

ITEM 4. DEVELOPMENT APPLICATION: 128-150 ROSS STREET FOREST LODGE - FORMER HAROLD PARK PACEWAY**FILE NO:** D/2015/282**DEVELOPMENT APPLICATION NO:** D/2015/282**SUMMARY****Date of Submission:** 4 March 2015. Amended Plans received 15 May 2015.**Applicant:** Mirvac Projects Pty Ltd**Architect:** PTW Architects**Developer:** Mirvac**Owner:** Mirvac Pty Ltd**Cost of Works:** \$104,205,612**Proposal Summary:** The proposal seeks approval for a Stage 2 development application for Precinct 5 at the former Harold Park paceway site, comprising construction of 2 residential flat buildings (6-8 storeys) containing 233 residential apartments, basement parking for 202 vehicles, a green roof on each building and associated landscaping.

The Central Sydney Planning Committee (the CSPC) approved a Stage 1 development application for the site at its meeting on 26 July 2012.

The plans for Precinct 5 were amended in response to feedback from Council Officers relating to building address and access, location of lift cores, a proposed pedestrian bridge link and amenity.

The amended proposal results in a minor variation from the approved Stage 1 application in relation to building height and an exceedance of the height standard in the Sydney Local Environmental Plan (Harold Park) 2011 by 7.8m or 30% for a small portion of Building 5B. The breach in height relates primarily to a lift core and fire stairs.

A request for a variation to the height development standard has been submitted under Clause 4.6 of the Sydney LEP (Harold Park) 2011. The variation to the development standard is supported, as it does not create unacceptable adverse impacts.

**Proposal Summary:
(continued)**

A total of 2 submissions were received as a result of the notification and advertisement of the application. Concerns raised relate to the following:

- car parking;
- heritage interpretation;
- street access;
- solar access;
- cross ventilation;
- transport services.

These issues are addressed in the body of this report. The proposal is not inconsistent with the Stage 1 development consent, the relevant planning controls, and responds appropriately to the constraints of the site.

This application is the final Mirvac Stage 2 DA for residential development. Therefore, the assessment has considered site-wide compliance with the Stage 1 application commitments regarding GFA and specific SEPP 65 amenity controls.

Summary Recommendation:

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

Development Controls:

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

Attachments:

- A - Architectural Drawings
- B - Photomontages
- C - Site-wide Compliance Tables

RECOMMENDATION

It is resolved that:

- (A) the Central Sydney Planning Committee support the variation sought to Clause 4.3 Building Height in accordance with Clause 4.6 of Sydney Local Environmental Plan (Harold Park) 2011; and
- (B) consent be granted to Development Application No. D/2015/282, subject to the following conditions:

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/282 dated 4 March 2015, as amended and the following drawings:

Drawing Number	Architect	Date
DA0001/B Site Plan	PTW	14/05/15
DA0009/C Basement 02 Plan	PTW	14/05/15
DA0010/B Basement 01 Plan	PTW	14/05/15
DA0011/B Level 01 Plan	PTW	14/05/15
DA0012/B Level 02 Plan	PTW	14/05/15
DA0013/B Level 03 Plan	PTW	14/05/15
DA0014/B Level 04 Plan	PTW	14/05/15
DA0015/B Level 05 Plan	PTW	14/05/15
DA0016/B Level 06 Plan	PTW	14/05/15
DA0017/B Level 07 Plan	PTW	14/05/15
DA0018/B Level 08 Plan	PTW	14/05/15
DA0019/B Level 09 Roof	PTW	14/05/15
DA0050/B Elevation East & West	PTW	14/05/15
DA0051/B Elevation North & South	PTW	14/05/15
DA0052/B Elevation Courtyard West & East	PTW	14/05/15

Drawing Number	Architect	Date
DA0053/C Elevation Courtyard North	PTW	14/05/15
DA0060/B Detailed Elevation North	PTW	14/05/15
DA0061/B Detailed Elevation South	PTW	14/05/15
DA0062/B Detailed Elevation East	PTW	14/05/15
DA0063/B Detailed Elevation West	PTW	14/05/15
DA0070/B Sections	PTW	14/05/15
DA0071/B Sections	PTW	14/05/15
DA0072/B Sections	PTW	14/05/15
DA0110/B Adaptable Apartments	PTW	14/05/15
DA1000/B GFA Plans	PTW	14/05/15

and as amended by the conditions of this consent.

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

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) Where the only source of natural ventilation to a living area is a sliding door to a balcony, these doors are to include a side, operable or louvered window to enable improved ventilation to apartments in inclement weather.
- (b) The undersized balconies accessed off Bedroom 1 of Units A106, A112, A206, A212, B205, A306, A312, B305, A406, A412, B405, A506, A512, A606, A612, A702, A712, A806 and A812 are to be deleted to provide for improved daylight and ventilation to the bedrooms of these units.

The modifications are to be submitted to and approved by Council's Director, Planning, Development and Transport.

(3) WINDOW OPENINGS IN SLOT FACADE

- (a) The proposed window openings located in the slots on the facades of Buildings 4A and 4B are to be designed to optimise natural cross ventilation in apartments and minimise privacy impacts on adjacent apartments. Amended drawings are to show the location, size and type of windows proposed.
- (b) The width of all proposed window openings in the slot facades in Buildings 4A and 4B must be a minimum width of 600mm.

- (c) Opaque glazing must be installed to proposed windows in the slot facades, except for highlight windows with a finished sill level at least 1.5m above the internal finished floor level.

(4) CONSTRUCTION CERTIFICATE FOR EARLY WORKS

- (a) Notwithstanding conditions of this consent a Construction Certificate may be issued for the following preparatory works:
- (i) excavation, shoring and footings; and
 - (ii) installation of services.
- (b) The Construction Certificate may also allow for the construction of basement structures and Above Ground Structures but only if Condition 81 (Alignment Levels – Frontage to 3.8ha Open Space) of this consent has been satisfied for the alignment levels immediately adjacent to Precinct 5 buildings only and a letter and any supporting documentation has been issued by Council’s Director City Planning, Development and Transport stating that Condition 81 is satisfied.
- (c) Any basement construction works carried out under (b) must ensure that compliance with Condition 79 (Floor Levels for Buildings and Structures) of this consent will be complied with.
- (d) In this condition, Above Ground Structures means the construction of slabs, columns, cores, vertical risers, walls, services and facades.

(5) BUILDING HEIGHT

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

Building	RL (AHD)
Building 5A	
Top of parapet	RL 33.8
Top of lift overrun	RL 34.9
Building 5B (fronting The Crescent)	
Top of parapet	RL 23.8
Top of lift overrun	RL 25.5
Building 5B (fronting MC03 including Stage 1 non-compliance)	
Top of parapet	RL 33.8
Top of lift overrun	RL 34.9

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

(6) APPROVED DESIGN ROOF - TOP PLANT

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

(7) MAXIMUM GROSS FLOOR AREA

The following applies to Gross Floor Area (GFA):

- (a) The GFA for the residential use must not exceed 20,381m² calculated in accordance with the Harold Park LEP
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Harold Park LEP, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority. A copy of the certification must be submitted to Council prior to occupation of the relevant building.

(8) MATERIALS AND SAMPLES BOARD

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

(9) 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 Planning, Development and Transport.

(10) USE OF COMMON AREAS AND FACILITIES

The internal landscaped courtyard must be available for the use all residents of the building, and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

(11) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The residential 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 *Sydney Local Environmental Plan (Harold Park) 2012*.
- (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" as defined in *Sydney Local Environmental Plan (Harold Park) 2012*. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

(12) NUMBER OF ADULTS PER ROOM

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

(13) 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 by residents 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.

(14) HERITAGE INTERPRETATION

The heritage interpretation for Stage 2 Precinct 5, namely a graphic inlay marker of the former paceway track and a graphic glass decal, is to be installed in accordance with the recommendations of the Interpretation Strategy for the Former Harold Park Paceway site by Graham Brooks and Associates dated March 2012, and to the satisfaction of Council's Urban Design and Heritage Manager Council prior to the issue of an occupation certificate for this stage.

(15) ARCHAEOLOGICAL INVESTIGATION FOR SITES CONSIDERED NOT TO HAVE ARCHAEOLOGICAL POTENTIAL

- (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 objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Division of the Department of Environment and Heritage be informed in accordance with Section 89A of the *National Parks and Wildlife Act, 1974*.

(16) LANDSCAPING OF THE SITE

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

(17) LANDSCAPED (GREEN) ROOFS

- (a) A detailed plan of the green roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. The plan must include:
- (i) A Design Statement that includes details of proposed use of the green roof, general accessibility, a description of the environmental parameters it sets out to address, including noise and privacy treatment and performance specification.
 - (ii) Survey Plans showing existing and proposed services and engineering details of existing roofs proposed to be retrofitted.
 - (iii) Location of existing and proposed structures and hard landscaping on the rooftop, retaining walls, and roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species and those specified for use by the City of Sydney.
 - (v) Details of installation methodology including structural reinforcement or retention structures for sloping roofs, including details of prevention of slippage.
 - (vi) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
 - (vii) Details of drainage and irrigation systems, including overflow provisions.
- (b) Prior to the issue of a Construction Certificate, a Maintenance Manual is to be submitted and approved by the Principal Certifying Authority. A copy of the Maintenance Manual is to be kept on site at all times during construction and shall be produced to Council on request. The Maintenance Manual shall include as a minimum:
- (i) Frequency and methodology of different maintenance requirements.
 - (ii) Details of safety procedures.
 - (iii) Laminated copies of 'As Built' drawings.
 - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification; and
 - (v) Copies of warranties and guarantees relating to all materials and plant used in construction.

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

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

(18) AIR CONDITIONERS GENERALLY

No air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring shall:

- (a) Not be located on awnings or attached to the face of the building
- (b) Not be located on roofs in such a way that it is visible from any street, footpath or park
- (c) Be visually screened if located 1.8 metres above ground level in other locations
- (d) Wiring shall be fully concealed.

(19) REFLECTIVITY

The Certifying Authority must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20% prior to issue of the Construction Certificate.

(20) ALLOCATION FOR VISITOR PARKING

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

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

(21) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

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

(22) ALLOCATION OF PARKING

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

Car Parking Type	Number
Residential spaces	145
Accessible residential spaces	35
Residential visitor spaces	15
Accessible residential visitor spaces	1
Subtotal	196
Service vehicle spaces	3
Car share spaces	3
Car wash bay	1
Medium Rigid Vehicle loading dock (not included in total)	1
Total	203

(23) ASSOCIATED ROADWAY COSTS

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

(24) BICYCLE PARKING

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

Bicycle Parking Type	Number	Requirements
Residential	232	Spaces must be a class 1 bicycle locker [1]
Residential visitor	23	Spaces must be Class 3 bicycle rails

Notes:

- [1] If a basement storage area on title that is large enough to store a bike and is no smaller than a class 1 bike locker this can be counted as a space.
- (b) A minimum of 8 visitor bicycle parking spaces are to be provided at ground floor level in an easily accessible and highly visible location in close proximity to the main building entries.

- (c) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Construction Certificate being issued.

(25) INTERCOM FOR VISITORS

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

(26) ON SITE LOADING AREAS AND OPERATION

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

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

(27) PARKING DESIGN

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

(28) PARKING ON COMMON PROPERTY AREAS

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

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

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

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

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

(31) SECURITY GATES

Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the street front property boundary.

