

ITEM 10. DEVELOPMENT APPLICATION: 106-116 EPSOM ROAD ZETLAND**FILE NO: D/2015/913****DEVELOPMENT APPLICATION NO: D/2015/913****SUMMARY**

Date of Submission:	1 July 2015, amended plans were received on 19 February 2016, 15 March 2016, 17 May 2016 and 6 July 2016.
Applicant:	Mecone Pty Ltd
Architect:	MHN Design Union and Neeson Murcutt, Architectus and BVN
Developer:	Lincon
Owner:	Lincon Development Pty Ltd
Cost of Works:	\$168,346,960
Proposal Summary:	<p>Stage 2 DA for the demolition of the existing structures, site remediation, removal of 41 trees on site, construction of a mixed use development comprising 5 buildings ranging between 5 and 14 storeys, accommodating 546 residential apartments and 1,041sqm of retail premises and the excavation of 2 levels of basement. The application involves landscaping and public domain works, the construction of parts of George Julius Avenue, Rose Valley Way, Peters Street and Letitia Street, subdivision of development lots and dedication of roads and the northern part of the lot to form part of Gunyama Park.</p> <p>The application is classified as Integrated Development as the works require approval under the Water Management Act 2000.</p> <p>The application was exhibited from 20 July 2015 to 20 August 2015. No submissions were received.</p> <p>The proposal has been amended to address various issues identified during the assessment, the most significant being:</p>

**Proposal Summary:
(continued)**

- Consolidation of basements and services to reduce number of driveways and blank facades to improve ground floor interface with the public domain;
- Improvements to apartment layouts to achieve greater compliance with SEPP 65 and the Apartment Design Guide; and
- Splitting of Building A into 3 towers above the podium to improve residential unit amenity and result in a more articulated built form.

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 Building standard. Part of the proposed Building A exceeds the 45m height control by 4m (8%). Part of the proposed Building B and C exceed the 30m, 27m and 18m height controls by 5m (16%), 8m (30%) and 3m (17%) respectively. Building D exceeds the 27m height limit by 3m (11%).

A written Clause 4.6 request to vary the standard has been submitted by the applicant and is considered acceptable in this instance as it enables the design bulk to improve.

The Stage 1 DA (D/2011/1760) applicable to the site was granted deferred commencement consent on 30 July 2011. The deferred commencement condition required approval from the Sydney Airport Corporation Limited for all buildings/structures with a maximum height greater than 51 metres above Australian Height Datum and a Voluntary Planning Agreement (VPA) to secure the public domain works and land dedication to be executed and registered on the title of the land. These matters have been satisfied and the Stage 1 consent was made operational on 21 July 2016.

In order to ensure consistency between the staged applications, as required by section 83D of the Environmental Planning and Assessment Act, it is necessary to vary the Stage 1 DA consent. As such, a concurrent Section 96 application (D/2011/1760/B) has been lodged. The S96 application seeks to amend the original Stage 1 DA approval in the following manner:

**Proposal Summary:
(continued)**

- Increase to the height of Building A1 from 10 to 12 storeys;
- Increase to the height of Building D1-D2 by 7m (saw tooth roof);
- Amendments to setbacks and floor to ceiling; and
- Amendments to basement parking levels to allow for consolidated basement to Building B and C and D.

The site is divided into 3 parts: Building A to the south, Buildings B and C in the middle of the site and Building D on the northern part of the site.

Each of the 3 parts of the site have been the subject of an individual competitive design process. The proposed buildings generally represent well resolved architectural designs that sensitively respond to the location. The proposal generally adopts an appropriate form, scale and expression to street frontages and surrounding land.

It is noted that the executed VPA registered on the site (under D/2011/1760) does not reflect the current circumstances of the site, which now incorporates the Green Square trunk drainage project that passes through the site and will allow for the development of Rose Valley Way over. The executed VPA does not include the full scope of a preferred works-in-kind package relevant to this application. An amended VPA is currently being negotiated to align with this Stage 2 DA and replace the executed VPA.

A draft VPA is being prepared to secure the updated provision of the public benefit package. At the time of writing this report the amended VPA has not been exhibited.

As such, the recommendation is for CSPPC to consider the merits of the proposal and delegate the decision to determine the development application to the Chief Executive Officer once the amended Voluntary Planning Agreement has been exhibited for 28 days (and any submissions considered).

Summary Recommendation:

It is recommended that the CSPPC consider the merits of the proposal and delegate the decision to determine the development application to the Chief Executive Officer upon completion of the VPA exhibition process and consideration of any submissions.

- Development Controls:**
- (i) State Environmental Planning Policy No 55 – Remediation of Land
 - (ii) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (“Codes SEPP”)
 - (iii) State Environmental Planning Policy 65 - Design Quality of Residential Flat Development (“SEPP 65”)
 - (iv) State Environmental Planning Policy No 70 Affordable Housing (Revised Schemes State Environmental Planning Policy (Infrastructure) 2007 (“ISEPP”)
 - (v) State Environmental Planning Policy No 32— Urban Consolidation (Redevelopment of Urban Land) (“SEPP 32”)
 - (vi) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (“BASIX”)
 - (vii) 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”)

- Attachments:**
- A - Architectural Drawings Building A
 - B - Architectural Drawings Building B and C
 - C - Architectural Drawings Building D

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;
- (B) authority be delegated to the Chief Executive Officer (CEO) to determine Development Application No. D/2015/913 after:
 - (1) The Voluntary Planning Agreement is publicly exhibited and any submissions considered.
- (C) if the CEO determines to approve the application, then consideration be given to granting a deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the conditions set out below; and
- (D) in determining the application, the CEO considers the draft conditions of consent, as shown in Part A and Part B below, and any other relevant conditions:

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

- The consent is not to operate until the following conditions are satisfied, within **24 months** of the date of this determination:
 - (1) PLANNING AGREEMENT**
 - (a) That a Voluntary Planning Agreement reflecting the Stage 2 approved plans and works be executed and submitted to Council; and
 - (b) The guarantee must be provided to Council in accordance with the Planning Agreement at the time of execution; and
 - (c) The Planning Agreement, as executed, must be registered on the Title of the land in accordance with the Planning Agreement.
- Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council by within 24 months of the date of this determination of this deferred commencement consent, failing which this deferred development consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979.
- The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions as indicated above, have been satisfied.
- Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/913 dated 1 July 2015 and the following drawings:

Building A

Drawing Number	Architect	Date
DA-A-000 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-001 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-002 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-003 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-100 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-202 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-203 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-204 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-205 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-206 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-207 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-208 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-209 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-210 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-211 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-212 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-213 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-214 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-215 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-216 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-217 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-218 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-300 (G)	MHN Design Union and Neeson Murcutt	07.07.16

Drawing Number	Architect	Date
DA-A-301 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-302 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-303 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-400 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-401 (G)	MHN Design Union and Neeson Murcutt	07.07.16
DA-A-402 (G)	MHN Design Union and Neeson Murcutt	07.07.16

Building B and C

Drawing Number	Architect	Date
AM-BC-AR-DA-0001 (C)	Architectus	12/05/2016
AM-BC-AR-DA-0100 (C)	Architectus	12/05/2016
AM-BC-AR-DA-0101 (C)	Architectus	12/05/2016
AM-BC-AR-DA-0102 (C)	Architectus	12/05/2016
AM-BC-AR-DA-0200 (N)	Architectus	05/07/2016
AM-BC-AR-DA-0201 (E)	Architectus	16/05/2016
AM-BC-AR-DA-0202 (C)	Architectus	12/05/2016
AM-BC-AR-DA-0203 (C)	Architectus	12/05/2016
AM-BC-AR-DA-0204 (D)	Architectus	16/06/2016
AM-BC-AR-DA-0205 (E)	Architectus	16/06/2016
AM-BC-AR-DA-0206 (C)	Architectus	12/05/2016
AM-BC-AR-DA-0207 (E)	Architectus	16/06/2016
AM-BC-AR-DA-0208 (E)	Architectus	16/06/2016
AM-BC-AR-DA-0209 (D)	Architectus	16/06/2016
AM-BC-AR-DA-0211 (Q)	Architectus	05/07/2016
AM-BC-AR-DA-0212 (M)	Architectus	05/07/2016
AM-BC-AR-DA-0301 (C)	Architectus	12/05/2016
AM-BC-AR-DA-0302 (C)	Architectus	12/05/2016
AM-BC-AR-DA-0303 (C)	Architectus	12/05/2016
AM-BC-AR-DA-0304 (C)	Architectus	12/05/2016
AM-BC-AR-DA-0305 (C)	Architectus	12/05/2016
AM-BC-AR-DA-0306 (C)	Architectus	12/05/2016

Drawing Number	Architect	Date
AM-BC-AR-DA-0401 (C)	Architectus	12/05/2016
AM-BC-AR-DA-0402 (E)	Architectus	23/06/2016
AM-BC-AR-DA-0403 (C)	Architectus	12/05/2016

Building D

Drawing Number	Architect	Date
DA-D-000 (C)	BVN	03.05.16
DA-D-100 (C)	BVN	03.05.16
DA-D-201 (E)	BVN	06.07.16
DA-D-202 (F)	BVN	06.07.16
DA-D-203 (E)	BVN	06.07.16
DA-D-204 (C)	BVN	03.05.16
DA-D-205 (C)	BVN	03.05.16
DA-D-206 (C)	BVN	03.05.16
DA-D-207 (C)	BVN	03.05.16
DA-D-208 (C)	BVN	03.05.16
DA-D-209 (C)	BVN	03.05.16
DA-D-210 (C)	BVN	03.05.16
DA-D-300 (C)	BVN	03.05.16
DA-D-301 (C)	BVN	03.05.16
DA-D-302 (C)	BVN	03.05.16
DA-D-303 (C)	BVN	03.05.16
DA-D-400 (C)	BVN	03.05.16

and as amended by the conditions of this consent.

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

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

Building A

- (a) The third bedroom to units 2.1.1 on level 1 and unit 2.4.1 on level 4, which bridge over the building slot of Building A are to be deleted.

- (b) The residential windows in the through site link are to be high level, (sill at a minimum height of 1.5m above floor level) with details of the through site link facades to be provided at 1:50 scale.

Building B and C

- (c) The rooftop communal open space of Building B is to be increased in area in order that 701sqm (50% of the minimum required communal open space area) achieves direct sunlight for a minimum of 2 hours between 9am and 3pm on the 21st of June. Detailed shadow studies are to be provided to demonstrate that this is achieved. Subject to detailed design and shadow studies, this may be provided by extending the proposed level 5 terraces, or incorporating additional communal open space on level 8.
- (d) The roof terraces for Building B and C are to incorporate additional secondary paths and small seating areas within the large areas of planting to maximise the usability of the communal open space.
- (e) The metal fencing to all ground level residential apartments of buildings Band C is not approved. The fences must be a maximum of 1.4m high (not including retaining walls) and must use solid walls or balustrading to ensure a balance of privacy and passive surveillance

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

(3) APPROVED DESIGN ROOF - TOP PLANT

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

(4) BUILDING HEIGHT

- (a) The height of the building must not exceed the following heights:

Building No.	Proposed height to top of roof RL's
A1	63.5
A2	69.56
B1	53.45
B2	53.45
B3	38.85
B4	38.85
C1	50.27
C2	40.23
C3	40.97
D1	52.29
D2	52.33

- (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.

(5) 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:

- (a) Building A – MHNDUNION, DA-A-1001 (A) dated June 2015
- (b) Building B and C – Architectus, Exterior Finishes Board dated June 2015
- (c) Building D – BVN, DA-D-100 (A) dated 05.06.15

(6) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

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

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

(8) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio must not exceed 2.18:1 calculated in accordance with Sydney LEP 2012. For the purposes of the calculation of FSR, the Gross Floor Area of the retail/commercial component is 1,041sqm, for the residential component is 46,026sqm, and the total Gross Floor Area is 47,067sqm.
- (b) Prior to the final Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Sydney LEP 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(9) USE - SEPARATE DA REQUIRED

- (a) A separate development application for the fitout and use of the ground floor retail premises / commercial premises within Building A and Building D must be submitted to and approved by Council prior to that fitout or use commencing.
- (b) In the event the first use of any ground floor retail premises / commercial premises is approved under a complying development certificate in accordance with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, for the avoidance of doubt, the hours of operation shall be restricted to 7.00am to 7.00pm Monday to Saturday and 9.00am to 6.00pm on a Sunday or a public holiday.

(10) 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.

(11) PUBLIC ART

Prior to the issue of any construction certificate for above ground works for each Building a detailed public art strategy is to be submitted to and approved by the City's Director City Planning, Development and Transport. The strategy is to detail the location and design of the proposed public art. Installation of the art work must be completed to Council's satisfaction prior to the issue of any Occupation Certificate for the appropriate phase.

(12) 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.

(13) SIGNS/GOODS IN THE PUBLIC WAY

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

(14) SIGNS - SEPARATE DA REQUIRED

A separate development application for any proposed signs additional to those approved as part of this consent (other than those in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008) must be submitted to and approved by Council prior to the erection or display of any such signs.

(15) USE OF COMMON AREAS AND FACILITIES

The podium communal landscape area, community rooms, roof top terraces, , garbage rooms, bicycle parking and car share bays must be available for the use all residents of Building A, B, C and D and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

(16) STUDY AREAS

The rooms in the apartments nominated as study areas shall be used for study and associated residential storage purposes and shall not be converted to a separate habitable bedroom.

(17) AIR CONDITIONERS GENERALLY

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

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

(18) 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 \$12,419,414.50 based on the in lieu monetary contribution rate for non-residential development at \$68.66 per square metre of total non-residential floor area 1,041sqm, and for residential development at \$206.06 per square metre of total residential floor area 59,924sqm. 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 (\$)

(19) SECTION 94 SOUTHERN PRECINCT CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2006 – STAGE 1 AND 2 - BUILDING B and C

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

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$611,220.80
Public Domain	\$376,476.76
New Open Space	\$2,933,420.23
New Roads	\$745,005.99
Accessibility	\$30,899.82
Management	\$33,409.83
Total	\$4,730,433.44

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

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

where:

C is the original contribution amount as shown above;

CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and

CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – July 2016

The contribution must be paid prior to issue of a Construction Certificate for Building B or C 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.

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

(20) SECTION 94 SOUTHERN PRECINCT CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2006 – STAGE 3 - BUILDING A

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

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$424,946.35
Public Domain	\$261,742.44
New Open Space	\$2,039,436.82
New Roads	\$517,959.42
Accessibility	\$21,482.85
Management	\$23,227.92
Total	\$3,288,795.80

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 – July 2016

The contribution must be paid prior to issue of a Construction Certificate for Building A 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.

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

(21) SECTION 94 SOUTHERN PRECINCT CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2006 – STAGE 4 - BUILDING D

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

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$259,669.49
Public Domain	\$159,941.43
New Open Space	\$1,246,226.77
New Roads	\$316,506.45
Accessibility	\$13,127.40
Management	\$14,193.75
Total	\$2,009,665.28

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 – July 2016

The contribution must be paid prior to issue of a Construction Certificate for Building D 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.

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

(22) 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.

(23) 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.

(24) 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.

(25) 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	To be approved for Building 'A'		To be approved for Building 'B and C'	To be approved for Building 'D'		Total
	Located within Building 'A'	Located within Building 'BC'	Located within Building 'BC'	Located within Building 'D'	Located within Building 'BC'	
Residential spaces	49	71	169	75	0	364
Accessible residential spaces	21	0	46	7	10	84
Residential visitor spaces	0	17	22	1	10	50
Accessible residential visitor spaces	0	1	2	0	1	4
Subtotal	70	89	239	83	21	502
Car share parking	0	2	3	0	1	6
Motorcycle parking [A]	14	0	20	9	0	43
Car wash bay / Service vehicle spaces	0	1	1	0	0	2
Service vehicle spaces	0	0	1	0	1	2
Small Rigid Vehicle loading dock(s) – to accommodate a Council Waste vehicle 9.25m [B]	0	0	1	0	0	1
Medium Rigid Vehicle loading dock(s) [C]	1	0	0	0	0	1

Notes:

- a. Number of motorcycle spaces refers to dimensions of 1.2mx2.5m per Australian Standards.
- b. The waste collection must meet the conditions of DCP12 Section 3.11.13, namely that vehicle access for collection and loading will provide for:
 - i. a 9.25m Council garbage truck and a small rigid delivery vehicle;

- ii. minimum vertical clearance of **4.0 metres** for residential development or else 3.8m clear of all ducts, pipes and other services, depending on the gradient of the access and the type of collection vehicle.
- c. The medium rigid vehicle loading dock must comply with the minimum requirements of Australian Standard AS/NZS 2890.2 Parking facilities Part 2: Off-street commercial vehicle facilities including that vehicle access will provide for:
 - i. a 8.8m truck such as a removalist vehicle;
 - ii. minimum vertical clearance of **4.5 metres**.

(26) 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".

(27) 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	Building 'A'	Building 'B & C'	Building 'D'	Total Number	Requirements
Residential	0	0	13	13	Spaces must be a Class 1 or Class 2 bicycle facility
Residential	179	258	96	533	Spaces must be Class 2 bicycle facility
Residential visitor	18	26	11	55	Spaces must be Class 3 bicycle rails
Non-residential	4	0	1	5	Spaces must be Class 2 bicycle facility
Non-residential visitor	10	0	4	14	Spaces must be Class 3 bicycle rails
End of Trip Facility Type					
Showers with change area	1	0	1		
Personal lockers	4	0	1		

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'.

- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of *Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities*. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the **Construction Certificate** being issued.

(28) 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 changes 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: The applicant should contact Council's Area Traffic Engineer to discuss the proposal before making a submission.

(29) 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.

(30) 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 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*.

(31) ON SITE LOADING AREAS AND OPERATION

All loading and unloading operations associated with 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.

(32) 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-street commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(33) 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.

(34) 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.

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

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

(36) 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.

(37) SIGNAL SYSTEM

A system of traffic lights and/or mirrors must be installed at the ends of any single lane ramp(s), to indicate traffic movement on the ramp(s). This system must be detailed in the application for a **construction certificate**. Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry, and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway.

(38) SIGNS AT EGRESS

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

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

(39) 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 or tandem 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 or tandem vehicles must occur wholly within the property.

(40) TRAFFIC WORKS

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

(41) NO SPRUICKING NOISE

No persons (such as those commonly known as spruickers) or recordings or other devices which have the effect of spruicking are to be located on Council owned property. Furthermore, the sound level of any spruicking generated within privately owned land must not be audible on any adjacent property with a shared boundary.

(42) 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 **RENZO TONIN & ASSOCIATES**, dated **11 May 2016**, ref **TH319-01F02,106-116 EPSOM ROAD, ZETLAND Acoustic Assessment for Development Application**, Council Ref **Primary Document 2016/262029 Acoustic Report - Amended 12/5/2016 at 9:23 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 a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant* (see definition below) to be in accordance with the requirements of the DA acoustic report prepared by **RENZO TONIN & ASSOCIATES**, dated **11 May 2016**, ref **TH319-01F02**, titled **106-116 EPSOM ROAD, ZETLAND Acoustic Assessment for Development Application**, Council Ref **Primary Document 2016/262029 Acoustic Report - Amended 12/5/2016 at 9:23 AM**
- (c) Prior to the issue of an Occupation Certificate, a suitably qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of Councils 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.

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

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

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

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

- (a) Identification of noise sensitive receivers near to the site.
- (b) The proposed hours of all construction and work on the development including building / demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools etc), in connection with the proposed development.
- (c) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the City of Sydney Construction Hours / Noise Code of Practice 1992 for the typical construction hours of 7.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.

- (d) A representative background noise measurement (LA90, 15 minute) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (e) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (f) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (g) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (h) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (i) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

(44) 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 LAeq, 15 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 LA90, 15 minute / rating LA90, 15 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 LAeq,15 minute noise level emitted from the use must not exceed the LA90, 15 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 LA90, 15 minute noise level is below the threshold of hearing, Tf 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 Tf corresponding to that Octave Band Centre Frequency shall be used instead.
 - (ii) The LAeq,15 minute noise level and the LA90,15 minute noise level shall both be measured with all external doors and windows of the affected residence closed;
 - (iii) The relevant background noise level (LA90, 15 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.

(45) USE OF INTRUSIVE APPLIANCES

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

As a minimum, the report must specify:

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

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

(46) 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".

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.

(47) TREES APPROVED FOR REMOVAL

Trees numbered 1-3, 5, 7, 9, 10, 12, 13, 14, 16- 41 in the Tree Report prepared by 'Treescan' dated June 2011 are approved for removal.

Tree removal shall not occur until the Construction Certificate has been issued.

(48) TREES THAT MUST BE RETAINED

That trees numbered 4, 6, 8, 11 and 15 in the Tree Report prepared by 'Treescan' dated June 2011 must be retained and protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites throughout the proposed development.

(49) 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 trunk at all times;
 - (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, 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.

(50) STREET TREE PRUNING AND REMOVAL

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

(51) STREET TREE PLANTING AND MAINTENANCE

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

(52) ADVANCE TREE PLANTING

Tree planting within the property must be undertaken in accordance with the following conditions, and to Council's satisfaction, prior to the issuing of the Occupancy Certificate.

- (a) All new tree planting must be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment.
- (b) At the time of planting, the container size is to be a minimum of 100 litres and a minimum height of 2.5 metres.
- (c) The trees must be planted by a qualified Horticulturalist or Arborist of Level 3 under the Australian Qualifications Framework (AQF).
- (d) All new trees must be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity.

- (e) Written confirmation is to be obtained from Council's Area Planning Manager that all tree planting/s have been completed to Council's satisfaction (excluding tree maintenance) prior to the issue of an Occupation Certificate.
- (f) Any newly planted tree that fails to establish within 2 years of the initial planting date must be replaced with a tree of comparable qualities

(53) ALIGNMENT LEVELS – MAJOR DEVELOPMENT

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.
- (b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's *Public Domain Manual* and must be submitted with a completed Alignment Levels checklist (available in the *Public Domain Manual*) and Footpath Levels and Gradients Approval Application form (available on the City's website).
- (c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

(54) 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".

