

ITEM 7. DEVELOPMENT APPLICATION: 67-77 EPSOM ROAD AND 95 DALMENY AVENUE ROSEBERY**FILE NO:** D/2014/1977**DEVELOPMENT APPLICATION NO:** D/2014/1977**SUMMARY****Date of Submission:** 19 December 2014

Amended plans received on 2 July 2015

Applicant: Toplace Pty Ltd**Architect:** PTW Architects**Developer:** Toplace Pty Ltd**Owner:** Jolyn Place Pty Ltd**Cost of Works:** \$78,005,461**Proposal Summary:** Stage 2 development application for the construction of four residential flat buildings known as buildings B, C, E and F, as approved within the Stage 1 development consent D/2008/102/B.

Building B is 9 storeys, Building C is 4 storeys and Buildings E and F are 7 storeys and contain a total of 247 apartments and two levels of basement parking for 254 vehicles and 272 bicycle parking spaces. Landscaping of communal open space is also proposed.

In order to ensure consistency between the staged applications, as required by section 83D of the Environmental Planning and Assessment Act, it is necessary to vary the Stage 1 DA consent. As such, a concurrent Section 96 application (D/2008/102/C) has been lodged. This application seeks to amend the original Stage 1 DA approval in the following manner:

- Increased height of Building B (by 4.3m), C (by 1.7m), Building E-F (by 4.03m);
- Shift in footprint of Building E to the north.
- Protrusions outside of the building envelopes on the eastern side of Building B and the western side of Building C.
- Reduction in building envelope and the junction of Building B and C

**Proposal Summary:
(continued)**

- Amend Condition 17 (Upgrade to Epsom Road / Link Road Intersection) to amend the timing to complete the upgrade to prior to the Final Occupation Certificate for Building A.

The proposed development exceeds the 29m height standard in the Sydney Local Environmental Plan 2012 by 1.4m or 4.8%. The minor breach in height relates primarily to the lift overrun, which is required to achieve equitable access to the proposed communal roof terrace.

A request for a variation to the height development standard has been submitted under Clause 4.6 of the Sydney LEP 2012. The variation to the development standard is supported.

The proposal has been amended to address issues relating to the provision of an on-site waste loading area.

One submission was received during the exhibition period raising concerns relating to traffic impacts and disturbance during construction. The road layout and intensity of the development on site was established within the Stage 1 development consent, which includes the requirement for the upgrade of the Epsom Road/Link Road intersection. Conditions are included to regulate construction activity and prevent noise, disturbance and emissions

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 No.65 – Design Quality of Residential Flat Development (including Draft SEPP amendments)
- (iii) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- (iv) State Environmental Planning Policy (Infrastructure) 2007
- (v) Sydney Local Environmental Plan 2012
- (vi) Sydney Development Control Plan 2012
- (vii) City of Sydney Development Contributions Plan 2006

Attachments:

A - Proposed Plans

RECOMMENDATION

It is resolved that:

- (A) the variation sought to Clause 4.3 building height in accordance with Clause 4.6 of Sydney Local Environmental Plan 2012 be supported; and
- (B) pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979, consent be granted to Development Application No. D/2014/1977, 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/2014/1977 dated 19/12/2014 and the following drawings:

Drawing Number	Architect	Date
DA-001/ C	PTW Architects	26/06/2015
DA-003/ C	PTW Architects	26/06/2015
DA-100/ C	PTW Architects	26/06/2015
DA-101/ C	PTW Architects	26/06/2015
DA-102/ C	PTW Architects	26/06/2015
DA-103/ C	PTW Architects	26/06/2015
DA-104/ C	PTW Architects	26/06/2015
DA-105/ C	PTW Architects	26/06/2015
DA-106/ C	PTW Architects	26/06/2015
DA-107/ C	PTW Architects	26/06/2015
DA-108/ C	PTW Architects	26/06/2015
DA-109/ C	PTW Architects	26/06/2015
DA-110/ C	PTW Architects	26/06/2015
DA-111/ C	PTW Architects	26/06/2015
DA-201/ C	PTW Architects	26/06/2015
DA-202/ C	PTW Architects	26/06/2015
DA-250/ C	PTW Architects	26/06/2015
DA-251/ C	PTW Architects	26/06/2015
DA-252/ C	PTW Architects	26/06/2015
DA-300/ C	PTW Architects	08/07/2015
DA-301/ A	PTW Architects	28/11/2014
DA-900/ A	PTW Architects	11/07/2014

Drawing Number	Architect	Date
DA-901/ A	PTW Architects	11/07/2014
DA-1050/ A	PTW Architects	28/11/2014
DA-1051/ C	PTW Architects	26/06/2015
DA-1052/ B	PTW Architects	26/06/2015
DA-1053/ C	PTW Architects	26/06/2015
DA-1054/ C	PTW Architects	26/06/2015

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) CONSISTENCY WITH VOLUNTARY PLANNING AGREEMENT

The development must be carried out in accordance with all of the obligations for Building B, C, E, and F referenced within the Voluntary Planning Agreement titled Planning Agreement: 67-77 Epsom Road and 95 Dalmeny Avenue Rosebery executed on 28 September 2010 and entered into by Nora Goodridge and Robert Magid. All of the obligations for Building B, C, E and F must be delivered at the nominated times as described within the VPA documentation.

(3) USE OF GARBAGE ROOM IN BUILDING D

The transfer of garbage bins from Buildings E and F to the garbage room on Level 1 of Building D must be undertaken wholly within the site. The use of the footway to transfer such bins to the garbage room is not permitted under any circumstances.

(4) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The turning circle of the waste collection loading area within Building C is to have a minimum radius of 10.5 metres.

The modifications are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

(5) SWEPT PATHS

Swept paths are to be prepared based on a vehicle length of 9.24 metres and are to demonstrate that a vehicle of this length can access the waste collection loading dock within Building C through a 4 metre wide opening. This information is to be submitted to Council's Area Planning Manager prior to the issue of a Construction Certificate.

(6) DESIGN QUALITY EXCELLENCE

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

(7) BUILDING HEIGHT

- (a) The height of Building B must not exceed RL 53.650 (AHD) to the top of the building and RL 52.050 (AHD) to the parapet of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(8) APPROVED DESIGN ROOF - TOP PLANT

All roof-top plant and associated equipment must be located within the approved building envelope and behind parapets.

(9) USE OF COMMON AREAS AND FACILITIES

The roof top terrace of Building B 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.

(10) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board reference number DA-1000, and specifications prepared by PTW Architects dated 11/17/2014.

(11) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The buildings B, C, E and F must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist and visitor accommodation or the like, other than in accordance with the Sydney Local Environmental Plan 2012.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from residential accommodation as defined in the Sydney Local Environmental Plan 2012. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) 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.

(12) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL

The following conditions apply to car parking:

- (a) The on-site car parking spaces are not to be used other than resident of the subject building for parking of vehicles related to residence in the unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.
- (b) The strata subdivision of the site is to include a restriction on user pursuant to Section 39 of the *Strata Schemes (Freehold Development) Act, 1973* as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to Section 88B of the *Conveyancing Act 1919*, burdening all car parking part lots in the strata plan.

(13) 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.

(14) ADAPTABLE HOUSING

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

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

- (b) demonstrating (in a checklist) compliance with Australian Standard AS4299,

is to be submitted to the Certifying Authority.

(15) 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; and
- (d) Wiring shall be fully concealed.

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

In accordance with Clause 7.13 of Sydney Local Environmental Plan 2012 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 or a bank guarantee in favour of The Department of Planning to the value of the required contribution has been lodged. The contribution is \$3,793,751.60 based on the in lieu monetary contribution rate for non-residential development at \$50.05 per square metre of total non-residential floor area 0sq.m, and for residential development at \$150.20 per square metre of total residential floor area 25,258sq.m. Contributions will be indexed in accordance with the formula set out below.

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the applicant must provide evidence that the bank guarantee referred to above has been redeemed as payment of this contribution. If the contribution is paid after the indexation period in which the consent is granted 1 March 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.

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.

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.

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

(17) 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	\$595,352.10
Public Domain	\$366,702.56
New Open Space	\$2,857,261.87
New Roads	\$725,663.92
Accessibility	\$30,097.59
Management	\$32,542.43
Total	\$4,607,620.47

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

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

where:

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

(18) PHYSICAL MODELS

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

Note:

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

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

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

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

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements>. Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

(20) 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.

(21) ACOUSTIC DESIGN

- (a) The proposed alterations must not affect the existing acoustic integrity of the building in relation to the control of noise emissions from the premises.
- (b) No additional equipment may be installed or changes made to the acoustic design unless certified by a suitably qualified acoustic consultant* that the equipment will not increase noise emissions from building.

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.

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

- (a) All works conducted on site which form part of this development must be carried out in accordance with the submitted Demolition, Excavation and Construction Management Plan prepared by Acoustic Logic dated 7 April 2015 reference 20141403.2/0704A/R0/HP.
- (b) (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 Area Manager, Health and Building.

(23) 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 reports prepared by Acoustic Logic, titled Rosebery Park BCEF dated 25 November 2014, ref 20141403.1 Council reference: 2014/579991 and titled Rosebery Park – Addendum Park dated 7 April 2015 reference 20141403.1/0704A/R1/HP, Council Ref 2015/221403 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 of 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 Council's Area Manager, Health and Building which addresses the following requirements:

Addendum Letter dated 7 April 2015

- (i) Section 5.4 – Design specifications to the satisfaction of the consultant and in agreement with the PCA.
- (ii) Table 4 & 5 of Section 4 – The validated long-term background and ambient noise levels are to be used for the purpose of establishing planning noise performance parameters and consequent noise limits (through substitution into the NOISE GENERAL and NOISE ENTERTAINMENT conditions) for the certification of design and verification of operation, to the satisfaction of the consultant and PCA, prior issue of construction (and operation) certificates.
- (iii) Table 6 of Section 4.3.1.1 – Intrusiveness Noise Emission Goals criteria not to exceed the allowable intrusive noise levels.
- (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 Council's Area Manager, Health and Building 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.

(24) 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.

(25) 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.

(26) 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.

(27) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

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

(28) ALLOCATION OF PARKING

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

Car Parking Type	Number of spaces	
	B / C	E / F
Residential spaces	94	84
Accessible residential spaces	19	19
Residential visitor spaces	14	14
Accessible residential visitor spaces	1	1
Subtotal	128	118
Car share parking	2	2
Service vehicle spaces	2	2
Medium Rigid Vehicle loading dock(s) – able to accommodate Council's standard 9.24m waste vehicle	1	-
Total	133	122

(29) 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".

(30) BICYCLE PARKING AND END OF TRIP FACILITIES

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

Bicycle Parking Type	Number of spaces		Requirements
	B / C	E / F	
Residential	122	125	Spaces must be a class 1 bicycle locker [1] or class 2 facilities
Residential visitor	12	13	Spaces must be Class 3 bicycle rails

Notes:

- (i) If a basement storage area on title that is large enough to store a bike and is no smaller than a class 1 bike locker this can be counted as a space.
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Construction Certificate being issued.
- (c) Storage units located above car parking spaces (i.e. not at grade) are not a suitable bicycle parking option and do not count towards required bicycle parking provisions.
- (d) All visitor bicycle parking must be provided at ground floor level near the main building entrances.

(31) 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.

(32) 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.

