

ATTACHMENT E

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**PLANNER'S REPORT TO THE MEETING OF
THE PLANNING AND DEVELOPMENT
COMMITTEE ON 10 OCTOBER 2016**

10 BRIDGE ROAD GLEBE

DEVELOPMENT APPLICATION: 10 BRIDGE ROAD GLEBE

FILE NO: D/2015/1467

DEVELOPMENT APPLICATION NO: D/2015/1467

SUMMARY

Date of Submission: 13 October 2015

Amended Plans: 18 April and 18 August 2016

Applicant: Michael Munro

Architect: Hosking Munro Pty Ltd

Developer: Bobbin Head Investments Pty Ltd

Owner: Bobbin Head Investments Pty Ltd

Cost of Works: \$2,856,040

Proposal Summary: Retention of the existing facades and part of the first floor level slab of an existing 2 storey former warehouse building and addition of 3 storeys to construct a 5 storey mixed use building.

Subject to recommended conditions to improve natural cross ventilation of apartments, the proposal recommended for approval comprises:

- 13 residential apartments;
- a ground floor retail premises;
- one at-grade accessible car parking space;
- rooftop landscaping and communal open space; and
- basement bicycle parking, plant and storage.

The subject development application was notified and advertised for a period of 21 days from 21 October to 12 November 2015. As a result, 5 submissions were received raising issues, including:

- excessive height, bulk and scale;
- view losses;
- adverse privacy impacts;
- inadequate waste facilities;
- adverse heritage impacts;
- adverse parking and traffic impacts; and
- inappropriate location of residential uses adjacent to Bridge Road.

**Proposal Summary:
(continued)**

Between 11 January and 24 June 2016 amended plans and additional information were submitted in response to issues raised by Council officers, including:

- set-backs above street frontage height;
- floor to ceiling heights;
- FSR non-compliance;
- flood planning levels;
- bike parking;
- waste facilities;
- amenity;
- apartment layouts; and
- site remediation.

As the amended plans, submitted 18 April 2016, increased the maximum height of the proposal, the amended development application was notified and advertised for a period of 21 days between 2 May and 24 May 2016. As a result of this notification there were 5 additional submissions received raising issues, including:

- view loss;
- floor to ceiling heights;
- parking and vehicle access; and
- overshadowing.

On 18 August 2016 final amended plans were submitted in response to issues raised by Council officers, including:

- consolidation of light wells and relocation of the lift shaft and overruns to reduce the maximum height of the building;
- improved design of rooftop landscaping and communal open space;
- changes to the layout of apartments to improve natural cross ventilation;
- deletion of 2 new roller doors to Bridge Lane, deletion of mechanical car stackers and provision of a single accessible at-grade car parking space accessed via Darghan Street;
- provision of a footpath awning above the residential entry to Bridge Road; and
- deletion of the blade walls adjacent to 12 Bridge Road.

The final amended proposal has a height of 15m and a FSR of 2.49:1, which comply with the Sydney LEP 2012 height and FSR controls.

- Proposal Summary:**
(continued) The proposed development will present 4 storeys to its principal frontage to Bridge Road, 4 storeys to its Bridge Lane frontage and 5 storeys to its Darghan Street frontage, and which is considered to be an appropriate bulk and scale for its location.
- Summary Recommendation:** The development application is recommended for approval, subject to conditions.
- Development Controls:**
- (i) State Environmental Planning Policy 55 – Remediation of Land
 - (ii) State Environmental Planning Policy 65 – Design Quality of Residential Flat Development
 - (iii) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
 - (iv) State Environmental Planning Policy (Infrastructure) 2007
 - (v) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
 - (vi) State Environmental Planning Policy No 32— Urban Consolidation (Redevelopment of Urban Land)
 - (vii) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended)
 - (viii) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended)
- Attachments:** A - Selected Drawings

RECOMMENDATION

It is resolved that consent be granted to Development Application No. D/2015/1467, subject to the following conditions:

SCHEDULE 1A

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/1467 dated 13 October 2015 and the following drawings:

Drawing Number	Architect	Date
DA1103, GG	Hosking Munro	16.08.16
DA1104, FF	Hosking Munro	16.08.16
DA1106, EE	Hosking Munro	16.08.16
DA1201, EE	Hosking Munro	16.08.16
DA1301, EE	Hosking Munro	17.08.16

and as amended by the conditions of this consent.

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

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) Apartments 7 and 8 are to be amalgamated into a single two bedroom apartment, and their layout is to be reconfigured to achieve natural cross ventilation as defined and in accordance with the objectives and design guidance at section 4B of the *Apartment Design Guide*;
- (b) the cladding, fenestration, proportions and design details of the 3 storey addition are not approved. The detailed architectural expression and materials of the 3 storey addition shall be redesigned to demonstrate that it exhibits design excellence as defined at clause 6.21 of the *Sydney Local Environmental Plan 2012*:
- (i) by its use of high quality materials;

- (ii) that are a contemporary response to the industrial character of the existing and surrounding buildings; and
- (iii) which are arranged with a suitable combination of vertical and horizontal elements.

The modifications are to be submitted to and approved by the Director City Planning, Development and Transport.

(3) MATERIALS AND SAMPLES BOARD

A materials sample board detailing all proposed colours and finishes must be submitted to and approved by the Director City Planning, Development, Transport.

(4) BUILDING HEIGHT

- (a) The height of the uppermost part of the building must not exceed RL 19.07 (AHD) and the northernmost edge of the roof above the fourth floor level of the building must not exceed RL 18.55 (AHD).
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(5) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the development must not exceed 2.49:1 calculated in accordance with the *Sydney Local Environmental Plan 2012*. For the purposes of the calculation of FSR, the total Gross Floor Area is 880.3 sq.m.
- (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.

(6) SECTION 94 WESTERN 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	\$8,888.29
Public Domain	\$17,137.51
New Open Space	\$140,693.15
Accessibility	\$1,406.58
Management	\$1,520.84
Total	\$169,646.38

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

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

where:

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

(7) HOURS OF OPERATION – GROUND FLOOR COMMERCIAL PREMISE

The hours of operation of the ground floor commercial premise are restricted to between 7.00am and 10.00pm Monday to Saturday and between 7.00am and 8.00pm on a Sunday or a public holiday.

(8) FIT OUT AND USE - SEPARATE DA REQUIRED

A separate development application for the fit out and use of the ground floor commercial tenancy (other than fit out works and first uses that are exempt or complying development under the relevant SEPP) must be submitted to and approved by Council prior to that fit out or use commencing.

(9) SIGNS - SEPARATE DA REQUIRED

A separate development application for any proposed signs (other than exempt or complying signs under the relevant SEPP) must be submitted to and approved by Council prior to the erection or display of any such signs.

(10) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated 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.

(11) ALLOCATION OF PARKING

The maximum number of 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.

Parking Type	Number
Accessible residential car parking spaces	1
Motorbike parking spaces	4

(12) 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".

(13) 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	13	Spaces must be a class 1 bicycle locker [1] or Class 2 bicycle facilities in a consolidated area
Residential visitor	2	Spaces must be Class 3 bicycle rails
Non-residential	1	Spaces must be Class 2 bicycle facilities
Non-residential visitor	2	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Personal lockers	3	

Notes:

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

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

(14) CHANGES TO KERB SIDE PARKING RESTRICTIONS

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

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

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

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

(15) RESTRICTION ON USE OF CAR SPACES AND STORAGE

The following conditions apply to car parking and storage:

- (a) The on-site car parking spaces, storage areas and bicycle lockers are not to be used other than by an occupant or tenant of the subject building.
- (b) Any 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 and storage allotments in the strata plan and/or an appropriate documentary restriction pursuant to Section 88B of the *Conveyancing Act 1919*, burdening all car parking and storage part lots in the strata plan.

(16) 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.

(17) PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(18) VEHICLE FOOTWAY CROSSING

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

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

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

(19) 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.

(20) 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**.

(21) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (first to fourth floors) 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 flat building 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.

(22) USE OF COMMON AREAS AND FACILITIES

The communal roof top terrace must be available for the use of all residents of the building, and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

(23) 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 facades 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.

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

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

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

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Atkins Acoustics, dated 6 October 2015, ref:45.6956.R2:GA/DT/2015 must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below and to the satisfaction of the certifying authority.
- (b) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant* (see definition below) to be in accordance with the requirements of the DA acoustic report set out below. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the PCA.
- (c) Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the PCA that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

(26) 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.

(27) NOISE - GENERAL

- (a) The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:
 - (i) The $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the *NSW EPA Industrial Noise Policy*. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment $L_{A90, 15 \text{ minute}}$ / rating $L_{A90, 15 \text{ minute}}$ process to be in accordance with the requirements for noise monitoring listed in the *NSW EPA Industrial Noise Policy* and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (iii) Modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable.

- (b) An $L_{Aeq,15\text{ minute}}$ noise level emitted from the use must not exceed the $L_{A90,15\text{ minute}}$ noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence or noise sensitive commercial premises provided that:
- (i) Where the $L_{A90,15\text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.
 - (ii) The $L_{Aeq,15\text{ minute}}$ noise level and the $L_{A90,15\text{ minute}}$ noise level shall both be measured with all external doors and windows of the affected residence closed;
 - (iii) The relevant background noise level ($L_{A90,15\text{ minute}}$) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the *NSW EPA Industrial Noise Policy* and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.
 - (iv) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.
 - (v) Modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable. Internal Noise measurements are not to be corrected for duration.

SCHEDULE 1B

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

(28) 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.

(29) 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.

(30) ADAPTABLE HOUSING

Prior to a Construction Certificate being issued, information from an appropriately qualified access consultant, must be submitted to the Certifying Authority:

- (a) confirming that Apartments 7 and 8 that are to be amalgamated into a single apartment, and Apartment 12 as identified on the stamped approved plans 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.

(31) 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.

(32) 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.

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

- (a) Prior to a final 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.

(34) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(35) DILAPIDATION REPORT – MINOR

Subject to the receipt of permission of the affected landowner, dilapidation report/s of adjoining buildings are to be prepared by an appropriately qualified practising structural engineer and submitted for the approval of the Principal Certifying Authority:

- (a) prior to the commencement of demolition/excavation works; and
- (b) on completion of construction demolition/excavation works.

(36) EROSION AND SEDIMENT CONTROL - BETWEEN 250 AND 2,500SQM

Prior to the commencement of demolition/excavation/construction work, an Erosion and Sediment Control Plan (ESCP) must be submitted to and be approved by the Principal Certifying Authority. The ESCP must:

- (a) Conform to the specifications and standards contained in *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004); the *Guidelines for Erosion and Sediment Control on Building Sites* (City of Sydney, 2004); and the *NSW Protection of the Environment Operations Act 1997*.
- (b) Include a drawing(s) that clearly shows:
 - (i) location of site boundaries and adjoining roads
 - (ii) approximate grades and indications of direction(s) of fall
 - (iii) approximate location of trees and other vegetation, showing items for removal or retention
 - (iv) location of site access, proposed roads and other impervious areas
 - (v) existing and proposed drainage patterns with stormwater discharge points
 - (vi) north point and scale
- (c) Specify how soil conservation measures will be conducted on site including:
 - (i) timing of works
 - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
 - (iii) access protection measures
 - (iv) nature and extent of earthworks, including the amount of any cut and fill
 - (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
 - (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
 - (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
 - (viii) frequency and nature of any maintenance program
 - (ix) other site-specific soil or water conservation structures.

(37) 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.

(38) 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, Rod Harwood on the final Site Audit Statement dated 22nd June 2016, Site Audit Statement No: 242 and approved by the Council.

(39) 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.

(40) 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

(41) 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

(42) LANDSCAPED (GREEN) ROOFS

- (a) A detailed plan of the green roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. The plan must include:
 - (i) A statement that includes details of proposed use of the green roof, general accessibility, as well as noise and privacy treatments.
 - (ii) Location of existing and proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (iii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable).
 - (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species.
 - (v) Details of the soil media/substrate type and depth.
 - (vi) Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc.
 - (vii) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
 - (viii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).
- (b) Prior to the issue of a Construction Certificate, the following details are to be submitted to and approved by the Principal Certifying Authority:
 - (i) Evidence the green roof has been assessed as part of the structural certification provided for the development; and
 - (ii) Evidence the green roof has been assessed as part of the waterproofing certification provided for the development.
- (c) All landscaping in the approved plan is to be completed prior to the issue of an Occupation Certificate.