(55) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

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

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

The form of the recording is to be as follows:-

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

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

(56) PRESERVATION OF SURVEY MARKS

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

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

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

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

(57) PROTECTION OF SURVEY INFRASTRUCTURE

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

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

(58) PUBLIC DOMAIN PLAN

The Public Domain a Plan accompanying this Development Application has not been approved by this consent

- (a) An amended 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 the Director City Planning, Development and Transport prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's *Public Domain Manual*).
- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Design Code* and *Sydney Streets Technical Specification*, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by the Director City Planning, Development and Transport to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.

- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.
- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(59) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

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

(60) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) 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 a detailed drainage engineering design, calculations and design for the stormwater overland flow path and underground trunk drain stormwater infrastructure 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 of the proposed water sensitive urban design and drainage measures must be submitted to and be approved by the Principal Certifying 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.

(61) 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.

(62) 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.

(63) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 4 lineal metres of concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

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

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

(64) 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.
- (c) Temporary lighting to facilitate Staging or until adjoining developments are constructed and permanent lighting installed are to form part of the submission.

- (d) Temporary lighting to facilitate staging or until adjoining developments are constructed and permanent lighting installed are to form part of the submission

(65) ROAD NETWORK AND GEOMETRIC ROAD DESIGN

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

- f. on-road bicycle route infrastructure and facilities;
- g. Details of design and specifications for footpaths, retaining walls, pedestrian and associated verge works,
- h. Details of structures and conduits for the provision and installation of any public utility services and any adjustment to existing services required;
- i. Geometric and hydraulic design of all stormwater drainage structures and systems including temporary drainage, if required, and specifications and materials and details of connections into Council's and/or Sydney Water stormwater systems.
- j. Drainage plans and schedule of drainage elements, showing the following:
 - i. The proposed location of all subsoil drains and sub-pavement drains, including the nominal width and depth of trenches, pipe diameters and materials, longitudinal design grades, and the locations of outlets and cleanouts;
 - ii. The location of public utility services;
 - iii. Details and specifications for the construction of all components of the system in accordance with the *City of Sydney's Sydney Streets Technical Specification*;
 - iv. All assumptions and/or calculations made in the determination of the need or otherwise for subsurface drainage, including requirements of broader stormwater catchment analysis to undertaken beyond the site boundary;
 - v. Drainage details and longitudinal sections with hydraulic grade lines for the design storm and other standard features such as flow rates, pipe class, pipe grade and velocity;
 - vi. Adjustments/upgrades to utility services as required;
 - vii. Standard engineering and structural details plan;
 - viii. Erosion and sedimentation control plans;

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

(66) 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.

(67) ROAD AND PUBLIC DOMAIN INFRASTRUCTURE

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

(68) RAIN GARDENS AND LANDSCAPED VERGE

Opportunities for additional rain gardens and landscaped verges are to be investigated and incorporated into the design where appropriate. Final locations and design of the raingardens and landscaped verge is to consider the following;

- Crossings and driveway entrances
- Sight lines
- Street lights and other services
- Maximum rainfall harvesting and overall stormwater management
- Street tree locations
- Good design practise

The design and construction of the rain gardens and landscaped verge is to be undertaken in accordance with the City's Green Square Town Centre Public Domain Strategy, Sydney Streets Technical Specification and submitted concurrently with the Public Domain Plans and Essential Infrastructure Plans for approval. The submission shall include as a minimum the following information:

- (a) Detailed construction plans, drawn to scale, by suitably qualified landscape architect and engineers (as appropriate).
 - (i) Details of proposed levels and site grading including temporary surface treatments (if applicable);

- (ii) Details of bio filtration and soil material;
 - (iii) Location, numbers and type of plant species;
 - (iv) Details of drainage systems including subsoil drainage.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan addressing the Council's operational capabilities is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during the specified maintenance and defects liability periods.
- (c) All works in the approved plan is to be completed prior to any Occupation Certificate being issued for the relevant Stage.

(69) LANDSCAPE WORKS – THROUGH SITE LINK

- (a) Detailed design of the Through Site Link is to be submitted and approved by Council prior construction of the landscape works. The detailed design submission is to include;
- (i) Designed to consider Crime Prevention Through Environmental Design Principles.
 - (ii) No obstructions relating to below ground car parks or adjacent buildings such as access ways or service vents are permitted within the path of travel in the Through Site Link.
 - (iii) The Through Site Link is to provide continuous accessible paths of travel in accordance with AS 1428-2009: Design for Access and Mobility. All continuous paths of travel shall be clearly indicated.
 - (iv) The applicant shall include on the plans the extent of landscape areas on slab/planter boxes and provide details that include a cellular drainage system, water proofing, irrigation system, tanking and flushing tubes in accordance with relevant Council and Australian Standards. The minimum soil depths for planting on slab shall be 1000mm for trees, 600mm for shrubs and 300mm for groundcovers and turf.
 - (v) Lighting design is to be submitted together with Certification from a suitably qualified Electrical/Lighting Engineer. The objectives of the lighting design shall be to provide an aesthetically pleasing, safe functional night time environment utilising variable high quality vandal resistant light fixtures.
 - (vi) Lighting of the through path shall comply with AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting. The lighting shall be designed in accordance with the appropriate P rating for the space as deemed necessary by the Electrical/ Lighting Engineer and in reference to AS1158.3.1 Road Lighting- Pedestrian Area Lighting.

(70) LANDSCAPING OF THE SITE

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

(71) LANDSCAPED (GREEN) ROOFS

- (a) A detailed plan of the green roof, 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 the relevant building (A, B and C or D). The plan must include:
 - (i) A statement that includes details of proposed use of the green roof, general accessibility, as well as noise and privacy treatments.
 - (ii) Location of proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (iii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable).
 - (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species.

- (v) Details of the soil media/substrate type and depth.
 - (vi) Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc.
 - (vii) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
 - (viii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).
- (b) All landscaping in the approved plan is to be completed prior to the issue of an Occupation Certificate.
- (c) Prior to the issue of an Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:
- (i) Frequency and methodology of different maintenance requirements including the removal of green waste.
 - (ii) Details of safety procedures.
 - (iii) Laminated copies of 'As Built' drawings.
 - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification;
 - (v) Copies of warranties and guarantees relating to all materials and plant used in construction; and
 - (vi) Decommissioning procedures.
- (d) Inaccessible green roofs are required to remain inaccessible during occupation of the property.

(72) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(73) SHARED ZONE

- (a) The proposed shared zones on Letitia Street is not approved as part of this consent.
- (b) Additional information must be submitted prior to the commencement of works to show the three shared zones can meet the requirements of the RMS warrants.

- (c) The design and typical cross sections of the proposed Shared Zones for the Letitia Street is not approved as part of this consent.

The detailed design must be submitted to Council prior to granting of a Construction Certificate.

The design of the shared zone will require a referral to the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) for endorsement and then a referral to the RMS for final approval.

Additional reports, information or design changes may be required by Council officers, the LPCTCC or the RMS during the approvals process. The cost for these changes must be undertaken by the applicant at their own cost.

The plan must be approved as part of the in conjunction with the Public Domain Plan prior to the issuing of the Construction Certificate.

If these streets are not approved to be shared zones an alternative design must be undertaken and submitted to Council prior to granting of a Construction Certificate.

[Note: The process of gaining a shared zone approval can take a number of months. It is recommended the applicant begin the process as soon as practical to avoid holding up the issuing of the Construction Certificate.]

[Note: RMS shared zone policy and guidelines can be found on their website]

(74) GREEN TRAVEL PLAN

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

The applicant review information on Council's website about preparing Travel Plans in accordance with these guidelines. This would include steps which address customer and staff transport patterns by providing mode share targets which promote sustainable travel behaviour, means of minimising travel demand by private car and maximise the share of travel by other modes including public transport, cycling, walking, carpooling or car share.

A Travel Plan is a 'live' document that needs to be closely monitored and reviewed throughout the first few years of implementation. The Travel Plan Coordinator responsibilities include:

- (a) Coordinating implementation efforts,
- (b) Conducting surveys or other data collection processes to measure progress;
- (c) Communicating the travel plan to stakeholders;
- (d) Coordinating events to promote awareness of the plan and associated invites;
- (e) Coordinating marking and promotional programs.

The steps outlined above should not be considered as a linear process, but rather an on-going cycle. Travel planning requires regular review and adjustment – a review may reveal the need to reconsider objectives or targets, or to add new actions to create greater incentives for the uptake of sustainable transport choices.

[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]

(75) BICYCLE FACILITIES WAY FINDING PLAN

A way finding parking plan must be submitted showing all the signage to the bicycle facilities. This might include illuminated signage where appropriate. These plans must be submitted to and approved by Council prior to the **Construction Certificate** being issued.

(76) LOADING DOCK MANAGEMENT PLAN

A Loading Dock Management Plan, must be submitted to and approved by Council prior to the Construction Certificate being issues.

The plan should identify how the loading area will be managed and used by all building tenants (including Building 'A', 'B & C' and 'D') including retail 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.

(77) CAR SHARE SPACES

- (a) A minimum of 6 car parking spaces 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 the Construction Certificate being issued.
- (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.]

(78) SMALL CAR PARKING SPACES AND DIMENSIONS

The design and layout of all off-street small car parking spaces must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

All small car spaces must be clearly marked and identifiable as small car spaces. The signs or line markings must be in place and approved by the Principal Certifying Authority prior to an Occupation Certificate being issued and must be maintained in good order at all times.

(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) CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the *Environment Operations Act 1997* and the *NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009)*. The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

(81) 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.

(82) ENVIRONMENTAL MANAGEMENT PLAN

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

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

(83) 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.

(84) LAND REMEDIATION (Where Site Auditor engaged)

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by **LINCON DEVELOPMENT PTY LTD** dated **AUGUST 2015** and referenced **2201750A-CLM-REP-001 RevA** and the Letter of Interim Advice prepared by **Andrew Lau** dated **7 September 2015** and referenced **42073/101 382 (Rev 1)**. 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.

(85) SITE AUDIT STATEMENT

Prior to the issue of any construction certificate 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.

(86) NOTIFICATION – NEW CONTAMINATION EVIDENCE

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

(87) REGISTRATION OF COVENANT

A covenant shall be registered on the title of the land and a copy of the title submitted to the City's Area Planning Manager and the Principal Certifying Authority prior to the issue of an Occupation Certificate, giving notice of the former land use and contamination of the site and the existence of any remaining encapsulated contaminated material which are subject to ongoing environmental management.

A covenant shall be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge there from of any contaminants or for any works subsequently required by the NSW Environment Protection Authority

(88) STOCKPILES

- (a) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Unit.
- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.

- (c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

(89) UNDERGROUND STORAGE TANK REMOVAL

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

(90) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

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

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

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

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

(92) ADAPTABLE HOUSING

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

- (a) Confirming that the required number of residential units are able to be adapted for people with a disability in accordance with the *Building Code of Australia*.
- (b) Demonstrating (in a checklist) compliance with Australian Standard AS4299, is to be submitted to the Certifying Authority.

is to be submitted to the Certifying Authority.

(93) 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.

(94) PHYSICAL MODELS

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

Note:

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

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

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

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

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

(96) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

- (a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifying Authority:
 - (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
 - (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
 - (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
 - (iv) A Waste Management Plan for the demolition and or excavation of the proposed development.
- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Policy for Waste Minimisation in New Developments 2005*, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:
 - (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
 - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
 - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
 - (iv) The name and address of the transport contractor.
 - (v) The type and quantity of material to be removed from site.
 - (vi) Location and method of waste disposal and recycling.
 - (vii) Proposed truck routes, in accordance with this development consent.

- (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
 - (ix) Measures to control noise emissions from the site.
 - (x) Measures to suppress odours.
 - (xi) Enclosing and making the site safe.
 - (xii) Induction training for on-site personnel.
 - (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.
 - (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
 - (xv) Disconnection of utilities.
 - (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
 - (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
 - (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
 - (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
 - (xx) Working hours, in accordance with this development consent.
 - (xxi) Any Work Cover Authority requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

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

- (a) All works conducted on site which form part of this development must be carried out in accordance with the submitted Demolition, Excavation and Construction Management Plan.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building Unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP)

Such periods must be set and agreed to by Council's Health and Building Unit.

(98) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

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

UPON COMPLETION OF EXCAVATION/DEMOLITION

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

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

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

(99) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the Occupational Certificate;
- (d) if the discovery is on Council's land, Council must be informed.

(100) 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.

(101) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

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

(102) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1 -The Use of Mechanical Ventilation and Air conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 -The Use of Mechanical Ventilation and Air conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, the Building Code of Australia, and relevant Australian Standards must be prepared by a suitably qualified person and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, and AS1668 -The Use of Mechanical Ventilation and Air conditioning in Buildings to the written satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.

- (c) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to and approved by the Principal Certifying Authority.

(103) MICROBIAL CONTROL IN WATER SYSTEMS

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

(104) ACOUSTIC PRIVACY BETWEEN UNITS

- (a) The development must be designed and constructed to satisfy the requirements of the *Sydney DCP 2012* acoustic privacy requirements. A report prepared by a suitable qualified acoustic professional must be prepared and submitted to the Certifying Authority prior to the issue of a Construction Certificate, and must be suitably referenced in the Construction Certificate documentation.
- (b) The report must:-

- (i) quantify the level of impact (noise at the exposed facades) from the normal noise of the area on the development; and
 - (ii) identify acoustic mitigation measures to be incorporated into the building design to ensure compliance with the design goals contained within the *Sydney DCP 2012*.
- (c) The Certifying Authority (PCA) must ensure that the acoustic mitigation measures identified in the subject report are suitable incorporated into the development as erected prior to the issue of an Occupation Certificate.

(105) FLOOR TO CEILING HEIGHT

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

(106) NUMBER OF ADULTS PER ROOM

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

(107) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

- (a) A Waste Management Plan is to be approved by the Certifying Authority prior to a Construction Certificate being issued. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Building Waste Management Plan must be implemented during construction of the development.

UPON COMPLETION OF THE DEVELOPMENT

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

(108) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) A Waste Management Plan is to be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued. The plan must comply with the Council's *Policy for Waste Minimisation in New Developments 2005*. All requirements of the approved Waste Management Plan must be implemented during construction of the development.

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

UPON COMPLETION OF THE DEVELOPMENT

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

(109) WASTE/RECYCLING COLLECTION

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

(110) GARBAGE ROOM

Garbage rooms are to be constructed in accordance with City of Sydney's policy for *Waste Minimisation in New Developments* and the BCA. The floor of the garbage room is to be drained to a floor waste connected to the sewer. The floor waste is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements. A constant supply of water is to be available within the vicinity.

(111) STRUCTURAL CERTIFICATION FOR DESIGN - BCA (ALL BUILDING CLASSES)

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

(112) FIRE SAFETY CERTIFICATE TO BE SUBMITTED

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

(113) 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.

(114) 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.

(115) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (a) A separate application under Section 138 of the *Roads Act 1993* is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) in a public place.
- (b) Where a consent is granted allowing the placement of temporary structures in a public place the structures must comply fully with Council's *Policy for the Design of Construction Hoardings* and the conditions of any consent granted including:
 - (i) maintaining a current and valid consent for the full duration that the temporary structures are installed in the public place (Section 139, *Roads Act 1993*);
 - (ii) bill posters and graffiti being removed within 24 hours of their placement (Clause 3.1);
 - (iii) maintaining temporary structures in a clean and tidy condition including repainting where directed by an authorised officer of Council (Clause 3.1);
 - (iv) hoarding site fences complying with Clause 3.3 - Element 3;
 - (v) site sheds on decks of Type B hoardings being fully screened from the public place (Clause 3.3 - Element 5); and
 - (vi) providing and maintaining operational artificial lighting systems under Type B hoardings (Clause 3.3 – Element 9).

(116) 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.

(117) ELECTRICITY SUBSTATION

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

(118) TELECOMMUNICATIONS PROVISIONS

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

(119) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

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

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(120) ACCESS TO EPSOM ROAD**

A separate application is to be made to, and approved by the Director of City Planning, Development and Transport for the creation of an intersection at the junction of George Julius Avenue / Epsom Road / Rosebery Avenue, to provide safe ingress and egress into the development site. The application must include the following:

- (a) An intersection plan that provides a connection to Epsom Road and accommodates any current or approved Council intersection design for the intersection. The intersection plan will need to satisfy road safety and efficient traffic operation needs of the intersection and will consider appropriate treatments such as the provision of traffic signals, traffic islands or median that restricts movement to left in/out etc. The design must also consider pedestrian amenity needs.
- (b) A Road Safety Audit and Risk Assessment, undertaken by a qualified road safety auditor, is required and its recommendations implemented prior to the new access being used. (Note: The Road Safety Audit and Risk Assessment is to be submitted to and approved by Council's Road Safety Officer prior to the intersection plan approval)
- (c) Coordination with the wider public domain and road design construction certificate documentation.

- (d) Evidence that all works associated with the approved intersection and the implementation of the Road Safety Audit and Risk Assessment recommendations have been undertaken, must be provided prior to the issue of any Occupation Certificate.

Notes:

The proponent is to consult with Council and the Roads and Maritime Services throughout the development of the design for the intersection.

The intersection plan will be submitted to City Infrastructure and Traffic Operations team for approval and will then be referred to Council's Local Pedestrian, Cycling and Traffic Calming Committee for consideration and approval.

All costs associated with undertaking the works are to be borne by the developer.

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.

(121) BASIX

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

(122) HOURS OF WORK AND NOISE – OUTSIDE CBD

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

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

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

(123) 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.

(124) 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.

(125) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

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

(126) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(127) SURVEY

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

(128) SURVEY CERTIFICATE AT COMPLETION

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

(129) 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.

(130) 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).

(131) 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.*

(132) 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.

(133) SHOP NUMBERING

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

(134) 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.

(135) OCCUPATION CERTIFICATE TO BE SUBMITTED

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

(136) 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.

(137) 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.

(138) 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.

(139) 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 onsite 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.

(140) 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.

(141) WATER POLLUTION

No wastewater, chemicals or other substances harmful to the environment shall be permitted to discharge to Council's stormwater system. Only clean, unpolluted water is permitted to discharge into the stormwater system.

(142) DUST MANAGEMENT

All reasonable and feasible steps must be taken to ensure that dust from activities conducted on site is kept to a minimum. This includes the covering and wetting down of disturbed soils.

(143) ACCESS DRIVEWAYS TO BE CONSTRUCTED

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

SCHEDULE 1D – SUBDIVISION**(144) APPROVED SUBDIVISION**

- (a) Stage 1: The two lot subdivision must be in accordance with the plan prepared by Linker Surveying titled "Plan of subdivision of Lot 100 in DP 1220949 (Stage 1 of 6)" reference 150306 DSUB STG01 Issue 5 dated "Printed 20 June 2016".
- (b) Stage 2: The four lot subdivision must be in accordance with the plan prepared by Linker Surveying titled "Plan of subdivision of Lot 2 in DP _____ (Stage 2 of 6)" reference 150306 DSUB STG02 Issue 7 dated "Printed 1 June 2016". The lower limit of Pt Lot 24 shall be 50mm above the top of the waterproof membrane.
- (c) Stage 3: The two lot subdivision must be in accordance with the plan prepared by Linker Surveying titled "Plan of subdivision of Lot 24 in DP _____ (Stage 3 of 6)" reference 150306 DSUB STG03 Issue 5 dated "Printed 1 June 2016". The lower limit of Pt Lot 2421 & Pt Lot 2422 shall be 50mm above the top of the waterproof membrane.
- (d) Stage 4: The two lot subdivision must be in accordance with the plan prepared by Linker Surveying titled "Plan of subdivision of Lot 242 in DP _____ (Stage 4 of 6)" reference 150306 DSUB STG04 Issue 5 dated "Printed 1 June 2016". The lower limit of Pt Lot 2421 & Pt Lot 2422 shall be 50mm above the top of the waterproof membrane.
- (e) Stage 5: The two lot subdivision must be in accordance with the plan prepared by Linker Surveying titled "Plan of subdivision of Lot 2422 in DP _____ (Stage 5 of 6)" reference 150306 DSUB STG05 Issue 5 dated "Printed 1 June 2016". The lower limit of Pt Lot 2424 shall be 50mm above the top of the waterproof membrane.
- (f) Stage 6: The two lot subdivision must be in accordance with the plan prepared by Linker Surveying titled "Plan of subdivision of Lot 23 in DP _____ (Stage 6 of 6)" reference 150306 DSUB STG06 Issue 5 dated "Printed 1 June 2016". The lower limit of Pt Lot 232 shall be 50mm above the top of the waterproof membrane.

(145) RIGHT OF PUBLIC ACCESS

- (a) Prior to the issue of an Occupation Certificate for the development, a documentary Right of Public Access, limited in stratum, is to be created and registered on the Title of the development site (Pt Lot 2423 in stage 5). The Easement is to be defined over a strip of land, approximately 3 metres in width, extending from the northern alignment of Epsom Road, passing between the two buildings proposed to be erected upon the site, and leading to Rose Valley Way. The Easement is to be created appurtenant to Council in terms granting unrestricted rights for public pedestrian access, without vehicles, exclusive of wheelchairs for the disabled, to Council's satisfaction,
- (b) Prior to the issue of an Occupation Certificate for the development, a documentary Positive Covenant is to be created and registered on the Title of the development site (Pt Lot 2423 in stage 5), appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Right of Public Access, and is to require the maintenance of a \$20,000,000 public indemnity insurance policy and is to require the maintenance, upkeep, repair and lighting of the Right of Public Access in accordance with Council's requirements and to the satisfaction of Council.

(146) RESTRICTION ON USE OF CAR SPACES - COMMERCIAL CAR PARKING

A documentary Restriction on Use of Land is to be created over the commercial lots in the Subdivision Plans, pursuant to Section 888 of the Conveyancing Act 1919, created appurtenant to Council, in terms to the satisfaction of Council, requiring the on-site car parking spaces on the basement levels, exclusive of service car spaces, are not to be used other than by an occupant, tenant or visitor to the commercial lot within the building, with the Council being the authority to release, vary or modify the restriction.