(32) SIGNS AT EGRESS

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

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

(33) 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 premises, subject to the maximum parking limit applying. The stacked parking spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking), prior to an Occupation Certificate being issued. The moving of stacked vehicles must occur wholly within the property.

(34) CAR SHARE SPACES

- (a) A minimum of 3 car parking spaces for the exclusive use of car share scheme vehicles is to be provided as shown in plan DA0010 (Rev A).
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must be publicly accessible at all times.

- (f) The car share spaces are to be available at the same time that the car park commences operation.

(35) GREEN TRAVEL PLAN

- (a) The Green Travel Plan, prepared by Halcrow and dated March 2012, as amended shall be implemented, monitored and reviewed on an annual basis by the developer and the consultant nominated by the developer. The Green Travel Plan documentation associated with monitoring and reviews shall be collated and retained for future reviews and transport analysis purposes by the developer and the nominated consultant.
- (b) The Green Travel Plan is to be updated to identify the measures to be implemented as part of Precinct 5 and detail the integration between Precinct 5 and all future DAs. The updated Green Travel Plan is to be submitted for the approval of Council's Director City Planning, Development and Transport prior to the issue of a construction certificate for Precinct 5.
- (c) The measures and commitments in the Green Travel Plan shall be reflected in future construction certificates and provided to the Certifying Authority with the Green Travel Plan documentation prior to the release of Construction Certificates.

(36) LOADING ZONE OPERATIONS

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

(37) ALLOCATION FOR ELECTRIC VEHICLE CHARGING STATIONS

Electric vehicle charging stations 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.

(38) LOADING DOCK SCHEDULE/REGISTER

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

(39) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Renzo Tonin & Associates dated 3 March 2015 (rev 2), ref TH030-01F02 (r2) Precinct 5 DA Report must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below and to the satisfaction of the certifying authority.
- (b) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant* (see definition below) to be in accordance with the requirements of the DA acoustic report set out below. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the PCA.
- (c) Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the PCA that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

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

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

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

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

- (a) Identification of noise sensitive receivers near to the site.

- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement ($L_{A90, 15 \text{ minute}}$) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

(41) NOISE - GENERAL

- (a) The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:
 - (i) The $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the *NSW EPA Industrial Noise Policy*. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.

- (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment $L_{A90, 15 \text{ minute}}$ / rating $L_{A90, 15 \text{ minute}}$ process to be in accordance with the requirements for noise monitoring listed in the *NSW EPA Industrial Noise Policy* and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (iii) Modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable.
- (b) An $L_{Aeq,15 \text{ minute}}$ noise level emitted from the use must not exceed the $LA_{90, 15 \text{ minute}}$ noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence or noise sensitive commercial premises provided that;
- (i) Where the $LA_{90, 15 \text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.
 - (ii) The $L_{Aeq,15 \text{ minute}}$ noise level and the $LA_{90,15 \text{ minute}}$ noise level shall both be measured with all external doors and windows of the affected residence closed;
 - (iii) The relevant background noise level ($LA_{90, 15 \text{ minute}}$) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the *NSW EPA Industrial Noise Policy* and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.
 - (iv) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.
 - (v) Modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable. Internal Noise measurements are not to be corrected for duration.

(42) PHYSICAL MODELS

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

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modelers must be consulted prior to construction of the model.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under section 96 of the *Environmental Planning and Assessment Act, 1979*) that affect the external appearance of the building.

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

- (a) Prior to an 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.

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.

(44) ADAPTABLE HOUSING

Prior to a Construction Certificate being issued, information from an appropriately qualified access consultant:

- (a) Confirming that the required number of residential units are able to be adapted for people with a disability in accordance with the *Building Code of Australia*.
- (b) Demonstrating (in a checklist) compliance with Australian Standard AS4299

is to be submitted to the Certifying Authority.

(45) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the *Building Code of Australia*.

If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council prior to a Construction Certificate being issued.

(46) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) In accordance with Condition 89 of the Stage 1 consent, prior to the issue of any construction certificate, a Construction Traffic Management Plan (CTMP) must be submitted and approved by Council's Traffic Operations Unit and Roads and Maritime Services.
- (b) Once a CTMP is approved, the development must be carried out in accordance with the CTMP. The CTMP is also to incorporate the requirements of the Construction Traffic Management condition of this consent.
- (c) A Road Occupancy Licence should be obtained from the Transport Management Centre for any works that may impact the traffic flows on The Crescent during construction activities.
- (d) All construction vehicles are to be contained wholly within the site. A construction zone will not be permitted on The Crescent.

(47) ROADS AND MARITIME SERVICE – STORMWATER

- (a) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the Road and Maritime for approval, prior to the commencement of any works. Details should be forwarded to:

The Sydney Asset Management
PO Box Parramatta CBD NSW 2124

- (b) A plan checking fee may be payable and a performance bond may be required before the Road and Maritimes approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritimes Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

(48) ROADS AND MARITIME SERVICE – EXCAVATION

- (a) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Road and Maritime for assessment, in accordance with Technical Direction GTD2012/001.
- (b) 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 Road and Maritime. The report shall be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124
Ph: 8849 2114
Fax: 8849 2766

- (c) 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 owner/s of the roadway is/are given at least seven days notice of the intention to excavate below the base of the footings. The notice is to include details of the work.

(49) SYDNEY WATER – BUILDING PLAN APPROVAL

The building plans must be stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. water, sewer and stormwater).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see Plumbing, building and development then Building over or next to assets).

(50) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

- (a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifying Authority:

- (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
 - (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
 - (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
 - (iv) A Waste Management Plan for the demolition and or excavation of the proposed development.
- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the Work, Health and Safety Act 2011 and Regulation; Council's Policy for Waste Minimisation in New Developments 2005, the Waste Avoidance and Resource Recovery Act 2001, and all other relevant acts and regulations and must include provisions for:
- (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
 - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
 - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
 - (iv) The name and address of the transport contractor.
 - (v) The type and quantity of material to be removed from site.
 - (vi) Location and method of waste disposal and recycling.
 - (vii) Proposed truck routes, in accordance with this development consent.
 - (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
 - (ix) Measures to control noise emissions from the site.

- (x) Measures to suppress odours.
 - (xi) Enclosing and making the site safe.
 - (xii) Induction training for on-site personnel.
 - (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.
 - (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
 - (xv) Disconnection of utilities.
 - (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
 - (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
 - (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
 - (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
 - (xx) Working hours, in accordance with this development consent.
 - (xxi) Any Work Cover Authority requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

(51) EMISSIONS

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

(52) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

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

The site notice board must include the following:

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

(53) CLASSIFICATION OF WASTE

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

(54) COMPLIANCE WITH ACID SULFATE SOILS MANAGEMENT PLAN

All recommendations contained in the Acid Sulfate Soils Management Plan prepared by JBS Environmental Pty Ltd, dated July 2011 must be implemented.

(55) ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of any demolition and remedial works an Environmental Management Plan (EMP) must be prepared for the site and submitted to the City's Area Planning Manager for written approval prior to the commencement of work. The EMP must consider all potential environmental impacts from the approved works including but not limited to sedimentation control, contamination containment, stockpiles, noise and vibration, odours and dust emissions.

All works must be undertaken onsite in accordance with the approved Environmental Management Plan.

(56) LAND REMEDIATION (Where Site Auditor engaged)

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by JBS environmental PTY LTD dated July 2011 (revision 2) and referenced JBS41539-16672 and the Letter of Interim Advice prepared by Graeme Nyland from Environ dated 6th September 2011 and referenced AS121307. All remediation work carried out shall be conducted in accordance with the guidelines in force under the *Contaminated Land Management Act 1997*.

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

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

(57) REGISTRATION OF COVENANT

A covenant shall be registered on the title of the land and a copy of the title submitted to the City's Area Planning Manager and the Principal Certifying Authority prior to the issue of an Occupation Certificate, giving notice of the former land use and contamination of the site and the existence of any remaining encapsulated contaminated material which are subject to ongoing environmental management.

A covenant shall be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge there from of any contaminants or for any works subsequently required by the NSW Environment Protection Authority

(58) SITE AUDIT STATEMENT

Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation) a Site Audit Statement (SAS) is to be obtained from a NSW EPA Accredited Site Auditor is to be submitted to the City's Area Planning Manager. The SAS must confirm that the site has been remediated in accordance with the approved Remediation Action Plan and clearly state that site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.

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

(59) STOCKPILES

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

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

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

- (a) Conform to the specifications and standards contained in Managing Urban Stormwater: Soils and Construction (Landcom, 2004); the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004); and the *NSW Protection of the Environment Operations Act 1997*.
- (b) Include a drawing(s) that clearly shows:
 - (i) location of site boundaries and adjoining roads
 - (ii) approximate grades and indications of direction(s) of fall
 - (iii) approximate location of trees and other vegetation, showing items for removal or retention
 - (iv) location of site access, proposed roads and other impervious areas
 - (v) existing and proposed drainage patterns with stormwater discharge points
 - (vi) north point and scale
- (c) Specify how soil conservation measures will be conducted on site including:
 - (i) timing of works
 - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
 - (iii) access protection measures
 - (iv) nature and extent of earthworks, including the amount of any cut and fill
 - (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
 - (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
 - (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)

(viii) frequency and nature of any maintenance program

(ix) other site-specific soil or water conservation structures.

(61) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

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

(62) VENTILATION MINOR WORKS

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

(63) 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.

(64) 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).

(65) 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*.

(66) 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.

(67) 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.

(68) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for excavation being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction. The dilapidation report previously submitted to satisfy Condition 19 and 48 of D/2011/1299 (for remediation of the subject site) and D/2011/1298 (Stage 1 DA) respectively may be resubmitted to satisfy this condition, except where the new street frontages for MC01 and MC03 have been completed and/or dedicated to Council, and should be updated accordingly.

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

The form of the recording is to be as follows:

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

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

(69) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 50 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.

In this regard, if the security bonds required in accordance with Conditions 17 and 45 of development consents D/2011/1299 (for remediation of the subject site) and D/2011/1298 (Stage 1 DA) respectively, have been submitted to Council, then Council may accept those security bonds in satisfaction of this condition. Additional securities may be required if Roads MC01 and MC03 have been completed and dedicated to Council prior or during the works commencing.

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

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

(70) PUBLIC PARK DAMAGE BANK GUARANTEE

- (a) A Public Park Damage Bank Guarantee of \$33,600 calculated on the basis of a nominated area of 70 linear metres by 5m width of park frontage, must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Park Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.
- (b) In lieu of the bank guarantee required under (a), Council may accept an unconditional performance bond issued by an APRA regulated authorised deposit taking institution or an Insurer authorised by APRA to Conduct New or Renewal Insurance Business in Australia and that is in accordance with Council's policy on performance bonds.
- (c) The guarantees (or bond if approved by Council) must be lodged with Council prior to works commencing on site.

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

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

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

UPON COMPLETION OF CONSTRUCTION WORKS

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

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

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

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

- (a) The developer shall engage a suitably qualified structural engineer to monitor the bridge, approaches and adjacent stormwater channel for its structural integrity throughout the period of construction works. At the conclusion of construction works, a report on the structural stability of the bridge, prepared by suitably qualified structural consultant, is required to be submitted to Council. Where the structural engineer identifies structural insufficiencies, the developer shall be responsible for the upgrade of the bridge to ensure its stability. All costs are to be borne by the developer.
- (b) An unconditional bank guarantee in favour of Council in the amount of \$300,000.00 must be submitted as security for repairing any damage to the bridge and its immediate surrounds.

