

ITEM 11. DEVELOPMENT APPLICATION: 18 HUNTLEY STREET
ALEXANDRIA

FILE NO: D/2015/1718

DEVELOPMENT APPLICATION NO: D/2015/1718

SUMMARY

Date of Submission: 27 November 2015
Amended plans received on 3 June 2016

Applicant: Defence Housing Australia

Architect: DKO
Breathe Architecture

Developer: Defence Housing Australia

Owner: Defence Housing Australia

Cost of Works: \$63,709,103

Proposal Summary: Demolition of existing structures on site, excavation, land remediation, realignment of the existing Sydney Water stormwater easement, construction of basement car parking, construction of a part six and part three storey residential flat building, and associated civil and landscaping works.

The proposal incorporates 153 residential apartments, parking for 124 cars, 10 motorcycles and 176 bicycles, and a communal music room. The proposal also contains a small food and drink premises on the ground level of approximately 15sqm in size adjacent to the western through-site link.

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

The application was exhibited from 4 December 2015 to 11 January 2016. 58 submissions have been received relating to, among other things, issues concerning traffic and access, excessive height, bulk and scale, impact on neighbourhood character, impacts on neighbouring developments, drainage and flooding issues, excavation and construction impacts, environmental impacts, and depreciation of surrounding property prices. These concerns have been considered and addressed within this report.

**Proposal Summary
(continued):**

The proposed development is generally consistent with the zone objectives and development standards contained in the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) with the exception of the height of buildings development standard.

The design of the proposed development has been the subject of a competitive design process and as amended represents a well-resolved architectural design that adopts an appropriate form, scale and expression to the existing street frontages and surrounding land.

The design of the proposed development has also been considered by Council's Design Advisory Panel, who were generally supportive. In particular, this panel expressed support for the provision of ground level open space that is integrated with the Huntley Street public domain, the curved brick form and the materials palette of the proposed development.

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

Council's Public Domain Unit have provided general support for the proposed development. However, they have remaining concerns relating to overland flow and detention of flood water in 1 in 100 year floods. Accordingly, it is recommended that a deferred commencement condition be imposed requiring this information be provided by the Applicant to the satisfaction of Council prior to the activation of any consent.

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

The proposed development exceeds the 22m height of buildings development standard over part of the site by 3.06m or 13.9%. This variation is due to lift overruns, canopies, solar panels, parapets and other architectural roof features that provide articulation and amenity to the roof.

**Proposal Summary
(continued):**

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

Summary Recommendation:

It is recommended that the CSPC support the variation sought to Clause 4.3 (Height of buildings) in accordance with Clause 4.6 (Exceptions to development standards) of the Sydney LEP 2012.

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

Development Controls:

- (i) State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)
- (ii) State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (SEPP 65)
- (iii) State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- (iv) State Environmental Planning Policy No 32 – Urban Consolidation (Redevelopment of Urban Land) (SEPP 32)
- (v) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)
- (vi) Sydney LEP 2012 (Gazetted 14 December 2012, as amended)
- (vii) Sydney DCP 2012 (in force on 14 December 2012, as amended)
- (viii) City of Sydney Development Contribution Plans 2006

Attachments:

- A - Selected Drawings
- B - Photomontages

RECOMMENDATION

It is resolved that:

- (A) the variation sought to Clause 4.3 (Height of buildings) in accordance with Clause 4.6 (Exceptions to development standards) of the Sydney Local Environmental Plan 2012 be supported;
- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2015/1718, subject to the following:

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

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

(1) FLOOD MANAGEMENT INFORMATION

- (a) Figure 4-5 of the Flood Impact Assessment prepared by Cardno and dated 25 May 2016 (ref: 59916052) indicates that the ponding depth of flood water at location 'K' in 1% AEP floods is over a metre in height and is a high flood hazard.

Further information must be submitted to Council's Director City Planning Department and Transport on whether the above location is planned to act as a detention area for flood water. If this location is proposed to be used as a detention area, further information must be submitted to and approved by Council's Director City Planning Department and Transport to demonstrate that the detention system has been designed to withstand the forces of the flood water and that the system is safe for people at all times and during its operation.

- (b) Further information must be submitted to and approved by Council's Director City Planning Department and Transport on the method of discharge of flood water from the flood water detention system.

Note: If dry weather kerb discharge from the flood water detention system is proposed, the approval of Roads and Maritime Services (RMS) in accordance with the RMS condition in Schedule 1D must be obtained prior to submission of the above information to Council.

- (c) Further information must be submitted to and approved by Council's Director City Planning Department and Transport on the inlet grates and associated pipe system designed to convey the stormwater from the Huntley Street low point to the detention area, including:
 - (i) the blockage factor used in the modelling of the detention area; and
 - (ii) during what design storm would the proposed detention area start to fill.

- (C) 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;
- (D) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions as indicated above, have been satisfied; and
- (E) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

PART B - CONDITIONS OF CONSENT

(ONCE THE CONSENT IS IN OPERATION)

Upon written confirmation from Council that the deferred commencement conditions contained in Part A above have been satisfied, the consent will become operative from the date of that written confirmation, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

SCHEDULE 1A

Approved Development/Design Modifications/Covenants and Contributions/Use and Operation

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/570 dated 1 May 2015 and the following drawings:

Drawing Number	Architect	Date
DA101 Rev A	DKO Breathe Architecture	20 November 2015
DA102 Rev A	DKO Breathe Architecture	20 November 2015
DA103 Rev B	DKO Breathe Architecture	25 May 2016

Drawing Number	Architect	Date
DA200 Rev B	DKO Breathe Architecture	25 May 2016
DA201 Rev B	DKO Breathe Architecture	25 May 2016
DA202 Rev B	DKO Breathe Architecture	25 May 2016
DA203 Rev B	DKO Breathe Architecture	25 May 2016
DA204 Rev B	DKO Breathe Architecture	25 May 2016
DA205 Rev B	DKO Breathe Architecture	25 May 2016
DA206 Rev B	DKO Breathe Architecture	25 May 2016
DA207 Rev B	DKO Breathe Architecture	25 May 2016
DA208 Rev B	DKO Breathe Architecture	25 May 2016
DA209 Rev B	DKO Breathe Architecture	25 May 2016
DA300 Rev B	DKO Breathe Architecture	25 May 2016
DA301 Rev B	DKO Breathe Architecture	25 May 2016
DA302 Rev B	DKO Breathe Architecture	25 May 2016
DA303 Rev B	DKO Breathe Architecture	25 May 2016
DA305 Rev A	DKO Breathe Architecture	20 November 2015
DA400 Rev B	DKO Breathe Architecture	25 May 2016
DA401 Rev B	DKO Breathe Architecture	25 May 2016

Drawing Number	Architect	Date
DA500 Rev A	DKO Breathe Architecture	20 November 2015
DA501 Rev A	DKO Breathe Architecture	20 November 2015
DA502 Rev A	DKO Breathe Architecture	20 November 2015
DA503 Rev A	DKO Breathe Architecture	20 November 2015
DA504 Rev A	DKO Breathe Architecture	20 November 2015
DA505 Rev A	DKO Breathe Architecture	20 November 2015
DA506 Rev A	DKO Breathe Architecture	20 November 2015
DA507 Rev A	DKO Breathe Architecture	20 November 2015
DA508 Rev A	DKO Breathe Architecture	20 November 2015
DA509 Rev A	DKO Breathe Architecture	20 November 2015

and as amended by the conditions of this consent.

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

(2) COMPLIANCE WITH 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 DKO and Breathe Architecture and submitted to Council.

(3) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) To assist in the activation of the ground level open space named in the application as 'Huntley Green', the ground levels of Units B.G10 and B.G11 must be combined and converted into a single commercial tenancy/food and drink premises of approximately 66m² with outdoor space. The upper levels of Units B.G10 and B.G11 must be combined and converted into a single three bedroom residential apartment, connected to the ground level residential Lobby B by an internal staircase.
- (b) The space for the proposed food and drink premises on the ground level in Block D adjacent to the western through-site link shall be used as a waste and goods storage space for the commercial tenancy set out in (a) above.
- (c) The design of the structure enclosing the standalone electricity substation in the southwestern corner of the site must be provided.
- (d) As presently designed, the primary living areas of Units A.206, A.308, A.408 and A.508 have a direct outlook to the balconies of Units B.201, B.301, B.401, B.501. The external window openings and internal layout of Units A.206, A.308, A.408 and A.508 must be redesigned and reconfigured to ensure that the outlook of the primary living areas of these residential apartments is to Sydney Park to the south.

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

(4) 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 (being DKO and Breathe Architecture) are to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - (ii) The design architects are to have full access to the site and are to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - (iii) Evidence of the design architects' commission are 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.

(5) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 33.07 (AHD) to the top of the building's lift overruns, RL 28.57 (AHD) to the roof level and RL 31.616 (AHD) to the top of the parapet at the eastern corner of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(6) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio must not exceed 2.196:1 calculated in accordance with Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the total Gross Floor Area is 12,275sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(7) 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 (Lot 51 in DP 809350). The Easement is to be defined over two strips of land, variable in width, extending from the northern alignment of Sydney Park Road - one strip passing between the sections of the building noted as Block A and Block B proposed to be erected upon the site, the other strip passing between the sections of the building noted as Block C and Block D to be erected upon the site - both strips connecting Sydney Park Road to Huntley Street, as shown on ground floor architectural plans prepared by DKO and Breathe Architecture for the development at 18 Huntley Street, Alexandria, Project Number 10742, Drawing Number DA202, Revision B dated 20th November 2015. The Right of Public Access shall also include the landscaped open area enclosed between Blocks B, Blocks D, and Huntley Street, and referred to in the project documents as "Huntley Green". 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 (Lot 51 in DP 809350), 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.

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

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

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$292,811.61
Public Domain	\$180,355.06
New Open Space	\$1,405,285.11
New Roads	\$356,902.78
Accessibility	\$14,802.87
Management	\$16,005.32
Total	\$2,266,162.76

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

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

where:

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

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

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

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

(9) SYDNEY AIRPORT CORPORATION APPROVAL

An approval for the proposed height of the development shall be obtained from Sydney Airport Corporation Limited in accordance with the Civil Aviation (Building Control) Regulations 1988 prior to the issue of a Construction Certificate.

(10) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the *Sydney Local Environmental Plan 2012*.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from residential accommodation as defined in *Sydney Local Environmental Plan 2012*. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

(11) 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.

(12) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL

The following conditions apply to car parking:

- (a) The on-site car parking spaces are not to be used other than resident of the subject building for parking of vehicles related to residence in the unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.
- (b) The strata subdivision of the site is to include a restriction on user pursuant to Section 39 of the *Strata Schemes (Freehold Development) Act, 1973* as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to Section 88B of the *Conveyancing Act 1919*, burdening all car parking part lots in the strata plan.

(13) 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.

(14) 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.

(15) ALLOCATION OF PARKING

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

Car Parking Type	Number
Residential spaces	85
Accessible residential spaces	23
Residential visitor spaces	15
Car share parking	1
Subtotal	124
Motorcycle parking	10 (equivalent to 2.5 car spaces)
Small Rigid Vehicle loading dock(s) – can also accommodate a Council Waste vehicle (see note 'b' below)	1

Notes:

- a. Number of motorcycle spaces are standard car spaces. Alternatively the proponent may provide motorcycle spaces (dimensions of 1.2m x 2.5m per Australian Standards). In this case 10 motorcycle spaces are required.
- b. The waste collection must meet the conditions of Section 3.11.13 of the Sydney Development Control Plan 2012, 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.

(16) 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".

(17) VEHICLE ACCESS

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

(18) SIGNS AT EGRESS

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

(19) BICYCLE PARKING AND END OF TRIP FACILITIES

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

Bicycle Parking Type	Number	Requirements
Residential	160	Spaces must be a class 1 or Class 2 bicycle facilities [1]
Residential visitor	16	Spaces must be Class 3 bicycle rails

Notes:

- (i) A basement storage area on title that is large enough to store a bicycle and is no smaller than a Class 1 bicycle locker can be counted as a bicycle parking space.
- (b) Australian Standard AS 2890.3:2015 refers to class 1 as class 'A', class 2 as class "B", and class 3 as class 'C'.

- (c) 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.
- (d) The layout, design and security of bicycle facilities must comply with the minimum requirements of Sydney Development Control Plan 2012. This includes:
 - (i) Section 3.11.3 (6a) - access to bike parking areas are to be a minimum of 1.8m wide to allow a pedestrian and a person on a bike to pass each.
 - (ii) Section 3.11.3(7) - bike parking for visitors is to be provided in an accessible on-grade location near a major public entrance to the development and is to be signposted.

The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Construction Certificate being issued.

(20) CHANGES TO KERB SIDE PARKING RESTRICTIONS

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

The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include 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.

(21) 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.

(22) 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*.

(23) 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.

(24) 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.

(25) 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.

(26) 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.

(27) 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**.

(28) CAR PARKING ALLOCATION/ LEASE

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

(29) 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.

(30) 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.

(31) TANDEM PARKING

Any 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 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 tandem vehicles must occur wholly within the property.

(32) TRAFFIC WORKS

- (a) The removal of the traffic island (and street trees thereon) on Huntley Street is not approved.
- (b) Any proposals for alterations to the public road, involving traffic and parking arrangements, including, for the avoidance of doubt, (a) above, 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.

(33) VEHICLE FOOTWAY CROSSING

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

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

Note: Construction materials must reinforce the priority of pedestrian movement over that of the crossing vehicle.

(34) CAR SHARE SPACES

- (a) A minimum of 1 car parking space for the exclusive use of car share scheme vehicles is to be provided.

- (b) The space must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The space must be made available to car share operators without a fee or charge.
- (d) The space must be sign posted for use only by car share vehicles and well lit.
- (e) The space must be accessible to members of the car share scheme residing in or visiting the development at all times.
- (f) The car share space is to be available at the same time that the car park commences operation.

(35) SMALL CAR PARKING SPACES AND DIMENSIONS

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

(36) USE OF COMMON AREAS AND FACILITIES

The rooftop open spaces, garbage rooms, bicycle parking and car share bays must be available for the use by all residents and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

(37) AIR CONDITIONERS GENERALLY

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

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

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

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

(39) 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*; and
- (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.

(40) NOISE - GENERAL

- (a) The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:
 - (i) The $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the *NSW EPA Industrial Noise Policy*. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment $L_{A90, 15 \text{ minute}}$ / rating $L_{A90, 15 \text{ minute}}$ process to be in accordance with the requirements for noise monitoring listed in the *NSW EPA Industrial Noise Policy* and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (iii) Modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable.
- (b) An $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the $L_{A90, 15 \text{ minute}}$ noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence or noise sensitive commercial premises provided that:
 - (i) Where the $L_{A90, 15 \text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.

- (ii) The 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.

(41) PUBLIC ART

High quality art work must be provided within the development in publicly accessible locations in accordance with the *Sydney DCP 2012* and the Public Art Policy. Details of the art work must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued. Installation of the art work must be completed to Council's satisfaction prior to the issue of an Occupation Certificate.

(42) USE - SEPARATE DA REQUIRED

Subject to any approval granted under complying development certification pursuant to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, a separate development application for the fitout and use of the commercial tenancy must be submitted to and approved by Council prior to that fitout or use commencing.

SCHEDULE 1B

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

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

(43) 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.

(44) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

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

(45) 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".

(46) 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.

(47) 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".

(48) 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.

(49) 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).

(50) PUBLIC DOMAIN PLAN

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

- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(51) 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

(52) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, details of the proposed stormwater disposal and drainage from the development in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued for public domain works or above ground building works, whichever is earlier, and prior to the commencement of any work within the public way.

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

- (c) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.

- (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 Council.

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified drainage engineer with experience in Water Sensitive Urban Design;
- (ii) use modelling from an industry-standard water quality model; and
- (iii) demonstrate what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
 - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
 - b. reduce the baseline annual pollutant load for total suspended solids by 85%;
 - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
 - d. reduce the baseline annual pollutant load for total nitrogen by 45%.

Prior to the issue of any Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and approved by the Certifying Authority and a copy provided to Council.

(53) 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.

(54) DRAINAGE AND SERVICE PIT LIDS

Drainage and service pit lids throughout the public domain shall be heel guard 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.

(55) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 270.85 lineal metres 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.

(56) PUBLIC DOMAIN LIGHTING

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

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

(57) 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.

