

ITEM 4. DEVELOPMENT APPLICATION: 13 LACHLAN STREET - 15-17 LACHLAN STREET - 2 BRUCE STREET AND 4 BRUCE STREET WATERLOO**FILE NO: D/2015/570****DEVELOPMENT APPLICATION NO: D/2015/570****SUMMARY**

Date of Submission: 1 May 2015
Amended plans received on 22 September 2015 and 7 January 2016

Applicant: Mirvac Projects Pty Ltd

Architect: Mirvac Design

Developer: Mirvac

Owner: Mirvac Projects Pty Ltd

Cost of Works: \$101,242,441

Proposal Summary: Demolition of existing buildings and structures on site, land remediation, excavation and construction of a mixed use development comprising six buildings, ranging in height from four to eight storeys, and two levels of basement car parking.

The proposal incorporates 227 residential apartments, ground floor retail tenancies along Lachlan Street and the future Gadigal Avenue, 210 car parking spaces, 3 car share spaces, vehicle access via the future Tung Hop Street and associated landscaping.

The application is classified as Integrated Development requiring the approval of the NSW Office of Water for temporary dewatering of the site under the Water Management Act 2000.

The application was exhibited from 19 May 2015 to 19 June 2015. Three submissions have been received relating to increase in congestion and traffic, excessive noise and pollution during demolition and construction, shortage of street parking in the area, excessive population density in the area, overshadowing of neighbouring development and depreciation of property prices. These concerns have been considered and addressed within this report.

**Proposal Summary
(continued):**

The proposed development is generally consistent with the core development standards and zone objectives contained in the Sydney Local Environmental Plan 2012 (Sydney LEP 2012).

The design of the development has been considered by the City's Design Advisory Panel and represents a well resolved architectural design that adopts an appropriate form, scale and expression to the existing and proposed street frontages and surrounding land.

The proposed development performs well against the relevant amenity controls in the Sydney Development Control Plan 2012 (Sydney DCP 2012) and State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development given the site's location, surrounding development context, and the proposal's compliance with the site specific building envelope development controls. Where the proposal departs from controls, it is considered that urban design and amenity objectives have been achieved and addressed.

Under Clause 6.27 of the Sydney LEP 2012, the requirement for a Stage 1 development application and a site specific development control plan do not apply in this circumstance. The site is identified as a specific area, Green Square – 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, and the Sydney DCP 2012 includes site specific development controls relating to built form massing including setbacks, building height in stories and street wall heights.

The proposed cost of works exceed \$100 million. In accordance with Clause 6.21(5)(b) of the Sydney LEP 2012, a competitive design process is required to be undertaken for any development with a capital value of more than \$100 million. A request to have the competitive design process waived has been submitted, on grounds that the process is unreasonable and unnecessary in the circumstances. The waiver of the competitive design process is supported.

The application was accompanied by a public offer letter seeking a bonus floor space ratio (FSR) of 0.5:1 in accordance with Clause 6.14 of the Sydney LEP 2012 in exchange for construction of portions of the future Gadigal Avenue and the future Tung Hop Street, the widening of the Lachlan Street footpath, and the dedication of land for public road purposes.

**Proposal Summary
(continued):**

A planning agreement associated with the Applicant's public benefit offer is under exhibition until 23 June 2016.

Development Application D/2015/782 was lodged in relation to, among other things, the public domain and roadworks associated with the land to be dedicated in the public offer letter. At the time of writing this report, the public domain roadworks development application has not been determined. This application is expected to be determined under delegation of Council prior to the Central Sydney Planning Committee (CSPC) meeting of 23 June 2016.

Summary Recommendation:

It is recommended that the CSPC:

- (a) waive Clause 6.21(5)(b) of the Sydney LEP 2012, requiring a competitive design process be held in relation to any proposed development having a capital value of more than \$100,000,000; and
- (b) consider the merits of the proposal and delegate the decision to determine the development application to the CEO upon completion of the planning agreement exhibition process and the consideration of all submissions received during this process, and the approval of Development Application D/2015/782.

- Development Controls:**
- (i) State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)
 - (ii) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)
 - (iii) State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (SEPP 65)
 - (iv) State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
 - (v) State Environmental Planning Policy No 32 – Urban Consolidation (Redevelopment of Urban Land) (SEPP 32)
 - (vi) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)
 - (vii) State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) (SEPP 70)
 - (viii) Sydney LEP 2012 (Gazetted 14 December 2012, as amended)
 - (ix) Sydney DCP 2012 (in force on 14 December 2012, as amended)
 - (x) City of Sydney Development Contribution Plans 2006
- Attachments:**
- A - Selected Drawings
 - B - Photomontage

RECOMMENDATION

It is resolved that:

- (A) pursuant to the provisions of Clause 6.21(5)(b) of Sydney Local Environmental Plan 2012, the Central Sydney Planning Committee waive the requirement for a competitive design process being held in relation to any proposed development having a capital value of more than \$100,000,000;
- (B) authority be delegated to the Chief Executive Officer (CEO) to determine Development Application No. D/2015/570, after:
 - (i) the Planning Agreement is publicly exhibited and any submissions considered; and
 - (ii) Development Application No. D/2015/782, lodged in relation to the public domain and road works adjacent to the development, is approved;
- (C) if the CEO determines to approve the application, then consideration be given to granting a deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the conditions set out in Part A below;
- (D) in determining the application, the CEO consider the draft conditions of consent, as shown in Part A and Part B below, and any other relevant conditions.

PART A - DEFERRED COMMENCEMENT CONDITIONS**(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**

The consent is not to operate until the following conditions are satisfied, within **24 months** of the date of this determination:

- (1) **PLANNING AGREEMENT**
 - (a) That a Planning Agreement in accordance with the public benefit offer made by Mirvac be executed and submitted to Council; and
 - (b) Any guarantees required under the Planning Agreement at the time of execution must be provided to Council.
- (E) 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 by within **24 months** of the date of this determination of this deferred commencement consent, failing which this deferred development consent **will lapse** pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979;
- (F) 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

- (G) 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.

PART B – CONDITIONS OF CONSENT

(ONCE THE CONSENT IS IN OPERATION)

Upon written confirmation from Council that the deferred commencement conditions contained in Part A above have been satisfied, the consent will become operative from the date of that written confirmation, 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/2015/570 dated 1 May 2015 and the following drawings:

Drawing Number	Architect	Date
DA03 Rev 3	Mirvac Design	21 December 2015
DA04 Rev 3	Mirvac Design	21 December 2015
DA05 Rev 3	Mirvac Design	21 December 2015
DA06 Rev 3	Mirvac Design	21 December 2015
DA07 Rev 3	Mirvac Design	21 December 2015
DA08 Rev 3	Mirvac Design	21 December 2015
DA09 Rev 3	Mirvac Design	21 December 2015
DA010 Rev 3	Mirvac Design	21 December 2015
DA011 Rev 3	Mirvac Design	21 December 2015
DA012 Rev 3	Mirvac Design	21 December 2015
DA013 Rev 3	Mirvac Design	21 December 2015

Drawing Number	Architect	Date
DA014 Rev 3	Mirvac Design	21 December 2015
DA015 Rev 3	Mirvac Design	21 December 2015
DA016 Rev 3	Mirvac Design	21 December 2015
DA017 Rev 3	Mirvac Design	21 December 2015
DA018 Rev 3	Mirvac Design	21 December 2015
DA019 Rev 3	Mirvac Design	21 December 2015
DA30 Rev 1	Mirvac Design	27 April 2015
DA31 Rev 1	Mirvac Design	27 April 2015
DA32 Rev 1	Mirvac Design	27 April 2015
DA33 Rev 1	Mirvac Design	27 April 2015

and as amended by the conditions of this consent.

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

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) Even though Apartments 1701, 2203, 2305, 2309, 2405, 2409, 2505, 2509, 2605, 2609, 3206, 3207 and 5506 are identified in the above drawings as studio apartments with less than 50sqm of gross floor area, these apartments have partitions between their living and sleeping spaces. All studio apartments must be internally reconfigured to contain only one habitable room that combines kitchen, living and sleeping spaces.
- (b) The north-facing bedroom windows in Apartments 3208, 3209, 3308 and 3309 in Building 3 are to have louvered privacy devices.

The modifications are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Stage 3 Construction Certificate.

(3) STAGED CONSTRUCTION

- (a) The works may be carried out in stages with the relevant conditions being satisfied prior to the issue of a construction certificate for each stage as follows:

Stage	Works
Stage 1	Bulk excavation, remediation, footings and retention walls
Stage 2	Below ground structure including the ground floor slab
Stage 3	Above ground structure, facade, finishes and services
Stage 4	Landscaping

- (b) In addition to those conditions identified in the above table, other conditions may be required to be satisfied prior to a construction certificate at each stage of construction.
- (c) Any reference to a construction certificate or an occupation certificate relates to the first construction certification and/or occupation certificate unless a stage is nominated elsewhere in that particular condition. In all other cases, conditions are to be satisfied as specifically stated at Stages 1 to 3.

(4) CONSOLIDATION PLAN

- (a) **Prior to the issue of a Construction Certificate**, the initial boundary definition survey work necessary for the preparation of a consolidation plan redefining the boundaries of the site shall be carried out by a surveyor registered under the Surveying and Spatial Information Act, 2002. The registered surveyor shall provide a letter to the PCA certifying that the initial survey work and calculations to define the subject boundaries has been completed, prior to the issue of the Construction Certificate.
- (b) A plan or CAD file showing the redefined boundaries shall be provided to the project architect, who shall certify in writing that the proposed buildings and basements as designed will fit within the redefined boundaries, without causing any encroachment of the proposed buildings or any overhangs attached to the proposed buildings other than permissible awnings and balconies above street level. For the avoidance of doubt, the encroaching bay windows on Levels 3 to 6 in Buildings 2 and 3 in the approved drawings under Condition (1) (Approved Development) above are an exception that is permitted. This written confirmation shall be provided to the PCA **prior to the issue of a Construction Certificate**.
- (c) **Prior to the issue of an Occupation Certificate**, the consolidation plan shall be completed and lodged with the Office of Land and Property Information, NSW, showing the new buildings and creating any easements as necessary. Evidence of lodgment of the consolidation plan shall be supplied to the PCA prior to the issue of the Occupation Certificate.

(5) 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.

(6) BUILDING HEIGHT

- (a) The height of the Buildings 1 and 2 must not exceed RL 54.27 (AHD) to the top of the buildings and RL 54.45 (AHD) to the parapet of the buildings.
- (b) The height of the Building 3 must not exceed RL 51.50 (AHD) to the top of the building and RL 51.90 (AHD) to the parapet of the building.
- (c) The height of the Building 5 must not exceed RL 43.81 (AHD) to the top of the building and RL 45.05 (AHD) to the parapet of the building.
- (d) The height of the Building 6 must not exceed RL 49.47 (AHD) to the top of the building and RL 50.90 (AHD) to the parapet of the building.
- (e) The height of the Building 7 must not exceed RL 39.80 (AHD) to the top of the building and RL 41.30 (AHD) to the parapet of the building.
- (f) Prior to an Occupation Certificate for each stage being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) to (e) above, to the satisfaction of the Principal Certifying Authority.

(7) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by Mirvac Design and submitted to Council.

(8) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the development must not exceed 2.0:1 calculated in accordance with the Sydney LEP 2012. For the purposes of the calculation of FSR, the Gross Floor Area of the commercial component is 1,262sqm, for the residential component is 17,509sqm, and the total Gross Floor Area is 18,771sqm.
- (b) Prior to the final 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 LEP 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(9) 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.

(10) CONSTRUCTION LIAISON COMMITTEE

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

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

In accordance with Clause 7.13 of the 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 \$4,598,535.32 based on the in lieu monetary contribution rate for non-residential development at \$68.66 per square metre of total non-residential floor area 1,388sqm, and for residential development at \$206.06 per square metre of total residential floor area 21,854sqm. 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 28 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 28 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 (\$)).

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

- (a) 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	\$508,097.85
Public Domain	\$312,958.97
New Open Space	\$2,438,504.22
New Roads	\$619,311.29
Accessibility	\$25,686.51
Management	\$27,773.04
Total	\$3,932,331.89

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

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

where:

- C is the original contribution amount as shown above;
- CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
- CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – March 2016.

Subject to (b) below, 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.

- (b) The Section 94 contributions payable as set out above may be offset in accordance with the terms of the Planning Agreement required to satisfy Deferred Commencement Condition (1).

(13) NUMBER OF ADULTS PER ROOM

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

(14) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the *Sydney Local Environmental Plan 2012*.

- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from multi dwelling housing as defined in *Sydney Local Environmental Plan 2012*. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the Applicant.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

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

The following conditions apply to car parking:

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

(16) 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 Stage 2 Construction Certificate.

Car Parking Type	Number
Residential spaces	179
Residential visitor spaces	21
Retail parking (not for use by customers)	4
Accessible parking spaces	34
Car share parking (marked for small vehicles)	3
Motorcycle parking	18
Car wash bay	1
Service vehicle spaces	3
Loading dock to accommodate 9.5m waste vehicle	1

(17) 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 Stage 2 Construction Certificate being issued.

(18) CAR PARKING ALLOCATION/ LEASE

Car parking spaces may only be leased or allocated to occupants/residents of the subject building and may not be leased to members of the general public.

(19) CAR SHARE SPACES

- (a) Three car parking spaces for the exclusive use of car share scheme vehicles are to be provided. The design and layout of the car share spaces must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 – 2004 and be clearly marked and identifiable as small car spaces.
- (b) All small car spaces must be clearly marked and identifiable as small car spaces. The signs or line markings must be in place and approved by the Principal Certifying Authority prior to an Occupation Certificate being issued and must be maintained in good order at all times.
- (c) The spaces must be retained as common property of the Owners Corporation and not sold or leased to an individual owner/occupier at any time.

- (d) The spaces must be made available to car share operators without a fee or charge.
- (e) The spaces must be sign posted for use only by car share vehicles and well lit.
- (f) The spaces must be accessible to all car share members at all times.
- (g) The car share spaces are to be available at the same time that the car park commences operation.

Note: The Applicant is encouraged to discuss the car share parking spaces with car share operators prior to the issue of a Construction Certificate to ensure the commercial requirements of the operator can be accommodated.

(20) VEHICLE ACCESS

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

(21) ALLOCATION FOR CAR WASH BAYS

The car wash bay must not at any time be allocated, sold or leased to an individual owner/occupier. It must be retained as common property by the Owners Corporation for use by all tenants.

(22) 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 retained as common property by the Owners Corporation for use by visitors.

Spaces must be clearly marked 'visitor' prior to the issue of an Occupation Certificate or the use commencing, whichever is earlier. Signs must be maintained in good order at all times.

(23) 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.

