

ITEM 5. STAGE 2 DEVELOPMENT APPLICATION: 25-55 ROTHSCHILD AVENUE AND 5-13 ROSEBERY AVENUE ROSEBERY**FILE NO:** D/2015/1901**DEVELOPMENT APPLICATION NO:** D/2015/1901**SUMMARY****Date of Submission:** 23 December 2015**Applicant:** Karimbla Constructions (NSW) Pty Ltd**Developer:** Meriton**Owner:** Karimbla Properties (No. 49) Pty Limited**Cost of Works:** \$262,369,426

Proposal Summary: A Stage 1 consent applies to the site which divides the total site into 4 developable areas. Each Phase has been allocated a portion of the total permissible Gross Floor Area (GFA) under a Design Excellence Strategy and works to be completed under a Voluntary Planning Agreement (VPA).

The subject application seeks consent for a Stage 2 detailed design allocation for Phase 1 and Phase 3 of the site for the construction of 6 buildings ranging in height from 5 to 7 storeys with 478 apartments and two child care centres.

The Applicant has amended the delineation of the two Phases and each phase individually no longer complies with the alignment of phases within the Stage 1 consent.

Notwithstanding the above, the overall development of Phase 1 and Phase 3 of the site comply with the total GFA allocated between the two phases and the sum total of VPA works for the two phases.

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

**Proposal Summary:
(continued)**

Several of the proposed buildings exceed the Sydney LEP 2012 height standards by up to a maximum of 3.62m or 14.7%. Building 1B includes an additional storey beyond that which was approved by the original Stage 1 consent. The Stage 1 consent was recently amended to accommodate the additional storey.

Notwithstanding this, the proposed heights are generally consistent with the approved Stage 1 DA consent which sets a master plan across the entire development site.

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

The proposal has been amended to address various issues including:

- Ground floor interface with the public domain;
- Architectural treatment and consistency with the competitive design alternatives process winning scheme;
- Plant and servicing – air conditioners have been removed from balconies;
- Improvements to apartment layouts, privacy and an increase in natural cross ventilation; and
- Improvements to the landscape design

The application was notified from 8 January 2016 to 8 February 2016. As a result of the notification two submissions were received raising the following matters:

- View loss;
- Poor building resolution to Crewe Place;
- Inconsistency with adjacent development setbacks;
- Suggestions for new bicycle routes; and
- Kerb alignments.

These matters have been considered and addressed within this report.

Summary Recommendation: The Central Sydney Planning Committee support the variations sought to Clause 4.3 Building Height in accordance with Clause 4.6 of the Sydney Local Environmental Plan 2012.

The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) State Environmental Planning Policy No 55 – Remediation of Land
- (ii) State Environmental Planning Policy 65 Design Quality of Residential Flat Development (SEPP 65)
- (iii) State Environmental Planning Policy (affordable Rental Housing) 2009
- (iv) State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- (v) State Environmental Planning Policy 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) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended) (“Sydney LEP 2012”)
- (viii) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended) (“Sydney DCP 2012”)

Developer Contributions

- (ix) City of Sydney Development Contribution Plan 2006

Attachments:

- A - Architectural Plans
- B - Stage 1 Amended Envelopes
- C - Competitive Process Winning Scheme

RECOMMENDATION

It is resolved that:

- (A) the variation sought to Clause 4.3 building height in accordance with Clause 4.6 of the Sydney Local Environmental Plan 2012 be supported; and
- (B) development consent be granted to Development Application No. D/2015/1901, subject to the following conditions:

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/1901 dated 23 December 2015 and the following drawings:

Drawing Number	Architect	Date
DA0000	SJB	16.05.2015
DA0100	SJB	16.05.2015
DA0199	SJB	16.05.2015
DA0200	SJB	17.05.2016
DA0201	SJB	16.05.2015
DA0202	SJB	16.05.2015
DA0203	SJB	16.05.2015
DA0204	SJB	16.05.2015
DA0205	SJB	16.05.2015
DA0206	SJB	16.05.2015
DA0207	SJB	16.05.2015
DA0501	SJB	16.05.2015
DA0502	SJB	16.05.2015

Drawing Number	Architect	Date
DA0503	SJB	16.05.2015
DA0504	SJB	06.05.2015
DA0601	SJB	06.05.2015
DA602	SJB	06.05.2015
DA0621	SJB	06.05.2015
L-101 Rev F	Context	13.05.2016
L-102 Rev E	Context	06.05.2016
DA A101 A	Tribe	30 November 2015
DA A200 D	Tribe	30 November 2015
DA A201 D	Tribe	30 November 2015
DA A203 D	Tribe	30 November 2015
DA A204 D	Tribe	30 November 2015
DA A205 D	Tribe	30 November 2015
DA A206 D	Tribe	30 November 2015
DA A207 D	Tribe	30 November 2015
DA A208 D	Tribe	30 November 2015
DA A300 D	Tribe	30 November 2015
DA A301 D	Tribe	30 November 2015
DA A302 D	Tribe	30 November 2015
DA A303 D	Tribe	30 November 2015
DA A304 D	Tribe	30 November 2015
DA A305 D	Tribe	30 November 2015
DA A400 D	Tribe	30 November 2015

and as amended by the conditions of this consent.

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

(2) GREEN LINK

No approval is granted by this consent for any works within the 'Green Link' adjacent to building 1B within Phase 1. No entry to apartments or lobbies are to rely on stairs or other obstructions being located within the future Green Link for access.

Prior to the issue of any construction certificate for any works granted by this consent a detailed plan demonstrating how the levels between the Green Link and building 1B will operate. Note that it may be necessary to change the access to and use of the ground floor units facing the Green Link to accommodate change in levels.

The detailed plans are to be submitted to and approved by the Area Planning Manager prior to the issue of any construction certificate for any works approved by this consent.

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

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

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$1,169,776.40
Public Domain	\$720,514.80
New Open Space	\$5,614,085.34
New Roads	\$1,425,819.32
Accessibility	\$59,137.18
Management	\$63,940.94
Total	\$9,053,273.98

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

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

where:

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

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

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

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

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

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

In accordance with Clause 7.13 of *Sydney Local Environmental Plan 2012* and prior to a Construction Certificate being issued, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Planning or a bank guarantee in favour of The Department of Planning to the value of the required contribution has been lodged. The contribution is \$10,315,221.00 based on the in lieu monetary contribution rate for non-residential development at \$58.04 per square metre of total non-residential floor area 1,115.30sqm, and for residential development at \$174.19 per square metre of total residential floor area 58,846.60sqm. 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 (\$)).

(5) BUILDING HEIGHT

(a) The height of each separate building must not exceed the following:

Stage 2 DA Building No.	RL to plant	RL to roof top
1A 7 storeys 5 storeys	46.08	43.28 36.98
1B 6 storeys 4 storeys	42.87	40.05 33.65
3A 6 storeys 5 storeys	42.68	39.88 36.68
3B 7 storeys 5 storeys	44.80	42.10 35.80
3C 6 storeys 5 storeys	44.10	41.30 38.10
3D 6 storeys 5 storeys	45.00	42.20 39.00
3E (terraces)		28.55
3F (terraces)		28.55
3G (terraces)		28.15

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

(6) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the child care centre use must not exceed 958sqm and for the residential use must not exceed 49618sqm; calculated in accordance with the Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR the total Gross Floor Area is 50,576sqm for Phase 1 and Phase 3 combined.
- (b) Prior to any Occupation Certificate being issued for each phase, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(7) DESIGN QUALITY EXCELLENCE

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

(8) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The residential accommodation portion of the buildings 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 from residential use as defined in the Sydney Local Environmental Plan 2012. The covenant is to be registered on title prior to any Occupation Certificate for each phase 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.

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

The following conditions apply to car parking:

- (a) The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used other than by an occupant, tenant or resident of the subject building.
- (b) Prior to any Occupation Certificate for each phase 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.

(10) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by SJB dated 24 November 2014.

(11) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the planning agreement between the Council of the City of Sydney and Karimbla Properties (No. 49) Pty Ltd executed 1 March 2016 are to be complies with.

(12) USE OF COMMON AREAS AND FACILITIES

The common open space, music practice room/community room and basement gym / pool areas must be available for the use of all residents of the buildings, and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

(13) CHILD CARE CENTRES

No approval is granted by this consent for the fitout or individual use of each child care centre. A separate development application is to be lodged for the fitout and specific use of each child care centre including the following:

- (a) Centre specific managements plans;
- (b) Acoustic attenuation;
- (c) Detailed design;
- (d) Specific child care placement numbers. The total number of children at each centre at any one time must not exceed 90 per day, with a minimum of 33% of the total number of children being 0-2 year olds.

The total number and age break down is subject to approval by the Department of Education and Communities (DEC).

(14) PUBLIC ART

Prior to the issue of any construction certificate for above ground works for each phase, a detailed public art strategy is to be submitted to and approved by the City of Sydney Public Art Coordinator. The strategy is to detail the location and design of the proposed public art within Phase 1 and Phase 3. Installation of the art work must be completed to Council's satisfaction prior to the issue of any Occupation Certificate for the appropriate phase.

(15) FENCING AND ACCESS RAMPS AT GROUND FLOOR LEVEL

Prior to the issue of any construction certificate for above ground works within each phase, detailed elevations and plans are to be provided of the ground floor fencing, balustrades and ramps for the perimeter buildings. The plans are to be submitted to and approved by the Area Planning Manger demonstrating that the design, detailing and materials exhibit design excellence.

(16) MUSIC ROOM / COMMUNAL ROOM

Prior to the issue of any construction certificate for above ground works for Phase 3, a detailed design of the ground floor music room / communal room is to be submitted to and approved by the Area Planning Manager. The plans are to demonstrate how the room has been integrated into the overall design of the development and how the design exhibits design excellence.

(17) RESIDENTIAL AMENITY

The following design amendments are required to improve the amenity of apartments that are currently compromised use to internal windows within circulation space or apartments with windows in close proximity to banks of air conditioner units:

- (a) No residential apartment windows for habitable rooms are to be located within walkways, lobbies, common circulation space or internal corridors at the ground floor level. Specifically windows in apartments: 3A0.04, 3A0.05, 1A0.06, 1B0.05, 1B0.07, 1B0.08, 1B0.09, 1B0.13 and 1B0.14 are to be removed.
- (b) The following apartments are to be reconfigured to remove study windows in close proximity to banks to air conditioner units, 1A 1.08, 1B 1.09, 1A 2.08, 1B 2.09, 1A 3.08, 1B 3.09, 1A 4.08, 1B 4.06, 1A 5.07, 1B 5.06 and 1A6.07.

Amended plans are to be submitted to and approved by the Area Planning Manager prior to the issue of a construction certificate for above ground works for each phase with the above amendments.

(18) 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.

(19) AWNING MAINTENANCE

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

(20) 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 buildings.

(21) SWINGING DOORS OVER PUBLIC WAY

Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.

(22) 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.

(23) SIGNS/GOODS IN THE PUBLIC WAY

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

(24) ASSOCIATED ROADWAY COSTS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

(25) 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 **1/12/2015**, ref **20141052.3**, titled **25-55 Rothschild Avenue and 5-13 Rosebery Avenue, Rosebery Phase 1&3 Development Application Acoustic Report**, Council Ref **Exhibition Document 2015/683798 annexure 10 - acoustic report 8/12/2015 at 10:16 AM** 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 any Construction Certificate for each phase, 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 7 - The consultant has provided rating background noise levels to be in accordance with the NSW EPA and City of Sydney requirements. As the consultant advises that the proposal can comply with the planning noise performance limits determined on the basis of this information, the City reserves its rights under the Environmental Planning and Assessment Act 1979 to assess operational requirements against these levels, i.e Table 8 of the Report.
- (c) Prior to the issue of any Occupation Certificate for each phase, a suitably qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the South Area Planning Manager 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.

(26) 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.

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

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

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

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

- (a) Identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement ($L_{A90, 15 \text{ minute}}$) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.

- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

(28) ALLOCATION FOR CAR WASH BAYS

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

(29) ALLOCATION FOR VISITOR PARKING

Visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building visitors.

All spaces must be clearly marked 'visitor' prior to the issue of an occupation certificate or the use commencing, whichever is earlier. All signs must be maintained in good order at all times.

(30) 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.

(31) ALLOCATION OF PARKING

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

Car Parking Type	Phase 1	Phase 3	Total Number
Residential spaces	141	211	352
Accessible residential spaces	29	46	75
Residential visitor spaces	17	24	41
Accessible residential visitor spaces	1	1	2
Child care parking (staff)	4	4	8
Car share parking	2	3	5
Motorcycle parking	4	6	10
Car wash bay	1	1	2
Child care drop off and pick up	9	8	17
Child care long term visitor parking	1	1	2
Service vehicle spaces	2	3	5
Medium Rigid Vehicle loading dock(s) – can accommodate a Council Waste vehicle	1	1	2

Notes:

Number of motorcycle spaces are standard car spaces. Alternatively the proponent may provide motorcycle spaces (dimensions of 1.2mx2.5m per Australian Standards). In this case 15 motorcycle spaces are required for Phase 1 and 22 motorcycle spaces are required for Phase 2.

(32) ASSOCIATED ROADWAY COSTS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

(33) BICYCLE PARKING AND END OF TRIP FACILITIES

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

Bicycle Parking Type	Phase 1	Phase 3	Total Number	Requirements
Residential	110	123	233	Spaces must be a Class 1 or Class 2 bicycle facilities [ii]
Residential	130	240	370	Spaces must be Class 2 bicycle facilities
Residential visitor	20	30	50	Spaces must be Class 3 bicycle rails
Non-residential (Staff)	3	3	6	Spaces must be Class 2 bicycle facilities
Non-residential visitor	3	3	6	Spaces must be Class 3 bicycle rails
End of Trip Facility Type			Number	
Showers with change area	1	1	2	
Personal lockers	6	6	12	

Notes:

- (i) *Australian Standard AS 2890.3:2015 refers to class 1 as class 'A', class 2 as class 'B', and class 3 as class 'C'.*
- (ii) 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.
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to any Construction Certificate being issued for each phase.

(34) CHANGES TO KERB SIDE PARKING RESTRICTIONS

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

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

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

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

(35) 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.

(36) INTERCOM FOR VISITORS

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

(37) ON SITE LOADING AREAS AND OPERATION

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

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

(38) 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 any Construction Certificate being issued for each phase.

(39) PARKING ON COMMON PROPERTY AREAS

No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. The strata subdivision of the building is to include an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

(40) 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.

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

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

(42) 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.

(43) 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 each phase.

(44) 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 any Occupation Certificate for each phase.

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

(45) STACKED OR TANDEM PARKING EMPLOYEES OR TENANTS ONLY

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

(46) SWEPT PATH ANALYSIS

Prior to the issue of any construction certificate for each phase, a swept path analysis is to be undertaken to show how Council's standard 9.25m waste vehicle can service the subject site from the basement level of Building 1 and Building 3.

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

A reduced driveway width is to be provided subject to the swept path analysis.

(47) TRAFFIC FACILITIES PLAN

A concept plan showing proposed traffic facilities must be submitted to the City Infrastructure and Traffic Operations team. The concept plan must be lodged addressing the following issues:

- (a) Providing 'raised' pedestrian crossings at the location of the existing pedestrian crossing locations at Rothschild Avenue/Crewe Place and Rothschild Avenue/Cressy Street
- (b) Continuous Footpath treatment be provided at Crewe Place/New Road intersection, Rosebery Avenue/New Road intersection and at car park basement entry points.
- (c) Modification of the median island on Stedman Street to provide a right turn 'entry' lane to the basement car park.
- (d) Kerb extension and/or pedestrian refuge at Crewe Place and Rothschild Avenue.

The plan is to be submitted to and approved by the City Infrastructure and Traffic Operations team and will then be referred to Council's Local Pedestrian, Cycling and Traffic Calming Committee for consideration, prior to the issue of any Construction Certificate for above ground works for any phase.

Approval of the concept plan is subject to Council's Local Pedestrian, Cycling and Traffic Calming Committee and the NSW Roads and Maritime Services. Following concept plan approval, the proponent must submit a detailed design back to the City Infrastructure and Traffic Operations team for approval.

All works approved by Council's Local Pedestrian, Cycling and Traffic Calming Committee are to be undertaken prior to the issue of any Occupation Certificate for each phase. All costs associated with the works are to be borne by the developer.

