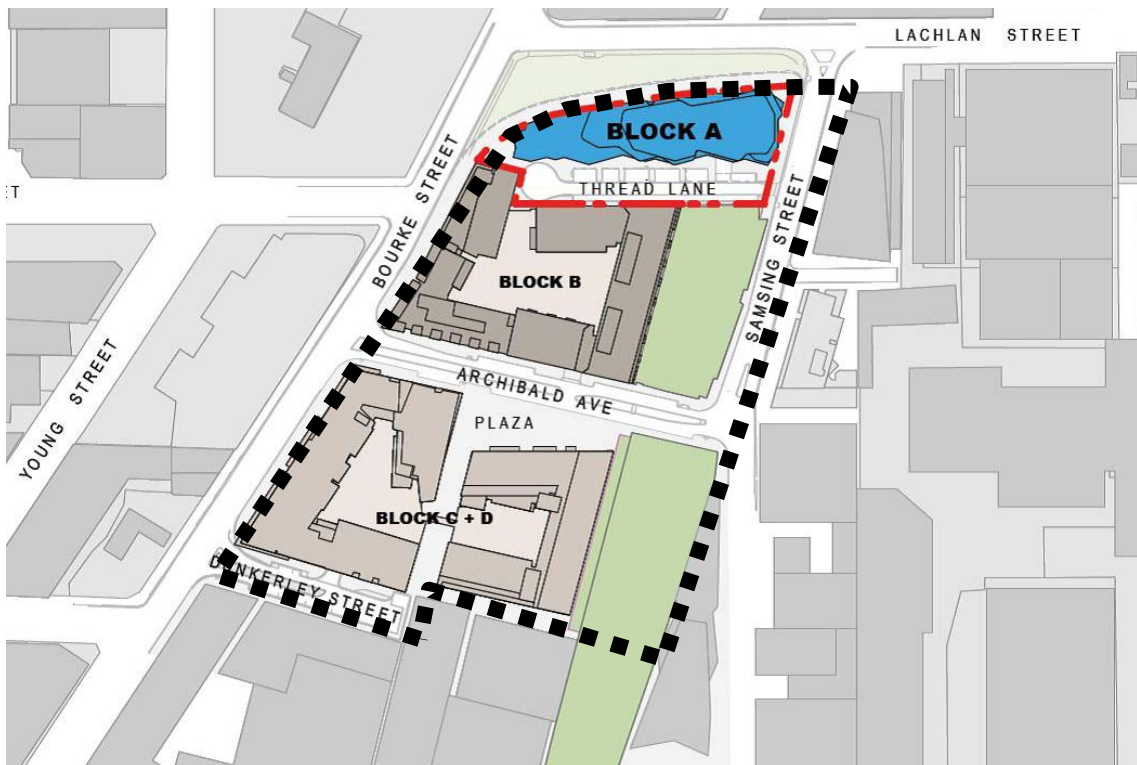


Figure 2: Diagram illustrating the greater masterplan site.

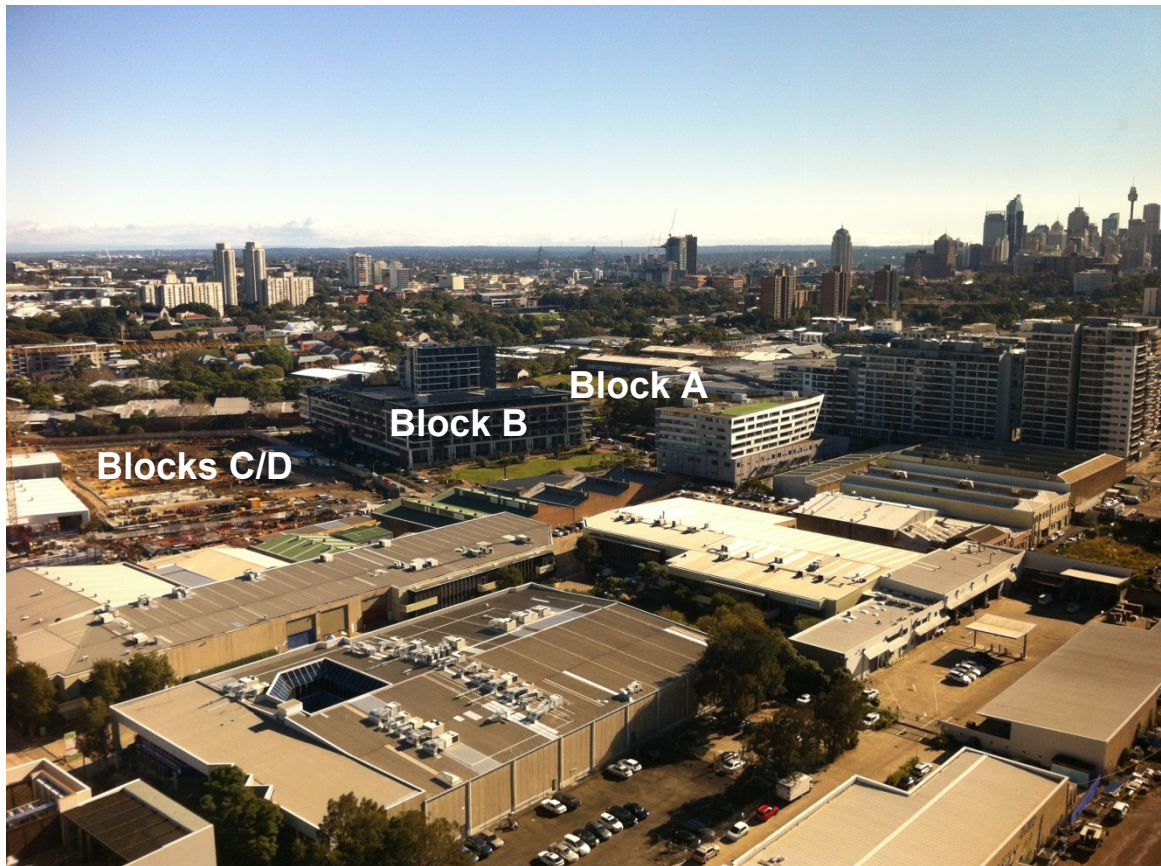


Figure 3: Aerial image of the Lachlan Precinct and greater masterplan site, looking north west.



Figure 4: The Site, as viewed from Bourke Street in a south easterly direction.



Figure 5: The Site, as viewed from Sam Sing Street in a westerly direction.



Figure 6: The Site, as viewed from Sam Sing Street showing entry and parking on Thread Lane.



Figure 7: The Site, as viewed from the end of Thread Lane in a north easterly direction, existing trees on RMS land beyond.



Figure 8: The Site, as viewed from RMS land with Block B in background.

Surrounding Development

10. Immediately south of the site is a 6 to 12 storey mixed use development known as **Block B** and the Rope Walk park. Block B comprises of residential apartments, retail units and a through site link from Thread Lane to Bourke Street. Further south, are **Blocks C and D** which are currently being constructed.
11. Adjoining the site along the curved northern boundary is a vacant parcel of land owned by the RMS, this land was acquired by RMS in 2007 for future road widening of Lachlan and Bourke Streets. This land contains mounded lawn area, 44 trees and footpaths adjacent to the road.
12. Opposite Bourke Street to the west is a large disused parcel of land known as the Sydney Water Site (903-921 Bourke Street). Opposite Lachlan Street to the north of the site is a motor vehicle showroom known as the Toyota Building and part of the large development known as the ACI site.
13. Opposite Sam Sing Street to the east of the site is an 8 storey mixed use commercial/residential development comprising of showroom, office space and 98 residential units, known as **Alpha G** (11A Lachlan Street).
14. Diagonally opposite Sam Sing Street to the south west of the site is a warehouse where a 7 storey mixed use development was recently approved by Council (11B Lachlan Street).
15. The site is also in close proximity to a near completed 7 to 10 storey mixed use building known as the Viking Development (30-36 O'Dea Avenue).
16. The broader area around the site is characterised by large sites used for light industrial and warehousing purposes and relatively new 6 to 13 storey mixed use developments.
17. **Figures 9 - 13** below illustrate the development that surrounds the site.



Figure 9: Block B and through site link (TSL), as viewed from Sam Sing Street in a westerly direction.

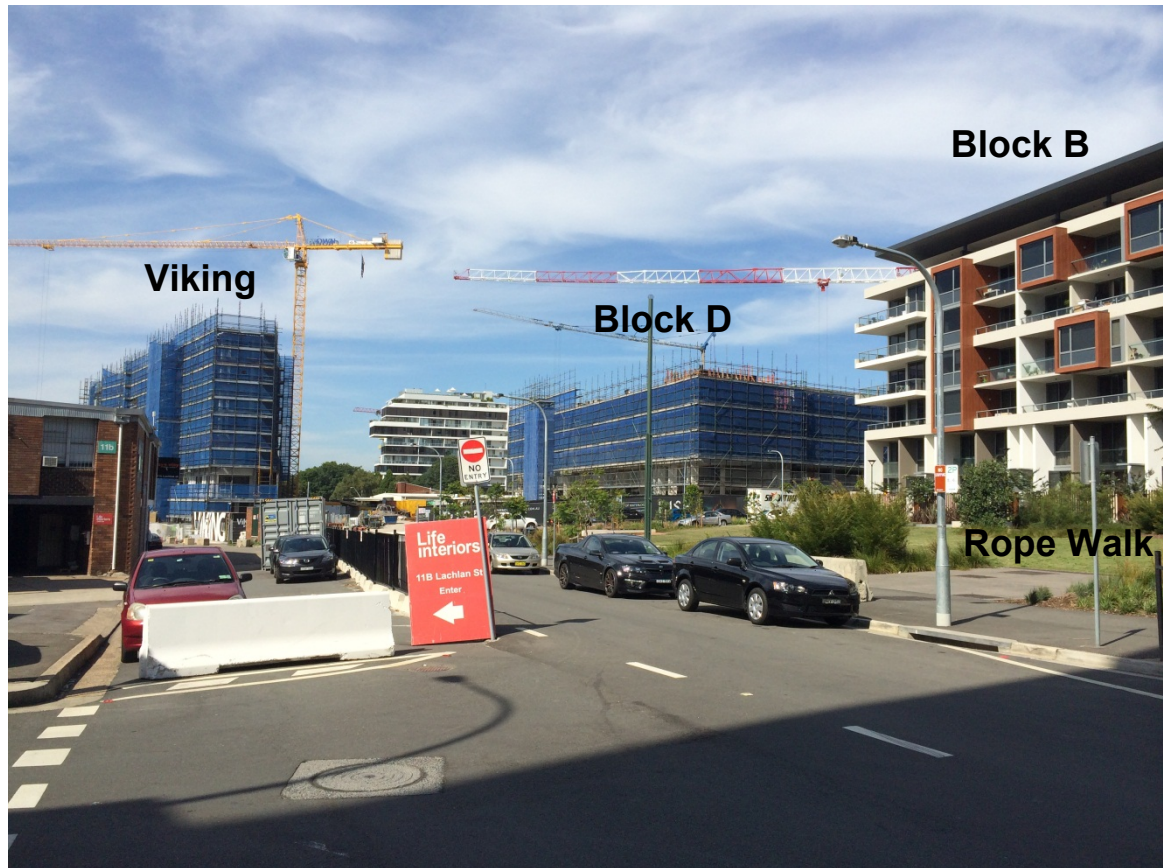


Figure 10: Part of Block B, Block D and Viking, as viewed from Sam Sing Street in a southerly direction.



Figure 11: Rope Walk park, ACI and Alpha G, viewed from Archibald Avenue in a northerly direction.



Figure 12: RMS land (subject to future road re-alignment) as viewed from Lachlan Street in a westerly direction.



Figure 13: Photomontage of approved building to the south east of the site at 11B Lachlan Street.

History of Applications/Matters Relevant to this Site

18. The following masterplan, development applications and planning agreement are considered relevant to the proposal:

(a) **Sydneygate Masterplan - U03/00828**

A masterplan for the overall Sydneygate site was endorsed by CSPC on 23 June 2005. The masterplan endorsed four stages of development comprising a mixture of residential, commercial and retail development and a package of public domain works. The four stages of development are known as 'Block A', 'Block B', 'Block C' and 'Block D' (refer to **Figure 14**).

Note: On 30 September 2005 the EP&A Act was amended to regard all existing masterplans as deemed DCPs.

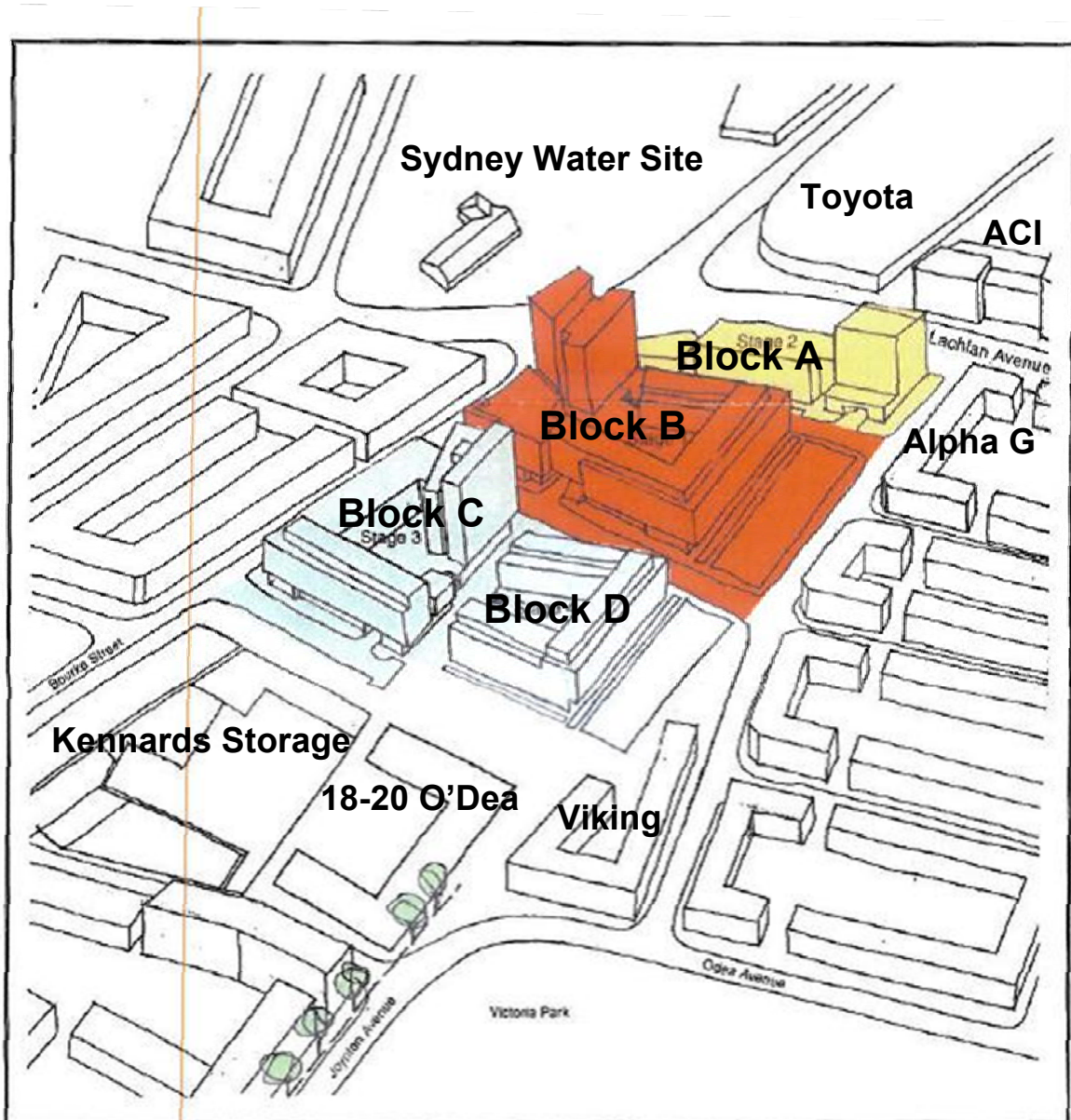


Figure 14: Masterplan massing diagram illustrating the indicative form endorsed.