- (d) Prior to the issue of an Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:
 - (i) Frequency and methodology of different maintenance requirements including the removal of green waste.
 - (ii) Details of safety procedures.
 - (iii) Laminated copies of 'As Built' drawings.
 - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification;
 - (v) Copies of warranties and guarantees relating to all materials and plant used in construction; and
 - (vi) Decommissioning procedures.
- (e) Inaccessible green roofs are required to remain inaccessible during occupation of the property.

(43) 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.

(44) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

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

(45) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – ALTERATIONS AND ADDITIONS

A qualified practising certified structural engineer must provide structural certification to Council (where Council is the Certifying Authority) verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of Part B1 (Vol 1) and Part 2.1 (Vol 2) of the Building Code of Australia prior to a Construction Certificate being issued. The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building including its performance under earthquake actions (AS1170.4).

(46) ANNUAL FIRE SAFETY STATEMENT FORM

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

(47) 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.

(48) LOT CONSOLIDATION

All land to be occupied by the proposed must be consolidated into one lot. A plan of subdivision/consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to an Occupation Certificate being issued. If a Development Application is lodged in relation to the subdivision of the site, the requirement for lot consolidation is waived.

(49) LAND SUBDIVISION

Any proposal to subdivide the site, including any stratum subdivision of the building, will require a separate application to Council to obtain development consent for the proposal and subsequent issue of the Subdivision Certificate under Section 109J of the *Environmental Planning and Assessment Act 1979*.

(50) STRATA SUBDIVISION

Any proposal for strata subdivision of the site will require development consent and therefore the lodgment of a separate development application or complying development application, and subsequent approval from Council, or an accredited certifier, of the Strata Plan and issue of a Strata Certificate under the *Strata Schemes (Freehold Development) Act 1973*.

(51) 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*).

(52) WORKS REQUIRING USE OF A PUBLIC PLACE

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

(53) STREET TREE PROTECTION

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

- (a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;
 - (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy; or

- (ii) within two (2) metres of tree trunks or branches of any street trees.
- (d) Protective fencing (1.8 metre chain wire mesh fencing) must be erected on top of the hoarding to Bridge Road to protect branches during the construction works.
- (e) 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.

(54) 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.

(55) 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.

(56) ALIGNMENT LEVELS – MINOR DEVELOPMENT

- (a) Where ground floor levels of existing buildings are being retained, alignment levels for the buildings and site frontages of those buildings must be submitted to and approved by Council prior to a Construction Certificate being issued for public domain works or above ground building works, whichever is earlier. The submission must be prepared by a Registered Surveyor or suitably qualified engineer 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).
- (b) If a *Public Domain Plan* condition applies to the development consent 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.

(57) 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".

(58) 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.

(59) 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).

(60) 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*.

(61) 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.

(62) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

- (b) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued excluding any approved preparatory, demolition or excavation works.
- (c) Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.
- (d) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued for public domain works or above ground building works, whichever is earlier, and prior to the commencement of any work within the public way.

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

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

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 by a suitably qualified drainage engineer and must be approved by Council, demonstrating how the development will be designed to ensure that the flow of post-development pollutants from the site due to stormwater will be reduced.

(63) 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.

(64) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the Bridge Lane frontage of the site are to be retained and properly protected during excavation and construction works and incorporated into the new vehicular crossing.

- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate. Note: all costs associated with the works are to be at no cost to the Council.
- (c) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
- (d) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- (e) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.
- (f) Council approval is required before kerbs are removed.
- (g) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

(65) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 54 lineal metres of asphalt 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.

(66) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

(67) 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.

(68) COMMERCIAL WASTE AND RECYCLING COLLECTION CONTRACT

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

(69) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

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

UPON COMPLETION OF THE DEVELOPMENT

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

(70) WASTE MANAGEMENT FACILITIES

Prior to the issue of a Construction Certificate for the development, the waste management facilities within the building are to be consistent with Council's "Policy for Waste Minimisation in New Developments 2005" and designed to provide for:

- (a) the residential garbage room to be designed in accordance with Council's "Policy for Waste Minimisation in New Developments 2005" to allow for cleaning, draining and management of the room; and
- (b) the physical separation of residential waste from that generated by the commercial tenancy which is to be collected by a private contractor.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(71) BASIX

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

(72) 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*.

(73) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(74) 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.

(75) SURVEY CERTIFICATE AT COMPLETION

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

(76) 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.

(77) 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.*

(78) 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.

(79) 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.

(80) 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.

(81) 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 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) 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.

(82) 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.

(83) USE OF MOBILE CRANES

The following requirements apply:

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

SCHEDULE 1D

(84) SYDNEY TRAINS CONDITION

- (a) Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with the RailCorp as to whether these services are to be relocated or incorporated within the development site.
- (b) An acoustic assessment is to be submitted to Council prior to the issue of a Construction Certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
- (c) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- (d) No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.
- (e) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (f) Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) and construction methodology for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on the rail corridor. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (g) No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

(85) RMS CONDITION

- (a) All demolition and construction vehicles are to be contained wholly within the site or on Darghan Street as a construction zone will be not be permitted on Bridge Road.
- (b) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Bridge Road during construction activities.

(86) AUSGRID CONDITION

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

SCHEDULE 2

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

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

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

BACKGROUND

The Site and Surrounding Development

1. The site is identified as Lot 1 Sec. B in DP 925273 and Lot 2 Sec. B in DP 925273 and is commonly known as 10 Bridge Road, Glebe.
2. The site is rectangular with an area of 353.5m². It is located on the south-western corner of the intersection of Darghan Street and Bridge Road.
3. The site has an 11.4m primary street frontage to Bridge Road, a 31.1m secondary frontage with a vehicle crossover and roller door to Darghan Street, and a rear frontage of 11.5m to Bridge Lane. There is a fall of 3.3m from the Bridge Lane to Bridge Street frontage.
4. At the rear of the site on the southern side of Bridge Lane is the light rail viaduct. Immediately opposite the site on the northern side of Bridge Road is the Blackwattle Bay Campus of Sydney Secondary College.
5. The site contains a 2 storey warehouse building. Darghan Street has no pedestrian footpaths and provides car parking perpendicular to the kerb, to both sides of the street.
6. The site adjacent to the west at 12 Bridge Road contains a 5 storey mixed use building approved 10 December 2012 (D/2012/1399), and further to the west at 14 – 20 Bridge Road are mixed use and commercial buildings.
7. The site on the opposite side of Darghan Street at 4-8 Bridge Road contains 1 to 2 storey warehouse buildings that accommodate commercial / industrial uses. The NSW Land and Environment Court recently upheld the appeal of *Ray Fitz-Gibbon & Associates Pty Ltd v City of Sydney [2015]*, LEC No 10921 of 2015; to grant deferred commencement approval to Development Application D/2014/1315 for demolition of the existing warehouses and construction of a part 4 and part 5 storey mixed use building.
8. The site on the corner of Bridge Road and Wentworth Park Road, known as 84-86 Wentworth Park Road contains a 3 storey mixed use building approved on 7 May 2002 (DA02/0576).
9. The site is not a heritage item and is not in the vicinity of a heritage item and is not located within a heritage conservation area.
10. Photos of the site and surrounds are provided in **Figures 1 to 8** below.



Figure 1: Aerial image of subject site marked in dashed black line and surrounds.



Figure 2: Subject site on the corner of Darghan Street and Bridge Road.



Figure 3: Bridge Road (north-western) elevation.



Figure 4: Existing vehicle crossover, roller door and perpendicular parking to Darghan Street.



Figure 5: Looking south-west along Bridge Road.



Figure 6: Looking north-east along Bridge Road.



Figure 7: Looking south-west along Bridge Lane.



Figure 8: Looking north-east along Bridge Lane.

HISTORY OF SITE

11. LGDA362 – On 28 June 1972, development consent was granted for use of the site as a warehouse with ancillary offices.
12. IDA1315 – On 8 February 1980, a building application was approved for use for mechanical servicing of motor vehicles (vehicle repair station).
13. BA21833 – On 30 August 1983, a building application was approved for alterations and additions to the existing factory building.
14. D/2015/269 – On 24 June 2015, a Development Application for retention of the existing 2 storey former warehouse building and addition of 3 storeys to construct a 5 storey mixed use building consisting of 16 residential apartments, a ground floor retail tenancy, and parking for 8 cars and 16 bicycles, was withdrawn.

HISTORY OF SUBJECT APPLICATION

15. On 9 July 2015, a pre-DA meeting was held and concerns with the previous proposal (D/2015/269) were discussed.
16. On 17 September 2015, a pre-DA meeting was held to discuss amended pre-DA plans submitted to address the issues discussed at the previous meeting.
17. On 13 October 2015, the subject DA was lodged with Council.

18. On 11 January 2016, an Interim Letter of Advice from a Site Auditor pertaining to remediation of contaminated soils present on site was submitted in response to Council officers' requests.
19. On 19 January 2016, Council officers sent a letter requesting submission of a Remediation Action Plan (RAP) and an Environmental Management Plan (EMP).
20. On 22 February 2016, Council officers met with the applicant and his consultants to discuss unresolved issues with the proposal.
21. On 18, 19 and 21 April 2016, amended plans, updated GFA diagrams, and an amended Parking Report were submitted.
22. On 16, 23 and 24 June 2016, a Site Audit Statement and Site Audit Report were submitted.
23. Final amended plans, which are the subject of this report were submitted 18 August 2016.

PROPOSAL

24. The amended proposal submitted 18 August 2016 is for retention of the existing facades and part of the first floor level slab of an existing 2 storey former warehouse building and addition of 3 storeys to construct a 5 storey mixed use building.
25. Subject to recommended conditions to improve natural cross ventilation of apartments, the proposal recommended for approval comprises:
 - (a) 13 residential apartments;
 - (b) a ground floor retail premises;
 - (c) one at-grade accessible car parking space;
 - (d) rooftop landscaping and communal open space; and
 - (e) basement bicycle parking, plant rooms and storage.
26. **Figure 9** below is a photomontage of the development prior to amendments submitted on 18 August 2016. Figures **10** to **16** below illustrate the final amended proposal.



Figure 9: Photomontage of proposed development prior to final amendments.

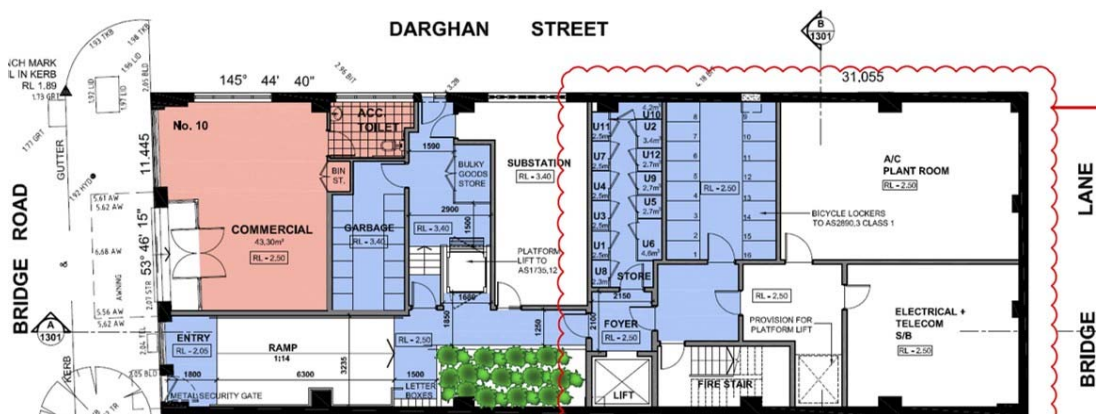


Figure 10: Ground floor plan (final amendment).

