

**ITEM 7. DEVELOPMENT APPLICATION: 18-20 O'DEA AVENUE
WATERLOO****FILE NO: D/2014/1837****DEVELOPMENT APPLICATION NO: D/2014/1837****SUMMARY**

Date of Submission: 1 December 2014
Final amended plans received 26 May 2015

Applicant: Crown W1 Developments Pty Ltd

Architect: SJB Architects

Developer: Crown W1 Developments Pty Ltd

Cost of Works: \$135,520,000

Proposal Summary: The Stage 2 DA proposes construction of a mixed use development comprising four residential flat buildings ranging in height from 8 to 21 storeys with a total of 331 apartments, two ground floor retail premises, landscaping, communal facilities, public domain and infrastructure works. The application also involves construction of Hatter Lane, the final portion of Dunkerley Place, the final portion of the Rope Walk Park and a setback from O'Dea Avenue for road widening / landscaping.

The application is classified as Integrated Development as the works require approval under the Water Management Act 2000.

The application was exhibited for a period of 30 days. No submissions were received.

The development is located in the 10(e) Mixed Use Zone in the Lachlan Precinct. At the time of lodgement the SSLEP 1998 applied. The Sydney LEP 2012 (Amendment No.15) has since come into force on 10 April 2015; however, saving provisions apply which means the application must be determined under the SSLEP 1998. This assessment finds that, notwithstanding that the individual development is predominately residential, based on the existing land use mix as a floorspace, the zone and precinct will continue to be a predominately employment based zone in the short term.

**Proposal Summary:
(continued)**

The site has been the subject of an Alternative Design Competition Process that resulted in an alternative response to the site planning for building envelopes compared to those prescribed in the Sydney DCP (Green Square Lachlan Amendment) which come into force on 10 April 2015.

A Stage 1 DA (D/2013/2030) approved by the Central Sydney Planning Committee in December 2014, approved envelopes that departed from the Sydney DCP. The alternative envelopes were acceptable as the concept reduced the number of buildings on the site, improved the quantity and quality of communal open space for future occupants redistributed floor space on top of the remaining buildings which did not result in unreasonable impacts internal and external to the site.

The approved Stage 1 DA (D/2013/2030) satisfies the requirement for a masterplan to be prepared and it has been demonstrated that the building envelopes have the capability of accommodating buildings and land uses that perform against the relevant built form and amenity controls contained in the Lachlan DCP, SEPP 65, RFDC and draft SLEP 2012.

In order to ensure consistency between the staged applicators, as required by section 83D of the Environmental Planning and Assessment Act, and to ensure the development has satisfactory amenity, it is necessary to vary the Stage 1 DA consent.

As such, a concurrent Section 96 application been lodged. This application seeks to amend the original Stage 1 DA approval in the following manner:

- Increased overall height of the development to permit 3.1m floor to floor heights;
- Remove restriction on built form on 21 storey;
- Remove requirement for car share within the basement; and
- Delay submission of alignment levels, road design, stormwater design and street lighting design.

A public benefit offer was submitted concurrently with the Stage 1 DA and exhibited with a draft Voluntary Planning Agreement (VPA) between 21 November 2014 and 20 December 2014. The VPA was executed 26 February 2015.

- Summary Recommendation:** The development application is recommended for approval, subject to conditions.
- Development Controls:**
- (i) State Environmental Planning Policy No. 55 – Remediation of Land
 - (ii) State Environmental Planning Policy 65 – Design Quality of Residential Flat Development
 - (a) Draft SEPP65 exhibited on 23 September 2014
 - (iii) State Environmental Planning Policy 70 Affordable Housing (Revised Schemes)
 - (iv) State Environmental Planning Policy (Infrastructure) 2007
 - (v) State Environmental Planning Policy No 32 – Urban Consolidation (Redevelopment of Urban Land)
 - (vi) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
 - (vii) South Sydney Local Environmental Plan 1998 (Gazetted 28 April 1998, as amended)
 - (viii) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended)
 - (ix) South Sydney Development Control Plan 1997 – Urban Design (in force on 2 July 1997, as amended)
 - (a) South Sydney DCP 1997: Urban Design – Green Square Part G: Special precinct No. 9 Green Square (in force on 19 December 2006)
 - (b) South Sydney DCP 1997: Urban Design – Green Square Part G: Special precinct No. 9 Green Square (Lachlan Precinct)
 - (x) City of Sydney Notification of Planning and Development Applications Development Control Plan 2005 (date of commencement – 18 May 2005)
 - (xi) City of Sydney Contaminated Land Development Control Plan 2004 (in force on 28 June 2004)
 - (xii) City of Sydney Access Development Control Plan 2004 (in force on 28 June 2004)

- (xiii) Development Control Plan No. 11 – Transport Guidelines for Development 1996 (Adopted 8 May 1996)
- (xiv) Development Control Plan – Green Square Affordable Housing (adopted 14 August 2002, in force 10 September 2002)

Developer Contributions:

- (xv) City of Sydney Development Contributions Plan 2006

Affordable Housing Contributions

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

Attachments:

- A - Plans and elevations – D/2014/1837
- B - Correspondence from Applicant
- C - Public Benefit Offer Explanatory Note - D/2014/1837

RECOMMENDATION

It is resolved that, pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979, consent be granted to Development Application No. D/2014/1837, 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/2014/1848 dated 1 December 2014 and the following drawings:

| Drawing Number | Architect | Date |
|-----------------------|------------------|------------------|
| A-0200 22 | SJB | 16 December 2014 |
| A-0201 18 | SJB | 31 December 2014 |
| A0202 22 | SJB | 16 December 2014 |
| A-0203 28 | SJB | 14 May 2015 |
| A-0204 29 | SJB | 21 May 2015 |
| A-0205 29 | SJB | 21 May 2015 |
| A-0206 29 | SJB | 21 May 2015 |
| A-0207 29 | SJB | 21 May 2015 |
| A-0208 28 | SJB | 14 May 2015 |
| A-0209 28 | SJB | 14 May 2015 |
| A-0210 24 | SJB | 11 March 2015 |
| A-0501 24 | SJB | 11 March 2015 |
| A-0502 24 | SJB | 11 March 2015 |
| A-0503 24 | SJB | 11 March 2015 |
| A-0504 24 | SJB | 11 March 2015 |

| Drawing Number | Architect | Date |
|----------------|-----------|---------------|
| A-0601 24 | SJB | 11 March 2015 |
| A-0602 24 | SJB | 11 March 2015 |
| A-0603 24 | SJB | 11 March 2015 |
| A-0604 24 | SJB | 11 March 2015 |
| A-0605 24 | SJB | 11 March 2015 |
| A-0606 24 | SJB | 11 March 2015 |

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 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 any Construction Certificate.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council's Director City Planning, Development and Transport.

(3) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the planning agreement between the Council of the City of Sydney and Crown W1 Pty Ltd executed 26 February 2015 are to be complied with.

(4) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the development must not exceed 2.2:1; calculated in accordance with the South Sydney DCP 1997: Urban Design Green Square No.9 Lachlan Precinct. For the purposes of the calculation of FSR, the Gross Floor Area of the building is 25920sqm.
- (b) Prior to any Occupation Certificate being issued for the relevant building, a Registered Surveyor must provide certification of the total Gross Floor Area of the building, utilising the definition under the South Sydney DCP 1997: Urban Design Green Square No.9 Lachlan Precinct, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(5) BUILDING HEIGHT

- (a) The height of building A must not exceed RL 51.30 (AHD) to the top of the building and RL 46.85 (AHD) to the parapet of the building.
- (b) The height of building B must not exceed RL 51.30 (AHD) to the top of the building and RL 46.85 (AHD) to the parapet of the building.
- (c) The height of building C must not exceed RL 94.350 (AHD) to the top of the roof feature and RL 90.90 (AHD) to the parapet of the building.
- (d) The height of building D must not exceed RL 53.50 (AHD) to the top of the roof canopy and RL 47.10 (AHD) to the parapet of the building.
- (e) Prior to an Occupation Certificate for each stage being issued, a Registered Surveyor must provide certification that the height of each relative building accords with (a) to (d) above, to the satisfaction of the Principal Certifying Authority.

(6) COMPLIANCE WITH STAGE 1 CONDITIONS OF CONSENT

Compliance shall be given with all conditions of consent for the Stage 1 approval D/2013/2030, as modified.

(7) DESIGN AMENDMENTS

To ensure adequate amenity for the intended occupants, the following design amendment are to be made prior to the issue of a construction certificate for above ground works. The amendments are to be submitted to and approved by the Area Planning Manager.

- (a) Windows that result in a conflict between light and air and visual and acoustic privacy are to be removed. Specifically, study windows in apartments C001, C002, C003, B004, D001, D004, D006, B102, B103, B109, B110, C104, C105, A202, B202, B203, B209, B210, C201, C202, C204, C205, D205, D204, B704, C702, C704, 705 and any other apartment where a similar conflict arises and kitchen windows in apartments D006 and D208.
- (b) The eastern elevation of the proposed communal gym within Building D is to contain either a solid wall or high level fixed windows to avoid privacy and acoustic impacts on the intended occupants of the tower.

- (c) Details of the visual and acoustic privacy measures between the communal roof garden and pool area on level 7 and apartments within the tower are to be provided.
- (d) An alternative to clear glazing and clear glazed balustrading is to be provided to all apartments within the tower (Building C) from the ground floor to level 7 inclusive to provide visual privacy from the public domain and other buildings within the development site.
- (e) Fan light windows are to be provided to all apartments within all buildings from the ground floor to level 7 inclusive to avoid a conflict between light and air and visual privacy and security.
- (f) A minimum 2 metre path of travel is to be provided clear of obstacles for pedestrians along the platform ledge of the retail premises fronting O'Dea Avenue and the new Rope Walk Park frontage.
- (g) The ground floor retail level is to be set at a maximum of 1.2m above the ground level.
- (h) The ground floor fence height of courtyard apartments is to have a maximum height of 1.4m.
- (i) Details of the proposed balcony screens are to be provided demonstrating that the aggregated enclosure is less than 75 per cent.

(8) SIGNS - SEPARATE DA REQUIRED

A separate development application for any proposed signs additional to those approved as part of this consent (other than in accordance with the State Environmental Planning Policy Exempt and Complying Development Codes 2008), must be submitted to and approved by Council prior to the erection or display of any such signs.

(9) SIGNS/GOODS IN THE PUBLIC WAY

No signs or goods are to be placed on the footway or roadway adjacent to the property.

(10) USE OF COMMON AREAS AND FACILITIES

The communal open space, communal roof top terraces, communal gymnasium and communal swimming pool 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) ALLOCATION FOR CAR WASH BAYS

If car wash bays are provided, spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by all tenants.

(12) 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.

(13) 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 apartments. Where allocated to adaptable apartments, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building.

(14) 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".

(15) ALLOCATION OF PARKING

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

| Car Parking Type | Number |
|---|------------|
| Residential spaces | 187 |
| Accessible residential spaces | 50 |
| Residential visitor spaces | 52 |
| Accessible residential visitor spaces | 3 |
| Retail parking | 13 |
| Accessible retail parking | 1 |
| Car share parking | 2 |
| Subtotal | 308 |
| Motorcycle parking (equivalent to 28 motorcycle spaces) | 7 |
| Service vehicle spaces – minimum dimension 2.6m x 5.4m | 2 |
| Total | 317 |

(16) BICYCLE PARKING AND END OF TRIP FACILITIES

- (a) A total of 331 bicycle spaces for residential use.
- (b) A total of 3 bicycle spaces for non-residential use.
- (c) A total of 33 bicycle spaces for visitors.

- (d) 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 for basement works.
- (e) All visitor bicycle parking must be provided at ground floor level near the main building entrances.

(17) CHANGES TO KERB SIDE PARKING RESTRICTIONS

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

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

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

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

(18) COST OF SIGNPOSTING

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

(19) 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 apartments. 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.*

(20) 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/ apartments 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.

(21) 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 for above ground works being issued.

(22) 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.

(23) 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.

(24) 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 any Occupation Certificate being issued and must be maintained in good order at all times ***by the Owners of the building***.

(25) 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.

(26) 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.

(27) TRAFFIC WORKS

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

(28) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the *South Sydney Local Environmental Plan 1998*.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from residential accommodation as defined in *South Sydney Local Environmental Plan 1998*. The covenant is to be registered on title prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) An owner, tenant or Owners Corporation shall not permit a Building Manager or agent to advertise or organise for short term accommodation or share accommodation in the building.

(29) 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.

(30) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL, SERVICED APARTMENTS AND MIXED USE

The following conditions apply to car parking:

- (a) The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used other than by an occupant, tenant or resident of the subject building.
- (b) Prior to any Occupation Certificate being issued, a documentary restrictive covenant, is to be registered on the Title of the development site pursuant to Section 88E of the *Conveyancing Act 1919*, to the effect of (a) above. The covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- (c) Any future strata subdivision of the site is to include a restriction on User pursuant to section 39 of the *Strata Titles (Freehold Development) Act, 1973*, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate restrictive covenant pursuant to section 88B of the *Conveyancing Act 1919* burdening all car parking part - lots in the strata scheme.

(31) SHARED ZONE

- (a) The proposed shared zone on Hatter Place is not approved as part of this consent.
- (b) The design of the shared zone requires a referral to the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) for endorsement and then a referral to the RMS for final approval.
- (c) Additional reports, information or design changes may be required by Council officers, the LPCTCC or the RMS during the approvals process. The cost for these changes must be undertaken by the applicant at their own cost.
- (d) The plan must be approved as part of the in conjunction with the Public Domain Plan prior to the issuing of the Construction Certificate for these works.
- (e) If this street is not approved to be a shared zones an alternative design must be undertaken and submitted to Council for approval.

(32) CAR SHARE SPACES

- (a) A minimum of 2 car parking spaces for the exclusive use of car share scheme vehicles are to be provided within the site. A revised basement plan showing these spaces must be submitted to and approved by Council's Director City Planning, Development and Transport prior to any Construction Certificate being issued.
- (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.

(33) LOADING DOCK SCHEDULE/REGISTER

The on-site loading dock is also to be available for all residents and occupiers of the retail space 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.

(34) ALIGNMENT OF DRIVEWAY WITH CROSSOVER

The width of the driveway crossover is to be narrowed to align with the driveway width within the development boundary.

(35) MEDIAN STRIP

- (a) The intersection of O'Dea Avenue and Hatter Lane must be physically restricted to a left in arrangement only.
- (b) The median concept design and location of the median strip will require a referral to the Local Pedestrian and Traffic Calming Committee (LPCTCC) and approval from Council officers prior to a construction certificate being issued for above ground works.
- (c) The median must be constructed as per the conditions of the LPCTCC, and it must be designed and constructed at no cost to Council.
- (d) The median must be constructed prior to any occupation certificate being issued for the development.

(36) SECTION 116 OF THE ROADS ACT

- (a) The proposed restriction to a left in arrangement only at the intersection of O'Dea Avenue and Hatter Lane will likely prohibit existing traffic movements. This requires section 116 of the Roads Act to be satisfied.
- (b) Section 116 requires public consultation, a referral to the Local Pedestrian, Cycling and Traffic Calming Committee, a Traffic Management Plan to be approved by the RMS and a report to be put before Council.
- (c) The developer is required to contact Council when they wish to begin this process. They will need to discuss with the Traffic Operations team what documentation they need to submit.
- (d) Any additional information or design amendments required as part of this process must be provided by the developer at no cost to Council.
- (e) This process must be completed prior to any approval for the construction of the median being granted.

- (f) The Section 116 process can take up to 12 months from the Council Officer being satisfied with the proposal.
- (g) The Section 116 process can happen concurrently with the process to approve the road closure design.
- (h) All fees and costs associated with the approval of a Section 116 application are to be borne by the developer.

(37) 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 Acoustic Logic, referenced 20140475.1/2908A/R1/BW and dated 29/08/2014 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 Principal Certifying Authority which addresses the following requirements:
 - (i) Recommendations detailed in Section 4.5 in particular the following;
 - a. Glazing Requirements set out in Table 4
 - b. Minimum STC of Glazing set out in Table 5
 - c. Window/Door suppliers to provide evidence that the systems proposed have been tested in a registered laboratory with the recommended glass thicknesses and comply with the minimum listed STC requirements listed in Table 5
 - (ii) External Noise Emission Criteria in Table 7 of Section 5.2 of the report is to be achieved.
- (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.

(38) 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 $L_{A90, 15 \text{ minute}}$ noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence or noise sensitive commercial premises provided that:
- (i) Where the $L_{A90, 15 \text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.
 - (ii) The $L_{Aeq, 15 \text{ minute}}$ noise level and the $L_{A90, 15 \text{ minute}}$ noise level shall both be measured with all external doors and windows of the affected residence closed;
 - (iii) The relevant background noise level ($L_{A90, 15 \text{ minute}}$) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the *NSW 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.

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

A site specific Demolition, Excavation & Construction Noise & Vibration Management Plan shall be submitted to and approved by the Area Planning Manager prior to issue of any Construction Certificate.

The Demolition, Excavation & Construction Noise & Vibration Management 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 Demolition, Excavation & Construction Noise & Vibration Management Plan must include but not be limited to the following:

- (a) Identification of noise sensitive receivers near to the site.
- (b) The proposed hours of all construction and work on the development including building / demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools etc), in connection with the proposed development.
- (c) 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.
- (d) A representative background noise measurement (LA90, 15 minute) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (e) 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.

- (f) 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.
- (g) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (h) 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.
- (i) 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.

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

- (a) All works conducted on site which form part of this development must be carried out in accordance with an approved Demolition, Excavation and Construction Management Plan
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP).

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

(41) USE OF INTRUSIVE APPLIANCES – NOT APPROVED

This development consent does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992".

A separate Section 96 application must be submitted to the Council for the use of any equipment of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992*.

(42) 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.

(43) USE – GROUND FLOOR RETAIL

- (a) The hours of operation of the ground floor premises are restricted to between 7.00am and 7.00pm Monday to Sunday and between 9.00am to 6.00pm on a Sunday or on a public holiday.
- (b) The ground floor retail premises must not be used as a small bar or food and drinks premises that involves primary cooking, without separate approval from Council.

(44) USE OF COMMON AREAS AND FACILITIES

- (a) The roof top terrace 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.
- (b) The rooftop terrace can only be used between 7.00am and 10.30pm, Mondays to Sundays. Amplified sound must not be provided in the common open space at any time.

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

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

| <u>Contribution Category</u> | <u>Amount</u> |
|------------------------------|----------------|
| Community Facilities | \$769,705.79 |
| Public Domain | \$474,094.38 |
| New Open Space | \$3,694,034.19 |
| New Roads | \$938,180.48 |
| Accessibility | \$38,911.91 |
| Management | \$42,072.75 |
| Total | \$5,956,999.50 |

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

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

where:

- C is the original contribution amount as shown above;
- CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
- CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – March 2015.

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

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

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

The Section 94 contributions payable may be offset in accordance with the terms of the Planning Agreement.

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

In accordance with Clause 27P of *South Sydney Local Environmental Plan 1998 (as amended)* and prior to a Construction Certificate being issued, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Planning and Environment or a bank guarantee in favour of The Department of Planning and Environment to the value of the required contribution has been lodged. The contribution is \$6,974,723.90 based on the in lieu monetary contribution rate for non-residential development at \$58.04 per square metre of total non-residential floor area 762sqm, and for residential development at \$174.19 per square metre of total residential floor area 39787sqm. Contributions will be indexed in accordance with the formula set out below.

Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the applicant must provide evidence that the bank guarantee referred to above has been redeemed as payment of this contribution. If the contribution is paid after the indexation period in which the consent is granted 1 March 2015 to 28 February 2016, the amount of the contribution will be indexed in accordance with the formula set out below.

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

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

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

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

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

- (c) Forms A, B or C for payment of the affordable housing contribution can only be obtained from the City of Sydney, 456 Kent Street Sydney. Quote the development application number and the relevant Council officer will provide the applicant with an indexed contribution amount which must be paid at the Department of Planning and Environment. To arrange payment, contact the Housing Policy Team, NSW Department of Planning and Environment on Ph: 9228 6111 or Fax: 9228 6455 to arrange a time for payment.
- (d) The contribution will be indexed on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.
- (e) Contributions at Time of Payment = $C \times \text{HPI2} / \text{HPI1}$, where:
 - (i) C is the original contribution amount as shown above;
 - (ii) HPI2 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and
 - (iii) HPI1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics that applied at the date of the consent 1 March 2015 to 28 February 2016.

