

ITEM 4. DEVELOPMENT APPLICATION: 52 O'DEA AVENUE WATERLOO**FILE NO: D/2015/670****DEVELOPMENT APPLICATION NO: D/2015/670****SUMMARY**

Date of Submission:	21 May 2015 Amended plans 28 October 2015 and 11 November 2015
Applicant:	Urbis Pty Ltd
Architect:	BVN PTW Chen Chow Little
Developer:	JQZ
Owner:	JQZ Eight Pty Ltd, Woollahra Council and the City of Sydney Council (additional infrastructure works are to be carried out on City of Sydney Council land)
Cost of Works:	\$109,650,000
Proposal Summary:	<p>Mixed use development with three buildings including a 21 storey tower and two separate 8 storey buildings. A total of 346 apartments, 25 retail and commercial units (2382sqm GFA), 367 car parking spaces in 2.5 basement levels, 399 bicycle spaces, 37 motorcycle spaces and 7 service spaces with 1 integrated loading dock.</p> <p>The application is integrated under the Water Management Act 2000. General Terms of Approval have been granted.</p> <p>The application was notified for a period of 30 days between 9 June 2015 and 10 July 2015. No submissions were received.</p> <p>Amended plans were received on 28 October 2015 and 11 November 2015.</p> <p>A Public Benefit Offer (PBO) for the delivery of community infrastructure including roads and dedications for road widening was submitted as part of the application.</p> <p>A Voluntary Planning Agreement (VPA) to secure the works was on exhibition at the time of preparing this report until 10 February 2016.</p>

**Proposal Summary
(continued):**

Each building design has been the subject of a competitive design process and as amended represents a well resolved architectural design that sensitively responds to the location. The proposal adopts an appropriate form, scale and expression to street frontages and surrounding land.

The development generally performs well against the relevant built form and amenity controls in the Sydney DCP 2012 and SEPP 65. Where the proposal departs from controls it is considered that urban design and amenity objectives have been achieved and addressed.

The development demonstrates that the design excellence objectives are achieved and up to an additional 10% of floor space can be awarded by the consent authority in this instance.

A total FSR of 2.2:1 applies to the site including the base FSR of 1:1, the community infrastructure bonus of 0.5:1 and a 10% design excellence bonus.

The proposal seeks an FSR of 2.205:1 which exceeds the maximum permitted GFA by 80 sqm or 0.24%. The applicant has supplied a written 4.6 request to vary the development standard.

There are no exceptional circumstances that relate to the site that would justify the non-compliance with the development standard. It is recommended the request to vary the development standard be rejected.

Summary Recommendation:

The Central Sydney Planning Committee (CSPC) reject the variation sought to Clause 4.2 FSR in accordance with Clause 4.6 of Sydney Local Environmental Plan 2012.

The CSPC support the recommendation that a Stage 1 development application or a site specific DCP requirement for the site is unreasonable or unnecessary in the circumstances.

The proposal is recommended for Deferred Commencement approval, subject to conditions. The conditions include a requirement to execute the Voluntary Planning Agreement within 24 months of the application being determined.

Development Controls:

- (i) Sydney Local Environmental Plan 2012
(Gazetted 14 December 2012, as amended)
- (ii) Sydney Development Control Plan 2012 (in
force on 14 December 2012, as amended)
- (iii) State Environmental Planning Policy No. 32 -
Urban Consolidation
- (iv) State Environmental Planning Policy No. 55 –
Remediation of Land
- (v) State Environmental Planning Policy No. 65 –
Design Quality of Residential Development
- (vi) State Environmental Planning Policy (Building
Sustainability Index: BASIX) 2004
- (vii) State Environmental Planning Policy
(Infrastructure) 2007

Attachments:

- A - Selected Drawings
- B - Photomontages

RECOMMENDATION

It is resolved that:

- (A) the Central Sydney Planning Committee (CSPC) not support the variations sought to Clause 4.2 FSR in accordance with Clause 4.6 of Sydney Local Environmental Plan 2012;
- (B) compliance with the requirement for a site specific development control plan (DCP) for the site under cl 7.20 of the Sydney Local Environmental Plan 2012 is unreasonable or unnecessary in the circumstances;
- (C) the CSPC grant a deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the following:

(1) VOLUNTARY PLANNING AGREEMENT

- (a) That a Voluntary Planning Agreement in accordance with the draft Voluntary Planning Agreement document placed on public exhibition from 13 January 2016 be executed and submitted to Council.
- (b) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement.
- (c) The Voluntary Planning Agreement, as executed, must be registered on the title of land in accordance with the Voluntary Planning Agreement.
- (d) The payment of the monetary contribution must be provided to Council in accordance with the Voluntary Planning Agreement.

(2) COMPLIANCE WITH FSR STANDARD

Amended plans demonstrating compliance with the Sydney Local Environmental Plan 2012 FSR standard of 2.2:1 are to be submitted and approved by the Director City Planning, Development and Transport.

- (D) evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within **24 months** of the date of this deferred commencement consent, failing which this deferred commencement will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979;
- (E) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied; and
- (F) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent 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/2015/670 dated 21 May 2015 and the following drawings:

Drawing Number	Architect	Date
AR-DA-1000 BUILDING A - SITE ANALYSIS PLAN	BVN	8 May 2015
AR-DA-1001 SITE PLAN	BVN	8 May 2015
AR-DA-2100 BASEMENT LEVEL 3 PLAN	BVN	2 October 2015
AR-DA-2101 BASEMENT LEVEL 2 PLAN	BVN	2 October 2015
AR-DA-2102 BASEMENT LEVEL 1 PLAN	BVN	2 October 2015
AR-DA-2103 BUILDING A - LEVEL 00 (GROUND FLOOR) PLAN	BVN	2 October 2015
AR-DA-2104 BUILDING A - LEVEL 01 PLAN	BVN	11 November 2015
AR-DA-2105 BUILDING A - LEVEL 02 PLAN	BVN	11 November 2015
AR-DA-2106 BUILDING A - LEVEL 03 PLAN	BVN	11 November 2015
AR-DA-2107 BUILDING A - LEVEL 04 PLAN	BVN	11 November 2015
AR-DA-2108 BUILDING A - LEVEL 05 PLAN	BVN	11 November 2015
AR-DA-2109 BUILDING A - LEVEL 06 PLAN	BVN	11 November 2015
AR-DA-2110 BUILDING A - LEVEL 07 PLAN	BVN	11 November 2015

Drawing Number	Architect	Date
AR-DA-2111 BUILDING A - LEVEL 08 PLAN	BVN	2 October 2015
AR-DA-2112 BUILDING A - LEVEL 08A PLAN	BVN	2 October 2015
AR-DA-2113 BUILDING A - LEVEL 09 PLAN	BVN	12 May 2015
AR-DA-2114 BUILDING A - LEVEL 10 PLAN	BVN	8 May 2015
AR-DA-2115 BUILDING A - LEVEL 11 PLAN	BVN	8 May 2015
AR-DA-2116 BUILDING A - LEVEL 12 PLAN	BVN	8 May 2015
AR-DA-2117 BUILDING A - LEVEL 13 PLAN	BVN	8 May 2015
AR-DA-2118 BUILDING A - LEVEL 14 PLAN	BVN	8 May 2015
AR-DA-2119 BUILDING A - LEVEL 15 PLAN	BVN	8 May 2015
AR-DA-2120 BUILDING A - LEVEL 16 PLAN	BVN	8 May 2015
AR-DA-2121 BUILDING A - LEVEL 17 PLAN	BVN	8 May 2015
AR-DA-2122 BUILDING A - LEVEL 18 PLAN	BVN	8 May 2015
AR-DA-2123 BUILDING A - LEVEL 19 PLAN	BVN	8 May 2015
AR-DA-2124 BUILDING A - LEVEL 20 PLAN	BVN	8 May 2015
AR-DA-2125 BUILDING A - ROOF PLAN	BVN	8 May 2015
AR-DA-2126 BUILDING A - ADAPTABLE APARTMENTS	BVN	8 May 2015
AR-DA-3000 BUILDING A - NORTH & EAST ELEVATIONS	BVN	2 October 2015

Drawing Number	Architect	Date
AR-DA-3001 BUILDING A - SOUTH & WEST ELEVATIONS	BVN	8 May 2015
AR-DA-3002 BUILDING A, B, C ELEVATION - GADIGAL AVENUE	BVN	8 May 2015
AR-DA-3003 BUILDING A, B, C ELEVATION - AMELIA STREET	BVN	8 May 2015
AR-DA-3100 BUILDING A - SECTION AA & BB	BVN	8 May 2015
AR-DA-3101 BUILDING A, B, C – SECTION CC	BVN	8 May 2015
AR-DA-5300 BUILDING A - FINISHES AND MATERIALS	BVN	12 May 2015
B-DA-1000 SITE ANALYSIS	PTW	24 April 2015
B-DA-1001 SITE PLAN	PTW	24 April 2015
B-DA-2103 GROUND FLOOR PLAN	PTW	26 October 2015
B-DA-2104 LEVEL 01 PLAN	PTW	26 October 2015
B-DA-2105 LEVEL 02 PLAN	PTW	26 October 2015
B-DA-2106 LEVEL 03 PLAN	PTW	26 October 2015
B-DA-2107 LEVEL 04 PLAN	PTW	26 October 2015
B-DA-2108 LEVEL 05 PLAN	PTW	26 October 2015
B-DA-2109 LEVEL 06 PLAN	PTW	7 May 2015
B-DA-2110 LEVEL 07 PLAN	PTW	7 May 2015

Drawing Number	Architect	Date
B-DA-2111 LEVEL 08 PLAN	PTW	7 May 2015
B-DA-2112 ROOF PLAN	PTW	7 May 2015
B-DA-3000 NORTH ELEVATION	PTW	26 October 2015
B-DA-3001 SOUTH ELEVATION	PTW	26 October 2015
B-DA-3002 EAST ELEVATION	PTW	26 October 2015
B-DA-3003 WEST ELEVATION	PTW	26 October 2015
B-DA-3101 SECTION A	PTW	7 May 2015
B-DA-3202 MATERIALS BOARD	PTW	24 April 2015
B-DA-4000 ADAPTABLE APARTMENT LAYOUTS	PTW	30 April 2015
B-DA-4001 ADAPTABLE APARTMENT LAYOUTS	PTW	30 April 2015
B-DA-4002 ADAPTABLE APARTMENT LAYOUTS	PTW	30 April 2015
B-DA-4003 ADAPTABLE APARTMENT LAYOUTS	PTW	30 April 2015
B-DA-4004 ADAPTABLE APARTMENT LAYOUTS	PTW	30 April 2015
C-DA-1000 SITE ANALYSIS	CHENCHOW LITTLE PTY LTD	8 May 2015
C-DA-1001 SITE PLAN	CHENCHOW LITTLE PTY LTD	8 May 2015
C-DA-2103 LEVEL 00 (GROUND FLOOR) PLAN	CHENCHOW LITTLE PTY LTD	19 October 2015
C-DA-2104 LEVEL 01 PLAN	CHENCHOW LITTLE PTY LTD	8 May 2015

Drawing Number	Architect	Date
C-DA-2105 LEVEL 02 PLAN	CHENCHOW LITTLE PTY LTD	8 May 2015
C-DA-2106 LEVEL 03 PLAN	CHENCHOW LITTLE PTY LTD	8 May 2015
C-DA-2107 LEVEL 04 PLAN	CHENCHOW LITTLE PTY LTD	8 May 2015
C-DA-2108 LEVEL 05 PLAN	CHENCHOW LITTLE PTY LTD	8 May 2015
C-DA-2109 LEVEL 06 PLAN	CHENCHOW LITTLE PTY LTD	8 May 2015
C-DA-2110 LEVEL 07 PLAN	CHENCHOW LITTLE PTY LTD	8 May 2015
C-DA-2111 LEVEL 08 PLAN	CHENCHOW LITTLE PTY LTD	8 May 2015
C-DA-2112 ROOF PLAN	CHENCHOW LITTLE PTY LTD	8 May 2015
C-DA-2113 ADAPTABLE APARTMENTS	CHENCHOW LITTLE PTY LTD	8 May 2015
C-DA-3000 NORTH ELEVATION	CHENCHOW LITTLE PTY LTD	16 February 2015
C-DA-3001 SOUTH ELEVATION	CHENCHOW LITTLE PTY LTD	16 February 2015
C-DA-3002 EAST ELEVATION	CHENCHOW LITTLE PTY LTD	8 May 2015
C-DA-3003 WEST ELEVATION	CHENCHOW LITTLE PTY LTD	8 May 2015
C-DA-3100 SECTION AA	CHENCHOW LITTLE PTY LTD	16 February 2015
C-DA-3101 SECTION BB	CHENCHOW LITTLE PTY LTD	8 May 2015
C-DA-3102 SECTION CC	CHENCHOW LITTLE PTY LTD	23 October 2015
C-DA-3103 SECTION DD	CHENCHOW LITTLE PTY LTD	23 October 2015

Drawing Number	Architect	Date
C-DA-3200 TYPICAL BALUSTRADE & SLAB EDGE DETAILS	CHENCHOW LITTLE PTY LTD	16 February 2015
C-DA-3201 MATERIALS BOARD	CHENCHOW LITTLE PTY LTD	8 May 2015
General arrangement plan – Sheet 1 01362_201	C & M Consulting	23 November 2015
General arrangement plan – Sheet 2 01362_202	C & M Consulting	23 November 2015
Stormwater pipe profiles – Sheet 1 01362_621	C & M Consulting	23 November 2015
Stormwater pipe profiles – Sheet 2 01362_622	C & M Consulting	23 November 2015
Stormwater pipe profiles for 100YR ARI Sheet 1 01362_625	C & M Consulting	23 November 2015
Stormwater pipe profiles for 100YR ARI Sheet 2 01362_626	C & M Consulting	23 November 2015

and as amended by the conditions of this consent.

