

**ITEM 6. DEVELOPMENT APPLICATION: 105-115 PORTMAN STREET
ZETLAND - SITE 12A****FILE NO: D/2015/294****DEVELOPMENT APPLICATION NO: D/2015/294****SUMMARY****Date of Submission:** 6 March 2015

Amended plans were received on 1 July 2015 and 7 October 2015

Applicant: Urbis Town Planning Consultants**Architect:** SJB Architects**Developer:** BridgeHill Zetland Pty Ltd**Owner:** BridgeHill Zetland Pty Ltd**Cost of Works:** \$105,699,530**Proposal Summary:** Development application for the construction of a mixed use development comprising 3 buildings of a scale of 9 storeys, 11 storeys and 15 storeys above 2 levels of basement car parking. The proposal incorporates 330 apartments, retail tenancies along future Geddes Avenue, 313 car parking spaces, tree removal and landscaping.

The site is known as Development Site 12A (Site 12A) within the Green Square Town Centre development controls. A competitive design process was undertaken for the site.

Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013 (the GSTC LEP) was gazetted on 10 July 2015 and no longer operates under a deferral model. The application can be determined under the GSTC LEP.

The proposal is generally consistent with the objectives, standards and guidelines of the GSTC LEP, the GSTC DCP and SEPP 65. The proposal is compliant with the height and FSR controls.

The application was notified and advertised for a period of 30 days from 20 March 2015 to 20 April 2015. No submissions were received.

- Proposal Summary:**
(continued)
- The application was amended in July 2015 and October 2015 to improve the amenity of apartments, the appearance of the buildings and the compliance of the proposal with building setbacks and separation.
- Summary Recommendation:**
- It is recommended that authority be delegated to the Chief Executive Officer (CEO) to determine the application after the Australian Department of Infrastructure and Regional Development, through Sydney Airport Corporation, provides concurrence to the development and associated construction crane(s).
- Development Controls:**
- (i) South Sydney Local Environmental Plan 1998 (gazetted 24 April 1998, as amended)
 - (ii) Sydney Local Environmental Plan (Green Square Town Centre 2013 - Stage 2) (gazetted 10 July 2015)
 - (iii) Green Square Town Centre Development Control Plan 2012 (in force on 24 April 2012)
 - (iv) State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (Gazetted 26 July 2002, as amended)
 - (v) State Environmental Planning Policy No. 55 – Remediation (Gazetted 28 August 1998, as amended)
 - (vi) State Environmental Planning Policy (Infrastructure) 2007 (Gazetted 21 December 2007, as amended)
 - (vii) Green Square Affordable Housing Program (adopted on 12 March 2012)
 - (viii) State Environmental Planning Policy (BASIX) 2004 (Gazetted 25 June 2004, as amended)
- Attachments:**
- A - Selected DA Drawings

RECOMMENDATION

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine Development Application No. D/2014/1758 after:
- (i) the Australian Department of Infrastructure and Regional Development, through Sydney Airport Corporation, provides concurrence to the development and associated crane height.
- (B) if the Chief Executive Officer determines to approve the application, then consideration be given to granting consent subject to the following draft conditions and any other relevant conditions:

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/294 dated 6 March 2015 and the following drawings:

Drawing Number	Architect	Date
DA-0101 Site Plan and Site Analysis	SJB Architects	27.01.15
DA-0102 Site 12A and 12B Shared Basement Diagrams	SJB Architects	27.01.15
DA-0201 Floor Plan – Basement 02	SJB Architects	29.09.15
DA-0202 Floor Plan – Basement 01	SJB Architects	29.09.15
DA-0203 Floor Plan – Level 1	SJB Architects	29.09.15
DA-0204 Floor Plan – Level 2	SJB Architects	29.09.15
DA-0205 Floor Plan – Levels 3-7	SJB Architects	29.09.15
DA-0206 Floor Plan – Level 8	SJB Architects	29.09.15

Drawing Number	Architect	Date
DA-0207 Floor Plan – Level 9	SJB Architects	29.09.15
DA-0208 Floor Plan – Level 10	SJB Architects	29.09.15
DA-0209 Floor Plan – Levels 11-15	SJB Architects	29.09.15
DA-0210 Floor Plan – Roof Plan	SJB Architects	29.09.15
DA-0501 – North Elevation	SJB Architects	29.09.15
DA-0502 – East Elevation	SJB Architects	29.09.15
DA-0503 – South Elevation	SJB Architects	29.09.15
DA-0504 – West Elevation	SJB Architects	29.09.15
DA-0505 – Internal Elevations Sheet 1	SJB Architects	29.09.15
DA-0505 – Internal Elevations Sheet 2	SJB Architects	29.09.15
DA-0601 – Sections Sheet 1	SJB Architects	29.09.15
DA-0602 – Sections Sheet 1	SJB Architects	29.09.15
DA-0940 – External Finishes	SJB Architects	27.01.15

and as amended by the conditions of this consent.

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

(2) VOLUNTARY PLANNING AGREEMENT

The development must be carried out in accordance with all of the obligations referenced within the Voluntary Planning Agreement (Council's Reference S108221) executed on 25 November 2014 and entered into by BridgeHill (Zetland) Pty Ltd, Waverly Council and the City of Sydney.

(3) DESIGN MODIFICATIONS

The design of the development must be modified as follows:

- (a) a 4m landscape setback is to be incorporated along the Sonny Leonard Street frontage at the ground and first floor levels;

- (b) apartments nominated as studios on the DA drawings are to have their bedroom walls removed. This relates to Apartments A08.01 to A15.01;
- (c) the external staircase and door to the manager's office along Sonny Leonard Street is to be deleted and replaced with soft landscaping;
- (d) plans are to be updated to show the location and design of proposed fire hydrants and booster valves;
- (e) all roof-top plant is to be appropriately screened and covered. Details of screening to roof-top plant, including external colours and finishes are to be submitted; and
- (f) the ground floor substation located on the eastern property boundary is to be setback from the property boundary and appropriately screened and landscaped to improve its appearance from Portman Street.

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

(4) 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, and specifications prepared by SJB Architects dated 27 January 2015.

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

(5) BUILDING HEIGHT

- (a) The height of Building A must not exceed RL 69.200 (AHD) to the top of the building;
- (b) The height of Building B must not exceed RL 55.050 (AHD) to the top of the building; and
- (c) The height of Building C must not exceed RL 49.900 (AHD) to the top of the building.
- (d) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the heights of the buildings accords with (a) to (c) above, to the satisfaction of the Principal Certifying Authority.

(6) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the business use must not exceed 0.11:1; for the residential use must not exceed 4.55:1, calculated in accordance with *Sydney Local Environmental Plan (Green Square Town Centre - Stage 2) 2013*. For the purposes of the calculation of FSR, the Gross Floor Area of the business component is 689sqm, for the residential component is 27,628.7sqm, and the total Gross Floor Area is 28,317.7sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under *Sydney Local Environmental Plan (Green Square Town Centre - Stage 2) 2013*, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

Note: The total Gross Floor Area will be reduced as a result of modifications required by Condition (3).

(7) DESIGN QUALITY EXCELLENCE

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

(8) STRATA SUBDIVISION – DEVELOPMENT CONSENT

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

(9) LAND SUBDIVISION – SEPARATE DA REQUIRED

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

(10) PUBLIC ROAD DEDICATIONS

As required by the VPA, the owner(s) of the site is to dedicate to the public as Public Road, free of cost to Council:

- (a) Paul Street (20m wide), unlimited in stratum.
- (b) Sonny Leonard Street (15m wide):
 - (i) limited in stratum to a depth of 100mm above the upper surface of the basement car parking structure's concrete roof slab and unlimited in height; and
 - (ii) unlimited in stratum for any part of the dedication unaffected by the basement car parking structure.

A separate application is to be made to Council to obtain development consent for the subdivision of the site to effect the above dedications and exercise the provisions of the Act for "Subdivision Work" for the appointment of Council as the Principal Certifying Authority for these works and the construction of the above public roads and associated infrastructure.

A subsequent application is to be made to Council for issue of the Subdivision Certificate, under Part 4A of the *Environmental Planning and Assessment Act 1979*, for the final plan of subdivision for dedication purposes. Any such application will be exempt from the issue of a Section 73 Certificate by Sydney Water and is to include the creation of any easements for support and positive or restrictive covenants, via Section 88B of the *Conveyancing Act 1919*, considered necessary to protect Council's interests.

(11) USE OF COMMON AREAS AND FACILITIES

The ground floor and roof top communal open space areas 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.

(12) USE OF RETAIL TENANCIES

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

Due to the proximity of the approved retail tenancies to residential receivers within and surrounding the site, restrictions controlling noise emissions (e.g. on trading hours, on patron capacities or other management constraints) are likely to be required for the retail uses.

(13) SIGNAGE STRATEGY

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

(14) SYDNEY AIRPORT CORPORATION APPROVAL

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

(15) CONSTRUCTION LIAISON COMMITTEE

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

- (i) The Site Manager is to inform each Committee meeting about the construction program, progress reports and impending work.

(16) 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. **Note:** These contributions amounts are subject to final apartment mix figures following the design modifications required under Condition 3. Confirmation of the dwelling mix is required prior to Council's Planning Administration staff being requested to confirm the amount payable.

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$813,296.56
Public Domain	\$500,943.78
New Open Space	\$3,903,238.53
New Roads	\$991,312.49
Accessibility	\$41,115.61
Management	\$44,455.46
Total	\$6,294,362.42

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 - [insert latest quarter and year].

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.

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

In accordance with Clause 6.5 of Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013 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 based on the in lieu monetary contribution rate for non-residential development at \$58.04 per square metre of total non-residential floor area and for residential development at \$174.19 per square metre of total residential floor area. Contributions will be indexed in accordance with the formula set out below.

The contribution payable shall be calculated prior to a Construction Certificate being issued based on the *total floor area* as defined in the Green Square Town Centre LEP 2013 and taking into account the amended design arising from the design modifications in Condition 3 above.

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 29 February 2016], the amount of the contribution will be indexed in accordance with the formula set out below.

Notes:

(a) Applicants have two payment options:

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

Option 2 is lodgement of a bank guarantee using "Form A - Receipt to Release Certificate of Construction after lodgement of Bank Guarantee". Form A must be obtained from the Green Square Project Team GSPT@cityofsydney.nsw.gov.au 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 [insert relevant period e.g. 1 March 2015 to 29 February 2016].

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

(18) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (Levels 1-15) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the *Sydney Local Environmental Plan (Green Square Town Centre - Stage 2) 2013*.

- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from “residential accommodation” as defined in *Sydney Local Environmental Plan (Green Square Town Centre - Stage 2) 2013*. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

(19) 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.

(20) LANDSCAPING OF THE SITE

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council’s Area Planning Manager prior to the issue of a Construction Certificate for above ground building works. The plan must include:
 - (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
 - (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
 - (iii) Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage, waterproofing and watering systems;
 - (vi) Clarification of ownership of the narrow planters located on Level 7 connecting the two cores.

- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan must clearly set out the maintenance requirements for the ongoing care of the planting, enabling any design requirements (such as privacy) to be achieved. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

(21) LANDSCAPED (GREEN) ROOFS

- (a) A detailed plan of the green roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. The plan must include:
 - (i) A statement that includes details of proposed use of the green roof, general accessibility, as well as noise and privacy treatments.
 - (ii) Location of existing and proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (iii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable).
 - (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species. A diverse plant selection that supports local biodiversity and habitat is required.
 - (v) Details of the soil media/substrate type and depth.
 - (vi) Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc.
 - (vii) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
 - (viii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).
- (b) Prior to the issue of a Construction Certificate, the following details are to be submitted to and approved by the Principal Certifying Authority:
 - (i) Evidence the green roof has been assessed as part of the structural certification provided for the development; and
 - (ii) Evidence the green roof has been assessed as part of the waterproofing certification provided for the development.

- (c) All landscaping in the approved plan is to be completed prior to the issue of an Occupation Certificate.
- (d) Prior to the issue of an Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:
 - (i) Frequency and methodology of different maintenance requirements including the removal of green waste.
 - (ii) Details of safety procedures.
 - (iii) Laminated copies of 'As Built' drawings.
 - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification;
 - (v) Copies of warranties and guarantees relating to all materials and plant used in construction; and
 - (vi) Decommissioning procedures.
- (e) Inaccessible green roofs are required to remain inaccessible during occupation of the property.