(33) INTERCOM FOR VISITORS

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

(34) ON SITE LOADING AREAS AND OPERATION

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

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

(35) PARKING DESIGN

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

(36) 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.

(37) 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.

(38) 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.

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

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

(40) 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.

(41) STACKED PARKING EMPLOYEES OR TENANTS ONLY

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

(42) 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.

(43) VEHICLE FOOTWAY CROSSING

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

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

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

(44) SWEEP PATH ANALYSIS

A swept path analysis is to be undertaken to show how Council's standard 9.24m waste vehicle can service the subject site through the use of the loading dock of Building C.

This swept path analysis, along with amended plans if required, must be submitted to and approved by Council prior to the Construction Certificate being issued.

(45) LOADING DOCK SCHEDULE/REGISTER

The on-site loading dock (which is to be provided primarily to accommodate on-site waste collection by Council's standard waste vehicle) is also to be available for all residents for use by removal vehicles, bulky good deliveries and similar. This shall be managed either by a schedule showing residents when they can use the dock, or by a register managed on site to allow residents to reserve a time period for their deliveries. This information is to be made available to all residents/tenants of the building.

(46) GREEN TRAVEL PLAN

- (a) A precinct-wide Green Travel Plan for the entire Overland Gardens development is to be implemented.
- (b) The "Green Travel Plan and Transport Access Guide" prepared in relation to Building D of the Overlands Gardens site, is to be updated and amended so as to also apply to Buildings B, C, E and F of the site.
- (c) Updates to the Plan are to be based on an assessment on the implementation of the Plan to date, by appropriate means including surveys, observations of travel patterns, and any design changes which may impact the infrastructure and facilities available to support the implementation of this Plan. These changes are to be clearly identified.
- (d) The updated Plan must be submitted to and approved by the Director of Planning, Development and Transport prior to the issue of an Occupation Certificate for each individual building.

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

(47) CAR SHARE SPACES

- (a) A minimum of 4 car parking spaces for the exclusive use of car share scheme vehicles are to be provided as shown in plan DA-101 (revision B).
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must be publicly accessible at all times.
- (f) The car share spaces are to be available at the same time that the car park commences operation.

Note: It is recommended that the applicant discuss the proposed location of car share parking spaces with car share operators prior to the issue of a construction certificate to ensure the commercial requirements of the operator can be accommodated

(48) LARGE STORAGE AREAS

The large storage areas (over 8m²) which are located behind parking spaces throughout the basement levels are to be fully caged to prevent additional car parking being accommodated on the site.

(49) NEW ROAD CONSTRUCTION AND DEDICATION

Prior to the issue of any Occupation Certificate for the development, new Road 02, new Road 03, the part of new Road 04 fronting the development and the part of new Road 06 fronting the development are to be constructed in accordance with the requirements and to the satisfaction of Council and dedicated as Public Road vested in Council's ownership.

(50) SUBDIVISION FOR DEDICATION PURPOSES

- (a) A separate application is to be made to Council for the approval of a Plan of Subdivision to effect the road dedications and issue of the Subdivision Certificate under Part 4A of the Environmental Planning and Assessment Act 1979.
- (b) Any proposal to subdivide the site for purposes other than dedication of the new roads will require separate applications to obtain Development Consent for the proposal and issue of the Subdivision Certificate.

(51) AIRSPACE PROTECTION

- (a) The building must not exceed a maximum height of 53.65 metres AHD, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues, etc.

- (b) Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct the buildings. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations, therefore it is advisable that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.
- (c) At the completion of the construction of the building, a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the building.

SCHEDULE 1B

PRIOR TO CONSTRUCTION CERTIFICATE/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 Approvals Unit to discuss the requirements prior to submission of the application for construction certificate.

(52) 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.

(53) 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".

(54) PRESERVATION OF SURVEY MARKS

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

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

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

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

(55) 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*.

(56) PUBLIC DOMAIN PLAN

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged and approved by Council's Public Domain Section prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's *Public Domain Manual*).

- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Design Code* and *Sydney Streets Technical Specification*, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.
- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(57) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to a Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*.

- (b) Prior to a Certificate of Completion being issued for public domain works and before the issue of any Occupation Certificate for the development or before the use commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*, including requirements for as-built documentation, certification, warranties and the defects liability period.

(58) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

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

The stormwater quality assessment must:

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

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

(59) 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.

(60) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 6 lineal metres of concrete material site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

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

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

(61) 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.

(62) ENCROACHMENTS – PUBLIC WAY

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

(63) PUBLIC DOMAIN LIGHTING

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

(64) SOFT LANDSCAPING TO FUTURE PUBLIC DOMAIN

Soft landscaping along the property boundary and planter retaining structures within the public domain area of the new City Streets is not approved.

(65) NEW ROAD DETAILED DESIGN

The detailed design of the new Roads (Road 02, 03 and 04) is to be submitted and approved by the City prior to an Alignment Level submission for this development

(66) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(67) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

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

Where compliance with the deemed-to-satisfy provisions of the BCA cannot be achieved an alternative solution in accordance with Part A0 of the BCA must be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. In this regard attention is drawn to fire safety matters identified in Fire Engineering Letter dated 01/12/14 by Holmes Fire submitted in support of this application.

(68) MECHANICAL VENTILATION

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

(69) 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.

(70) BASIX CERTIFICATE - DETAILS TO BE LODGED WITH A CC

A copy of the required completed BASIX certificate accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate application. – See Note.

IMPORTANT NOTE:

Any requirement detailed in the accompanying BASIX Certificate, MUST be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the EP&A Regulation, 2000.

(71) 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 WorkCover Authority.
- (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover 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 WorkCover 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.

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

Any 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).

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

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

(74) 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).

(75) 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.

(76) ELECTRICITY SUBSTATION

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

(77) TELECOMMUNICATIONS PROVISIONS

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

(78) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

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

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

(79) 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. The plan must comply with the Council's *Policy for Waste Minimisation in New Developments 2005*. All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- (c) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's *Policy for Waste Minimisation in New Developments 2005*, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

UPON COMPLETION OF THE DEVELOPMENT

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

(80) 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.

(81) 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.

(82) 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.

(83) 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.

(84) 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.

(85) LAND REMEDIATION (Where Site Auditor engaged)

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by Environmental Investigations dated 30 April 2015 and referenced E22016.2 AD and the Letter of Interim Advice No. 7 prepared by Kylie Lloyd dated 30 April 2015 and referenced TRIM 2015/201789. 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.

(86) NOTIFICATION – NEW CONTAMINATION EVIDENCE

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

(87) 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.

(88) 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

(89) 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.

(90) 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.

(91) 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.

(92) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION

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

(93) MECHANICAL VENTILATION

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

(94) 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.

(95) 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 a Construction Certificate, 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 an Occupation Certificate.

(96) REDUCTION OF NOISE FROM EXTERNAL SOURCES (RESIDENTIAL AND SERVICED APARTMENTS)

- (a) Prior to a Construction Certificate being issued, an acoustic assessment report prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Certifying Authority demonstrating compliance with the requirements of the *Sydney DCP 2012* in relation to acoustic privacy. The approved drawings and specifications for construction are to be in accordance with the requirements of the DCP.
- (b) In the preparation of the report:
 - (i) The environmental noise monitoring at the site of the proposed development must be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;
 - (ii) The repeatable maximum LAeq (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
 - (iii) The LAeq (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed must be shown.
- (c) Prior to an Occupation Certificate being issued, a Compliance Certificate from a qualified, practicing acoustic engineer must be submitted to the satisfaction of the Principal Certifying Authority, certifying compliance with the condition.

(97) TREES APPROVED FOR REMOVAL

All trees detailed in Table 1 below are approved for removal.

Table 1 – Tree Removal:

That the following trees be removed during the development works on the subject site.

Tree No	Botanical/Common Name	Location
12 - 17	Melaleuca styphelioides (Prickly Paperbark)	Refer to Arborist Report
18	Eucalyptus microcorys (Tallow Wood)	
19	Ulmus pavifolia (Chinese Elm)	
20	Angophora costata (Sydney Red Gum)	
21	Eucalyptus microcorys (Tallow Wood)	
22	Angophora costata (Sydney Red Gum)	

Refer to the 'Tree Report and Arboricultural Development Impact Assessment' prepared by 'Birds Tree Consultancy' dated 17 March 2015 for tree locations and numbering.

(98) TREES THAT MUST BE RETAINED

That the existing trees detailed in Table 2 below be retained and protected throughout the proposed development.

Table 2 – Tree Retention:

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
1 -2	Angophora costata (Sydney Red Gum)	Refer to Arborist Report
3	Eucalyptus microcorys (Tallow Wood)	
4 – 5	Angophora costata (Sydney Red Gum)	
6	Melaleuca styphelioides (Prickly Paperbark) group of 20 trees	
8	Melaleuca styphelioides (Prickly Paperbark)	
9	Eucalyptus microcorys (Tallow Wood)	
10	Melaleuca styphelioides (Prickly Paperbark)	
11	Lophostemon confertus (Brushbox)	

Refer to the 'Tree Report and Arboricultural Development Impact Assessment' prepared by 'Birds Tree Consultancy' dated 17 March 2015 for tree locations and numbering.

(99) TREE PROTECTION ZONE

- (a) Before the commencement of works, a/the Tree Protection Zone/s (TPZ) must be established around all tree/s to be retained not less than the distance indicated in the TPZ schedule below. Tree protection must be installed and maintained in accordance with the Australian Standard 4970 Protection of Trees on Development Sites.

TPZ Schedule

Tree No	Species Name	Radius (m) From Trunk
6	Melaleuca styphelioides (Prickly Paperbark) group of 20 trees	2.5 metres
8	Melaleuca styphelioides (Prickly Paperbark)	2 metres
9	Eucalyptus microcorys (Tallow Wood)	2.3 metres
10	Melaleuca styphelioides (Prickly Paperbark)	2 metres
11	Lophostemon confertus (Brushbox)	6 metres

- (b) Each TPZ must be:
- (i) Enclosed with a 1.8m high fully supported chainmesh protective fencing. The fencing must be secure and fastened to prevent movement. The fencing must have a lockable opening for access. Woody roots must not be damaged or destroyed during the establishment or maintenance of the fencing;
 - (ii) Kept free of weed and grass for the duration of works;
 - (iii) Mulch maintained to a depth of 75mm for the duration of works;
 - (iv) Have two signs identifying the name and contact details of the site Arborist attached facing outwards in a visible position. All signs must remain in place throughout all work on site.
- (c) The following works must be excluded from within any TPZs:
- (i) Soil cut or fill including excavation and trenching;
 - (ii) Soil cultivation, disturbance or compaction;
 - (iii) (Stockpiling, storage or mixing of materials;
 - (iv) The parking, storing, washing and repairing of tools, equipment and machinery;
 - (v) The disposal of liquids and refuelling;
 - (vi) The disposal of building materials;
 - (vii) The siting of offices or sheds;
 - (viii) Any action leading to the impact on tree health or structure.
- (d) All work undertaken within or above the TPZ must be:
- (i) Supervised by a qualified Consultant Arborist, who holds a Diploma in Horticulture (Arboriculture) Level 5 under the Australia Qualification Framework;
 - (ii) Undertaken in accordance with all directions given by the Site Arborist and/or Council.

(100) SERVICES

- (a) 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.
- (b) 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.