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

SCHEDULE 1B

Prior to Construction Certification/Commencement of Work/Health and Building

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

(47) LAND REMEDIATION (Where Site Auditor engaged)

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by Environmental Investigation Services Pty Ltd (EIS), entitled 'Report to Crown W1 Developments Pty Ltd on Remediation Action Plan for Proposed Mixed Use Development at 18-20 O'Dea Avenue, Waterloo, NSW', dated February 2015, REF: E27072KRPTTRAP and the Letter of Interim Advice prepared by J M Nash, Douglas Partners PTY LTD, referenced 84342.00 and dated 22nd May 2015. 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.

(48) SITE AUDIT STATEMENT

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

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

(49) 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.

(50) 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.

(51) UNDERGROUND STORAGE TANK REMOVAL

The removal of underground storage tanks shall be undertaken in accordance with NSW WorkCover requirements which includes writing to the Chief Inspector of Dangerous Goods and complying with any conditions imposed. The tank removal shall be conducted in accordance with the *Australian Institute of Petroleum's Code of Practice, The Removal and Disposal of Underground Petroleum Storage Tanks (AIP CP22-1994)* and *AS4976-2008 The removal and disposal of underground petroleum storage tanks*. In the event of conflict between the Code of Practice and NSW WorkCover requirements, the latter shall prevail.

(52) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, WorkCover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the *Work Health and Safety Regulation 2011* and the NSW Government and WorkCover document entitled *How to manage and control asbestos in the work place: Code of Practice (NSW WorkCover)* and the *City of Sydney Managing Asbestos Policy*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal work area should be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.

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

The site notice board must include the following:

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

(53) IMPORTED FILL MATERIALS

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

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

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

(54) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) The Construction Traffic Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Construction Traffic Management Plan must be submitted to and approved by Council prior to any Construction Certificate being issued.

(55) 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.

(56) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

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

UPON COMPLETION OF EXCAVATION/DEMOLITION

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

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.

(57) EROSION AND SEDIMENT CONTROL - MORE THAN 2,500SQM

The Soil and Water Management Plan accompanying this Development Application has not been approved by this consent.

Prior to the commencement of any works on site, including, but not limited to demolition, excavation or construction work, a Soil and Water Management Plan (SWMP) must be submitted to and be approved by the Principal Certifying Authority.

- (a) The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:
- (i) existing site contours;
 - (ii) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater;
 - (iii) Location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).

(58) 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.

(59) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

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

(60) 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 for above ground works.

(61) ACCESS FOR PERSONS WITH DISABILITIES – RETAIL PREMISES

In accordance with the *Building Code of Australia* the proposed retail premises layout and design must comply with Australian Standard 1428.1: General requirements for access - New building works.

(62) 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 for above ground works, 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 any Occupation Certificate being issued.

(63) 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 for above ground works. 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 for above ground works, 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 any Occupation Certificate being issued.
- (d) Prior to the issue of a Construction Certificate for above ground works, 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.

(64) ALIGNMENT LEVELS – MAJOR DEVELOPMENT

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.
- (b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's *Public Domain Manual* and must be submitted with a completed Alignment Levels checklist (available in the *Public Domain Manual*) and Footpath Levels and Gradients Approval Application form (available on the City's website).

- (c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

(65) PAVING MATERIALS

The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

(66) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

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

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

The form of the recording is to be as follows:

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

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

(67) 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 any 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).

(68) 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*.

(69) PUBLIC DOMAIN PLAN

- (a) An amended, detailed Public Domain Plan must be prepared by an architect, urban designer, landscape architect or engineer to document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Code*, *Sydney Streets Technical Specification*, *Civil Design Plans for Lachlan Precinct* and *Lachlan Precinct Public Domain Plans* including road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. The plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's *Public Domain Manual*).

- (b) The Public Domain Plan must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for public domain work or above ground building work for the relevant stage, whichever is later.
- (c) The Public Domain Plan must be prepared in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (d) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the *Public Domain Manual* before any Occupation Certificate is issued in respect of the development for the relevant stage or before the use commences, whichever is earlier.
- (e) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.

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

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

(70) 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 relevant stage of 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.

(71) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

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

The stormwater quality assessment must:

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

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

(72) TREES APPROVED FOR REMOVAL

- (a) All trees detailed below are approved for removal:

| Tree No: | Botanical Name / Common Name | Location |
|------------------|-------------------------------------|------------------|
| 1 – 5, 8 - 13 | Acer negundo (Box Elder) | Site Perimeter |
| 16, 17 & 18 | Cupressus torulosa (Bhutan Cypress) | Eastern boundary |

- (b) Reference should be made to the Arboricultural Impact Assessment Report and Tree Protection Specification prepared by TreeIQ dated 18 December 2013 for tree numbering and locations.

(73) TREES TO BE RETAINED

- (a) Approval is not granted for the removal of the following trees, which Council has determined to be prominent landscape elements.

| Tree No: | Botanical / Common Name | Location |
|----------|-------------------------------------|--------------------------------------|
| 7 | Ficus rubiginosa (Port Jackson Fig) | O'Dea Ave – southern boundary |
| 14 & 15 | Melaleuca quinquenervia (Paperbark) | Street trees – adj. eastern boundary |

- (b) Reference should be made to the Arboricultural Impact Assessment Report and Tree Protection Specification prepared by TreeIQ dated 18 December 2013 for tree numbering and locations.

(74) COMPLIANCE WITH ARBORIST'S REPORT

- (a) All recommendations and tree protection specifications contained in the Arboricultural Impact Assessment Report and Tree Protection Specification prepared by TreeIQ, dated 23 February 2015 must be implemented during the demolition, construction and use of the development, including the following:
 - (i) Section 3.2.5 Recommendations (reference shall be made to this section for sanative tree protection methods required to minimise impact on Tree 7);
 - (ii) Appendix 2: Supplied Plans (reference shall be made to the plans for Tree Protection Fencing locations);
 - (iii) Appendix 3: Tree Assessment Schedule (reference shall be made to the schedule for tree numbers, specific details about trees and Tree Protection Zone details);
 - (iv) Appendix 5: General Tree Protection Specification (reference shall be made to this section for Tree Protection Measures, Specifications, Hold-points and detailed methodology for works within Tree Protection Zones);
 - (v) Appendix 6: Typical Tree Protection Details.

(75) ADDITIONAL TREE PROTECTION MEASURES

In addition to the Tree Protection Specification conditions described in elsewhere in this consent, the following additional tree protection measures must be undertaken:

- (a) Excavations within Tree Protection Zones
 - (i) Details of the proposed method for excavation of the basement shall be submitted to the City's Tree Management Unit for approval prior to issue of any Construction Certificate. The methodology shall detail the extent of excavation, method of excavation and equipment to be used in excavation, including any drilling rigs or similar equipment used to bore pier holes. The extent of excavation shall not exceed 10% of the specified Tree Protection Zone.

- (ii) Excavations for the basement and foundations of the building within the Tree Protection Zone of any tree to be retained shall be undertaken using non-destructive methods (such as an Airspade or by hand) to locate and expose roots along the perimeter of the basement and/or foundation prior to any mechanical excavation. All care shall be undertaken to preserve the root systems intact and undamaged. The root zone in the vicinity of the excavation shall be kept moist following excavation for the duration of construction to minimise stress on the tree.
 - (iii) Any excavations within the Tree Protection Zone (TPZ) of any tree listed for retention must be supervised by a qualified Consultant Arborist, who holds the Diploma in Horticulture (Arboriculture), Level 5 under the Australian Qualification Framework.
 - (iv) The consent from Council must be obtained prior to the undertaking of any root pruning greater than 50mm in diameter.
 - (v) Any roots less than 50mm in diameter shall be cleanly severed with clean sharp pruning implements at the face of the excavation.
 - (vi) Where large woody roots (greater than 50mm diameter) are encountered during excavations, further advice from a qualified arborist shall be sought prior to severance. Where necessary, (to avoid severing large woody roots) pad and pier footing shall be relocated to avoid severance or damage to large woody roots.
- (b) Pavements
- (i) Approved paved areas within the Tree Protection Zone (TPZ) of trees to be retained shall be placed above grade to minimise excavations and avoid root severance and damage.
 - (ii) Where ever possible the existing sub-base material within the TPZ of any tree to be retained shall remain *in-situ*.
 - (iii) Any areas where new sub-base material is required shall be a coarse, gap-graded material such as 20 – 50mm crushed basalt (Blue Metal) or equivalent to provide some aeration to the root zone. Note: Road base or crushed sandstone or other material containing a high percentage of fines is unacceptable for this purpose.
 - (iv) The fill material should be consolidated with a non-vibrating roller to minimise compaction of the underlying soil. A permeable geotextile may be used beneath the sub-base to prevent migration of the stone into the sub-grade.

- (c) All work undertaken within or above the TPZ must be
- (i) Supervised by a qualified Consultant Arborist, who holds the Diploma in Horticulture (Arboriculture), Level 5 under the Australian Qualification Framework;
 - (ii) Carried out in accordance with the work methodology statement prepared by the Consultant Arborist and approved by Council's Tree Management Officer before its implementation (including, without limitation, handling and pedestrian/ machinery access).
- (d) Canopy and Root Pruning
- (i) The consent from Council must be obtained prior to the undertaking of any tree pruning works, including tree roots greater than 40mm in diameter. Only minor pruning works will be approved by Council.
 - (ii) A Method Statement detailing any required canopy pruning to clear the building envelope or facilitate construction activity (including site access, craneage, temporary scaffolding etc) shall be submitted to Council prior to the issuing of the Construction Certificate.
 - (iii) All pruning, following approval from Council, must be carried out by a qualified Arborist (AQF Level 3 Arboriculture) and must be in accordance with AS4373-2007 Australian Standard '*Pruning of Amenity Trees*'.
 - (iv) Care shall be taken when operating cranes, drilling rigs and similar equipment near trees to avoid damage to tree canopies (foliage and branches). Under no circumstances shall branches be torn-off by construction equipment. Where there is potential conflict between tree canopy and construction activities, these shall be detailed in the method statement and appropriately protected from damage.
 - (v) Where root pruning is required, roots shall be severed with clean, sharp pruning implements and retained in a moist condition during the construction phase using Hessian material or mulch where practical.
- (e) Services
- (i) Any trenching works for services / hydraulics / drainage etc must not be undertaken within a Tree Protection Zone (TPZ), and be referred to the Site Arborist with regard to tree protection, prior to commencement of any works.
 - (ii) Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed where large woody roots greater than 40mm diameter are encountered during the installation of any services adjacent to the specified TPZ.

(76) SITE SUPERVISION AND REPORTING

- (a) An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone in accordance with Australian Standard 4970 Protection of Trees on Development Sites. The Arborist must certify compliance with each key milestone detailed below:
- (i) Inductions of construction staff into tree sensitive practices and prohibited practices within the TPZ as detailed in the Arboricultural Impact Assessment and Tree Protection Specification prepared by TreeIQ dated 23 February 2015 and those described in the Tree Protection Measures conditions elsewhere in this consent;
 - (ii) The Arborist must certify the installation of the tree protection measures to Council and the Principal Certifying Authority prior to the issuing of a construction certificate;
 - (iii) During demolition of any existing buildings within the TPZ of any tree listed for retention;
 - (iv) Erection of protective fencing;
 - (v) Removal of any ground surface material (bitumen, concrete etc) from within the TPZ of trees 7, 14 and 15;
 - (vi) Pruning of Tree 7, as per the approved pruning specification, to be submitted;
 - (vii) During any excavation, trenching and construction activities within the Tree Protection Zone of any tree listed for retention;
 - (viii) During any Landscape works within 10 metres of the trunk of any tree listed for retention.
- (b) A monthly compliance report shall be submitted to Council which provides details on the health and structure of tree to be retained and protected and must include:
- (i) Certification of compliance with each key milestone detailed above;
 - (ii) Details of any other works undertaken on any tree to be retained or within TPZ/s;
 - (iii) Documentary evidence of compliance with tree protection and measures (including photographs and site notes).

(77) SIGNIFICANT FIG TREE BOND

- (a) A \$60,000 bond for the Significant Port Jackson Fig (Tree 7) shall be lodged with Council to ensure the retention and protection during demolition/construction and adaptation to the altered environment of the tree on the endorsed plans to be retained.

- (b) The applicant shall lodge the bond with Council prior to the issuing of any Construction Certificate.
- (c) The applicant shall be responsible for the health and condition of the Significant Port Jackson Fig (Tree 7). In the event that at completion of the works and prior to the issuing of the Occupation Certificate, Council's Tree Management Officer determines that the tree has been damaged/destroyed (by activities associated with any Development Application related to the subject site) to a value in excess of the retained bond the applicant shall lodge the excess to Council and to an amount determined by Council's Tree Management Officer.
- (d) The bond amount for will be retained for a minimum period of 12 months from the date of a Final Occupation Certificate. At this time, a further inspection will be undertaken by the Consulting Arborist engaged throughout the demolition/construction phases of the development. The Consulting Arborist is to submit an Arboricultural Report to Council at the expiry of each bond period and prior to the bond being refunded. If the report indicates that the tree/s require remedial works, the City's Tree Management Officer will assess the recommendations and determine any works prior to their execution by the Consulting Arborist.
- (e) The following formula will be used for the retention of all or part of the tree bond/s:
 - (i) An initial breach of any tree protection condition – 20% of total bond for each tree;
 - (ii) A second of continuing breach of any tree protection condition – 40% of total bond for each tree;
 - (iii) If after 40% of the bond is retained, further breaches of the tree protection conditions occur, Council may instigate legal proceedings for the cessation of all works on the site; and
 - (iv) Death of Tree 7 due to non-compliance with the tree protection conditions – Total 100% of total bond for particular tree/s and possible legal action by Council.

(78) PHYSICAL MODELS

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

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modelers must be consulted prior to construction of the model.

- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under section 96 of the *Environmental Planning and Assessment Act*) that affect the external appearance of the building.

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

- (a) Prior to any 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 for the relevant building.
- (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.
 - (iv) 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.

(80) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

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

(81) MECHANICAL VENTILATION

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

(82) CAR PARK VENTILATION

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

(83) AIR HANDLING

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

(84) MICROBIAL CONTROL IN WATER SYSTEMS

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

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

(85) ACOUSTIC PRIVACY BETWEEN UNITS

- (a) The development must be designed and constructed to satisfy the requirements of the *Sydney DCP 2012* acoustic privacy requirements. A report prepared by a suitable qualified acoustic professional must be prepared and submitted to the Certifying Authority prior to the issue of any Construction Certificate for each relevant building, and must be suitably referenced in the Construction Certificate documentation.
- (b) The report must:
 - (i) quantify the level of impact (noise at the exposed facades) from the normal noise of the area on the development; and
 - (ii) identify acoustic mitigation measures to be incorporated into the building design to ensure compliance with the design goals contained within the *Sydney DCP 2012*.
- (c) The Certifying Authority (PCA) must ensure that the acoustic mitigation measures identified in the subject report are suitable incorporated into the development as erected prior to the issue of any Occupation Certificate for each relevant building.

(86) USE OF INTRUSIVE APPLIANCES

A report detailing the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992", is to be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

As a minimum, the report must specify:

- (a) Specific the proposed hours and days of operation;
- (b) The tasks that the equipment will be used for;
- (c) Justify in writing why the intrusive appliance cannot be substituted for a lower impact apparatus;
- (d) Provide for how noise will be managed to comply with the above code, and if cannot, provide for how it will be managed to the lowest reasonable and feasible levels;
- (e) Indicate a timeframe for completion the associated task;
- (f) Provide details of respite periods which will occur to reduce exposure to intrusive noise at sensitive receiving locations,
- (g) Such periods and operating conditions must be submitted to and approved by Council's Health and Building Unit and approved to the satisfaction of the Area Planning Manager on a temporary basis referencing permitted activities and limiting periods which the activity may occur. These parameters will form part of this consent, and the temporary approval may be revoked should substantiated complaints occur including breach of the terms given.

(87) SWIMMING POOL - WASTE AND OVERFLOW WATERS

Swimming pool waste and overflow waters must be collected and directed to the sewer in accordance with the requirements of Sydney Water, and details are to be submitted with the application for a Construction Certificate for any building containing a swimming pool to the satisfaction of Council or the accredited certifier and approved by the Certifying Authority.

(88) SWIMMING POOL/SPA

Swimming and/or spa pool/s and pool surrounds must be maintained in accordance with the *Public Health (General) Regulation 2012*. Note: Guidance may also be obtained from the NSW Health Department's *Public Swimming Pool and Spa Pool Guidelines*.

(89) 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).

(90) BARRICADE PERMIT

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

(91) 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.

(92) 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.

(93) NOMINATED ENGINEERING WORKS SUPERVISOR – MAJOR INFRASTRUCTURE

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

- (a) A Chartered Civil Engineer, with National Professional Engineering Registration (NPER 3) in the construction of civil works, or
- (b) A survey company of Registered Surveyors with accreditation from the Institution of Surveyors NSW Inc, or

- (c) An accredited certifier in civil engineering, as its nominated engineering works supervisor, the responsibility of whom shall be to sufficiently supervise the works to ensure compliance with all relevant statutory requirements, all relevant conditions of development consent, construction requirements detailed in the above specification, and the requirements of all legislation relating to environmental protection and occupational health and safety.

On completion of the works the nominated engineering works supervisor shall certify that the works have been constructed in accordance with the approved plans, specifications and conditions of approval, and that the "Works as Executed" plans are a true and correct record of what has been built. The works supervisor shall be independent of the Principal Certifying Authority.

(94) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 24 lineal metres of asphalt/concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

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

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

(95) PUBLIC DOMAIN LIGHTING

- (a) Prior to a Construction Certificate for public domain works or above ground building works being issued, whichever is later, a detailed Public Domain Lighting Plan for pedestrian and street lighting in the public domain must be prepared by a suitably qualified, practicing lighting engineer or lighting designer and must be submitted to and approved by Council. The Lighting Plan must be prepared in accordance with the City of Sydney's Interim Draft Sydney Lights Design Code, Sydney Streets Design Code, *Sydney Streets Technical Specification* and *Public Domain Manual* and must include the following:
- (i) Vertical and horizontal illuminance plots for the public domain lighting design to demonstrate compliance with all relevant Australian Standards and to meet the lighting categories and requirements specified by the City;

- (ii) The location, type and category of existing and proposed lights, including details of luminaire specifications, required to ensure compliance with City policies and Australian Standards;
 - (iii) Footing locations and structural details;
 - (iv) Location and details of underground electrical reticulation, connections and conduits;
 - (v) Certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158, AS 3000 and AS4282;
 - (vi) Structural certification for footing designs by a suitably qualified, practicing engineer to certify that the design complies with City of Sydney policies and Australian Standards.
- (b) The public domain lighting works are to be completed in accordance with the approved plans and the City of Sydney's *Public Domain Manual* before any Occupation Certificate for the relevant stage is issued in respect of the development or before the use commences, whichever is earlier.

(96) ROAD NETWORK AND GEOMETRIC ROAD DESIGN

- (a) Preparation of the detailed design and construction documentation for the proposed public road system shall include all necessary liaison with and requirements of all relevant public utility authorities, Roads and Maritime Services, Council, the Local Pedestrian Cycling and Traffic Calming Committee and its nominated consultants in order to achieve design approvals and construction compliance. Written evidence of approval from relevant authorities must be submitted to Council with the road design submission.
- (b) The design and construction of all road works shall be undertaken in accordance with City of Sydney's *Sydney Streets Technical Specification*, *Public Domain Manual* and *Civil Design Plans for Lachlan Precinct*. Detailed plans, construction details and specifications for the works shall be prepared and submitted to Council for approval prior to issue of the relevant Construction Certificate, excluding for approved preparatory or demolition work, or before issue of an approval under Section 138 of the *Roads Act 1993* for the road and drainage, infrastructure work. The detailed plans and supporting documentation shall include as a minimum the following information:
- (i) General subdivision plan with contour details, clearly indicating the extent of work;
 - (ii) Road cross sections showing road and footway widths, existing levels, design levels, cross fall grade pavement configuration, batter slopes, engineered retaining walls, kerb returns, kerb and gutter, vehicle crossovers, pedestrian ramps the location of public utility services and 900mm minimum road restoration to match smoothly into the existing road levels;

- (iii) Plan drawing and longitudinal section showing gutter invert, kerb and boundary alignments with design grades of the existing and proposed future public road network including public utility services;
- (iv) Road design and drainage plans showing the following:
 - a. road pavement structure and design;
 - b. kerb, gutter and building alignment;
 - c. traffic management structures / measures;
 - d. traffic, pedestrian and parking signage;
 - e. details of intersections with existing roads including line-marking, pavement marking, sign-posting, swept paths for the largest expected vehicle;
 - f. on-road bicycle route infrastructure and facilities;
 - g. drainage plans and schedule of drainage elements, showing the following:
 - i. The proposed location of all subsoil drains and sub-pavement drains, including the nominal width and depth of trenches, pipe diameters and materials, longitudinal design grades, and the locations of outlets and cleanouts;
 - ii. The location of public utility services;
 - iii. Details and specifications for the construction of all components of the system in accordance with the *City of Sydney's Sydney Streets Technical Specification*;
 - iv. All assumptions and/or calculations made in the determination of the need or otherwise for subsurface drainage, including requirements of broader stormwater catchment analysis to undertaken beyond the site boundary;
 - v. Drainage details and longitudinal sections with hydraulic grade lines for the design storm and other standard features such as flow rates, pipe class, pipe grade and velocity;
 - vi. Adjustments/upgrades to utility services as required;
 - vii. Standard engineering and structural details plan;
 - viii. Erosion and sedimentation control plans;

- ix. Design certification report for the road works prepared by an appropriately qualified civil engineer certifying that the design complies with the City of Sydney's policies, standards and specifications and those of all other relevant authorities as applicable. All design documentation shall be completed in accordance with the relevant standards and specifications as adopted by Council from time to time. All engineering plans and calculations shall be checked, signed and certified by a suitably qualified practicing professional engineer.
- (c) The road and drainage works are to be completed in accordance with the approved plans and the City of Sydney's *Public Domain Manual* before the relevant Occupation Certificate is issued in respect of the development as defined by the Planning Agreement or before the use commences, whichever is earlier.