(22) PUBLIC ART STRATEGY

A Public Art Strategy must be submitted to and approved by Council's Area Planning Manager prior to issue of a Construction Certificate. The public artwork must be in accordance with the *Sydney DCP 2012* and the *Public Art Policy*. Installation of the art work must be completed to Council's satisfaction prior to the issue of an Occupation Certificate.

(23) 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.

(24) ALLOCATION OF PARKING

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

Car Parking Type	Number
Residential spaces	250
Residential visitor spaces	28
Retail spaces	14
Subtotal	292
Motorcycle parking	7
Car share parking	6
Service vehicle parking	6
Total	311

All parking for residential visitors, car share, service vehicles and motorcycles is to be provided within the basement link area between the subject site and the site known as Site 12B.

(25) CAR SHARE SPACES

- (a) A minimum of 6 car parking spaces for the exclusive use of car share scheme vehicles is to be provided.
- (b) The space 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.

(26) LOADING DOCK MANAGEMENT PLAN AND SCHEDULE/REGISTER

A loading dock management plan is to be developed in collaboration with Site 12B and outline the waste management and servicing requirements of the two sites and how they will be adequately accommodated.

This loading dock shall be managed either by a schedule showing all 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.

(27) GREEN TRAVEL PLAN

A Green Travel Plan is to be prepared for the subject site. It is recommended that the applicant work with the adjacent site (Site 12B) to develop a Travel Plan that is applicable to both Site 12A and Site 12B.

This plan must be submitted to and approved by Council prior to the Occupation Certificate for the subject site/use being granted.

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

(28) 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.

(29) 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.

(30) 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".

(31) BICYCLE PARKING AND END OF TRIP FACILITIES

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

Bicycle Parking Type	Number	Requirements
Residential	287	Spaces must be a class 1 bicycle locker or class 2 facilities
Residential visitor	45	Spaces must be Class 3 bicycle rails provided at ground floor level.
Retail staff	17	Spaces must be Class 2 facilities

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.

(32) 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.

(33) 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.

(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, or the adjacent site known as Site 12A, 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) SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME

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

(39) 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.

(40) CONNECTION TO NON-POTABLE RECYCLED WATER NETWORK

Prior to the issue of a Construction Certificate and in accordance with the Voluntary Planning Agreement between the City of Sydney, Waverley Council and BridgeHill (Zetland) Pty Ltd, the applicant shall submit a plan for the approval by the Council that provides for a connection to the non-potable recycled water network in the street. Should the recycled water network not be operational at the time, the plan is to indicate the future connection point.

(41) SYDNEY WATER REQUIREMENTS**(a) Sydney Water Servicing**

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

Make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or phone 13 20 92.

(b) Building Plan Approval

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

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

(42) AUSGRID REQUIREMENTS

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 determine the method of electrical supply for the development.

In general, works to be considered by Ausgrid include, but are not limited to, the following:

- (a) Changes in electrical load requirements
- (b) Changes to Ausgrid's infrastructure (ie. asset relocations, decommissioning substations etc.)
- (c) Works affecting Ausgrid's easements, leases and/ or right of ways
- (d) Changing the gradients of any roads or paths

- (e) Changing the level of roads or foot paths
- (f) Widening or narrowing of roads
- (g) Closing roads or laneways to vehicles
- (h) In all cases Ausgrid is to have 24 hour access to all its assets.

The developer is to ensure that the proposed works do not contravene Ausgrid's technical standards and statutory requirements, in regards to the safe and reliable operation and maintenance of Ausgrid's network.

(43) NSW POLICE REQUIREMENTS

The following crime prevention conditions are recommended by NSW Police:

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

SCHEDULE 1B

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

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

(44) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

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

(45) 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.

(46) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(47) 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.

(48) ELECTRICITY SUBSTATION

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

(49) WASTE MANAGEMENT

- (a) Waste and recycling management is to be undertaken in accordance with the Waste Management Plan provided.
- (b) Waste and recycling trucks to have unimpeded access to temporary bin holding area
- (c) Clearance height for access by collection vehicle must be no less than 3.6m at any point if vehicle is required to enter site to service bins.
- (d) Waste and recycling receptacles are to be stored on the property at all times with council access key for servicing, if required.

- (e) Residential and commercial waste rooms to be separated (commercial tenants must not have access to residential waste and recycling bins).
- (f) A storage area for discarded bulky items must be provided per block of residential units.
- (g) Clearance height for access by collection vehicle must be no less than 3.6m at any point.
- (h) The maximum travel distance between the storage point and collection point for all waste and recycling receptacles shall be no more than 10 meters.
- (i) Unimpeded access shall be provided for collection vehicles between 6am and 6pm on collection days.
- (j) Waste and recycling containers will not be supplied until construction in developments is completed unless otherwise organised with the City's Waste Unit.
- (k) The development must have a residential rating or apply for a residential rating prior to a City Of Sydney waste service

(50) ESSENTIAL INFRASTRUCTURE CO-ORDINATION

The Public Domain and Essential Infrastructure and Services must be designed and constructed in accordance with the Green Square Town Centre Public Domain Strategy, City's Sydney Streets Technical Specification and the relevant Authorities requirements. The design of these works is to take into account any further refinement of the Essential Infrastructure DA (D/2012/1175) documentation undertaken by the City and as issued in approved Construction Certificates.

(51) 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.

(52) 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".

(53) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

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

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

The form of the recording is to be as follows:

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

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

(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 with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later. 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.

Note: Contact Council's Legal Unit prior to the drafting of the positive covenant.

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

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report lodged with the application must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below and to the satisfaction of the certifying authority.
- (b) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant* (see definition below) to be in accordance with the requirements of the DA acoustic report. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the Principal Certifying Authority which addresses the following requirements:
 - (i) The consultant has provided rating background noise levels to be in accordance with the NSW EPA and City of Sydney requirements. As the consultant advises that the proposal can comply with the planning noise performance limits determined on the basis of this information, the City reserves its rights under the EP&A Act to assess operational requirements against these 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 Private Certifying Authority 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.

(63) 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.

(64) 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 WorkCover 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.

(65) 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.

(66) LAND REMEDIATION

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by Sally King of Coffey Environments Australia Pty Ltd dated 8 September 2015 and referenced ENAURHOD04461AI-R03 and the Letter of Interim Advice prepared by Melissa Porter dated 17 September 2015 and referenced AS121875. 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.

The Remedial Action Plan will need to ensure that:

- (a) A site-specific human health risk assessment is undertaken to confirm there are no risks to human health from the potential ingress of groundwater contaminated by petroleum hydrocarbons. The RAP will need to include measures commensurate with the results obtained.
- (b) Petroleum hydrocarbon impacted soil is likely to extend beyond the depth of the remedial excavations as validation sampling of the bases was limited.
- (c) The RAP should outline how these impacts will be specifically remediated and validated.
- (d) Phase separated hydrocarbons were encountered at the northern boundary and may be migrating off-site. The RAP will need to include a remedial strategy to remove free phase and confirm the nature and extent of off-site migration.
- (e) Ensure limited access to landfill material which is associated with elevated concentrations of PAHs, aesthetically unsuitable material and random occurrences of lead.
- (f) Confirm that the material exposed following removal of the pavements and bulk earthworks are similar to those encountered during the investigations'.
- (g) All of the Remediation outlined in table 5.1 of Section 5 must be implemented as part of the successful remediation of the site.

(67) 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.

(68) 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.

(69) 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.

(70) 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.

(71) 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.

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

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

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

(73) ELECTRICITY SUBSTATION

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

(74) 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.

(75) 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.

(76) TREE PROTECTION ZONES

- (a) Before the commencement of works, Tree Protection Zones (TPZs) 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	Location	Radius (m) From Trunk
4	<i>Erythrina x skyesii</i> (Coral Tree)	Portman Street	7.8m
9	<i>Erythrina x skyesii</i> (Coral Tree)	Portman Street	7.2m
11	<i>Erythrina x skyesii</i> (Coral Tree)	Portman Street	8.4
14	<i>Erythrina x skyesii</i> (Coral Tree)	Portman Street	8.4m

- (b) Amend the design of structures, in coordination with the "LANDSCAPING OF THE SITE" condition, prior to the commencement of any construction or development works, to ensure the TPZ specified in the table above is achieved for all trees listed for retention.
- (c) 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.
- (d) The ground surface protection within the TPZ must be:

- (i) Protected with boarding (ie scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of at least 75mm and geotextile fabric;
 - (ii) The protective boarding must be left in place for the duration of the construction and development.
- (e) 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.
- (f) 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.
- (g) Any root/s over 50mm in diameter must be pruned by a qualified Arborist with a minimum of AQF Level 3.

(77) STREET TREES MUST BE RETAINED

No approval is granted for the removal of any street trees. All existing street trees are to be retained and protected throughout the proposed development.

(78) 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 and major limb 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 truck 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, and
 - (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,
 - (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.

(79) STREET TREE PRUNING

- (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'.

(80) 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.
- (b) The street tree(s) must be planted:
 - (i) by a qualified Arborist or Horticulturist (AQF Level 3); and

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

(81) SITE SUPERVISION AND REPORTING

- (a) An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone in accordance with Australian Standard AS4970 Protection of Trees on Development Sites. The Arborist must certify compliance with each key milestone detailed below to the Director of City Planning, Development and Transport:
 - (i) The installation of tree protection measures prior to the issuing of a Construction Certificate;
 - (ii) During demolition of (insert specific details of structures to be demolished within close proximity to TPZ/s);
 - (iii) During excavation and construction of (insert details if applicable);
 - (iv) During any excavation and trenching within the Tree Protection Zone;
 - (v) During any Landscape works within xx metres of the trees trunk.
- (b) A fortnightly/monthly/quarterly compliance report shall be submitted to the Director City Planning, Development and Transport which provides details on the health and structure of tree to be retained and protected and must include:
 - (i) Certification of compliance with each key milestone;
 - (ii) Details of any other works undertaken on any tree to be retained or within TPZ/s;

- (iii) Documentary evidence of compliance with tree protection and measures (including photographs and site notes);
- (iv) Ensure that the soil moisture is appropriate [Optional – Tree Management Team to insert] and the irrigation system is functioning in accordance with the Arborist's specifications.

(82) TREE PROTECTION DURING CONSTRUCTION

- (a) Stockpiling, storage or mixing of materials, washing of equipment, vehicle parking, disposal of liquids, machinery repairs and refuelling, disposal of building materials such as cement slurry, siting of offices or sheds and the lighting of fires, must not occur within 5m of the trunk of any tree to be retained.
- (b) Excavation must not occur within the Tree Protection Zones nominated in this consent. If excavation is proposed within this zone, the Council's Tree Management Officer must be contacted immediately and the excavation must be carried out in accordance with Council's direction.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(83) 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.

(84) SUBDIVISION WORKS REQUIRED PRIOR TO OCCUPATION CERTIFICATE

Prior to the issue of any Occupation Certificate for the development, all subdivision Work associated with the construction of dedicated Public Roads is to be completed in accordance with the requirements and to the satisfaction of Council as the PCA for those works.

(85) 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.

(86) 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.

(87) 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.

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

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

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

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

- (v) All costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way must be borne by the owner of the land approved for works under this consent.
- (e) The Bank Guarantee may be released after the Principal Certifying Authority submits certification to Council that all the works described in (d) above have been completed and that there is no remaining instability, damage or unevenness to the public domain as a result of the development. This certification is to include relevant photographs and must be to the satisfaction of the Council's Area Planning Manager.

(89) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

- (a) A separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) on or above a public road (footway and/or roadway).
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
 - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
 - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
 - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
 - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
 - (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
 - (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
 - (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
 - (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and

- (ix) ensuring all required signage is provided and maintained (Clauses 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews any part of the device over the public road, a separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* must be made to Council to obtain approval.

Note: 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation 2011*).

(90) TELECOMMUNICATIONS PROVISIONS

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

(91) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Construction Certificate for the relevant stage, a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation, if necessary, to determine the position and level of services.
- (b) Prior to the commencement of excavation work, the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

(92) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

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

UPON COMPLETION OF EXCAVATION/DEMOLITION

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

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

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

(93) HOURS OF WORK AND NOISE – OUTSIDE CBD

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

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

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

(94) FIRE SAFETY CERTIFICATE TO BE SUBMITTED

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

(95) ANNUAL FIRE SAFETY STATEMENT FORM

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

(96) BASIX

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

(97) 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.