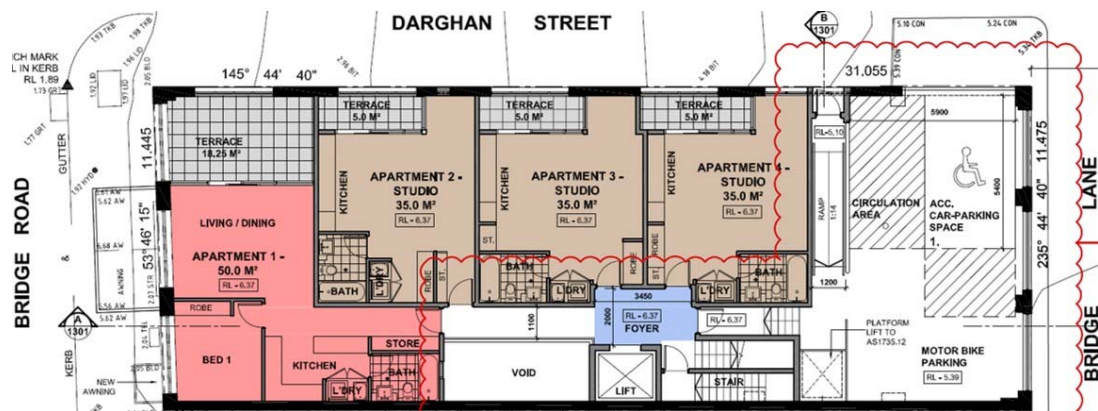


Figure 11: First floor plan (final amendment).



Figure 12: Second floor plan (final amendment).



Figure 13: Third floor plan (final amendment).



Figure 14: Fourth floor plan (final amendment).



Figure 15: Bridge Road elevation (final amendment).

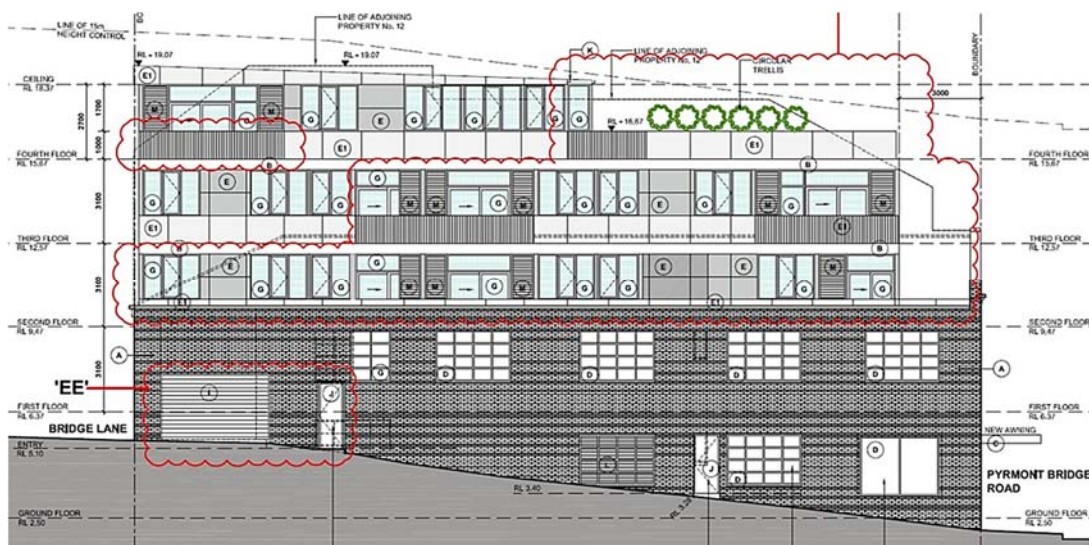


Figure 16: Darghan Street elevation (final amendment).

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

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

- (a) Environmental Planning Instruments and DCPs.

State Environmental Planning Policy No 55—Remediation of Land

28. 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.
29. A Preliminary Site Investigation was submitted as part of the original application. An Interim Letter of Advice from a Site Auditor and an EMP were submitted over the course of the assessment.
30. On 19 January 2016, Council officers sent a letter requesting submission of a Remediation Action Plan (RAP) and an Environmental Management Plan (EMP).
31. On 16, 23 and 24 June 2016, an Environmental Management Plan (EMP), Site Audit Statement (SAS) and Site Audit Report (SAR) were submitted.
32. Council's Environmental Health Specialist is satisfied that subject to the conditions to ensure implementation of the submitted EMP, SAS and SAR, the site can be made suitable for the proposed use.

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

33. In accordance with the requirements of SEPP 65 and the Environmental Planning and Assessment Regulation 2000, a design verification statement has been prepared and submitted by Michael Munro, registered architect (no. 3749) of Hosking Munro Pty Ltd.
34. SEPP 65 provides that in determining an application for a residential flat development of three or more floors and containing four or more apartments, that the consent authority take into consideration a number of matters relating to design quality, including 9 design quality principles, being:

- (a) **Principles 1 and 2:** Context and neighbourhood character, built form and scale

The proposed retention of the existing warehouse building is in keeping with the area's recent industrial past.

The proposed addition complies with height and floor space ratio controls and provides an appropriate setback above its Bridge Road street frontage height. The proposed addition is built to its eastern, southern and western boundaries and which is in keeping with adjacent buildings.

The proposal provides a four storey form to its Bridge Road and Bridge Lane frontages. The building presents as five storeys as viewed from the east, and which is as a result of the sloping topography of the site.

The proposal is considered to provide an appropriate response to its surrounding context that achieves a scale, bulk and height appropriate to the desired future character of the street and surrounding buildings.

The proposal is consistent with these design quality principles.

(b) **Principle 3: Density**

The proposed development has a FSR of 2.49:1 and which complies with the maximum permitted FSR of 2.5:1 for the site.

Subject to the recommended conditions the proposal can achieve an acceptable level of amenity for residents and each apartment, resulting in a density of development appropriate to the site and its context.

The proposal is consistent with this design quality principle.

(c) **Principle 4: Sustainability**

Subject to the recommended conditions the proposal is able to make use of acceptable levels of natural cross ventilation and high levels of solar access for the amenity of residents and passive thermal design for ventilation, heating and cooling, reducing reliance on technology and operation costs.

The proposal also seeks to retain the existing warehouse building and the embodied energy contained therein.

The proposal is consistent with this design quality principle.

(d) **Principle 5: Landscape**

The amended rooftop landscaping design and other built elements will result in an attractive development with an acceptable level of amenity.

The proposal is consistent with this design quality principle.

(e) **Principle 6: Amenity**

The proposed apartments achieve minimum apartment sizes as recommended by the Apartment Design Guide (ADG). The proposal achieves minimum solar access requirements and provides acceptable levels of visual and acoustic privacy as recommended by the ADG.

Subject to the recommended conditions detailed in the Issues section of this report, the proposal will achieve an acceptable level of natural ventilation.

The proposal provides adequate storage and outdoor space as recommended by the ADG and provides adaptable apartments in accordance with the requirements of the Sydney DCP 2012 (the DCP).

The proposal is consistent with this design quality principle.

(f) **Principle 7: Safety**

The proposal optimises safety and security within the development, and the public domain. It provides for quality private spaces that are clearly defined and fit for the intended purpose and adequate passive surveillance of the public domain.

The proposal is consistent with this design quality principle.

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

The proposal provides an adequate housing mix and provides communal open space for opportunities for social interaction among residents.

The proposal is consistent with this design quality principle.

(h) **Principle 9:** Aesthetics

Subject to the recommended conditions the proposal will achieve a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure, utilising a variety of materials, colours and textures suitable to its former industrial context.

The proposal is consistent with this design quality principle.

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

Apartment Design Guide		
Control	Compliance	Comment
2E Building Depth		
Maximum of 12-18m (glass to glass)	Yes	The former warehouse building, the footprint of which is replicated at the new upper levels has a depth of about 10m.
2F Building Separation		
Up to four storeys (approximately 12 metres): <ul style="list-style-type: none"> • 12m between habitable rooms / balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms 	Yes	The proposal is to be built to the property boundary with Darghan Street and which is 7.3m from the centreline of Darghan Street and a total of 14.6m from the approved 4 to 5 storey development on the opposite, eastern side of the street.

Apartment Design Guide		
Control	Compliance	Comment
<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 	Acceptable	<p>As noted above, the total separation from the approved 4 to 5 storey development on the opposite, eastern side of the street is 14.6m and does not achieve the 18m separation required between habitable rooms at the fifth storey level.</p> <p>The central part of the building comprises five storeys as a result of the fall from Bridge Lane to Bridge Road. The nil setback to Darghan Street and Bridge Lane is as per the approved development at 4-8 Bridge Road, the existing building adjacent at 12 Bridge Road, a similarly scaled building at 22 Bridge Road, and is in accordance with the guidance at ADG section 2G (pg.39) for street setbacks to match that of existing development.</p> <p>For this reason a variation to separation requirements is supported.</p>
3D Communal and Public Open Space		
<p>Communal open space has a minimum area equal to 25% of the site.</p>	Acceptable	<p>A minimum communal open space area of 25% of site area (88m²) is required (pg.55).</p> <p>A communal open space area of 19% (66m²) is proposed.</p> <p>As noted below, the roof-top common open space area will receive direct sunlight throughout the day and is considered to provide a high degree of amenity for future intended occupants.</p> <p>As this common open space is provided in addition to private open space which satisfies or exceeds the minimum sizes for private open space recommended under the ADG, a variation to common open space requirements is supported.</p>

Apartment Design Guide				
Control		Compliance	Comment	
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	The proposed communal open space will achieve the minimum solar access required.	
3E Deep Soil Zones				
Deep soil zones are to meet the following minimum requirements:		Acceptable	<p>No deep soil areas are provided as the existing warehouse building currently covers the entire site and is to be retained and adaptively reused.</p> <p>As per the design guidance to ADG Objective 3E-1 (pg.61), the nil provision of deep soil is consistent with the former industrial building typology that characterises the area.</p> <p>The design guidance at ADG Objective 4R-2 (pg.121) notes that alternatives to providing deep soil where less than the minimum area of deep soil is currently achieved within the site can be acceptable where adaptive reuse of existing buildings is acceptable.</p> <p>Conditions are recommended for on-site detention of stormwater in accordance with Sydney Water requirements and for details to be submitted for the design of stormwater discharge from the site.</p> <p>For these reasons nil provision of deep soil is acceptable in this instance.</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			
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>				

Apartment Design Guide		
Control	Compliance	Comment
<p>Up to four storeys (12 metres):</p> <ul style="list-style-type: none"> • 6m between habitable rooms / balconies • 3m between non-habitable rooms 	Yes	<p>As noted above, the proposal is to be built to the property boundary with Darghan Street and which is 7.3m from the centreline of Darghan Street and a total of 14.6m from the approved 4 to 5 storey development on the opposite, eastern side of the street.</p>
<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 	Acceptable	<p>As noted above, the total separation of the proposed fifth storey, from the approved 4 to 5 storey development on the opposite, eastern side of Darghan Street is 14.6m and does not achieve the recommended 18m separation required between habitable rooms at the fifth storey level.</p> <p>The nil setback of the fifth storey to Darghan Street is consistent with setbacks of surrounding development and is in accordance with the guidance at ADG section 2G (pg.39) which is for street setbacks to match that of existing development.</p> <p>In accordance with the design guidance at ADG Objective 3F-2 (pg.65), the Darghan Street facade incorporates solid balustrades to improve privacy without compromising outlook or access to light and air. This design feature, and in light of the Darghan Street facade of the approved development at 4-8 Bridge Road opposite predominately comprising highlight windows, it is considered that adequate separation for privacy purposes is achieved.</p> <p>The final amended plans have incorporated changes in accordance with the advice of Council's officers to improve the design of rooftop landscaping and to provide adequate separation between private and common areas within the proposed development.</p>

Apartment Design Guide		
Control	Compliance	Comment
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	Eighty six percent (86%) of apartments (12 of 14) receive 2 hours of sunlight to living room windows and private open space areas.
Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Yes	Fourteen percent of apartments (2 of 14) receive no direct sunlight between 9am and 3pm at midwinter.
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>	Able to be acceptable	<p>As proposed, fifty percent of units (50% or 7 of 14) are naturally cross ventilated.</p> <p>Subject to recommended conditions to amalgamate Apartments 7 and 8 detailed in the Issues section of this report, then 54% (7 of 13) of apartments are naturally cross ventilated.</p> <p>Bridge Road carries over 20,000 average traffic movements per day.</p> <p>ADG Objective 4J-1 (pg.105) states that achieving the various design criteria, including those for natural cross ventilation, may not be possible in such locations due to noise and pollution.</p> <p>The proposal is able to achieve adequate internal noise levels, by incorporating solid balcony balustrades, wintergardens at lower levels and acoustic treatments of windows. The proposal satisfies ADG requirements pertaining to solar access, private open space and provides a high quality rooftop communal open space.</p> <p>The design guidance to ADG Objective 4R-2 (pg.121) reiterates that buildings being adaptively reused may not be able to achieve the various design criteria.</p>

Apartment Design Guide		
Control	Compliance	Comment
		<p>The retention of the warehouse building has sustainability benefits and is sympathetic to the former industrial character of the area.</p> <p>Due to the relatively small number of dwellings (i.e. 6 dwellings) that are not cross ventilated, the benefits of adaptive reuse and the otherwise high level of amenity provided despite the constraints of noise and pollution from Bridge Road, a minor variation from the recommended cross-ventilation requirements is considered acceptable in this instance.</p>
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Yes	Corner apartments do not exceed 18m in depth.
4C Ceiling Heights		
Measured from finished floor level to finished ceiling level, minimum ceiling heights are as follows:		
Habitable rooms: 2.7m	Yes	Habitable rooms on residential levels achieve a minimum 2.7m floor to ceiling height and 3.1m floor to floor height.
Non-habitable rooms: 2.4m	Yes	Floor to ceiling heights to non-habitable rooms on residential levels exceed the minimum 2.4m floor to ceiling height.