(147) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL CAR PARKING

A documentary Restriction on Use of Land is to be created over the residential lots in the Subdivision Plans, pursuant to Section 88B of the Conveyancing Act 1919, created appurtenant to Council, in terms to the satisfaction of Council requiring the on-site residential car parking spaces on the basement levels, exclusive of service car spaces, are not to be used other than by an occupant, resident or tenant of the residential apartments, with the Council being the authority to release, vary or modify the restriction.

(148) EASEMENTS UNDER SEC 196 CONVEYANCING ACT

Documentary reciprocal easements for services, drainage, support and shelter, and emergency egress, affecting the whole of each lot if so desired, must be created over the lots in the subdivision, pursuant to Section 88B of the Conveyancing Act 1919 and to Council's satisfaction.

(149) ADDITIONAL EASEMENTS

Any other documentary easements or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision must be created over appropriate lots in the subdivision, pursuant to Section 88B of the Conveyancing Act 1919 and to Council's satisfaction.

(150) BUILDING/STRATA MANAGEMENT STATEMENT

The Building/Strata Management Statement must adequately address the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot to Council's satisfaction

(151) 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*.

(152) EXISTING EASEMENT TO DRAIN WATER 3 WIDE

- (a) Prior to the issue of any Construction Certificate for Building B proposed to be constructed as part of Stage 1, a letter must be provided to the Principal Certifying Authority, signed by a surveyor registered under the Surveying & Spatial Information Act 2002, certifying that Building B including all basement walls will be clear of the easement to drain water 3 wide in DP 830870.
- (b) If any component of the building will encroach upon the site of the easement, the easement shall be extinguished and created in a new position clear of Building B.
- (c) Any stormwater pipes and pits shall be relocated as necessary to lie wholly within the site of the new easement
- (d) Evidence of registration of the easement shall be provided to the PCA prior to the issue of the Construction Certificate

(153) CONSTRUCTION CERTIFICATE FOR SUBDIVISION WORKS

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

(154) PRINCIPAL CERTIFYING AUTHORITY

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

(155) COMPLETION OF SUBDIVISION WORKS

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

(156) 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.

(157) PUBLIC UTILITY SERVICES

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

(158) SECTION 138 APPROVAL

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

(159) SURVEY

- (a) AT FOUNDATION STAGE - All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments of the subject building over the side boundaries must be removed prior to continuation of building construction work, or alternatively a letter supplied from the registered proprietor(s) of the adjoining lot(s) confirming that they are aware of the nature & extent of the encroachment, and undertaking to execute all necessary documentation to permit the creation of an easement to permit the encroachment to remain.

- (b) DURING CONSTRUCTION - Prior to the concrete pour of the main slab at each level, a survey shall be made by a surveyor registered under the Surveying & Spatial Information Act, 2002, confirming that the formwork adjacent to existing or proposed boundaries is clear of those existing or proposed boundaries. This survey shall be provided to the PCA prior to the concrete pour. The concrete pour must not take place until the PCA receives a survey proving that the formwork has been constructed within the existing and proposed boundaries of the site.
- (c) AT COMPLETION – ***Prior to the issue of an Occupation Certificate or Interim Occupation Certificate*** 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 side boundaries must be removed, or alternatively appropriate easements under Section 88B of the Conveyancing Act, 1919, with terms to the satisfaction of Council, must be provided.

(160) STRATA SUBDIVISION

- (a) 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.
- (b) All car spaces for residential or commercial use shall be assigned to a unit, and shall form part of the same lot.
- (c) The internal courtyard areas adjacent to, and accessed solely by, unit nos. 1.1.4 and 2.1.1 on Level 1, and units 2.3.4, 3.3.1 and 3.3.5 on Level 3 shall be incorporated into the area of those lots.
- (d) A positive covenant shall be created on the titles of the abovementioned units 1.1.4, 2.1.1, 2.3.4, 3.3.1 and 3.3.5, requiring regular maintenance to be carried out, such that these courtyard areas, including all plants and landscaping within, are maintained to a reasonable standard, generally in accordance with the final approved landscape plans. The terms of the positive covenant shall also include:
 - (i) The ability to issue a written notice requiring the maintenance to be completed within 30 days
 - (ii) The ability to issue a second written notice extending the period by another 14 days
 - (iii) If the maintenance has not been completed to a reasonable standard, the right to enter the property after 24 hours' notice is provided, carry out the maintenance works, and recover the associated costs in a court of law.
 - (iv) The Owner's corporation shall be benefited by this positive covenant. The Council of the City of Sydney shall be noted as having the right to release, vary or modify this positive covenant.

- (e) A restriction on the use of land is to be created affecting the courtyard areas referred to above, in terms preventing the following:
- (i) Smoking within the courtyard areas
 - (ii) Barbecuing or other style of cooking of any foods
 - (iii) Playing of musical instruments, or playing of loud or amplified music

The Owner's corporation shall be benefited by this restriction. The Council of the City of Sydney shall be noted as having the right to release, vary or modify this restriction.

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 <i>Building Code of Australia</i> and insurance requirements under the <i>Home Building Act 1989</i> |
| Clause 98A | Erection of signs |
| Clause 98B | Notification of <i>Home Building Act 1989</i> requirements |
| Clause 98C | Conditions relating to entertainment venues |
| Clause 98D | Conditions relating to maximum capacity signage |
| Clause 98E | Conditions relating to shoring and adequacy of adjoining property |

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

SCHEDULE 3

Terms of Approval

Other Integrated Development Approvals

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

NSW Office of Water General Terms of Approval**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. The NSW DPI Water requires documentation (referred to as 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to the NSW DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

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. [The DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.]
7. The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
8. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.
9. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation .
10. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).

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

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 the NSW DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
17. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
18. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
19. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
20. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW DPI Water under appropriate safety procedures.

Following excavation

21. Following completion of the dewatering operations, the Applicant shall submit to the NSW 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 NSW DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.

BACKGROUND

The Site and Surrounding Development

1. The site is legally identified as Lot 1 Deposited Plan 830870, with a street address of 106-116 Epsom Road, Zetland. The site is irregularly shaped, with a site area of 21,573sqm and a southern frontage to Epsom Road of 99m.
2. The site has an elevated section to the Epsom Road frontage and is otherwise generally flat.
3. The site is presently occupied by two light industrial buildings used for warehousing and associated offices on the southern portion of the site and a hardstand area used for car parking on the northern portion of the site. It is noted that the southern part of the site will accommodate the proposed buildings, with the northern part of the site to be dedicated and form part of the proposed Gunyama Park.

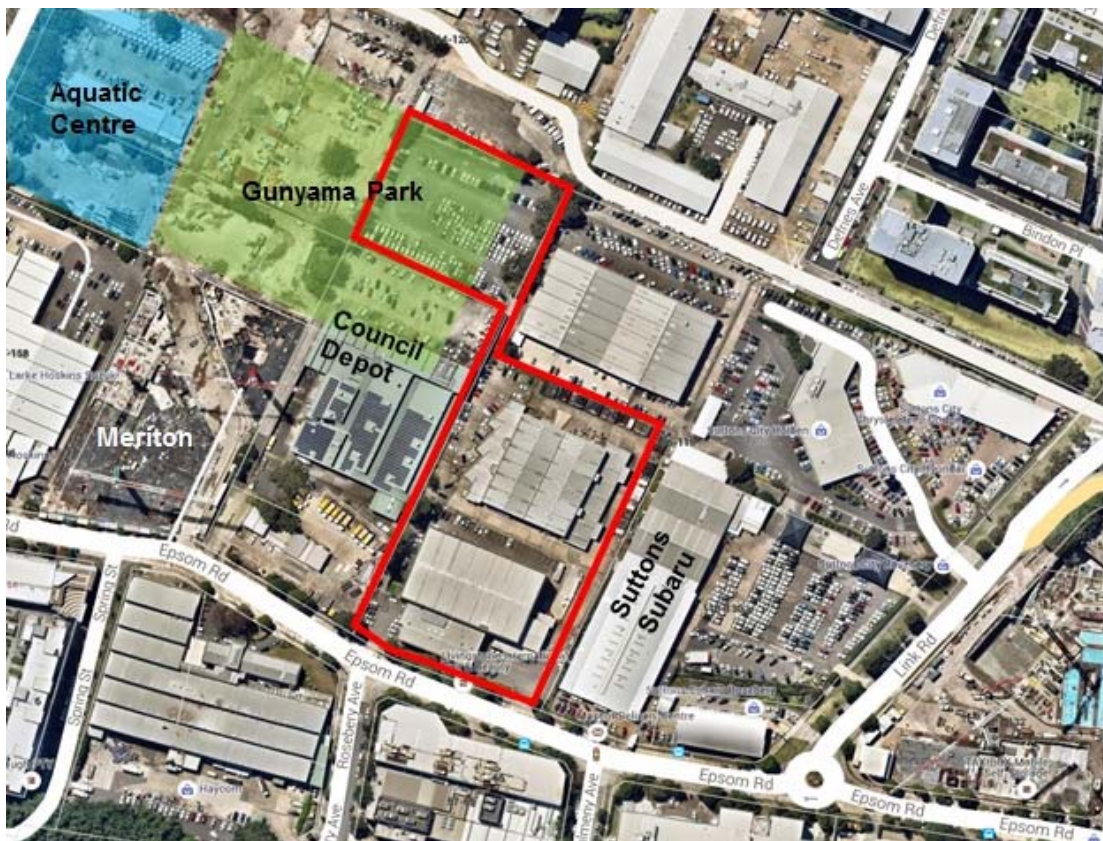


Figure 1: Aerial image of subject site and surrounding area

4. The surrounding context is mixed use, including industrial, commercial and residential uses. The site is located between the City of Sydney Depot to the west and a Suttons Subaru car dealership to the east.
5. The Meriton Epsom Road development, known as 'Symphony by Meriton', is located west of City of Sydney Depot. The mixed use development, recently approved under D/2014/1928, including 4 building between 2 and 11 storeys is currently under construction.
6. Industrial developments are located to the north. Commercial premises and residential flat buildings are located on the southern side of Epsom Road.

7. The site is part of the identified Epsom Park urban renewal precinct, which will see the area transition from light industrial to mixed use residential area. The site is located south east of the proposed Gunyama Park which will include sporting fields and an aquatic centre.



Figure 2: Extract for Sydney DCP 2012 – site within the Epsom Park Precinct

8. The site does not contain a heritage item and is not in a conservation area. A heritage item is located on the opposite side of Epsom Road to the south west at 1-3 Rosebery Avenue. This item is a warehouse and office building known as the former “Moffat Virtue”.
9. Photos of the site and surrounds are provided below:



Figure 3: Site viewed from Epsom Road and Spring Street facing east



Figure 4: Site viewed form Rosebery Avenue facing north



Figure 5: Site viewed from Epsom Road facing north

PROPOSAL

10. The applicant seeks consent for the staged redevelopment of the site in the form of a mixed use development comprising 5 buildings ranging between 5 and 14 storeys, accommodating 546 residential apartments and 1,041sqm of retail premises and the excavation of 2 levels of basement. The application involves landscaping and public domain works, the construction of parts of George Julius Avenue, Rose Valley Way, Peters Street and Letitia Street, subdivision of development lots and dedication of roads and the northern part of the lot to form part of Gunyama Park.

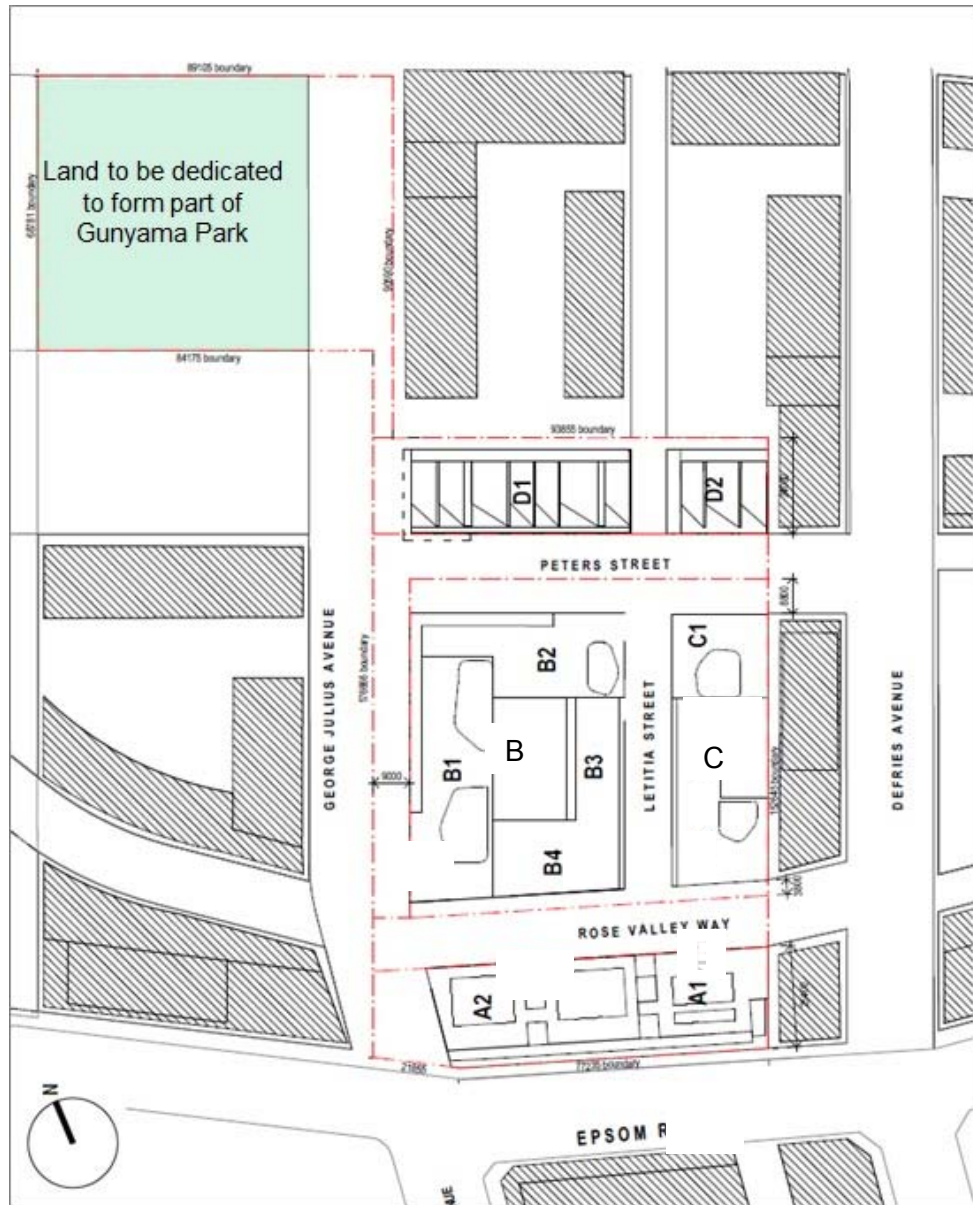


Figure 6: Site layout and subdivision plan

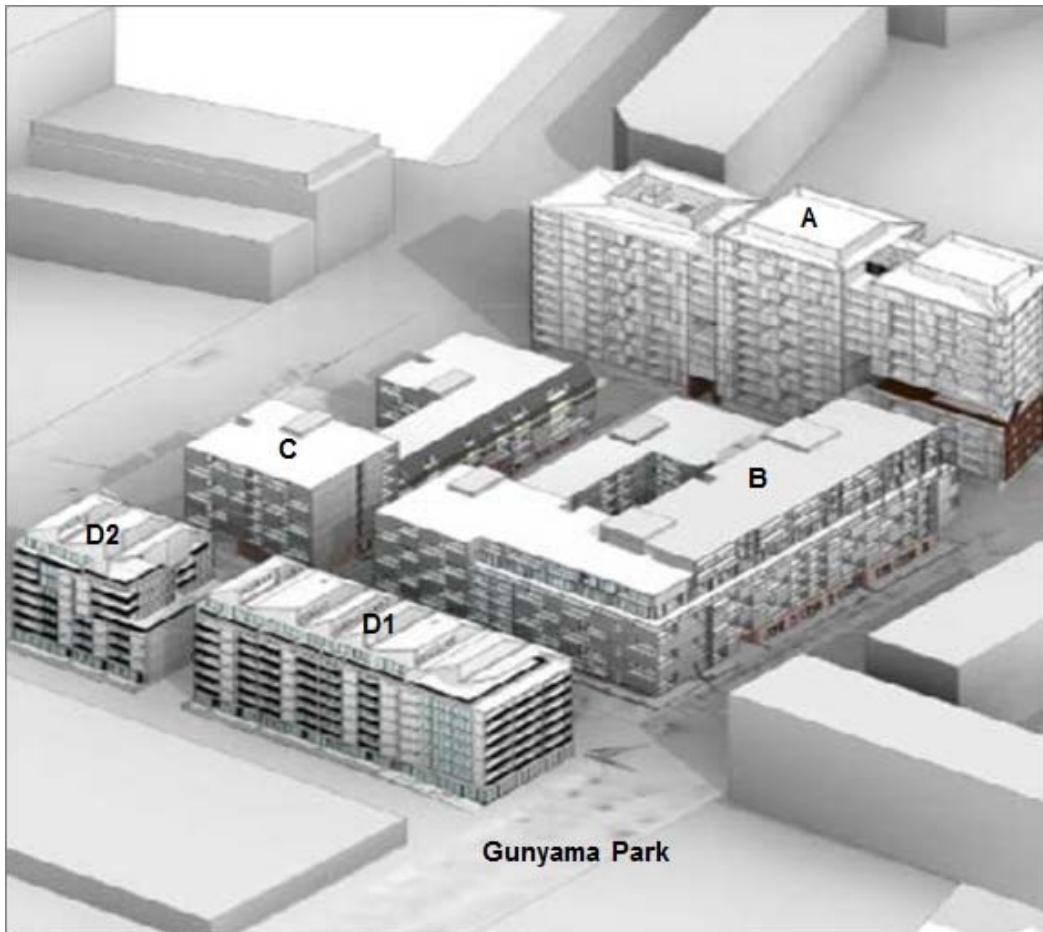


Figure 7: Perspective view of development site facing south east

11. Specifically the following is sought:
- (a) Demolition of all buildings on site;
 - (b) Removal of 41 trees on site;
 - (c) Erection of:
 - (i) Building A - a 12-14 storey mixed use building;
 - (ii) Building B - a 5-9 storey residential flat building;
 - (iii) Building C - a 5-8 storey residential flat building;
 - (iv) Building D - a 8 storey mixed use building;
 - (d) Buildings A, B, C and D are to contain a total 546 residential apartments and 1,041sqm of retail premises;
 - (e) Provision of car parking and services:
 - (i) Excavation of a 2 basement levels to Building A and ground floor loading and servicing area;

- (ii) Partial ground floor parking and servicing area to Building B providing consolidated serviced and garbage collection
 - (iii) 2 level consolidated basement across Building B, C and D.
 - (iv) A total of 508 vehicle parking spaces, 6 car share spaces, 3 service spaces, 2 car wash bays, 602 bicycle spaces and 41 motorcycle parking spaces are proposed.
- (f) Site remediation;
- (g) Landscaping including 2 rooftop communal garden areas to Building A, first floor podium communal courtyard and roof top communal garden to Building B, ground floor (over basement) podium communal courtyard and roof top communal gardens to Building C, 2 rooftop communal gardens to Building D.
- (h) Infrastructure works including construction of portions of George Julius Avenue, Rose Valley Way, Peters Street and Letitia Street, (new roads), Epsom Road footpath widening, installation of stormwater, sewer and lighting infrastructure, new pedestrian footpaths and new street trees;
- (i) Land subdivision for road dedication of the portions of George Julius Avenue, Rose Valley Way, Peters Street, Letitia Street and the Epsom Road footpath widening within the site and land dedication of the northern part of the site to form part of Gunyama Park.

Building A

12. Building A has been designed by MHNDU and Neeson Murcutt Architects and is located on the southernmost part of the site, fronting Epsom Road. Building A is comprised of a 5 storey podium and 3 separate tower elements above, 2 of which are 14 storeys in height and one of which is 12 storeys. Building A includes 2 levels of basement parking.
13. The building will contain a total of 179 residential units with 823sqm of retail space at the ground floor.
14. Entrance to the 2 levels of basement for Building A is off Rose Valley Way at the north eastern corner of the site, with a servicing and loading area located at ground floor to allow for the manoeuvring of vehicles. A substation and services area is located adjacent to this driveway.
15. Building A includes a 4m wide, 3 storey high through site link linking Epsom Road and Rose Valley Way.
16. Communal rooftop open spaces are included at level 5 and level 12.
17. There are 3 residential lobbies, 1 located off George Julius Avenue and one on either side of the through site link. End of journey facilities and cycle parking for the retail staff and visitors are located at ground floor off Epsom Road and resident cycle parking is also located off the through site link.