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

(2) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the planning agreement entered into in accordance with Deferred Commencement Condition 1 are to be complied with.

(3) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio must not exceed 2.2:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the total Gross Floor Area is 29,544.46sqm.
- (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 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(4) DESIGN QUALITY EXCELLENCE

- (a) As the proposal has been awarded bonus floor space or height for achieving design excellence and in order to ensure the design quality excellence of the development is retained to completion:
- (i) The design architect for each building is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - (ii) The design architect for each building is to have full access to the relevant 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 architects' commissions are 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.

(5) BUILDING HEIGHT

- (a) The height of each building must not exceed the following RLs (AHD):

Building	Proposed
A - Tower	RL94.43
A - Podium	RL55.00
B – 8 Storey	RL53.67
B – 6 Storey	RL45.87
C – 8 Storey	RL56.18

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

(6) DESIGN MODIFICATIONS

The proposal is to be modified in the following manner:

- (a) Chamfered corners are to be provided at the ground and first floor of each building in accordance with Clause 5.4.3.4 of the Sydney Development Control Plan 2012.

- (b) Non-essential windows into common circulation space and building intendeds are to be deleted for apartments A102, A103, A201, A204, A205, A210, A301, A304, A305, A310, A401, A404, A405, A410, A501, A504, A505 and A510 within Building B.

Details are to be submitted to and approved by the Director City Planning, Development and Transport prior to the issue of a construction certificate.

(7) APPROVED DESIGN ROOF - TOP PLANT

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

(8) USE - SEPARATE DA REQUIRED

A separate development application for the fitout and use of each individual tenancy must be submitted to and approved by Council prior to that fitout or use commencing.

(9) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD

The design details of each proposed building facade including all external finishes, colours and glazing must be in accordance with the material schedules and sample boards, and specifications submitted as part of the development application.

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

In accordance with Clause 7.13 of *Sydney Local Environmental Plan 2012* and prior to a Construction Certificate being issued, the Applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Planning or a bank guarantee in favour of The Department of Planning to the value of the required contribution has been lodged. The contribution is \$6,068,447.50 based on the in lieu monetary contribution rate for non-residential development at \$58.04 per square metre of total non-residential floor area 2529.70sqm, and for residential development at \$174.19 per square metre of total residential floor area 33995.20sqm. Contributions will be indexed in accordance with the formula set out below.

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the applicant must provide evidence that the bank guarantee referred to above has been redeemed as payment of this contribution. If the contribution is paid after the indexation period in which the consent is granted 1 March 2016 to 29 February 2017, the amount of the contribution will be indexed in accordance with the formula set out below.

Notes:

- (a) Applicants have two payment options:

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

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

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

- (b) Applicants are made aware that the contribution amount quoted in this condition may not be final and that a correct indexed affordable housing contribution amount can be obtained from the relevant Form A, B or C at time of payment.
- (c) Forms A, B or C for payment of the affordable housing contribution can only be obtained from the City of Sydney, 456 Kent Street Sydney. Quote the development application number and the relevant Council officer will provide the applicant with an indexed contribution amount which must be paid at the Department of Planning. To arrange payment, contact the Housing Policy Team, NSW Department of Planning on Ph: 9228 6111 or Fax: 9228 6455 to arrange a time for payment.
- (d) The contribution will be indexed on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.
- (e) Contributions at Time of Payment = $C \times \text{HPI2} / \text{HPI1}$, where:
 - (i) C is the original contribution amount as shown above;
 - (ii) HPI2 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and
 - (iii) HPI1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics that applied at the date of the consent 1 March 2016 to 29 February 2017.

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

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

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

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$848,806.58
Public Domain	\$522,815.90
New Open Space	\$4,073,661.05
New Roads	\$1,034,595.00
Accessibility	\$42,910.79
Management	\$46,396.46
Total	\$6,569,185.77

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.

(12) NUMBER OF ADULTS PER ROOM

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

(13) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (above ground level) 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 2012*.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of the above ground levels from a residential flat building as defined in *Sydney Local Environmental Plan 2012*, and restricting the maximum total floor space to the amount approved. 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.

(14) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL

The following conditions apply to car parking:

- (a) The on-site car parking spaces allocated to residential use 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.

(15) ALLOCATION FOR CAR WASH BAYS

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

(16) 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.

(17) 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.

(18) 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	227
Accessible residential spaces	52
Residential visitor spaces	24
Accessible residential visitor spaces	2
Car wash bay	3
Retail parking (not for use of customers)	47
Accessible retail parking	2
Car share parking	3
Motorcycle parking	31
Service vehicle spaces	4
Loading dock on Hatbox Place to accommodate 10 metre rigid vehicle	1

(19) 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".

(20) 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.

(21) CAR SHARE SPACES

- (a) At least three (3) car parking spaces for the exclusive use of car share scheme vehicles are to be provided as shown in plan Basement Level 1 Plan AR-DA-2102 Issue 8.
- (b) The spaces must be retained as common property of the Owners Corporation of the site and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must be accessible to members of the car share scheme 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 contact car share operators to discuss the car share parking spaces with prior to the issue of a Construction Certificate.

(22) 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.

(23) BICYCLE PARKING AND END OF TRIP FACILITIES

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 bike parking	334	Spaces must be a Class 2
Visitor bike parking at street level for use by residential visitors and retail patrons	Building A - 14 (Hatbox Place and Amelia Street) Building B – 6 Building C – 10 (Amelia Street)	Spaces must be Class 3 bicycle rails

The layout, design and security of bicycle facilities must comply with the minimum requirements of *Australian Standard AS 2890.3 (2015) 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.

(24) INTERCOM FOR VISITORS

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

(25) ON SITE LOADING AREAS AND OPERATION

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

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

(26) 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.

(27) 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.

(28) 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.

(29) 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***.

(30) SIGNS AT EGRESS

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

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

(31) 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.

(32) SECURITY GATES

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

(33) VEHICLE FOOTWAY CROSSING

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

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

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

(34) VEHICLES ACCESS

All vehicles must enter and depart the site in a forward direction.

(35) STACKED PARKING EMPLOYEES OR TENANTS ONLY

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

(36) AWNING MAINTENANCE

All awnings must be inspected and maintained to ensure the structural integrity, aesthetic and functional quality of the awning.

(37) AIR CONDITIONERS GENERALLY

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

- (a) Not be located on awnings or attached to the face of the building.

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

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

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by **Fu Siang Hie, dated 08/05/15, ref SYD2015-1001-R002E, titled 52 O’Dea Avenue Waterloo Acoustic DA Assessment (The Report), TRIM: 2015/244546 Acoustic Assessment 93A 52 O’Dea Avenue Waterloo 22/10/2015** must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below and to the satisfaction of the certifying authority.
- (b) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant* (see definition below) to be in accordance with the requirements of the DA acoustic report set out below. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the Principal Certifying Authority which addresses the following requirements:
 - (i) Section 2.4 - 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. i.e Table 5 of the Report.
 - a. Section 3.1- The glazing must be treated in accordance with table 4 in order to achieve compliance with the maximum noise levels nominated in table 7 of The Report.
 - b. Section 2.3- The forms of construction must be installed as outlined in sections A-E of The Report.
 - c. Section 3.2 To provide sufficient acoustic attention of noise, the general external construction of the proposed building needs to be constructed as detailed in Table 8 of The Report.
 - d. Section 2.4- Presents a summary of the measured background noise level and the allowable intrusive noise limit for this project in accordance with the City of Sydney as outlined in Table 6 of the report.

Table 5—Noise Survey Summary and Project Limits, dBA

Receiver Type	Time Period	Existing Noise Levels		NSW Industrial Noise Policy	
		L _{eq} (period)	RBL	Amenity Criteria Recommended Noise Level (acceptable), L _{eq}	Project Specific Limit L _{eq}
Location 1: Residential	Day (07:00-18:00) ¹	65	54	60	55
	Evening(18:00-22:00)	63	53	50	53
	Night (22:07:00)	58	46	45	48
Location 2 Residential	Day (07:00-18:00) ¹	60	52	60	52
	Evening(18:00-22:00)	57	49	50	47
	Night (22:07:00)	53	45	45	43
Commercial	When in use	-	-	65	65

Table 7 – Schedule of Window and Glazing (R_w)

Building	Level	Façade/ Apt No.	Space	Glazing Thickness	Minimum R _w (Glazing+Frame)
All	G	All	Retail	6.38mm laminated	30
A	8/8A	8.01	Living	6.38mm laminated	30
			Bed (W/D 8.01.4)	10.38mm laminated	32
			Bed (W/D 8.01.8)	10.38mm laminated	32
		8.04	Living	6.38mm laminated	30
			Bed (W/D 8.04.1)	10.38mm laminated	32
			Bed (W/D 8.04.5)	10.38mm laminated	32
	All other	All	Living & Bedroom	6.38mm laminated	30
B	All	South (O’Dea)*	Living & Bedroom	10.38mm laminated	32
		North, East, West	Living & Bedroom	6.38mm laminated	30
C	All	All	Living & Bedroom	6.38mm laminated	30

Table 8 – External Façade Construction (R_w)

Building Element	Proposed Construction	Minimum R _w
External Wall	Hebel Façade System or equivalent to achieve acoustic performance	45
Roof and ceiling	200mm concrete with suspended ceiling and insulation	45

Table 9 – Relative Effectiveness of Various forms of Noise Control

Control by	Noise Reduction Possible in Practice, dB(A)
Distance	Approximately 6 for each doubling of distance
Screening	Normally 5 to 10, maximum 15
Enclosure	Normally 15 to 25, maximum 50
Silencing	Normally 5 to 10, maximum 20

- (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.

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

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

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

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

- (a) Identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement ($L_{A90, 15 \text{ minute}}$) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.

- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

(40) 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.

(41) 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.

(42) SIGNS - SEPARATE DA REQUIRED

A separate development application for any proposed signs additional to those approved as part of this consent (other than exempt or complying signs under Council's exempt and complying DCPs) must be submitted to and approved by Council prior to the erection or display of any such signs.

(43) SIGNS/GOODS IN THE PUBLIC WAY

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

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) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

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

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

(45) ACCESS FOR PERSONS WITH DISABILITIES - OFFICE / SHOP FITOUTS

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

(46) AIR CONTAMINATION

A detailed report prepared by a suitably qualified person detailing the products of any gases, vapour, mists, cinders, solid particles of any kind, mists or odours that are discharged to the atmosphere.

The report must:

- (a) Detail the type and name of all discharges from any vent, chimney, pipe or duct discharging gases, vapour, mists, cinders, solid particles of any kind, mists or odours to the atmosphere;
- (b) The volume and velocity of the effluvia being discharged from the building, and the location of the discharge point,
- (c) Identify pollution mitigation measures to be incorporated into the building design so that any discharges to atmosphere comply with the requirements of the *Protection of the Environment Operations Act 1997*; and
- (d) The Principal Certifying Authority (PCA) must ensure that the air pollution mitigation measures identified in the subject report are suitably incorporated into the development as erected prior to the issue of an Occupation Certificate.

(47) 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.

(48) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, WorkCover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the *Work Health and Safety Regulation 2011* and the NSW Government and WorkCover document entitled *How to manage and control asbestos in the work place: Code of Practice (NSW WorkCover)* and the *City of Sydney Managing Asbestos Policy*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal work area should be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.
- (f) Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Appendix F of the City of Sydney's Managing Asbestos Guidelines.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

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

(49) 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 the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

(50) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

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

(51) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to Class 2-9 buildings) and Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the satisfaction of Council (where Council is the Certifying Authority).

(52) 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.

(53) 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.

(54) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(55) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

- (a) Prior to the commencement of demolition and/or excavation work, the following details must be submitted to and be approved by the Principal Certifying Authority:
 - (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
 - (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)

- (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
 - (iv) A Waste Management Plan for the demolition and or excavation of the proposed development.
- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Policy for Waste Minimisation in New Developments 2005*, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:
- (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
 - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
 - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
 - (iv) The name and address of the transport contractor.
 - (v) The type and quantity of material to be removed from site.
 - (vi) Location and method of waste disposal and recycling.
 - (vii) Proposed truck routes, in accordance with this development consent.
 - (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
 - (ix) Measures to control noise emissions from the site.
 - (x) Measures to suppress odours.
 - (xi) Enclosing and making the site safe.
 - (xii) Induction training for on-site personnel.
 - (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.

- (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
 - (xv) Disconnection of utilities.
 - (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
 - (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
 - (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
 - (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
 - (xx) Working hours, in accordance with this development consent.
 - (xxi) Any 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.

(56) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

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

UPON COMPLETION OF EXCAVATION/DEMOLITION

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

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

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

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

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

(58) 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.

(59) DISCHARGE OF CONTAMINATED GROUNDWATER

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

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

(60) ENVIRONMENTAL MANAGEMENT PLAN

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

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

(61) IMPORTED FILL MATERIALS

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

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

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

(62) COMPLIANCE WITH ACID SULFATE SOILS MANAGEMENT PLAN

All recommendations contained in the Acid Sulfate Soils Management Plan prepared by **STS GeoEnvironmental**, dated **October 2015**, must be implemented, including the following sections within the report:

- (a) (6) Acid Sulfate Soil Management;
- (b) (7) Further environmental assessment;
- (c) (8) Management plan implementation;
- (d) (9) Environmental management procedures;
- (e) (9.1) Management of groundwater levels during dewatering;
- (f) (9.2) Soil treatment procedures;
- (g) (9.2.1) Soil treatment procedures;
- (h) (9.2.2) Validation soil sampling;
- (i) (9.2.3) Soil disposal options;
- (j) (9.3) Disposal of groundwater removed via dewatering;
- (k) (10) Record keeping; and
- (l) (11) Limitations.