(58) ROAD NETWORK AND GEOMETRIC ROAD DESIGN

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

- d. traffic, pedestrian and parking signage;
 - e. details of intersections with existing roads including line-marking, pavement marking, sign-posting, swept paths for the largest expected vehicle;
 - f. on-road bicycle route infrastructure and facilities;
 - g. drainage plans and schedule of drainage elements, showing the following:
 - i. The proposed location of all subsoil drains and sub-pavement drains, including the nominal width and depth of trenches, pipe diameters and materials, longitudinal design grades, and the locations of outlets and cleanouts;
 - ii. The location of public utility services;
 - iii. Details and specifications for the construction of all components of the system in accordance with the *City of Sydney's Sydney Streets Technical Specification*;
 - iv. All assumptions and/or calculations made in the determination of the need or otherwise for subsurface drainage, including requirements of broader stormwater catchment analysis to undertaken beyond the site boundary;
 - v. Drainage details and longitudinal sections with hydraulic grade lines for the design storm and other standard features such as flow rates, pipe class, pipe grade and velocity;
 - vi. Adjustments/upgrades to utility services as required;
 - vii. Standard engineering and structural details plan;
 - viii. Erosion and sedimentation control plans;
 - ix. A design certification report for the road works prepared by an appropriately qualified civil engineer certifying that the design complies with the City of Sydney's policies, standards and specifications and those of all other relevant authorities as applicable. All design documentation shall be completed in accordance with the relevant standards and specifications as adopted by Council from time to time. All engineering plans and calculations shall be checked, signed and certified by a suitably qualified practicing professional engineer.
- (c) The road and drainage works are to be completed in accordance with the approved plans and the City of Sydney's Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

(59) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of adjacent 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.

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

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

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

(61) ROAD OPENING PERMIT

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

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

(62) 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.

(63) 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*.

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

- (a) A separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) on or above a public road (footway and/or roadway).
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
 - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
 - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
 - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
 - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);

- (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
- (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
- (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
- (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
- (ix) ensuring all required signage is provided and maintained (Clauses 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

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

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

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

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

(66) 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.

(67) LANDSCAPED (GREEN) ROOFS

- (a) A detailed plan of the green roofs, 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. The plans must include:

- (i) A statement that includes details of proposed use of the green roof, general accessibility, as well as noise and privacy treatments.
 - (ii) Location of existing and proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (iii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable).
 - (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species.
 - (v) Details of the soil media/substrate type and depth.
 - (vi) Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc.
 - (vii) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
 - (viii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).
- (b) Prior to the issue of a Construction Certificate, the following details are to be submitted to and approved by the Principal Certifying Authority:
- (i) Evidence the green roof has been assessed as part of the structural certification provided for the development; and
 - (ii) Evidence the green roof has been assessed as part of the waterproofing certification provided for the development.
- (c) All landscaping in the approved plan is to be completed prior to the issue of an Occupation Certificate.
- (d) Prior to the issue of an Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:
- (i) Frequency and methodology of different maintenance requirements including the removal of green waste.
 - (ii) Details of safety procedures.
 - (iii) Laminated copies of 'As Built' drawings.
 - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification;

- (v) Copies of warranties and guarantees relating to all materials and plant used in construction; and
- (vi) Decommissioning procedures.
- (e) Inaccessible green roofs are required to remain inaccessible during occupation of the property.

(68) 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. The following design modifications are required:
 - (i) The landscape design must incorporate tree planting to achieve 15% canopy cover of the site within 10 years post-completion;
 - (ii) Deep soil zones must be free from structures, footings, furniture and impermeable surfaces;
 - (iii) Relocate the bicycle parking spaces in front of unit B.G11 to enable privacy planting to the full perimeter of the unit's balcony;
 - (iv) Incorporate storage facilities for community gardening to roof terraces on levels 2, 3 & 5; and
 - (v) Ensure the design, refuse and maintenance strategies include for management of waste from all landscape functions, including the roof top chicken run and apiary. Any chicken run must comply with Clauses 19-20 of Schedule 2 of the Local Government (General) Regulations.
- (b) The detailed landscape 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.
- (c) 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.

- (d) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

(69) 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) The design must provide a minimum 15% canopy cover of the site (to be achieved within 10 years from the completion of development), provided by trees that will reach a minimum height of 10 metres.
- (b) A variety of tree species (native and exotic) must be included in the design. Palms, fruit trees and species recognised to have a short life span are not considered a suitable replacement.
- (c) The tree must be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment.
- (d) At the time of planting, the container size is to be a minimum of 100 litres and a minimum height of 2.5 metres.
- (e) The tree must be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF).
- (f) 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.
- (g) Written confirmation is to be obtained from Council that all tree planting/s have been completed to Council's satisfaction (excluding tree maintenance) prior to the issue of an Occupation Certificate.
- (h) 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.

(70) STREET TREE PROTECTION

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

- (a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and truck at all times;
 - (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and

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

(71) 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.

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

- (a) All works conducted on site which form part of this development must be carried out in accordance with the approved Demolition, Excavation and Construction Noise & Vibration Management Plan.

- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the 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.

(74) 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 (the **Report**) prepared by CUNDALL and dated 23/10/15 (ref 1012102 title Acoustic Report for DA Submission 1012102 18 Huntley Street, Alexandria, NSW, 2015; Council ref Exhibition Document 2015/632947 18 Huntley Street Alexandria - Acoustic Report 20/11/2015 at 1:46 PM) and addendum report (the **Addendum Report**) prepared by CUNDALL and dated 03/06/2016 (ref 1012102 DHA Alexandria - Addendum, title DHA Alexandria - Addendum for 18 Huntley Street Alexandria NSW 2015; Council Ref 2016/356280 Incoming Correspondence - 2016 306425-47 Appendix 3 - Addendum to Acoustic Report by Cundall 4/7/2016 at 11:23 AM) together 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 Report and Addendum Report (each as defined above).
- (c) Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of Council's 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.

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

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

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

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

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

(76) 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

(77) 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.

(78) 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.

(79) 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.

(80) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) 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

- (b) 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.

(81) 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.

(82) 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.

(83) 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.

(84) 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.

(85) SITE AUDIT STATEMENT

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

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

(86) LAND REMEDIATION (Where Site Auditor engaged)

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by WSP Environmental Pty Limited (WSP) and dated 24 November 2015 (ref: 00047247_DHA_Alexandria RAP_Draft and the Letter of Interim Advice prepared by Sophie Wood 1202 dated 9 November 2015 and referenced IA1 0323971 18 HUNTLEY ST.DOCX). 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.

(87) SITE AUDIT STATEMENT – ENVIRONMENTAL MANAGEMENT PLAN

- (a) Where the ongoing land use suitability and release of the Final (Section A) Site Audit Statement (SAS) is dependent upon the implementation of an Environmental Management Plan (EMP) in relation to any residual contamination remaining onsite this must be submitted to and approved by the Site Auditor and the City's Area Planning Manager prior to the issue of the SAS.
- (b) 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
- (c) A copy of the revised land title highlighting the covenant must be submitted to the City's Area Planning Manager and the Principal Certifying Authority prior to the issue of an Occupation Certificate

(88) COMPLIANCE WITH APPROVED ENVIRONMENTAL MANAGEMENT PLAN

Any future intrusive ground works carried out that have the potential to conflict with any residual contamination remaining onsite must only be carried out in accordance with the Environmental Management Plan as referenced by the Site Auditor on the final Site Audit Statement and approved by the Council.

(89) 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.

(90) 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.

(91) 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

(92) 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.

(93) 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.

(94) 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.

(95) 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.

(96) 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.

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

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

(98) 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.

(99) 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.

(100) SYDNEY WATER CERTIFICATE (QUICK CHECK)

- (a) The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au, (see Building Developing and Plumbing then Quick Check) or telephone 13 20 92.
- (b) The Consent Authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the commencement of work.

(101) 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.

(102) 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.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(103) HOURS OF WORK AND NOISE – OUTSIDE CBD

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

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

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

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

(104) BASIX

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

(105) 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.

(106) 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.

(107) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(108) ENCROACHMENTS – PUBLIC WAY

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

(109) EASEMENTS FOR STORMWATER AND WATER SUPPLY PURPOSES

Prior to the issue of a Construction Certificate, a plan shall be prepared by a surveyor registered under the Surveying and Spatial Information Act, 2002, defining the position of new easements for stormwater purposes benefiting Sydney Water, to be created under Section 88B of the Conveyancing Act, 1919, and also releasing all redundant easements under Part 1A of the 88B Instrument. The terms of these new easements shall be to the satisfaction of Sydney Water. Evidence of lodgement of this plan and Section 88B Instrument at the office of Land & Property Information – NSW shall be supplied to the Principal Certifying Authority *prior to issue of the Construction Certificate*.

(110) SURVEY

- (a) **AT FOUNDATION STAGE** - All footings and walls within one metre of a boundary or proposed / existing easement must be set out by a surveyor registered under the Surveying & Spatial Information Act, 2002, and a copy of the setout provided to the Principal Certifying Authority. 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 road alignment must be removed prior to continuation of building construction work, or alternatively written consent from Council confirming that they are aware of the nature & extent of the encroachment, and agree to permit the encroachment to remain.
- (b) **DURING CONSTRUCTION** - A survey of the formwork for the concrete slab at each floor level, (where located within one metre of any boundary or easement), showing its position in relation to the site boundaries or easement, must be carried out **prior to concrete pour**, and supplied to the Principal Certifying Authority.
- (c) **Prior to the issue of an 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 or permanent structures 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 for.

(111) COVERING OF LOADS

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

(112) 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.

(113) 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.

(114) 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.

(115) 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.

(116) USE OF MOBILE CRANES

The following requirements apply:

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

(117) EROSION AND SEDIMENT CONTROL

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifying Authority must be implemented in full during the construction period.

During the construction period;

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

(118) 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.*

(119) 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.

(120) 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.

(121) 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.

(122) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS

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

(123) 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; and

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

SCHEDULE 1D

(124) RMS CONDITIONS

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

- (a) Should the post development storm water discharge from the subject site into the Roads and Maritime's drainage system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any changes are to be submitted to Roads and Maritime for approval, prior to the commencement of works on site.

Details should be forwarded to:

Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 88492114.

- (b) All demolition and construction vehicles are to be contained wholly within the site and on Huntley Street as a construction zone will not be permitted on Sydney Park Road.
- (c) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Sydney Park Road during construction activities.
- (d) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124
Telephone 8849 2114

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

(125) TRANSGRID CONDITIONS

The conditions as advised by TransGrid are as follows:

- (a) All works must be performed in accordance with the following Guideline documents:
 - (i) *NSW WorkCover 'Work Near Underground' Assets Guide*;
 - (ii) *Requirements For Working In The Vicinity of TransGrid Underground Cables*; and
 - (iii) *TransGrid Easement Guidelines for Third Party Development (V10)*.

The TransGrid Guidelines are not an exhaustive list, therefore if there is any uncertainty, please contact TransGrid.

- (b) The developer must undertake their own assessment using geotechnical information to ensure any proposed construction works, for example vibration during pile installation, will not affect TransGrid's subterranean tunnel.
- (c) TransGrid requests the developer provide notice prior to the commencement of works, and reminds the developer that it must also contact 'Dial Before You Dig'.
- (d) TransGrid requests formal notification for any future proposed development on the subject land. Any further development (including but not limited to excavation, road development, and amendment to underground services) must be assessed by TransGrid to determine if it complies with our easement restrictions and safety clearances. TransGrid's prior written consent is required for any additional or amended works.
- (e) During construction, the developer needs to implement suitable processes and safeguards to prevent machinery (for example, rock anchors and drills) inadvertently extending into TransGrid's easement; the stratum tunnel; and/or the two State significant high voltage transmission cables on the subject site as well as under Huntley Street and Sydney Park Road.
- (f) TransGrid requests notification of any amendment or modification to this development application. Such amendments will require a period of reassessment by TransGrid.

(126) SYDNEY WATER CONDITIONS

The conditions as advised by Sydney Water are as follows:

Stormwater

- (a) As per "Item 2.5" of the Stormwater Management Report, the proponent is required to deviate the stormwater channel at their cost to meet the Sydney Water's Building over and adjacent to stormwater assets guidelines.
- (b) The deviation of the stormwater pipe/channel is to be carried out according to Sydney Water's requirements as per the previous negotiations with Sydney Water's Land and Waterways team.
- (c) As agreed in the previous negotiations, no buildings or permanent structures are to be proposed within 1m from the outside face of the new stormwater pipe/channel.
- (d) Due to the complex nature of the stormwater deviation work, the proponent is required to continuously liaise with Sydney Water until the completion of the deviation work.

Water

- (e) The drinking water main available for connection is the 150mm main on the northern side of Huntley Street.
- (f) Detailed drinking water requirements will be provided at the Section 73 application phase.

Wastewater

- (g) The wastewater main available for connection is the 225mm main constructed within the property boundary.
- (h) Where proposed works are in close proximity to a Sydney Water asset, the developer may be required to carry out additional works to facilitate the development and protect the wastewater main. Subject to the scope of development, servicing options may involve adjustment/deviation and or compliance with the Guidelines for building over/adjacent to Sydney Water assets.
- (i) Detailed wastewater requirements will be provided at the Section 73 application phase.

SCHEDULE 2**Prescribed Conditions**

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

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

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

SCHEDULE 3

Terms of Agreement

Other Integrated Development Approvals

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

DPI Water Indicative General Terms of Approval

(i) General

- (1) An authorisation shall be obtained from DPI Water for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified in the authorisation.
- (2) The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be in contact with groundwater watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for reasonably foreseeable high water table elevations to prevent potential future inundation.
- (3) Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
 - (a) any groundwater mounding at the edge of the structure shall be at a level not greater than 10% above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
 - (b) any elevated water table is more than 1.0m below the natural ground surface existent at the location immediate prior to the construction of the structure; and
 - (c) where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
- (4) Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

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

(ii) Prior to excavation

- (6) The following shall be included in the initial report:
- (a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
 - (b) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
 - (c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
 - (d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.]
- (7) The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structure or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.

- (8) Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered ground water is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.
 - (9) Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
 - (10) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).
 - (11) A copy of a valid consent for the development shall be provided in the initial report.
 - (12) The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes referred to as "tailwater") must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.
 - (13) Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.
- (iii) *During excavation*
- (14) Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
 - (15) Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.

- (16) Measurement and monitoring arrangements to the satisfaction of DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
 - (17) Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
 - (18) Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
 - (19) The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
 - (20) Access to groundwater management works used in the activity is to be provided to permit inspection when required by DPI Water under appropriate safety procedures.
- (iv) Following excavation
- (21) Following completion of the dewatering operations, the Applicant shall submit to DPI Water, Parramatta Office, the completion report which shall include:
 - (a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
 - (b) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
 - (c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
 - (22) The completion report is to be assessed by DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.

BACKGROUND

The Site and Surrounding Development

1. The site is located in the western side of Alexandria, close to Erskineville. Alexandria is an established suburb comprising a mix of commercial industrial and residential uses.
2. The site is generally triangular in shape and has a total area of approximately 5,590sqm. The site comprises land generally known as 18 Huntley Street. The site is legally described as Lot 51 DP 809350.
3. The site has street frontages to Huntley Street to the north and Sydney Park Road to the south. To the east of the site, where Sydney Park Road intersects with Huntley Street and Euston Road, is a large vehicular roundabout.
4. The site contains a single two storey commercial building constructed in the 1980s facing Huntley Street with a large hardstand area for car parking and loading and vehicle access via Huntley Street.
5. The site is affected by the following easements in favour of public utilities:
 - (a) an easement in favour of TransGrid which accommodates a subterranean tunnel containing two high voltage transmission cables; and
 - (b) an easement for stormwater drainage and for water supply purposes in favour of Sydney Water.
6. The surrounding context is predominately residential to the north and west, whilst development to the east consists of a mix of uses including residential, light industries and bulky goods retail stores.
7. To the west of the site, at 362 Mitchell Road, is a mixed use development comprising buildings varying in height from two to six storeys, known locally as 'Huntley Green'. Immediately adjacent to the western boundary of the site, this development is two storeys in height along Huntley Street and four storeys in height along Sydney Park Road (see Figures 3 and 7 below).
8. To the north of the site is a mix of single and two storey dwelling houses and three and four storey residential flat buildings (see Figures 5 and 6 below).
9. The site is approximately 800m to the east of St Peters Railway Station and approximately 1.2km to the southwest of Green Square Railway Station. Sydney Park is located to the south of the site on the opposite side of Sydney Park Road.
10. The site does not contain a heritage item and is not located in a heritage conservation area. The site is not in the vicinity of a heritage item. However, the area to the north of the site is identified as the Cooper Estate Heritage Conservation Area (C2).

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



Figure 1: Aerial image of subject site and surrounding area



Figure 2: Site viewed from Sydney Park Road



Figure 3: 362 Mitchell Road and western portion of site viewed from Sydney Park Road



Figure 4: Site viewed from Huntley Street



Figure 5: 288-302 Lawrence Street to the north of the site



Figure 6: 376 and 378 Belmont Street to the north of the site



Figure 7: 362 Mitchell Road and western portion of site viewed from Huntley Street



Figure 8: Existing two storey development located on the site

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

12. The following competitive design process is relevant to the proposal:

Competitive Design Process – CMP/2014/11

13. In accordance with Clause 6.21 (Design excellence) of the Sydney LEP 2012, a Competitive Design Process was undertaken where three invited architectural teams designed schemes for the redevelopment of the site. A Competitive Design Alternatives Brief was endorsed by Council on 1 June 2015. The selected winner of the process was a collaboration between DKO and Breathe Architecture. The development proposed under the application currently under assessment is based upon this winning design scheme.



