

**ITEM 7. DEVELOPMENT APPLICATION: 301-303 BOTANY ROAD ZETLAND****FILE NO: D/2014/1758****DEVELOPMENT APPLICATION NO: D/2014/1758****SUMMARY****Date of Submission:** 13 November 2014**Applicant:** Crown Green Square Developments Pty Ltd**Architect:** Koichi Takada Architects**Developer:** Crown Green Square Developments Pty Ltd**Owners:** Crown Green Square Pty Ltd, Sathio Investments Pty Ltd and Crown Cornerstone Investments Pty Ltd**Cost of Works:** \$177,100,000

**Proposal Summary:** Stage 2 Development Application for the construction of a mixed use development. The proposal comprises the construction of a part 8 and part 20 storey mixed use building above 3 basement car parking levels. The proposed uses of the building include 401 apartments; retail tenancies along Botany Road, Bourke Street, future Tweed Place, future Ebsworth Street and future Green Square Plaza; a multi-purpose function facility and car parking for 403 vehicles. The proposal also includes a through-site link from Ebsworth Street to the Green Square Plaza and site landscaping. Vehicle access is proposed to and from future Tweed Place.

The development is Integrated Development as a licence is required from the NSW Office of Water for temporary dewatering of the site during construction.

Concurrence is required from Sydney Airport due to the proposed height of the building and from Transport for NSW due to excavation of land adjacent to an existing rail corridor.

The application was notified and advertised for a period of 40 days from 26 November 2014 to 5 January 2015. No submissions were received.

The application was amended in February 2015 to incorporate a pedestrian tunnel extension through the site to and from Green Square Station. This followed several months of discussions between Council Officers, Transport for NSW and Crown Group.

**Proposal Summary:  
(continued)**

Council Officers then wrote to the Applicant in March 2015 requesting amendments and clarifications.

Amended plans and responses to the issues raised by Council Officers were provided in mid-April 2015.

Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013 (the GSTC LEP) operates under a deferral model, meaning that the instrument is suspended from operation until the City requests release. The site is currently a ‘deferred’ matter. The Stage 1 DA was determined under the South Sydney LEP 1998 and was capable of being determined under that instrument. However, the Stage 2 DA is reliant on the GSTC LEP for determination.

At the time of writing this report the release of the GSTC LEP is imminent and certain. However, the instrument is presently a draft for consideration. The controls may be released by the date of the Central Sydney Planning Committee (CSPC) meeting. However, it will be necessary for the controls to be released prior to determination of the DA. As such, the recommendation of this report includes seeking CSPC endorsement for the merits of the development, but delegation to the Council’s Chief Executive Officer to determine the DA when the planning controls are unlocked.

The proposal is generally consistent with the objectives, standards and guidelines of the GSTC LEP, the Green Square Town Centre DCP and SEPP 65. Amendments made to the proposal since lodgement satisfy the issues raised with the Applicant or are capable of resolution in accordance with the recommended conditions of consent.

**Summary Recommendation:**

It is recommended that authority be delegated to the Chief Executive Officer (CEO) to determine the application after:

- (a) Sydney Trains provides concurrence for the development; and
- (b) Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013 is un-deferred in relation to the site.

**Development Controls:**

- (i) South Sydney Local Environmental Plan 1998 (gazetted 24 April 1998, as amended)
- (ii) Sydney Local Environmental Plan (Green Square Town Centre 2013 - Stage 2) (Gazetted 13 September 2013, as deferred in relation to the site at the time of writing this report)
- (iii) Green Square Town Centre Development Control Plan 2012 (in force on 24 April 2012, as amended)
- (iv) State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (Gazetted 26 July 2002, as amended)
- (v) State Environmental Planning Policy No. 55 – Remediation (Gazetted 28 August 1998, as amended)
- (vi) State Environmental Planning Policy (Infrastructure) 2007 (Gazetted 21 December 2007, as amended)
- (vii) Green Square Affordable Housing Program (adopted on 12 March 2012)
- (viii) State Environmental Planning Policy (BASIX) 2004 (Gazetted 25 June 2004, as amended)

**Attachments:**

- A - Selected Development Application Drawings

**RECOMMENDATION**

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine Development Application No. D/2014/1758 after:
- (1) Sydney Trains provides concurrence to the development; and
  - (2) Sydney Local Environmental Plan (Green Square Town Centre - Stage 2) 2013 is un-deferred in relation to the subject site; and
- (B) if the Chief Executive Officer determines to approve the application, then consideration be given to granting consent subject to the following draft conditions and any other relevant conditions:

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

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

**(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2014/1758 dated 13 November 2014 and the following drawings:

Drawing Number	Architect	Date
A-060-E Demolition Plan	Koichi Takada Architects	03/10/14
A-097-F Basement B3 Plan	Koichi Takada Architects	09/04/15
A-098-F Basement B2 Plan	Koichi Takada Architects	09/04/15
A-099-F Basement B1 Plan	Koichi Takada Architects	09/04/15
A-099A-A Lower Ground Floor Plan	Koichi Takada Architects	09/04/15
A-100-F Ground Floor Plan	Koichi Takada Architects	09/04/15
A-101-F Level 1 Floor Plan	Koichi Takada Architects	09/04/15
A-102-E Level 2 Floor Plan	Koichi Takada Architects	03/10/14
A-103-E Level 3 Floor Plan	Koichi Takada Architects	03/10/14
A-104-E Level 4 Floor Plan	Koichi Takada Architects	03/10/14

Drawing Number	Architect	Date
A-105-E Level 5 Floor Plan	Koichi Takada Architects	03/10/14
A-106-E Level 6 to 7 Floor Plan	Koichi Takada Architects	03/10/14
A-108-F Level 8 Floor Plan	Koichi Takada Architects	09/04/15
A-109-E Level 9 Floor Plan	Koichi Takada Architects	03/10/14
A-110-E Level 10 Floor Plan	Koichi Takada Architects	03/10/14
A-111-E Level 11 Floor Plan	Koichi Takada Architects	03/10/14
A-112-E Level 12 Floor Plan	Koichi Takada Architects	03/10/14
A-113-E Level 13 Floor Plan	Koichi Takada Architects	03/10/14
A-114-E Level 14 Floor Plan	Koichi Takada Architects	03/10/14
A-115-E Level 15 Floor Plan	Koichi Takada Architects	03/10/14
A-116-E Level 16 Floor Plan	Koichi Takada Architects	03/10/14
A-117-E Level 17 Floor Plan	Koichi Takada Architects	03/10/14
A-118-E Level 18 Floor Plan	Koichi Takada Architects	03/10/14
A-119-E Level 19 Floor Plan	Koichi Takada Architects	03/10/14
A-120-E Level 20 Floor Plan	Koichi Takada Architects	03/10/14
A-130-E Pre and post Adaptable Apartments	Koichi Takada Architects	03/10/14
A-131-E Pre and post Adaptable Apartments	Koichi Takada Architects	03/10/14
A-132-E Pre and post Adaptable Apartments	Koichi Takada Architects	03/10/14
A-133-E Pre and post Adaptable Apartments	Koichi Takada Architects	03/10/14
A-140-A Level 1 RCP	Koichi Takada Architects	09/04/15
A-140-B Level 2 RCP	Koichi Takada Architects	09/04/15
A-201-F South East Elevation	Koichi Takada Architects	09/04/15
A-202-F South West Elevation	Koichi Takada Architects	09/04/15

Drawing Number	Architect	Date
A-203-E North East Elevation	Koichi Takada Architects	03/10/14
A-204-F North West Elevation	Koichi Takada Architects	09/04/15
A-300-F Section 1	Koichi Takada Architects	09/04/15
A-301-F Section 2	Koichi Takada Architects	09/04/15
A-350-E Typical Facade Detail 1	Koichi Takada Architects	03/10/14
A-351-F Typical Facade Detail 2	Koichi Takada Architects	09/04/15
A-352-E Typical Terrace Detail	Koichi Takada Architects	03/10/14
A-353-E Typical Balustrade Detail	Koichi Takada Architects	03/10/14

and as amended by the conditions of this consent.

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

## (2) STAGED CONSTRUCTION

- (a) The approved development may be carried out in stages, with the relevant conditions being satisfied prior to the issue of a Construction Certificate/Occupation Certificate where specified in the conditions of consent. The approved staging is as follows:

<i>Stage 1</i>	Demolition of existing structures
<i>Stage 2</i>	Excavation including shoring, extraction and remediation
<i>Stage 3</i>	Construction of basement up to ground floor slab
<i>Stage 4</i>	Construction of Ground Floor and Level 1
<i>Stage 5</i>	Construction of Levels 2 to 8 (51% of units)
<i>Stage 6</i>	Construction of Levels 9 to 15 (34%)
<i>Stage 7</i>	Construction of Levels 16 to 20 (15%)

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

**(3) DESIGN MODIFICATIONS**

The design of the development must be modified as follows:

- (a) The western 90 degree corner within the pedestrian tunnel from the Green Square Station, on approach to the pedestrian lift at the end of the tunnel and before the stairs, is to be chamfered 45 degrees to open up sight lines to the lift and deter any concealment opportunity; and
- (b) A separated path of travel from the northern end of the entry driveway to the lower ground floor bicycle parking, separated from the path of travel of loading dock vehicles, is to be shown on the plans. Handrails and linemarking to be included.

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a Construction Certificate for the relevant stage.

**(4) MATERIALS AND SAMPLES BOARD**

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

**(5) SHOPFRONT STRATEGY**

A shopfront strategy is to be prepared and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate for the relevant stage. The shopfront strategy is to address the design quality of retail tenancies and allow for storage, racking, seating, etc in lieu of a fully glazed frontage. A range of alternative shopfront designs are to be documented to guide future retailers.

**(6) HOURS OF OPERATION - MINOR DEVELOPMENT**

The hours of operation of the auditorium and multi-purpose space are restricted to between 8:00am and 11:30pm Monday to Sunday.

**(7) VOLUNTARY PLANNING AGREEMENT**

The development must be carried out in accordance with all of the obligations referenced within the Voluntary Planning Agreement (Council's Reference S082538) executed on 19 December 2014 and entered into by Crown Green Square Pty Ltd, Sathio Investments Pty Ltd, Crown Cornerstone Investments Pty Ltd and the City of Sydney.

**(8) DESIGN QUALITY EXCELLENCE**

- (a) In order to ensure the design quality excellence of the development is retained:
  - (i) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;

- (ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
- (iii) Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council's Director City Planning, Development and Transport.

**(9) BUILDING HEIGHT**

- (a) The height of the buildings must not exceed the following:
  - (i) RL 80 (AHD) to the top of the building and RL 79.5 (AHD) to the parapet of the building.
- (b) Prior to an Occupation Certificate being issued for the relevant stage, a Registered Surveyor must provide certification that the heights of the buildings accords with (a) above, to the satisfaction of the Principal Certifying Authority.

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

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the business use must not exceed 0.69:1; for the residential use must not exceed 6.50:1 calculated in accordance with Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013. For the purposes of the calculation of FSR, the Gross Floor Area of the business component is 3,787sqm, for the residential component is 35,580sqm, and the total Gross Floor Area is 39,367sqm.
- (b) Prior to an Occupation Certificate being issued for the relevant stage, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.



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

In accordance with Clause 27P of *Sydney Local Environmental Plan (Green Square Town Centre – Stage 2)* and prior to a Construction Certificate for each relevant stage being issued, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Planning or a bank guarantee in favour of The Department of Planning to the value of the required contribution has been lodged. The contribution is \$7,077,156.99 based on the in lieu monetary contribution rate for non-residential development at \$58.04 per square metre of total non-residential floor area 5,342sqm, and for residential development at \$174.19 per square metre of total residential floor area 38,849sqm. Contributions will be indexed in accordance with the formula set out below.

Prior to an Occupation Certificate for each relevant stage being issued, or the use of each stage 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 2015 to 29 February 2016], the amount of the contribution will be indexed in accordance with the formula set out below.

Notes:

(a) Applicants have two payment options:

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

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

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

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

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

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 (\$)).

**(12) 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	\$954,736.57
Public Domain	\$588,062.66
New Open Space	\$4,582,048.81
New Roads	\$1,163,711.15
Accessibility	\$48,266
Management	\$52,186.68
Total	\$7,389,011.88

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 - [insert latest quarter and year].