(b) **Stage 2 DA for Block B - D/2004/259, as amended**

A detailed DA for a 9-11 storey mixed use development (Block B) was approved by CSPC on 25 November 2005. The consent was modified through a number of section 96 applications and the development has since been completed. The completed development comprises of 289 residential apartments, 8 retail units and parking for 272 vehicles.

(c) **Stage 2 DA for Block A – D/2006/1196, as amended**

Deferred commencement consent for a 2-9 storey commercial development (Block A) was approved by the Land and Environment Court on 24 October 2007 (refer to **Figure 15**). The consent was never activated.



Figure 15: Photomontage of Land and Environment Court approved commercial building on the subject site.

(d) **Planning Agreement - Council of the City of Sydney and Everest Project Developments Pty Ltd**

On 10 September 2010 the developer and the Council executed a Voluntary Planning Agreement (VPA) that related to the entire masterplan site. The VPA secured public domain improvements and monetary contributions to be delivered at various stages of the redevelopment of the masterplan site. The VPA has been amended once previously on 5 June 2014, allowing the restaging of the delivery of public domain works.

(e) **Subdivision – D/2011/1496 and S/2012/12**

An application for subdivision of the site into 11 lots was approved by Council on 29 November 2011. The Subdivision Certificate was issued on 11 April 2012. This application divided the land and created lot 103 for the future Block A development.

(f) **Sydneygate Masterplan amendment – D/2003/828/A**

An amendment to the masterplan to delete Condition 111 was endorsed by the CSPC on 16 February 2012 (which was considered concurrently with detailed DA for Blocks C and D). Deleting condition 111 permitted buildings located on the southern boundary of the site to be used for residential purposes rather than for commercial and retail purposes.

(g) **Stage 2 DA for Blocks C and D – D/2011/836, as amended**

Deferred commencement consent for a 6-12 storey mixed use development on Blocks C and D was approved by the CSPC on 16 February 2012 and became operational on 14 June 2012 (refer to Figure 16). The consent was modified through a number of section 96 applications and the development is currently under construction. The development as approved comprises of residential apartments, retail floorspace and basement parking.



Figure 16: Photomontage of approved Blocks C and D in the Divercity site.

Subject Application History and Amendments

19. Council identified a number of land use, bulk, scale and amenity concerns in the preliminary assessment of the application (refer to photomontage of originally submitted scheme in **Figures 17-18**).
20. On 22 August 2014, the applicant submitted amended drawings and additional technical information in response to Council's correspondence. The main amendments to the design included:
 - (a) deletion of the 11th storey, deletion of 27 residential apartments and deletion of 19 car spaces (amounting to 1243sqm of GFA);

- (b) creation of a double height space for the childcare centre and retail tenancy addressing Lachlan Street and Bourke Street;
- (c) reduction in the overall height and form of the building;
- (d) provision of a dedicated setback to Sam Sing Street;
- (e) provision of three retail tenancies at ground level addressing Thread Lane and Rope Walk park;
- (f) consolidation of essential services (waste storage and substations) to a single location along Thread Lane;
- (g) increase in size of apartments and greater compliance with cross ventilation to apartments;
- (h) increased connectivity to communal open space;
- (i) provision of community rooms (multi purposes areas for residents); and
- (j) provision of light and air to all corridors above Level 2.



Figure 17: Photomontage of the originally submitted DA viewed from Sam Sing Street illustrating an 11 storey building across half of the site.



Figure 18: Northern elevation of the originally submitted DA illustrating an 11 storey building across half of the site and amended building envelope dashed.

PROPOSAL

21. The masterplan amendment application comprises of:

- (a) deletion of Term No. (5) of the endorsed masterplan U03/00828, which states:

(5) PERCENTAGE OF NON-RESIDENTIAL FLOOR SPACE ACROSS THE WHOLE MASTERPLAN

The percentage of Gross Floor Area across the whole masterplan for the purposes of residential uses must not exceed 75% of the total endorsed floor space for the whole masterplan.

22. The development application seeks consent for:

- (a) bulk excavation to a maximum depth of 7.8 metres for 2 basement levels accommodating 136 car spaces, 143 individual storage areas, 50 class 2 bicycle spaces, accessed via a single driveway from Thread Lane and Sam Sing Street;
- (b) construction a 4 to 10 storey building comprising of a total of 143 residential apartments, an indicative 59 place ground floor child care centre and 3 ground floor retail tenancies (total GFA 14,912sqm);
- (c) 18 car spaces at grade adjacent to Thread Lane (7 of which are proposed as child care pickup and drop off spaces);
- (d) ground level public domain landscaping including paving from Sam Sing Street through to Bourke Street;
- (e) two communal roof terraces on Level 5 and Level 10;
- (f) removal of 21 trees on RMS land to the north of the site;
- (g) public domain works including the provision of paving, footpaths, street trees and landscaping at ground level around the site;
- (h) public domain improvement works required under the VPA, including:

- (i) construction and dedication of a 2 metre nominal setback along Sam Sing Street; and
 - (ii) construction of Bourke Street setback and registration of 12sqm easement for public access; and
- (i) construction staging:
- (i) Stage 1 - Early works – site establishment, excavation and remediation; and
 - (ii) Stage 2 - Construction – balance of works.
23. The subject application seeks consent for three indicative retail tenancies and a child care centre with no specific fit out or operational details. This assessment addresses the relevant permissibility and locational considerations of the proposed tenancies and child care centre.
24. Photomontages and elevations of the proposed development are provided in **Figures 19 - 24** below and a full set of drawings and photomontages are provided in **Attachment A** and **Attachment B**, respectively:



Figure 19: Photomontage of the proposal as viewed from Lachlan Street in a south westerly direction.



Figure 20: Photomontage of the proposal as viewed from Bourke Street in a south easterly direction.



Figure 21: Lachlan Street elevation.



Figure 22: Thread Lane elevation.

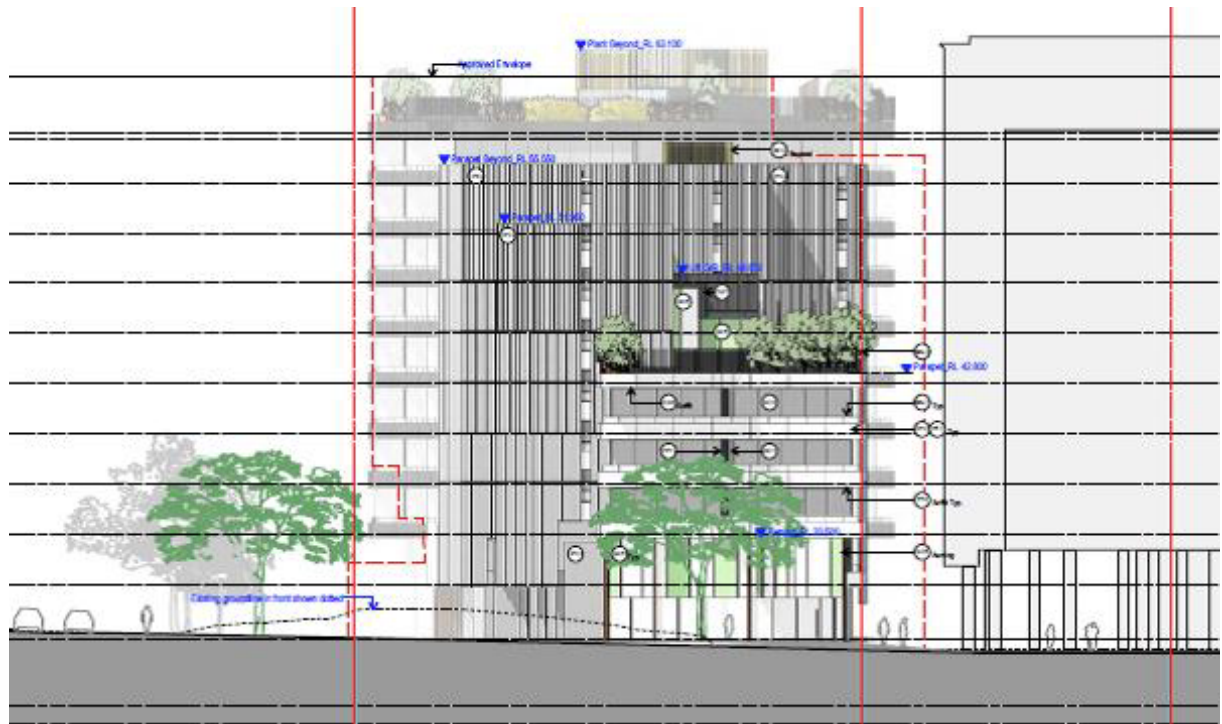


Figure 23: Bourke Street elevation.



Figure 24: Sam Sing Street elevation.

IMPLICATIONS OF THE PROPOSAL

Section 79C Evaluation

- The application has been assessed under Section 79C of the *Environmental Planning and Assessment Act 1979* (“**EP&A Act**”), including consideration of the following matters:

(a) **Integrated Development - Section 91 EP&A Act**

The bulk excavation for the proposed basement car park involves interception of groundwater level which is between 3.3m below existing ground level. To undertake this activity an Aquifer Interference Approval is required from NSW Office of Water and classifying the development as Integrated Development under section 91 of the EP&A Act. The application was referred to the NSW Office of Water and General Terms of Approval (“**GTA**”) were issued and are incorporated into Schedule 3 of the recommendation.

(b) **Environmental Planning Instruments and DCPs**

State Environmental Planning Policy No 55—Remediation of Land (“SEPP 55”)

26. The aim of SEPP 55 is to reduce the risk of harm to human health or any other aspect of the environment arising from contaminated land through land remediation.
27. Contaminants have been identified on the site and as the application proposes sensitive land uses, Council must be satisfied that the site is capable of being made suitable for the proposed uses.
28. A Detailed Environmental Site Assessment (“**DESA**”), Remedial Action Plan (“**RAP**”) and Letter Interim Advice from an accredited NSW EPA Site Auditor were submitted with the application. Council’s Health Unit have reviewed the documents and advised that the site is capable of being made suitable, subject to conditions being imposed requiring a further RAP and site audit statement being submitted to and approved by Council.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (“Codes SEPP”)

29. The subject application seeks consent for two indicative retail tenancies with no specific fit out or operational details. Council would ordinarily condition that these tenancies require a future first use DA, however, recent changes to the Codes SEPP provides that a number of first uses can be approved under a complying development certificate (“**CDC**”), thus overriding Council’s standard condition for a first use DA.
30. In the proposed development, the retail tenancies are classified as Class 6 under the BCA. Examples of the likely uses that could be approved (subject to specific development standards) under a CDC pursuant to the Codes SEPP could be a shop or food and drink premises (with capacity of less than 50 people). Subject to recommended consent conditions limiting hours of operation of these tenancies, the proposed building is capable of accommodating these types of future uses with regard to fire safety and ventilation.
31. It is considered that future uses of this nature are generally consistent with the desired future character of the precinct, and therefore generic approval of indicative retail tenancies is acceptable in this instance.

State Environmental Planning Policy No 64—Advertising and Signage

32. The application does not propose detailed signage. It is recommended that a condition be included into the consent to ensure that signage does not form part of the development consent and new development application(s) is required to be submitted for signage (other than exempt or complying signs).

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (“SEPP 65”)

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

(a) **Principle 1: Context**

The subject site is located in Lachlan Precinct in the Green Square Locality. The area is in a period of transition from industrial and warehouse uses to mixed use and predominantly low to medium scale residential development. The locality statement highlights the need to undertake future public domain improvements and ensuring new development adopts an appropriate medium scale residential built form achieving suitable streetscape presentation, quality architectural design, good residential amenity and compatible materials.

The proposal comprises of three retail tenancies, a 59 place child care centre and 143 residential apartments. The mixed use development is consistent with the desired uses identified in the character statement. The development addresses the need for provision of public infrastructure, being a setback and access easement on the site that is already obliged under an existing VPA. The proposed building generally complies with the form envisaged for the site under the endorsed masterplan. The overall scale and expression has been tested and considered to appropriately address the street frontages and adjoining sites.

(b) **Principle 2: Scale**

The development ranges between 4 and 10 storeys high and the overall height is generally consistent with the scale identified in the endorsed masterplan. The proposed building is consistent with the scale of development in the immediate vicinity of the site noting that Block B to the south is 6, 7 and 12 storeys, ACI to the north of the site is 10 and 13 storeys and the Alpha G building to the east is 8 storeys high. **Figure 25** illustrates the scale of the built form as viewed from Thread Lane.



Figure 25: Perspective of the proposal as viewed from Thread Lane looking generally in north easterly direction.

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

The amended concept for the building was to create two distinct forms, a 'street edge building' addressing Lachlan Street and 'object building' addressing the northern edge of Rope Walk park (refer to **Figures 26-27**). The building subsequently presents as a two separate forms separated by a 7 metre wide corridor above a ground level podium that aligns to Lachlan Street.

The double height retail spaces and child care centre address the future active ground level and pedestrian through site link between Thread Lane and Bourke Street. Above ground level, the expression of the residential apartments varies between the separated forms.

The building adopts varied setbacks to all boundaries generally consistent with the footprint established in the endorsed masterplan.

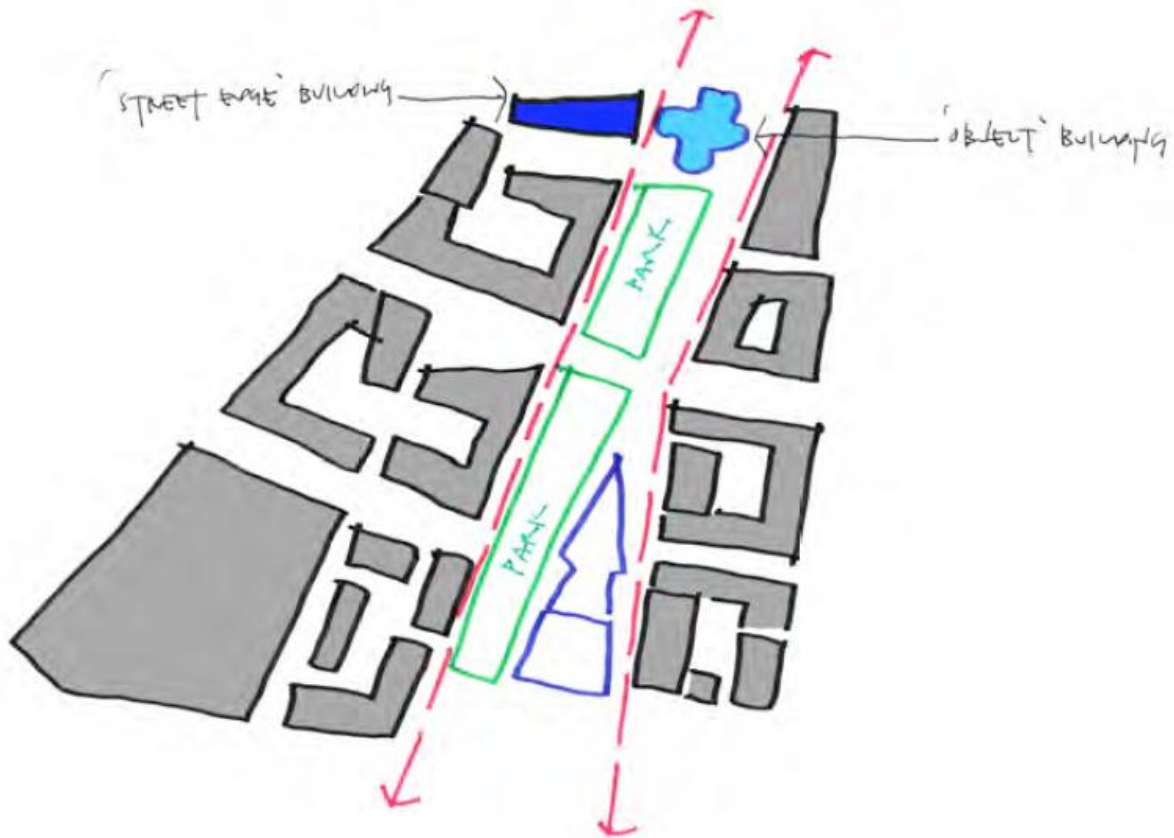


Figure 26: Architect's concept for the built form, street edge building and object building.