(101) STREET TREE PROTECTION

Street trees must be protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

- (a) Tree trunk protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;
 - (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage,
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion; and
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.

- (d) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

(102) STREET TREE PRUNING AND REMOVAL

- (a) The consent from Council must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that is required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, and has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.
- (c) The removal of any street tree approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the trees removal.

(103) STREET TREE PLANTING AND MAINTENANCE

- (a) A Landscape Plan indicating the location of the street trees to be planted in association with the development must be submitted to and approved by Council prior to the issue of the Construction Certificate. Street trees must be located and planted in accordance with the City's Street Tree Master Plan, and the following:
 - (i) grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment
 - (ii) the container size, at the time of planting, is to be a minimum of 100 litres and a minimum height of 2.5 metres.
 - (iii) planted by a qualified Arborist or Horticulturist (AQF Level 2); and
 - (iv) planted before the issue of an Occupation Certificate.
- (b) The Landscape Architect shall liaise with the City's Street Tree Contract Coordinate (South) for street tree species selection.
- (c) The street tree(s) must be:
 - (i) grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment
 - (ii) the container size, at the time of planting, is to be a minimum of 100 litres and a minimum height of 2.5 metres.
 - (iii) planted by a qualified Arborist or Horticulturist (AQF Level 2); and
 - (iv) planted before the issue of an Occupation Certificate.
- (d) The tree pits must be inspected by Council's Contract Coordinator – Street Trees, before and after planting.

- (e) All street trees planted in accordance with the approved Landscape Plan must be maintained by a qualified Horticulturist or Arborist (AQF Level 2 or 3) for a minimum period of twelve (12) months commencing on the planting date. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
- (f) At the end of the twelve (12) month maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.
- (g) If a street tree has been replaced due to maintenance deficiencies during the twelve (12) month maintenance period, the twelve (12) month maintenance period will start again from the date that the street tree is replaced.

(104) LANDSCAPING OF THE SITE

- (a) The submitted landscape plan has not been approved.
- (b) A detailed landscape plan, drawn to scale, by a qualified landscape architect, 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 address the following:
 - (i) Provide a greater number of seats and seating edges to walls within the residential park and linear park. Provide at least two picnic tables, a shade structure, and an increased paved area to facilitate larger gatherings.
 - (ii) Ensure all areas of deep soil are used to facilitate large canopy trees, and that trees are strategically positioned to manage privacy and views between buildings. In addition, ensure a minimum of 15% canopy cover is achieved across the site within 10 years of completion.
 - (iii) Ensure all trees to the linear park have a minimum clear stem of 1.8m, and understorey planting stays lower than 1m to maintain clear sight lines.
 - (iv) Ensure all garden beds are easily accessible for maintenance.
- (c) 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 levels, mounding and retaining walls and planter boxes. 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) The design shall include a variety tree species (including natives and exotic)
 - (v) Details of planting procedure and maintenance;
 - (vi) Details of drainage, waterproofing and watering systems.
- (d) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (e) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

SCHEDULE 1C

DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION

(105) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

(106) HOURS OF WORK AND NOISE – OUTSIDE CBD

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

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

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

(107) 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.

(108) 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.

(109) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites is restricted to the hours of:
 - (i) 8:30am to 12:30pm and 2:00pm to 4:30pm Monday to Friday
 - (ii) 9:00am to 2:30pm Saturdays
 - (iii) No such works are permitted on Sundays or Public Holidays
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and *Australian Standard 2436- 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

(110) 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.

(111) 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.

(112) 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.

(113) 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.

(114) 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.

(115) 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.

(116) 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.

(117) USE OF MOBILE CRANES

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.

- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

(118) 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.

(119) STREET NUMBERING – MAJOR DEVELOPMENT

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

(120) 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.

SCHEDULE 2**PRESCRIBED CONDITIONS**

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 98D Conditions relating to maximum capacity signage
- Clause 98E Conditions relating to shoring and adequacy of adjoining property

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

BACKGROUND

The Site and Surrounding Development

1. The site is located in the north eastern sector of Rosebery, an established suburb comprising a mix of commercial, industrial and residential uses. The area is currently undergoing a period of transition with a number of industrial sites recently being redeveloped as residential developments.
2. The application site forms part of a larger development site consisting of two parcels of land which are collectively known as 'Overland Gardens' and are identified as Lots 1 and 2 in DP858174. Together the sites form an irregularly shaped parcel and have a combined area of approximately 3.34ha. The site is relatively flat and has a 103 metre frontage to Epsom Road and a 257 metre frontage to Dalmeny Avenue.
3. Photos of the site and surrounds are provided below:

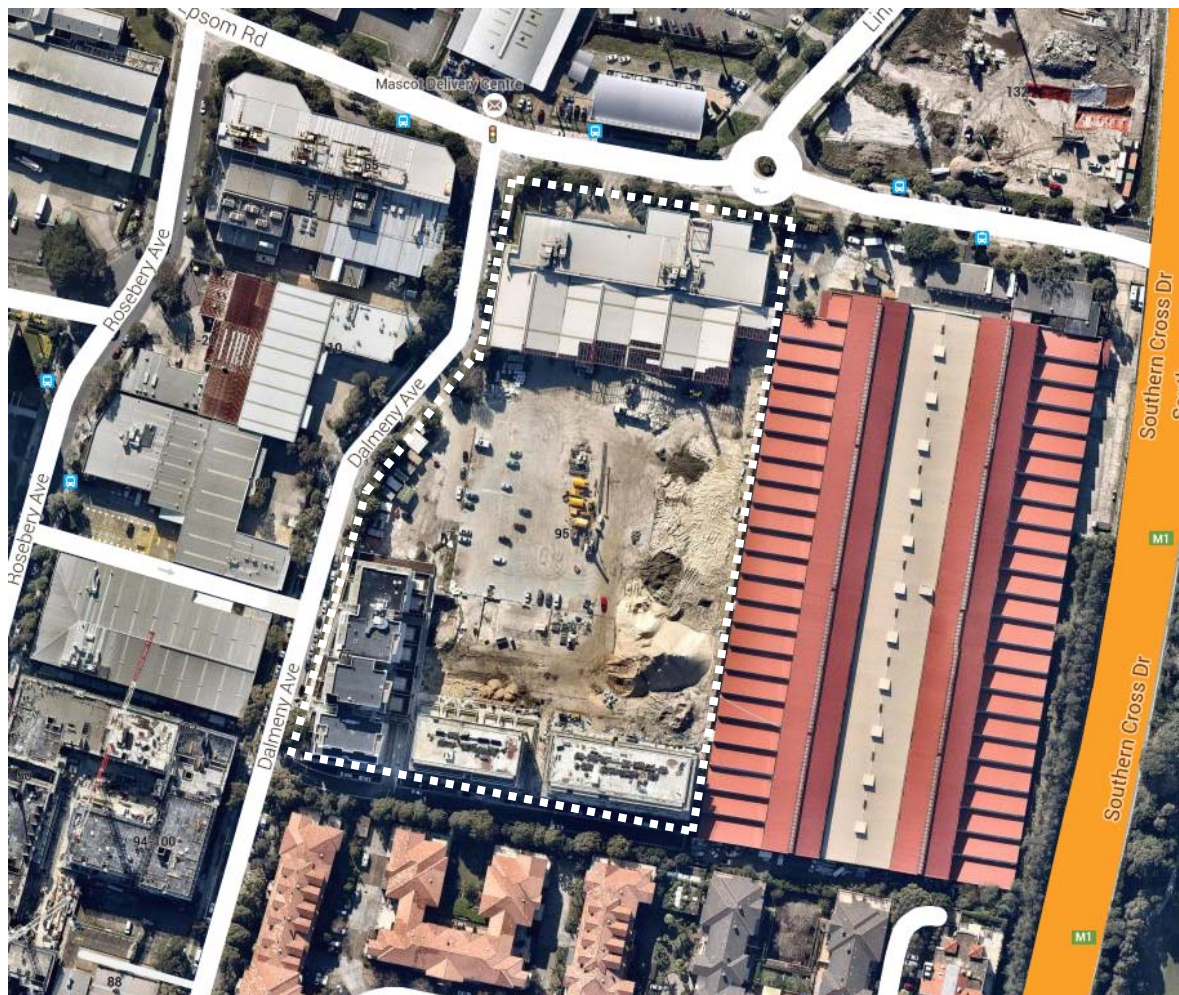


Figure 1: Aerial image of subject site and surrounding area



Figure 2: Aerial image of subject site and surrounding area.

4. The construction of the first stage of development is currently taking place at the southern end of the site, with Building D, G and H nearing completion. The majority of buildings have been demolished except for at the northern end of the site which are currently vacant.
5. There are a number of trees along the western and southern boundaries and the site is also bounded partly by an open metal mesh fence, and partly by the masonry wall of the northern warehouse building. Existing vehicular access points are located on both Epsom Road and Dalmeny Avenue.
6. To the south of the site is a relatively high density residential development known as 'Kimberley Grove', comprising a series of residential flat buildings ranging from 4 to 8 storeys in height set around a series of private roads and areas of open space.
7. Development to the north of the site includes a number of single storey car showrooms and commercial buildings. To the west is a mix of small to medium scale industrial and commercial buildings. There are also residential properties approximately 350m to the west.
8. The 'Dolina' site is located immediately to the east of the site and comprises a number of warehouse storage units. This site is the subject of a Stage 1 development consent for a mixed use development which interacts with that of the subject site. The details of this consent are discussed below.

9. The site is located within close proximity of transport links and local amenities. The eastern distributor road is located approximately 150 metres to the east of the site and Green Square train station is approximately 1.4km to the north west, both providing direct access to Sydney CBD and Sydney airport. The site is also in close proximity to the future Green Square Town Centre, is served by a bus stop located directly adjacent to the site on Epsom Road as well as existing and proposed cycleways along Epsom Road.
10. Photographs of the site are provided below:



Figure 3: The site viewed from Dalmeny Avenue.



Figure 4: Looking east across the site.



Figure 5: Looking south across the site showing Building H, G and D nearing completion.



Figure 6: The northern end of the site viewed from the corner of Epsom Rd and Dalmeny Avenue



Figure 7: Building D viewed from Dalmeny Avenue



Figure 8: The southern edge of the site showing Building D, G and H nearing completion.



Figure 9: Kimberley Grove residential apartments to the south of the site, from Dalmeny Avenue



Figure 10: Opposite side of Dalmeny Avenue

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

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

Competitive Design Process – CMP/2014/6

- (a) In June 2014, a Competitive Design Alternative Process commenced where three invited architects designed schemes for the redevelopment of the site. The selected winner of the process was PTW Architects. Figures 11 and 12 illustrate the winning scheme.



Figure 11: Building B viewed from Dalmeny Avenue.



Figure 12: Building E, F and C viewed from the future public park.

12. The following development applications are relevant to the site:

Stage 1 - D/2008/102

- (a) On 30 July 2010 the Central Sydney Planning Committee granted a Stage 1 development consent for the following development:
- (i) 5 residential flat buildings ranging in height from 4 to 8 storeys with associated basement levels (Building B-H);
 - (ii) 1 mixed use building ranging in height from 1 and 13 storeys with associated basement levels (Building A);
 - (iii) Public domain works including:
 - a. a 3,260sq.m public park;

- b. 4 new internal roads;
- c. the dedication and setback of a 1.4m strip of land along the Epsom Road boundary; and
- d. the dedication and setback of two strips of land along the eastern boundary of the site for future footpaths or landscaping.