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

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

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

#### **(13) STRATA SUBDIVISION – DEVELOPMENT CONSENT**

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

#### **(14) LAND SUBDIVISION – SEPARATE DA REQUIRED**

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

#### **(15) USE OF RETAIL TENANCIES - SEPARATE DA REQUIRED**

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

**(16) SIGNAGE STRATEGY**

A separate development application is to be submitted seeking approval of a signage strategy for the building. The signage strategy development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

**(17) SYDNEY AIRPORT CORPORATION APPROVAL**

An approval for the proposed height of the development shall be obtained from Sydney Airport Corporation Limited in accordance with the Civil Aviation (Building Control) Regulations 1988 prior the issue of a Construction Certificate involving building height greater than 24m above ground level.

**(18) CONSTRUCTION LIASION COMMITTEE**

- (a) Prior to the commencement of any work, a Construction Liaison Committee or an alternative approved in writing by Council's Director City Planning, Development and Transport, is to be established by the developer to ensure that demolition and construction related impacts (including construction noise and vibration, loading, issues associated with construction workers and vehicles, traffic issues and management of the construction site) can be dealt with expeditiously and co-operatively.
- (b) The Committee is to be comprised of interested parties representing potentially affected properties adjacent to and surrounding the site and any interested group. A nominated representative of the Council may be an observer from time to time.
- (c) The Committee shall meet prior to the commencement of works on the site and prior to the submission of the final Construction Management Plan to Council to address initial areas of concern, and then at monthly intervals or as considered appropriate by the Committee throughout the construction process.
- (d) Prior to the commencement of work, the Site Manager is to provide the members of the Committee and Council with 24 hour contact details (including location of site offices and a 24 hour phone number) to ensure that any matters which arise during the construction process are addressed immediately. The Site Manager shall be available during normal business hours to provide information to the public about activities on site and to bring any complaints to the attention of the Applicant.
- (e) A register of all complaints shall be kept by the Applicant throughout the duration of the project and shall be made available to Council Officers on request.
- (f) The Committee meetings are to be recorded/minuted and such records/minutes are to be provided to Council within 14 days of the meeting.

- (g) The first Committee meeting should establish Terms of Reference, including purpose, size and membership, quorum, meeting frequency and duration, procedures for meetings, recording/distribution of comments and outcomes and the like.
- (h) The initial call for resident/worker nominations to be sent to the adjacent and adjoining property owners and tenants must be submitted to and approved by the Director City Planning, Development and Transport prior to sending.
- (i) The Site Manager is to inform each Committee meeting about the construction program, progress reports and impending work.

#### **(19) RESTRICTION ON RESIDENTIAL DEVELOPMENT**

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the *Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013*.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from “residential accommodation” as defined in *Sydney Local Environmental Plan (Green Square town Centre – Stage 2) 2013*. The covenant is to be registered on title prior to an Occupation Certificate being issued for residential uses or the residential 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) No more than two adult people shall occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children’s beds, cots or bassinets
- (d) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms.
- (e) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (f) An owner, tenant or Owners Corporation shall not permit a Building Manager or agent to advertise or organise for short term accommodation or share accommodation in the building.

#### **(20) 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.

## **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.

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

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

#### **(22) ELECTRICITY SUBSTATION**

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

#### **(23) RMS REQUIREMENTS - CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, cumulative traffic impacts, access arrangements, parking effects/management, managing pedestrian movements and traffic control shall be submitted to Council and Roads and Maritime Services for approval prior to the issue of any Construction Certificate.

#### **(24) RMS REQUIREMENTS - SITE EXCAVATION**

The development is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with technical direction GTD2012/001. The developer is to submit all documentation at least six weeks prior to the commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:

Project Engineer, External Works  
Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owners of the roadway are given at least seven days notice of intention to excavate below the base of the footings. The notice is to include complete details of the work.

**(25) RMS REQUIREMENTS - DRAINAGE**

Should there be any changes to Roads and Maritime drainage system, detailed design plans and hydraulic calculations of the stormwater drainage system are to be submitted to RMS for approval prior to commencement of any works.

Details should be forwarded to:

The Sydney Asset Management  
Roads and Maritime Services  
PO BOX 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond will be required before RMS 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: 8849 2766.

**(26) CONSTRUCTION TRAFFIC**

All construction vehicles are to be wholly within the site and vehicles must enter the site before stopping. A construction zone may not be permitted by RMS on Bourke Street.

**(27) CONNECTION TO NON-POTABLE RECYCLED WATER NETWORK**

Prior to the issue of a Construction Certificate for the relevant stage, the applicant shall submit a plan for the approval by the Council that provides for a connection to the non-potable recycled water network in the street.

**(28) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION**

- (a) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.
- (b) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the Department of Environment and Climate Change is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

**(29) 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.

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

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

**(31) ASSOCIATED ROADWAY COSTS**

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Development Specification for Civil Works Design and Construction".

**(32) BICYCLE PARKING**

A minimum of 443 bicycle parking spaces are to be provided – 401 for residents, 12 for staff and 30 for visitors (retail and residential). A minimum of 12 visitor bicycle parking spaces shall be provided at grade at the ground floor level or in the public domain immediately surrounding the site at the developer's cost. The Applicant is to liaise with the Councils Green Square Infrastructure team regarding the location and design of visitor bike parking within the public domain. A minimum of 18 bicycle parking spaces shall be provided at Level 1 podium.

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

- (a) all bicycle parking for occupants of residential buildings must be Class 2 bicycle lockers, and
- (b) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities, and
- (c) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

The staff bicycle parking area is to be accessible to staff only.

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

The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard 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 a Construction Certificate being issued for the relevant stage.



**(34) CAR PARKING SPACES AND DIMENSIONS**

A maximum of 403 off-street car parking spaces must be provided including 200 for residents, 33 for visitors, 25 for the auditorium use, 54 for retail staff and visitors and 6 for car share.

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

**(35) COST OF SIGNPOSTING**

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

**(36) LOADING WITHIN SITE**

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.

**(37) LOADING/PARKING KEPT CLEAR**

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

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

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

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

Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must be 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 for the relevant stage and must be maintained in good order at all times.

**(40) SERVICE VEHICLE SIZE LIMIT**

The size of vehicles servicing the property must be a maximum length of 9.8m.

**(41) SERVICE VEHICLES**

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

**(42) SIGNS AT EGRESS**

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

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

**(43) STACKED PARKING EMPLOYEES OR TENANTS ONLY**

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

**(44) TRAFFIC WORKS**

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

**(45) VEHICLE FOOTWAY CROSSING**

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

All disused or redundant vehicle crossings and laybacks must be removed and footway and kerb 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 for the relevant stage.

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

**(46) SMALL CAR PARKING SPACES AND DIMENSIONS**

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

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

**(47) GREEN TRAVEL PLAN**

A Green Travel Plan must be submitted to and approved by the Director City Planning, Development and Transport prior to any Occupation Certificate for the site/use being granted.

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

**(48) LOCATION OF ACCESSIBLE CAR PARKING SPACES**

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

**(49) ACCESSIBLE PARKING SPACES**

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

**(50) CAR SHARE SPACES**

- (a) A minimum of 6 car parking spaces for the exclusive use of car share scheme vehicles are to be provided.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge, and must not be used as visitor, tenant or resident parking.

- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The car share spaces are to be available at the same time that the car park commences operation.

**(51) LOADING MANAGEMENT PLAN**

A Loading Management Plan is to be submitted to Council and approved, prior to an Occupation Certificate being issued for the relevant stage where uses of the development commence.

The Plan is to identify how the loading dock will be managed and used by all tenants (retail, auditorium and residential) to enable the efficient servicing of the development.

Once approved, this management plan will need to be provided to all tenants and external users of the loading area.

**(52) LAND REMEDIATION**

- (a) The site is to be remediated and validated in accordance with the Remediation Action Plan – 301-303 Botany Road, Zetland - March 2015, Project Number DL3489\_S002725, Revision 1.
- (b) Any variations to the proposed Remediation Action Plan shall be approved in writing by a NSW EPA Accredited Site Auditor and Council prior to the commencement of such work.
- (c) Prior to the exportation of waste (including fill or soil) from the site, the material should be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and NSW EPA Environmental Guidelines Assessment, Classification and Management of Non-Liquid Wastes. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporter if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste, advice should be sought from the EPA.

**(53) SITE AUDIT STATEMENT**

- (a) Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation), a Section A Site Audit Statement from a NSW EPA Accredited Site Auditor is to be submitted to Council's Health and Building Unit clearly indicating that the site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.
- (b) Note: Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these should be discussed with Council before the Site Audit Statement is issued.

**(54) HAZARDOUS AND INDUSTRIAL WASTE**

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

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

**(55) IMPORTED WASTE DERIVED FILL MATERIAL**

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

- (a) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997);
- (b) Any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

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

**(56) CONTAMINATED WASTE**

The generation, storage, transport, treatment or disposal of industrial, hazardous or Group A liquid waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997 and the NSW Department of Environment and Climate Change and Water (DECCW) waste tracking requirements.

The generation, storage, transport, treatment or disposal of industrial, hazardous or Group A liquid waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997 and the NSW Department of Environment Climate Change and Water (DECCW) waste tracking requirements. For further information contact DECCW on 131 555.

**(57) ASBESTOS REMOVAL WORKS**

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence, whichever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, WorkCover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and WorkCover document entitled How to Safely Remove Asbestos, Code of Practice and the City of Sydney 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 Part 6 of the City of Sydney's Asbestos Policy.
- (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.

**(58) WATER POLLUTION**

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

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

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

**(60) 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.

**(61) DUST MANAGEMENT**

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

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

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

**(63) NOISE USE – GENERAL**

- (a) The emission of noise associated with the operation of any mechanical plant and equipment shall comply with the following criteria:

- (i) The LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence.
- (ii) The LAeq, 15minute noise level shall be adjusted for modifying factors in accordance with Appendix 2 of the Noise Guide for Local Government published by DECCW.
- (iii) The background noise level shall be measured in the absence of noise emitted from the use in accordance with *Australia Standard AS 1055.1-1997-Description and measurement of environmental noise*.
- (iv) The use of the premises shall be controlled so that any emitted noise is at level so as not to create an “offensive noise” as defined in the Protection of the Environment Operations Act 1997.

#### **Internal residential amenity**

- (b) An LAeq,15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence provided that:
  - (i) The LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence.
  - (ii) Where the LA90, 15minute noise level is below the threshold of hearing Tf at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 - Normal Equal-Loudness-Level Contours then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead.
  - (iii) The LAeq,15minute noise level and the LA90,15minute noise level shall both be measured with all external doors and windows of the affected residence closed
  - (iv) The LA90,15minute noise level shall be measured in the absence of noise emitted from the use but with the (excluding air-conditioning equipment) normally servicing the affected residence operating.

#### **Commercial premises**

- (c) An LAeq,15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any commercial premises provided that:
  - (i) The LAeq,15minute noise level and the LA90,15minute noise level shall both be measured with all external doors and windows of the commercial premises closed.



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

#### **(64) NOISE - ENTERTAINMENT VENUES**

- (a) The  $L_{A10, 15 \text{ minute}}$  noise level emitted from the auditorium must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.
- (b) The  $L_{A10, 15 \text{ minute}}$  noise level emitted from the auditorium must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.
- (c) Notwithstanding compliance with (a) and (b) above, noise from the auditorium when assessed as an  $L_{A10, 15 \text{ minute}}$  enters any residential use through an internal to internal transmission path is not to exceed the existing internal  $L_{A90, 15 \text{ minute}}$  (from external sources excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between the hours of 7am and 12midnight. Where the  $L_{A10, 15 \text{ minute}}$  noise level is below the threshold of hearing, Tf at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead.
- (d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the auditorium must not be audible within any habitable room in any residential use between the hours of 12.00 midnight and 7.00am.
- (e) The  $L_{A10, 15 \text{ minute}}$  noise level emitted from the auditorium must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.

Note: The  $L_{A10, 15 \text{ minute}}$  noise level emitted from the auditorium is as per the definition in the Australian Standard AS1055-1997 Acoustics – Description and measurement of environmental noise. The background noise level  $L_{A90, 15 \text{ minute}}$  is to be determined in the absence of noise emitted by the use and be representative of the noise sensitive receiver. It is to be determined from the assessment  $L_{A90}$  / rating  $L_{A90}$  methodology in complete accordance with the process listed in the NSW EPA Industrial Noise Policy and relevant requirements of AS1055.1997.