(48) PARKING PLAN

A parking plan must be submitted to and approved by the Area Planning Manger addressing parking restrictions on Rothschild Avenue, Crewe Place, Stedman Street, Rosebery Avenue and New Road for each phase.

A parking plan must be submitted to the City Infrastructure and Traffic Operations team and will be referred to Council's Local Pedestrian, Cycling and Traffic Calming Committee for consideration for each phase.

Two plans must be prepared, one showing the existing parking restrictions, and one showing the proposed parking restrictions. Both plans must include the parking restrictions and the locations of all parking signs and stems, and their chainages from the nearest intersection.

The plan must be approved by Council, and receive concurrence from the Pedestrian Cycling and Traffic Calming Committee prior to any Occupation Certificate being issued for each phase. All parking signs are to be installed at no cost to Council and must be installed prior to any Occupation Certificate being issued for each phase.

[Note: The process of reporting an item to the Local Pedestrian, Cycling and Traffic Calming Committee takes approximately 8 weeks from the relevant Council officer being satisfied with the proposal.]

(49) LOADING DOCK MANAGEMENT PLAN

A Loading Dock Management Plan, must be submitted to and approved by the Area Planning Manger prior to any Construction Certificate for above ground works for each phase.

The plan should identify how the loading area will be managed and used by all building tenants including child care and residential use such as for removal vehicles, bulky good deliveries and similar.

The plan must include, but is not limited to, management of deliveries to ensure there is no requirement for any service vehicles to wait on public streets to enter the site.

The plan shall be managed either by a schedule showing all tenants when they can use the area, or by a register managed on site to allow tenants to reserve a time period for their deliveries. Once approved, this management plan will need to be provided to all tenants and external users of the loading area.

(50) GREEN TRAVEL PLAN

A Green Travel Plan must be submitted to and approved by Council prior to any Occupation Certificate for the site/use being granted.

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

(51) WAY FINDING PARKING PLAN

A way finding parking plan must be submitted to and approved by the Area Planning Manager showing all the signage and line marking to the bicycle facilities, the car share parking, the visitor parking and the child care drop off/pick up area for each phase. This might include illuminated signage where appropriate. These plans must be submitted to and approved by Council prior to the issue of any construction certificate for above ground works associated with each phase.

(52) CAR SHARE SPACES

- (a) Two car spaces within Phase 1 and 3 car spaces within Phase 3 for the exclusive use of car share scheme vehicles are to be provided. A revised basement plan showing these spaces must be submitted to and approved by Council's Director City Planning, Development and Transport prior to any Construction Certificate being issued for the relevant phase.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must be accessible to members of the car share scheme at all times.
- (f) The car share spaces are to be available at the same time that the car park commences operation.

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

(53) 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.

SCHEDULE 1B**Prior to Construction Certification/Commencement of Work/Health and Building**

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

(54) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(55) TREES APPROVED FOR REMOVAL

- (a) Trees numbered Stand 1, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 61, 62, 63, 64, 65 and 66 in the Arboricultural Assessment Report prepared by TALC and dated 26 November 2014 are approved for removal.
- (b) All tree removal works must be carried out by a qualified Arborist, with a minimum Level 3 AQF in arboriculture and in accordance with WorkCover's Code of Practice – Amenity Tree Industry.
- (c) In the event that wildlife is found during the course of tree removal works, work must stop until a trained wildlife handler attends the site or the animal relocates itself.

(56) TREES THAT MUST BE RETAINED

Trees numbered 1, 2, 3, 5, 5, 6, 15, 16, 19, 20, 21, 22, 23, 67, 93, 94 and 95 in the Arboricultural Assessment Report prepared by TALC and dated 26 November 2014 must be retained and protected through construction and development works.

(57) STREET TREE PROTECTION

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

- (a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and truck at all times;

- (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Materials or goods, including site sheds, must not be stored or placed:
- (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (d) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

(58) STREET TREE PRUNING AND REMOVAL

- (a) The consent from Council must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.
- (b) A Pruning Specification prepared by a Consulting Arborist (minimum AQF Level 5) must be submitted to and approved by Council's Area Planning Manager prior to the issuing of any Construction Certificate for each phase. The report must include number of branches and orientation, branch diameter, percentage of live canopy to be removed. This information must also be detailed on photo/s of each tree.
- (c) The design must be amended to ensure no more than 10% canopy is required to be removed from any tree to be retained.
- (d) Any pruning that has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.
- (e) The removal of any street tree approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the trees removal.

(59) 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 each phase 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 for each phase.

(60) PAVING MATERIALS

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

(61) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

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

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

The form of the recording is to be as follows:

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;

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

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

(62) PRESERVATION OF SURVEY MARKS

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

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

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

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

(63) PROTECTION OF SURVEY INFRASTRUCTURE

Prior to the commencement of any work on site for each phase, a statement prepared by a Surveyor registered under the *Surveying Act 2002* must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

Reason: To ensure that the survey control infrastructure and cadastral framework are preserved for the public benefit and in accordance with the *Surveying Act 2002*.

(64) PUBLIC DOMAIN PLAN

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

(65) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

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

(66) 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*).

(67) 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.

(68) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a 12 month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.

(69) DRAINAGE AND SERVICE PIT LIDS

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

(70) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 680 lineal metres of concrete site frontage and 82m of asphalt frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

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

The Bank Guarantee will be retained in full until the final Occupation Certificate for Phase 3 has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

(71) PUBLIC DOMAIN LIGHTING

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

- (vi) Structural certification for footing designs by a suitably qualified, practicing engineer to certify that the design complies with City of Sydney policies and Australian Standards.
- (b) The public domain lighting works are to be completed in accordance with the approved plans and the City of Sydney's *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier. Temporary lighting to facilitate Staging or until adjoining developments are constructed and permanent lighting installed are to form part of the submission.

(72) 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.

(73) STORMWATER AND DRAINAGE MANAGEMENT

Where temporary or interim stormwater works are required, permission is to be sought from the relevant authority (Council or Sydney Water) prior to works commencing. If a drainage line is to be removed or altered, replacing drainage line must have similar or better capacity.

(74) LANDSCAPING OF THE SITE

- (a) Detailed landscape plans, drawn to scale, by a qualified landscape architect, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate for above ground building works for each phase. The plan should be generally in accordance with drawing L-101 rev E and L-102 rev E by Context Landscape Design, and 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, retaining walls and planter boxes. The minimum soil requirements for planting on slab must be as per the ADG, as follows:

Plant type	Mature height	Soil volume	Soil depth	Soil area
Large tree	12-18m high, up to 16m crown spread	150m ³	1200mm	10x10m or equivalent
Medium tree	8-12m high, up to 8m crown spread	35m ³	1000mm	6x6m or equivalent
Small tree	6-8m high, up to 4m crown spread	9m ³	800mm	3.5x3.5m or equivalent
Shrubs			500-600mm	
Ground cover			300-450mm	
Turf			200mm	

- (iii) Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);
 - (iv) Details of planting procedure and maintenance;
 - (v) A minimum of 5 bench seats per courtyard at ground level.
 - (vi) Seating walls must be a minimum width of 400mm or incorporate a 400mm wide timber seating top, and must be adjacent to an area of useable amenity, such as lawn.
- (b) Prior to the issue of a Construction Certificate for above ground works for each phase, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to any Occupation Certificate being issued for each phase.

(75) ANNUAL FIRE SAFETY STATEMENT FORM

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

(76) 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*).

(77) ROADS MARITIME SERVICE CONDITIONS

- (a) A construction traffic management plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to the Council prior to the issue of any Construction Certificate.

- (b) The swept path of the longest vehicle (to service the site) entering and exiting the subject site as well as manoeuvrability through the site, shall be in accordance with AUSTRROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

(78) 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.

(79) 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.

(80) 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.

(81) 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.

(82) LAND REMEDIATION

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by **Coffey** dated **23 December 2015** and referenced **GEOTLCOV25209AE (rev1)** and the Letter of Interim Advice prepared by **Kylie Lloyd of ZOIC Environmental Pty Ltd** dated **20 January 2016** and referenced **15055_IA3**. 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.

(83) 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.

(84) SITE AUDIT STATEMENT

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

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

(85) 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

(86) 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.

(87) 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.

(88) SWIMMING POOL - WASTE AND OVERFLOW WATERS

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

(89) SWIMMING POOL/SPA

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

(90) MINIMISE IMPACT OF POOL ON NEIGHBOURING PROPERTIES

- (a) To minimise the impact of the pool on adjoining properties and to ensure the safety of the pool/spa area, the design and construction of the swimming pool/spa and associated equipment and fencing must comply with the following requirements:

- (i) The *Swimming Pools Act 1992* and Regulations.
- (ii) The swimming pool must have safety barriers installed in accordance with the requirements of AS 1926.1 - 2007 - 'Safety barriers for swimming pools' and AS 1926.2 - 2007 'Location of safety barriers for swimming pools'.
- (iii) Australian Standards 1926.3 - Water Recirculation and Filtration; and
- (iv) *Protection of the Environment Operations Act 1997*.

(91) PHYSICAL MODELS

- (a) Prior to a final Occupation Certificate being issued for each phase, 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.

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

- (a) Prior to an Occupation Certificate being issued for each phase, 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.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(93) BASIX

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

(94) 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*.

(95) 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.

(96) 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.

(97) 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.

(98) USE OF INTRUSIVE APPLIANCES

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

As a minimum, the report must specify:

- (a) Specific the proposed hours and days of operation;
- (b) The tasks that the equipment will be used for;
- (c) Justify in writing why the intrusive appliance cannot be substituted for a lower impact apparatus;
- (d) Provide for how noise will be managed to comply with the above code, and if cannot, provide for the above code, how it will be managed to the lowest reasonable and feasible levels;
- (e) Indicate a timeframe for completion the associated task;
- (f) Such periods must be set and agreed to by Council's Health and Building Unit and will be set on a temporary basis with terms and conditions 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.

(99) 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.

(100) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

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

(101) 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.

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

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

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

- (a) The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:

- (i) existing site contours;
- (ii) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater;
- (iii) Location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).

(103) ROAD OPENING PERMIT

A separate Road Opening Permit under Section 138 of the *Roads Act 1993* must be obtained from Council prior to the commencement of any:

- (a) Excavation in or disturbance of a public way, or
- (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

(104) 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.

(105) 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*).

(106) ELECTRICITY SUBSTATION

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

(107) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

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

- (c) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's *Policy for Waste Minimisation in New Developments 2005*, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

UPON COMPLETION OF THE DEVELOPMENT

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

(108) 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.*

(109) 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.

(110) RAINWATER HARVESTING & RAINWATER TANKS

- (a) Use

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

- (b) Installation requirements

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

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

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

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

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

(c) Proximity to other services

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

(d) Marking and labelling

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

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

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

(e) Maintenance

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

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

(111) 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.

(112) OCCUPATION CERTIFICATE TO BE SUBMITTED

Any Occupation Certificate must be obtained for each phase 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.

(113) 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.

(114) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(115) ENCROACHMENTS – PUBLIC WAY

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

(116) 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.

(117) 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.

(118) 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.

(119) 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.

(120) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (f) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

(121) 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.

(122) USE OF MOBILE CRANES

The following requirements apply:

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

- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

SCHEDULE 1D

Subdivision conditions

(123) DEDICATION OF ROAD WIDENING

Prior to the issue of any Occupation Certificate for each phase of the development, the owner of the site must dedicate to the public as road, free of cost to Council, the land shown as "Road widening 2 wide" along the entire Rothschild Avenue frontage as shown on sheets 1 and 3 of the plans titled "Plan showing the concept staging of subdivisions" by JBW Surveyors Pty Ltd dated 16/12/2014 reference 124857\ROSEBERY\CONCEPTSTAGING.

(124) SUBDIVISION CERTIFICATE

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

(125) SYDNEY WATER CERTIFICATE

Prior to the issue of any Subdivision Certificate, a Section 73 (Subdivider/Developer) Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

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

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

(126) INVESTIGATION FOR SURVEY INFRASTRUCTURE

- (a) Prior to any approval for demolition or excavation being granted or any Construction Certificate being issued or any Road Opening Permit being issued, whichever is earlier, the applicant must engage a Registered Surveyor to investigate the site and the public domain fronting the site and the public domain within 5m on each side of the site frontages and all other areas where works are likely to be undertaken, for the presence of survey infrastructure that may be affected by the proposed works. This investigation must include:
- (i) Cadastral reference marks (boundary or reference marks) as defined in Schedules 2 and 3 of the Surveying and Spatial Information Regulation 2012.
 - (ii) Permanent Survey Marks as defined in Schedule 4 of the Surveying and Spatial Information Regulation 2012.
 - (iii) City of Sydney Alignment Marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box and used to define the alignment of a street), whether or not it is registered as a Permanent Survey Mark in the Survey Control Information Management System operated by NSW Land and Property Information.
 - (iv) Walls, buildings or other survey monuments shown on Deposited Plans on the public record.
- (b) Prior to an approval for demolition or excavation being granted or a Construction Certificate being issued or Road Opening Permit being issued, whichever is earlier, the following information, must be submitted to and be approved by Council:

EITHER

- (i) A detailed survey plan clearly showing the site boundaries and all survey infrastructure within the site and within the public domain fronting the site and the public domain within 5m on each side of the site frontages and all other areas where works are likely to be undertaken, as identified under part (a) of this condition, and a corresponding written statement from a Registered Surveyor stating that all existing survey infrastructure has been accurately surveyed and recorded to a standard suitable for boundary definition purposes; OR
- (ii) An accurately surveyed plan prepared to a standard suitable for boundary definition purposes and signed by a Registered Surveyor showing the site boundaries and all survey infrastructure within the site and within the public domain fronting the site and within 5m on each side of the site frontages and all other areas where works are likely to be undertaken, as identified under part (a) of this condition; OR

- (iii) A letter, signed by a Registered Surveyor, stating that there is no survey infrastructure within the site and within the public domain fronting the site and within 5m on each side of the site frontages and all other areas where work is likely to be undertaken.

Note: a copy of the Council's Dial Before You Dig information is not acceptable to satisfy this condition.

It is recommended that the above requirements are undertaken at an early stage to avoid unnecessary delays in the issue of the required approval, allowing adequate time for both a Registered surveyor to prepare the information and for the City to assess the submission.

(127) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) Prior to any approval or any Construction Certificate being issued for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work a detailed drainage engineering design, calculations and design for the stormwater overland flow path for the development must be:
 - (i) prepared by a suitably qualified hydraulic or civil engineer to show the proposed method of collection and disposal of stormwater; and
 - (ii) prepared in accordance with the City of Sydney's *Stormwater Drainage Manual*, technical specifications, standards and policies, as amended from time to time; and
 - (iii) submitted to and be approved by the City of Sydney and a copy of the City's letter of approval must be provided to the Principal Certifying Authority.
- (b) For approval of a connection into the City of Sydney's drainage system an "Application for Approval of Stormwater Drainage Connections" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges.
 - (i) The application must be approved by the City of Sydney prior to an approval or Construction Certificate being issued for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work.
 - (ii) All proposed connections to the City's underground drainage system require the owner to enter into a Deed of Agreement with the City of Sydney and obtain registration on Title of a Positive Covenant prior to an Occupation Certificate being issued, including an Interim Occupation Certificate.

On-site Detention

- (c) The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with.

- (i) Evidence of the approval by Sydney Water of the detailed design of the on-site detention must be submitted to and be accepted by the City of Sydney and a copy of the City's letter of acceptance must be provided to the Principal Certifying Authority prior to a Construction Certificate being issued, excluding for any approved preparatory, demolition or excavation works.
- (ii) Prior to the issue of an Occupation Certificate, including an Interim Occupation Certificate, a Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

Stormwater Quality Assessment

- (d) 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 City of Sydney and a copy of the City's letter of approval must be provided to the Principal Certifying Authority.

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified hydraulic engineer with experience in Water Sensitive Urban Design;
- (ii) use modelling from an industry-standard water quality model (e.g. MUSIC Model or equivalent); and
- (iii) demonstrate through reports, design plans and calculations, 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%.
- (iv) include certification from a suitably qualified practicing professional that the requirements of parts d) (i), (ii) and (iii) of this condition have been met.

Prior to the issue of an Occupation Certificate, maintenance schedules Authority and a copy provided to the City of Sydney.