(63) LAND REMEDIATION (Where Site Auditor engaged)

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by **Anthony Barkway** dated **17 March 2014** and referenced **E22052** and the Letter of Interim Advice prepared by **NSW Accredited Site Auditor James Davis** on the date **20/10/15** and referenced **IA 0301-1529_01**. 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.

(64) 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.

(65) SITE AUDIT STATEMENT

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

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

(66) 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

(67) 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.

(68) LANDSCAPING OF THE SITE

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

(69) 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.
 - (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.

(70) AIR HANDLING

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

(71) CAR PARK VENTILATION

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

(72) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION

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

(73) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

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

(74) 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.

(75) MICROBIAL CONTROL IN WATER SYSTEMS

- (a) Prior to the issue of a Construction Certificate detailed plans of any water cooling system (including cooling towers) as defined under the *Public Health Act 2010* must be prepared by a suitably qualified person and certified in accordance with AS3666: 1: 2011 Air handling and water systems of buildings – Microbial Control – Design, installation and commissioning and must be submitted to and approved by Council.
- (b) Water cooling system operation and maintenance manuals and maintenance service records shall be readily available at the premises for inspection by an authorised officer upon request. Such records must be kept on the premises in accordance with Clause 2.6 to AS/NZS 3666:2:2011 Air handling and water systems of buildings – Microbial control, operation and maintenance.
- (c) The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the following:
 - (i) *Public Health Act 2010*, Public Health Regulation 2012 and Parts 1 and 2 (or part 3 if a Performance-based water cooling system) of AS3666:2011 Air handling and water systems of buildings – Microbial Control and the NSW Health Code of Practice for the Control of Legionnaires Disease.
 - (ii) Prior to the issue of an Occupation Certificate or if non applicable, prior to commencement of the use, the owner or occupier of the premises at which any warm water system and/or water cooling system is installed must cause notice of such installation(s) by providing to Council's Environmental Health department, written notification by way of the prescribed form under Clause 12 to the Public Health Regulation 2012. Any changes to these particulars must be notified to Council's Environmental Health department in writing within 7 days of the change(s). Copies of the notification forms are available on the City of Sydney website.

(76) 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.

(77) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 91 lineal metres of concrete unit paver and 89 lineal metres of concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

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

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

(78) NOMINATED ENGINEERING WORKS SUPERVISOR – MAJOR INFRASTRUCTURE

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

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

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

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

(79) 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".

(80) 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.

(81) 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).

(82) 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*.

(83) 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.

(84) 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.

(85) ROAD NETWORK AND GEOMETRIC ROAD DESIGN

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

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

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

(86) PUBLIC DOMAIN LIGHTING

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

- (b) The public domain lighting works are to be completed in accordance with the approved plans and the City of Sydney's *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

(87) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 91 lineal metres of concrete unit paver and 89 lineal metres of concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

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

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

(88) ROAD AND PUBLIC DOMAIN INFRASTRUCTURE

Road and public domain infrastructure must be designed and constructed in accordance with the Lachlan Precinct design documentation undertaken by the City.

(89) DRAINAGE AND SERVICE PIT LIDS

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

(90) TEMPORARY VEHICULAR AND PEDESTRIAN ACCESS

Where the adjacent development has not yet been constructed, temporary vehicular and pedestrian access shall be provided. All costs associated with the Temporary Access shall be borne by the Developer.

Detailed construction plans, drawn to scale, by suitably qualified engineers and landscape architects, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. The plans must show sufficient detail of:

- (a) location of existing and proposed services on the site;
- (b) 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;

- (c) vehicle turning movements. All temporary access must be designed to accommodate a Council waste collection vehicle as a minimum
- (d) pavement design including vehicular crossings;
- (e) street lighting including footings and below ground conduits;
- (f) location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);
- (g) planting procedure and maintenance (if applicable);
- (h) drainage, waterproofing and watering systems (if applicable).

The detailed plans should demonstrate the permanent and temporary works in the affected areas including those to the newly dedicated road works.

All works in the approved plan are to be completed prior to an Occupation Certificate being issued.

(91) 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.

(92) 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.

(93) 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.

(94) 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.

(95) 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 to the issue of a Construction Certificate.

(96) 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*).

(97) 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.

(98) INSTALLATION OF GRAPHICS AND ARTWORK ON SCAFFOLDING (BUILDING / CONSTRUCTION WRAPS)

- (a) Where scaffolding is to be installed to undertake the proposed development, an approved graphic / artwork installation must be provided on the scaffolding system to shield the development from the public place and to minimise adverse visual impacts on the locality.
- (b) The graphic installation must be printed, installed and maintained in accordance with Council's Guidelines for Hoardings and Scaffolding. Details of the proposed graphic must be submitted to and approved by Council prior to the installation of any scaffolding.

(99) 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.

(100) TELECOMMUNICATIONS PROVISIONS

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

(101) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

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

(102) 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.

(103) WASTE/RECYCLING COLLECTION

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

(104) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

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

UPON COMPLETION OF THE DEVELOPMENT

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

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(105) 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 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding

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*.

(106) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS

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

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

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

(108) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

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

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

(109) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* is restricted to the hours of (EHO to specify hours)
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436- 2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

(110) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

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

(111) 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.

(112) 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.

(113) HAZARDOUS AND INDUSTRIAL WASTE

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

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

(114) VEHICLE CLEANSING

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

(115) RAINWATER HARVESTING & RAINWATER TANKS

- (a) Use

Rainwater is only to be collected from roof catchments and its use is restricted to toilet flushing, washing cars, garden use and for washing machines only.

- (b) Installation requirements
 - (i) All plumbing work is to be carried out by a licensed plumber and must be carried out in accordance with AS/NZS 3500:2003. A permit in accordance with the NSW Code of Practice - Plumbing and Drainage 2006 (as amended) is to be obtained from Sydney Water for the work to be carried out.
 - (ii) Rainwater tanks shall be designed to include, but not be limited to the following:-

- (iii) Rainwater tanks shall be fixed to structurally adequate bases or walls in accordance with manufactures specifications or engineers details.
- (iv) Shall not be fixed to, or otherwise supported by a bounding common fence, wall or the like, without prior approval be adjacent land owners.
- (v) All roof gutter downpipes must be fitted with a first flush device in accordance with the manufacturer's recommendations.
- (vi) Openings being suitably sealed to prevent access by children and being fitted with a fine mesh screens in order to prevent penetration of contaminants and insects such as mosquitoes.
- (vii) All gutters, downpipes and associated supply pipe work must be free draining to prevent ponding of rainwater and made of suitable non corrodible materials.
- (viii) Shall have an overflow device being fitted to the rainwater tank which directs water into an existing stormwater drainage system, and shall have a suitable drainage plug/tap fitted and positioned in a manner that facilitates flushing and cleaning.
- (ix) The water supply system from a rainwater tank shall be clearly marked at intervals not exceeding 500 mm with the word 'RAINWATER' in contrasting colour, in accordance with AS 1345. Water outlets shall be identified as 'RAINWATER', or with a rainwater tap identified by a green coloured indicator with the letters 'RW'.
- (x) A suitable back up water supply using potable water must be provided to ensure that essential services such as toilet flushing are not contradicted where there is inadequate rainfall to meet demand or the rainwater harvesting system fails.

Rainwater tanks that are not directly connected with the potable supply, the indirect connection shall be by means of a visible "air gap" external to the rainwater tank, in accordance with the provisions of the National Plumbing Code AS /NZS 3500 - Minimum air gap requirements.

Where a rainwater tank is to be directly cross connected with the Sydney Water supply, an appropriate testable device shall be provided at the meter location on the potable water supply to prevent backflow of rainwater. This device must meet the requirements of Sydney Water.

- (xi) Water pumps are to be located so as not causing an "offensive noise" as defined by the *Protection of the Environment Operations Act 1997* to any affected receiver.

(c) Proximity to other services

That all rainwater pipes must be separated from any parallel drinking water service. Above ground pipes must be 100mm away and below ground 300mm away from any drinking water pipe.

(d) Marking and labelling

(i) Above ground distribution pipes shall be continuously marked 'RAINWATER' in accordance with AS1345. Alternatively, adhesive pipe markers clearly labelled 'RAINWATER' made in accordance with AS 1345 can be used.

(ii) Below ground distribution pipes shall be continuously marked 'RAINWATER' at intervals not exceeding 500mm in accordance with AS1345. Alternatively, identification tape/pipe sleeve continuously marked 'RAINWATER' made in accordance with AS 2648 can be used.

(iii) All rainwater tank outlets, taps, valves and tank apertures shall be identified as 'RAINWATER' with a sign complying with AS1319 or a green coloured indicator with the letters 'RW'. Alternatively a permanent sign at the front of the premises and visible to all visitors may be displayed advertising rainwater use.

(e) Maintenance

(i) All rainwater tanks installed are to be maintained by the owner in accordance with these provisions, the NSW Health Department Circular no 2002/1 "Use of rainwater tanks where a reticulated potable supply is available" and any other local water utility requirements.

(ii) The rainwater collection system shall be constantly maintained in accordance to the manufacturer's instructions and in line with any approved maintenance plan so as to prevent risk of pathogenic microbial contamination including legionella and organisms.

(116) SHOP NUMBERING

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

(117) STREET NUMBERING – MAJOR DEVELOPMENT

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

(118) 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.

(119) SYDNEY WATER CERTIFICATE

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

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

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

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

(120) 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.

(121) 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.

(122) 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.

(123) 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.

(124) USE OF INTRUSIVE APPLIANCES

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

As a minimum, the report must specify:

- (a) Specific the proposed hours and days of operation;
- (b) The tasks that the equipment will be used for;
- (c) Justify in writing why the intrusive appliance cannot be substituted for a lower impact apparatus;
- (d) Provide for how noise will be managed to comply with the above code, and if cannot, provide for how it will be managed to the lowest reasonable and feasible levels;

- (e) Indicate a timeframe for completion the associated task;
- (f) Provide details of respite periods which will occur to reduce exposure to intrusive noise at sensitive receiving locations,
- (g) Such periods and operating conditions must be submitted to and approved by Council's Health and Building Unit and approved to the satisfaction of the Area Planning Manager on a temporary basis referencing permitted activities and limiting periods which the activity may occur. These parameters will form part of this consent, and the temporary approval may be revoked should substantiated complaints occur including breach of the terms given.

SCHEDULE 1D

Subdivision

(125) DEDICATION OF ROADS

Prior to the issue of an Occupation Certificate for the development, the owner of the site must dedicate to the public as road, free of cost to Council, the roads referred to in the plans accompanying the application as "Amelia Street", "Hatbox Place", and "Archibald Avenue", as detailed in Council's Lachlan Precinct Lot Layout Plan Version D dated July 2015.

(126) DEDICATION OF ROAD WIDENING

Prior to the issue of an Occupation Certificate for the development, the owner of the site must dedicate, for road purposes, free of cost to Council, a 10 metre widening along the site frontage to O'Dea Avenue, as detailed in Council's Lachlan Precinct Lot Layout Plan Version D dated July 2015.

(127) SUBDIVISION CERTIFICATE

A separate application is be made to Council to obtain the approval of the final Plan of Subdivision and issue of the Subdivision Certificate under Part 4A of the *Environmental Planning and Assessment Act 1979*.

(128) SYDNEY WATER CERTIFICATE

Prior to the issue of the Subdivision Certificate, a Section 73 (Subdivider/Developer) 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.

(129) SURVEY AT SLAB LEVEL

Prior to the concrete pour of the main slab at each level, a survey shall be made by a surveyor registered under the Surveying & Spatial Information Act, 2002, confirming that the formwork adjacent to existing or proposed boundaries is clear of those existing or proposed boundaries. This survey shall be provided to the PCA prior to the concrete pour. The concrete pour must not take place until the PCA receives a survey proving that the formwork has been constructed within the existing and proposed boundaries of the site.

(130) DESIGN AND CONSTRUCTION OF ROADS

- (a) Detailed engineering, road, drainage and infrastructure works, design and construction plans for the construction of “Amelia Street”, “Hatbox Place”, “Gadigal Avenue” and “Archibald Avenue” are to be submitted to Council and approval gained prior to the issue of any Construction Certificate for the proposed Subdivision Works. The design and documentation is to include any requirements and approvals from external parties such as public utility service authorities and is to be in accordance with Council’s *“Development Specifications for Civil Works Design and Construction”* and is to be in accordance with any approved flood analysis and assessment report for the site and is to be consistent with Water Sensitive Urban Design principles.
- (b) The submission to Council is to provide plans and specifications sufficient to describe in detail the design, scope and extent of all proposed road, drainage and infrastructure works for the construction of the road extensions prepared and certified by a Professional Engineer, and is to include:
 - (i) Details of existing and final site contours, levels and volumes of proposed earthworks providing confirmation that the site contours and levels will not adversely impact upon the flow of floodwater on the site,
 - (ii) Geometric design and pavement design of the road extensions including formation widths, batter slopes, longitudinal sections, cross-sections, materials, specifications and thicknesses of pavement and surfacing,
 - (iii) Proposed contours and levels, showing existing and proposed adjacent levels at abutment to threshold of adjacent properties, proposed buildings, existing roads and existing parks including level and batter slopes. Details of the interpolation of the design levels demonstrating that the road will marry in with their thresholds with O’Dea Avenue,
 - (iv) Kerb and gutter design and specifications and any necessary works and matching into existing formations including a minimum 500mm existing road pavement restoration,

- (v) Geometric and hydraulic design of all stormwater drainage structures and systems including drainage swales and temporary downstream drainage, if required, and specifications and materials and details of connections into Council's public stormwater system,
 - (vi) Details of design and specifications for footpaths, retaining walls, pedestrian and bicycle facilities, street lights, traffic and pedestrian signage, landscaping and associated verge works,
 - (vii) Details of structures and conduits for the provision and installation of any public utility services and any adjustment to existing services required,
 - (viii) Details of structures, procedures and measures adopted to address erosion and sediment control during the earthworks and construction process,
 - (ix) Details of traffic management and site management procedures during the construction process,
 - (x) Specifications showing assumptions, calculations and testing.
- (c) The certification is to include confirmation from a Professional Engineer that the design complies with Council's Development Specifications for Civil Works Design and Construction and that the development will be flood compatible by enabling the floor levels of buildings to provide a minimum of 500mm freeboard above the 1 in 100 year flood level and a minimum of 300mm for publicly accessible areas.
- (d) The documentation is to be fully coordinated with the approved Public Domain and Landscape plans for the development, and submitted concurrently to Council's Public Domain Section for review and Council's acceptance of completed Subdivision Work and issue of the final Compliance Certificate as the Principal Certifying Authority will be subject to certification and compliance with the approved drawings, the Development Specifications for Civil Works Design and Construction, applicable standards and the submission of certified Works as Executed drawings.