Figure 8: Building A photomontage – northern Rose Valley Way elevation



Figure 9: Building A photomontage – southern, Epson Road elevation



Figure 10: Building A northern (Rose Valley Way) elevation



Figure 11: Building A southern (Epsom Road) elevation

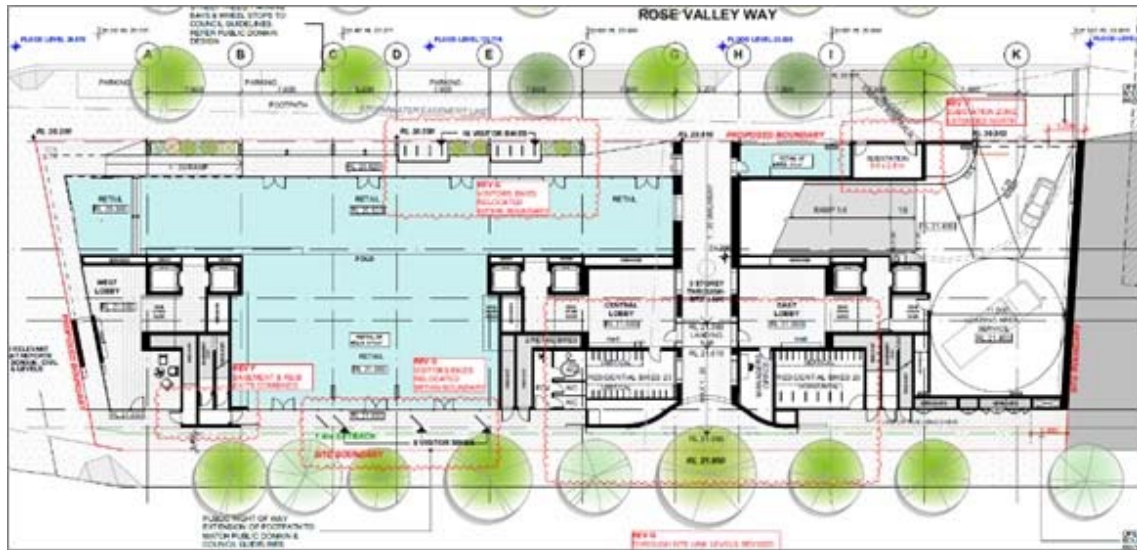


Figure 12: Building A Ground Floor Plan



Figure 13: Building A Level 1



Figure 14: Building A Level 5



Figure 15: Building A Level 12

Buildings B and C

18. Buildings B and C have been designed by Architectus and are located centrally within the site, bound by Peter Street to the north, Rose Valley Way to the south and are separated by Leticia Street which runs north/south through the site.
19. Building B is 5-9 storeys, Building C is 5-8 storeys and they will contain total of 258 residential units.
20. Building B contains a one way access and egress to the basement shared by Building B, C and D, as well an area of ground floor parking and services including garbage area and cycle store.
21. Building B includes a first floor podium communal courtyard and roof top communal garden. Building C includes a ground floor (over basement) communal courtyard and roof top communal garden.
22. Two substations are located within Building B on the Rose Valley Way frontage.



Figure 16: Photomontage Building B, western and northern elevation, viewed from north eastern at the corner of Peters Street and George Julius Avenue.



Figure 17: Photomontage Building B, northern and eastern elevation, viewed from north eastern at the corner of Peters Street and Leticia Street.



Figure 18: Building B and C northern (Peter Street) elevation



Figure 19: Building B and C southern (Rose Valley Way) elevation



Figure 20: Building B western (George Julius Ave) elevation



Figure 21: Building C western (Leticia Street) elevation



Figure 22: Building B eastern (Leticia Street) elevation



Figure 23: Building C eastern (side boundary) elevation

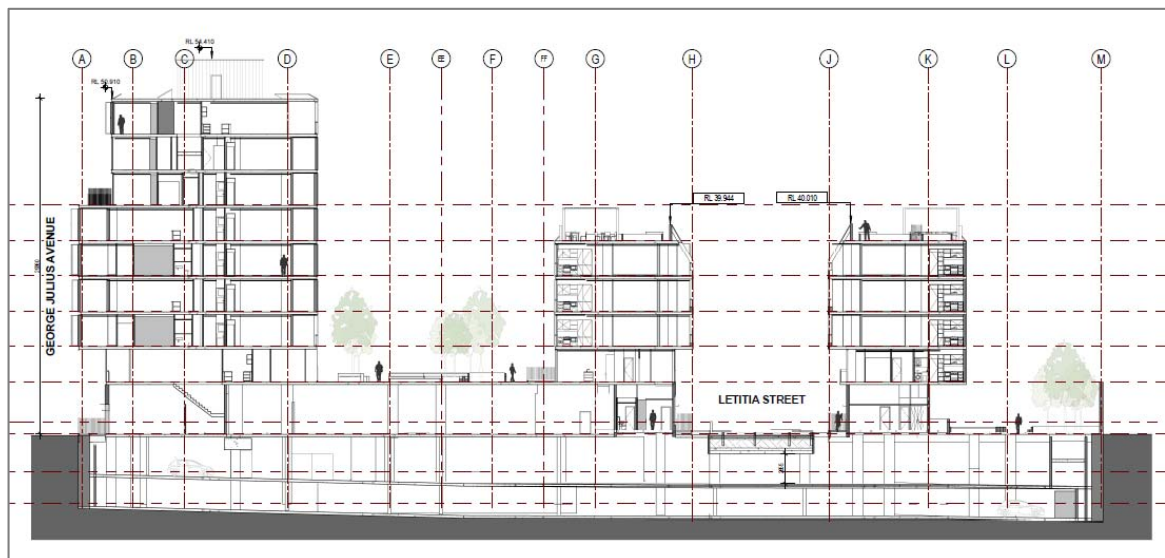


Figure 24: Section through Building B and C



Figure 25: Building B and C Ground Floor



Figure 26: Building B and C Level 1

Building D1 and D2

23. Building D has been designed by BVN and is located on the northern part of the site, with Gunyama Park to the west and Peter Street to the south. Building D is 8 stories in height and is split into 2 buildings, D1 to the west of Leticia Street and D2 to the east.
24. Building D1 and D2 contain 258 residential units and a single retail premises of 218sqm at the western end of the site, fronting the future Gunyama Park.
25. Communal rooftop open spaces are located on both D1 and D2.



Figure 27: Building D photomontage, viewed from the north west (Gunyama Park)



Figure 28: Building D photomontage, viewed from the south east along Peters Street



Figure 29: Building D northern elevation



Figure 30: Building D1 western (George Julius Ave/ Gunyama Park) elevation



Figure 31: Building D1 eastern (Leticia Street) elevation



Figure 32: Building D2 western (Leticia Street) elevation

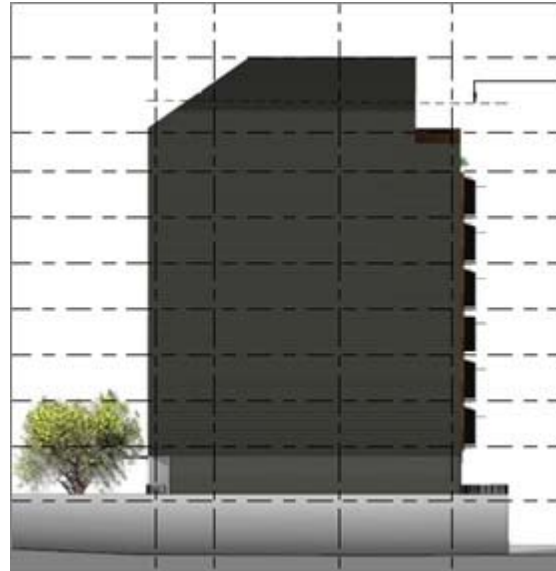


Figure 33: Building D2 eastern side boundary elevation



Figure 34: Building D Ground Floor



Figure 35: Building D Level 7



Figure 36: Building D Level 7 Mezzanine

Common Basement to Building B, C, D1 and D2

26. The proposal includes a common basement of 2 levels that services buildings B, C, D1 and D2. Building A has a separate basement.
27. The common basement has one way system of ingress and egress within Building B. The one way access from Rose Valley way enters into a ground floor car parking area and allows a one way egress onto Peters Street, with a separate ramp down to the basement levels of parking. This arrangement allows service vehicles, particularly garbage, to entry and exit in a forward direction.
28. Some resident parking and the garbage collection for Building A will be provided within the consolidated basement of Building B, C, D1 and D2. A “shuttle” lift (basement to ground floor only) is included in the south eastern corner of Building B to improve access from the consolidated basement to Building A to the south. This lift will serve both Building A resident parking spaces and allow for waste transfer.



Figure 37: Access and egress through ground floor parking area to Building B

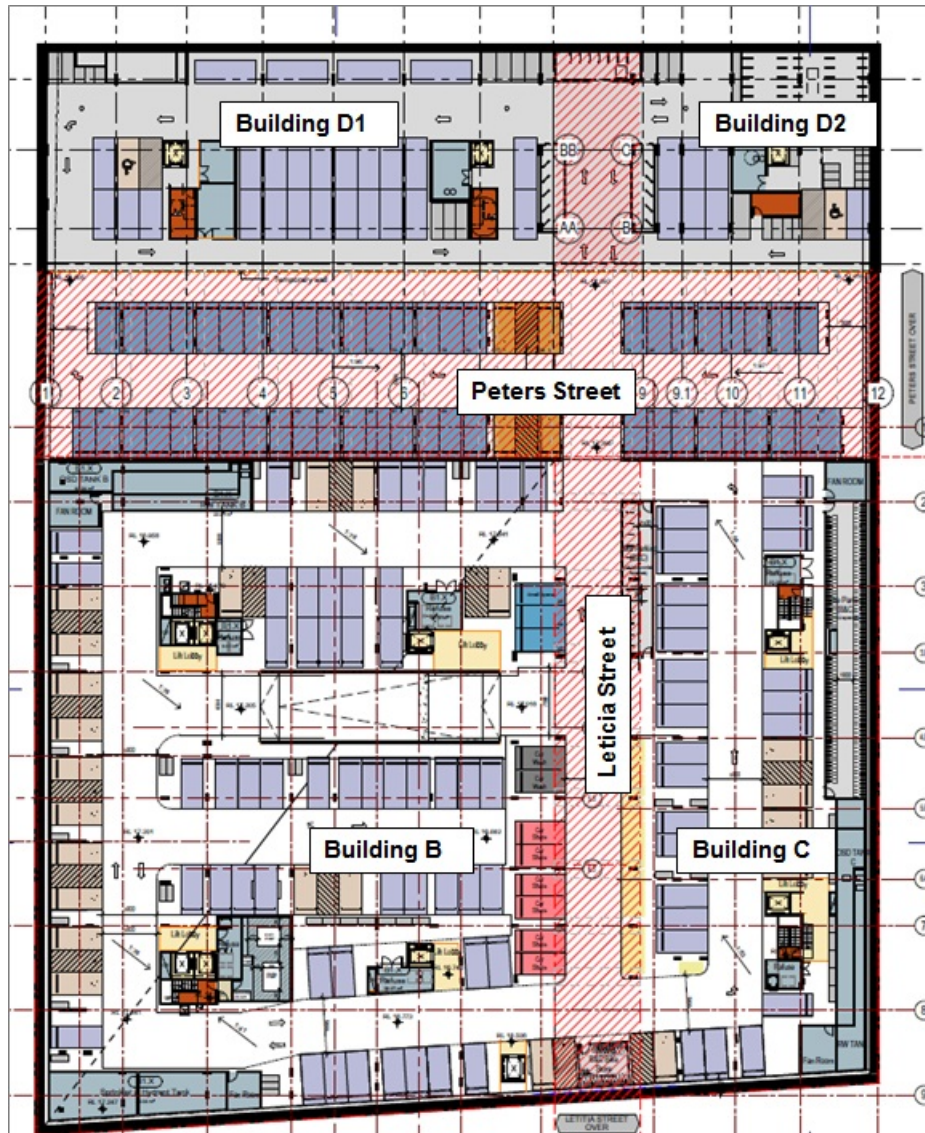


Figure 38: Common basement Level 1

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

Community Infrastructure

30. The proposal includes significant community infrastructure, with works to the value of \$3,790,390.22, and the transfer of land to Council. Specifically the draft Voluntary Planning Agreement includes:
- Dedication of part of the future Gunyama Park (4,689sqm) to Council;
 - Construction of parts of George Julius Avenue (3,136sqm), Peter Street (1,795sqm) and Rose Valley Way (1,316sqm) and dedication to Council;
 - Construction of new shared zone (Leticia Street south) and through site link (Leticia Street north) and dedication of a stratum area (832sqm);

- (d) 1.4m footpath widening along Epsom Road;
- (e) Construction of part of the Green Square underground stormwater trunk drain infrastructure; and
- (f) A monetary contribution for the purpose of infrastructure in or about the area known as "Green Square Town Centre".

Staging

31. The proposed development is to be constructed in four separate stages

Stage 1

- (a) demolish existing structures;
- (b) construct Building B;
- (c) construct George Julius Avenue from Epsom Road to northern boundary of Peters Street;
- (d) construct Rose Valley Way and Peters Street between George Julius Avenue and the eastern boundary of Letitia Street; and
- (e) construct Letitia Street between Rose Valley Way & Peters Street.

Stage 2

- (f) construct Building C; and
- (g) construct Rose Valley Way and Peters Street between the eastern boundary of Letitia Street and the eastern boundary of the Land.

Stage 3

- (h) construct Building A.

Stage 4

- (i) construct Building D; and
- (j) construct George Julius Avenue north of Peters Street; and
- (k) construct Letitia Street north of Peters Street.

Subdivision of the site

32. The proposed development is to be subdivided in the following stages:

Stage 1

- (a) Subdivision of existing land to create the following two lots:
 - (i) New lot 1 (parkland lot); and
 - (ii) New lot 2 (development lot).

Stage 2

- (b) Subdivision of lot 2 into:
 - (i) New lot 21 (Building B land);
 - (ii) New lot 22 (Building C land);
 - (iii) New lot 23 (Building D land and adjacent roads north of Peters St); and
 - (iv) New lot 24 (Building A land and stage 1 and 2 roads).

Stage 3

- (c) Subdivision of lot 24 into:
 - (i) New lot 241 (stage 1 roads to be dedicated); and
 - (ii) New lot 242 (residual land).

Stage 4

- (d) Subdivision of lot 242 into:
 - (i) New lot 2421 (stage 2 roads to be dedicated); and
 - (ii) New lot 2422 (Building A land).

Stage 5

- (e) Creation of road widening easement (along Epsom Road).

Stage 6

- (f) Subdivision of lot 23 into:
 - (i) New lot 231 (Building D land); and
 - (ii) New lot 232 (stage 4 roads to be dedicated).

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION**Stage 1 DA - D/2011/1760**

- 33. On 29 March 2012 the Central Sydney Planning Committee refused a Stage 1 DA for six building envelopes on the site.
- 34. On 30 July 2013 the Land and Environment Court granted deferred commencement consent for the amended Stage 1 DA which approved the demolition of all existing structures, established 5 building envelopes ranging from 5 to 14 storeys across the site, including basement car parking and public domain works to the subject site.

35. The consent was granted subject to a deferred commencement condition (Part A Conditions 1(b) and (c)), which required the developer to enter into a Voluntary Planning Agreement (VPA) with the Council, which must be registered on the land prior to the activation of the consent. The applicant was granted a timeframe of 2 years from the date of determination to satisfy the deferred commencement conditions.
36. On 13 February 2015 Council approved a Section 96AA(1) application to extend the period to satisfy the deferred commencement conditions for a further one year (until 30 July 2016).
37. The consent was activated on 21 June 2016.

Voluntary Planning Agreement

38. A Voluntary Planning Agreement (VPA) associated with the Stage 1 DA public benefit offer was drafted and exhibited on 5 July 2013. This VPA was executed and registered on the title of the land in June 2016.
39. An updated VPA is required to align with the current proposal. Details of the VPA are not yet finalised and it has not been exhibited.

Competitive Design Alternative Processes - CMP/2013/12

40. In October to December 2014 three separate Competitive Design Alternative Processes were undertaken in accordance with Clause 6.2.1(5) (c) of the Sydney Local Environmental Plan 2012.
41. The site was divided into 3 separate competitions for Buildings A, B and C and D where 3 architectural firms competed in each competition.
42. The winning architectural firms were:
 - (a) Building A - MHNDU/Neeson Murcutt
 - (b) Building B & C - Architectus
 - (c) Building D - BVN
43. Photomontages of the winning schemes are included below.



Figure 39: Building A Winning Design - Photomontage Epsom Road and George Julius Avenue



Figure 40: Building B Winning Design - Photomontage on the corner of Letitia Street and Rose Valley Way



Figure 41: Building D Winning Design - Photomontage of north western elevation form Gunyama Park

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

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

Integrated Development – Section 91 EP&A Act

45. The application was referred to the NSW Office of Water as the proposal constitutes Integrated Development under Section 91 of the EP&A Act.
46. 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.
47. 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.

Environmental Planning Instruments and DCPs.

SEPP 32 – Urban Consolidation (Redevelopment of Land)

48. 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.

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

State Environmental Planning Policy No 55—Remediation of Land

50. 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.
51. A Remediation Action Plan (RAP) was submitted with the development application as well as a Site Audit Statement that states that the land can be made suitable if the RAP carried out as stated in the report.
52. The City's Health Unit is satisfied that subject to conditions, the site can be made suitable for the proposed use.

State Environmental Planning Policy No 64—Advertising and Signage

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

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

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

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

The subject site is located in the Epsom Park Precinct of the Green Square redevelopment area. The locality comprises a number of industrial, commercial and residential uses. It is in a period of transition to a desired character of a new neighbourhood of primarily medium density residential and mixed uses. The new neighbourhood aims to have good transport links, open parklands, recreational opportunities and specialty retail activities. It is to have a strong urban character and identity, built on the quality of the streets and architecture. The locality statement highlights the need for a variety of dwelling types, and for buildings to be at a human scale, with streets providing permeability and maximising pedestrian and cycle movement. 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 Epsom Park.

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

The built form and scale of the proposed development is generally in accordance with the Stage 1 approval, subject to the S96 modifications also under assessment, which applies to the site. Despite the building height departures, the proposed form is considered appropriate for the site and the surrounding area. Having regard to the existing, approved and future development within Epsom Park, the proposed built form and scale is supported.

(c) **Principle 3: Density**

The proposal complies with the maximum permitted gross floor area (GFA) applicable to the site. The proposed GFA is appropriate in the Epsom Park 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**

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**

The site benefits from landscape courtyards and rooftops that provide a variety of recreational uses and includes a communal BBQ area, open turf, seating and area of dense planting. Subject to conditions requiring an increase to communal opens space receiving solar access to Building B and C and detailed landscape plans, the proposed site landscaping is supported.

(f) **Principle 6: Amenity**

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.

(g) **Principle 7: Safety**

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

The development provided a generous mix of Studio and 1 bedroom (40%), 2 bedroom (48%) and 3 bedroom (12%) dwellings 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

The proposed development provides for a contemporary range of buildings which are compatible with the emerging character within the area. The design of the development was the subject of 3 separate competitive design processes.

The proposal introduces a variety of building elements and utilises varied architectural languages 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 Epsom Park Neighbourhood and is considered to positively contribute to the visual quality of the area

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

Apartment Design Guide		
Control	Compliance	Comment
2E Building Depth		
12-18m (glass to glass)	Acceptable	Building A – 23.6m Building B and C – 12-20m Building D – 21m The building depths have responded to the approved Stage 1 DA envelopes. While Some parts of the building are marginally above the 18m guideline, appropriate building breaks, articulation and layouts result in an acceptable amenity outcome.

Apartment Design Guide		
Control	Compliance	Comment
2F Building Separation		
Up to four storeys (approximately 12 metres): <ul style="list-style-type: none"> • 12m between habitable rooms / balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms 	Yes	Building A – 18-31m – complies Building B and C – 12-24 – complies Building D – 12m-24m – complies
Five to eight storeys (approximately 25 metres): <ul style="list-style-type: none"> • 18m between habitable rooms / balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable Rooms 	Partial compliance	Building A – 18-31m – complies Building B and C – 12m separation across Leticia Street – does not comply but consistent with Stage 1 DA envelope and offsets have been incorporated where possible. Building D -12m separation across Leticia Street – does not comply but consistent with Stage 1 DA envelope and offsets have been incorporated where possible.