Completion / Works-as-Executed Documentation

- (e) Prior to a Certificate of Completion being issued by the City of Sydney for stormwater drainage works:
- (i) All works for the disposal of stormwater and drainage are to be implemented in accordance with the approved plans, City of Sydney technical specifications. Standards and policies, approval letters and the requirements of this consent.
 - (ii) A Works-As-Executed survey, prepared, signed and dated by a Registered Surveyor, must be submitted to and be accepted by the City of Sydney. The plan must be overlaid on a copy of the approved stormwater drainage plans issued with the Construction Certificate, with variations to locations, dimensions, levels and storage volumes clearly marked.
 - (iii) Electronic works-as-executed (as-built) details, certifications, warranties, inspection reports (including Closed Circuit Television reports) and associated documentation for the completed work must be prepared and certified by a suitably qualified hydraulic engineer, in accordance with the requirements of the City of Sydney's technical specifications, the *Public Domain Manual*, the *Stormwater Drainage Manual*, the conditions of this consent and all letters of approval issued by the City of Sydney for works in the public domain, and must be submitted to and be accepted by the City of Sydney.
- (f) Prior to the issue of the first Occupation Certificate, including an Interim Occupation Certificate, or before the use commences (whichever is earlier):
- (i) A copy of the City's Certificate of Completion for all stormwater and drainage work undertaken in the public domain must be provided to the Principal Certifying Authority;
 - (ii) a Works-As-Executed survey, must be prepared, signed, dated and certified by a Registered Surveyor and must be submitted to and be accepted by the Principal Certifying Authority. The Works-as-Executed plan must be overlaid on a copy of the approved stormwater drainage plans issued with the Construction Certificate, with variations to locations, dimensions, levels and storage volumes clearly marked;
 - (iii) a Hydraulic Compliance Certificate and Calculation Sheet must be prepared by a suitably qualified hydraulic engineer (minimum NER), showing approved versus installed hydraulic calculations, and must be submitted to and be accepted by the Principal Certifying Authority;
 - (iv) evidence of Sydney Water's acceptance of the Works-As-Executed documentation, certification and Hydraulic Compliance Certificate and Calculation Sheet must be provided to the Principal Certifying Authority;

- (v) The Principal Certifying Authority must submit a copy of the Works-As-Executed plans, certifications, Hydraulic Compliance Certificate and Calculation Sheet to the City of Sydney.

(128) EASEMENT FOR PUBLIC ACCESS

- (a) Two easements for public access 7 metres wide in stratum, unlimited in height and limited in depth to a point approximately 100 millimetres above the upper surface of the basement structure shall be created under Section 88B of the Conveyancing Act, in accordance with the positions shown on sheets 1 & 3 of "Plan showing the Concept Staging of Subdivisions" by JBW Surveyors Pty Ltd dated 16/12/2014 reference 124857\ROSEBERY\CONCEPTSTAGING.
- (b) The easements are to be created appurtenant to council in terms creating unrestricted rights for public pedestrian and cycling access, without vehicles, exclusive of wheelchairs and electric mobility scooters for the disabled.
- (c) Prior to the issue of any Occupation Certificate or Interim Occupation Certificate, a Positive Covenant is to be included on the Section 88B Instrument for the subdivision of the site, and lodged for registration at the office of Land & Property Information NSW (LPI-NSW). Proof of lodgement must be provided to the PCA prior to the issue of any Interim or final Occupation Certificate. The Positive Covenant should include terms indemnifying Council against any claims and damages arising from the use of the easement for public access, and is to require the maintenance of a \$20,000,000 public indemnity insurance policy, and also to require the maintenance, upkeep, repair and lighting of the easement for public access in accordance with Council's requirements and to the satisfaction of Council.

(129) PERMITS FOR WORK REQUIRING THE USE OF A PUBLIC PLACE

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 Works Zone, hoisting activity over a public road, temporary works and / or road openings must be obtained from Council prior to the commencement of work.

For further details please contact Council's Traffic Works Coordinator or the Traffic Operations Team on (02) 9265-9333 or email twc@cityofsydney.nsw.gov.au

(130) SUBDIVISION PLAN

- (a) **Prior to the issue of any Construction Certificate for each phase**, the boundary definition survey work necessary for the preparation of a subdivision plan redefining the boundary of Lot 2 in DP 566811 and Lot 3 in DP 1065657 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 building as designed will fit within the redefined boundaries, without varying by more than 50 millimetres any approved setback of the building from existing or proposed boundaries. This written certification by the project architect shall be provided to the PCA **prior to the issue of any Construction Certificate for each phase.**
- (c) **Prior to the issue of any Occupation Certificate for each phase**, the subdivision 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 under Section 88B of the Conveyancing Act, 1919. The terms of these easements are to be to the satisfaction of Council. Evidence of lodgment of the subdivision plan shall be supplied to the PCA prior to the issue of the Occupation Certificate.

(131) SURVEY

- (a) AT FOUNDATION STAGE of each phase - All footings and walls adjacent to an existing or proposed 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. Any encroachments of the subject building over the existing or proposed boundaries must be removed prior to continuation of building construction work.
- (b) Prior to the concrete pour of the main slab at each level, a survey shall be made by a surveyor registered under the Surveying & Spatial Information Act, 2002, confirming that the formwork adjacent to existing or proposed boundaries is clear of those existing or proposed boundaries and is in accordance with approved setbacks. This survey shall be provided to the PCA prior to the concrete pour. The concrete pour must not take place until the PCA receives a survey proving that the formwork has been constructed within the existing and proposed boundaries of the site, and is compliant with the setbacks approved under this consent.
- (c) AT COMPLETION - **Prior to the issue of any Occupation Certificate or Interim Occupation Certificate** for each phase - a Final Identification Survey prepared by a Surveyor registered under the Surveying & Spatial Information Act, 2002 must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment. Any encroachments of the building over the external site boundaries or proposed internal boundaries as approved by this consent must be rectified prior to the issue of an Occupation Certificate.

(132) COMPLETION OF PUBLIC DOMAIN WORKS

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

(133) PUBLIC UTILITY SERVICES

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

(134) SECTION 138 APPROVAL

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

(135) STRATA SUBDIVISION

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

SCHEDULE 2**PRESCRIBED CONDITIONS**

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

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

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

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

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

General

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

Prior to excavation

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

11. A copy of a valid consent for the development shall be provided in the initial report.
12. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.
13. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

14. Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
15. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
16. Measurement and monitoring arrangements to the satisfaction of DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
17. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
18. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
19. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
20. Access to groundwater management works used in the activity is to be provided to permit inspection when required by DPI Water under appropriate safety procedures.

Following excavation

21. Following completion of the dewatering operations, the applicant shall submit to DPI Water, Parramatta Office, the completion report which shall include:
 - (a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
 - (b) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
 - (c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
22. The completion report is to be assessed by DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.

BACKGROUND

The Site and Surrounding Development

1. The site is located in the north eastern sector of Rosebery, an established suburb comprising a mixture of commercial, industrial and residential uses. The area is currently undergoing a period of transition with a number of industrial sites recently being redeveloped as residential developments.
2. The subject sites forms Phase 1 and Phase 3 of a larger development site known informally as the 'Dexus' site and is identified as Lot 3 of DP 1065657 and Lot 2 of 566811 and is commonly known as 25-55 Rothschild Avenue and 5-13 Rosebery Avenue Rosebery. The site has four street frontages, Stedman Street to the north, Rosebery Avenue to the east, Crewe Place to the south and Rothschild to the west.
3. The site is generally rectangular in shape with an area of 49,038sqm. The site has the following frontages
 - (a) North 83.835m to Stedman Street;
 - (b) East 250.905m to Rosebery Avenue;
 - (c) South 118.945m to Crewe Place; and
 - (d) West 229.375m to Rothschild Avenue.



Figure 1: Location plan

4. Existing on the site is a 10 storey commercial building in the north east quadrant of the site, three warehouse and commercial buildings, parking and circulation between the buildings.

5. The site is generally flat with a gradual slope towards the south and south-west. A number of mature trees exist along the site boundaries to Crew Place Rosebery Avenue and part of the north site boundary near Steadman Avenue.
6. The development site was divided into 4 development phases as part of a Stage 1 application (discussed further in this report). The subject application seeks consent for the Stage 2 detailed design of two of the phases – Phase 1 and Phase 3 which face the Rothschild Avenue frontage of the site as shown in Figure 3 below.

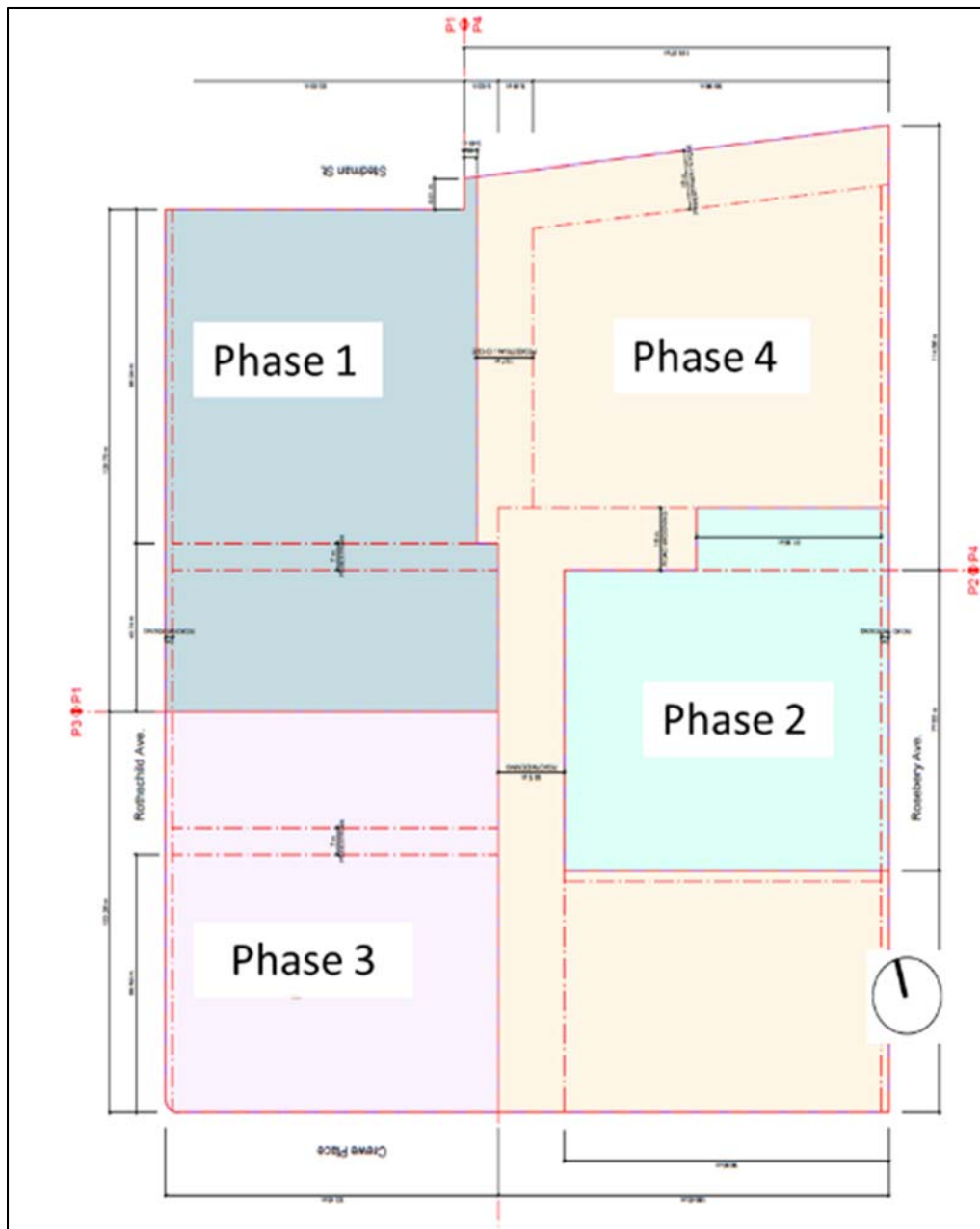


Figure 2: Phasing diagram

7. To the north of the site on the opposite side of Steadman Avenue is a medium density residential building constructed by Meriton at 5 Rothschild Avenue known as Valentino.

8. To the east of the site on the opposite side of Rosebery Avenue is a medium density residential development known as Zeta Apartments which at 42-60 Rosebery Avenue and 94-100 and 102 Dalmeny Avenue that is currently under construction. The development includes a ground floor child care centre and the partial construction of a new road. Meriton is constructing the development.
9. To the south of the site on the opposite side of Crewe Place is a residential flat building known as Artise at 2 Crewe Place.
10. To the west of the site on the opposite side of Rothschild Avenue at 26-58 Rothschild Avenue is the former RTA site known as Otto which has recently been completed as a residential development.
11. Photos of the site and surrounds are provided below:



Figure 3: Aerial photo with Phase 1 and Phase 3 identified



Figure 4: Phase 1 and Phase 2



Figure 5: Looking west from Rosebery Avenue towards Phase 1 – note existing mature fig trees



Figure 6: Interim conditions between Phase 1 and Phase 4

PROPOSAL

12. The applicant seeks consent for the construction of Phase 1 and Phase 3 of a multi-phase development site. The proposal includes the construction of 6 residential flat building between 2 and 7 storeys, 3 sets of terrace style apartments, two child care centres and two basement car parking (one for each phase) as shown in Figure 7 below:

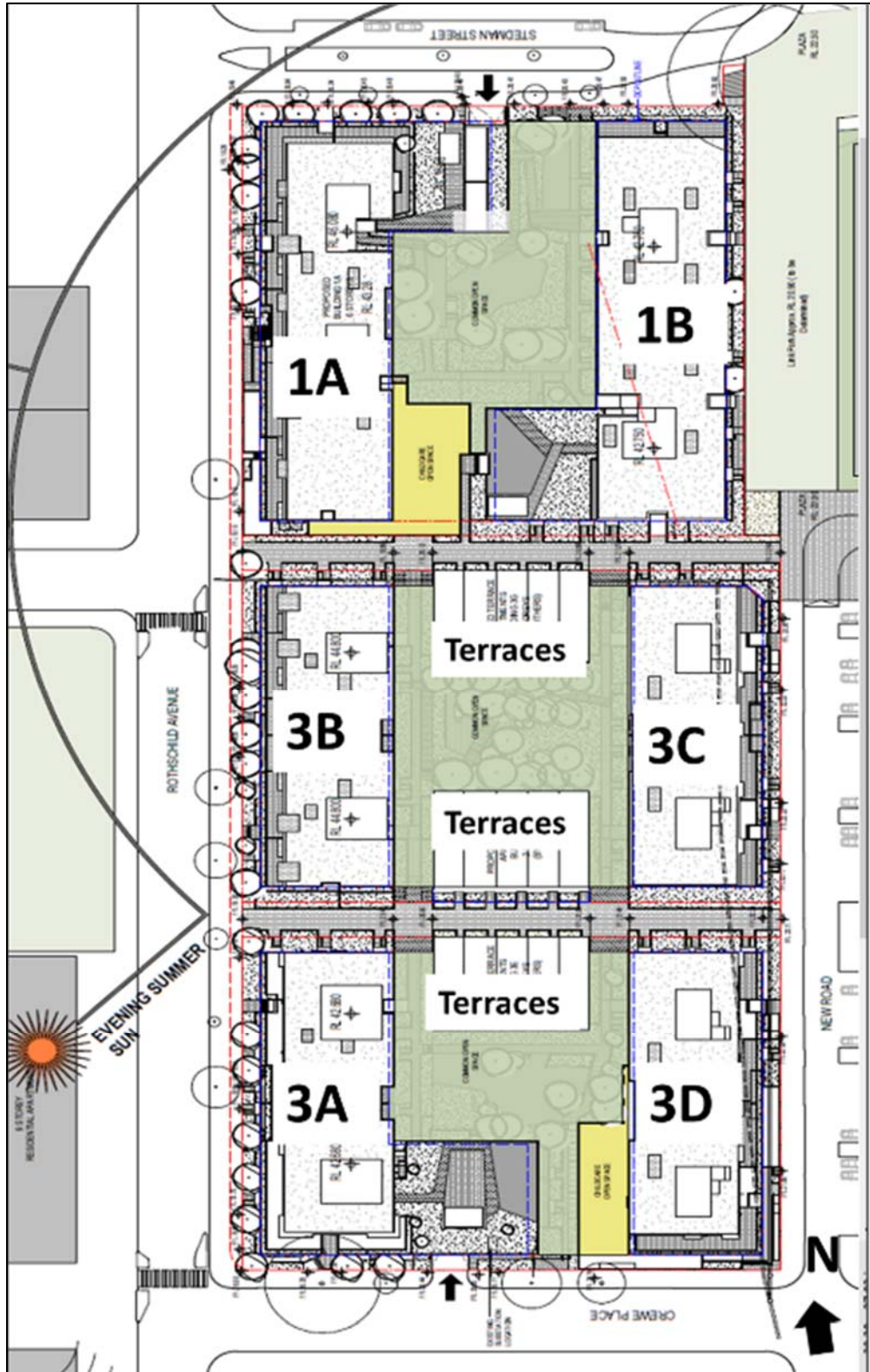


Figure 7: Site plan with building locations

13. A total of 478 apartments (including the terrace style apartments) are proposed in addition to 449 car parking spaces. More specifically the following is proposed:

Phase 1

14. Basement car park across all buildings within Phase 1 accessed from Stedman Street with:
 - (a) communal pool and gym;
 - (b) 181 residential car parking spaces;
 - (c) 7 visitor car parking spaces;
 - (d) 2 car share spaces;
 - (e) 1 service space, 1 car wash and 4 motorcycle spaces;
 - (f) 4 child care spaces and 10 drop off spaces; and
 - (g) 256 bicycle spaces.
15. Building 1A – 7 storeys
 - (a) ground floor child care centre;
 - (b) 18 x 1 bedroom apartments;
 - (c) 42 x 2 bedroom apartments;
 - (d) 23 x 3 bedroom apartments; and
 - (e) communal open space with a rooftop terrace at level 5.
16. Building 1B – 4-6 storeys
 - (a) 29 x1 bedroom apartments;
 - (b) 32 x 2 bedroom apartments;
 - (c) 34 x 3 bedroom apartments;
 - (d) communal open space with a rooftop terrace at level 4; and
 - (e) a mini substation.