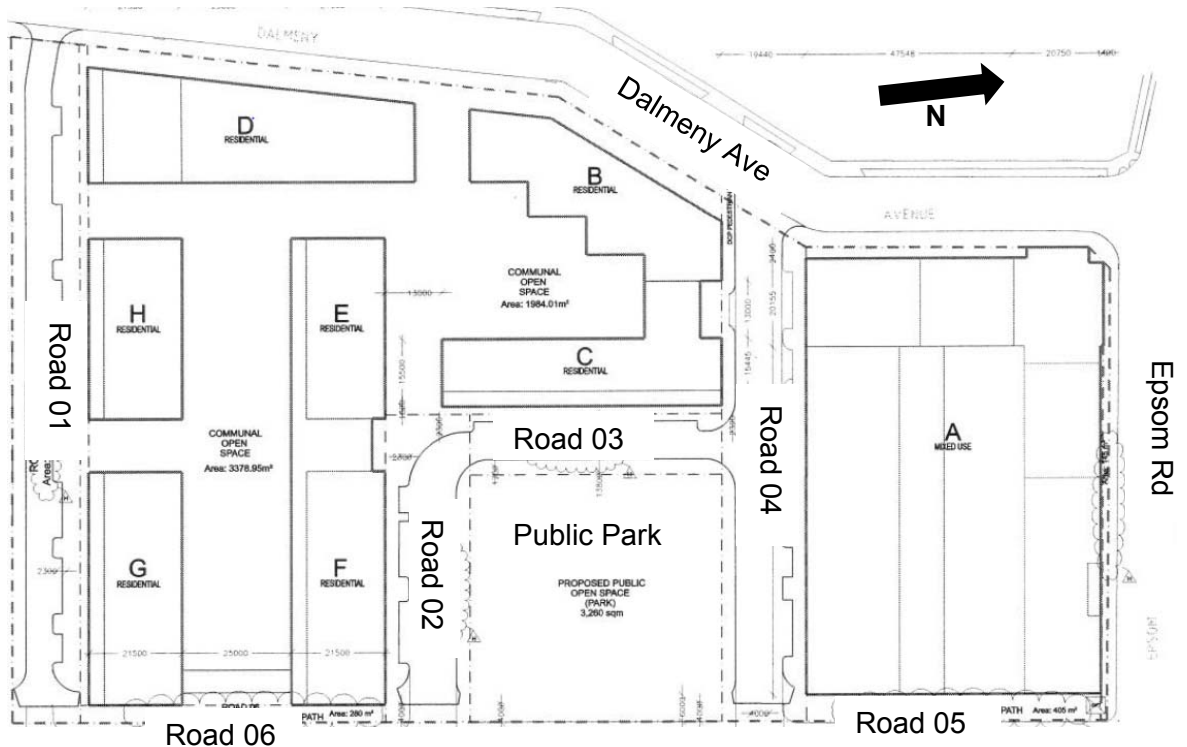


Figure 13: The Stage 1 DA location plan.

- (b) This application was modified as follows:
 - (i) D/2008/102/A - to include a basement plan, amend the height, and alter the timing of delivery of the Epsom Road/ Link Road upgrade; and
 - (ii) D/2008/102/B – to reference current planning controls.
- (c) Section 96 application D/2008/102/C to the Stage 1 development application has been referred concurrently to the CSPC. The changes include:
 - (i) increased height of Building B (by 4.3m), C (by 1.7m), Building E-F (by 4.03m);
 - (ii) shift in footprint of Building E to the north;
 - (iii) protrusions outside of the building envelopes on the eastern side of Building B and the western side of Building C;
 - (iv) reduction in building envelope and the junction of Building B and C; and
 - (v) amend Condition 17 (Upgrade to Epsom Road / Link Road Intersection) to amend the timing to complete the upgrade to prior to the Final Occupation Certificate for Building A.

Stage 2 applications

- (d) D/2011/1202: On 2 April 2012, approval was granted for the Stage 2 DA for the construction of 'Building D', a 5 to 8 storey residential flat building with 2 basement levels comprising 105 apartments and 105 car spaces. A photomontage is shown in Figure 14 below.
- (e) D/2011/1203: On 5 March 2012, approval was granted for the Stage 2 DA for the construction of 'Road 01' along the southern boundary of the site, plus infrastructure and service works.
- (f) D/2011/1789: On 7 February 2012, approval was granted for use of part of the existing warehouse building fronting Dalmeny Avenue as a temporary display apartment and showroom, utilising the site's existing car parking, hard stand and landscaping.
- (g) D/2012/1422: On 26 February 2013, approval was granted for the Stage 2 DA for the construction of 'Buildings G and H' for 5 to 6 storey residential flat building with 2 basement levels comprising 118 apartments and 105 car spaces. A photomontage is shown in Figure 15 below.
- (h) D/2013/284: On 29 May 2013, approval was granted for the demolition of southern warehouse, northern warehouse and gatehouse building plus the temporary infilling of walls to ensure weatherproofing of the approved display suite adjacent to Dalmeny Avenue.
- (i) D/2015/287: On 4 May 2015, approval was granted for subdivision of the site, being Lots 1 and 2 in DP858174, into 3 new lots and dedication of Road 01 (Galara Street) and part of Road 06 (Gilbanung Street) as Public Road.



Figure 14: Building D photomontage viewed from Dalmeny Avenue.



Figure 15: Building G and H photomontage viewed from Road 01.

Stage 2 applications currently being assessed

- (j) D/2015/624: On 11 May 2015, a Stage 2 development application was lodged for the construction of a part 6 and part 13 storey mixed use building known as Building A, containing 267 residential apartments, 49 serviced apartments, 17 ground floor retail premises and two levels of basement parking for 283 vehicles. Building A had been subject to a design competition (CMP/2014/20). The selected winner of the process was BVN Architects. Photomontages of the proposed Building A design are shown in Figures 16 and 17.
- (k) D/2015/886: On 26 June 2015, a Stage 2 development application was lodged for the construction of Roads 02, 03 and 04.



Figure 16: Proposed Building A photomontage viewed from the corner of Epsom Road and Dalmeny Avenue.



Figure 17: Proposed Building A photomontage viewed from future public park.

13. The following voluntary planning agreement is relevant to the proposal:

Voluntary Planning Agreement

- (a) A Voluntary Planning Agreement (VPA) associated with a public benefit was executed on 28 September 2010. The agreement included the following public benefits:

- (i) construction of Roads 01 (2,421sq.m), 02 (1,362sq.m), 03 (798sq.m), 04 (2,215sq.m), 05 (405sq.m) and 06 (280sq.m) and dedication to Council;
- (ii) construction of public park (3,260sq.m) and dedication to Council;
- (iii) footpath widening along Epsom Road (145sq.m);
- (iv) a contribution of \$1,670,000 for the purpose of infrastructure in or about the area known as "Green Square Town Centre"; and
- (v) a contribution of \$174,400 for the purpose of cycleway infrastructure in or about the area surrounding the site.

PROPOSAL

14. The Stage 2 development application seeks consent for the following:
 - (a) Construction of four residential buildings consisting of:
 - (i) two levels of basement parking for 254 vehicles and 272 bicycle parking spaces;
 - (ii) Building B - a 9 storey residential flat building containing 85 apartments fronting Dalmeny Avenue and Magari Street (future public road);
 - (iii) Building C - a 4 storey residential flat building containing 37 apartments fronting Banilung Street and Magari Street (future public road). This building includes vehicle access to the basement parking level and a waste collection point accessed from Magari Street; and
 - (iv) Building E and F – a 7 storey residential flat building containing 125 apartments fronting Banilung Street and Gilbanung Street (future public road);
 - (b) Landscaping of communal open space is also proposed; and
 - (c) A total of 247 apartments are proposed including 2 x Studio (0.8%) 67 x 1 Bedrooms (27.1%), 152 x 2 Bedrooms (61.5%) and 26 x 3 Bedrooms (10.5%).
15. Amended plans were submitted to address concerns raised by Council officers. The amendments included the provision of an on-site waste collection loading area within Building C.
16. A site plan, ground floor plan, photomontages and elevations are shown in Figures 18 to 24 below:

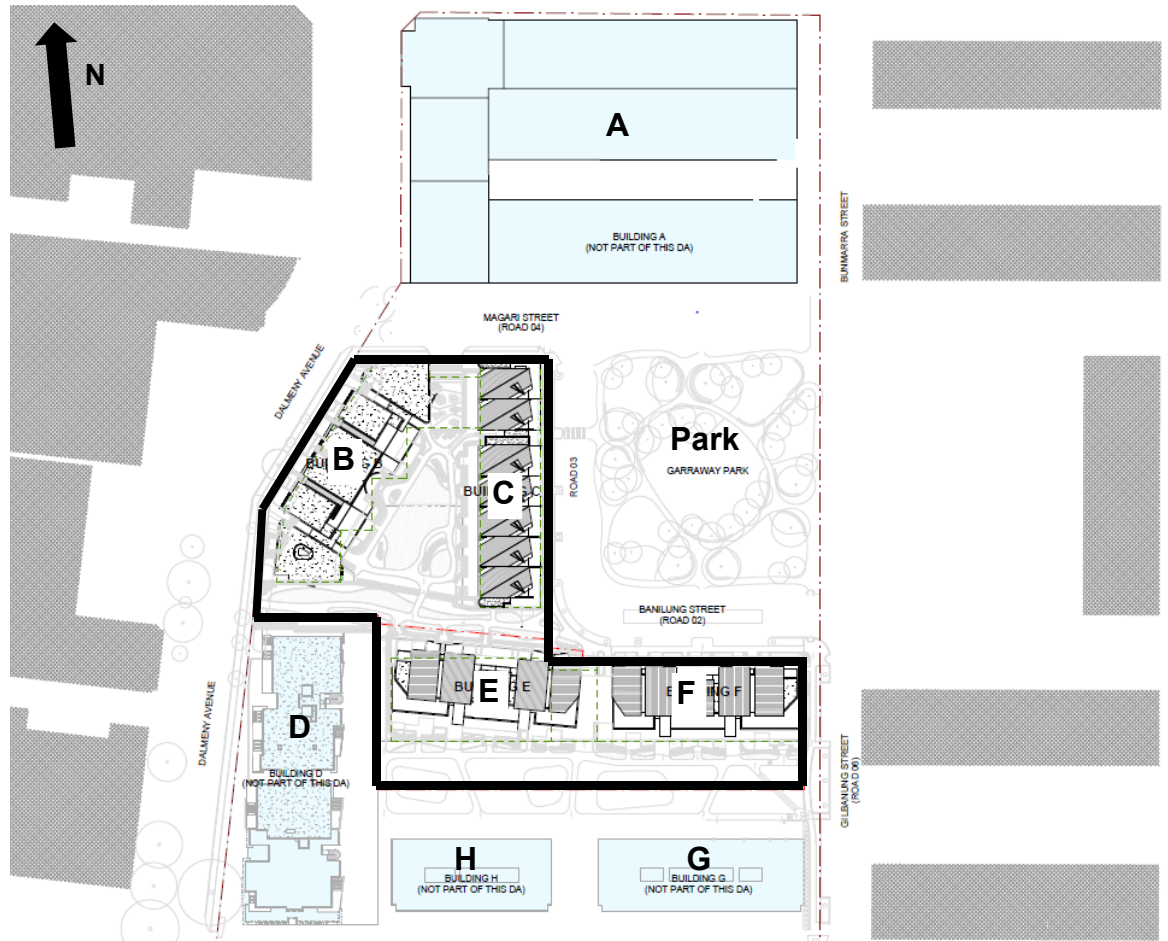


Figure 18: A site plan showing the location of Building B, C, E and F

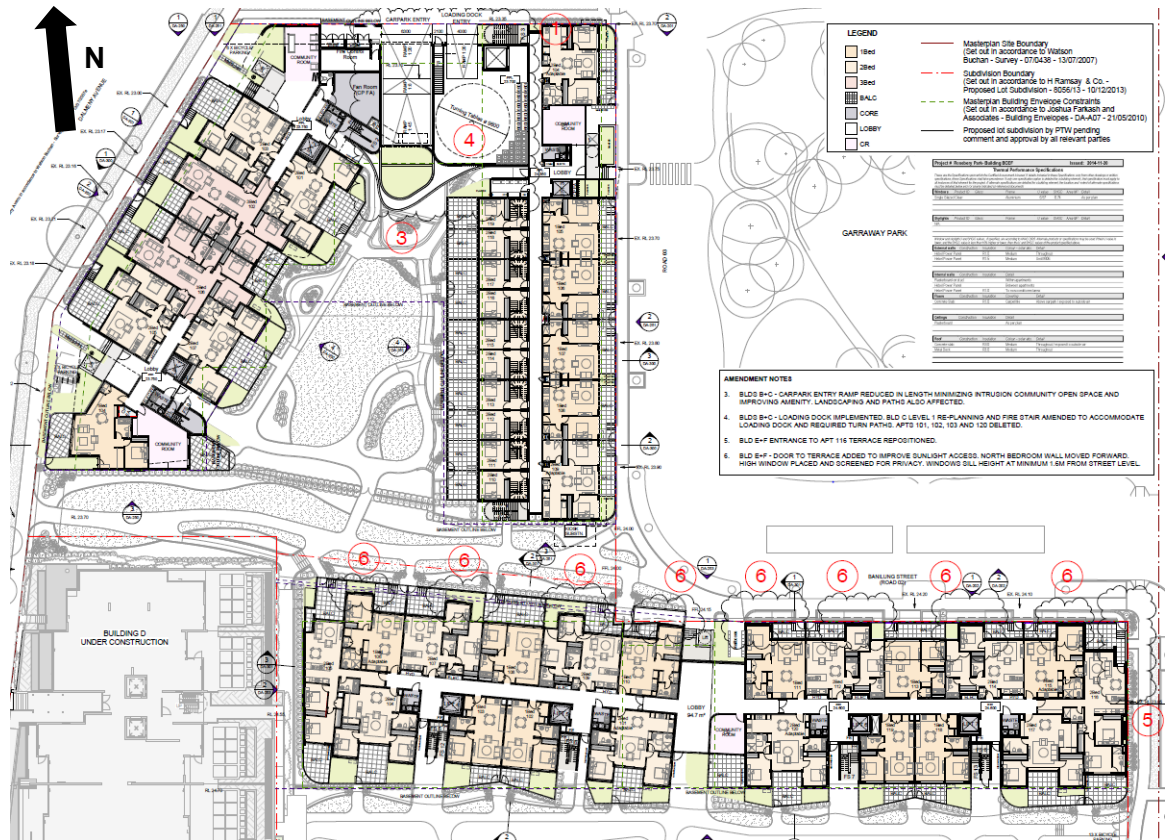


Figure 19: Proposed Building A photomontage viewed from future public park.



Figure 20: Building B photomontage viewed from Dalmeny Avenue



Figure 21: Photomontage of Building F, E and C viewed from future public park.



Figure 22: The northern (Road 02) elevation of Building E and F.



Figure 23: The western (Dalmeny Ave) elevation of Building B.



Figure 24: The eastern (Road 03) elevation of Building C.

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

17. The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:

- (a) Environmental Planning Instruments and DCPs.

SEPP 32 – Urban Consolidation (Redevelopment of Land)

18. SEPP 32 aims to promote the orderly and economic use and development of land by enabling land which is no longer required for its current use to be redeveloped for multi-unit housing and residential development which is close to employment, leisure and retail opportunities.
19. The principle of residential development on this site has already been established within the Stage 1 approval. The development will result in a diverse range of apartment types, which are in close proximity to the future Green Square Town Centre and Sydney CBD, public transport links and community areas such as Moore Park. The development is consistent with the aims and objectives of the SEPP.

State Environmental Planning Policy No 55—Remediation of Land

20. The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed. The site has previously been used for industrial purposes and the application proposes a more sensitive land use for residential purposes.
21. A Remedial Action Plan (RAP) was submitted with the development application. The City's Health and Building Unit has reviewed the RAP and is satisfied that subject to conditions, the site can be made suitable for the proposed use.

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

22. SEPP 65 (including the SEPP amendment published in the NSW Government Gazette on 19 June 2015) 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
23. The development is considered generally acceptable when assessed against the above stated principles and the SEPP 65 generally, which are replicated in large part within Council's planning controls.

Residential Flat Design Code

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

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
<p>Building Depth</p> <p>10-18m (glass to glass)</p> <p>Developments wider than 18m are to demonstrate how satisfactory daylighting and natural ventilation are achieved.</p>	Partial	<p>The proposal has building depths ranging from 15.6m to 21.5m.</p> <p>The depths beyond 18m are considered to be acceptable as the buildings are well articulated and achieve suitable amount of daylighting and natural ventilation.</p>
<p>Building Separation</p> <p>Up to four storeys/up to 12 metres:</p> <ul style="list-style-type: none"> • 12m between habitable rooms/ balconies • 9m between habitable/ balconies and non-habitable rooms • 6m between non-habitable rooms <p>Five to eight storeys/up to 25 metres:</p> <ul style="list-style-type: none"> • 18m between habitable rooms/ balconies • 13m between habitable/ balconies and non-habitable rooms • 9m between non-habitable Rooms 	Yes	<p>The separation between Building B and Building C is 12m which complies.</p> <p>The separation between Building E and F and Building G and H (previously approved) is 25m which complies with the standard.</p>
<p>Deep Soil Zone</p> <p>A minimum of 25% of the open space area of the site should be a deep soil zone.</p>	Yes	A total of 2173sq.m (25.1%) of deep soil zone is provided.
<p>Communal Open Space</p> <p>Communal open space to be 25- 30% of site area.</p> <p>Private Open Space</p> <p>25sq.m at ground level with minimum preferred dimension in one direction of 4m.</p>	<p>Yes</p> <p>Partial</p>	<p>Over 25% of the site area being developed is to be used for communal open space.</p> <p>All ground floor apartments are provided with terraces, with 100% of the Building B terraces being 25sq.m, 40% of the Building E and F terraces being 25sq.m and the remainder being a minimum of 9sq.m, and all of the Building C terraces being a minimum of 15sq.m. This is considered to be acceptable.</p>

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
<p>Safety</p> <p>Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings</p>	Yes	<p>A Crime Prevention Through Environmental Design (CPTED) statement was prepared identifying areas within the development that required appropriate design and security management. The proposal is considered to be satisfactory.</p>
<p>Visual Privacy</p> <p>To provide reasonable levels of visual privacy externally and internally, during the day and at night</p>	Yes	<p>The proposal largely achieves acceptable separation to maintain visual privacy for future occupants and those of adjoining buildings.</p> <p>The application has been amended to provide screening to the ground floor bedrooms of Building E and F which face the future public road. The sill heights of these bedrooms are approximately 1.4m above the footpath and it is considered that adequate privacy between the bedrooms and the public domain has been achieved.</p>
<p>Single Aspect Apartments</p> <p>Single aspect apartments should be limited in depth to 8m from a window.</p> <p>Limit single aspect apartments with a southerly aspect (SW-SE) to max.10% of total units.</p>	Partial	<p>All single aspect apartments are less than 8m in depth, and have windows to habitable rooms and are acceptable in terms of achieving adequate daylight and natural ventilation.</p> <p>In Buildings E and F there are 28 south facing apartments and in Building B there are 24 apartments that face south-east. This is a total of 21% (52 of the 247 apartments) and does not comply.</p> <p>The proposed number of south facing apartments is a product of the approved building envelopes in the Stage 1 consent and is considered to be acceptable.</p>
<p>Apartment Layout (Kitchen)</p> <p>The back of a kitchen should be no more than 8m from a window.</p>	Yes	<p>All kitchens are less than 8m from a window.</p>

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
<p>Apartment Layout (Cross-Over)</p> <p>The width of cross-over or cross-through apartments over 15m deep should be 4m or greater to avoid deep narrow apartment layouts.</p>	Yes	All cross-through apartments have a minimum width of 4m.
<p>Apartment Layout (Unit Sizes)</p> <p>Minimum unit sizes:</p> <ul style="list-style-type: none"> • Studio: 38.5sq.m • 1 bed: 50sq.m • 2 bed: 70sq.m • 3 bed: 95sq.m 	Yes	<p>Unit sizes are provided as follows:</p> <ul style="list-style-type: none"> • 1 bed: 50sq.m² – 77sq.m • 2 bed: 70sq.m² – 98sq.m • 3 bed: 102sq.m² – 135sq.m
<p>Balconies</p> <p>2m min balcony width</p>	Yes	All main balconies to apartments provide areas which generally have a minimum depth of 2m and are sufficiently wide to be furnishable and useable private spaces.
<p>Ceiling Heights</p> <p>2.7m minimum ceiling height in habitable areas.</p> <p>2.25-2.4m ceiling height in non-habitable areas.</p>	Yes	A minimum floor to floor height of 3.1m is proposed for all levels, ensuring a minimum 2.7m floor to ceiling height can be achieved.
<p>Ground Floor Apartments</p> <p>Optimise the number of ground level apartments with separate entries.</p> <p>Provide ground floor apartments with access to private open space.</p>	Yes	Ground floor apartments have been provided with separate entries from the public domain. All ground floor apartments have private courtyards directly accessible from principal living areas.

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
<p>Internal Circulation</p> <p>The number of apartments accessible from a single core/corridor should be limited to eight.</p>	Partial	<p>Buildings B, E and F propose two lift cores per building with up to 5 apartments accessed from each core, which complies.</p> <p>Building C proposes one lift core, with access provided to 16 apartments from the ground floor corridor, 4 from the second floor and 17 from the third floor. This is considered to be acceptable as Building C is a 4 storey building of only 37 apartments with the predominant style of maisonette apartments increasing the typical number of apartments provided access from each floor.</p>
<p>Storage</p> <p>Minimum storage provision facilities:</p> <ul style="list-style-type: none"> • 1 bed: 6m³ • 2 bed: 8m³ • 3 bed: 10m³ <p>(With minimum 50% storage area located within apartment)</p>	Yes	<p>Adequate storage is provided within each apartment. Additional residential storage is also proposed within basement levels.</p>
<p>Daylight Access</p> <p>70% of apartments to receive 2 hours of direct sunlight in midwinter to living rooms and private open spaces.</p>	Partial	<p>63.2% (156 of the 247 apartments) receive solar access for 2hrs to their living areas.</p> <p>This represents a non-compliance of 6.8% (17 apartments) and is considered to be acceptable due to the orientation of the site and the building locations that were approved as part of the Stage 1 DA.</p>

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
<p>Natural Ventilation</p> <p>60% of apartments to be cross ventilated.</p> <p>25% of kitchens within a development should have access to natural ventilation.</p>	Partial	<p>The proposal includes a number of solutions in order to increase cross ventilation compliance as follows:</p> <ul style="list-style-type: none"> • 55% of apartments are naturally cross ventilated when assessed against SEPP 65 requirements; • 62% of apartments are considered to be well ventilated when apartments with a depth of less than 6sq.m are included. <p>The proposal is considered to comply with the intent of the natural ventilation provisions.</p>

Apartment Design Guide

25. Amendments to SEPP 65 and the replacement of the RFDC with the Apartment Design Guide as a result of the publication of the State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (Amendment No 3) (SEPP 65 Amendment) formally commenced on 17 July 2015. In accordance with the savings provision of the SEPP 65 Amendment, as this application was lodged prior to 19 June 2015, this application is assessed under the Residential Flat Design Code (RFDC).