(97) 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.

(98) STORMWATER DRAINAGE SYSTEM DESIGN

The design of the stormwater drainage system shall be undertaken in accordance with City of Sydney's Sydney Streets Technical Specification, Public Domain Manual and the Civil Design Plans for Lachlan Precinct. Detailed plans for the works shall be prepared and submitted to Council prior to a Construction Certificate being issued for the relevant stage of work. The stormwater drainage design shall include at a minimum plans and longitudinal sections showing drainage pits and pipes locations, invert levels of pits, pipe sizes, hydraulic grade lines for the design storm and other standard features such as flow rates, pipe class, pipe grade and velocity direction of overland flow and connections to the existing piped drainage system.

(99) STREETSCAPE

Streetscape design and documentation for all existing and new streets associated with this development is to be prepared generally in accordance with the City's Sydney Streets Code, draft Sydney Lights Code, Civil Design Plans for Lachlan Precinct and Lachlan Precinct Public Domain Plans and the newly constructed Dunkerley Place public domain works including timber decks, stormwater and subsoil drainage, dolphin kerb works, civil infrastructure, lighting and planting works.

Street tree planting to existing and new streets shall be in accordance with the City's Street Tree Master Plan 2011. Street trees shall be planted at minimum 200L pot sizes with a 4m long x 2m wide structural soil chamber beneath proposed pavement areas. A tree 'procurement' strategy with a reputable nursery shall be required to ensure the availability of suitable advance species (minimum 200L) at the time of implementation of the development.

Planting to central raingardens shall be minimum tubestock and include the following species selection:

- (a) *Baumea juncea* (Bare Twig Rush);
- (b) *Carex fascicularis* (Tassel Sedge)
- (c) *Dianella longifolia* (Smooth Flax Lily);
- (d) *Gahnia clarkei* (Tall Saw-sedge)
- (e) *Juncus pallidus* (Giant Rush)
- (f) *Lepyrodia mulleri* (Scale-rush)
- (g) *Lomandra longifolia* (Spiny headed Matt-Rush)
- (h) *Poa labillardieri* (Tussock Grass)
- (i) *Restio tetraophyllus* (Tassel Cord-Rush)

(100) STREET AND PEDESTRIAN LIGHTING

The applicant shall design a system of underground street and pedestrian lighting along all roads, footpaths and within the new park in accordance with Council and Ausgrid standards. Detailed lighting plans shall be prepared by a suitably qualified Electrical/Lighting Engineer in accordance with Council's and Ausgrid's specifications and comply with AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting. The lighting plans shall be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for public domain work or above ground building work to the relevant stage, whichever is later.

The Lighting Plan(s) shall indicate layout, location, connections, conduits, types, luminaries, fixtures and category for street lighting, pedestrian lighting and feature lighting.

The detailed plans and supporting documentation shall conform to the following design criteria:

- (a) Lighting in laneways and pedestrian pathways to comply with AS1158.3.1 Category P2;
- (b) Lighting in all footpaths and the new public roads to comply with AS1158.3.1 Category P2; and
- (c) The through traffic road, O'Dea Avenue, shall be illuminated to comply with AS1158.3.1 Category V3.

(101) ROPE WALK

The Landscape Plan for the Rope Walk accompanying this Development Application has not been approved by this consent.

The design of the Rope Walk shall be generally consistent with The Rope Walk Stage 3 Concept Plan Dwg No. CD/CPT001 prepared by City of Sydney dated 6 June 2014 and the adjacent newly completed section of Rope Walk to the north.

The park shall provide continuous accessible paths of travel between the O'Dea Avenue, Dunkerley Place, the Through Site Link of 30-36 O'Dea Avenue and the park to the north in accordance with the City of Sydney Access Development Control Plan 2004 and AS 1428-2009: Design for Access and Mobility. All continuous paths of travel shall be clearly indicated. The applicant shall provide a certificate of compliance to the Principal Certifying Authority prior to issue of Construction Certificate for each stage.

No obstructions relating to the adjacent buildings such as access ways or service vents are permitted within the park. The park shall not be ramped to provide access to the buildings. Any required access to property shall be achieved through ramping or stairs within the property boundary and not within the public land.

The applicant shall provide a fully automatic irrigation system to all landscape areas and turf. The applicant is responsible for all liaison, authorities certificates, approvals and commissioning from all relevant authorities.

Planting layout and massing for landscaped areas shall be in accordance with the following (unless determined otherwise by Council):

| Material Mature | Height | Minimum Spacing Minimum | Pot Size |
|-----------------|---------------------|----------------------------|--------------------------|
| Trees | Varies | Varies | 100L (min. 2.0m high) |
| Tall Shrubs | > 1.5m high | 3-6 per sq.m. | 10L |
| Shrubs | 600mm- 1.5m high | 4-7 per sq.m. | 5L pot |
| Groundcovers | <500mm high | 5-10 per sq.m. | 150mm pot |

Lighting shall be designed by a suitably qualified Electrical/Lighting Engineer. The objectives of the lighting design shall be to provide an aesthetically pleasing, safe functional night time environment utilising variable high quality vandal resistant light fixtures in accordance with the City's policies.

The detailed design of the park shall be undertaken in accordance with City of Sydney's Sydney Streets Technical Specification, Parks Manual and the Public Domain Manual.

A detailed Landscape Plan for Rope Walk must be prepared by a suitably landscape architect or approved landscape consultant and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for the park works or above ground building work for Buildings A and B (CC4), whichever is earlier.

The Landscape Plan must include:

- (a) Location of existing and proposed structures on the site including existing trees (if applicable).

- (b) Levels and grading demonstrating the connection with the adjoining park, roads, footways, entryways and through site links.
- (c) Details of earthworks including mounding and retaining walls (including below ground) and planter boxes;
- (d) Location and extent of the culvert and other relevant services that will restrict root growth of trees.
- (e) Details of paving materials.
- (f) Locations, spacing and type of plant species;
- (g) Location and numbers of street furniture;
- (h) Details of lighting;
- (i) Details of drainage, irrigation systems and waterproofing details (as applicable);

The landform and embankments proposed for the parks shall ensure ease of maintenance (typically 1:6 maximum slope).

The proposed fig tree planting to the western edge of the park shall be planted at a minimum 400 litre pot size and established in a planting environment conducive to their large vigorous root systems, buttressed trunks, height and width. The applicant shall provide a minimum soil chamber of 2.0m wide x 4.0m long. Spacing of the fig trees shall be consistent with those planted in the completed sections of the park.

The public domain pathway along the western edge of the park bounding private property shall be consistent with that in the northern park, a Class 1 Durability timber deck consisting of native plantation timbers from a source approved by the New South Wales Department of Primary Industries. The framework shall be galvanised steel.

The works to the Rope Walk are to be completed in the stages described in the Planning Agreement and in accordance with the approved Landscape Plans and the Public Domain Manual before any Occupation Certificate is issued in respect of the relevant development stage or before the use commences, whichever is earlier.

(102) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of any 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.

(103) ELECTRICITY SUBSTATION

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

(104) WASTE/RECYCLING COLLECTION

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

(105) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

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

UPON COMPLETION OF THE DEVELOPMENT

- (d) Prior to any Occupation Certificate being issued for the relevant building 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.

(106) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

- (a) The Waste Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste Management Plan is to be approved by the Certifying Authority prior to a Construction Certificate being issued for the relevant building. The plan must comply with the Council's *Policy for Waste Minimisation in New Developments 2005*. All requirements of the approved Building Waste Management Plan must be implemented during construction of the development.

UPON COMPLETION OF THE DEVELOPMENT

- (c) Prior to any Occupation Certificate being issued for the relevant building or the use commencing, whichever is earlier, the Principal Certifying Authority must ensure that waste handling works have been completed in accordance with: the Waste Management Plan; other relevant development consent conditions; and Council's *Policy for Waste Minimisation in New Developments 2005*.

(107) DISCHARGE OF CONTAMINATED GROUNDWATER

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

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

(108) ARCHAEOLOGICAL ASSESSMENT

An archaeological assessment undertaken by a suitably qualified archaeologist must be submitted to and approved by Council prior to the issue of any Construction Certificate. The report must assess whether the proposed works have the potential to disturb any archaeological remains and the need for any archaeological investigation prior to commencement of any works on site. The report should also recommend measures and documentation to be undertaken during the process of demolition and excavation work.

(109) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*

- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the Occupational Certificate;
- (d) if the discovery is on Council's land, Council must be informed.

(110) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MAJOR WORKS)

Prior to any Construction Certificate being issued, an archival photographic recording of the existing buildings, in particular the 1939 factory and office building, is to be prepared to Council's satisfaction. The recording may be in either digital or film-based form, or a combination of both, prepared in accordance with the NSW Heritage Office guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

The form of the recording is to be as follows:

- (a) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
- (b) The Development Application number and the Condition of Consent number must be noted on the front of the folder and in the report.
- (c) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (d) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

A digital based recording is to include:

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

A film based recording is to include:

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

(111) MATERIAL SALVAGE

The joinery, structural timber and face bricks of the existing building at No.20 O'Dea Avenue should be salvaged and where possible reused on the project, such as the landscaping area. Salvaged materials surplus to the project, are to be transferred to an established second-hand building material dealer or other depository for recycling.

(112) HERITAGE INTERPRETATION OF EXISTING BUILDING AND HISTORICAL ROPE WALK

- (a) A heritage interpretation strategy is to be developed to commemorate the history of Irwin & Sheehan P/L and the Rope Walk of Australian Rope Works;
- (b) Any proposed interpretative device or public art work is to be accessible by the public. They may be incorporated in the landscaping areas.
- (c) The interpretation strategy and design detail of the interpretation/commemoration device, including its location, making material and content, is to be submitted to and approved by council prior to the issue of a construction certificate for above ground works.
- (d) Prior to the issue of any occupation certificate, the approved interpretation device must be implemented to the satisfaction of Council.

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(113) BASIX**

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

(114) 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*.

(115) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS

Lighting of the site while any work is undertaken outside of Council's standard hours of construction must ensure that at no time must the intensity, hours of illumination or location of the lighting cause objectionable glare or injury to the amenity of the neighbourhood or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 *Control of the obtrusive effects of outdoor lighting*. If in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.

(116) 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.

(117) 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.

(118) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(119) 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.

(120) SURVEY CERTIFICATE AT COMPLETION

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

(121) 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.

(122) 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.

(123) 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.

(124) 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*

(125) STREET NUMBERING – MAJOR DEVELOPMENT

Prior to any 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.

(126) 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.

(127) 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.

(128) 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.

(129) 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.

(130) 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.

SCHEDULE 2

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:

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

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

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

The Terms of Approval for construction dewatering as advised by the NSW Office of Water are as follows:

General

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

Prior to excavation

- (134) Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken. These measurements should be included in a report provided to the NSW Office of Water in support of the dewatering licence application, along with a schedule and indicative level predictions for the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.
- (135) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the parameters (e.g. permeability predicted by slug-testing, pump-testing or other means) and calculation method shall be included in the report submitted to the NSW Office of Water in support of the dewatering licence.
- (136) A copy of a valid development consent for the project shall be provided in the report to the NSW Office of Water.
- (137) Groundwater quality testing shall be conducted on a suitable number of samples using a suitable suite of analytes and completed by a NATA-certified laboratory, with the results collated and certificates appended to a report supplied to the NSW Office of Water. Samples must be taken prior to the substantial commencement of dewatering, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
- (138) The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (sometimes referred to as "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
- (139) Contaminated groundwater (i.e. above appropriate NEPM 2013 investigation thresholds) shall not be reinjected into any aquifer without the specific authorisation of the NSW Environment Protection Authority (any such discharge would be regulated through a licence issued under the Protection of the Environment Operations Act 1997 [POEO Act]). The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

- (140) Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.

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

Following excavation

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

SCHEDULE 4

Subdivision

(148) PUBLIC ROAD DEDICATIONS

The owners of the site are to dedicate to the public as Public Road, free of cost to Council, as required by the registered Planning Agreement for the development:

- (a) The widening of O'Dea Avenue (Variable Width)
- (b) Hater Lane (6m Wide)
- (c) Dunkerley Place (21m Wide)

(149) PUBLIC RESERVE DEDICATION

The owners of the site are to dedicate the part of 'The Rope Walk' within the site, to the public as Public Reserve, free of cost to Council, as required by the registered Planning Agreement for the development.

(150) SUBDIVISION CERTIFICATE

A separate application is to be made to Council to obtain approval of the Plan of Subdivision of the site to effect the above dedications and issue of the Subdivision Certificate under Part 4A of the *Environmental Planning and Assessment Act 1979*. Such subdivision, for the sole purpose of dedication of Public Road and Public Reserve is exempt from Development Consent and must be consistent with the registered Planning Agreement for the development.

(151) SYDNEY WATER CERTIFICATE

The Plan of Subdivision includes the dedication of Public Reserve, and is not exempt from the requirement to obtain a Section 73(Subdivider) Compliance Certificate from Sydney Water, accordingly:

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

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

(152) DESIGN AND CONSTRUCTION OF DEDICATIONS

Detailed engineering, road, drainage, infrastructure and landscaping works, design and construction plans for the construction of the above Road Widening, Public Roads and Public Park are to be submitted to Council's Public Domain unit and approval gained from Council prior to the issue of a Construction Certificate for that Subdivision Work. The design and documentation is to include any requirements and approvals from external parties such as public utility service authorities and is to be in accordance with Council's "*Sydney Streets – Technical Specifications*" and the "*City of Sydney Public Domain Manual*" or Council's civil works design and construction specifications current at the time and is to be in accordance with any approved flood analysis and assessment report for the site and is to be consistent with Water Sensitive Urban Design principles.

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

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

(153) PRINCIPAL CERTIFYING AUTHORITY (PCA) FOR SUBDIVISION WORK

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

(154) CONSTRUCTION CERTIFICATE FOR SUBDIVISION WORK

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

(155) COMPLETION OF SUBDIVISION WORK & PUBLIC DOMAIN WORK

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

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

(156) SECTION 138 APPROVAL

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

(157) PUBLIC UTILITY SERVICE AUTHORITIES

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

- (b) **Prior to the issue of the Subdivision Certificate**, evidence is to be submitted to Council that the requirements of those public utility service authorities have been satisfied with regard to the completion of construction/installation of those services.

(158) EASEMENTS AND COVENANTS

The final Plan of Subdivision is to include the creation of appropriate easements, Rights of Way and covenants required as a consequence of the subdivision, pursuant to Section 88B of the *Conveyancing Act 1919*. The easements are to be created in appropriate terms, and to the satisfaction of Council.

(159) STRATA SUBDIVISION

Any proposal to Strata subdivide a building(s) and approved by this consent will require separate applications to obtain Development Consent from Council or a Complying Development Certificate from an accredited certifier and subsequent approval of the Strata Plan and issue of the Strata Certificate by Council or an accredited Strata Certifier under the *Strata Schemes (Freehold Development) Act 1973*.

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

(160) STAGED SUBDIVISION

Any proposal to subdivide the site to facilitate the staging of the development will require separate applications to Council to obtain Development Consent for the proposal and subsequent issue of the Subdivision Certificates under Part 4A of the *Environmental Planning and Assessment Act 1979*. Any such subdivision proposal must not contravene or compromise the requirements of the staging provisions of the registered Planning Agreement for the development.

BACKGROUND

The Site and Surrounding Development

1. A site visit was carried out on 14 May 2015. The site is identified as Lot 21 and Lot 22 DP 862254 and has a street address of No. 18 and 20 O'Dea Avenue, Waterloo. The site is irregular in shape and has a varied 'dog leg' boundary to O'Dea Avenue to the south and to the east, a 77.88 metre boundary to the north and a 131 metre boundary to the west.
2. The site is 11,812sqm in area and has a fall of 2.3 metres from the higher north western corner to the lower south eastern corner at O'Dea Avenue.
3. The site is currently occupied by one and two storey brick factory buildings formerly used for light industrial and warehousing purposes and known as the Irwin and Sheehan Site. Along the southern and eastern boundaries addressing O'Dea Avenue are a row of 15 trees including a Port Jackson Fig which is listed on Council's significant tree register.
4. The site does not contain a heritage item, is not within a conservation area but is adjacent to heritage item.
5. A number of rights of carriageway and easements exist within the site for access and utility purposes. A Sydney Water main with a 2.1 metre diameter concrete pipe traverses the south eastern corner of the site.
6. The site is identified as containing contaminated soil, and groundwater levels have been observed at 2.7 metres below existing ground level.
7. The public domain adjacent to the site to the south contains a footpath, grass road reserve, a driveway crossing and 2 street trees.
8. Figures 1-5 below illustrate the site location and existing development.



Figure 1: Aerial image of subject site and surrounding area



Figure 2: Site (left hand side) as viewed from the Rope Walk Park. Recently completed Diversity development on right hand side



Figure 3: Site as viewed from the Rope Walk Park, view towards O'Dea Avenue. Epic development in the background



Figure 4: Site (right hand side) as viewed from the Rope Walk Park towards the Viking development to the east of the site.



Figure 5: Site as viewed from O'Dea Avenue

Surrounding Development

9. Adjoining the existing building on the site, to the west is a brick warehouse building currently operating as a commercial hire premises known as Kennards Storage at 886 Bourke Street, Waterloo and is a local heritage item.
10. Adjoining the site to the east is a recently completed 7 to 10 storey mixed use building known as the Viking (by Crown) at 30-36 O'Dea Avenue, Waterloo.
11. Adjoining the site to the north is a recently completed development of two 9 to 11 storey buildings used for commercial and residential purposes known as 'Block C' and 'Block D' of the Divercity Development (formally known as the Sydneygate site). Public domain works associated with the Divercity development required the delivery of part of Dunkerley Place and Rope Walk Park that also adjoin the subject site. The public infrastructure work have recently been completed.
12. Opposite O'Dea Avenue to the south is an 11 storey building known as the EPIC development at 13 Joynton Avenue and 5 O'Dea Avenue and comprises of retail space and 98 residential apartments.
13. Opposite O'Dea Avenue to the south east is a 9 storey building known as the Prominence Development at 98 Joynton Avenue and 1 Grandstand Parade and comprises of residential apartments.
14. Further east of the site, on the opposite side of Sam Sing Street is a recently approved development site at 40A and 40B O'Dea Avenue with one 20 storey tower, two 4 storey buildings, 172 residential apartments and 3 retail premises.

15. The broader area around the site is characterised by large sites used for light industrial and warehousing purposes and relatively new 7 to 13 storey mixed use developments.



Figure 6: Kennards Storage heritage item on Bourke Street



Figure 7: Existing portion of Dunkerley Place constructed as part of the Divercity development



Figure 8: Viking development O'Dea Avenue frontage with subject site on left hand side (timber fence)



Figure 9: Aerial photograph of the subject site and surrounding area, generally looking north east



Figure 10: Aerial photograph of the subject site and surrounding Lachlan precinct, generally looking west

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

16. The following competitive design process is considered relevant to the proposal:

(a) Competitive Design Process – CMP/2013/7

- (i) In October 2013, a Competitive Design Alternative Process commenced where four invited architects designed schemes for the redevelopment of the site. The selected winner of the process was SJB Architects. Figures 11 to 13 illustrate the winning scheme.
- (ii) Under the control the potential additional floor space awarded for the competitive design process is proportional to the percentage of the total landholding covered by each competitive process, excluding any land to be dedicated for streets and open space.
- (iii) Using the formula in the control, additional floor space bonus (%) is calculated as:
 - a. $\text{Competitive design process site area} / (\text{Lot area} - \text{Land to be dedicated area}) \times 10$
 - b. $6,381\text{sqm} / (11,812\text{sqm} - 5,431\text{sqm}) \times 10$
- (iv) The additional floor space bonus for the site is 10%. Applying this bonus to the 2:1 FSR control equates to an amount of 2,362.4sqm of design excellence floor space.