(98) 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.

(99) 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.

(100) 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.

(101) 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.

(102) STREET NUMBERING – MAJOR DEVELOPMENT

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

(103) SHOP NUMBERING

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

(104) 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.

(105) 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 any Occupation Certificate or subdivision/strata certificate being issued.

(106) NOTICE TO PCA REGARDING RECYCLED WATER CONNECTION

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

(107) 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.

(108) 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.

(109) 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.

SCHEDULE 2

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

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

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

SCHEDULE 3

Terms of Approval

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

1. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
3. Sufficient permanent drainage shall be provided around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
 - (a) any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
 - (b) any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure.
4. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
5. The NSW DPI Water requires documentation (referred to as 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to the NSW DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.
6. The following shall be included in the initial report

- (a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
 - (b) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
 - (c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
 - (d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [The DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.]
7. The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
 8. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.
 9. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
 10. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).
 11. A copy of a valid consent for the development shall be provided in the initial report.

12. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.
13. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.
14. Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
15. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
16. Measurement and monitoring arrangements to the satisfaction of the NSW DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
17. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
18. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
19. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
20. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW DPI Water under appropriate safety procedures.
21. Following completion of the dewatering operations, the Applicant shall submit to the SW DPI Water, Parramatta Office, the completion report which shall include:
 - (a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and

- (b) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
 - (c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and
22. The completion report is to be assessed by NSW DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.

BACKGROUND

The Site and Surrounding Development

1. The site is known as 105-115 Portman Street, Zetland and is part of the Green Square Town Centre (GSTC). The entire site comprises four sites to be redeveloped by BridgeHill Group: Sites 9A, 9B, 12A and 12B. This DA is for Site 12A.
2. Site 12A has an area of 6,074m². The site is bound by Portman Street to the east, future Geddes Avenue to the north, future Paul Street to the west and future Sonny Leonard Street to the south.
3. The site was previously used by Waverley Council as a depot for its operations, including fuel storage, trade workshops, truck and council vehicle parking, storage of materials and wastes and administration. A small building within the southern portion of the site was used by the NSW State Emergency Service (SES) as a depot.
4. All previous uses on site have ceased and buildings have been demolished. The site is predominantly covered by bitumen/concrete pavement, with some vegetation areas present along the Portman Street site perimeter. In particular, there are six large Coral Trees along Portman Street, two of which are to be removed for a future road to be delivered by the City and four of which are to be retained within the development site within a 7m wide deep soil landscaping setback.
5. Photos of the site and surrounds are provided below:



Figure 1: Aerial image of subject site and surrounding area



Figure 2: Site looking south along Portman Street. Note: Mature Coral Trees shown are to be retained.



Figure 3: Current condition of site looking west from Portman Street



Figure 4: Current condition of site looking east toward Portman Street



Figure 5: Former South Sydney Hospital site: former Administration building for water re-use and pedestrian connection to aquatic centre and playing fields along fabric hoarding line



Figure 6: CityWest Housing affordable housing buildings under construction to the south-east of the site.



Figure 7: Aerial perspective of 'The Drying Green' park immediately north of the site



Figure 8: Photomontage of proposed Site 9B development to the west.



Figure 9: Photomontage of approved Site 12B development to the south.

6. The surrounds of the site are set to undergo a radical transformation over the next 10-20 years as the development of the Green Square Town Centre takes shape. The Town Centre covers an area of 13.74 hectares in some of Sydney's oldest industrial districts. The Town Centre comprises 15 allotments earmarked for 19 development sites within the applicable planning controls. Surrounding development includes industrial, commercial and residential uses.
7. Council's vision for the Green Square Town Centre is for a centre that provides employment, services and dwellings for the Green Square redevelopment area (278 hectares) and the southern areas of the City of Sydney Local Government Area. It will do so by providing retail, office, residential, leisure, medical, cultural and civic functions. In particular, it is forecast that the Town Centre will house 6,500 residents and will be the main retail and commercial centre between the CBD and the airport.

PROPOSAL

8. The application seeks consent for the construction of a mixed use development containing three buildings over two levels of basement car parking. The proposed buildings are arranged around a central courtyard and consist of:
 - (a) Building A – a 15 storey mixed use building containing 228m² of retail space at the ground floor along Geddes Avenue to the north;
 - (b) Building B – a 11 storey mixed use building containing 474m² of retail space at the ground floor along Geddes Avenue to the north;
 - (c) Building C – a 9 storey residential building along Sonny Leonard Street to the south.
9. A total of 28,317m² of gross floor area is proposed. A floor space ratio control of 4.3:1 applies to the entire BridgeHill Group landholding comprising Sites 12A, 12B, 9A and 9B, excluding future roads. A 10% uplift is then possible across the sites for the achievement of design excellence and is to be distributed to suit the building envelopes and compliance with planning controls. Floor space has been allocated to each site in a Design Excellence Strategy summarised in the table below and demonstrates that the total GFA across the BridgeHill Group landholdings is currently tracking just below the maximum achievable FSR with two of four BridgeHill DAs still under assessment.

Site	Site Area	Base GFA	Potential max GFA with Design Excellence	Proposed GFA	Design Excellence Allocation (as % of 10%)
12A	6,074m ²	23,214m ²	65,902m²	28,317m ²	68%
12B	1,548m ²	4,949m ²		5,435m ²	12%
9A	1,278m ²	10,609m ²		11,255m ²	21%
9B	4,856m ²	21,139m ²		20,859m ²	0%
	13,754m²	59,911m²		65,866m²	100%

10. The proposal has a maximum height of RL 69.200 AHD (49m) to the top of the roof on Building B.

11. The proposal includes excavation of the site for two levels of basement parking. The basement is integrated with Site 12B to the south, with access off Sonny Leonard Street. The service areas proposed for Site 12A are to serve the loading and waste management needs of Sites 12A and Site 12B.
12. Communal open space is provided within a central ground floor courtyard and a rooftop terrace on Building A.
13. The retail tenancies front Geddes Street to the north of the site and will provide activation of the future Drying Green Park. Patrons of the retail spaces will enjoy outdoor dining and promenading opportunities in the pedestrian colonnade provided.
14. Detailed DA drawings of the development are provided at Attachment A. Perspectives, elevations and an image of the 3D physical model of the proposed development are provided below.

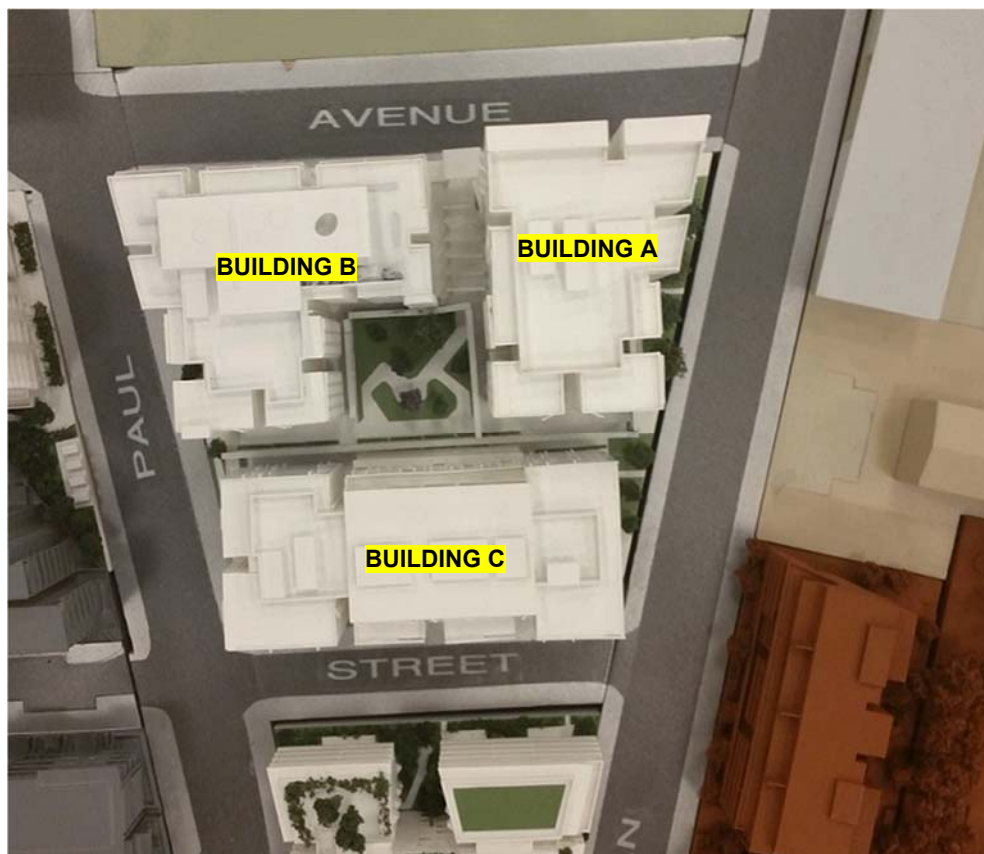


Figure 10: Physical model of proposed development showing surrounding streets and general building arrangement

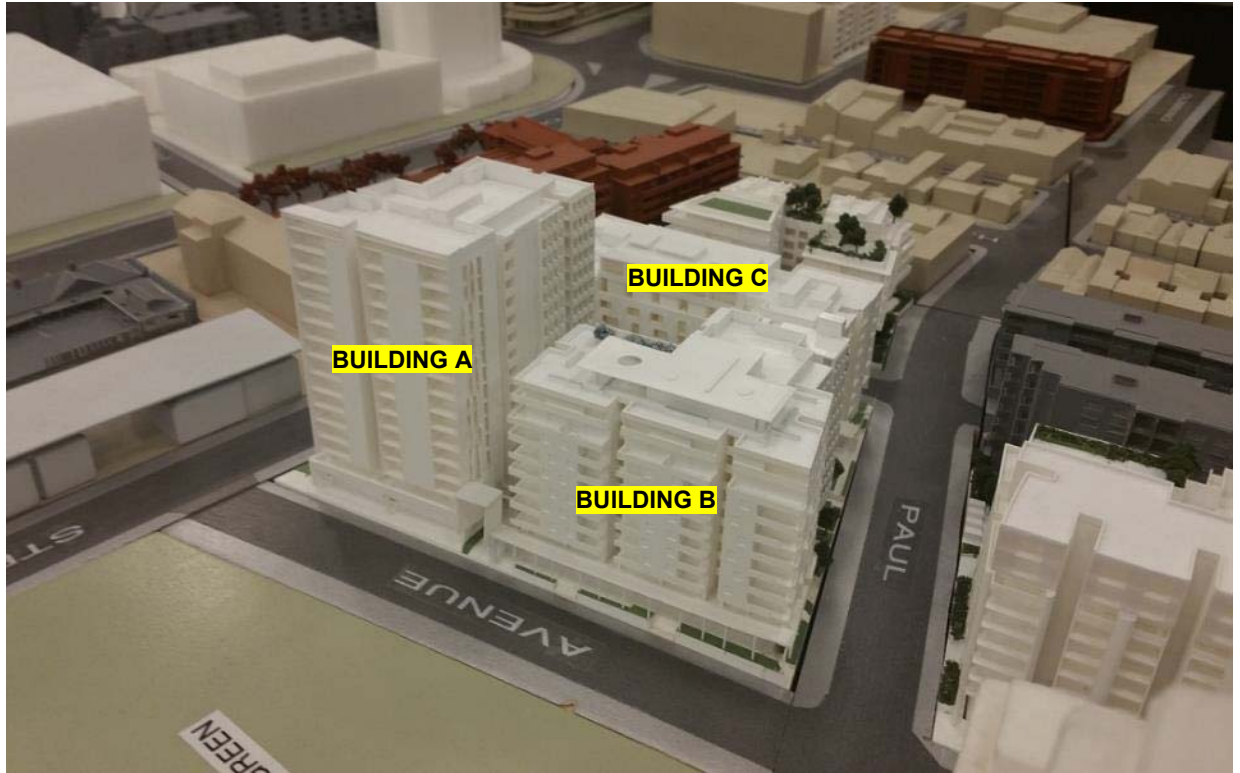


Figure 11: Physical model of proposed development from Drying Green to the north



Figure 12: Perspective of proposed development from Drying Green Park to the north