Apartment Design Guide		
Control	Compliance	Comment
<p>If located in mixed use areas – 3.3m for ground and first floor to promote future flexibility of use.</p>	<p>Partly complies</p>	<p>The ground floor provides a floor to ceiling height of 3.67m to the ground floor retail tenancy and residential lobbies and exceeds the minimum requirement.</p> <p>The first floor level provides a floor to ceiling height of 2.7m to residential levels in accordance with minimum floor to ceiling height requirements for habitable rooms.</p> <p>Due to the more generous proportions of the ground floor level which actually contains a commercial tenancy and the compliant floor to ceiling heights for habitable rooms at upper levels, a variation to the requirement for 3.3m floor to ceiling heights to be provided at first floor level in mixed use zones is supported in this instance.</p>
<p>4D Apartment Size and Layout</p>		
<p>Minimum unit sizes:</p> <ul style="list-style-type: none"> • Studio: 35m² • 1 bed: 50m² • 2 bed: 70m² • 3 bed: 90m² <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p>	<p>Yes</p>	<p>All apartments achieve minimum apartment sizes.</p>
<p>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.</p>	<p>Yes</p>	<p>All bedrooms have a window in an external wall with a minimum glazed area of 10% of the floor area of the bedroom.</p>
<p>Habitable room depths are to be no more than 2.5 x the ceiling height.</p>	<p>Yes</p>	<p>Habitable rooms provide maximum depths no more than 2.5 x the ceiling height (2.7m), which is equal to 6.75m.</p>

Apartment Design Guide																	
Control	Compliance	Comment															
8m maximum depth for open plan layouts.	Yes	Apartments are generally less than 8m in depth.															
Minimum area for bedrooms (excluding wardrobes): <ul style="list-style-type: none"> • master bedroom: 10m² • all other bedrooms: 9m² Minimum dimension of any bedroom is 3m (excluding wardrobes).	Acceptable	Apartments 1 and 14 have master bedrooms with an area of less than 10m ² . Excluding wardrobes the areas of these bedrooms are 9.8m ² and 9.5m ² respectively. The proposed variations are considered to be minor and are generally acceptable.															
Living and living/dining rooms minimum widths: <ul style="list-style-type: none"> • Studio and one-bedroom: 3.6m • Two-bedroom or more: 4m 	Yes	All apartments achieve the recommended minimum widths.															
4m minimum width for cross over and cross through apartments.	N/A	There are no cross-over or cross-through apartments proposed.															
4E Private Open Space and Balconies																	
All apartments required to have primary balconies as follows: <table border="1" data-bbox="295 1321 710 1579"> <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> The minimum depth counting to balcony area is 1m.	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	All apartments are provided with a balcony that achieves the recommended minimum area. All balconies achieve the minimum dimension requirements, except Unit 15 which has a balcony of 1.5m wide, 0.5m less than the minimum dimension.
Dwelling Type:	Min. Area	Min. Depth															
Studio	4m ²	-															
One bed	8m ²	2m															
Two bed	10m ²	2m															
Three+ bed	12m ²	2.4m															
Private open space for apartments on ground level, on a podium, or similar, must have a minimum area of 15m ² and a minimum depth of 3m.	N/A	No apartments are provided at ground level or on a podium.															

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	The proposal satisfies this recommended requirement.
4G Storage		
Minimum storage provision facilities: <ul style="list-style-type: none"> • Studio: 4m³ • 1 bed: 6m³ • 2 bed: 8m³ • 3 bed: 10m³ (Minimum 50% storage area located within unit)	Yes	All apartments are provided with storage in accordance with the recommended requirement.

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

36. The subject application seeks consent for a ground floor commercial premise with no specific fit out or operational details. Council would ordinarily condition that these tenancies require a future first use DA. However, changes to the Codes SEPP provide that a number of first uses can now be approved under a complying development certificate (CDC), thus overriding Council's standard condition for a first use DA.
37. In the proposed development, the commercial premise is classified as Class 6 under the Building Code of Australia (BCA). Examples of likely uses that could be approved under a CDC pursuant to the Codes SEPP could be a shop or food and drink premises with a capacity of up to 50 seats.
38. Future uses of this nature are consistent with the desired future character of this section of Bridge Road which is zoned B4 Mixed Uses. Therefore approval of a generic commercial premise is acceptable in this instance. However, an hours of operation condition is recommended, consistent with the standard hours of operation permitted under the Codes SEPP pertaining to the commercial premise to protect the amenity of the residential apartments located immediately above within the same building.

State Environmental Planning Policy (Infrastructure) 2007

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

Clause 45 – Development likely to affect an electricity transmission or distribution network

40. In accordance with ISEPP requirements the subject application was referred to the relevant electricity supply authority (Ausgrid) for a period of 21 days.
41. Comments were received to advise that Ausgrid requires conditions to be imposed that require the developer to make a formal submission to allow for an assessment to be made as to whether the proposal will have any impacts upon Ausgrid's infrastructure and to advise whether provision for an electricity substation within the premises is necessary.

Clause 85 – Development immediately adjacent to rail corridors

42. On 21 October 2015, the subject application was referred to the relevant rail authority (Sydney Trains), in accordance with ISEPP requirements.
43. On 30 October 2015, Sydney Trains officers advised that concurrence could not be provided until additional information was provided.
44. On 3 November 2015, Sydney Trains' information request was forwarded to the applicant.
45. On 5 November 2015, the applicant responded to Sydney Trains' information request.
46. On 6 November 2015, Sydney Trains advised that as the proposal did not involve any substantial excavation adjacent to the light rail viaduct the proposal did not require Sydney Trains' concurrence.
47. On 12 November 2015 and 24 May 2016, Sydney Trains provided comments and recommended conditions to be imposed on any consent granted. It is noted that as the proposal does not require Sydney Trains' concurrence, recommended conditions are to be imposed as appropriate.

Clause 101 – Development with frontage to classified road

48. In accordance with ISEPP requirements the subject application was referred to Roads and Maritime Services (RMS) for a period of 21 days.
49. Comments were received to advise that RMS recommends conditions to be imposed:
 - (a) for construction vehicles to contained wholly within the site or on Darghan Street as a construction zone would not be permitted on Bridge Road; and
 - (b) that a Road Occupancy Licence should be obtained from the Transport Management Centre for any works that may impact upon traffic flows on Bridge Road during construction.
50. In terms of the other matters under clause 101 of the ISEPP to be addressed, it is considered that the development can comply with ISEPP requirements to mitigate the impacts of road traffic noise to habitable rooms.

51. Also refer to the External Referrals section in this report for details about RMS' concurrence pursuant to s138 of the *Roads Act 1993*.

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

52. An amended BASIX Certificate was submitted as part of the amended proposal.
53. The BASIX certificate lists measures to satisfy BASIX requirements that have been incorporated into the proposal. A condition is recommended to ensure those measures are implemented.

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

54. 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.
55. The proposal is consistent with the aims and objectives of the SEPP.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)

56. The site is within the designated catchment for Sydney Harbour, and is subject to the provisions of the SREP.
57. While the site is within the Sydney Harbour Catchment and eventually drains into the Harbour, it is not located in the Foreshores Waterways Area or immediately adjacent to a waterway. The proposal is considered to be in keeping with the provisions and principles of the SREP.

Sydney LEP 2012

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

Compliance Table		
Development Control	Compliance	Comment
Land Use Table – B4 Mixed Use	Yes	The proposed mixed use development comprises a ground floor commercial premises and residential accommodation at the upper levels. These uses are permitted with consent in the B4 Mixed Use Zone.
4.3 Height of Buildings	Yes	A maximum height of 15m is permitted. The height of the existing building is 11.13m. A building height of 15m is proposed. Refer to the Issues section in this report.

Compliance Table		
Development Control	Compliance	Comment
4.4 Floor Space Ratio	Yes	A maximum FSR of 2.5:1 is permitted. The FSR of the existing building is 1.79:1 (GFA of 632.8m ²). An FSR of 2.49:1 (GFA of 880.3m ²) is proposed.
5.9 Preservation of trees or vegetation	Able to comply	The proposal is able to be carried out without unacceptable impacts to trees subject to conditions for the protection of the existing street tree adjacent to the Bridge Road frontage.
5.10 Heritage conservation	Yes	The site is not a heritage item and is not in the vicinity of a heritage item and is not located within a heritage conservation area. The proposal is able to be carried out without adverse heritage impacts.
Part 6 Local provisions - height and floor space		
Division 4 Design excellence	Able to comply	Subject to the recommended conditions the proposed development is considered able to satisfy the requirements of this control. Refer to the Issues section in this report.
Part 7 Local provisions—general		
Division 1 Car parking ancillary to other development	Yes	A maximum of 9 car parking spaces are permitted. In accordance with Council officers' advice, final amended plans deleted the new vehicle access points to Bridge Lane and the mechanical stackers. One accessible car parking space is proposed to be accessed via the existing vehicle entry to Darghan Street.
Division 2 Foreshore development	N/A	The subject site is not located in the foreshore area and is not subject to the requirements of this control.
Division 3 Affordable housing	N/A	The subject site is not within Green Square or Ultimo-Pymont and as such is not subject to an affordable housing contribution levy.

Compliance Table		
Development Control	Compliance	Comment
7.14 Acid Sulphate Soils	Yes	The site is identified as containing Class 2 Acid Sulphate Soil. The proposal does not include excavation or any works below the existing ground's surface, and satisfies the requirements of this control.
7.15 Flood planning	Able to comply	The site is identified by Council as being flood prone. Final amended plans have incorporated design modifications to provide adequate flood levels in accordance with Council's Flood Engineer's advice.
7.16 Airspace operations	Yes	The proposal will not penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface map and therefore complies with the control.
7.17 Development in areas subject to airport noise	N/A	The subject site is not located within an ANEF Contour area and as such the proposal is not subject to the requirements of the control.
7.19 Demolition must not result in long term adverse visual impact	Yes	The existing warehouse building is to be largely retained and wholesale redevelopment is proposed and would not result in adverse visual impacts.
7.23 Large retail development near Green Square Town Centre	N/A	The subject site is not located within a restricted retail area and therefore is not subject to the requirements of this control.