- (v) Converting this GFA to an FSR results in 0.2:1 and therefore the total potential FSR available for the site is 2.2:1.



Figure 11: Alternative competitive design process winning scheme
North east tower view from the corner of the Rope Walk Park and Dunkerley Place



Figure 12: Alternative competitive design process winning scheme
Eastern view from the Rope Walk Park at the corner of O'Dea Avenue



Figure 13: Alternative competitive design process winning scheme
O'Dea Avenue frontage

17. The following development applications are considered relevant to the proposed development:
- (a) Stage 1 Development Application – D/2013/2030
 - (i) In December 2013, a Stage 1 Development Application was lodged for the concept of demolition of existing structures and approval of four building envelopes ranging from 7 to 20 storeys as well as associated basement car parking. The proposal also provided for public domain improvements including a new public park, new shared laneway and new road.
 - (ii) The application was approved by the Central Sydney Planning Committee on 4 December 2014 subject to a number of conditions including:
 - a. Removing built form on the 21 st floor;
 - b. Allocation of car share spaces within the basement;
 - c. Supply of stormwater, flooding, public domain, landscaping and road works information.



Figure 14: Photomontage of approved Stage 1 indicative design
North east tower view from the corner of the Rope Walk Park and Dunkerley Place



Figure 15: Photomontage of approved Stage 1 indicative design
O'Dea Avenue frontage



Figure 16: Photomontage of approved Stage 1 indicative design
Eastern view from the Rope Walk Park at the corner of O'Dea Avenue

(b) Section 96 – D/2013/2030/A

- (i) On 3 March 2015 a Section 96 application was lodged to amend the approved Stage 1 DA consent that relates to the site. The application is being assessed concurrently with the subject application and seeks to vary a number of conditions relating to:
 - a. Increased overall height of the development to permit 3.1m floor to floor heights;
 - b. Remove restriction on built form on 21 storey;
 - c. Remove requirement for car share within the basement; and
 - d. Delay the submission of design documentation.
- (ii) An assessment of this concurrent Section 96 application is contained in a separate report for the Central Sydney Planning Committee's consideration.

(c) Voluntary Planning Agreement

- (i) A Voluntary Planning Agreement (VPA) associated with a public benefit submitted by the developer was exhibited between 21 November 2014 and 20 December 2014. The agreement included the following public benefits:
 - a. Dedication of a portion (277sqm) of the site fronting O'Dea Avenue for road widening;

- b. Construction of the final portion (3094sqm) of the Rope Walk Park and dedication to Council;
- c. Construction of a new stormwater culvert below the Rope Walk required to service the wider Lachlan Precinct / Green Square Catchment;
- d. Construction of the final portion (1380sqm) of Dunkerley Place and dedication to Council; and
- e. Construction of Hatter Lane share way (680sqm) and dedication to Council.

(ii) The VPA was executed on 26 February 2015.

PROPOSAL

18. The Stage 2 development application seeks consent for the following:

- (a) Demolition of all buildings and remediation of the site;
- (b) Removal of trees (with the exception of a significant Moreton Bay Fig on O'Dea Avenue) and landscaping;
- (c) Construction of four buildings in a mixed use development consisting of:
 - (i) Three levels of basement car parking;
 - (ii) Building A – an 8 storey residential flat building fronting O'Dea Avenue and Hatter Lane (to be constructed as part of the proposal). This building includes a ground floor retail premises fronting O'Dea Avenue and a waste collection point on Hatter Lane;
 - (iii) Building B – an 8 storey residential flat building with ground floor retail premises fronting O'Dea Avenue and the Rope Walk Park (to be constructed as part of the proposal);
 - (iv) Building C – a 21 storey residential flat building with roof top private and community gardens. The building includes a double height lobby with frontage to the Rope Walk Park and Dunkerley Place (to be constructed as part of the proposal);
 - (v) Building D - an 8 storey residential flat building with frontage to Dunkerley Place and Hatter Lane (both to be constructed as part of the proposal). The ground floor includes two music rooms communal facilities, substations and the sole car park entrance to a common basement for all buildings on site.
- (d) A raised communal landscaped garden at the ground floor on the western side of the site.
- (e) A total of 331 apartments are proposed including 16 x Studios (4.8%), 133 x 1 Bedrooms (40.3%), 141 x 2 Bedrooms (42.4%), 40 x 3 Bedrooms (12.2%) and 1 x 4 Bedroom (0.3%).