Figure 27: Perspective of the proposal as viewed from Lachlan Street (post road re-alignment).

(d) **Principle 4: Density**

The building has been designed to comply with the allowable density of up to 2.12:1 across the masterplan site. The proposal results in a combined density across the masterplan site of 2.07:1. This is an appropriate density in the context given it is consistent with FSR established and built form envisaged under the masterplan.

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

In addition to energy and water efficiency commitments required under SEPP BASIX, the proposal reduces the amount of ductwork and life cycle energy costs through the provision of natural ventilation to the majority of corridors. The principles of passive solar design and natural ventilation have been satisfactorily addressed through the amended design.

(f) **Principle 6:** Landscape

The internal site landscaping is provided in the form of hard works and new tree planting to the ground level, an inaccessible green roof to level 2, and common roof terraces to levels 5 and 10 (refer to **Figure 28**). Combined, the communal open space equates to 1220sqm or 40% of the site area and complies with the minimums recommended in the RFDC. There is very limited consolidated deep soil provided, however, this is considered acceptable given that the site forms part of the greater masterplan site that delivers 6,321sqm of consolidated deep soil in the public park.

Overall, the ground level landscaping, green roofs and roof terraces are considered to provide a high quality aesthetic and afford functional and usable spaces for future residents.

The location of the OSD tank is not supported as it will conflict with the provision of street trees on Thread lane and the proposed temporary hardscape to the ground level setback to the northern boundary is not supported and is recommended to be replaced with soft planting.



Figure 28: Landscape plan illustrating communal open space on levels 5 and 10.

(g) **Principle 7:** Amenity

When assessing the proposal against the relevant amenity principles, the level of internal amenity afforded to the apartments is assessed as acceptable.

Floor to Ceiling Heights

The residential levels are provided 3.1m floor to floor heights to enable delivery of a 2.7m floor to ceiling height during construction and comply with the RFDC. With the exception of some compact 1 bedroom apartments and some 3 bedroom apartments, the majority of the apartment sizes comply with the minimums recommended and are considered acceptable as the layouts are reasonably efficient and functional.

Solar Access

71% of apartments receive a minimum of 2 hours of direct sunlight to at least 1sqm of living room windows and 67% receive a minimum 50% to each balcony between 9am and 3pm on June 21st. On balance, this is considered to satisfactorily comply with the 70% recommended in the RFDC.

14% of apartments have a single aspect and face directly south and does not comply with the maximum 10% recommended in the RFDC. This is considered acceptable as 5% represent apartments that are within the 10 storey object building, which have limited depth and an excellent level of daylight and outlook amenity over the Rope Walk park.

Natural Cross Ventilation

58% of apartments are naturally cross ventilated and slightly depart from the 60% minimum recommended in the RFDC. The minor non-compliance is considered acceptable in this circumstance given that the remaining apartments encourage natural ventilation through limited depth.

Circulation

The building provides three cores and the number of apartments accessible from a single core/corridor does not exceed 8 and complies with the maximum recommended in the RFDC.

Spatial Separation and Visual Privacy

Visual privacy has been addressed through building separation, offsetting of openings, apartment layout and screening devices. Subject to suitable measures being integrated at building construction stage, the acoustic privacy within the apartments can achieve an acceptable level.

The two building forms are separated by a 7 metre corridor with offset openings to habitable rooms which achieves the privacy objectives. The separation to the Block B development is between 12 metres and 24 metres, which can meet the minimum 12m, 18m and 24m distances recommended in the RFDC. **Figure 29** illustrates the proposed building separation.

The complying separation to Block B is supplemented by solid or semi-solid balustrades to balconies, louvres and screen panels to windows and balconies and landscaped roof terraces.

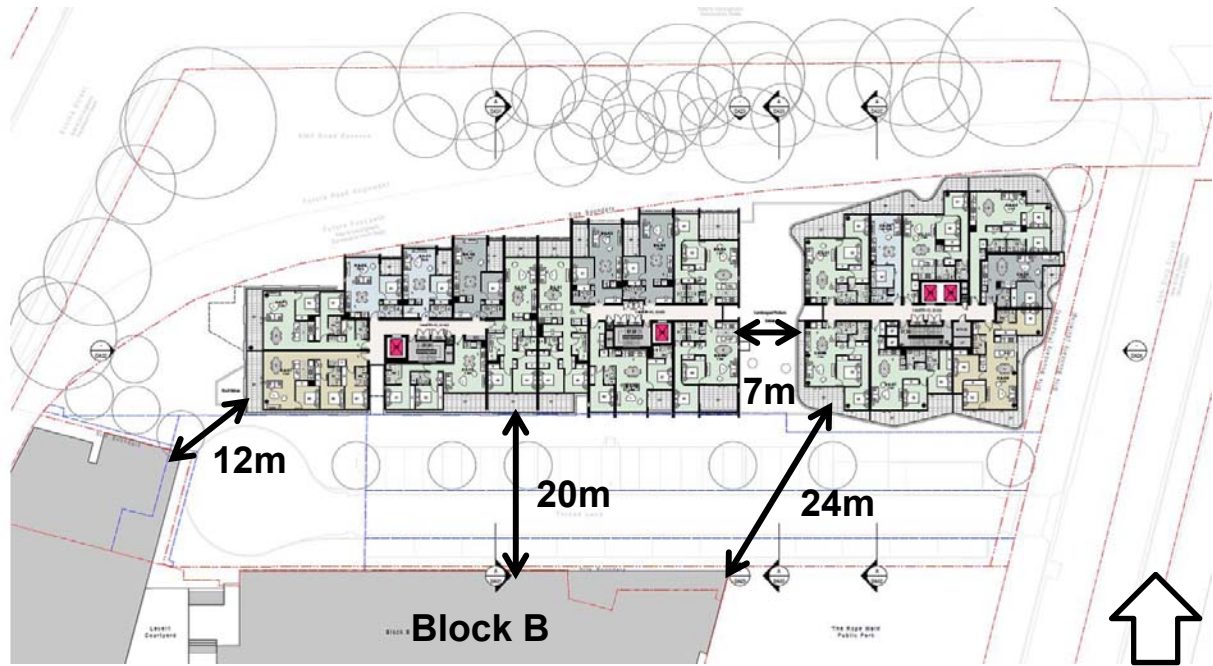


Figure 29: Diagram of Level 4 illustrating building separation to Block B.

Private Open Space and Outlook

Each apartment contains a private courtyard or balcony that generally meets the minimum areas and dimensions. An outlook over the district is available from the majority of apartments.

Storage

The proposal provides individual storage facilities within the basement of the development for each apartment.

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

The proposed retail tenancies, residential lobbies and balconies will provide improved casual surveillance of the public domain. The vehicular access is concentrated to a single cross over from Thread Lane and considered the most appropriate location given the limited frontage to Sam Sing Street and inability to access the site from the main northern and western frontages.

The basement design provides logical circulation and clear and legible access into the building.

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

The proposal provides a desirable mix of studio (compact 1 bedroom), one, two and three bedroom dwellings that can cater for a range of lifestyles, budgets and housing needs. The development suits the anticipated social mix for the neighbourhood noting that 22 of the apartments or 15% are capable of adaptation for access for all age groups and degrees of mobility.

(j) **Principle 10: Aesthetics**

The Architect describes the design of the buildings as distinct identities that allow each part to express their own particular identity through variance in form and materiality. The 'object form' has a strong horizontal articulation with the use of black and gold curved composite cladding over a steel sub structure. The street edge building has a strong vertical articulation with the use of precast concrete with feature timber cladding and glazing. The podium is predominately glazed with a combination of clear and tinted grey and green glazed elements.

The proposed varied use of materials and overall expression of the building is considered to appropriately respond to the immediate context and quality of design envisaged for the locality.

36. The development is considered acceptable when assessed against the above stated principles and SEPP 65 generally, which are replicated in large part within Council's planning controls.

Draft State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (“Draft SEPP 65”)

37. On 23 September 2014, the Department of Planning and Environment exhibited the proposed changes to SEPP 65 which includes the replacement of the RFDC with an Apartment Design Guideline.
38. These amendments have been considered in the assessment of the application. The proposal could be considered to be generally consistent with draft SEPP 65 and the draft Apartment Design Guideline which is mostly reflected in the RFDC.

State Environmental Planning Policy 70 Affordable Housing (Revised Schemes) (“SEPP 70”)

39. SEPP 70 relates to Section 94F of the EP&A Act and provides that where the consent authority is satisfied that the development meets certain criteria and a Local Environmental Plan authorises an affordable housing condition to be imposed, such a condition should be imposed so that mixed and balanced communities are created.
40. Clause 27P Affordable Housing Conditions of South Sydney LEP 1998 authorises that an affordable housing contribution may be levied for development in land in Green Square within zone 10(e).
41. The development satisfies the criteria because Green Square is undergoing renewal as a result of rezoning and infrastructure investment, in which, the subject land has benefited from.
42. It is recommended that a condition imposing an affordable housing contribution to aid in the delivery of affordable housing in accordance with the principles in Schedule 2 of SEPP 70 is appropriate.

State Environmental Planning Policy (Infrastructure) 2007 (“SEPP I”)

43. The application is subject to clause 45 of SEPP I as the development is likely to affect an electricity transmission or distribution network. The application was referred to Ausgrid and no response had been received at the time of preparing this report. The design makes provision for substations located along Thread Lane. It is recommended that the standard Electricity Substation condition be incorporated into the consent requiring design and location to be approved by Council and Ausgrid prior to issue of a construction certificate.
44. The application is subject to clause 101 of SEPP I as the site has a frontage to a classified road (Bourke Street and Lachlan Street). Certain matters relating to access, emissions and noise are required to be considered. Council is satisfied that the safety, efficiency and ongoing operation of the classified roads will not be adversely affected for the following reasons:
- (a) the vehicular access to the development is located from the private Thread Lane and a sufficient distance from the Sam Sing Street/Lachlan Street intersection to minimise impacts on the road network;
 - (b) subject to appropriate conditions, it is unlikely that dust emissions during construction will affect the road network;
 - (c) the generated volumes of traffic are assessed to not unreasonably impact on the local road network. Based on the RMS guidelines for traffic generating development, it is projected to be less than if the building was used for commercial purposes; and
 - (d) an Acoustic Report was submitted and recommends structural design measures to achieve the relevant indoor noise criterion. It is recommended that the recommendations of the acoustic report form part of the consent conditions.
45. The application is subject to clause 104 of SEPP I as the development constitutes Traffic Generating Development involving greater than 75 residential dwellings and accessed from a road which connects within 90 metres of a classified road. The application was referred to the RMS and no objections were raised subject to standard considerations being undertaken by Council.

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

46. The proposed development is BASIX affected development and a BASIX Certificate (No. 493837M dated 20 August 2014) was submitted in accordance with requirements in SEPP BASIX and the EP&A Regulation 2000. The BASIX commitments are achievable subject to recommended consent conditions.

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

47. 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.

48. The proposal is consistent with the aims and objectives of SEPP 32 in that the development increases the housing stock and provides a mix of studios, 1, 2 and 3 bedroom apartments to meet the demand generated by the urban renewal within Green Square.

South Sydney Local Environmental Plan 1998 (“SSLEP 1998”)

49. The relevant matters to be considered under SSLEP 1998 for the proposed development are outlined below.

| Provision | Consideration | Comment |
|-------------------------------|--|--|
| Part 2 Planning Principles | Development is to be considered having regard to the goals and objectives within the Strategy for a Sustainable City of South Sydney. | The proposed development application is considered to be consistent with the goals and objectives of the Strategy. |
| Part 3 Zoning Controls | <p>The site is located within the 10(e) Mixed Uses zone.</p> <p>The RMS land to the north is zoned 9(a) Arterial Road Reservation.</p> | <p>The proposed land uses are characterised as a ‘commercial premises’, ‘child care centre’ ‘multiple dwellings’ and ‘roads’ which are permissible with development consent in the 10(e) zone.</p> <p>Tree removal is located on the RMS land and is permissible with development consent in the 9(a) zone.</p> <p>The 10(e) zoning objectives seek to establish a predominately employment-based zone while allowing residential uses on appropriate development sites and that are compatible with other surrounding non-residential uses.</p> <p>This assessment finds that, notwithstanding that the individual development is predominately residential, the 10(e) zone and specifically the Lachlan Precinct remains a predominately employment-based zone at the time of determination and considered to be consistent with the objectives of the zone.</p> <p>Refer to detailed discussion in Issues section later in this report.</p> |

| Provision | Consideration | Comment |
|---|---|---|
| Division 2 Development at Green Square CI 27A to 27K | Council must not grant consent for development of any land within Green Square unless a masterplan is adopted the development is consistent with the masterplan. A masterplan may be amended. | This assessment finds that the proposal is consistent with the vision for Green Square and the relevant planning principles. A masterplan was adopted in 2005 and subject to endorsement of the masterplan amendment in accordance with Recommendation (A), the development is considered to be consistent with the Sydneygate masterplan. Refer to discussion in Issues section later in this report. |
| Division 2 Affordable housing at Green Square CI 27L – 27R | This clause authorises the imposition of an affordable housing condition when the consent authority grants consent to the carrying out of development in Zone 10(e) in Green Square. | The site is located in Green Square and the development subject to an affordable housing contribution, which has been included as a consent condition. |
| CI 28 Built environment design principles and masterplans | Development is to satisfy urban design requirements. Before granting consent to development in Zone 5 or on a site greater than 5000sqm, Council must consider any master plan for the land that is available. | This assessment finds that the development satisfies the urban design principles in that the building form responds to the context, affords an acceptable level of amenity to future occupants, improves the public domain and comprises of compatible land uses. A masterplan has been adopted for the site and is considered in detail later in this report. Subject to endorsement of the masterplan amendment in accordance with Recommendation (A), the development is consistent with the masterplan. |

| Provision | Consideration | Comment |
|---|--|---|
| CI 29 Subdivision of land | A person must not subdivide land to which this plan applies without the consent of the Council. | <p>The application seeks development consent for land subdivision through the excising of land for dedication to Council for road purposes.</p> <p>It is recommended a condition is included in the consent clarifying that the land dedication, all subdivision works and associated public domain works are to be completed in accordance with the requirements in the registered VPA.</p> |
| CI 29A Application of provisions of Sydney Local Environmental Plan 2012 | Certain provisions of <i>Sydney Local Environmental Plan 2012</i> apply to development on land to which this Plan applies. | <p>The following provisions of SLEP 2012 apply to development.</p> <ul style="list-style-type: none"> • CI 2.8 Temporary use of land • CI 5.10 (Heritage conservation) • Part 3 Exempt and complying development • CI 7.15 (Flood planning) • CI 7.17 (Development in areas subject to airport noise) <p>Refer to discussion under Sydney LEP 2012 section later in this report.</p> |
| CI 39 Contaminated Land | Council is to consider the issue of contamination in determining an application for a residential, child care centre or commercial use on land previously occupied by an industrial use. | As discussed under the SEPP 55 section earlier in this report, the site is capable of being made suitable subject to recommended conditions. |

| Provision | Consideration | Comment |
|--|--|---|
| CI 44 Suspension of covenants, agreements and instruments | The operation of any covenant, agreement or similar instrument that purports to impose restrictions on the carrying out of development on the land to which this plan applies, to the extent necessary to serve that purpose, shall not apply to any such development. | The access and encroachment restrictions are to be maintained and the proposed building does not encroach on these easements. |

Sydney Local Environmental Plan 2012 (“SLEP 2012”)

50. Clause 29A of SSLEP 1998 provides that certain provisions of SLEP 2012 apply to development on the site. The relevant provisions are addressed below.

