

Attachment C

Notice of determination D/2016/989/A

23 August, 2017

MAXIDA INTL ALEXANDRIA PROPERTY AUSTRALIA PTY LTD
Gateway Building
Suite 3401
Level 34 1 Macquarie PI
SYDNEY NSW 2000

Dear Sir/Madam

**SECTION 96 MODIFICATION APPROVAL FOR 205-213 EUSTON ROAD & 215-225
EUSTON ROAD , ALEXANDRIA NSW 2015
APPLICATION NO: D/2016/989/A**

I refer to your application dated 21 August 2017 to amend deferred commencement consent D/2016/989.

You are advised that your application for modification has been **approved** under Section S96(1) of the Environmental Planning and Assessment Act 1979. A copy of the Notice of Determination of the original development application is attached with the amendments resulting from the modification shown in ***bold italics***.

This approval is limited to only those amendments requested in your Section 96 application dated 21 August 2017. Approval is not granted for any other items which may have been amended on the submitted drawings and for which approval has not been specifically sought.

Notwithstanding, please also note that Deferred Commencement Condition 1 'Updated Building Envelope Drawings' located in Part A has also been amended to correct a typographical error. The condition incorrectly referred to Part B Condition 3 'Approved Development' rather than Part B Condition 4 'Detailed Design of Buildings'. The amended condition now correctly refers to Part B Condition 4.

Please also note that Part B Condition 4 'Detailed Design of Buildings' has also been amended to remove the reference to deleted Deferred Commencement Condition 2 'Updated Indicative Floor Plans'

This approved modification will require an amended Construction Certificate which must be obtained from your Certifying Authority (Council or private accredited certifier). Building work must not commence until an amended Construction Certificate has been approved.

The Council officer dealing with this application is **Christopher Ashworth ph. 02 9246 7757, email cashworth@cityofsydney.nsw.gov.au**.

Yours faithfully



NICOLA REEVE
Area Planning Manager

Notes:

Modification of development consent in accordance with Section 96 of the Act shall not be construed as the granting of development consent, but reference to a development consent, is a reference to the development consent so modified.

Section 97AA of the Act confers on an applicant who is dissatisfied with this determination a right of appeal to the Land and Environment Court and the Court may determine the appeal.

For the reasons for imposing conditions, refer to the Notice of Determination for the original development consent.

Modification of a development consent does not remove the need to obtain any other statutory consent necessary under the Environmental Planning and Assessment Act 1979, or any other Act.

The conditions of consent of the development application have been modified with the consent of the applicant.

DEFERRED COMMENCEMENT - APPROVAL *issued under Section 80(1)(a) of the Environmental Planning and Assessment Act 1979, in accordance with the provisions of section 80(3)*

Development Application No.	D/2016/989/A
Applicant	MAXIDA INTL ALEXANDRIA PROPERTY AUSTRALIA PTY LTD
Land to be developed	205-213 Euston Road, ALEXANDRIA NSW 2015, 215-225 Euston Road, ALEXANDRIA NSW 2015 Lot 111 DP 883295, Lot 110 DP 883295
Approved development	Stage 1 concept application for the demolition of existing buildings and establishment of building envelopes for future mixed use development containing basement car parking and aboveground retail/commercial and residential development
Cost of development	\$184,552,404
Determination	The application was determined by Central Sydney Planning Committee and was granted a deferred commencement consent subject to the conditions in Part A and B. This Section 96 modification application was determined under delegation of Council and was granted consent subject to the attached conditions.
Date of determination	22 June 2017
Consent is to operate from	Refer to section 80(3) of the Act
Consent will lapse on	Five years from the date the consent is to operate from
Date of Section 96(1) Modification	23 August 2017

Reasons for conditions

Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.

Right of Appeal

If you are dissatisfied with this decision, Section 97AA of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environmental Court within 6 months after the date of this Notice of Determination.

Alternatively, you may request a review under Section 96AB of the Act within 28 days of the date of this notice (NB section 96AB is not applicable to integrated or designated development).

A handwritten signature in black ink, appearing to be 'GJAHN', with a stylized, flowing script.

per

GRAHAM JAHN AM

Director - City Planning, Development & Transport

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) UPDATED BUILDING ENVELOPE DRAWINGS

The Stage 1 DA drawings prepared by PTW Architects listed in the table below are to be updated to reflect the concept design report amendments dated April 2017 and the design modifications required by Condition **3 4** of Part B and submitted for the approval of the Director City Planning, Development and Transport.