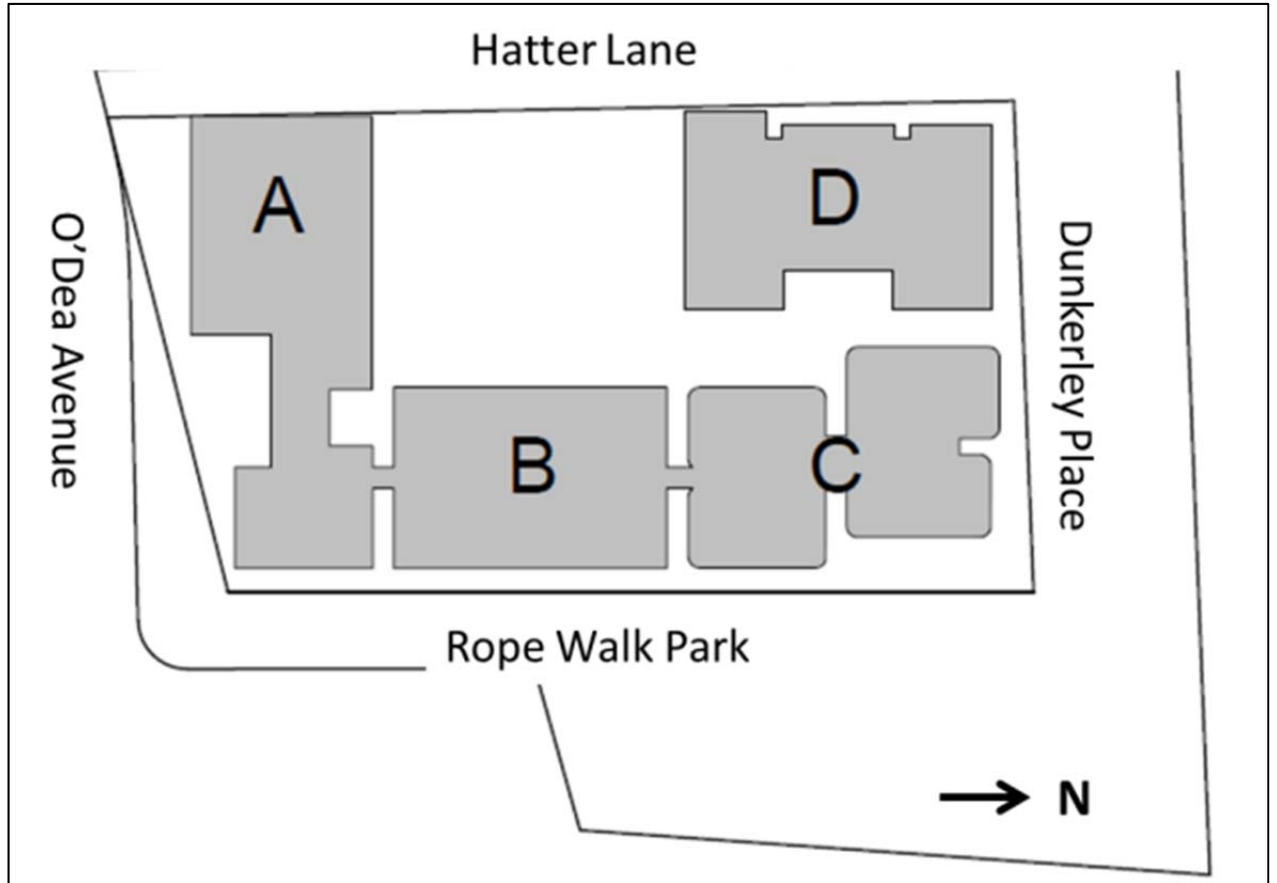


Figure 17: Site Plan

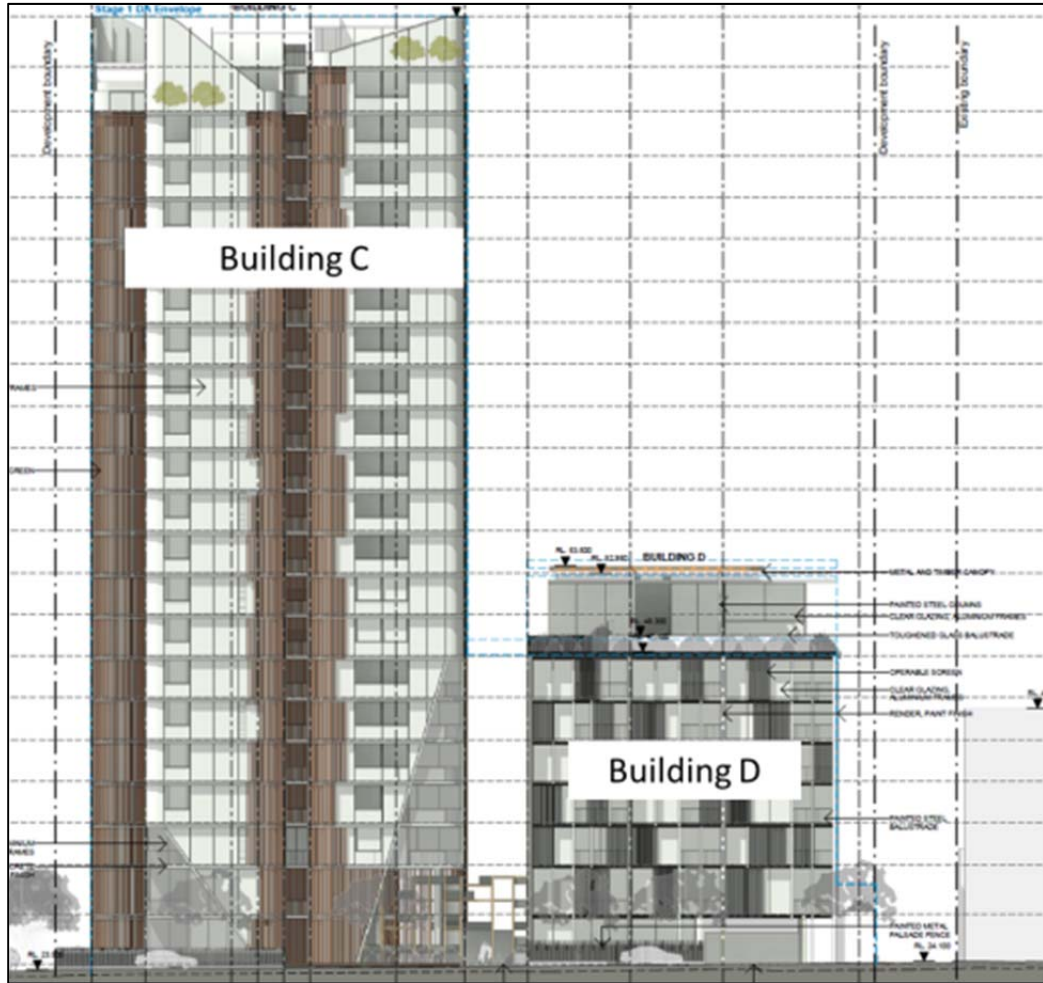


Figure 18: Northern elevation of development fronting Dunkerley Place

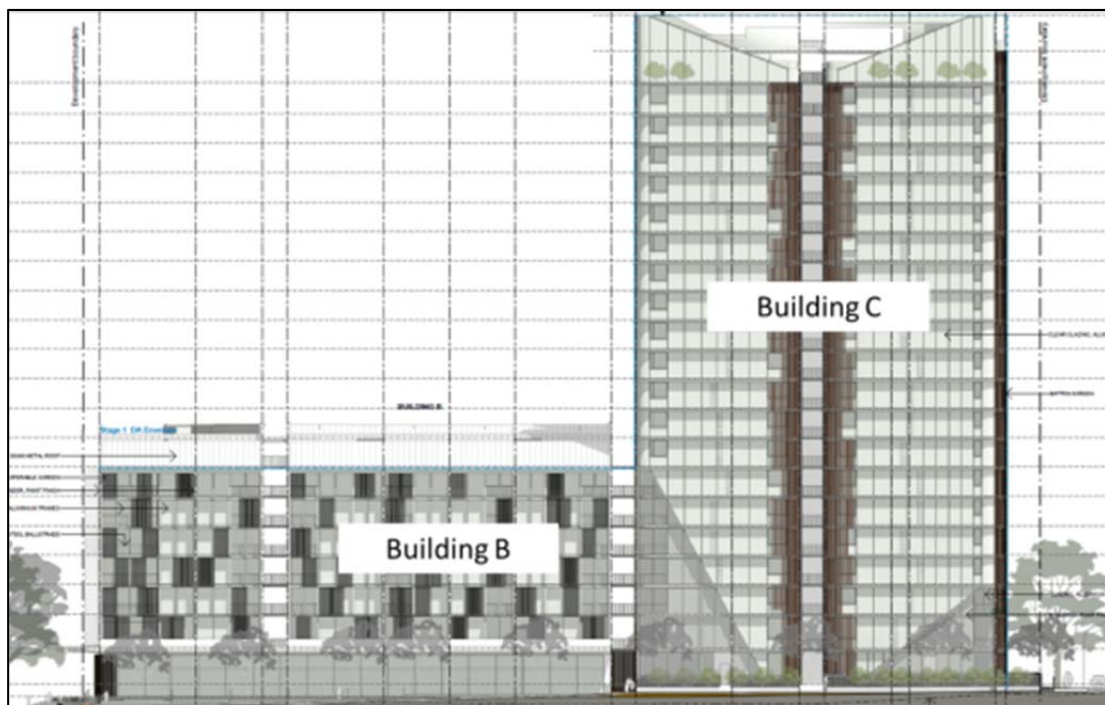


Figure 19: Eastern elevation of development fronting the Rope Walk Park

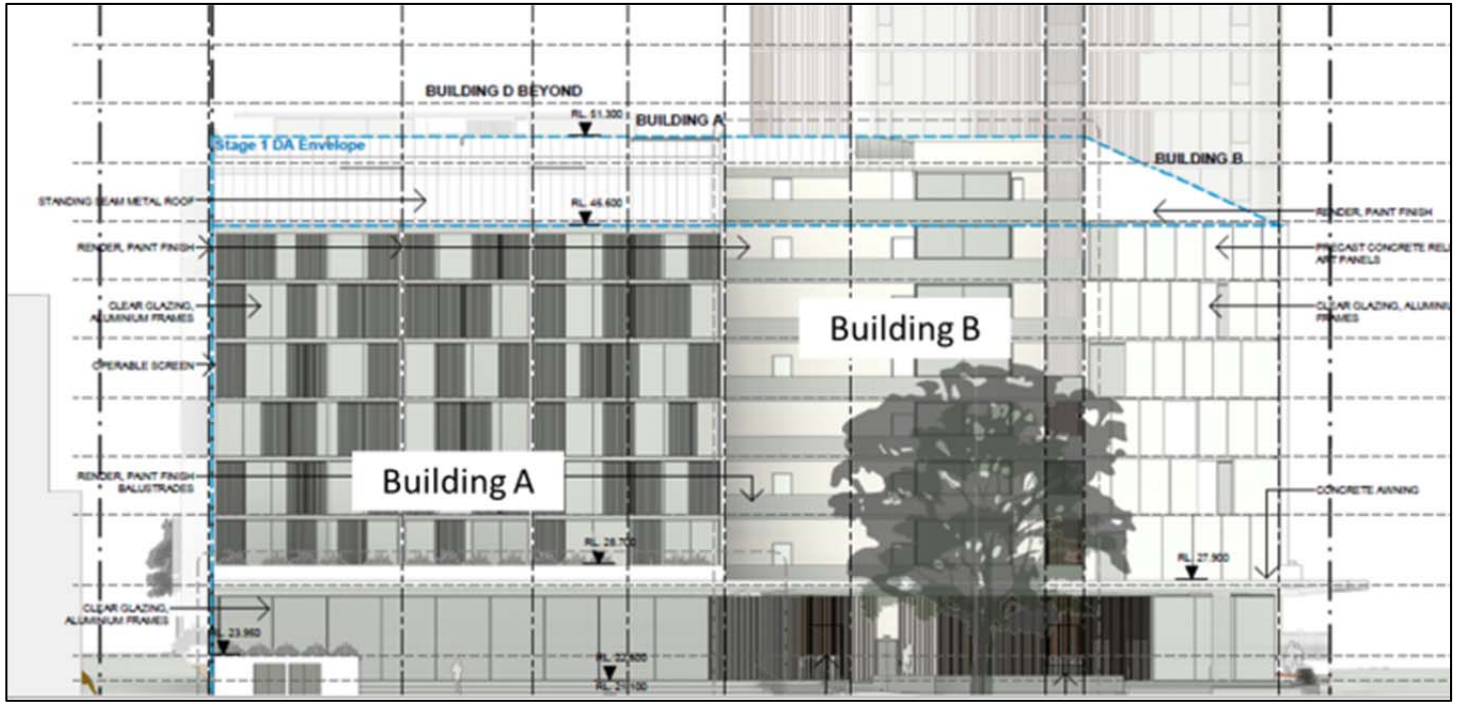


Figure 20: Southern elevation of development fronting O'Dea Avenue



Figure 21: Western elevation of development fronting Hatter Lane

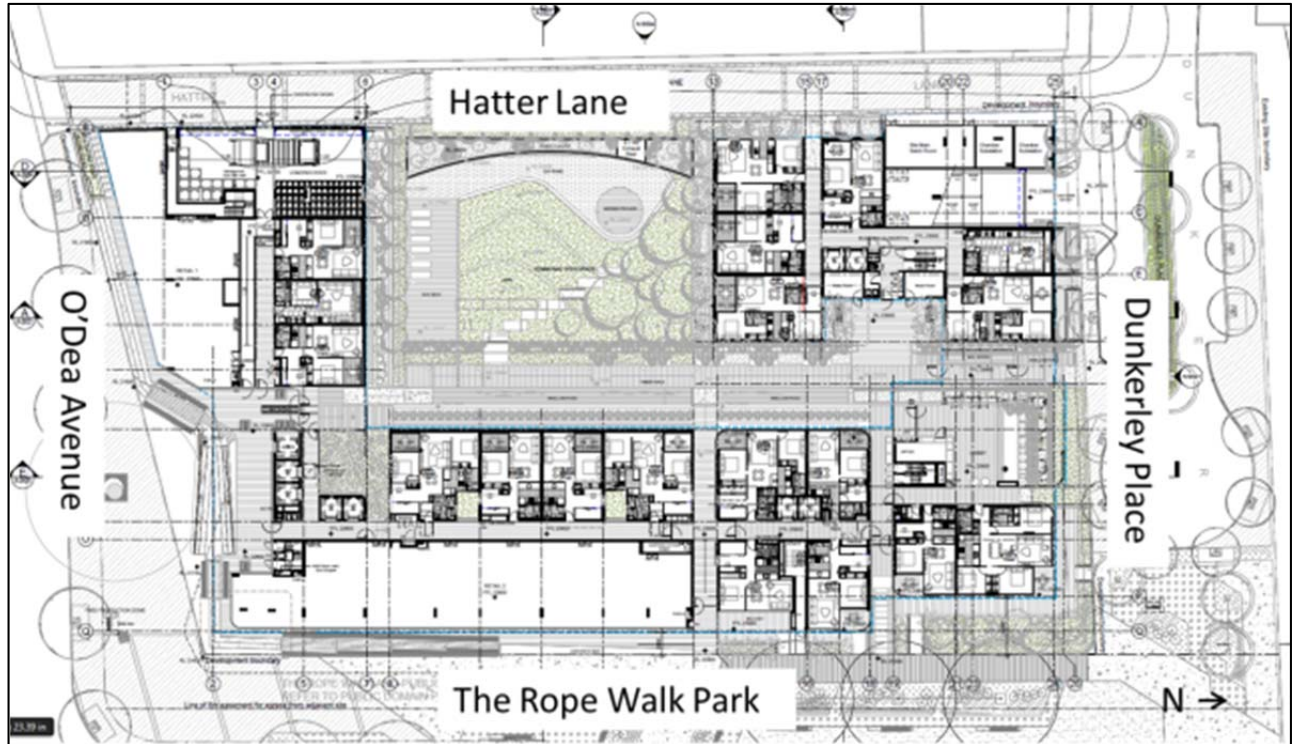


Figure 22: Ground floor layout

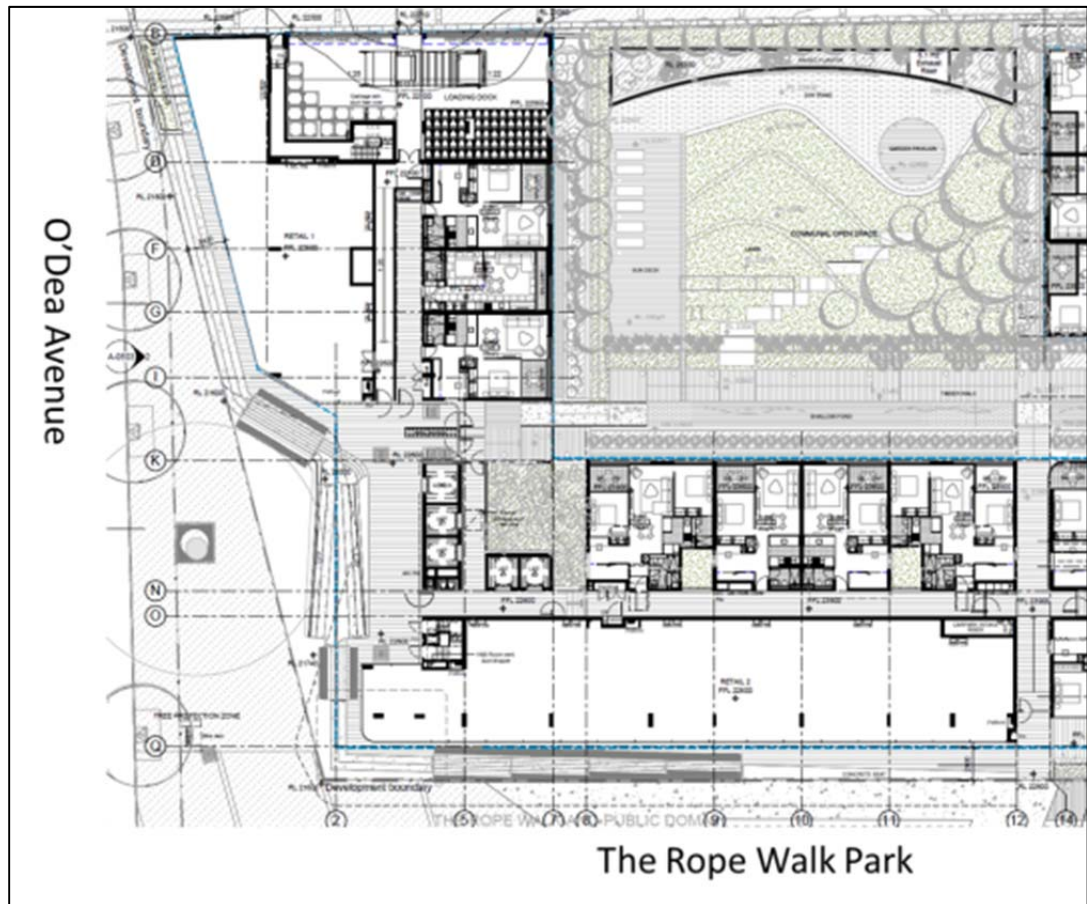


Figure 23: Retail tenancies

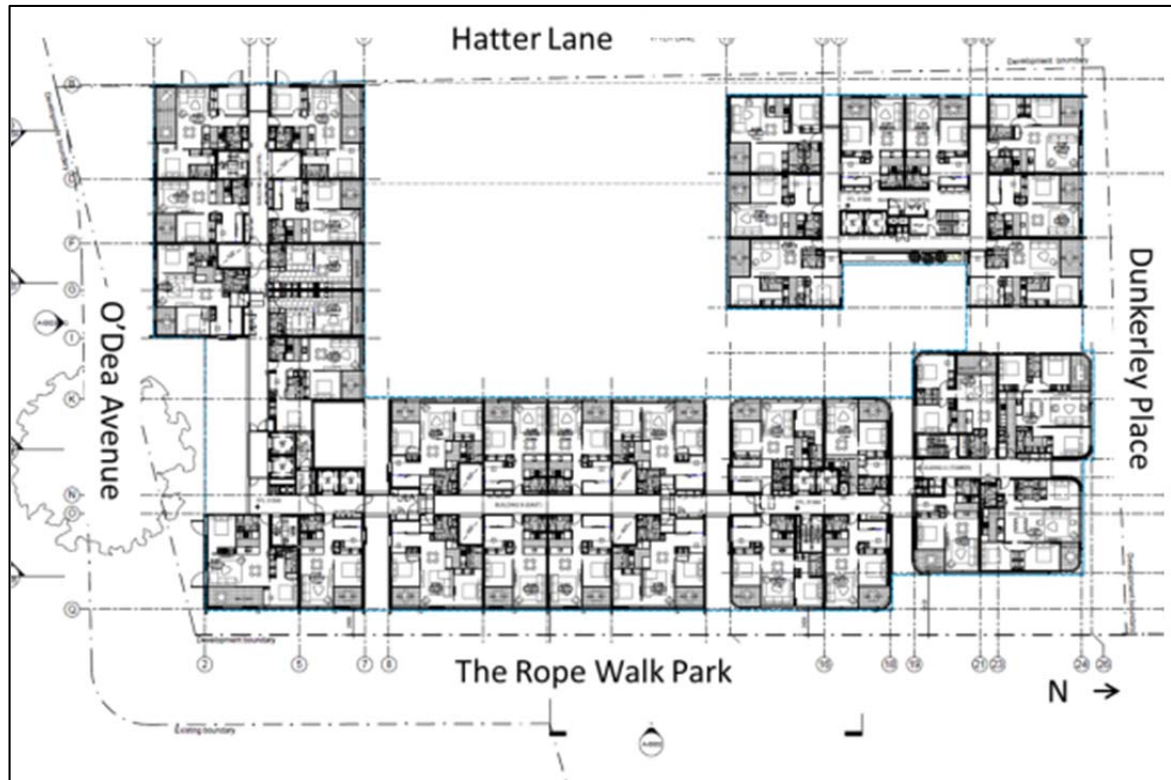


Figure 24: Typical podium plan

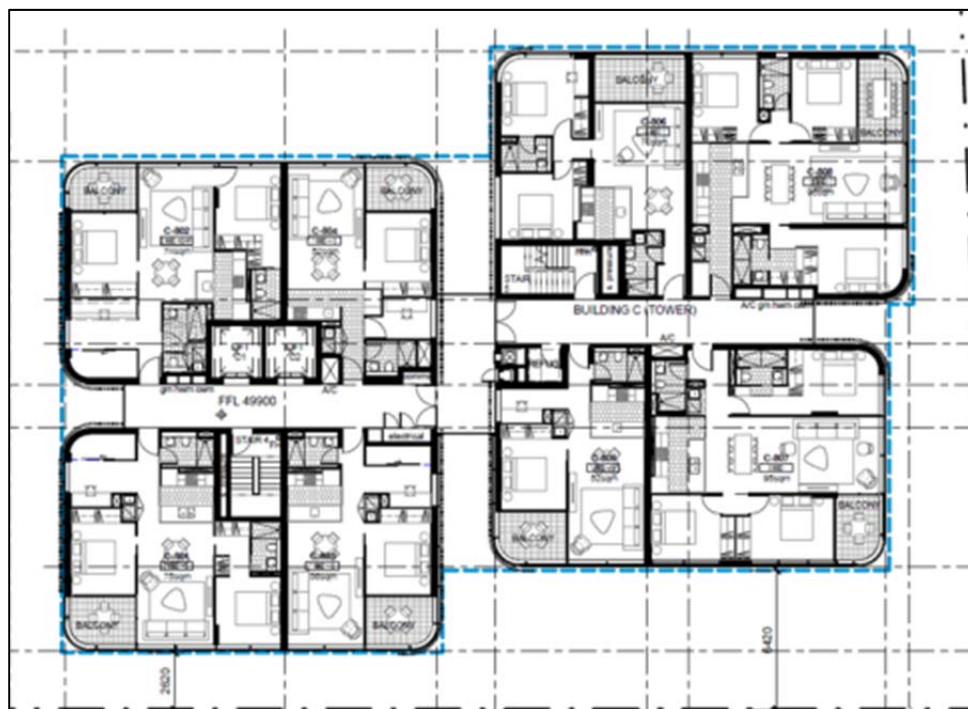


Figure 25: Typical tower plan

- (f) The proposal includes the following community infrastructure to be constructed in accordance with the executed Voluntary Planning Agreement entered into between the City of Sydney Council and Crown W1 Developments Pty Ltd on 15 February 2015:

- (i) Dedication of a portion (277sqm) of the site fronting O'Dea Avenue for road widening;
- (ii) Construction of the final portion (3094sqm) of the Rope Walk Park and dedication to Council;
- (iii) Construction of a new stormwater culvert below the Rope Walk required to service the wider Lachlan Precinct / Green Square Catchment;
- (iv) Construction of the final portion (1380sqm) of Dunkerley Place and dedication to Council; and
- (v) Construction of Hatter Lane share way (680sqm) and dedication to Council.



Figure 26: Indicative public benefit plan with areas to be dedicated to Council

19. Various photomontages of the proposal are provided below:



Figure 27: O'Dea Avenue (south) frontage photomontage



Figure 28: Dunkerley Place (north) frontage



Figure 29: The Rope Walk Park (east) frontage

20. Plans, elevations and photomontages of the development are provided in **Attachment A**.

Staging of works

21. The applicant has stated the construction will take place in one continuous building program but subject to five separate construction certification and occupation certificates being:
- (a) CC1 – Early Works - site preparation works including perimeter shoring, demolition, remediation and bulk excavation,
 - (b) CC2 – Basement – basement level, car parking and plant up to ground level;
 - (c) CC3 – Building D – Building D as well as Hatter Lane and Dunkerley Place;
 - (d) CC4 – Buildings A and B – Buildings A and B as well as O’Dea Avenue works and the southern part of the Rope Walk;
 - (e) CC5 – Residential Tower – residential tower (Building C and the northern half of the Rope Walk Park).
22. The application does not seek consent for lot subdivision of the site as part of the proposal. It is therefore recommend as condition of consent that any subdivision will require separate development consent. Until separate development consent is granted for subdivision, it will not be possible for the applicant to gain an occupation certificate for an individual building until all public infrastructure works are complete.

Economic/ Social/ Environmental Impacts

Voluntary Planning Agreement

23. A Voluntary Planning Agreement (VPA) associated with a public benefit submitted by the developer was exhibited between 21 November 2014 and 20 December 2014. The agreement included the following public benefits:
- (a) Dedication of a portion (277sqm) of the site fronting O'Dea Avenue for road widening;
 - (b) Construction of the final portion (3094sqm) of the Rope Walk Park and dedication to Council;
 - (c) Construction of a new stormwater culvert below the Rope Walk required to service the wider Lachlan Precinct / Green Square Catchment;
 - (d) Construction of the final portion (1380sqm) of Dunkerley Place and dedication to Council; and
 - (e) Construction of Hatter Lane share way (680sqm) and dedication to Council.
24. The VPA was executed on 26 February 2015.

Section 79C Evaluation

25. An assessment of the proposal under Section 79C of the Environmental Planning and Assessment Act 1979 (EP&A Act) has been made, including the following:

Integrated Development - Section 91 EP&A Act

26. The proposal includes bulk excavation for the proposed basement car park and involves the interception of groundwater level which has been recently observed at 2.7 metres below existing ground level. To undertake this activity an Aquifer Interference Approval is required from NSW Office of Water, classifying the development as Integrated Development under Section 91 of the EP&A Act. The Stage 2 application was referred to the NSW Office of Water and General Terms of Approval (GTA) were issued and are incorporated into Schedule 3 of the recommendation as advisory General Terms of Approval.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)**State Environmental Planning Policy 55 – Remediation of Land (SEPP55)**

27. The aim of SEPP 55 is to reduce the risk of harm to human health or any other aspect of the environment arising from contaminated land through land remediation. The land has been previously used for industrial purposes including manufacturing and it is highly likely that the soil and groundwater is contaminated.
28. The Stage 2 application proposes a more sensitive land use for residential, commercial and public park purposes and Council must be satisfied that the site is capable of being made suitable for the proposed use.
29. A Stage 2 Detailed Environmental Site Assessment (DESA) and a Remediation Action Plan (RAP) were submitted during the assessment period.

30. Council's Health and Building Unit have assessed the DESA and the RAP and found that subject to remediation the proposal will be suitable for the proposed uses.

State Environmental Planning Policy 65 - Design Quality of Residential Flat Development (SEPP 65)

31. SEPP 65 provides that in determining an application for a residential flat development of three or more floors and containing four or more apartments, that the consent authority take into consideration a number of matters relating to design quality, including 10 design quality principles, being:
- (a) **Principle 1 and 2:** Context and Scale
 - (b) **Principle 3:** Built Form
 - (c) **Principle 4:** Density
 - (d) **Principle 5:** Resource, energy and water efficiency
 - (e) **Principle 6:** Landscape
 - (f) **Principle 7:** Amenity
 - (g) **Principle 8:** Safety and Security
 - (h) **Principle 9:** Social Dimensions
 - (i) **Principle 10:** Aesthetics
32. 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 | | |
|---|-------------------|---|
| Rule of Thumb | Compliance | Comment |
| Building Depth 10 – 18m (glass to Glass) | Yes | Each apartment complies with the maximum apartment depth |
| Building Separation Up to 4 storeys 12m between habitable rooms/balconies 9m between habitable rooms/balconies and non-habitable rooms 6m between non-habitable rooms | Partial | Minimum separation is not achieved between apartment block however building layouts are consistent with approved Stage 1. Non-compliances can be addressed with conditions of consent. |

| Residential Flat Design Code | | |
|---|------------|--|
| Rule of Thumb | Compliance | Comment |
| <p>Building Separation 5 – 8 Storeys</p> <p>18m between habitable rooms/balconies</p> <p>13m between habitable rooms/balconies and non-habitable rooms</p> <p>9m between non-habitable rooms</p> | Partial | <p>Minimum separation is not achieved between apartment block however building layouts are consistent with approved Stage 1.</p> <p>Non-compliances can be addressed with conditions of consent.</p> |
| <p>Building Separation 9 storeys and above</p> <p>24m between habitable rooms/balconies</p> <p>18m between habitable rooms/balconies and non-habitable rooms</p> <p>12m between non-habitable rooms</p> | Yes | All apartments within the tower on the 9th floor and above comply with the minimum separation provisions. |
| Deep Soil Zone | Partial | A total of 832 sqm (14.08%) of the residual site area after land dedication |
| Communal Open Space Communal open space is to be 25-30% of the site area. | Partial | A total of 1340 sqm (21%) of communal open space is provided. This includes the ground floor communal garden and roof gardens. |
| Private Open Space 25 sqm at ground level with a preferred minimum dimension in one direction of 4m | Partial | Less than 5% of ground floor apartments have 25 sqm of private open space. |
| Safety | Yes | The proposed scheme has incorporated Crime Prevention Through Environmental Design (CPTED) principles and identified areas which required appropriate design and security management. |

| Residential Flat Design Code | | |
|---|------------|---|
| Rule of Thumb | Compliance | Comment |
| Visual Privacy | Yes | Although the proposal does not comply with the minimum building separation distances at all levels, it is considered to generally meet the objectives of provided acceptable visual privacy to preserve amenity for occupants. Refer to Issues section for discussion. |
| Single Aspect Apartments Single aspect apartments should be limited in depth to 8m from a window. Limit single aspect apartments with a southerly aspect (SW-SE) to max. 10% of total units | Yes | The proposal includes 11 single aspect apartments or 3.3% of the apartments which complies with the minimum requirement |
| Apartment Layout (kitchen) The back of a kitchen should be no more than 8m from a window | Yes | All apartments have kitchens with a maximum depth ranging from 6 - 8 metres from a window. |
| Apartment Layout (cross over) The width of cross-over or cross-through apartments over 15m deep should be 4m or greater to avoid deep narrow apartment layouts. | Yes | The proposal does not include apartment over 15m in depth. |
| Apartment Layout (unit Sizes) Minimum unit sizes: Studio: 38.8sqm 1 bedrooms: 50sqm 2 bedrooms: 70sqm 3 bedrooms: 95sqm | Yes | All apartments comply with the minimum apartment size provisions. |
| Balconies Provide primary balconies with a minimum depth of 2m. | Partial | With the exception of Studio apartments, all apartments comply with the minimum private open space provisions. Studio apartments have a balcony with measurements approximately 0.8m by 4.6m. |

| Residential Flat Design Code | | |
|--|------------|---|
| Rule of Thumb | Compliance | Comment |
| Natural Ventilation 60% of residential units should be naturally cross ventilated. | Partial | 192 apartments (58.6%) achieve natural cross ventilation. |
| Ceiling Heights 2.7 m minimum ceiling height in habitable areas 2.25 - 2.4 ceiling height in non-habitable areas. | Yes | All apartments have a minimum floor to floor height of 3.1m. |
| Ground Floor Apartments Optimise the number of ground floor units with separate entries. Provide ground floor apartments with access to private open space. | Partial | 4 of the 19 ground floor apartments have separate entries from the public domain. |
| Internal Circulation The number of units accessible from a single core/corridor should be limited to 8. | Partial | Buildings A, C and D have a maximum of 8 apartments on each floor to be serviced by these lifts, which complies with the RFDC. Building B will have 10 apartments serviced by two lifts. This exceeds the RFDC but is considered acceptable as two lifts are provided for the 8 storey building. In addition, the internal corridor of Building B is connected to Buildings A and C. These lifts could be utilised by the intended occupants. |
| Storage Minimum storage provisions facilities: 1 bed: 6 square metres 2 bed: 8 sqm 3 bed: 10sqm (with minim 50% of storage area located within the unit). | Yes | Adequate storage is provided within the units with additional storage located at basement level. |

| Residential Flat Design Code | | |
|--|------------|---|
| Rule of Thumb | Compliance | Comment |
| Daylight Access Living rooms and private open spaces for at least 70% of apartments in the development should receive a minimum of 2 hours solar access between 9.00am and 3.00pm in midwinter. | Partial | 229 of 331 (69.18%) of the apartments will achieve the minim solar access requirements. |

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

33. On 23 September 2014, the Department of Planning and Environment and Environment exhibited the proposed changes to SEPP 65 which includes the replacement of the RFDC with an Apartment Design Guideline.

State Environmental Planning Policy 70 Affordable Housing (Revised Schemes) (SEPP70)

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

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

38. The subject application seeks consent for 2 x retail premises with no specific fit out or operational details. Council would ordinarily condition that these tenancies require a future first use DA. However, recent changes to the Codes SEPP provides that a number of first uses can be approved under a complying development certificate (CDC), thus overriding Council standard condition for a first use DA.

39. In the proposed development, the retail premises are classified as Class 6 under the Building Code of Australia (BCA). Examples of the likely uses that could be approved under a CDC pursuant to Codes SEPP could be a shop, or food and drink premises with a capacity of up to 50 seats.
40. Future uses of this nature are consistent with the desired future character of this section of O'Dea Avenue which is identified as being the focus of retail activity in the Lachlan precinct. Therefore generic approval of indicative retail premises and food and drink premises is acceptable in this instance. However, it is recommended that an hours of operation condition of consent consistent with the conditions applicable under the Codes SEPP be included to protect the amenity of the residential apartments located immediately above within the same building.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

41. The application is subject to Clause 45 of the ISEPP as the development is likely to affect an electrical transmission or distribution network. On this basis, the application was referred to Ausgrid. Ausgrid have responded by stating the developer is required to make a formal submission to Ausgrid.
42. The applicant has stated that a formal submission to Ausgrid has been made in the form of a Connection Application form and package. The applicant has provided a suitable location for substations within the development site on Hatter Lane. It is recommended that the standard Electricity Substation condition included.
43. The application is subject to Clause 104 of ISEPP as the development constitutes Traffic Generating Development as more than 75 residential apartments will be provided with access from Dunkerley Place which connects within 90 metres of a Classified Road (Bourke Street). The application was referred to the RMS and no objections were raised subject to standard considerations being undertaken by Council.

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

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

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

45. 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.
46. The proposal is consistent with the aims and objectives of SEPP 32 in that the development increases the housing stock and provides a mix of apartment types to meet the demand generated by urban renewal within Green Square.