Sydney DCP 2012

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

2.6.3 Locality Statements – Wentworth Park
<p>The subject site is in the locality of Wentworth Park.</p> <p>The proposal to retain the existing 2 storey former warehouse building, to add 3 storeys to construct a 5 storey mixed use building, is considered to be of a high quality that will support Bridge Road as a gateway to Glebe.</p> <p>The design principles recommend that residential uses should be discouraged from fronting Bridge Road because of the noise impacts from vehicle traffic and the light rail. Although the proposal comprises residential development it is considered that it is able to achieve adequate internal noise levels, by incorporating solid balcony balustrades, wintergardens at lower levels and acoustic attenuation measures recommended in the submitted Acoustic Assessment Report.</p> <p>For these reasons the proposal is considered able to be compatible with the character of the area and adopted design principles.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.2 Defining the Public Domain	Yes	<p>The proposed development retains an active retail use to its Bridge Road frontage.</p> <p>In accordance with Council officers' advice, the final amended plans have incorporated an awning above the residential entrance from Bridge Road, as identified on the footpath awning and colonnades map and in accordance with DCP provision 3.2.4(1).</p>
3.5 Urban Ecology	Able to comply	<p>Subject to the recommended street tree protection conditions it is considered that the proposal is able to be carried out without any unacceptable impacts upon the existing street tree on Bridge Road and will not adversely impact on the local urban ecology.</p>
3.6 Ecologically Sustainable Development	Yes	<p>The proposal will not have unacceptable impacts on the environment and satisfies BASIX requirements.</p>
3.7 Water and Flood Management	Yes	<p>The site is identified by Council as being flood prone.</p> <p>Final amended plans have incorporated design modifications to provide adequate flood levels in accordance with Council's Flood Engineer's advice.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	No strata subdivision is proposed under the subject application.
3.9 Heritage	Yes	The site is not a heritage item and is not in the vicinity of a heritage item and is not located within a heritage conservation area. The proposal is able to be carried out without adverse heritage impacts.
3.10 Significant Architectural Building Types	N/A	The subject building is not located in a heritage conservation area and as such is not subject to the requirements of this provision.
3.11 Transport and Parking	Yes	In accordance with Council officers' advice, final amended plans deleted the new vehicle access points to Bridge Lane and the mechanical car parking stackers. One at-grade accessible car parking space is proposed to be accessed via the existing vehicle entry to Darghan Street.
3.12 Accessible Design	Yes	Two accessible/adaptable dwellings are proposed in accordance with the requirements of this provision.
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	A condition has been recommended for the proposed development to comply with the relevant provisions of the City of Sydney Code for Waste Minimisation in New Developments 2005.

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.1 Building height	Partly complies	<p>A maximum of 4 storeys is permitted.</p> <p>The proposed development will present as a 4 storey building to its Bridge Road and Bridge Lane frontages.</p> <p>Due to the fall of approximately 3.3m from the Bridge Lane property boundary to the Bridge Road property boundary (south to north) the mid-section of the building comprises 5 storeys.</p> <p>A variation is supported and is discussed further in the Issues section of this report.</p>
4.2.1.2 Floor to ceiling heights and floor to floor heights	Partly complies	<p>This provision establishes minimum floor to ceiling heights to be achieved in residential flat and mixed used buildings.</p> <p>As this is a matter to which clause (6A) of SEPP 65 applies this DCP provision is of no effect.</p> <p>Refer to objective 4C in the ADG compliance table in this report.</p>
4.2.2 Building setbacks	Yes	<p>The proposed development provides a 3m setback above street frontage height in accordance with the requirements of DCP provision 4.2.2.2(2).</p> <p>In accordance with Council officers' advice, the final amended plans have incorporated design modifications to reduce the height of the blade wall to the western boundary so as to not encroach on the setback above the Bridge Road street frontage height.</p>
4.2.3 Amenity	Partly complies	<p><u>Deep soil</u></p> <p>As is also recommended under the ADG, the DCP requires a minimum deep soil area equal to 10% of the site area.</p> <p>No deep soil areas are provided as the existing warehouse building currently covers the entire site and is to be retained and adaptively reused.</p>

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
		<p>As per the design guidance to ADG Objective 3E-1 (pg.61), the nil provision of deep soil is consistent with the former industrial building typology that characterises the area.</p> <p>The design guidance at ADG Objective 4R-2 (pg.121) notes that alternatives to providing deep soil where less than the minimum area of deep soil is currently achieved within the site can be acceptable where adaptive reuse of existing buildings is acceptable.</p> <p>Conditions are recommended for on-site detention of stormwater in accordance with Sydney Water requirements and for details to be submitted for the design of stormwater discharge from the site.</p> <p>For these reasons nil provision of deep soil is considered acceptable in this instance.</p> <p><u>Common open space</u></p> <p>As is also recommended under the ADG, the DCP requires a minimum communal open space area of 25% of site area (88m²).</p> <p>A communal open space area of 19% (66m²) is proposed.</p> <p>As noted in the ADG compliance table in this report, the roof-top common open space area will receive direct sunlight throughout the day and is considered to provide a high degree of amenity for future intended occupants.</p> <p>As this common open space is provided in addition to private open space which satisfies or exceeds the minimum sizes for private open space recommended under the ADG, a variation to common open space requirements is supported.</p>

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
		<p><u>Outlook</u> All apartments are provided with an outlook.</p> <p><u>Acoustic privacy</u> The proposed apartments are able to achieve adequate internal noise levels subject to the noise attenuation measures recommended in the submitted Acoustic Assessment Report.</p> <p><u>Flexible housing and dwelling mix</u> As the development is for less than 20 dwellings, it is not subject to the requirements of this provision.</p> <p>Note: Other amenity issues not addressed here are matters to which clause (6A) of SEPP 65 applies and which renders those DCP provisions to be of no effect.</p>
4.2.4 Fine grain, architectural diversity and articulation	Yes	The existing site complies with the maximum street frontage length requirements of this provision.
4.2.5 Types of development	Yes	As Bridge Road carries over 20,000 average traffic movements per day, non-residential uses are provided at the ground floor in accordance with DCP provision 4.2.5.3(4).
4.2.6 Waste minimisation	Yes	Commercial and residential waste areas are separated in accordance with DCP provision 4.2.6.3(1). 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.
4.2.7 Heating and Cooling Infrastructure	Yes	Adequate space is dedicated to heating and cooling infrastructure.
4.2.8 Letterboxes	Yes	Letterboxes are located close to the main street entrance within the residential lobby.

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.9 Non-residential Development in the B4 Mixed Uses Zone	Able to comply	A condition is recommended to ensure that the building's mechanical exhaust systems are to be designed to be capable of accommodating exhaust requirements for future use as a food and drink premises within the ground floor commercial tenancy and for any exhaust system servicing a commercial kitchen must discharge exhaust air at roof level.

ISSUES

Building Height

60. Section 2C of the Apartment Design Guide (the ADG) states that building height should allow for 0.4m per floor for structure, services, set downs and finishes; and 1m for rooftop articulation.
61. The roof above Apartment 13 has a depth of 0.2m at best, and is considered to provide insufficient tolerance at construction to provide adequate depth and fall for roof structure, drainage, insulation and fittings.
62. If the proposal was amended to provide a buildable roof structure, it is possible that these parts of the roof would exceed the 15m height of buildings control.
63. To address this possibility, a condition is recommended to ensure the height of the roof at its northernmost edge is no greater than RL 18.55 (refer to **Figure 17** below). Subsequently, if at construction the development cannot be built within the approved height, then such a modification would be subject to a proper assessment under a section 96 application to modify this and any other relevant conditions of consent.

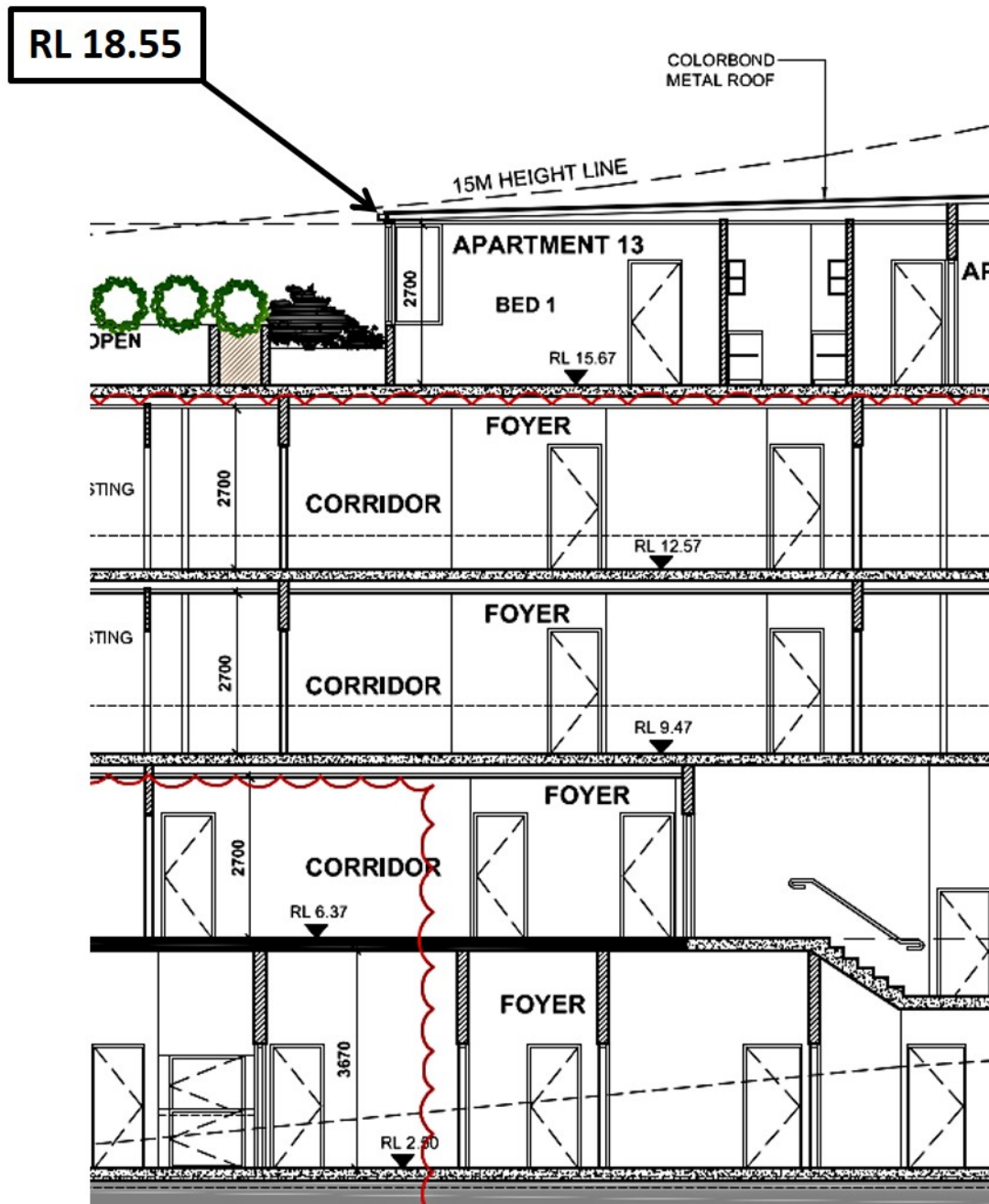


Figure 17: Section showing height of northernmost edge of roof above Apartment 13.

Height in Storeys

64. There is a significant fall of 3.3m across the site from the Bridge Lane property boundary to the Bridge Road property boundary (south to north). As shown in **Figure 18** below, the proposed development will present 4 storeys to its principal frontage to Bridge Road, and to its Bridge Lane frontage, while its mid-section will comprise 5 storeys when viewed from Darghan Street.

65. The breach of the DCP's 4 storey height control is as a result of the need to accommodate the fall across the site while providing access from ground to the uppermost level. The uppermost level provides communal open space in accordance with ADG and DCP requirements and is important to providing adequate amenity for its future intended occupants. In this sense it is considered that the height in storeys and massing of the proposed development is appropriate to the condition of the site and a variation to the DCP height in storeys control is supported.