- (c) In lieu of the bank guarantee required under (b), Council may accept an unconditional performance bond issued by an APRA regulated authorised deposit taking institution or an Insurer authorised by APRA to Conduct New or Renewal Insurance Business in Australia and that is in accordance with Council's policy on performance bonds.
- (d) The guarantee (or bond if approved by Council) must be lodged with Council prior to works commencing on site.
- (e) The bond submitted to satisfy Condition 22 of the remediation DA (D/2011/1299) may be modified to also cover the financial security required by this condition.
- (f) The developer shall advise Sydney Water of the proposed access arrangements for their information in regards to any resultant damage to the adjacent stormwater channel and obtain any necessary approvals required from Sydney Water prior to works commencing.

(73) COMPLETION OF ESSENTIAL INFRASTRUCTURE

Prior to issue of any Occupation Certificate for the building(s) (Precinct 5), all requirements of the Stage 4 subdivision of the Harold Park site and associated Subdivision Work approved via the consent for Development Application D/2011/1298, as amended, must be completed to the satisfaction of Council, including any such Work bonded under Section 109J(2) of the Environmental Planning and Assessment Act 1979.

Prior to the issue of any Occupation Certificate for Precinct 5, all Essential Infrastructure to MC01 and MC03 approved via D/2011/1298, as amended and the Voluntary Planning Agreement (VPA) is to have reached completion and be open to the public.

(74) ASSOCIATED ESSENTIAL INFRASTRUCTURE COSTS

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

(75) UTILITY SERVICES

- (a) Prior to the commencement of work on the site evidence is to be submitted to the accredited certifier/Principal Certifying Authority that the requirements of all public utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) with services within and adjacent to the site have been satisfied with regard to the design of any deviation, diversion, construction or removal of service infrastructure within the site.

- (b) Prior to the issue of the Site Audit Statement required under the remediation DA (D/2011/1299), evidence is to be submitted to the accredited certifier/Principal Certifying Authority and Council that the requirements of all public utility authorities providing services to the site have been satisfied with regard to the completed construction, installation or diversion, of service infrastructure within the site.

(76) WORK METHOD STATEMENT FOR FLOOD WATERS

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

(77) DRAINAGE SYSTEMS DESIGN

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

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

(78) STORMWATER AND DRAINAGE MANAGEMENT

- (a) The existing stormwater management and drainage connections servicing the upper catchment areas are to be maintained at all times (during and after approved works). Where temporary or interim stormwater works are required, permission is to be sought from the relevant authority (Council or Sydney Water) prior to works commencing. If a drainage line is to be removed or altered, replacing drainage line must have similar or better capacity.
- (b) Prior to any Construction Certificate being issued, details of the proposed stormwater disposal and drainage from the development including where required a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development. Stormwater pipes and connections cannot encroach into the future open space.

- (c) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued.
- (d) Any permanent or temporary drainage system is to be constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website - www.cityofsydney.nsw.gov.au.
- (e) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way.
- (f) A Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD), if applicable, to ensure maintenance of the approved OSD system regardless of the method of connection.
- (g) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- (h) All stormwater easements are to be maintained and accessible throughout the works.
- (i) Prior to a Construction Certificate being issued, a stormwater quality assessment must be undertaken and must be approved by Council.

The stormwater quality assessment must:

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

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

(79) FLOOR LEVELS FOR BUILDINGS AND STRUCTURES

The level difference between any ground floor level of Precinct 5 and the adjacent public footpath shall not to exceed 1200mm. Detailed plans to this effect shall be submitted to Council in conjunction with the Alignment Levels prior to the issue of any Construction Certificate.

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

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

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

(80) FRONTAGE TO 3.8HA OPEN SPACE

The design of the building frontage to the 3.8ha open space shall be co-ordinated with the Masterplan for the Johnstons Creek Parklands to ensure that:

- (a) Stairs, ramps and their associated handrails and Tactile Ground Surface Indicators are contained wholly within the property boundary;
- (b) No service vents or other obstructions project into the open space;
- (c) Park levels are maintained as a smooth and consistent grade or as otherwise determined by the detailed design of the Open Space by the City; and
- (d) All access ways provide a safe and secure entry to the property.

Details of the above are to be submitted in conjunction with the Public Domain Plan required by Condition 82.

(81) ALIGNMENT LEVELS – FRONTAGE TO 3.8HA OPEN SPACE

- (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, alignment levels for the building and site frontage to the 3.8ha Open Space 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). The submission shall demonstrate that the Alignment Levels are in accordance with the City's Masterplan for Johnstons Creek Parklands.
- (b) 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.

(82) PUBLIC DOMAIN PLAN

- (a) A detailed Public Domain Plan for MC03 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 Director City Planning, Development and Transport prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's *Public Domain Manual*).
- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Design Code* and *Sydney Streets Technical Specification*, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

- (d) A Public Domain Works Deposit will be required for the public domain works to the MC03 street frontage, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.
- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(83) DETAILS OF BASEMENT ACCESS RAMP

Details of the basement access ramp are to be submitted in conjunction with the Public Domain Plan required by Condition 82. In this regard, the design of the basement access ramp located within the site must be integrated with the design of the public domain, to the satisfaction of Council.

(84) 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 of MC03 must be prepared by a suitably qualified, practicing lighting engineer or lighting designer and must be submitted to and approved by Council. The Lighting Plan must be prepared in accordance with the City of Sydney's Interim Draft Sydney Lights Design Code, Sydney Streets Design Code, Sydney Streets Technical Specification and Public *Domain Manual* and must include the following:
 - (i) Vertical and horizontal illuminance plots for the public domain lighting design to demonstrate compliance with all relevant Australian Standards and to meet the lighting categories and requirements specified by the City;
 - (ii) The location, type and category of existing and proposed lights, including details of luminaire specifications, required to ensure compliance with City policies and Australian Standards;
 - (iii) Footing locations and structural details;
 - (iv) Location and details of underground electrical reticulation, connections and conduits;

- (v) Certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158, AS 3000 and AS4282;
 - (vi) Structural certification for footing designs by a suitably qualified, practicing engineer to certify that the design complies with City of Sydney policies and Australian Standards.
- (b) The public domain lighting works are to be completed in accordance with the approved plans and the City of Sydney's Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

(85) 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.

(86) 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.

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

- (a) A separate application under Section 138 of the *Roads Act 1993* is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) in a public place.
- (b) Where a consent is granted allowing the placement of temporary structures in a public place the structures must comply fully with Council's *Policy for the Design of Construction Hoardings* and the conditions of any consent granted including:

- (i) maintaining a current and valid consent for the full duration that the temporary structures are installed in the public place (Section 139, *Roads Act 1993*);
- (ii) bill posters and graffiti being removed within 24 hours of their placement (Clause 3.1);
- (iii) maintaining temporary structures in a clean and tidy condition including repainting where directed by an authorised officer of Council (Clause 3.1);
- (iv) hoarding site fences complying with Clause 3.3 - Element 3;
- (v) site sheds on decks of Type B hoardings being fully screened from the public place (Clause 3.3 - Element 5); and
- (vi) providing and maintaining operational artificial lighting systems under Type B hoardings (Clause 3.3 – Element 9).

(88) 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

(89) ELECTRICITY SUBSTATION

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

(90) TELECOMMUNICATIONS PROVISIONS

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

(91) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.

- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

(92) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

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

UPON COMPLETION OF THE DEVELOPMENT

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

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(93) HOURS OF WORK AND NOISE – OUTSIDE CBD

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

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

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

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

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

(95) 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.

(96) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(97) SURVEY

All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.

(98) 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.

(99) HAZARDOUS AND INDUSTRIAL WASTE

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

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

(100) 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.

(101) 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.

(102) 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.

(103) STREET NUMBERING – MAJOR DEVELOPMENT

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

(104) SYDNEY WATER CERTIFICATE

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

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

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

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

(105) ACCESS DRIVEWAYS TO BE CONSTRUCTED

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

(106) 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.

(107) 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.

(108) 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.

SCHEDULE 2

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

Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*

Clause 98A Erection of signs

Clause 98B Notification of *Home Building Act 1989* requirements

Clause 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>

BACKGROUND

The Site and Surrounding Development

1. The development site is known as "Harold Park" and is located in Forest Lodge approximately 2.5km from the Sydney CBD. The site was formerly used for harness racing. The Rozelle Tram Depot also operated on part of the site from 1904 through to the 1960s and the heritage listed Tram Sheds remain on the site.
2. The site was previously owned by the NSW Harness Racing Club and is now owned by Mirvac.
3. The development site has an area of approximately 10.63ha and is surrounded by the suburbs of Glebe, Forest Lodge and Annandale, generally comprising late 19th and early 20th century residential development, with small scale commercial and retail uses and some remnant industrial uses to the north.
4. The development site is within 1km of the Glebe and Annandale village centres, on Glebe Point Road and Booth Street, respectively. The site is also about 1km away from Sydney University, the Royal Prince Alfred Hospital and Broadway shopping centre.
5. Except for heritage listed items all structures on the site have now been demolished. The buildings within the approved Precinct 1 and Precinct 2 are now occupied. The buildings within the approved Precinct 3 are currently under construction.
6. The development site is divided into 6 residential precincts, the Tram Sheds Precinct and the open space precinct. The section of the development site subject to this application is known as "Precinct 5".
7. Two separate buildings are proposed as part of Precinct 5; Building 5A, which is located along the Ross Street extension, and Building 5B, which fronts The Crescent.
8. A site visit was carried out on 11 March and 31 May 2015. Photos of the site and surrounds are provided below:



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

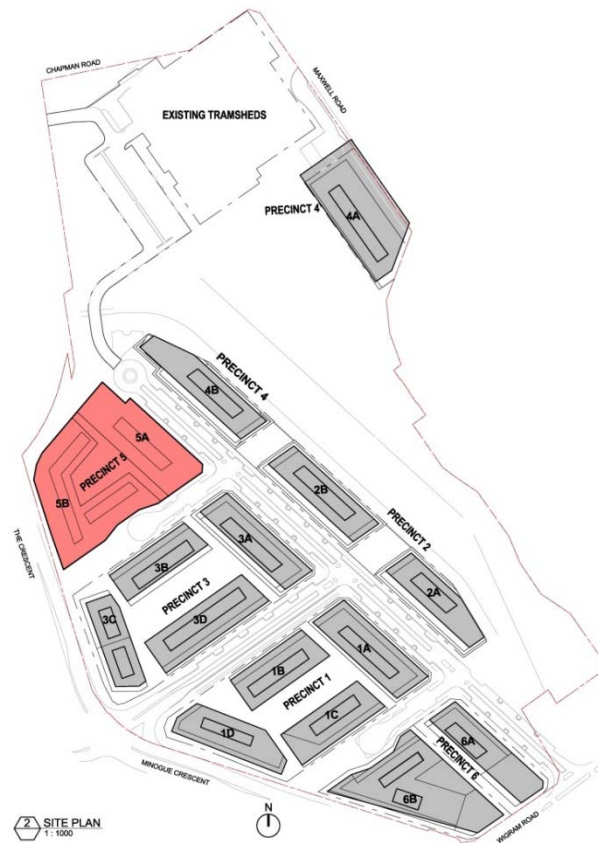


Figure 2: Precinct plan showing location of Precinct 5



Figure 3: Site viewed from The Crescent looking east



Figure 4: Site viewed from The Crescent looking south east



Figure 5: Site viewed from Johnston Creek



Figure 6: Site viewed from The Crescent looking north

PROPOSAL

9. The application seeks consent for a Stage 2 application for Precinct 5 as follows:
- (a) construction of 2 residential flat buildings 6-8 storeys in height, containing a total of 233 apartments;
 - (b) a common two level basement area with garbage room, loading dock and parking for 202 vehicles;
 - (c) a centrally located landscaped courtyard for communal use by residents; and
 - (d) a green roof on each building, associated landscaping and public domain works.
10. Detailed plans and elevations are provided at Attachment A. Photomontages of the proposed development are provided below and in Attachment B.