(24) 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	227	Spaces must be a Class 1 or Class 2
Visitor – residential and retail	30	Class 3 bicycle rails in various locations adjacent to pedestrian entry points at street level
Employee	5	Spaces must be Class 2 bicycle facilities with lockers
Unisex end-of-trip facility shower		As shown on drawing DA05 Rev 3 prepared by Mirvac Design set out in Condition (1) above

A basement storage area on title that is large enough to store a bicycle and is no smaller than a Class 1 bicycle locker can be counted as a bicycle parking space.

The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to a Stage 2 Construction Certificate being issued.

(25) ASSOCIATED ROADWAY COSTS

Subject to any voluntary planning agreement, all costs associated with the construction of any new street works including kerb and gutter, road/footpath pavements and drainage system 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".

(26) 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.

(27) 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 controlled 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*.

(28) 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.

(29) ON SITE LOADING AREAS AND OPERATION

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

(30) 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 subdivision of the building development site 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.

(31) 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.

(32) 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.

(33) SIGNS AT EGRESS

A sign compelling drivers to stop before proceeding across the footpath must be provided and maintained within the site at the point of vehicle egress:

(34) 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.

(35) 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.

(36) SECTION 138 APPROVAL

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

(37) USE - SEPARATE DA REQUIRED

With the exception of fitouts and first uses that have been approved by complying development certification under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, a separate development application for the fitout and use of the ground floor retail premises / commercial premises within Buildings 1, 2, 3 and 6 must be submitted to and approved by Council prior to that fitout or use commencing.

(38) USE OF COMMON AREAS AND FACILITIES

The podium communal landscape area, roof top terrace on Building 5, ground level open space adjacent to Buildings 6 and 7, garbage rooms, bicycle parking and car share bays must be available for the use all residents of Buildings 1, 2, 3, 5, 6 and 7, and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

(39) 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.

(40) 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.

(41) AWNING MAINTENANCE

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

(42) NO AIR CONDITIONING UNITS TO FACADE OR BALCONIES OF BUILDING

Approval is not granted for the installation of individual air conditioning units to the facade or balconies of the building.

(43) SIGNS/GOODS IN THE PUBLIC WAY

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

(44) NOISE - ENTERTAINMENT VENUES

- (a) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.
- (b) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.
- (c) Notwithstanding compliance with (a) and (b) above, noise from the use when assessed as an $L_{A10, 15 \text{ minute}}$ enters any residential use through an internal to internal transmission path is not to exceed the existing internal $L_{A90, 15 \text{ minute}}$ (from external sources excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between the hours of 7am and 12midnight. Where the $L_{A10, 15 \text{ minute}}$ 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.
- (d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential use between the hours of 12.00 midnight and 7.00am.
- (e) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.

Note: The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use is as per the definition in the Australian Standard AS1055-1997 Acoustics – Description and measurement of environmental noise. The background noise level $L_{A90, 15 \text{ minute}}$ is to be determined in the absence of noise emitted by the use and be representative of the noise sensitive receiver. It is to be determined from the assessment L_{A90} / rating L_{A90} methodology in complete accordance with the process listed in the NSW EPA Industrial Noise Policy and relevant requirements of AS1055.1997.

(45) 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.

SCHEDULE 1B

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

Note: Prior to the issue of the relevant 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.

(46) 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.

(47) 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.

(48) 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 Stage 4 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 Stage 4 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 the final Occupation Certificate.
- (d) Prior to the issue of the final 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.

(49) 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 Stage 4 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 Stage 4 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 the final Occupation Certificate being issued.

(50) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

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

The form of the recording is to be as follows:

- (a) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
- (b) The Development Application number must be noted on the front of the folder and in the report.
- (c) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.

- (d) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

A digital based recording is to include:

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

A film based recording is to include:

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

(51) ARCHAEOLOGICAL ASSESSMENT

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

Recommendations by the archaeological assessment are to be implemented during the process of demolition and excavation work.

Should the assessment report suggest the site may contain relics and the proposed work may disturb them, council may request the applicant to amend the proposal so that the relics are properly protected or interpreted.

(52) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

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

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

(53) SALVAGE, REUSE AND RECYCLING OF TRADITIONAL BUILDING MATERIALS

Glass blocks and other reusable building materials, are to be salvaged and where possible reused on the project.

Salvaged building materials surplus to the project must either be stored on site for future reuse, or transferred to an established second building material dealer for recycling.

(54) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(55) 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:

- (a) specify the proposed hours and days of operation;
- (b) specify 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 of the associated task;
- (f) provide details of respite periods which will occur to reduce exposure to intrusive noise at sensitive receiving locations;
- (g) submit such periods and operating conditions to Council's Health and Building Unit for approval, and approval 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.

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

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

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

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

- (a) Identification of noise sensitive receivers near to the site.
- (b) The proposed hours of all construction and work on the development including building / demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools etc), in connection with the proposed development.
- (c) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours / Noise Code of Practice 1992* for the typical construction hours of 7.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (d) A representative background noise measurement ($L_{A90, 15 \text{ minute}}$) should be submitted, assessed in the vicinity of any potentially affected receiver locations, and measured in accordance with AS 1055:1.2.1997.
- (e) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (f) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (g) What course of action will be undertaken following receipt of a complaint concerning offensive noise.

- (h) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (i) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

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

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Acoustic Logic, dated 16 April 2015, ref 20150096.1/1604A/R2/TA Revision 2, titled 13-17 Lachlan Street, Waterloo Development Application Acoustic Report, Council Reference 2015/202723 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 Stage 3 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 4 - Tables 4, 5 and 6 – Design specifications for the glazing shall comply with Tables 4, 5 and 6 to the satisfaction of the consultant and in agreement with the PCA.
 - (ii) Section 4 - Design specifications for the external doors, roof/ceiling and external walls shall comply with Section 4 to the satisfaction of the consultant and in agreement with the PCA.
 - (iii) Section 6 - Table 9 and Table 10 - The validated long-term background and ambient noise levels in Tables 9 and 10 are to be used for the purpose of establishing planning noise performance parameters and consequent noise limits (through substitution into the NOISE GENERAL and NOISE ENTERTAINMENT conditions) for the certification of design and verification of operation, to the satisfaction of the consultant and PCA, prior issue of construction (and operation) certificates.
 - (iv) Section 6 - Table 11 - Intrusiveness criteria for mechanical plant and equipment are not to exceed the allowable intrusive noise levels as indicated within Table 4 (Eastern Boundary).

- (v) Section 6.3 - Mechanical Plant - The recommendations for acoustic treatment as outlined in Section 6.3 for any rooftop plant shall be implemented to the satisfaction of the consultant and in agreement with the PCA.
- (vi) Section 6.3 - Basement Loading Areas - Use - The use of the basement loading area must be restricted to 7am to 10pm Monday to Sunday
- (vii) Section 6.3 - Basement Loading Areas - The loading area floor must be acoustically treated to the satisfaction of the consultant and in agreement with the PCA to comply with the following criteria:
 - a. Structure Borne Noise must not exceed $L_{A1 \text{ Slow, 15min}} \leq \text{Background} + 3\text{dB(A)}$ at the boundary or within any adjacent commercial premises
 - b. Structure Borne Noise must not exceed $L_{A1 \text{ Slow, 15min}} \leq \text{Background} + 0\text{dB(A)}$ at the boundary or within any adjacent residential premises
- (c) Prior to the issue of an Occupation Certificate, a suitably qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the PCA that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

(58) EMISSIONS

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

(59) 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.

(60) 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.

(61) 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.

(62) 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.

(63) 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.

(64) LAND REMEDIATION

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by JBS&G dated 10 November 2015 and referenced 50615-61149 (Rev1) and the Letter of Interim Advice No.11 prepared by Kylie Lloyd dated 11 November 2015 and referenced 15017_Internal IA11. 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.

(65) 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.

(66) SITE AUDIT STATEMENT

Prior to the commencement 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.

(67) COMPLIANCE WITH ACID SULFATE SOILS MANAGEMENT PLAN

All recommendations contained in the Acid Sulfate Soils Management Plan prepared by JBS&G, dated 10 July 2015 must be implemented, including the following:

- (a) Section 4 - Management Procedures
- (b) Section 5 - Responsibility
- (c) Section 6 - Contingencies

(68) STOCKPILES

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

(69) UNDERGROUND STORAGE TANK REMOVAL

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

(70) 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.

(71) 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.

(72) 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 Stage 3 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.

(73) MICROBIAL CONTROL IN WATER SYSTEMS

- (a) Prior to the issue of a Stage 3 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.

(74) ACOUSTIC PRIVACY BETWEEN UNITS

- (a) The development must be designed and constructed to satisfy the requirements of the *Sydney DCP 2012* acoustic privacy requirements. A report prepared by a suitable qualified acoustic professional must be prepared and submitted to the Certifying Authority prior to the issue of a Stage 3 Construction Certificate, and must be suitably referenced in the Construction Certificate documentation.
- (b) The report must:
 - (i) quantify the level of impact (noise at the exposed facades) from the normal noise of the area on the development; and
 - (ii) identify acoustic mitigation measures to be incorporated into the building design to ensure compliance with the design goals contained within the *Sydney DCP 2012*.
- (c) The Certifying Authority (PCA) must ensure that the acoustic mitigation measures identified in the subject report are suitable incorporated into the development as erected prior to the issue of an Occupation Certificate.

(75) FLOOR TO CEILING HEIGHT

Prior to a Stage 3 Construction Certificate being issued, the Certifying Authority must ensure that all living rooms and bedrooms in sole occupancy units must have a minimum finished floor to ceiling height of not less than 2.7 metres.

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

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

- (c) Prior to an Occupation Certificate being issued, a Compliance Certificate from a qualified, practicing acoustic engineer must be submitted to the satisfaction of the Principal Certifying Authority, certifying compliance with the condition.

(77) WASTE AND RECYCLING COLLECTION CONTRACT

Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of **all waste**. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

(78) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

- (a) A Waste Management Plan is to be approved by the Certifying Authority prior to a Stage 2 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

- (b) 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*.

(79) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) A Waste Management Plan is to be submitted to and approved by Council's Area Planning Manager prior to a Stage 2 Construction Certificate being issued. The plan must comply with the Council's *Policy for Waste Minimisation in New Developments 2005*. All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- (b) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's *Policy for Waste Minimisation in New Developments 2005*, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

UPON COMPLETION OF THE DEVELOPMENT

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

(80) 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.

(81) 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.

(82) 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 Stage 3 Construction Certificate being issued.
- (b) A separate DA must be submitted prior to the installation of any external telecommunication apparatus, or the like.

(83) 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, 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 Stage 2 Construction Certificate being issued or the commencement of the use, whichever is earlier.

(84) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of adjacent developments 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 caused as a result of works associated with this consent 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.

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

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).

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

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

(87) BARRICADE PERMIT

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

(88) 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.

(89) 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.

(90) 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 Stage 3 Construction Certificate.

(91) 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*).

(92) 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.

(93) 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.

(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) 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.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(96) BASIX

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

(97) 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.

(98) 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.

(99) 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.

(100) 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*.

(101) 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.

(102) 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.

(103) 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 Works 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.

(104) 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.

(105) USE OF MOBILE CRANES

Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.

For special operations such as delivery of materials, hoisting of plant/equipment and erection and dismantling of on-site tower cranes warranting the use of mobile cranes from a public place, 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.

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.

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

- (a) All works conducted on site which form part of this development must be carried out in accordance with the approved Demolition, Excavation and Construction Noise & Vibration Management Plan.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the City of Sydney Construction Hours / Noise Code of Practice 1992, and the works are giving rise to substantiated complaints, then process for variation to the approval will be as follows:
- (i) The contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit.
 - (ii) Approval to vary the authorised noise and vibration levels must be sought from, and then approved by, Council's Area Planning Manager to their satisfaction prior to activities being undertaken that exceed sanctioned emission levels.
 - (iii) This, and any variation to the above approved process will be in accordance with the terms and process given in Condition (55) – Use Of Intrusive Appliances and Variation to Construction Approval.

(107) 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.

(108) 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.

(109) 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.*

(110) 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.

(111) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(112) ENCROACHMENTS – PUBLIC WAY

No portion of the proposed structure (except for the encroaching bay windows on Levels 3 to 6 in Buildings 2 and 3 in the approved drawings under Condition 1 (Approved Development) above), including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

(113) SURVEY

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

(114) SURVEY CERTIFICATE AT COMPLETION

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

(115) 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.

(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.

SCHEDULE 1D**Roads and Maritime Services Conditions**

The conditions as advised by Roads and Maritime Services (RMS) are as follows:

(118) ROADS AND MARITIME SERVICES CONDITIONS

- (a) The site is affected by a Road Widening Order under Section 25 of the Roads Act 1993 as published in Government Gazette 11th September 1936. The site also affected by a further road proposal. RMS has previously acquired a strip of land for road along the Lachlan Street frontage of the subject property. All new buildings or structures other than pedestrian footpath awnings together with any improvements integral to the future use of the site are to be erected clear of the land required for road unlimited in height or depth.
- (b) The redundant driveways on the Lachlan Street shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Lachlan Street shall be in accordance with RMS requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849 2138).
- (c) Detailed design plans of the proposed kerb and gutter are to be submitted to RMS for approval prior to the issue of a Construction Certificate and commencement of any road works.
- (d) A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by RMS.
- (e) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to RMS for assessment, in accordance with Technical Direction GTD2012/001.
- (f) The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by RMS.

The report and any enquiries should be forwarded to:
Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

Telephone 8849 2114
Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days' notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- (g) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Lachlan Street.
- (h) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Lachlan Street during construction activities.
- (i) The proposed development should be designed such that road traffic noise from Lachlan Street is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.
- (j) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to RMS for approval, prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

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

- (k) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 - 2002 for heavy vehicle usage.