**(65) USE OF INTRUSIVE APPLIANCES - TIME RESTRICTION**

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

**(66) COMPLIANCE WITH ACOUSTIC REPORT**

All recommendations contained in the Acoustic Assessment – 301-303 Botany Road, Zetland, Project No 20140758.1, Revision 3, prepared by Acoustic Logic dated 26/09/14 and must be implemented during construction and use of the premises, including the following:

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

**(67) AIR CONDITIONERS IN RESIDENTIAL BUILDINGS**

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

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

**(68) INTRUDER ALARM**

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

**(69) NOISE – MECHANICAL PLANT AND EQUIPMENT**

Noise associated with the use of mechanical plant and equipment must not give rise to any one or more of the following:

- (a) Transmission of “*offensive noise*” as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver;
- (b) A sound pressure level at the boundary of any affected receiver that exceeds the background ( $L_{A90, 15\text{minutes}}$ ) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

Note: The method of measurement of vibration being carried out in accordance with "assessing Vibration; Technical Guidelines" – DEC (EPA) AS1055 for sound level measurements.

**(70) NOISE CONTROL VERIFICATION**

An Acoustic Verification Report must be submitted to the Council Health and Building Unit South Team prior to Construction Certificate for the relevant stage from an accredited acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants outlining all central services mechanical plant and equipment installed within the development.

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

**(71) MECHANICAL VENTILATION**

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

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

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

- (e) Prior to the issue of an Occupation Certificate for the relevant stage, 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.

**(73) GARBAGE ROOM**

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

**(74) WASTE AND RECYCLING COLLECTION, DELIVERIES AND LOADING DOCK AREA**

- (a) The collection of waste, recycling and or deliveries (to include use of loading dock) must only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.
- (b) Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.

**(75) RE-USE OF ROOF RAINWATER**

- (a) Use
  - (i) Rainwater is only to be collected from roof catchments and its use is restricted to toilet flushing, washing cars, garden use and for washing machines only.
- (b) Installation requirements
  - (i) All plumbing work is to be carried out by a licensed plumber and must be carried out in accordance with AS/NZS 3500. A permit in accordance with the NSW Code of Practice - Plumbing and Drainage 2006 (as amended) is to be obtained from Sydney Water for the work to be carried out.
  - (ii) Rainwater tanks shall be designed to include, but not be limited to the following:
    - a. Shall be fitted with a first flush device.

- b. Openings being suitably sealed to prevent access by children and being fitted with a fine mesh screens in order to prevent penetration of contaminants and insects such as mosquitoes.
  - c. All gutters, downpipes and associated supply pipe work must be free draining to prevent ponding of rainwater and made of suitable non corrodible materials.
  - d. Shall have an overflow device fitted to the rainwater tank which directs to the existing stormwater drainage system, and shall have a suitable drainage system fitted that facilitates flushing and cleaning.
  - e. Shall have all taps and outlets marked "non potable - not for drinking" on a permanent sign and all pipes are to be coloured 'green' in accordance with AS 1345 / AS 2700.
  - f. A suitable back up water supply using potable water must be provided to ensure that essential services such as toilet flushing are not contradicted where there is inadequate rainfall to meet demand or the rainwater harvesting system fails.
  - g. Where a rainwater tank is to be directly cross connected with the Sydney Water supply, an appropriate testable device shall be provided at the meter location on the potable water supply to prevent backflow of rainwater. This device must meet the requirements of Sydney Water.
  - h. Water pumps are to be located so as not causing an "offensive noise" as defined by the *Protection of the Environment Operations Act 1997* to any affected receiver.
- (c) Proximity to other services
- (i) 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' in accordance with AS1345. Alternatively, identification tape/pipe sleeve continuously marked 'RAINWATER' made in accordance with AS 2648 can be used.

- (iii) All rainwater tank outlets, taps, valves and tank apertures shall be identified as 'RAINWATER' with a sign complying with AS1319 or a green coloured indicator with the letters 'RW'. Alternatively a permanent sign at the front of the premises and visible to all visitors may be displayed advertising rainwater use.
- (e) Maintenance
  - (i) All rainwater tanks installed are to be maintained by the owner in accordance with these provisions, the NSW Health Department Circular no 2002/1 "Use of rainwater tanks where a reticulated potable supply is available" and any other local water utility requirements.
  - (ii) The rainwater collection system shall be constantly maintained in accordance to the manufacturer's instructions and in line with any approved maintenance plan so as to prevent risk of pathogenic microbial contamination including *legionella* and organisms from wildlife including birds.

#### **(76) CAR PARK VENTILATION**

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

#### **(77) FUTURE FOOD USE – MECHANICAL VENTILATION PROVISION**

Any mechanical exhaust systems are to be designed to be capable of accommodating exhaust requirements for a minimum of 50% of retail/commercial tenancies in accordance with relevant Australia Standards, in order to allow for the event that any of the tenancies are approved for future use as food premises or other uses, which require mechanical exhaust. Any exhaust system servicing an area where food is being cooked must discharge exhaust air at roof level.

#### **(78) PROTECTION OF STREET TREES DURING CONSTRUCTION**

All new street trees planted adjacent to the site must be protected at all times during construction in accordance with Council's Tree Preservation Order.

Details of the methods of protection must be submitted to and be approved by Council prior to the issue of the Construction Certificate for the relevant stage and such approval should be forwarded to the Principal Certifying Authority. All approved protection measures must be maintained for the duration of construction and any tree on the footpath which is damaged or removed during construction must be replaced.

#### **(79) NSW POLICE CONDITIONS**

The following crime prevention conditions are recommended by NSW Police:

- (a) Building management should register the CCTV cameras with the CCTV register on the NSW Police website to enable police to gain contact details for the person responsible;

- (b) Lighting should be vandal-resistant within all publicly accessible areas of the site;
- (c) Automatic sensor lights should be installed in the bicycle storage area to enable a user to know whether another person is already in the room;
- (d) A key holder be nominated and their contact details to be given to police to aid emergency services to gain entry;
- (e) Access to the car park, units and communal areas should be via swipe/card/key system. Swipe cards should have tracking ability to see which resident or retail tenant has accessed the communal areas;
- (f) Access to the bicycle storage area should be via swipe/card/key system only, with the door to be self-closing; and
- (g) Appropriate directional signage within the development site should be installed to assist wayfinding to lobbies, car park entries, common areas, etc.

**(80) LANDSCAPING OF THE SITE**

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



**(81) 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.
- (d) Where the Public Domain works are being delivered by the City of Sydney including the Plaza area and Tweed Place, the City's approved alignment levels are to be adopted and included in the submission. Adjustment to the approved alignment levels is not permitted except where approved by Council.
- (e) The City's Alignment Level standards and requirements are to be implemented in the ground level building setback area, are covered where the easement for public access exists. Details of the proposed alignment levels are to be submitted and approved by the City in accordance with part a, b and c of this condition.

**(82) 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".

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

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

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

The form of the recording is to be as follows:

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

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

#### **(84) PRESERVATION OF SURVEY MARKS**

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

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

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

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

**(85) 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*.

**(86) PUBLIC DOMAIN PLAN**

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by the Director City Planning, Development and Transport prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's *Public Domain Manual*).
- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, Green Square Public Domain Strategy, *Sydney Streets Design Code* and *Sydney Streets Technical Specification*, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

- (d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.
- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

**(87) 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.

**(88) 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 onsite 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 for the relevant stage excluding any approved preparatory, demolition or excavation works.
- (c) Prior to the issue of any Occupation Certificate for the relevant stage, 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.

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

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

**(90) DRAINAGE AND SERVICE PIT LIDS**

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

**(91) PUBLIC DOMAIN DAMAGE DEPOSIT**

A Public Domain Damage Deposit calculated on the basis of 165 lineal metres of concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

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

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

**(92) PUBLIC DOMAIN LIGHTING**

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

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

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

**(94) PUBLIC DOMAIN AND GROUND LEVEL SETBACK AREA**

The design of the developments interface and connection to the surrounding streets, plaza and public domain infrastructure must take into account the City of Sydney's *Public Domain Manual*, Green Square Public Domain Strategy, *Sydney Streets Design Code* and *Sydney Streets Technical Specification*, Green Square Essential Infrastructure approval (D/2012/1175), Green Square Town Centre Library and Plaza approval (D/2014/1084) and subsequent documentation undertaken by the City and associated Construction Certificates.

Details of the developments interface to the public domain and the ground level setback area are to form part of the Alignment Level and Public Domain Plan submissions.

The detailed submission must address the following;

- (a) Demonstrate how the development integrates into the surrounding street network and adjoining properties including road and footway alignment levels, drainage system and pallet of material / paving.
- (b) Demonstrate that the pallet of material, and alignment levels of the ground level setback area marry into and complement the public domain.
- (c) Detail any temporary or sacrificial work such as retaining walls, public footways, stormwater lines, services, and stormwater overland flow paths.

**(95) WASTE MANAGEMENT****Storage**

- (a) Waste and recycling receptacles are to be stored on the property at all times with Council access key for servicing;
- (b) Residential and commercial waste rooms are to be separated;
- (c) A storage area for discarded bulky items must be provided per lift core;

**Waste and Recycling Management**

- (d) Clearance height for access by collection vehicles must be no less than 3.6m at any point;
- (e) The maximum travel distance between the storage point and collection point for all waste receptacles shall be no more than 10m;
- (f) Unimpeded access shall be provided for collection vehicles between 6:00am and 6:00pm on collection days;

**(96) PHYSICAL MODELS**

- (a) Prior to the 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.

**(97) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE**

- (a) Prior to the final Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development 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.



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

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

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

**SCHEDULE 1C****During Construction/Prior to Occupation/Completion****(99) 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.

**(100) BARRICADE PERMIT**

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

**(101) 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.

For new permanent basement wall/s or other ground retaining elements (not being anchors projecting under the road reserve):

- (a) Prior to a Construction Certificate being issued for the relevant stage, the following documents must be submitted to the Certifying Authority (CA) and a copy to Council (if Council is not the PCA):
  - (i) Dilapidation Report of adjoining buildings/structures.
  - (ii) Evidence that public utility services have been investigated.
- (b) If adjoining a Public Way:
  - (i) Evidence of a \$10 million dollar public liability insurance policy specifically indemnifying the City of Sydney, valid for at least the duration of the project. The original document must be submitted to Council.
  - (ii) Bank guarantee in accordance with the Council's fees and charges. The original document must be submitted to Council.
- (c) Prior to commencement of relevant work:
  - (i) The location of utility services must be fully surveyed and the requirements of the relevant public utility authority complied with; and
  - (ii) The following documents must be submitted to and approved by the Principal Certifying Authority (PCA) and a copy to Council (if Council is not the PCA):
    - a. Structural drawings and certification as prescribed elsewhere in this consent.
    - b. Geotechnical report and certification as prescribed elsewhere in this consent.
- (d) Prior to issue of the Occupation Certificate for the relevant stage, the Principal Certifying Authority must receive written and photographic confirmation that the restoration of the public way has been complete in accordance with the following:
  - (i) All ground anchors must be de-stressed and isolated from the building prior to completion of the project.
  - (ii) The temporary structure, including foundation blocks, anchors and piers must be removed above and below the public way, prior to completion of project, down to a depth of 2m.
  - (iii) All timber must be removed.
  - (iv) All voids must be backfilled with stabilised sand (14 parts sand to 1 part cement).
  - (v) All costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way must be borne by the owner of the land approved for works under this consent.

- (e) The Bank Guarantee may be released after the Principal Certifying Authority submits certification to Council that all the works described in (d) above have been completed and that there is no remaining instability, damage or unevenness to the public domain as a result of the development. This certification is to include relevant photographs and must be to the satisfaction of the Council's Area Planning Manager.

**(102) 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 in a public place and such application is to include:
  - (i) Architectural, construction and structural details of the design in accordance with the *Policy for the Design and Construction of Hoarding* (September 1997) and the *Guidelines for Temporary Protective Structures* (April 2001).
  - (ii) Structural certification prepared and signed by an appropriately qualified practising structural engineer.

Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.

Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins and JCDecaux street furniture including kiosks, bus shelters, phones, poster bollards, bench seats and litter bins. The applicant is responsible for the cost of removal, storage and reinstallation of any of the above as a result of the erection of the hoarding. In addition, the applicant is responsible for meeting any revenue loss experienced by Council as a result of the removal of street furniture. Costing details will be provided by Council. The applicant must also seek permission from the telecommunications carrier (e.g. Telstra) for the removal of any public telephone.

- (b) Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant must relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.
- (c) The hoarding must comply with the Council's policies for hoardings and temporary structures on the public way. Graffiti must be removed from the hoarding within one working day.

**(103) TELECOMMUNICATIONS PROVISIONS**

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

**(104) UTILITY SERVICES**

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Construction Certificate for the relevant stage, 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 excavation 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.

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

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

**UPON COMPLETION OF EXCAVATION/DEMOLITION**

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

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

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

#### **(106) 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*.

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

#### **(108) 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 an initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

#### **(109) BASIX**

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

#### **(110) 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.

#### **(111) 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.

#### **(112) 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.

#### **(113) 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.

#### **(114) 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.

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

Prior to an Occupation Certificate being issued for each relevant stage, 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.

#### **(116) SHOP NUMBERING**

Shops not having a direct street frontage, such as individual food businesses within a food court, must have their shop number clearly displayed and visible at all times on the shop front.

#### **(117) 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.

#### **(118) 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](http://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 any Occupation Certificate or subdivision/strata certificate being issued.

#### **(119) NOTICE TO PCA REGARDING RECYCLED WATER CONNECTION**

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

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

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

#### **(121) ENCROACHMENTS – PUBLIC WAY**

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

#### **(122) SURVEY CERTIFICATE AT COMPLETION**

A Survey Certificate prepared by a Registered Surveyor must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment.

### **SCHEDULE 2**

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

- |            |  |
|------------|--|
| Clause 98  | Compliance with <i>Building Code of Australia</i> and insurance requirements under the <i>Home Building Act 1989</i> |
| Clause 98A | Erection of signs  |
| Clause 98B | Notification of <i>Home Building Act 1989</i> requirements   |
| Clause 98C | Conditions relating to entertainment venues  |
| 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**

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

General

1. An authorisation shall be obtained from NSW Office of Water for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified in the authorisation.
2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be in contact with groundwater watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for reasonably foreseeable high water table elevations to prevent potential future inundation.
3. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

Prior to excavation

4. Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken. These measurements should be included in a report provided to the NSW Office of Water in support of the dewatering licence application, along with a schedule and indicative level predictions for the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.
5. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the parameters (e.g. permeability predicted by slug-testing, pump-testing or other means) and calculation method shall be included in the report submitted to the NSW Office of Water in support of the dewatering licence.
6. A copy of a valid development consent for the project shall be provided in the report to the NSW Office of Water.
7. Groundwater quality testing shall be conducted on a suitable number of samples using a suitable suite of analytes and completed by a NATA-certified laboratory, with the results collated and certificates appended to a report supplied to the NSW Office of Water. Samples must be taken prior to the substantial commencement of dewatering, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.

8. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (sometimes referred to as "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
9. Contaminated groundwater (i.e. above appropriate NEPM 2013 investigation thresholds) shall not be reinjected into any aquifer without the specific authorisation of the NSW Environment Protection Authority (any such discharge would be regulated through a licence issued under the *Protection of the Environment Operations Act 1997* [POEO Act]). The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

#### During excavation

10. Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
11. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
12. Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.
13. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
14. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
15. The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.
16. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety procedures.

Following excavation

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

## BACKGROUND

### The Site and Surrounding Development

1. A site visit was carried out on 18 December 2014.
2. The site comprises 301-303 Botany Road, Zetland. It has an area of approximately 5,470sq.m and has an irregular shape. It has a 54m frontage to Bourke Street to the north and a 50m frontage to Botany Road to the west.
3. Upon the completion of the City's public domain works at the northern end of the Green Square Town Centre, the land will have frontage to future Ebsworth Street to the north-east and future Tweed Place to the south-east. In particular, the north-east frontage of the site will be to the planned 'high street' for the town centre.



**Figure 1:** Aerial image of site and Green Square Town Centre boundaries





**Figure 2:** Location of site, highlighted, relative to Green Square Town Centre boundaries

4. The site contains a single storey motor showroom, offices, vehicle service centre and extensive hardstand areas for the display of vehicles. These structures were used by John Newell Mazda for 18 years between 1993 and 2011. The site was recently used as a Nissan and Suzuki dealership but has been vacant pending redevelopment for several months.
5. Vehicular access to the site is from driveways along both Bourke Street and Botany Road.
6. Along the Botany Road frontage of the site, within the footpath, is a pedestrian staircase for the Green Square Railway Station. However, there is no universally accessible route to the station from this side of Botany Road.
7. Below the site, at the western corner, is a rail tunnel serving the Airport Line and the Green Square Railway Station. The stratum lot within which the railway tunnel lies is, at its shallowest point, 8m below ground level. The top of the station platform tunnel is about 18m below ground level.
8. The surrounds of the site are set to undergo a radical transformation over the next 10-20 years as the development of the Green Square Town Centre takes shape. The Town Centre covers an area of 13.74 hectares in some of Sydney's oldest industrial districts. The Town Centre comprises 15 allotments earmarked for 19 development sites within the applicable planning controls. The subject site is identified as 'Development Site 6'.
9. Council's vision for the Green Square Town Centre is for a centre that provides employment, services and dwellings for the Green Square redevelopment area (278 hectares) and the southern areas of the City of Sydney Local Government Area. It will do so by providing retail, office, residential, leisure, medical, cultural and civic functions. In particular, it is forecast that the Town Centre will house 6,500 residents and will be *the* main retail and commercial centre between the CBD and the airport.

10. Surrounding development includes current manufacturing, processing, distribution and automotive industries. A number of surrounding sites have been vacated and cleared of improvements, including land formerly used as two local government depots and waste management facilities.
11. To the north of the site is Bourke Street, on the northern side of which are industrial and distribution premises that are located outside the boundaries of the Green Square Town Centre.
12. To the east and south of the site are two former Council depot facilities, one formerly operated by the City of Sydney as a works depot and the other formerly operated by Waverley and Woollahra Councils for a waste facility. Both sites are within the boundaries of the Green Square Town Centre and are now owned by the NSW Government and managed by UrbanGrowth to be developed for mixed use development by Mirvac.
13. Immediately to the south of the site is the area designated for the approved Green Square Town Centre Plaza and Library. The site and the Plaza share a common frontage and will need to match levels and finishes and work together to provide pedestrian and cyclist access to Botany Road and Green Square Station.
14. To the west of the site is Botany Road, on the western side of which is the entrance to the Green Square Railway Station and older building stock used for light industrial purposes.
15. Photographs of the existing buildings and their surrounds are found below.



**Figure 3:** View toward the south-east illustrating Site at intersection of Bourke Street, Botany Road and O'Riordan Street





**Figure 4:** Photograph of the site from corner Bourke Street and Botany Road



**Figure 5:** Photograph of Green Square Station access to the west

## PROPOSAL

16. The proposal comprises:

- (a) demolition of existing structures and excavation of the site for the formation of three basement car parking levels;
- (b) demolition of the existing Green Square Station subway structure and extension of the existing pedestrian tunnel into and through the development site; and
- (c) construction of a mixed use development comprised of a part 8 to part 20 storey building stepping in height across the site from south-west (low side) to the north-east (high side). The building to house:

- (i) basement car parking for 403 vehicles, 10 motorbikes, 505 bicycle spaces and loading facilities;
  - (ii) ground and first floor perimeter retail space fronting Botany Road, Bourke Street, future Ebsworth Street, future Tweed Place, future Green Square Library and Plaza and the internal courtyard/through-site link;
  - (iii) internal communal courtyard and through-site link at first floor level that links future Ebsworth Street with Green Square Plaza;
  - (iv) ground floor and first floor multi-purpose facility for use as an auditorium, function centre, place of worship, exhibition facility or conference facility; and
  - (v) second floor to twentieth floor apartments, accommodating 401 dwellings with residents gym, music rooms, theatre, meeting rooms, lounge, pool deck and garden terrace;
17. The design is unique and ambitious. A competitive design process following the grant of the Stage 1 consent culminated in the selection of Koichi Takada Architects based on the design excellence exhibited. Koichi Takada presented a compelling design with sculptured height falling from north to south and a large oval-shaped void in the northern corner. The design met the competition brief to provide improved solar access to the Green Square Plaza and Library and also achieves excellent solar access and natural light to the internal courtyard and internal facades. The building is iconic and has a fitting landmark quality for the northern edge of the Green Square Town Centre.
18. Critical in the aesthetic success of the development is the resolution of the facade materials and finishes. This is discussed further in the Issues section of this report. However, the City's Design Advisory Panel has reviewed the finishes on two occasions and commended the developer and architect on their design development to date. The recommended conditions of consent include the requirement for endorsement of the final external colours and finishes by the City's Director City Planning, Development and Transport. This will allow the existing rigour in the facade concept to continue through the construction documentation phase to ensure the original design intent is maintained.
19. The proposed retail floorspace is 2,894sq.m and the proposed multi-purpose facility floorspace is 893sq.m.
20. The ground floor and first floor auditorium is accessed from a lobby off Tweed Place and occupies the centre of the site below the first floor courtyard. The auditorium is to be an acoustically sealed space with a capacity of approximately 250 patrons. The proposed hours of operation are Monday to Sunday 8:00am to 11:30pm. The range of possible community uses include conferences, exhibitions, functions, showroom or as a place of worship.
21. Selected perspectives of the development are provided below. Further plans, elevations and sections are included within **Attachment A**.





**Figure 6:** Perspective from corner of Bourke Street and future Ebsworth Street



**Figure 7:** Perspective from Botany Road including interface with Green Square Plaza and future Tweed Place





**Figure 8:** Perspective from future Ebsworth Street



**Figure 9:** Perspective from internal courtyard and through-site link



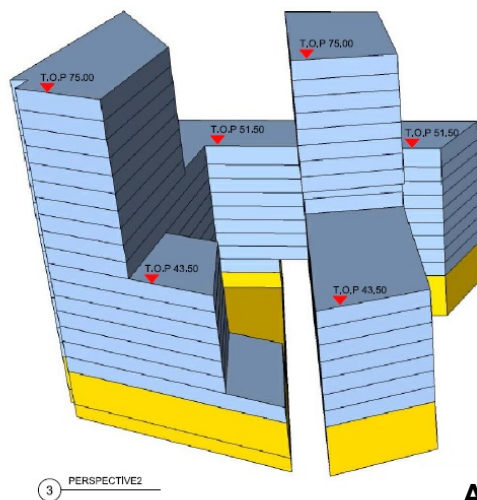


**Figure 10:** Perspective of facade showing proposed balcony balustrading and soffit finishes in wave pattern

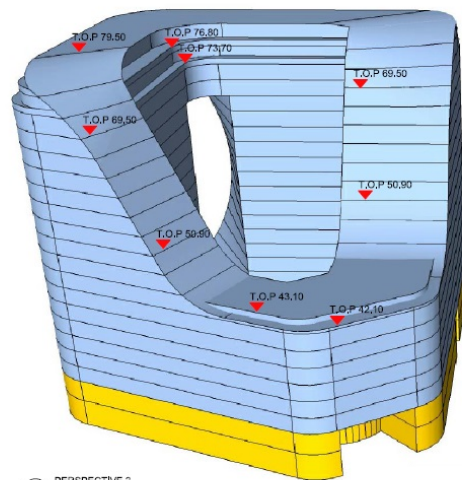
## HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

### Stage 1 Development Application

22. John Newell Pty Ltd received development consent in February 2013 for a Stage 1 DA to establish maximum building envelopes and the allocation of retail and residential floorspace to the site.
23. The consent provided approval for:
  - (a) building envelopes with the potential to accommodate 34,380sq.m of residential floor space (approximately 346 apartments), 5,000sq.m of retail floor space and 3 levels of basement car parking (approximately 311 spaces);
  - (b) 8 – 18 storeys built form;
  - (c) indicative vehicular access; and
  - (d) indicative landscaping and public domain works.
24. The approved building envelopes were in accordance with the South Sydney LEP 1998. Had the Stage 1 approved envelopes proceeded to Stage 2 DA and construction, the envelopes would have produced a relatively higher level of overshadowing on the Green Square Plaza and Library. Following the Stage 1 approval, Crown Group acquired the site from John Newell and carried out a competitive design process, one of the objectives of which was to improve solar access to the Plaza and Library.
25. A Section 96 modification to the approved Stage 1 development has been lodged by the Applicant and is to be reported to the CSPC. The Section 96 modification amends the Stage 1 consent to align with the revised building envelopes within the Stage 2 DA.