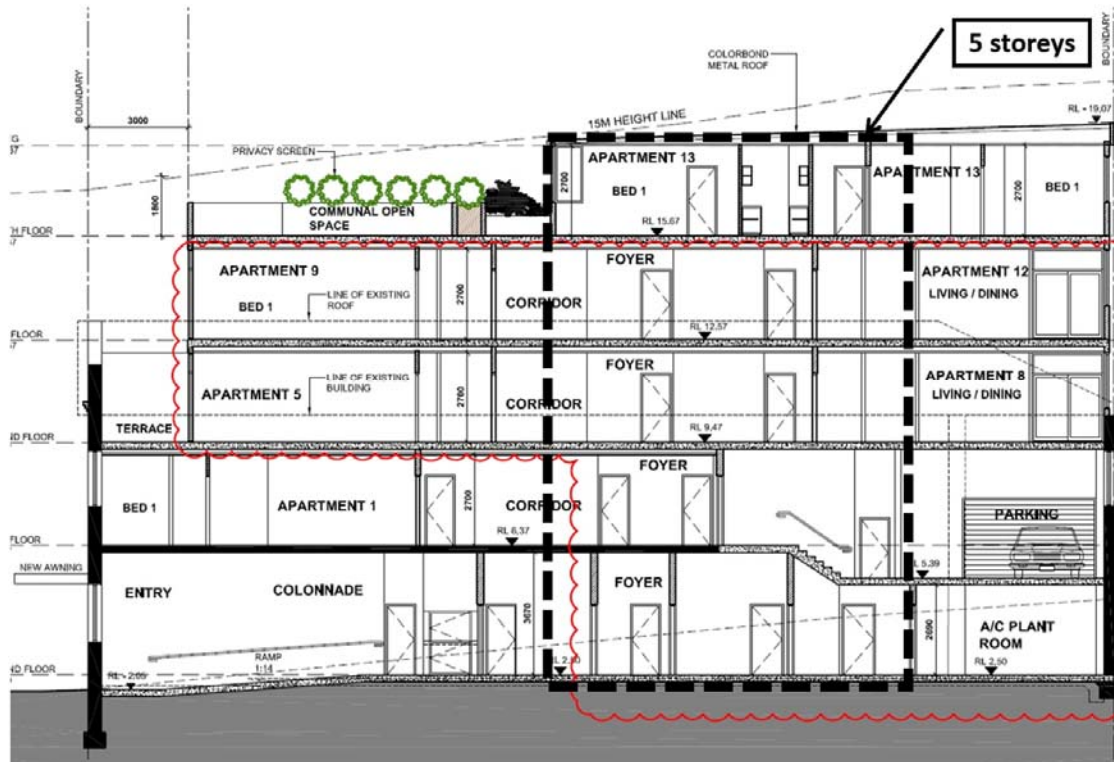


Figure 18: Section showing portion of building that comprises five storeys marked in thick dashed line.

View Impacts

66. While the relevant planning controls make no provision for the protection of private views, in order to assess the impact of the proposal on existing views an assessment has been made against the planning principles established by the Land and Environment Court decision of *Tenacity Consulting v Warringah [2004] NSWLEC 140 (Tenacity)*.
67. In the submissions received in response to the public exhibition of the proposal, concerns were raised in regards to loss of views from neighbouring residential properties, including:
- the Blackwattle apartments at 83 Darghan Street;
 - a residential terrace at 104 Darghan Street; and
 - the level 5 apartment at 12 Bridge Road.

68. A map illustrating the location of these sites and their relationship to the subject site is provided at **Figure 19** below. The applicant's view impact analysis submitted as part of the subject application is provided at Attachment A to this report.

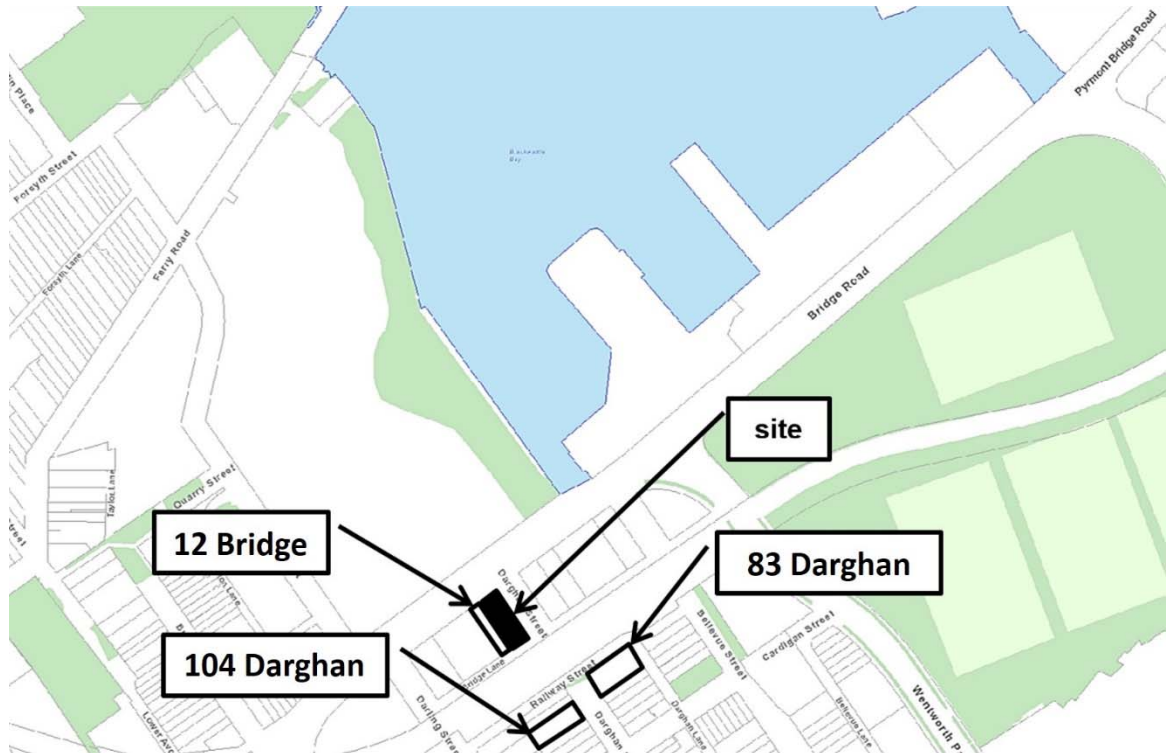


Figure 19: Map illustrating subject site (filled in black) and neighbouring residences at 12 Bridge Road, 83 and 104 Darghan Street (outlined in black).

69. Photographs of the residential properties noted above are shown in **Figures 20 to 23** below.

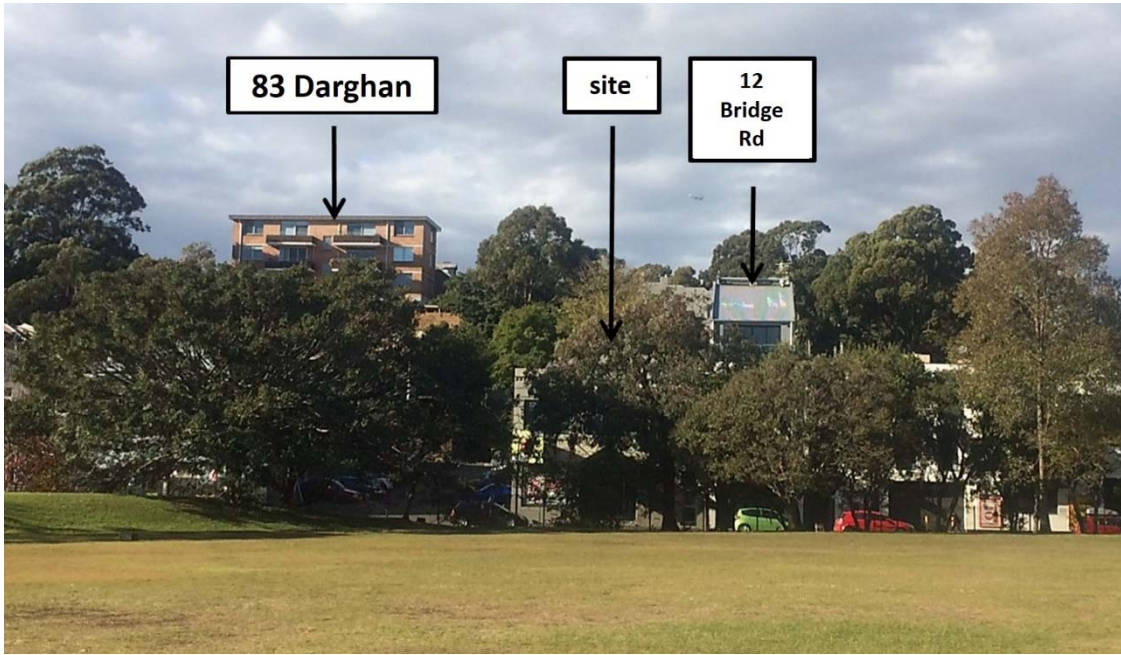


Figure 20: View from Sydney Secondary College grounds, north-west of the subject site back towards the site and neighbouring properties.



Figure 21: Northern facade of 104 Darghan Street featuring windows and balcony.

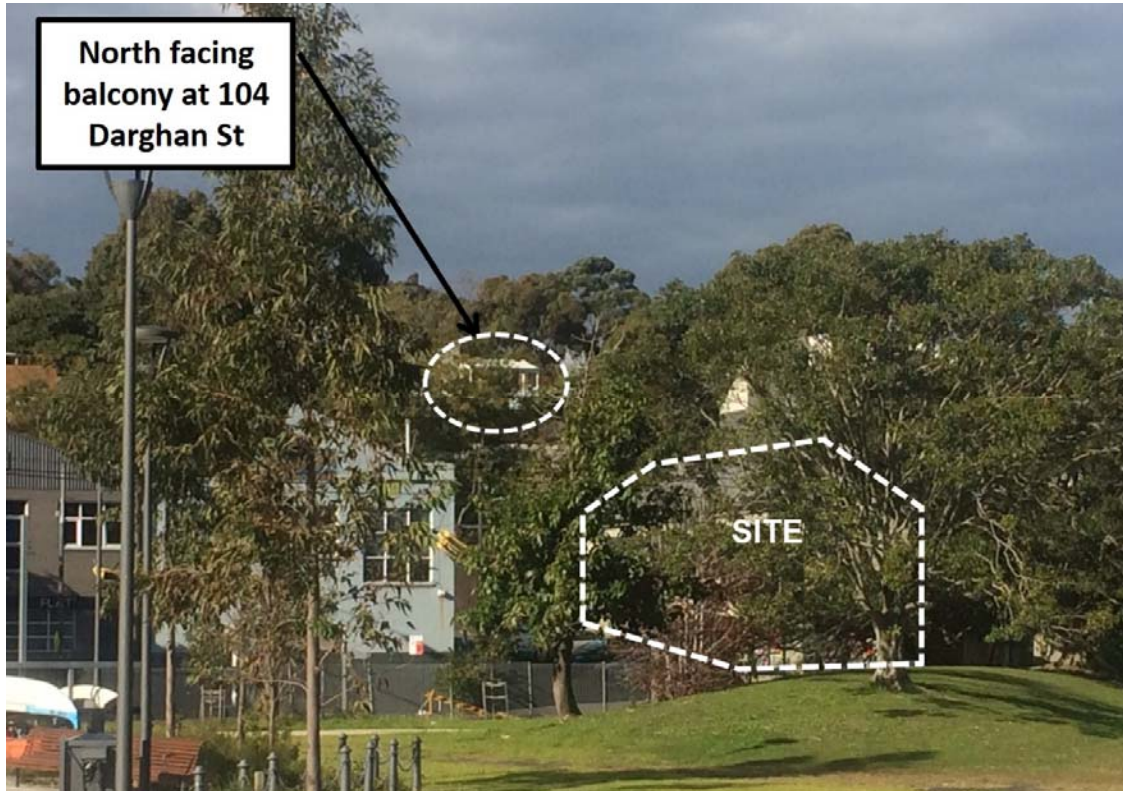


Figure 22: North-facing balcony at 104 Darghan Street circled in dashed white line as viewed from Glebe Foreshore Walk. Existing warehouse at 10 Bridge Road outlined in dashed white line



Figure 23: View from Darghan Street level car park of Blackwattle apartments.