Apartment Design Guide		
Control	Compliance	Comment
<p>Nine storeys and above (over 25m):</p> <ul style="list-style-type: none"> • 24m between habitable rooms / balconies • 18m between habitable and non-habitable rooms • 12m between non-habitable Rooms 	<p>Partial compliance</p>	<p>Building A</p> <ul style="list-style-type: none"> • 25m to Rose Valley Way – complies. • 18m separation (2 units only within Building B) across Epsom Road to Building A to the south - does not comply but is consistent with Stage 1 DA envelope and living areas are oriented east/west. • 22m to George Julius Avenue - does not comply but is consistent with Stage 1 DA envelope. <p>Building B and C</p> <ul style="list-style-type: none"> • 24m to George Julius Avenue and Peters Street – complies. • 18m separation (2 units only within Building B) across Epsom Road to Building A to the south - does not comply but is consistent with Stage 1 DA envelope and living areas within the units in Building B are oriented east/west, away from Building A to the south. <p>Building D – N/A</p>
<p>At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m.</p>	<p>N/A</p>	

Apartment Design Guide														
Control	Compliance	Comment												
3D Communal and Public Open Space														
Communal open space has a minimum area equal to 25% of the site.	Partial compliance	Building A – 24% (479sqm) Building B and C – 25.3% (1,416sqm) Building D -14% (278sqm)												
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).	Partial compliance	Building A - Yes Building B and C – While the rooftop terraces achieve 50% solar access for 2 hours, mid-winter, when taken as a whole with the ground and first floor level courtyards, the solar access requirements are not met. Building D – Yes See discussion under Issues Section.												
3E Deep Soil Zones														
Deep soil zones are to meet the following minimum requirements:	Yes	The provision of deep soil has been calculated based on the site as a whole, under the Stage 1 approval. Subsequently it is not accommodated within each building site, but instead within the portion of Gunyama Park to be delivered within this site, which is 21% of the overall site area.												
<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
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													
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 	Yes	Building A - 18-31m – complies Building B and C – 12-24m across road and 18-30m across internal courtyards – complies Building D -12m-24m – complies												

Apartment Design Guide		
Control	Compliance	Comment
Five to eight storeys (25 metres): <ul style="list-style-type: none"> • 9m between habitable rooms / balconies • 4.5m between non-habitable rooms 	Yes	Building A - 18-31m – complies Building B and C - 12-24m across road and 18-30m across internal courtyards – complies Building D -12-24 – complies
Nine storeys and above (over 25m): <ul style="list-style-type: none"> • 12m between habitable rooms / balconies • 6m between non-habitable rooms 	Yes	Building A - 18-31m – complies Building B and C - 12-24m across road and 18-30m across internal courtyards – complies Building D -12-24 – complies
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.	No – but acceptable	Building A – 66% (118 out of 179 units) Building B and C – 52% (136 out of 258 units) Building D – 75.2% (82 out of 109 units) Total - 61.5% (336 out of 546 units) of the apartments receive 2 hours of sunlight to living rooms and open space between 9 am and 3pm on June 21. Refer to issue section for further discussion.
Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Acceptable	Building A - 31% (56 out of 179 units) Building B and C - 32% (84 out of 258 units) Building D – 14.6% (16 out of 109 units) Total – 28.6% (156 out of 546 units)

Apartment Design Guide		
Control	Compliance	Comment
4B Natural Ventilation		
<p>Minimum 60% of apartments in the first nine (9) storeys of the building are naturally cross ventilated.</p> <p>Note: Apartments 10 storeys or greater are deemed to be naturally cross ventilated only if balconies allow for adequate ventilation and cannot be fully enclosed.</p>	Acceptable	<p>Building A - 58% (66 out of 114 units on the first 9 storeys) – subject to conditions</p> <p>Building B and C - 59% (151 out of 258 units)</p> <p>Building D – 59% (64 out of 109 units)</p> <p>Total – 58.4% (281 out of 481 units)</p> <p>Refer to issue section for further discussion.</p>
<p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	Partial compliance	<p>Building A - no cross through units proposed</p> <p>Building B and C – There are 8 units in Building B (18.6-18.8m). There are 8 units in building C that marginally exceed the 18m length (18.1 – 20.5). These are minor non-compliances and are acceptable.</p> <p>Building D – there are 9 cross through units with a depth of 18.2m-19.1m. These are minor non-compliances and are acceptable.</p>
4C Ceiling Heights		
Measured from finished floor level to finished ceiling level, minimum ceiling heights are as follows:		
Habitable rooms: 2.7m	Yes	Complies
Non-habitable rooms: 2.4m	Yes	Complies
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	Complies
Attic spaces – 1.8m at edge of room with a 30 degree minimum ceiling slope	N/A	
If located in mixed use areas – 3.3m for ground and first floor to promote future flexibility of use.	Yes	Complies

Apartment Design Guide		
Control	Compliance	Comment
4D Apartment Size and Layout		
<p>Minimum unit sizes:</p> <ul style="list-style-type: none"> • Studio: 35m² • 1 bed: 50m² • 2 bed: 70m² • 3 bed: 90m² <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p>	Yes	All apartments meet the minimum size requirements.
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.	Yes	All habitable room have appropriately sized windows.
Habitable room depths are to be no more than 2.5 x the ceiling height.	Yes	The habitable rooms (bedrooms) are less than 6.75m in depth, excluding entrance corridors.
8m maximum depth for open plan layouts.	Partial compliance	<p>Building A – Up to 9.5m, however units deeper than 8m are oriented north and have a good level of amenity and are acceptable.</p> <p>Building B and C – complies</p> <p>Building D – up to 9.3m, however this is for 5 units only, which are oriented either north or west (to the park), have a good level of amenity and are acceptable.</p>
<p>Minimum area for bedrooms (excluding wardrobes):</p> <ul style="list-style-type: none"> • master bedroom: 10m² • all other bedrooms: 9m² <p>Minimum dimension of any bedroom is 3m (excluding wardrobes).</p>	Yes	<p>Building A – complies</p> <p>Building B and C – complies</p> <p>Building D – complies</p>

Apartment Design Guide																	
Control	Compliance	Comment															
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	Building A – complies Building B and C – complies Building D – complies															
4m minimum width for cross over and cross through apartments.	Yes	Building A – N/A Building B and C - complies Building D - complies															
4E Private Open Space and Balconies																	
All apartments required to have primary balconies as follows: <table border="1"> <thead> <tr> <th>Dwelling Type:</th> <th>Min. Area</th> <th>Min. Depth</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m²</td> <td>-</td> </tr> <tr> <td>One bed</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>Two bed</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>Three+ bed</td> <td>12m²</td> <td>2.4m</td> </tr> </tbody> </table> <p>The minimum depth counting to balcony area is 1m.</p>	Dwelling Type:	Min. Area	Min. Depth	Studio	4m ²	-	One bed	8m ²	2m	Two bed	10m ²	2m	Three+ bed	12m ²	2.4m	Partial compliance	Building A – All units have balconies. 75% of balconies are fully compliant with size and depth requirements. While there are minor non-compliances, the overall general compliance is acceptable. Building B and C - All units have balconies. 80% have fully compliant balconies. While there are minor non-compliances, the overall general compliance is acceptable. Building D – All units bar 1 studio unit have compliant balconies, this minor non-compliance is acceptable.
Dwelling Type:	Min. Area	Min. Depth															
Studio	4m ²	-															
One bed	8m ²	2m															
Two bed	10m ²	2m															
Three+ bed	12m ²	2.4m															
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.	Partial compliance	Building A – N/A Building B and C – All ground floor units have private open space, with sizes varying from 10–48m ² in size and generally has a depth of 2.3m, and a minimum length of 4m. This arrangement is largely driven by the urban form and street presentation that would not allow for large gardens. The non-compliance are acceptable in this instance.															

Apartment Design Guide		
Control	Compliance	Comment
		Building D - All ground level units have private open space in excess of 15m ² , except for one studio and one 3 bed unit, which are slightly under at 12.7m ² . Minimum dimensions are compliant. Ground level maisonette units have smaller ground level private open spaces but have compliant balconies off living spaces at the first floor.
4F Common Circulation and Spaces		
The maximum number of apartments off a circulation core on a single level is eight (8).	Generally compliant	Building A – complies Building B and C – generally compliant, one lift core in building B services 9 units. Building D - complies
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Yes	Building A - complies Building B and C – N/A Building D – N/A
4G Storage		
Minimum storage provision facilities: <ul style="list-style-type: none"> • Studio: 4m³ • 1 bed: 6m³ • 2 bed: 8m³ • 3 bed: 10m³ (Minimum 50% storage area located within unit)	Yes	Building A - complies Building B and C - complies Building D - complies

State Environmental Planning Policy (Infrastructure) 2007

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

Clause 45

57. The application is subject to Clause 45 (Subdivision 2 Development likely to affect an electricity transmission or distribution network) of the ISEPP as the development contains existing substations.

58. In accordance with Clause 45 of the ISEPP, the application was referred to Ausgrid for a period of 21 days and no objection was raised. The developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/ or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development.

Clause 102 – Impact of road noise or vibration on non-road development

59. The site is located on Epsom Road which may result in adverse road noise impacts upon the subject development. Council's Environmental Health Officers have reviewed the submitted acoustic reports and consider that the development will be capable of achieving adequate levels of internal acoustic amenity. Acoustic conditions of consent have been recommended.

Clause 104 - Traffic-generating development

60. The application is subject to Clause 104 of the ISEPP as the application provides over 300 new dwellings and parking for more than 200 motor vehicles and is traffic generating development. The application has been referred to the Roads and Maritime Services and no objections were raised subject to standard considerations being undertaken by Council.

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

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

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

63. 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.
64. 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.
65. It is recommended that a condition imposing an affordable housing contribution to aid in the delivery of affordable housing in accordance with the principles in Schedule 2 of SEPP 70.

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

66. SEPP 32 provides for the increased availability of housing within the inner city and to assist in meeting the demand for housing close to employment, leisure and retail opportunities.

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

Sydney LEP 2012

68. The site is located within the B4 Mixed Use zone in the Sydney LEP 2012. The proposed use is defined as a residential flat building and retail premises. All uses are permissible with development consent in the zone and are consistent with the zone objectives
69. 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	No - but generally acceptable	<p>The site contains 4 separate height limits of 45m, 30m, 27m and 18m.</p> <p>The 45m height limit is exceeded by a maximum of 4m (8%).</p> <p>The 30m height limit is exceeded by a maximum of 5m (16%).</p> <p>The 27m height limit is exceeded by a maximum of 8m (30%).</p> <p>The 18m height limit is exceeded by 3m (17%).</p> <p>Refer to Issues section.</p>
4.4 Floor Space Ratio	Yes	<p>A maximum FSR of 1.5:1 is identified for the subject site.</p> <p>An additional FSR of 0.5:1 is available on the site subject to the provision of community infrastructure.</p> <p>An additional amount up to 10% FSR can be awarded subject to meeting the design excellence provisions and undertaking a competitive design process.</p> <p>A total maximum FSR of 2.2:1 is permitted.</p> <p>A FSR of 2.18 is proposed and complies with this control.</p> <p>The allocation of the 10% design excellence FSR is discussed further below in the Issues section.</p>

Compliance Table		
Development Control	Compliance	Comment
4.6 Exceptions to development standards	Yes	The proposal seeks to vary the development standard prescribed under Clause 4.3 Height of Buildings. See discussion under the heading Issues.
5.9 Preservation of trees or vegetation	Yes	41 trees are required for removal. The proposed tree removal is supported, barring 5 street trees along Epsom Road that are recommended for retention. It is noted that extensive tree planting is proposed across the site, including street trees and private trees as well as trees within the proposed park on the northern portion of the site.
5.10 Heritage conservation	Yes	The subject site is not a heritage item and is not located within a heritage conservation area. A heritage item is located on the opposite side of Epsom Road to the south west at 1-3 Rosebery Avenue. This item is a warehouse and office building known as the former "Moffat Virtue". The proposal will not impact upon the heritage item or its setting.
Part 6 Local provisions - height and floor space		
Division 2 Additional floor space outside Central Sydney - Community Infrastructure floor space at Green Square	Yes	The site is within area identified as 'Area 6', which permits an additional FSR of 0.5:1 subject to the provision of community infrastructure. Refer to Issues section.

Compliance Table		
Development Control	Compliance	Comment
Divisional 4 Design excellence	Yes	<p>The size of the site is such that a site specific development control plan is required to be prepared under Clause 7.20 of SLEP. This requirement, in turn, triggers the need for a competitive design process to be undertaken under clause 6.21 of SLEP.</p> <p>Under this provision, the winning design of a competitive design process, subject to Council being satisfied that the building exhibits design excellence, an amount of floor space that exceeds the amount permitted may be granted consent.</p> <p>The subject application is based on the designs of the winners of competitive design processes and seeks 10% additional FSR.</p> <p>The assessment of the subject application finds that, subject to conditions, the development meets the objectives of this provision and performs when tested against the matters to be considered under this provision.</p> <p>Refer to Issues section.</p>
Part 7 Local provisions—general		
Division 1 Car parking ancillary to other development	Able to comply	<p>A maximum of 502 resident car parking spaces are permitted (448 occupant and 54 visitor).</p> <p>A total of 508 resident car parking spaces are proposed (451 occupant and 57 visitor).</p> <p>This is an exceedance of 6 spaces and cannot be supported.</p> <p>A condition is recommended to delete 6 spaces (3 resident and 3 visitor) to ensure compliance.</p>
Division 3 Affordable housing	Yes	<p>The site is located in Green Square and subject to an affordable housing contribution, which has been included as a consent condition.</p>

Compliance Table		
Development Control	Compliance	Comment
7.14 Acid Sulphate Soils	Yes	The site is located within class 5 ASS areas, which is 600m from a class 3 area and is 19m above sea level height datum. No further information is required.
7.15 Flood planning	Yes	The site and surrounding area is subject to flooding. The flood modelling submitted with the application has been reviewed and it is considered that the capacity of the drainage system will be adequate to manage flooding within the site.
7.16 Airspace operations	Yes	The proposed development will penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for the Sydney Airport. Sydney Airport has confirmed they have no objection to the proposal.
7.17 Development in areas subject to airport noise	Yes	The land is not identified as being in an area sensitive to aircraft noise.
7.20 Development requiring preparation of a development control plan	Yes	<p>The site has a Stage 1 consent (being D/2011/1760/A). This Stage 1 consent is the equivalent of a development control plan and details allowable building envelopes, land uses and vehicular access points. It is considered that current Stage 1 consent for the site addresses the requirements of Clause 7.20 of SLEP 2012.</p> <p>Further discussion is provided at the issues section of this report with regard to consistency of the proposal with the Stage 1 development consent.</p>
7.23 Large retail development near Green Square Town Centre	Yes	The proposal includes 1,041sqm of retail premises, divided between Building A (823sqm) and D (218sqm). Each premises is under the 1,000sqm maximum. This amount of commercial space will not have a negative impact on the viability and economic role of the Green Square Town Centre.

Sydney DCP 2012

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

2. Locality Statements – Epsom Park – Green Square
<p>The subject site is located in the Epsom Park Locality.</p> <p>The neighbourhood is in transition from traditional industrial land uses to a mix of uses including medium density residential development and commercial and retail uses. New development in the area is to have a strong urban character and identity built on the quality of the streets and architecture and is to provide a variety of dwelling types and provide equity of access for pedestrians, cyclists and vehicles.</p> <p>The proposed mixed use development includes several portions of new road as part of the street network as well as a portion of land that will form part of Gunyama Park.</p> <p>The scale of buildings facing the existing and new roads and Gunyama Park are considered appropriate at the pedestrian level and will encourage casual surveillance and a sense of security.</p> <p>For these reasons, the development is considered to be consistent with the desired future character principles for the locality.</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. Active retail frontages are provided to Gunyama Park to the north, Rose Valley Way and Epsom Road
3.3 Design Excellence and Competitive Design Processes	Yes	A competitive design process was undertaken in accordance with the City of Sydney Competitive Design Policy and using the Model Competitive Processes Brief on this site. Refer to Issues section.

3. General Provisions		
Development Control	Compliance	Comment
3.4 Hierarchy of Centres, City South	Yes	The site is within the Green Square Town Centre Primary Trade Area and proposes to contribute a total of 1,041sqm of retail floor area over 2 separate buildings and 3 frontages. This amount of retail space will not have a negative impact on the viability and economic role of the Green Square Town Centre and other planned centres
3.5 Urban Ecology	Yes	The proposed development involves the removal of 41 trees. A landscape concept plan was submitted showing areas of planting large enough to support some biodiversity and some substantial tree planting. It is recommended that detailed landscape plans are required to be submitted and approved prior to issue of a construction certificate. The proposal will not adversely impact on the local urban ecology.
3.6 Ecologically Sustainable Development	Yes	The proposal will not have unacceptable impacts on the environment and satisfies BASIX requirements.
3.7 Water and Flood Management	Yes	The site is identified as being on flood prone land. The proposal has been designed to adequately minimise flood risks.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	Lands subdivision is proposed. Appropriate conditions are recommended.
3.9 Heritage	Yes	The site is not a heritage item or located within a heritage conservation area.
3.11 Transport and Parking	Yes subject to conditions	The proposal is capable of complying with the overall maximum permitted car parking by the Sydney LEP 2012.

3. General Provisions		
Development Control	Compliance	Comment
3.12 Accessible Design	Yes	<p>15.2% (83 out of 546 units) are adaptable units.</p> <p>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.</p>
3.13 Social and Environmental Responsibilities	Yes	<p>The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.</p>
3.14 Waste	Yes	<p>All waste is to be collected from the common ground floor parking area within Building B. The waste from Building A will be transferred to the main basement on collection day by the building caretaker. The entrance has been designed to accommodate Council waste vehicles.</p> <p>The waste management on the site can be provided in accordance with the City of Sydney Policy for Waste Minimisation in New Developments 2005 subject to recommended conditions.</p>

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.1 Building height	Acceptable	<p>The Sydney DCP 2012 has specific area controls for Epsom Park including building height in storeys and street frontage height in storeys.</p> <p>The building heights have been further established in the Stage 1 DA.</p> <p>The overall building heights are generally consistent with the DCP with the exception of part of the northern part of Building B which is 9 storeys instead of 8, Building D which is 8 storeys instead of 7 and the eastern part of Building A which is 12 storeys instead of 8</p> <p>The proposal also includes modifications to the heights established in the Stage 1 DA. The eastern part of Building A is proposed to go from 10 to 12 storeys and northern part of Building B is proposed to go from 8 to 9 storeys (in part).</p> <p>Refer to Issues section.</p>
4.2.2 Building setbacks	Acceptable	<p>Buildings are setback at the ground floor by 1.5-3m, apart from the active retail frontages.</p> <p>A 1.4m setback for road widening is required to Epsom Road, which has been provided.</p>

4. Development Types														
4.2 Residential Flat, Commercial and Mixed Use Developments														
Development Control	Compliance	Comment												
4.2.3 Amenity	Yes subject to conditions	<p>The proposal generally provides for acceptable standards of amenity, as discussed in the SEPP65 discussion above subject to several conditions of consent. Refer to Issues section.</p> <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>Studio and 1 Bed</td> <td>15-40% max</td> <td>217 (40%)</td> </tr> <tr> <td>2 Bed</td> <td>40-75% max</td> <td>262 (48%)</td> </tr> <tr> <td>3 Bed</td> <td>10 % min</td> <td>67(12%)</td> </tr> </tbody> </table>	Type	Control	No. and percentage	Studio and 1 Bed	15-40% max	217 (40%)	2 Bed	40-75% max	262 (48%)	3 Bed	10 % min	67(12%)
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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>Building A's podium is 85m in length, which is greater than the 65m guide, but is broken into 3 tower forms at the upper levels.</p> <p>Building B and C have a maximum length of 55m along Peters Street and Rose Valley Way. Building B and C's frontage to George Julius Avenue and Leticia Street is 68-72m.</p> <p>Building D is split into 2 parts with a maximum length of 55m, which is compliant with the 65m maximum on streets greater than 18m.</p> <p>The proposal is assessed as achieving an acceptable level of architectural diversity and fine grain articulation though suitable massing, composition of building elements and fenestration and the varied use of materials and finishes. The numerical exceptions are supported in this instance as the built forms are based on the approved Stage 1 consent and the winning competitive design schemes.</p>												

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.5 Types of development	Yes	Courtyard buildings and perimeter street block buildings The proposal is broken into components that allow visual permeability into the courtyard space at the centre of the site and includes a publicly accessible through-site links to Building A.
4.2.6 Waste minimisation	Yes	All waste is to be collected from the common ground floor parking area between Buildings B, C and D. The waste from Building A will be transferred to the main basement on collection day by the building caretaker. The entrance has been designed to accommodate Council waste vehicles. The waste management on the site can be provided in accordance with the City of Sydney Policy for Waste Minimisation in New Developments 2005 subject to recommended conditions.
4.2.7 Heating and Cooling Infrastructure	Yes	Air conditioning equipment is consolidated throughout the development with dedicated locations for condensers within architectural elements.
4.2.8 Letterboxes	Yes	A standard condition relating to letter boxes is recommended as a condition of consent.

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

5. Specific areas - Green Square - Epsom Park		
Development Control	Compliance	Comment
5.2.3 Community infrastructure	Yes	<p>The application seeks consent for the maximum GFA permitted under clause 6.12 and clause 6.14 of Sydney LEP 2012 which can only be achieved where a development provides community infrastructure to the satisfaction of the consent authority.</p> <p>The application was accompanied by a draft voluntary planning agreement which has been reviewed by Council and it is considered that there are sufficient reasons for consent to be granted for the maximum gross floor area achievable under clause 6.12 and clause 6.14 of Sydney LEP 2012.</p> <p>Refer to Issues section.</p>
5.2.4 Local Infrastructure	Yes	The proposal includes new roads and dedication of land for Gunyama Park and is consistent with the site specific DCP provisions.
5.2.5 Pedestrian and bike networks	Yes	The site includes a through site link to Building A, which while not a requirement of the DCP, improves pedestrian connectivity in the area. The proposal is consistent with the site specific DCP provisions.
5.2.6 Public Open Space	Yes	A portion of the site is to be dedicated to form part of the future Gunyama Park
5.2.7 Stormwater management and waterways	Yes	<p>Flood planning levels have been agreed and incorporated in the design development to ensure that there is adequate flood protection for the proposed development.</p> <p>The proposal will allow for the future construction of the trunk drain stormwater system underneath the proposed Rose Valley Way.</p>
5.2.8 Highly Visible Sites	Yes	The site is not identified as a Highly Visible Site.