(131) CONSTRUCTION CERTIFICATE FOR SUBDIVISION WORKS

In accordance with the provisions of Section 109C of the Environmental Planning and Assessment Act 1979, a Construction Certificate for the above subdivision work, being the construction of "Amelia Street", "Hatbox Place", and "Archibald Avenue", is to be obtained from Council or an appropriately accredited private certifier and submitted to Council as the Principal Certifying Authority, prior to the commencement of any such work on the site.

(132) PRINCIPAL CERTIFYING AUTHORITY

In accordance with the provisions of Sections 81A and 109E of the *Environmental Planning and Assessment Act 1979*, Council is to be formally appointed the Principal Certifying Authority for the Subdivision Work, prior to the commencement of any such work on the site.

(133) COMPLETION OF SUBDIVISION WORKS

Prior to the issue of the Subdivision Certificate for the subdivision, the Subdivision Work on the site is to be completed in accordance with the requirements and to the satisfaction of Council as the Principal Certifying Authority. A separate application can be made to Council to exercise the provisions of Section 109C(2) of the Act with regard to any incomplete works.

(134) COMPLETION OF PUBLIC DOMAIN WORKS

Prior to the issue of the Subdivision Certificate for the subdivision, the public domain works associated with the subdivision works are to be completed in accordance with the requirements of and to the satisfaction of Council.

(135) PUBLIC UTILITY SERVICES

- (a) Prior to the commencement of any subdivision work on the site or public domain work, documentary evidence is to be submitted to Council that the requirements of all public utility service authorities with services to be installed in the new roads have been satisfied with regard to the design and provision of those services.
- (b) Prior to the issue of the Subdivision Certificate, documentary evidence is to be submitted to Council that the requirements of all public utility service authorities have been satisfied with regard to the completion of construction and installation of those services.

(136) SECTION 138 APPROVAL

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

(137) STRATA SUBDIVISION

Any proposal to Strata subdivide the buildings will require a separate application to obtain approval of the final Strata Plan and issue of the Strata Certificate by Council or an accredited Strata Certifier.

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 98D Conditions relating to maximum capacity signage

Clause 98E Conditions relating to shoring and adequacy of adjoining property

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

SCHEDULE 3

Terms of Approval

Other Integrated Development Approvals

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

General

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 beneath and 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; and
 - (c) where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
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. 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 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.

Prior to excavation

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. [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.

During excavation

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 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 DPI Water under appropriate safety procedures.

Following excavation

21. Following completion of the dewatering operations, the applicant shall submit to 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 infrastructure.
22. The completion report is to be assessed by 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 legally identified as Lot 3 in Deposited Plan 789878 and has a street address of 52 O'Dea Avenue, Waterloo. The site has a total site area of 13,429.3sqm and has a 61.14 metre frontage to O'Dea Avenue, a 12.19 metre frontage to Amelia Street, and a 9.15 metre frontage to Bruce Street.
2. The site is generally level with a slight fall of approximately 1 metre from north east (approx. RL24.1) to south west (approx. RL23.2).
3. The site includes several Rights of Way, Right of Carriageway, Right of Footway, and Easement for Use and Enjoyment. The site is also subject to a 3.05 metre wide Easement for Electricity purposes, a 2.0m easement for Underground Electricity Cables, an Easement to drain water, and a 0.7 metre easement for Support.
4. The site is presently occupied by three (3) separate single or double storey industrial warehouses, as well as a hardstand car park and loading area on the O'Dea Avenue's frontage.
5. The site is identified as containing contaminated soil and investigations have revealed a fill materials layer with concentrations of Carcinogenic PAHs above the relevant criteria. Ground water levels have been observed between 3.2 and 4.2m across the site and include concentrations of heavy metals.
6. The site is partially located within a 'topographical bowl' and the existing ground levels are required to be lifted to address localised flooding.
7. The site is not occupied by a heritage item or located within a heritage conservation area. There are no significant trees or vegetation on the site or in close proximity.
8. The subject site is located within the Lachlan Precinct, which is an area in transition from industrial and warehouse use to mixed use and predominately residential development.
9. To the immediate north of the site is the future Dyuralya Square Park. To the north east of the site is a high density residential development at 2-14 Amelia Street, Waterloo approved by D/2010/1411.
10. To the east of the site is Wulaba Park and 56 O'Dea Avenue, a high density residential development approved by D/2012/2000. Development at 56 O'Dea Avenue is currently under construction.
11. To the west of the site is 50 O'Dea Avenue, a two storey commercial building currently occupied by the NSW Nurses and Midwives Association.
12. To the south of the site is the Victoria Park precinct, a high density residential neighbourhood mostly completed however some development sites remain under construction. Immediately south of the site are approximately six to twenty storey residential buildings and the East Village mixed use development.
13. Photos of the site and surrounds are provided below:

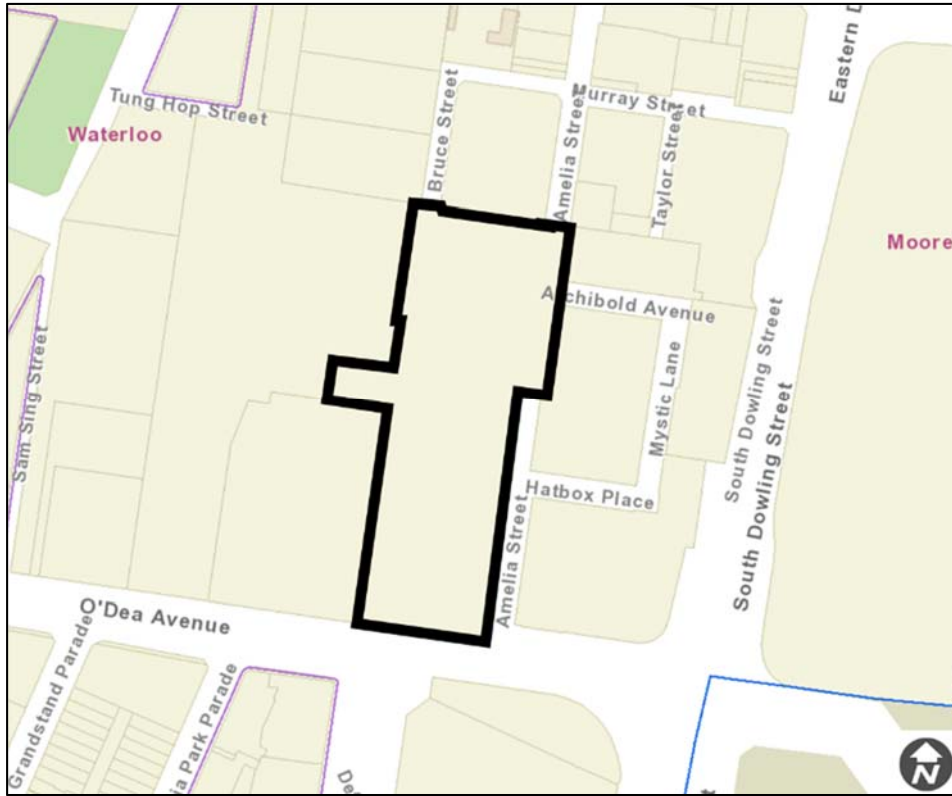


Figure 1: Location plan



Figure 2: Site viewed from O'Dea Avenue



Figure 3: Site to the east on O’Dea Avenue



Figure 4: Adjoining site to the west on O’Dea Street frontage



Figure 5: Site to the south on O’Dea Avenue



Figure 6: Site to the south on O’Dea Avenue

PROPOSAL

14. The applicant seeks consent for redevelopment of the site in the form of three mixed use buildings (A, B and C) and the provision of significant community infrastructure in the form of new roads, services, public domain works.



Figure 7: Site photomontage

15. Specifically the following is sought:
- (a) demolition of all buildings on site;
 - (b) erection of a 21 storey residential building (Building A) and two 8 storey residential buildings (Buildings B and C);
 - (c) Buildings A, B and C are to contain a total of 345 residential apartments and 25 non-residential tenancies (2,382 sqm);
 - (d) excavation to a depth of 11.5m for 2.5 basement levels accommodating 367 vehicles, 399 bicycle spaces, 31 motorcycle parking areas, 7 service spaces and one loading dock, end of trip facilities, individual storage areas, garbage storage areas;
 - (e) site remediation;
 - (f) infrastructure works including construction of portions of Amelia Street, Hatbox Street, Gadigal Avenue, and Archibald Avenue (new roads), installation of stormwater, sewer and lighting infrastructure, new pedestrian footpaths and new street trees;
 - (g) landscaping including limited ground level communal open space, one communal podium level garden at Building A, six private roof top terraces at Building A, two communal podium level gardens at Building B, and one communal roof top garden at Building C;

- (h) land subdivision for road dedication of the portions of Amelia Street, Hatbox Place, Gadigal Avenue, and Archibald Avenue within the site;
- (i) civil works are required within Lot 1 in DP 817715 including a new stormwater pipe, remediation of land, and completion of public domain works in accordance with Council's requirements; and

Lot 1 in DP 817715, known as 7-19 Amelia Street, Waterloo, is currently owned by the City of Sydney Council. As such the applicant has formally request that the subject application include Lot 1 in DP 817715 as part of this application, and has obtained owner's consent from the City of Sydney Properties Unit.

Common basement

- 16. The proposal includes a common basement of 2.5 levels that services each of the three buildings. The basement has a sole ingress and egress from Building A and a dedicated loading dock with turn table.
- 17. The basement extends under the future public roads of Archibald Avenue and Hatbox Lane as shown in Figure 8 below.

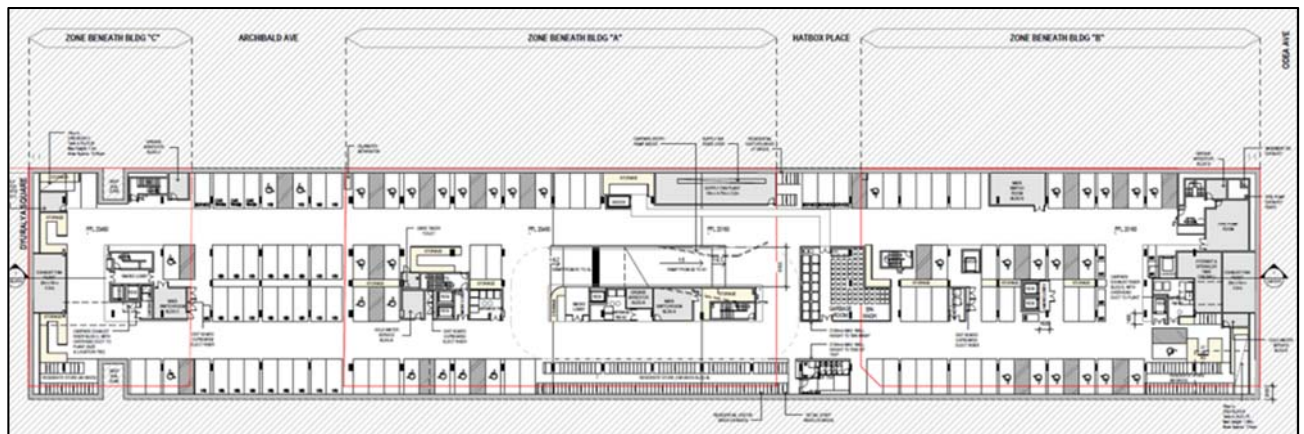


Figure 8: Common basement

- 18. The first level of basement contains only car parking spaces that will be retained by body corporate and will not be individually sold under the new roads, in accordance with the Sydney DCP 2014, Clause 5.2.11 "Carparks under the public domain".

Building A

- 19. Building A has been designed by BVN and is located in the centre of the site with frontage to Amelia Street, Hatbox Place, Gadigal Avenue, and Archibald Avenue. The building is to contain a total of 198 apartments and is split between a podium and tower element.
- 20. The ground floor of Building A is to contain 9 retail spaces with a total area of 1,006.8sqm. Entrance to the common basement of the site is accessed off Hatbox Place within Building A. A dedicated loading dock with turntable is also located within Building A.
- 21. Level 8 contains a double height communal open space with decking, gardens and four double storey apartments. Level 8A contains the second level of double height apartments.

22. The tower element is contained at the northern end of the Building A block and extends to a total of 21 levels (including level 8A).