Figure 7: Photomontage of the proposal viewed from The Crescent



Figure 8: Aerial view of proposal looking southeast



Figure 9: View of proposal from the public parklands looking south



Figure 10: View of proposal from Ross Street at the top of MC03

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

Original Proposal

11. The proposal has been amended in response to feedback from Council Officers relating building address and access, location of lift cores, proposed pedestrian bridge link and amenity. The key changes made are as follows:
 - (a) removal of a pedestrian bridge link connecting Building 5A and 5B;
 - (b) rationalisation of access points to Building 5B;
 - (c) relocation of the lift cores within Building 5B and consequential changes to fire stair arrangements;
 - (d) provision of additional window boxes and amendments to façade glazing line at Basement 01 and Level 1 of Building 5B (The Crescent) to improve solar access;
 - (e) provision of additional east-west through apartments on typical levels of Building 5B to improve cross ventilation;
 - (f) deletion of north-south through apartments within Building 5B (replaced with double loaded corridor);
 - (g) consequential and design development changes to apartment planning/mix, including an increase in the number of apartments, from 232 to 233.
12. The amended proposal results in an improved and refined design and increased compliance with the Stage 1 building envelope as a result of the deletion of the pedestrian bridge (see Figure 11 and Figure 12).



Figure 11: Original proposal including pedestrian bridge link between Building 5A and 5B

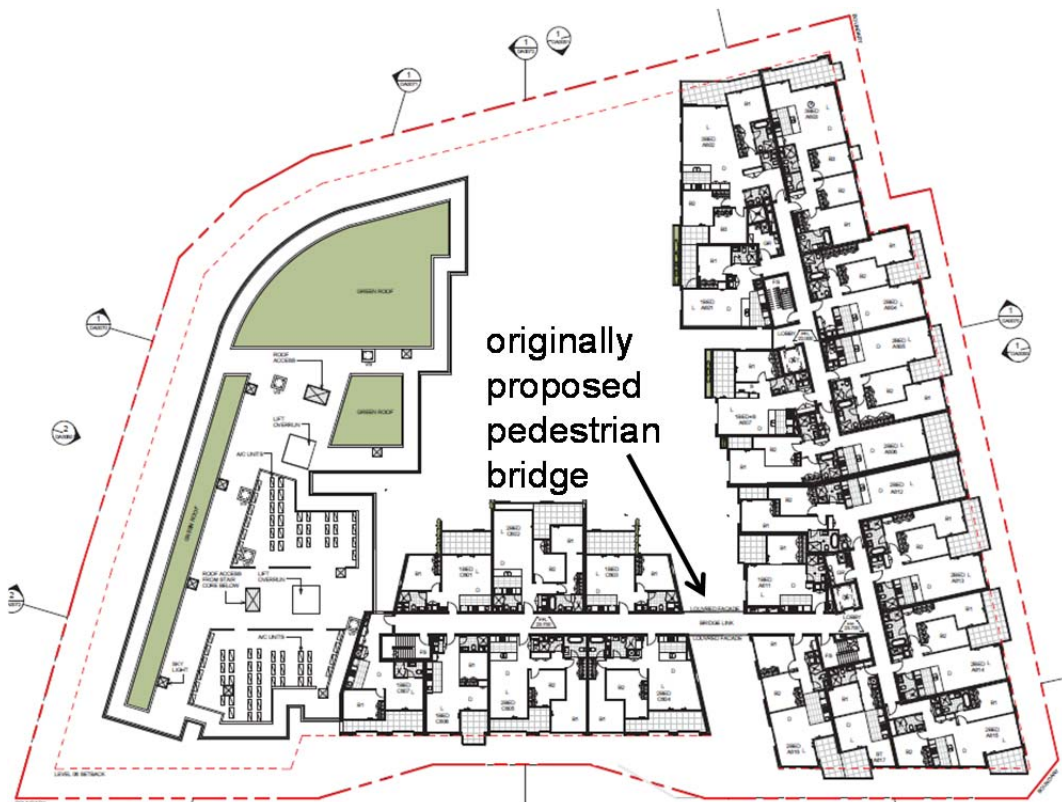


Figure 12: Original proposal including pedestrian bridge link between 5A and 5B at Levels 3-8

Other Harold Park Approvals

13. The Stage 1 DA (D/2011/1298) was approved by the CSPC on 26 July 2012. The Stage 1 DA proposal included residential building envelopes ranging from 3 to 8 storeys (approximately 1,250 dwellings); 7,553m² non-residential floor space (mainly in Tram Sheds); dedication of 3.8ha of public open space; bulk excavation and infrastructure works, new roads, intersection and road widening; re-alignment of Ross Street, car parking for Tram Sheds precinct; landscaping and subdivision.
14. The Stage 1 approval has since been modified by Amendment Nos. A to I as follows:
 - (a) Amendment A modified requirements for physical and digital models, timing for dismantling and storage of water tanks, traffic signal and traffic calming provisions, and design and construction of road requirements.
 - (b) Amendment B modified the timing to submit amended plans, subdivision and to correct a drafting error.
 - (c) Amendment C modified the timing to submit measures to mitigate traffic impacts.
 - (d) Amendment D permitted the removal of additional trees along The Crescent, Minogue Crescent and Maxwell Road.
 - (e) Amendment E modified the design of the roundabout on Road No. 1, reconfigured turning circle on Road No. 3 to mirror that on Road No. 4, deleted Road No. 5 adjacent to Precinct 5 and public open space, and amended building envelopes and setbacks in Precinct 2, 4 and 5 to accommodate for redesign of the roundabout on Road No. 1. The amendment also redistributed floor space and the staging of subdivision plans.
 - (f) Amendment F permitted an increase in the maximum protrusion of basement levels of Buildings 5A and 5B to 1.2 metres above ground level, amended wording relating to turning circle on Road MC03 and update of approved tree removal list.
 - (g) Amendment G amended the timing for completion of retaining walls within future open space and removal of trees.
 - (h) Amendment H modified condition wording relating to retaining walls within the future open space.
 - (i) Amendment I amended conditions relating to the timing of road dedications with staging of subdivision.
15. Development Applications (DAs) for remediation, demolition, a marketing suite and signage, associated with the redevelopment of Harold Park have also been approved since July 2011.
16. A Stage 2 application (D/2011/1311) for the construction of 4 residential apartment buildings in Precinct 1 was approved by the CSPC on 18 September 2012. Precinct 1 is currently occupied.

17. A Stage 2 application (D/2011/1312) for the construction of 2 residential apartment buildings (8 storeys) in Precinct 2 comprising 169 apartments, 53m² retail area, basement car park for 171 cars and two pocket parks was approved by the CSPC on 18 September 2012. Precinct 2 is currently occupied.
18. A Stage 2 application (D/2013/582) for the construction of 4 residential apartment buildings in Precinct 3 was approved by the CSPC on 14 November 2013. Construction on Precinct 3 has advanced and is due for completion by February 2016.
19. A development application for the redevelopment of the former Rozelle Tram Sheds (D/2013/883) for uses including a supermarket, restaurants, a gym and associated car parking for 146 vehicles and 65 bicycles was approved by the Planning and Development Committee on 7 April 2014. A number of DAs are currently being assessed for signage, and the fitout and use of a number of tenancies within the tram sheds building. Construction works to the tram sheds have commenced.
20. A Stage 2 development application (D/2014/341) for Precinct 6B, for the construction of a residential flat building 3-5 storeys in height, containing 85 residential apartments, basement parking for 80 cars, a green roof and associated landscaping was approved by the Planning and Development Committee on 8 December 2014.
21. A Stage 2 development application (D/2014/653) for Precinct 4, for the construction of 2 residential flat buildings between 3 and 8 storeys in height, containing 160 residential apartments, basement parking for 144 cars, green roofs and associated landscaping was approved by the CSPC on 30 October 2014.

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

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

VOLUNTARY PLANNING AGREEMENT (VPA)

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

State Environmental Planning Policy No 55—Remediation of Land

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

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

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

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

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

(a) **Principle 1: Context**

Complies: Precinct 5 is located within the Harold Park site, and within close proximity to Jubilee Park light rail station and bus routes along Wigram Road and Minogue Crescent. It is located approximately 2.5km to the west of the Sydney CBD. It is within the Mixed Use zone and is in accordance with the objectives of the Harold Park LEP and the DCP.

(b) **Principle 2: Scale**

Partially complies: The scale of the area is currently in transition from the former paceway to a mixed use development incorporating residential, commercial, community and open space uses.

A maximum height of RL 26 is permitted fronting The Crescent and RL 36 for the remainder of the site. The majority of the proposal complies with the RL height limit, with the exception of a lift core and fire stairs which exceeds the RL 26 control by 7.8m. This exceedance is discussed later in the Issues section of the report.

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

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

(d) **Principle 4: Density**

Complies: The Stage 1 DA set out proposed GFA for development across the site. This was considered against the overall site floor space control in the LEP. The proposed 20,381m² of GFA for Precinct 5 is below the maximum allocated for the precinct under the Stage 1 consent (as modified by Amendment E).

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

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

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

(f) **Principle 6: Landscape**

Partially Complies: The proposed landscaping of private, communal and public open spaces is generally consistent with the Stage 1 DA and the requirements in the Harold Park DCP. Green roofs and walls are proposed for both buildings which will enhance the landscape setting of the development and the surrounding environment.

(g) **Principle 7: Amenity**

Partially complies: The application includes an acoustic assessment that assesses the potential noise impacts on the proposed development from existing and future road traffic. The assessment recommends a number of construction methods, materials, and operating systems should be implemented in order to provide future residents with a sound living environment. Appropriate conditions have been recommended to ensure compliance with these recommendations.

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

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

Complies: The development provides the opportunity for casual surveillance of the surrounding public domain through balconies and windows along all facades. The proposal provides for a number of secure pedestrian access lobbies, which are clearly defined at street or ground level.

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

Partially complies: The apartment mix for the precinct comprises 5% studios, 39% one bedroom apartments, 46% two bedroom apartments and 10% three bedroom apartments. The overall site dwelling mix provides a range of dwellings that are varied in design and size.

(j) **Principle 10: Aesthetics**

Complies: The proposed built form presents a high quality design, using a variety of architectural elements and materials to modulate facades and provide visual interest. Darker, recessive colours have been used, particularly on upper levels, to appropriately scale the building mass. Lower levels feature a variety of treatments to create interest at the street level. The incorporation of face brick assists in creating a consistent language of materials between the residential buildings located adjacent to Precinct 5 and the Tram Shed building.