Figure 9: Photomontage of winning design as viewed from the traffic roundabout to the southeast of the site



Figure 10: Photomontage of winning design as viewed from Huntley Street

PROPOSAL

14. The development application seeks consent for:
- (a) demolition of existing structures on site;
 - (b) excavation and civil works;
 - (c) land remediation;
 - (d) realignment of the existing Sydney Water stormwater easement;
 - (e) construction of a basement level containing garbage rooms, plant rooms, residential storage areas and parking spaces for 124 cars and 10 motorcycles;
 - (f) construction of a mezzanine level to the basement providing storage for 176 bicycles, residential storage areas, plant rooms, service areas and a communal music room;
 - (g) construction of a part six and part three storey residential flat development containing 153 residential apartments;
 - (h) construction of a food and drink premises of approximately 15sqm in size on the ground level adjacent to the western through-site link;
 - (i) provision of two through-site links providing pedestrian access through the development from Huntley Street to the north and Sydney Park Road to the south; and
 - (j) landscaping works, including embellishment of ground level and rooftop open spaces.

- 15. An easement of public access is proposed over the two through-site links and the ground level open space, known in the application documents as 'Huntley Green'.

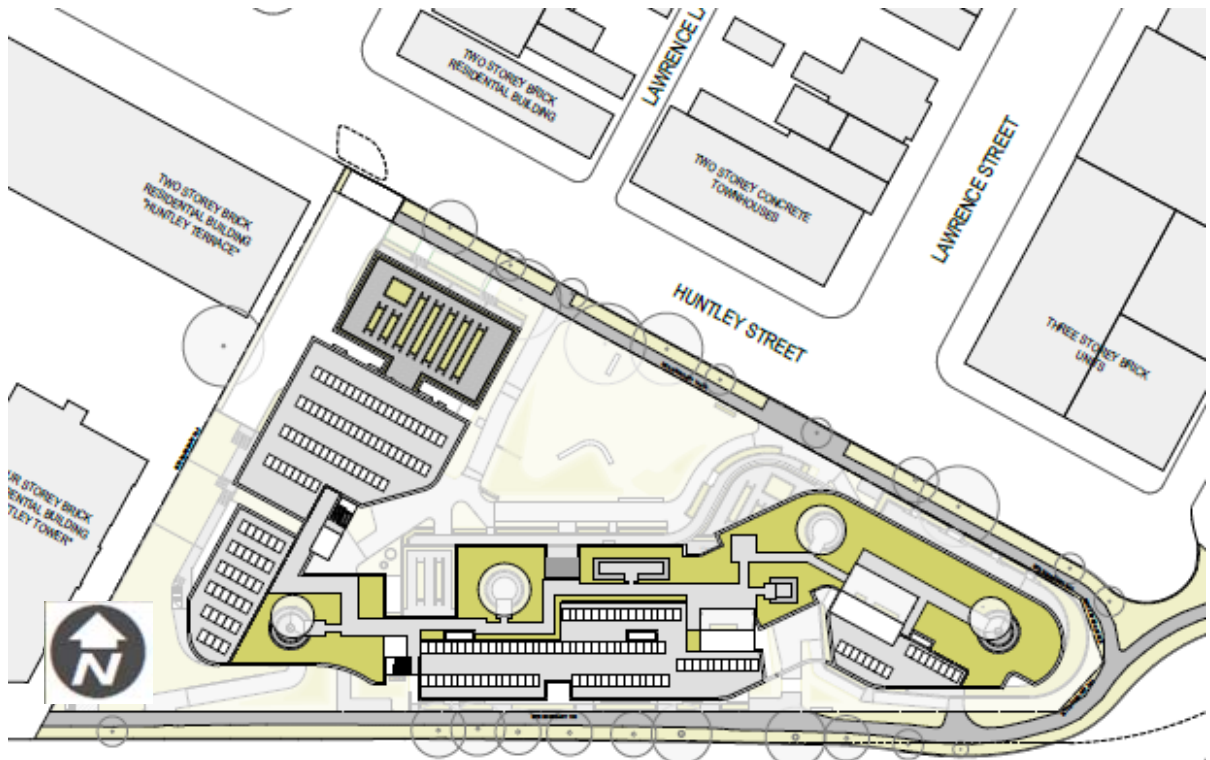


Figure11: Site plan

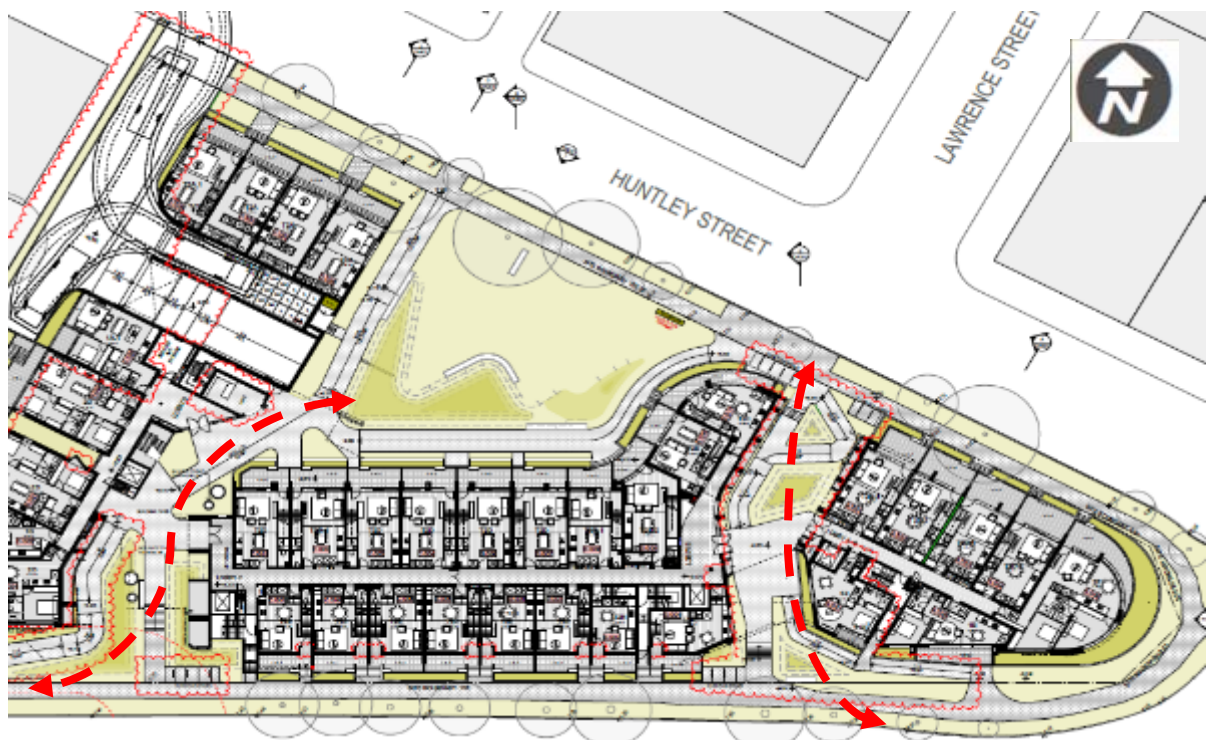


Figure 12: Ground level floor plan. Through-site links indicated in red.



Figure 13: Level 5 floor plan



Figure 14: Huntley Street elevation



Figure 15: Western elevation



Figure 16: Sydney Park Road elevation



Figure 17: Eastern elevation

- 16. The proposed development contains four cores or sections (being Sections A, B, C and D) as indicated in the below figure.



Figure 18: Four (A, B, C and D) cores in the proposed development

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



Figure 19: Photomontage as viewed from the traffic roundabout to the southeast of the site



Figure 20: Photomontage as viewed from Huntley Street

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

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

INTEGRATED DEVELOPMENT—Section 91 EP&A Act

19. The application was referred to the NSW Department of Primary Industries – Water (DPI Water) as the proposal constitutes Integrated Development under Section 91 of the EP&A Act.
20. Preliminary assessment indicates that the groundwater table will be intercepted as a result of the excavation for the proposed development during construction. The construction dewatering proposed is deemed to be an aquifer interference activity. The proposed excavation and construction will need to be conducted in accordance with the principles of the Aquifer Interference Policy as set out by the DPI Water.
21. DPI Water have provided Indicative General Terms of Approval appropriate to the proposed aquifer interference activity, and these have been incorporated into Schedule 3 of the recommended conditions.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)**State Environmental Planning Policy No 55—Remediation of Land (SEPP 55)**

22. 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.
23. The site has been previously used for commercial and warehousing purposes. The application proposes to change the use of the land to predominantly residential, with a lesser extent commercial, which are more sensitive land uses. Given this, Council must be satisfied that through appropriate remediation, the site is capable of being made suitable for the proposed uses.
24. The applicant has submitted a Remedial Action Plan (RAP) prepared by WSP Environmental Pty Limited and dated 24 November 2015, and the Letter of Interim Advice prepared by Sophie Wood of Environmental Resources Management Australia Pty Ltd and dated 9 November 2015.
25. Based upon the information provided by the applicant, Council's Environmental Health Officer has the view that the site will be suitable after remediation for the purpose of which the development is proposed in accordance with SEPP 55. It is recommended that conditions be included should consent be granted requiring the site be remediated and validated in accordance with the RAP and that a Site Audit Statement be obtained from a NSW EPA Accredited Site Auditor.

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

26. SEPP 65 applies to the proposal as the proposed development is a residential flat building that is up to six storeys in height and contains 153 residential apartments.

27. The Environmental Planning and Assessment Regulation 2000 contains specific requirements for information to be submitted when making an application to which SEPP 65 applies. A design verification statement from the registered architect who directed the design of the development was submitted with the application.
28. SEPP 65 provides that in determining an application for a residential flat development of three or more floors and containing four or more residential apartments, that the consent authority take into consideration a number of matters relating to design quality, including nine design quality principles, being:

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

Comment: The proposed residential flat building and food and drink premises are permissible within the R1 General Residential zone and is consistent with the objectives of this zone.

The Sydney Park residential edge locality is undergoing a transition into a high density residential area. The application for the redevelopment of the site is considered appropriate within the context of the site and the desired future character of the Sydney Park residential edge locality.

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

Comment: The built form and scale of the proposed development is considered appropriate for the site and the surrounding area, despite the variation in the height of buildings development standard and the departures in the built form site specific development controls of the Sydney DCP 2012. It is considered that the proposed built form provides a superior design outcome to the built form site specific development controls of the Sydney DCP 2012 and is supported in this instance.

Having regard to the existing approved and future development in the Sydney Park residential fringe locality, the proposed built form and scale is supported.

(c) **Principle 3: Density**

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

(d) **Principle 4: Sustainability**

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

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

(e) **Principle 5: Landscape**

Comment: Landscaped open space is located on the ground level, on Levels 2, 3 and 5, and on the roof level of the proposed development. As discussed later on, the proposed development provides a superior level of landscaped communal open space and a sufficient level of deep soil landscaping. The proposed communal open space areas will be embellished with soft landscaping and will provide a high level of amenity for residents.

(f) **Principle 6: Amenity**

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

(g) **Principle 7: Safety**

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

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

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

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

The proposal offers 23 adaptable residential apartments which complies with the minimum adaptable unit requirement under the Sydney DCP 2012.

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

(i) **Principle 9: Aesthetics**

Comment: The proposal provides for a contemporary and attractive development which is compatible with the emerging character of the area. The proposed development was the subject of a competitive design process which underwent a number of design changes before being awarded the winner. The proposed development was considered by Council's Design Advisory Panel, who provided their general support of the design.

The proposed development introduces a variety of building elements and utilises a visually engaging architectural language with a selection of appropriate materials and finishes. The proposed built form and composition of building elements responds to the desired future character of the Sydney Park residential fringe locality and is considered to positively contribute to the visual quality of the area.

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

Apartment Design Guide (ADG)

30. Guidelines have been developed to aid in the assessment of design quality and are contained in the ADG.

Apartment Design Guide		
Control	Compliance	Comment
2E Building Depth		
12-18m (glass to glass)	Partial	<p>The proposed development has building depths ranging from 14m to 24m.</p> <p>The depths beyond 18 metres are considered acceptable as the proposed development is well articulated and can achieve suitable amounts of daylighting and natural ventilation. Furthermore, all apartments are under 18m glazing line to glazing line.</p>

Apartment Design Guide		
Control	Compliance	Comment
2F Building Separation		
<p>Up to four storeys (approximately 12 metres):</p> <ul style="list-style-type: none"> • 12m between habitable rooms / balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms <p>Five to eight storeys (approximately 25 metres):</p> <ul style="list-style-type: none"> • 18m between habitable rooms / balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms 	Partial	<p>With regards to building separation between the proposed development and its adjoining neighbours, the proposal has acceptable levels of building separation.</p> <p>The proposal provides:</p> <ul style="list-style-type: none"> • at least 7m separation distance between the western side boundary and its western elevation up to four storeys; and • at least 9m separation distance between the western side boundary and its western elevation above the fourth storey. <p>Where applying the separation to buildings on adjoining sites, this control requires the application of half the minimum separation distance measured to the boundary. Based upon this application, the proposed development complies in this instance.</p> <p>Infringements occur in the 'elbow' locations separating Sections C and D and separating Sections A and B of the proposed development.</p> <p>The implications on residential amenity of this non-compliance in building separation are discussed in the Issues section.</p>

Apartment Design Guide		
Control	Compliance	Comment
		The above non-compliance with the building separation control is considered acceptable as appropriate design measures are proposed (including offset window openings, orientation of the apartments so that apartments in adjacent parts do not look out directly into each other's primary habitable rooms or balconies, recessed or protruding window designs and privacy screening) to reduce potential amenity impacts.
3D Communal and Public Open Space		
Communal open space has a minimum area equal to 25% of the site.	Yes	<p>The proposed development includes the following open space:</p> <ul style="list-style-type: none"> • on the ground level facing Huntley Street; • on the ground level facing Sydney Park Road; • terraces on Levels 2, 3 and 5; and • on the rooftop. <p>A total of approximately 2,434sqm of communal open space is provided, which equates to approximately 43.5% of the site area.</p> <p>The proposed communal open space provides for a variety of programs including fruit and vegetable gardening, beekeeping, barbequing, clothes drying and passive recreation.</p>
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).	Yes	Shadow diagrams supplied by the applicant demonstrate that solar access will be available to more than 50% of the communal open spaces for 4 hours between 9.00am and 3.00pm during midwinter.

Apartment Design Guide				
Control		Compliance	Comment	
3E Deep Soil Zones				
Deep soil zones are to meet the following minimum requirements:		Partial	<p>The proposal provides a total of approximately 10.5% of the site as deep soil.</p> <p>Deep soil is distributed primarily in the southwestern part of the site with smaller portions located along the northern portion fronting Huntley Street and in the eastern corner of the site.</p> <p>The minimum dimension of the deep soil areas is less than 6m in parts but is considered acceptable in this instance as the proposal provides deep soil zones in excess of the minimum requirements including a consolidated area that is approximately 6% of site area in the southwestern portion of the site.</p>	
Site area	Minimum Dimensions			% of site area
<650m ²	-			7%
650m ² – 1,500m ²	3m			
>1,500m ²	6m			
>1,500m ² with significant existing tree cover	6m			

Apartment Design Guide		
Control	Compliance	Comment
3F Visual Privacy		
<p>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.</p> <p>Note: Gallery circulation is treated as habitable space.</p>		
<p>Up to four storeys (12 metres):</p> <ul style="list-style-type: none"> • 6m between habitable rooms / balconies • 3m between non-habitable rooms <p>Five to eight storeys (25 metres):</p> <ul style="list-style-type: none"> • 9m between habitable rooms / balconies • 4.5m between non-habitable rooms 	Partial	<p>The proposal largely achieves acceptable separation to maintain visual privacy for future occupants and those of adjoining developments.</p> <p>Where building separation within the proposed development does not meet the building separation control (see above), appropriate design measures are proposed to reduce overlooking impacts and is considered acceptable.</p>
4A Solar and Daylight Access		
70% of units to receive a minimum of 2 hours of direct sunlight in midwinter to living rooms and private open spaces.	Yes	75% of all residential apartments will receive solar access for at least 2 hours between 9am and 3pm during midwinter.
Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Acceptable	16% of all residential apartments do not receive any direct sunlight between 9am and 3pm during midwinter. This minor departure from the numerical design criteria is considered acceptable in this instance as it constitutes a variation of less than 2 residential apartments in a total of 153.

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>Only 48% (74 out of 153) of all residential apartment will receive genuine natural cross ventilation.</p> <p>The maisonette-style apartments on the ground level are not considered naturally cross ventilated under the ADG and have not been counted.</p> <p>It should be noted that the proposal went through the design competition process and was designed prior to the introduction of the ADG. Under the Residential Flat Design Code that preceded the ADG, maisonette-style apartments would be considered cross ventilated.</p> <p>If these 20 apartments were deemed to be cross ventilated, 61% of all residential apartments would have adequate cross ventilation. The variation in this design criteria is considered acceptable in this instance. The proposed arrangement is unlikely to be acceptable in providing natural cross ventilation in future applications.</p>
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Yes	All residential apartments are less than 18m in depth as measured from glass line to glass line.