Drawing Number	Drawing Name	Date
PTW-1DA-1001	Ground Floor Plan	30/06/2016
PTW-1DA-1002	Level 1 Plan	30/06/2016
PTW-1DA-1003	Level 2 – 4 Typical Plan	30/06/2016
PTW-1DA-1005	Roof Plan	05/02/2016
PTW-1DA-2001	Elevations	06/06/2016
PTW-1DA-2002	Elevations	06/06/2016
PTW-1DA-2101	Elevations – Building A	01/11/2016
PTW-1DA-2102	Elevations – Building B	01/11/2016
PTW-1DA-2103	Elevations – Buildings C & D	01/11/2016
PTW-1DA-2104	Elevations – Building E	01/11/2016
PTW-1DA-2105	Elevations – Building F	06/03/2016
PTW-1DA-2107	Elevations – Building G	06/03/2016
PTW-1DA-2108	Elevations – Building H	06/03/2016
PTW-1DA-3000	Sections – Cross Section	06/06/2016
PTW-1DA-3001	Sections – Longitudinal	06/06/2016

(Amended 23 August 2017 - Mod A)

~~(2) UPDATED INDICATIVE FLOOR PLANS~~

~~The drawings listed in the table below are to be updated to reflect the concept design report amendments dated April 2017, the drawings lodged to address Condition 1 above and the modifications required by Condition 3 of Part B. The drawings are to be submitted with the drawings lodged to address Condition 1. However, the drawings are indicative and not for consent.~~

<i>Drawing Number</i>	<i>Drawing Name</i>	<i>Date</i>
<i>PTW-1DA-1010</i>	<i>Indicative Basement Plan</i>	<i>16/12/2015</i>
<i>PTW-1DA-1011</i>	<i>Indicative Ground Floor Plan</i>	<i>05/02/2016</i>
<i>PTW-1DA-1012</i>	<i>Indicative Level 1 Plan</i>	<i>05/02/2016</i>
<i>PTW-1DA-1013</i>	<i>Indicative Level 2 Plan</i>	<i>05/02/2016</i>
<i>PTW-1DA-1014</i>	<i>Indicative Level 3 Plan</i>	<i>05/02/2016</i>
<i>PTW-1DA-1015</i>	<i>Indicative Level 4 Plan</i>	<i>05/02/2016</i>
<i>PTW-1DA-1016</i>	<i>Indicative Roof Plan</i>	<i>05/02/2016</i>

- ~~• 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 this determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979.~~
- ~~• The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.~~
- ~~• Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B – Conditions of Consent (Once the Consent is in Operation).~~

~~(Deleted 23 August 2017 - Mod A)~~

(A) PART B – CONDITIONS OF CONSENT**SCHEDULE 1A****APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION**

Note: Some conditions in Schedule A 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) STAGED DEVELOPMENT APPLICATION

Pursuant to Clause 100 of the *Environmental Planning and Assessment Regulation 2000*, this Notice of Determination relates to a Stage 1 development application. Subsequent Stage 2 development applications are required for approval prior to commencement of any works on site.

(2) STAGING OF THE DEVELOPMENT

Separate Stage 2 DAs must be lodged as follows:

First Stage 2 DA	Demolition of existing buildings and early works.
Second Stage 2 DA	Construction of Buildings A, B and C fronting Euston Road and surrounding public domain.
Third Stage 2 DA	Construction of Buildings D, E, F, G & H and surrounding public domain.

(3) APPROVED DEVELOPMENT

Development must be in accordance with Development Application No. D/2016/989 dated 20 July 2016 and the drawings submitted and approved under Condition 1 of this consent.

(4) DETAILED DESIGN OF BUILDINGS

The drawings lodged for Conditions 1 ~~and 2~~ of Part A (Deferred Commencement conditions), the competitive design process brief and the Stage 2 development applications must incorporate the following requirements:

- (a) A landscape architect must be engaged with each entrant to the competitive design process as landscape design is integral to the proposal.
- (b) The building roofs are to accommodate a minimum soil depth of 1m to 60% of the roof area to ensure that a diversity of vegetation layers are utilised that effectively target the City's priority species for urban ecology. Large connected planting cells are to be incorporated to achieve suitable habitat plantings. The remaining roof space should accommodate 20% area for people to access and maintain the roof

landscaping and 20% for sustainable energy generation and water re-use.

- (c) A minimum 6m setback, below ground and above ground, shall be incorporated into the building envelopes at all Sydney Park boundaries to provide the existing trees within Sydney Park to ability to continue to establish without being impeded by proposed structures or adversely impacted by building construction and ongoing building use. The increased setback must allow for an increased landscaped setback for an improved and substantially vegetated interface with Sydney Park including trees.
- (d) A minimum 4m setback shall be incorporated to the top most floor to Buildings C, D, E, F, G and H from the Sydney Park facing edges toward the northern and western boundaries.
- (e) The Euston Road building setbacks shall be increased along Euston Road to allow for the RMS required 3.5m footway widening in Condition 19 below. A minimum 3m building setback must be maintained to the realigned property boundary.
- (f) Greens roofs and green walls are to be incorporated into the development during the competitive design process and Stage 2 development applications. The selection of zones, species and planting design must be sympathetic to the screening of the built form from Sydney Park, the palette and ecology of planting within Sydney Park and rooftop sustainability and infrastructure requirements.
- (g) Areas nominated as potential additional deep soil zones within the central plaza space must be incorporated as actual deep zone zones throughout the competitive design process and Stage 2 development applications.
- (h) Deep soil zones must be unencumbered by built elements either above or below. This includes basements or on-site detention below and balconies above.
- (i) Landscaped spaces between the building envelopes are to accommodate designs and scale that provide varied typologies to users. A diversity of activities is to be catered for. The scale of the space must facilitate a range of activities for individuals, groups and children.
- (j) Tree planting must be approached to provide a minimum of 15% canopy cover across the site within 10 years of completion.