SCHEDULE 2

Prescribed Conditions

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

Clause 98	Compliance with <i>Building Code of Australia</i> and insurance requirements under the <i>Home Building Act 1989</i>
Clause 98A	Erection of signs
Clause 98B	Notification of <i>Home Building Act 1989</i> requirements
Clause 98E	Conditions relating to shoring and adequacy of adjoining property

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

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

The Terms of Approval for Integrated Development as advised by NSW Department of Primary Industries - Water (DPI Water) are as follows:

DPI Water Indicative General Terms of Approval**General**

1. An authorisation shall be obtained from DPI Water for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified in the authorisation.
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 in contact with groundwater watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for reasonably foreseeable high water table elevations to prevent potential future inundation.
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 1.0m below the natural ground surface existent at the location immediate 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 structure 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 ground water 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 referred to as "tailwater") must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.
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 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. 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 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 authorities approval and/or owners 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 located in the eastern part of Waterloo, an established suburb comprising a mix of commercial, industrial and residential uses.
2. The site is generally rectangular in shape and has a total area of approximately 9,387m². The site comprises land generally known as 13 Lachlan Street and 15-17 Lachlan Street and 2 Bruce Street and 4 Bruce Street, Waterloo. The site is legally described as Lot 1 DP664690, Lot 2 DP 317851, Lot 1 DP 668228 and Lot 3 DP 317851.
3. The site has a primary street frontage to Lachlan Street to the north. Adjoining the site to the east are Bruce and Murray Streets. A private access road adjoins the site's southern boundary.
4. The site contains a tall single storey factory building facing Lachlan Street at 15-17 Lachlan Street, a narrow single storey flat roof building at 13 Lachlan Street, a warehouse at 4 Bruce Street, and a building complex at 2 Bruce Street. All buildings are utilitarian and were built for industrial use.
5. The surrounding context is mixed use, including industrial, commercial and residential uses. The site is part of the Lachlan urban renewal precinct, which will see the area transition from light industrial to mixed use residential.
6. To the north of the site and separated by Lachlan Street is the former ACI site. This site has been redeveloped by Meriton from industrial uses and contains a mix of uses comprising residential apartments, commercial and retail space and community and recreation facilities. This development, known locally as the Crown Square development, has a maximum height of 17 storeys along Lachlan Street (see Figures 7 and 8 below).
7. To the east of the site, at 19-21 Lachlan Street, is a single storey residential house adaptively re-used as a cafe, known locally as Coffee Tea and Me, and a hard stand area used by Sydney Ute Hire for the parking of vehicles (see Figures 5 and 6 below). East of the site opposite Bruce Street, at 7-19 Amelia Street, is a vacant lot with minimal disturbed vegetation owned by Council. The area to the east of the site will be occupied by the southern extension of Gadigal Avenue and part of the future Dyuralya Park.
8. To the west of the site, at 11A Lachlan Street, is a seven storeys mixed use development with commercial ground uses and upper levels of residential use, known locally as the Alpha G development (see Figure 4 below).
9. The site is approximately 300 metres to the west of Moore Park and the Moore Park SupaCentre, and approximately 1 kilometre to the northeast of Green Square railway station. The future Dyuralya Park will be located to the southeast of the site on the opposite side of the southern extension to Gadigal Avenue.
10. The site does not contain a heritage item and is not located in a heritage conservation area. The site is not in the vicinity of a heritage item. However, an inter-war substation located at 23 Lachlan Street (see Figure 5 below), to the east of the site, is identified as a draft heritage item under Council's Industrial and Warehouse Buildings Study. This study has been endorsed by Council and has been exhibited.

11. Photos of the site and surrounds are provided below:



Figure 1: Aerial image of subject site and surrounding area



Figure 2: Lachlan Street elevation



Figure 3: View along Lachlan Street looking west



Figure 4: Alpha G development to the west of the site at 11A Lachlan Street



Figure 5: View along Lachlan Street looking east



Figure 6: Sydney Ute Hire hard stand parking area



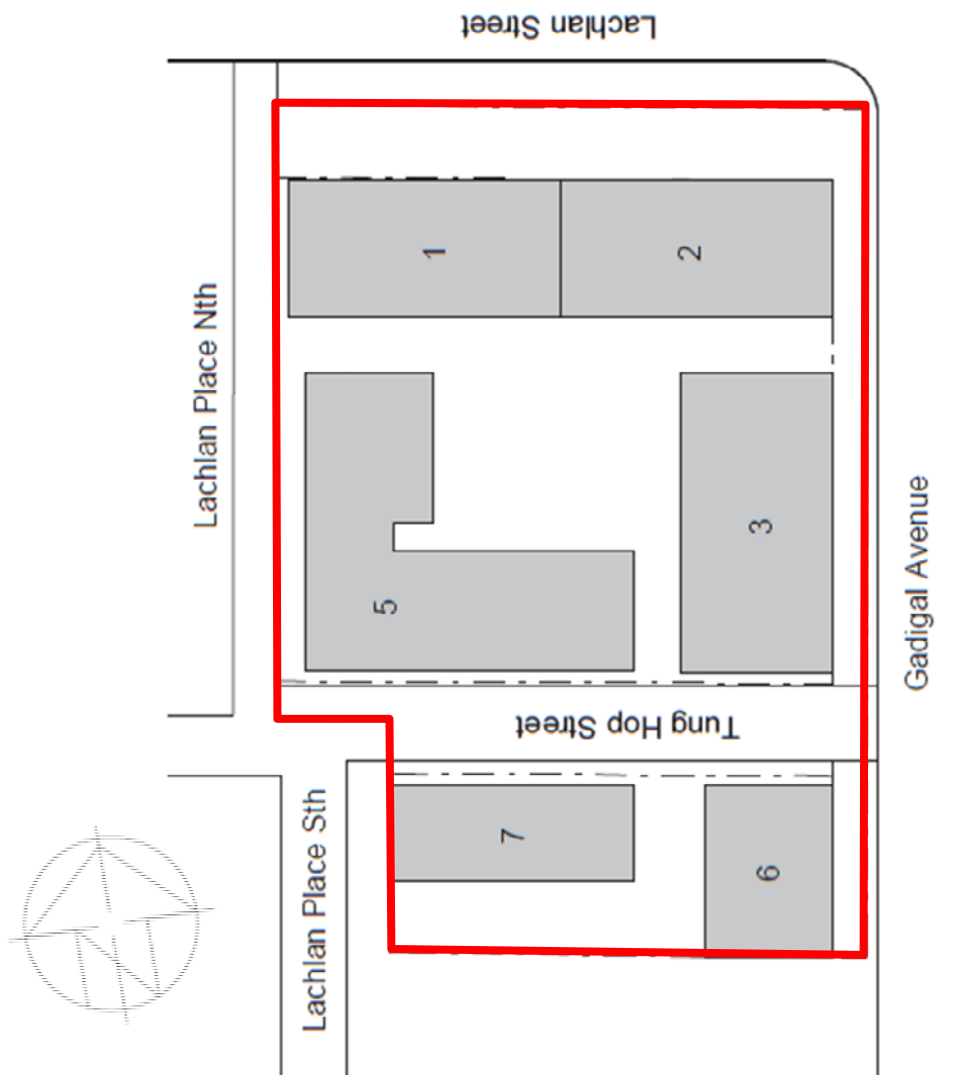
Figure 7: Crown Square development to the north on the opposite side of Lachlan Street



Figure 8: The eastern side of the Crown Square development at the corner of Lachlan and South Dowling Streets

PROPOSAL

12. The development application seeks consent for the staged construction of a mixed use development comprising six buildings, ranging in height from four to eight storeys, and two levels of basement car parking.
13. The proposal incorporates 227 residential apartments, 1,262m² of ground floor retail tenancies located predominantly along Lachlan Street and the future Gadigal Avenue, 210 car parking spaces, 3 car share spaces, vehicle access via the future Tung Hop Street and associated landscaping.
14. A site layout plan is included at Figure 9 below.

**Figure 9:** Site layout plan

15. The proposed development will be undertaken in four separate stages:
 - (a) **Stage 1**
 - (i) Demolition existing buildings and structures on site, and site establishment; and

- (ii) Remediation of land, bulk excavation, footings and retention walls.

(b) **Stage 2**

- (i) Construction of the basement structure in the land to the north of Tung Hop Street, comprising:
 - a. two levels holding car parking spaces for residents, residential visitors and service vehicles, car wash bay, and motorcycle parking spaces;
 - b. residential and retail waste rooms;
 - c. central residential waste collection room and loading area;
 - d. storage facilities; and
 - e. services up to the ground level; and
- (ii) Ground level slab.

(c) **Stage 3**

Construction of above ground structures:

(i) **Ground Level Car Parking and Servicing**

- a. access way off the future Tung Hop Street;
- b. ground level car parking area for residents, residential visitors, non-residential uses and car share vehicles;
- c. visitor and non-residential staff bicycle parking; and
- d. sanitary facilities for the commercial premises/retail premises.

This ground level area is centrally located and is surrounded by ground level commercial/retail and residential uses to all site boundaries, so as to not be visible from the public domain.

(ii) **Building 1**

- a. A seven storey mixed use building containing:
 - i. 39 residential apartments;
 - ii. retail premises/commercial premises at ground level fronting predominantly Lachlan Street and the future Lachlan Place North; and
 - iii. ground level services including substation and switch rooms.

(iii) **Building 2**

- a. An eight storey mixed use building containing:

- i. 44 residential apartments;
- ii. retail premises/commercial premises at ground level fronting predominantly Lachlan Street and the future Gadigal Avenue; and
- iii. four residential apartments on Levels 7 and 8 are duplexes.

(iv) **Building 3**

- a. A seven storey mixed use building containing:
 - i. 52 residential apartments; and
 - ii. retail premises/commercial premises at ground level fronting predominantly the future Gadigal Avenue and the future Tung Hop Street.

(v) **Building 5**

- a. a part four and part five storey residential building containing:
 - i. 46 residential apartments;
 - ii. rooftop communal terrace on the southern wing;
- b. the five apartments on the ground level and Level 1 facing the future Tung Hop Street are maisonettes; and
- c. location of main vehicular access point from the future Tung Hop Street.

(vi) **Building 6**

- a. A seven storey mixed use building containing:
 - i. 28 residential apartments;
 - ii. retail premises/commercial premises at ground level fronting Tung Hop Street and Gadigal; and
 - iii. ground level services.

(vii) **Building 7**

- a. A four storey residential building containing:
 - i. 18 residential apartments;
- b. the six apartments on the ground level and Level 1 facing the future Tung Hop Street are maisonettes; and
- c. Buildings 6 and 7 are to be connected via pedestrian bridges on Levels 3 and 4.

(d) **Stage 4**

(i) Landscaping of the following areas:

- a. podium level to the north of Tung Hop Street between Buildings 1, 2, 3 and 5;
- b. rooftop terrace on the southern wing of Building 5;
- c. rooftop of the northern wing of Building 5;
- d. rooftop of Building 7;
- e. ground level adjacent to Buildings 6 and 7; and
- f. street setback landscaping and deep soil zones around the perimeter of the site.

16. Public domain works in respect of the land to be dedicated to Council along Lachlan Street, the future Gadigal Avenue and the future Tung Hop Street are being dealt with under Development Application D/2015/782 (see Issues section). Under this public works development application, the existing Bruce Street will be extended and widened in order to create the future Gadigal Avenue.