Apartment Design Guide		
Control	Compliance	Comment
4C Ceiling Heights		
Measured from finished floor level to finished ceiling level, minimum ceiling heights are as follows:		
Habitable rooms: 2.7m Non-habitable rooms: 2.4m Two-storey apartments: 2.7m for main living area floor, 2.4m for second floor, where it does not exceed 50% of the apartment area.	Able to comply	All residential apartments are capable of complying with the minimum finished floor level to finished ceiling level heights as the distance between residential floor levels is 3.15m.
4D Apartment Size and Layout		
Minimum unit sizes: <ul style="list-style-type: none"> • Studio: 35m² • 1 bed: 50m² • 2 bed: 70m² • 3 bed: 90m² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m ² each.	Yes	All residential apartments meet the minimum size requirements.

Apartment Design Guide		
Control	Compliance	Comment
Every habitable room is to have a window in an external wall with a minimum glass area of 10% of the floor area of the room.	Acceptable	<p>Every habitable room has a window in an external wall with the minimum required glass area except for 12 residential apartments in Section D, which have secondary bedrooms that have windows located along slots that have a width to depth ratio of less than 2:1.</p> <p>The variation in this control is considered acceptable in this instance as these habitable rooms are secondary bedrooms where outlook and solar access are not as critical as primary living areas, and acoustic and visual privacy into these rooms is being preserved by design measures such as angled windows. The amenity of these windows is further discussed in the Issues section below.</p>
Habitable room depths are to be no more than 2.5 x the ceiling height.	Yes	All habitable rooms comply with this design control.
8m maximum depth for open plan layouts.	Yes	Habitable room depth does not exceed 8m in open plan layouts, measured from the window.
<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	All bedrooms comply with the minimum dimensions.

Apartment Design Guide																	
Control	Compliance	Comment															
<p>Living and living/dining rooms minimum widths:</p> <ul style="list-style-type: none"> • Studio and one-bedroom: 3.6m • Two-bedroom or more: 4m 	Yes	All apartments comply with the minimum widths.															
4m minimum width for cross over and cross through apartments.	Yes	All cross over apartments are at least 4m in internal width.															
4E Private Open Space and Balconies																	
<p>All apartments required to have primary balconies as follows:</p> <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	Acceptable	<p>All residential apartments have private open space. However, only 117 of 153 residential apartments (76%) have private open space that complies with minimum area and minimum depth.</p> <p>Since the proposed development provides an amount of communal open space that exceeds the ADG recommended amount, the variation in this design control is considered acceptable in this instance.</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															
<p>Private open space for apartments on ground level, on a podium, or similar, must have a minimum area of 15m² and a minimum depth of 3m.</p>	Acceptable	<p>All ground level apartments have private open space. However, 3 out of 34 ground level residential apartments do not meet this design control (One studio apartment has only 4sqm of private open space and two apartments have 15sqm of private open space that is a minimum of 1.7sqm in depth).</p> <p>The amount or depth of private open space on ground level for these 3 dwellings is constrained due the length of the access ramps to the two through-site links. The variation is considered acceptable in this instance.</p>															

Apartment Design Guide		
Control	Compliance	Comment
4F Common Circulation and Spaces		
The maximum number of apartments off a circulation core on a single level is eight (8).	Yes	<p>The proposal provides four cores that service each section of the proposed development.</p> <p>Circulation cores for Sections A, B and C service up to 6 residential apartments per level.</p> <p>The circulation core for Section D does not meet the design criteria of 8 per single level but meets the design guideline of no more than 12 per single level.</p>
4G Storage		
<p>Minimum storage provision facilities:</p> <ul style="list-style-type: none"> • Studio: 4m³ • 1 bed: 6m³ • 2 bed: 8m³ • 3 bed: 10m³ <p>(Minimum 50% storage area located within unit)</p>	Yes	All residential apartments meet this design criteria.

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

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

Clauses 44 and 45

32. The application is subject to Clauses 44 and 45 in Subdivision 2 (Development likely to affect an electricity transmission or distribution network) of SEPP Infrastructure as the proposed development involves the penetration of ground to a depth of at least 3m below ground level (existing) on land that is within 10m (measured radially) of the centreline of the Picnic Point to Haymarket electricity supply corridor that runs between Sydney Park and Haymarket. In accordance with this clause, the application was referred to TransGrid and Ausgrid for a period of 21 days.

33. TransGrid raises no objection, subject to conditions, which are set out in Schedule 1D of the recommended conditions.
34. Ausgrid raises no objection but advised that the developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electricity supply requirement of the proposed development.
35. Due to the size of the proposed development, it is likely that an electricity substation will be required to be accommodated within the development. A standalone substation chamber is proposed in the southwestern corner of the site. The proposed location of this substation is further discussed in the Issues section below.

Clause 88

36. The application is not subject to Clause 88 of SEPP Infrastructure as the site is not located within the areas marked either "Zone A" or "Zone B" of the rail corridors map.

Clause 101

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

Clause 104

39. The proposal provides parking for more than 50 motor vehicles, contains more than 75 apartments and is within 90 metres of a classified road. Accordingly, the proposal is considered a traffic generation development under SEPP Infrastructure and must be referred to RMS.
40. The application was referred to RMS on 18 May 2015. Comments were received from RMS on 18 December 2015 and 24 June 2016. RMS raises no objection to the proposed development and has provided conditions, which are set out in Schedule 1D of the recommended conditions.

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

41. A BASIX Certificate (Certificate number: 665375M) has been submitted with the development application.
42. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated in the proposal. A condition is recommended ensuring the measures detailed in the BASIX certificate are implemented.

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

43. 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.
44. The proposed development of the site is consistent with the aims and objectives of SEPP.

Sydney Local Environmental Plan 2012 (Sydney LEP 2012)

45. The site is located within the R1 General Residential zone.
46. The proposed uses are defined as residential flat building and food and drink premises and are permissible with consent under the Land Use Table of the Sydney LEP 2012.
47. The relevant matters to be considered under Sydney LEP 2012 for the proposed development are outlined below.

Compliance Table		
Development Control	Compliance	Comment
4.3 Height of Buildings 4.6 Exceptions to development standards	No Yes	<p>The site has two height of buildings development standards:</p> <p>(a) 12m along the Huntley Street frontage; and</p> <p>(b) 22m for the remainder of the site.</p> <p>The proposal complies with the 12m height of buildings development standard along the Huntley Street frontage. With regards to the remainder of the site, a height of 25.06m is proposed.</p> <p>The proposal seeks to vary this development standard and the applicant has provided a written request pursuant to Clause 4.6. This variation is supported.</p> <p>See discussion in the Issues section below.</p>

Compliance Table		
Development Control	Compliance	Comment
4.4 Floor Space Ratio	Yes	<p>A maximum FSR of 2:1 is permitted.</p> <p>Under Clause 6.21, an additional amount of up to 10% of FSR can be awarded subject to meeting the design excellence provisions and undertaking a competitive design process.</p> <p>A total FSR of 2.2:1 is permitted.</p> <p>A FSR of 2.196:1 is proposed.</p>
5.6 Architectural roof features	Yes	<p>The maximum height of buildings development standard is exceeded in part by the architectural roof form on the corner of Huntley Street and Sydney Park Road.</p> <p>While significantly above the 22m height limit (at RL 31.616 AHD, there is in exceedance by approximately 1.61m), the proposed roof form feature is acceptable as it forms an integral element of the building form.</p>
5.9 Preservation of trees or vegetation	Acceptable	<p>56 trees are required for removal. The proposed tree removal is considered acceptable subject to conditions relating to the preservation of street trees and provision of a minimum 15% canopy cover of the site to be achieved within 10 years.</p> <p>It is noted that extensive tree planting is proposed across the site.</p>

Compliance Table		
Development Control	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site is not a heritage item and is not located within a heritage conservation area.</p> <p>The Cooper Estate Heritage Conservation Area (C2) is located to the north of the site.</p> <p>The proposed development will not detrimentally impact on the heritage significance of the heritage conservation area.</p>
Part 6 Local provisions - height and floor space		
Division 4 Design excellence	Yes	<p>The site is over 5,000sqm in size. According to Clause 7.20, a specific site development control plan is required to be prepared. A site specific DCP is set out in Section 6 of the Sydney DCP 2012.</p> <p>This requirement, in turn, triggers the need for a competitive design process to be undertaken under Clause 6.21.</p> <p>Under this provision, subject to the consent authority being satisfied that the development exhibits design excellence, an amount of floor space that exceeds the amount permitted, of up to 10% of FSR, may be granted.</p> <p>A competitive design alternative process was held in 2014 and 2015.</p> <p>The application is based on the winning design of a competitive design process and seeks an additional 10% FSR.</p> <p>Refer to Issues section for discussion.</p>

Compliance Table		
Development Control	Compliance	Comment
Part 7 Local provisions—general		
Division 1 Car parking ancillary to other development	Yes	<p>A total of 143 car spaces are permissible – 126 for residents and 17 for residential visitors.</p> <p>A total of 124 car parking spaces are proposed.</p> <p>The proposal complies with this provision.</p>
7.14 Acid Sulphate Soils	Yes	<p>The site is identified as containing Class 3 Acid Sulfate Soil land.</p> <p>A Letter of Interim Advice prepared by Sophie Wood of Environmental Resources Management Australia Pty Ltd and dated 9 November 2015 was provided by the applicant. This advice letter stated that a study had been conducted on the soil on the site and concluded that there was no indication of acid forming potential on the site.</p> <p>The application was referred to Council's Health and Building Unit. Council's Environmental Health Officer was satisfied with the information provided by the applicant.</p>
7.15 Flood planning	Yes subject to conditions	<p>The site is identified by Council as being flood prone.</p> <p>Council's Public Domain Unit has reviewed the flood risk management and stormwater information prepared by Cardo and Enstruct Group Pty Ltd and confirms that the flood planning levels of the proposed development are acceptable. However, the Public Domain Unit requests that further information be provided concerning the management of flood waters on the site and the method of flood water discharge from the site.</p>

Compliance Table		
Development Control	Compliance	Comment
		A deferred commencement condition is recommended requiring additional information concerning flood water management be submitted to and approved by Council's Area Planning Manager prior to the activation of the consent.
7.16 Airspace operations	N/A	The proposed development will not penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for the Sydney Airport.
7.17 Development in areas subject to airport noise	Yes	The site is not identified as being in an area sensitive to aircraft noise.
7.20 Development requiring preparation of a development control plan	Yes	<p>The site is outside of Central Sydney and has an area of over 5,000sqm and the proposed development exceeds 25m from the existing ground level.</p> <p>Therefore, a site specific development control plan is required to be prepared.</p> <p>A site specific development control plan has been prepared and is set out in Section 6.2.4 of the Sydney DCP 2012.</p>

Sydney Development Control Plan 2012 (Sydney DCP 2012)

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

2. Locality Statements – Sydney Park residential edge

The subject site is located in the Sydney Park residential edge precinct. This precinct is to continue to be a high density residential area focused and edging Sydney Park. The proposed development is considered to be in keeping with the unique character of the area and design principles in that it provides:

- better pedestrian links to and improved amenity of Sydney Park Road public domain through improved pedestrian amenity, better connectivity and paving treatments;
- a sympathetic materials palette that acknowledges the former brick works in Sydney Park;
- modulation and articulation of the horizontal and vertical portions of its facades; and
- active frontages along both Sydney Park Road and Huntley Street by maximising the number of residential apartments with entries directly accessible from these streets.

3. General Provisions

Development Control	Compliance	Comment
3.1 Public Domain Elements	Yes	<p>The proposed development will make a positive contribution to the public domain.</p> <p>The proposal provides two through-site links. These through-site links have widths exceeding 6m, have a clear height of at least 6m, have a clear line of site between Sydney Park Road and Huntley Street, and will be fully accessible 24 hours of the day.</p>
3.2 Defining the Public Domain	Yes	<p>The proposed development will not detrimentally impact on the solar access of Sydney Park. Solar access to more than 50% of Sydney Park will be achieved between 9am and 3pm and is considered acceptable.</p> <p>The proposed development provides active residential frontages along Huntley Street and Sydney Park Road, publicly-accessible open space adjacent to Huntley Street and two through-site links.</p>

3. General Provisions		
Development Control	Compliance	Comment
		Overall, the proposed development will provide a desirable level of street activation and a positive relationship with the public domain.
3.3 Design Excellence and Competitive Design Processes	Yes	<p>This provision provides detail and guidance where a site is the subject of a competitive design process and specifically awarding additional gross floor area and height of building.</p> <p>A competitive design process was undertaken in accordance with the City of Sydney Competitive Design Policy.</p> <p>The maximum additional floor space bonus for the site is 10%. Applying this bonus to the 2:1 FSR development standard equates to an amount of 559sqm of design excellence floor space or 0.2:1 additional FSR.</p> <p>This results in an overall allowable FSR of 2.2:1.</p> <p>The proposed development has a FSR of 2.196:1.</p>
3.5 Urban Ecology	Acceptable	56 trees are required for removal. The impact of the removal of these trees is mitigated through extensive replacement planting within the site. The proposed tree removal will not adversely impact on the local urban ecology and is considered acceptable subject to conditions relating to the preservation of street trees and provision of a minimum 15% canopy cover of the site to be achieved within 10 years.
3.6 Ecologically Sustainable Development	Yes	The proposal will not have unacceptable impacts on the environment and satisfies BASIX requirements.

3. General Provisions		
Development Control	Compliance	Comment
3.7 Water and Flood Management	Yes subject to conditions	<p>The site is identified as being on flood prone land.</p> <p>Council's Public Domain Unit has reviewed the flood risk management and stormwater information prepared by Cardo and Enstruct Group Pty Ltd and confirms that the flood planning levels of the proposed development are acceptable. However, the Public Domain Unit requests that further information be provided concerning the management of flood waters including its discharge from the site.</p> <p>A deferred commencement condition is recommended requiring additional information concerning flood water management be submitted to and approved by Council's Area Planning Manager prior to the activation of the consent.</p>
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	This application does not propose subdivision of the site.
3.9 Heritage	Yes	<p>The site is not a heritage item and is not located within a heritage conservation area.</p> <p>The Cooper Estate Heritage Conservation Area (C2) is located to the north of the site. The proposed development will not detrimentally impact on the heritage significance of the heritage conservation area.</p>
3.10 Significant Architectural Building Types	N/A	The existing building is less than 50 years old.

3. General Provisions		
Development Control	Compliance	Comment
3.11 Transport and Parking	Yes	Appropriate conditions are recommended in relation to the provision of car parking spaces (including spaces for small vehicles and car share vehicles), motorcycle parking spaces and bicycle storage.
3.12 Accessible Design	Able to comply	A condition has been recommended for the proposed development to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.
3.13 Social and Environmental Responsibilities	Yes	A CPTED report has been submitted as part of the application. The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Able to comply	Waste collection will occur from the loading area on the ground level. Waste and bulky goods rooms are located adjacent to each lift core on the basement level. A condition has been recommended for the proposed development to comply with the relevant provisions of the City of Sydney Code for Waste Minimisation in New Developments 2005.

4. Development Types														
4.2 Residential Flat, Commercial and Mixed Use Developments														
Development Control	Compliance	Comment												
4.2.3 Amenity	Acceptable	<p>The proposal generally provides acceptable standards of amenity, as discussed in the SEPP 65 discussion above.</p> <p><u>Flexible housing and dwelling mix</u></p> <p>Developments that propose more than 20 dwellings are required to provide the following percentage mix:</p> <table> <tr> <td>Studio and 1 bed</td> <td>15-40%</td> </tr> <tr> <td>2 bed</td> <td>40-75%</td> </tr> <tr> <td>3 bed</td> <td>10-100%</td> </tr> </table> <p>The proposed development has the following dwelling mix:</p> <table> <tr> <td>Studio and 1 bed</td> <td>62 (41%)</td> </tr> <tr> <td>2 bed</td> <td>80 (52%)</td> </tr> <tr> <td>3 bed</td> <td>11 (7%)</td> </tr> </table> <p>The non-compliance in the unit mix is minor and considered acceptable in this instance, with a variety of different unit types and sizes provided through the proposed development.</p>	Studio and 1 bed	15-40%	2 bed	40-75%	3 bed	10-100%	Studio and 1 bed	62 (41%)	2 bed	80 (52%)	3 bed	11 (7%)
Studio and 1 bed	15-40%													
2 bed	40-75%													
3 bed	10-100%													
Studio and 1 bed	62 (41%)													
2 bed	80 (52%)													
3 bed	11 (7%)													
<p>4.2.4 Fine grain, architectural diversity and articulation</p> <p>(1) the maximum street frontage length of an individual building is:</p> <p>65m on streets with a width greater than or equal to 18m wide; and</p> <p>40m on streets with a width less than 18m wide</p>	Yes	<p>The proposal complies with the maximum street frontage widths.</p> <p>The Sydney Park Road frontage of the development is divided into three distinct components by the two through-site links. The setback off the southern site boundary for each component varies in depth and the facades of these components are articulated into smaller elements with different grain and scale.</p>												

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.5 Types of development	Acceptable	<p><u>Courtyard buildings and perimeter street block buildings</u></p> <p>The proposed development is configured around the eastern, southern and western edges of ground level open space fronting Huntley Street, known in the application documents as 'Huntley Green'.</p> <p>'Huntley Green' is clearly visible and is highly integrated with the public domain to the north of the site. The two publically-accessible through-site links connecting 'Huntley Green' to Sydney Park Road provide permeability and pedestrian access from north of the site to Sydney Park Road to the south of the site.</p> <p><u>Development on busy roads and active frontages</u></p> <p>Sydney Park Road is a busy road and is estimated to carry more than 20,000 vehicles a day.</p> <p>The proposed development has been designed with residential uses on the ground level fronting Sydney Park Road. However, there are sufficient design measures to ensure the amenity of future occupants in these residential apartments is maintained at a good level, including:</p> <ul style="list-style-type: none"> • solid masonry balustrades to balconies; • wintergarden balconies on the upper level of the maisonette-style residential apartments; • double-glazing of windows and glass doors; and • operable windows and treated walls on the ground level perpendicular to Sydney Park Road.