3 PERSPECTIVE 2

**Approved**

4 PERSPECTIVE 2

**Proposed**

**Figure 11:** Comparison between approved Stage 1 building envelopes and proposed Stage 2 envelope

### Competitive Design Process

26. From November 2013 to March 2014 Crown Group conducted a competitive design process to ensure design excellence was achievable with the Stage 2 DA.
27. The competition brief included a requirement to increase sun access into the Green Square Plaza and Library via redistribution of the approved building envelopes.
28. Koichi Takada Architects were unanimously selected by the competition jury. Among the reasons cited for their support, the jury felt that:
  - (a) the looped building form is inspiring and will become an icon, it is an exciting and contemporary sculptural form;
  - (b) the looped building form has high functionality in providing additional northern sunlight to penetrate to the Green Square Plaza and Library, the apartments and the internal courtyard;
  - (c) the design has a strong relationship with the plaza and library;
  - (d) the apartment layouts were well thought-out; and
  - (e) the design displayed rich materials.
29. In May 2014, Koichi Takada Architects and Crown Development briefed the City's Design Advisory Panel on the proposed rearrangement of the building envelopes. The Panel commended Crown and Koichi for their ambition and positive contribution to the diversity of design in the Green Square Redevelopment Area.
30. Both the competition jury and the DAP stressed the need for further design development, with emphasis on the need for Crown Group to commit and invest in providing high quality detailing and finishes, and warning of value-engineering being a potential threat to the quality of the design through to DA stage.

**Stage 2 Development Application**

31. The DA was lodged in November 2014 and exhibited between late November and December. No submissions were received.
32. On 13 February 2015 the Applicant amended the DA following successful negotiations with Transport for NSW regarding the extension of the existing pedestrian tunnel from Green Square Station into and through the site.
33. On 17 March 2015, Council Officers presented the DA to the City's Design Advisory Panel and received positive feedback following improvements to the scheme and clarifications since the previous DAP review. In particular, the DAP commended the architects on their further design development and welcomed the introduction of cascading gardens on the facade of the sculptured loops. Good SEPP 65 compliance was also noted. The DAP requested increased natural light into the proposed tunnel connection to Green Square Station and a shopfront strategy to ensure that there are guidelines in place for retailers that may not prefer a fully glazed shopfront condition.
34. On 18 March 2015 Council Officers wrote to the Applicant requesting further information and clarifications on design matters. The main point for clarification was a request for Crown Group and its designers to investigate straightening the original pedestrian tunnel connection to/from the station as it went through the building (as its original curved profile was not considered optimal for legibility) and providing increased natural light into the tunnel.
35. In mid-April 2015, the Applicant satisfactorily responded to the City's request for information. This included straightening the pedestrian tunnel to provide a direct path of travel and increasing natural light into the tunnel.
36. On 29 April 2015, Sydney Airport provided concurrence for the proposed building height.

**Release of Planning Controls**

37. The Green Square Town Centre LEP 2013 (GSTC LEP) operates on a "deferral" model. The planning controls are suspended until the landowners seek to enter into the controls to achieve an uplift in development potential in return for commitment to funding or works-in-kind for town centre infrastructure and services.
38. The former owner, John Newell Pty Ltd, entered into a VPA with the City in 2012 to commit to funding and land dedications for essential infrastructure in the town centre. However, the Stage 1 DA was able to be determined under the Green Square planning controls within the South Sydney LEP 1998 (Amendments 17 and 19). The Stage 1 DA design did not rely on the 'un-deferral' of the GSTC LEP, which was nevertheless in draft when the DA was determined.
39. The new owners have since executed a fresh VPA with the City and the City has requested that NSW Planning and Environment unlock the GSTC LEP controls via gazetting a fresh zoning map, fresh building height map, fresh floor space ratio map, etc, showing the site.

40. The South Sydney LEP 1998 contains precise building envelope controls and precise floor area controls that are too rigid for the Stage 2 DA. As such, the recommendations of this report include a request for the CSPC to delegate the determination of the Stage 2 DA after the GSTC LEP is unlocked. At that time, the new LEP is to be given significant and determinative weight and the South Sydney LEP (remaining applicable due to a savings clause) is to be given little weight in the determination.
41. At the time of writing this report, NSW Planning and Environment is currently in the process of 'un-deferring' the GSTC LEP.

#### **Other DAs in the Green Square Town Centre**

42. D/2012/1175 (approved by CSPC on 8 March 2013) - Provision of essential infrastructure for the Green Square Town Centre, including demolition of minor structures and tree removal, construction of new roads and associated infrastructure, concept landscaping and streetscape design, provision of above and below ground services and staged construction. Stage 1 of the works is underway and will deliver future Ebsworth Street and future Tweed Place around the site.
43. D/2013/1406 (approved by Council on 9 December 2013) - Construction of 9 storey affordable housing development by CityWest Housing at 130 Portman Street, Zetland. Works commenced on the site in 2014 and the excavation phase is complete.
44. D/2013/1423 (approved by CSPC on 3 April 2014) - Construction of a 10 storey mixed use development at 355 Botany Road, Zetland. That site is south-east of 301-303 Botany Road, Zetland. Work commenced on the site in February 2015.
45. D/2013/1947 (approved by CSPC on 30 October 2014) - Construction of a predominantly residential development containing 308 apartments in 3 buildings at 511-515 Botany Road, Zetland at the south-western corner of the Town Centre.
46. D/2014/642 (approved by CSPC on 8 December 2014) – Construction of two mixed use buildings with ground floor retail uses and aboveground apartments, one comprising a 10 storey tower and the other a 28 storey tower. That site is north of 301-303 Botany Road, Zetland and work is expected to begin shortly.
47. D/2014/1084 (approved by Council on 23 February 2015) - Construction of Green Square library and plaza immediately south of 301-303 Botany Road. The proposed development shares a common boundary with the Plaza and the approved levels of the Plaza have a direct relationship with the proposed development for pedestrian access, rail station access and retail frontage.
48. D/2014/1313 (approved by Council on 23 February 2015 – Construction of a child care centre within the former South Sydney Hospital site approximately 400m to the south-west of the site.
49. D/2014/1686 (approved by Council on 21 April 2015) – Reuse of two former South Sydney Hospital Buildings for community facilities and the embellishment of a new park, approximately 450m to the south-west of the site.
50. The City is also currently finalising designs for a new open space area called "The Drying Green" south-east of the plaza and is progressing with the design for the new aquatic centre and park just south-east of the Town Centre.

**CITY OF SYDNEY ACT 1988**

51. Section 51N requires the Central Sydney Planning Committee (the Planning Committee) to consult with the Central Sydney Traffic and Transport Committee (CSTTC) before it determines a DA that will require, or that might reasonably be expected to require, the carrying out of road works or traffic control works likely to have a significant impact on traffic and transport in the Sydney CBD. A full extract of this Section is provided below.

***"51N Planning proposals having a significant impact on traffic and transport in the Sydney CBD***

- (1) The Planning Committee must consult the CSTTC before it exercises a function under Part 4 that will result in the making of a decision that will require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD.*
  - (2) The Planning Committee must take into consideration any representations made by the CSTTC within the period of 21 days (or such other period as is agreed to by the CSTTC and the Planning Committee in a particular case) after consultation takes place.*
  - (3) The Planning Committee may delegate to a subcommittee of the Planning Committee, or the general manager or another member of the staff of the City Council, any of its functions under this section other than this power of delegation. A delegation can be given subject conditions. A delegation does not (despite section 38) require the approval of the Minister administering that section.*
  - (4) The failure of the Planning Committee to comply with this section does not invalidate or otherwise affect any decision made by the Planning Committee."*
52. Having liaised with the City's Transport and Access Unit, in this instance, the proposal is not considered to have a significant impact on traffic and transport in the CBD, and consultation with the CSTTC is not necessary.

**ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS**

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

**Water Management Act 2000**

54. The DA was referred to the NSW Office of Water pursuant to the provisions of the Water Management Act 2000 as the future basement excavation will require temporary dewatering of the site which is deemed to be an aquifer interference activity.
55. The NSW Office of Water provided General Terms of Approval for the development. These conditions will be relevant when the Applicant applies for a licence to dewater the site.

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

56. The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
57. A Remediation Action Plan and interim letter from an Accredited Site Auditor were submitted with the development application. The City's Health Unit is satisfied that subject to conditions, the site can be made suitable for the proposed uses.

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

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

- (a) **Principle 1:** Context
- (b) **Principle 2:** Scale
- (c) **Principle 3:** Built Form
- (d) **Principle 4:** Density
- (e) **Principle 5:** Resource, energy and water efficiency
- (f) **Principle 6:** Landscape
- (g) **Principle 7:** Amenity
- (h) **Principle 8:** Safety and Security
- (i) **Principle 9:** Social Dimensions
- (j) **Principle 10:** Aesthetics

59. An assessment against the above principles is provided below.

- (a) **Principle 1:** Context

The site is located within the Green Square Town Centre and within close proximity to Green Square railway station and bus routes along Bourke Street and Botany Road. It is located approximately 4.5km to the south of the Sydney CBD. The proposal contributes to the vitality of the Green Square Town Centre and broader redevelopment area. It is within the Mixed Use zone and is in accordance with the objectives of the GSTC LEP and the GSTC DCP.



(b) **Principle 2: Scale**

The scale of the area is currently in transition from former industrial and warehousing uses to a mixed use town centre. The scale of development anticipated within the town centre is consistent with the height and typology of this proposal. The proposal generally complies with the GSTC LEP maximum building height limit.

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

The proposal has benefitted from design advice from Council's internal design specialists and the City's Design Advisory Panel (DAP). The building is generally compliant with the building envelope controls in the GSTC LEP and GSTC DCP. The finishes, materials and appearance of the proposed building are high quality and will be an iconic addition to the Town Centre. The proposal responds to the surrounding urban renewal context, achieves a suitable form and scale and is consistent with achieving design excellence.

(d) **Principle 4: Density**

The proposal is comfortably within the building envelopes established for the site. This density of development is consistent with the desired future character envisaged within the Green Square Town Centre and the broader redevelopment area. The proposal is compliant with the floor space ratio (FSR) standard for the site.

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

The proposal incorporates sustainability features which include units achieving natural ventilation and solar access in mid-winter, solar shading devices preventing excessive heat capture during summer months and water efficient fixtures. The proposal has been accompanied by a Building Sustainability Index (BASIX) Certificate indicating that suitable sustainability outcomes would be achieved.

(f) **The Principle 6: Landscape**

The landscape design has incorporated indigenous planting and has been designed to complement the use of the podium and communal open space. There are a range of communal open spaces within the development that have been designed to encourage a range of semi-active and passive uses. The landscaping of the site is subject to resolution through endorsement under the recommended conditions of consent.

(g) **Principle 7: Amenity**

The proposal meets each of the rules of thumb in the Residential Flat Design Code (RFDC) as follows:

(i) **Unit Size**

The proposed unit sizes are within the range of required sizes for each apartment type under the RFDC. The proposal presents a good range of apartment sizes and number of bedrooms to cater for a wide range of occupants.

(ii) Cross Ventilation

The proposal achieves 74% of units across the development having natural ventilation based on adopting the “rules of thumb” for natural cross ventilation within the RFDC and the use of alternative means to provide natural ventilation. The development incorporates conventional through apartments, corner apartments and cross-over apartments (138 apartments, or 35%) but also utilises ventilation stacks (63 apartments/16%), slots (40 apartments/10%), open corridors with high-level windows (25 apartments/6%), operable skylights (14 apartments/3%) and cross-over vents (16 apartments/4%). Council Officers have generally accepted these alternative means of providing natural ventilation although they are not strictly cross ventilation in RFDC terms. There are also apartments that are said to achieve natural ventilation through a stepped facade generating differential pressures for wind generation. Council Officers have not accepted this approach and have not included 72 apartments (18%) in consideration of natural cross ventilation. However, in the Applicant’s view 92% of apartments are naturally cross ventilated.