Phase 3

17. Basement car park across all buildings within Phase 1 accessed from Stedman Street with:
 - (a) communal pool and gym;
 - (b) 266 residential car parking spaces;
 - (c) 16 visitor car parking spaces;
 - (d) 3 car share spaces;

- (e) 2 service space, 1 car wash and 4 motorcycle spaces;
 - (f) 4 child care spaces and 9 drop off spaces; and
 - (g) 397 bicycle spaces.
18. Building 3A – 6 storeys
- (a) 29 x 1 bedroom apartments;
 - (b) 35 x 2 bedroom apartments;
 - (c) 15 x 3 bedroom apartments; and
 - (d) communal open space at level 6.
19. Building 3B – 7 storeys
- (a) 17 x 1 bedroom apartments;
 - (b) 46 x 2 bedroom apartments;
 - (c) 10 x 3 bedroom apartments;
20. Building 3C – 6 storeys
- (a) 14 x 1 bedroom apartments;
 - (b) 38 x 2 bedroom apartments;
 - (c) 11 x 3 bedroom apartments; and
 - (d) communal / music practice room at ground floor.
21. Building 3D – 6 storeys
- (a) 15 x 1 bedroom apartments;
 - (b) 31 x 2 bedroom apartments;
 - (c) 11 x 3 bedroom apartments;
 - (d) ground floor child care centre; and
 - (e) retention of existing substations.
22. 15 terrace style apartments each containing:
- (a) basement car parking;
 - (b) 3 bedrooms; and
 - (c) access from the through site links.

23. For ease of reference both phases will be assessed as one development however each phase is assessed individually with regards to car and bicycle parking as they relate specifically to each phase.



Figure 8: Corner of Steadman Avenue and Rothschild Avenue view south Buildings 1A, 3B and 3A



Figure 9: Rothschild Avenue western elevation. Buildings 3A and 3B



Figure 10: Crew Place frontage at corner of new internal road.
Buildings 3A, 3D and 3C



Figure 11: Corner of Rothschild Avenue and Crewe Place.
Buildings 3A, 3B and 1A



Figure 12: Green Link frontage view south. Buildings 1B, 3C and 3D. Green Link to be constructed in final Phase 4 of development.



Figure 13: Internal terrace style apartments



Figure 14: Internal terrace style apartments

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

24. Stage 1

- (a) On 10 September 2015, the Central Sydney Planning Committee (CSPC) considered integrated development application D/2014/1962 for a Stage 1 application for the following:
 - (i) building envelopes for 14 buildings up to 10 storeys;
 - (ii) basement car parking;
 - (iii) indicative locations for child care centres;
 - (iv) retail uses; and
 - (v) concept public domain works including:
 - a. a public park
 - b. new internal roads
 - c. dedicated setbacks on all street frontage
 - d. a new green link incorporating significant existing fig trees.
- (b) The determination of application was delegated to the Chief Executive Officer (CEO) subject to exhibition of a Voluntary Planning Agreement and consideration of any submissions received.
- (c) Deferred commencement development consent was granted 18 March 2016 subject to executing the VPA and registering on title.
- (d) The consent was activated on 5 April 2016.

- (e) An assessment of the proposed development against the Stage 1 conditions is provided within the Issues section of this report.

25. *Design competition*

In 2015 a Competitive Design Alternative Process commenced where 4 invited architects designed schemes for the redevelopment of the Phases 1 and 3. The selected winner of the process was SJB Architects. Figures 15 and 19 illustrate the winning scheme.



Figure 15: Competitive design alternative winner – material selection



Figure 16: Competitive design alternative winner – corner of Crew Place and new street



Figure 17: Corner of Stedman Street and Rothschild Avenue frontage view south



Figure 18: Corner of Crewe Place and Rothschild Avenue review north

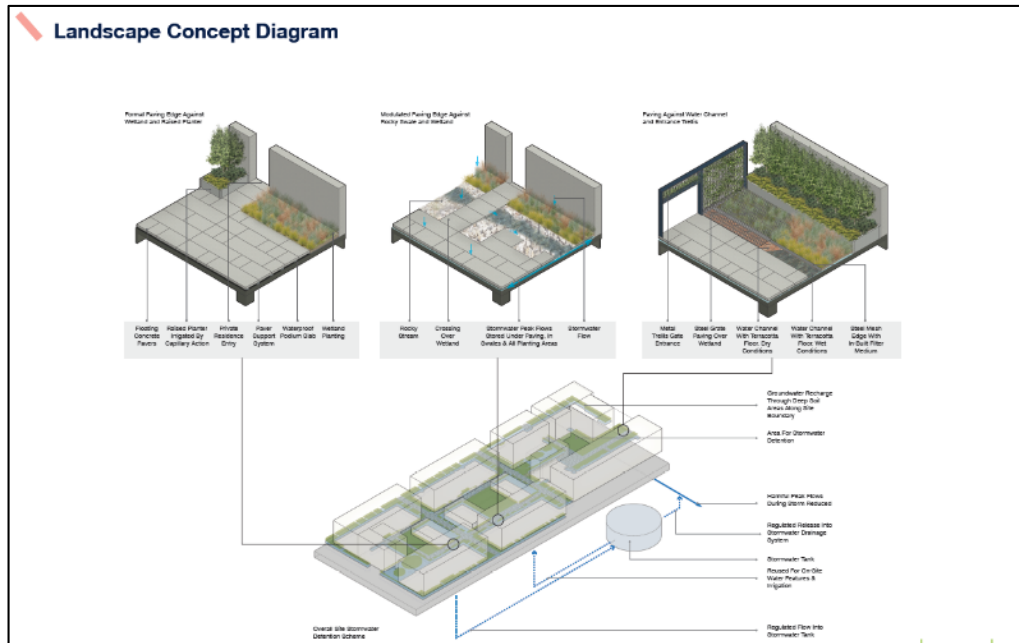


Figure 19: Landscape concept submitted as part of the winning competitive alternative scheme

26. *Excavation and shoring DA D/2015/1899*

- (a) Integrated development application D/2015/1899 was lodged concurrently with the subject Stage 2 DA for preliminary works including excavation and shoring for a basement associated with Phase 1. Several trees were also proposed to be removed.
- (b) The application was approved 15 April 2016.

27. *Phase 2 Stage 2 development application*

A Stage 2 application for the detailed design of Phase 2 of the development site was lodged on 6 May 2016. The application is currently under assessment and is yet to be determined.

28. *Amended Stage 1 application D/2014/1962/A*

An amended Stage 1 DA to alter part of the building envelop for building 1D (referred to as building 1B in the Stage 2 application) was approved 15 June 2016. The approval increased the number of permitted storeys from 3 to 4 consistent with the subject application and the winning competitive design scheme.

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

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

Integrated Development - Section 91 EP&A Act

30. The application was referred to the NSW Office of Water as the proposal constitutes Integrated Development under Section 91 of the EP&A Act.

31. Preliminary assessment indicates that the groundwater table will be intercepted as a result of the excavation for the proposed basement car park. The construction dewatering proposed for the project 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 NSW Office of Water.
32. The NSW Office of Water have provided General Terms of Approval (“GTA”) appropriate to the proposed aquifer interference activity, and these have been incorporated into Schedule 3 of the recommendation.

State Environmental Planning Policy No 55—Remediation of Land

33. 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.
34. A Remediation Work Plan (RWP) was submitted with the development application. The applicant has engaged a site auditor to comment in relation to the RWP to be carried out. The site auditor states that if the remediation as outlined in the RWP is implemented, the site is capable of being made suitable for the proposed uses. The City’s Health Unit is satisfied that subject to conditions, the site can be made suitable for the proposed uses.

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

35. SEPP 65 provides that in determining an application for a residential flat development of three or more floors and containing four or more apartments, that the consent authority take into consideration a number of matters relating to design quality, including 9 design quality principles, being:

(a) **Principle 1: Context and Neighbourhood Character**

Comment: The proposal is permissible within the B4 – Mixed Use Zone and is consistent with the objectives of the zone. The North Rosebery Neighbourhood is also undergoing a transition from a predominately light industrial area to a medium to high density residential neighbourhood. The application for the redevelopment of the site is considered to be appropriate within the context of the site and the desired future character of the North Rosebery Neighbourhood.

(b) **Principle 2: Built Form and Scale**

Comment: The built form and scale of the proposed development is generally in accordance with the Stage 1 approval which applies to the site. The proposed form is. Having regard to the existing, approved and future development within the North Rosebery Neighbourhood, the proposed built form and scale is supported as it is appropriate for the site and the surrounding area.

(c) **Principle 3: Density**

Comment: The proposal complies with the maximum permitted gross floor area (GFA) which has been allocated to Phase 1 and Phase 3 as part of the Stage 1 approval and Design Excellence Strategy. The proposed GFA is appropriate in the North Rosebery neighbourhood given its proximity to the 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 or future adjoining developments.

(d) **Principle 4: Sustainability**

Comment: 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 5: Landscape**

Comment: The development provides approximately 24.3% of the site as communal open space and approximately 4.5% of the site as deep soil landscaping. Whilst the communal open space is below the minimum of 25% required by Council's and the Apartment Design Guide (ADG) provisions, the proposal is considered acceptable. The proposed communal open space area will be embellished with soft landscaping and will provide a high level of amenity for residents.

The area provides separation and screening between different buildings and departments a series of paths and garden spaces. Whilst the deep soil component does not achieve a minimum dimension of 10 metres, the deep solid area is used as a landscape setback to retain existing mature trees around the perimeter of the site where possible. The proposed site landscaping is supported in this regard.

(f) **Principle 6: Amenity**

Comment: A reasonable level of amenity is provided for the occupants of the development with the development providing a generous range of dwelling sizes and practical room dimensions and shapes, storage space, indoor and outdoor space. Compliance with the amenity controls of the Apartment Design Guide (ADG) are detailed in the table below. In summary, the proposal presents a high level of residential amenity for the future occupants.

(g) **Principle 7: Safety**

Comment: The safety and security of the public domain is enhanced by increased activity on the site and the causal surveillance of all surrounding streets from the ground floor dwellings.

(h) **Principle 8:** Housing diversity and social interaction

Comment: The development provided a generous mix of 1 bedroom (25.5%), 2 bedroom (46.9%) and 3 bedroom (27.6%) dwellings including terrace style apartments which complies with the dwelling mix provisions within Part 4.2 of the Sydney DCP 2012.

For this reason it is considered that the development responds positively to the housing needs of the local community.

(i) **Principle 9:** Aesthetics

Comment: The proposed development provides for a contemporary and attractive development which is compatible with the merging character within the area. The design of the development was the subject of a competitive design process, which was subjected to a number of design changes before being awarded the winner.

The proposal development introduces a variety of building elements and utilises a visually engaging architectural language with a selection of appropriate materials and finishes. The proposed built form and composition of the new buildings responds to the desired future character of the North Rosebery Neighbourhood and is considered to positively contribute to the visual quality of the area.

Apartment Design Guide		
Control	Compliance	Comment
2E Building Depth		
12-18m (glass to glass)	Yes	All apartments are under 18m glazing line to glazing line.
2F Building Separation		
<p>Up to four storeys (approximately 12 metres):</p> <ul style="list-style-type: none"> • 12m between habitable rooms / balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms 	Can comply	<p>The majority of buildings comply with the required separation.</p> <p>Infringements occur in the 'elbow' locations with approximately 4m between bedrooms of adjoining apartments and banks for air conditioner units. This issue can be addressed by replanning the affected apartments.</p> <p>Refer to issue section for further discussion.</p> <p>Less than 7m is provided between the proposed terrace apartments and regular apartments. This separation is addressed by locating secondary rooms and high level windows on the affected terrace elevations.</p>
<p>Five to eight storeys (approximately 25 metres):</p> <ul style="list-style-type: none"> • 18m between habitable rooms / balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable Rooms 	Can comply	<p>The majority of buildings do not comply with the numerical separation requirement.</p> <p>Approximately 13m is provided between all buildings with a frontage to the through site links. Approximately 15.4m is provided between buildings 3A and 3D fronting Crewe Place.</p> <p>These separation issues are addressed by orientation of windows and openings.</p> <p>Infringements occur in the 'elbow' locations of building returns in buildings 1A, 1B and 3A. The worst instances include separations of approximately 4m between bedrooms of adjoining apartments and banks for air conditioner units.</p>

Apartment Design Guide														
Control	Compliance	Comment												
		<p>This issue can be addressed by replanning the affected apartments.</p> <p>Refer to Issue section for further discussion.</p>												
3D Communal and Public Open Space														
Communal open space has a minimum area equal to 25% of the site.	Acceptable	The proposal includes 5,177sqm (24.3%) of communal open space in the form of court yards, walkways and terraces. Despite the minor departure with the communal open space control, the design of the development still ensures that a variety of recreational spaces are provided for the indented occupants.												
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two (2) hours between 9am and 3pm on 21 June (midwinter).	Acceptable	<p>The proposed communal open space has been designed in accordance with the Stage 1 envelopes.</p> <p>Shadow diagrams supplied by the applicant demonstrate that solar access will be available to part of the ground floor communal open space between 10.00am and 12 noon during midwinter.</p>												
3E Deep Soil Zones														
<p>Deep soil zones are to meet the following minimum requirements:</p> <table border="1"> <thead> <tr> <th>Site area</th> <th>Minimum Dimensions</th> <th>% of site area</th> </tr> </thead> <tbody> <tr> <td><650m²</td> <td>-</td> <td rowspan="4">7%</td> </tr> <tr> <td>650m² – 1,500m²</td> <td>3m</td> </tr> <tr> <td>>1,500m²</td> <td>6m</td> </tr> <tr> <td>>1,500m² with significant existing tree cover</td> <td>6m</td> </tr> </tbody> </table>	Site area	Minimum Dimensions	% of site area	<650m ²	-	7%	650m ² – 1,500m ²	3m	>1,500m ²	6m	>1,500m ² with significant existing tree cover	6m	Acceptable	<p>A total of 4.5% of the site is available as deep soil.</p> <p>The proposal has been designed having regard to the building envelopes approved as part of the Stage 1 consent and the North Rosebery controls which specifically sets out the perimeter of the site and a new park (as part of Stage 4) as the preferred location of deep soil.</p>
Site area	Minimum Dimensions	% of site area												
<650m ²	-	7%												
650m ² – 1,500m ²	3m													
>1,500m ²	6m													
>1,500m ² with significant existing tree cover	6m													

Apartment Design Guide		
Control	Compliance	Comment
3F Visual Privacy		
Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum separation distances from buildings to the side and rear boundaries are outlined below. Note: Gallery circulation is treated as habitable space.		
Up to four storeys (12 metres): <ul style="list-style-type: none"> • 6m between habitable rooms / balconies • 3m between non-habitable rooms 	Can comply	Infringements occur in the 'elbow' locations with approximately 4m between bedrooms of adjoining apartments and banks for air conditioner units. This issue can be addressed by replanning the affected apartments. Refer to issue section for further discussion.
Five to eight storeys (25 metres): <ul style="list-style-type: none"> • 9m between habitable rooms / balconies • 4.5m between non-habitable rooms 	Can comply	Infringements occur in the 'elbow' locations with approximately 4m between bedrooms of adjoining apartments and banks for air conditioner units. This issue can be addressed by replanning the affected apartments. Refer to issue section for further discussion.
4A Solar and Daylight Access		
70% of units to receive a minimum of 2 hours of direct sunlight in midwinter to living rooms and private open spaces.	Yes	Approximately 70% of apartments will receive solar access for at least 2 hours at midwinter.
Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Yes	Approximately 6 % of apartments will not receive solar access at midwinter.

