

Attachment A

Recommended Conditions

SCHEDULE 1 - DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

(A) PART A - DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

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

(1) VOLUNTARY PLANNING AGREEMENT

- (a) The Voluntary Planning Agreement between the Council of the City of Sydney and Stockland Development Pty Ltd and The Owners of Strata Plan No. 34888, Super Maz Superannuation Fund Custodian Pty Ltd, Evangelos Velonas, Helen Velonas, Anastasius Velonas, Giumby Pty Ltd, Erindran Pty Limited, Shi Cheng Lu, Shi Tong Lu, Fordi Pty Limited, Mathilde Benefit Fund Pty Ltd, Robert William Nursey and Jennifer Margaret Nursey which was placed on public exhibition between 7 June 2018 and 5 July 2018 shall be executed and submitted to Council; and
- (b) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement; and
- (c) The Voluntary Planning Agreement, as executed, must be registered on the title of the land; and

(2) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.

(3) The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.

(4) Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent.

(B) PART B – CONDITIONS OF CONSENT

SCHEDULE 1A

APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION

(1) STAGED DEVELOPMENT APPLICATION

- (a) Pursuant to Clause 100 of the *Environmental Planning and Assessment Regulation 2000*, this Notice of Determination relates to a concept development application and a subsequent development application or applications are required for any work on the site.

(2) APPROVED DEVELOPMENT

- (a) Development consent is limited to a concept building envelope and indicative land uses within this envelope, in accordance with Development Application No. D/2017/1528, dated 8 November 2017 (as amended), and the following drawings:

Drawing Number	Drawing Name	Date
12	Proposed envelope plans	May 2018
13	Proposed envelope sections and 3D envelope	May 2018

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.

(3) MATTERS NOT APPROVED

The following items are not approved and do not form part of this concept development consent:

- (a) any demolition, excavation and/or construction;
- (b) any tree removal;
- (c) the layout and number of residential apartments;
- (d) the number, configuration and layout of the basement car parking level/s;
- (e) the number of car parking spaces, bicycle spaces, car share or loading spaces/zones;
- (f) the number of storeys contained within each envelope;
- (g) the precise quantum of floor space;
- (h) a 10% design excellence uplift in floor space ratio; and
- (i) the heritage articulation zone.

(4) BUILDING ENVELOPES

Subject to the other conditions of this consent, the building envelope is only approved on the basis that the ultimate building design, including services, balconies, shading devices and the like will be entirely within the approved envelopes and provide an appropriate relationship with neighbouring buildings.

(5) BUILDING HEIGHT

- (a) The maximum height of all buildings must not exceed 22 metres, as defined in the Sydney Local Environmental Plan 2012.

(6) FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed the maximum permissible, and shall be calculated in accordance with the provisions of Clauses 4.4 and 6.14 of the Sydney Local Environmental Plan 2012 (as amended).
- (b) Notwithstanding clause (a) above, the proposal may be eligible for up to a 10% design excellence uplift in floor space ratio pursuant to the provisions of Clause 6.21(7) of Sydney Local Environmental Plan 2012.
- (c) Precise details of the distribution of floor space shall be provided with the future development applications.

(7) DESIGN EXCELLENCE AND COMPETITIVE DESIGN PROCESS

A competitive design process in accordance with the provisions of Sydney Local Environmental Plan 2012 shall be:

- (a) conducted prior to the lodgement of a detailed development Application;
- (b) undertaken in accordance with the design excellence strategy titled 'Design Excellence Strategy, 5-15 Dunning Avenue Rosebery, dated May 2018 and prepared by Sutherland & Associates Planning; and
- (c) the detailed design of the development must exhibit design excellence, as per clause 6.21 of Sydney Local Environmental Plan 2012.

(8) DETAILED DESIGN OF BUILDING

The design brief for the competitive design process shall incorporate the following requirements:

- (a) All plant and services to be included within the 22 metre height limit and screened by the building form.
- (b) The articulation and materiality of the design of building 3 needs to respect the heritage character and significance of Mentmore House.
- (c) The interface, including design, levels and openings, between the buildings, public domain, through-site link and communal open space need to ensure a good urban design outcome is achieved.

- (d) The ground and first floor apartments to all buildings should ensure both privacy and passive surveillance of the through-site link, public domain and communal open space are achieved.

(9) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Details are to be provided with the detailed design development application (s) to confirm that the building has adopted the sustainability initiatives and environmental performance aspects set out in the Design Excellence Strategy for 5-15 Dunning Avenue prepared by Sutherland and Associates and dated May 2018.

(10) RESIDENTIAL LAND USE

The residential component of the development must be designed to comply with the principles of State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development, the provisions of the Apartment Design Guide (ADG), and the provisions of Sydney DCP 2012.

(11) PUBLIC ART

- (a) Public Art is to be provided in accordance with the 'Preliminary Public Art Plan, prepared by Guppy Associates Art Management, version 6 and dated 9 April 2018.
- (b) Prior to the commencement of the competitive design process, the wording of public art budget in the 'preliminary public art plan' is to be updated to say "a minimum dedicated budget of \$300,000" to replace the phrase "a dedicated budget of \$300,000." The modifications must be submitted to and approved by the Director City Planning Development & Transport prior to the commencement of the competitive process.
- (c) The requirement to accommodate public art as part of the redevelopment of the site must form part of the competitive design process brief and the nominated location should be included as part of any further Development Application.