5. Specific areas - Green Square - Epsom Park		
Development Control	Compliance	Comment
5.2.9 Building Design	Yes	<p>The development performs against the controls in this section for the following reasons:</p> <ul style="list-style-type: none"> • The buildings are aligned to the streets, consistent with the controls, to define and frame the street edge and provide clear delineation between the public and private domain. • It is unlikely that the buildings will affect significant views to the City skyline from surrounding residences. • The development includes the provision of new street tree plantings and landscaping along footpaths to enhance the quality of the streetscape and maximise pedestrian amenity. • The building facades incorporate a variety of finishes and colours. • Lobbies have been provided from the street to the residential interiors and are clearly defined.
<p>5.2.10 Setbacks</p> <p>The Sydney DCP 2012 requires buildings to be set back from new streets by 1m to provide a landscape setback, unless the frontage is nominated active frontage on the Active frontages map.</p>	Yes	<p>Dedicated Setbacks</p> <p>The control requires a dedicated 1.4m setback at to Epsom Road for road widening. The proposal is consistent with this control.</p> <p>Building Setbacks</p> <p>Buildings are setback 1.5-3m apart from the active retail frontages.</p>

5. Specific areas - Green Square - Epsom Park		
Development Control	Compliance	Comment
5.2.11 Carparks under the public domain	Yes	<p>The site is identified as having potential for a consolidated underground carpark in Figure 5.65 Epsom Park Circulation and Access. A consolidated basement under Building B, C and D is proposed, which sits under Peters and Leticia Street.</p> <p>As per the DCP only common areas (circulation, visitor spaces etc.) are located under the roads and on B1 and a minimum clearance depth of 1m will be maintained.</p>
5.2.12 Above ground and adaptable car parking spaces	Yes	<p>The proposal includes two levels of below ground parking and one part level of above ground parking within Building B, that is be fully screened/sleeved by residential uses. The parking spaces above ground have the capability of being converted for other uses in the future and is consistent with this control.</p>
5.3.1 Epsom Park Urban Strategy	Yes	<p>The proposal complies with the objectives of the Epsom Park Urban Strategy. The proposal development represent a high quality architectural outcome, introduces a range of dwelling types, responds to height controls and provides appropriate transitions. The proposal introduces new streets and will improve walking and cycling opportunities, improves the public domain and introduces a mix of active commercial/retail uses as well as residential uses.</p>

5. Specific areas - Green Square - Epsom Park		
Development Control	Compliance	Comment
5.3.2 Urban Design Principles	Yes	<p>Principle 1 Transition of Building Heights The development has is generally consistent with the urban design principles, with street wall heights generally within the 4-7 storey requirement. Building A presents as a 5 storey podium with towers above. Buildings B and C generally have a 5-6 storey street wall height with the exceptions of the corner of Peters Street and Leticia and Rose Valley Way and George Julius Avenue which are 8 -9 storeys. Building D presents as 8 storeys.</p> <p>Building A is the taller building on the site, appropriate to its location on Epsom Road.</p> <p>Principle 2 Land Use The proposal includes commercial/retail premises at ground floor level along Epsom Road, Rose Valley Way and at the interface with future Gunyama Park and residential uses on the upper levels and quieter street interfaces.</p> <p>Principle 3 Public Domain The development incorporates landscaped setbacks from the public domain to ensure an appropriate interface of the development and the public domain.</p>

5. Specific areas - Green Square - Epsom Park		
Development Control	Compliance	Comment
5.3.3 Local infrastructure and public domain	Yes	<p>The subject site provides for the following in accordance with the Sydney DCP:</p> <ul style="list-style-type: none"> • Dedication of part of the future Gunyama Park (4,689sqm) to Council; • Construction part roads George Julius Avenue (3,136sqm), Peter Street (1,795sqm) and Rose Valley Way (1,316sqm) and dedication to Council; • Construction of new shared zone (Leticia Street south) and through site link (Leticia Street north) and dedication of a stratum area (832sqm); • (1.4m footpath widening along Epsom Road <p>Streets and cycle access ways have been designed in accordance with the Sydney DCP 2012.</p>
5.3.4 Building form and design	Generally complies	<p>Building heights and street frontage heights As detailed above under Section 4.2.1 Building height, the buildings generally comply with the specific street frontage heights and height in storeys, with the main exception being part of Building A. going from 10 to 12 storeys. Refer to Issues Section.</p> <p>Dwelling Types The Sydney DCP 2012 specifies commercial/retail at ground floor and apartments above to Building A, maisonette/duplex style dwelling and apartments to Buildings B and C and retail/commercial uses to the Gunyama park frontage and apartments to Building D. The proposal is generally consistent with these requirements.</p>

5. Specific areas - Green Square - Epsom Park		
Development Control	Compliance	Comment
		<p>Ground floor dwellings All private open spaces at ground floor level are accessible directly from the public domain. Individual entries are provided to all ground floor units.</p> <p>Building Setbacks A 2m landscape setback requirement applies to Rose Valley Way, George Julius Avenue, Peters Street and Leticia Street. The proposal generally complies with this control, with the exception of the Rose Valley Way frontage of Building A, which proposes an active retail frontages.</p> <p>Splay Corner Splay corners are provided in accordance with the identified locations.</p> <p>Fences Subject to conditions the front fences facing the public domain include a suitable mix of solid and transparent materials to provide for a balance between privacy and streetscape amenity.</p> <p>Other Development - Active frontages Active frontages are proposed along Epsom Road and the future interface with Gunyama Park, in accordance with the DCP.</p>
5.3.5 Staging and implementation	Yes	The development is to be provided in 3 stages as detailed in this report.

ISSUES

Compliance with Stage 1 DA – D/2011/1760/A

71. 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.

72. Pursuant to Section 83D of the EP&A Act, any subsequent Stage 2 development determination cannot be inconsistent with the Stage 1 consent.
73. An activated Stage 1 consent was issued on 20 June 2016. The Stage 1 DA included a number of conditions of consent. An assessment of compliance with these conditions which specifically required details to be submitted as part of the Stage 2 application are provided below:

No.	Condition	Assessment
1	Approved Development	<p>Does not comply. The proposal, while generally consistent with the overall Stage 1 DA, includes some variation to the approved built form, the main variations being:</p> <ul style="list-style-type: none"> • Increase to the height of part of Building A from 10 to 12 storeys; • Increase to the height of Building D by 3m (saw tooth roof); • Amendments to setbacks and floor to ceiling; and • Amendments to basement parking levels to allow for consolidated basement to Building B and C and D. <p>Elements departing from the Stage 1 DA approval are addressed through the modification to the Stage 1 DA (D/2011/1760/B) being assessed concurrently for the CSPC's consideration.</p>
4	Compliance with the Voluntary Planning Agreement (VPA)	<p>Able to comply. A deferred commencement condition has been recommended to ensure that the VPA is updated to reflect the current situation. See further discussion below.</p>
5	Dedication of Land	<p>Able to comply: The Stage 2 DA includes a draft plan of subdivision for the site and the draft VPA includes provision for the the dedication of the rear portion of the site and road reserves.</p>
6	Floor Space Ratio	<p>Complies.</p>
7	Building Envelopes	<p>Does not comply. As discussed above Elements departing from the Stage 1 DA approval are addressed through the modification to the Stage 1 DA (D/2011/1760/B) being assessed concurrently for the CSPC's consideration.</p>
8	Location of Buildings A1 and A2	<p>Complies. The location of Building A has been shifted 1.4m to the north, as the drainage canal is to be moved underground as part of the Green Square Trunk drain project.</p>
9	Temporary Driveway Not Approved	<p>Complies. The temporary driveway has been deleted.</p>

No.	Condition	Assessment
10	Floor to Ceiling Height	Complies. Residential units have a minimum floor to ceiling height of 2.7m and commercial tenancies have a minimum height of 3.3m.
11	Floor to Floor Heights	Complies.
12	SEPP 65 and Residential Flat Design Code	Complies. The proposal generally complies with SEPP 65. It is noted that the Stage 1 DA was approved under the Residential Flat Design Code, these guidelines are no longer applicable and the Apartment Design Guide is applicable. Generally compliance is achieved with the Apartment Design Guide.
13	Section 94 Contributions	Complies. A condition is recommended.
16	Block A Driveway	Complies. Building A driveway has been relocated the eastern end of Rose Valley Way.
17	Typical Street Sections	Able to comply. Condition have been recommended to required full details to be provided prior to CC.
18	Design of New Roads, Through Site Links and Easements	Able to comply. Condition have been recommended to required full details to be provided prior to CC.
19	Design of Streets	Able to comply. Condition have been recommended to required full details to be provided prior to CC.
20	Turning Paths	Complies. Swept path analysis have been provided.
21	Temporary Turning Circles	Able to comply. Condition have been recommended to required full details to be provided prior to CC.
22	Alignment Levels	Able to comply. Condition have been recommended requiring alignment levels to be provided.
23	Noise	Complies. A suitable acoustic report has been provided.
25	Civil Aviation (Buildings Control) Regulations	Able to comply. Approval has been received from the Sydney Airport Corporation.
26	Traffic and Car Parking	Complies. Appropriate conditions are recommended.
27	Service and Garbage Vehicles	Complies. Appropriate conditions are recommended.

No.	Condition	Assessment
28	Detailed Design of New Road	Able to comply. Appropriate conditions are recommended.
32	Electrical Substation	Complies. Three new substations are provided within the site.
33	Connection To Sewers of Sydney Water Corporation	Able to comply. Appropriate conditions are recommended.
36	Public Domain Plan	Able to comply. A condition has been recommended requiring the submission of a Public Domain Plan.
38	Photographic Record/Dilapidation Report	Able to comply. A condition has been recommended requiring the submission of a dilapidation report prior to demolition.
41	Landscaping	Able to comply. A condition has been recommended requiring the submission of a detailed landscape plan prior to CC.

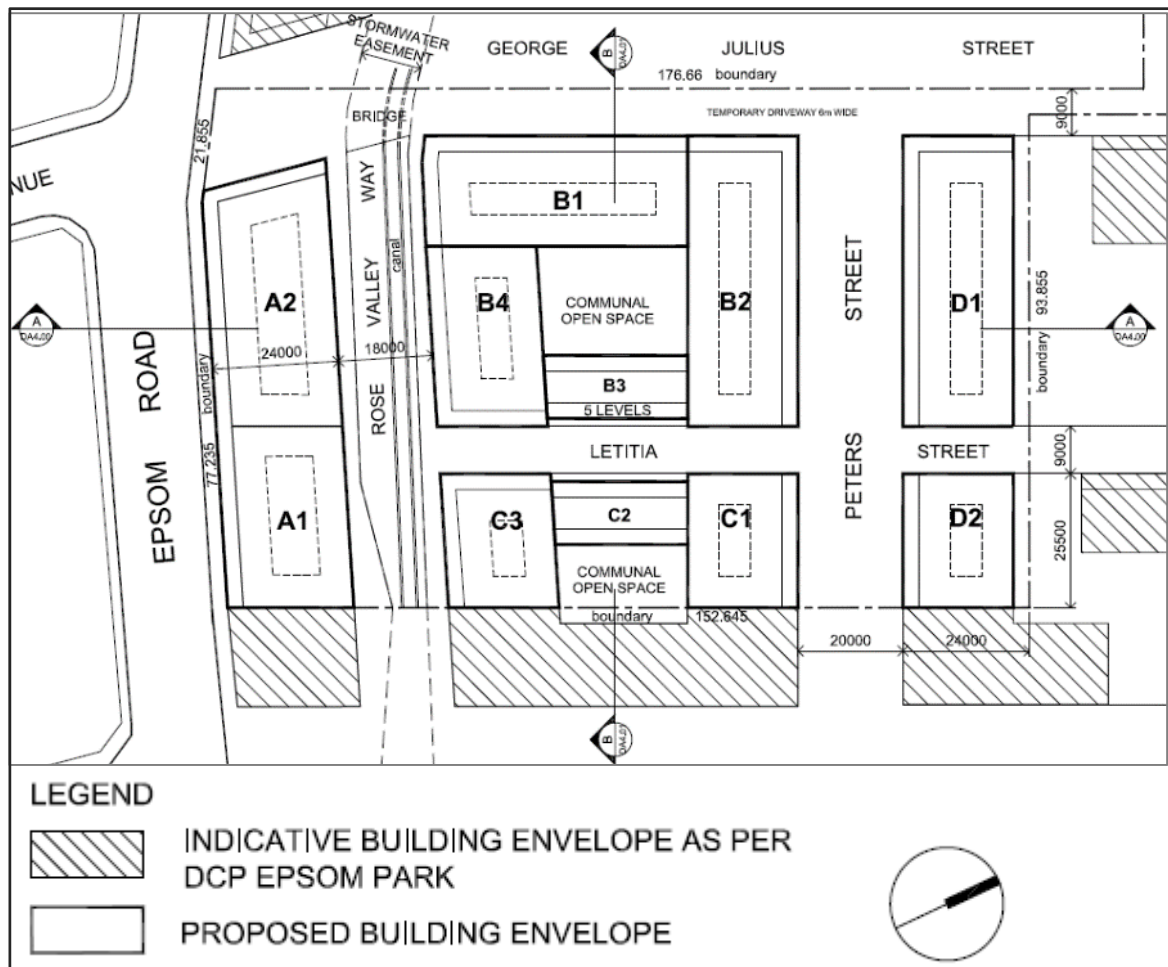


Figure 42: Approved Stage 1 DA site plan

Community Infrastructure – Public Benefit and Voluntary Planning Agreement

74. The development application seeks consent for the maximum amount of GFA permitted under Clause 6.12 and Clause 6.14 of Sydney LEP 2012 which can only be achieved where a development provides community infrastructure to the satisfaction of the consent authority.
75. While the VPA associated with the Stage 1 DA has been executed and registered on the title of the land, this VPA does not align with the current situation and proposal and as such an updated VPA is required.
76. An updated VPA has been under negotiation during the assessment of the application and includes both land dedication and embellishment of the dedicated land. The total package value is calculated on the basis of the additional floor space amount and the adopted residential and commercial rates.
77. The proposal includes significant community infrastructure, with works to the value of \$3,790,390.22, and the transfer of land to Council. Specifically the draft Voluntary Planning Agreement includes:
 - (a) Dedication of part of the future Gunyama Park (4,689sqm) to Council;
 - (b) Construction part roads George Julius Avenue (3,136sqm), Peter Street (1,795sqm) and Rose Valley Way (1,316sqm) and dedication to Council;
 - (c) Construction of new shared zone (Leticia Street south) and through site link (Leticia Street north) and dedication of a stratum area (832sqm);
 - (d) 1.4m footpath widening along Epsom Road;
 - (e) Construction of part of the Green Square underground stormwater trunk drain infrastructure; and
 - (f) A monetary contribution for the purpose of infrastructure in or about the area known as "Green Square Town Centre";
78. **Figure 43** shows the location of the dedications and embellishments.
79. It is noted that the proposed works were originally separate to the Green Square stormwater trunk drain project, which is being led by Sydney Water in alliance with City of Sydney (the DG Alliance).
80. The DG Alliance plans to build a 2.4km stormwater trunk drain from Link Road in Zetland to the Alexandra Canal that will carry floodwaters from South Sydney into Botany Bay. Part of this stormwater trunk drain will run through the subject site, under the proposed Rose Valley Way.
81. The construction of part of the stormwater trunk drain on the subject site was originally going to be delivered by the DG Alliance. During the assessment process the plans for the delivery of sections of the stormwater trunk drain changed. The section running through the subject site is no longer proposed to be delivered and constructed by the DG Alliance, but will be required to be delivered by the private developer of the site.

82. This change in delivery is partially due to timing of the two projects and impracticality of the construction of the stormwater trunk drain given the existing building on site.
83. The transfer of responsibility of the construction of the underground trunk drain stormwater infrastructure to the site developer facilitates a more orderly construction of the stormwater trunk drain infrastructure.
84. The delivery of this stormwater trunk drain is proposed to be included as additional works within the works in kind package in the VPA. These works have not yet been costed and may result in the reduction or deletion of the monetary contribution and may result in an offset against required Section 94 payments.

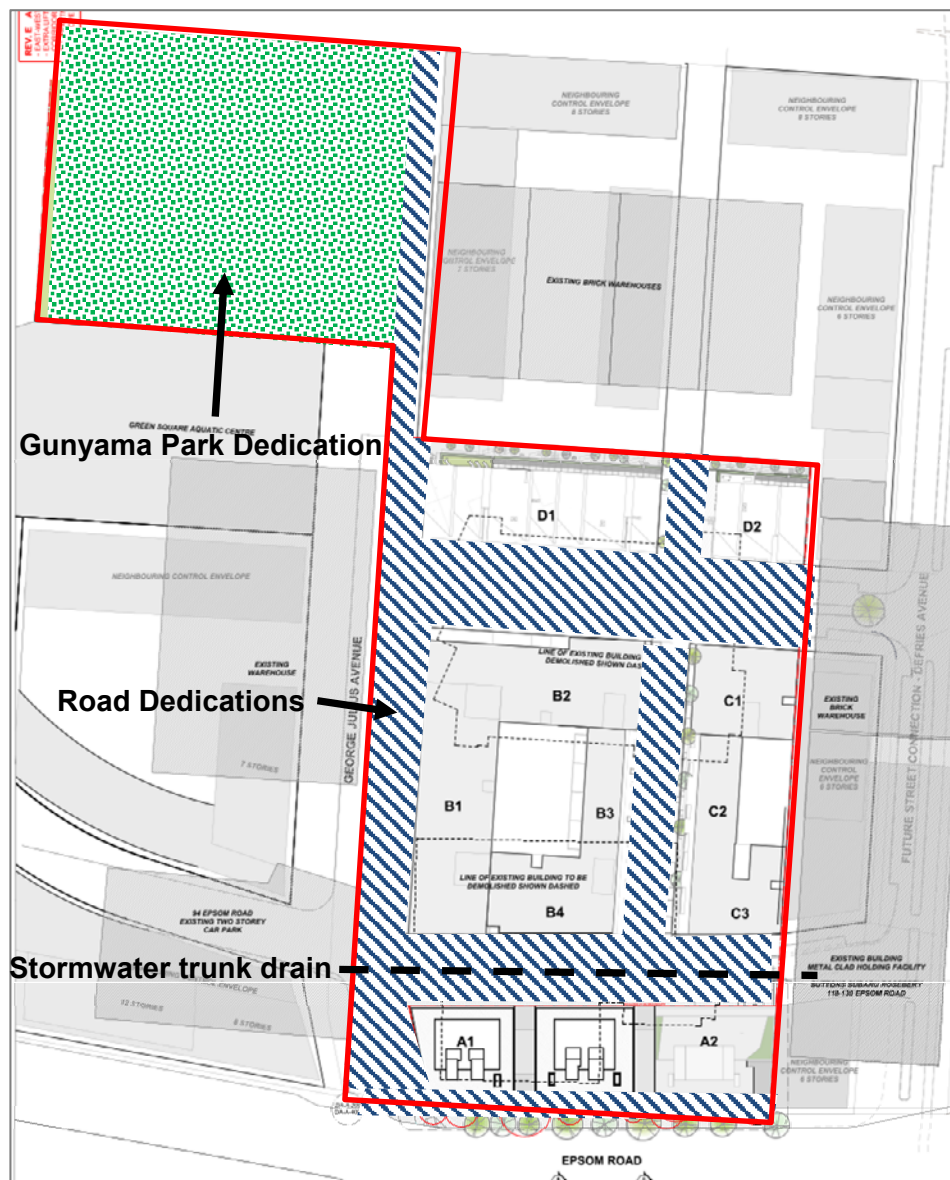


Figure 43 – Land dedications

Competitive Design Process, Design Improvements and Design Excellence

85. The size of the site is such that a site specific development control plan is required to be prepared under Clause 7.20 of the Sydney LEP 2012 as detailed above. This requirement in turn triggers the need for a competitive design process to be undertaken under Clause 6.21 of Sydney LEP 2012.
86. Three separate competitive design process were undertaken in December 2015. The winning architectural firms were:
- (a) Building A - MHNDU/Neeson Murcutt
 - (b) Building B and C - Architectus
 - (c) Building D – BVN

Building A

87. In selecting MHNDU/Neeson Murcutt as the preferred proposal for Building A, the Competitive Design Process Judging Panel recommended that the following should be explored during the design development stage:
- (a) The Panel recommended that acoustic and visual privacy between units be addressed later in the design development stage.
 - (b) The Panel suggested more consideration be given to solar access and cross ventilation in particular to units along the northern elevation.

Comment: Building A, as originally submitted, proposed slots as breaks in the building. Many units had a second bedrooms facing onto enclosed slots. This layout created various issues in terms of outlook, light, limited natural cross ventilation, acoustic and visual privacy and did not improve on the winning design scheme. The amended Building A design results in three separated tower forms, greatly reducing the number of bedroom facing onto enclosed slots and largely addressing the issues of acoustic and visual privacy between units. The separation of the towers also greatly improved the ability of units to achieve natural cross ventilation.

This is discussed further under 'Building A Amenity – Enclosed Slots and Bedrooms' below.

- (c) The Panel raised concerns about accessing services along Epsom Road given there is a high volume of traffic along the street.

Comment: Services have been consolidated across the site and the Building A driveway has been repositioned to Rose Valley Way.

Building B and C

88. In selecting Architectus as the preferred proposal for Building B and C, the Competitive Design Process Judging Panel recommended that the following should be explored during the design development stage:
- (a) Refine and simplify the movable screens to the external facade and high maintenance materials from the scheme;

Comment: The design has reduced the extent of the screens from all facades and above ground levels down to two features areas of the facade – being levels 7 and level 8 of Building B. Movable screens have been rationalized and simplified using a modular system.

- (b) Reduce the number of 2 storey apartments incorporated in the upper levels;

Comment: Two storey apartments have been spread between the lower floors and the upper floors to provide a greater diversity of mix.

- (c) Review the relationship between the private terraces and central courtyards to ensure adequate privacy;

Comment: Private terraces facing into the central courtyard are separated by a 1m high screen/ fence which allows for views out to the courtyard and privacy from pedestrians viewing into the private terraces. In some locations raised garden beds with planting provides a landscape buffer and filtered views to private residences.

- (d) Mansard roof: review the detailed design of the mansard roof and its geometry and expression onto Rose Valley Way;

Comment: The mansard roof was designed to reduce the impact of the street wall to the pedestrian experience on Letitia Street. There is a concealed gutter system for the mansard roof and there is a crisp edge for the transition from facade to roof.

- (e) Refine the design of the galleries off Letitia Street and relocate the bedrooms off the galleries;

Comment: The open galleries element have been removed.

- (f) The panel noted that although the scheme varies from the upper level setback controls along Letitia Street and Rose Valley Way within the Stage 1 DA the Panel was satisfied that the built form was appropriate for the subject site.

Building D

89. In selecting BVN as the preferred proposal for Building D, the Competitive Design Process Judging Panel recommended that the following should be explored during the design development stage:

- (a) Roof form and amenity of units: refine the strategy for the saw tooth roof including its orientation and alignment with the residential accommodation below. Also consider the amenity and spatial quality of the units below the roof and sun control to these units during summer.

Comment: The strategy for the roof form has been refined to align more effectively with the apartments below. This has allowed use of mezzanines to some of the level 7 apartments, increasing the amenity provided. Other roof void spaces have been utilised for the required plantrooms and services reticulation.

- (b) Sun shading: develop an effective approach to sun shading to the northern and western facades.

Comment: Solar control devices have been incorporated to the north and western facades which provide effective solar control, whilst balancing the desire to maintain views to the park.

- (c) Materials: remove the light weight cladding to the ground floor level and propose more robust materials.

Comment: The lightweight cladding has been removed from the ground plane, more robust brickwork has been proposed in place.

- (d) Residential corridors: review the design of all residential corridors to D1 and D2 to improve daylight and natural ventilation.

Comment: Additional light and ventilation is provided through the vertical slots introduced to the residential corridors to improve amenity to this area.

- (e) Public domain interface: refine the public domain interface of the ground floor level units.

Comment: A music room has been added to the ground floor to further activate Letitia Street. Further refinements have been included on the amended plans including ground floor setbacks to Leticia Street to provide a landscaped buffer to the bedroom and a more residential interface.