State Environmental Planning Policy (Infrastructure) 2007

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

Clause 45

27. The application is subject to Clause 45 (Subdivision 2 Development likely to affect an electricity transmission or distribution network) of the ISEPP as the development contains existing substations.
28. In accordance with Clause 45 of the ISEPP, the application was referred to Ausgrid for a period of 21 days and no objection was raised. The developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/ or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development.

Clause 104

29. The application is subject to Clause 104 of the ISEPP as the application provides parking for more than 200 motor vehicles and is traffic generating development. The application has been referred to the Roads and Maritime Services who have no objection to the proposal.

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

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

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

32. 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 (LEP) authorises an affordable housing condition to be imposed, such a condition should be imposed so that mixed and balanced communities are created.
33. Clause 7.13 - Contribution for purpose of affordable housing of the Sydney LEP 2012 authorises that an affordable housing contribution may be levied for development in land in Green Square.
34. It is recommended that a condition be imposed requiring an affordable housing contribution to aid in the delivery of affordable housing in accordance with the principles in Schedule 2 of SEPP 70.
35. The total contribution required is \$3,793,751.60 (this will be indexed according to time of payment). The contribution is payable to the Department of Planning and Environment prior to issue of a Construction Certificate.

Sydney Local Environmental Plan 2012

36. The site is located within the B4 – Mixed Use zone within the Sydney Local Environmental Plan 2012 (Sydney LEP 2012). The proposed use is defined as a residential flat building and is permissible.
37. The relevant matters to be considered under Sydney LEP 2012 for the proposed development are outlined below.

Compliance Table		
Development Control	Compliance	Comment
4.3 Height of Buildings A maximum height of 29m is permitted.	No	A height of 30.4m is proposed.
4.6 Exceptions to development standards		The non-compliance relates to roof top structures on top of Building B. The proposal seeks to vary the development standard through the provision of Clause 4.6 of the Sydney LEP 2012 to seek an exception to the height development standard. Refer to Issues section for discussion.

Compliance Table		
Development Control	Compliance	Comment
<p>4.4 Floor Space Ratio</p> <p>The site has a base FSR of 1.5:1 and permits community infrastructure incentives of 0.5:1 and design excellence incentives of 10%.</p>	Yes	<p>The design excellence incentive for this DA equates to 0.076:1 (as discussed below under Clause 3.3 of the Sydney DCP 2012). Therefore a maximum FSR of 2.076:1 is permitted.</p> <p>The Gross Floor Area (GFA) previously approved for the developments of Building D, G and H totals 18,668.2sq.m.</p> <p>The subject application proposes a GFA of 20,984sq.m.</p> <p>Therefore the proposed development and the previously approved Stage 2 DA's for the site equate to a combined total FSR of 1.19:1.</p> <p>It is noted that the proposed GFA for Building A (D/2015/624) is stated to be 28,483sq.m, which would equate to a total combined FSR for the site of 2.04:1.</p>
<p>5.9 Preservation of trees or vegetation</p>	Yes	<p>Twelve trees are required for removal, including eleven that are in the footprint of the future road (Road 04). The proposed tree removal is supported.</p> <p>It is noted that extensive tree planting is proposed across the site, including street trees, private trees and park trees.</p> <p>There are 30 trees to be retained and conditions are recommended relating to appropriate tree protection measures.</p>
<p>5.10 Heritage conservation</p>	Yes	<p>The site does not contain a heritage item and is not located within a heritage conservation area or in the vicinity of a heritage item.</p>

Compliance Table		
Development Control	Compliance	Comment
6.21 Design excellence	Yes	<p>The size of the site is such that a site specific development control plan is required to be prepared under Clause 7.20 of the Sydney LEP 2012.</p> <p>This requirement, in turn, triggers the need for a competitive design process to be undertaken under clause 6.21 of the Sydney LEP 2012.</p> <p>Under this provision, the winning design of a competitive design process, subject to Council being satisfied that the building exhibits design excellence, an amount of floor space that exceeds the amount permitted may be granted consent.</p> <p>The subject application is based on the winning design of a competitive design process and seeks 10% additional FSR. Refer to Issues section for discussion.</p>
Part 7 Local provisions—general		
<p>Part 7, Division 1 Car parking ancillary to other development The land is in Category C. This permits car parking as follows:</p> <p><u>Building B and C</u> 116 residential spaces 14 visitor spaces</p> <p><u>Building E and F</u> 103 residential spaces 15 visitor spaces</p>	Yes	<p>The application proposes that one vehicle entry service a basement under Building B and C, and a separate basement be provided under Building E and F that is connected to and accessed via Building D (separately approved).</p> <p>A suitable condition has been recommended to ensure that the development complies with the maximum parking provisions.</p>
7.13 Affordable housing	Yes	The site is located in Green Square and subject to an affordable housing contribution, which has been included as a consent condition.

Compliance Table		
Development Control	Compliance	Comment
7.14 Acid Sulphate Soils	Yes	The site is identified as containing class 5 Acid Sulphate Soil (ASS) and located approximately 900m from a class 3 ASS zone and therefore an ASS Management Plan or Preliminary Assessment is not required.
7.15 Flood planning	Yes	The site and surrounding area is subject to flooding. The flood modelling submitted with the application has been reviewed and it is considered that the capacity of the drainage system will be adequate to manage flooding within the site.
7.16 Airspace operations	Yes	The proposed development will penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for the Sydney Airport. Sydney Airport has confirmed they have no objection to the proposal in this regard.
7.17 Development in areas subject to airport noise	Yes	The land is not identified as being in an area sensitive to aircraft noise.
7.19 Demolition must not result in long term adverse visual impact	Yes	The demolition of existing buildings on this part of the site has previously been approved and the proposal is for the redevelopment of the site and therefore complies.
7.20 Development requiring preparation of a development control plan	Yes	<p>The site has a valid Stage 1 consent (being D/2008/102/B). This Stage 1 consent is the equivalent of a development control plan and details allowable building envelopes, land uses and vehicular access points. It is considered that current Stage 1 consent for the site addresses the requirements of Clause 7.20 of SLEP 2012.</p> <p>Further discussion is provided at the issues section of this report with regard to consistency of the proposal with the Stage 1 development consent.</p>

Sydney Development Control Plan 2012

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

2. Locality Statements – North Rosebery
<p>The subject site is located in the North Rosebery locality. North Rosebery is a neighbourhood in transition from traditional industrial land uses to a mix of uses including medium-density residential development and commercial and retail uses.</p> <p>The proposal is considered to be in keeping with the unique character of the area and design principles of the locality. The provision of new streets and open space formed part of the Stage 1 DA for the site.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.1 Public Domain Elements	Yes	The proposed development will make a positive contribution to the public domain.
3.2 Defining the Public Domain The overshadowing effects of new buildings on publicly accessible open space are to be minimised between the hours of 9am to 3pm on 21 June.	Yes	<p><u>Sunlight to publicly accessible spaces</u></p> <p>Solar access to more than 50% of the future public park will be achieved between 9am and 2pm and is considered to be acceptable.</p> <p>The proposed development will enhance the public domain by ensuring adequate sun access to publicly accessible spaces.</p> <p><u>Addressing the street and public domain</u></p> <p>Ground floor dwellings have a direct entry to the street as required.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.3 Design Excellence and Competitive Design Processes	Yes	<p>The proposed development has been subject to a design competition.</p> <p>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.</p> <p>Using the formula in the control, additional floor space bonus (%) is calculated as: Competitive design process site area / (Lot area – Land to be dedicated area) x 10 8,660sq.m / (33,400sq.m – 10,884sq.m) x 10 = 3.8%</p> <p>The additional floor space bonus for the site is 3.8%. Applying this bonus to the 2:1 FSR control equates to an amount of 2,538.78sq.m of design excellence floor space.</p> <p>Converting this GFA to an FSR results in 0.076:1 and therefore the total potential FSR available for the site is 2.076:1.</p>
3.5 Urban Ecology	Yes	<p>Twelve trees are required for removal, including eleven that are in the footprint of the future road (Road 04). The proposed tree removal is supported.</p> <p>It is noted that extensive tree planting is proposed across the site, including street trees, private trees and park trees.</p> <p>There are 30 trees to be retained and conditions are recommended relating to appropriate tree protection measures.</p>
3.6 Ecologically Sustainable Development	Yes	<p>The proposal will not have unacceptable impacts on the environment and satisfies BASIX requirements.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.7 Water and Flood Management	Yes	The site is identified as being on flood prone land. The site and surrounding area is subject to flooding. The flood modelling submitted with the application has been reviewed and it is considered that the capacity of the drainage system will be adequate to manage flooding within the site.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	This application does not propose subdivision of the site.
3.9 Heritage	N/A	The site is not a heritage item and not located within a heritage conservation area or in the vicinity of a heritage item.
3.11 Transport and Parking	Partial	<p>Appropriate conditions are recommended in relation to the provision of car parking spaces and bicycle storage within the basement car park.</p> <p>The application was amended to provide on-site waste collection via a loading dock for Building C.</p> <p>A condition is recommended to ensure that the turning circle of the waste collection loading area within Building C is to have a minimum radius of 10.5m in accordance with the Sydney DCP 2012.</p> <p>A condition is also recommended that swept paths are to be prepared based on a vehicle length of 9.24m and are to demonstrate that a vehicle of this length can access the waste collection loading dock within Building C through a 4m wide opening.</p>
3.12 Accessible Design	Yes	A condition has been recommended for the proposed development to provide appropriate access and facilities for persons with disabilities in accordance with the Sydney DCP 2012 and the BCA.

3. General Provisions		
Development Control	Compliance	Comment
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	<p>Waste Collection for Building B and C is provided from a loading dock located on the ground level of Building C. Waste Collection from Building E and F is proposed to be collected via a separately approved waste holding area for Building D.</p> <p>A condition has been recommended for the proposed development to comply with the relevant provisions of the Code for Waste Minimisation in New Developments 2005.</p>

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.1 Building height The building height in storeys control is 8 storeys.	Partial	<p>Building B is proposed to be 9 storeys and does not comply. Building C is 4 storeys and Buildings E and F are 7 storeys.</p> <p>Building height is discussed under the Issues section.</p> <p>Floor to ceiling heights of 2.7m have been achieved.</p>
4.2.2 Building setbacks	Yes	Building B has been setback 4m from Dalmeny Avenue and Building C has been setback 1m from Banilung Street. The side setbacks of Building B and C to Magari Street and the setbacks of Building F to Banilung Street and Gilbanung Street are on the boundary, which is considered to be acceptable as it was approved as part of the Stage 1 DA.