Figure 9: Building A photomontages



Figure 10: Building A western elevation

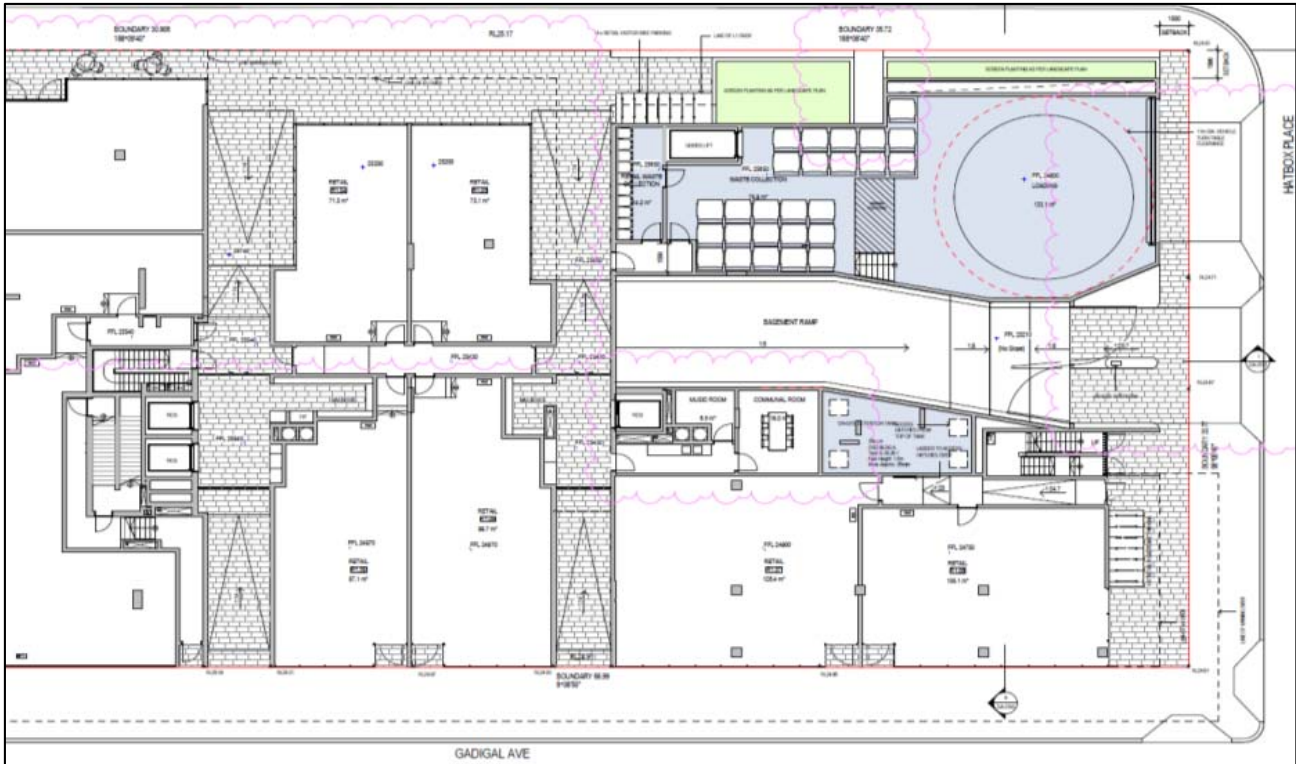


Figure 11: Building A Ground floor plan



Figure 12: Building A - Typical podium floor plan



Figure 13: Building A – Level 8

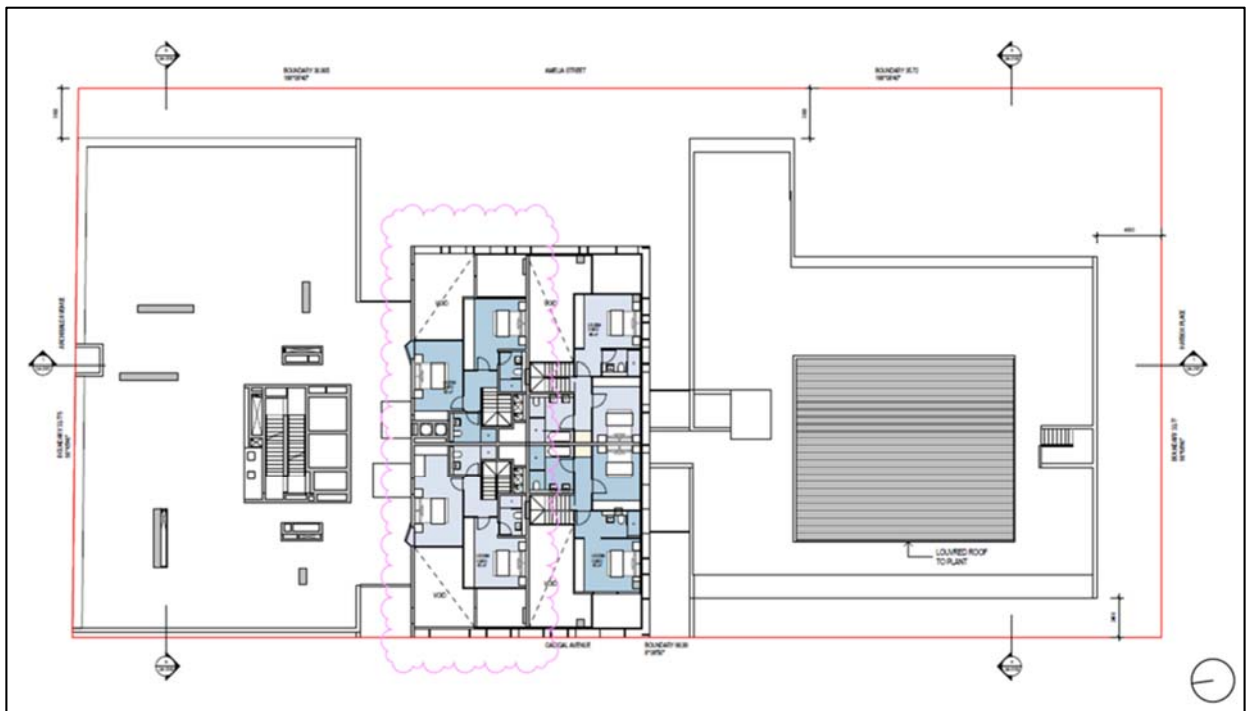


Figure 14: Building A – Level 8A



Figure 15: Building A - Typical tower floor plan

Building B

23. Building B has been designed by PTW and is located at the south of the site with frontage to Amelia Street, Hatbox Place, Gadigal Avenue, and O'Dea Avenue. The building is to contain 111 apartments over 8 levels.
24. The ground floor of Building B is to contain 13 retail spaces with a total area of 985sqm. A substation is to be located on the eastern side of the building fronting Amelia Street.



Figure 16: Building B photomontage



Figure 17: Building B- Western elevation



Figure 18: Building B - Ground floor plan



Figure 19: Building B - Typical floor plan

Building C

25. Building C has been designed by ChenChow Little and is located at the northern end of the site with frontage to the future Dyuralya Park Square, Amelia Street, Archibald Street and Gadigal Avenue. The building is to contain 38 apartments over 8 levels.

- 26. The ground floor of Building C is to contain 4 retail tenancies with a total of 301.63 sqm.



Figure 20: Building C Photomontages



Figure 21: Building C - Northern

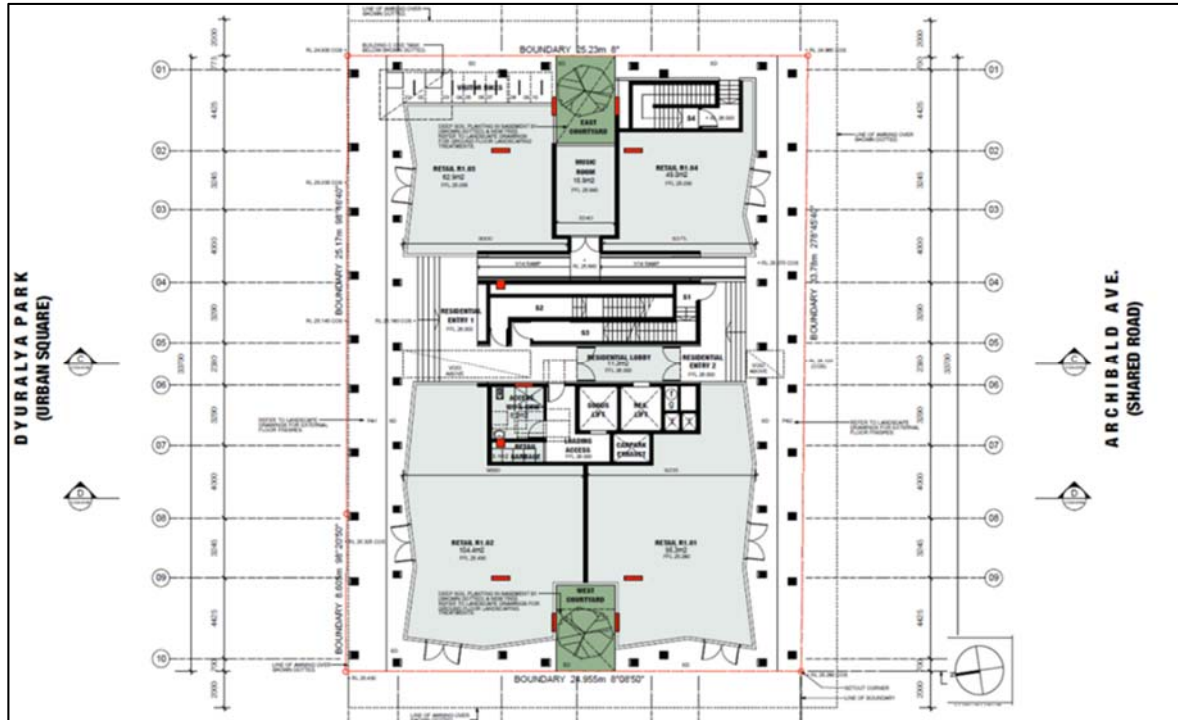


Figure 22: Building C - Ground floor plan



Figure 23: Building C - Typical floor plan

Community infrastructure

27. The proposal includes significant community infrastructure with works to the value of \$6,588,970 and the transfer of land to Council. Specifically the Public Benefit Offer (PBO) and Voluntary Planning Agreement include:

- (a) the transfer to Council of 7,905sqm of land area from 52 O'Dea Avenue Waterloo containing the new extension of Gadigal Avenue, Archibald Avenue, Hatbox Place and Amelia Street;
- (b) the transfer to Council of 338sqm of land from 52 O'Dea Avenue, Waterloo containing the landscape setback to O'Dea Avenue;
- (c) construction of new roads;
- (d) remediation of land to be transferred to Council; and
- (e) construction of services within land to be transferred to Council.
- (f) public domain works.

28. At the time of preparing this report the VPA was on exhibition until 10 February 2016.

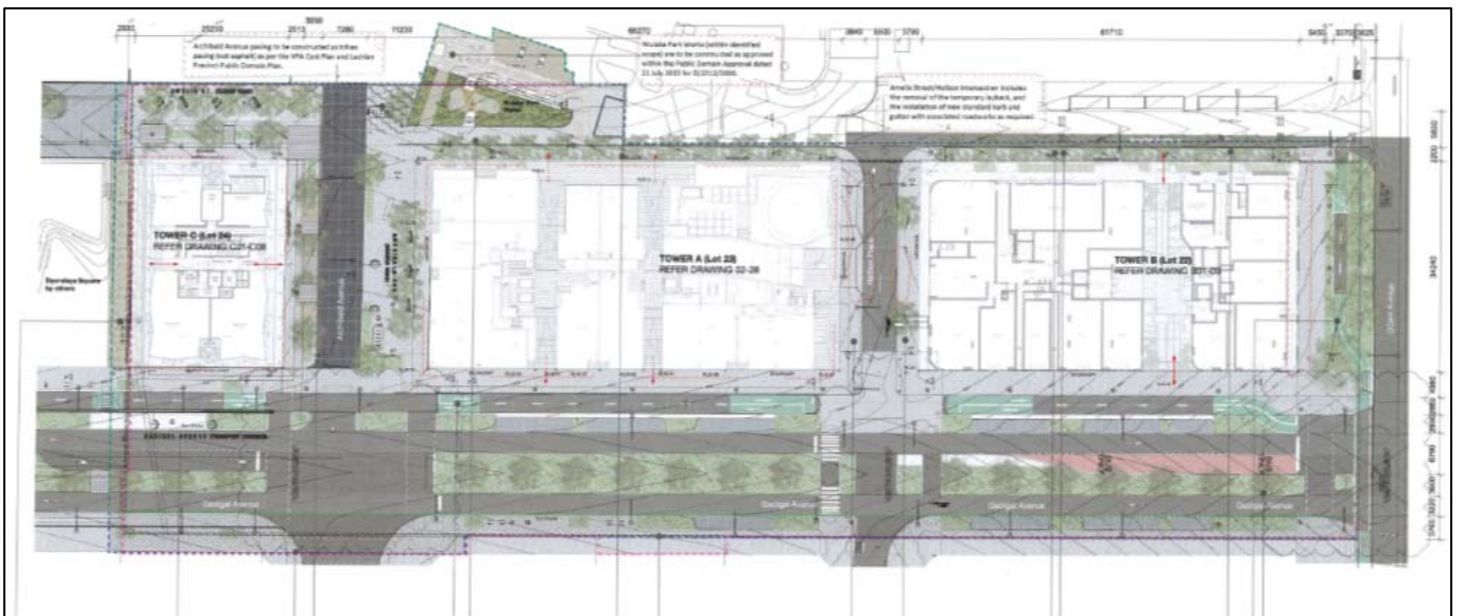


Figure 24: Community Infrastructure works

Subdivision of the site

29. Upon completion of the development the site will be subdivided into three development sites with the following site areas:
 - (a) Site A – 2256 sqm
 - (b) Site B – 2083 sqm
 - (c) Site C – 847.5sqm
30. The development sites will result in street frontages to Gadigal Avenue to the west, Amelia Street to the east, Archibald Avenue between Buildings A and C, Hatbox Avenue between Buildings B and A, and O'Dea Avenue to the south of Building B. The future site, in relation to the intended built form and future streets, is shown in Figure 25 below:



Figure 25: Proposed future streets – Extract from Sydney DCP 2012

31. The subject site includes an existing substation which is to be decommissioned during the construction phase of this development. A temporary substation will be provided to support the surrounding development sites during construction. A new substation to be located at Building B is proposed as part of this development application.