70. The proposal's impacts upon views from each of the residential properties noted above are assessed according to the four-step process established in *Tenacity*, as follows:
71. Blackwattle apartments, 83 Darghan Street:
- (a) views to be affected – as shown in **Figure 23** above, views to the west-north-west from Blackwattle apartments, across the subject site can be described as district views of Glebe ridge and the landscaped grounds of the Sydney Secondary College. According to *Tenacity*, these views are not highly valued;
 - (b) from what part of the property are the views obtained – the north facing windows and balconies of the Blackwattle apartments are across a property boundary with Railway Street. Existing views to the west-north-west are oblique views that could be enjoyed from seated or standing positions within the living rooms of the apartments or from their north-facing balconies;
 - (c) extent of the impact – as can be envisaged from **Figure 23** above, as the proposal will generally be within the silhouette of the existing building at 12 Bridge Road, view losses from 83 Darghan Street are considered to be negligible in the terms established in *Tenacity*; and
 - (d) reasonableness of the proposal – the proposal complies with the LEP's height and FSR controls. As noted elsewhere in this report, there is a significant fall of 3.3m across the site from the Bridge Lane property boundary to the Bridge Road property boundary (south to north). The proposed development will present 4 storeys to its principal frontage to Bridge Road, and to its Bridge Lane frontage, while its mid-section will comprise 5 storeys when viewed from Darghan Street. The breach of the DCP's 4 storey height control is as a result of the need to accommodate the fall across the site while providing access from ground to the uppermost level. The uppermost level provides communal open space in accordance with ADG and DCP requirements and is important to providing adequate amenity for its future intended occupants. In this sense it is considered that the height in storeys and massing of the proposed development is reasonable and is appropriate to the condition of the site.
72. The residential terrace at 104 Darghan Street:
- (a) views to be affected – as shown in **Figure 24** below, views to the north from the residential terrace at 104 Darghan Street, across the subject site take in the Anzac Bridge, the interface of Blackwattle Bay and the Glebe Foreshore, and the Pyrmont skyline in the distance. According to *Tenacity*, these views could be considered to be highly valued;
 - (b) from what part of the property are the views obtained – the north facing windows and balcony adjoining the residence's main bedroom shown in **Figure 21** above and **Figure 25** below, face the side boundary shared with the property at 106 Darghan Street. These views could be enjoyed from seated or standing positions within the terrace. As noted in *Tenacity* it is difficult to protect views across side boundaries and from a seated position;



Figure 24: View from north-facing balcony adjoining bedroom of 104 Darghan Street.



Figure 25: North-facing balcony adjoining bedroom of 104 Darghan Street and level 5 balcony of 12 Bridge Road circled in dashed black line.

- (c) extent of the impact – as can be seen from **Figure 24** above, the proposal will block views over the subject site to the nearer portion of Blackwattle Bay to a point at about the end of the concrete batching plant pier on the right hand side of the photo. As can be seen from **Figure 22** three pages previous, an unobstructed view corridor will be maintained from the north-facing balcony through the gap between the subject site and 4-8 Bridge Road, over the lower portion of Darghan Street to the eastern end of the Anzac Bridge and the Pyrmont skyline beyond. View losses from 104 Darghan Street are considered to be minor to moderate in the terms established in *Tenacity*; and
- (d) reasonableness of the proposal – as noted in regards to the Blackwattle apartments and 104 Darghan Street above, the proposal is considered to be reasonable and appropriate to the condition of the site.

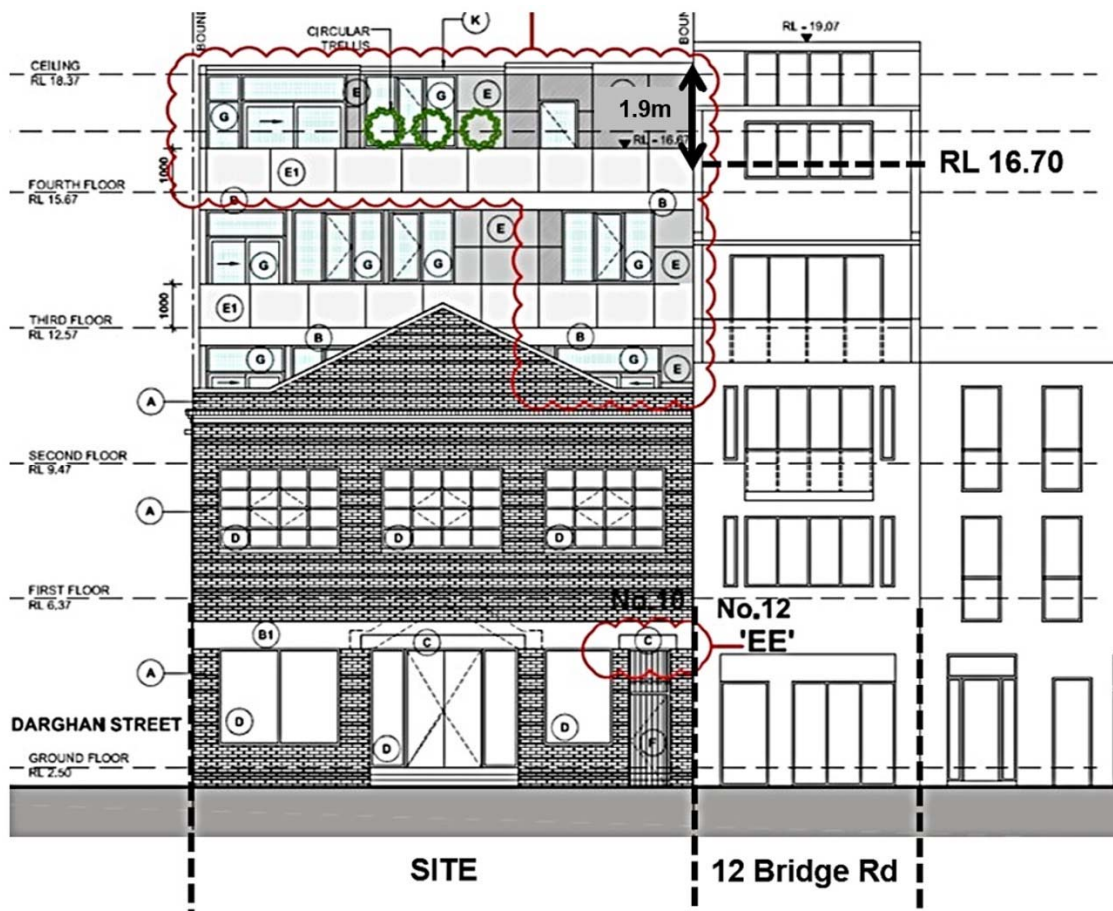


Figure 26: Bridge Road elevation showing relationship of proposed development to the balcony of the level 5 apartment at 12 Bridge Road.

73. The fifth floor apartment at 12 Bridge Road:

- (a) views to be affected – views to the east from the balcony of the fifth floor apartment at 12 Bridge Road, across the subject site take in the concrete batching plant at Blackwattle Bay and the city skyline to the east. According to *Tenacity*, these views are highly valued;

- (b) from what part of the property are the views obtained – views to the east are across a side boundary shared with the subject site at 10 Bridge Road. These views could be enjoyed from seated or standing positions on the balcony;
 - (c) extent of the impact – as can be seen from **Figure 26** above, the proposal will present a wall to a maximum height of approximately 1.9m (RL 18.60) above the finished floor level of the balcony (RL 16.70) of the level 5 apartment at 12 Bridge Road, and will block views to the east to the city skyline. However, views to the north-east to the Pyrmont skyline, and to the north to Blackwattle Bay, the Glebe foreshore walk and the Anzac Bridge, and Glebe district views to the north-west will be retained. Cumulatively, the view losses from the level 5 apartment at 12 Bridge Road are considered to be moderate in the terms established in *Tenacity*; and
 - (d) reasonableness of the proposal – as noted in regards to the Blackwattle apartments and 104 Darghan Street above, the proposal is considered to be reasonable and appropriate to the condition of the site.
74. In summary, the impacts upon district views, of limited value, from the north-facing windows and balconies of the Blackwattle apartments are negligible and are considered acceptable in this instance.
75. The impacts upon highly valued views from the north-facing windows and balconies of the terrace at 104 Darghan Street are considered moderate. However, given that these views are across a side boundary, and due to the reasonableness of the proposal, these impacts are considered to be acceptable.
76. The impacts upon highly valued views from the balcony of the level 5 apartment at 12 Bridge Road are considered to be moderate. However, given that these views are across a side boundary, and due to the reasonableness of the proposal, these impacts are considered to be acceptable.

Natural Cross Ventilation

77. Objective 4B of the ADG requires that a minimum 60% of apartments in the first nine (9) storeys of the building are naturally cross ventilated.
78. As proposed, fifty percent of units (50% or 7 of 14) are naturally cross ventilated.
79. Subject to recommended conditions to amalgamate Apartments 7 and 8, as illustrated in **Figures 27** and **28** below, then 54% of apartments (7 of 13) are naturally cross ventilated.



Figure 27: Second floor plan as proposed.



Figure 28: Second floor plan as per conditions to improve natural cross ventilation.

80. Due to the relatively small number of dwellings (i.e. 6 dwellings) that are not cross ventilated, the benefits of adaptive reuse and the otherwise high level of amenity provided despite the constraints of the noise and pollution from Bridge Road, a minor variation from the recommended cross-ventilation requirements is considered acceptable in this instance.

Architectural Details, Colours and Finishes



Figure 29: Photomontage of proposal prior to final amendments.

81. Despite various changes to the planning and layout of the proposed design scheme, the aesthetic approach has not been significantly altered in the final amended plans. Subsequently, the photomontage shown in **Figure 29** above is considered to be a fair representation of the proposal.
82. Council's Urban Design Specialist has reviewed the proposal and has advised that the proposed Alucabond cladding is not preferred in this instance and that the three storey addition atop the existing warehouse is too horizontal in appearance. The new upper levels should appear as lightweight in form, clad in roof-like metal or similar, so that it appears in contrast to the brick base and which would better reflect the industrial character of the building and context.
83. A condition has been recommended for the design of the building to be modified, and which requires amended details of the new additional storeys to be submitted and approved by the Director City Planning, Development and Transport. The amended design must demonstrate design excellence by its use of high quality materials, its contemporary response to the existing warehouse building and context and with a suitable combination of vertical and horizontal elements comprising its facades.

Other Impacts of the Development

84. The proposed development is capable of complying with the BCA.
85. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Suitability of the site for the Development

86. The proposal is suitable for the site.

INTERNAL REFERRALS

87. The conditions of other sections of Council have been included in the proposed conditions.
88. The application was referred to Council's:
- (a) Heritage Specialist;
 - (b) Urban Design Specialist,
 - (c) Building Surveyor;
 - (d) Specialist Surveyor;
 - (e) Landscaping and Green Roofs Specialist;
 - (f) Public Domain and Infrastructure Specialist;
 - (g) Environmental Health Specialist;
 - (h) Waste Management Specialist; and
 - (i) Transport Planner.

EXTERNAL REFERRALS

Notification, Advertising and Delegation

89. In accordance with Schedule 1 of the Sydney DCP 2012, the subject development application was notified and advertised for a period of 21 days between 21 October and 12 November 2015. As a result of this notification, there were 5 submissions received. Issues raised in submissions are summarised and responded to as follows:

- (a) All BCA compliant lifts have an overrun of around 4m. If the lift overrun was accurately shown on plans it would breach the LEP height control and would result in loss of views from the terrace of 12 Bridge Road.

Response – As discussed elsewhere in this report, the amended plans relocated the lift to ensure it complies with the LEP height control. Conditions have been recommended to ensure the height of the building, particularly at its northern edge, does not exceed the LEP's 15m height control at construction.

- (b) The proposal exceeds the DCP's 4 storey height control. The proposed fifth storey dramatically increases the bulk and scale of the building. It would obstruct views from residences further south and is inconsistent with the desired future character of the area and would establish an undesirable precedent for future development in the neighbourhood.

Response – As discussed elsewhere in this report, it is considered that the height in storeys and massing of the proposed development is appropriate to the condition of the site and that due to the reasonableness of the proposal, subsequent view losses from neighbouring properties are considered to be acceptable.