(iii) Apartment Depth and Width

The proposed single aspect apartments within the development are no greater than 8 metres in depth in accordance with the RFDC. The proposed apartments generally have a depth of no greater than 18 metres as suggested under the RFDC.

(iv) Private Open Space

The Rules of Thumb in the RFDC suggest a minimum private open space area of 8m<sup>2</sup> for studios/one bedroom apartments, 11m<sup>2</sup> for two bedroom apartments and 24m<sup>2</sup> for three bedroom apartments, with a minimum balcony depth of 2 metres. All apartments within the buildings feature useable private outdoor balconies or courtyards.

The proposal includes communal open space at Level 2 (pool terrace), Level 8 (landscaped rooftop and meeting rooms) and Level 16 (resident’s “sky lounge”, theatre and music rooms). Together, these spaces provide a wide variety of passive and semi-active spaces. A total of 2,326sq.m of communal open space is provided (42% of the site area), which is well in excess of the 25-30% generally recommended.

The site is also within easy walking distance of future plaza and parkland space within the Green Square Plaza, the Drying Green, Green Square Aquatic Centre, Gunyama Park and other nearby public open spaces. The provision of common open space is considered to be acceptable.

(v) Storage

The Rules of Thumb in the RFDC suggest a lockable storage area of 6m<sup>3</sup> for studio/one bedroom apartments, 8m<sup>3</sup> for two bedroom apartments and 10m<sup>3</sup> for three bedroom apartments. The proposal provides for approximately 50% of this amount within the apartments. Storage cages and cycle storage provided in the basement provide the residual storage area requirements.

(vi) Solar Access

The Rules of Thumb in the RFDC suggest that living rooms and private open space achieve sunlight for three hours between 9am and 3pm in midwinter for at least 70% of units, with a minimum two hours being acceptable within dense urban areas. The solar studies and accompanying reports indicate that 71% of all units within the development achieve solar access for two hours.

(vii) Floor-to-Ceiling Heights

The proposed floor-to-ceiling heights exceed the minimum height of 2.7 metres for habitable rooms as suggested under the Rules of Thumb. The retail levels achieve the minimum floor-to-ceiling height of 3.3m.

(viii) Visual and Acoustic Privacy

The Rules of Thumb suggest a minimum separation of 12 metres between habitable rooms and adjacent habitable rooms for buildings up to four storeys, 18 metres for buildings of five to eight storeys and 24 metres for buildings of nine storeys and above.

The proposed building separation generally complies with the RFDC. Within the feature oval shaped loop of the development the building separation is less than recommended. However, a continuous void span of 12m to 24m would not be readily structurally achievable or particularly aesthetically compelling and the apartments with frontage toward the void gain significant amenity through solar access and views toward the Sydney CBD. The proposal has been designed to reduce instances of direct overlooking between the two “wings” of the building through privacy screening on balcony balustrade edges on these elevations. The proposal is considered acceptable with regard to visual and acoustic privacy.

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

The proposal includes active uses on the street level and encourages passive surveillance onto the street and communal open space at the podium levels and rooftops. Council’s crime prevention officers have raised no objections to the proposal.

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

The proposed dwelling mix is detailed within the tables below and is considered to be acceptable under either scenario:

Applicant's calculations:

	<b>No.</b>	<b>Mix</b>	<b>GSTC DCP:</b>
<b>Studio</b>	52	13%	5-10%
<b>1-bedroom:</b>	118	29%	10-30%
<b>2-bedroom:</b>	171	43%	40-75%
<b>3-bedroom:</b>	60	15%	10-30%

Council Officer's calculations:

	<b>No.</b>	<b>Mix</b>	<b>GSTC DCP:</b>
<b>Studio</b>	52	13%	5-10%
<b>1-bedroom:</b>	119	30%	10-30%
<b>2-bedroom:</b>	159	40%	40-75%
<b>3-bedroom:</b>	72	18%	10-30%

Council Officers have elected to adjust the Applicant's mix figures because 12 x 2 bedroom units (unit layout A3.02, repeated from Levels 3 to 14) have studies that are readily capable of being a bedroom, therefore considered a 3 bedroom apartment (and still comply with SEPP 65 Rules of Thumb for apartment size), and 1 x 1 bedroom unit (Unit A14.11) has a study that is capable of being a bedroom, therefore considered a 2 bedroom apartment (although the apartment area would be less than 5sq.m under that required by SEPP 65).

The proposal is considered acceptable with regard to the GSTC DCP. Whilst there are slightly more studio apartments than desirable, these are justified as lower cost alternatives based on their reduced size and relatively lower level of solar access and natural ventilation compared to the 1, 2 and 3 bedroom apartments.

The proposal also provides a total of 20% of the apartments as adaptable units.

(j) **Principle 10: Aesthetics**

The proposal features a contemporary design and sculptured form that won it the competitive design process. A variety of materials are used, and the facade materials and finishes are particularly exciting with cascading balustrade patterning emphasising the corners, loops and providing privacy where necessary.

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

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

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

**Clause 86**

62. The application is subject to Clause 86, *excavation in, above or adjacent to rail corridors*, because the excavation is within 25m of the existing rail tunnel. RailCorp (now Sydney Trains under Transport for NSW) concurrence is required for the development.
63. Sydney Trains wrote to Council Officers in early 2015 requesting the Applicant submit geotechnical and structural information to support the DA. The Applicant subsequently prepared the supplementary information and it was provided to Sydney Trains.
64. Concurrence has not been forthcoming for some time. However, the recommendation of this report includes a request for delegation to be granted to the Council's CEO to determine the DA after concurrence is provided by Sydney Trains.

**Clause 101**

65. The application is subject to Clause 101 of the SEPP as the site has frontage to Botany Road, which is a classified road. The application is considered to satisfy Clause 101 of the Infrastructure SEPP subject to conditions of consent, as it does not provide access to the site from the classified road and acoustic conditions have been included within the recommended Conditions of Consent.

**Clause 102**

66. The application is subject to Clause 102 of the SEPP as the average daily traffic volume of Botany Road is more than 40,000 vehicles. The application is considered to satisfy Clause 102 of the Infrastructure SEPP subject to conditions of consent and compliance with the submitted Acoustic Impact Assessment.

**Clause 104**

67. The application is subject to Clause 104, *traffic generating development*, due to having more than 300 apartments. Comments were sought from Roads and Maritime Services and their generic requirements are included in the recommended conditions of consent.

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

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

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

70. 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.
71. The proposed development of the site is consistent with the aims and objectives of the SEPP.

**South Sydney Local Environmental Plan 1998**

72. The DA has been lodged prior to the unlocking of the GSTC LEP. As such, the South Sydney LEP 1998 (South Sydney LEP) continues to apply and the GSTC LEP is currently a draft for consideration.
73. However, the recommendation of this report includes a request to delegate authority to the Council's CEO to determine the DA after the GSTC LEP comes into force over the site.
74. A savings provision in the GSTC LEP directs Council Officers and the CSPC to continue to consider the South Sydney LEP when assessing the DA. However, the South Sydney LEP has been given little weight. Significant and determinative weight has been given to the GSTC LEP as the new LEP is the vehicle for the City's planning vision and framework for this site and others. The South Sydney LEP has inherent inflexibility with out-dated land use and building height controls.
75. An assessment of the development against the provisions of the South Sydney LEP is provided below.

Compliance Table		
Development Control	Compliance	Comment
<b>Planning Principles (Part 2)</b>  Development is to be considered having regard to the goals and objectives within the Strategy for a Sustainable City of South Sydney	Yes	The proposal satisfies the Strategy.

Compliance Table		
Development Control	Compliance	Comment
<p><b>Zoning Controls (Part 3)</b></p> <p>The site is zoned 11(a) Green Square Town Centre and 11(b) Green Square Town Centre Public Domain.</p> <p>The 11(b) zone applies to the south-west corner of the site which is affected by land dedication for the formation of a public plaza and two narrow strips along Bourke Street and Botany Road affected by land dedication for footpath widening. The land to be dedicated is 282sq.m of the 5,470sq.m site.</p>	Yes	The development is defined as residential development, retail development and commercial development under the South Sydney LEP. These uses are permissible.
<p><b>Heritage Conservation (Cl. 22 to 27)</b></p> <p>Development is to satisfy certain heritage requirements</p>	Yes	No heritage issues are evident in relation to the proposal.
<p><b>Development at Green Square (Cl. 27C)</b></p> <p>Development is to satisfy the vision, planning principles and Masterplan provisions of the LEP.</p>	Yes	<p>The proposal satisfies the vision and planning principles for Green Square in that it provides a diversity of land uses, provides connectivity as required, provides uses and a design which is internally and externally compatible and supports the aim to create a compact and sustainable urban area.</p> <p>The requirement for a Masterplan is satisfied by the lodgement of a Stage 1 DA.</p>

Compliance Table		
Development Control	Compliance	Comment
<b>Green Square Town Centre (Part 4, Div 2A)</b>		
<p>Clause 27KE – Architectural Design Standards</p> <p>Council must not grant consent to development unless it is satisfied that:</p> <ul style="list-style-type: none"> <li>• A high standard in terms of architectural design, materials and detailing will be achieved; and</li> <li>• The form and external appearance of the building will contribute in a positive manner to the quality, amenity and character of the public domain, consistent with the objectives of the zone.</li> </ul>	Yes	The proposal satisfies the controls.
<p>Clause 27KF – Gross Floor Area and Land Use Mix</p> <p>The site is allocated a total gross floor area of 35,800sq.m, with a breakdown of 87.3% residential development and 12.7% retail development.</p> <p>A 10% uplift in gross floor area is permitted provided a number of design related pre-requisites are met.</p> <p>Targeted maximum residential GFA would be 34,378sq.m</p> <p>Targeted maximum retail GFA would be 5,001sq.m.</p>	No	<p>The proposal has a gross floor area of 39,368 after including a 10% uplift for design excellence.</p> <p>However, the proposed land use allocation does not comply. The proposal has 35,350sq.m residential GFA, 3,838sq.m retail GFA and 756sq.m commercial GFA.</p> <p>The GFA controls in the South Sydney LEP were reliable for the Stage 1 DA. They are inflexible controls.</p> <p>The Stage 2 DA will benefit from the release of the GSTC LEP. There is no floorspace allocation for particular uses in the GSTC LEP.</p>



Compliance Table		
Development Control	Compliance	Comment
<p>No commercial development is allowed for.</p> <p>Any one use should not be 10% greater or lower than the target.</p>		
<p>Clause 27KG – Maximum Height</p> <p>Council must not grant consent to any building whose height exceeds the maximum height shown in the Height Map. In this case, the relevant maximum podium height is RL 51.7 and the relevant maximum tower height is RL 75.2.</p>	No.	The proposed height is not in accordance with the Height Map. Refer to Issues section.
<p>Clause 27KH – Floodwater Management</p> <p>Development must not affect upstream or downstream flood behaviour, must not significantly increase flood hazard or potential for damage, must not restrict capacity in any floodway, must not increase risk to persons and must provide adequate flood protection.</p>	Yes	A Flood Impact Assessment was lodged with the DA. The proposal satisfies the clause.

Compliance Table		
Development Control	Compliance	Comment
<b>Design Principles and Masterplans (Cl. 28)</b> Council is to consider whether development satisfies design related principles in relation to streetscape, scale, amenity, energy efficiency and other matters.  Council is also to take into consideration any Masterplan that is available for sites greater than 5,000sq.m.	Yes	The requirement for a Masterplan is satisfied by the lodgement of a Stage 1 DA.  The Stage 2 DA satisfies the relevant design principles.
<b>Contaminated Land (Cl. 39)</b> 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 industrial use.	Yes	Council Officers are satisfied that the can be made suitable for the proposed land uses when the Remediation Action Plan is followed and a Site Auditor provides a Site Audit Statement as per the recommended conditions.