(12) FLOOD LEVELS

The flood planning level(s) are to meet the flood planning level requirements detailed in the City's Interim Flood Management Policy Section 5. The following flood levels are recommended:

- (a) For Dunning Avenue:
 - (i) Ground floor levels fronting Dunning Avenue to be a minimum of 300mm above the adjacent invert of gutter level.
 - (ii) Openings to basement (including lifts, stairs and vents) fronting Dunning Avenue to be a minimum of 300mm above the adjacent invert of gutter level.
- (b) For Mentmore Avenue:
 - (i) Ground floor levels fronting Mentmore Avenue to be a minimum of 300mm above the adjacent invert of gutter level

- (ii) Openings to basement (including lifts, stairs and vents) fronting Mentmore Avenue to have a minimum RL 18.85mAHD.

(13) ACID SULFATE SOILS

As part of any detailed development application, one of the following must be provided:

- (a) Evidence that an acid sulphate soils management plan is not required; or
- (b) An acid sulphate soils management plan.

(14) TRANSPORT IMPACT STUDY

A transport impact study is required to be submitted as a part of detailed development application to demonstrate that the traffic generation from the proposed development will not impact adversely to the adjacent road network. In estimating trip generation Sydney average value from the RMS technical direction TDT 2013/ 04a should not be used. Trip generation coefficient from comparable sites (such as Rockdale in the RMS document) or survey data from similar site should be used in the assessment.

(15) ON SITE LOADING AREAS AND OPERATION

The detailed development application must ensure all loading and unloading operations associated with servicing the site, including garage collection, can be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

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

(16) CAR SHARE SPACES

- (a) The detailed development application must ensure that car share spaces are provided in accordance with section 3.11.2 of Sydney DCP 2012.
- (b) The applicant should discuss the proposed location of car share spaces with car share operators during the design process to ensure the spaces can be provided as part of the detailed development application.
- (c) Details of this consultation are to be provided with the detailed development application.

(17) SERVICE VEHICLE SIZE LIMIT

The detailed development application must include swept paths for the largest vehicles to access the site in a forward in and forward out direction.

(18) DRIVEWAY LOCATION & WIDTH

- (a) One combined vehicle access for service vehicle and resident car on Dunning Avenue to be provided. The driveway crossover width shall be as minimum as practicable and to be supported by a vehicle swept path

analysis in the detailed development application submission. Vehicle access is not to be located within 2m of other access driveways or within 1m of any common boundary, except where access is off a laneway.

- (b) Vehicle access must ensure the retention of all street trees.

(19) STREET TREES AND DETAILED DESIGN DEVELOPMENT APPLICATION

- (a) All street trees surrounding the site must be included for retention with any future detailed design Development Application/s.
- (b) Any design elements (awnings, street furniture, footpath upgrades etc) within the public domain must ensure appropriate setbacks are provided from the street tree to allow maturity of the tree to be achieved.
- (c) The location of any new driveway shall ensure it does not require the removal of any existing street tree. The driveway shall be appropriately setback so as it does not adversely impact on any existing street tree both below and above ground.

(20) WASTE COLLECTION

The detailed development application must demonstrate compliance with Council's requirements for waste collection for residential development and Policy for Waste Minimisation in New Development 2005 (as may be amended). The design of the building must ensure that it can accommodate onsite waste collection, including meeting the requirements set out in section 3.11.13(3) of Sydney Development Control Plan 2012.

(21) STRUCTURAL VERIFICATION

As part of the detailed development application, a structural report from a qualified practicing certified structural engineer is to be provided. It is to verify that the proposed excavation, including the proposed method, for the basement will not structurally endanger the adjacent heritage item (Mentmore House) during demolition, excavation and construction. Protection measures should also be proposed in the structural report.

(22) ACOUSTIC REPORT

An Acoustic Impact Assessment must be undertaken by a suitably qualified acoustic consultant and submitted with the detailed development application.

(23) AUSGRID

- (a) Consultation is required with Ausgrid to obtain whether a substation is required; and whether the development will impact on street lighting;
- (b) Consultation is required with Ausgrid to ensure that technical and statutory requirements in regards to the safe and reliable operation and maintenance of Ausgrid's network are maintained.
- (c) Details of the consultation undertaken are to be provided with the detailed development application.

SCHEDULE 2

PRESCRIBED CONDITIONS

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

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

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

SCHEDULE 3

TERMS OF APPROVAL

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

(24) WATER SUPPLY APPROVAL

A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works, and/or water use.

(25) WATER SUPPLY APPROVAL APPLICATION

An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan. Please refer to checklist attached.

(26) LENGTH OF APPROVAL

If approved, the Approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in groundwater, and are being discharged to stormwater, including high salinities, a discharge licence under the *Protection of the Environment Operations Act 1997 (NSW)* may also be required.

(27) TANKING

WaterNSW prefers “tanking” (ie. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (eg. a drainage blanket behind the water-proof membrane).

(28) WATER ACCESS LICENCE

If the basement is not “tanked”, the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult, and may cause delay in project completion. If a WAL is required, please complete an Application for a new water access licence with a zero share component.