- (f) The Panel noted that the scheme's saw tooth roof form reflects the precinct's industrial heritage. The Panel considered that the height variation associated with the saw tooth roof could be justified.

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

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

The development is considered to represent well resolved architectural designs with clear concepts.

- (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 and a 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 proposal is unlikely to detrimentally impacts on view corridors to significant city skyline views.

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

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

Award of 10% Design Excellence Floorspace Bonus

91. The application as originally submitted proposed to achieve close to the full 10% design excellence bonus available (9.9% - 4,271.6sqm of a potential 4,314sqm bonus). However this original scheme had numerous non-compliances with both the Stage 1 consent, the Sydney DCP 2012, SEPP 65 and the ADG.
92. The amenity of the units was of particular concern with many of the units having 'snorkel' bedrooms within Buildings B and C and many bedroom with windows onto a lightwells in Building A. The original proposal did not perform well against the natural cross ventilation requirements achieving 44% of the required 60%.
93. The original proposal also included a significant amendment to the Stage 1 DA in the form of 2 additional storeys, (10 to 12 storeys) to part of Building A. While the additional storeys supported by the architectural design competition panel, adequate justification, or an offset for these additional floors were not provided as part of the original application.
94. Given the significant issues, it was apparent that the site and proposal could not achieve the full 10% bonus while still achieving design excellence, particularly in terms of achieving amenity.
95. The amended plans have addressed the majority amenity concerns and result in an overall reduction of GFA (approximately 300sqm). The reduction of the GFA is associated with the removal of the connecting tower elements to Building A and the general reconfiguration of Buildings B and C. The amended scheme achieves an overall cross ventilation figure of 58%, a significant improvement from 44%.
96. The proposal as amended results in a 9.2% design excellence bonus to be achieved (3,961sqm of a potential 4,314sqm).
97. As discussed further below under "Building A Amenity – Enclosed Slots and Bedrooms", a condition is recommend to remove a bedroom from the 3 bedroom units 2.1.1 and 2.4.1 within Building A to improve amenity and cross ventilation. This result in a further reduction in GFA of 40sqm. This would result in an overall bonus of 3,921sqm of a potential 4,314sqm or 9.1%.
98. The assessment of the subject application finds that the development generally meets the design excellence objectives but is not capable of accommodate the full 10% bonus. As such, it is recommended that in accordance with Clause 6.21(7) of Sydney LEP 2012, the consent authority award 9.1% (3,921sqm) additional floor space to the development.

Building Height – Exception to Development Standard

99. Clause 4.3 of the Sydney LEP 2012 provides five different heights (3m, 18m, 27m, 30m and 45m) for the subject site which are illustrated below:

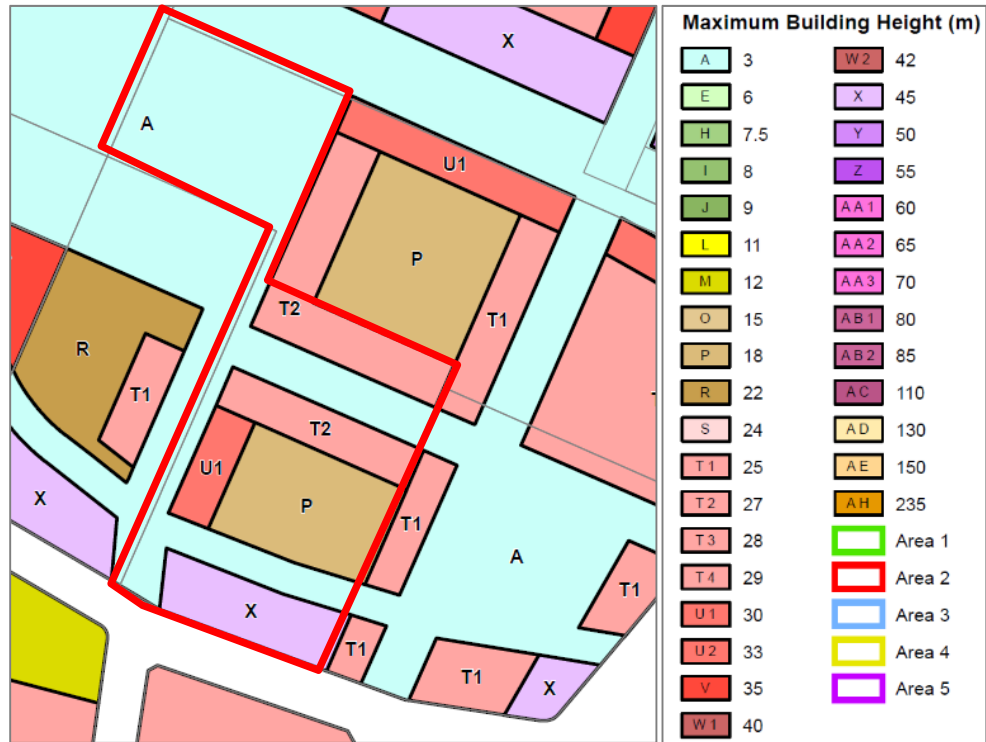


Figure 44 – Sydney LEP 2012 extract - Building Heights Map

Building A

- 100. The applicant is relying on the provisions of Clause 4.6 of the Sydney LEP 2012 to seek exception to the height development standard
- 101. Building A is affected by the 45m height limit and has a maximum height of 49m, taken from existing ground level. This is a 4m or 8% exceedance. The contravention to the maximum building height is limited to the parapet of the top level and the plant rooms. **Figure 45** shows the exceedance of the height limit based on the new ground level public domain levels.



Figure 45 – Proposed Building A demonstrating breach of 45m height control (from new public domain ground floor level)

Building B and C

102. Building B is affected by the 30m, 27m and 18m controls.
103. The northern part of Building B along Peters Street is subject to the 27m height control. Part of Building B exceeds the 27m height limit with part of the top floor and plant rooms by a maximum of 8m (30%) taken from existing ground level. The remainder of Building B exceeds the height limit by only the lift overruns and plant rooms. **Figure 46** shows the exceedance of the height limit based on the new ground level public domain levels.



Figure 46 – Proposed Building B (northern, Peters Street elevation) demonstrating breach of 27m height control (from new public domain ground floor level)

104. The western part of Building B along George Julius Avenue is subject to the 30m controls. Part of Building B exceeds the 30m height limit by part of the top floor and plant rooms by a maximum of 5m (17%) taken from existing ground level. **Figure 47** shows the exceedance of the height limit based on the new ground level public domain levels.



Figure 47 – Proposed Building B (western, George Julius Ave elevation) demonstrating breach of 27m and 30m height control (from new public domain ground floor level)

105. The southern part of Building B along Leticia Street and Rose Valley Way and is subject to the 18m control. The part of Building B fronting Leticia Street exceeds the 18m height limit by part of the top floor, communal open space structures and the lift overrun by a maximum of 3m (17%) taken from existing ground level. **Figure 48** shows the exceedance of the height limit based on the new ground level public domain levels.



Figure 48 – Proposed Building B (eastern, Leticia Street elevation) demonstrating breach of 18m height control (from new public domain ground floor level)

106. The part of Building B fronting Rose Valley Way exceeds the 18m height limit by part of the top floor, communal open space structures and the lift overrun by a maximum of 2m (11%) taken from existing ground level. **Figure 49** shows the exceedance of the height limit based on the new ground level public domain levels.

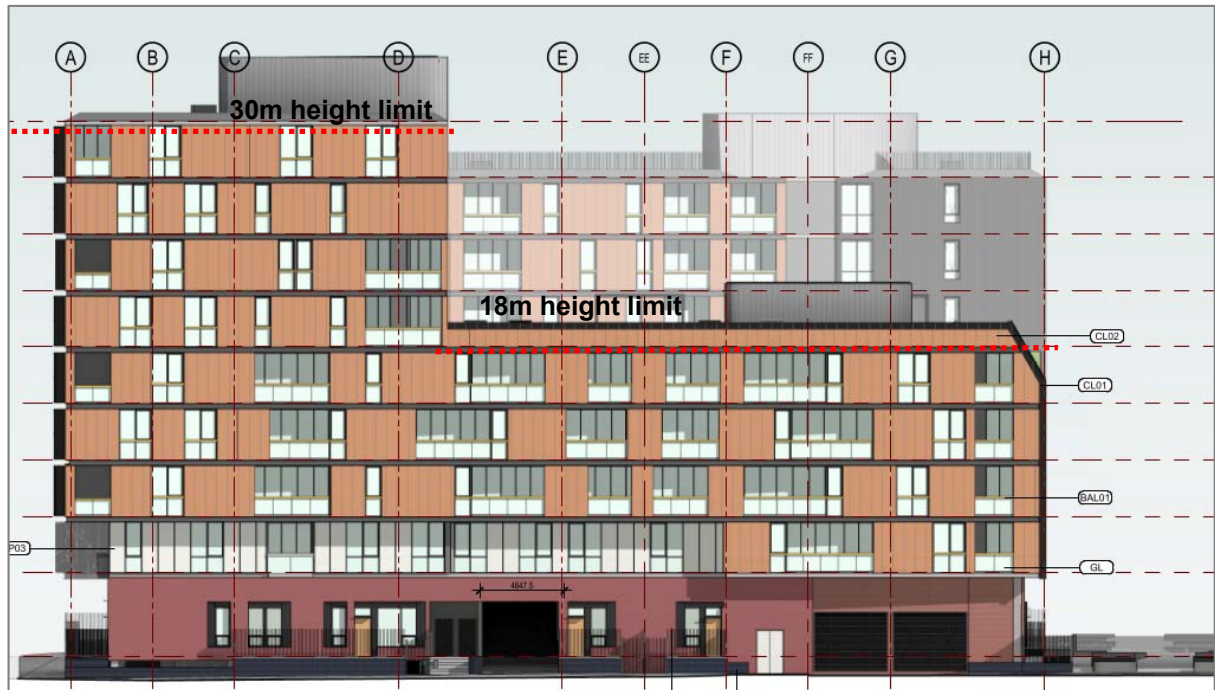


Figure 49 – Proposed Building B (southern, Rose Valley Way elevation) demonstrating breach of 18m height control (from new public domain ground floor level)

107. Building C is affected by the 27m and 18m height limits.

108. The northern part of Building C along Peters Street is subject to the 27m height control. Part of Building C exceeds the height limit with the lift overrun and plant rooms by a maximum of 5m (19%) taken from existing ground level. **Figure 50** shows the exceedance of the height limit based on the new ground level public domain levels.



Figure 50 – Proposed Building C (northern, Peters Street elevation) demonstrating breach of 27m height control (from new public domain ground floor level)

109. The southern part of Building C along Leticia Street and Rose Valley Way is subject to the 18m height limit. Building C exceeds the 18m height limit by part of the top floor, communal open space structures and the lift overrun by a maximum of 3m (17%) taken from existing ground level. **Figure 51** shows the exceedance of the height limit based on the new ground level public domain levels.



Figure 51 – Proposed Building C (western, Leticia Street elevation) demonstrating breach of 18m height control (from new public domain ground floor level)

110. Building D is affected by the 27m height control. The 27m height limit is exceeded by 3m (11%) taken from existing ground level. **Figure 52** shows the exceedance of the height limit based on the new ground level public domain levels.



Figure 52 – Proposed Building D (northern elevation) demonstrating breach of 27m height control (from new public domain ground floor level)

111. It is noted that the proposed building heights are measured from the existing ground levels and if they were measured from the future ground floor levels they will be up to 3.4m lower. This is due to the requirement to raise the surrounding public domain and street levels for the future development to manage stormwater and flooding requirements. All lift overruns, plant and communal open space structures are set back 3-9m from the edges of the building, limiting their visibility and impact on the public domain and surrounding development.
112. Clause 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.
113. 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.
114. 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
115. A written request has been submitted to Council justifying the proposed contravention of the height of buildings standard on the following basis:
 - (a) Much of the additional height is a result of a technical requirement to measure building height from the existing ground level rather than future ground level. In this case, the future public domain and road levels will be up to 3.4m higher than the existing ground level in order to manage stormwater and flooding issues in the locality. However, as building height must be measured from the existing ground level under the SLEP2012, the building heights are all increasing, without an associated increase in building size or scale.
 - (b) The height contraventions are also increased as result of an increase of the floor to floor heights from the Stage 1 DA approval. Building A will have a floor to floor height of 5.2m for the ground floor and 3.31m for the top level which will improve the amenity to the residential lobbies, retail tenancy and top floor residential accommodation. Buildings B and C will have a floor to floor height of 4.56m for the ground floor and 3.1m for the upper levels which will improve the amenity to the ground floor lobbies and residential accommodation. Level 7 of Building D will be double height (7.6m) with a mezzanine level which will significantly improve the amenity to the residential accommodation and allows space for plant rooms which are not visible from the public realm;
 - (c) The lift over runs, stairwells and plant areas to the roof tops are suitably screened and setback from the street frontages and therefore not highly visible from the streetscape or public realm. Furthermore, the lifts and stairwells to Buildings B and C facilitate a better environmental planning outcome by providing access to the communal open spaces in these buildings;

- (d) The communal open spaces to Buildings B and C which contravenes the height control will improve the amenity of future residents by providing further open space opportunities. The structures to the communal open space areas are generally setback from the street frontages and improve the amenity to these areas while it is noted there are planter boxes to all the street frontages which provides privacy to adjoining properties and softens the built form. The communal open space areas generally have a high level of amenity with sufficient solar access, shades structures, areas for seating and distant outlooks;
 - (e) The additional height including an additional storey to the northern part of Building B will not create any further significant bulk or scale given it appears as a light weight structure which is recessed from the building edge and incorporates light coloured perforated panels. The additional building height will not impact upon the surrounding neighbours in terms of overshadowing, view loss or loss of acoustic or visual privacy. Furthermore, the additional 2 bedroom unit provided to the 9th storey has a high level of internal amenity with views to Gunyama Park, a generous internal size and eastern aspect; and
 - (f) The saw tooth roof form will create an architectural form feature to Building D and where visible in longer distances it will create a visually interesting skyline. It is noted that the southern portion of the roof form is angled down towards Peters Street to reduce the overshadowing to the northern façade of Buildings B and C and it is acknowledged that this improves the solar access from the Stage 1 DA approval.
116. 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 retail premise.
 - (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;
 - a. To promote the sharing of views;
 - b. To ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas.

- c. 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:

- (iii) The proposed development responds to the context of the surrounding development and the desired future character of the locality.
- (iv) 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.
- (v) The site is not located within Central Sydney or the Green Square Town Centre.
- (vi) 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.

Additional Height in Storeys – Building A

- 117. The eastern part of Building A is subject to an 8 storey height control under the Sydney DCP 2012, however the Stage 1 DA approved a 10 storey tower. A 12 storey tower is proposed. It is noted that the 12 storey tower complies with the Sydney LEP 2012 Height of Building control of 45m.
- 118. The western two towers are 14 storeys in height, consistent with both the Sydney DCP 2012 height in storeys control and the Stage 1 DA consent.
- 119. The additional two storeys was included as part of the architectural design competition winning scheme and was supported by the selection panel. The panel stated that the additional two storeys *“delivers an improved design outcome by articulating this elevation and giving significant amenity benefits.”*
- 120. The architectural design competition winning proposal had a suggestion of 3 tower forms, however the towers were linked by various bridges, balconies and rooms and essentially read as a single building. The originally submitted plans proposed a connected three towers as shown in **Figure 53**. Concern was raised both in terms of the resident amenity and the urban design outcome of a long building without true breaks. The final amended plans (**Figure 54**) result in 3 distinctly separate tower forms, with benefits to both amenity achieved and urban design/ aesthetic outcome.

121. It is noted that neither the Sydney DCP 2012 nor the Stage 1 DA require three separated tower forms for the site.



Figure 53 – Building A south elevation original plans, tower forms connected



Figure 54 – Building A south elevation, amended plans and separated tower forms

122. In addition the Sydney DCP 2012 and Stage 1 DA did not require a through site link at the site, but this was introduced as a part of the architectural design competition and was seen as an important and positive element of the winning scheme.

123. The increase in height of 2 storeys to the eastern part of Building A could be justified as a transferal of floorspace of the void spaces through the through site link and gaps between the tower, which both have a significant overall benefit to the proposal.

124. There is a modulation of building height controls along this part of Epsom Road between six and 12 storeys. Given the 12 storey tower is adjacent to the 14 storey towers, the additional storeys are considered to have a reasonable urban design outcome in terms of stepping down to the lower building to the east, which has a six storey height control.
125. The additional storeys will result in additional overshadowing to the south. While the current development to the south is commercial in nature, the site is likely to be redeveloped to a residential use with a height in storey control of 6-8 storeys.
126. The applicant provided a suns eye view overshadowing analysis of the potential built form to the south of the site. The configuration of the building resulted in additional overshadowing in some areas, but also reduced overshadowing in other areas when compared to the approved Stage 1 DA envelopes.
127. Overall there is an increase in overshadowing as a result of the additional storeys. However it is important to note where the increase in sun access is occurring with respect to the potential development to the south of Building A in a qualitative manner. The clear separation between the 3 towers allows shafts of light to the potential façade to the south. This allows for a more equitable distribution of sun than the Stage 1 DA envelope that is biased towards providing sun access to apartments located at the top of the building.
128. Although there is an increase of overshadowing to the potential upper floor of the southern property these upper levels will generally receive 2 hour solar access at other times. Given the above the additional storeys will not result in any unreasonable overshadowing impacts.
129. On balance, the increase in height of 2 storey to the eastern part of Building A is acceptable given the positive benefits of the through site link and gaps between the towers, which provide benefits not only to the Proposal but to the immediate context in terms of pedestrian amenity and potential sun access to the lower parts of the facade of the property to the south.

Additional Height in Storeys – Building B

130. The northern part of Building B, fronting Peters Street is subject to a 7 storey height control under the Sydney DCP 2012, however the Stage 1 DA approved 8 storeys in this location.
131. The western part of Building B along George Julius Ave is subject to a 9 storey height control under the Sydney DCP 2012 and the Stage 1 DA.
132. The northern part of Building has been partially increased from 8 to 9 storeys on the north western corner as shown in **Figures 55 and 56**. The partial height increase allows for a continuous 9 storey building line along the George Julius Avenue. The additional storey is recessed from Peters Street and incorporates light coloured panels which reduces the appearance of bulk and scale. The additional height will not result in any overshadowing or other amenity impacts and is acceptable.