South Sydney Local Environmental Plan 1998 (SSLEP 1998)

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

| Development Controls | Permissible under SSLEP 1998 | Proposal as assessed under SSLEP1998 |
|---|--|---|
| Planning Principles (Part 2) | Development is to be considered having regard to the goals and objectives within the Strategy for a Sustainable City of South Sydney. | The proposal is considered to be consistent with the goals and objectives of the Strategy. |
| Zoning Controls (Part 3) | The site is located with the 10(e) Mixed Uses "E" zone. | The proposed development is characterised as "multiple dwellings", "roads", "recreation areas" and "shops" which are permissible in this zone with consent. Refer to discussion in the Issues section of this report. |
| Division 2 Development at Green Square CI 27A to 27K | Council must consider certain principles before granting consent to any development within Green Square. Council must not grant consent for development of any land within Green Square unless a masterplan is adopted and the development is consistent with the masterplan. | The land is located in Green Square and the preparation of a masterplan is required. A Stage 1 DA has been granted to satisfy the obligation for a master plan (site specific DCP). The Stage 1 approval sufficiently addressed the relevant matters to be included in the masterplan. |
| Affordable housing at Green Square CI 27L-27R | This clause authorises the imposition of an affordable housing condition when the consent authority | The site is located in Green Square. A condition is recommended imposing a condition for an affordable housing contribution. |
| Affordable housing at Green Square CI 27L-27R | grants consent to the carrying out of development in Zone 10 (e) in Green Square. | |

| Development Controls | Permissible under SSLEP 1998 | Proposal as assessed under SSLEP1998 |
|--|---|---|
| Urban Design Principles and Master plans (CI 28) | Development is to satisfy urban design requirements. Before granting consent to development in Zone 5 or on a site greater than 5000 sqm Council must consider any master plan for the land that is available. | The built form of the development responds to the context, improves the public domain and provides an acceptable level of amenity for future occupants. |
| Subdivision of land CL 29 | A person must not subdivide land to which this plan applies without the consent of the Council. | The applicant has not provided sufficient information to allow subdivision to be determined as part of the application. Appropriate conditions for future subdivision applications are recommended. |
| Application of provision of Sydney Local Environmental Plan 2012 CI.29A | Certain provisions of Sydney LEP 2012 apply to development on land to which this Plan applies. | The following provision of Sydney LEP 2012 apply to development: <ul style="list-style-type: none"> • Temporary use of land • Exempt and complying development • Flood Planning • Development in areas subject to airport noise • Heritage conservation. Refer to Issues section of this report. |
| Flood Liable Land (CI 38) | Council is to consider the likely impacts of flooding in determining an application for the erection of a building or the carrying out of works on land. | The proposal includes the construction of a new stormwater culvert below the Rope Walk Park required to service the wider Lachlan Precinct / Green Square Catchment. The external infrastructure works needs further amendment during the design documentation to reflect works undertaken by the adjacent development. This can form part of a condition of consent. Refer to Issues section of report. |

| Development Controls | Permissible under SSLEP 1998 | Proposal as assessed under SSLEP1998 |
|--|--|---|
| Contaminated Land (CI 39) | Council is to consider the issue of contamination in determining an application for a residential, child care centre or commercial use on land previously occupied by an industrial use. | The site has previously been used for industrial uses and contains contaminated soils. The applicant has supplied details certifying that the site is capable of being made suitable for the intended purpose. |
| Suspension of covenants, agreements and instruments CI.44 | The operation of any covenant, agreement or similar instrument that purports to impose restrictions on the carrying out of development on the land to which this plan applies, to the extent necessary to serve that purpose, shall not apply to any such development. | The site contains a number of rights of carriage and easements for access and utility purposes which are located on the land to be dedicated as road / public open space. |

Sydney Local Environmental Plan 2012 (Sydney LEP 2012)

48. Clause 29A of the SSLEP 1998 provides that certain provisions of the Sydney LEP 2012 apply to development of the site. The relevant provisions are addressed below:

(a) **Clause 7.15 – Flood planning**

Flood planning levels have been agreed and incorporated in the design development to ensure that there is adequate flood protection. Further detailed work on the stormwater infrastructure will need to be developed during the documentation stage. Refer to the Issues section in the report.

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

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

(c) **Clause 5.10 (Heritage Conservation)**

The site is not within a heritage conservation area but is adjacent to a heritage item being the Miller's Storage building at 866-882 Bourke Street and in the vicinity of Heritage listed Fig trees along Joynton Avenue.

The application was referred to Council's Heritage Specialist who advised that the likely impact on the surrounding heritage items is acceptable. The Heritage advice also recognised that the front double storey brick administration building on the site held some historical significance and there is archaeological potential as No. 18 O'Dea Avenue was part of the historic Rope Walk which was established in 1865. To address these likely impacts, a number of conditions are recommended to form part of any consent granted.

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

49. On 3 April 2014 and 7 April 2014, the Central Sydney Planning Committee (CSPC) and Council respectively resolved to approve the Lachlan Precinct Planning Proposal for Gateway Determination and public exhibition. A draft DCP amendment to the Sydney DCP 2012 was also considered and approved for public exhibition.
50. The Lachlan Precinct Planning proposal and corresponding DCP amendment sought to translate and integrate the South Sydney controls into the Sydney LEP 2012 and the Sydney DCP 2012. Specifically, the Planning Proposal sought to make the following amendments to the Sydney LEP 2012:
 - (a) Rezone land from Mixed Use Zones 10(b) and 10(e) under the SSLEP 1998 to B4 Mixed Use;
 - (b) Translation of 1.5:1 FSR from SSLEP 1998;
 - (c) Introduction of FSR incentives for community infrastructure and retail development and design excellence;
 - (d) Translation of the height in metres from the SSLEP 1998 to “reduced levels” on indicative building footprints in Sydney LEP 2012;
 - (e) List heritage item 866-882 Bourke Street in schedule 5; and
 - (f) Integration of appropriate controls for the precinct in the following maps; heritage, locality and site identification, acid sulphate soils, special character areas, land reservation, land use and transport integration; and public transport accessibility.
51. The Planning Proposal and draft amendment to Sydney DCP 2012 were publicly exhibited for 28 days from 22 July 2014 to 18 August 2014. Following public exhibition, the Planning Proposal and draft Sydney DCP 2012 amendment were approved by Council and the CSPC on 3 November 2014 and 30 October 2014 respectively.
52. The Gateway determination was issued on 4 June 2014 and the Planning Proposal was public exhibited in July/August 2014 and, reported back to Council and the CSPC in October 2014.
53. The Sydney LEP 2012 (Amendment No.15) incorporating the above Planning Proposal came into force on 10 April 2015. The accompanying amendment to the Sydney DCP (Green Square- Lachlan Amendment) 2012 came into force at the same time.

54. Savings provisions with the Sydney LEP 2012 (Amendment No.15) and the Sydney DCP 2012 (Green Square – Lachlan Amendment) apply to the subject application. Specifically Clause 6.27(3) of the Sydney LEP 2012 (Amendment No 15) states:

“If a development application has been made before the commencement of this clause in relation to Lachlan Precinct land and the application has not been finally determined before that commencement, the application must be determined as if this clause had not commenced”

55. Similarly Section 5.4 of the Sydney DCP (Green Square Lachlan Amendment) 2012 states:

“If a development application has been made before the commencement of Sydney Development Control Plan 2012 (Green Square – Lachlan Amendment), in relation to Lachlan Precinct land, and the application has not been finally determined before that commencement, the application must be determined as if that Development Control Plan had not commenced”

56. The proposal is therefore considered against the following relevant matters in the Sydney LEP 2012 (Amendment No15):

(a) **Zoning**

The proposal is for land uses being mixed use residential flat buildings which are permissible with consent and generally consistent with the Mixed Use B4 zone objectives.

(b) **FSR**

The proposal seeks consent for an FSR of 2.2:1 as defined by the Lachlan DCP which has the same definition as the Sydney LEP 2012. The Sydney LEP 2012 permits a maximum FSR of 1.5:1 with community infrastructure and design excellence incentives up to 2.2:1. The proposal as such is consistent with both controls.

(c) **Height**

The proposed height of the buildings would exceed the Reduced Levels (RLs) identified for the site. Building A and B are 3.26 m greater than the RL on the map, Building C is 2.75m greater than the RL on the map and building D is 5.85m greater than the RL on the map.

This non-compliance arises from the RLs being derived from the Lachlan DCP building envelope control. The subject application seeks to rely on the amended Stage 1 DA approval which justified that additional height on the buildings was acceptable as a 4 storey building was removed from Hatter Lane and internal communal open space improved. This assessment finds that the proposed envelopes are acceptable in this circumstance.

(d) **Restricted retail**

The proposed retail premises do not exceed 1000sqm and will be consistent with the development standard in the Sydney LEP 2012 (Amendment No. 15).

(e) **Parking**

Based on the proposed unit mix, the allowable maximum parking under the new controls would be 250 spaces, whereas the proposed basement design shows a total of 310 spaces to service these uses which is consistent with the Transport Guidelines for Development 1996.

57. The proposal has been considered against the new Sydney LEP 2012 (Amendment No. 15) provisions as if they have been exhibited but not yet adopted. The proposal is generally consistent with the standards with the exception of the height and parking numbers. This assessment finds that the height established by the Stage 1 as amended and the proposed parking (which complies with the South Sydney Development Control Plan 11 Transport –refer to the discussion below) is acceptable in this instance.

South Sydney Development Control Plan 1997 (SSDCP 1997)

58. Compliance of the proposal with the DCP controls is summarised below:

| Matter to be Considered | Compliance | Comment |
|---|-------------------|---|
| PART B: URBAN DESIGN PRINCIPLES | | |
| Urban Form Section 2 | Yes | The proposal includes the delivery of future roads, infrastructure and a park planned for the precinct and will not unreasonably obstruct significant views to the city skyline. |
| Urban Villages, Public Spaces and Pedestrian Networks Section 3 | Yes | The proposal assists in the delivery of roads, infrastructure, a park and landscaped setbacks which contribute to the public domain improvements identified in Lachlan DCP. |
| Sustainable, Healthy Environment Section 4 | Yes | The proposal provide a site responsive design, with the capability of achieving passive solar design principles, natural light and ventilation and water and energy efficiency targets. |
| PART C: PUBLIC DOMAIN | | |
| Public Domain Improvement Section 2 | NA | Refer to Part G: Lachlan Precinct |
| Security Section 3 | NA | Refer to Part G: Lachlan Precinct |

| Matter to be Considered | Compliance | Comment |
|--|-----------------------|--|
| Implementation (Section 94, FSR Bonus) Section 4 | NA | Refer to Part G: Lachlan Precinct |
| PART D: SOCIAL PLANNING | | |
| Access Section 2 | Able to comply | <p>Concern is raised with a pinch point at the retail premises on the corner of O’Dea Avenue and the Rope Walk Park.</p> <p>Refer to Issues section for discussion.</p> |
| Social Housing and Mix Section 3 | Acceptable | <p>Acceptable</p> <p>The proposal includes the following dwelling mix;</p> <p>16 x Studio 4.8% 133 x 1 Beds 40.3% 141 x 2 Beds 42.4 % 40 x 3 Beds 12.2% 1 x 4 Beds 0.3%</p> <p>The dwelling mix is non-complaint when tested against the SSDCP 1997 control.</p> <p>The minimum controls in SSDCP 1997 are based on 1991 Australian Bureau of Statistics census data.</p> <p>More recent data identifies a different mix to achieve a socially diverse population.</p> <p>The more recent data has been reviewed and adopted into the flexible housing and dwelling mix control in Sydney DCP 2012. While this control may not strictly apply, the proposed mix will generally comply with the Sydney DCP 2012 control.</p> |
| Cultural Issues Section 4 | Yes | The proposal will support the creation of the Lachlan Precinct and will contribute to a neighbourhood with a clear urban character. |

| Matter to be Considered | Compliance | Comment |
|---|------------|--|
| Community Infrastructure Section 5 | Yes | The proposal involves the construction and dedication of parts of the road network, parks and landscape setbacks that will service the Lachlan Precinct. |
| Cumulative Impacts and Trade-Offs Section 6 | Yes | The proposal involves the construction and dedication of parts of the road network, parks and landscape setbacks that will service the Lachlan Precinct. |
| Economic Issues Section 7 | Yes | The proposal has the capability to promote the social and economic conditions of the local community |
| Food Supply Section 8 | Yes | The proposed ground floor retail premises are capable of providing fresh food outlets. However the future uses are not restricted by condition of consent. |
| Security Section 9 | Yes | The proposal has been developed with safety by design principles. |
| PART E: ENVIRONMENTAL DESIGN CRITERIA | | |
| Site Analysis/Layout Section 1.1 and 1.2 | Yes | The proposal adequately considers the characteristics of the site and its transitioning context to achieve responsive building envelopes and open space. |
| Public/Private Open Space Section 1.3 and 1.4 | NA | Refer to Part G: Lachlan Precinct |
| Landscaping Section 1.5 | Yes | Extensive private, communal and public landscaping is proposed. |
| Parking, Access and Servicing Section 1.6 | NA | Refer to Part G: Lachlan Precinct |

| Matter to be Considered | Compliance | Comment |
|---|-------------------|---|
| Storm water Drainage Section 1.7 | Acceptable | Flood planning levels have been agreed and incorporated in the design development to ensure that there is adequate flood protection. Further detailed work on the stormwater infrastructure will need to be developed during the documentation stage. Refer to Issues section of this report. |
| Site Contamination Section 1.8 | Yes | The applicant has supplied an interim site audit specifying that the site is capable of being made suitable for the proposed use |
| Site Facilities Section 1.9 | Yes | Suitable facilities are proposed to service the intended occupants. |
| Building Envelope Section 2.1 | NA | Refer to Part G: Lachlan Precinct |
| Floor Space Ratio Section 2.2 | NA | Refer to Part G: Lachlan Precinct |
| Height and Scale Section 2.3 | NA | Refer to Part G: Lachlan Precinct |
| Setbacks Section 2.4 | NA | Refer to Part G: Lachlan Precinct |
| Façade Treatment Section 2.5 | NA | Refer to Part G: Lachlan Precinct |
| Visual and Acoustic Privacy Section 4.1 | NA | Refer to Part G: Lachlan Precinct |
| Safety and Security Section 4.2 | Yes | The proposal has been developed with safety by design principles. |
| Fire Regulations Section 4.6 | Acceptable | Standard conditions of consent apply requiring the proposal to comply with the Building Code of Australia. |

| Matter to be Considered | Compliance | Comment |
|---|------------|---|
| Energy Efficiency Section 5.1 to 5.3 | Yes | The proposal provides a site responsive design, with the inclusion of passive solar design principles, natural light and ventilation efficiency targets. |
| PART F: DESIGN CRITERIA FOR SPECIFIC TYPES | | |
| Residential Flat Buildings, Mixed Use Development Section 2 and 4 | NA | Refer to Part G: Lachlan Precinct |
| PART G: SPECIAL PRECINCTS No. 9 Green Square | | |
| Urban Strategy Section 2 | NA | Refer to Part G: Lachlan Precinct |
| Urban Frame Work Section 3 | NA | Refer to Part G: Lachlan Precinct |
| PART G: SPECIAL PRECINCTS No. 9 Green Square (Lachlan Precinct) | | |
| Matters to be considered | Compliance | Comment |
| 5.3 Definitions | Yes | Gross Floor Area and Building Height are defined differently in the Lachlan DCP compared to the other sections of the SSDCP 1997. The definitions in the Lachlan DCP prevail and are adopted for the purposes of calculating Gross Floor Area and Building Height in this assessment. |
| 5.4 Character Statement | Yes | The Character Statement identifies that the Lachlan Precinct is in a period of transition from industrial and warehouse uses to mixed use and predominantly low to medium scale residential development. The proposed uses are predominately residential land uses and provides two retail premises addressing O'Dea Avenue and future Rope Walk Park to the east. |

| Matter to be Considered | Compliance | Comment |
|--------------------------------------|------------|---|
| 5.4 Character Statement | Yes | <p>The land uses and their location within the building envelopes are consistent with the desired uses identified in the character statement.</p> <p>The proposal addresses the need for provision of public infrastructure by proposing to construct and dedicate part of Dunkerley Place, all of Hatter Lane, the triangular landscape setback along O'Dea Avenue and the southern portion of the Rope Walk park.</p> <p>The proposed buildings depart from some of the core built form controls, which, this assessment finds is acceptable in this circumstance.</p> |
| 5.5.1 Street Hierarchy and Transport | Yes | <p>The proposal includes the construction and dedication of new streets consistent with the locations and design principles identified in the Lachlan DCP.</p> <p>Specifically the proposal involves the construction of:</p> <ul style="list-style-type: none"> • Landscaping and road widening to O'Dea Avenue frontage; • Construction of the final portion (3094sqm) of the Rope Walk Park and dedication to Council; • Construction of a new stormwater culvert below the Rope Walk required to service the wider Lachlan Precinct / Green Square Catchment.. |

| Matter to be Considered | Compliance | Comment |
|--|-------------------|--|
| 5.5 Public Domain | Yes | <ul style="list-style-type: none"> • Construction of the final portion (1380sqm) of Dunkerley Place and dedication to Council; and • Construction of Hatter Lane share way (680sqm) and dedication to Council. |
| 5.5.2 Open Space | Yes | The proposal includes the construction and dedication of new streets consistent with the locations and design principles. |
| 5.5.3 Through-Site Links | NA | The site is not identified as required to provide a through-site link. |
| 5.5.4 Waterways and Stormwater Management | Acceptable | <p>Flood planning levels have been agreed and incorporated in the design development to ensure that there is adequate flood protection.</p> <p>Further detailed work on the stormwater infrastructure will need to be developed during the documentation stage.</p> <p>Refer to Issues section of this report.</p> |

| Matter to be Considered | Compliance | Comment |
|---|--------------------------|--|
| <p>5.6 Built Form 5.6.1 Floor Space Ratio</p> | <p>Yes</p> | <p>The total floor space ratio (FSR) control for this site is 2.2:1. This FSR figure is inclusive of :</p> <ul style="list-style-type: none"> • A base FSR of 1.5:1; • An additional 0.5:1 as the development provides material public benefits, including works and land dedication for identified roads. • Up to an additional 10% FSR awarded as the proposal has been the subject of a Design Alternatives Competition Process. |
| <p>5.6.2 Building Height</p> | <p>Acceptable</p> | <p><u>Height in Storeys</u></p> <p>The building height in storeys control for this site is varied with four buildings between 4, 6, 7 and 20 storeys permitted.</p> <p>The proposed buildings of 8 and 21 storeys do not comply with the height in storey control.</p> <p>Refer to discussion in the Issues section later in this report.</p> |
| | <p>Yes</p> | <p><u>Floor to Floor Heights</u></p> <p>The proposal include floor to floor heights of:</p> <ul style="list-style-type: none"> • retail - 5 metres and comply with the 4.2 metre control • ground and first floor residential - 3.7 metres and comply with the 3.7 metre control • residential above first floor - 3.1 metres which complies with the 3.1 metre control. |

| Matter to be Considered | Compliance | Comment |
|--------------------------------|------------|--|
| 5.6.3 Design Excellence | Yes | As the site has already been the subject of a competitive design process, preparation of a Design Excellence Strategy is not necessary in this instance. |
| 5.6.4 Building Form and Design | Yes | <u>Built Form layout</u> The built form layout is generally consistent with the Stage 1 approved envelopes. |
| | Yes | <u>Building Setbacks</u> The proposed detailed design generally complies with the primary and secondary setbacks nominated in the control. |
| | Yes | <u>Building Types/Uses</u> The proposed land uses are consistent with the control being, ground floor non-residential uses addressing O’Dea Ave and part of Rope Walk with residential dwellings permitted elsewhere on the site. |
| | Yes | <u>Architectural Diversity and Articulation</u> Each building has been designed as a distinct element with fine grain detailing and materials to differentiate it from the others on the site. |

| Matter to be Considered | Compliance | Comment |
|-------------------------|-------------------|---|
| | Acceptable | <u>Vertical Circulation</u> Buildings A, C and D have a limit of 8 apartments accessed off each floor plate. Building B has 10 apartments which is considered acceptable given the two lift available and the proximity and access to lift cores within adjoining buildings. |
| | Yes | <u>Active street frontages and Active Edges</u> The proposal includes an active retail edge to the O'Dea Avenue frontage and the Rope Walk Park as required by the control. |
| | Yes | <u>Continuous Awnings</u> Continuous awnings are proposed along the O'Dea Street frontage where required. |
| | Can comply | <u>Residential Amenity</u> The proposal generally complies with the minimum amenity controls in the RFDC and Lachlan DCP. Refer to the Issues section for discussion. |
| | Yes | <u>Green Roofs</u> The proposal includes green roof to buildings C and D including private and communal gardens. |
| | Yes | <u>Public Art</u> The drawings show a concept for Public Art located on the southern facade of Building B addressing O'Dea Avenue. An artist has been engaged to complete the work |

| Matter to be Considered | Compliance | Comment |
|--|-------------------|--|
| 5.6.5 Typical Ground Floor Condition for Residential Flat Buildings | Acceptable | <p>The proposal includes 8 apartments with a direct frontage to a street or park. The interfaces do not comply with the required setbacks or treatments however these issues can be addressed by conditions of consent.</p> <p>Refer to Issues section of this report.</p> |
| 5.6.6 Acoustic and Visual Privacy | No | <p>There are no ground floor apartments with a direct frontage to O'Dea Avenue. At the first floor level (within 10m of the ground floor level) apartments have been either setback, screened or have primarily solid elements to address the harsh street environment.</p> <p>Strict compliance with the acoustic and visual privacy controls is not provided however a greater level of amenity could be achieved subject to a number of conditions of consent.</p> <p>Refer to Issues section of this report.</p> |
| 5.6.7 Development Levels | Yes | <p>The proposed retail development levels would result in a difference of level of up to 1.2 metres between the retail premises and the adjoining public domain along O'Dea Avenue. The proposed levels were assessed by Council's Flood Engineer who found the levels acceptable subject to further refinement during documentation design stage.</p> |

| Matter to be Considered | Compliance | Comment |
|---|------------|--|
| 5.6.8 Parking and Access | Yes | <p>The proposal includes 3 levels of basement parking accessed from Dunkerley Place and servicing located in a dedicated loading bay accessed off Hatter Lane.</p> <p>The location of the loading dock on Hatter Lane was approved as part of the Stage 1 DA consent.</p> <p>The entrance to the basement levels is generally consistent with the Lachlan DCP location.</p> |
| 5.6.9 Staging and Implementation | Yes | <p>The proposed staging of the development is consistent with that approved within the Voluntary Planning Agreement. Specifically:</p> <ul style="list-style-type: none"> • Stage A – Building D, Dunkerley Place and Hatter Lane • Stage B – Building A and Building B, O’Dea Ave kerb realignment and 732.3sqm portion of the Rope Walk embellishment works • Stage C - Building C and remaining 2350.7sqm portion of the Rope Walk embellishment works <p>The staging ensures that the relevant public domain infrastructure is secured in order to service the associated building. In short, each building will have a public road / open space frontage at their respective completion.</p> |