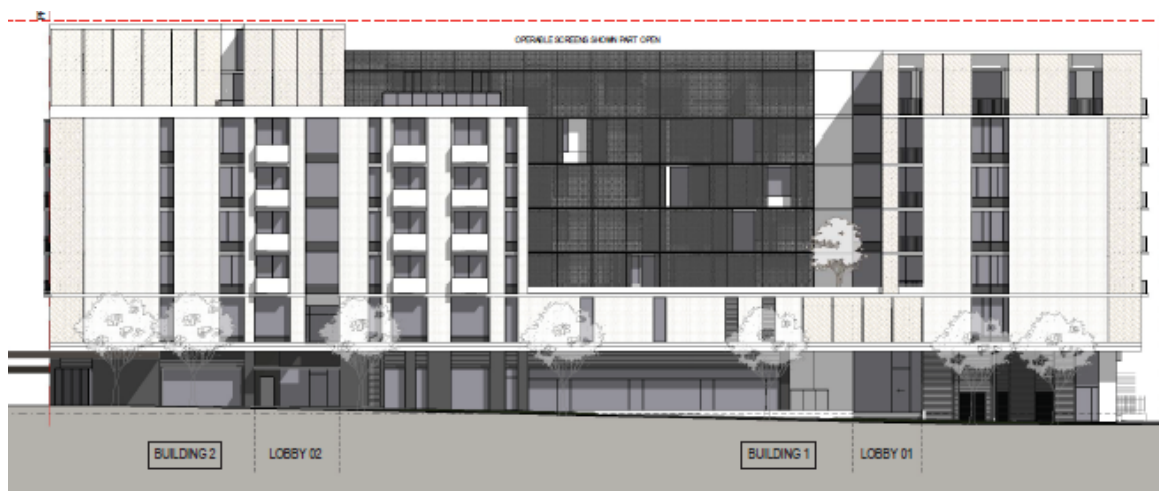


Figure 10: Lachlan Street elevation of Buildings 1 and 2

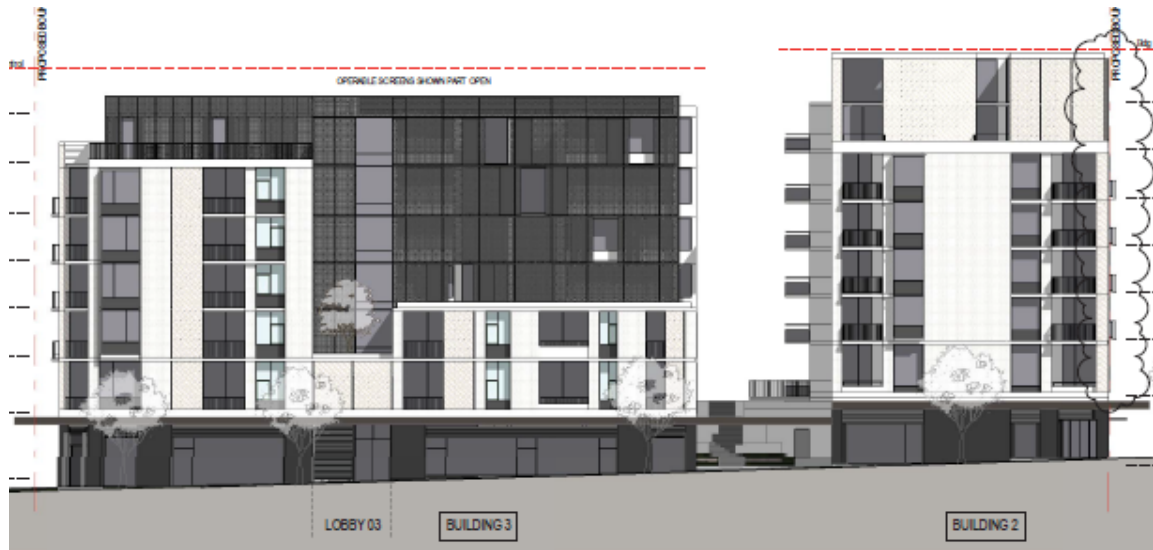


Figure 11: Gadigal Avenue elevation of Buildings 2 and 3

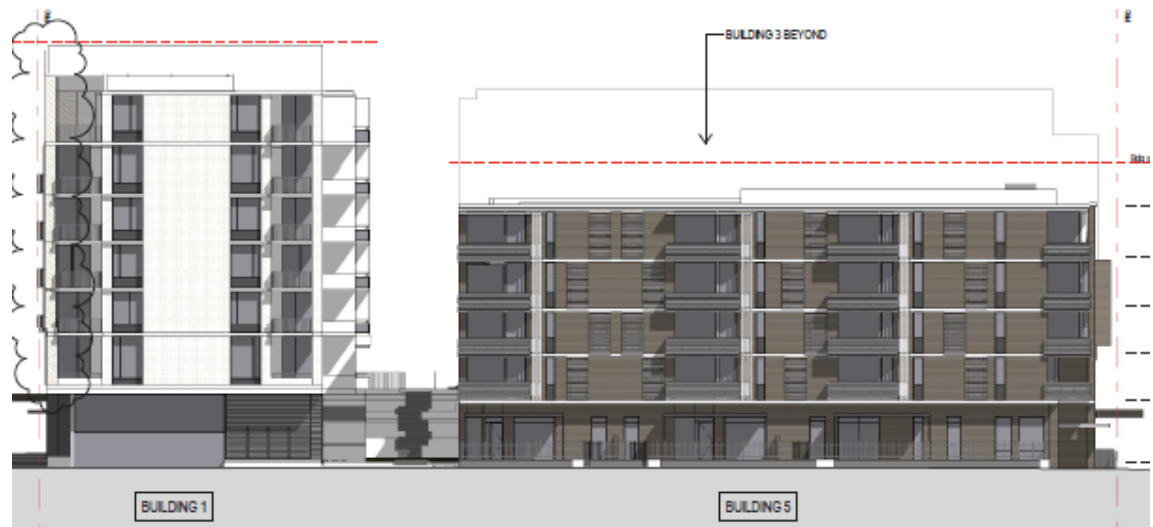


Figure 12: Lachlan Place North elevation of Buildings 1 and 5



Figure 13: Tung Hop Street elevation of Buildings 3 and 5

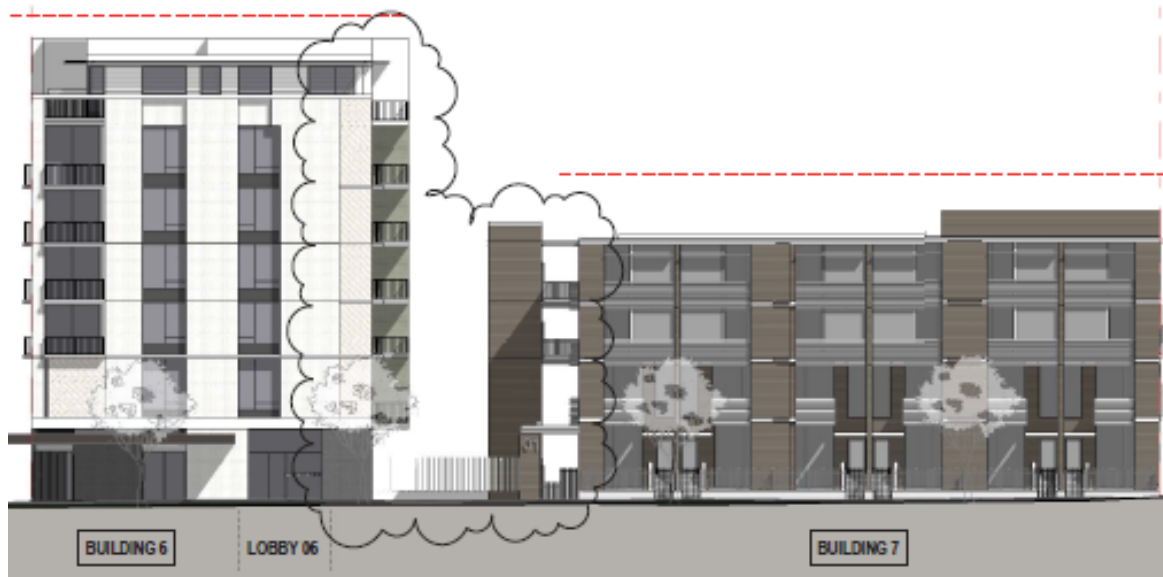


Figure 14: Tung Hop Street elevation of Buildings 6 and 7

17. Selected photomontages of the proposed development are provided in Figures 15-18 below and a full set of architectural drawings (plans and elevations) and schedules of colours and materials are provided in **Attachment A** and photomontages in **Attachment B**.



Figure 15: Photomontage of Building 5 as viewed from corner of the future Lachlan Place North and the future Tung Hop Street



Figure 16: Photomontage of Building 5 as viewed from the future Tung Hop Street looking north



Figure 17: Photomontage of Buildings 2 and 3 as viewed from the intersection of Lachlan Street and the future Gadigal Avenue



Figure 18: Photomontage of Building 3 as viewed from the intersection of the future Gadigal Avenue and the future Tung Hop Street

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

18. Development Application No. D/2015/782 was lodged on 10 June 2015, involving works in the public domain surrounding the subject development on the site, including:
 - (a) construction of a new portion of Tung Hop Street between the future Gadigal Avenue and the future Lachlan Place;
 - (b) construction of a new portion of Gadigal Avenue to the south of Lachlan Street with the extension and widening of existing Bruce Street; and
 - (c) modification of a portion of the road dedicated setback on Lachlan Street between the future Gadigal Avenue and the future Lachlan Place.
19. The proposed new road works include provision of associated infrastructure including landscaping, drainage, footpaths and street lighting.

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

20. The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979 (the EP&A Act), including consideration of the following matters:

INTEGRATED DEVELOPMENT - Section 91 EP&A Act

21. The application was referred to the NSW Department of Primary Industries – Water (DPI Water) as the proposal constitutes Integrated Development under Section 91 of the EP&A Act.

22. Preliminary assessment indicates that the groundwater table will be intercepted as a result of the excavation for the proposed development during construction. The construction dewatering proposed is deemed to be an aquifer interference activity. The excavation and construction at the property will need to be conducted in accordance with the principles of the Aquifer Interference Policy as set out by the DPI Water.
23. DPI Water have provided Indicative General Terms of Approval appropriate to the proposed aquifer interference activity, and these have been incorporated into Schedule 3 of the recommendation.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

State Environmental Planning Policy No 55—Remediation of Land (SEPP 55)

24. The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
25. The site has been previously used for industrial purposes. The site is identified as containing contaminated fill containing asbestos fibres as well as contaminants associated with the storage of fuels in underground storage tanks. The application proposes to change the use of the land to predominantly residential, with a lesser extent commercial, which are more sensitive land uses. Given this, Council must be satisfied that through appropriate remediation, the site is capable of being made suitable for the proposed use(s).
26. The Applicant has submitted a Remedial Action Plan (RAP) prepared by JBS&G Australia Pty Ltd dated 30 April 2015, an Environmental Site Assessment (ESA) prepared by JBS & G Australia Pty Ltd dated 30 April 2015 and Letter of Interim Advice No.11 prepared by Kylie Lloyd dated 11 November 2015.
27. Based upon the information provided by the applicant, Council's Senior Environmental Health Officer has the view that the site will be suitable after remediation for the purpose of which the development is proposed in accordance with SEPP 55. It is recommended that conditions be included should consent be granted requiring the site be remediated and validated in accordance with the RAP and that a Site Audit Statement be obtained from a NSW EPA Accredited Site Auditor.

State Environmental Planning Policy No. 64 – Advertising and Signage

28. The application does not propose detailed signage. It is recommended that a condition be included should consent be granted to ensure that signage does not form part of the development consent and a new development application is required to be submitted for any new signage (other than exempt or complying signs).

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

29. The application seeks consent for retail premises/commercial premises with no specific fit out or operational details. Council would ordinarily condition that these tenancies require a future first use development application. However, recent changes to Codes SEPP provide that a number of first uses can be approved under a complying development certificate (CDC), thus overriding Council's standard condition for a first use development application.

30. In the proposed development, the retail premises/commercial premises are classified as Class 6 under the Building Code of Australia (BCA). Examples of the likely uses that could be approved under a CDC pursuant to the Codes SEPP could be a shop or food and drink premises with a capacity of up to 50 seats. Schedule 8 of the Codes SEPP also outlines conditions that would apply to any CDC. Under this Schedule the hours of operation are limited to either those specified in any development consent applying to the site, or otherwise 7.00 am to 7.00 pm Monday to Saturday and 9.00 am to 6.00 pm on a Sunday or a public holiday. It also requires that the development must comply with the requirements for industrial premises contained in the NSW Industrial Noise Policy.
31. Future uses of this nature are consistent with the desired future character of the area, with active frontages required to Lachlan Street and Gadigal Avenue. The requirement and conditions included in the Codes SEPP set appropriate hours of operation so as not to have a negative amenity impact on the residential apartments located immediately above within the same building. Therefore generic approval of indicative retail premises / commercial premises is acceptable in this instance.

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

32. SEPP 65 applies to the proposal as the proposed development consists of several residential flat buildings.
33. The Environmental Planning and Assessment Regulation 2000 contains specific requirements for information to be submitted when making an application to which SEPP 65 applies. A design verification statement from the registered architect who directed the design of the development was submitted with the application.
34. 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 takes into consideration a number of matters relating to design quality, including ten design quality principles, being:

(a) **Principle 1: Context**

Comment: The proposal is permissible within the B4 Mixed Use zone and is consistent with the objectives of this zone. The Lachlan locality is undergoing a transition from a predominantly light industrial area to a mixed use medium to high density residential area. The application for the redevelopment of the site is considered appropriate within the context of the site and the desired future character of the Lachlan locality.

(b) **Principles 2 and 3: Built Form and Scale**

Comment: The built form and scale of the proposed development is generally in accordance with the built form site specific development controls of the Sydney DCP 2012 which apply to the site. Despite the building height and separation departures, the proposed form is considered appropriate for the site and the surrounding area. Having regard to the existing approved and future development in the Lachlan locality, the proposed built form and scale is supported.

(c) **Principle 4: Density**

Comment: The proposal complies with the FSR development standard. The proposed GFA is appropriate for the Lachlan locality given its proximity to established and proposed infrastructure, public transport, community and recreational facilities. The proposed density responds well to the existing and future context of the area, and does not result in any unreasonable impact on existing and future adjoining developments.

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

Comments: The proposal is compliant with the requirements of BASIX and appropriate conditions are recommended to ensure the development complies with those requirements.

The design provides for sustainable development, utilising passive solar design principles, thermal massing and achieves natural cross ventilation to an acceptable number of dwellings within the development.

(e) **Principle 6: Landscape**

Comment: As discussed later on, the proposed development provides sufficient levels of communal open space and deep soil. The proposed communal open space areas will be embellished with soft landscaping and will provide a high level of amenity for residents.

The proposal also includes inaccessible green roofs on Buildings 5 and 7, which will provide an increase in biodiversity in the area, reduce the urban heat island effect in the area, and create an aesthetic feature for residents on upper floors of the proposed development and in adjacent developments.

(f) **Principle 7: Amenity**

Comment: A good level of amenity is provided for future occupants with the proposed development providing a generous range of dwelling sizes and practical room dimensions and shapes, storage space, indoor and outdoor space. Compliance with the amenity rules of thumb of the RFDC are detailed in the table below. In summary, the proposed development presents a high level of residential amenity for the future occupants.

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

Comment: The proposed development has been assessed against the Crime Prevention Through Environmental Design (CPTED) principles outlined within the relevant guidelines prepared by the NSW Department of Planning and Infrastructure.

The proposed development provides passive surveillance, street activation and individual entries to ground floor apartments.

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

The proposed development provides an acceptable mix of studio, one bedroom, two bedroom and three bedroom apartments.

The proposal has been designed to enable 34 apartments of the total number of dwellings to be adaptable to meet accessibility standards.

The application is consistent with the social context and needs of the local community and is consistent with this SEPP 65 principle.

(i) **Principle 10: Aesthetics**

Comment: The proposed development provides for a contemporary and attractive development which is compatible with the emerging character of the area.

The proposed development introduces a variety of building elements and utilises a visually engaging architectural language with a selection of appropriate materials and finishes.

35. The development is considered generally acceptable when assessed against the above stated principles and SEPP 65 generally, which are replicated in large part within Council's planning controls.

Apartment Design Guide (ADG)

36. Guidelines have been developed to aid in the assessment of design quality and are contained in the ADG and, its predecessor, the NSW Residential Flat Design Code 2002.
37. Amendments to SEPP 65 and the replacement of the NSW Residential Flat Design Code 2002 with the ADG as a result of the publication of the State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (Amendment No 3) (SEPP 65 Amendment) formally commenced on 17 July 2015. In accordance with the savings provision of the SEPP 65 Amendment, as this application was lodged prior to 19 June 2015, this application is assessed under the RFDC.

Residential Flat Design Code 2002 (RFDC)

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

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
Building Depth 10-18m (glass to glass)	Partial	<p>The proposed development has building depths ranging from 13 to 21.5 metres.</p> <p>The depths beyond 18 metres are considered acceptable as the proposed arrangement of the buildings is generally consistent with the building form development controls set out in Clause 5.4.3.2 of the Sydney DCP 2012. Further, the buildings are well articulated and achieve suitable amounts of daylighting and natural ventilation.</p>

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
<p>Building Separation</p> <p>Up to four storeys/up to 12 metres:</p> <ul style="list-style-type: none"> • 12m between habitable rooms/ balconies • 9m between habitable/ balconies and non-habitable rooms • 6m between non-habitable rooms <p>Five to eight storeys/up to 25 metres:</p> <ul style="list-style-type: none"> • 18m between habitable rooms/ balconies • 13m between habitable/ balconies and non-habitable rooms • 9m between non-habitable rooms 	Partial	<p>The separation distance between the south-facing balconies of Buildings 1 and 2 and the north-facing balconies of Building 5 is 36 metres.</p> <p>The separation distance between the east-facing balconies of Building 5 and the west-facing balconies of Building 3 is 30 metres.</p> <p>The separation between the building lines generally complies except for the following distances:</p> <ol style="list-style-type: none"> a) the eastern end of Building 5 and the western end of Building 3 is approximately 6 metres on Levels 2 to 4; b) the southern end of Building 2 and the northern end of Building 3 is approximately 6 metres on Levels 2 to 7; and c) the northern end of Building 6 and the southern end of Building 3 is approximately 16 metres for Levels 5 and 6. <p>The implications on residential amenity of this non-compliance in building separation are discussed in the Issues section.</p> <p>The above non-compliance with the building separation rule of thumb is considered acceptable as the arrangement of the buildings is generally consistent with the building form development controls set out in Section 5.4.3.2 of the Sydney DCP 2012.</p> <p>Further, appropriate design measures are proposed (including offset and high level window openings, orientation of the apartments so that apartments in adjacent buildings do not look out directly into each other's primary habitable rooms or balconies, and privacy screening) to reduce potential amenity impacts.</p>