Figure 15: South elevation

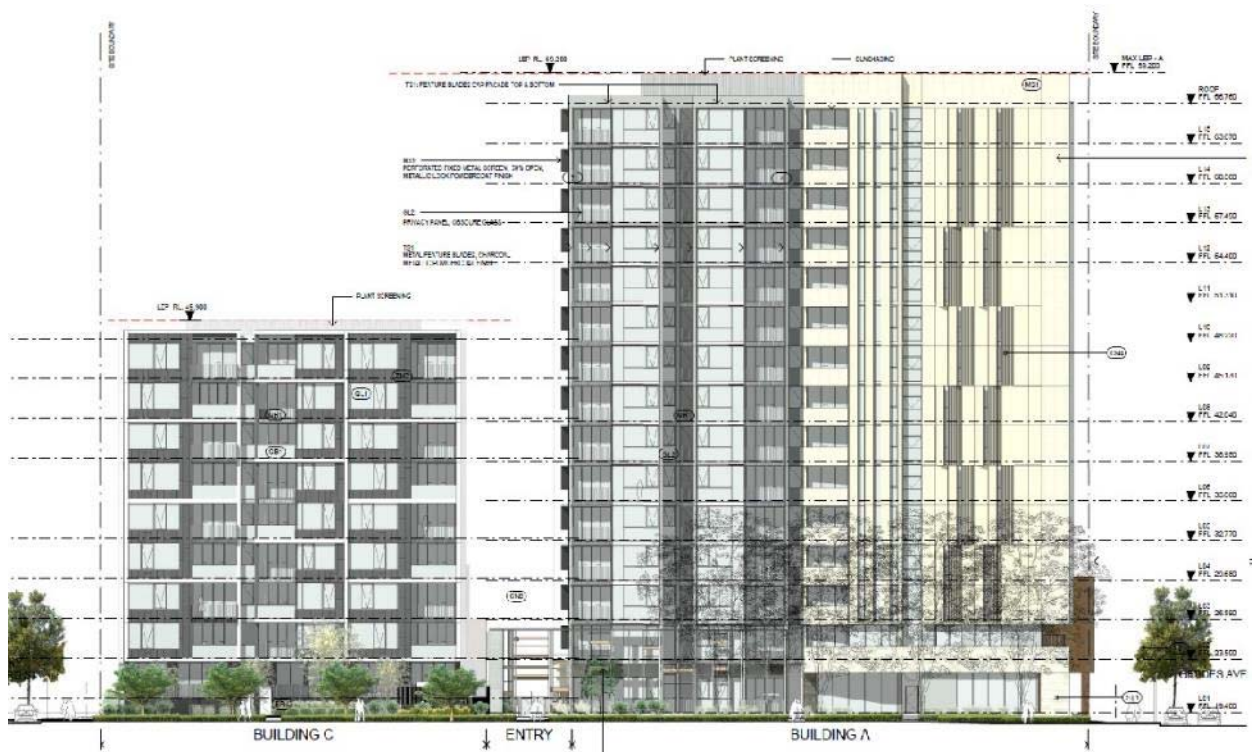


Figure 16: East elevation



Figure 17: West elevation

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

Competitive Design Process

15. From November 2013 to February 2014 BridgeHill Group conducted a competitive design process to ensure design excellence was achievable and subsequently integrated into the detailed development proposals.
16. A Competitive Design Strategy was prepared that set out the requirements for the proposed competitive design alternatives processes for Sites 9A, 9B, 12A and 12B, the rationale for granting of up to 10% additional floor space and the allocation of the additional floor space to each of the four development sites.
17. Four architectural firms participated in the competitive design alternatives process for Site 12A. Of the four schemes presented, the SJB Architects scheme performed the highest against the objectives of the design brief, and was selected as the preferred scheme. Among the reasons cited for their support, the selection panel felt that:
 - (a) the scheme presented a well resolved arrangement of buildings in scale, form and composition with a high standard of urban design and architectural merit;
 - (b) the scheme had a strong sense of arrival to each building via generous foyers that are highly legible from the surrounding streets;
 - (c) the visual connections were strong from Paul Street to Portman Street in the central courtyard and through the site;

- (d) the canopy/awning along Geddes Avenue wrapping around Paul Street made a positive contribution to the streets and the Drying Green Park; and
- (e) the tower form of Building A formed a termination of the row of buildings along Geddes Avenue, has no additional overshadowing impacts and is unlikely to be matched in scale by any buildings to the east due to the heritage precinct around the former South Sydney Hospital site.

Development Application

18. Following the design competition, the DA was lodged in March 2015 and exhibited between March and April 2015. No submissions were received.
19. In late May 2015 Council Officers wrote to the Applicant requesting amendments, further information and clarifications. The main issues were:
 - (a) low level of SEPP 65 compliance for solar access to apartments. In this regard, the proposal achieved 45% solar access compliance and was not supported by Council Officers. It was felt that the apartment yield should be reduced, poorly performing apartments around the building base and in corners should be rearranged / consolidated and internal apartment layouts should be revised to achieve sunlight to living rooms and balconies; and
 - (b) loss of quality and variety in the external materials and finished compared to the competitive design process scheme.
20. Secondary issues raised with the Applicant related to non-compliant setbacks, reduction in height of ground floor levels to improve relationship to the street, undersized apartments and desirable additional rooftop open space.
21. In October 2015, the Applicant responded to the City's request for information. SEPP 65 compliance with solar access was significantly improved (from 45% to 64%), natural ventilation was marginally improved and the external materials, colours and finishes were revised, resulting in greater variation at the Geddes Avenue, Portman Street and Paul Street frontages. The main issues were satisfactorily resolved and responses to the secondary issues are acceptable subject to the findings of this assessment.

Release of Planning Controls

22. Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013 (GSTC LEP) was gazetted on 10 July 2015 and is the determining control over the site.
23. However, when the application was submitted, the GSTC LEP was operating under a deferred model. Due to a savings clause in the GSTC LEP, the application is also required to be assessed against the South Sydney LEP 1998.
24. South Sydney LEP 1998 contains precise building envelope controls and precise floor area controls that are too rigid for the proposed application. While it is necessary to assess the application against the South Sydney LEP 1998, as the GSTC LEP is now active, South Sydney LEP is to be given little weight in the determination.

Other BridgeHill DAs

25. D/2015/95 Site 12B (approved by Council at its meeting on 26 October 2015) - Construction of a part 6, part 7 storey residential flat building containing 68 apartments, basement parking for a total of 62 vehicles and landscaping works.
26. D/2015/688 Site 9A (under assessment) – Construction of a 16 storey mixed use development containing 139 residential units with ground floor retail. Excavation of the site for two levels of basement. The basement is integrated with Site 9B below and will be accessed via Hinchcliffe Street. A total of 89 parking spaces are proposed for Site 9A and associated landscape works.
27. D/2015/733 Site 9B (under assessment) - Construction of a mixed use development with a scale of 11 storeys. The proposal includes ground floor retail uses, 256 apartments, two levels of basement car parking for 217 vehicles and site landscaping.
28. D/2015/535 (approved under delegation 1 July 2015) - Fit out of existing commercial building for use as a temporary display suite with associated signage and off-site parking at 105 Portman Street.

Voluntary Planning Agreement

29. A voluntary planning agreement (VPA) was executed between Council, the landowners and the developer in November 2014. The VPA requires the delivery of new roads and associated public domain and utilities services for the areas identified as Sonny Leonard Street and the eastern portion of Paul Street.
30. The provisions of the executed VPA have been taken into consideration in the assessment of the application.

Other DAs in the Green Square Town Centre

31. D/2012/1175 (approved by CSPC on 8 March 2013) - Provision of essential infrastructure for the Green Square Town Centre, including demolition of minor structures and tree removal, construction of new roads and associated infrastructure, concept landscaping and streetscape design, provision of above and below ground services and staged construction. Stage 3 of the works will deliver future Geddes Avenue, future Paul Street and future Sonny Leonard Street.
32. D/2013/1406 (approved by Council on 9 December 2013) - Construction of 9 storey affordable housing development by CityWest Housing located on the opposite (eastern) side of Portman Street to the subject site. Works commenced on the site in 2014 and construction is well progressed (Figure 6).
33. D/2013/1947 (approved by the Central Sydney Planning Committee (CSPC) on 30 October 2014) - Construction of a predominantly residential development containing 308 apartments in 3 buildings at 511-515 Botany Road, Zetland. This site, known as Site 11A and 11B is located at the south-western corner of the Town Centre approximately 20m to the west of the subject site.
34. D/2013/1423 (approved by the CSPC on 3 April 2014) - Construction of a 10 storey mixed use development at 355 Botany Road, Zetland approximately 300m north of the subject site. Work commenced on the site in February 2015.

35. D/2014/642 (approved by the CSPC on 8 December 2014) - Construction of two mixed use buildings with ground floor retail uses and aboveground apartments, one comprising a 10 storey tower and the other a 28 storey tower. That site is approximately 400m north of the subject site and work is expected to begin shortly.
36. D/2014/1758 (approved under delegation granted to the CEO by the CSPC) - Construction of a part 8 part 20 storey mixed use building above 3 basement car parking levels. The site is located approximately 380m to the northwest of the site.
37. D/2014/1084 (approved by Council on 23 February 2015) - Construction of Green Square library and plaza north-west of the site.
38. D/2014/1313 (approved by Council on 23 February 2015) - Construction of a child care centre within the former South Sydney Hospital site to the east of the site on the opposite side of Portman Street.
39. D/2014/1686 (approved by Council on 21 April 2015) - Reuse of two former South Sydney Hospital Buildings for community facilities and the embellishment of a new park to the east of the site on the opposite side of Portman Street.
40. The City is also currently finalising designs for a new open space area called "The Drying Green" south-east of the plaza and is progressing with the design for the new aquatic centre and park just south-east of the Town Centre.

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

41. 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.

State Environmental Planning Policy No 55—Remediation of Land

42. 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.
43. An Interim Site Audit Statement was submitted with the development applicant. The City's Health Unit 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

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

(a) **Principle 1: Context**

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

(b) **Principle 2: Scale**

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

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

Generally complies: The building is generally compliant with the building envelope controls in the GSTC LEP, GSTC DCP and the Design Competition Alternatives Process winning scheme. The building alignment is defined by the surrounding streets.

The proposal responds to the surrounding urban renewal context, achieves a suitable form and scale and is consistent with achieving design excellence.

(d) **Principle 4: Density**

Complies: The proposed FSR is consistent with the allocated gross floor area determined as part of the Competitive Design Strategy and is appropriate in the Green Square Town Centre, given its proximity to established and proposed infrastructure, public transport, community and recreational facilities. The proposed density responds to the future context and does not result in unacceptable levels of amenity impact for neighbouring properties.

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

Complies: The proposal is compliant with the requirements of BASIX, and a condition is recommended to ensure that the development complies with the commitments contained on its BASIX certificate.

(f) **Principle 6: Landscape**

Complies: A total of 407m² (6.7%) of deep soil zone planting is provided within the landscaped setbacks of the site, which complies with the planning controls. The location of the proposed deep soil planting is considered positive as it assists in providing a landscaped buffer to delineate the public and private domain and will provide some soft screening to the proposed development.

A total of 1,371m² (23%) of landscaped common area is proposed, which is slightly less than the 25% requirement under the RFDC. Proposed common open space consists of a ground level communal courtyard and a communal roof terrace on the northern edge of Building B. The ground floor communal areas will provide residents with space for passive and some active recreation. The roof terrace will provide an additional communal space for passive recreation with a deck, BBQ area, tables and chairs to facilitate gatherings. A range of spaces are provided to suit the needs of the incoming residents.

(g) **Principle 7: Amenity**

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

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

Complies: The proposed development provides for casual surveillance of the surrounding public domain through windows being located along all facades. Proposed residential units at ground level fronting Portman Street, Sonny Leonard Street and Paul Street have individual entrances providing for an active frontage which assists in deterring opportunities for crime. Lobbies from three sides are incorporated, as is an east-west through site link.

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

Complies: The proposed development has the following unit mix:

- (i) 9 x studio apartments (2.7%);
- (ii) 72 x 1 bedroom apartments (21.8%);
- (iii) 216 x 2 bedroom apartments (65.5%); and
- (iv) 33 x 3 bedroom apartments (10%).