### Sydney LEP (Green Square Town Centre – Stage 2) 2013 (GSTC LEP)

76. The GSTC LEP is currently in draft in relation to 301-303 Botany Road, Zetland and awaits imminent gazettal of a fresh zoning map, fresh building height map, fresh floor space map, etc removing the present “deferred” status of the instrument. Once unlocked, the site has the benefit of a relatively less specific land use allocation and building envelope controls.
77. However, the recommendation of this report includes a request to delegate authority to the Council’s CEO to determine the DA after the GSTC LEP comes into force over the site. The new LEP has been given significant and determinative in the assessment of the DA and little weight is to be given to the South Sydney LEP.
78. The site is located within the B4 Mixed Use zone. The proposed use is defined as a mixed use development containing retail premises, function centre and residential flat building and is permissible.
79. The relevant matters to be considered under the GSTC LEP are outlined below.

Compliance Table		
Development Control	Compliance	Comment
4.3 Height of Buildings	No	A maximum height of RL 79.5m AHD is permitted. A height of RL 80 is proposed. Refer to Issues section.
4.4 Floor Space Ratio	Yes	A maximum FSR of 7.2:1 is permitted The proposal has an FSR of 7.2:1.
5.10 Heritage conservation	Yes	The site is located near a heritage conservation area.  Council's Heritage Specialist has reviewed the heritage impacts of the development and finds the proposal acceptable.
Part 6 - Local Provisions		
6.2 Flood planning	Yes	The site is identified by Council as being flood prone. However, the flood levels are minimal and Council's Drainage Engineers are satisfied with the proposal. The ground floor retail and lobby levels are above the flooding planning levels. The basement car parking level is below the flood planning levels but has been confirmed as being acceptable by Council's Engineers due to the flood characteristics at the driveway entry.
6.3 Airspace Operations	Yes	The proposed development penetrates the Limitation or Operations Surface contours for Sydney Airport. Sydney Airport provided concurrence for the development on 29 April 2015.
6.5 Affordable housing	Yes	An affordable housing contribution is recommended.
6.6 Active street frontages	Yes	The Botany Road frontage, Bourke Street frontage and the future Ebsworth Street frontage are identified as active street frontages. The development has active frontage to both streets and also has retail uses wrapping the Tweed Place corner and along the internal through-site link.

Compliance Table		
Development Control	Compliance	Comment
6.8 Car parking ancillary to other development	Yes	A maximum of 423 car parking spaces are permitted. 403 car parking spaces are proposed.
6.9 Design Excellence	Yes	The development has high architectural and landscape design merit.  The Applicant completed a competitive design process to select the project architect. The competition jury deemed Koichi Takada's entry as the design capable of most readily achieving design excellence. The proposal continues to exhibit design excellence.
6.10 Essential Services	Yes	Utility, drainage and road services are available to the site and are being delivered by the City in its rollout of essential infrastructure for the Town Centre.

### Green Square Town Centre Development Control Plan 2012 (GSTC DCP)

80. The relevant matters to be considered under (GSTC DCP) are outlined below:

Development Control	Compliance	Comment
<b>Section 1 – Introduction</b>		
1.4 Objectives	Yes	The GSTC DCP objectives include the creation of a model example of sustainable urban renewal, creation of high quality public domain and the integration of buildings within their context. The proposal satisfies the intent of the objectives.
<b>Section 2 – Desired future character</b>		
2.1 Desired Future Character – Locality Statement and Principles.	Yes	The proposal contributes toward the objectives of achieving a major urban centre and providing a range of housing within the Town Centre.

Development Control	Compliance	Comment
<b>Section 3 – Local infrastructure</b>		
3.3 Street Network	Yes	The proposal will assist in ensuring that a street hierarchy is established by locating retail tenancies along the future high street (Ebsworth Street), and other streets, and vehicle and pedestrian connections from the minor cross street (Tweed Place).
3.4 Flooding and Stormwater Management	Yes	Council's Development Engineers have determined that the proposal is satisfactory in relation to flooding.
<b>Section 4 – Land use</b>		
4.1 Location of Desired Activities	Yes	The GSTC DCP identifies the site's desired activities at ground floor being retail, first floor being retail or residential and upper levels being residential. The proposal complies with these desires.
4.3 Active frontages	Yes	The GSTC DCP identifies Botany Road, Bourke Street and Ebsworth Street as required active frontages. The proposed retail tenancies are located along these frontages and provide potential for cafes, restaurants and small shops. The proposal also includes retail frontage to Tweed Place, although it is not required in the LEP or DCP, and contains retail tenancy frontage along the internal through-site link.
<b>Section 5 – Heritage</b>		
5.2 Development affecting a heritage item	Yes	The site is near the Portman Street Heritage Conservation Area. The proposal is not anticipated to have any adverse impacts on the conservation area generally and is in keeping with the planning controls for the site.

Development Control	Compliance	Comment
<b>Section 6 – Building Layout, form and design</b>		
6.1 Competitive Design Process	Yes	A competitive design process was undertaken and Koichi Takada Architects were selected as the winning entrant. An uplift in 10% of GFA is included in the proposal as a result of the achievement of design excellence.
6.2 Design and Architectural Diversity	Yes	The GSTC DCP requires that longer buildings be broken into distinctive sections of no more than 25 metres in length. The proposal is broken into separate building wings with undulating height and the facades are suitably differentiated in varied balustrade appearance, meeting this intent.
6.3 Building Layout	No	The proposed building envelope is not as per the envelope shapes of the GSTC DCP. Refer Issues section below.
6.4 Height in storeys and street frontage	No	The GSTC DCP provides for a 8-10 storey podium and 18 storey tower elements in a particular arrangement. The proposal has its own arrangement with a lower height of 8 storeys which then steps up gradually to 20 storeys.  Refer to Issues section.
6.5 Building alignments and setbacks	No	The GSTC DCP requires a street wall along Ebsworth Street for 8 storeys, then a secondary setback of 3m above 8 storeys. The proposal has 20 storeys without a street wall setback. Refer to Issues section below.  Footpath widening is required along Bourke Street and Botany Road to create a 5m wide path. The dedication of this land is captured in the Voluntary Planning Agreement registered on the title of the site and the DA allows for the dedication.

Development Control	Compliance	Comment
6.6 Roof form	Yes	The DCP requires plant to be setback 3 metres from the extent of the floor below. The proposal complies with this requirement.
6.8 Flexible Housing and Dwelling Mix	Yes	The proposed unit mix is compliant with the DCP provisions as discussed previously under SEPP 65 consideration.
6.9 Adaptable Dwelling Mix	Yes	The proposal provides 20% adaptable dwellings as required by the DCP.
6.10 Amenity	Yes	<p>The proposal provides 71% of apartments with at least 2 hours solar access between 9am and 3pm in midwinter.</p> <p>The proposal provides 74% of the apartments with natural ventilation.</p> <p>The proposed units comply with the recommended depth from the nearest operable window.</p> <p>The proposal provides for appropriate levels of privacy to the units as discussed under SEPP 65 previously.</p> <p>An acoustic report has been submitted and determined to be acceptable. Appropriate conditions with regard to acoustic attenuation have been recommended.</p> <p>In relation to overshadowing of adjoining properties, the GSTC DCP requirements are to maintain at least 2 hours solar access in midwinter between 9am and 3pm to 50% of the required private open space per dwelling (i.e. 8sq.m) and to 1sqm of living room window(s). The proposed development complies with this requirement. Shadows are cast on the future Plaza and Library, with little afternoon shadow to the adjoining site to the east.</p>

Development Control	Compliance	Comment
6.11 Accessible Design	Yes	The proposal complies with accessible design provisions. A condition of consent is recommended to ensure that the design is fully accessible into the Construction Certificate phase.
6.12 Safety & design	Yes	The proposal provides informal and passive surveillance opportunities onto the street and Plaza.
6.13 Landscaping and open space	Yes	The applicant has submitted landscape plans confirming communal open space equals 43% of site area. Deep soil planting is incorporated into the Level 1 courtyard.  Private open space is provided for at least 75% of the apartments as courtyards, decks or balconies. Juliet balconies are provided where private open space has not been provided.
6.14 Awnings	Yes	The proposal includes awnings to all street frontages.
<b>Section 7 – Signage and advertising</b>		
7.1 Signage Strategy	Yes	The recommended conditions contain a requirement for a signage strategy so that an integrated approach is adopted for shop and building name signage.
<b>Section 8 – Environmental Management</b>		
8.2 Energy	Yes	A condition has been recommended with regard to the development of a suitable lighting scheme.
8.3 Materials	Yes	The proposed materials are considered to be suitably durable and adaptable in accordance with this section of the GSTC DCP.
8.4 Waste	Yes	There is a suitable area for the storage and collection of waste at basement level. A Waste Management Plan will be submitted as required by condition. An area for bulky waste is required.



Development Control	Compliance	Comment
8.5 Water	Yes	<p>The proposal will connect to the recycled water scheme operating throughout the Town Centre.</p> <p>Water efficient fixtures and fittings are to be installed when BASIX requirements are met.</p> <p>Conditions of consent have been recommended in this regard.</p> <p>Stormwater detention is likely to be required for the site through the City's standard stormwater details condition.</p>
<b>Section 9 – Social Sustainability</b>		
9.1 General provisions	Yes	<p>The applicant has addressed the social impact criteria as set out by the GSTC DCP. The following key points are noted:</p> <ul style="list-style-type: none"> <li>• The proposal makes a contribution to affordable housing within the Town Centre.</li> <li>• The 401 apartments will provide access to employment opportunities within the town centre and nearby employment hubs.</li> <li>• The visual and amenity impacts of the proposed design are considered to be acceptable and the proposal would offer significant passive surveillance opportunities</li> </ul>
<b>Section 10 – Transport and parking</b>		
10.1 Managing Transport Demand	Yes	The applicant has submitted a Traffic Report as required by this Part.
10.3 Vehicle parking	Yes	The proposal complies with the parking requirements for the site.
10.4 Vehicle access and footpaths	Yes	A single access point for residents, retailers, waste vehicles and loading/unloading is provided to the ground floor and basement from Tweed Place, in accordance with the preferred location identified by the DCP.

## ISSUES

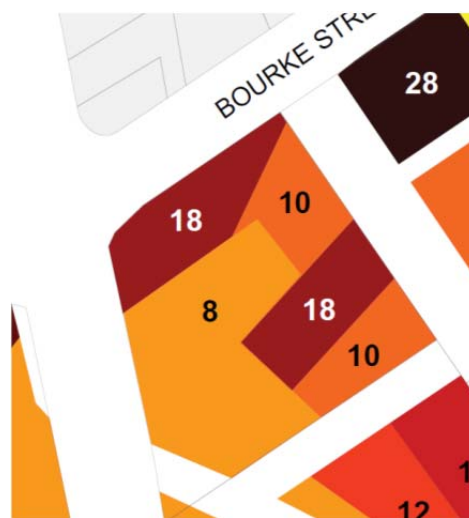
### South Sydney LEP 1998 controls

81. The South Sydney LEP currently applies to the site and the GSTC LEP currently applies as a draft instrument that was exhibited.
82. The Stage 2 DA has been lodged in advance of the release of the GSTC LEP. The release of the controls is with NSW Planning and Environment and is imminent and certain. Once the new LEP is applicable, significant weight is to be given to it and the proposal will overcome the inherent non-compliances with the older instrument. This report recommends that delegation be provided to the Council's CEO to determine the DA once the GSTC LEP is 'un-deferred' for the site.
83. The proposal does not comply with the gross floor area allocation standard or the building height standard of the instrument.
84. These non-compliances arise due to the rigid controls. The highly specific land use allocation and building height standards within the South Sydney LEP produce a different outcome than emerged through the competitive design process for the site. If the South Sydney LEP controls were strictly applied, the Stage 2 DA would have:
  - (a) 5,000sq.m of retail floorspace (+/- 10%), 35,000sq.m of residential floorspace (+/- 10%) and up to 5% of total GFA for commercial floorspace (the definition of which includes the proposed auditorium use). The proposed retail floorspace would not be compliant as a result of the conversion of approved retail space to proposed auditorium space; and
  - (b) separate podium elements (up to RL 51.7) and tower elements (up to RL 75.2). The gradually undulating form of the proposed envelopes is not contemplated by the South Sydney LEP and the proposed maximum height is non-compliant with the standard.
85. The proposal is compliant with the GSTC LEP in relation to maximum building height. No specific floorspace allocation controls apply under the GSTC LEP. Significant and determinative weight has been given to the GSTC LEP and little weight has been given to the South Sydney LEP in the assessment of the DA.