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
<p>Deep Soil Zone</p> <p>A minimum of 25% of the open space area of the site should be a deep soil zone.</p>	Yes	<p>Approximately 699m² of deep soil zone is proposed, which comprises approximately 32% of the total communal open space area.</p>
<p>Communal Open Space</p> <p>Communal open space to be 25-30% of site area.</p> <p>Private Open Space</p> <p>25m² at ground level with minimum preferred dimension in one direction of 4m.</p>	Yes	<p>For the purposes of Communal Open Space discussions, the “developable site area” is the area of the site excluding the land to be dedicated to the City for public domain works as required under the Sydney DCP 2012.</p> <p>The proposed development includes three main areas of communal open space, being:</p> <ul style="list-style-type: none"> • a podium communal landscaped space between Buildings 1, 2, 3 and 5 on the northern section of the site; • a rooftop terrace located on the eastern wing of Building 5; and • ground level garden on the southern section of the site. <p>A total of approximately 2,210m² of communal open space is provided, which equates to approximately 31% of the developable site area.</p> <p>All ground floor residences are provided with terraces, which meet the minimum size requirements.</p>
Safety	Yes	<p>A CPTED statement was prepared identifying areas within the development that required appropriate design and security management.</p>
Visual Privacy	Yes	<p>The proposal largely achieves acceptable separation to maintain visual privacy for future occupants and those of adjoining buildings.</p> <p>Where building separation within the proposed development do not meet the rules of thumb (see above), appropriate design measures are proposed to reduce overlooking impacts.</p>

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
<p>Single Aspect Apartments</p> <p>Single aspect apartments should be limited in depth to 8m from a window.</p> <p>Limit single aspect apartments with a southerly aspect (SW-SE) to max.10% of total apartments.</p>	No	<p>The vast majority of apartments within the development will enjoy northerly, easterly or westerly aspects. The majority of apartments have dual aspect.</p> <p>The proposed number of single aspect south facing apartments is 28, which is 12% of total apartments, and is partly a product of the building form development controls set out in Section 5.4.3.2 of the Sydney DCP 2012. This minor non-compliance, being 5 apartments out of 227, with the rule of thumb (being a max. of 10% of total apartments) is considered acceptable.</p> <p>The proposed number of single aspect apartments with a depth greater than 8m from a window is 27, which is 12% of total apartments. These apartments have only kitchens or bathrooms in the areas that are more than 8m from a window and this variation to this rule of thumb is acceptable.</p> <p>All single aspect apartments have windows to habitable rooms and are acceptable in terms of achieving good amenity in terms of natural ventilation, floor to ceiling height and apartment size. These apartments have been designed with windows facing different directions and the glass line set back at different depths to ensure that air circulation is maximised from their single aspect.</p>
<p>Apartment Layout (Kitchen)</p> <p>The back of a kitchen should be no more than 8m from a window.</p>	No	<p>Approximately 9% of apartments have the back of their kitchens more than 8m from a window. These apartments generally range between 8m to 9m in depth from back of kitchen to window.</p> <p>These kitchens are generally located against the rear wall of apartments and are open to the main living areas.</p> <p>So on this basis, the non-compliance with this rule of thumb is considered acceptable in this instance.</p>

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
<p>Apartment Layout (Cross-Over)</p> <p>The width of cross-over or cross-through apartments over 15 m deep should be 4m or greater to avoid deep narrow apartment layouts.</p>	Yes	All cross-through apartments more than 15m deep have a minimum width of 4m.
<p>Apartment Layout (Unit Sizes)</p> <p>Minimum unit sizes:</p> <ul style="list-style-type: none"> • Studio: 38.5m² • 1 bed: 50m² • 2 bed: 70m² • 3 bed: 95m² 	Yes	<p>Minimum unit sizes are provided as follows:</p> <ul style="list-style-type: none"> • Studio: 42.2 – 47.3 m² • 1 bed: 50m² – 57.8m² • 2 bed: 70m² – 92.3m² • 3 bed: 95.1m² – 118.6m² <p>Apartments 1701, 2203, 2305, 2309, 2405, 2409, 2505, 2509, 2605, 2609, 3206, 3207 and 5506 are identified in as studio apartments. However, these apartments have partitions between their living and sleeping spaces. A condition is recommended requiring all studio apartments be internally reconfigured to contain only one habitable room that combines kitchen, living and sleeping spaces.</p>
<p>Balconies</p> <p>2m min balcony width</p>	Acceptable	<p>Except for the main balconies in 15 apartments in the proposed development (6.6% of all apartments), all main balconies to apartments provide areas which generally have a minimum depth of 2m and are sufficiently wide to be furnishable and useable private spaces.</p> <p>This is considered acceptable as the proposal provides private open space to all apartment but under the Sydney DCP 2012 only 75% of apartments are required to have private open space.</p>
<p>Ceiling Heights</p> <p>2.7m min ceiling height in habitable areas.</p> <p>2.25-2.4m ceiling height in non-habitable areas.</p>	Yes	A minimum floor to floor height of 3.1m is proposed for all residential levels, ensuring a minimum 2.7m floor to ceiling height can be achieved in habitable areas and a minimum of 2.25m floor to ceiling height in non-habitable rooms.

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
<p>Ground Floor Apartments</p> <p>Optimise the number of ground level units with separate entries.</p> <p>Provide ground floor apartments with access to private open space.</p>	Yes	<p>Ground floor apartments have been provided with separate entries from the public domain.</p> <p>All ground floor apartments have private courtyards directly accessible from principal living areas.</p>
<p>Internal Circulation</p> <p>The number of units accessible from a single core/corridor should be limited to eight.</p>	Partial	<p>Each building has a single core/corridor.</p> <p>The number of apartments accessible from a single core/corridor does not exceed the maximum of 8 apartments recommended under the RFDC in all buildings except Building 3, which contains one lift core for 9 apartments on Levels 2 to 6. This variation is considered acceptable as it is a minor non-compliance and these floors have a higher proportion of one bedroom to multi-bedroom apartments than the rest of the proposed development.</p>
<p>Storage</p> <p>Minimum storage provision facilities:</p> <ul style="list-style-type: none"> • 1 bed: 6m³ • 2 bed: 8m³ • 3 bed: 10m³ <p>(With minimum 50% storage area located within unit)</p>	Yes	<p>Adequate storage is provided within each apartment. Additional residential storage is also proposed within basement levels.</p>

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
<p>Daylight Access</p> <p>70% of units to receive 3 hours (2 hours in dense urban areas) of direct sunlight in midwinter to living rooms and private open spaces.</p>	No	<p>54.9% of units receive solar access for 2 hours to their living areas between 9.00am and 3.00pm.</p> <p>64.6% of units receive solar access for 2 hours to their living areas between 8.00am and 4.00pm.</p> <p>63.6% of units receive solar access for 2 hours to their private open spaces between 8.00am and 4.00pm.</p> <p>The proposal will be overshadowed by existing development north of Lachlan Street during throughout the day and existing development west of Lachlan Place North during the afternoon on the winter solstice.</p> <p>The variation in this rule of thumb is considered acceptable in light of the site's constraints.</p> <p>Solar access is discussed further in the Issues section.</p>
<p>Natural Ventilation</p> <p>60% of units to be cross ventilated.</p> <p>25% of kitchens within a development should have access to natural ventilation.</p>	Yes	<p>61.5% of apartments are cross ventilated when assessed against SEPP 65 requirements.</p> <p>Those apartments which are not cross ventilated may have:</p> <ul style="list-style-type: none"> (i) windows that face different directions or windows are set back at different depths from the building envelope, or (ii) the addition of vertical external fins. These design solutions enhance natural ventilation and air flow through their indoor space. <p>All kitchens have access to natural ventilation.</p>

State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)

39. The provisions of SEPP Infrastructure have been considered in the assessment of the development application.

Clause 45

40. The application is subject to Clause 45 (Subdivision 2 Development likely to affect an electricity transmission or distribution network) of SEPP Infrastructure as the development is likely to affect an electricity transmission or distribution network.
41. In accordance with the Clause, the application was referred to Ausgrid for a period of 21 days and no objection was raised. The developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electricity supply requirement of the proposed development.
42. Due to the size of the proposed development, it is likely that an electricity substation will be required to be accommodated within the development. A substation chamber has been incorporated into the northwestern corner of Building 1 facing Lachlan Street. Notwithstanding this, it is recommended the standard Electricity Substation condition be incorporated in the consent.

Clause 101

43. The application is subject to Clause 101 of SEPP Infrastructure as the site has frontage to Lachlan Street to the north, which is a RMS classified road.
44. The application is considered to satisfy Clause 101 of SEPP Infrastructure as:
- (a) vehicular access to the site is provided by the future Tung Hop Street, a road other than the classified road;
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the proposed development; and
 - (c) the proposed development is appropriately designed with measures to ameliorate potential traffic noise of the classified road including acoustic conditions.

Clause 104

45. The proposal provides parking for more than 200 motor vehicles, contains more than 75 apartments and is within 90 metres of a classified road. Accordingly, the proposal is considered a traffic generation development under SEPP Infrastructure and must be referred to RMS.
46. The application was referred to RMS on 18 May 2015. Comments were received from RMS on 16 June 2015. RMS raises no objection to the proposed development and has provided conditions, which are set out in Schedule 1D of the recommended conditions.

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

47. A BASIX Certificate (Certificate number: 606183M_03) has been submitted with the development application.
48. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated in the proposal. A condition is recommended ensuring the measures detailed in the BASIX certificate are implemented.

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

49. SEPP 32 aims to promote the orderly and economic use and development of land by enabling land which is no longer required for its current use to be redeveloped for multi-unit housing and residential development which is close to employment, leisure and retail opportunities.
50. The proposed development of the site is consistent with the aims and objectives of SEPP 32 in that the proposed development increases the housing stock and provides a mix of apartment types to meet the demand generated by urban renewal within Green Square.

State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) (SEPP 70)

51. SEPP 70 relates to Section 94F of the EP&A Act and provides that where the consent authority is satisfied that the proposed development meets certain criteria and a Local Environmental Plan authorises an affordable housing condition to be imposed, such a condition should be imposed so that mixed and balanced communities are created.
52. Clause 7.13 (Contribution for purpose of affordable housing) of the Sydney LEP 2012 authorise that an affordable housing contribution may be levied for development in land in Green Square.
53. It is recommended that a condition be imposed requiring an affordable housing contribution be payable prior to a construction certificate to aid the delivery of affordable housing in accordance with the principles of Schedule 2 of SEPP 70.
54. The total contribution required is \$4,598,535.32 (this will be indexed according to the time of payment). The contribution is payable to the Department of Planning and Environment prior to issue of a Construction Certificate.

Sydney Local Environmental Plan 2012 (Sydney LEP 2012)

55. The site is located within two zones. The majority of the site is located within a B4 Mixed Use zone. A 10 metre rectangular band along the northern portion of the site along Lachlan Street is located within a SP2 Infrastructure - Classified Road zone.
56. The proposed uses in the B4 Mixed Use zone are defined as residential flat building and commercial premises and are permissible with consent.
57. The proposed use in the SP2 Infrastructure - Classified Road zone is road use and development that is ancillary to development for that purpose and is permissible with consent. Development Application D/2015/782 proposes to extend the existing footpath along this portion of the site.

58. The relevant matters to be considered under Sydney LEP 2012 for the proposed development are outlined below.

Compliance Table		
Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	<p>Buildings 1 and 2 are affected by the 54.6 RL height control and, at a maximum height of 54.45 RL, comply with this development standard.</p> <p>Building 3 is affected by the 53.3 RL height control and, at a maximum height of 51.90 RL, complies with this development standard.</p> <p>Building 5 is affected by the 46.65 RL height control and, at a maximum height of 45.05 RL, complies with this development standard.</p> <p>Building 6 is affected by the 51.85 RL height control and, at a maximum height of 50.90 RL, complies with this development standard.</p> <p>Building 7 is affected by the 43.21 RL height control and, at a maximum height of 41.30 RL, complies with this development standard.</p>
4.4 Floor Space Ratio	Yes	<p>A maximum FSR of 1.5:1 is permitted.</p> <p>An additional FSR of 0.5:1 is available on the site subject to the provision of community infrastructure under Clauses 6.12 and 6.14 of this LEP.</p> <p>The application has been accompanied by a public offer letter seeking the 0.5:1 in exchange for construction of portions of the future Gadigal Avenue and the future Tung Hop Street, the widening of the Lachlan Street footpath, and the dedication of land for public road purposes.</p> <p>Accordingly, a FSR of 2.0:1 is permitted.</p> <p>A FSR of 2.0:1 is proposed and complies with the development standards.</p>

Compliance Table		
Development Control	Compliance	Comment
5.1 and 5.1A Development on land intended to be acquired for public purposes	Yes	<p>The relevant State authority is the RMS. Clause 5.1A applies to the northern portion of the site along Lachlan Street (SP2 Land), because:</p> <ul style="list-style-type: none"> it is identified in the Land Reservation Acquisition Map; and it has not been acquired by RMS under Clause 5.1 of the LEP. <p>The application has been referred to RMS, who did not object to the proposed development subject to conditions.</p> <p>In compliance with Clause 5.1A(3), development proposed on the SP2 Land is restricted to earthworks and roads. As indicated above, these works are being assessed under Development Application D/2015/782 and are covered by a voluntary planning agreement.</p>
5.9 Preservation of trees or vegetation	Yes	<p>There are no existing mature trees onsite.</p> <p>The proposal is acceptable in terms of tree preservation as the proposal will have no detrimental impact on any street trees.</p>
5.10 Heritage conservation	Yes	<p>The site does not contain a heritage item and is not located in a heritage conservation area. The site is not in the vicinity of a heritage item. However, an inter-war substation located at 23 Lachlan Street, adjacent to the site, is identified as a draft heritage item under Council's Industrial and Warehouse Buildings Study. This study has been endorsed by Council and has been exhibited. Further, the site contains industrial buildings that are over 50 years old.</p> <p>The proposal is considered acceptable from a heritage perspective.</p>

Compliance Table		
Development Control	Compliance	Comment
Part 6 Local provisions - height and floor space		
Division 2 Additional floor space outside Central Sydney 6.12 Additional floor space outside Central Sydney 6.14 Community Infrastructure floor space at Green Square	Yes	The site is within Area 6 and is eligible for an additional FSR of 0.5:1 subject to the provision of community infrastructure. Refer to the Issues section.
Division 4 6.21 Design excellence	Yes	The assessment of this application finds that the proposed development meets the objectives of this provision subject to conditions and performs well when tested against the matters to be considered under this provision. The proposed development was presented to Council's Design Advisory Panel on 10 November 2015. The advice of the panel has been considered in the assessment of this application. Clause 6.21(5)(a)(ii) does not apply as the site is located in the Lachlan Precinct, Waterloo (see below). The proposed development triggers Clause 6.21(5)(b) as it has a capital value of over \$100 million. However, the applicant has requested that the competitive design process be waived. It is considered that a competitive design process is unreasonable and unnecessary in the circumstances. This matter is further discussed in the Issues section.
Division 5 6.27 Lachlan Precinct, Waterloo 7.20 Development requiring preparation of a development control plan	Yes	The site is located in the Lachlan Precinct, Waterloo. The LEP provisions requiring a competitive design process or site specific DCP triggered by maximum height do not apply in this instance as the proposed development is less than 30 metres in height.