(a) **Clause 5.10 Heritage conservation**

The site is not identified as containing a heritage item.

(b) **Clause 7.15 Flood planning**

Council's Public Domain Unit has reviewed the proposed drawings and is satisfied that the levels are satisfactory when considered against Council's Flood Planning Level requirements.

(c) **Clause 7.17 Development in areas subject to airport noise**

The land is not identified as being in an area sensitive to aircraft noise.

Lachlan Precinct Planning Proposal – amendment to Sydney Local Environmental Plan 2012

51. On 3 April 2014 and 7 April 2014, CSPPC and Council respectively resolved to approve the Lachlan Precinct Planning Proposal for Gateway Determination and public exhibition. A draft DCP amendment to Sydney DCP 2012 was also considered and approved for public exhibition.

52. The Lachlan Precinct Planning Proposal and DCP amendment seeks to translate and integrate the South Sydney controls into *Sydney Local Environmental Plan 2012* and *Sydney Development Control Plan 2012*. Specifically, the planning proposal seeks to make the following amendments to the Sydney LEP 2012:

- (a) rezone land from Mixed Uses Zones 10(b) and 10(e) under South Sydney LEP 1998 to B4 Mixed Use;

- (b) translation of 1.5:1 FSR from South Sydney LEP 1998;
 - (c) introduction of FSR incentives for commercial and retail development and design excellence;
 - (d) translation of height in metres from South Sydney LEP 1998 to “reduced levels” on indicative building footprints in Sydney LEP 2012;
 - (e) list heritage item 866-882 Bourke Street in schedule 5; and
 - (f) integration of appropriate controls for the precinct in the following maps: heritage; locality and site identification; acid sulphate soils; special character areas; land reservation; land use and transport integration; and public transport accessibility.
53. The Gateway determination was issued on 4 June 2014 and the Planning Proposal has been publically exhibited, reported back to Council and the CSPC in October 2014 and expected to be gazetted in the new year.
54. Pursuant to Section 79C of the EP&A Act, the proposed development is considered against the following relevant matters in the proposed instrument:
- (a) **Zoning**

The proposed land uses being a residential flat building, child care centre and retail premises would be permissible with consent and generally consistent with the mixed use B4 zone objectives.
 - (b) **FSR**

The proposed FSR across the Block A site (calculated in accordance with clause 4.5 and definitions in SLEP 2012) would be approximately 2.8:1 and would not comply with the draft FSR development standard of 2:1 (including eligible community infrastructure floorspace). The proposed FSR is considered acceptable in this circumstance as:

 - (i) the site forms part of a greater masterplan site that has an endorsed max FSR of 2.12:1 across the entire site and the proposal complies with this control; and
 - (ii) due to the proposed change in the GFA definition between the SSLEP 1998 and draft SLEP 2012, the total FSR across the entire masterplan site would comply with the draft 2:1.
 - (c) **Height**

The proposed building would exceed the “Reduced Levels” identified for the site by between 3 metres to 12 metres. This departure arises as the Reduced Levels appear to be derived from the approved masterplan envelope drawings and do not contemplate that the masterplan terms identified additional height mid-block on the site. This assessment finds that the proposed building heights are acceptable when assessed against the envelopes and terms in the established endorsed masterplan.

See discussion in Issues section later in this report.

(d) **Restricted Retail**

The proposed size of the retail tenancies would not exceed 1000sqm and would be consistent with the draft development standard.

(e) **Parking**

Based on the proposed unit mix and GFA of retail and child care centre, the proposed 136 spaces would comply with the draft car parking development standard.

(f) **Design excellence**

Under the draft controls a competitive design process would be required as part of the building exceeds 30 metres high. It is considered that the proposal can be supported without need for a competitive design process as the majority of the building is below the 30 metre threshold and design development and refinement has been ongoing for 18 months.

55. The proposal has been considered against the draft controls outlined in the draft instrument and found that a future development could be generally consistent with the draft standards with the exception of FSR, height and competitive design process. This assessment finds that the proposed FSR and height can be supported in this instance as the massing of built form on the site is consistent with the form envisaged and planned within the greater masterplan site.

Sydneygate Masterplan – Deemed DCP

56. Compliance with the masterplan controls is summarised below:

| Term of Approval | Consistent | Comment |
|----------------------------------|------------|--|
| Approved Plans and Documentation | Yes | The proposed building is generally consistent with the endorsed masterplan documents. |
| Time Limited Consent | Yes | The masterplan has not lapsed as it became a deemed DCP in 2005 and its status was saved by the provisions in the EP&A Act. |
| Reduction In Tower Heights | Yes | <p>Term No. 3 of the masterplan required a reduction in tower heights on Block B and C and required the lost floor space to be redistributed to the following locations across the masterplan site, in the following order of priority:</p> <ul style="list-style-type: none"> • The corner of Bourke & Lachlan Streets (Block A) • Mid-block on the Lachlan Street frontage; and (Block A) • Mid-block on the Bourke Street frontage (Block B/C). <p>The applicant has resolved to relocate floor space mid-block on the Lachlan Street frontage consistent with the masterplan.</p> <p>See discussion relating to the impact of the redistributed floor space in the Issues section later in this report.</p> |
| Floor Space Ratio | Yes | The Floor Space Ratio of the proposed development must not exceed 2.12:1 calculated in accordance with <i>South Sydney Local Environmental Plan 1998</i> . The proposed FSR across the entire masterplan site is 2.07:1 and complies with the control. |

| Term of Approval | Consistent | Comment |
|---|------------|--|
| Percentage of Non-Residential Floor Space Across The Whole Masterplan | No | <p>Term No. 5 requires the percentage of GFA across the whole masterplan for the purposes of residential uses must not exceed 75% of the total endorsed floor space for the whole masterplan.</p> <p>It is proposed to delete this term of the masterplan to enable the following land use mix:</p> <ul style="list-style-type: none"> • Residential – 94% • Non-Residential – 6% <p>This assessment finds that there is merit in deleting this requirement considering that there is a proposed rezoning of the land that would not restrict the proportion of residential land use and the application demonstrates that a compatible mixed use building with an appropriate relationship with the surrounding land can be achieved.</p> <p>See full discussion relating to the masterplan amendment in the Issues section later in this report.</p> |
| Deed of Agreement | Yes | <p>The land owner entered into a VPA with Council on 10 September 2010. As a result of:</p> <ul style="list-style-type: none"> • the proposed redevelopment of Block A, • work delivered to date on Blocks C and D, and • no RMS plans to realign Lachlan Street in the short term, <p>it is proposed to amend the VPA to reflect changes in the developer's obligations and update relevant information.</p> <p>See discussion in the Issues section later in this report.</p> |
| Management of the Approved Masterplan | Yes | <p>The proposal does not seek to exceed the FSR allowable across the masterplan site.</p> |

| Term of Approval | Consistent | Comment |
|---|------------|--|
| Terms of Public Domain Provision | Yes | <p>The proposed building seeks to utilise 4101sqm of bonus floorspace. The quantum of bonus floor space works and funds to be undertaken and paid by the applicant have been recalculated in accordance with the relevant rates and the delivered works in previous stages.</p> <p>Based on these calculations, there is an outstanding monetary contribution payable prior to issue of the first occupation certificate. It is proposed to amend the VPA to reflect the outstanding balance of the developer's obligations.</p> |
| Materials And Finishes For Public Domain Elements, Through Site Link, Trees In The Public Domain, Public Domain Requirements For The Urban Plaza, Public Domain Lighting Requirements, Road Network And Geometric Road Design, Road Network And Geometric Road Design, Pavement Design, Stormwater Design And Implementation Requirements, Drainage Requirements For Buildings And Basement Car Parking, Subsurface Drainage Design | Yes | <p>The proposed public domain works including the construction of the Sam Sing Street setback for widened footpath and construction of Bourke Street ground floor setback have been reviewed by Council's Public Domain Unit and subject to recommended conditions can satisfy this term.</p> <p>The application involves removal of 21 trees on RMS land on or near the northern boundary of the site to enable construction of the building. The RMS has provided land owners consent to remove the trees subject to conditions.</p> <p>The Arborist report was reviewed by Council's Tree Management Unit, and supports the removal of the trees subject to recommended conditions.</p> |
| Contamination and remediation | Yes | As discussed under the SEPP 55 section earlier in this report, the site is capable of being made suitable subject to recommended conditions. |
| Affordable housing | Yes | The development does not provide affordable housing units on site, however, under the Green Square Affordable Housing Development Control Plan an in lieu monetary contribution can be made, which has been included as a consent condition. |

| Term of Approval | Consistent | Comment |
|---|------------|--|
| Commercial social infrastructure – childcare | Yes | The development provides for a 59 place future child care centre at ground level, consistent with this term. |
| Crime prevention | Yes | <p>An assessment against the general CPTED principle finds that the design can satisfy the relevant safety and security objectives.</p> <p>The proposed retail tenancies and residential lobby and balconies will provide passive surveillance of the public domain.</p> |
| Accessibility | Yes | The building proposal can achieve the objectives of the Access DCP in that equitable access to the building is provided through a number of level or ramped entries at ground level to the retail tenancies and residential lobbies and provides lift access to all levels of the building. |
| Vehicular Access Restrictions, Car Parking , Traffic and Access Requirements, Carriageway And Footway Configuration | Yes | <p>The proposal complies with the maximum car parking set out in the adopted controls in DCP 11.</p> <p>The traffic and access arrangements have been assessed as acceptable, with the exception of loading and unloading on Thread Lane which is conditioned to be contained within the basement.</p> <p>See discussion in the Issues section later in this report.</p> |
| Construction management plans | Yes | It is recommended that a condition is included in the consent requiring a construction traffic management plan. |
| Landscaping to communal open space | Yes | The building provides two roof top communal open spaces which have been reviewed by Council's Landscape Officer. The areas are considered to provide a high quality aesthetic and afford functional and usable spaces for future residents. It is recommended that detailed landscape plans are submitted for approval prior to issue of a construction certificate. |

| Term of Approval | Consistent | Comment |
|--|------------|---|
| Noise Mitigation Requirements | Yes | An Acoustic Report was submitted and recommends structural design measures to achieve the relevant indoor noise criterion. It is recommended that the recommendations of the acoustic report form part of the consent conditions. |
| Aircraft Flight Path Restrictions | Yes | The building does not penetrate the Obstacle Limitation Surface for Sydney Airport. The proposed building exceeds 45.72m in height and under the provisions of the <i>Civil Aviation (Buildings Control) Regulations 1988</i> an approval from the Sydney Airport Corporation Limited (SACL) is required. Separate advice from SACL to Council provides that for applications of this nature, a condition of consent should be imposed requiring the developer to obtain approval from SACL prior to the issue of a Construction Certificate. |
| Sydney water requirements | Yes | It is recommended that the standard condition requiring Section 73 Certificate is included in the consent. |
| Land use of the buildings bounding the southern boundary of the site | N/A | Deleted by D/2003/828/A, dated 16 February 2012. |
| Council owned land | Yes | No work is proposed on Council owned land. |

South Sydney DCP 1997 (“SSDCP 1997”)

57. The provisions of the endorsed masterplan prevail over the controls in SSDCP 1997, as such only the relevant SSDCP 1997 controls are addressed below:

| Development Control | Complies | Comment | | | | | | | | | | | | |
|---|----------|---|------|---------|----------|-------------------|-----|----------|------------|-----|----------|-------------|-----|----------|
| PART B: URBAN DESIGN PRINCIPLES | | | | | | | | | | | | | | |
| Urban Form Section 2 | Yes | The proposal aligns to urban design principles established for the area and will not obstruct significant views to the city skyline from the public domain. | | | | | | | | | | | | |
| Urban Villages, Public Spaces and Pedestrian Networks Section 3 | Yes | The proposal will result in an improved public domain outcome adjacent to the site and will contribute to the public street and pedestrian network identified in SSDCP 1997. | | | | | | | | | | | | |
| Sustainable, Healthy Environment Section 4 | Yes | A site responsive design has been achieved, noting that passive solar design principles have been integrated into the development, natural light and ventilation provided to the majority of corridors and water and energy efficiency BASIX targets are capable of being achieved. | | | | | | | | | | | | |
| PART D: SOCIAL PLANNING | | | | | | | | | | | | | | |
| Social Housing and Mix Section 3 | No | <p>The development proposes a dwelling mix of:</p> <table border="1" data-bbox="762 1122 1353 1375"> <thead> <tr> <th>Type</th> <th>Control</th> <th>Proposed</th> </tr> </thead> <tbody> <tr> <td>Studios/1 bedroom</td> <td>28%</td> <td>35% (50)</td> </tr> <tr> <td>2 bedrooms</td> <td>50%</td> <td>55% (79)</td> </tr> <tr> <td>3+ bedrooms</td> <td>22%</td> <td>10% (14)</td> </tr> </tbody> </table> <p>The dwelling mix is non-complaint when tested against the SSDCP 1997 control, with too many 1 bedroom apartments and not enough 3 bedroom apartments.</p> <p>It is considered that the non-compliance is acceptable in this instance given that the minimum controls in SSDCP 1997 are based on 1991 Australian Bureau of Statistics census data and more recent data identifies a different mix to achieve socially diverse population.</p> <p>The more recent data has been reviewed and adopted into the Flexible housing and dwelling mix control in Sydney DCP 2012. While this control does not apply to the proposal, when testing the subject development against the mix it generally complies and therefore considered acceptable.</p> | Type | Control | Proposed | Studios/1 bedroom | 28% | 35% (50) | 2 bedrooms | 50% | 55% (79) | 3+ bedrooms | 22% | 10% (14) |
| Type | Control | Proposed | | | | | | | | | | | | |
| Studios/1 bedroom | 28% | 35% (50) | | | | | | | | | | | | |
| 2 bedrooms | 50% | 55% (79) | | | | | | | | | | | | |
| 3+ bedrooms | 22% | 10% (14) | | | | | | | | | | | | |