Apartment Design Guide		
Control	Compliance	Comment
4B Natural Ventilation		
Minimum 60% of apartments in the first nine (9) storeys of the building are naturally cross ventilated.	Acceptable	Approximately 57% (266 apartments) will receive genuine natural cross ventilation. The minor departure from the numerical control is acceptable.
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Yes	All apartments are less than 18m in depth as measured glass line to glass line.
4C Ceiling Heights		
Measured from finished floor level to finished ceiling level, minimum ceiling heights are as follows:		
Habitable rooms: 2.7m Non-habitable rooms: 2.4m Two-storey apartments: 2.7m for main living area floor, 2.4m for second floor, where it does not exceed 50% of the apartment area.	Yes	All apartments comply with the minimum floor to floor heights
If located in mixed use areas – 3.3m for ground and first floor to promote future flexibility of use.	Acceptable	The ground floor of each building meets the minimum floor to floor of 3.2m.
4D Apartment Size and Layout		
Minimum unit sizes: <ul style="list-style-type: none"> • Studio: 35m² • 1 bed: 50m² • 2 bed: 70m² • 3 bed: 90m² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each.	Yes	All apartments meet the minimum size requirements.

Apartment Design Guide		
Control	Compliance	Comment
Every habitable room is to have a window in an external wall with a minimum glass area of 10% of the floor area of the room.	Can comply	The majority of habitable rooms have access to an external window. Several ground floor bedrooms and study room have a window either within a walkway or within a lobby. It is recommended as a condition of consent that these windows be removed and the apartment layout be amended.
Habitable room depths are to be no more than 2.5 x the ceiling height.	Acceptable	The majority of apartments comply with this requirement. Where a minor variation does occur the subject bedrooms have large windows and sufficient access the light
8m maximum depth for open plan layouts.	Acceptable	All apartments comply subject to the rear bank of cabinets within kitchens not being considered part of the habitable room.
Minimum area for bedrooms (excluding wardrobes): <ul style="list-style-type: none"> • master bedroom: 10m² • all other bedrooms: 9m² Minimum dimension of any bedroom is 3m (excluding wardrobes).	Yes	All bedrooms comply with the minimum dimensions.
Living and living/dining rooms minimum widths: <ul style="list-style-type: none"> • Studio and one-bedroom: 3.6m • Two-bedroom or more: 4m 	Yes	All apartment types comply with the minimum
4m minimum width for cross over and cross through apartments.	Yes	All cross through apartments have a minimum 4m width

Apartment Design Guide				
Control	Compliance	Comment		
4E Private Open Space and Balconies				
All apartments required to have primary balconies as follows:		Acceptable	All apartments achieve the minimum area of private open space. Several 3 bedroom apartment types do not meet the minimum 2.4m standard however where this occurs multiple balconies are provided.	
Dwelling Type:	Min. Area			Min. Depth
One bed	8m ²			2m
Two bed	10m ²			2m
Three+ bed	12m ²			2.4m
The minimum depth counting to balcony area is 1m.				
Private open space for apartments on ground level, on a podium, or similar, must have a minimum area of 15m ² and a minimum depth of 3m.		Acceptable	The majority of ground floor apartments satisfy this requirement.	
4F Common Circulation and Spaces				
The maximum number of apartments off a circulation core on a single level is eight (8).		Acceptable	Buildings 1A and 1B have up to 10 apartments off each lift core. Given the low midrise (5-7 storeys) nature of the building and the larger apartments the number of lift cores is acceptable.	
4G Storage				
Minimum storage provision facilities: <ul style="list-style-type: none"> • 1 bed: 6m³ • 2 bed: 8m³ • 3 bed: 10m³ (Minimum 50% storage area located within unit)		Yes	All apartments meet this standard.	

State Environmental Planning Policy (Infrastructure) 2007

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

Clause 45

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

Clause 104

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

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

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

State Environmental Planning Policy (Affordable Rental Housing) 2009

42. SEPP 70 relates to Section 94F of the EP&A Act and provides that where the consent authority is satisfied that the development meets certain criteria and a Local Environmental Plan (LEP) authorises an affordable housing condition to be imposed, such a condition should be imposed so that mixed and balanced communities are created.
43. Clause 7.13 - Contribution for purpose of affordable housing of the Sydney LEP 2012 authorises that an affordable housing contribution may be levied for development in land in Green Square.
44. It is recommended that a condition be imposed requiring an affordable housing contribution to aid in the delivery of affordable housing in accordance with the principles in Schedule 2 of SEPP 70.
45. The total contribution required is \$10,315,221 (this will be indexed according to time of payment). The contribution is payable to the Department of Planning and Environment prior to issue of a Construction Certificate.

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

46. 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.
47. The principle of residential development on this site has already been established within the Stage 1 approval. The development will result in a diverse range of apartment types, which are in close proximity to the future Green Square Town Centre and Sydney CBD, public transport links and community areas such as Moore Park. The development is consistent with the aims and objectives of the SEPP.

Sydney LEP 2012

48. The site is located within the B4 Mixed Use zone. The proposed use is defined as residential flat buildings and child care centres and are permissible with development consent.
49. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Table		
Development Control	Compliance	Comment
4.3 Height of Buildings 4.6 Exceptions to development standards	No, but acceptable	<p>Various height limits apply across the site as shown in the Issues section. Generally a maximum height between 18-24m applies to the perimeter buildings and 12m to the interior buildings.</p> <p>A maximum height of up to 25.6m is proposed to the external buildings fronting Rothschild Avenue and a maximum of 22.5m to perimeter buildings facing the new internal road.</p> <p>The proposed internal buildings are two storeys.</p> <p>The proposal therefore exceeds the Sydney LEP 2012 maximum height of buildings control but is generally consistent with the amended Stage 1 approval as which redistributed the height throughout the site.</p>

Compliance Table		
Development Control	Compliance	Comment
		<p>The proposal seeks to vary the development standard through the provision of Clause 4.6 of the Sydney LEP 2012 to seek an exception to the height development standard.</p> <p>Refer to Issues section for discussion.</p>
4.4 Floor Space Ratio	Yes	<p>The site has a base FSR of 1:1 and permits community infrastructure incentives of 0.75:1 and design excellence incentives of up to 10%.</p> <p>The design excellence bonus allocated as part of the Design Excellence Strategy to Phase 1 is 3.08% and for Phase 3 is 2.43%.</p> <p>The design excellence bonus applies across the entire site and is only applicable to the site area covered by competitive processes.</p> <p>A full 10% of the site will therefore not be possible to achieve as the terrace style apartments have not been subject to a competitive process.</p> <p>The total GFA permitted over Phase 1 and Phase 3 is limited to 50,704 sqm in accordance with the Design Excellence Strategy.</p> <p>The proposed GFA over the two phases the subject of this application is 50,098 sqm which complies with the Design Excellence Strategy allocation.</p> <p>Refer to Issues section for discussion.</p>
5.9 Preservation of trees or vegetation	Acceptable	<p>The proposal is acceptable in terms of tree preservation as the proposal will retain 17 significant trees while removing several trees to accommodate the proposed development.</p> <p>The proposal has been reviewed by Council's Tree Services Unit and found to be acceptable.</p>

Compliance Table																	
Development Control	Compliance	Comment															
Part 6 Local provisions - height and floor space																	
Division 2 Additional floor space outside Central Sydney	Acceptable	The applicant seeks to utilise the Clause 6.14 Community Infrastructure Floor Space bonus and the Clause 6.21 Design Excellence bonus. Refer to Issues section for discussion.															
Division 4 Design excellence	Yes	A competitive design alternative process was held in 2015. Refer to issue section for discussion.															
Part 7 Local provisions—general																	
Division 1 Car parking ancillary to other development	Can comply	Phase 1															
		<table border="1"> <thead> <tr> <th>Type</th> <th>Rate</th> <th>Proposed</th> </tr> </thead> <tbody> <tr> <td>1 bed</td> <td>0.5 x 47 (23.5)</td> <td></td> </tr> <tr> <td>2 bed</td> <td>1 x 74 (74)</td> <td></td> </tr> <tr> <td>3 bed</td> <td>1.2 x 57 (68.4)</td> <td></td> </tr> <tr> <td>Total</td> <td>189.4</td> <td>181</td> </tr> </tbody> </table>	Type	Rate	Proposed	1 bed	0.5 x 47 (23.5)		2 bed	1 x 74 (74)		3 bed	1.2 x 57 (68.4)		Total	189.4	181
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		1 bed	0.5 x 47 (23.5)														
		2 bed	1 x 74 (74)														
		3 bed	1.2 x 57 (68.4)														
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		Visitor	Rate	Value													
		First 30	0.2 x 30 (6)														
Next 40	0.125 x 40 (5)																
70 +	0.067x 111 (7.43)																
Total	18.4	7															

Compliance Table																																
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		<p>Phase 3</p> <table border="1"> <thead> <tr> <th>Type</th> <th>Rate</th> <th>Proposed</th> </tr> </thead> <tbody> <tr> <td>1 bed</td> <td>0.5 x 75 (37.5)</td> <td>61</td> </tr> <tr> <td>2 bed</td> <td>1 x 150 (150)</td> <td>224</td> </tr> <tr> <td>3 bed</td> <td>1.2 x 62 (74.4)</td> <td>158</td> </tr> <tr> <td>Total</td> <td>262</td> <td>266</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Visitor</th> <th>Rate</th> <th>Proposed</th> </tr> </thead> <tbody> <tr> <td>First 30</td> <td>0.2 x 30 (6)</td> <td>6</td> </tr> <tr> <td>Next 40</td> <td>0.125 x 40 (5)</td> <td>5</td> </tr> <tr> <td>70 +</td> <td>0.067x 217 (14.5)</td> <td>27.3</td> </tr> <tr> <td>Total</td> <td>25.539</td> <td>16</td> </tr> </tbody> </table> <p>The proposal exceeds the maximum in terms of residential parking but is under the maximum visitor parking.</p> <p>A redistribution of car parking allocations will therefore be required as a condition of consent.</p>	Type	Rate	Proposed	1 bed	0.5 x 75 (37.5)	61	2 bed	1 x 150 (150)	224	3 bed	1.2 x 62 (74.4)	158	Total	262	266	Visitor	Rate	Proposed	First 30	0.2 x 30 (6)	6	Next 40	0.125 x 40 (5)	5	70 +	0.067x 217 (14.5)	27.3	Total	25.539	16
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Division 3 Affordable housing	Yes	The site is within the Green Square Affordable Housing catchment and will be subject to a contribution.																														
7.15 Flood planning	Yes	The site is identified as being flood prone. The application was accompanied by a flood study which included flood planning levels which have been incorporated into the design of the proposal. The application is considered acceptable in this regard.																														
7.16 Airspace operations	Yes	Approval has been granted by the Airport Authority.																														

Compliance Table		
Development Control	Compliance	Comment
7.20 Development requiring preparation of a development control plan	Yes	A Stage 1 consent has been granted for the site.

Sydney DCP 2012

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

2. Locality Statements – North Rosebery
<p>The subject site is located in the North Rosebery Locality. The proposed Mixed Use development is considered to be in keeping with the unique character of the area and design principles by contributing new dwellings in an area that is transitioning to medium density residential.</p> <p>The proposal balances the public and private domain through the provision of landscape setbacks, active street frontages and opportunities for passive surveillance. The proposal provides for a built form with high visual amenity, and reinforces the future public roads identified within the North Rosebery Neighbourhood controls of the Sydney DCP 2012.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.1 Public Domain Elements	Yes	The proposed development will make a positive contribution to the public domain with dedicated landscape setbacks.
3.2 Defining the Public Domain	Yes	The proposed development will enhance the public domain by providing for landscaped ground floor entries to the private residences, which will activate the streets and provide opportunities for passive surveillance, while maintaining visual privacy for residents.
3.3 Design Excellence and Competitive Design Processes	Yes	The proposed was subject to a competitive design process. Refer to issues section for discussion.
3.6 Ecologically Sustainable Development	Yes	The proposal will not have unacceptable impacts on the environment and satisfies BASIX requirements.

3. General Provisions		
Development Control	Compliance	Comment
3.7 Water and Flood Management	Yes	<p>The site is identified as being on flood prone land. The proposal has been designed to adequately minimise flood risks.</p> <p>The proposed development includes rainwater tanks satisfying the requirements of BASIX.</p>
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	The applicant is proposing a staged subdivision.
3.11 Transport and Parking	Yes	The proposal complies with the overall maximum permitted car parking by the Sydney LEP 2012 however a redistribution of spaces will be required between residential spaces and visitor spaces.
3.12 Accessible Design	Yes	A condition has been recommended for the proposed development to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	<p>The development includes the provision of waste chutes serving each floor and provides bulky storage areas within the basement level. The proposal also includes the provision for on-site waste collection in accordance with Council's controls.</p> <p>The application was referred to Council's Waste Management Officer, who raised no objection to the proposed development subject to the imposition of appropriate conditions.</p>

4. Development Types														
4.2 Residential Flat, Commercial and Mixed Use Developments														
Development Control	Compliance	Comment												
4.2.1 Building height	Acceptable	The proposal exceeds several of the height in storey limits set out in the DCP but is generally consistent with the amended Stage 1 approval.												
4.2.2 Building setbacks	Acceptable	<p>All external buildings comply with the 2m setback to be dedicated to Council for road widening.</p> <p>All external buildings comply with the 3m landscape setback.</p> <p>The majority of external buildings comply with 4m upper level setback. Where a breach does occur is it relates to a minor portion of the building for architectural expression.</p>												
4.2.3 Amenity	Acceptable	<p>The proposal generally provides for acceptable standards of amenity, as discussed in the SEPP65 discussion above subject to several conditions of consent to address:</p> <ul style="list-style-type: none"> - Study room within internal windows or windows facing onto a walkway - Bedrooms in close proximity of air conditioner units <p>The proposal fully complies with the flexible housing and dwelling mix provisions as follows:</p> <table border="1"> <thead> <tr> <th>Type</th> <th>Control</th> <th>No. and percentage</th> </tr> </thead> <tbody> <tr> <td>1 Bed</td> <td>15-40% max</td> <td>122 (25.5 %)</td> </tr> <tr> <td>2 Bed</td> <td>40-75% max</td> <td>224 (46.9%)</td> </tr> <tr> <td>3 Bed</td> <td>10 % min</td> <td>132 (27.6%)</td> </tr> </tbody> </table>	Type	Control	No. and percentage	1 Bed	15-40% max	122 (25.5 %)	2 Bed	40-75% max	224 (46.9%)	3 Bed	10 % min	132 (27.6%)
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1 Bed	15-40% max	122 (25.5 %)												
2 Bed	40-75% max	224 (46.9%)												
3 Bed	10 % min	132 (27.6%)												
4.2.4 Fine grain, architectural diversity and articulation	Acceptable	<p>The building street frontage widths were determined by the Stage 1 DA.</p> <p>The building has a frontage to Rothschild Avenue of approximately 234m which is 12.2m in width.</p>												

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
		<p>Each frontage has been split into several buildings to ensure the maximum of 65 is provided with the exception of buildings 1A and 1B which are approximately 83m in length.</p> <p>The exception is supported in this instance as the built forms are based on the approved Stage 1 consent and the winning competitive design scheme.</p>
4.2.5 Types of development	Yes	<p>Courtyard buildings and perimeter street block buildings</p> <p>The proposal is broken into components that allow visual permeability into the courtyard space at the centre of the site and includes two publicly accessible through-site links.</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. The residential and child care waste facilities are separate.</p>
4.2.7 Heating and Cooling Infrastructure	Yes	<p>Initially the applicant proposed air conditioner condenser units on each of the ground floor balconies. At the request of Council officers these have been removed and a condition is recommended to ensure they do not return.</p> <p>Air conditioning equipment is consolidated throughout the development with dedicated locations for condensers within architectural elements.</p>

4. Development Types		
4.4 Other Types and Uses – Child Care Centres		
Development control	Compliance	Comment
Must not exceed 90 child care places and 33% of places for children under 2	Can comply	The submitted information suggests potential placements between 74 and 88 for each child care centre.
Design of play areas	N/A	Insufficient information has been provided to make a full assessment. Refer to issues section for discussion.
7 sqm of useable outdoor space per child	N/A	Insufficient information has been provided to make a full assessment. Refer to issues section for discussion.
Control of impacts of child care centre	N/A	Insufficient information has been provided to make a full assessment. Refer to issues section for discussion.
Parking and pedestrian safety	Can comply	The applicant has proposed 4 staff parking spaces and 10 drop off spaces within Phase 1 and 4 staff spaces within Phase 3 and 9 drop off spaces. Given the high density residential buildings in which the centres are located the volume of onsite car parking is considered adequate and is supported by Council's Traffic Unit.