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.6 Waste minimisation	Yes	<p>Each dwelling has adequate space to manage waste and a waste chute is provided on each level of each core.</p> <p>Residential garbage rooms are located in the basement level where waste can be stored temporarily, before being moved to the waste pick up area located adjacent to the loading dock on collection days.</p>
4.2.7 Heating and Cooling Infrastructure	Yes	<p>Air conditioning equipment is expected to be consolidated within the internal plant areas of the proposed building.</p> <p>A condition is recommended requiring any individual air conditioning units not be visible to the public domain.</p>
4.2.8 Letterboxes	Yes	<p>Each ground level dwelling will have an individual letterbox adjacent to its main entrance.</p> <p>All upper level dwellings will have individual letterboxes located in the lobby areas of the proposed development.</p>

6. Specific sites		
Development Control	Compliance	Comment
6.2.4.1 Built Form	Acceptable	<p>The proposed development incorporates a six storey building form that wraps around from Sydney Park Road onto the southeastern end of Huntley Street. From Huntley Street, a second building form is visible, rising three storeys at the street frontage and six storeys further towards Sydney Park Road. The two building forms visible from Huntley Street are given separation by ground level communal open space, known in the application documents as 'Huntley Green'.</p> <p>The proposed development varies from this provision but is considered acceptable. This is further discussed in the Issues section below.</p> <p>The proposed development's building envelope responds appropriately to the stormwater channel alignment on the site.</p>
6.2.4.2 Building Materials	Yes	<p>The predominant building material proposed is recycled brick. This both reflects the history of the area and works as a compatible and complimentary material to the surrounding buildings.</p>
6.2.4.3 Land Uses and Setbacks	Acceptable	<p>Residential uses are provided on the ground level along Sydney Park Road. Appropriate defensive screening devices have been incorporated into the design to mitigate traffic noise and air pollution, including:</p> <ul style="list-style-type: none"> • wintergarden balconies on the upper level of the maisonette-style residential apartments; • double-glazing of windows and glass doors; and • operable windows and treated walls on the ground level perpendicular to Sydney Park Road.

6. Specific sites		
Development Control	Compliance	Comment
		<p>The proposed setbacks are generally consistent with this provision.</p> <p><u>Sydney Park Road setback</u></p> <p>Approximately 50% of the frontage along Sydney Park Road has a minimum setback of 3m and the remainder of the frontage has a minimum setback of 1.5m.</p> <p><u>Western side boundary setback</u></p> <p>Although a dedicated pedestrian walkway is not proposed in this setback, there is a minimum 7m setback of the building from the western side boundary which is considered acceptable.</p> <p><u>Huntley Street setback</u></p> <p>The proposal provides for a minimum 3m building setback along the Huntley Street frontage which is considered acceptable.</p>
6.2.4.4 Through-site link	Acceptable	<p>This provision requires a through-site link connecting Huntley Street to Sydney Park Road.</p> <p>The proposal provides for two through-site links, with the eastern link incorporating a view corridor to Sydney Park from Lawrence Street.</p> <p>The through-site links provide clear and safe paths of pedestrian travel from Sydney Park Road through to Lawrence Street and Lawrence Lane, will contain high-quality landscaping, and will be accessible to the public 24 hours a day.</p> <p>The eastern through-site link is generally 10m to 14m wide, 8m wide at a minimum.</p>

6. Specific sites		
Development Control	Compliance	Comment
6.2.4.5 Access	Acceptable	<p>Access to underground parking and services is provided from Huntley Street. The proposed development varies from this provision but is considered acceptable. The northwestern corner of the site is considered a more appropriate location to the location proposed under this provision as the relocation of the access way to the edge of the site allows for the retention of a significant portion of the Huntley Street frontage as publically-accessible open space.</p> <p>Council's Environmental Health Officer and Transport Planner have reviewed the proposed location of the vehicle access way and conclude that it will not unreasonably detrimentally impact on the amenity of the residents living to the west of the western side boundary.</p>
6.2.4.6 Green Roof	Acceptable	<p>The proposal is consistent with the objectives of this provision.</p> <p>Community gardens are proposed on intermittent levels of the building, including a rooftop communal open area. The application proposes a variety of plantings on the rooftop gardens and terraces, with areas provided for vegetable and fruit planting, a chicken run and an apiary.</p>
6.2.4.7 Common room and music practice room	Yes	The proposed development provides a music practice room in the mezzanine basement level.
6.2.4.8 Design Excellence	Acceptable	Additional floor space that has resulted from the competitive design process will not add any additional overshadowing to neighbouring properties.

6. Specific sites		
Development Control	Compliance	Comment
6.2.4.9 Public Art	Yes	Public art is proposed and will be located in the eastern (main) through-site link. A condition is recommended relating to the implementation of public art on the site.

ISSUES

Competitive Design Process and Design Excellence

49. A competitive design process was undertaken in June and July 2015. The DKO and Breathe Architecture design (the subject of this application) was the winner of the competitive design process. In accordance with Clause 6.21(7) of the Sydney LEP 2012, the consent authority may grant up to 10% additional floor space where design excellence is achieved through a competitive design process.
50. The application seeks consent for 10% additional FSR under Section 3.3.5 (Awarding additional floor space) of the Sydney DCP 2012.
51. In unanimously selecting DKO and Breathe Architecture as the preferred proposal, the Competitive Design Process Selection Panel (the Selection Panel) raised the following issues:

Panel Comments	Comment
<p>Brick Facade: The brick facade is integral to the scheme and will need variety, richness and high quality, inventive detailing to align with the perspectives and work to its inherent strengths as a material. However, there is a risk that recycled bricks and the quality of detailing required may create cost and programming issues. Some consideration required whether other facade materials could be incorporated to provide variety without affecting the integrity of the competitive scheme.</p>	<p>The use of recycled bricks of different colours is an integral component of the proposed design. A condition is recommended requiring the materials and sample board provided as part of the application be used for the construction of the proposed development.</p> <p>Other facade materials have been incorporated into the scheme include timber, exposed concrete and Corten cladding to create a rusted patina over parts of the development.</p>

Panel Comments	Comment
<p>DCP Built Form Control Variations: The proponent will need to justify to Council the variations to DCP built form controls. However, in the opinion of the Selection Panel, the variations achieve a better design outcome for the site and have the ability to achieve design excellence.</p>	<p>This is further discussed below.</p> <p>It is considered that the variation in the site specific built form and setback development controls of the Sydney DCP 2012 are acceptable in this instance.</p>
<p>Building Design: Building separation must be assessed against the provisions of SEPP 65, there appears to be some non-compliance, and potentially along the western boundary. West facing apartments at the side boundary could be an issue and should be reviewed.</p>	<p>Under Figure 3F.A of the ADG, separation distance between buildings that share a side boundary should be shared equitably.</p> <p>As discussed earlier, the proposed development now meets the building separation requirements of the ADG in respect of its western neighbour across from their shared boundary.</p> <p>The four storey development at 362 Mitchell Road to the west of the site does not maintain a minimum 6m building separation to side boundary, as recommended under the ADG. The proposed development provides a 7m separation distance to the side boundary on the first floor storey. Even though total separation distance between developments is less than 12m, the proposed development should not be disadvantaged because of this western neighbour's limited setback from their shared boundary (see discussion above under ADG).</p> <p>Notwithstanding this non-compliance by the western neighbouring development, appropriate design solutions have been implemented to ensure that privacy impacts are ameliorated.</p>

Panel Comments	Comment
<p>Huntley Green: 'Huntley Green' is integral to the project. It cannot be fenced, it is to be publicly assessable and designed to be an extension of the public domain of Huntley Street within the site.</p>	<p>The proposed 'Huntley Green' open space is not fenced in and shall be publically accessible. It is an extension of the public domain.</p> <p>A condition is recommended requiring the registration of an easement be created over 'Huntley Green' and the two through-site links to allow for public access 24 hours a day.</p>
<p>Landscape Design: Consideration must be given to the design and specification of the various landscape elements so that they can be easily managed by a Body Corporate to ensure their long term viability.</p>	<p>An indicative landscape plan has been prepared by Oculus and submitted to Council for review.</p> <p>It is considered that the proposed landscaping will be effectively managed by the future body corporate of the proposed development. As the proposed development will have 153 residential apartments, the burden of managing various communal open spaces is not considered economically restrictive for each strata member.</p>
<p>Basement Mezzanine: The design development phase should explore whether some non-vital elements can be reconsidered, such as relocating the bike racks and music room from the basement mezzanine, to ensure commercial viability of the project.</p>	<p>The basement mezzanine level containing music room and bicycle storage facilities remains in the proposed scheme and will contribute to the overall amenity of the proposed development.</p>

Panel Comments	Comment
<p>Non-residential uses: The design development phase will need to further:</p> <ul style="list-style-type: none"> investigate the viability of appropriate non-residential uses on the site, which are supported by the Selection Panel. In particular, the option for a cafe is supported; and address planning and functionality issues (e.g. access to communal facilities, adequate provisioning of waste and removal truck facilities). 	<p>The applicant has explored the implementation of non-residential uses on the ground level in the proposed development. The application currently includes a food and drink premises on the ground level in Block D adjacent to the western through-site link.</p> <p>This proposed food and drink premises is poorly located and is not of sufficient size to significantly assist with the activation of the proposed 'Huntley Green'. A design modification condition is recommended requiring the insertion of a more appropriately located and sized commercial tenancy/food and drink premises next to the eastern through-site link. The space currently occupied by the proposed food and drink premises can be used as a goods and waste storage space for the commercial tenancy. This is further discussed in the Issues section below.</p> <p>The proposed development provides waste and removal truck facilities that have been assessed as acceptable subject to conditions.</p>
<p>Sydney Park Road corridor: The long apartment corridor on the Sydney Park Road elevation needs to be rethought in order to provide light and space. Central Park One was provided as a quality example in this regard.</p>	<p>As discussed above, the proposed development provides an acceptable level of amenity to future occupants of its residential apartments.</p>

52. In considering whether the proposed development exhibits design excellence, the consent authority must have regard and be satisfied that the proposed 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 proposed development achieves a high standard of design which has strong architectural merit. The proposal maintains the attributes praised by the Selection Panel including the use of brick facade and the implementation of inventive detailing.

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

The proposal improves the quality and amenity of the public domain by offering a publically-accessible space and two through-site links. These areas provide an appropriate transition from the public domain to the residential dwellings.

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

No view corridors are detrimentally impacted by the proposed development.

- (d) **Does the proposed development address impacts on the public domain, landscape design concerns and achieving appropriate interfaces at ground level between the building and the public domain?**

A high level of pedestrian permeability is provided, with two through-site links provided, supported by high quality landscaping. Acceptable access for cyclists and vehicles is also provided.

- (e) **Does the proposed development address the suitability of the land for development, user constraints, environmental impacts and environmentally sustainable development?**

The site is considered to be suitable for the proposed development given the site is zoned R1 General Residential and the proposed multi dwelling use is permitted with consent. Further, given the proximity of the site to St Peters Railway Station, Sydney Park and the Sydney CBD, the land is considered suitable for development.

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

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

Height of Buildings – Variation to Development Standard

53. The Sydney LEP 2012 height of buildings development standard is:

- (a) 12m maximum along the Huntley Street frontage (M in figure below); and
(b) 22m in the remainder of the site (R in figure below).



Figure 21: Height of Buildings development standard

54. The proposal complies with the 12m height of buildings development standard along the Huntley Street frontage. With regards to the remainder of the site, a height of 25.06m is proposed. This represents a 3.06m or 13.9% exceedance of the height of buildings development standard.



Figure 22: Huntley Street elevation

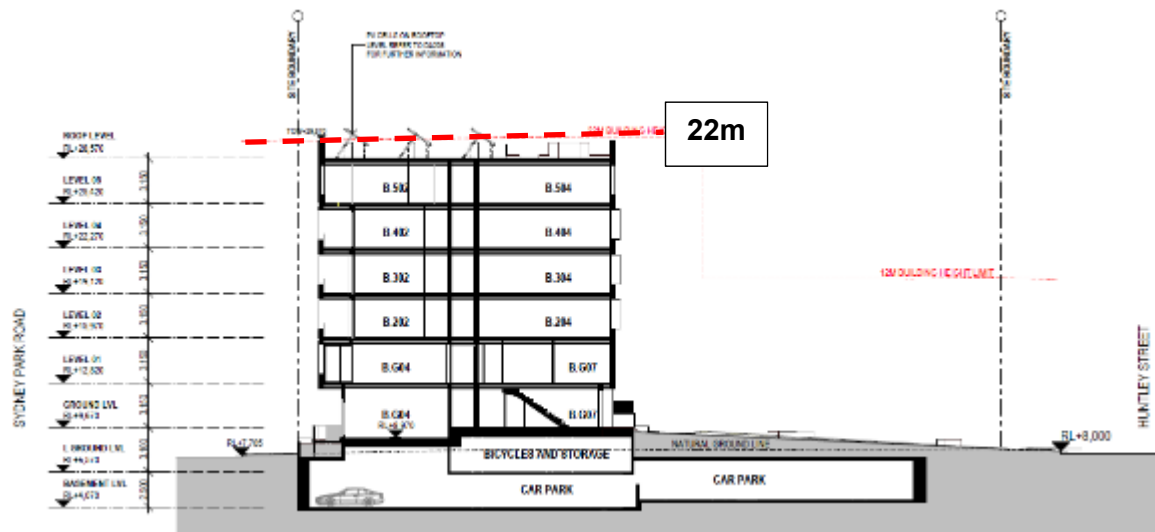


Figure 23: North-south section plan of Section B

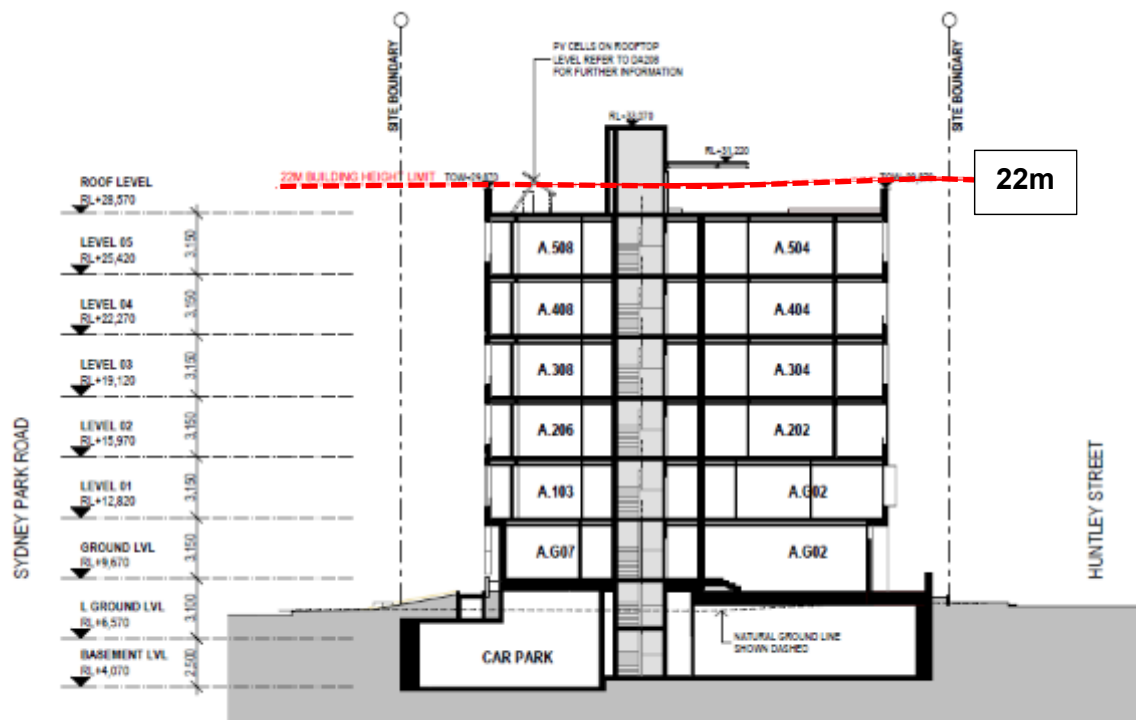


Figure 24: North-south section plan of Section A

55. Clause 4.6 (Exceptions to development standards) of the Sydney LEP 2012 allows the consent authority to vary the height of buildings development standard in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes. The consent authority may grant exception as the Director-General’s concurrence can be assumed where Clause 4.6 is adopted as per Department of Planning Circular PS 08-003 dated 9 May 2008.
56. In order to demonstrate whether strict numerical compliance is unreasonable and unnecessary in this instance, the proposed exception to the height of buildings development standard has been considered against the objectives and provision of Clause 4.6 below.