| Development Control | Complies | Comment |
|---|-----------------|---|
| Cultural Issues Section 4 | Yes | The proposed development is considered to support the creation of the Lachlan Precinct and in time will contribute to a neighbourhood with a clear urban identity. |
| Community Infrastructure Section 5 | Yes | The proposal involves the construction and dedication of part of the road and pedestrian network that will service the Lachlan Precinct. These works have already been secured in the existing VPA for the site. |
| Cumulative Impacts and Trade-Offs Section 6 | Yes | There are no identifiable cumulative negative impacts arising from the proposed development when considering it together with the recent redevelopment in the vicinity of the site. |
| Economic Issues Section 7 | Yes | The inclusion of the retail components and child care centre will contribute to employment opportunities and encourages local business and services that can directly serve local community. |
| Food Supply Section 8 | Yes | The development is not of a size that would require a fresh food outlet on the site. Notwithstanding this, the proposed retail tenancies have the capability to become such an operation. |
| PART E: ENVIRONMENTAL DESIGN CRITERIA | | |
| Safety and Security Section 4.2 | Yes | The building provides uses at ground and first floor levels that allow for the passive surveillance of the footpath and public park. The upgrading of Sam Sing Street and Bourke Street as required by the VPA includes provision of lighting to the publicly accessible areas. |
| Fire Regulations Section 4.6 | Yes | The proposed building is capable of complying with the Building Code of Australia subject to recommended conditions of consent. |
| Energy Efficiency Section 5.1 to 5.3 | Yes | A site responsive design has been achieved, noting that passive solar design principles have been integrated into the development, natural light and ventilation provided to all corridors and water and energy efficiency BASIX targets are capable of being achieved. |
| Operational Controls Section 6 | Yes | The operational controls relate to noise, construction management, traffic and water pollution and it is recommended that they are addressed through imposing the relevant standard conditions in the consent. |

| Development Control | Complies | Comment |
|---|----------|--|
| PART G: SPECIAL PRECINCTS - NO. 9 GREEN SQUARE(LACHLAN PRECINCT) | | |
| 5.4 Character Statement | Yes | <p>The Character Statement identifies that the Lachlan Precinct is in a period of transition from industrial and warehouse uses to mixed use and predominantly low to medium scale residential development.</p> <p>The proposal comprises of three retail tenancies, a 59 place child care centre and 143 residential apartments. The mixed use development is consistent with the desired uses identified in the character statement.</p> |
| 5.6 Built Form | Yes | <p>5.6.4 Building Form and Design</p> <p><u>Building Types/Uses</u></p> <p>The development proposes uses consistent with the control being, non-residential uses at ground floor and residential dwellings above.</p> <p><u>Architectural Diversity and Articulation</u></p> <p>The proposed building length is 95m to Lachlan Street and has been amended to be split into two separate buildings with different architectural expressions above a ground level podium. The differing vertical and horizontal articulation of the form provides a desirable level of diversity as contemplated by the controls.</p> <p><u>Vertical Circulation</u></p> <p>The building is serviced by three separate access cores, with typically 6-8 apartments serviced by each core providing a sufficient level of amenity.</p> <p><u>Residential Amenity</u></p> <p>The proposed building generally complies with the internal amenity guidelines contained in the RFDC.</p> <p><u>Green Roofs</u></p> <p>The proposal includes green roofs with the capacity to contain sufficient soil depth to support a range of plants, subject to recommended conditions.</p> |

Development Control Plan No. 11 – Transport Guidelines for Development 1996 (“DCP 11”)

58. DCP 11 sets out maximum car parking levels in order to reduce traffic congestion and reduce reliance on private vehicles in the city. The development complies or is capable of compliance as summarised below:

| Parking | Control | Proposed | Compliance |
|--------------------------|---------|------------------------------|---|
| Residential | 105 | 105 (includes 22 accessible) | Complies |
| Residential Visitors | 24 | 24 (includes 2 accessible) | Complies |
| Retail | 8 | 3 | Complies |
| CCC | 10 | 3 | Complies |
| Pick up drop off | N/A | 7 | Acceptable |
| Existing at grade spaces | N/A | 10 | Acceptable |
| Servicing | N/A | 1 | Acceptable |
| Bicycles | 65 | 50 | Capable – surplus storage areas can be used for bicycle parking |
| Car wash bay | N/A | 1 | Acceptable |

59. Subject to recommended standard conditions and locational requirements being included in the consent, the development is capable of complying with the maximum parking controls and objectives of DCP 11.
60. Council’s Transport and Access Unit have raised concern with the location of the waste collection and loading bay on Thread Lane. See discussion in Issues section later in this report

City of Sydney Child Care Centres Development Control Plan 2005

61. The application proposes an indicative child care centre in which the detail fit out and operational details will be the subject of a separate development application.
62. The indicative child care centre has been reviewed and considered against the relevant locational and criterion by Council’s Child Care Specialist:
- (a) the ground floor location is desirable, as it allows easy evacuation of children during an emergency as well as access for parents in and out of the centre on a day to day basis;

- (b) the outdoor play space will essentially be indoors which may be acceptable, subject to a detailed landscape plan of the 'outdoor play space' to show how the play space will simulate a natural environment to comply with the regulations;
- (c) access to the child care centre is via Thread Lane which is considered the preferred location for this site given its address to two classified (busy main roads) to the north and west. At grade parking and pick up/drop off zones are adjacent to the entrance to the child care centre which is considered acceptable by Council's Transport and Access Unit subject to turnover occurring. It is recommended that a condition is included in the consent requiring maximum 30 minute parking for these spaces;
- (d) an acoustic assessment was submitted with the application which tests the impacts on the child care centre from external noise sources and the internal noise impacts (transfer) from the centre to residents within the development. The report has been assessed by Council's Health Unit, and subject to recommended conditions requiring the acoustic measures being adopted and the construction methodology being certified by a suitably qualified acoustic consultant, the proposed noise impacts are assessed as acceptable; and
- (e) the child care centre addresses the RMS land to the north where a grassed area and a number of established trees exist. The RMS plans to realign Lachlan Street in the medium to long term, subsequently making the road closer to the child care centre. This could cause safety concerns with vehicles travelling relatively close to the northern elevation of the centre. No detailed RMS drawings are available indicating whether a safety barrier would be constructed as part of the road works. It is recommended that a condition is included in the consent requiring the future DA to address need for any safety barrier in accordance with any RMS requirements.

City of Sydney Contaminated Land Development Control Plan 2004

63. As discussed previously, subject to recommended conditions, the proposal is capable of meeting the objectives of this DCP.

City of Sydney Access Development Control Plan 2004 ("Access DCP")

64. As discussed previously, the proposal can achieve the objectives of the Access DCP.

Green Square Affordable Housing Development Control Plan ("Affordable Housing DCP")

65. In accordance with SEPP 70, SSLEP 1998 and the Affordable Housing DCP, it is recommended that a condition requiring an affordable housing contribution to aid in the delivery of affordable housing is imposed in the consent.

ISSUES

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

Request to Amend the Sydneygate Masterplan - Land Use Mix

67. An application has been made to amend the existing masterplan for the site to delete Condition (5), which states:

(5) PERCENTAGE OF NON-RESIDENTIAL FLOOR SPACE ACROSS THE WHOLE MASTERPLAN

The percentage of Gross Floor Area across the whole masterplan for the purposes of residential uses must not exceed 75% of the total endorsed floor space for the whole masterplan.

68. Pursuant to clause 27G of SSLEP 1998 a masterplan may be amended.
69. The request to amend the masterplan was notified and advertised for 28 days between 21 February 2014 and 24 March 2014 in accordance with clause 27E of SSLEP 1998. Two written submissions were received relating to the ability of a commercial building to improve economic viability in the area and the increased traffic impacts arising from conversion of a commercial building into a residential building. The content of the written submissions are addressed in the consultation section later in this report.
70. The 75% residential and 25% non-residential land use mix was imposed as part of the Sydneygate masterplan to satisfy the consent authority that future development of the site would be capable of being consistent with the 10(e) zone objective of maintaining a *predominantly employment-based zone while allowing residential use on appropriate development sites*.
71. The development application for Block A which is being concurrently assessed with the masterplan amendment, seeks consent to change the land use mix control across the Sydneygate site from 25% non-residential to 6% non-residential. The conversion of Block A into a predominately residential land use would result in an inconsistency with the masterplan.
72. In summary, the applicant has provided the following justifications for the removal of the land use mix restriction:
- (a) lack of viability of commercial office development on the site;
 - (b) the 10(e) employment based zone will continue to achieve the zone objectives; and
 - (c) the development would be consistent with the draft B4 Mixed Use zone as proposed in the Lachlan Precinct Planning Proposal, which would not call for any one predominant land use.
73. The justifications were referred to Council's Strategic Planning Unit who advised that the submitted 'Economic Viability and Demand Study' prepared in support of the proposed change in use takes a short-term view of the suitability of the site for non-residential uses. It only considers office use and fails to recognise the planned transport and service improvements to occur within the precinct in the medium term. Notwithstanding this, Council's detailed planning for the Lachlan Precinct, has established that a predominantly residential use for the precinct is appropriate.

74. The predominant residential use is reflected in the locality statement in the Lachlan Precinct DCP adopted in March 2013 and the proposed B4 Mixed Uses zoning being recommended in the current Lachlan Precinct Planning Proposal. The Lachlan Precinct Planning Proposal has been publically exhibited, reported back to Council and the CSPC in October 2014 and expected to be gazetted in the new year.
75. Notwithstanding this, during the assessment period the applicant was encouraged to explore provision of additional non-residential uses at ground and first floor to address likely acoustic and air quality impacts to future residential uses that address busy Lachlan Street.
76. The development application for Block A was amended to increase the amount of non-residential floor space at ground and first floor and deleted residential apartments at the first floor, providing a 6.6 metre or 2 storey distance from ground to the first level of apartments.
77. Considering the strategic vision for the precinct, its recommendation for a B4 zoning on the site and that a suitable design can be accommodated on the site that allows compatible non-residential and residential uses, the deletion of the land use mix restriction from the masterplan is considered acceptable.
78. If the amendment to the masterplan is adopted by CSPC, the adopted amendment must be advertised in a newspaper circulating in the locality in accordance with Clause 27F of SSLEP 1998.

Mixed Uses Zone Objectives and Proposed Land Uses

79. Pursuant to SSLEP 1998, the site is located within the 10(e) Mixed Uses zone. The land uses proposed are characterised as 'commercial premises', 'child care centre' 'multiple dwellings' and 'roads' which are permissible with development consent.

80. Clause 10 of SSLEP 1998 provides that

Except as otherwise provided by this plan, the Council must not grant consent to the carrying out of development on land to which this plan applies unless the Council is of the opinion that the proposal is consistent with the objectives of the zone within which the land is located.

81. The 10(e) zoning objectives are:

- (a) *to establish a predominantly employment-based zone while allowing residential use on appropriate development sites, and*
- (b) *to allow for appropriate business activities which contribute to economic growth and employment opportunities within the Green Square area, provided they are environmentally compatible in terms of design and operational requirements with residential development, and*
- (c) *to allow residential development within the zone, provided it is designed so as to be compatible with other non-residential uses and will not adversely affect the operations of existing lawfully operating industrial uses, and*

- (d) *to minimise any adverse impact, including social impact, on residential amenity by devising appropriate design assessment criteria and applying specific impact mitigation requirements by the use of development control plans, and*
 - (e) *to ensure that development within the zone contributes to a highly sustainable, vibrant community, and reflects equal and integrated consideration of social, economic and environmental design issues.*
82. Overall, the zone objectives seek to establish a predominately employment-based zone while allowing residential uses on appropriate development sites that are compatible with other surrounding non-residential uses.
83. The proposed building provides a predominately residential land use mix and pursuant to Clause 10 of SSLEP 1998, CSPC must not grant consent to the development unless they are of the opinion that the proposal is consistent with the objectives of the zone, and more specifically in this instance, that the 10(e) zone remains a *predominantly employment-based zone*.
84. Given the ambiguity of the word “predominately” and lack of standard or control, at its meeting on 9 May 2005, Council resolved to adopt an interim policy position for the 10(e) zone. The policy position sought to guide redevelopment in the zone until a review of the mixed uses zones was completed. The resolution provided that a minimum of 50% of the floorspace proposed must be non-residential uses.
85. The proposed land use mix only results in 10.3% non-residential uses and 89.7% residential uses, and does not perform against the 50% interim policy position.
86. The city undertook a *Review of Zoning and Land Use in the Green Square Urban Renewal Area* in 2006 in the lead up to the preparation of Sydney LEP 2012. The Lachlan Precinct was deferred from the Sydney LEP 2012 to enable further testing of the controls and additional consultation. SSLEP 1998 and the 10(e) zone continued to apply to the land.
87. Recently, the City has undertaken a further review of the zoning in the Lachlan Precinct and at its meeting on 3 April 2014 and 7 April 2014, Central Sydney Planning Committee and Council respectively resolved to approve the Lachlan Precinct Planning Proposal for Gateway Determination and public exhibition.
88. The proposed amendments include the rezoning of the Lachlan Precinct from 10(e) Mixed Uses zone to B4 Mixed Uses. The B4 Mixed Uses zone does not emphasise a predominant use and would allow a compatible land use mix like that proposed. The zone review process is nearing completion with the future direction for the area envisaged to transition to a mix of compatible uses.
89. The Lachlan Precinct Planning Proposal has been publically exhibited, reported back to Council and the CSPC in October 2014 and is expected to be gazetted in the new year. The potential rezoning to B4 has some status in the consideration of the subject application, however, the proposed land use mix must stand up on its merits when tested against the current 10(e) land use objectives to satisfy clause 10 of SSLEP 1998.

90. The 10(e) zone is located in two geographic areas in the local government area. **Figure 30** illustrates where the 10(e) zone is located and its two sectors being the north sector (Lachlan Precinct) and the west sector (bound by McEvoy St and Bowden St).