5.2 Specific Areas: Green Square		
Development control	Compliance	Comment
5.2.1 Green Square Urban Strategy 5.2.2 Objectives for Green Square	Yes	The proposal is considered to satisfy the relevant objectives and is consistent with the planning strategy envisaged for the area in that it contributes to the housing stock and includes buildings types and forms appropriate in the streetscape.
5.2.3 Community Infrastructure	Can comply	The application seeks to rely upon Clauses 6.12 and 6.14 of the Sydney LEP 2012 by providing community infrastructure.

5.2 Specific Areas: Green Square		
Development control	Compliance	Comment
		<p>A voluntary planning agreement (VPA) formed part of the Stage 1 consent across the entire site.</p> <p>The subject application is inconsistent with the approved VPA the phasing of works have been amended. The total sum of works between Phase 1 and Phase 3 has not been altered.</p> <p>It is recommended the application be delegated to the CEO to determine subject to an amended VPA being prepared, exhibited and adopted.</p>
5.2.4 Local Infrastructure 5.2.5 Pedestrian and bike networks	Yes	The proposal includes dedicated setbacks for road widening and easements for public access to through site links consistent with the Sydney DCP 2012.
5.2.6 Public open space	Yes	A large public park forms part of Phase 4 of the development site.
5.2.7 Stormwater management and waterways	Yes	The site is identified as being on flood prone land. The proposal has been designed to adequately minimise flood risks.
5.2.8 Highly visible sites	Yes	The site is not identified as a highly visible site.

5.2 Specific Areas: Green Square		
Development control	Compliance	Comment
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 after a 3m landscaped setback 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>	Acceptable	<p>In this instance the building locations are dictated by the building layout development controls in Part 5 of this DCP and the approved Stage 1 consent.</p> <p>Notwithstanding this, a 3m landscape set is achieved on most frontages.</p>
5.2.11 Carparks under the public domain	Yes	The proposed basement car parks extend under the through site links. The links are not dedicated to Council and will remain in private ownership with an easement for public access.
5.2.12 Above ground parking spaces and adaptable car parking spaces	N/A	No above ground car parking spaces are proposed.

5. Specific areas 5.7 – Green Square – North Rosebery		
Development control	Compliance	Comment
5.7.1.2 Vehicle access	Yes	Vehicle entrance to basement car parking is consistent with the DCP provisions.
5.7.2 Height in storeys	Acceptable	The proposal exceeds several of the storey height in storey limits set out in the DCP but is generally consistent with the amended Stage 1 approval. Refer to issues section for discussion.
5.7.2.1 Building setbacks	Acceptable	The proposal generally complies with the applicable setbacks. Minor exceptions are for architectural expression.
5.7.2.3 Fencing	Can comply	Insufficient detailed information has been provided to demonstrate compliance with the control. It is recommended this information be provided prior to the issue of a construction certificate.
5.7.2.4 Deep soil planting	Yes	Deep soil has been provided around the perimeter of the site in accordance with the DCP and the Stage 1 consent.
5.7.3 Building type	Acceptable	Terrace style apartments have been provided to the interior of the site as prescribed by the DCP and the Stage 1 consent.
5.7.4 Staging and implementation	Acceptable	The terrace style apartments will not have a street address but will be accessed by a through site link with an easement for public access. The subject application forms 2 of 4 approved phases for staged redevelopment of the site.
5.7.6 Design Excellence	Acceptable	The distribution of bonus floor space across the entire site has been dictated by the Design Excellence Strategy approved as part of the Stage 1 consent.

ISSUES**Compliance with Stage 1 DA**

51. The applicable environmental planning instrument is Sydney LEP 2012 which requires the preparation of a site specific development control plan before any development is carried out on the site. Pursuant to Section 83C of the EP&A Act that obligation can be satisfied by the making and approval of a staged development application in respect of that land.
52. Pursuant to Section 83D of the EP&A Act, any subsequent Stage 2 development determination cannot be inconsistent with the Stage 1 consent.
53. An activated Stage 1 consent was issued on 5 April 2016. The Stage 1 consent divided the site into 4 phases of development as shown in Figure 20 below.

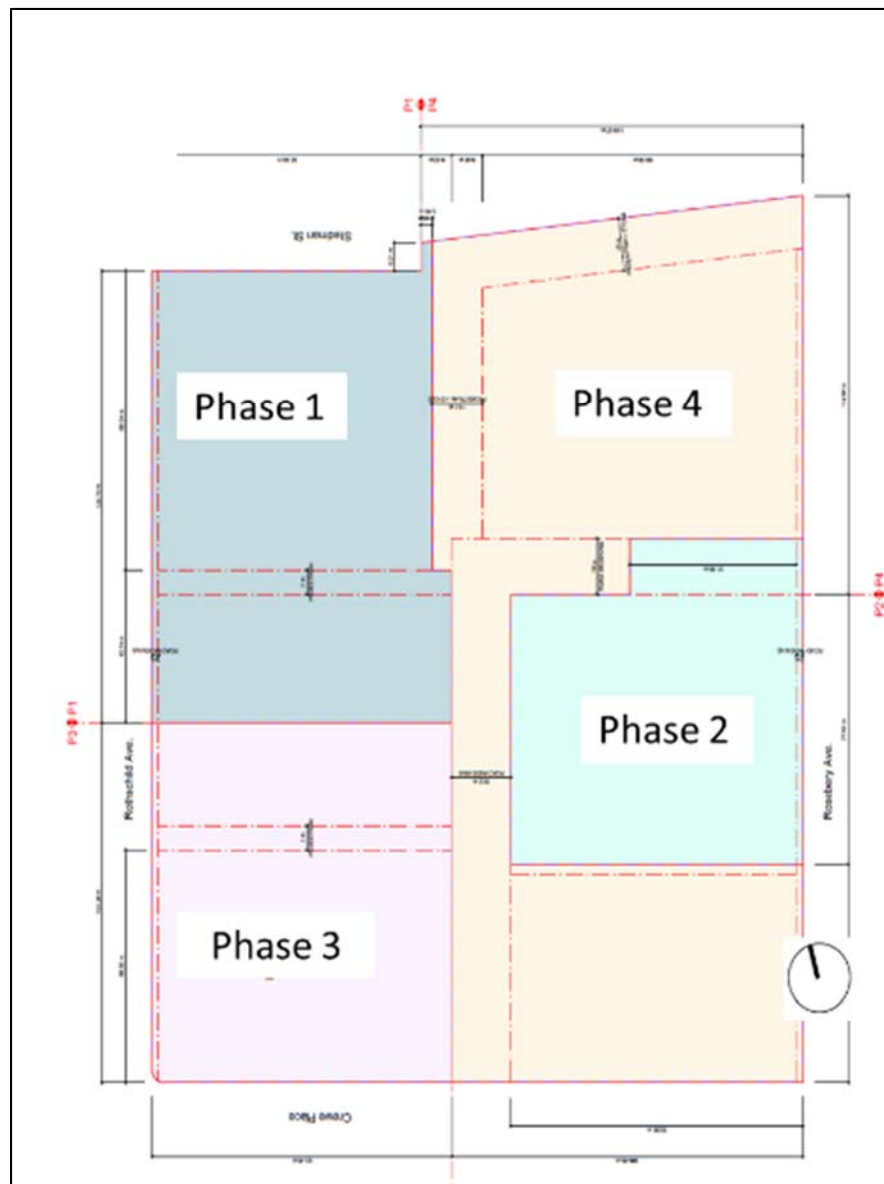


Figure 20: Approved phasing plan with works allocated as part of executed VPA

54. Each phase of development corresponds with the approved Design Excellence Strategy which allocates all GFA over the site and is consistent with the Voluntary Planning Agreement that was approved as part of the Stage 1 approval.
55. The applicant has altered the allocation of GFA over the phases, the phasing boundaries between Phase 1 and Phase 3 and the works approved as part of each phase of the development associated with the approved Voluntary Planning Agreement as shown in Figure 21 below.

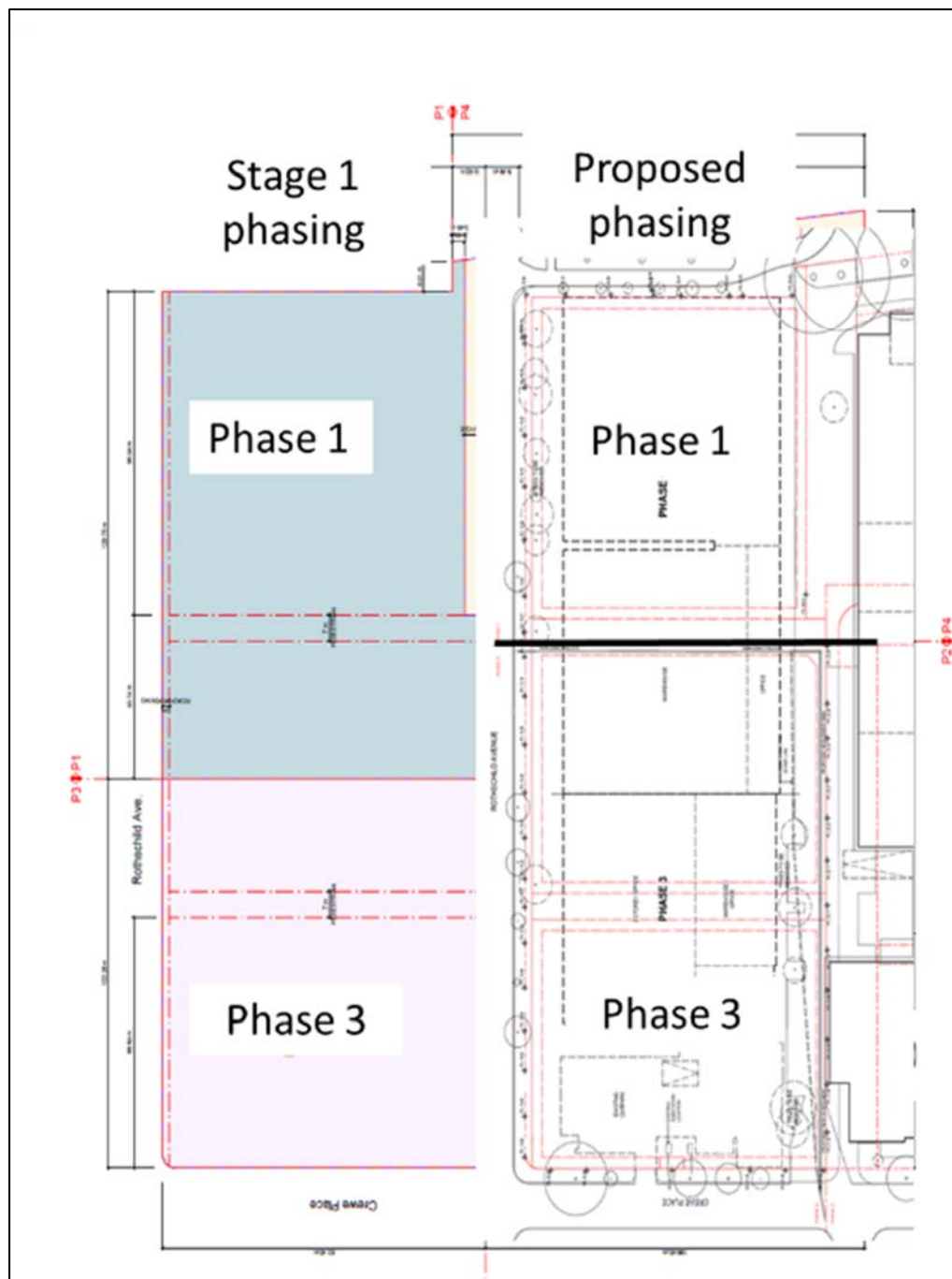


Figure 21: Phasing plan submitted as part of the subject development application

56. The subject application does not seek to alter the staging of works which are required to be completed by the VPA which has been registered on title. The applicant will need to deliver the complete package of works for each Phase as approved under the Stage 1 consent and VPA.
57. An assessment of compliance with the Stage 1 conditions of consent is provided below:

#	Condition	Compliance	Comment
3	VPA	Acceptable	The applicant will need to complete the community infrastructure works in accordance with the VPA.
4	Design Excellence Strategy	Acceptable	The combine volume of GFA across Phase 1 and 3 complies, each individual Phase separately does not comply with the design excellence strategy. No objection is raised to this arrangement as there is no net increase in GFA.
5	Airport approval	Yes	Approval has been granted by the airport authority
7	Minimising roof top plant	Can comply	Rooftop plant has been minimised however it can be reduced further to ensure view sharing occurs.
9	Building envelopes	Can comply	The proposal generally complies with the amended Stage 1 envelopes.
11	Building heights	Acceptable	The proposal generally complies with the amended Stage 1 envelopes.
12	FSR	Can comply	The applicant seeks consent for a total GFA between Phase 1 and 3 of 50,553sqm which is consistent with the design excellence strategy in total but does not align with allocated GFA for each phase.
14	Subdivision	Acceptable	The applicant has provided concept plans for a staged subdivision of the site but has not provided a plan for overall site amalgamation as required by this condition.
15	Compliance with the ADG	Acceptable	The proposal generally complies with the ADG with the exception of building separation and amenity provisions. Non-compliances are discussed earlier in the ADG assessment section of this report.

#	Condition	Compliance	Comment
17	Child Care	Acceptable	The applicant has not provided sufficient information to make a full assessment of the proposed child care centres. It is recommended as a condition of consent that the fitout and specific use of the centres be subject to separate development applications.
18	Public Art	Acceptable	The applicant has not provided a public art strategy but has suggested possible locations with 'art walls'. It is recommended as a condition of consent that public art strategy be prepared and approved prior to the issue of a construction certificate.
19	Ausgrid	Can comply	The applicant has not demonstrated consultation with the energy provider. A standard Ausgrid substation condition is proposed.
20	Contamination	Acceptable	The applicant has provided sufficient information regarding contamination to satisfy Council' Health and Building Unit.
23-24	Car parking Bicycle parking	Can comply	The submitted plans do not satisfy Australian Standards for car and bicycle parking. It is recommended as a condition of consent that plans are submitted to and approved by Council prior to the issue of a construction certificate demonstrating compliance with Australian Standards.
26-29	Public Domain	No	Full public domain plans will be required prior to the issue of a construction certificate.

58. As demonstrated above, the proposal generally complies with the amended Stage 1 development consent which applies to the site. Where variance does occur the amendments are considered minor and continue to reflect to planning intent of the original consent.

Community Infrastructure – Public Benefit and Voluntary Planning Agreement

59. The development seeks consent to utilise Clause 6.12 and Clause 6.14 of the Sydney LEP 2012 which can only be achieved where a development provides community infrastructure to the satisfaction of the consent authority.
60. A Voluntary Planning Agreement (VPA) associated with a public benefit was executed on 1 March 2016 and registered on title. The agreement included public benefits of land dedications, construction of roads and a park.

61. The proposed phasing is inconsistent with the approved VPA phasing as the applicant has altered the division between Phase 1 and Phase 3. The sum total of works between the two phases remains unchanged. The issue arises as part of the works required by Phase 1 now occur within Phase 3. The applicant will need to complete the works out of order to gain an occupation certificate for the final building of Phase 1.