57. A written request, pursuant to Clause 4.6(4)(a)(i) has been submitted to Council justifying the proposed contravention of the height of buildings development standard on the following basis:
- (a) the contravention of the maximum building height is limited to the lift overruns, architectural roof feature, solar panels and seating canopies – all features that allow for a communal roof garden that contributes positively to the development in terms of ecological sustainability, built form and residential amenity;
 - (b) the lift overrun areas are limited to small areas, are integrated into the rooftop gardens and are only partially visible from the public domain;
 - (c) the proposed development has overall environmental planning merit; and
 - (d) there is no notable public benefit in maintaining the standard, while there is significant public benefit in exceeding the standard as explained below.
58. In this instance, it is considered that compliance with the height of buildings development standard is considered unreasonable and unnecessary pursuant to Clause 4.6(4)(a)(ii) and there are sufficient reasons to justify contravening the development standard. In particular, it is noted:
- (a) the proposed development is considered to be consistent with the R1 General Residential zone objectives as well as the objectives of the height of buildings development standard;
 - (b) the lift overrun provides for a significant benefit to residents in the form of access to the communal rooftop garden. Without the lift overrun, all residents could not enjoy the rooftop garden and the various amenities associated with it, such as the chook run, apiary and numerous plants;
 - (c) it is important to note that the rooftop garden is provided in response to Section 4.2.4.6 of the Sydney DCP 2012, which relates specifically to the site. This section clearly states that the green roof is to “allow for access and ease of movement from within the development to and from the green roof and facilities”;
 - (d) the provision of the rooftop gardens was also one of the key design criteria for the design competition;
 - (e) the seating canopies provide for necessary shade for users of the rooftop gardens;
 - (f) the architectural roof feature that exceeds the height limit is minor and forms an attractive part of the building design;
 - (g) the solar panels contribute significantly to the ecological sustainability of the proposed development. Considering that the additional height associated with the solar panels is extremely minor and does not result in any serious additional overshadowing impacts, it is considered that the benefit of the panels outweigh the costs of the additional height; and
 - (h) given the above, there are sufficient environmental planning grounds to justify contravention of the development standard. The contravention will significantly contribute to ecological sustainability and residential amenity.

59. It is considered that the written statement provided by the applicant has sufficiently justified that strict numerical compliance with the development is unreasonable and unnecessary in this instance and have provided sufficient environmental planning grounds to justify contravening the height of buildings development standard. The proposal is consistent with the objectives of the height of buildings development standard and R1 General Residential zone and will be in the public interest.
60. For the reasons outlined above, it is recommended that a Clause 4.6 exception be granted, pursuant to the Director-General's general concurrence of May 2008.

Variation in the Site Specific Built Form Development Controls

61. The proposed development seeks to vary the site specific built form development controls set out in the Sydney DCP 2012 are evident in the figures below and are as follows:
 - (a) increase in the six storey building footprint towards the Huntley Street/Sydney Park Road/Euston Road intersection in the southeast corner of the site;
 - (b) creation of a three storey (instead of a two storey with a third storey set back) building form along the western Huntley Street frontage;
 - (c) removal of the eastern section of the part two and part three storey building form facing Huntley Street to create a larger ground level open space, known in the application documents as 'Huntley Green';
 - (d) building over in part the primary through-site link;
 - (e) creation of a second through-site link on the western side of the site; and
 - (f) moving of the vehicle access towards the western side boundary.

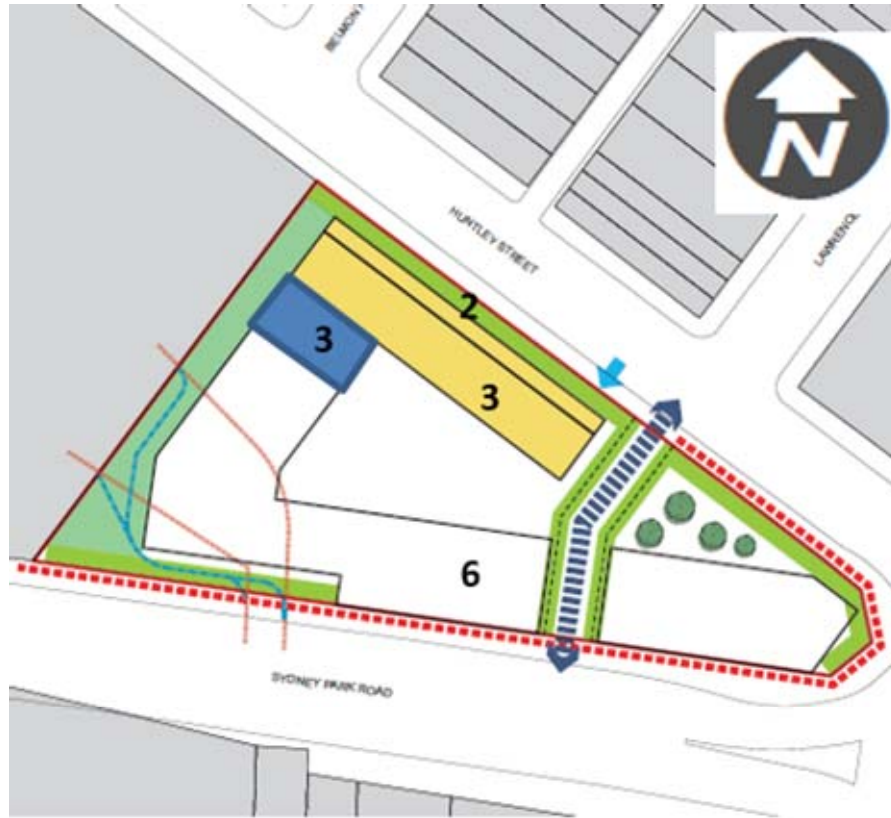


Figure 25: Built form site specific development controls of the Sydney DCP 2012

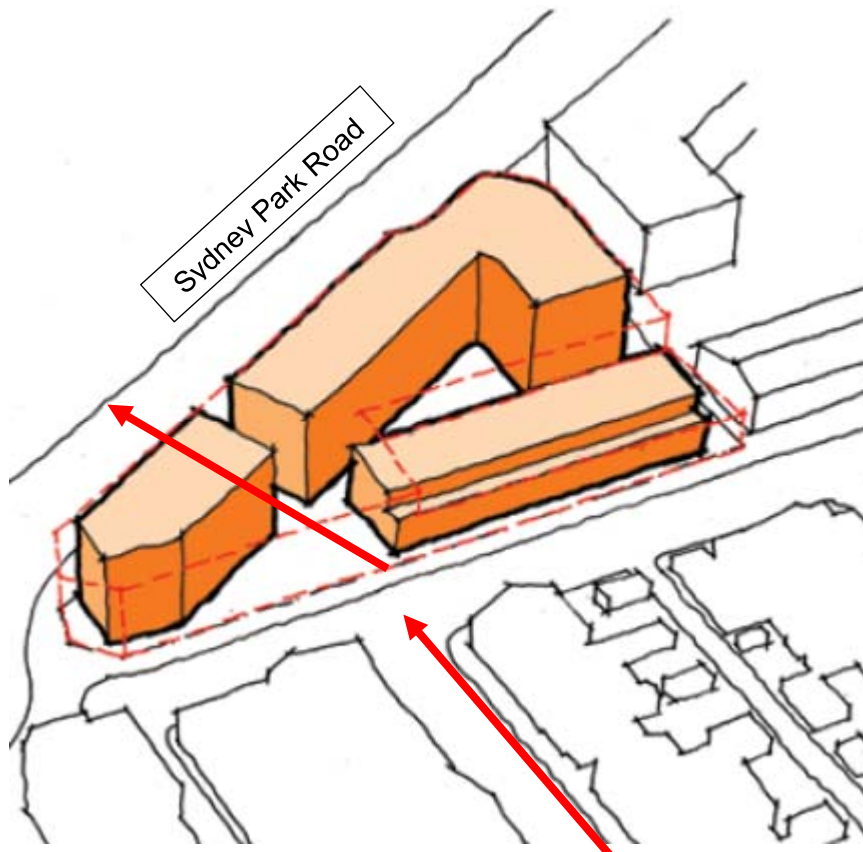


Figure 26: Axonometric view of built form development controls of the Sydney DCP 2012

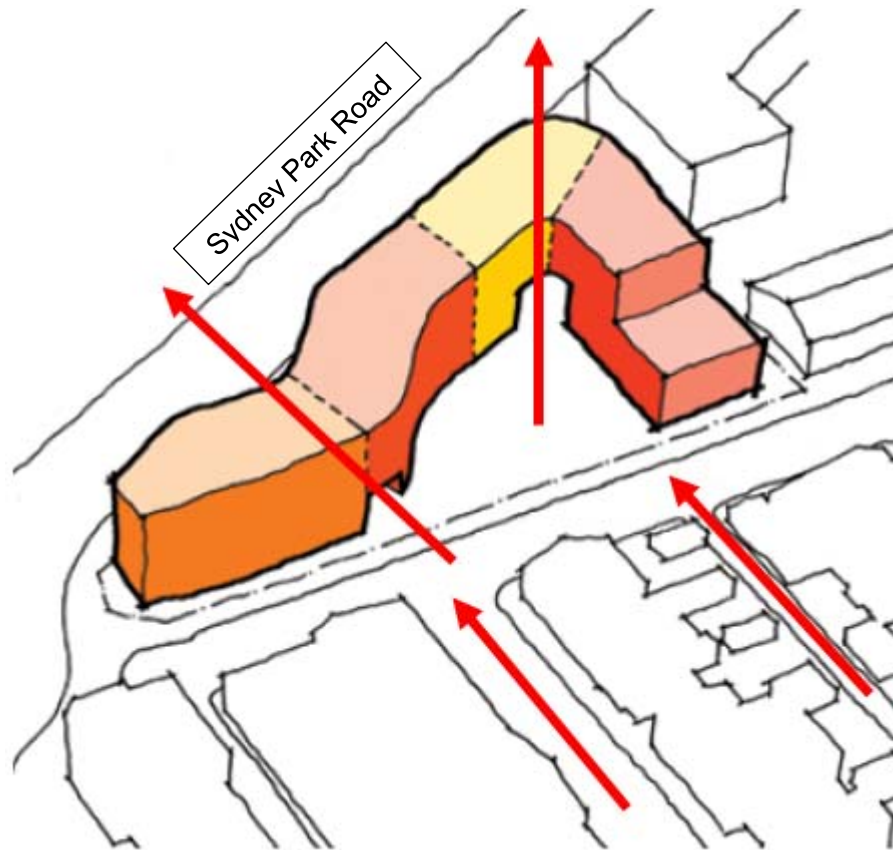


Figure 27: Axonometric view of proposed development

62. The variation in the site specific built form development controls and the proposed design is considered acceptable having considered the following:
- (a) the proposed built form complies with the design alternatives competition winning scheme;
 - (b) the proposal provides a large ground level open space that will be integrated into the Huntley Street public domain. The applicant has offered to grant an easement for public access over this open space;
 - (c) the proposal provides terminating vista from Lawrence Street and Lawrence Lane;
 - (d) the additional bulk in the northeastern corner of the site will not have any additional environmental impacts on the neighbour to the west; is within the height of buildings development standard of 12m and remains at a scale that is sympathetic to the townhouse style development to its west;
 - (e) the additional bulk in the southeastern corner of the site will not have any additional environmental impacts adjoining neighbours; as a terminating point to Huntley Street and Euston Lane, this corner allows for a prominent architectural statement; and
 - (f) the two through-site links proposed are located in more appropriate locations to allow for pedestrians to walk across Sydney Park Road to Sydney Park or to St Peters Railway Station more efficiently.

Location of the Electricity Substation

63. Ausgrid informed the applicant that a chamber or standalone kiosk electricity substation is required for the proposed development, to be located on the site.
64. Various possible locations for the electricity substation have been explored, including several locations where the substation chamber would be integrated with the design of the proposed development, as set out in the figure below:
- (a) location of Units B.G01 (southwest of the western through-site link facing Sydney Park Road);
 - (b) location of D.G06 (east of the vehicle access way facing Huntley Street); and
 - (c) open space in front of the emergency fire stairs to the south of Lobby C facing Sydney Park Road (which is the location suggested by Council's Design Advisory Panel).



Figure 28: Possible locations of the electricity substation

65. The above locations are not considered optimal locations as the potential blast zone of any substation in these locations would necessitate the creation of a large blank wall. Having a large blank wall located in a prominent location adjacent to a through-site link or the 'Huntley Green' open space would have a more detrimental visual impact than a standalone electricity substation located in the southwestern corner of the site. In addition, a substation located to the south of Lobby C would encroach on the Sydney Water easement (see figures below).
66. Accordingly, it is considered that the standalone electricity substation located in the southwestern corner of the site is acceptable in the circumstances. However, a condition is recommended requiring the design of the structure enclosing this substation be submitted to and approved by Council's Area Planning Manager prior to a construction certificate being issued.

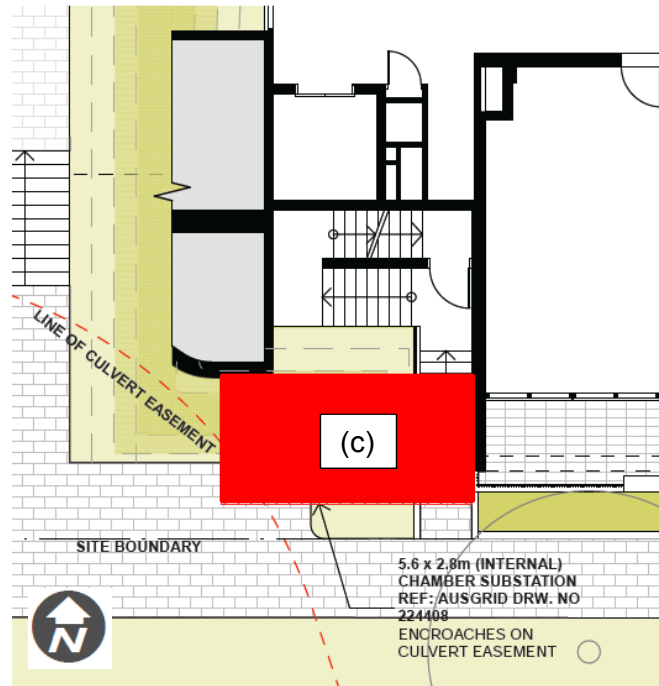


Figure 29: Potential location of substation chamber to the south of Lobby C

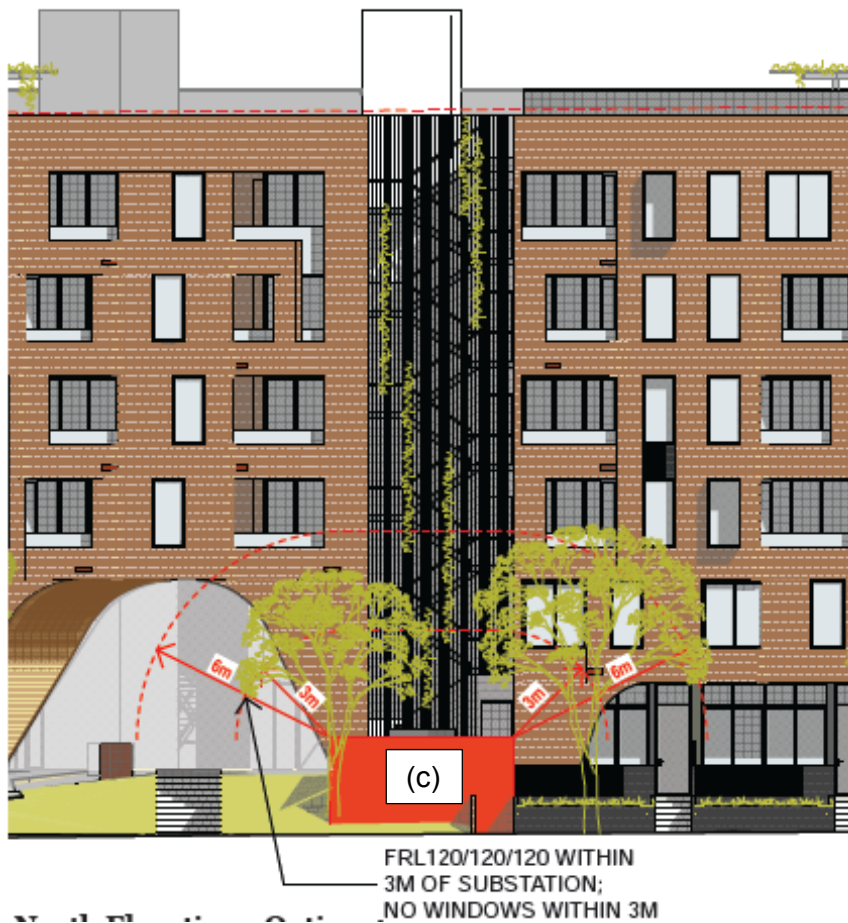


Figure 30: Potential blast zone of a substation chamber located to the south of Lobby C

Building Separation and Amenity

67. Infringements to the building separation control set out in the ADG occur in the 'elbow' locations separating Sections C and D and separating Sections A and B of the proposed development at their narrowest points as indicated in the below figures.