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.3 Amenity	Yes	The proposal generally provides for acceptable standards of amenity, as discussed in the SEPP 65 discussion above.
4.2.4 Fine grain, architectural diversity and articulation	Partial	<p>The building street frontage widths were determined by the Stage 1 DA.</p> <p>The proposal complies with the maximum street frontage widths except for a partial non-compliance for Building C which is 43m in length rather than 40m as required by the Sydney DCP 2012. This is considered to be acceptable as the building is limited to 4 storeys in height and is a low scale building form in the area.</p> <p>Building E and F are not separate by a full height break, however the joining element is limited to 5 storeys and is set-in 2.5m from the boundary for a length of 7.5m. This is considered to be acceptable.</p>
4.2.6 Waste minimisation	Yes	Each dwelling has adequate space to manage waste and a waste chute is provided on each level.
4.2.7 Heating and Cooling Infrastructure	Yes	Air conditioning equipment is consolidated into one area on the roof and will be provided with screening.
4.2.8 Letterboxes	Yes	The application includes individual letterboxes located at street level adjacent to the buildings main entry lobbies.

5. Specific areas - Green Square		
Development Control	Compliance	Comment
5.2.1 Green Square Urban Strategy 5.2.2 Objectives for Green Square	Yes	The proposal is considered to satisfy the relevant objectives and is consistent with the planning strategy envisaged for the area in that it contributes to the housing stock and includes building types and forms appropriate in the streetscape.
5.2.3 Community Infrastructure	Yes	The application seeks consent for the maximum GFA permitted under clause 6.14 of Sydney LEP 2012 which can only be achieved where a development provides community infrastructure to the satisfaction of the consent authority. A Voluntary Planning Agreement at the time of the Stage 1 DA included the provision of new streets and park which satisfies the community infrastructure provisions. This enables the site to benefit from the maximum gross floor area achievable under clause 6.14 of Sydney LEP 2012.
5.2.4 Local Infrastructure	Partial	New streets are provided in locations determined at the time of the Stage 1 DA. This is discussed further in the Issues section below.
5.2.5 Pedestrian and bike networks	Yes	<u>Bike network</u> The bike network does not impact upon the proposed development. <u>Through-site links</u> The site is not identified on the Sydney DCP 2012 through-site links map, and the road network is considered to provide an appropriate level of access through the site.
5.2.6 Public open space	Yes	A proposed public park is subject to a separate development application.

5. Specific areas - Green Square		
Development Control	Compliance	Comment
5.2.7 Stormwater management and waterways	Yes	The proposal is able to achieve water sensitive urban design principles. The site is not identified for a water channel.
5.2.8 Highly visible sites	Yes	The site is not identified as a highly visible site.
5.2.9 Building design	Yes	The proposal complies with the building design controls as follows: <ul style="list-style-type: none"> • The buildings are aligned to the street to define and frame the street edge, activate and provide clear delineation between the public and private domain. • The building will not affect significant views to the City skyline from surrounding residences. • The development includes the provision of new plantings and landscaping to maximise pedestrian amenity, • The building facade utilises a variety of finishes to provide variety and articulation. • Multiple entries are provided along street frontages to maximise passive surveillance.
5.2.10 Setbacks The Sydney DCP 2012 requires buildings to be setback from new streets by 1m to provide a landscape setback.	Acceptable	In this instance the building locations were determined as part of the Stage 1 DA. Building B has been setback 4m from Dalmeny Avenue and Building C has been setback 1m from Banilung Street. The side setbacks of Building B and C to Magari Street and the setbacks of Building F to Banulung Street and Gilbanung Street are on the boundary, which is considered to be acceptable as it was approved as part of the Stage 1 DA.
5.2.11 Carparks under the public domain	Yes	The application does not propose a car park under a street or lane.

5. Specific areas - Green Square		
Development Control	Compliance	Comment
5.2.12 Above ground parking spaces and adaptable car parking spaces	Yes	The application does not propose above ground car parking spaces.

ISSUES

Compliance with Stage 1 DA

39. The applicable environmental planning instrument is Sydney LEP 2012 which requires the preparation of a 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.
40. Pursuant to Section 83D of the EP&A Act, any subsequent Stage 2 development determination cannot be inconsistent with the Stage 1 consent.
41. The Stage 1 DA approved by CPSC on 30 July 2010 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
1	Approved Development	Does not comply. A section 96 application (D/2008/102/C) to address this inconsistency has been separately prepared for the CSPC's consideration.
2	Compliance with the Voluntary Planning Agreement	Able to comply. A condition has been recommended to ensure that the proposal complies with the requirements of the Voluntary Planning Agreement.
6	Details to be provided with future Development	Complies. Details have been submitted as required by the condition.
7	Design of End Walls	Complies. The end walls are considered to be suitably designed.
8	Height of Buildings	Does not comply. A section 96 application (D/2008/102/C) to address this inconsistency has been separately prepared for the CSPC's consideration.
9	Floor to Ceiling Height	Complies. Each storey has a minimum floor to ceiling height of 2.7m and floor to floor heights of 3.1m.

No.	Condition	Assessment
10	Floor Space Ratio	Complies. The proposal does not exceed the maximum FSR for the site.
11	Electricity Substation	Able to comply. A condition is recommended to ensure that if required by the applicable energy supplier, the owner must dedicate to the applicable energy provider, 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.
12	Ecologically Sustainable Development	Complies. ESD provisions have been incorporated into the detailed design in the Stage 2 DA.
15	Construction Management	Able to comply. A condition has been recommended requiring a Construction Management Plan.
16	Compliance with Acoustic Assessment	Able to comply. A condition has been recommended requiring compliance with the submitted acoustic report.
17	Upgrade to Epsom Road/ Link Road Intersection	A section 96 application (D/2008/102/C) to modify the timeframe of the upgrade has been separately prepared for the CSPC's consideration.
18	Car Parking and Loading Requirements	Able to comply. Conditions have been recommended relating to car parking and loading requirements.
19	Traffic Requirements	Able to comply. Conditions have been recommended relating to manoeuvrability into the site.
20	Cycleway Requirements	Complies. Council's Transport and Access unit has confirmed that the provision of a cycleway on Dalmeny Avenue is not required.
21	Public Domain Lighting	Able to comply. The applicant has not provided the required information. It is recommended that the information is provided as a condition of consent.
22	Site Landscape Plan	Able to comply. A condition has been recommended requiring the submission of a detailed landscape plan.
24	Public Domain Plan	Able to comply. A condition has been recommended requiring the submission of a Public Domain Plan.

Height, Scale and Bulk

42. The Sydney LEP 2012 height control is 29m and the Sydney DCP 2012 height in storeys control is 8 storeys.

43. The proposal has a maximum height of approximately 30.05m to the top of the lift overrun, and 30.40m to the top of the plant screening. The building parapets and habitable space remain below the 29m control. The proposal is shown in Figure 25.

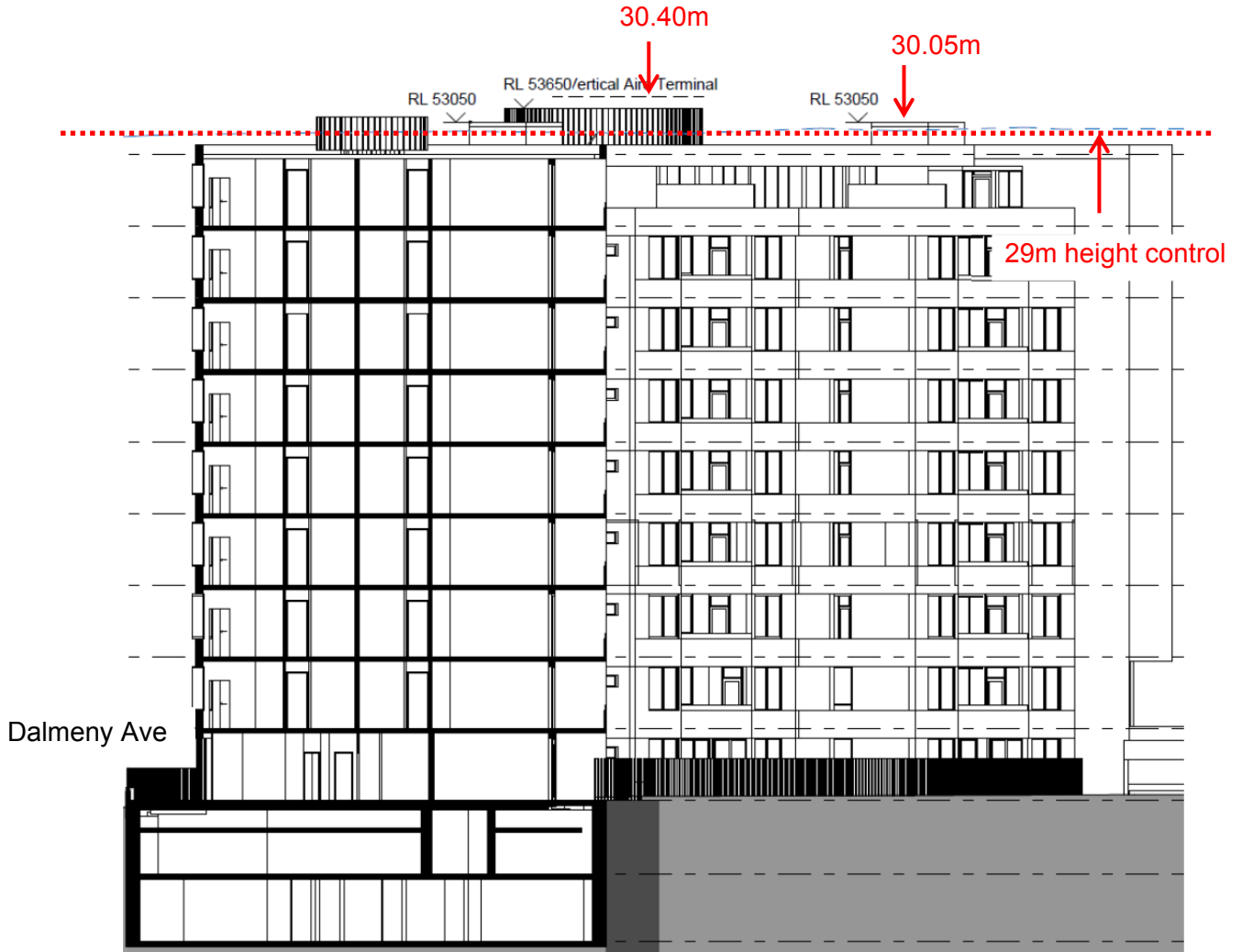


Figure 25: Section through Building B which indicates the height non-compliance.