The design has incorporated a diverse mix of apartment types and orientations, maximising the opportunity for a diverse social mix within the development. The mix generally complies with the required mix outlined in the DCP with the exception of the studio apartments where 5%-10% is required. This minor non-compliance is considered acceptable.

(j) **Principle 10: Aesthetics**

Complies: A variety of materials are proposed to strengthen the sense of individuality to the three buildings.

A long north facing edge of Buildings A and B, where they face the future Drying Green Park, has been articulated and modularised through the use of alternative materials, colours and finishes along the buildings.

The buildings are unified by a decorative shade structure above the communal open space that reaches the street edges of the buildings and an awning structure along Geddes Avenue.

45. The development is considered generally acceptable when assessed against the above principles and the SEPP generally.

Residential Flat Design Code

46. 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.

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
Building Depth 10-18m (glass to glass)	No	Building depths are between 18m and 22m. Refer to Issues section.
Building Separation Up to four storeys/up to 12 metres: <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable rooms/ balconies and non-habitable rooms • 6m between non-habitable rooms Five to eight storeys/up to 25 metres: <ul style="list-style-type: none"> • 18m between habitable rooms/ balconies • 13m between habitable rooms/balconies and non-habitable rooms • 9m between non-habitable Rooms Nine storeys and above, over 25m: <ul style="list-style-type: none"> • 24m between habitable rooms/balconies • 18m between habitable rooms/balconies and non-habitable rooms • 12m between non-habitable Rooms 	No	Building separation is not achieved. Buildings A and B are separated by 9.6m between habitable rooms/balconies. Buildings A and C are separated by 7.6m between habitable rooms and non-habitable rooms. Buildings B and C are separated by 8.4m between habitable rooms and non-habitable rooms. However, suitable visual and acoustic privacy treatments have been incorporated in terms of window positions, window screens/angles and privacy screening on balconies. Adequate solar access and natural ventilation is achievable despite the non-compliance. The non-compliance is acceptable.

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
<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 407m ² of deep soil zone is provided (6.7%). The Green Square DCP requires 6.25% deep soil landscaping.
<p>Communal Open Space</p> <p>Communal open space to be 25- 30% of site area.</p> <p>Private Open Space</p> <p>25m² at ground level with minimum preferred dimension in one direction of 4m.</p>	Partial	<p>A total of 1,371m² of communal open space is provided, which equates to 23% of the site area.</p> <p>All ground floor residences are provided with terraces, however not all ground level terraces meet the minimum size requirements. This variation is supported as all terraces provide a sufficient usable space for the recreational needs of occupants.</p>
<p>Safety</p>	Yes	A CPTED statement was prepared identifying areas within the development that required appropriate design and security management.
<p>Visual Privacy</p>	Yes	The proposal largely achieves acceptable separation to maintain visual privacy for future occupants and those of adjoining buildings.
<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 apartments.</p>	Yes	A total of 10 apartments (3%) are single aspect south facing. All of these apartments have depths of less than 8m to a window.
<p>Apartment Layout (Kitchen)</p> <p>The back of a kitchen should be no more than 8m from a window.</p>	Generally	The apartments are generally less than 8m in depth from the back of a kitchen to a window. However some are 8-10m and are considered acceptable.
<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.

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
<p>Apartment Layout (Unit Sizes)</p> <p>Minimum unit sizes:</p> <ul style="list-style-type: none"> • Studio: 38.5m² • 1 bed: 50m² • 2 bed: 70m² • 3 bed: 95m² 	Partial	<p>Minimum unit sizes are provided as follows:</p> <ul style="list-style-type: none"> • Studios: 45m² • 1 bed: 51m² – 63m² • 2 bed: 62m² – 87m² • 3 bed: 85m² – 119m² <p>Nine apartments have been labelled “studio” on the DA drawings but are 1 bedroom apartments. They would be undersized 1 bedroom apartments at 45m². It is recommended that these apartments revert to genuine studio by deletion of the bedroom enclosing walls. A condition is recommended accordingly.</p> <p>Some of the 2 bedroom apartments are under the minimum by varying margins and 2 of the 3 bedroom apartments are under the minimum if they were used under a key-key scenario.</p> <p>This is considered acceptable as the majority of the 2 bedroom apartments are only marginally undersized by 1-2m² and the 3-bedroom apartments may or may not be used as dual-key units (where the separable studio complies but the main dwelling is marginally undersized). The relevant undersized apartments receive good amenity and have flexible layouts that can accommodate furniture placement.</p>
<p>Balconies</p> <p>2m min balcony width</p>	Partial	<p>All main balconies to apartments provide areas which have a minimum depth of 1.5m-2m. This width is sufficient to accommodate the outdoor recreation desires of the occupants.</p>
<p>Ceiling Heights</p> <p>2.7m min ceiling height in habitable areas.</p> <p>2.25-2.4m ceiling height in non-habitable areas.</p>	Yes	<p>A minimum floor to floor height of 3.1m is proposed for all residential levels, ensuring a minimum 2.7m floor to ceiling height can be achieved.</p>

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
<p>Ground Floor Apartments</p> <p>Optimise the number of ground level apartments with separate entries.</p> <p>Provide ground floor apartments with access to private open space.</p>	Partial	Of the 5 x 3-bedroom apartments at the ground floor, 1 has a separate entry from the street. The other 4 are capable of entry from the central communal courtyard as they are internalised within the development.
<p>Internal Circulation</p> <p>The number of apartments accessible from a single core/corridor should be limited to eight.</p>	No	Between 8 and 14 apartments are accessible from the one core. Despite this, acceptable solar access and natural ventilation is achieved within the proposal.
<p>Storage</p> <p>Minimum storage provision facilities:</p> <ul style="list-style-type: none"> • 1 bed: 6m³ • 2 bed: 8m³ • 3 bed: 10m³ <p>(With minimum 50% storage area located within unit)</p>	Yes	Adequate storage is provided within each apartment. Additional residential storage is also proposed within basement levels.
<p>Daylight Access</p> <p>70% of apartments to receive 2 hours of direct sunlight in midwinter to living rooms and private open spaces.</p>	No	64% of apartments receive solar access for 2hrs to their living areas and private open spaces.
<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>	Yes	80% of apartments are cross ventilated.

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

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

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

49. SEPP 32 provides for the increased availability of housing within the inner city and to assist in meeting the demand for housing close to employment, leisure and retail opportunities.
50. The proposed development of the site is consistent with the aims and objectives of SEPP.

South Sydney Local Environmental Plan 1998

51. A savings provision in the GSTC LEP directs the consent authority to continue to consider the South Sydney LEP when assessing the development application. However, the South Sydney LEP has been given little weight. Significant and determinative weight has been given to the recently gazetted GSTC LEP as the new LEP is the vehicle for the City's planning vision and framework for this site and others. The South Sydney LEP has inherent inflexibility with out-dated land use and building height controls.
52. An assessment of the development against the provisions of the South Sydney LEP is provided below.

Compliance Table		
Development Control	Compliance	Comment
Planning Principles (Part 2) Development is to be considered having regard to the goals and objectives within the Strategy for a Sustainable City of South Sydney	Yes	The proposal satisfies the Strategy.
Zoning Controls (Part 3) The site is zoned 11(a) Green Square Town Centre.	Yes	The proposed development is defined as mixed use development containing shops and residential uses under the South Sydney LEP. This uses are permissible.
Heritage Conservation (Cl. 22 to 27) Development is to satisfy certain heritage requirements	Yes	No heritage issues are evident in relation to the proposal.

Compliance Table		
Development Control	Compliance	Comment
<p>Development at Green Square (Cl. 27C)</p> <p>Development is to satisfy the vision, planning principles and Masterplan provisions of the LEP.</p>	Yes	The proposal satisfies these controls.
Green Square Town Centre (Part 4, Div 2A)		
<p>Clause 27KE – Architectural Design Standards</p> <p>Council must not grant consent to development unless it is satisfied that:</p> <ul style="list-style-type: none"> • A high standard in terms of architectural design, materials and detailing will be achieved; and • The form and external appearance of the building will contribute in a positive manner to the quality, amenity and character of the public domain, consistent with the objectives of the zone. 	Yes	The proposal satisfies these controls.
<p>Clause 27KF – Gross Floor Area and Land Use Mix</p> <p>The combined Site 12 (site 12A and 12B) is allocated a total gross floor area of 31,200m², with a 100% required to be residential.</p> <p>No commercial development is allowed for.</p> <p>A 10% uplift in gross floor area is permitted provided a number of design related pre-requisites are met.</p>	Yes	<p>A maximum gross floor area of 34,320m² after including a 10% uplift for design excellence, is permitted on Sites 12A and 12B.</p> <p>A total gross floor area of 33,756m² is proposed. This complies with the requirement. This includes retail GFA as the Council's policy direction has altered, for the better, to include active uses along the northern edge of Site 12A to activate the Drying Green Park.</p>

Compliance Table		
Development Control	Compliance	Comment
<p>Clause 27KG – Maximum Height</p> <p>Council must not grant consent to any building whose height exceeds the maximum height shown in the Height Map. In this case, the relevant maximum height is RL 51.7.</p>	No	<p>A maximum height of RL 69.2 is proposed.</p> <p>As the proposal complies with the GSTC LEP maximum height control, this non-compliance is acceptable.</p>
<p>Clause 27KH – Floodwater Management</p> <p>Development must not affect upstream or downstream flood behaviour, must not significantly increase flood hazard or potential for damage, must not restrict capacity in any floodway, must not increase risk to persons and must provide adequate flood protection.</p>	Yes	The proposal satisfies these controls.
<p>Design Principles and Masterplans (Cl. 28)</p> <p>Council is to consider whether development satisfies design related principles in relation to streetscape, scale, amenity, energy efficiency and other matters. Council is also to take into consideration any Masterplan that is available for sites greater than 5,000sq.m.</p>	Yes	The proposal satisfies these controls.
<p>Contaminated Land (Cl. 39)</p> <p>Council is to consider the issue of contamination in determining an application for a residential, child care centre or commercial use on land previously occupied by industrial use.</p>	Yes	Council Officers are satisfied that the can be made suitable for the proposed land uses when the Remediation Action Plan is followed.

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

53. The site is located within the B4 Mixed Use zone. The proposed use is defined as residential and is permissible.
54. The relevant matters to be considered under the GSTC LEP are outlined below.

Compliance Table		
Development Control	Compliance	Comment
4.3 Height of buildings	Partial	<p>Maximum height standards apply as follows:</p> <p>RL 69.2 for Building A; RL 55.9 for Building B; and RL 49.9 for Building C.</p> <p>The proposal complies with these height standards.</p> <p>However, a height standard of RL 22 applies to the eastern edge of the site in the location of a deep soil landscape zone along Portman Street. The proposal has building elements that protrude into the setback area and therefore are technically non-compliant with the RL 22 height standard. A request to vary the height standard under Clause 4.6 of the LEP has been provided by the Applicant.</p> <p>Refer to Issues section below.</p>
4.4 Floor space ratio	Yes	<p>The permitted gross floor area for site 12A was allocated as part of the competitive design strategy for the site.</p> <p>The strategy set a maximum gross floor area of 27,264m² for Site 12A. The application proposes a maximum gross floor area of 28,321m², which is 1,057m² greater than allocated target for the site. However, the cumulative GFA across Sites 12A, 12B, 9A and 9B is to be reconciled with future determinations and not to exceed the total FSR control applied to the entire site area.</p>

Compliance Table		
Development Control	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site does not contain a heritage item and is not located in a heritage conservation area. However, the site is in the proximity of the Hansard Street Conservation Area, which contains a three heritage items.</p> <p>Council's Heritage Specialist has reviewed the heritage impacts of the development and finds the proposal acceptable.</p>
Part 6 – Local Provisions		
6.2 Flood planning	Yes	<p>The site is identified by Council as being flood prone. A flood study was submitted with the application and Council's Drainage Engineers are satisfied with the proposal, subject to conditions.</p>
6.5 Affordable housing	Yes	<p>An affordable housing contribution is recommended.</p>
6.8 Car parking ancillary to other development	Yes	<p>A maximum of 294 car parking spaces are permitted.</p> <p>A total of 294 car parking spaces are proposed within the site boundary, with an additional 14 proposed between the basements of Site 12A and Site 12B.</p>
6.9 Design excellence	Yes	<p>The development has high architectural and landscape design merit.</p> <p>A competitive design process for the site was conducted to select the project architect. The selection panel deemed SJB Architects entry as the design most capable of achieving design excellence.</p> <p>The detailed design of the building proposed under this application also satisfies the requirements of this provision.</p>

Compliance Table		
Development Control	Compliance	Comment
6.10 Essential services	Yes	Utility, drainage and road services are available to the site and are being delivered by the City in its rollout of essential infrastructure for the Town Centre. The City has entered into a Voluntary Planning Agreement with the developer to construct the essential infrastructure around the site at the same time as the construction of the development.