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

Residential Flat Design Code

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

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
Building Depth 10-18m (glass to glass)	Partial	Buildings 5A and 5B have maximum depths upwards of 23m and 25.9m respectively. While this does not comply with the RFDC, the proposal does generally comply with the Stage 1 building envelopes. This variation is supported and discussed in the Issues section.

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
<p>Building Separation</p> <p>Up to four storeys/up to 12 metres:</p> <ul style="list-style-type: none"> • 12m between habitable rooms/ balconies • 9m between habitable/ balconies and non-habitable rooms • 6m between non-habitable rooms <p>Five to eight storeys/up to 25 metres:</p> <ul style="list-style-type: none"> • 18m between habitable rooms/ balconies • 13m between habitable/ balconies and non-habitable rooms • 9m between non-habitable Rooms 	Partial	<p>The separation between Building 5A and Building 5B a minimum of 6.1m at the southern end of the site for Levels 2-8.</p> <p>The implications of building separation are discussed in the Issues section.</p>
<p>Deep Soil Zone</p> <p>A minimum of 25% of the open space area of the site should be a deep soil zone.</p>	Partial	<p>A total of 617m² of deep soil zone is provided (10%).</p> <p>While this does not meet the RFDC requirement of 25%, it does comply with the DCP requirement, which is 10%.</p>
<p>Communal Open Space</p> <p>Communal open space to be 25- 30% of site area.</p> <p>Private Open Space</p> <p>25m² at ground level with minimum preferred dimension in one direction of 4m.</p>	Partial	<p>A total of 1,110m² of communal open space is provided, which equates to 18% of the site area.</p> <p>With the exception of 2 studio apartments, all ground floor residences are provided with terraces, however not all ground level terraces meet the minimum size requirements.</p> <p>The variation is supported and discussed in the Issues section.</p>
<p>Safety</p>	Yes	<p>A CPTED statement was prepared identifying areas within the development that required appropriate design and security management.</p>

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
Visual Privacy	Yes	The proposal largely achieves acceptable separation to maintain visual privacy for future occupants and those of adjoining buildings. The exception is the separation between Building 5A and 5B at the south eastern end of the site. The variation is supported and discussed in the Issues section.
Single Aspect Apartments Single aspect apartments should be limited in depth to 8m from a window. Limit single aspect apartments with a southerly aspect (SW-SE) to max.10% of total apartments.	No	The proposed number of south facing apartments is partly a product of approved building envelopes in the Stage 1 consent. All single aspect apartments have windows to habitable rooms and are acceptable in terms of achieving adequate daylight and natural ventilation.
Apartment Layout (Kitchen) The back of a kitchen should be no more than 8m from a window.	No	Approximately 21% of apartments exceed 8m depths from a window. These apartments generally range between 8m to 9m in depth from kitchen to window. These kitchens are generally located against the rear wall of apartments.
Apartment Layout (Cross-Over) The width of cross-over or cross-through apartments over 15 m deep should be 4m or greater to avoid deep narrow apartment layouts.	Yes	All cross-through apartments have a minimum width of 4m.

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
<p>Apartment Layout (Unit Sizes)</p> <p>Minimum unit sizes:</p> <ul style="list-style-type: none"> • Studio: 38.5m² • 1 bed: 50m² • 2 bed: 70m² • 3 bed: 95m² 	Partial	<p>Minimum unit sizes are provided as follows:</p> <ul style="list-style-type: none"> • Studios: 43m² – 49m² • 1 bed: 43m² – 77m² • 2 bed: 74m² – 111m² • 3 bed: 111m² – 122m² <p>Three of the proposed 1 bedroom apartments fall under the 50m² minimum. This is considered acceptable as the apartments are a small percentage of the overall apartments, are only marginally undersized and still receive adequate amenity. This variation is supported.</p>
<p>Balconies</p> <p>2m min balcony width</p>	Partial	<p>All main balconies to apartments provide areas which generally have a minimum depth of 2m and are sufficiently wide to be furnishable and useable private spaces.</p>
<p>Ceiling Heights</p> <p>2.7m min ceiling height in habitable areas.</p> <p>2.25-2.4m ceiling height in non-habitable areas.</p>	Yes	<p>A minimum floor to floor height of 3.1m is proposed for all levels, ensuring a minimum 2.7m floor to ceiling height can be achieved.</p>
<p>Ground Floor Apartments</p> <p>Optimise the number of ground level apartments with separate entries.</p> <p>Provide ground floor apartments with access to private open space.</p>	Partial	<p>Ground floor apartments have been provided with separate entries from the public domain where practical, however due to levels changes between the site and the adjacent public domain, individual entries are not provided for all ground floor apartments. This variation is supported and ground floor access is discussed further in the Issues section.</p> <p>All ground floor apartments have private courtyards directly accessible from principal living areas.</p>
<p>Internal Circulation</p> <p>The number of apartments accessible from a single core/corridor should be limited to eight.</p>	Partial	<p>There are two lift cores proposed in each building. The majority of cores have between 6-7 apartments being accessed from each lift core. The exception is Levels 2 to 4, which have 12 apartments off one core. This variation is supported.</p>

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
<p>Storage</p> <p>Minimum storage provision facilities:</p> <ul style="list-style-type: none"> • 1 bed: 6m³ • 2 bed: 8m³ • 3 bed: 10m³ <p>(With minimum 50% storage area located within unit)</p>	Yes	Adequate storage is provided within each apartment. Additional residential storage is also proposed within basement levels.
<p>Daylight Access</p> <p>70% of apartments to receive 3 hours of direct sunlight in midwinter to living rooms and private open spaces.</p>	Partial	<p>61% of apartments receive solar access for 2hrs to their living areas.</p> <p>37% of apartments receive solar access for 2hrs to their private open spaces.</p> <p>37% of apartments receive solar access for 2hrs to both their private open spaces and living room area.</p> <p>This variation is supported and solar access is discussed further in the Issues section.</p>
<p>Natural Ventilation</p> <p>60% of apartments to be cross ventilated.</p> <p>25% of kitchens within a development should have access to natural ventilation.</p>	Partial	<p>The proposal includes a number of deemed to comply solutions in order to increase cross ventilation compliance as follows:</p> <ul style="list-style-type: none"> • 39% of apartments are natural cross ventilated when assessed against SEPP 65 requirements; • 53% of apartments are cross ventilated with the addition of slots; • 68% of apartments are cross ventilated with the addition of slots, skylights and other deemed to comply solutions. <p>This variation is supported and cross ventilation is discussed in more detail within the Issues section.</p>

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

32. SEPP 32 provides for the increased availability of housing within the inner city and to assist in meeting the demand for housing close to employment, leisure and retail opportunities.

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

State Environmental Planning Policy (Infrastructure) 2007

Clause 101

34. The application is subject to Clause 101 of the SEPP as the site has frontage to Minogue Crescent, 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.

Sydney LEP (Harold Park) 2011

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

Compliance Table		
Development Control	Compliance	Comment
2.1 Zoning	Yes	The proposal is permissible with consent within the B4 zone.
3.2 Height of Buildings	No	A maximum height of RL 26 is permitted fronting The Crescent and RL 36 for the remainder of the site. The majority of the proposal complies with the RL height limit, with the exception of a lift core and fire stairs which exceeds the RL 26 control by 7.8m. This variation is supported and discussed in the Issues section.
4.4 Floor Space Ratio	Yes	The Harold Park development site has a maximum FSR of 1.15:1 and a Bonus Floor Space of up to 0.1:1 is available. A maximum of 132,918m ² total GFA is permissible for the development site. The Precinct 5 proposal has a GFA of 20,381m ² . Refer to Issues section for further detail.
5.2 Heritage Conservation	Yes	The statement has been reviewed and the development is considered acceptable subject to archaeological and heritage interpretation conditions.

Compliance Table		
Development Control	Compliance	Comment
6.1 Car Parking	Yes	A total of 202 spaces are proposed. This complies with the maximum car parking controls under the LEP.
6.2 Acid Sulfate Soils	Yes	An acid sulfate soils report has been submitted with the application. Soils classified as being located within areas that require specific attention will be covered by a relevant condition of consent requiring that works comply with applicable legislation.
6.3 Flooding	Yes	Flooding reports have been submitted. The application is compliant with the LEP with regard to appropriate flood planning.
6.4 Design Excellence	Yes	The design has been considered against the requirements of design excellence and is considered satisfactory.

Sydney DCP (Harold Park) 2011

37. The relevant matters to be considered under Sydney DCP (Harold Park) 2011 for the proposed development are outlined below.

Development Control	Compliance	Comment
Section 2. Desired Future Character		
Consistent with Government Architect's Office Urban Design Study	Yes	The proposal complies with the provisions within the DCP regarding open spaces, coherency of streets and connections, stormwater management, heritage protection and accessibility.
Section 3. General Provisions		
3.1 Ground Levels and Excavation	Yes	The proposed site levels generally satisfy the objectives for accessibility, usability overland flow paths and is supported, subject to conditions ensuring consistency with the Stage 1 development application.

Development Control	Compliance	Comment
3.2 Public Domain	Yes	The wider Harold Park development site includes the dedication of 3.8ha of public open space to Council and satisfies the minimum requirement in the DCP.
3.3 Street Network and Access	Yes	The site is to be accessed via an internal road (MC03). No direct access is proposed from The Crescent, which is consistent with the DCP and Stage 1 approval.
3.4 Staging	Yes	Conditions on the staged delivery of essential infrastructure associated with the public domain and the dedication of public open space are included in recommended conditions.
Section 4. Heritage		
4.1 Harold Park Paceway	Yes	A Heritage Interpretation Strategy was submitted and is considered to be generally in accordance with heritage conservation and interpretation provisions, subject to conditions.
Section 5. Building Use, Form & Design		
5.1 Land Uses 5.2 Centres Hierarchy & Retail Uses	Yes	The proposal does not comprise any non-residential land uses.
5.3 Building Form & Layout	Partial	<p>Both buildings have been designed to address street frontages and provide appropriate setbacks.</p> <p>The proposal has been amended to delete the bridge link, which greatly improves the visual connection between the street and internal private communal space.</p> <p>The proposal complies with the height in storeys and Stage 1 approved built form, with the exception of a lift core and fire stairs located on Building 5B.</p> <p>These variations to the approved building envelope and height are supported and discussed in the Issues section.</p>

Development Control	Compliance	Comment
5.4 Application of NSW Residential Flat Design Code	Partial	The proposal has been assessed against the recommendations of the RFDC and is addressed in the SEPP 65 section of this report.
5.5 Building typologies, design and dwelling mix	Partial	<p>Minimum floor to floor heights of 3.1m are proposed for both buildings, which will ensure compliance with the minimum 2.7m floor to ceiling height requirement.</p> <p>The dwelling mix for Precinct 5 is as follows:</p> <ul style="list-style-type: none"> • 5% studios • 39% 1 bedroom apartments • 46% 2 bedroom apartments • 10% 3 bedroom apartments. <p>This generally meets the desired mix under the DCP and is considered acceptable.</p>
5.6 Safety and design	Yes	The CPTED report submitted with the application satisfactorily addresses safety and security measures and is generally compliant with the provisions of the DCP.
5.7 Sun access	No	<p>The proposal does not meet the requirement for solar access to 50% of primary open space and to living rooms between 9am and 3pm on 21 June.</p> <p>This variation is supported and discussed further within the Issues section.</p>
5.8 Reflectivity	Yes	A reflectivity report has been submitted indicating that the proposal is capable of achieving reflectivity of no more than 20%. A condition has been imposed.
5.9 Acoustic privacy	Yes	An acoustic report has been submitted and determined to be acceptable by Council's Environmental Health Officer. Appropriate conditions with regard to acoustic attenuation have been recommended.