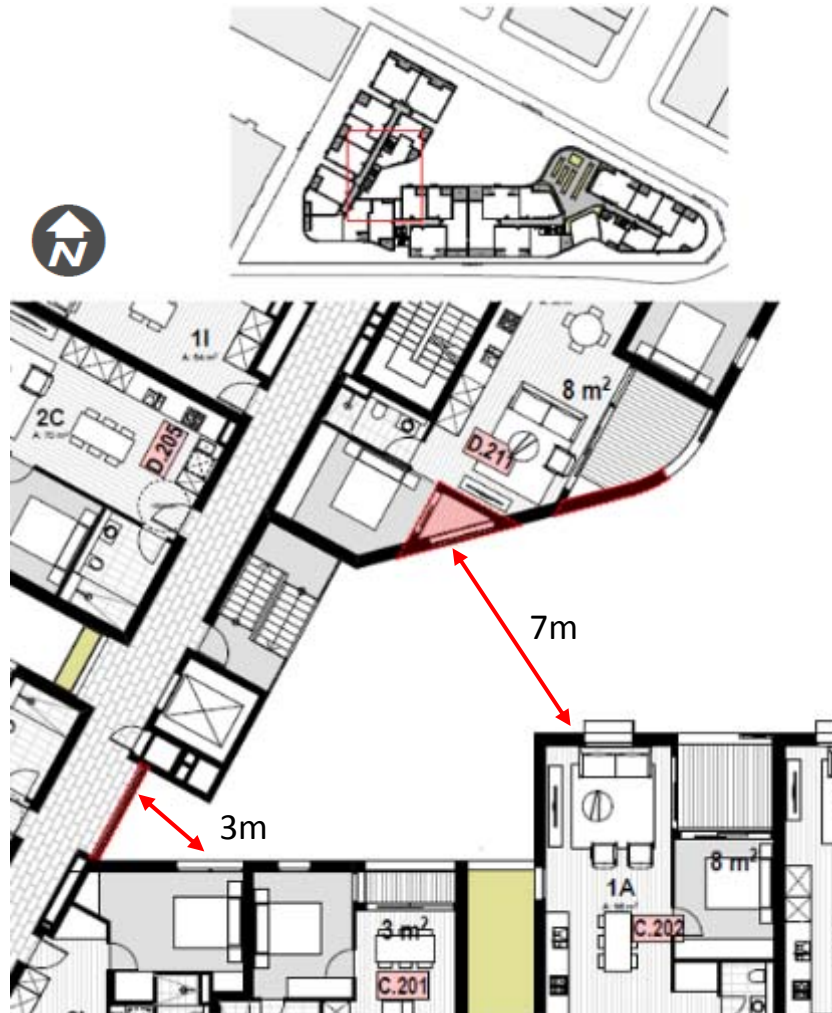


Figure 31: Building separation between Sections C and D on Level 2

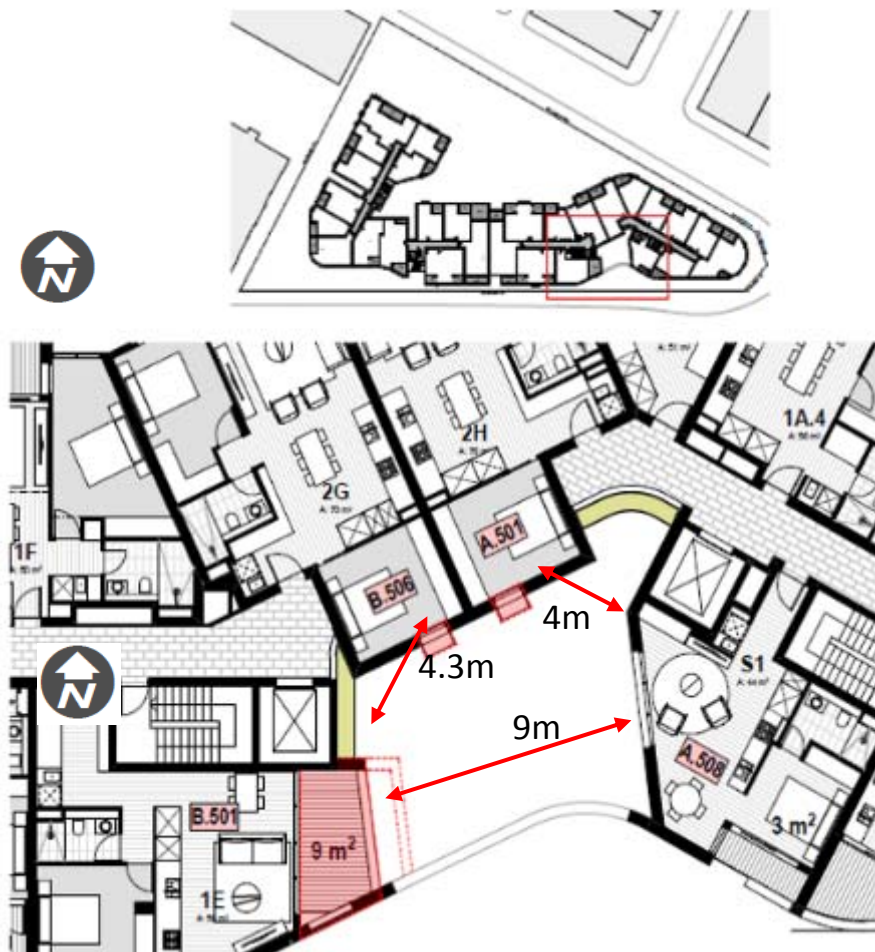


Figure 32: Building separation between Sections A and B on Level 5

68. Considering the sole outlook of the primary living spaces of Units 206, A.308, A.408 and A.508 is to the west towards Units B.201, B.301, B.401, B.501 and the separation distance between these residential apartments on Levels 2 to 5 is only 9m, a design modification condition is recommended requiring the external window openings and internal layout of Units A.206, A.308, A.408 and A.508 be redesigned and reconfigured to ensure that the outlook of the primary living areas of these residential apartments is to Sydney Park to the south.
69. Subject to the above condition, the above non-compliances with the building separation control in these circumstances are considered acceptable as appropriate design measures have been employed to ameliorate any negative amenity impacts to future occupants, including:
- (a) offset window openings;
 - (b) re-orientation of the habitable spaces so that residential apartments in adjacent sections do not look out directly into each other's primary habitable rooms or balconies;
 - (c) recessed or protruding window designs; and
 - (d) privacy screening.

Location of Food and Drink Premises

70. The applicant has explored the implementation of non-residential uses on the ground level in the proposed development. The application currently includes a food and drink premises on the ground level in Block D adjacent to the western through-site link. This proposed food and drink premises is poorly located and is not of sufficient size to significantly assist with the activation of the proposed 'Huntley Green'.
71. A design modification condition is recommended requiring the insertion of a more appropriately located and sized commercial tenancy next to the eastern through-site (see figure below). This commercial tenancy shall be approximately 66sqm with outdoor area in size. The space currently occupied by the proposed food and drink premises located adjacent to the western through-site link can be used as a goods and waste storage space for the new larger tenancy. Approval for this premises is only indicative – approval under a further development application or under complying development certificate shall be required prior to the fit out and use of this tenancy.

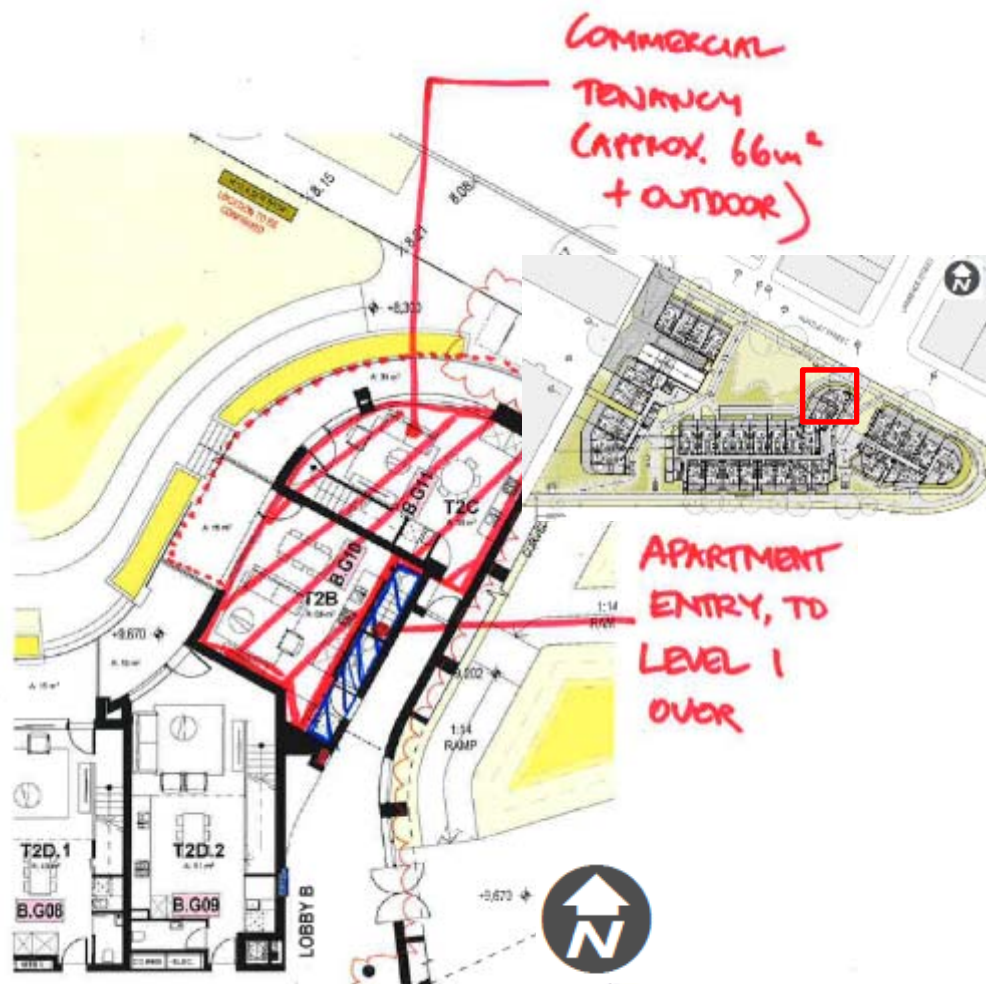


Figure 33: Proposed new location of food and drink premises

Access

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

Other Impacts of the Development

73. The proposed development is capable of complying with the BCA.
74. 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

75. The proposal is of a nature in keeping with the overall function of the site. The proposed development is in a residential surrounding and amongst similar uses to that proposed.

INTERNAL REFERRALS

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

Design Advisory Panel

78. The proposed development was presented to the Panel on 19 April 2016, who advised that they were generally supportive of the proposal. In particular, the Panel expressed support for the relocation of the ground level communal open space from the location set out in the site specific development controls of the Sydney DCP 2012; and the proposed materials palette, including the implementation of the curved brick design and the use of variety of brick colours and finishes.
79. The Panel noted the following concerns and suggestions:
- any future electricity substation should be relocated so that it is integrated with the western entry to the proposed development at its south western corner;
 - the internal amenity of the apartments comes into question at certain locations in Section D where there is a reliance on slots for amenity of bedrooms (see figures below). The Panel suggested that mitigating measures be explored and introduced to manage privacy and acoustics; and



Figure 34: Original Level 2 plan with slots in the western portion of the proposed development

- the scale of vehicular entry is a big visual impact and should be reconsidered. The Panel stated that softening and screening with soft landscape should be integrated where feasible.
80. The advice of the Panel has been considered in the assessment of this application and is addressed as follows:

- (a) As discussed earlier, alternate locations for the future electricity substation were explored, including its integration into the western entry to the proposed development at its south western corner. The location preferred by the Panel is considered not appropriate as it will create a visually prominent blank wall adjacent to the western through-site link. Further, at this location, the substation will encroach on the Sydney Water easement.
- (b) The proposed development has been amended to address this issue. The applicant has provided acoustic and solar access advice stating that the amended proposal will comply with the BCA minimum standards. Amenity of these secondary bedrooms is maximised by the redirection of window openings (see figure below). It is noted that these windows are not considered openings that provide natural cross ventilation to the associated residential apartments.



Figure 35: Building separation of apartments in Section D on Level 2

- (c) The design of the vehicle access way has been revised and soft landscaping has been introduced to both sides of the access way.

EXTERNAL REFERRALS

Ausgrid

81. The application was referred to Ausgrid. Ausgrid raised no objection.
82. Ausgrid identified assets within and adjacent to the site that would be affected by the proposal and that a subsequent application to Ausgrid will be required directly from the applicant.

83. As discussed above, a standalone electricity substation chamber is proposed to be accommodated in the southwest corner of the site, fronting Sydney Park Road.

TransGrid

84. The proposed development involves the penetration of ground to a depth of at least 3m below ground level (existing) on land that is within 10m (measured radially) of the centreline of the Picnic Point to Haymarket electricity supply corridor that runs between Sydney Park and Haymarket. Accordingly, the application was referred to TransGrid on 4 December 2015.
85. On 25 February 2016, TransGrid advised Council that it did not object to the proposal, subject to conditions, which are set out in Schedule 1D of the recommended conditions.

NSW Department of Primary Industries – Water (DPI Water)

86. The proposal requires temporary dewatering of the site for the purposes of construction. Accordingly, the application was referred to DPI Water on 2 December 2015.
87. On 13 January 2016, DPI Water advised that an authorisation for the take of groundwater as part of the proposed dewatering and remediation of the site is required and provided Indicative General Terms of Approval, which are set out in Schedule 3 of the recommended conditions.

Sydney Water

88. As discussed earlier, the site has an easement for stormwater drainage benefitting Sydney Water.
89. The proposal was referred to Sydney Water on 4 December 2015. Sydney Water responded on 4 January 2016 with no objection to the proposed development subject to conditions, which are set out in Schedule 1D of the recommended conditions.

Roads and Maritime Services (RMS)

90. As discussed above under SEPP Infrastructure, the application was referred to RMS. Comments were received from RMS on 18 December 2015 and 24 June 2016. RMS raises no objection to the proposed development and has provided conditions, which are set out in Schedule 1D of the recommended conditions.

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

91. 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 58 submission(s) were received. The following issues were raised in the submissions:

Traffic and Access

- (a) Proposed parking is insufficient to cater for the number of residents.
- (b) Existing street parking in the locality is constrained and will worsen.

- (c) The traffic report is insufficient and does not consider the cumulative effects of nearby development approvals such as the Ashmore Estate, or projects such as WestConnex.
- (d) Access is only provided from Huntley Street, which itself is a cul-de-sac with limited connections.
- (e) Peak hour traffic at the intersection of Huntley Street and Mitchell Road currently does not cope, this issue will be exacerbated by development.
- (f) Council needs to review and increase its parking rates as they are causing parking issues.
- (g) Overnight parking in Sydney Park carpark may need to be prohibited.
- (h) Safety concerns from increased traffic movements, particularly as laneways are likely to be used.
- (i) Requests for Council to install traffic calming devices along Belmont and Lawrence Lanes.
- (j) Greater consultation required with residents when considering parking strategy.
- (k) Access way should be off Sydney Park Road.
- (l) Traffic report should be expanded to include impact on Lawrence and Euston Lanes, which are likely to be used by residents.

Response – The proposed parking rates comply with Council's parking rates in the Sydney LEP 2012 and Sydney DCP 2012. The Sydney LEP 2012 employs maximum parking controls that are consistent with Council's approach to encourage public transport, walking and cycling over private car use. The controls have been designed so that not all residents within a development will be guaranteed a car space in order to discourage private car use that contributes to congestion and environmental impacts.

Although the proposed development provides fewer than the maximum number of parking spaces, the proposal provides more than the required number of bicycle parking spaces and motorcycle spaces. This is consistent with Council's planning controls and strategic objectives with respect to parking, traffic and access

Any changes to parking rates, traffic calming and controls, parking in Sydney Park Car Park are matters for Council separately and not part of this application.

The application was accompanied by a Traffic Report prepared by SMEC, which investigated the expected traffic impacts as a result of the proposed development. At the request of Council officers, an addendum to the Traffic Report was submitted to address outstanding traffic concerns of Council officers including the impact of WestConnex and the use of laneways near the site as rat runs. Council officers are satisfied with the information provided in these reports.

The site is well served by public transport, with St Peters Railway Station located approximately 800m to the west. Trains from the Sydney Trains T3 – Bankstown Line service this station and connect to the greater metropolitan rail network at Redfern and Central stations.