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

55. The relevant matters to be considered under GSTC DCP are outlined below.

Development Control	Compliance	Comment
Section 1 - Introduction		
1.4 Objectives	Yes	The GSTC DCP objectives include the creation of a model example of sustainable urban renewal, creation of high quality public domain and the integration of buildings within their context. The proposal satisfies the intent of the objectives.
Section 2 – Desired future character		
2.1 Desired future character – locality statement and principles	Yes	The proposal contributes toward the objective of providing a range of housing within the Town Centre.
Section 3 – Local infrastructure		
3.3 Street network	Yes	The proposal is consistent with the proposed street network and hierarchy and access and circulation maps outlined in the DCP.
3.4 Flooding and stormwater management	Yes	Council's Development Engineers have determined that the proposal is satisfactory in relation to flooding.

Development Control	Compliance	Comment
Section 4 – Land use		
4.1 Location of desired Activities	Yes	The DCP identifies the sites desired activity as residential, retail or commercial other than the Geddes Avenue frontage which is required to be retail or commercial. The proposal complies with this requirement.
4.3 Active frontages	Yes	Active frontage is provided along Geddes Avenue as required.
Section 5 – Heritage		
5.2 Development affecting a heritage item	Yes	The site is near the Hansard Street Conservation Area and the former South Sydney Hospital site. The proposal is not anticipated to have any adverse impacts on the conservation area or heritage item generally and is in keeping with the planning controls for the site.
Section 6 – Building layout, form and design		
6.1 Competitive design process	Yes	A competitive design process was undertaken and SJB Architects were selected as the winning entrant. An uplift in GFA is included in the proposal, measured in aggregate across the total site area of Sites 12A, 12B, 9A and 9B, as a result of the achievement of design excellence.
6.2 Design and architectural diversity	Yes	The DCP requires buildings more than 45m in length are separated into individual building components of no more than 25m in length. Buildings A and are less than 45m. Building C is broken into components with gaps and articulation in the form and changes in materials and finishes to break up the building frontage.
6.3 Building layout	Yes	The DCP identifies the site containing a tall building at the north-eastern corner and eastern side of the site and street wall buildings to the north-west, west and south. The form of the development is in keeping with these desires.

Development Control	Compliance	Comment
6.4 Height in storeys and street frontage	Partial	<p><u>Floor-to-floor and floor-to-ceiling heights</u></p> <p>Minimum 4.5m floor-to-floor heights apply to retail development, with a minimum 3.6m floor-to-ceiling height.</p> <p>Minimum 3.0m floor-to-floor heights apply to residential development, with a minimum 2.7m floor-to-ceiling height.</p> <p>The proposal complies with these controls.</p> <p><u>Height in storeys</u></p> <p>A 14 storey control applies to Building A, a 10 storey control applies to Building B and a 8 storey control applies to Building C.</p> <p>The application proposes 15 storeys for Building A, 11 storeys for Building B and 9 storeys for Building C.</p> <p><u>Street frontage height</u></p> <p>Storeys above the eighth floor for Buildings A and B are to include a 3m upper level secondary setback to create a street wall height and upper element. Building B complies. However, Building A does not provide a 3m secondary setback.</p> <p>Refer to Issues section for further discussion.</p>
6.5 Building alignments and setbacks	Partial	<p>Street setbacks are consistent with the DCP along Geddes Avenue and Paul Street. Street setbacks are non-compliant along Portman Street and Sonny Leonard Street.</p> <p>The proposal has incorporated chamfered setbacks on prominent corners.</p> <p>A variations to an upper level setback control for Building A is proposed.</p> <p>Refer to Issues section for further discussion.</p>

Development Control	Compliance	Comment
6.6 Roof form	Yes	Plant and lift overruns are appropriately setback to be removed from sight when viewed from the street. The plant and lift overruns are generally setback more than 3m from the floor below. A condition is recommended that ensures all plant is screened to Council's satisfaction.
6.8 Flexible housing and dwelling mix	Partial	<p>The mix generally complies with the required mix outlined in the DCP and is appropriate. Where a minimum of 5%-10 studio apartments is required the proposal incorporates 2.7%.</p> <p>The design has incorporated a diverse mix of apartment types and orientations, maximising the opportunity for a diverse social mix within the development.</p>
6.9 Adaptable dwelling mix	Yes	The proposal provides 20% adaptable dwellings as required by the DCP.
6.10 Amenity	Yes	<p>The proposal provides 80% of the apartments with natural ventilation.</p> <p>The proposed units comply with the recommended depth from the nearest operable window.</p> <p>All units are provided with a primary and in some case secondary private balcony or terrace. These areas have been designed with adequate widths and areas to offer a sufficient usable space for future occupants.</p> <p>An acoustic report has been submitted and determined to be acceptable. Appropriate conditions with regard to acoustic attenuation have been recommended.</p>
6.11 Accessible design	Yes	The proposal complies with accessible design provisions. A condition of consent is recommended to ensure that the design is fully accessible as detailed design progresses.
6.12 Safety and design	Yes	The application satisfactorily addresses safety and security measures and is compliant with the provisions of the DCP.

Development Control	Compliance	Comment
6.13 Landscaping and open space	Yes	<p>A deep soil zone planting area of 407m² (6.7%) is provided within the landscaped setbacks of the site.</p> <p>A total of 1,370.8m² (23%) of landscaped common area is proposed in the form of the central ground floor courtyard and a communal roof terrace on Building B.</p> <p>A landscaped green roof is provided.</p> <p>All apartments are provided with private open space areas that generally meet the minimum area and dimension requirements and provide a sufficient usable space for the recreational needs of occupants.</p>
6.14 Awnings	Yes	Awnings are provided over common building entries to allow for weather protection.
Section 8 – Environmental management		
8.2 Energy	Yes	BASIX certificates have been submitted for the proposal demonstrating that in all instances the building either meets or exceeds the targets for thermal comfort and energy.
8.3 Materials	Yes	The proposed materials are considered to be suitably durable and adaptable in accordance with this section of the DCP.
8.4 Waste	Yes	Waste storage and collection generally complies with the provisions in the DCP and appropriate conditions have been recommended.
8.5 Water	Yes	<p>Water efficient fixtures and fittings are to be installed when BASIX requirements are met.</p> <p>Stormwater will be discharged to the propose kerb inlet put at the corner of Geddes Street and Paul Street, the lowest point of the site. The stormwater will incorporate on-site detention in accordance with Sydney Water requirements.</p> <p>Appropriate stormwater conditions have been recommended.</p>

Development Control	Compliance	Comment
8.7 Tree management	Yes	<p>A total of 39 trees within the site will be affected by the proposal.</p> <p>Some of these trees are species which are exempt from the provisions of the City's Tree Management Controls and regardless of the proposed development works do not require Council approval for their removal.</p> <p>There are a number of other trees which are in fair to poor condition and are not considered worthy of retention.</p> <p>Four large Coral Trees are to be retained along the Portman Street frontage of the site in a deep soil landscaped setback zone. That landscaped setback is also to be planted out with new trees, shrubs and groundcovers.</p>
Section 9 – Social sustainability		
9.1 General provisions	Yes	<p>The applicant has addressed the social impact criteria as set out by the DCP.</p> <p>The development provides a variety of unit typologies to suit a variety of dwelling structures, including adaptable units to support people with a disability and the aged. The proposal is located within close proximity to employment opportunities, transport, community facilities and open space infrastructure, and proposes to enhance the public domain through high quality landscaping treatments.</p>
Section 10 – Transport and parking		
10.1 Managing transport demand	Yes	A traffic and parking report has been submitted with the application.
10.3 Vehicle parking	Yes	<p>A total of 294 parking spaces, are proposed within the Site 12A boundary.</p> <p>A total of 14 visitors, car share, service vehicles and motorcycle (equivalent) spaces are to be provided within the basement link area between the subject site and Site 12A.</p> <p>This complies with the maximum LEP parking rates.</p>

Development Control	Compliance	Comment
10.4 Vehicle access and footpaths	Yes	The basement car parking is integrated with Site 12B to the south, with access off Sonny Leonard Street.

ISSUES

Building height standard


56. A building height standard of RL 22m AHD applies to a 7m setback zone along Portman Street. This height control would permit a single storey structure.
57. The RL 22m height standard applies to the new streets within the Town Centre and would limit the height of new street furniture and structures in road reserves to approximately 2-3m. In this case, the area it applies to is a 7m landscaped setback where mature trees are to be preserved and new landscaping is to be introduced. The height standard permits some development such as an awning, entry enclosure or mailbox structure in a landscape setback.
58. The proposal has non-compliances relating to:
- a balcony on Building A protruding out from the building above the height standard. The non-complying area of the balcony, per floor, is 4.6m²; and
 - balconies and floorspace relating to Building C protruding out from the building above the height standard. The area of the non-complying development, per floor, is 56m² including balconies and walls.
59. Expressed as a proportion of the site frontage to Portman Street, the non-compliance relates to 27% of the frontage.



Figure 18: Building height standard non-compliance

60. Clause 4.6 of the LEP 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 concurrence of the Director-General of the Department of Planning and Environment can be assumed where Clause 4.6 is adopted as per Department of Planning Circular PS 08–003 dated 9 May 2008.
61. In order to demonstrate whether strict numeric compliance is unreasonable or 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(3)(a) and (b)</p> <p>The applicant must submit a written request that seeks to justify the contravention of the development standard by demonstrating:</p> <p>(a) that compliance is unreasonable and unnecessary in the circumstances</p> <p>(b) that there are sufficient environmental planning grounds to justify the contravention.</p>	<p>A written request has been submitted to Council seeking to justify the contravention of the development standard on the following basis. These are the Applicant's contentions and comments by Council Officers follows.</p> <ul style="list-style-type: none"> • The proposal complies with the FSR standard across the site to ensure an appropriate bulk and scale is achieved; • There is no tangible nexus between the height variation and the overall intensity of site use; • The site is angled making it difficult to achieve workable floor plates; • The proposed heights are consistent with the objectives of the standard in the LEP; • The built form in the setback does not reduce the sites ability to comply with the minimum deep soil landscaped area control; • The area of non-compliance of Building C is articulated with balconies to reduce the apparent bulk and scale of the development and minimize visual impacts; • The proposed height non-compliance does not result in any unreasonable shadow impacts when compared to a compliant scheme; • The built for that encroaches the height limit in the landscape setback contains living areas and balconies that are oriented to the east and are separated by a roadway to development opposite Portman Street. The separation is over 22m to development to the east to ensure privacy is maintained; • The proposal is consistent with the scheme selected by the Panel in the Alternative Competitive Design Process;

Clause 4.6 Requirement	Assessment
	<ul style="list-style-type: none"> The proposed built form and height is generally consistent with the desired future character of the area as envisaged by the LEP and DCP; and Compliance with the standard is unreasonable and unnecessary on environmental planning grounds.
<p>4.6(4)(a)(i) Council must be satisfied that the applicant has adequately addressed the matters required to be demonstrated by subclause (3), and</p>	<p>It is considered that the applicant’s written rationale assists in demonstrating why non-compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. Each of the above matters are valid contentions. However, with the exception of an argument regarding the angled boundary of the site, the above does not cast light on what specific sufficient environmental planning grounds are relevant to this site rather than general grounds around height and setbacks that could apply to any site.</p> <p>However, the non-compliance is supported because it results in the form of Building C gradually stepping out of alignment with Building A, and in doing so creating a transition to the adjoining Site 12B. The transition achieved will help to tie the development sites together and create less abrupt building language along the street. On balance, this transition is supported.</p>  <p style="text-align: center;">Setback transition between Site 12A and Site 12B</p>