Development Control	Compliance	Comment
5.10 Building facades, entrances and articulation 5.11 Active frontages	Yes	<p>The proposed building entrances for both buildings generally satisfy the provisions in the DCP and address the interface between public and private domains.</p> <p>Public domain interface and access are discussed further within the Issues section of this report.</p>
5.12 Landscaping & Setbacks 5.13 Private open space 5.14 Common open space 5.15 Deep soil 5.16 Green roofs	Partial	<p>Substantial landscaping is proposed within the landscaped building setbacks, the central communal courtyard, on roof tops of both buildings and in the form of green walls between private balconies.</p> <p>A total of 617m² of deep soil zone is provided, which complies with the minimum DCP area of 10%.</p> <p>A total of 1,110m² of communal open space is provided, which equates to 18% of the site area. This does not comply with the minimum DCP requirement of 25%. However given the sites close proximity to the 3.8ha parklands, this is considered to be acceptable.</p> <p>Landscaping is proposed to continue up the buildings, with the provision of vertical landscaping to provide visual interest, privacy and soften the building form.</p> <p>Combined, the two buildings propose 612m² of green roof area. This area is below the 1,800m² required under the DCP (60% of roof space for buildings over 20,000m² of GFA).</p> <p>Although the proposal does not achieve the recommended green roof area, the proposed green roof is comparable to approved green roofs within the development site and will enhance the landscape setting of the development and the surrounding environment. On balance, the proposal is considered acceptable.</p> <p>The provision of private open space is discussed in the Issues section.</p>

Development Control	Compliance	Comment
5.17 Fences	Yes	Proposed fencing is a combination of solid masonry and open transparent materials, ensuring an appropriate level of passive surveillance between public and private spaces. The proposed fences are generally consistent with the required heights.
5.18 Tree management	Yes	Conditions have been imposed relating to the proposed landscape plan, tree planting and tree maintenance.
Section 5. Environmental Management		
6.1 Ecological sustainable development	Yes	The proposal satisfies BASIX requirements. A sustainability report was submitted identifying commitments to sustainability across the development site (as part of the Stage 1 development application).
6.2 Waste facilities and minimisation	Yes	Waste storage and collection generally complies with the provisions in the DCP. Appropriate conditions have been recommended.
6.3 Stormwater and water sensitive urban design	Yes	A stormwater management plan and statement was submitted and considered as part of the application. Appropriate water sensitive design principles have been incorporated across the development site. Appropriate stormwater conditions have been imposed.

Development Control	Compliance	Comment
Section 7. Vehicle and Bicycle Facilities		
7.2.1 Residential parking 7.2.2 Visitor parking 7.2.3 Motorcycle parking 7.2.4 Car share 7.2.5 Accessible parking 7.4 Service vehicles	Yes	<p>The maximum allowable car parking spaces for the precinct is 206. A total of 202 spaces are proposed as follows:</p> <ul style="list-style-type: none"> • 180 residential car spaces (including 35 adaptable spaces); • 16 visitor car spaces (including 1 adaptable space); • 3 car share spaces; and • 3 service vehicle spaces. <p>A total of 11 motorcycle spaces, 2 spaces for charging electric vehicles, 1 car wash space and 1 medium ridged loading dock are also proposed.</p> <p>Proposed car parking numbers do not exceed the maximum allowed under the LEP, are generally consistent with the DCP and are acceptable, subject to conditions relating to car space allocation and use.</p>
7.3 Bicycle parking	Yes	<p>Bicycle parking for residents is proposed by way of individual storage lockers, which is considered satisfactory.</p> <p>A total of 24 visitor bicycle parking spaces are proposed within the basement car park, which is acceptable.</p> <p>A condition has also been recommended requiring the provision of visitor parking at ground level in easily accessible and visible locations.</p>
7.5 Parking area design	Yes	<p>The proposed design of the basement car parks for both buildings is acceptable, subject to conditions ensuring compliance with Australian standards.</p>

ISSUES

Height

38. The LEP height control is RL 26 and the DCP height in storeys control is 6 storeys for the portion of the building fronting The Crescent, and RL 36 and 8 storeys for the remainder of the site.

39. The proposal complies with the maximum building height and height in storeys, with the exception of a lift core and fire stairs (see Figure 13). The variation arises from the building amendments discussed previously in this report, namely, the removal of a pedestrian bridge link connecting Building 5A and 5B and relocation of the lift cores and fire stairs within Building 5B.

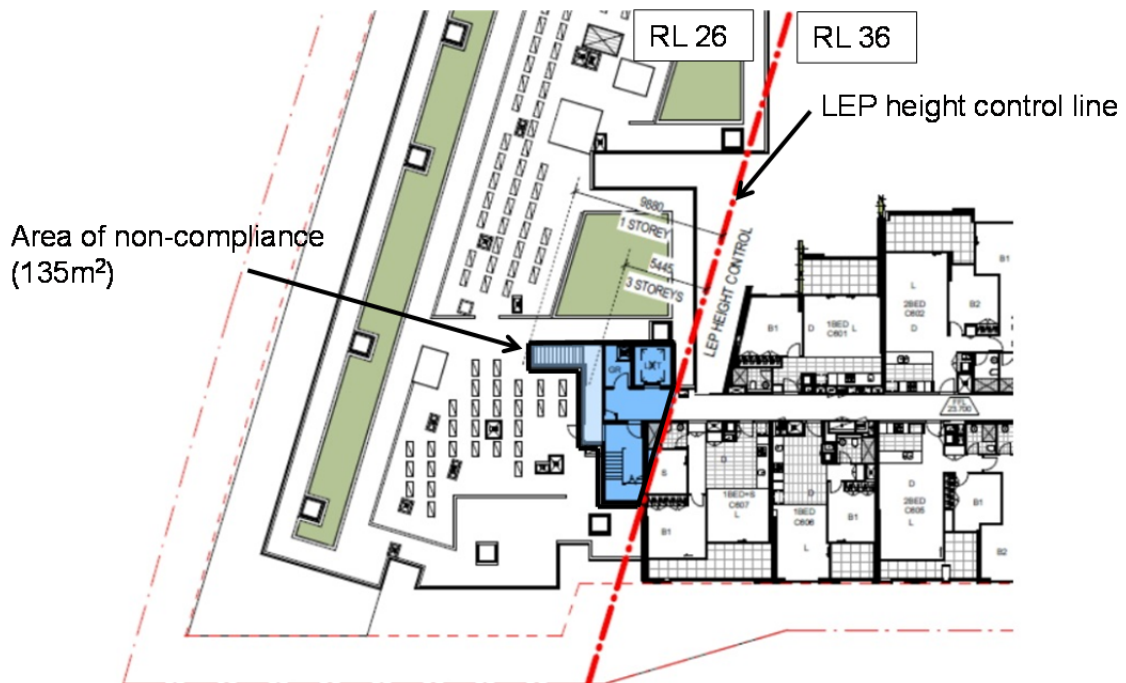


Figure 13: Plan with proposed height variation

40. The proposed maximum height of the non-compliance is RL 33.8 (to the top of the uppermost lift core) which is 7.8m (30%) above the maximum RL 26 height limit. Notwithstanding this, the variation complies with the directly adjacent RL 36m building height limit.
41. The proposed non-compliance has a total area of approximately 135m² over three levels, which is less than 1% of the total GFA for Precinct 5.
42. The applicant is relying on the provisions of Clause 4.6 of SLEP (Harold Park) 2011 to seek an exception to the height development standard. Clause 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes. The Council may grant the exception as the Director-General's concurrence can be assumed where Clause 4.6 is adopted as per Department of Planning Circular PS 08-003 dated 9 May 2008.
43. In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the height development standard has been considered against the objectives and provisions of Clause 4.6 in the following table:

Clause 4.6 Requirement	Assessment
<p>4.6(4)(a)(i) The applicant must submit a written request to vary the development standard</p>	<p>A written request has been submitted to Council justifying the proposed contravention of the height development standard on the following basis:</p> <ul style="list-style-type: none"> a) the proposal is below the RL 26m control for the majority of its footprint, with only a small portion of the building exceeding the control; b) the variation complies with the directly adjacent RL 36m height control; c) as a result of the removal of the bridge link, the lift core and fire stairs are required to be extended to provide vertical transport access and BCA compliant fire egress; d) the protrusion does not include any habitable space or additional gross floor area; e) the relocation of the lift core has allowed for the realignment of the internal corridor and results in the improved design of apartment C607; f) access to the roof of Building 5B has been consolidated into the plant structure where previously it was a standalone roof element; g) the protrusion is set back from the street ensuring it is not readily visible and will not cause any additional overshadowing or loss of significant views; h) the protrusion will be treated as a recessive element that is commensurate with the existing roof line and materiality of the roofing elements.
<p>4.6(4)(a)(ii) Council must be satisfied that the proposed development is consistent with the objectives of the development standard and the objectives for development within the zone</p>	<p>The objectives of the zone are:</p> <ul style="list-style-type: none"> • To provide a mixture of compatible land uses. • To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. • To ensure uses support the viability of centres. <p>The objectives of the development standard are:</p> <ul style="list-style-type: none"> a) to ensure the height of development is appropriate to the condition of the site and its context, b) to reduce the visual impact of development on public places including streets and parks to promote the sharing of views, c) to encourage diversity in the bulk and scale of buildings, d) to ensure adequate amenity for public open space,

Clause 4.6 Requirement	Assessment
	<p>e) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas,</p> <p>f) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.</p> <p>In response to these objectives, the applicant submits that:</p> <p>a) the protrusion is setback, will appear as a minor building element and will not alter the bulk and scale of the building. It does not affect compliance with the key design principle for the redevelopment of the site, being that the proposed buildings are equivalent in height to the surrounding development;</p> <p>b) the protrusion maintains the taller building form at levels 6-8 and is set back into the centre of the roof to ensure it does not have visual impacts from the road or public domain. The structures will be finished in high quality materials to ensure an inconspicuous design finish;</p> <p>c) the protrusion maintains the desired transition in building heights at the edge of the precinct and encourages diversity and a lower scale of development to the road frontage. The protrusion will extend the taller portion of Building 5B for a small area however will maintain the tapering of building heights with a strong and well defined building edge;</p> <p>d) Building 5B has been designed with a reduced envelope to allow greater natural sunlight into the internal courtyard area. The protrusion will not result in any additional overshadowing and is set back from the building edges, to ensure that it will have no additional adverse impact on the amenity of the public open space;</p> <p>e) the height exceedance will not have any adverse impacts on the heritage significance of the surrounding items as it will not be a visually prominent element and will be finished in materials commensurate the existing roof design and character of the wider site;</p> <p>f) the exceedance will not result in any additional overshadowing and is setback to ensure that it maintains a minimal visual presence from the public domain and surrounding roads. The protrusion will not result in any additional GFA or habitable space and therefore will not have any impact on privacy.</p>

Clause 4.6 Requirement	Assessment
	<p>Comment:</p> <p>a) The applicant's written rationale addresses the objectives associated with contravening the development standard and overall is considered to be well founded. The proposed development is consistent with the objectives for height provided under Clause 4.3.</p>

44. It is considered that the written statement provided by the applicant has sufficiently justified that strict numeric compliance with the development standard is unreasonable and unnecessary in this instance. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the height development standard and it is recommended that a Clause 4.6 exception be granted, pursuant to the Director-General's general concurrence of May 2008.