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

32. D/2015/1109 to subdivide the site in two stages was approved 15 December 2015. The proposal was initially for a two lot subdivision, to excise the lot 20 area for sale to the adjoining owners. The application was amended to cater for the future road dedication and creation of the lots catering for the proposed buildings.

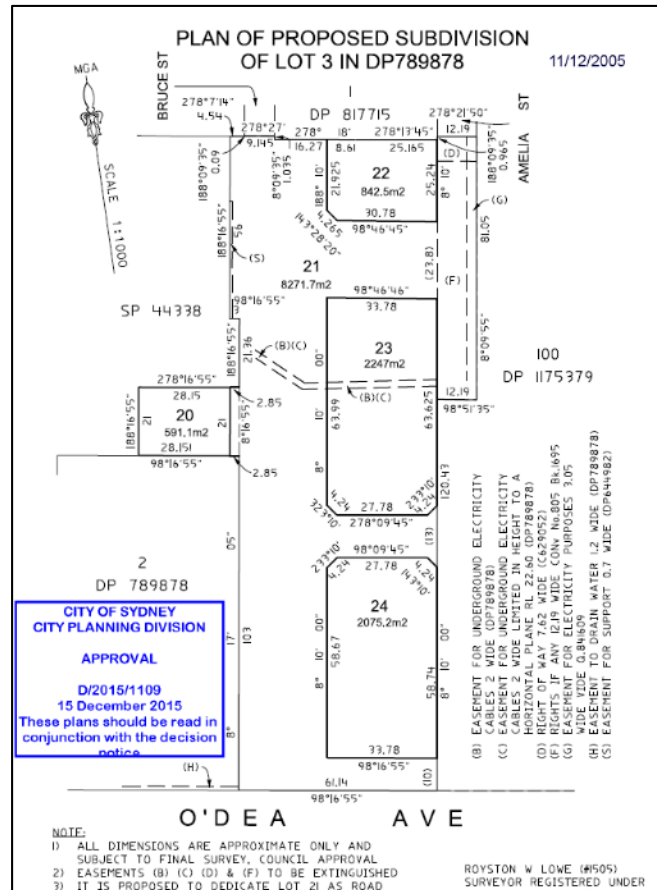


Figure 26: Approved plan of subdivision

33. The Applicant has advised that the new lot is to be sold to an adjoining land owner and will be the subject of a separate DA.

Design Excellence Strategy

34. A Design Excellence Strategy to develop the site was endorsed by the City of Sydney Council in October 2014. The strategy required each building to be designed by an independent architect.
35. Despite the three buildings being designed separately to achieve architectural diversity across the site the buildings are planned to be constructed as one development, and have been designed with integrated services. A single driveway within Building A, one loading dock within Building A, one substation within Building B and a common basement is proposed.

Competitive Design Alternative Processes

36. Three separate Competitive Design Alternative Processes were undertaken in accordance with Clause 6.2.1(5)(c) of the Sydney Local Environmental Plan 2012.



Figure 27: Competitive design alternatives processes

37. The Competitive Design Alternatives Processes were undertaken between October 2014 and January 2015.

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

38. 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

39. 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.
40. The site is identified as containing contaminated soils due to past industrial uses. An interim site audit statement has been prepared which states that the site is suitable for the proposed use subject to remediation.
41. 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

42. The development application was lodged on 21 May 2015, and therefore requires assessment under SEPP 65 as it existed on this day and the associated NSW Residential Flat Design Code 2002 (RFDC). Regard is to be had to the recent SEPP 65 amendment which came into force on 17 July 2015 and the associated Apartment Design Guide (ADG), and therefore they have been considered in the assessment of this application.
43. 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, 2 and 3:** Context, Scale and Built form

The subject site is located in the Lachlan Precinct of the Green Square redevelopment area. The locality comprises a number of industrial, commercial and residential uses. It is in a period of transition to a desired character of a new neighbourhood of primarily medium density residential and mixed uses.

The proposal is predominately residential, with a retail premises on the ground floor and is consistent with the desired uses anticipated for the area. The proposed buildings generally comply with the built form control, exceptions to the controls are considered as part of this report. The proposal adopts a scale and expression that appropriately addresses the street frontages and adjoining sites and will contribute to the desired future character of the area which is transitioning from industrial and warehouse uses to a higher density mixed use residential area.

(b) **Principle 4** Density

The proposal exceeds the maximum floor spaces permitted including the bonus for community infrastructure and design excellence. The applicant has submitted a 4.6 request to vary the development standard. It is not considered there are sufficient grounds to accept the variation and as such it is recommended as a condition of consent that updated plans be provided consistent with the standard. The proposal is consistent with winning schemes of the competitive design process and are built to the anticipated building envelopes.

The proposal includes a 21 level tower which exceeds the 20 storey height limit. The additional level is created by double storey apartments at level 8 which form part of the podium design of the building. No objection is raised to the additional storey given the integrated design of the additional level.

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

A Basix certificate has been supplied by the applicant.

(d) **Principle 6: Landscape**

Each building includes communal open space in the form of landscaped podiums. Several apartments include private gardens at the upper levels.

The level of communal open space for each building ranges from 21.6% to 39 % of each building.

Deep soil is restricted to approximately 20sqm of the total site - two plots within the Building C envelope for mature tree planting. The level of deep soil is considered acceptable due to the volume of land to be dedicated to Council

The communal areas provide a variety of recreational uses and include community gardens, communal BBQ areas, private seating and active areas.

(e) **Principle 7: Amenity**

The Applicant has amended several apartment layouts to address concerns raised by Council Officers regarding light, ventilation and acoustic privacy to a number of apartments.

Each building generally meets to RFDC rules of thumb for amenity. Specifically:

- (i) 61% are cross ventilated (as defined by the RFDC);
- (ii) All of apartments meet the 3.1m floor to floor height minimum;
- (iii) All apartments include private outdoors space;
- (iv) The design of the units and the relationship to surrounding buildings ensures that occupants will have acceptable levels of privacy.

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

The proposed ground floor retail units will activate the ground floor level and provide opportunities for casual surveillance.

The proposal has been designed with Safety by Design Principles.

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

The proposed mix of units across the site is consistent with the Sydney DCP 2012 required mix.

(h) **Principle 10: Aesthetics**

Each building is generally consistent with the wining scheme of the corresponding competitive process.

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

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
Building Depth 10 – 18m (glass to glass)	Yes	Each apartment complies with the maximum apartment depth
Building Separation		All building to building separations comply with the minimum standards. Minimum separations are not achieved within the apartment blocks. Where this occurs appropriate screening has been introduced. Refer to Issues section.
Deep Soil Zone	Partial	Deep soil is limited to two planter beds within the Building C envelope. The level of deep soil planting is acceptable given the volume of land to be dedicated to Council.
Communal Open Space Communal open space is to be 25-30% of the site area.	Partial	Communal open space is limited to: 39.4% of Building A area 21.56 % of Building B area 25% of Building C area. The communal open space comprises landscaped terraces at the upper levels.
Safety	Yes	The proposed scheme has incorporated Crime Prevention Through Environmental Design (CPTED) principles and identified areas which required appropriate design and security management.

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
Visual Privacy	Can comply	<p>Each building complies with the minimum separation distance between buildings however several apartment types within Building A do not meet these standards.</p> <p>The original scheme included windows of different apartments less than 3m apart.</p> <p>The applicant has since amended the scheme to provide greater separation of visual and acoustic privacy. Further, conditions are recommended to require the removal of certain non-essential non-compliant windows from Building B.</p> <p>Refer to Issues section for discussion.</p>
<p>Single Aspect Apartments</p> <p>Single aspect apartments should be limited in depth to 8m from a window.</p> <p>Limit single aspect apartments with a southerly aspect (SW-SE) to max. 10% of total units</p>	Yes	Less than 3% (10) of apartments are south facing.
<p>Apartment Layout (kitchen)</p> <p>The back of a kitchen should be no more than 8m from a window.</p>	Yes	All apartments have kitchens less than 8m from a window
<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	The proposal does not include apartment over 15m in depth.

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
Apartment Layout (unit Sizes) Minimum unit sizes: Studio: 38.8sqm 1 bedrooms: 50sqm 2 bedrooms: 70sqm 3 bedrooms: 95sqm	Yes	All apartments comply with the minimum apartment size provisions.
Balconies Provide primary balconies with a minimum depth of 2m.	Yes	All apartments comply with the minimum private open space provisions.
Natural Ventilation 60% of residential units should be naturally cross ventilated.	Partial	The applicant has applied a number of innovative technics to increase cross ventilation to apartments. On the basis of the RFDC definition the proposal complies with the minimum requirements for cross ventilation.
Ceiling Heights 2.7 m minimum ceiling height in habitable areas 2.25 - 2.4 ceiling height in non-habitable areas.	Yes	All apartments have a minimum floor to floor height of 3.1m.
Ground Floor Apartments Optimise the number of ground floor units with separate entries. Provide ground floor apartments with access to private open space.	N/A	The Lachlan precinct controls require active ground floor uses in this location.
Internal Circulation The number of units accessible from a single core/corridor should be limited to 8.	Acceptable	The majority of buildings comply with this provision. Building B includes a floor with 10 units per lift core however 2 lifts are available.

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
Storage Minimum storage provisions facilities: 1 bed: 6 square metres 2 bed: 8 sqm 3 bed: 10sqm (with minim 50% of storage area located within the unit).	Yes	Adequate storage is provided within the units with additional storage located at basement level.
Daylight Access Living rooms and private open spaces for at least 70% of apartments in the development should receive a minimum of 2 hours solar access between 9.00am and 3.00pm in midwinter.	Yes	71% of all apartments meet this standard.

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

45. On 23 September 2014, the Department of Planning and Environment exhibited the proposed changes to SEPP 65 which includes the replacement of the RFDC with an Apartment Design Guideline.
46. The amendments to the SEPP 65 and the draft Apartment Design Guide have been considered in the assessment of this application.

State Environmental Planning Policy (Infrastructure) 2007

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

Clause 45

48. The application is subject to Clause 45 (Subdivision 2 Development likely to affect an electricity transmission or distribution network) of the ISEPP as the development is likely to affect an electricity transmission or distribution network.
49. The application was referred to AusGrid as the proposal includes the relocation of an existing substation. A response was received by Ausgrid stating that the applicant will need to make a formal submission for approval prior to commencing the works.

Clause 104

50. The application is subject to Clause 104 of ISEPP as the development constitutes Traffic Generating Development as more than 75 residential apartments will be provided with access from Hatbox Place which connects within 90 metres of a Classified Road (South Dowling Street). The application was referred to the RMS and no objections were raised subject to standard considerations being undertaken by Council.

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

51. The BASIX Certificate has been submitted with the development application.
52. 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 (Affordable Rental Housing) 2009

53. SEPP 70 relates to Section 94F of the EP&A Act and provides that where the consent authority is satisfied that the development meets certain criteria and a Local Environmental Plan (LEP) authorises an affordable housing condition to be imposed, such a condition should be imposed so that mixed and balanced communities are created.
54. Clause 7.13 - Contribution for purpose of affordable housing of the Sydney LEP 2012 authorises that an affordable housing contribution may be levied for development in land in Green Square.
55. It is recommended that a condition imposing an affordable housing contribution to aid in the delivery of affordable housing in accordance with the principles in Schedule 2 of SEPP 70.

State Environmental Planning Policy (State and Regional Development) 2011

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

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

57. 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.
58. The proposed development of the site is consistent with the aims and objectives of SEPP 32 in that the development increases the housing stock and provides a mix of apartment types to meet the demand generated by urban renewal within Green Square.

Sydney LEP 2012

59. The site is located within the B4 Mixed Use zone in the Sydney LEP 2012. The proposed use is defined as a residential flat building and retail premises. All uses are permissible with development consent in the zone and are consistent with the zone objectives.

60. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Table																											
Development Control	Compliance	Comment																									
4.3 Height of Buildings	Yes	<p>The site has specific height controls relating to different envelopes. Specifically the following height standards apply:</p> <table border="1"> <thead> <tr> <th>Building</th> <th>Standard</th> <th>Proposed</th> <th></th> </tr> </thead> <tbody> <tr> <td>A - Tower</td> <td>RL94.43</td> <td>RL94.43</td> <td>Yes</td> </tr> <tr> <td>A - Podium</td> <td>RL55.79</td> <td>RL55.00</td> <td>Yes</td> </tr> <tr> <td>B - 8 Storey</td> <td>RL55.15</td> <td>RL53.67</td> <td>Yes</td> </tr> <tr> <td>B - 6 Storey</td> <td>RL48.93</td> <td>RL45.87</td> <td>Yes</td> </tr> <tr> <td>C - 8 Storey</td> <td>RL56.18</td> <td>RL56.18</td> <td>Yes</td> </tr> </tbody> </table>		Building	Standard	Proposed		A - Tower	RL94.43	RL94.43	Yes	A - Podium	RL55.79	RL55.00	Yes	B - 8 Storey	RL55.15	RL53.67	Yes	B - 6 Storey	RL48.93	RL45.87	Yes	C - 8 Storey	RL56.18	RL56.18	Yes
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C - 8 Storey	RL56.18	RL56.18	Yes																								
4.4 Floor Space Ratio	No	<p>A maximum FSR of 1.5:1 is permitted. An additional FSR of 0.5:1 is available on the site subject to the provision of community infrastructure.</p> <p>An additional amount of up to 10% FSR can be awarded subject to meeting the design excellence provisions and undertaking a competitive design process.</p> <p>A total FSR of 2.2:1 is permitted.</p> <p>A FSR of 2.205:1 is proposed. The proposal exceeds the FSR standard by approximately 80sqm.</p> <p>Refer to Issues section for discussion.</p>																									
4.6 Variation of Development Standards	No	<p>The applicant has provided a written 4.6 request to vary the FSR development standard.</p> <p>There are not considered exceptional circumstances to warrant the non-compliance with the standard and as such it recommended as a condition of consent that the scheme be amended to comply with the development standard.</p> <p>Refer to Issues section for discussion.</p>																									

Compliance Table		
Development Control	Compliance	Comment
5.9 Preservation of trees or vegetation	Yes	<p>Approximately 40 trees will be impacted as a result of the proposal. The trees are of moderate to low retention value and must be removed to facilitate the development and new roads.</p> <p>The proposal has been considered by Council's Tree Services Unit and is acceptable.</p>
5.10 Heritage conservation	Yes	<p>The subject site is not within a heritage conservation area and is not listed as a heritage item. The existing buildings have no heritage significance.</p>
Part 6 Local provisions - height and floor space		
Division 2 Additional floor space outside Central Sydney	Yes	<p>The site is within area identified as 'Area 6', which permits an additional FSR of 0.5:1 subject to the provision of community infrastructure.</p> <p>Refer to Issues section.</p>
Division 4 Design excellence	Yes	<p>The design of each building is the result of a competitive design alternatives process in accordance with an approved design excellence strategy.</p> <p>Under this provision, the winning design of a competitive design process, subject to Council being satisfied that the building exhibits design excellence, an amount of floor space that exceeds the amount permitted may be granted consent.</p> <p>The subject application is based on the design of the winner of a competitive design process and seeks 10% additional FSR.</p> <p>The assessment of the subject application finds that the development meets the objectives of this provision and performs when tested against the matters to be considered under this provision.</p> <p>Refer to Issues section.</p>

Compliance Table																																												
Development Control	Compliance	Comment																																										
Part 7 Local provisions—general																																												
Division 1 Car parking ancillary to other development	Yes	<p>A maximum of 367 car parking spaces are permitted using the following formula</p> <table border="1"> <thead> <tr> <th>RATE</th> <th>PERMISSIBLE</th> <th>PROPOSED</th> </tr> </thead> <tbody> <tr> <td>Studio 0.4 x 1</td> <td>0.4</td> <td></td> </tr> <tr> <td>1 bed 0.5 x 126</td> <td>63</td> <td></td> </tr> <tr> <td>2 beds 1 x 181</td> <td>181</td> <td></td> </tr> <tr> <td>3 beds 1.2 x 38</td> <td>45.6</td> <td></td> </tr> <tr> <td>Total</td> <td>290</td> <td>290</td> </tr> <tr> <td>Visitor</td> <td></td> <td></td> </tr> <tr> <td>0.2 x 30</td> <td>6</td> <td></td> </tr> <tr> <td>0.125 x 40</td> <td>5</td> <td></td> </tr> <tr> <td>0.067 x 276</td> <td>18.5</td> <td></td> </tr> <tr> <td>Total</td> <td>29.5</td> <td>29</td> </tr> <tr> <td>Retail</td> <td></td> <td></td> </tr> <tr> <td>1 per 50sqm 2382 / 50</td> <td>47.6</td> <td>48</td> </tr> <tr> <td>GRAND TOTAL</td> <td>367</td> <td>367</td> </tr> </tbody> </table> <p>367 car parking spaces are proposed.</p>	RATE	PERMISSIBLE	PROPOSED	Studio 0.4 x 1	0.4		1 bed 0.5 x 126	63		2 beds 1 x 181	181		3 beds 1.2 x 38	45.6		Total	290	290	Visitor			0.2 x 30	6		0.125 x 40	5		0.067 x 276	18.5		Total	29.5	29	Retail			1 per 50sqm 2382 / 50	47.6	48	GRAND TOTAL	367	367
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Division 3 Affordable housing	Yes	The site is within the Green Square Urban Renewal Area and will be subject to an affordable housing contribution.																																										
7.16 Acid Sulphate Soils	Yes	An Acid Sulphate Soil assessment and management plan has been prepared. A condition has been recommended to address acid sulphate soils on site.																																										

Compliance Table		
Development Control	Compliance	Comment
7.17 Flood planning	Yes	<p>The site is identified by Council as being flood prone.</p> <p>Council engineers have confirmed that flood planning levels have been set in accordance with the City's Interim Floodplain Management Policy. Certain stormwater works will be taken as part of the associated Voluntary Planning Agreement, which will improve the flood situation.</p>
7.18 Airspace operations	Acceptable	<p>The proposed development will penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for the Sydney Airport.</p> <p>Approval has been granted by Air services Australia and the Civil Aviation Safety Authority.</p>
7.20 Development requiring preparation of a development control plan	Acceptable	<p>The site is more than 5000sqm. A detailed DCP applies to the site which provides building envelopes.</p> <p>It is recommended that Council resolve that compliance with this requirement is unreasonable or unnecessary in the circumstances. See discussion in Issues.</p>
7.23 Large retail development near Green Square Town Centre	Yes	<p>The proposal includes a total of 2,293.43sqm retail space at the ground floor level of buildings A, B and C. No tenancy will exceed 1000sqm.</p>

Sydney DCP 2012

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

2. Locality Statements – Green Square Lachlan Precinct

The subject site is located in the Green Square Lachlan Precinct. The proposed mixed use development is considered to be in keeping with the unique character of the area and design principles in that it:

- Creates a permeable pattern of new streets and public open space;
- Responds to the two adjacent public parks Wulaba Park and Dyuralya Park;
- Includes the extension of Gadigal Avenue along the alignment of Bruce Street to continue the transit corridor through the eastern neighbourhoods of Green Square;
- Includes retail uses at the ground level; and
- Includes a variety of building heights and forms to respond to the hierarchy of Streets and opens spaces, residential amenity and solar access.

3. General Provisions

Development Control	Compliance	Comment
3.1 Public Domain Elements	Can comply	Each new building will positively address each new street frontage and will activate the ground floors with retail uses. The proposal includes the dedication of 8243sqm of land for public infrastructure in the form of new roads services and landscaped setbacks. Splay corners are required by Clause 5.4.3.4 (3) of the DCP. It is recommended as a condition of consent that the ground floor of each building be amended to include the required splay corners.
3.3 Design Excellence and Competitive Design Processes	Yes	Each building has been subject to an independent competitive design process.
3.4 Hierarchy of Centres, City South	Yes	The proposal includes a total of 2,293.43sqm of retail space. No individual tenancy is greater than 1000sqm.
3.5 Urban Ecology	Yes	The proposed development involves significant street planting to the new road alignments to assist the local urban ecology.

3. General Provisions		
Development Control	Compliance	Comment
3.6 Ecologically Sustainable Development	Yes	The proposal will not have unacceptable impacts on the environment and satisfies BASIX requirements.
3.7 Water and Flood Management	Yes	Flood studies have been conducted to ensure the new development does not affect the overland flow paths. Significant flood water infrastructure is included as part of the proposal.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	Subdivision forms part of the proposal. Appropriate conditions have been recommended.
3.9 Heritage	Yes	The site is not a heritage item and is not within a conservation area.
3.11 Transport and Parking	Yes	The proposal includes one continuous basement across all three buildings with one entrance. The proposal does not exceed the maximum allowable amount of off-street carparking, and the design of waste collection point and loading areas are acceptable.
3.12 Accessible Design	Yes	A condition has been recommended for the proposed development to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	The proposal includes the pick up of waste within the site and an integrated loading dock with turntable. A condition has been recommended for the proposed development to comply with the relevant provisions of the City of Sydney Code for Waste Minimisation in New Developments 2005.

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.1 Building height	No	<p>Building heights and envelopes are outlined in the Lachlan part of the DCP.</p> <p>Building A exceeds the height in storeys at 21 levels by 1 storey. The overall appearance of the additional level has been reduced by constructing apartments on level 8 as two storey units with a mezzanine at the upper level.</p> <p>Buildings B and C comply with the prescribed number of stories.</p>
4.2.2 Building setbacks	N/A	Refer to Lachlan DCP.
4.2.3 Amenity	Yes	<p>Each proposed building will provide an acceptable level of residential amenity for the intended occupants.</p> <p>The amenity afforded by each building in terms of solar access, ventilation, landscaping, building separation and visual privacy has been addressed in the SEPP 65 and RFDC sections of this report.</p>
4.2.4 Fine grain, architectural diversity and articulation	Yes	<p>The site has been broken into three building blocks and each of the two larger buildings have been further broken down into two distinct building elements.</p> <p>Each of the buildings has been designed by an independent architect as part of a competitive design process.</p> <p>Overall the proposal achieves a good level of architectural diversity and fine grain articulation through suitable massing, composition of building elements and fenestration and the varied use of materials and finishes.</p>

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.6 Waste minimisation	Yes	<p>Each apartment has adequate space to manage waste. Waste chutes have been provided for the residential floors and are connected to waste collection areas in the basement.</p> <p>A common loading dock and waste holding area is provided on the ground floor of Building A for integrated waste collection.</p>
4.2.7 Heating and Cooling Infrastructure	Yes	Plant area at the roof top level of each building has been provided to accommodate cooling and heating services.

5. Specific areas <i>Green Square – Lachlan</i>		
Development Control	Compliance	Comment
5.4.2.1 Local infrastructure and public domain	Yes	New streets are provided in locations identified within the Lachlan Precinct DCP maps including the part extension of Gadigal Avenue, Amelia Street, HatBox Place and Archibald Avenue.
5.4.2.2 Public open space	Yes	<p>Each new building will adjoin a new public open space in the form of either a park or significant landscaped setback.</p> <p>Appropriate interfaces have been proposed for each building in accordance with the DCP.</p>
5.4.2.3 Waterways and stormwater management	Yes	<p>The flood planning level for each building has been established in conjunction with Council's flood engineers.</p> <p>Extensive stormwater management has been incorporated into the VPA works that will be carried out by the applicant.</p>

5. Specific areas <i>Green Square – Lachlan</i>		
Development Control	Compliance	Comment
5.4.3.2 Height of buildings	Acceptable	<p>The proposed building heights are generally in accordance with the DCP requirements.</p> <p>The exception is an additional storey on the tower which is limited by the DCP to 20.</p> <p>Double storey apartments within Building A create an additional storey within the tower above the DCP limit.</p> <p>The additional storey is considered acceptable as the tower complies with the specific LEP height in metres control and is integrated into the design of the building.</p>
5.4.3.3 (2) Building form and design	Acceptable	<p>The DCP allows the building blocks on the subject site to be further refined subject to:</p> <ul style="list-style-type: none"> • Defining the Wulaba Park edge with up to 6 storeys and potential of an additional two storeys; • Providing a safe and active ground floor interfaces with Amelia Street; and • Provide surveillance of the parks from residential uses at the upper level. <p>The applicant has not set back the top two residential levels of Building C however the proposed design is considered contextually acceptable and is consistent with the competitive design process scheme.</p>
5.4.3.4 Building Setbacks (1) setbacks (3) chamfered setbacks	Can comply	<p>It is recommended as a condition of consent that the corners of each building be chamfered at the ground and first floor level consistent with the DCP.</p>

5. Specific areas Green Square – Lachlan		
Development Control	Compliance	Comment
<p>5.4.3.5 Building typologies and use</p> <p>(2) non-residential uses at ground floor</p> <p>(4) non-residential uses are to have a minimum depth of 10m</p> <p>(6) glazing line to adjacent to the public domain</p>		<p>There are no residential uses at the ground floor.</p> <p>All retail tenancies in Building A comply with the minimum depth.</p> <p>The majority (12/14) of retail tenancies within Building B comply with the minimum depth.</p> <p>No retail tenancies within Building C meet the minimum depth standard.</p> <p>Glazing for each retail tenancy has been setback within the building line.</p> <p>The proposed arrangement is considered acceptable given the diverse range of retail tenancies available and the proposed interface with the public domain.</p>
5.4.3.9 Parking and access		The proposal incorporates a consolidated vehicular access point and a communal basement.

ISSUES

Community Infrastructure - Public Benefit Offer

62. The Applicant seeks consent for the maximum amount of GFA permitted under Clause 6.12 and Clause 6.14 of the Sydney LEP 2012 which can only be achieved where a development provides community infrastructure to the satisfaction of the consent authority.
63. The Applicant has submitted a public benefit offer for a total package of works and land to the value of \$8,237,570. The total package value is calculated on the basis of the additional 0.5:1 floor space amount and the adopted residential and non-residential rates.
64. The offer is consistent with the examples of community infrastructure identified in the control, in that it comprises of a payment of a monetary contribution to be allocated to the provision of community infrastructure in Green Square.
65. A draft Voluntary Planning Agreement (VPA) has been prepared to secure the public benefit in connection with the Development Application for the site. At the time of preparing this report the VPA was on exhibition and no submissions had been received.