### Building Height, Number of Storeys and Setbacks

86. The proposal is non-compliant with the number of storeys specified in the GSTC DCP and the maximum building height within the GSTC LEP. A compliant scheme under the GSTC DCP would have a height up to 18 storeys, but in a particular arrangement of 2 x 18 storey towers above 8-10 storey podium elements (see **Figure 12**). A compliant scheme under the GSTC LEP would have a maximum height of RL 79.5.
87. The proposal is also non-compliant with the GSTC DCP in relation to providing, along Ebsworth Street only, an 8 storey "street wall" frontage and a 3m secondary setback to create a recessive upper element. However, the GSTC DCP would allow an 18 storey tower without a street wall for part of the Ebsworth Street frontage.

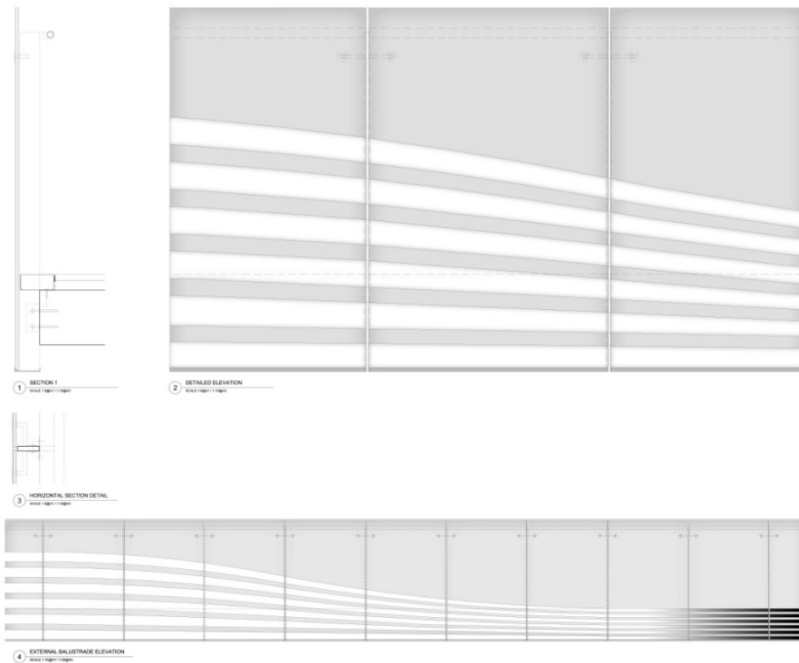
88. The urban design approach of the GSTC DCP is different to the form of the proposed development. The approach to designing a scheme for the site took a different course during the competitive design process. The competition brief, as endorsed by Council Officers, included a requirement to increase solar access to the Green Square Town Centre Plaza and Library compared to the building envelopes in the Stage 1 DA (as per the South Sydney LEP and GSTC DCP controls). Increased solar access was to be achieved by redistributing the volume of the Stage 1 envelopes. The effect of Koichi Takada's undulating building form and consistent street wall height along Ebsworth Street is that it increases solar access to the Plaza and Library, but also provides a unique and compelling built form achieving design excellence. The height of the proposal is modelled on the inclined plane of the midwinter solar access path into the Plaza and Library.
89. The maximum building height generally complies with the GSTC LEP. There is a protrusion above the maximum height by 0.5m for a rooftop skylight with ventilating windows for the top floor apartments. The non-complying portion is not visible from the public domain and is a minor exceedance. The Applicant has lodged a request under Clause 4.6 of the GSTC LEP to waive strict compliance with the height standard and their request is justified and acceptable.
90. The non-compliances with the height in storeys and street wall height are justified and acceptable.



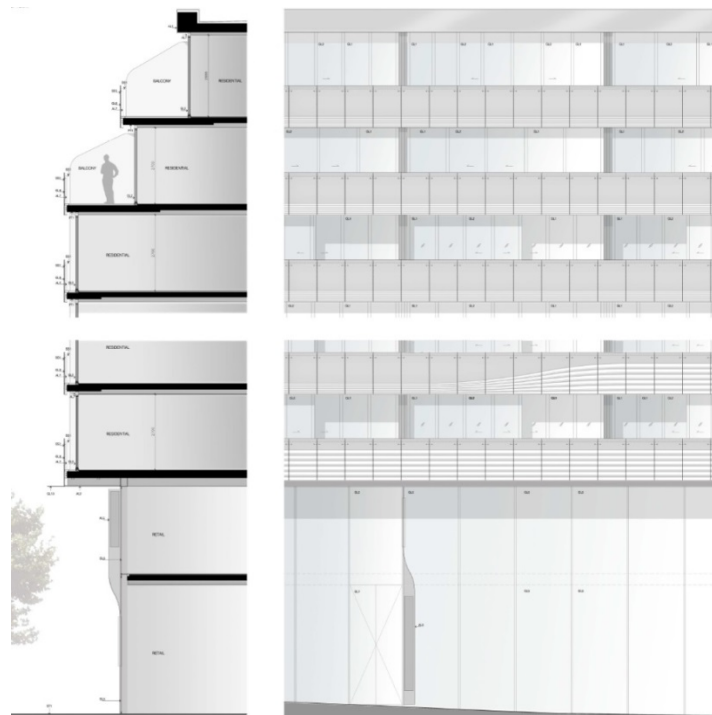
**Figure 12:** Extract from Green Square DCP showing building height control in storeys

### Facade Materials and Finishes

91. The proposal incorporates a generally glazed facade with curved glazed balustrading concealing the concrete slab edges. The balustrade is a clear feature of the proposal. The glass is semi-frameless with an undulating fritted pattern defining the form of the proposal and providing visual privacy to habitable rooms where required. The balustrade design is shown in the following images. The glazing has a permanent 400mm high base pattern that covers the slab edge. The pattern undulates in height up to 1100mm:



**Figure 13:** Balustrade glass panels with frit patterning – three typical panels above and a row of panels below



**Figure 14:** Extract from elevation and section showing balustrade patterning and fixing methodology

92. The City's Design Advisory Panel and Council Officers believe that the aesthetic success of the project relies heavily on its ability to maintain the quality of the curved, patterned facade edge from design competition concept through to completion. The Applicant estimates that the balustrading component of the development alone is valued at over \$10million. The Applicant has given undertakings that the facade will not be value-engineered to reduce construction costs. However, a final review of finishes is desirable as part of conditions of consent.
93. To ensure the development maintains design excellence through-out the construction documentation phase, the draft conditions of consent include a requirement for the Applicant to submit final details of materials and finishes for the approval of Council's Director, City Planning, Development and Transport.

#### **Other Impacts of the Development**

94. The proposed development is capable of complying with the BCA.
95. 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**

96. The proposal is of a nature in keeping with the master planned use of the site. The mixed use development is in accordance with the desires of the GSTC LEP and GSTC DCP.

#### **INTERNAL REFERRALS**

97. The conditions of other sections of Council have been included in the proposed conditions.
98. The application was discussed with the Heritage and Urban Design Specialists; Building Services Unit; Environmental Health; Public Domain; Safe City; Surveyors; Transport and Access; and Waste Management; who advised that the proposal is acceptable subject to the recommended conditions.

#### **EXTERNAL REFERRALS**

##### **Notification, Advertising and Delegation (No Submissions Received)**

99. The application constitutes integrated development and as such the application was notified and advertised for 40 days in accordance with the provisions of Environmental Planning and Assessment Regulations 2000.
100. No submissions were received.

#### **Design Advisory Panel**

101. The City of Sydney Design Advisory Panel (DAP) considered the proposal prior to lodgement of the DA and during the assessment of the DA. The DAP support the integrity of the design and the positive contribution it will make to the Green Square Redevelopment Area.

102. The Panel notes that the Applicant needs to commit to ongoing investment in the facade materials and finishes to ensure the design quality of the development is maintained. In this regard, a condition is recommended that enables the City's Director City Planning, Development and Transport to approve the external colours and finishes of the development.
103. Specific recommendations of the Panel to set back the roof levels from the leading edge of the development, increase SEPP 65 compliance, incorporate cascading gardens into the development and increase natural daylight access to the pedestrian tunnel to Green Square Station have been incorporated into the proposal.

### **Independent Quantity Surveyor**

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

### **Authorities**

105. Ausgrid were notified of the proposed development and advised that an electricity substation would be required on site. An appropriate condition has been recommended.
106. Roads and Maritime Services were notified of the proposed development and advised that road widening had already been secured along Botany Road and that certain conditions should be imposed on any consent. The RMS conditions have been incorporated within the recommended conditions.
107. As an Integrated Development Application, the NSW Office of Water issued the City with General Terms of Approval (GTAs) for a dewatering licence during construction. The GTAs have been incorporated into the recommended conditions.
108. Sydney Trains (formerly RailCorp) were requested to provide concurrence for the development in relation to the proposed extent of excavation relative to the authorities 25m zone of influence from the existing Southern Rail Line. The recommendation of this report includes a request to delegate authority to the Council's CEO to determine the DA once Sydney Trains provide concurrence.
109. Sydney Airport were requested to provide concurrence for the development due to the proposed building height penetrating the Obstacle Surface Limitation (OSL) height plane under the (Commonwealth) Airports Act 1996. Concurrence was provided on 29 April 2015.

### **VOLUNTARY PLANNING AGREEMENT**

110. A VPA was executed between Council and the landowners on 19 December 2014.
111. The provisions of the executed VPA have been taken into consideration in the assessment of the application. The VPA provisions do not have any direct effect on the development, other than by providing a development parcel following the dedication of land and with the requirement to identify future connection points for green infrastructure and services.

**PUBLIC INTEREST**

112. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

**FINANCIAL IMPLICATIONS/S94 CONTRIBUTION****Section 94 and Affordable Housing Contributions**

113. The development is subject to a Section 94 Contribution. The contribution is \$7,389,011 and broken down into the following components:

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$954,736.57
Public Domain	\$588,062.66
New Open Space	\$4,582,048.81
New Roads	\$1,163,711.15
Accessibility	\$48,266
Management	\$52,186.68

114. A credit for the former workers of the John Newell site has been included in the above calculation. A credit of 54 workers is relevant based on the showroom and workshop space in the existing building.
115. The Section 94 contribution amount includes an adjustment for increased resident population as a result of apartments with studies where those studies are easily capable of being used as an additional bedroom due to their size, enclosure, layout and access to natural light and ventilation. In this regard, 1 x 1 bedroom apartment is readily capable of use as a 2 bedroom apartment and 12 x 2 bedroom apartments are capable of being used as 3 bedroom apartments. However, as the contribution amount in the Section 94 Plan is capped at \$20,000 per apartment for 2 or more bedrooms, an increase for the abovementioned 1 bedroom apartment being considered a 2 bedroom apartment is only relevant (i.e. only \$4,800 of the \$7.4million).
116. The development is subject to an Affordable Housing Contribution. The Affordable Housing Contribution is levied under Clause 6.5 of the GSTC LEP. A monetary contribution is payable based on the residential and non-residential floorspace of the proposal. The monetary contribution in this case is \$7,077,156.99.
117. The Applicant has requested the staged payment of both Section 94 contributions and affordable housing contributions in line with the staged construction of the development. The draft conditions of consent include the ability to stage the contributions.

**RELEVANT LEGISLATION**

118. The Environmental Planning and Assessment Act 1979, Water Management Act 2000 and Airports Act 1996.

**CONCLUSION**

119. The proposal is generally consistent with the objectives, standards and guidelines of the relevant planning controls including the Green Square Town Centre LEP, the Green Square Town Centre DCP and SEPP 65. The South Sydney LEP applies to the site but is given little weight in the assessment of the application.
120. The proposed development is considered to be appropriate within its setting and is generally compliant with the relevant planning controls. It makes a significant contribution to private residential development within the Green Square Town Centre on a site which is highly accessible to existing and planned employment, services and community facilities.
121. The proposal has been subject to a competitive design process and rigorous assessment process and, with the imposition of the recommended conditions of consent, will achieve design excellence.
122. The application is recommended for determination by the CEO following the receipt of concurrence from Sydney Trains and the release of the planning controls within the Green Square Town Centre LEP 2013.

**GRAHAM JAHN, AM**

Director City Planning, Development and Transport

(Russell Hand, Senior Planner)