Floor space ratio

45. The Stage 1 DA set out proposed GFA for development across the site. This was considered against the overall site floor space control in the LEP. The total permissible GFA across the development site, including the BASIX "bonus" is 132,918m². Amendment E to the Stage 1 DA approved a redistribution of floor space across various precincts.
46. The proposed 20,381m² of GFA for Precinct 5 is below the allocated GFA of 20,894m² for the precinct under the Stage 1 consent (as modified by Amendment E). The approved GFA for Precincts 2 and 3 are also below the allocated GFA under Stage 1 Amendment E. However the approved GFA for Precincts 4 and 6B are above the allocated GFA.
47. FSR is assessed on a site wide basis for the Harold Park development site. As such, it is permissible to exceed the nominal GFA distribution approved under Stage 1 (Amendment E), provided the development complies on a site wide basis.
48. The total GFA for all precincts is 132,819m². This is below the allowable 132,918m² by 99m², which complies with the Stage 1 GFA allocation for the Harold Park redevelopment site.
49. A site-wide GFA compliance table is shown in Attachment C.

Compliance with the Stage 1 Approval

50. In addition to the height non-compliance discussed above, the amended proposal presents the following non-compliances with the Stage 1 building envelope.
51. The proposal does not seek to completely fill the northern element of the envelope (Figures 14 and 15). Widening the connection between the landscaped communal open space and the public parklands improves sunlight and visual permeability to the site, to the benefit of the entire precinct from an amenity perspective.

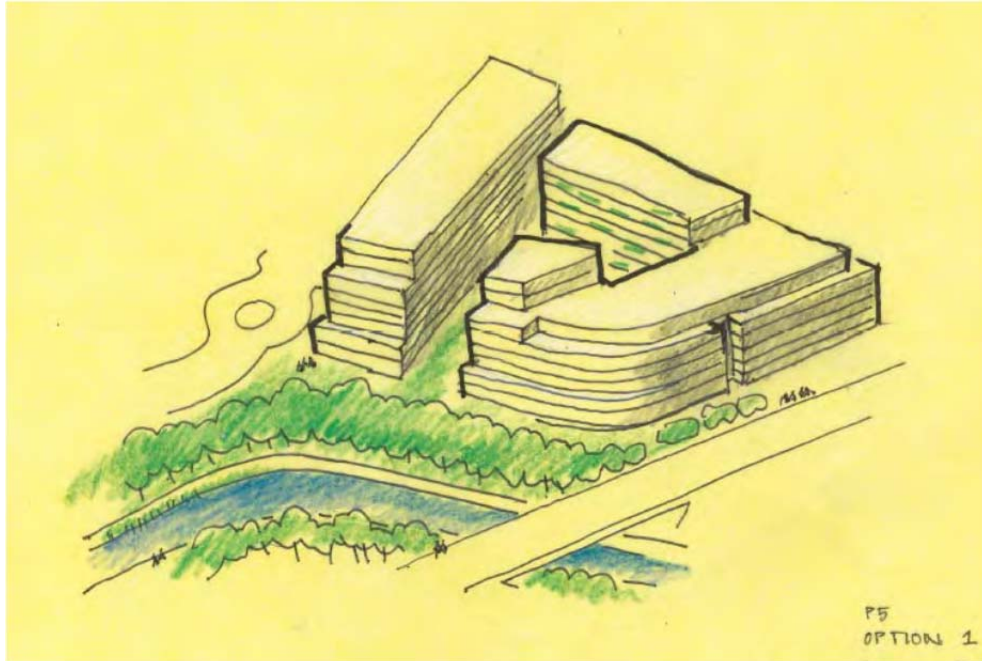


Figure 14: Architects sketch of proposal in accordance with Stage 1 envelopes

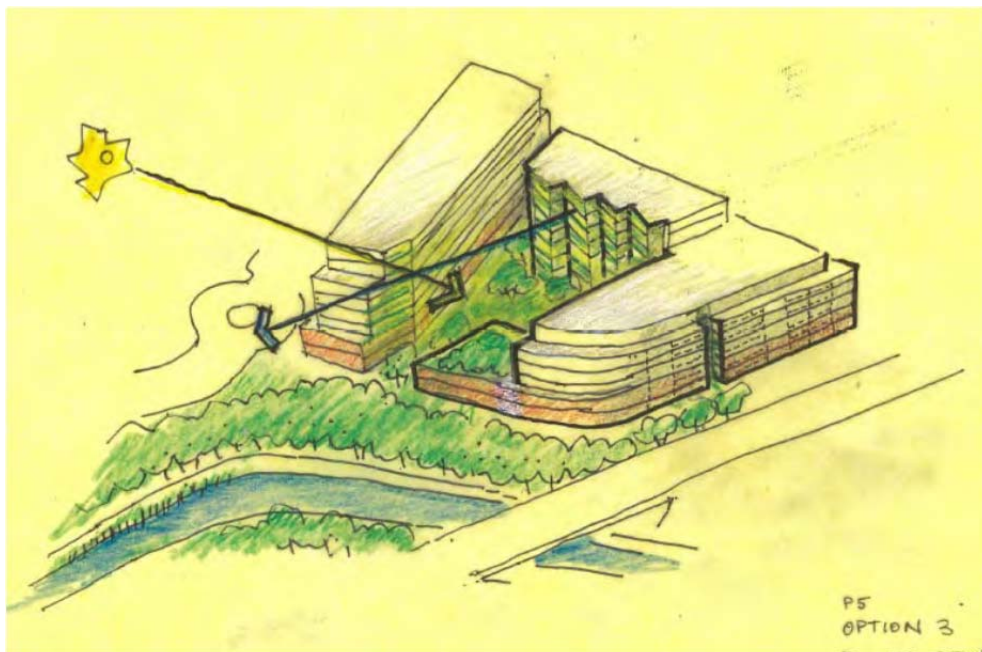


Figure 15: Architects sketch of design move to maximise residential amenity

52. The Stage 1 envelope requires a 7m setback to Levels 7 and 8 at the north eastern corner of Building 5A. The proposal encroaches into this setback (see Figure 16). The architectural statement submitted with the application maintains that in response to the massing of Precinct 4B, Building 5A is not set back to the northern elevation Levels 7 & 8 in order to create a more defined architectural response towards the parkland and create a stronger entrance point to the residential precincts of Harold Park, while responding to and balancing the massing of Precinct 4B (see Figure 9 and 17).

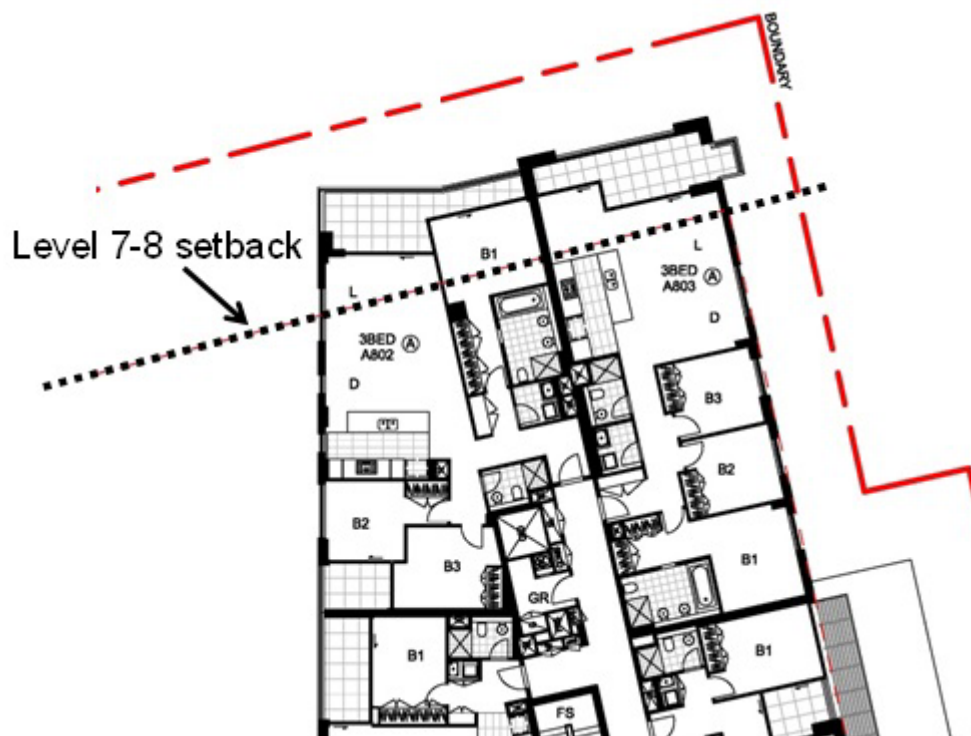


Figure 16: Stage 1 encroachment Building 5A Levels 7 and 8



Figure 17: Photomontage of Building 4B and 5A viewed from the parkland

53. Stage 1 envelope shows a separation between Building 5A and Building 5B at the south eastern corner of the site of approximately 6m at lower levels and approximately 8m for upper levels. The separation between Building 5A and Building 5B is a minimum of 6.1m for Levels 2-8 (see Figure 18). The proposal has been designed to minimise overlooking between the two buildings and the internal courtyard apartments. Living areas and balconies of apartments located within this portion of the building have been orientated to the north or south where possible or offset to avoid overlooking. Windows along these elevations are primarily to bedrooms and bathrooms, which are generally occupied less frequently than living rooms and are maintained with a certain level of privacy by occupants.



Figure 18: Building separation between Building 5A and 5B, levels 2-8

- 54. An encroachment also exists to the internal courtyard of Building 5B (see Figure 19). This encroachment reduces building separation and has the potential to create privacy impacts. Where living areas have the potential to overlook other living spaces or bedrooms, potential overlooking is mitigated by the use of screening and narrow windows.



Figure 19: Stage 1 encroachment Building 5B Levels 1-5

55. Section 83D(2) of the *Environmental Planning and Assessment Act 1979* indicates that where there is a staged development application for a site in force, the determination of any further development application for that site cannot be inconsistent with that consent. The amended proposal does present non-compliances with the Stage 1 building envelope, however on balance, the non-compliances are not considered to be inconsistent with the Stage 1 approval.
56. Further to the above, Condition 2(d) of the Stage 1 approval allows variations to the building envelopes to be assessed on merit with Stage 2 applications.
57. The variations comply with the LEP height control, do not result in an exceedance of the allowable GFA for the precinct and do not present unacceptable privacy impacts for future occupants. On balance, taking into account the removal of the northern element of Building 5B, the variations to the Stage 1 envelope are acceptable.