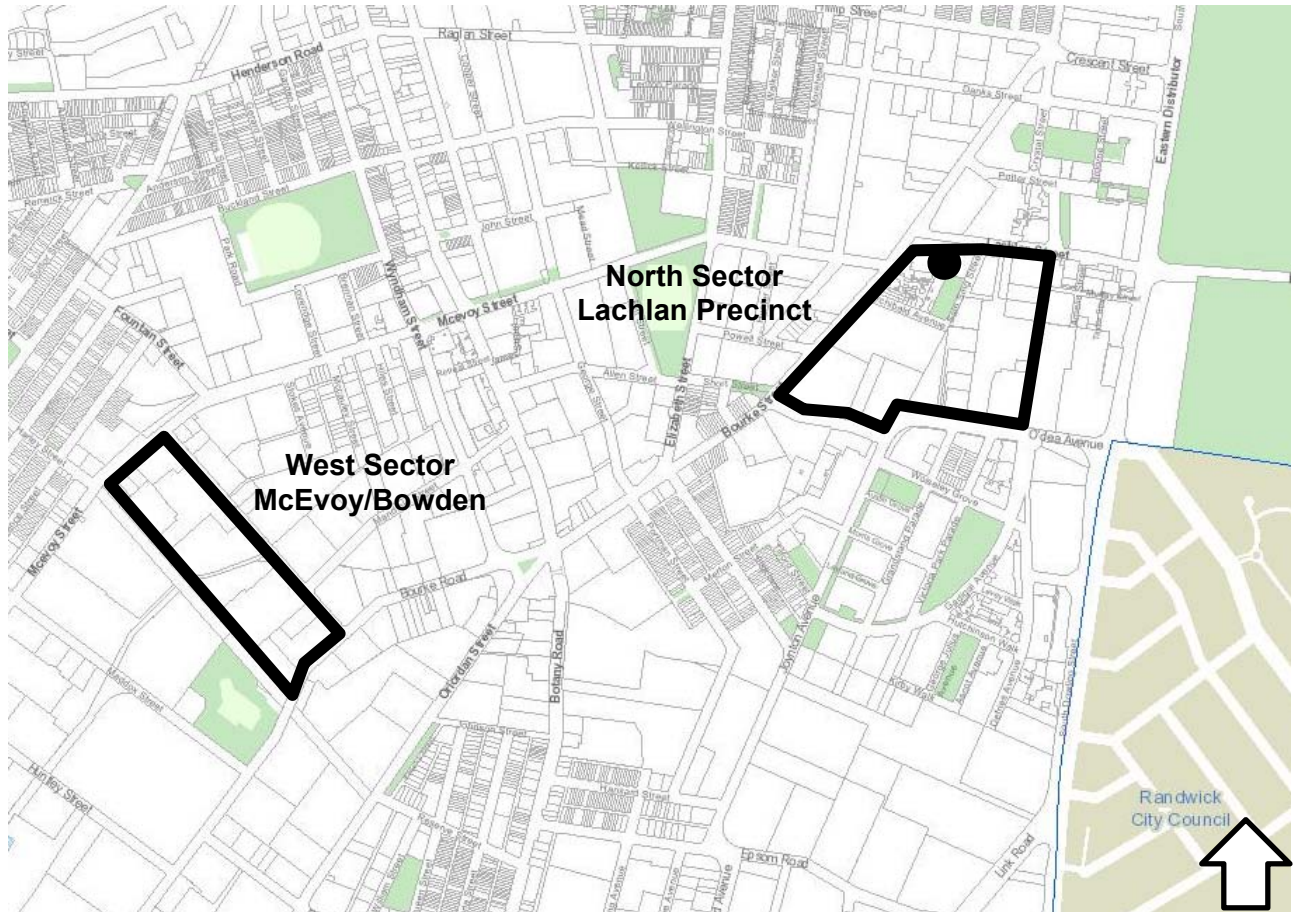


Figure 30: Map illustrating existing 10(e) zones, identified as the North sector and West Sector, and the subject site (dot).

91. In order to establish whether the 10(e) zone will remain a *predominantly employment-based zone* or not, it was considered that a review of the existing floorspace (non-residential versus residential) across the zone was the most suitable approach.
92. Data from the City's *2012 Floor Space and Employment Survey* was obtained from Council's Research, Strategy and Corporate Planning Unit. This data was collated with the floorspace of mixed use developments that were completed, approved or near determination since the 2012 study, including:
- (a) Viking development;
 - (b) Blocks B, C and D of the Divercity development;
 - (c) 11B Lachlan Street; and
 - (d) Current DA before CSPC for Stage 1 DA at 18 – 20 O'Dea Avenue.

93. The following table in **Figure 31** outlines the existing and proposed proportion of non-residential floorspace versus residential floor space on a sector basis and total 10(e) zone basis.

| | Existing | | Proposed Block A | | Proposed 18-20 O’Dea Ave | |
|-------------------------|-----------------------------|-------------------------|-----------------------------|-------------------------|-----------------------------|-------------------------|
| | Non-residential floor space | Residential floor space | Non-residential floor space | Residential floor space | Non-residential floor space | Residential floor space |
| North Sector | 60% | 40% | 66% | 43% | 50% | 50% |
| West Sector | 100% | Nil | 100% | Nil | 100% | Nil |
| Total 10(e) zone | 71% | 29% | 69% | 31% | 63% | 37% |

Figure 31: Table summarising the proportion of land uses (existing versus proposed).

94. Across the 10(e) zone, the effect of a net increase in residential floor space and net decrease in non-residential floorspace results in a 10(e) zone that remains predominately (63%) non-residential.
95. The proposal is also considered to be consistent with the other relevant objectives noting that the residential/retail/childcare uses are designed to be compatible with uses and operations in the vicinity of the site. As such, CSPC can be satisfied that the zone objectives are achieved pursuant to Clause 10 of SSLEP 1998.

Building Envelope - Form, Height and Amenity Impacts

96. The controls for the building form, height and scale are the building envelopes and terms of approval contained in the endorsed masterplan.
97. The proposed building sits outside the endorsed envelope when compared to the approved masterplan drawings as illustrated in **Figure 32**.

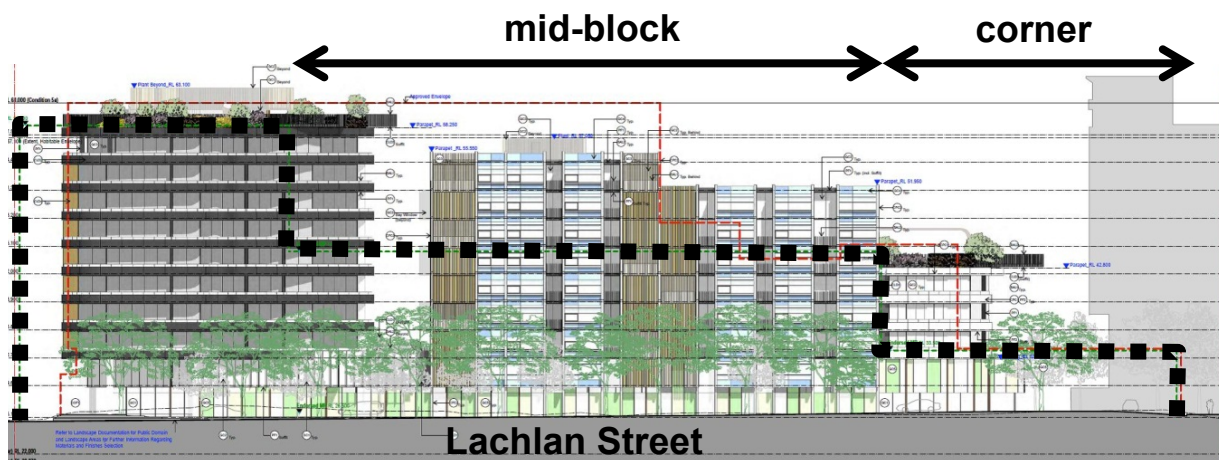


Figure 32: Diagram of proposed northern elevation compared to the masterplan envelope (dashed).

98. Term 3 of the masterplan permits lost floor space from Blocks B and C to be redistributed to the corner of Bourke and Lachlan Streets (Block A) and mid-block on the Lachlan Street frontage. The proposed building is considered to generally satisfy the locational parameters set by the condition in the masterplan.
99. Notwithstanding this, the impacts arising from the mid-block floorspace created amenity impacts to Block B to the south, namely overshadowing and visual impacts.
100. The applicant was requested to amend the original design to address the overshadowing and visual bulk impacts arising from the proposed mid-block floorspace.
101. A Massing and Solar Analysis was undertaken to inform the amended design. The analysis establishes the maximum envelope contemplated in the masterplan, then conceptually carves out building based on the sun angles in mid-winter to minimise the extent of overshadowing impact.
102. The result is a form that maintains complying solar access to those Block B apartments which received solar access under the masterplan envelope and a reduced scale and visual impact when viewed from the Block B apartments.
103. **Figures 33-34** respectively illustrate the Solar Analysis and the resultant form in section showing where the deletion of bulk occurs to maintain solar access.

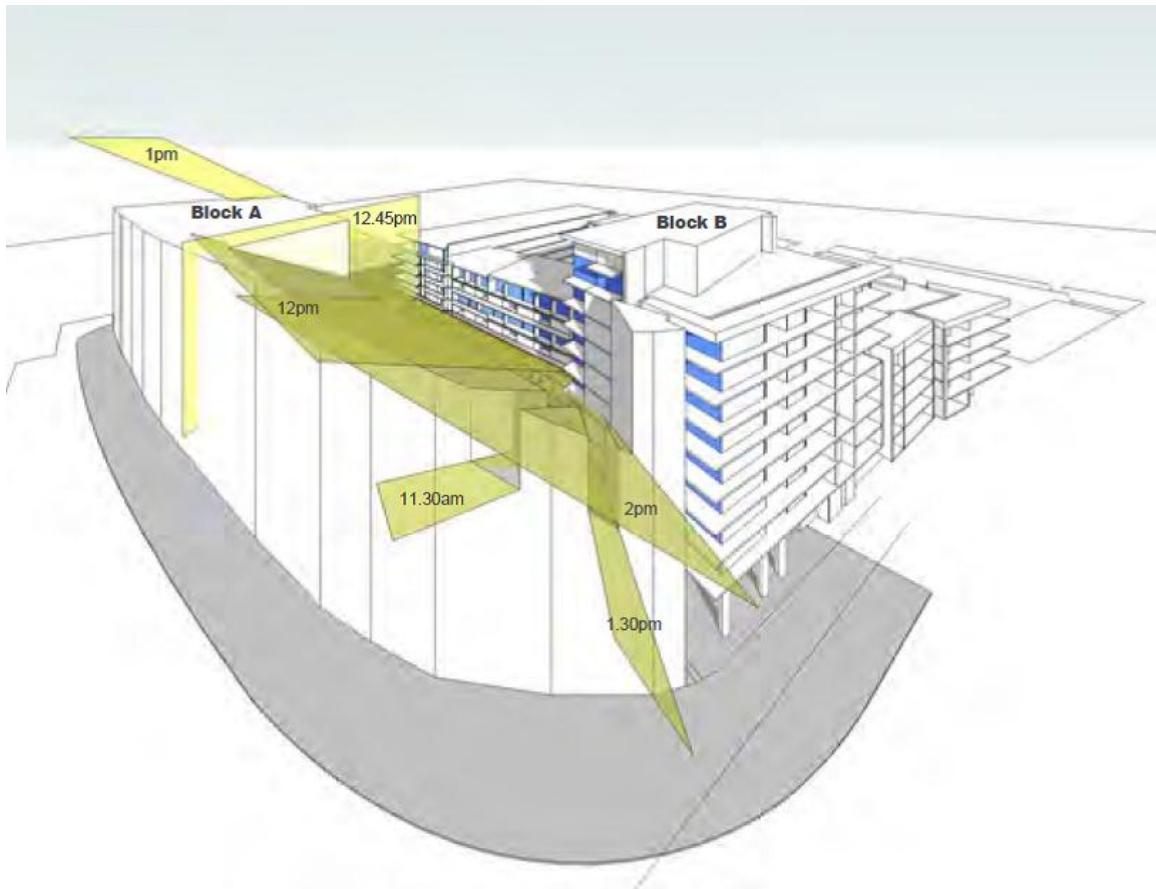


Figure 33: Massing and Solar Analysis.



Figure 34: Section through the building showing where the deletion of bulk occurs to maintain solar access to Block B.

104. The proposed redistribution of floor space is considered to be generally consistent with the envelope contemplated in the masterplan and results in an acceptable height, bulk and scale impact as the building has been designed to minimise amenity impacts on surrounding developments.

Developer Contributions - Amendments to VPA and Public Domain Improvements

105. The package of public benefit secured in the existing VPA for the Sydneygate site included approximately \$21 million in public domain improvements and monetary contributions to be delivered at various associated stages of the redevelopment of the masterplan site.

106. Block A is identified as Stage 2 in the VPA and in addition to the monetary contributions, requires the delivery of:

- (a) construction of the Lachlan Avenue streetscape upgrade on RMS land;
- (b) construction and dedication of a 150sqm setback along eastern boundary (Sam Sing Street); and
- (c) construction of Bourke Street setback and registration of 12sqm easement for public access.

107. **Figure 35** illustrates the location of the developer's works as required under the VPA.

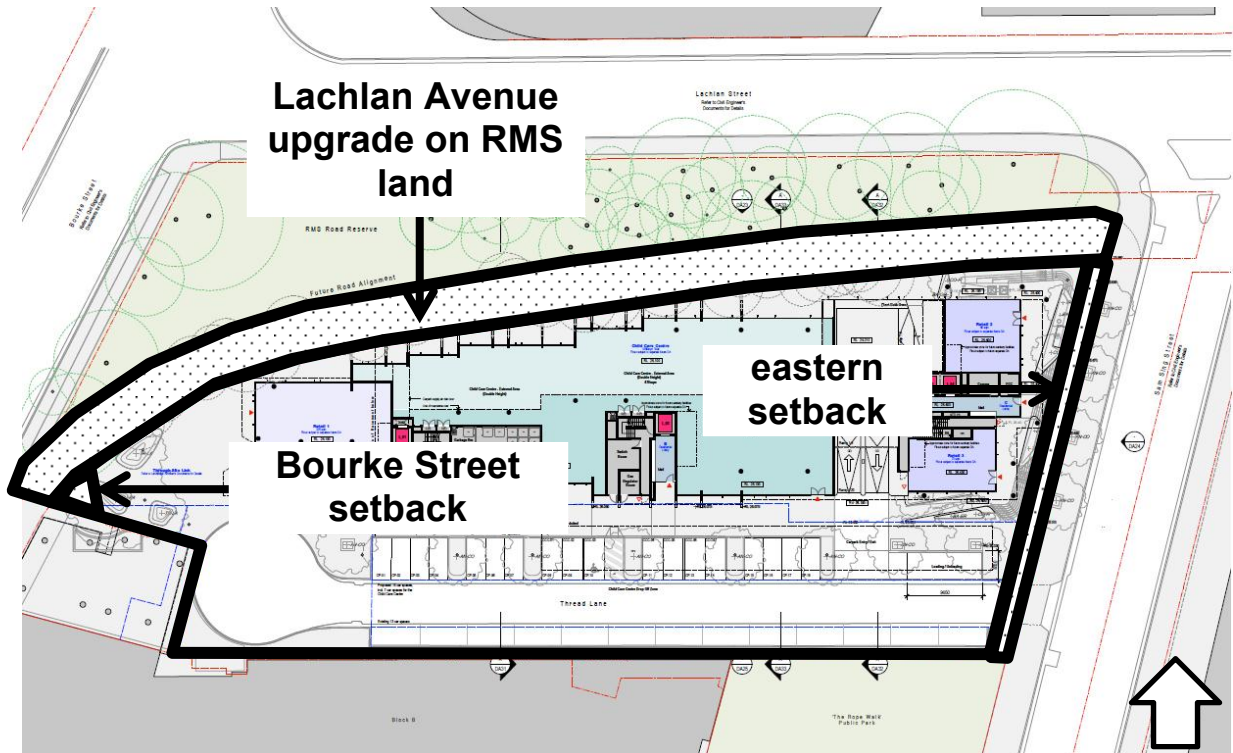


Figure 35: Diagram of the ground level illustrating the developer's works required under the VPA.

108. The application seeks consent for 4101sqm of bonus floor space under the endorsed masterplan. Recalculating the developer contributions generated by the Block A development and in conjunction with the delivered improvements to date, the development is obliged to provide an increased monetary contribution.
109. The application was accompanied by a request to amend the VPA to:
- (a) update relevant administrative information that has changed over the history of the masterplan site;
 - (b) delete the obligation to construct the Lachlan Street footway and provide a temporary treatment to the Lachlan Street frontage until such time the RMS deliver the road realignment;
 - (c) reconcile costs for public domain works undertaken in association with Blocks C and D to reflect increased cost as a result of Council's request to amend the scope to meet new standards; and
 - (d) update outstanding Monetary Contribution required for Stage 2.
110. The proposed amendments to the VPA are considered acceptable given that they update relevant information, reconcile costs associated with public domain improvements already undertaken to date, clarify outstanding monetary contributions and remove obligations associated with road infrastructure unlikely to be delivered in the short to medium term.