South Sydney Development Control Plan No. 11 Transport Guidelines for Development 1996 (SSDCP No. 11)

59. SSDCP No.11 sets out maximum car parking levels in order to reduce traffic congestion and reduce reliance on private vehicles in the city. Compliance of the proposal with the SS DCP No.11 requirements is summarised below:

| Development control | Proposed | Compliance |
|--|---|--|
| Car parking maximum 236 regular 55 visitor 50 disabled (total 341) | 261 unspecified spaces 49 accessible spaces (total 310) | Able to comply The allocation of parking spaces consistent with the SSDCP No.11 requirements is recommended as a condition of consent. |
| Retail 14 | Unspecified | Can be conditioned |
| Carshare 3 required by Stage 1 DA within the basement | 0 | Does not comply Car share is proposed within the public domain |

60. The provision of car share spaces within a development site is a consistent policy of Council. The applicant was informed of this policy at Pre-DA, during the Stage 1 DA approval and prior to lodging the subject Stage 2 application. The applicant has not provided on site car share spaces. Refer to issues section for discussion.

City of Sydney Contaminated Land Development Control Plan 2004

61. The site has previously been used for industrial uses and is known to contain contaminated soils. The applicant has provided a Remediation Action Plan (RAP) and an interim site audit statement by a NSW Accredited auditor confirming that the site is capable of being suitable for the proposed uses following remediation.

City of Sydney Access Development Control Plan 2004

62. The proposal generally complies with the Access DCP 2004 subject to a condition requiring the glazing of the ground floor retail premises to be set back to allow a two metre path of travel.

Green Square Affordable Housing Development Control Plan

63. The site is within the Green Square locality and as such is subject to the Affordable Housing levy. It is recommended as a condition of consent that a monetary contribution be provided.

ISSUES

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

Strategy for a Sustainable City of South Sydney

65. One of the principal objectives of the SSLEP 1998 as stated in Clause 7 is to implement the goals and objectives contained in the Strategy for a Sustainable City of South Sydney. Clause 8 also provides that in assessing any development application that the consent authority must take into consideration the goals and objectives of the Strategy as they relate to the proposed development.
66. In order to realise the main goal of the strategy, a number of detailed strategies were developed and are grouped under sub-goals of Environment, Land Use and Transport, Character and Identity, Community Well-Being and City Management. An assessment of the development application reveals that it meets the goals of the above strategies.

Compliance with Stage 1 DA

67. The applicable environmental planning instrument is SSLEP 1998 which requires the preparation of a masterplan (or site specific development control plan) before any particular or kind of development is carried out on the site. Pursuant to Section 83C of the EP&A Act that obligation can be satisfied by the making and approval of a staged development application in respect of that land. A staged development application is to contain the information required to be included in the masterplan as detailed in SSLEP 1998 or the Regulations.
68. Pursuant to Section 83D of the EP&A Act, any subsequent Stage 2 development determination cannot be inconsistent with the Stage 1 consent. The subject Stage 2 application was lodged on 1 December 2014, prior to the issues of Stage 1 DA.
69. The Stage 1 DA approved by CPSC on 4 December 2014 included a number of conditions of consent. An assessment of compliance with these conditions which specifically required details to be submitted as part of the Stage 2 application are provide below:

| No. | Condition | Assessment |
|-----|--------------------|---|
| 2 | Envelopes | Does not comply. A section 96 application (D/2013/2030/A) to address this inconsistency has been separately prepared for the CSPC's consideration. |
| 3 | Planning Agreement | Complies. The applicant has entered into a planning agreement with Council. |

| No. | Condition | Assessment |
|-------|---|---|
| 4 (f) | Built form on level 20 | Does not comply. The subject condition specifically states that no built form other than plant, lift overruns or green roofs are to be constructed on level 20. The proposal includes apartments on this level. The tower includes a double height lobby at the ground floor level. The applicant has stated that for this reason an additional level of built form is required. A Section 96 to address this inconsistency has been separately prepared for the CSPC's consideration. |
| 5 | Servicing | Complies Adequate provision has been made for servicing within the proposed building envelopes. |
| 6 | Building heights | Does not comply. A section 96 application (D/2013/2030/A) to address this inconsistency has been separately prepared for the CSPC's consideration. |
| 7 | FSR | Complies. The proposal complies with the 2.2:1 control includes of the material public benefit and design competition bonuses. |
| 8 (a) | Improved architectural design quality | Complies: The architectural design has been significantly improved through the Stage 2 documentation. |
| 8(b) | Residential amenity | Acceptable. The generally meets the minimum standards of the SEPP 65 design code guidelines. |
| 8(c) | Design objectives | Acceptable. Sufficient information has been provided to demonstrate compliance with architectural diversity and articulation, vertical circulation, active street frontage and active edges, continuous awnings, green roofs and ground floor conditions for the residential flat buildings. |
| 8(d) | Staging and subdivision | Does not comply. The applicant has providing staging information but has not fully detailed how the site will be subdivided. It is recommended that this information be provided as a condition of consent. |
| 8(e) | Landscaping | Complies. The applicant has provided an indicative landscape plan. |
| 8(f) | ESD | Complies. ESD provision have been incorporated into the detailed design in the Stage 2 DA |
| 8(g) | Wind report | Can comply. The applicant has provided preliminary information suggesting that the design can comply with the wind criteria. |
| 9(a) | Retail to be set at 1.2m from the street level. | Does not comply. The high points of the ground floor retail do not comply with the 1.2m level required. It is recommended as a condition of consent that this prerequisite is met. |

| No. | Condition | Assessment |
|------|----------------------------|--|
| 9(b) | Floor to floor levels | Complies. All floor to floor levels have been set at a minimum of 3.1m above the first floor level. |
| 9(c) | Loading dock design | Complies. The loading dock design modifications have been met. |
| 10 | Public Art | Complies. A public art strategy has been provided and proposes an integrated art wall on the O'Dea Avenue frontage. |
| 24 | Car share | Does not comply. It is recommended as a condition of consent that the car share spaces be located within the basement as a condition of consent. |
| 25 | Parking Plan | Does not comply. The applicant has not provided the required information. It is recommended that the information is provided as a condition of consent. |
| 26 | Hatter Lane | Does not comply. The applicant has not provided the required information. It is recommended that the information is provided as a condition of consent. |
| 27 | Dunkerley Place Design | Does not comply. The applicant has not provided the required information. It is recommended that the information is provided as a condition of consent. |
| 28 | Median provision | Does not comply. The applicant has not provided the required information. It is recommended that the information is provided as a condition of consent. |
| 31 | Alignment levels | Does not comply. The applicant has not provided the required information. It is recommended that the information is provided as a condition of consent. |
| 34 | Public domain plan | Does not comply. The applicant has not provided the required information. It is recommended that the information is provided as a condition of consent. |
| 35 | Stormwater and drainage | Does not comply. The applicant has not provided the required information. It is recommended that the information is provided as a condition of consent. |
| 37 | Floor levels for buildings | Does not comply. A design certification report has not been provided. It is recommended that the information is provided as a condition of consent. |
| 38 | Road design works | Does not comply. The applicant has not provided the required information. It is recommended that the information is provided as a condition of consent. |

| No. | Condition | Assessment |
|-----|----------------------------|--|
| 40 | Stormwater drainage system | Does not comply. The applicant has not provided the required information. It is recommended that the information is provided as a condition of consent. |
| 42 | Street lighting | Does not comply. The applicant has not provided the required information. It is recommended that the information is provided as a condition of consent. |
| 43 | Rope Walk Park design | Does not comply. The applicant has not provided the required information. It is recommended that the information is provided as a condition of consent. |
| 46 | Sydney water assets | Does not comply. The applicant has not provided the required information. It is recommended that the information is provided as a condition of consent. |

70. Where compliance has not been achieved, it is recommended that the details be provided as conditions of consent of the Stage 2 application.

Mixed Uses Zone Objectives and Proposed Land Use

71. Pursuant to SSLEP 1998, the site is located within the 10(e) Mixed Uses zone. The proposed development is characterised as “commercial premises” and “multiple dwellings” which are permissible with development consent in the 10(e) zone.

72. Clause 10 of SSLEP 1998 provides that:

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

73. The objectives of the Mixed Uses 10(e) zone are:

- (a) *to establish a predominantly employment-based zone while allowing residential use on appropriate development sites, and*
- (b) *to allow for appropriate business activities which contribute to economic growth and employment opportunities within the Green Square area, provided they are environmentally compatible in terms of design and operational requirements with residential development, and*
- (c) *to allow residential development within the zone, provided it is designed so as to be compatible with other non-residential uses and will not adversely affect the operations of existing lawfully operating industrial uses, and*
- (d) *to minimise any adverse impact, including social impact, on residential amenity by devising appropriate design assessment criteria and applying specific impact mitigation requirements by the use of development control plans, and*

74. Overall, the zone objectives seek to establish a predominantly employment based zone while allowing residential uses on appropriate development sites that are compatible with other surrounding non-residential uses.
75. The proposed development is for a predominantly residential development. Pursuant to Clause 10 of the SSLEP 1998, Council must not grant consent to the development unless it is of the opinion that the proposal is consistent with the objectives of the zone, and more specifically in this instance, that the 10(e) zone remains a predominantly employment based zone.
76. Given ambiguity around the word “predominantly” and lack of a standard or control, at its meeting on 9 May 2005, Council resolved to adopt an interim policy position for the Mixed Uses 10(e) zone. The policy position sought to guide redevelopment in the zone until a review of the mixed uses zones was completed. The resolution provided that a minimum of 50% of the floorspace proposed must be non-residential uses.
77. The proposed development results in 1.5% non-residential use and 98.5% residential uses, and does not perform against the 50% interim policy position.
78. The City undertook a Review of Zoning and Land Use in the Green Square Urban Renewal Area in 2006 in the lead up to the preparation of Sydney LEP 2012. The Lachlan Precinct was deferred from the Sydney LEP 2012 to enable further testing of the controls and additional consultation. SSLEP 1998 and the Mixed Uses 10(e) zone continued to apply to the land.
79. The Mixed Uses 10(e) zone is located in two geographic zones in the local government area. Figure 30 illustrates where the 10(e) zone is located and its two sectors being the northern sector (Lachlan Precinct) and the west sector (bound by McEvoy Street and Bowden Street).

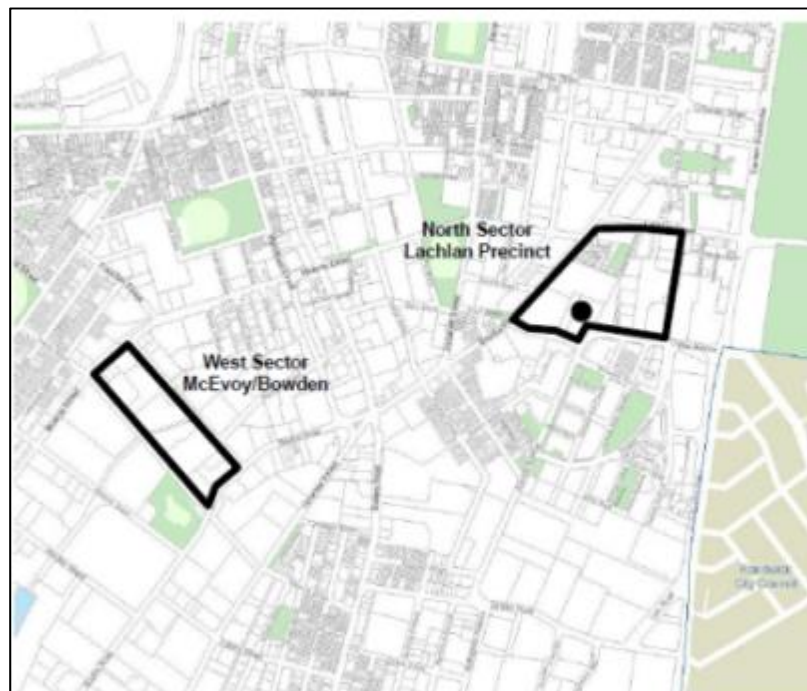


Figure 30: Map illustrating existing Mixed Uses 10 (e) zones, identified as the north section and the west sector, and the subject site (dot)

80. In order to establish whether the Mixed Use 10(e) zone will remain a predominantly employment based zone or not, it was considered that a review of the existing floorspace (non-residential versus residential) across the zone was the most suitable approach.
81. Data from the City's 2012 Floor Space and Employment Survey was obtained from Council's Research, Strategy and Corporate Planning Unit to make estimates to the approximate distribution of floor space. This data was collated with the floorspace of mixed use developments that were completed and approved since the 2012 survey, including:
- (a) The Viking Development;
 - (b) Blocks A, B, C and D of the Divercity development;
 - (c) 40A and 40B O'Dea Avenue;
 - (d) 11B Lachlan Street; and
 - (e) The subject Stage 1 (D/2013/2030).
82. The table below outlines the approximate existing and proposed proportion of non-residential floorspace versus residential floor space across the Mixed Uses 10(e) zone:

| Existing floor space across Mixed Uses 10(e) zone | | Proposal | |
|---|-------------------------|-----------------------------|-------------------------|
| Non-residential floor space | Residential floor space | Non-residential floor space | Residential floor space |
| 59% | 41% | 58% | 42% |

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

83. Based on an analysis of estimates of floor space across the entire zone, approximately 58% of the proposed floor space is used for non-residential purposes while 42% is used for residential purposes.
84. It is considered that the proposal will enable the zone to remain predominantly employment based. The proposal is also considered to be consistent with the other relevant objectives noting that the residential development has been designed to be compatible with, and is unlikely to affect the existing non-residential (light industrial/commercial) uses and operations to the south, north and east of the site. As such, the consent authority can be satisfied that the zone objectives are achieved pursuant to Clause 10 of SSLEP 1998 and can grant development consent to the proposal.
85. Furthermore, it is noted that the Planning Proposal to bring the Lachlan Precinct into the Sydney LEP 2012 and draft amendment to bring the Precinct into the Sydney DCP 2012 has come into force. While the subject application is caught by the savings provisions, the new zoning that will apply to the site is still a matter for consideration.

86. The subject site is zoned B4 Mixed Uses under the Sydney LEP 2012 (Amendment No.15). The B4 Mixed Uses zone does not emphasise a predominant use and would allow a compatible land use mix to that proposed. The future direction envisaged for the Lachlan Precinct is to transition from industrial and warehouse uses to mixed use and predominantly residential use. Given this, the proposed development is considered acceptable in terms of the recent change to zoning and the emerging locational context.

Floor space ratio, Material Public Benefit and S94 Contributions

87. The application seeks consent for an additional 0.5:1 FSR permitted under Section 5.6.1 Floor Space Ratio of the Lachlan DCP, which can only be achieved where a development provides a material public benefit to the satisfaction of the consent authority.
88. The Stage 1 DA approval (D/2013/2030) included a public benefit (PBO) as follows:
- (a) Construction and dedication of the eastern portion of Dunkerley Place along the northern part of the site and connection to western part of the road already completed;
 - (b) Construction and dedication of Hatter Lane as a shared vehicle and pedestrian zone connected to O'Dea Avenue to Dunkerley Place;
 - (c) Construction and dedication of the southern section of the Rope Walk Park along the eastern side of the site including a stormwater culvert drain and landscaping; and
 - (d) Construction and dedication of O'Dea Avenue landscaped setback and road realignment
89. A Voluntary Planning Agreement was exhibited between 21 November 2014 and 20 December 2014. The agreement was executed on 26 February 2015.
90. Pursuant to Section 93F Planning Agreements of the EP&A Act, Section 94 does not apply to the extent of the value of the material public benefit as provided for in the Planning Agreement. The Planning Agreement has set out a specific monetary amount that can be excluded from Section 94 and as such, the works can be accepted as a material public benefit and this amount can be excluded from the total developer contributions generated by the proposal.

Height

91. The savings provisions of the recently gazetted Sydney LEP 2012 (Amendment 15) are such that the proposed building heights exceed the heights set out in the Height of Buildings Map within the Sydney LEP 2012 (Amendment 15). Specifically:
- (a) The new building height controls are effectively draft controls for the purpose of assessing this DA.
 - (b) Building A and B are proposed to a maximum height of RL51.30 which exceeds the RL48.04 height limit set out in the LEP amendment;

- (c) Building C is proposed to have a maximum height of RL93.10 to the top of the glass parapet, which exceeds the RL91.60 height limit set out in the LEP amendment.
 - (d) Building D is proposed to have a maximum height of RL48.05 to the building parapet and RL53.20 to the top of the canopy, which exceeds the RL47.65 height limit set out in the LEP amendment.
92. Despite the proposed buildings exceeding the new standards that apply to the site, the proposal is considered acceptable as:
- (a) The building heights proposed are in accordance with the height established by the Stage 1 DA. The Stage 1 DA sets out the approved planning and design parameters for the site, and should prevail over the controls set out in the new LEP amendment.
 - (b) Detailed analysis and assessment of the proposed building height has been carried out as part of the Stage 1 DA, including visual and overshadowing analysis, conforming that the building height are acceptable as they do not result in any unreasonable adverse impacts on the surrounding area.
 - (c) The additional height is achieved on these building has been a deliberate strategy aimed at freeing up additional communal open space for residents on the site, which greatly help improving overall residential amenity

Design Excellence

93. A design alternatives competition process was undertaken in accordance with the requirements of the South Sydney DCP and the City of Sydney Competitive Design Policy.
94. In accordance with Clause 5.6.3 of the Lachlan Precinct DCP Amendment the process meets the following requirements of design excellence:
- (a) The proposal is of a high standard of architectural design, with materials and detailing that are appropriate to the building type and location. The materials and their treatment across the lower rise building will contribute to creating a masonry and fine grain character to the area while the tower will provide a high quality focal point that is slender in its appearance, form and structure.
 - (b) The development has a form and external appearance that will enhance the quality and amenity of the public domain by:
 - (i) Providing new high quality buildings that reinforce the street and block pattern and which improve permeability of the area through provision of new open spaces and connections;
 - (ii) Present attractive facades to the public domain that comprise a variety of materials and finishes to create visual interest, and which add to the tapestry of the local urban fabric.
 - (iii) Integrating public art in the building design on the most prominent part of the site fronting O'Dea Avenue.