Clause 4.6 Requirement	Assessment
	It is considered that there are sufficient environmental planning grounds to justify contravening the development standard for this site as the adjacent buildings will transition with each other.
<p>4.6(4)(a)(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone</p>	<p>The development is within the B4 – Mixed Use Zone. 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 building height development standard are:</p> <ol style="list-style-type: none"> (a) to ensure acceptable height transitions between new development and heritage items and buildings in heritage conservation, (b) to ensure the sharing of views, (c) to ensure acceptable height transitions from the Green Square Town Centre to adjoining areas, (d) to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and (e) to ensure the built form contributes to the physical definition of the street network and public spaces. <p>The Applicant has set out the following arguments in support of the variation in terms of the objectives of the zone and height standard:</p> <ul style="list-style-type: none"> • the objectives of the zone are satisfied; • an acceptable height transition is provided to heritage items within the former South Sydney Hospital site to the east and the proposal does not detract from the significance of those items due primarily to the lengthy separation distance; • there are no views impeded by the proposed non-complying elements; • the areas of non-compliance will not impact on the transition of the built form of development to the south;

Clause 4.6 Requirement	Assessment
	<ul style="list-style-type: none"> • the proposal will have a similar level of overshadowing on the public domain as a complying scheme; • the proposal is consistent with the winning competitive design process scheme which was selected for its definition of the street and public domain. <p>Council Officers, having assessed the circumstances of the case, consider that the written statement provided by the applicant, as well as the views of Council Officers set out above, sufficiently justifies that strict numeric compliance with the development standard is unreasonable and unnecessary in this instance and there are sufficient planning grounds to justify the departure from the development standard.</p> <p>Council Officers agree that the proposed development, notwithstanding the non-compliance with the height standard, is consistent with the objectives for the standard provided under Clause 4.3 and is consistent with the objectives of the zone.</p> <p>Accordingly, it is recommended that a Clause 4.6 exception is granted.</p>

Height in storeys

62. GSTC DCP permits a maximum of:
- (a) 14 storeys for Building A;
 - (b) 10 storeys for Building B; and
 - (c) 8 storeys for Building C.
63. Each of the three buildings has an additional storey or additional partial storey.
64. The departure from the height in storeys control is supported due to the following:
- (a) the proposal complies with the LEP maximum height standards in metres;
 - (b) the gross floor area of the additional levels does not result in a non-compliance with the FSR control;
 - (c) shadow studies demonstrate that there are no additional overshadowing impacts on neighbouring properties or the public domain as a result of the additional heights, due primarily to the setbacks provided;

- (d) in relation to Building A, the additional storey is the result of a redistribution of floor area in the scheme compared to the competitive design process entry. The selection panel recommended widening the separation between Buildings A and B and indicated support for the lost floorspace to be added to the tower, on the proviso that the proposal remained compliant with the building height standard, which it is;
- (e) in relation to Building B, the additional storey relates to a music practice room, common room and access to communal roof top open space. As such, the additional storey is supported; and
- (f) in relation to Building C, the additional storey comprises about 60% of the floorplate of the levels below. Half of the additional storey is for bedrooms associated with two-storey apartments accessed from the level below. The other half are very large 2 and 3 bedroom apartments that will achieve excellent amenity from solar access, natural cross ventilation and views. Building C is the most critical for overshadowing impacts on adjoining properties. However, the shadow analysis supplied, in conjunction with a reduction in the footprint of the level to improve solar access to Site 12B, demonstrate that no significant adverse impacts arise.

Street frontage height

65. GSTC DCP requires the levels above the eighth storey along Geddes Avenue and Portman Street to have a minimum secondary setback of 3m to create a street wall. Building B has a compliant secondary setback along Geddes Avenue. However, Building A is inconsistent with the control because it has a tower form without secondary setbacks.

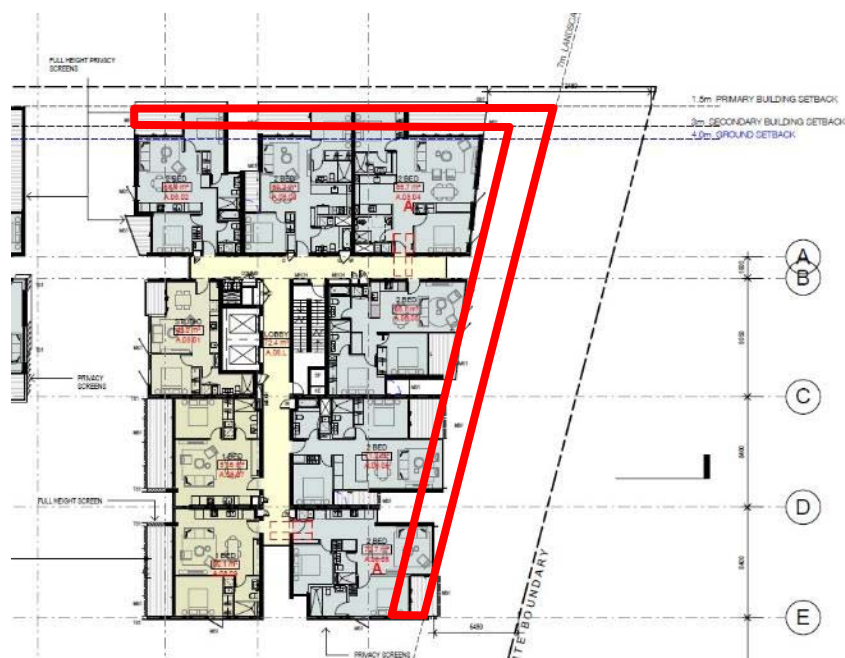


Figure 19: GSTC DCP 3m secondary setback zone shown in outline identifying minor non-compliances

66. The proposed 8 storey street wall height variation is supported in relation to Building A on each frontage. The non-compliance relates to 16% of the site frontage along Portman Street and 28% of the Geddes Avenue frontage. The variation is supported for the following reasons:
- (a) the selection panel at the competitive design process stage commented that the tower form of the building would create a termination of the row of buildings along Geddes Avenue, is differentiated from the lower street wall buildings surrounding it, is unlikely to result in any significant additional shadowing and is likely to retain a strong presence in the Town Centre due to the relative lower scale of buildings in the former South Sydney Hospital site to the east;
 - (b) Council Officers agree that Building A's tower form is a strong corner element that bookends the western extent of Geddes Avenue;
 - (c) the tower form of Building A, and its height (RL 69.2), is consistent with the height standard on Site 9A (RL 67.7) to the furthest western extent of Geddes Avenue and the two towers will signal termination of the high-rise Town Centre buildings; and
 - (d) the tower form has no adverse amenity impacts on adjoining properties.

Building setbacks

67. GSTC DCP requires the following setbacks:
- (a) **Geddes Avenue:** a 1.5m full height building setback and a 3m secondary setback above the eighth floor. The proposal complies with the 1.5m full height setback but does not comply with the secondary setback in relation to Building A. The secondary setback is discussed in relation to "street frontage height" above;
 - (b) **Portman Street:** a 7m setback for landscaping and tree retention and a 3m secondary setback above the eighth floor. The proposed scheme partially complies with the 7m setback. The secondary setback is discussed in relation to "street frontage height" above;
 - (c) **Paul Street:** a 1.5m full height building setback and a 4m wide setback at ground and first floor for landscaping. The proposal complies with these requirements; and
 - (d) **Sonny Leonard Street:** a 1.5m full height building setback and a 4m wide setback at ground and first floor for landscaping. The proposal complies with the 1.5m full height setback but does not comply with the 4m setback at ground and first floors.
68. Buildings B and C, being compliant with the Geddes Avenue and Paul Street setbacks, are aligned with adjoining developments, comprising Site 9B to the west and Site 12B to the south.

69. Encroachments into setbacks are generally not supported. The Sonny Leonard Street setback at ground and first floor is not supported due to poor transition to adjoining development and ineffective relief of the building mass. However in this instance, the Portman Street setback is considered acceptable due to transition to adjoining development and acceptable visual and building mass outcomes. Further discussion on these setback findings is set out below.

Sonny Leonard Street setback

70. The proposed Sonny Leonard Street building setback is between 1.6m and 2m for the full height of the development. This complies with the 1.5m full height setback. However, it does not comply with the additional 4m setback control at ground and first floors.

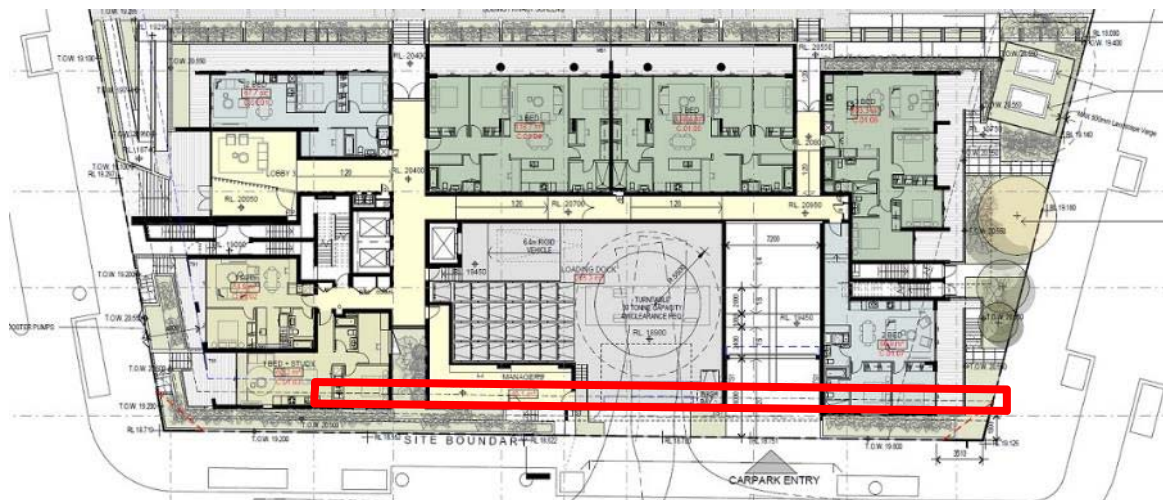


Figure 20: Extract of floor plan showing Sonny Leonard Street ground floor and first floor setback non-compliance

71. The proposed non-compliance is not acceptable for the following reasons:
- the building would be out of alignment with the setback of the adjacent approved development to the west (see **Figures 21 and 22** below). The adjacent development provides ground and first floor setbacks between 4.0m and 4.9m and this building form should be carried through to Site 12A in accordance with the planning controls. There is not sufficient grounds to vary the control; and
 - insufficient landscape relief is provided for the residential uses along the street and landscape screening is not sufficient for non-residential uses comprising a manager's office and loading/waste area.



Figure 21: Adjacent approved Lateral Estate building to the west showing ground and first floor setback area of 4m-4.9m in green outline.

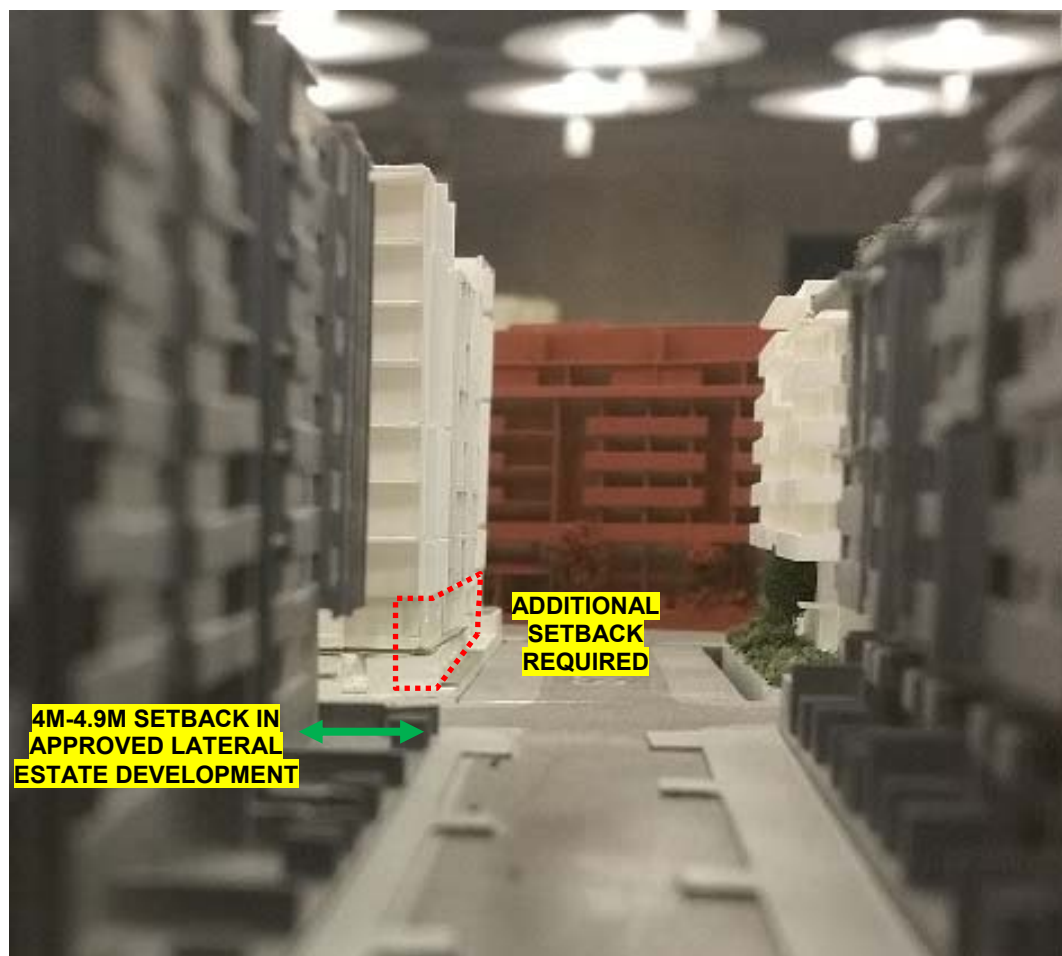


Figure 22: Indicative view down Sonny Leonard Street showing building alignments.