Compliance Table		
Development Control	Compliance	Comment
Part 7 Local provisions—general		
Division 1 Car parking ancillary to other development	Yes	<p>A total of 210 car parking spaces (comprising 177 residential, 29 residential visitor and 4 non-residential) are proposed in addition to 2 service spaces and 3 car share spaces.</p> <p>A total of 226 car spaces are permissible – 180 for residents, 21 for residential visitors and 24 for the retail use.</p> <p>The proposal complies with this provision.</p>
Division 3 Affordable housing	Able to comply	<p>The site is located in Green Square and subject to an affordable housing contribution in lieu of affordable housing located onsite.</p> <p>A condition is recommended as a condition of consent.</p>
7.14 Acid Sulfate Soils	Yes	<p>The site is at approximately 26m AHD and is identified as containing Class 5 Acid Sulfate Soil land. The site is approximately 980 metres from Class 3 land.</p> <p>An Acid Sulfate Soils Management Plan prepared JBS&G and dated 10 July 2015 was provided by the Applicant.</p> <p>The application was referred to Council's Health and Building Unit. Council's Environmental Health Specialist confirmed that the proposal was acceptable from an acid sulfate soils perspective subject to conditions requiring compliance with the above management plan.</p>

Compliance Table		
Development Control	Compliance	Comment
7.15 Flood planning	Able to comply	The site is identified by Council as being flood prone. Council's Public Domain Unit has reviewed the flood impact assessment prepared by Integrated Group Services and dated April 2015 and confirms that the flood planning levels of the proposed development is acceptable subject to conditions.
7.16 Airspace operations	N/A	The proposed development will not penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for the Sydney Airport.
7.17 Development in areas subject to airport noise	Yes	The site is not identified as being in an area sensitive to aircraft noise.
7.23 Large retail development near Green Square Town Centre	Yes	The retail premises proposed do not individually exceed 1,000m ² in size and the proposed development complies with this control.

Sydney Development Control Plan 2012 (Sydney DCP 2012)

59. The relevant matters to be considered under Sydney DCP 2012 for the proposed development are outlined below.

2. Locality Statements – Lachlan

The site is located in the Lachlan locality. Lachlan is a locality in transition from industrial and warehouse uses to mixed use and predominantly residential development, with high quality built form and public domain. The existing large industrial land parcels will be further subdivided with a new internal street network, achieving a permeable and accessible pattern of streets and lanes which maximise legibility and orientation, encouraging walking and cycling.

A Development Application D/2015/782, associated with the public domain and road works within and adjacent to the site, has been lodged concurrently with this application. It is recommended that this public domain and road works development application be determined prior to the determination of this application by the Chief Executive Officer.

The proposed mixed used development is considered to be in keeping with the unique character of the area and design principles in that it provides:

- new ground level commercial uses facing key roads (being Lachlan Street and the future Gadigal Avenue);
- non-residential uses along the ground level fronting Lachlan Street act as a buffer against the impact associated with the heavy traffic use of this road; and
- for a variety of building heights and forms, with higher parts of the development located along Lachlan Street and the future Gadigal Avenue, and lower parts of the development located along the smaller Tung Hop Street.

3. General Provisions

Development Control	Compliance	Comment
3.1 Public Domain Elements	Yes	The proposed development will make a positive contribution to the public domain.
3.2 Defining the Public Domain	Yes	<p>The proposed development does not overshadow publicly accessible open space nor impede views from the public domain to highly utilised public places, parks, heritage buildings and monuments.</p> <p>Commercial/retail premises are proposed at ground level along Lachlan Street and Gadigal Avenue and will provide appropriate address and active frontage to the streets.</p> <p>Overall the proposed development is considered to result in a desirable level of street activation and a positive relationship with the public domain.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.3 Design Excellence and Competitive Design Processes	N/A	<p>The proposed development has not been subject to a design competition.</p> <p>As discussed above, the proposed development triggers Clause 6.21(5)(b) of the Sydney LEP 2012, which requires developments to undergo a competitive design process if such developments have capital values of over \$100 million. However, the applicant has requested that the competitive design process be waived. It is considered that a competitive design process is unreasonable and unnecessary in the circumstances. This matter is further discussed in the Issues section.</p>
3.4 Hierarchy of Centres, City South	Yes	<p>The proposal includes 1,262m² of retail/commercial premises. However, this amount of commercial space is spread across seven separate tenancies, with each tenancy having less than 1,000m² of space.</p> <p>The proposed amount of commercial space will not have a negative impact on the viability and economic role of the Green Square Town Centre.</p>
3.5 Urban Ecology	Yes	<p>The proposed development does not involve the removal of any mature trees and will not adversely impact on the local urban ecology.</p> <p>It is noted that extensive tree planting is proposed across the site, including mature trees and green roofs.</p>
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	<p>The site is identified as being on flood prone land.</p> <p>The flood modelling submitted with this application has been reviewed by Council's Public Domain Unit and it is considered that additional drainage proposed will adequately manage flooding subject to conditions.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	This application does not propose subdivision of the site.
3.9 Heritage	Yes	<p>The site does not contain a heritage item and is not located in a heritage conservation area. The site is not in the vicinity of a heritage item. However, an inter-war substation located at 23 Lachlan Street, adjacent to the site, is identified as a draft heritage item under Council's Industrial and Warehouse Buildings Study. This study has been endorsed by Council and has been exhibited. Further, the site contains industrial buildings that are over 50 years old.</p> <p>See below for further discussion of this.</p> <p>The proposal is considered acceptable from a heritage perspective.</p>
3.10 Significant Architectural Building Types	Yes	<p>The site contains industrial buildings over 50 years old.</p> <p>However, the existing buildings are not classified as heritage items or draft heritage items and their demolition is considered acceptable in the circumstances.</p> <p>The proposal was referred to Council's Heritage Specialist, who advised that there was no objection to the demolition of existing industrial buildings on the site. Conditions are recommended to ensure that archival recordings are made of the existing buildings and an archaeological assessment be conducted on the site.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.11 Transport and Parking	Yes	Appropriate conditions are recommended in relation to the provision of car parking spaces (including spaces for service vehicles and car share vehicles), motorcycle parking spaces and bicycle storage on the ground level and within the basement levels of the proposed development.
3.12 Accessible Design	Able to comply	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	A CPTED report has been submitted as part of the application. The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Able to comply	Waste collection will occur from the garbage rooms in Basement 01 Upper Level adjacent to the loading dock. Smaller garbage rooms have been located adjacent to each lift core within the ground and basement levels. 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												
4.2.3 Amenity	Acceptable	<p>The proposal generally provides acceptable standards of amenity, as discussed in the SEPP 65 discussion above.</p> <p><u>Flexible housing and dwelling mix</u></p> <p>Developments that propose more than 20 dwellings are required to provide the following percentage mix:</p> <table> <tr> <td>Studio and 1 bed</td> <td>15-40%</td> </tr> <tr> <td>2 bed</td> <td>40-75%</td> </tr> <tr> <td>3 bed</td> <td>10-100%</td> </tr> </table> <p>The proposed development has the following dwelling mix:</p> <table> <tr> <td>Studio and 1 bed</td> <td>105 (46%)</td> </tr> <tr> <td>2 bed</td> <td>107 (47%)</td> </tr> <tr> <td>3 bed</td> <td>15 (7%)</td> </tr> </table> <p>The non-compliance in the unit mix is minor and considered acceptable in this instance, with a variety of different unit types and sizes provided through the proposed development.</p>	Studio and 1 bed	15-40%	2 bed	40-75%	3 bed	10-100%	Studio and 1 bed	105 (46%)	2 bed	107 (47%)	3 bed	15 (7%)
Studio and 1 bed	15-40%													
2 bed	40-75%													
3 bed	10-100%													
Studio and 1 bed	105 (46%)													
2 bed	107 (47%)													
3 bed	15 (7%)													

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
<p>4.2.4 Fine grain, architectural diversity and articulation</p> <p>(1) the maximum street frontage length of an individual building is:-</p> <p>65m on streets with a width greater than or equal to 18m wide; and 40m on streets with a width less than 18m wide</p>	Partial	<p>The proposal complies with the maximum street frontage widths except for:</p> <p>(i) Buildings 1 and 2 create a continuous 76m wide street frontage along Lachlan Street (which has a width of over 18m). This non-compliance is acceptable in this instance as the Lachlan Street facade is articulated into smaller elements with different grain and scale. The component of the building at intersection of Lachlan Street and Gadigal Avenue presents as an eight storey tower, whilst the majority of the frontage is only six to seven storeys in height. Parts of the frontage have double storied commercial tenancies at the ground level and set backs of varying depths on the upper levels.</p> <p>(ii) Building 3 has a 42m frontage to the new Gadigal Avenue, which is less than 18m wide. This is considered acceptable in this instance as the non-compliance is minor and the proposed street frontage width is consistent with the building layout development control in Part 5 of the DCP (see below) and is well articulated.</p> <p>(iii) Building 5 has a 48m frontage to Tung Hop Street and a 42m frontage to Lachlan Plan North. Both frontages are considered acceptable in this instance as the proposed street frontage widths are consistent with the building layout development controls in Part 5 of the DCP (see below), these frontages are well articulated, and the subject building is relatively low-scale in the area at part four and part five storeys in height.</p>

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.5 Types of development	Yes	<p><u>Courtyard buildings and perimeter street block buildings</u></p> <p>The northern portion of the proposed development is configured around an elevated landscape podium.</p> <p>This northern portion is broken into components that allow visual permeability into the central landscaped podium from the public domain.</p> <p><u>Development on busy roads and active frontages</u></p> <p>Lachlan Street is a busy road and is estimated to carry more than 20,000 vehicles a day.</p> <p>The proposed development has been designed so that the Lachlan Street frontage has non-residential uses on the ground floor with an internal depth of at least 10m and with defensive architectural elements including solid masonry lower levels, retractable privacy screens, and a secondary street setback on the upper levels. The residential apartments fronting Lachlan Street will also be acoustically treated.</p>
4.2.6 Waste minimisation	Yes	<p>Each dwelling has adequate space to manage waste and a waste chute is provided on each level of every building.</p> <p>Each building has residential garbage rooms where waste can be stored temporarily, before being moved to the larger garbage room located adjacent to the loading dock.</p> <p>The residential and retail waste facilities are separate.</p>

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.7 Heating and Cooling Infrastructure	Yes	Air conditioning equipment is consolidated on the roofs of the buildings. A condition requiring full details of the location, screening and impact of the units on the rooftop is recommended.
4.2.8 Letterboxes	Yes	The application includes individual letterboxes located at street level adjacent to the buildings main entrance lobbies. Council's standard letterbox condition is recommended.

5. Specific areas: <i>Green Square</i>		
Development Control	Compliance	Comment
5.2.1 Green Square Urban Strategy 5.2.2 Objectives for Green Square	Yes	The proposal is considered to satisfy the relevant objectives and is consistent with the planning strategy envisaged for the area in that it contributes to the housing stock and includes buildings types and forms appropriate in the streetscape.

5. Specific areas: Green Square		
Development Control	Compliance	Comment
5.2.3 Community Infrastructure	Yes	<p>The application seeks consent for the maximum gross floor area (GFA) permitted under Clauses 6.12 and 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.</p> <p>A voluntary planning agreement (VPA) has been negotiated and is currently on public exhibition. This agreement includes the provision of new streets which satisfies the community infrastructure provisions. This enables the site to benefit from the maximum GFA achievable under Clauses 6.12 and 6.14 of the Sydney LEP 2012.</p> <p>Refer to Issues section for discussion.</p>
5.2.4 Local Infrastructure	Yes	<p>New streets will be provided in the locations identified in the DCP and form part of the public domain works set out in Development Application D/2015/782. It is recommended that this public domain development application be approved prior to the determination of this application.</p>
5.2.5 Pedestrian and bike networks	Yes	<p><u>Through-site links</u></p> <p>The site is not identified on the Sydney DCP 2012 through-site links map, and the road network, as modified by Development Application D/2015/782, is considered to provide an appropriate level of access through the site.</p>
5.2.6 Public open space	Yes	<p>A proposed public park (Dyuralya Square) is subject to separate development approval.</p>
5.2.7 Stormwater management and waterways	Yes	<p>The proposal is able to achieve water sensitive urban design principles.</p> <p>The site is not identified for a water channel.</p>

5. Specific areas: Green Square		
Development Control	Compliance	Comment
5.2.8 Highly visible sites	Yes	The site is not identified as a highly visible site.
5.2.9 Building design	Yes	<p>The proposal complies with the building design controls as follows:</p> <ul style="list-style-type: none"> • The proposed buildings are aligned to the street to define and frame the street edge, activate and provide clear delineation between the public and provide domain. • The proposed buildings will not affect significant views to the City skyline from surrounding residences. • The proposed development includes the provision of new plantings and landscaping to maximise pedestrian amenity. • The building facade utilises a variety of finishes to provide variety and articulation. • Multiple entries are provided along street frontages to maximise passive surveillance.
<p>5.2.10 Setbacks</p> <p>The Sydney DCP 2012 requires buildings to be set back from new streets by 1m to provide a landscape setback, unless the frontage is nominated active frontage on the Active frontages map.</p>	Yes	<p>In this instance the building locations are dictated by the building layout development controls in Part 5 of this DCP.</p> <p>The proposed development is set back from Tung Hop Street and Lachlan Place North by more than 1m and provide a landscaped setback. The active frontages proposed along Lachlan Street and Gadigal Avenue are built to the boundary line.</p>
5.2.11 Carparks under the public domain	Yes	The application does not propose a car park under a street or lane.

5. Specific areas: <i>Green Square</i>		
Development Control	Compliance	Comment
5.2.12 Above ground parking spaces and adaptable car parking spaces	Yes	<p>The application proposes 14 car parking spaces and a service vehicle space above ground and below the landscaped podium.</p> <p>The proposed above ground car parking is considered acceptable as it is screened from the street frontages, is in an area where the water table is high, and comprises only 6.7% of total proposed car parking spaces.</p>

5. Specific areas: <i>Green Square – Lachlan</i>		
Development Control	Compliance	Comment
5.4.1 Lachlan urban strategy	Yes	<p>The amended proposal generally complies with the relevant provisions of this strategy.</p> <p>The proposed development provides acceptable wall heights along Lachlan Street, Gadigal Avenue and Tung Hop Street, and non-residential ground floor uses along Lachlan Street and Gadigal Avenue.</p>
5.4.2 Local infrastructure and public domain	Yes	As discussed, Development Application D/2015/782 deals with proposed local infrastructure and public domain works associated with the development. This is further discussed in the Issues section.