111. A draft deed of modification to the VPA has been prepared and placed on public exhibition. At the time of preparing this report no submissions had been received. Any submissions will be considered prior to the execution of the deed. It is recommended that deferred commencement consent is issued to ensure that the consent only becomes operational once the deed is executed and registered on title.

Ground Level Lachlan Street Setback

112. The northern ground level setback to the RMS land is proposed to be a temporary hardscape treatment involving a retaining wall along the boundary (refer to **Figure 36**).
113. Council's Public Domain Unit and Landscape Officer has advised it is practical to delay constructing a footway in the setback to when the road realignment is undertaken by RMS, however, this setback is more appropriately treated as soft landscaping in the interim period. It is recommended that this setback is soft landscaping, given that there will be no active street address to this frontage in the short to medium term and it would result in an improved outlook amenity for the child care centre.

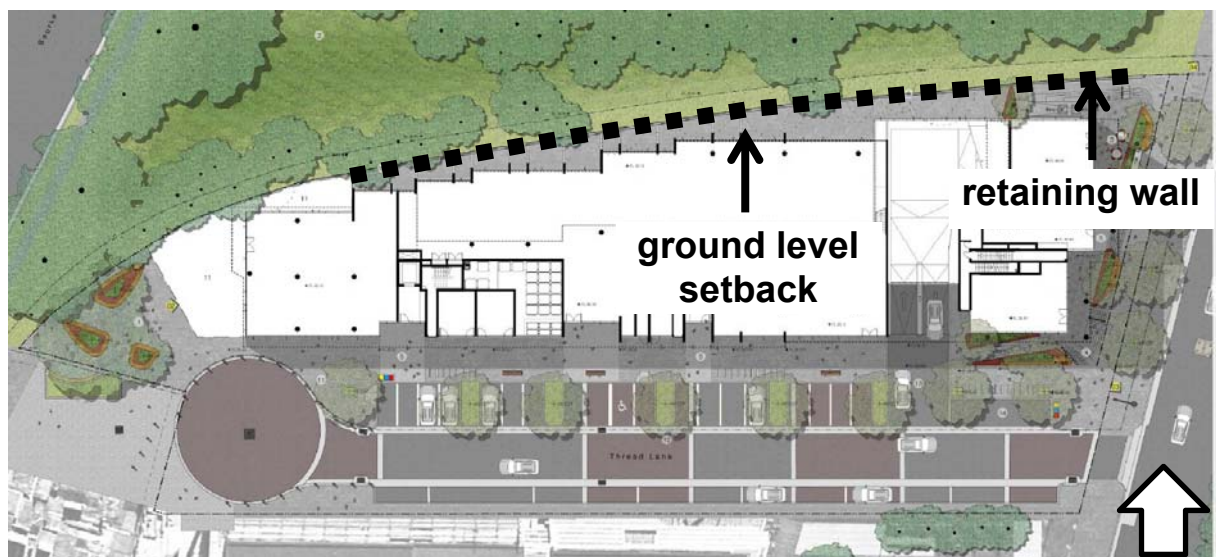


Figure 36: Diagram of the ground level landscape plan illustrating the location of the retaining wall and hardscape setback.

Overshadowing Impacts to Surrounding Properties

114. A number of concerns have been raised by neighbours regarding the overshadowing impacts on the surrounding developments to the south (Block B) and east (Alpha G). It was requested that the applicant prepare an Overshadowing Analysis illustrating the proposed impact versus the endorsed masterplan envelope impact on the surrounding buildings. The full Overshadowing Analysis is provided in **Attachment C**.
115. An assessment of the Overshadowing Analysis finds that on 21st June:

- (a) **Block B** - The north facing ground level apartments and half of Level 1 apartments in Block B will lose solar access for the majority of the day in mid-winter as a result of the development. The remaining apartments will receive a minimum of 2 hours of access to the balconies and living areas.
- (b) **Alpha G** - The western balconies are overshadowed in the afternoon as a result of the development. The apartments nether the less retain 2 hours of solar access.
116. With the exception of the north facing ground level apartments and half of Level 1 apartments in Block B, the remaining apartments in Block B and in the Alpha G development maintain 2 hours of solar access consistent with the RFDC.
117. The near complete overshadowing to some apartment in Block B is considered to be a reasonable impact in this instance, as these apartments were identified as overshadowed by the approved masterplan envelope (refer to **Figure 37**).

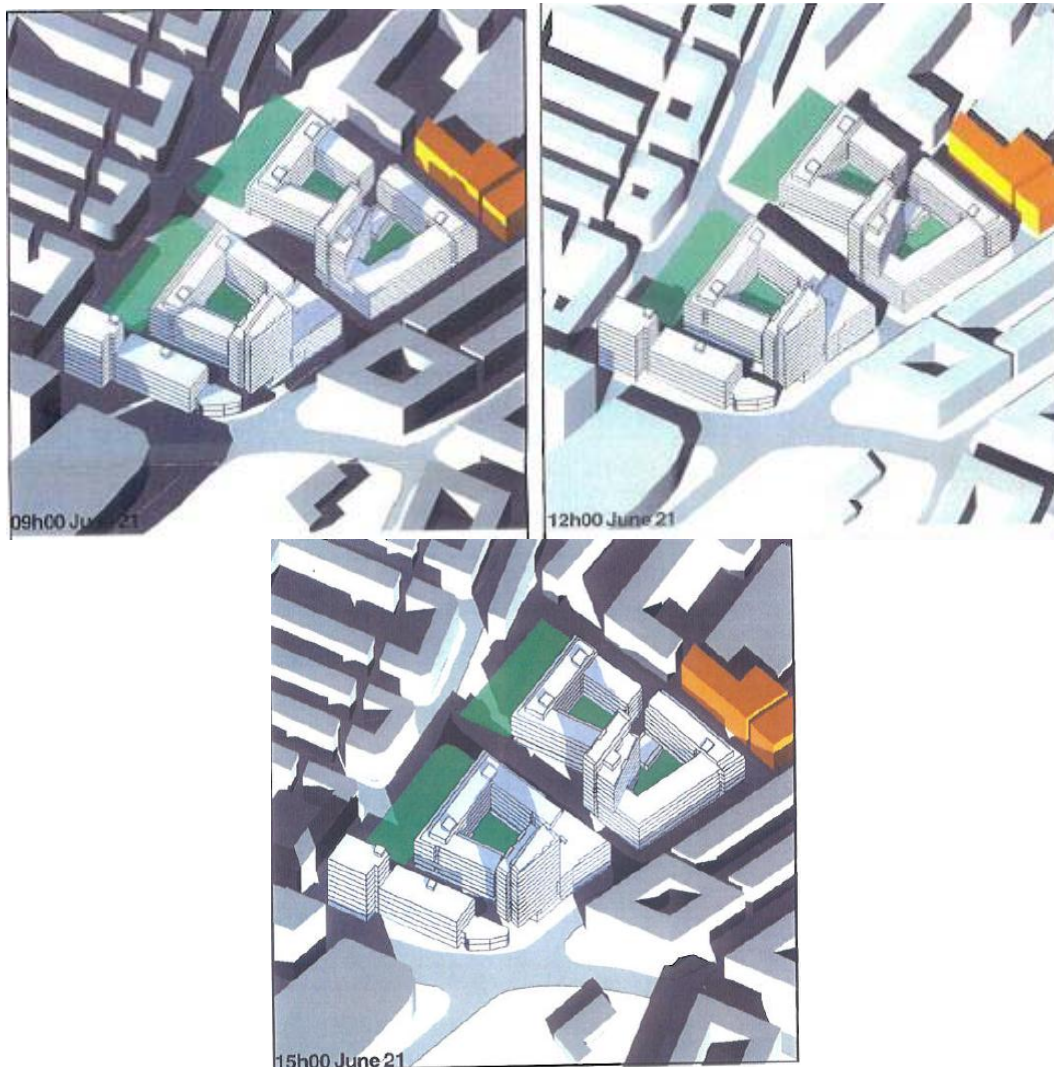


Figure 37: Masterplan overshadowing analysis illustrating impacts to the northern elevation to Block B.

118. Overall this assessment finds that the proposed building maintains an adequate amount of direct sunlight to the adjoining residential developments that received solar access under the endorsed masterplan envelope.

View Impacts from Surrounding Properties

119. Apartment owners from Block B have raised concerns relating to the proposed building impacting on views to the CBD skyline and district outlooks. **Figure 38** illustrates the relationship of the proposal to the Block B apartments.

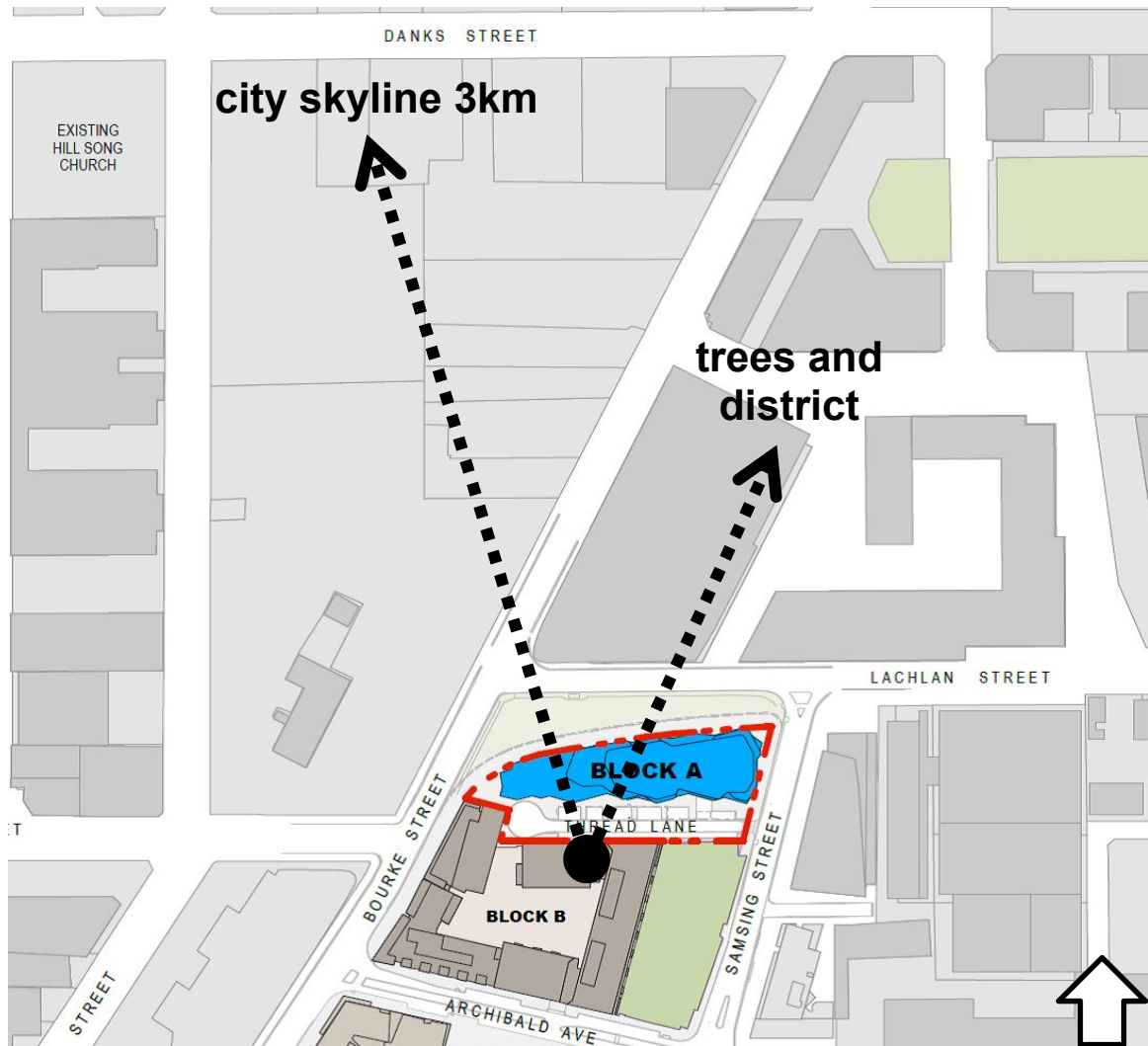


Figure 38: Central location along Block B and general direction of the views.

120. Council officers undertook an inspection of an apartment on Level 3 and from the roof of Block B in June 2014.
121. The applicant submitted a Visual Impact Assessment which outlines the proposed building when viewed from an apartment on Level 4.
122. The photographs taken from Council's site inspections and the applicant's Visual Impact Assessment is the information used to undertake the following general assessment against the four step criteria view loss planning principle established in the Land and Environment Court case, *Tenacity Consulting v Warringah* [2004] NSWLEC 140.

123. **First Step – What is the view/s to be affected?**

The affected view is to the north and north west where the city skyline and district outlook is visible (refer to **Figures 39-40**).



Figure 39: Photograph taken from a Level 3 apartment in Block B looking over the subject site in a northerly direction.



Figure 40: Photograph taken from a Level 3 apartment in Block B looking over the subject site in a north westerly direction.

124. Second Step – Where are the views are obtained from?

The views are obtained from standing and sitting positions in the living room and on the balcony of the apartments located centrally along the northern elevation on levels 3 - 5 of Block B.

125. Third Step – What is the extent of the impact?

The impact on the view and outlook is considered to be moderate to severe as the majority of north facing apartments will lose the existing view of the CBD skyline. Only the apartments closer to the 12 storey building in Block B will maintain the view through the corridor between Thread Lane and Bourke Street (refer to **Figure 41**).



Figure 41: Visual Impact Assessment illustrating view from a Level 4 apartment in Block B with superimposed outline of the proposed building. This apartment maintains the CBD skyline view, however, views from apartments to the east of this apartment would be obstructed.

126. Fourth Step – what is the reasonableness of the proposal that is causing the impact?

The moderate to severe impact is caused by built form that has been planned for the site for over a decade. The building design has been amended to address solar access concerns and minimise the building envelope to have comparative impacts to those contemplated in the endorsed masterplan envelope. The impacts are considered reasonable as the building is consistent with the masterplan and there is a reasonable expectation that view impacts would occur given the history of the masterplan site.

Location of Waste Collection and Loading Bay

127. The proposed waste collection area and loading bay are located in Thread Lane. Council prefers on-site (internal basement) collection and loading activities to occur for pedestrian safety and urban design reasons. **Figure 42** illustrates the proposed location of the waste collection area and loading bay.