(Amended 23 August 2017 - Mod A)

(5) DESIGN EXCELLENCE STRATEGY AND COMPETITIVE DESIGN PROCESS

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

- (a) conducted in accordance with the approved Design Excellence Strategy dated April 2017, prepared by JBA on behalf of Maxida International and Hailiang
- (b) conducted prior to the lodgement of Stage 2 development applications for the site
- (c) incorporate the amended plans required by the Deferred Commencement conditions of this consent which will form part of this consent once approved.

The detailed design of the development must exhibit design excellence in accordance with Clause 6.21 of Sydney Local Environmental Plan 2012.

(6) MATTERS NOT APPROVED AT STAGE 1

The following matters are not approved and do not form part of this Stage 1 development consent:

- (a) the use of any part of the Euston Road building envelopes for residential accommodation. The buildings may only be used for residential accommodation and identified as such in Stage 2 development applications on demonstration that noise goals and natural ventilation is achieved. Should suitable design resolution not be achieved, the use of some or all of the Euston Road buildings is to revert to non-residential use or non-permanent residential use in the Stage 2 development applications.
- (b) any demolition, excavation and/or construction
- (c) the precise quantum of floor space
- (d) the number and configuration of residential apartments
- (e) the position and configuration of commercial premises
- (f) the number of car parking levels, spaces, bicycle spaces, car share spaces and loading spaces/zones
- (g) the removal or pruning of any tree at Sydney Park
- (h) access pathways into Sydney Park
- (i) a 10% design excellence uplift in floor space ratio or building height

(7) BUILDING HEIGHT

The maximum heights of the building envelopes, as defined in Sydney Local Environmental Plan 2012, are:

- (a) Buildings A, B and C: RL 26.0 AHD to the six storey components and RL 17.2 AHD to the four storey component in Building C, as identified in the approved plans following satisfaction of Condition 1.
- (b) Buildings D, E, F, G and H: RL 17.20 AHD to the four storey components, RL 20.30 AHD to the five storey components and RL

26.0 AHD to the six storey components identified in the approved plans following satisfaction of Condition 1.

- (c) Notwithstanding the above (a) and (b), the development may be eligible for up to a 10% design excellence uplift in the Height of Buildings standard pursuant to the provisions of Clause 6.21(7) of Sydney Local Environmental Plan 2012.
- (d) No further exceedance of the Height of Buildings standard is to be included in any Stage 2 development applications.

(8) FLOOR SPACE RATIO

- (a) The Floor Space Ratio of the development must not exceed the maximum permissible and shall be calculated in accordance with the provisions of Clause 4.4 of the Sydney Local Environmental Plan
- (b) Notwithstanding the above (a), the development 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 Stage 2 development applications.

(9) BUILDING ENVELOPES

Subject to the other conditions of this consent, the building envelopes are only approved on the basis that the ultimate building design, including articulation, balconies, services, privacy treatments and other projections will be entirely contained within the approved building envelopes.

(10) RESIDENTIAL LAND USE

- (a) The Stage 2 Development Applications must be designed to comply with the principles of State Environment Planning Policy No. 65 – Design Quality of Residential Flat Development, the objectives, criteria and guidance of the Apartment Design Guide (ADG) and the provisions of Sydney Development Control Plan 2012.
- (b) The development shall be designed to be compliant with the apartment mix requirements of Section 4.2.3.12 of the Sydney Local Environmental Plan 2012
- (c) The development shall comply with a minimum 60% natural cross ventilation to apartments, as defined in the glossary of the Apartment Design Guideline
- (d) A BASIX Certificate in accordance with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 must be submitted with the Stage 2 Development Applications incorporating the requirements of Condition 10.