Competitive Design Process, Design Improvements and Design Excellence

62. A competitive design process was undertaken in 2015. The SJB design (the subject of this application) was the winner of the competitive design process. In accordance with Clause 6.21 (7) of the Sydney LEP 2012, the consent authority may grant up to 10% additional floor space where design excellence is achieved through a competitive design process.
63. The application seeks consent for part of the applicable proportion of the 10% additional FSR under Clause 3.3.5 of the Sydney DCP 2012, specifically 3.08% for Phase 1 and 2.43% for Phase 3.
64. In selecting SJB as the preferred scheme, the Competitive Process Selection Panel raised the following issues:

- (a) *Variations to the Stage 1 envelopes only acceptable if the proposal complies with the ADG.*

Comment: The proposal does not strictly comply with the numerical controls of the ADG, however at Council Officer request the design has been further resolved to achieve a better level of compliance in terms of building separations and natural cross ventilation.

- (b) *Disabled access to lobbies requires resolution.*

Comment: It is recommended as a condition of consent that design details of the proposed accessible entrance ramps be provided prior to the issue of a construction certificate.

- (c) *Landscape concept requires rethinking. Concept good but raises too many questions in terms of practical application.*

Comment: The original wetlands landscape concept has been superseded. The new scheme involves a series of ramps and paths linking landscaped areas.

- (d) *SEPP 65 compliance conformation is required for deep soil and number of apartment per core.*

Comment: The level of deep soil (4.5%) does not meet the minimum 8% of SEPP65. Notwithstanding this, the proposed deep soil is consistent with the approved Stage 1 and located at the perimeter consistent with the Sydney DCP 2012.

Buildings 1A and 1B exceed the number of apartments per core.

- (e) *Waste collection and slab heights particularly relating to ground level requires resolution.*

Comment: The applicant has resolved this issue by creating raised terraces and ramps throughout the communal open space.

65. In considering whether development exhibits design excellence, the consent authority must have regard and be satisfied that the development achieves this criteria. Each criterion is addressed below:

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

The initial submission reduced the quality of materials proposed and detailing of the winning competitive design process scheme. At the request of Council Officers the materials and detailing have been returned to key areas. The development is now considered to represent a well resolved architectural design with a clear concept.

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

The bulk, massing and modulation of the buildings are suitable for the street blocks, with meaningful breaks, articulation and setbacks in the facade. The buildings adopt active frontage at the ground floor including areas for potential artwork and two through site links which will activate and enhance the appearance and setting of the buildings.

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

The applicant has supplied a view loss analysis as described later in this report. It is not considered that the view analysis sufficiently addresses view loss as all the existing view to the waters of Botany Bay will be lost. This does not constitute view sharing. It is recommended as a condition of consent that further efforts are made to reorientate and relocate the rooftop plant to allow view sharing to occur.

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

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

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

Building separation

66. Several apartment types have compromised amenity due to either failing to minimise building separation, internal windows within the building or have windows within close proximity to banks of air conditioner units, Figures 22 -24 illustrate the issue.

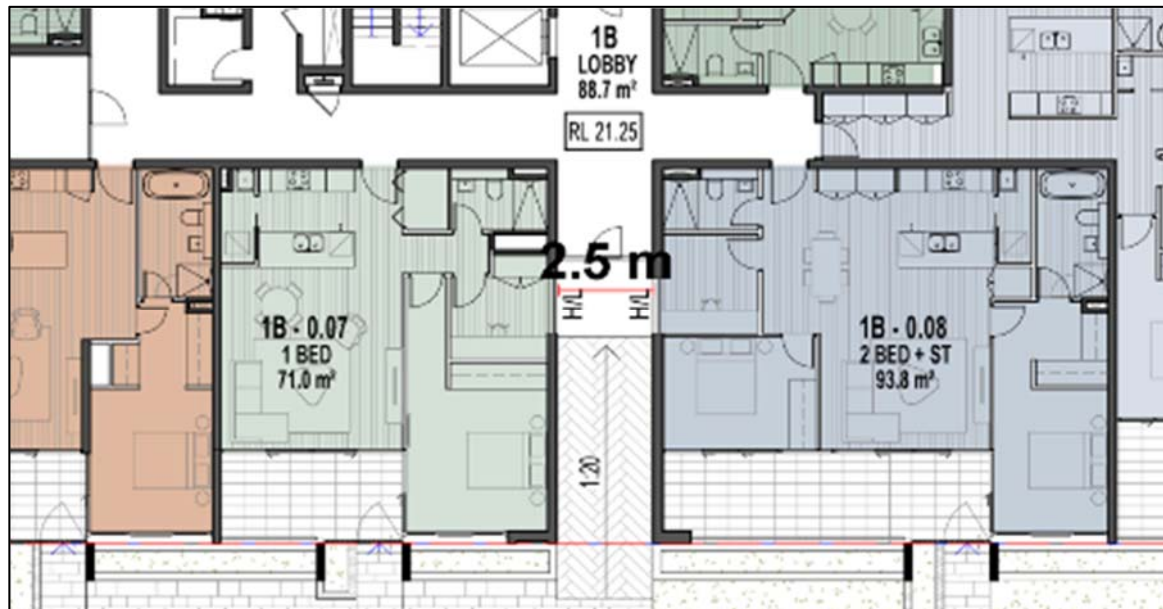


Figure 22: Ground floor building 1B – study windows are within an internal circulation corridor and in close proximity to each other.

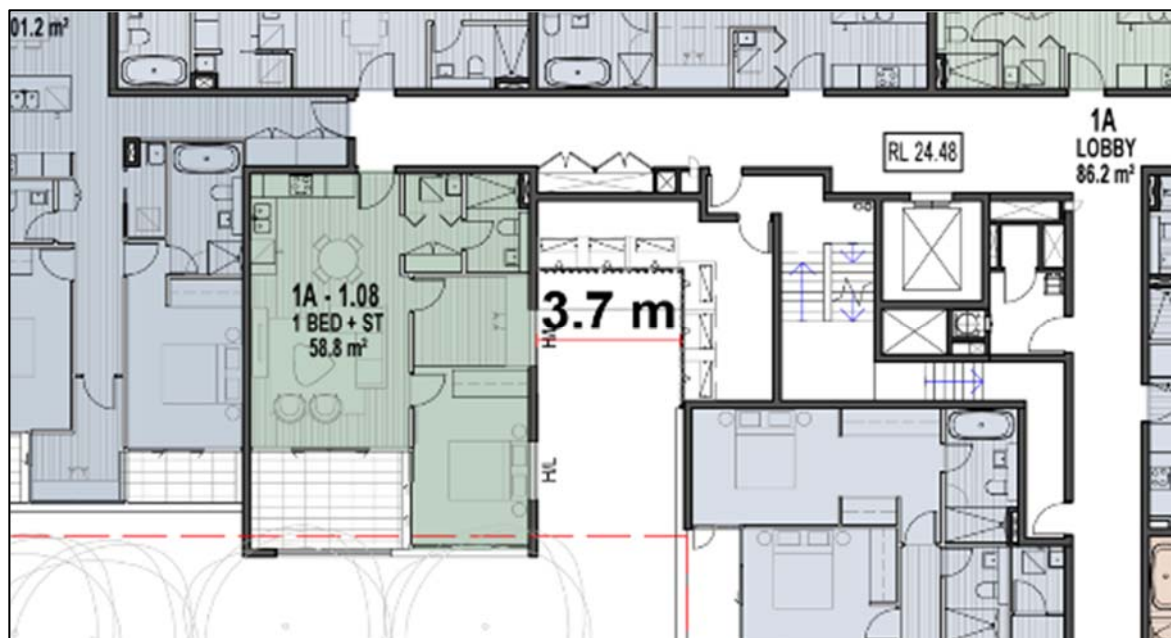


Figure 23: Building 1A Study window are in close proximity to banks of air conditioner units

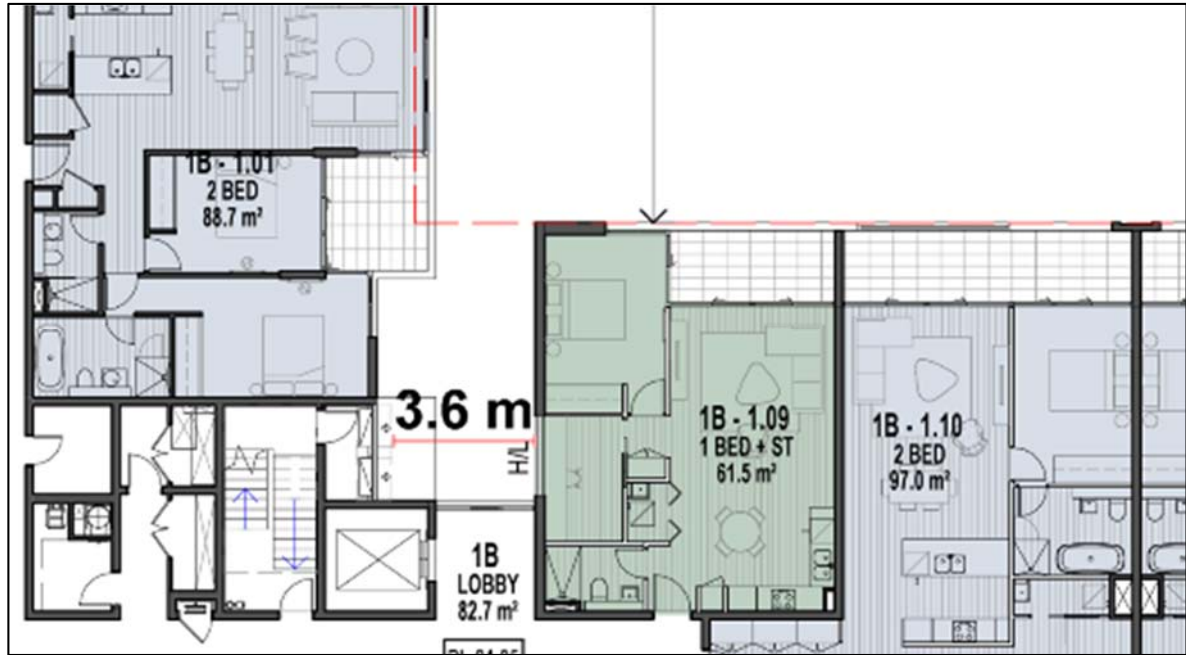


Figure 24: Building 1B Study window are in close proximity to banks of air conditioner units

67. It is recommended as a condition of consent that the internal windows within lobbies and circulation spaces as shown in Figure 20 be removed. Each of these apartments will need to be reconfigured.
68. Several apartment types within the 'elbows' of building's 1A and 1B fail to provide adequate separation between windows and banks of air conditioner units as shown in Figures 21-22 above. It is unlikely that the proposed windows in this arrangement would be untiled given the noise and heat load experienced by occupants. It is recommend as a condition of consent that the windows be removed. Each of these apartments will need to be reconfigured.

Building Height – Exception to Development Standard

69. The Stage 1 application approved the redistribution of permissible FSR (including bonuses) and height within the site. While there was no net increase in FSR, the height on several buildings exceeded that permissible within the Sydney LEP 2012. The Stage 1 envelopes primarily increased the height of buildings to the north of the site and reduced the height of the internal terrace style apartments.
70. The Sydney LEP 2012 sets a number of different height controls over the site as shown in Figure 25.

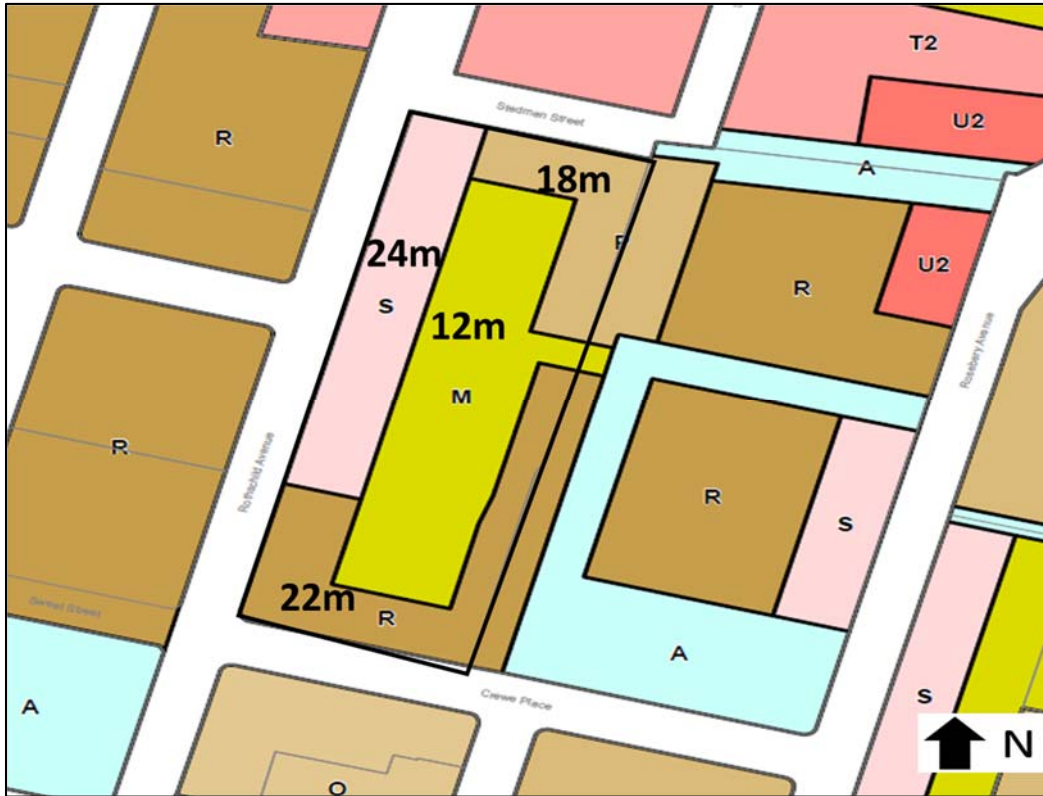


Figure 25: Sydney LEP 2012 Height of Buildings Map extract

71. A comparison between the Sydney LEP 2012 height, Stage 1 height and the Stage 2 proposed height is provided below.

Building	LEP Height Limit	Masterplan Height	Proposed Height	Compliance	Comments
Building 1A (7 storey part)	24 metres (RL 44.5*)	Roof: RL 43.28 Plant: RL 46.08	Roof: RL 43.28 Plant: RL 46.08	LEP: No MP: Yes	Conforms to the masterplan heights.
(5 storey part)	18 metres (RL 38.5*)	Roof: RL 36.88	Roof: RL 36.98	LEP: Yes MP: No	Minor variation of 100mm to allow for tolerance for roof make up.
Building 1B (1D on MP) (6 storey part)	18 metres (RL 38.5*)	Roof: RL 39.95 Plant: RL 42.75	Roof: RL 40.05 Plant: RL 42.87	LEP: No MP: No	Minor variation of 100mm for tolerance for roof make up.
(4 storey part)	12 metres (RL 32.5*)	Roof: RL 36.75	Roof: RL 33.65	LEP: No MP: Yes	Conforms to the masterplan heights.
Building 3A (6 storey part)	22 metres (RL 42.5*)	Roof: RL 39.88 Plant: RL 42.68	Roof: RL 39.88 Plant: RL 42.68	LEP: No MP: Yes	Conforms to the masterplan heights.
(5 storey part)	22 metres (RL 42.5*)	Roof: RL 36.68	Roof: RL 36.68	LEP: Yes MP: Yes	Fully complies.
Building 3B (3B & 1B on MP)	24 metres (RL 44.5*)	Roof: RL 41.50 Plant: RL 44.30	Roof: RL 42.10 Plant: RL 44.80	LEP: Yes MP: No	Variation of 600mm due to raising ground level for Flooding.
Building 3C (3B & 1C on MP)	22 metres (RL 42.5*)	Roof: RL 41.30 Plant: RL 44.10	Roof: RL 41.30 Plant: RL 44.10	LEP: No MP: Yes	Conforms to the masterplan heights.
Building 3D	22 metres (RL 42.5*)	Roof: RL 42.20 Plant: RL 45.00	Roof: RL 42.20 Plant: RL 45.00	LEP: No MP: Yes	Conforms to the masterplan heights.
Building 3E	12 metres (RL 32.5*)	Roof: RL 27.66	Upper Ridge: 28.55 Lower Ridge: 27.90	LEP: Yes MP: No	Variation due to raising ground level to better align with new street levels.
Building 3F	12 metres (RL 32.5*)	Roof: RL 27.66	Upper Ridge: 28.55 Lower Ridge: 27.90	LEP: Yes MP: No	Variation due to raising ground level to better align with new street levels.
Building 3G (1E on MP)	12 metres (RL 32.5*)	Roof: RL 27.66	Upper Ridge: 28.15 Lower Ridge: 27.50	LEP: Yes MP: No	Variation due to raising ground level to better align with new street levels.