5. Specific areas: Green Square – Lachlan		
Development Control	Compliance	Comment
5.4.3.2 Height of buildings	Acceptable	<p>This provision specifies that Buildings 1, 2 and 3 be seven storeys in height.</p> <p>The proposed building heights are generally in accordance with this development control.</p> <p>The exception is a component of Building 2 at intersection of Lachlan Street and Gadigal Avenue which presents as an eight storey tower.</p> <p>This non-compliance of a single storey is acceptable in this instance as the building still is within the height in metres development standard, is well integrated into the design of the development and provides a strong articulated design statement to the prominent intersection corner.</p>
5.4.3.3 Building form and design	Acceptable	<p>As discussed above, there are minor variations in the building form development controls which are considered acceptable in this instance.</p> <p>The development within street blocks are articulated well and has variations in size, height and architectural expression. The facades employ a variety of materials and the proposed development does not appear as a singular monotonous design.</p> <p>Buildings include varying setbacks from the streets to provide distinct building components.</p>
5.4.3.4 Building setbacks	Acceptable	<p>The propose development has appropriate setbacks to the public domain/street site boundaries which increases in depth on the upper levels along Lachlan Street and Gadigal Avenue.</p> <p>The intersections of Gadigal Avenue with Tung Hop and Lachlan Streets are chamfered to ensure adequate sight lines.</p>

5. Specific areas: <i>Green Square – Lachlan</i>		
Development Control	Compliance	Comment
5.4.3.5 Building typologies and use	Acceptable	The proposed development has ground level commercial uses along Lachlan Street and Gadigal Avenue with sufficient depth and room for general back of house activities. The Lachlan Street commercial tenancies are double-storey and over 8m in height.
5.4.3.6 Typical ground floor condition of residential flat buildings	Acceptable	The proposed ground level residential uses along Tung Hop Street and Lachlan Plan North have a primary building setback of at least 1.5m, a 4m setback to the glass line enclosing the internal space on the first and ground levels, and at least 2m wide deep soil landscape setback. Each ground level dwelling has direct access from the street.
5.4.3.9 Parking and access	Acceptable	The proposed development incorporates a consolidated vehicular access point via Tung Hop Street with a communal basement.

ISSUES

Waiving of Competitive Design Process

60. The proposed development triggers the competitive design process requirement under Clause 6.21(5)(b) of the Sydney LEP 2012 as the proposal has a capital value of over \$100 million.
61. The Applicant has made a written request for the competitive design process be waived.
62. Having considered the following:
 - (a) the capital value trigger is \$100 million and the proposal exceeds this value by approximately \$1.2 million. The proposed variation to this threshold is comparatively minimal; and
 - (b) the proposal comprises the construction of six buildings and not one single building. The cost of works involved in the construction of each building is well under \$100 million. Had the Applicant lodged separate development applications for each building, the requirement for a competitive design process would not be triggered,

63. It is considered that a competitive design process is unreasonable and unnecessary in the circumstances. It is recommended that a competitive design process be waived in this instance.

Separate Development Application for Associated Public Domain Works

64. On 10 June 2015, Development Application D/2015/782 was lodged seeking approval for public domain roadworks at 13-17 Lachlan Street, 2-4 Bruce Street and 7-19 Amelia Street, Waterloo (see Figure 19 below).

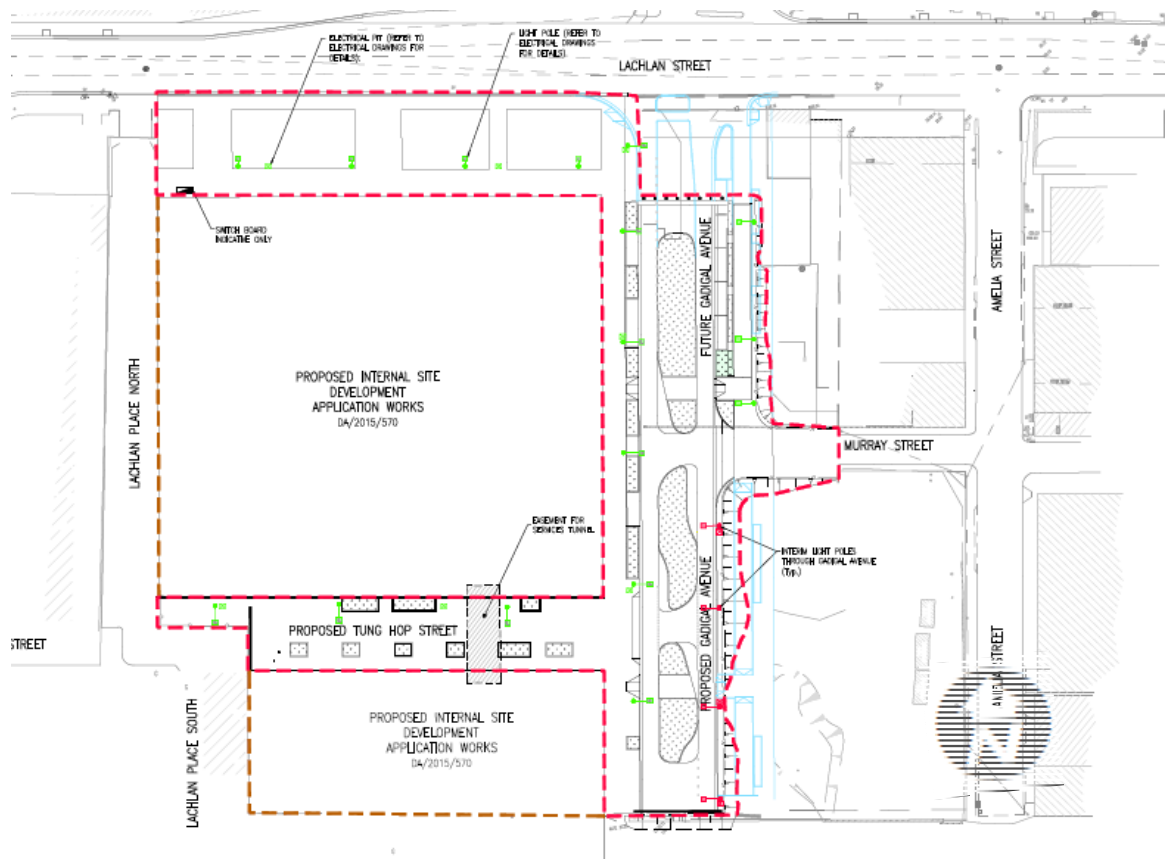


Figure 19: Development Application D/2015/782 proposed works within red border

65. The proposed public domain roadworks include:
- construction of a new portion of Tung Hop Street between the future Gadigal Avenue and the future Lachlan Place;
 - construction of a new portion of Gadigal Avenue between Lachlan Street and Archibald Avenue; and
 - modification of a portion of RMS road dedicated setback on Lachlan Street between Gadigal Avenue and Lachlan Place.
66. The application also includes the provision of associated infrastructure including landscaping, drainage, footpaths and street lighting.
67. Development Application D/2015/782 is, at the time of finalising of this report, still under assessment. It is expected to be determined under delegation of Council.

68. Since the public domain roadworks are required for the Applicant to access the site in order to do works associated with the subject development application, it is recommended the subject development application not be determined until Development Application No. D/2015/782 is approved and the Central Sydney Planning Committee delegate authority to determine the subject development application to the Chief Executive Officer.

Community Infrastructure – Public Benefit Offer and VPA

69. The development application seeks consent for the maximum amount of GFA permitted under Clauses 6.12 and 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.
70. A public benefit offer has been submitted in association with the application for a total package of works and land dedication.
71. The total package value was calculated on the basis of the additional 0.5:1 floor space amount and the adopted residential and non-residential rates. It is noted that residential floor space generates a greater need for infrastructure and services and therefore attracts a higher rate than commercial floor space.
72. A draft VPA has been negotiated on the basis of the above public benefit offer and is currently on public exhibition. This enables the site to benefit from the maximum GFA achievable under Clause 6.14 of the Sydney LEP 2012.
73. A deferred commencement condition is recommended requiring that a planning agreement in accordance with the draft VPA that has been publically exhibited is entered into within 24 months of any deferred commencement consent approval.

Solar Access

74. Under the RFDC rule of thumb on solar access, 70% of all residential apartments in a proposed development in dense urban areas are required to receive 2 hours of direct sunlight in midwinter to living rooms and private open spaces.
75. The proposed development does not comply with the above rule of thumb as 54.9% of residential apartments receive solar access for at least 2 hours to their living areas between 9.00am and 3.00pm.
76. This figure increases to 64.6% of all residential apartments if the time of analysis is extended to between 8.00am and 4.00pm on the winter solstice. For private open spaces, only 63.6% of all residential apartments during the extended period between 8.00am and 4.00pm receive 2 hours of solar access on the same day.
77. Solar access to the proposed development will be detrimentally impacted by existing development north of Lachlan Street (this development is 17 storeys in height at the corner of Lachlan Street and Gadigal Avenue) throughout the day and existing development west of Lachlan Place North (the Alpha G mixed use development is seven storeys in height) during the afternoon on the winter solstice (see Figure 20 below).

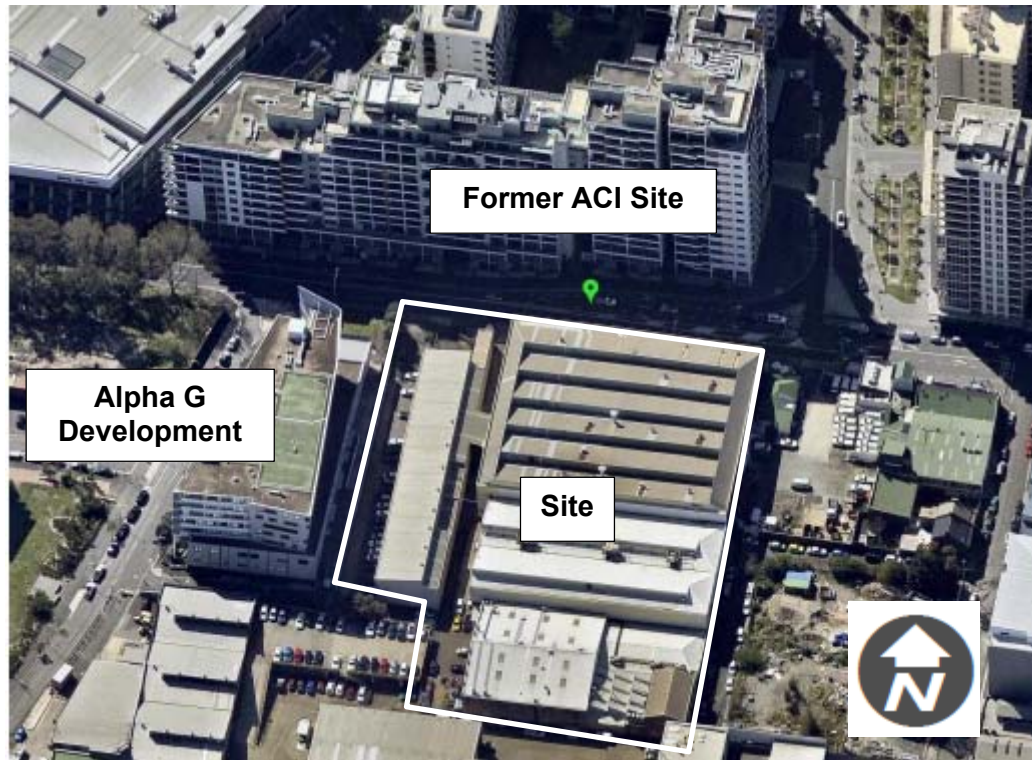


Figure 20: Overshadowing caused by adjoining developments to the north and west

78. As a result of these adjacent developments, 25 residential apartments which would otherwise receive at least 2 hours solar access between 9.00am and 3.00pm on the winter solstice will not do so. For example, Figure 21 below indicates solar compliance of residential apartments on Level 3 of the proposed development. The compliant residential apartments are coloured in orange. This figure demonstrates that 10 residential apartments with northerly or westerly frontages will not achieve the minimum 2 hour requirement.

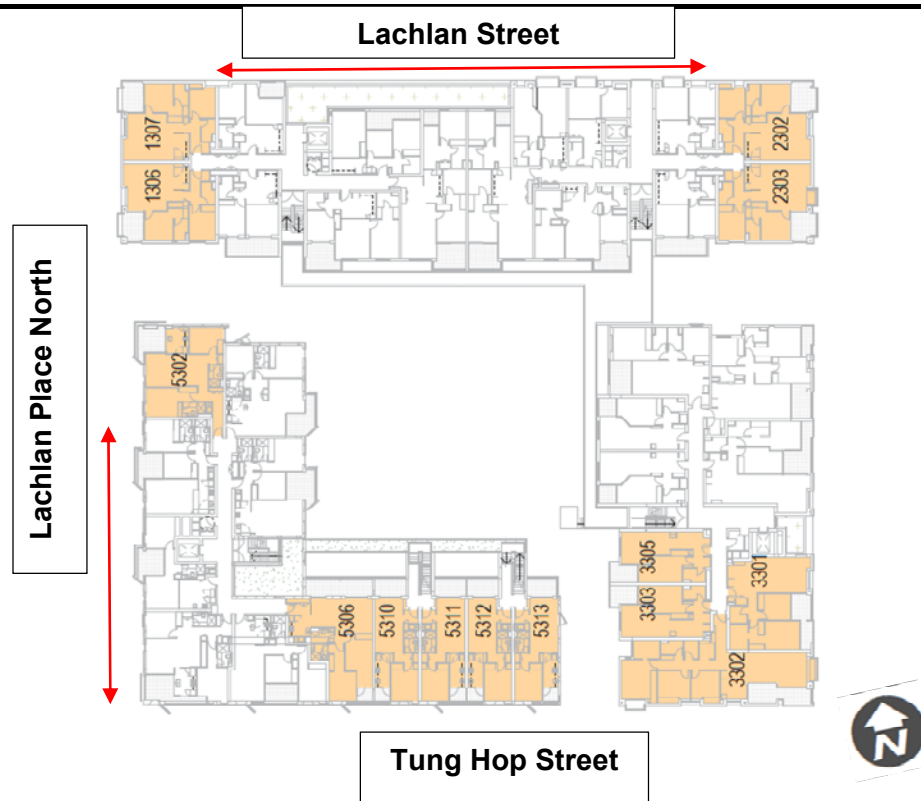


Figure 21: Residential apartments along western and northern frontages (see red arrows) on Level 3 fail to receive 2 hours solar access due to adjacent development

79. Given the site's location and the context of the surrounding development, and considering that the proposed development aligns with the built form development controls of the Sydney DCP 2012, it is considered that the variation in the solar access rule of thumb of the RFDC in this instance is acceptable.

Building Separation and Residential Amenity

80. The distance between the eastern end of Building 5 and the western end of Building 3 is approximately 6 metres on Levels 2 to 4. Under the RFDC rule of thumb, there should be 12 metres between these two buildings. This non-compliance is considered acceptable in this instance as any resultant negative amenity impacts can be minimised. Appropriate design measures are proposed and the balconies attached to residential apartments in Buildings 2 and 3 are aligned so that occupants will not directly view each other and the balcony balustrades will be semi-solid to ameliorate overlooking.