72. Council Officers have modelled the impacts of enforcing the 4m ground and first floor setback on the development. The following changes would arise and are required to be documented to the satisfaction of the Director City Planning, Development and Transport within the recommended conditions:
- (a) two apartments, one per floor, would have to be deleted at the south-western corner;

- (b) two apartments, one per floor, would become the updated south-western corner apartment and be reconfigured from 1 bedroom to 2 bedroom apartments;
 - (c) one apartment at the south-eastern corner at the ground floor would be reduced in size and become a 1 bedroom apartment;
 - (d) two apartments at the first floor would be reduced from 2 bedrooms to 1 bedroom apartments. One first floor 2 bedroom apartment at the south-east corner would become smaller but capable of retaining 2 bedrooms; and
 - (e) the manager's office and loading dock and waste handling areas would be reconfigured within the available space.
73. The above changes to unit mix and unit yield are reflected in the recommended conditions of consent in terms of gross floor area calculations, car parking, Section 94 contributions and affordable housing contributions.

Portman Street setback

74. A 7m Portman Street setback applies to Site 12A in the Town Centre only. The opposite side of the (i.e. the eastern side) has a 1.5m setback control. The intention of the 7m setback is to retain existing trees along the frontage and encourage landscaping to soften development. The previously discussed building height standard of 22m applies within the 7m setback. Compliance with both planning controls are interrelated. Site 12B to the south has a 1.5m full height setback and 4m setback for ground and first floors.
75. Except for one balcony per level that protrudes between 0.3 and 1m in the setback, the proposal is compliant in relation to Building A. The Building A setback varies between 7m and 12.4m and averages around 10m, i.e. more than the required setback. This has enabled the retention of large Coral Trees and introduction of new trees, shrubs and groundcovers. It has also enabled a greater number of apartments attaining compliant solar access from the east.
76. The proposal is non-compliant in relation to a portion of Building C. The southern-most 40% of the building encroaches into the setback by between 0.8m and 3m.

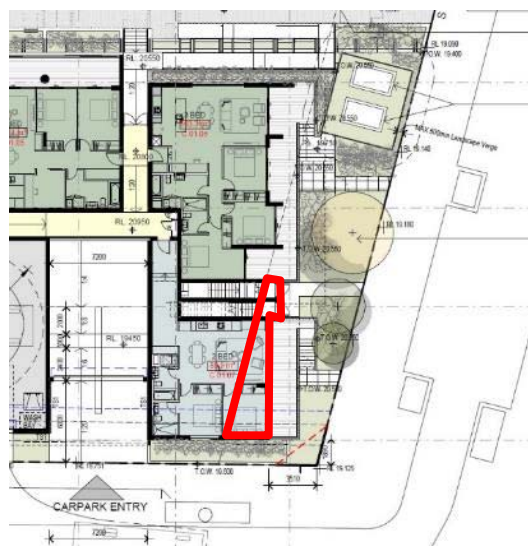


Figure 23: Portman Street 7m setback non-compliance

77. The proposed non-compliance in relation to Building C is considered acceptable for the following reasons:
- (a) Site 12B to the south has a 4m setback at ground and first floor, then a 1.5m full height setback. Accordingly the Portman Street setback for Building C provides a transition to Site 12B, gradually from 7m to 4m. In addition, the development at Site 12B will be relatively closer to the street above the first floor. As such the reduced setback for Building C will not be as readily discernible;
 - (b) no additional environmental impacts arise from the non-compliance in terms of overlook, overshadowing or sense of enclosure;
 - (c) the setback proposed allows for landscaping beds along the streetscape to soften the development; and
 - (d) the site boundary is angled. Together with the car parking entry just to the west, the south-eastern corner of the building can accommodate an apartment by protruding beyond the angled setback control. Strict compliance with the setback would not achieve desirable activation of the corner with an apartment.

Land uses along Sonny Leonard Street

78. Issues were raised with the Applicant at pre-lodgement stage regarding the Sonny Leonard Street having an undesirably low level of active uses. At pre-lodgement stage, the frontage had a chamber substation, car park entry and a long waste/loading dock blank wall. About 75% of the frontage was inactive.
79. Improvements were made to the design prior to lodgement and the active frontage was increased to 60%.
80. There remains at-grade waste storage/collection and a loading dock facing Sonny Leonard Street because basement management is not feasible for the site. A heavy vehicle access ramp would have a significant impact on the development of the site, being a site that is longer than it is deep. Waste vehicle and delivery vehicle access would require a ramp that would eliminate 3-bedroom apartments within the southern building facing the courtyard and impede upon the central courtyard and east-west through-site link.
81. The frontage also has a car ramp for access to the basement car park. The two vehicular cross overs are co-located, meaning a wider frontage for vehicle access.
82. Opportunities to relocate vehicle access, combine the vehicle cross-overs and increase the active frontage of the development have been explored. As such, the active frontage has been maximised as much as possible.
83. Commentary above confirms the intention of Council Officers to enforce a 4m landscape setback control at ground and first floor levels. This will provide additional landscaped screening to the inactive uses.

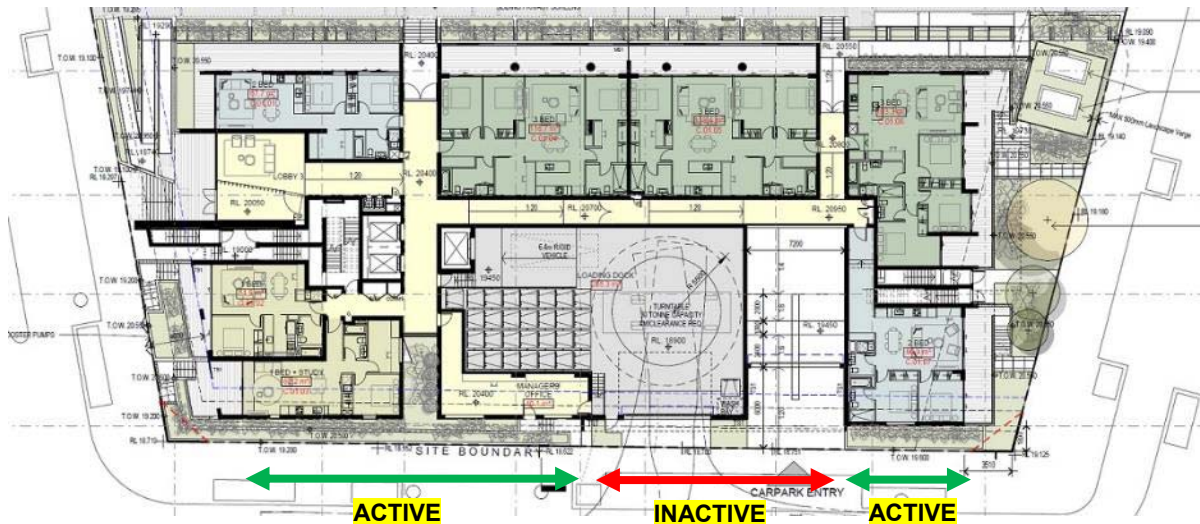


Figure 24: Extract of proposed Sonny Leonard Street floor plan showing active frontage and inactive frontage.

Substations

84. The proposal includes two pad mount substations along Portman Street within the 7m landscaped setback zone. These are shown in the top right hand corner of Figure 23 above.
85. When the DA was lodged the substations were located opposite the site in surplus land within Site 9B. The substations would have been co-located with another substation for Site 9B and would have been landscaped in the round. However, Ausgrid subsequently advised that power supply for Site 12A had to be located on the site to guarantee supply and minimise transmission losses.
86. One option is to incorporate a chamber substation within the building itself. The site has four street frontages. The most suitable location, at the south-eastern corner of the development, results in an inactive frontage to a prominent Town Centre corner and contributes to poor pedestrian and surveillance amenity. The option would replace the current corner apartment. The option was explored by Council Officers and discounted.
87. The preferred option has been to adopt a location within a landscaped setback. The Portman Street frontage has a deep soil 7m setback zone that can sustain the substations and surround them with landscaping and screening.
88. On balance, while it is not highly desirable to place substation kiosks along a street frontage, the proposed location is considered the most practical and feasible given the four street frontages and desires to maintain active land uses within the development.

Other Impacts of the Development

89. The proposed development is capable of complying with the BCA. It is Class 2, 5, 7a and 7b.
90. 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

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

INTERNAL REFERRALS

92. The application was referred to Council's:

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

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

EXTERNAL REFERRALS**Authorities**

94. Ausgrid, Sydney Water and the Redfern Local Area Command were notified of the proposal and raised no objection. These authorities recommended conditions of consent that have been incorporated into this report.
95. Sydney Airport has been requested to provide concurrence to the proposed height of the development and is expected to do so by the end of 2015. One of three BridgeHill sites where concurrence is required - Site 9A for a 16 storey proposal - has received concurrence and is just 1.5m shorter than the proposed development.

Notification, Advertising and Delegation (Submissions Received)

96. The application constitutes integrated development and as such the application was notified and advertised for 30 days in accordance with the provisions of Environmental Planning and Assessment Regulations 2000.

97. No submissions were received.

PUBLIC INTEREST

98. 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

99. The development is subject to a Section 94 Contribution. The contribution is \$6,294,362 based on 330 new dwellings and no credits for existing workers. The contribution amount is subject to final apartment mix figures following the design modifications required under recommended Condition 3.

100. Council has identified an additional demand for public amenities and facilities as follows:

Contribution Category	Amount
Community Facilities	\$ 813,296.56
Public Domain	\$ 500,943.78
New Open Space	\$ 3,903,238.53
New Roads	\$ 991,312.49
Accessibility	\$ 41,115.61
Management	\$ 44,455.46
Total	\$ 6,294,362.42

101. The development is subject to an Affordable Housing Contribution. The Affordable Housing Contribution is levied under Clause 6.5 of the GSTC LEP. A monetary contribution is payable based on the residential and non-residential floorspace of the proposal.

102. Appropriate conditions have been recommended.

RELEVANT LEGISLATION

103. The Environmental Planning and Assessment Act 1979, The Water Management Act 2000.

CONCLUSION

104. The proposal is generally consistent with the aim and objectives of the relevant planning controls including the GSTC LEP and DCP and SEPP 65.

105. The proposed development is considered to be appropriate within its setting and is generally compliant with the relevant planning controls. Proposed variations to the controls are generally considered to be acceptable and have been discussed throughout the report. Where the southern base of the development encroaches unnecessarily into a building setback control, this is considered to be an unacceptable outcome and it is recommended that the setback be applied.
106. The proposal will provide for residential and retail development within the Green Square Town Centre on a site with good access to existing and planned employment, services and community facilities.
107. Subject to the recommendations within this report, the proposal demonstrates a design that responds to the constraints of the site and contributes to the existing and desired future character of the site.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Russell Hand, Senior Planner)