44. The applicant is relying on the provisions of Clause 4.6 of SYDNEY LEP 2012 to seek an exception to the height development standard by 1.4m. This represents a 4.8% exceedance of the height control.
45. Clause 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes. The Council may grant the exception as the Director-General's concurrence can be assumed where Clause 4.6 is adopted as per Department of Planning Circular PS 08–003 dated 9 May 2008.
46. In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the height development standard has been considered against the objectives and provisions of Clause 4.6 in the following table:

Clause 4.6 Requirement	Assessment
<p>4.6(4)(a)(i) The applicant must submit a written request to vary the development standard</p>	<p>A written request has been submitted to Council justifying the proposed contravention of the height development standard on the following basis:</p> <ul style="list-style-type: none"> a) the lift overruns and plant rooms are located in a central location on the building and therefore will not be overly visible; b) the lift overruns and plant rooms do not cast additional shadow over adjacent properties; c) the bulk of the building height is below the permissible height; d) Building C, E and F are significantly lower than the 29m height control; and e) compliance with the standard would not result in any tangible improvement.
<p>4.6(4)(a)(ii) Council must be satisfied that the proposed development is consistent with the objectives of the development standard and the objectives for development within the zone</p>	<p>The objectives of the zone are:</p> <ul style="list-style-type: none"> • To provide a mixture of compatible land uses. • To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. • To ensure uses support the viability of centres. <p>The objectives of the development standard are:</p> <ul style="list-style-type: none"> a) to ensure the height of development is appropriate to the condition of the site and its context, b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas, c) to promote the sharing of views, d) to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas, e) in respect of Green Square: <ul style="list-style-type: none"> i. to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and ii. to ensure the built form contributes to the physical definition of the street network and public spaces.

Clause 4.6 Requirement	Assessment
	<p>The applicant submits that the proposal complies with the objectives of Clause 4.3 as the proposed height of the lift overruns and plant rooms for Building B, which are centrally located within the building form, will not be overly visible from relevant vantage points. Therefore will not conflict with the objectives, which are to ensure that the scale, transitions in scale and compatibility are achieved for the site.</p> <p>Comment:</p> <p>The applicant's written rationale addresses the objectives associated with contravening the development standard and overall is considered to be acceptable.</p> <p>The proposed development is consistent with the objectives for height provided under Clause 4.3 of the Sydney LEP 2012 for the following reasons:</p> <ul style="list-style-type: none"> • The proposal is considered to be appropriate in the context of the site. Building C, E and F remain below the height limit. • The lift overrun and plant screening are located in the centre of the roof. Due to their location, the lift overrun and screening will not result in additional overshadowing impacts, will not be overly visible when standing at street level and will not create adverse visual or streetscape impacts. • The proposal complies with the floor space ratio control and the proposed breach of height does not contain habitable space that results in additional gross floor area. • The development is consistent with the objectives of the B4 Mixed use zone.

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

Height in Storeys

48. The 9 storey height of Building B does not comply with the 8-storey height in storeys control of the Sydney DCP 2012.
49. The non-compliance is considered to be acceptable as:
- (a) The built form is considered to be an appropriate design for the site.

- (b) The proposal does not result in unreasonable amenity impacts to surrounding properties.

Location of Future Public Road

50. It is noted that the location of Banilung Street as approved as part of the Stage 1 DA is inconsistent with street location identified in the Sydney DCP 2012. The approved location runs in a north-south direction adjacent to the park and connects directly to Magari Street. The Sydney DCP 2012 indicates the street in an east-west direction to connect directly to Dalmeny Avenue. The approved Stage 1 location is considered to be acceptable as it provides a street edge to the park and an appropriate street network.
51. Figure 26 below shows the Sydney DCP 2012 and approved Stage 1 location for the street.

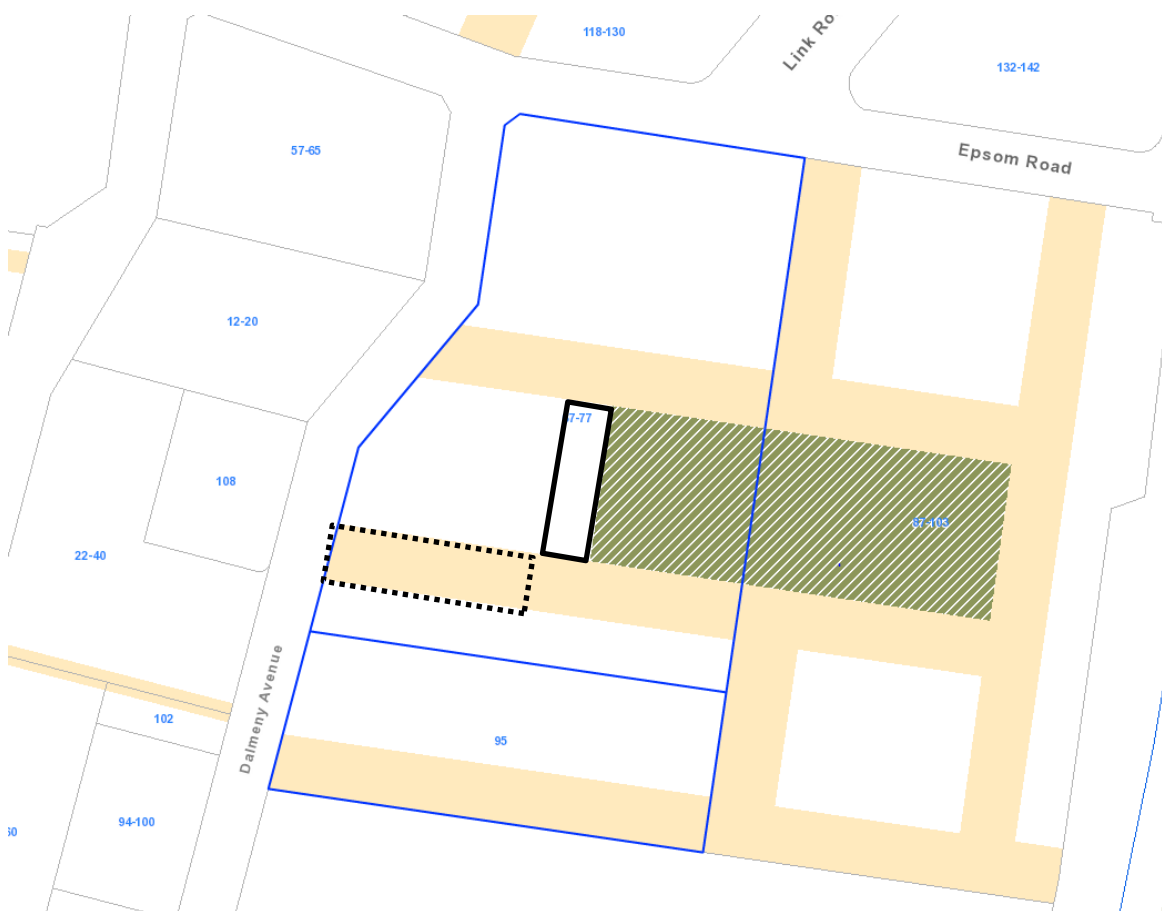


Figure 26: Approved location of new street (dark boundary) and DCP control (dotted boundary).

Other Impacts of the Development

52. The proposed development is capable of complying with the BCA.
53. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Suitability of the site for the Development

54. The proposal is of a nature in keeping with the overall function of the site. The premises are in a commercial/residential surrounding and amongst similar uses to that proposed.

INTERNAL REFERRALS

55. The application was referred to Council's:

- (a) Building Approvals Unit;
- (b) Transport and Access Unit;
- (c) Heritage Specialist;
- (d) Urban Designer;
- (e) Environmental Health Specialists;
- (f) Public Domain Unit;
- (g) Tree Management Unit;
- (h) Specialist Surveyors; and
- (i) Waste Management Unit.

56. No objection to the amended proposal was raised, subject to the imposition of appropriate conditions. Where appropriate, the recommended conditions have been included in the recommendation of this report.

EXTERNAL REFERRALS**Sydney Airport**

57. The application was referred to Sydney Airport Corporation Ltd (SACL) as the Building B will intrude into prescribed airspace for Sydney Airport. Council received correspondence dated 3 June 2015 from SACL advising of conditions of approval. It is recommended that these conditions are incorporated in any consent.

Ausgrid

58. The application was referred to Ausgrid. Ausgrid identified an existing substation and assets within the site that would be affected by the proposal and that a subsequent application to Ausgrid will be required.
59. Given the scale of the development, a substation is proposed to be accommodated within site. It is recommended that the standard Electricity Substation condition be incorporated into any consent.

Office of Water

60. The application was referred to the Office of Water. Comments were received on 1 May 2015 advising that the proposal was not integrated development and raising no issues with the development.

Roads and Maritime Services

61. The application was referred to Roads and Maritime (RMS). Comments were received on 9 February 2015 advising that RMS raises no objection to the proposal.

Notification, Advertising and Delegation (Submissions Received)

62. In accordance with Schedule 1 the Sydney DCP 2012, the proposed development is required to be notified and advertised. As such the application was notified and advertised for a period of 28 days between 8 January and 6 February 2015. As a result of this notification there was one submission received.

63. The issues raised in the submission are as follows:

- (a) Impact on on-street parking capacity.

Response - The proposal is considered to provide a sufficient level of on-site residential and visitor parking. This is the maximum permitted in accordance with the Sydney LEP 2012 controls.

- (b) Noise during construction.

Response – Conditions have been recommended to minimise the impacts during construction including requirements to comply with Council's standard hours of construction, and further restrictions on use of high noise emission appliances including a respite period on weekdays, as well as a condition requiring 48 hours notice to neighbours that high noise emission appliances are about to commence.

PUBLIC INTEREST

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

FINANCIAL IMPLICATIONS/S94 CONTRIBUTION

Section 94 Contributions

65. The development is subject to a Section 94 Contribution of \$4,607,620.47 under City of Sydney Development Contributions Plan 2006. This calculation is based on 247 new dwellings and no credit for existing workers. Council has identified an additional demand for public amenities and facilities as follows:

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$595,352.10
Public Domain	\$366,702.56
New Open Space	\$2,857,261.87
Accessibility	\$30,097.59
Management	\$32,542.43
Total	\$4,607,620.47

66. An appropriate condition has been included.

Affordable Housing Contributions

67. The development is subject to the affordable housing contribution under clause 7.13 of the Sydney LEP 2012. The contribution is calculated based on:

(a) \$174.19 per square metre of the total residential floor area (25,258sq.m);
plus

(b) \$58.04 per square metre of the non-residential floor area (0sq.m).

68. The total contribution required is \$3,793,751.60 (this will be indexed according to time of payment). The contribution is payable to the Department of Planning and Environment prior to issue of a Construction Certificate.

RELEVANT LEGISLATION

69. The Environmental Planning and Assessment Act 1979.

CONCLUSION

70. The proposed development is generally consistent with the development standards and zone objectives of the Sydney LEP 2012 with the exception of the height of buildings control. The development will provide 247 residential apartments to the housing stock of the Green Square locality.

71. The proposal has been subject to a design competition process and the inconsistencies with the Stage 1 development application have been addressed in the concurrent Section 96 application to the Stage 1 DA.

72. The amended proposal performs well against the built form controls of the Sydney DCP 2012 and the design principles in SEPP 65 (and its draft amendments). The proposal has been amended to address concerns raised by staff.

73. The new units have acceptable levels of amenity for future occupiers and the development does not unreasonably affect the amenity of surrounding residents.

74. Whilst the proposal will result in the building exceeding the 29m height control by 1.4m, the breach does not result in any unacceptable amenity impacts and the proposal is generally consistent with the objectives, standards and guidelines of the relevant planning controls. Accordingly, the proposal is recommended for approval.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Matthew Girvan, Specialist Planner)