Further, (including offset and high level window openings, orientation of the apartments so that apartments in adjacent buildings do not look out directly into each other's primary habitable rooms or balconies, and privacy screening) to reduce potential amenity impacts.

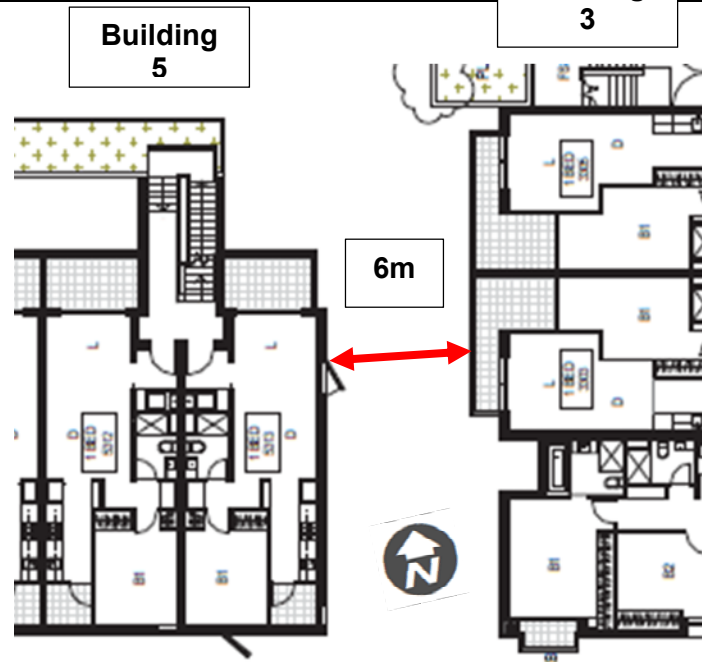


Figure 22: Separation distance between Buildings 5 (left) and 3 (right) on Level 3

81. The separation distance between the southern end of Building 2 and the northern end of Building 3 is approximately 6 metres on Levels 2 to 7 (see Figure 23 below). Under the RFDC rule of thumb, there should be 12 metres between these two buildings. This non-compliance is considered acceptable in this instance as any resultant negative amenity impacts can be minimised. The north-facing bedroom windows in the residential apartments in Building 3 (circled in red below) will have louvered privacy screens and the balcony balustrades attached to residential apartments in Buildings 2 and 3 will be semi-solid to ameliorate overlooking.

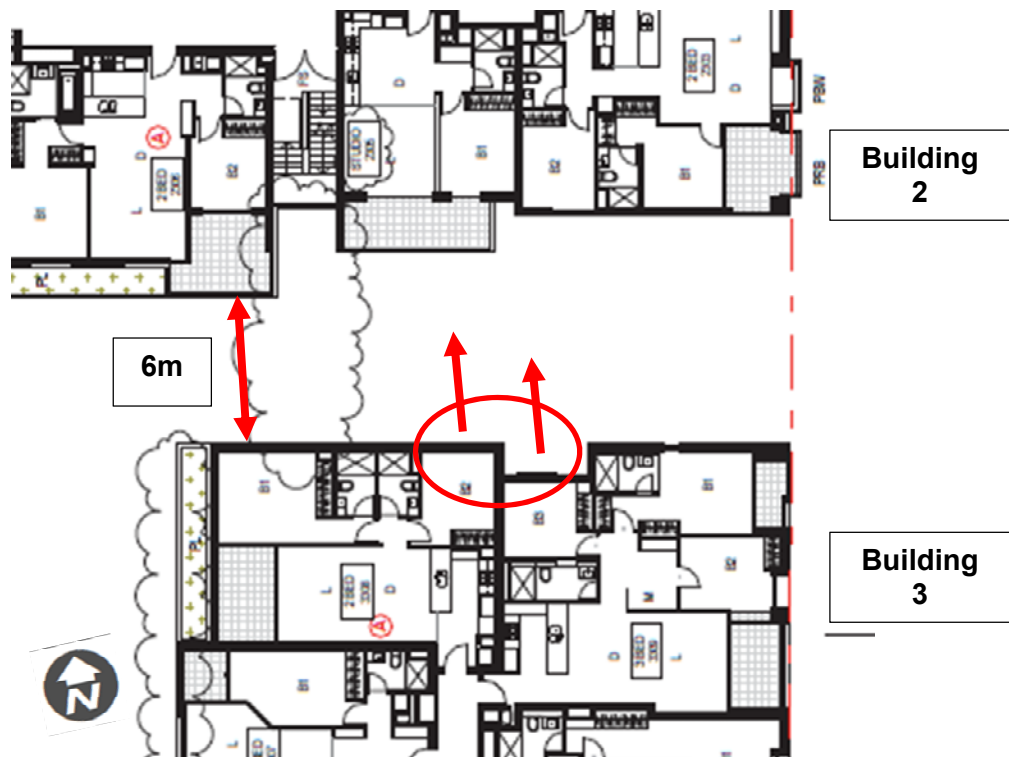


Figure 23: Separation distance between Buildings 2 (up) and 3 (down) on Level 3

82. The separation distance between the northern end of Building 6 and the southern end of Building 3 is approximately 16 metres for Levels 5 and 6. Under the RFDC rule of thumb, there should be 18 metres between these two buildings at these levels. This non-compliance is considered acceptable as the buildings are separated by the future Tung Hop Street, the buildings generally align with the site specific building form development controls in the Sydney DCP 2012 and appropriate privacy devices have been employed to reduce overlooking.

Access

83. Access for disabled persons can be provided to each building within the proposed development. A Building Code of Australia report addressing accessibility was submitted with the application and appropriate conditions have been included in the recommendation.

Other Impacts of the Development

84. The proposed development is capable of complying with the BCA.
85. 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

86. 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

87. The application was referred to, and discussed with, the following sections of Council:
- (a) Heritage and Urban Design Specialists;
 - (b) Building Services Unit;
 - (c) Environmental Health Specialists;
 - (d) Public Domain Unit;
 - (e) Safe City Unit;
 - (f) Specialist Surveyor;
 - (g) Transport and Access Unit;
 - (h) Tree Management Unit; and
 - (i) Waste Management Unit.
88. Where relevant, the conditions of other sections of Council have been included in the recommended conditions.

Design Advisory Panel (the Panel)

89. The proposed development was presented to the Panel on 10 November 2015, who advised that they were generally supportive of the proposal. However, the Panel noted and recommended the following:
- (a) the importance of reinforcing the continuation of consistent row of street trees along the frontage of the site
 - (b) compliance with SEPP 65;
 - (c) overhead planters connecting Buildings 1 and 5 and connecting Buildings 2 and 3 should be reconsidered;
 - (d) the air bridge between Buildings 6 and 7 is unacceptable and would not be needed if additional lifts were provided; and
 - (e) additional deep soil planting.
90. The advice of the Panel has been considered in the assessment of this application and is addressed as follows:
- (a) as mentioned earlier, the works associated with the public domain that fronts the proposed development are being dealt with under Development Application D/2015/782. The proposed public domain works provide for rows of street trees along Lachlan Street, Gadigal Avenue and Tung Hop Street;
 - (b) with the exception of solar access (discussed above), the proposed development performs well against the design principles of SEPP 65;
 - (c) the proposed development performs satisfactorily against the design guidelines and rules of thumb of the RFDC;
 - (d) difficult-to-maintain overhead planters have been minimised in the proposed development. Overhead planters covering the awning of the pedestrian walkway along Building 5 has been retained to provide visual interest and are relatively easy to maintain at only one floor above ground level. Green roofs (accessible for maintenance purposes only) have been incorporated on the roofs of Buildings 7 and 5, which will provide greater visual interest to occupants of higher floors and assistance to ameliorate the urban heat island effect;
 - (e) the proposed air bridge between Buildings 6 and 7 have been removed and an additional lift is now proposed to allow for direct lift access to Building 7 from the street level; and
 - (f) the proposed development provides approximately 700m² of deep soil zone, which comprises over 25% of the total communal open space area. This complies with the RFDC. A condition is recommended for the final landscape plan, including proposed deep soil tree plantings, be submitted and approved by Council's Area Planning Manager prior to the relevant construction certificate.

EXTERNAL REFERRALS**Ausgrid**

91. The application was referred to Ausgrid. Ausgrid identified an existing substation and assets within and adjacent to the site that would be affected by the proposal and that a subsequent application to Ausgrid will be required directly from the applicant.
92. Given the scale of the proposed development, a substation is proposed to be accommodated within the site, in the northwest corner of Building 1, fronting Lachlan Street. That said, it is recommended that the standard Electricity Substation condition be incorporated into any consent.

NSW Department of Primary Industries – Water (DPI Water)

93. The proposal requires temporary dewatering of the site for the purposes of construction. Accordingly, the application was referred to DPI Water on 14 May 2015.
94. A request for additional information was received from DPI Water on 18 June 2015. The requested further information was provided to DPI Water on 24 July 2015.
95. On 11 August 2015, DPI Water advised that an authorisation for the take of groundwater as part of the proposed dewatering and remediation of the site is required and provided Indicative General Terms of Approval, which are set out in Schedule 3 of the recommended conditions.

Sydney Water

96. The proposal was referred to Sydney Water. Sydney Water responded on 29 May 2015 with no objection to the proposed development.

Roads and Maritime Services (RMS)

97. As discussed above under SEPP Infrastructure, the application was referred to RMS. Comments were received from RMS on 16 June 2015. RMS raises no objection to the proposed development and has provided conditions, which are set out in Schedule 1D of the recommended conditions.

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

98. The application constitutes integrated development and as such the application was notified and advertised for 30 days in accordance with the provisions of Environmental Planning and Assessment Regulations 2000. As a result of this three submission(s) were received. The following issues were raised in the submissions:
 - (a) There is insufficient car parking onsite and the proposal will further impact on the shortage of on-street parking in the area.

Response - The site is close to existing public transport and a future public transport corridor. The application is considered to provide a sufficient level of onsite car parking and the proposal complies with the onsite parking provisions of the Sydney LEP 2012.

- (b) There will be excessive noise and pollution during demolition and construction.

Response - The application was referred to Council's Environmental Health Specialist in the Health and Building Unit, who considered the proposed development acceptable subject to standard conditions of construction that deal with the management of construction noise, vibration and dust.

- (c) The proposal will substantially increase congestion and traffic in the area.

Response - The application was referred to the Transport and Access Unit who considered the proposal acceptable subject to conditions. Council's Transport and Access Unit is of the opinion that the proposed development will not generate unreasonable levels of traffic.

The proposal is accompanied with a public benefit offer seeking to improve the community infrastructure within the Green Square area. This shall assist to ensure that existing roads are upgraded and new roads are built in the Green Square area.

RMS have indicated that they propose to widen Lachlan Street in the near future to accommodate great traffic levels in the area.

- (d) There is excessive population density in the area. The proposal will add to this.

Response - The area is identified for urban renewal and the density of the proposed development is considered appropriate. The proposal will contribute substantially to the supply of new housing in the local government area and the revitalisation of the Green Square precinct – key objectives of SEPP 32 and Sustainable Sydney 2030.

- (e) The proposed development will overshadow neighbouring residential development.

Response - Residential development is located directly to the north and west of the site on the opposite side of Lachlan Street and the future Lachlan Place North.

The applicant submitted shadow diagrams for the proposed development for each hour during the winter solstice between 9.00am and 3.00pm.

The proposed development will not unreasonably overshadow neighbouring development.

- (f) The proposal will cause a depreciation of property prices in the area.

Response - A detrimental impact on the property prices in the area by the proposed development is unfounded and the value of surrounding property is not a planning consideration.

PUBLIC INTEREST

99. 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 Contribution**

100. The proposed development is subject to a Section 94 Contribution:

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$508,097.85
Public Domain	\$312,958.97
New Open Space	\$2,438,504.22
New Roads	\$619,311.29
Accessibility	\$25,686.51
Management	\$27,773.04
Total	\$3,932,331.89

101. The contribution is calculated based on a total of 227 new dwellings and 53 workers based on employee density for shops with a frontage to a street (1 employee per 22.3m² of shop space under the City of Sydney Section 94 2006 Plan Rates Sheet for the Southern Precinct). A credit of 106 workers has been applied for past uses of the site.
102. Pursuant to Section 93F (Planning Agreements) of the EP&A Act, Section 94 of this Act does not apply to the extent of the value of the material public benefit as provided for in the VPA.
103. The value of the material public benefit as provided for will be specified in the VPA, and as such, the applicable Section 94 contribution can be reduced to exclude the material public benefit.
104. For transparency reasons and future reference, it is recommended that the Section 94 condition be divided into the following two parts:
- total Section 94 contribution amount generated by the modified proposal: \$3,929,591.15; and
 - a statement that the Section 94 contributions payable as per (a) above may be offset in accordance with the terms of the VPA.

Affordable Housing Contribution – Green Square

105. The proposed development is subject to an affordable housing contribution in accordance with Clause 7.13 (Contribution for purpose of affordable housing) of the Sydney LEP 2012. The contribution is calculated based upon the following:
- \$68.66 per square metre of non-residential floor area (totalling 1,388m²); and
 - \$206.06 per square metre of residential floor area (totalling 21,854m²).

106. The total contribution required is \$4,598,535.32 (this will be indexed according to time of payment). The contribution is payable to the Department of Planning and Environment prior to issue of a Stage 1 Construction Certificate.

RELEVANT LEGISLATION

107. The Environmental Planning and Assessment Act 1979, Heritage Act 1977, and Water Management Act 2000.

CONCLUSION

108. The proposed development is generally consistent with the core development standards and zone objectives contained in the Sydney LEP 2012. The proposed development will provide ground level retail/commercial uses, new public domain setbacks and community infrastructure, and contributes 227 residential apartments to the housing stock required for the incoming population anticipated for the Green Square locality.
109. The proposed development has been suitably designed and represents a well resolved architectural design that adopts an appropriate form, scale and expression. The design provides active frontages to Lachlan Street to the north, the future Tung Hop, Lachlan Plan North and Gadigal Avenue South, and enhances the public domain.
110. The proposed development performs well against the amenity controls in the Sydney DCP 2012 and design principles in SEPP 65, given the site's location, the surrounding development context and its compliance with the site specific built form controls.
111. An acceptable level of internal residential amenity is afforded to future residents and the built form will not unreasonably preclude achievement of internal amenity to future redevelopment schemes on adjoining sites.
112. The proposed development seeks to maximise the permitted floor space but is well within the height of building limits of the site. The exception to the height in storeys control is assessed to be acceptable in the circumstances as the proposed development represents an appropriate outcome with increased amenity.
113. The development application was accompanied by a public benefit offer for construction of portions of three roads, footpath widening and for public land to be dedicated. A draft VPA, securing the provision of the material public benefit, has been placed on public exhibition.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Keith Ng, Specialist Planner)