72. The proposal as such is generally consistent with the Stage 1 approval with minor variances to deal with flooding, site tolerances and street alignment.
73. The proposal has a maximum height of 25.6m (Building 1A). The applicant is relying on the provisions of Clause 4.6 of the Sydney LEP 2012 to seek an exception to the height of development standard by up to 3.62m. The various non-compliances represents maximum variations between 10.5% and 14.7% of the height control.

74. Clause 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.
75. In order to demonstrate whether strict numerical compliance is unreasonable and unnecessary in this instance, the proposed exception to the Height of Buildings control has been considered against the objectives of Clause 4.6 below:
76. The applicant must submit a written request to vary the standard demonstrating that compliance is either unreasonable or unnecessary in the circumstances and that there are sufficient planning grounds to justify contravening the controls
77. A written request has been submitted to Council justifying the proposed contravention of the height of buildings standard on the following basis:
- (a) the proposal exceeding minor variations generally comply with the approved Stage 1 application;
 - (b) the proposal complies with the gross floor area;
 - (c) the development displaces minimal bulk and scale characteristics.
 - (d) the proposal will result in no adverse visual impacts such as unreasonable overlooking and overshadowing.
 - (e) the proposal is consistent with then land use zoning.

Comment: The additional height does not realise additional GFA and generally complies with the Stage 1 approval which distributes height and FSR across the entire sites. For the above reasons and against the assessment conducted elsewhere in this report the proposed variation is supported.

78. Council must be satisfied that the proposed development is consistent with the objectives of the development standard and the objectives for development within the zone and will be in the public interest.
- (a) The objectives of the B4 Zone are:
 - (i) to provide a mixture of compatible land uses.
 - (ii) to investigate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
 - (iii) to ensure uses support the viability of centres.

Comment: The proposal is consistent with the zone objectives as it provides for the permissible uses of residential apartments and two child cares centres.

- (b) The objectives of the height standard are:
 - (i) to ensure the height of the development is appropriate to the condition of the site and its context.
 - (ii) to ensure appropriate height transitions between new developments and heritage items and buildings in conservation areas to special areas;

- (iii) to promote the sharing of views;
 - a. to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas.
 - b. in respect of Green Square:
 - i. to ensure the amenity of the public domain be restricting taller buildings to only part of the site, and
 - ii. to ensure the built form contributes to the physical definition of the street network and public places.

Comment: The proposed development is consistent with the objectives of the height provisions under Clause 4.3 of the Sydney LEP 2012 for the following reasons:

- a) the proposed development responds to the context of the surrounding development and the desired future character of the locality.
- b) there are no immediate heritage items in the vicinity, the elements of the development that exceed the development standard are generally setback from the parapets and are not readily visible from the public domain.
- c) a view analysis has been provided demonstrating there will be minimal impact on existing outlooks.
- d) the site is not located within Central Sydney or the Green Square Town Centre.

79. It is considered that the written rationale submitted by the applicant addresses the objectives associated with contravening the development standard and has sufficiently justified that strict numerical compliance with the development standard is unreasonable and unnecessary in this instance. For the reasons outline above, there are sufficient planning grounds to justify the departure from the height development standard and it is recommended that a Clause 4.6 exception be granted, pursuant to the Director – General’s general concurrence of May 2008.

View loss

- 80. The potential for impact on the outlook of existing apartments to the north of the site was considered as part of the Stage 1 assessment. Condition 7 of the stage 1 development consent D/2014/1962 requires that the roof top plant associated with buildings 1A, 1B and 3 B are to minimised and sited to reduce any potential impact on the outlook of residents to the north of the site.
- 81. The condition was imposed to address potential view loss from an adjoining development to the north of the site as shown in Figure 26 below:



Figure 26: Existing view from an adjoining apartment to the north of the subject site with view to the waters of Botany Bay to the south across the subject site

82. At the request of Council Officers the applicant has provided a view analysis. The view analysis examines the proposal as submitted and as amend (at the request of Council Officers). Each analysis shows a line of the approved maximum height of the plant under D/2014/1962 and also the parts of the proposal that are over and under that approved line but does not take into consideration condition 7. It should be noted that only a small portion of the rooftops were approved for plant, not a continuous level as suggested by the applicant's analysis.
83. The analysis of the original submitted scheme shows that some additional view loss may occur. This is due to the location and design of the rooftop structure such as stairs and plant. These rooftop structures have been redesigned (at the request of Council Officers) and there will be a reduced impact as shown on the amended DA view analysis from the original scheme submitted. The reduction does not reduce the impact on the existing view of waters of Botany Bay to the south of the site.
84. The comparable view analysis provided by the application is shown in Figure 27-28 below:

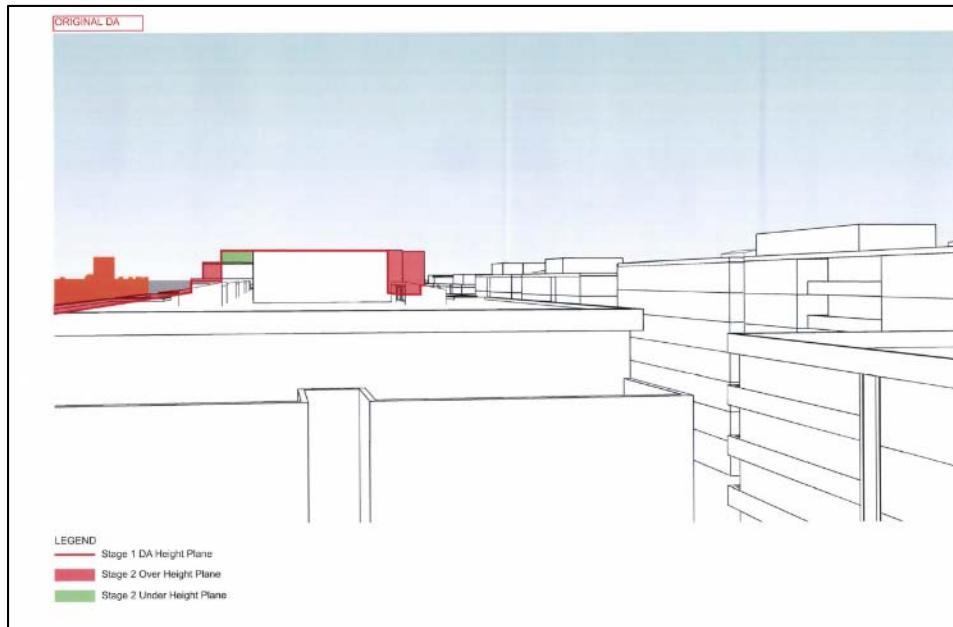


Figure 27: View analysis provided by applicant for the original scheme

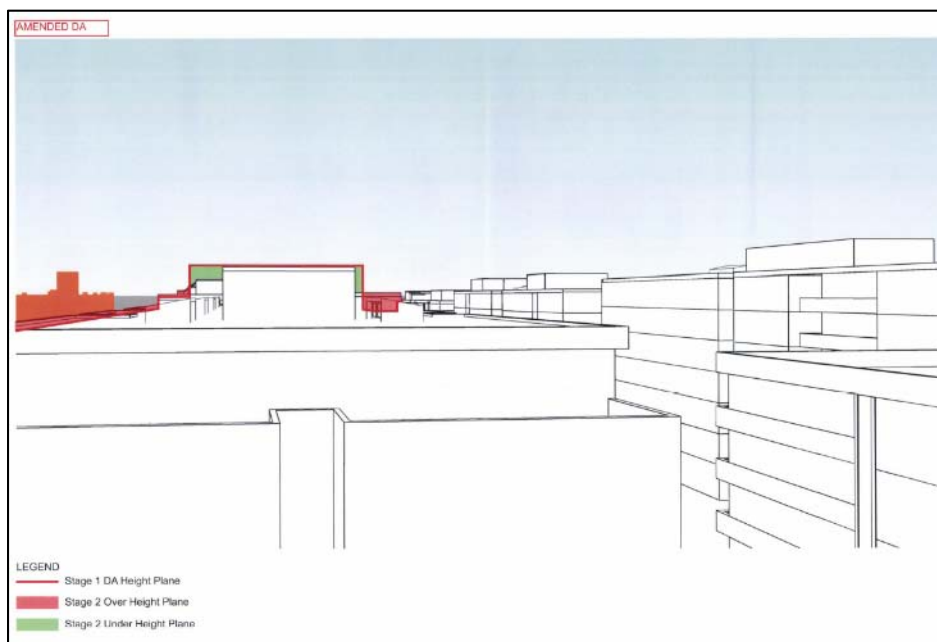


Figure 28: View analysis provided by applicant for the amended scheme

85. It is not considered that the view analysis sufficiently addresses view loss as all the existing view to the waters of Botany Bay will be lost. This does not constitute view sharing. It is recommended as a condition of consent that further efforts are made to reorientate and relocate the rooftop plant to allow view sharing to occur. Further it is recommended that detailed plans with fine grain details and materials will be required to be submitted to Council prior to the issue of a construction certificate.

Car parking / bicycle parking

86. The proposal exceeds the total number of residential car parking spaces but does not provide the full quorum of permissible visitor car parking. In accordance with the Sydney LEP 2012 and Sydney DCP 2012 it is recommended as a condition of consent that the car parking distribution be reallocated to ensure a complying scheme.
87. Bicycle parking is provided to an acceptable level within the development for residents and visitors however the spaces provided are of insufficient size to meet Australian Standards. It is recommended as a condition of consent that an updated plan be provided prior to the issue of a construction certificate for basement works which demonstrates how the current basement car park can accommodate the bicycles.

Child Care Centres

88. The proposal includes two child care centres, one within each phase. The submitted information suggests that placements for between 74- 88 children within each child care centre will be possible. Insufficient information has been provided to make a full assessment of either child care centre including setting an appropriate placement value.
89. The applicant has requested that rather than providing the required information, the approval of the fitout and use of the child care centres be removed from the application and delayed until a future separate development application is lodged. No further assessment has therefore been made of the proposed child care centres.
90. It is recommended as condition of consent that separate development applications be lodged for the fitout and detailed use of each child care centre including placement ratios, management, noise attenuation and detailed management.

Public Art

91. The applicant has not provided a public art strategy as required by the Stage 1 consent and the Sydney LEP 2012. The applicant has nominated that 'art walls' could be located on the 3m high walls that surround the child care centres on the external frontages. Sketch concept designs for the 'art walls' have been submitted however these design are currently in a draft stage.
92. It is recommended as a condition of consent that a public art strategy be provided prior to the issue of a construction certificate for the two phases.

Other Impacts of the Development

93. The applicant has provided a Building Code of proposed development is capable of complying with the BCA.
94. 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

95. 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

96. The application was referred to Council's;
- (a) Heritage and Urban Design Specialists;
 - (b) Building Services Unit;
 - (c) Health and Building Unit;
 - (d) Tree Management;
 - (e) Waste Management;
 - (f) Public Domain Unit;
 - (g) Transport Unit;
 - (h) Landscape Specialist;
 - (i) Child care specialist; and
 - (j) Specialist surveyor.
97. The applicant has submitted amended plans and additional information which has addressed a number of initial concerns raised by Council's internal referral bodies. As such, no objection was raised to the proposed development, subject to the imposition of a number of conditions relating to security traffic control measures, remediation, landscaping and compliance with submitted consultant reports. As such, where relevant those conditions recommended by other sections of Council have been included in the recommendation of this report.

EXTERNAL REFERRALS

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. Terms of Approval have been granted by the Office of Water. As a result of the notification and advertising two submission(s) were received raising the following concerns:

- (a) *View loss as a result of breaching height control relating to building 1D*

Comment: Several buildings breach the Sydney LEP 2012 height limits however the proposal generally complies with the Stage 1 envelopes. Notwithstanding this the applicant has not adequately addressed view loss as the volume and sighting of the plant areas will result in a loss of water views.

It is recommended as a condition of consent that the roof top plant be amended to reduce the impact on view loss with a view haring strategy as discussed in the issues section of this report

(b) *Poor resolution of Crewe Place elevation*

Comment: It is agreed the original submitted scheme lacked the level of refined design and detail of the winning competitive design scheme. The applicant has amended the scheme at the request of Council Officers to return to a more refined design.

(c) *Inconsistency with setbacks on Rothschild Avenue*

Comment: The site to the north on Rothschild Avenue has dual footpaths. The proposal does not duplicate this arrangement but rather includes a 2m dedication for road widening which is consistent with the Sydney DCP 2012 control.

(d) *Suggestions for new bicycle route*

Comment: These comments will be forwarded to Council Transport Unit for review.

(e) *Kerb alignment on Crew Place*

Comment: Public domain infrastructure will form part of the future public domain plan which is recommended as a condition of consent.

99. The application was referred to the following external bodies:

- (a) Ausgrid;
- (b) Roads and Maritime Service (RMS);
- (c) Sydney Airport; and
- (d) Sydney Water.

100. The application was referred to Ausgrid will require the developer to make a formal submission by means of a duly completed Preliminary Enquiry and/ or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development.

101. The application was referred to Sydney Airport in accordance with the Civil Aviation (Buildings Control) Regulations 1988, as the proposed development exceeds a building height of 15.24 metres above existing ground level and requires approval of the Civil Aviation Safety Authority. Approval was granted, in correspondence dated 1 March 2016, for the erection of the development to a maximum RL 48.5 AHD.

102. The proposal was referred to RMS as the application is subject to Clause 104 of the ISEPP by providing parking for more than 200 motor vehicles and is traffic generating development. No objection to the proposal was received.

PUBLIC INTEREST

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

FINANCIAL IMPLICATIONS/S94 CONTRIBUTION**Section 94 Contributions**

104. The development is subject to the following Section 94 Contributions:

Community Facilities	\$1,169,776.40
Public Domain	\$720,514.80
New Open Space	\$5,614,085.34
New Roads	\$1,425,819.32
Accessibility	\$59,137.18
Management	\$63,940.94
Total	\$9,053,273.98

105. The contribution is calculated based on a total of:

- (a) 478 new dwellings (122 x 1 bedrooms, 224 x two bedrooms and 132 x 3 bedrooms)
- (b) 2 child care centres with a combine total of 24 workers.

106. No credits have been applied for past uses of the site.

Affordable Housing Contribution

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

- (a) \$174.19 per square metre of the total residential floor area (58,846.60sqm – \$10,250,384); plus
- (b) \$58.04 per square metre of the non-residential floor area (1,115.30sqm - \$64,732.00).

108. A total contribution of \$10,315,221.00 is therefore required.

RELEVANT LEGISLATION

109. The Environmental Planning and Assessment Act 1979.

CONCLUSION

110. The proposed development is generally consistent with the core development standards and zone objectives contained in Sydney LEP 2012 with the exception of the height of buildings control, the proposal is otherwise acceptable subject conditions to improve the amenity of the intended occupants and nearby existing residents.

111. The proposal has been subject to a design competition process. The building has been suitably designed and represents a well resolved architectural design that adopts an appropriate form, scale and expression. The design provides active landscaped frontages for all ground floor apartments and through site links.
112. The amended proposal performs well against the relevant built form controls in Sydney DCP 2012 and design principles in SEPP 65. An acceptable level of internal 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.
113. The proposal exceeds the height of building and height in storeys controls on parts of the site. The exception to the height development standard and height in storeys control is assessed to be acceptable in this circumstance.
114. The written objection pursuant to Clause 4.6 of Sydney LEP 2012 for building height departure is supported as the proposal is generally consistent with the Stage 1 approval which provides a master plan for the site.
115. The North Rosebery Precinct is undergoing transition from a predominately light industrial precinct to a mixed use, commercial and residential neighbourhood. The proposal will contribute substantially to the supply of housing in the Local Government Area and the revitalisation of the North Rosebery Precinct, being a key objective of Sustainable Sydney 2030.
116. The development has been designed having regard to the relevant constraints of the site and controls, including the site specific North Rosebery Neighbourhood provisions within DCP 2012. Whilst there are some numerical non-compliances, the proposal will result in a building form which provides a positive interface with the public domain and a reasonable level of amenity for future occupants and adjoining properties.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Jai Reid, Senior Planner)