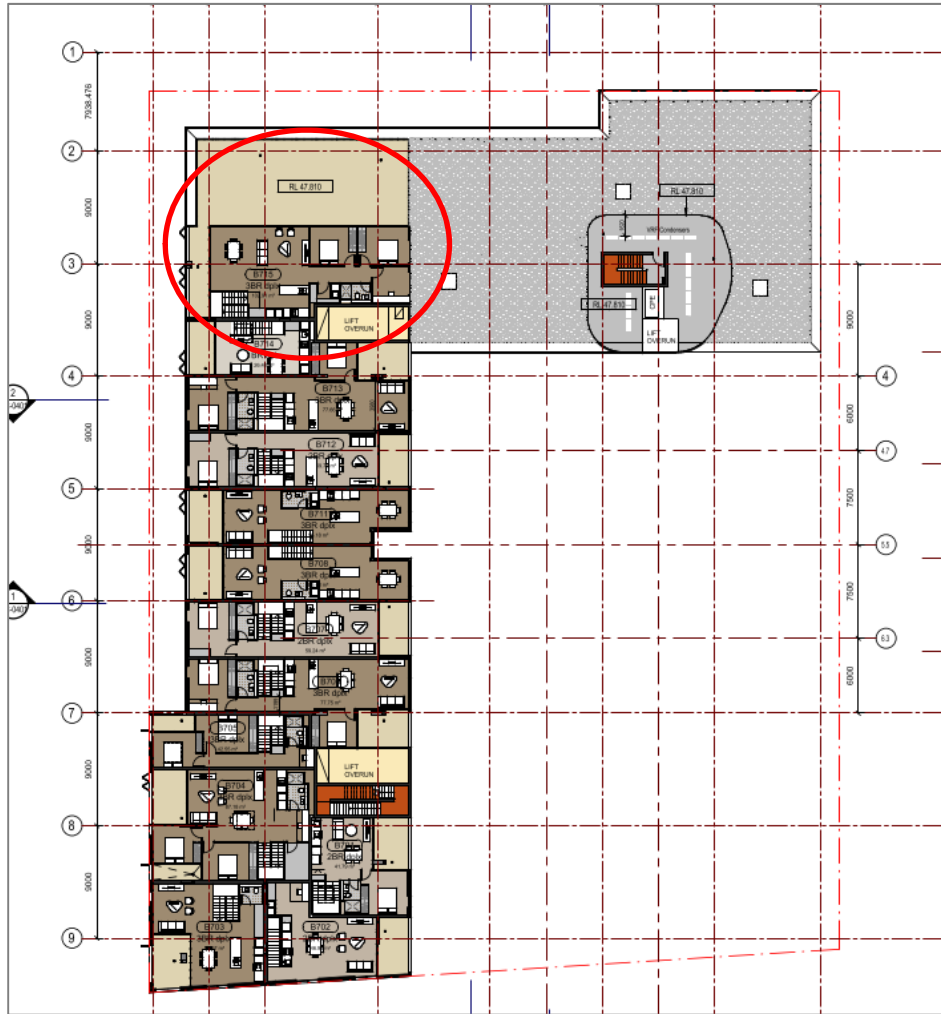


Figure 55 – Building B Level 8 – showing area of additional storey to Building B

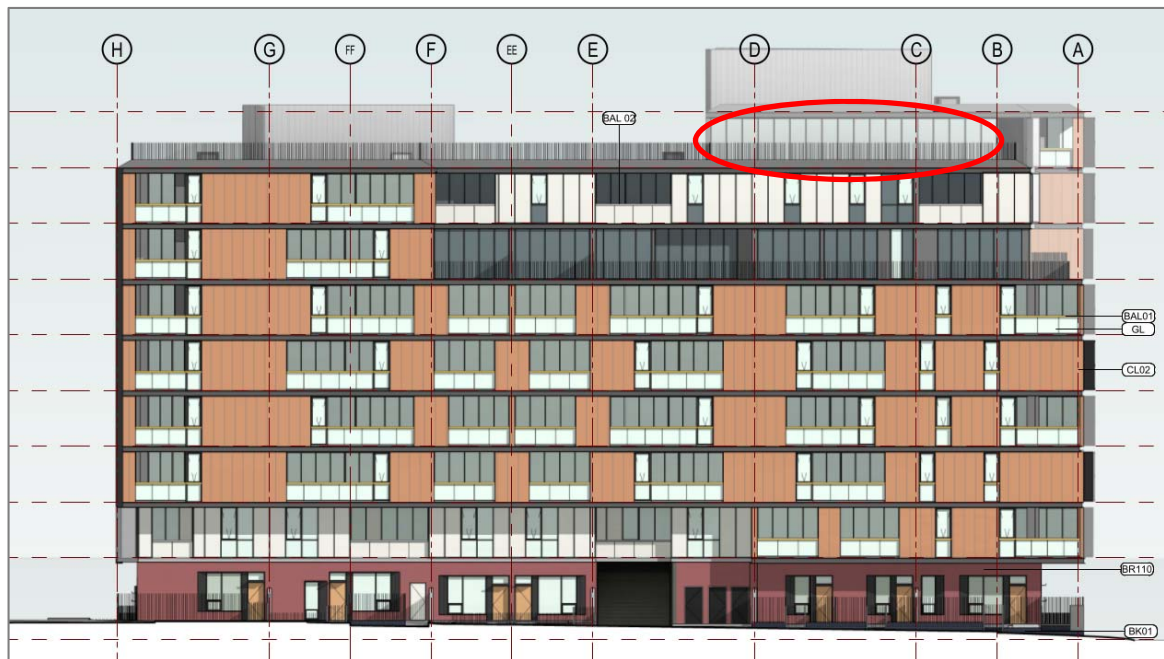


Figure 56 – Building B northern (Peters Street) elevation – showing additional

Solar Access

133. 61.5% (336 out of 546) of units will receive a minimum of 2 hours of solar access between 9am and 3pm during the mid-winter. This percentage does not meet the ADG guideline of 70%.
134. Building D achieves a good level of solar access with 75% (82 out of 109) of units achieving 2 hours.
135. 66% (118 out of 179) of units to Building A will receive a minimum of 2 hours of solar access. While under the 70% requirements of the ADG the majority of units meeting the 2 hour control achieve 3+ hours of solar access, resulting in excellent amenity for these units. In addition the southern facing units within Building A area generally shallow, (less than 8m) and relatively wide with an open outlook, which increases their amenity.
136. 52% (136 out of 258) of units within Building B and C will receive a minimum of 2 hours of solar access between 9am and 3pm during the mid-winter.
137. The building envelope of Buildings B and C and overall site configuration as approved in the Stage 1 and DCP significantly constrains the achievement of solar access. A high proportion of 2 and 3 bed units within Building B and C have been located on the northern frontage. While this pulls the percentage of units achieving solar access down, it does result in amenity to a larger number of occupants.
138. Buildings B and C do benefit from landscape courtyards and rooftop communal open spaces, as well as proximity to the planned Gunyama Park. It is noted however that Building B and C communal open spaces, while achieving the ADG minimum size requirement of 25% of the site area (1,416sqm - 25.3%) the communal open space does not meet the ADG guideline of 50% of the open space achieving 2 hours of solar access in mid-winter.
139. While it is acknowledged that the site is located in proximity to the future Gunyama Park, this is an active park and provided a different role and function to communal open space. Given the non-compliance with solar access for the units within Buildings B and C, it is considered particularly important that the communal open spaces achieve a good level of solar access.
140. As such a condition is recommend that the rooftop communal open space of Building B is to be increased in area in order that 50% of the minimum required communal open space area achieves direct sunlight for a minimum of 2 hours between 9am and 3pm on the 21st of June. 50% of the minimum required communal open equates to 701sqm. Subject to detailed design and shadow studies, this may be provided by extending the proposed level 5 terraces, or incorporating additional communal open space on level 8.
141. Subject to the communal open space providing a good level of solar access and given the Stage 1 DA envelope and site constraints the non-compliance with solar access is acceptable in this instance.

Building A Amenity – Cross Ventilation

142. The applicant has stated that 68 out of 114 (60%) units achieve natural cross ventilation within the first 9 storeys. This meets the minimum 60% guideline contained within the ADG. However, this figure relies on 8 units over level 1 and 2 which have either a study or kitchen window openings onto the through site link archway, as shown in **Figure 57**. The through site link archway is 10m high, 4m in width at the base and narrows to approximately 2.2m towards the top.
143. The effectiveness of natural cross ventilation achieved via these windows is questionable. The use of these windows would always be at the cost of acoustic privacy, with the through site link being not only a public thoroughfare but also accommodating two lobbies.
144. In addition, the ADG requires alternate external window or door openings to be of an approximately equal size in achieving natural cross ventilation. While internal elevations or details of these windows have not been provided, only high level windows would be appropriate in this location given the separation between units and the through site link. A condition is recommended requiring further details of these windows to be provided, and requiring them to be high level to address privacy.
145. Given the above recommendation, only 60 out of 114 (52.6%) units would achieve natural cross ventilation. However, there are two units (2.2.5 and 2.3.5) which had not been included in the applicant's calculations that are considered to be naturally cross ventilated. In addition there is opportunity to make four more units (1.1.4, 2.1.5, 1.4.4 and 2.4.5) naturally cross ventilated by deleting two bedrooms which is discussed under 'Building A Amenity – Enclosed Slots and Bedrooms' below.
146. As such a total of 66 out of 114 units (58%) achieved natural cross ventilation in Building D, which is slightly under the ADG 60% natural cross ventilation requirement. It is also noted that Building B and C and D are also slightly under the 60% requirements at 59% each. It is considered in the context of the constraints of the site and Stage 1 DA envelope, and the significant design amendments made to all buildings to date the natural cross ventilation has been maximized and this minor non-compliance is acceptable.



Figure 57 – Building A Level 2 and 3 - windows to through site link required for natural cross ventilation

Building A Amenity – Enclosed Slots and Bedrooms

147. Building A as originally submitted relied on the use of slots to break the building mass. While the slots remained open to the southern elevation, they were largely enclosed on the northern elevation, by bedrooms and balconies bridging across the voids. This internalised the slots and created lightwells. These lightwells were the sole source of amenity to over 40 bedroom and were relied on for providing natural cross ventilation to many units. The original proposal also included 4 bedrooms with windows to the through site link. An example of this original arrangement is shown at **Figure 58**.

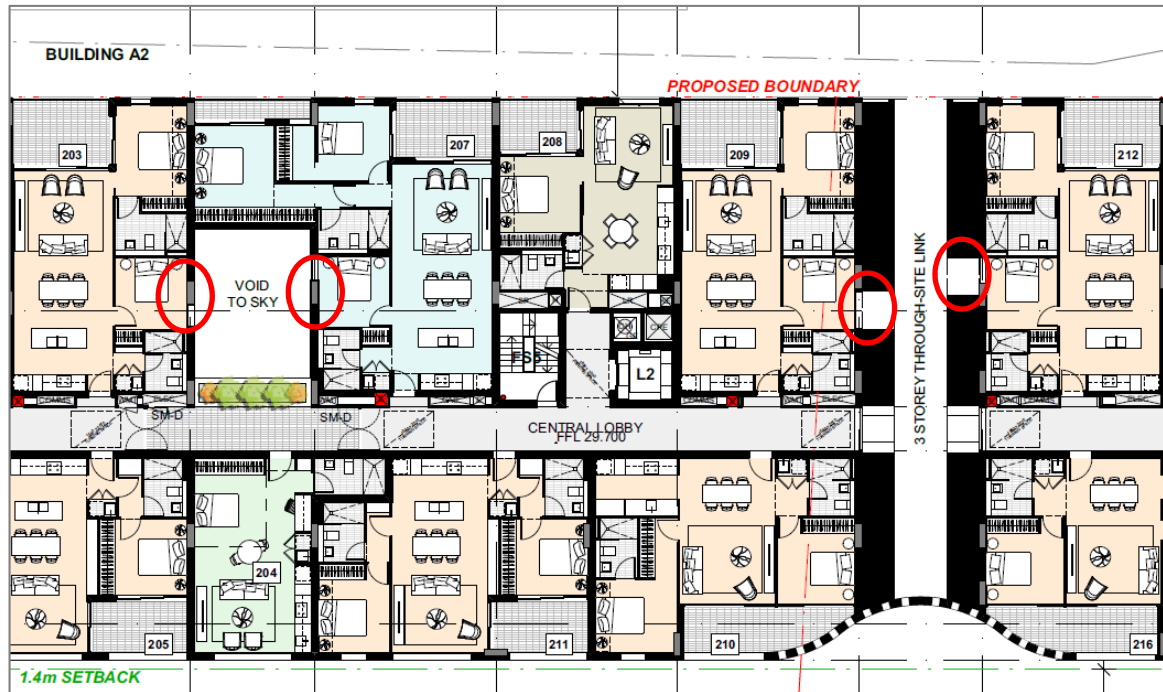


Figure 58 – Part Level 2 plan of original Building A (prior to amendments) – bedroom to lightwells and through site link circled

148. The enclosed slots also resulted in the building reading predominantly as a single tower form, particularly on its northern side, rather than 3 separate tower elements.
149. Amended plans were received in response to officers concerns in regards to the amenity of the bedrooms to the enclosed slot (light, outlook privacy and acoustic privacy), the reliance on the enclosed slots to achieve natural cross ventilation and the urban design outcome on the northern elevation with the building reading as a single form.
150. The amended plans, which are the subject of this assessment, address the majority of the issues, however there are still two internalised slots on level 1 and 4. A condition is recommended to remove the 3rd bedroom to unit 2.1.1 on level 1 and unit 2.4.1 on level 4 as shown crossed on **Figures 59 and 60**.



Figure 59 – Building A Part Level 1 plan showing internalised slot



Figure 60 – Building A Part Level 4 plan showing internalised slot

151. The removal these two bedrooms will improve the outlook for the four bedrooms with outlook onto the slots. The removal of these two bedrooms will also allow four more units to achieve natural cross ventilation – units 1.1.4 and 2.1.5 on level 1 as shown in **Figure 61**, and in the same way to units 1.4.4 and 2.4.5 on level 4.

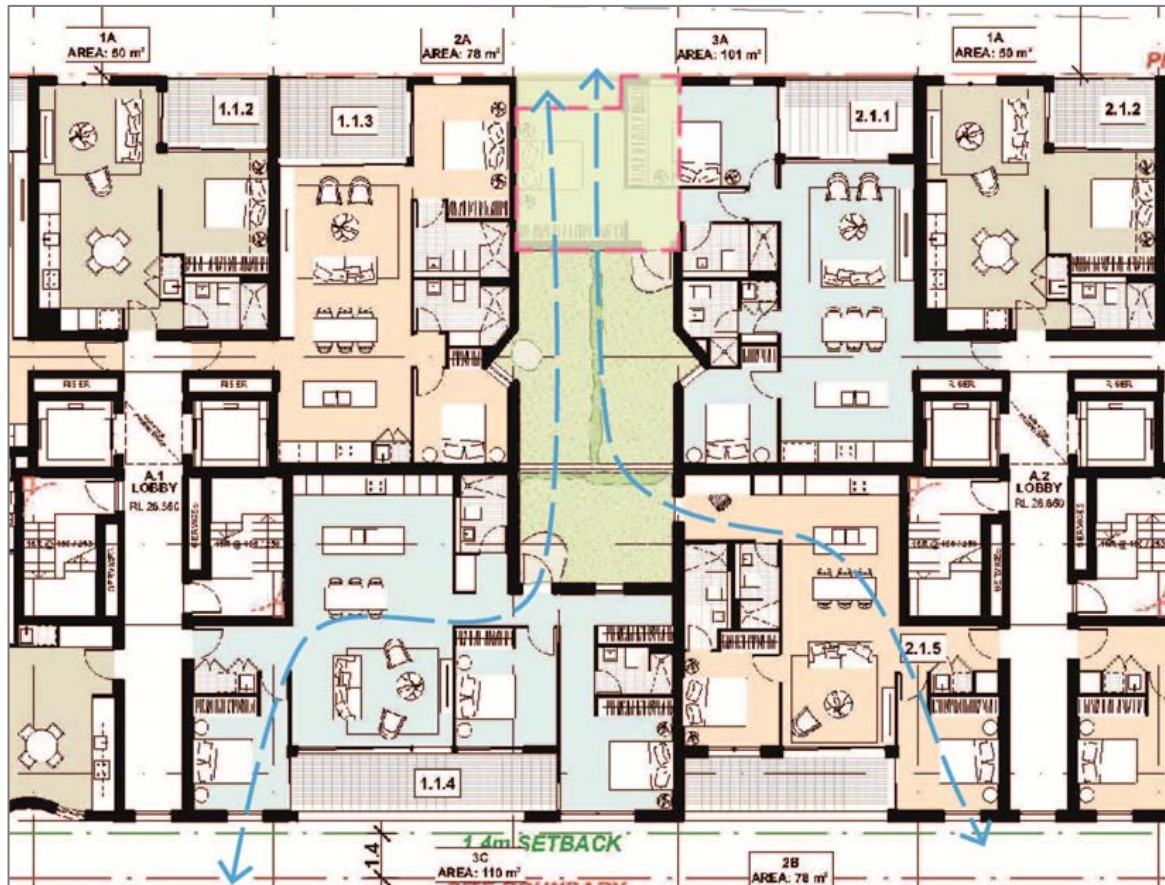


Figure 61 – Building A Part Level 1 plan showing internalised slot

152. This will reduce the proportion of 3 bedroom units by 2 and increased the proportion of 2 bedroom units by 2, however the unit mix percentage remain unchanged and compliant with the Sydney DCP control in regards to unit mix:

Type	Control	No. and percentage
Studio and 1 bed	15-40% max	217 (40%)
2 bed	40-75% max	264 (48%)
3 bed	10 % min	65(12%)
Total		546 (100%)

Landscaping - Building A

153. The landscaped courtyard areas within voids located on Levels 1 and 3 rely on access from the private units to maintain the planting. These areas provide outlook and amenity to various units and the building as a whole. Shade resistant and low maintenance plantings will be particularly important in these locations, as is appropriate planting to maintain privacy between units. A condition requiring a detailed landscape plan for all buildings is recommended and will ensure these areas are appropriately designed.

154. To ensure these areas are adequately maintained and not significantly altered or appropriated by the occupants, a condition is recommended to require a positive covenant in relation to the use and maintenance of these areas. This would allow the body corporate to undertake maintenance on these areas if required. It is also recommended that a restriction is placed on these areas so they are not used for smoking, cooking/barbequing or for the playing of amplified music. It is noted these units have alternative balconies and these courtyard areas are not their primary private open space.

Landscaping – B and C

155. The metal fencing to all ground level residential apartments of buildings B and C is up to 2m high in some places and also visually permeable and open in nature. A better balance of privacy and passive surveillance would be achieved with fences with a maximum height of 1.4m and a use of solid walls or balustrades. A condition is recommended to require the detailed design of the fences prior to the issue of any construction certificate.
156. As discussed above a condition is recommended that the rooftop common open space of building B is to be increased in area in order to achieve a minimum of 50% of the required area achieves direct sunlight for a minimum of 2 hours between 9am and 3pm on the 21st of June.
157. In addition the condition will also require the roof terraces for Building B and C area to incorporate additional secondary paths and small seating areas within the large areas of planting to maximise the usability of the communal open space.

Traffic and New Epsom Road and George Julius Avenue Intersection

158. The site will be accessed by the new George Julius Avenue, at its intersection with Epsom Road. The applicant has provided an interim arrangement of left in/out only, however this intersection is earmarked as a location for future traffic lights in the Sydney DCP 2012.
159. Councils Transport Planner raised concerns in regards to the safety and efficiency of this intersection in the interim, with a left in and left out only arrangement. While it would be preferable for a signalised intersection to be provided as part of this development, as only part of George Julius Avenue is being built via this proposal, a long term or final solution cannot be accommodated within the confines of the subject site. In addition the need for the signalisation of this intersection is not solely attributed to the subject development but is a precinct wide issue and requirement.
160. The remainder of George Julius Avenue will be built on the adjacent site, the City owned depot, however the timing of the redevelopment of this site is not known at this stage.
161. The provision of this intersection was discussed with various Council units including City Infrastructure and Traffic Operations, City Access, Strategic Planning and Urban Design, Public Domain, City Renewal and Planning Assessment. These discussions determined that the delivery of a new signalised intersection is most appropriately provided by the City.

162. To ensure appropriate and safe access is provided to the development a detailed intersection design will be required, and the works undertaken, prior to any occupation certificate for the development being issued. A condition is recommended to ensure that any intersection design for the subject site accommodates or suitably ties into any existing or proposed/approved Council signalised intersection.
163. This condition will require co-ordination with the City over its intended timing of the delivery of the signalised intersection. If the signals are built prior to the development, the developer would have to deliver the fourth arm to that signalised design. If the signals are not built at the time of completion of the development, then alternative access plans will need to be submitted which provide suitable arrangements approved by Council and Council's Local Pedestrian, Cycling and Traffic Calming Committee.

Other Impacts of the Development

164. The proposed development is capable of complying with the BCA.
165. 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

166. 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

167. The application was referred to Council's:
- (a) Building Approvals Unit;
 - (b) Transport and Access Unit;
 - (c) Urban Designer;
 - (d) Environmental Health Specialists;
 - (e) Public Domain Unit;
 - (f) Tree Management Unit;
 - (g) Specialist Surveyors; and
 - (h) Waste Management Unit.
168. No objection to the amended proposal was raised, subject to the imposition of appropriate conditions. Where appropriate, the recommended conditions have been included in the recommendation of this report.

Design Advisory Panel

169. The application was reviewed by the Design Advisory Panel on 15 December 2015.

170. The panel raised concerns with application given its non-compliance with the Stage 1 DA, SEPP 65 and the ADG
171. A Section 96 application D/2011/1760/B to the Stage 1 development application has been referred concurrently to the CSPC as detailed in this report. The changes are consistent with the winning design of the architectural competitions and have been assessed as having an acceptable outcome.
172. The proposal has been amended and refined to maximises its compliance with the ADG, and is considered to achieve an acceptable level of compliance and amenity given the site constraints.

EXTERNAL REFERRALS

Sydney Airport

173. The application was referred to Sydney Airport Corporation Ltd (SACL) as the Building A will intrude into prescribed airspace for Sydney Airport. Council received correspondence dated 20 October 2015 from SACL advising of conditions of approval. It is recommended that these conditions are incorporated in any consent.

Ausgrid

174. The application was referred to Ausgrid. A number of existing substations and assets within the site may be affected by the proposal and that a subsequent application to Ausgrid will be required.
175. Given the scale of the development, substations are proposed to be accommodated within site.

Sydney Water

176. The application was referred to the Sydney Water who had no objection to the proposal.

Roads and Maritime Services

177. The application was referred to Roads and Maritime (RMS). Comments were received on 10 February 2016 advising that RMS raises no objection to the proposal subject to conditions.

NSW Police

178. The application was referred to the Redfern Local area Command of NSW Police who made no objection to the proposal.

Notification, Advertising and Delegation (No Submissions Received)

179. The application constitutes Integrated Development and as such the application was notified and advertised for 30 days in accordance with the provisions of Environmental Planning and Assessment Regulations 2000. As a result of this no submissions were received.

PUBLIC INTEREST

180. 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**

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

Community Facilities	\$1,295,836.64
Public Domain	\$798,160.64
New Open Space	\$6,219,083.82
New Roads	\$1,579,471.86
Accessibility	\$65,510.06
Management	\$70,831.49
Total	\$10,028,894.52

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

- (a) 546 new dwellings (217 studio and one bedrooms, 264 two bedrooms and 65 three bedrooms): and
- (b) 47 workers based on employee density for shops with a frontage to the street (1 per 22.3sqm).

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

184. Pursuant to Section 93F Planning Agreements in the EP&A Act, Section 94 of the EP&A Act does not apply to the extent of the value of the material public benefit as provided for in the Planning Agreement.

185. The value of the material public benefit as provided for will be specified in the Planning Agreement, and as such, the applicable Section 94 contribution can be reduced to exclude the material public benefit.

186. For transparency reasons and future reference, it is recommended that the Section 94 condition is divided into the following two parts:

- (a) Total Section 94 amount generated by proposal (including amount that will subsequently be excluded): \$10,028,894.52; and
- (b) A condition stating that the Section 94 contributions payable as per (a) may be offset in accordance with the terms of the Planning Agreement.

Affordable Housing Contributions

187. 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) \$206.06 per square metre of the total residential floor area (59,924sqm – \$12,347,939.44); plus
 - (b) \$68.66 per square metre of the non-residential floor area (1,041sqm - \$71,475.06).
188. The total contribution required is **\$12,419,414.5** (this will be indexed according to time of payment). The contribution is payable to the Department of Planning and Environment prior to issue of a Construction Certificate.

RELEVANT LEGISLATION

189. The Environmental Planning and Assessment Act 1979.

CONCLUSION

190. 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.
191. The development will provide 546 residential units, required for the incoming population anticipated for the Green Square locality. The site will also provide 1,041sqm of ground floor retail tenancies to service the area.
192. The proposal has been subject to a design competition process and the inconsistencies with the Stage 1 development application have been addressed in the concurrent Section 96 application to the Stage 1 DA.
193. The buildings have been suitably designed and represent well resolved architectural designs that adopts an appropriate form, scale and expression. The design provides active frontages to Epsom Road, Rose Valley Way and the Gunyama Park interface and includes a through site link which enhances the public domain.
194. 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.
195. The proposal exceeds the height of building and height in storeys controls on parts of the site. The variation to the height development standard and height in storeys control is assessed to be acceptable in this circumstance. The development generally complies with the Stage 1 consent in terms of height and represents a preferable outcome.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Erin Murphy, Specialist Planner)