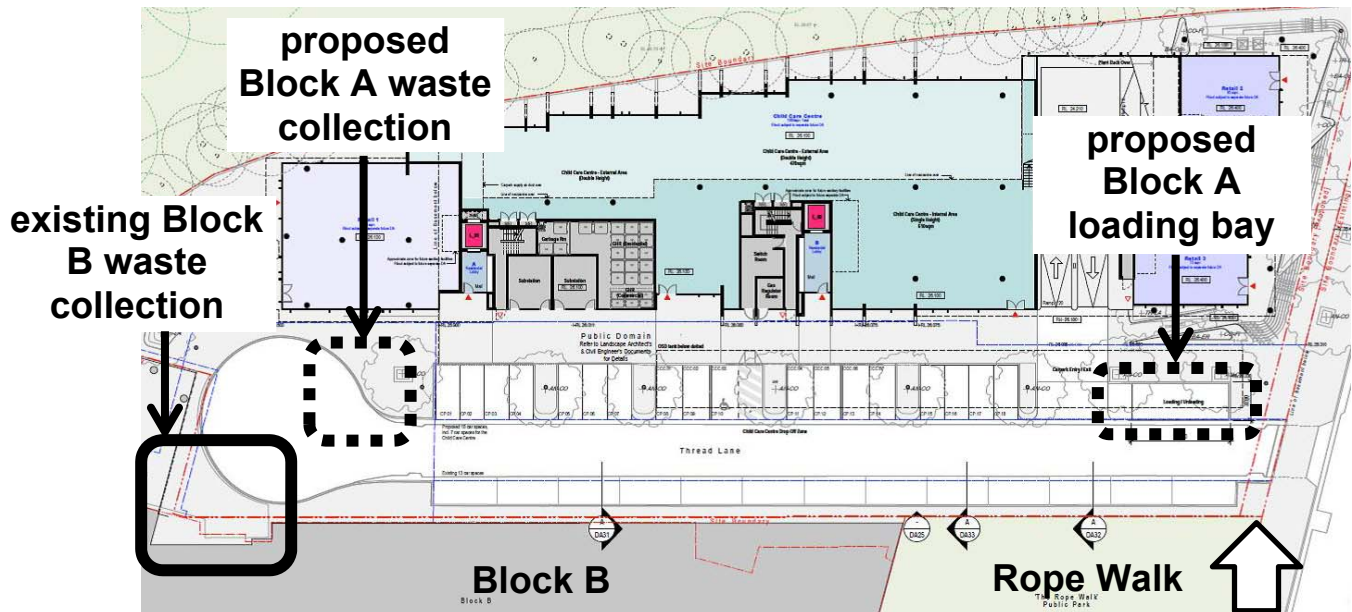


Figure 42: Diagram illustrating the locations of the proposed and existing waste collection and proposed loading bay.

128. The applicant has provided justification for the residential waste being collected from Thread Lane as this is currently how waste from Block B is collected. It is considered that while the internal basement collection is the most desirable option, the alternative is satisfactory in this instance as this arrangement is already occurring for Block B and basement collection would require a larger opening in the southern façade directly opposite Rope Walk park, negatively affecting the urban design interface with that public open space.
129. The loading bay is proposed adjacent to the driveway access point and directly opposite Rope Walk park. The location raises safety concerns given the close proximity of a child care centre and the fact that large vehicles using the bay will need to reverse from the site. As such, it is recommended that a condition is included in the consent requiring the loading space to be deleted and relocated within the basement, limiting the size vehicles that can access the internal servicing area.

Strategy for a Sustainable City of South Sydney

130. One of the principal objectives of the LEP as stated in Clause 7 is to implement the goals and objectives contained in the Strategy for a Sustainable City of South Sydney. Clause 8 also provides that in assessing any development application that the Council must take into consideration the goals and objectives of the Strategy as they relate to the proposed development.
131. In order to realise the main goal of the strategy, a number of detailed strategies were developed and are grouped under sub-goals of Environment, Land Use and Transport, Character and Identity, Community Well-Being and City Management. An assessment of the development application reveals that it meets the goals of the above strategies.

Other Impacts of the Development

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

133. 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

134. The proposal is of a nature in keeping with the overall function of the site. The development is in a locality transitioning to a mix of uses in which the proposal is consistent.

Public Interest

135. The proposed development is generally consistent with the relevant controls. In this regard it is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed on any consent.

FINANCIAL IMPLICATIONS/CONTRIBUTIONS

Affordable Housing Contributions

136. The development is subject to the affordable housing contribution under clause 27P of SSLEP 1998. The contribution is calculated based on:

- (a) \$150.20 per square metre of the total residential floor area (15,537sqm), plus
- (b) \$50.05 per square metre of the total non-residential floor area (1674sqm)

137. The contribution equates to **\$2,417,441.10** which is payable to Department of Planning and Infrastructure prior to issue of a Construction Certificate

Section 94 Development Contributions

138. The development is subject to development contributions under *City of Sydney Development Contributions Plan 2006*. The contribution is calculated based on the development's net increase in the resident and workforce population.

139. The residential population is proposed to be increased by 143 dwellings. The employee population is proposed to be increased by 33 employees. A credit is available for 26 existing workers that were historically based on the site (based on Council's 2012 records).

140. The total contribution amounts to **\$2,626,100.51** based on the June 2014 CPI.

141. The Section 94 contribution generated by the development forms part of the overall developer contributions to be delivered pursuant to clause 5.3 in the VPA. The VPA is to be updated to reflect the increase generated by the proposed development prior to issue of an operational consent for Block A. It is recommended that the Section 94 condition refers to the payment being made at occupation certificate stage consistent with the VPA.

PUBLIC CONSULTATION**Masterplan Amendment Advertising and Notification**

142. Adjoining and nearby owners and occupiers of buildings were notified of the proposal and invited to comment. In addition, notices were placed on the site and the proposal was advertised in the daily press in accordance with the provisions of the SSLEP 1998 and the EP& A Regulation. As a result of this advertising period, 2 submissions were received.

- (a) ***A commercial building could improve the economic viability in the area.***

Response – Council’s detailed planning for the Lachlan Precinct, in which the site is located, has established that a predominantly residential use for the precinct is appropriate and commercial uses are suitable at ground and first floor levels in the area.

- (b) ***The conversion of a commercial building into a residential building will result in increased traffic impacts.***

Response – Council’s Transport and Access Unit have advised that based on the RMS Guide to Traffic Generating Development commercial developments generate significantly more car trips than residential developments.

- (c) ***Thread Lane area should not be included in FSR calculations.***

Response – Refer to issue in DA submissions in Section below.

Development Application Advertising and Notification

143. The development application constitutes integrated development and, as such, the application was notified and advertised for 30 days between 6 January 2014 and 6 February 2014 in accordance with the provisions of the EP&A Regulation. As a result of this advertising period, 20 submissions were received. The application was substantially amended and was renotified for 30 days between 3 September 2014 and 4 October 2013. As a result of this advertising period, 5 submissions were received.

- (a) ***The proposal will negatively impact on existing unit values in the area.***

Response – The likely economic impact of an individual development on property prices in the area is not a considered to be a relevant matter for consideration in the assessment of the application.

- (b) ***The proposed conversion from a commercial building to a residential building will increase use of the site from normal business hours to 24/7 increasing traffic, parking congestion and noise.***

Response – Council’s Transport and Access Unit have advised that based on the RMS Guide to Traffic Generating Development, commercial developments generate significantly more car trips than residential developments. In terms of parking, the DCP 11 controls are very generous in terms of visitor parking for residential developments and the demand can be accommodated in the off-street provisions. Normal noise generated from the proposed residential and commercial uses is considered reasonable within the context. Any offensive noise would be addressed at the time of occurrence.

- (c) ***The proposal will overshadow neighbouring properties and will cause complete loss of sunlight.***

Response – The north facing ground level apartments and half of Level 1 apartments in Block B will lose solar access for the majority of the day in mid-winter as a result of the development. This assessment finds that this is a reasonable impact in this instance as the apartments were identified as overshadowed by the approved masterplan envelope.

- (d) ***The proposal will overshadow the Rope Walk park.***

Response – The proposed building will increase overshadowing to a small area of the Rope Walk park from midday onwards when compared to the endorsed masterplan envelope. The impact is considered acceptable as the majority of the park receives full solar access for 4 hours during mid-winter.

- (e) ***No detailed shadow diagrams have been submitted.***

Response – Detailed overshadowing diagrams were submitted with the amended application that enables an assessment of the impacts to be undertaken.

- (f) ***The proposed building and internal corridor between the buildings will cause a wind tunnel in Thread Lane.***

Response – The buildings are not of a height that would ordinarily require wind tunnel testing under Council’s policies. The building is considered to be sufficiently separated and protected at ground level by the podium to minimise wind effects on pedestrians on Thread Lane.

- (g) ***The proposal is different to the form of development for the site when Block B owners were purchasing their units.***

Response – It is understood that the approved development on the site at this time was the court approved commercial building. The form of this building comprised of a greater envelope and higher floorspace than the proposed building for Block A.

- (h) ***The proposal will cause privacy impacts to the north facing units in Block B.***

Response – The proposed separation to the Block B apartments is between 12 metres and 24 metres, which comply with the minimum 12m, 18m and 24m distances recommended in the RFDC. The separation is supplemented by solid or semi-solid balustrades to balconies, louvres and screen panels to windows and balconies and landscaped roof terraces.

- (i) ***Thread lane will become congested with the building entrance and pick up drop off area and will be unsafe.***

Response – The location of the building entrances and pick up drop off/area are assessed as the most suitable location for this site. The site has frontages to two classified roads and a driveway/set down area along Sam Sing Street would be too close to the intersection with Lachlan Street.

- (j) ***The proposal will put increased pressure on public transport services.***

Response – The increase in population on the site has been contemplated in the existing VPA that secures a range of infrastructure upgrades to be delivered with the Sydneygate development.

- (k) ***The proposal will impact on city skyline views, district outlooks and views to trees from apartments in Block B and Alpha G.***

Response – The building will affect private city skyline views and district outlooks from apartments in Block B. This assessment finds that the building has comparative impacts anticipated to those contemplated in the endorsed masterplan envelope and considered reasonable in this instance. The obstruction of district outlooks to the west obtained from Alpha G is consistent with the impacts anticipated in the endorsed masterplan envelope.

- (l) ***Thread Lane area should not be included in FSR calculations and the FSR does not comply.***

Response – There is no FSR control for the individual Block A site. The FSR control relates to the entire Sydneygate site and allows 2.12:1. Block A building results in a total FSR of 2.07:1 across the Sydneygate site and complies with the control.

- (m) ***Waste collection on the lane will cause noise and odour impacts.***

Response – This assessment finds that the waste collection within the lane is a satisfactory outcome given the current waste collection arrangement for Block B. The impacts associated with waste collection are considered to be reasonable in the context.

- (n) ***The location of the child care centre will cause congestion and noise impacts.***

Response – The provision of a child care centre is contemplated in the masterplan and its ground floor location complies with the relevant controls. Access to the centre from Thread Lane is the most suitable and safest location given the site is surrounded by classified roads. An acoustic assessment was submitted with the application which tests the impacts of the child care centre to surrounding residential noise receivers. Provided acoustic treatments are implemented, the noise emissions from the proposed child care centre will comply with the required criteria.

- (o) ***The proposal seeks to rely on lapsed da for form of new DA.***

Response – The original design submitted to Council compared the proposed building to the envelope of the court approved commercial building. The proposal was amended to provide a building that was generally consistent with the endorsed masterplan envelope and resulted in the deletion of an eleventh storey, deletion of 27 apartments and overall reduction of 1243sqm of GFA.

- (p) ***The traffic report is out-dated and the development will cause traffic congestion.***

Response – A revised traffic report was submitted in August 2014 which addresses the proposed traffic generation, parking and circulation. The report concludes that the future road system would be able to satisfactorily accommodate the traffic generation of the envisaged development. In the short term the proposal represents a similar level of traffic generation on the site compared to the former commercial/industrial use of the site.

- (q) ***The building is non-compliant with DCP.***

Response – Subject to recommendation A to amend the land use mix restriction, this assessment finds that the proposal is generally consistent with the Deemed DCP (masterplan) that applies to the site.

- (r) ***Access over thread lane must be maintained during construction.***

Response – Thread Lane is burdened by a right of public access and access for waste collection for Block B. The submitted Construction and Environmental Management Plan provides that pedestrian access around the Sam Sing Street, Thread Lane and Lachlan Street perimeters as well as a through link to Bourke Street from Thread Lane will be maintained. The site-specific Construction Management Plans will need to demonstrate provisions that will maintain safe pedestrian access to the surrounding areas while construction proceeds.

- (s) ***Height and scale will have negative impact.***

Response – This assessment finds that the proposed height and scale of the amended design is generally consistent with the form and scale of built form contemplated in the endorsed masterplan for Block A.

- (t) ***There is a lack of contamination analysis.***

Response – A Detailed Environmental Site Assessment, Remedial Action Plan and Letter Interim Advice from an accredited NSW EPA Site Auditor were submitted with the application. Council's Health Unit have reviewed the documents and advised that the site is capable to being made suitable, subject to conditions being imposed requiring a further RAP and site audit statement being submitted to and approved by Council.

- (u) ***There is insufficient planting of trees on the southern side of building.***

Response – The proposal introduces 8 Angophora trees to Thread Lane and Eucalypts trees in the through site link.

INTERNAL REFERRALS

144. The application was referred to Council's Urban Designer, Building Services Unit, Environmental Health Unit, Public Domain Unit, Specialist Surveyor, Transport and Access Unit, Tree Management Unit, Waste Management Unit, Green Roofs and Walls Landscaping Unit and Strategic Planning Unit.
145. The conditions recommended by other sections of Council are considered reasonable and have been included in the proposed conditions.

EXTERNAL REFERRALS

NSW Office of Water

146. The application was referred to the NSW Office of Water for assessment of the bulk excavation and requirement for an aquifer interference approval. GTAs were issued on 16 January 2014 and incorporated into Schedule 3 of the consent conditions.

RMS

147. The application was referred to RMS as the development constitutes Traffic Generating Development and no objections were raised subject to standard considerations being undertaken by Council.

Ausgrid

148. The application was referred to Ausgrid who advised that the proposal is acceptable subject to the standard Electricity Substation condition being incorporated into the consent.

Sydney Water

149. The application was referred to Sydney Water who indicated that detailed requirements will be provided at Section 73 Certificate.

RELEVANT LEGISLATION

150. *Environmental Planning and Assessment Act 1979*

151. *Water Management Act 2000*

152. *Civil Aviation (Building Control) Regulations 1988*

CONCLUSION

153. The proposed amendment to the Sydneygate masterplan to delete the land use mix requirement across the masterplan site is supported given that the land is proposed to be rezoned to a zone that would allow a predominately residential land use and the application sufficiently demonstrates that a compatible mixed use building with good internal amenity can be accommodated on the site.
154. The proposed application for the redevelopment of Block A, being the last block to be developed on the masterplan site, is for a predominately residential development. This assessment finds that the proposal is consistent with the objectives of the 10(e) Mixed Uses zone, specifically in relation to the interim 50% non-residential land use mix test for the zone.
155. The application was substantially amended during the assessment period to delete floor space and height, articulate the building into two separate forms over an activated ground level podium, improve amenity afforded to the apartments and maintain a level of solar amenity to surrounding apartments consistent with impacts established in the masterplan. The amended building comprises of a built form that is generally consistent with the controls and envelopes contemplated for the site under the endorsed masterplan (deemed DCP). Furthermore the proposal is considered to generally perform against the relevant controls contained in the Lachlan DCP, SEPP 65, RFDC and draft SEPP 65.
156. The assessment recognises that the built form is inconsistent with the draft FSR, height and design excellence provisions in the planning proposal (draft amendment to SLEP 2012). The departures are supported in this instance given the site forms part of a greater masterplan site that is realising completion, is integral to the delivery of the infrastructure upgrades secured in the existing VPA and the development is assessed as consistent with the built form contemplated for the site.
157. It is recommended that deferred commencement consents is granted to ensure the consent only becomes operational once the amended VPA, which sets out the revised developer obligations, is executed and registered on title.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Amy Allen, Senior Planner)