- (c) The previously withdrawn development application was significantly over the LEP's FSR control and was of a similar bulk and scale to the subject proposal. However, the applicant suggests that the subject proposal complies with FSR and justifies the fifth storey on this basis. Objection is raised as achieving the maximum FSR is only acceptable where other development standards are not compromised and this is not the case with the subject proposal.

Response – This assessment concludes that the proposed development complies with the LEP's FSR control. As discussed elsewhere in this report it is considered that the height in storeys and massing of the proposed development is appropriate to the condition of the site.

- (d) The proposal includes waste to be collected from Bridge Road. Currently Council workers collect waste from the rear lane. The proposed placement of bins on Bridge Road would obstruct pedestrians and access to adjacent properties.

Response – Amended plans and supporting documentation have provided a room adjacent to, accessible from and at-grade with Darghan Street to hold waste and recycling bins on-site prior to collection. This arrangement complies with the relevant provisions of the *City of Sydney Code for Waste Minimisation in New Developments 2005*. Council's waste management specialist has reviewed the amended proposal and raises no objection.

- (e) The heritage significance of the existing warehouse is compromised by the clumsy manner in which the pediment is stitched onto the concrete balcony structure, and is simply an exercise in facade retention with little actual integration of the original fabric into the design.

Response – The existing warehouse is not a heritage item, is not in a heritage conservation area and is not identified as a significant architectural type. The proposal retains the existing facades, first floor slab, and steel-framed windows and is considered to be alterations and additions, rather than a wholesale redevelopment of the site. It is considered to integrate the existing warehouse building into the proposed design.

- (f) The proposed 5 storey building will block cooling breezes from Blackwattle Bay to residences to the south.

Response – The proposal is considered to provide adequate separation from residences to the south to allow for adequate ventilation of those properties.

- (g) The proposal will result in a loss of privacy due to windows and balconies to existing residences to the east and south of the site.

Response – As noted elsewhere in this report, the first four storeys satisfy the minimum separation requirements recommended by the ADG from the approved 4 to 5 storey development on the opposite, eastern side of Darghan Street. The total separation of the proposed fifth storey to the east is 14.6m and does not achieve the recommended 18m separation required between habitable rooms at the fifth storey level. The nil setback of the fifth storey to Darghan Street is consistent with setbacks of surrounding development and is in accordance with the guidance at ADG section 2G (pg.39) which is for street setbacks to match that of existing development. In accordance with the design guidance at ADG Objective 3F-2 (pg.65), the Darghan Street facade incorporates solid balustrades to improve privacy without compromising outlook or access to light and air. Considering this design feature, and in light of the Darghan Street facade of the approved development at 4-8 Bridge Road predominately comprising highlight windows, it is considered that adequate separation to the east is achieved for privacy purposes. The proposed south facing windows are over 33m from the north facing windows of the nearest properties on the southern side of Railway Street. As these windows are separated by a distance that is greater than the 24m minimum separation requirement recommended by ADG Objective 3F-1 (pg.61), it is considered to be acceptable.

- (h) Proposed numbers of car parking is inadequate for the number of proposed apartments. This will exacerbate on-street parking problems in the area.

Response – Council's planning controls establish a maximum parking rate that allow for reduced car parking provision in new development. The objective of these controls is to facilitate walking, cycling and the use of public transport. Council's Transport Planner has reviewed the proposal and has advised that because the site is well served by cycling and public transport facilities, reduced car parking provision is feasible in this case. Conditions have been recommended to ensure that future occupants cannot participate in the City's residential parking permit scheme to deter car ownership and to reduce demand for on-street parking.

- (i) The proposed 15 unit development seems excessive for a site of this size and the units seem rather small. It is an overdevelopment of the site that does not provide adequate amenity for its future intended occupants.

Response – As noted elsewhere in this report, amended plans have reduced the number of apartments down to 14. Subject to recommended conditions to amalgamate Apartments 7 and 8 into a single apartment this will be reduced further down to 13 apartments. Subject to the recommended conditions, the proposed apartments are considered to enable adequate amenity for future intended occupants.

- (j) The submitted acoustic report states that acceptable internal noise levels can only be achieved with the recommended acoustic treatments, when windows and doors are closed. It is ridiculous to expect future residents to live in the hot Australian climate without opening their windows.

Response – Due to the site’s location on Bridge Road, various acoustic measures are required to achieve adequate internal noise levels such as by incorporating solid balcony balustrades, wintergardens at lower levels and acoustic attenuation measures recommended in the submitted Acoustic Assessment Report. In instances where occupants choose to close their windows to shut out noise, air conditioning is provided to provide mechanical ventilation.

- (k) No information has been provided about noise that will be generated by the proposed mechanical car parking stacker.

Response – Amended plans have deleted the mechanical car stackers.

- (l) No assessment or information has been provided pertaining to noise from the light rail and cars using Bridge Lane that will be reflected off the proposed development back towards properties on the southern side of the light rail viaduct. The proposed development and adjacent development of a similar scale would create a solid wall along the rail line that does not exist at present and that would have adverse noise impacts upon buildings to the south such as the Blackwattle apartments at 83 Darghan Street.

Response –The viaduct and railway has been in place since the early 1900s. The Blackwattle building was constructed during the 1970s. Residents of the Blackwattle apartments would have been aware of the railway line at the time they occupied their units. The planning controls for properties on Bridge Road and north of the viaduct allow for buildings to a height of 15m, with any additional impacts to adjacent residences resulting from such a built form being anticipated and envisaged under those controls.

- (m) The proposed rooftop communal open space will potentially create adverse noise impacts from future residents’ use of this space. No information has been provided about potential noise impacts from rooftop air conditioning and the like.

Response – Council’s Environmental Health Specialist has recommended standard noise conditions to restrict noise emissions from the premises arising from the proposed use, including noise generated by air-conditioning plant and equipment.

- (n) The height and character of the existing warehouse is in keeping with that of the Lyndhurst conservation area to the south and the nearby Kauri Foreshore Hotel. The proposed development is not in keeping with this heritage character.

Response – The proposal complies with the LEP’s 15m height control and is considered to be in keeping with the desired future character of the area.

- (o) The existing residential flat building at 83 Darghan Street, known as the 'Blackwattle' apartments, is south east of the subject site. These apartments enjoy views to Blackwattle Bay, the Anzac Bridge, the Glebe foreshore walk and the landscaped grounds of the Sydney Secondary College. Documentation submitted as part of the application states that the views from the Blackwattle apartments towards the school campus 'were not critical'. This assessment is subjective and misleading and does not place appropriate value upon these views to be lost as a result of the proposed development. The owners and occupants of the Blackwattle seek Council's assurance that the proposal complies with the 15m height control, and that any rooftop plant and equipment will not exceed the 15m height control.

Response – Impacts upon views from neighbouring properties are addressed elsewhere in this report. The proposal complies with the LEP's 15m height control and conditions have been recommended for the building height to be measured by a surveyor post-construction to ensure it is built to, and does not exceed the approved building height. Conditions have also been recommended to ensure no air-conditioning equipment is located on the roof of the building. Adequate space is provided within the basement for air-conditioning plant and equipment.

- (p) The DCP locality statement says that residential development should be discouraged adjacent to Bridge Road because of traffic noise and that existing uses should be retained. The business character of this part of Bridge Road is being undermined by this proposal.

Response – The proposal is considered to be able to achieve adequate internal noise levels by incorporating solid balcony balustrades, wintergardens at lower levels and acoustic attenuation measures recommended in the submitted Acoustic Assessment Report. The proposal satisfies the LEP's zoning requirements which permit residential development on the subject site.

90. On 18 April 2016, amended plans were submitted. In accordance with Schedule 1 of the Sydney DCP 2012, the amended proposal was notified and advertised for a period of 21 days between 2 and 24 May 2016. As a result of this notification, there were 5 additional submissions received. Issues raised in these submissions are summarised and responded to as follows:

- (a) The proposed reversing movements required from Bridge Lane into proposed parking spaces will obstruct significant traffic movements in the lane during peak periods. It will be dangerous for the number of pedestrians that use Bridge Lane and should be refused.

Response – Amended plans have deleted the two new vehicle entrances to Bridge Lane which would necessitate reversing movements in the lane and have retained and will make use of the existing vehicle entry to Darghan Street.

- (b) The claim that providing 3.1m floor to floor height from the fourth floor level to the rooftop terrace does not account for drainage, falls, tiling and insulation. The set-down required for this is ignored and the habitable space below will not achieve the minimum 2.7m floor to ceiling heights as per the relevant planning controls.

Response – The proposed 3.1m floor to floor heights satisfy ADG requirements and which is considered to be the minimum depth for drainage, roof structure and the like in order to achieve 2.7m floor to ceiling heights at construction. A condition has been recommended to ensure 2.7m floor to ceiling heights are achieved at construction.

- (c) The height of the proposed building will entirely block views to the east of the city skyline and Blackwattle Bay, from the balcony of the fifth floor apartment at 12 Bridge Road. The uppermost level of the proposed development should be setback further from Bridge Road to align with the fifth floor setback at 12 Bridge Road.

Response – Impacts upon views from neighbouring properties are addressed elsewhere in this report.

- (d) The height of the proposed building will overshadow the balcony of the fifth floor apartment at 12 Bridge Road.

Response – Due to its northerly aspect the balcony of the fifth floor apartment at 12 Bridge Road will retain at least 2 hours of direct sunlight between 9am and 3pm at midwinter as per ADG and DCP requirements.

- (e) The proposal has not made a thorough assessment of real impacts to neighbouring residential properties. To assess this accurately, the developer should erect height markers to capture before and after photos for all affected properties including of views from 104 Darghan Street.

Response – Impacts upon views from neighbouring properties are addressed elsewhere in this report.

- (f) The proposal will have an adverse effect on views to public places down the existing view corridors of Darghan and Railway Streets.

Response – As shown in **Figure 30** below, significant trees at the end of the upper portion of Darghan Street screen any views from the public domain down towards the subject site and beyond. As shown in **Figure 31** below, the part of Railway Street directly south of the subject site is lower than the embankment of the adjacent railway viaduct, which blocks any views of the public domain along the Darghan Street alignment.



Figure 30: View from Darghan Street northwards towards subject site.



Figure 31: View from Railway Street northwards towards subject site.

- (g) The proposal should be reduced in height to match the three storey building on the corner of Bridge and Wentworth Park Roads.

Response – The proposal complies with the LEP's 15m height control and is considered to be in keeping with the desired future character of the area.

PUBLIC INTEREST

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

FINANCIAL IMPLICATIONS/S94 CONTRIBUTION

Section 94 Contributions

92. The development is subject to development contributions under City of Sydney Development Contributions Plan 2006. The contribution is calculated based on the development's net increase in the resident population.
93. A contribution of \$169,646.38 payable prior to issue of a Construction Certificate is applicable to the development and is based on the estimated workforce population associated with the proposed retail space and on the dwelling mix that is the result of recommended conditions that require amalgamation of Apartments 7 and 8, as follows:
- (a) 4 x studio apartments;
 - (b) 5 x 1 bedroom apartments; and
 - (c) 4 x 2 bedroom apartments.
94. Note that the contribution amount noted above includes a credit for the estimated existing workforce population of 8 workers on the site.

RELEVANT LEGISLATION

95. The Environmental Planning and Assessment Act 1979.

CONCLUSION

96. The proposal has a height of 15m and a FSR of 2.49:1, and which comply with the LEP height and FSR controls.
97. The proposed development will present 4 storeys to its principal frontage to Bridge Road, 4 storeys to its Bridge Lane frontage and 5 storeys to its Darghan Street frontage, and which is considered to be an appropriate bulk and scale for its location.
98. Conditions have been recommended to ensure the height of the development does not inadvertently exceed the LEP height control and for design modifications to increase the number of apartments that are naturally cross ventilated, and for architectural details, colours and to be submitted for Council officers' approval. Subject to these conditions it is considered that the proposed development will achieve design excellence and good internal amenity while minimising adverse impacts to neighbouring properties.

99. For these reasons, it is recommended that the proposal is approved subject to conditions.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Ben Chamie, Senior Planner)