66. A deferred commencement condition is recommended requiring that a planning agreement in accordance with the draft that has been placed on public exhibition is entered into within 24 months.

Request to waive preparation of a site specific development control plan

67. Clause 7.20 of Sydney LEP 2012 requires that development consent must not be granted to development on the subject site (as it is greater than 5000sqm at 13,429.3 sqm total site area and 5,186.5sqm developable area) unless a site specific development control plan has been prepared.
68. Clause 7.20(3) provides that a site specific DCP is not required to be prepared if the consent authority is satisfied that such a plan would be unreasonable or unnecessary in the circumstances.
69. It is considered that a site specific DCP would be unreasonable or unnecessary in these circumstances, which are outlined below:
- (a) Significant community infrastructure is to be provided on the site in terms of new roads and land dedications. The remaining site area, to be developed with new built form, is approximately 5,186.5sqm, which just exceeds the 5,000sqm threshold.
 - (b) The site is identified as a specific area, Lachlan, within the Sydney DCP 2012. The area has been subject to a master planning exercise to develop planning controls for the precinct and subject site that address:
 - (i) stormwater management;
 - (ii) location and design of new roads and public open spaces;
 - (iii) active ground floor uses; and
 - (iv) built form massing including setbacks, building height in storeys and street walls.
 - (c) The layout of the new buildings largely respond to the specific Lachlan precinct built form controls in terms of the site layout, coverage, setbacks, uses and height in stories. Where there are departures from the specific controls they largely relate to the additional storey on the tower.
70. As these controls have been recently developed and adopted and relate to the site, an additional DCP would reflect much of what is in these documents and would be unnecessary. As such the preparation of a site specific DCP in this circumstance is considered unnecessary and it is recommend that the consent authority resolve that compliance with this control is unnecessary pursuant to Clause 7.20(3) of the Sydney LEP 2012.

FSR– Exception to Development Standard

71. The site has an FSR development standard of 1.5:1 with a potential bonus of up to 0.5:1 for the provision of community infrastructure and up to 10% for undertaking a competitive design alternative process.

72. The subject application includes the provision of community infrastructure in the form of land dedications, new roads, services and public domain works. Each building design is the result of a competitive design alternative process.
73. The maximum permissible FSR is therefore 2.2:1. The proposal has an FSR of 2.205:1 which exceeds the control by 0.24% or approximately 80sqm. **Figure 26:** Areas of GFA previously excluded by applicant – Building B
74. Clause 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes. The Council may grant the exception as the 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.
75. The applicant has submitted a written 4.6 request to vary the FSR standard.
76. In order to demonstrate whether strict numeric compliance is unreasonable or unnecessary in this instance, the proposed exception to the FSR 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), 4.6(3)(b) and (4)(a)(i)</p> <p>The applicant must submit a written request to vary the development standard as compliance with the standard is unreasonable or unnecessary in the circumstances and there are sufficient environmental planning grounds to justify contravening the standard</p>	<p>A written request has been submitted to Council justifying the proposed contravention of the height development standard on the following basis:</p> <ul style="list-style-type: none"> • The proposed scale and visual impact of the proposal will be acceptable in the surrounding locality and is consistent with the future built form envisaged; • The variation is 0.005:1 or 0.24% and as such is within the expectations of the scale of the future development on the site. • The proposal achieves a high level of compliance with the site specific built form controls for the site, importantly for maximum building height and does not result in any adverse impacts on that locality or surrounding development. • The minor increase in FSR is not anticipated to result in any change in the demand for the capacity of existing and planned infrastructure in the locality.

Clause 4.6 Requirement	Assessment
<p>4.6(4)(a)(ii)</p> <p>Council must be satisfied that the proposed development is consistent with the objectives of the development standard and the objectives for development within the zone and the public interest</p>	<p>The objectives of the zone are:</p> <ul style="list-style-type: none"> • To provide a mixture of compatible land uses. • To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. • To ensure uses support the viability of centres. <p>Comments: The proposed development is consistent with the objectives of the B4 Mixed Use Zone in which it is located. Specifically:</p> <ul style="list-style-type: none"> • The proposal includes a mixture of compatible uses being retail and residential dwellings; • The site is in close proximity to existing public transport and a future public transport corridor; and • The proposal will not compromise the viability of centres <p>The objectives of the development standard are:</p> <ol style="list-style-type: none"> a) To provide sufficient floor space to meet anticipated development needs for the foreseeable future b) to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic c) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure d) to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality,

Clause 4.6 Requirement	Assessment
	<p>Comment: The proposed development is not consistent with the objectives for FSR provided under Clause 4.4 of Sydney LEP 2012 for the following reasons:</p> <ul style="list-style-type: none"> • There are no exceptional circumstances that would warrant the variation of the development standard. • The proposal is for complete redevelopment of the site, there are no site conditions that would warrant a variation to the development standard. • There is no public benefit derived from exceeding the development standard. • The variation sought is minor, a reduction GFA to meet the development standard will not result in significant design changes to the proposed built form.

77. It is recommend as a condition of consent that amended plans be supplied to demonstrate compliance with the FSR standard as part of a deferred commencement.

Design Excellence

78. The size of the site is such that a site specific development control plan is required to be prepared under Clause 7.20 of the Sydney LEP 2012 as detailed above. This requirement in turn triggers the need for a competitive design process to be undertaken under Clause 6.21 of Sydney LEP 2012.
79. Each of the three buildings has undergone a competitive design alternative process. Each competitive process was conducted in accordance with the Sydney LEP 2012 provisions, the Council's Competitive Design Policy and a Design Excellence Strategy that was endorsed by Council. In accordance with Clause 6.21(7) of Sydney LEP 2012, the consent authority may grant up to 10% additional floor space where design excellence is achieved through a competitive design process.
80. In considering whether development exhibits design excellence, the consent authority must have regard and be satisfied that the development achieves this criteria. Each criterion is addressed below:

(a) **A high standard of architectural design, materials and detailing appropriate to the building type and location**

Each of the three buildings have been individually designed by three reputable architects and each building uses a variety of materials and finishes to ensure that it has its own distinct architectural character, ensuring diversity is achieved across the subject site. In summary, the key elements of the building materials of each building include:

Building A - BVN

- (i) Glazing to tower, balconies, balustrades and podium level windows.

- (ii) In situ concrete or equivalent in white at the eight storey podium building to provide a break in glazed materials at the ground level, ensuring a diversity of finishes enhancing the fine grain to both Amelia Street and Gadigal Avenue.
- (iii) Polished metal cladding to slab soffit to provide a reflective surface for the Level 8 Common Open space roof.
- (iv) Stone paving and timber decking at communal areas.
- (v) Polished and brushed metal fixed vertical louvres and adjustable aluminium sun control louvres.

Building B - PTW

- (vi) Exposed face brick at O'Dea Avenue, grounding the building.
- (vii) Render paint finish in light and dark for the northern section of the building.
- (viii) Powder coated aluminium louvres and window frames, notably louvres along the two uppermost levels of the building, which straddles both the render and brick buildings resulting in an integrated building across the site.

Building C – Chen Chow Little

- (ix) Concrete has been chosen as the primary architectural element of Building C, and includes exposed concrete columns and slabs and precast concrete stairs.
- (x) Timber soffit to soften the concrete structure and provide richness in building materials.
- (xi) Adjustable horizontal aluminium louvres in white.

The proposed variety of materials and overall expression of the development is considered to appropriately respond to the design characteristics envisaged for the locality.

- (b) **A form and external appearance of the proposed development will improve the quality and amenity of the public domain**

The bulk, massing and modulation of the buildings are suitable for the street blocks. Where setbacks are required within the developable site boundaries, the landscape design has sought to integrate the building within the wider public domain. As outlined in the landscape plans, the landscape design extends the public paving and other landscape treatments into the developable area to create a seamless finish between the public and private domains.

- (c) **Does the proposed development detrimentally impact on view corridors**

The proposal is unlikely to detrimentally impact on view corridors to significant city skyline views.

- (d) **Does the proposed development address site suitability, use, constraints, environmental impacts, ESD, pedestrian, cycle, vehicular and service access and circulation, public domain improvements, and interface, landscape design**

As addressed elsewhere in this assessment, the proposal satisfactorily addresses each of these matters in accordance with the relevant Sydney DCP 2012 and RFDC controls.

81. The assessment of the subject application finds that the development meets the design excellence objectives and, as such, it is recommended that in accordance with Clause 6.21(7) of Sydney LEP 2012, the consent authority award 10% additional floor space to the development.

Amenity

82. Concern was initially raised by Council officers and the Design Advisory Panel regarding the internal amenity for residents within buildings A and B. Several apartments within these buildings had windows in close proximity to windows in adjoining apartments. This would result in a lower level of visual and acoustic privacy for the intended occupants. Concern was also raised with the level of light and ventilation that could be achieved.
83. The Applicant has subsequently amended the plans to address this issue in part. The applicant has supplied expert acoustic and solar access advice stating the proposal will comply with the Building Code of Australia (BCA) minimum standards.



Figure 28: Example of separation between apartments in Building A.

84. It should be noted that the subject application was designed and lodged prior to the introduction of the ADG, the proposed arrangement is unlikely to be acceptable in future applications.
85. Notwithstanding the above amendments there are still several apartments that contain windows less than 2m from a corresponding apartment window such as those show in Figure 29 below.



Figure 29: Example of windows within Building B that will require removal

86. It is recommended as a condition of consent that where this occurs and an alternative natural light source is available that the windows be removed. This will not affect the cross ventilation compliance with SEPP 65 as these apartments are not considered to be cross ventilated.

Height in storeys

87. The proposed 21 storey tower is inconsistent with the Sydney DCP 2012 numerical limit of 20 storeys. The proposed tower is however consistent the Sydney LEP 2012 RL controls. The additional storey is fully integrated into the design of building and is consistent with the winning entry of the competitive design alternative process.
88. The additional storey is considered contextually acceptable on the following grounds:
- the additional storey facilitates two storey apartments;
 - the additional storey functions as a mezzanine;
 - the tower has been designed as a slender forms and is compliant with the maximum permissible floor plate; and
 - the proposed tower does not result in an adverse overshadowing to Wulaba Park compared to a compliant scheme.

Other Impacts of the Development

89. The proposed development is capable of complying with the BCA.

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 overall function of the site. The premises are in a commercial/residential surrounding and amongst similar uses to that proposed.

INTERNAL REFERRALS

92. The application was referred to Council's:
- (a) Specialist Surveyor;
 - (b) Environmental Health Specialist;
 - (c) Urban Designer;
 - (d) Building Approvals Unit;
 - (e) City Access and Transport Unit;
 - (f) Public Domain Unit; and
 - (g) Landscape Architect.
93. Issues raised by internal units have been addressed in this report and appropriate conditions recommend.
94. The proposal was considered by the Design Advisory Panel who raised concern with the level of amenity provided for intended occupants of Building A and Building B.
95. Design amendments have been made to address this issue including the reconfiguration of a number of apartments.
96. This issue has been discussed within the SEPP 65 compliance table and the Amenity discussion in the Issues section of this report.

EXTERNAL REFERRALS

Notification, Advertising and Delegation (No Submissions Received)

97. In accordance with Schedule 1 of the Sydney DCP 2012, the proposed development is required to be notified and advertised. As such the application was notified and advertised for a period of 30 days between 9 June 2015 and 10 July 2015, no submissions were received.
98. The application constitutes integrated development with the Office of Water and as such the application was notified and advertised for 30 days in accordance with the provisions of Environmental Planning and Assessment Regulations 2000.
99. Terms of Approval have been provided and form part of the conditions of consent.

Ausgrid

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

Roads and Maritime Services (RMS)

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

PUBLIC INTEREST

103. 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**

104. The development is subject to the following Section 94 Contribution.
105. A total contribution of \$6,584,552.62 is required in accordance with the City of Sydney Development Contribution Plan 2006. This calculation is based on 346 new dwellings and 107 workers. No credit has been sought by the applicant for existing workers. Council has identified an additional demand for public amenities and facilities as follows:

Community Facilities	=	\$850,792.13
Public Domain	=	\$524,038.89
New Public Open Space	=	\$4,083,190.29
New Roads	=	\$1,037,015.16
Accessibility	=	\$43,011.17
Management	=	46,504.99
TOTAL:	=	\$6,584,552.62

106. The applicant may be eligible to offset the Section 94 Contribution as part of the Voluntary Planning Agreement process if the cost of the public infrastructure works exceed the Public Benefit Offer.

107. The proposal is within the Green Square renewal area and as such will be subject to an Affordable Housing contribution.

RELEVANT LEGISLATION

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

CONCLUSION

109. The proposed development is generally consistent with the core built form controls and zone objectives contained in the Sydney LEP 2012 and the Sydney DCP 2012.
110. Where non-compliance is not achieved such as with the FSR development standard it is recommend as a condition of consent that the proposal is amended to ensure the development standard is upheld.
111. The proposal represents a set of well resolved architectural designs that sensitively respond to the new street frontages and active public spaces. Each building adopts an appropriate form, scale and expression to street frontages and surrounding land.
112. The development generally performs well against the relevant built form and amenity controls in the Sydney DCP 2012 and SEPP 65. It is considered that the urban design and amenity objectives have been achieved and addressed.
113. Given the specific Lachlan Precinct controls with the Sydney Development Control Plan 2012 the preparation of a site specific DCP in this instance is considered unnecessary.
114. A draft Voluntary Planning Agreement has been prepared to secure provision of the material public benefit and no submissions have been made at the time of preparing this report. A deferred commencement condition will require entry into an acceptable planning agreement prior to the commencement of the consent.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Jai Reid, Senior Planner)