Natural ventilation

58. The proposal achieves natural cross ventilation to 39% of apartments when assessed against the RFDC rules of thumb. Developments which seek to vary from the minimum standard of 60% must demonstrate how natural ventilation can be satisfactorily achieved, particularly in relation to habitable rooms.
59. The application proposes a deemed-to-satisfy solution in the form of window openings onto façade slots to achieve compliance with cross ventilation requirements. The proposed slots are a minimum width of 2m, with operable windows of a minimum 600mm in width to facilitate cross ventilation.
60. Taking into account apartments that receive cross ventilation from the deemed-to-satisfy slot solution, 53% of apartments achieve cross ventilation.
61. The Stage 2 applications for Precinct 1 - 4 and 6B considered site-wide compliance for cross ventilation. Based on approved percentages from Precincts 1 - 4 and 6B and including proposed percentages from Precincts 5, site-wide cross ventilation compliance, based on the deemed-to-satisfy slot solution, is 56%.
62. It is noted that additional deemed-to-satisfy solutions in the form of operable skylights and ventilation shafts are also proposed which will improve ventilation to apartments and raise the number of cross ventilated apartments to 59% and 68% respectively.
63. Conditions are recommended regarding the location and type of openings within slots to ensure they are designed to provide effective ventilation and minimise privacy impacts such as direct overlooking to habitable rooms of adjacent apartments.
64. Conditions have also been recommended requiring the deletion of small, undersized balconies to bedrooms where their only source of light and ventilation is via a narrow passage (see Figure 20). The removal of the balcony floor/ceiling and balustrades, and the absence of furniture will assist in providing for improved ventilation and daylight to Bedroom 2 of these apartments.
65. A site-wide cross ventilation compliance table is shown in Attachment C.

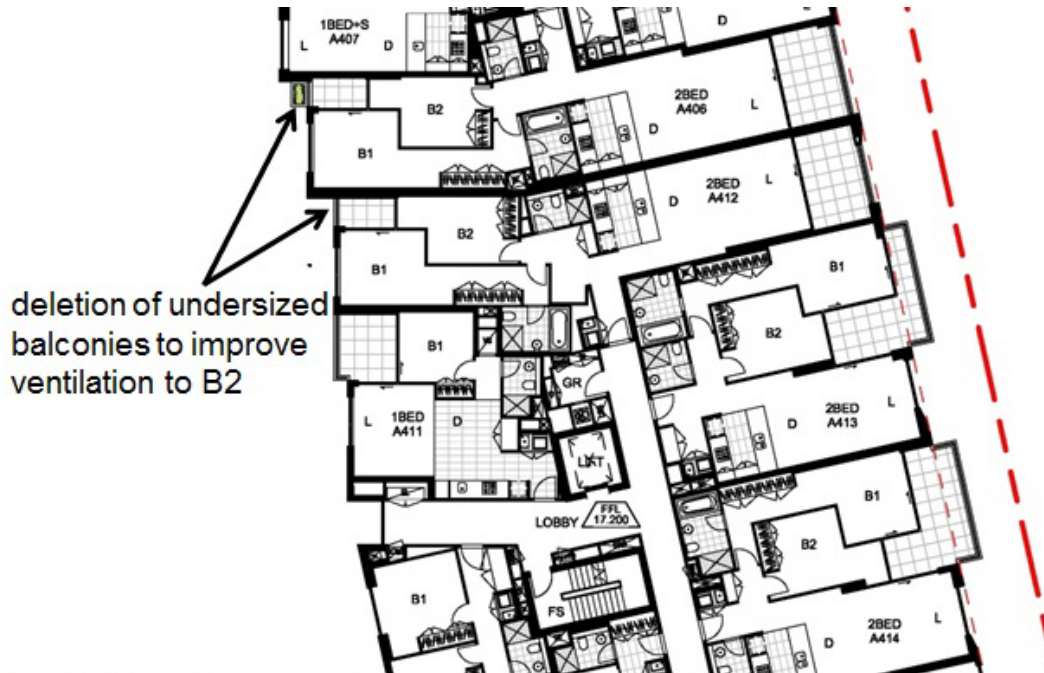


Figure 20: deletion of narrow balconies to improve daylight and ventilation to bedrooms

Solar access

66. The proposal does not comply with the solar access controls in the DCP, which requires 50% of apartments to receive solar access to living rooms and private open space for a minimum of 2 hours. The proposal also does not comply with the RFDC minimum requirement for 70% of proposed apartments to receive at least 3 hours of direct sunlight to living spaces and private open space.
67. The proposal does not incorporate any built form in the northern element of the envelope (Figures 13 and 14), which creates a benefit for the entire precinct from a solar aspect and amenity perspective. Notwithstanding this positive design move, the building envelopes and road alignments approved in the Stage 1 development application results in building envelopes that have extensive southerly aspect facades, making compliance with solar access challenging. Notwithstanding these site constraints, the proposal does result in 61% of apartments receiving solar access for 2hrs to their living areas, which exceeds the DCP requirement and provides acceptable solar access amenity to the living spaces of these apartments.
68. The Stage 2 applications for Precinct 1 - 4 and 6B considered site-wide compliance with the DCP and RFDC solar access requirements. Whilst the proposal does not achieve compliance with the DCP or RFDC, it contributes to the overall percentage of apartments that achieve solar access across the development.
69. Based on approved percentages from Precincts 1 - 4 and 6B, and including proposed percentages from Precincts 5, site-wide solar access compliance is currently at 51%. While this complies with the DCP control, it does not comply with the RFDC rule of thumb.
70. A site-wide solar access compliance table is shown in Attachment C.

Private open space

71. The proposal includes private courtyards at ground level to all apartments with the exception of 2 studio apartments. These terraces are comprised of paved areas and landscaped planting to meet the recreational needs of occupants. All upper level apartments are provided with balconies with sufficient usable space.
72. Areas of the ground level terraces vary from between 5m² for a studio and 28m² for a 3 bedroom unit. Balconies to upper levels have minimum depths of 2m and generally range from 5m² to 92m² in area, with the majority (80%) of areas being in excess of 8m².
73. Despite non-compliances with areas, the proposal complies with the DCP requirement that only 75% of apartments need to be provided with private open space. The variations to private open space are considered acceptable, given the sites close proximity to the 3.8ha of public open space within the wider Harold Park site and the nearby Johnston Creek Parklands.

Public domain and site access

74. The desired outcome of the interface between the public and private domain is a balance of open and closed views, enabling privacy for residents whilst maintaining a well overlooked street.
75. The proposal has been designed to 'face' each frontage, with 1-2 prominent communal building entries along each elevation. Entry points to residential apartment lobbies are highlighted through the use of architectural elements and signage.
76. The DCP requires the provision of individual pedestrian access to ground floor residential apartments. Individual entries to private apartments have been incorporated where level changes allow on all elevations. The applicant's landscape design statement states that garden beds and heavily planted setbacks have been prioritised over individual access points that require substantial structures such as retaining walls and stairs to enable access.
77. While the proposal does not provide individual access point to each ground floor apartment, casual surveillance of the street is achieved through the location of active living spaces at the edge of the street façade, the inclusion of external living areas directly adjoining the street edge and use of fencing that minimises the extent of solid wall and maximises the extent of open fencing.

Other Impacts of the Development

78. The proposed development is capable of complying with the BCA.
79. 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

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

INTERNAL REFERRALS

81. The application was referred to Council's:

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

82. Concerns were raised by the City Access and Transport Unit with regard to the driveway access off MC03, which does not comply with the DCP requirement that driveway crossings be perpendicular to the kerb. Conditions have been recommended requiring the submission of a public domain plan, including driveway crossover, for approval by the City.

83. Concerns raised about aspects of the development from other Council Units have been addressed throughout this report. Conditions recommended for inclusion have been incorporated into the conditions.

EXTERNAL REFERRALS**Roads and Maritime Services (RMS)**

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

Sydney Water

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

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

86. In accordance with Schedule 1 the Sydney DCP 2012, the proposed development is required to be notified and advertised. As such the application was notified and advertised for a period of 28 days between 17 March and 15 April 2015. As a result of this notification there were 2 submissions received.

- (a) The site is close to a number of heritage items. The interpretation of these items should be included within a well-integrated heritage strategy for this Precinct.

Response – A heritage interpretation strategy was submitted and is considered to be generally in accordance with heritage conservation and interpretation provisions of the DCP. A condition has been recommended requiring interpretation of the paceway track in accordance with the strategy, prior to occupation of the precinct.

- (b) The proportion of apartments with direct street access is lower than elsewhere and should be increased.

Response – This issue is discussed within the Issues section.

- (c) A significant number of apartments fall below the minimum requirements for solar access and cross ventilation.

Response – This issue is discussed within the Issues section.

- (d) The Crescent is a heavily used and congested road in peak periods, which will have an impact on the amenity of adjacent apartments.

Response – The application includes an acoustic assessment that assesses the potential noise impacts on the proposed development from existing and future road traffic. The assessment recommends a number of construction methods, materials, and operating systems should be implemented in order to provide future residents with a sound living environment. Appropriate conditions have been recommended to ensure compliance with these recommendations.

The incorporation of planted setbacks between apartments and The Crescent will also assist in maintaining an acceptable level of comfort for future residents.

- (e) An increase in the morning frequency of buses should be investigated now as an increase in patrons using these services is already obvious.

Response – The provision of bus services is controlled by Transport for NSW. As occupancy of the Harold Park site increases over time, Council will continue to work with state transit authorities so that they are aware of occupancy changes and can plan the provision of their services accordingly.

- (f) Concern that the proposal will increase the demand for parking in the surrounding streets within the Leichhardt LGA and exacerbate the parking issues experienced by residents.

The shortfall of 30 underground parking spaces for the number of apartments is a major concern. The proposed parking provision is also below the maximum.

Response – Parking for the proposed building is provided in line with LEP maximum rates, which are based on City and State Government objectives to reduce private vehicle trips. The site is well served by public transport and there are suitable alternatives to private car travel. Parking impact on the surrounding streets will be managed in part by the residents of the Harold Park not being eligible for resident parking permits within the City LGA.

- (g) Clarification as to how time limited basement parking for visitors is to be enforced and managed and what impact such enforcement will have on the street parking in Leichhardt LGA.

Response – The DCP requires visitor parking to be time limited to ensure that these spaces are available for the exclusive use of people visiting the site and to deter use of the spaces by permanent building residents. The management and enforcement of the timed visitor spaces is a matter for the building strata management.

- (h) A large number of construction workers currently park in the Leichhardt LGA. The application fails to address the impact of construction workers vehicles during the construction phase.

Response – The application includes a Construction and Environmental Management Plan, however this document is not been approved at this time. Conditions have been recommended requiring a Construction Traffic Management Plan be submitted and approved by Council's Traffic Operations Unit. The Construction Traffic Management Plan will require the issue of construction staff parking to be addressed.

PUBLIC INTEREST

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

FINANCIAL IMPLICATIONS/S94 CONTRIBUTION

Section 94 Contributions

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

RELEVANT LEGISLATION

89. The Environmental Planning and Assessment Act 1979.

CONCLUSION

90. The proposal is not inconsistent with the Stage 1 development consent, and the Harold Park LEP and DCP. Proposed minor variations to the Stage 1 consent and controls are considered to be acceptable and have been discussed throughout the report.
91. Amendments have been made to provide a more appropriate response to the site context, as well as to address concerns about building legibility and apartment amenity.
92. This application is the final Mirvac Stage 2 DA for residential development. Therefore, the assessment has considered site-wide compliance with the Stage 1 application commitments regarding GFA and specific SEPP 65 amenity controls.
93. Subject to the recommendations within this report, the revised proposal demonstrates a design that responds to the constraints of the site and contributes to the existing and desired future character of the site.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Natasha Ridler, Senior Planner)