- (iv) Creating a new public park that will act as a focal point and meeting place and which will expand Waterloo's network of public parks and open space
 - (v) Activating O'Dea Avenue and The Rope Walk with new retail/café uses.
 - (vi) Contains land uses that represent a mixed use building which is appropriate and desirable for this location and which is in accordance with the land use mix set out in the DCP.
 - (vii) Locates the new tower building on the site's north-east corner thus ensuring appropriate building separation and minimising potential amenity impacts on neighbouring sites.
 - (viii) Exhibits bulk and massing that is appropriate for the site and consistent with both the DCP and Stage 1 DA.
 - (ix) Achieves appropriate modulation and articulation through building materials combined with numerous recesses and projections that help vary the buildings form and appearance.
 - (x) Effectively manages and minimises environmental impacts with regards to overshadowing, privacy, visual, wind and reflectivity.
 - (xi) Supports a high quality of residential amenity through the achievement of appropriate solar access, cross ventilation, noise and acoustic privacy targets.
 - (xii) Does not result in unacceptable environmental impacts, in terms of sustainability design, overshadowing, visual and acoustic privacy, noise, wind and reflectivity.
 - (xiii) Has been designed having regard to ESD principles, and is capable of achieving BASIX requirements.
 - (xiv) Will deliver an extensive amount of new high quality public domain improvements and benefits.
95. The design achieves design excellence through its overall form and expression, and the significant contribution to the public domain. As such, it is considered that the proposed scheme is worthy of consideration for the full 10% design excellence floor space available under the Lachlan Precinct DCP Amendment.

Car Share

96. The provision of car share spaces within development sites is a consistent policy applied by Council to reduce the reliance on motor transport and limit the use of on street parking in high traffic areas. The subject site is in a high traffic area with limited on street car parking. The requirement to contain car share spaces within the basement is a condition of the Stage 1 development consent that applies to the site. The applicant has been consistently advised that this requirement would be applied.

97. The applicant has requested to provide the car share space within the public domain off the development site. Perceived security threats has been the greatest concern raised by the applicant. A letter from a car share provider GoGet has also been provided stating that the optimum location of car share spaces are on the street in a highly visible space.
98. GoGet as one of several car share corporations was contacted by Council's transport planner who confirmed that on street parking was not the only option for providing car share spaces. Basement car share spaces would be acceptable.
99. It is not considered appropriate to vary the car share requirement by using the limited supply of on street parking. Security concerns would be no greater than non-residents accessing the 72 visitor car parking spaces within the building.
100. The basement floor plans have been inefficiently layout with share spaces (buffer spaces to provide accessible layouts) adjacent to each accessible space. A more efficient design could reconfigure the basement layout to contain all visitor, retail, car wash bays and car share spaces within the one level. The concierge could also provide assistance to those accessing car share spaces. These two strategies above could reduce the security concerns raised by the applicant and uphold a consistent policy applied to the site and other similarly scaled developments within proximity to the site.

Car Parking

101. The proposal includes the provision of 310 car parking spaces within a common basement with a single access point from Dunkerley Place. The proposed volume of car parking complies with the South Sydney DCP 11 (Transport) which was the applicable planning control at the time of lodgement of the application.
102. Under the Sydney LEP amendments a maximum of 251 car parking spaces would be permitted for the subject development. Notwithstanding the non-compliance with an additional 59 spaces, the proposal is considered acceptable as:
 - (a) The design of the basement car park has been incorporated in the project since the commencement of the Design Alternative Competition Process. The intention has always been to provide parking in accordance with the DCP 11.
 - (b) A detailed traffic assessment was provided as part of the Stage 1 DA which confirmed that the surrounding road network has sufficient capacity to cater for the proposed development.
 - (c) As the subject application has been lodged prior to the commencement of the amendment to the Sydney LEP 2012, the application is caught by the savings provisions with the Sydney LEP 2012. The Sydney LEP amendments are therefore only a matter for consideration and are not to be treated as a statutory standard.

Traffic works

103. Condition 28 of the Stage 1 DA requires the provision of a median at the intersection of O'Dea Avenue and Hatter Lane to restrict vehicle movements to a left in arrangement. Hatter Lane is to be one way north bound. The details of such an arrangement were to be submitted as part of a stage 2 application.

104. The applicant has not provided this information, rather has shown plans without a median to be provided. Insufficient justification for removing this requirement has been provided. It is recommended that as a condition of consent that the median be provided in accordance with the existing conditions of consent. Full documentation is to be provided prior to the issue of a construction certificate for above ground works.

Internal Residential Amenity

105. Insufficient separation to provide adequate acoustic and visual separation has been provided between a number of studies and communal areas as shown in Figure 32. In most instances study windows are provided less than 3 metres from an adjoining apartment window. In these instances it is recommended that these windows be removed.

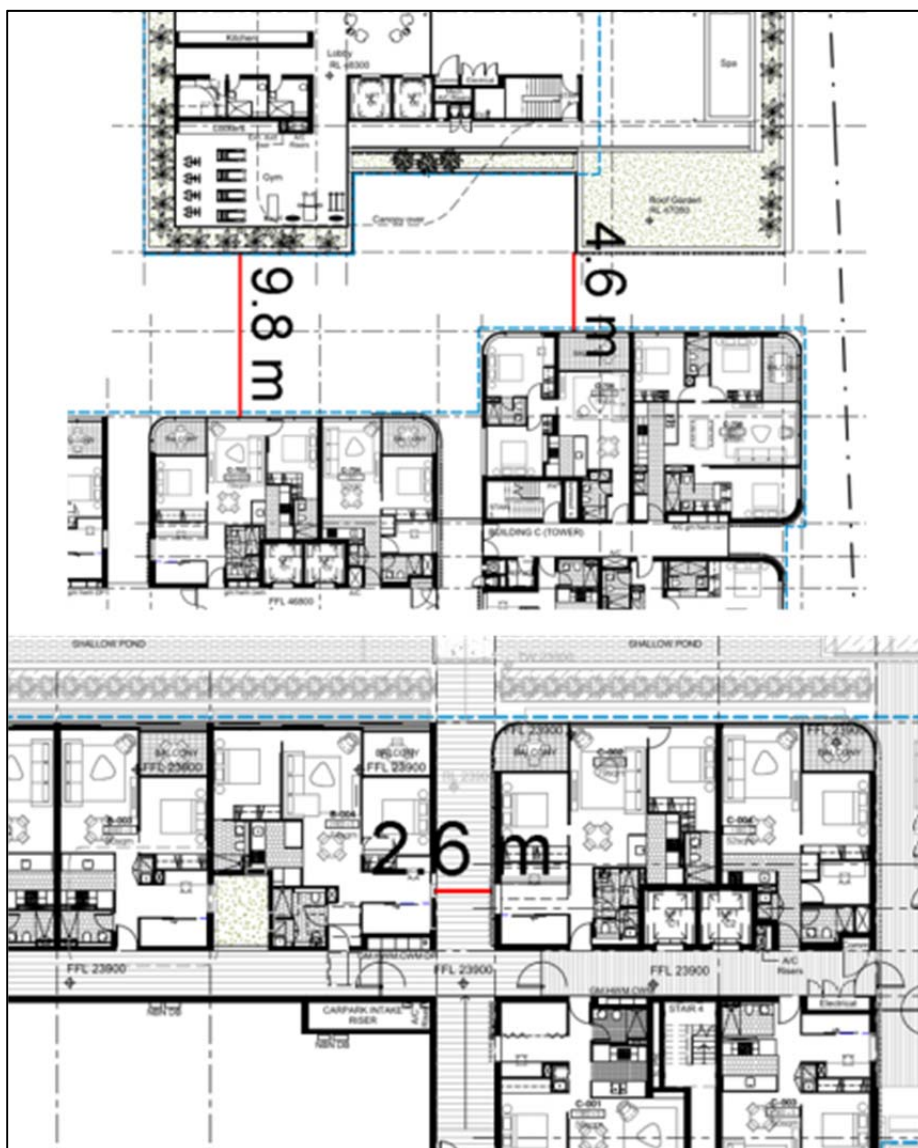


Figure 32: Extract from ground floor plan and level 7 demonstrating separation issues to be addressed by conditions of consent.

Building separation

106. The building separation distances recommended in the Residential Flat Building Design Code (RFDC) are not achieved, given the proposed layout of the buildings on the new site area. However, the arrangement of the 4 building is generally consistent with the Stage 1 approval and the Lachlan DCP.



Figure 33: Building separations

107. The applicant has addressed privacy issues in some instances with screens however there are still a number of outstanding conflicts that will need to be addressed by conditions of consent. Specifically the following recommendations are made:

- (a) All windows to studies within internal corridors are to be removed to protect the visual and acoustic privacy of the intended occupants;
- (b) All bathroom windows that share an internal slot with another apartment are to be removed to avoid a 2.7m separation;
- (c) An alternative to 100% clear glazing is to be provided to the residential apartments on levels ground to level 7 within the building C tower. At present the intended occupants would need to choose between privacy and natural light and ventilation with floor to ceiling clear glazing and clear glass balustrades.
- (d) Fan light windows are to be provided to all external balconies of residential apartments within each building on the ground to level 7 to allow natural light and ventilation to the intended occupants without compromising security and privacy.

Direct sunlight access

108. Of the 331 apartments within the development:
- (a) 229 apartments within the development (69.18%) will received a minimum of 2 hours direct sunlight between 9am and 3pm on June 21 onto at least 1sqm of living room windows; and
 - (b) 137 apartments within the development (59.6%) will receive 2 hours direct sunlight between 9am and 3pm on June 21 onto their private open space.
109. The proposal is therefore generally consistent with the RFDC requirement (70%) for direct sunlight access to living room windows and generally consistent with the 60 % requirement for private open space.

Cross ventilation

110. Cross ventilation is capable of being achieved in 58.6% of apartments by relying on voids. The proposal is generally consistent with the RFDC requirement of 60%.

Private open space

111. The majority of apartments within the development have access to a private balcony while some at ground level will have small private gardens. The balconies within the development are of various dimensions, but not all of them meet the minimum depth recommended within the RFDC of 2 metres. Specifically studio apartments have a balcony with measurements approximately 0.8m by 4.6m
112. Several penthouse apartments within the 21 storey tower have private roof top gardens.
113. The proposal's lack of private open space for a small number of apartments and non-compliance with the minimum size dimensions is considered acceptable in this instance because of the development's generous provision of communal open space which all residents will be able to access.

Corridor / core access

114. Two centrally located lifts well service each building. Buildings A, C and D have a maximum of 8 apartments on each floor to be serviced by these lifts, which complies with the RFDC. Building B will have 10 apartments serviced by two lifts. This exceeds the RFDC but is considered acceptable as two lifts are provided for the 8 storey building. In addition, the internal corridor of building B is connected to buildings A and C. These lifts could be utilised by the intended occupants.
115. A double height lobby with concierge is provided at the Dunkerley Place frontage to the tower. The concierge office has been incorrectly excluded by the applicant from FSR calculations. Should the office be included as FSR then the proposal will still comply with the maximum 2.2:1 which applies to the site.
116. The lobby does not contain lift wells, stairs or mail boxes and will not be readily accessed from the street. The applicant has stated that the purpose of the lobby is to provide a concierge and a resort style meeting point for the intended residents. The applicant has also provided a letter confirming that it is not the intent to infill this double height lobby to provide an additional level within the building. The letter can be found at **Attachment B**.

117. Several kitchens also experience the same separation issue. In these instances it is also recommended as a condition of consent that windows be removed.
118. Communal facilities on the roof top building of level D are separated from bedrooms of apartments in building C by less than 12 metres to the glass line. It is recommended that screens and high level glazing be applied to the eastern side of the communal area to provide adequate visual and acoustic privacy.

Balcony enclosure

119. Balconies within Building C include fixed batten screens on balconies to meet wind criteria. Details of the degree of enclosure of the balconies are unclear. It is recommended as a condition of consent that the balconies including any battening or balustrading are to be 25 per cent open. This percentage is the same as the draft Sydney LEP Sydney balconies provisions. Where this criteria cannot be achieved the balcony is to be removed.

Disabled Access

120. An accessible access point is provided to each entrance of the buildings and to the ground floor non-residential tenancies. Concern is raised with a pinch point at the south east corner of the site fronting the new Rope Walk Park between 1m and 1.2m as shown in Figure 34 below.

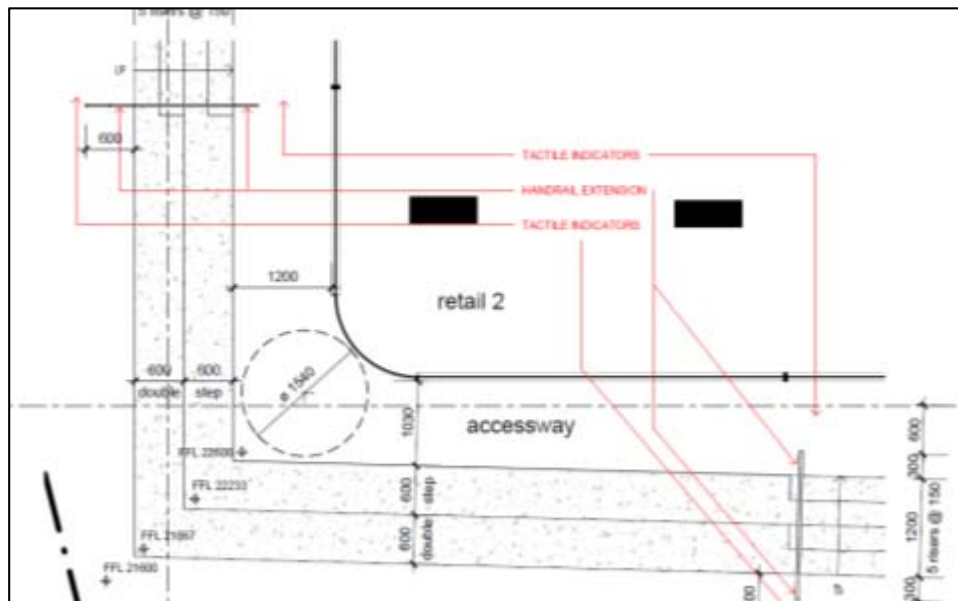


Figure 34: Extract from ground floor plan identifying pinch points and access arrangements

121. The applicant has stated that a minimum of 1.5 metres at the corner will be provided which is sufficient to satisfy the BCA for two people to pass each other. Notwithstanding the technical compliance at this particular point, it would be impractical for two persons in wheelchairs or with prams to pass each other at this point, one person may need to either enter the non-residential tenancy or reverse back down the long ramp.
122. To resolve this issue it is recommended that the glazing of the non-residential tenancies be set back to allow two clear metres along the eastern frontage to allow practical circulation within this space.

Flood and stormwater works

123. The proposal includes the construction of a new stormwater culvert below the Rope Walk Park required to service the wider Lachlan Precinct / Green Square Catchment.
124. The application included a flood impact assessment report which set the 100 year flood level. The City's Flood Engineer has reviewed the levels set and agrees with the flood and floor levels set by the consultant.
125. The external infrastructure works needs further amendment during the design documentation to reflect works undertaken by the adjacent development which has been carried out by the same developer as the subject proposal.
126. Appropriate conditions of consent are recommended.

OTHER IMPACTS OF THE DEVELOPMENT

127. The proposed development will not result in any significant additional impacts other than those already identified and discussed above.

SUITABILITY OF THE SITE FOR THE DEVELOPMENT

128. The site is suitable for the proposed development. Site suitability has already been discussed in the table/issues section above.

FINANCIAL IMPLICATIONS / SECTION 94 CONTRIBUTIONS**Affordable housing contribution**

129. The site is located within the Green Square Urban Renewal Area and is subject to contribution to the value of \$6,974,723.90.

Section 94 Contributions

130. A total contribution of \$5,956,999.50 is required in accordance with the City of Sydney Development Contribution Plan 2006. This calculation is based on 331 new dwellings and no credit for existing workers. Council has identified an additional demand for public amenities and facilities as follows:

| | | |
|-----------------------|---|-----------------------|
| Community Facilities | = | \$769,705.79 |
| Public Domain | = | \$474,094.38 |
| New Public Open Space | = | \$3,694,034.19 |
| New Roads | = | \$938,180.48 |
| Accessibility | = | \$38,911.91 |
| Management | = | \$42,072.75 |
| TOTAL: | = | \$5,956,999.50 |

131. It is noted that an offset may be provided in accordance with the executed VPA that applies to the site.

INTERNAL REFERRALS

132. The application was referred to Council's:
- (a) Specialist Surveyor;
 - (b) Environmental Health Specialist;
 - (c) Heritage Specialist;
 - (d) Urban Designer;
 - (e) Building Approvals Unit;
 - (f) City Access and Transport Unit;
 - (g) Public Domain Unit; and
 - (h) Landscape Architect.
133. Several issues were raised by a number of departments relating to non-compliances with the submission of information relating to the Stage 1 approval. These issues have been addressed by recommending the same conditions be imposed on the subject application.
134. Concern was raised by Council's Urban Designer with the extensive glazing of the tower at the lower level and the impact on the intended occupants privacy. This issue has been addressed by conditions of consent.
135. Concern was raised by Council's Landscape Architect with the level of detail provided in the landscape plan, particularly with the conflicts between the information provided. This issue has been addressed by conditions of consent.
136. Concern was raised by Council's Specialist Surveyor that a three stage subdivision plan was not submitted with the application. This issue can be addressed by imposing a condition of consent requiring separate development consent for any subdivision.
137. Concern was raised by Council's City Access and Transport Unit that infrastructure requirements of the Stage 1 approval were not meet. This issue can be addressed by conditions of consent.

EXTERNAL REFERRALS**NSW Office of Water**

138. The application was referred to the NSW Office of Water for assessment of the bulk excavation and requirement for an aquifer interference approval. General Terms of Approval (GTAs) were issued on 21 May 2015.

Airports

139. The application was referred to Sydney Airport Ltd (SACL) as the proposed Building C (tower) envelope seeks to penetrate into prescribed airspace for Sydney Airport. Council received correspondence from the Department of Infrastructure and Regional Development (Commonwealth Government) dated 14 April 2015 approving the controlled activity subject to conditions.

Ausgrid

140. The application is subject to Clause 45 of ISEPP as the development is likely to affect an electrical transmission or distribution network. On this basis, the application was referred to Ausgrid. Ausgrid have responded by stating the developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and or Connection application form.
141. The applicant has stated that a formal submission to Ausgrid has been made in the form of a Connection Application form and package. The applicant has provided a suitable location for substations within the development site on Hatter Lane. It is recommended that the standard Electricity Substation condition be incorporated into any consent.

Sydney Water

142. The application was referred to Sydney Water as a Sydney Water main (2.1 metre diameter concrete pipe) asset traverses the site in the south eastern corner of the site. At the time of preparing this report no response had been received.
143. The applicant has stated that the asset will be on the land which will ultimately be dedicated to Council and that Sydney Water have raised no objection to this arrangement.

Roads and Maritime Services (RMS)

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

PUBLIC INTEREST

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

NOTIFICATION, ADVERTISING AND DELEGATION (SUBMISSIONS RECEIVED)

146. The application constitutes integrated development and as such the application was notified and advertised for a minimum of 30 days in accordance with the provisions of Environmental Planning and Assessment Regulations 2000 between 11 December 2014 and 21 January 2015. No submissions were received.
147. The final amended plans received 26 May 2015 result in minor design amendments primarily relating to apartment layout and as such did not require renotification.

RELEVANT LEGISLATION

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

CONCLUSION

149. The proposed development is generally consistent with the core built form controls and zone objectives contained in the SSLEP 1998 and Lachlan DCP.
150. The proposed mixed use development is located in the 10(e) Mixed Uses zone in the Lachlan Precinct where SSLEP 1998 applies. This assessment finds that, notwithstanding that the individual development is predominantly residential, the Mixed Use 10(e) zone remains a predominantly employment based zone and the proposal is considered to be consistent with the objectives of the zone.
151. The proposed development is also generally consistent with the proposed controls for the site contained in the then Planning Proposal and Sydney LEP 2012, Sydney DCP 2012 controls applying to the site.
152. The development will provide ground level retail premises fronting O'Dea Avenue and the new Rope Walk Park. It will contribute 331 residential apartments to the housing stock required for the incoming population anticipated for the Green Square locality.
153. The development adopts a suitable form, scale and architectural expression to the four future street frontages and surrounding land. An acceptable level of internal amenity is afforded to future residents and the built form subject to conditions.
154. The majority of the issues that have arisen are a result of the premature lodgement of the subject Stage 2 application before the determination of the Stage 1 application (D/2013/2030/A). Notwithstanding this, the outstanding issues raised can be suitably addressed by conditions of consent.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Jai Reid, Senior Planner)