The site is also walking distance from bus stops which provide services directly to the Sydney CBD, Bondi Junction, Coogee, UNSW, Cronulla, Marrickville, Leichardt and Wolli Creek. The surrounding streets also provide adequate pedestrian facilities including footpaths, kerb ramps, and marked foot crossing at signalized intersections. Bicycle-friendly roads surround the site, and pavement stamps and directional signs are installed along shared paths and bicycle friendly routes to assist riders travelling to nearby destinations such as Centennial Park and Bondi Junction.

Neighbourhood Character and Heritage

- (m) The proposal is inconsistent with the character of Alexandria and the Cooper Estate Heritage Conservation Area.
- (n) Small scale character of the area will be lost; previous developments have been done sympathetically which this development is not.

Response – The proposed development is adjacent to the heritage conservation area, but not within it.

However, the proposed development has been designed to be compatible with the adjacent conservation area and respectful of the site's historic association with Sydney Park and the brick factories. The massing adjacent Huntley Street is three storeys, with a large new publicly-accessible open space. The taller massing is set to Sydney Park Road further away from the conservation area to allow for transition in built form.

The aesthetics of the building respond to the natural and built environments of Alexandria, and contribute positively to its character. A mix of building elements, textures, materials and colours are integrated to result in a desirable built form and aesthetic. Distinctive brickwork, which will be the predominant building material, is presented in a contemporary fashion whilst being consistent with the surrounding built form as well as the area's history. This material has also been chosen for its durability and its ability to weather well over time, ensuring the aesthetics of the building remain intact.

Potential Overshadowing

- (o) Possible loss of natural light for existing residential neighbours.
- (p) Loss of December sunlight has not been shown and will be detrimental to adjoining properties.

Response – Both the Sydney DCP 2012 and the ADG require consideration of overshadowing impacts at the winter solstice, where shadows are at their largest and impacts from loss of sunlight are most extreme, between 9am and 3pm. These times and date are widely accepted as appropriate for assessing overshadowing, as most developments will cast some shadow this represents the worst case scenario.

The site is well located to mitigate overshadowing as mid-winter impacts would occur primarily to the south on and across Sydney Park Road. Shadow diagrams submitted with the development application demonstrate this to be the case, with minor overshadowing of adjoining properties between these hours.

Requests for building modifications to cater for the reduction of mid-summer morning sunlight are outside the widely accepted standards and planning controls for solar access consideration.

Unacceptable Bulk and Scale

- (q) The development exceeds the FSR limit and should not be granted an additional 10% FSR under 'Design Excellence' provisions.
- (r) Built form is out of scale and unsympathetic to the surrounding streetscape of terraces and smaller complexes along and beyond Huntley Street.
- (s) Inadequate setbacks have been provided particularly at the site's western boundary.
- (t) Lack of setback, open areas and vegetation to help transition to Huntley Street.
- (u) Site should be developed only for terrace style housing.
- (v) Apartment numbers should be significantly reduced.

Response – The proposed FSR is compliant and meets the design excellence provisions of Sydney LEP 2012. The proposed development has been subject of a Competitive Design Alternatives Process, in which the Selection Panel unanimously found the scheme was able to achieve design excellence.

As discussed above, the proposed built form is generally consistent with the planning controls and is sympathetic to the surrounding conservation area and historical association of the area. The setbacks of the development are consistent with the site-specific DCP provisions and that of nearby apartment developments. A minimum 7m setback is provided along the western boundary.

The proposed development proposes significant open areas and landscaping in excess of Council's requirements, including a new publicly-accessible open space off Huntley Street.

Excessive Height of Building

- (w) The proposed height contradicts the Sydney DCP 2012 heights of two storeys and six storeys.
- (x) The exceedance of the height of building limit should not be supported.
- (y) Six storeys across the site is too high for the locality and overwhelms the surrounding built form.
- (z) Height should be restricted to two storey terraces along Huntley Street, four storeys maximum to Sydney Park Road.

Response – As discussed above, the variations in the site specific built form development controls are considered acceptable. The breach of Sydney LEP 2012 height limit is minor and results in a better development, providing lift access and shade to a rooftop communal area and thereby improving amenity for residents. The variation to the height control is for lift overrun and parapet only in order to provide an improved development with better amenity. There is no significant impact resulting from the minor height variation (lift overrun, solar panels, etc), with no shadow, or overlooking impacts to adjoining properties.

Negative Impacts on Western Neighbour

- (aa) Privacy impacts on residents in buildings to the west due to a setback of only 5.8m and exacerbated by removal of trees.
- (bb) Reduction of solar access and ventilation to bedrooms and main living areas which now will open on to proposed development.
- (cc) Some existing views will be impacted or completely lost as a result of the development resulting in property value loss.
- (dd) Existing views and outlooks replaced with blank walls

Response – At the request of Council officers, the setback along the western boundary has been increased to a minimum of 7m. This setback complies with the site-specific setback requirements under the Sydney DCP 2012. In addition, the facade has been designed to maximize privacy between the adjacent sites.

The proposed development ensures that surrounding development still achieves the required solar and daylight access. View loss has been considered against the Land and Environment Court Planning Principles and is acceptable. The proposed development complies with Sydney DCP 2012 controls and the ADG with respect to outlook.



Figure 36: Separation distance between proposed development and western neighbour at 362 Mitchell Road

View Loss

- (ee) View loss from existing residential apartments to Sydney Park and Alexandria, exacerbated by proposal's non-compliance with Sydney DCP 2012 height controls.

Response – The proposal complies with the Sydney DCP 2012 height controls in storeys. As discussed above, the variation to the height in metres development standard is for minor projections such as lift overrun and parapet only and does not impact on view loss or overshadowing, or other off site amenity impacts.

Loss of Privacy

- (ff) Overlooking and privacy impacts to surrounding residents.

Response – The proposed development is generally compliant with the building separation requirements in the ADG and has been designed to minimise any privacy impacts on surrounding residents.

Non-Compliance with SEPP 65

- (gg) Principles of SEPP 65 have not been sufficiently considered and in general are not met.

Response – As discussed above the proposed development meets all the design quality principles of SEPP 65.

Poor Aesthetics

- (hh) The building is unattractive and lacks imagination in its design.

- (ii) Building is reminiscent of Redfern housing commission towers and should not be accepted.

Response – The proposal was subject to a Competitive Design Alternatives Process and was unanimously endorsed by the Selection Panel as being capable of achieving design excellence. The scheme meets the requirements of SEPP 65 with respect to the Principle of ‘Aesthetics’.

Drainage and Flooding Issues

- (jj) Increased flooding risks particularly along Lawrence Street/Euston Lane.
- (kk) New drainage channel may not be as effective as existing one.

Response – The proposal has been accompanied by extensive flooding documentation and support in order to ensure flood risks are not exacerbated.

Subject to conditions, Council’s Public Domain Unit are satisfied with the information provided by the applicant and do not consider the proposed development will increase the flood risks of the surrounding area.

The application was referred to Sydney Water, who has not objected to the proposal. The new drainage channel will not be less effective than the existing one.

Negative Environmental Effects

- (ll) The development has negative environmental impacts relating to increased air pollution; creation of a wind tunnel effect; exposure to hazardous materials as a result of excavation and construction; reflection of solar panels; loss of air flow.

Response – The proposed development was accompanied by detailed environmental assessment with respect to air pollution and land remediation. Council’s Environmental Health Officer is satisfied that the proposal will not have a detrimental environmental impact on residential neighbours subject to conditions relating to construction, noise and land remediation.

The development is only 6 storeys high and will not create wind tunnel effects.

Solar panels will improve the environmental performance of the proposed development and contribute towards a reduction in greenhouse gas emissions. These panels will be angled towards the sky and will unlikely cause visual disturbances to neighbours.

Lack of Amenity for Future Residents

- (mm) Site is likely to develop into a slum.

- (nn) A lack of open space/deep soil planting has been provided within the proposed development to provide good lifestyle to residents.

Response – The proposed development meets the minimum requirements for deep soil and communal open space required for new developments under the ADG. In particular, the proposal includes a new publicly-accessible open space at ground level as well as extensive rooftop gardens that will provide good amenity for both existing and future residents in the area.

Overall, the proposed development provides a good level of amenity for future residents.

Potential Construction Impacts

- (oo) No information regarding the logistics and impacts of demolition and construction, including noise and disruption to traffic/parking, the high water table and potential damage to residents' property.
- (pp) Concerns relating to dewatering.
- (qq) Dilapidation reports should be prepared for neighbouring properties.
- (rr) Construction times should be restricted.

Response – Standard conditions have been recommended requiring dilapidation reports for nearby properties; restriction of hours of construction and the preparation of construction traffic management and noise and vibration plans. Under these recommended conditions, prior to issue of a construction certificate, the applicant will be required to complete a comprehensive construction management plan addressing traffic, demolition, noise and disruption. This will need to be approved by Council prior to the commencement of any construction works.

Temporary dewatering of the site is part of the subject application. The application was referred to the NSW Office of Water, who advised that the proposal is acceptable subject to Terms of Approval.

Pedestrian Access

- (ss) Pedestrian link through the site unnecessary and likely to cause noise issues.

Response – The pedestrian through-site links are key elements of the design, and will provide important access for both existing and future residents from Alexandria through to Sydney Park Road and Sydney Park.

The site specific development controls in the Sydney DCP 2012 requires there to be a through-site link connecting Huntley Street with Sydney Park Road.

Erroneous Information Submitted in Support of Application

- (tt) The statement of environmental effects and SEPP 65 report are misleading in its description of the proposed setbacks, the existing development in the area, the zoning of neighbouring sites.

Response – The erroneous information set out in the statement of environmental effects and SEPP 65 report are acknowledged. This erroneous information has not affected overall considerations for development of the site.

Excessive Tree Removal

- (uu) Development proposes the removal of a number of trees which provide good amenity currently and will take years to replace.
- (vv) Tree removal is excessive, any replacement trees should be mature.

Response – As discussed above, the development proposes significant open space including publicly-accessible open space.

The proposed development will necessitate the removal of existing mature trees, which can be mitigated through replacement planting within the site. The proposed removal of trees is considered acceptable subject to conditions. Conditions are recommended requiring replacement of removed trees with a mixture of young and mature trees and to ensure that there is 15% canopy coverage of the site within 10 years.

WestConnex and Sydney Metro

- (ww) The location of the proposed development is inappropriate given the future development of WestConnex.
- (xx) Being located in proximity to heavy traffic noise and for noise including traffic will impact on future occupants.
- (yy) Impact of WestConnex and Sydney Metro have not been considered in the supporting documents of this application.

Response – The potential impact of the future WestConnex and Sydney Metro on the proposed development, based upon the information that is publically available, has been considered as part of this assessment.

The proposed development site is not identified as being required for WestConnex.

The proposed development has been designed defensively to ensure the future dwellings are not unreasonably affected by WestConnex, including being appropriately acoustically-treated.

The Sydney Metro underground rail corridor set out in indicative plans does not affect development on the site.

Huntley Green Open Space

- (zz) The naming of the ground level communal open space as 'Huntley Green' will cause confusion due to the existing development located at 362 Mitchell Road already being called 'Huntley Green'.

(aaa) Concern regarding upkeep of the area over time.

Response – The name of the neighbouring development is noted. This open space will be formally named at a later stage.

This space shall remain privately-owned and will be managed by the Owners Corporation of the proposed development, with an easement for public access.

Excessive Noise

(bbb) Increased noise pollution from construction; traffic noise, funnelled to Huntley Street via the through site links; and future residents (including from the open rooftop area when entertaining, in apartments facing Huntley Street in the ground level open space, plant equipment atop building, and music room).

(ccc) Attenuation methods should be assessed and provided.

Response – An Acoustic Report has been prepared by Cundall to accompany the DA. The report outlines a number of acoustic treatments to address noise impacts, which have been implemented in the design of the development.

Site Access

(ddd) Insufficient height provided to allow for removal vans to basement.

(eee) Only one driveway access point via Huntley Street is provided, which will place additional pressures on Huntley Street, Lawrence Street and Belmont Lanes which will be used as shortcuts.

Response – The proposed development has a loading area that allows for removal trucks.

The proposed access point off Huntley Street is considered appropriate as Sydney Park Road is a RMS categorised road. The site specific development controls in the Sydney DCP 2012 recommends there to be only one access way via Huntley Street.

Appropriateness Commercial and Other Uses

(fff) Objection to any proposed commercial uses due to traffic impacts.

(ggg) Non-residential uses such as commercial uses are more appropriate for the site.

(hhh) Music room should not be used commercially.

Response – The site is zoned R1 General Residential and many non-residential uses are not permitted or are considered inappropriate for the site.

A condition has been recommended requiring the fit out and use of the proposed food and drink premises be subject to a separate development application or complying development certificate application to ensure that the proposed use can be assessed appropriately.

The music room in the basement mezzanine level shall be used by the residents of the development only and will not be used as part of any commercial operations.

Land Contamination

- (iii) The site contains elevated concentrations of contaminants above the safe residential land use criteria (specifically Polycyclic Aromatic Hydrocarbons and Total Recoverable Hydrocarbons).
- (jjj) Concern regarding suitability of site for development and impact on neighbours of contamination.

Response – A Remediation Action Plan (RAP) prepared by WSP has been submitted as part of the application. This RAP outlined the preferred soil remediation strategy for the site in accordance with the NSW Environment Protection Authority and the Council's requirements, to render the site suitable for residential accommodation. Further, a review of the RAP by Environmental Resources Management Australia Pty Ltd has found the remediation strategy appropriate subject to a small number of minor recommendations. The land remediation information has been reviewed by Council's Environmental Health Officer and has been considered acceptable subject to conditions. As discussed earlier, concerns regarding contaminants are considered to have been sufficiently addressed subject to conditions and meet the principles of SEPP 55.

General Infrastructure and Overpopulation Concerns

- (kkk) Excessive and unsustainable residential development occurring in Alexandria and adjoining suburbs. The demand on public infrastructure and community facilities cannot be met.

Response – The proposed development has been assessed on its merits and is considered acceptable subject to conditions. The development will contribute to local infrastructure and facility needs through provision of Section 94 contributions.

Fire Risk

- (III) Increased fire risk from use of garbage chutes.

Response – The proposed development design has been assessed by a Fire Engineer to ensure compliance with the Australian Standards. The garbage chutes are required to be installed in accordance with the Building Code of Australia and the Australian Standards. The proposed garbage chutes will unlikely cause a fire risk.

Public Engagement and Consultation

(mmm) Poor consultation and lack of engagement by the proponent.

(nnn) Lack of time to review the exhibited documentation during the exhibition period.

Response – The community meeting was undertaken by the proponent voluntarily and is in excess of the requirements for consultation for the application.

The application was notified and advertised for a period of 30 days in accordance with the Sydney DCP 2012 and sufficient time was provided for third parties to review the application documents on exhibition.

Property Prices

(ooo) The proposal will devalue my property.

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

Department of Defence Sites

(ppp) The Department of Defence has more appropriate sites for development, such as in Randwick.

Response – The appropriateness of other sites owned by the proponent or by the Department of Defence is not a planning consideration.

Zoning

(qqq) When was the site rezoned residential?

Response – The site was rezoned R1 General Residential when the Sydney LEP 2012 came into effect. Prior to this, the South Sydney Local Environmental Plan 1998 had the site zoned No. 10 Mixed Uses.

PUBLIC INTEREST

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

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

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

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$292,811.61
Public Domain	\$180,355.06
New Open Space	\$1,405,285.11
New Roads	\$356,902.78
Accessibility	\$14,802.87
Management	\$16,005.32
Total	\$2,266,162.76

94. The contribution is calculated based on a total of 152 new dwellings and 4 new works in the new commercial tenancy. A credit of 210 workers has been applied for past uses of the site.

RELEVANT LEGISLATION

95. The Environmental Planning and Assessment Act 1979 (EP&A Act), Heritage Act 1977, and Water Management Act 2000.

CONCLUSION

96. With the exception of the height of buildings development standard, the proposed development is generally consistent with the core development standards and zone objectives contained in the Sydney LEP 2012.
97. Subject to design modifications, the proposed development will contribute 152 residential apartments to the housing stock required for the incoming population anticipated for its locality within the southern part of the City.
98. The proposal has been subject to a design competition process and this application relates to the winning design scheme of this process. The proposed development has been suitably designed and represents a well resolved architectural design that adopts an appropriate form, scale and expression.
99. The proposed development provides active ground level frontages, two through-site links between Huntley Street and Sydney Park Road and ground level communal open space, which will enhance the public domain. The through-site link and the ground level open space will be subject to easements for public access. A food and drink premises shall be located adjacent to these public spaces and will assist in their activation.
100. The proposed development performs well against the amenity controls in the Sydney DCP 2012 and design principles in SEPP 65, given the site's location and the surrounding development context. An acceptable level of internal residential amenity is afforded to future residents.

101. The proposed development exceeds the height of buildings development standard on parts of the site. The exception to this development standard is assessed to be acceptable in the circumstances as the proposed development represents an appropriate outcome with increased amenity.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Keith Ng, Specialist Planner)