(11) ECOLOGICALLY SUSTAINABLE DEVELOPMENT OUTCOMES

- (a) The Stage 2 Development Applications are to demonstrate compliance with the following project BASIX requirements:

Case	Legislated Minimum (current)	Minimum Target (in line with proposed July 2017 update)	Requirement
Energy < 4-5 Stories	30	35	BASIX Certificate to be developed with best practice energy efficiency, to find a suitable minimum BASIX target metric. Target shall exceed Minimum BASIX Target 35. Certificate shall be shared with entrants into design excellence competition.
Energy 6+ Stories	20	25	BASIX Certificate to be developed with best practice equipment, to find a suitable minimum target. Target shall exceed Minimum BASIX Target, and certificate shall be shared with entrants into design excellence competition.
Water	40	40	To exceed minimum compliance, with an aspirational target of 45.

(12) PUBLIC ART STRATEGY

- (a) The Public Art Strategy accompanying this Development Application has not been approved by this consent.
- (b) A revised Public Art Strategy must be approved by the Director City Planning Development & Transport prior to the competitive process and must be lodged with the relevant future Stage 2 development applications.
- (c) The Public Art Strategy must, among other things:
- (i) set out the intended budget for public art;
 - (ii) identify how decisions will be made;

- (iii) detail the proposed method for integrating the public art process with the competitive design process; and
 - (iv) detail the proposed method for integrating the public art process with the construction of all proposed development on the site.
- (d) Neither street furniture nor any interpretation strategy shall be considered as part of any public art component.
- (e) The approved Public Art Strategy shall be interpreted by the competitive design process brief into locations for the installation of art works.

(13) SIGNAGE STRATEGY

A detailed signage strategy shall be submitted with the relevant Stage 2 development applications. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs proposed for the development.

(14) FLOOD PLANNING LEVELS

Flood planning levels are to comply with the City's Floodplain Management Policy. The Flood Study lodged with the Stage 1 DA requires further detailed analysis. Prior to the submission of any Stage 2 DA, a detailed flood level summary report based on the City's sobek flood models must be prepared.

Note: The flood level summary report should be provided to entrants to the competitive design process to ensure the competition is well informed.

(15) ACID SULPHATE SOILS ASSESSMENT

A detailed Acid Sulphate Soil Assessment must be prepared and lodged with the Stage 2 Development Applications clearly stating that an ASSMP is not required or attaching an ASSMP as the case may be.

(16) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLANS

- (a) Detailed Construction Environmental Management Plans are to be lodged with the Stage 2 Development Applications.
- (b) The following details must be included:
 - (i) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
 - (ii) An Excavation Work Method Statement prepared by an appropriately qualified person.
 - (iii) An Construction Work Method Statement prepared by an appropriately qualified person.

- (iv) A Waste Management Plan for the demolition, excavation and construction of the proposed development.
- (c) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the Work, Health and Safety Act 2011 and Regulation; Council's Policy for Waste Minimisation in New Developments 2005, the Waste Avoidance and Resource Recovery Act 2001, and all other relevant acts and regulations and must include provisions for:
 - (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the Waste Avoidance and Resource Recovery Act 2001.
 - (ii) The type and quantity of material to be removed from site.
 - (iii) Location and method of waste disposal and recycling.
 - (iv) Proposed truck routes.
 - (v) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
 - (vi) Measures to control noise emissions from the site.
 - (vii) Measures to suppress odours.
 - (viii) Enclosing and making the site safe.
 - (ix) Induction training for on-site personnel.
 - (x) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.
 - (xi) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
 - (xii) Disconnection of utilities.
 - (xiii) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).

- (xiv) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
- (xv) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the Protection of the Environmental Operations Act 1997).
- (xvi) Working hours, in accordance with Council's standard hours.
- (xvii) Any Work Cover Authority requirements.
- (d) The work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

(17) AIR QUALITY ASSESSMENT

The Stage 2 Development Applications are to include a detailed Air Quality Assessment to address the impact of the M4-M5 ventilation facility at the corner of Albert Street and Campbell Lane.

(18) TRANSPORT FOR NSW CONDITIONS

- (a) A Construction Pedestrian and Traffic Management Plan must be prepared and lodged with a Stage 2 development applications in consultation with the CBD Coordination Office within Transport for NSW and Roads and Maritime Services.
- (b) Traffic generation rates are to be adopted for any Stage 2 development application in consultation with the CBD Coordination Office based on traffic surveys undertaken at comparable sites in relation to level of public transport availability and the number of dwellings.

(19) ROADS AND MARITIME CONDITIONS

- (a) The north-eastern driveway access must allow for simultaneous entry and exit movements for all vehicles. The service vehicle turn paths provided within the Traffic Study Version No. 003 dated 20 March 2017 show both the refuse vehicle and MRV exiting the site across the pathway of an incoming vehicle. This shows a vehicle entering the site will likely be required to wait at the entry to allow a service vehicle to exit the site. This arrangement is not approved as it may result in vehicle conflicts and queuing onto Euston Road.
- (b) The swept path of the longest vehicle (including garbage trucks, building maintenance and removalists) entering and existing the subject site, as well as manoeuvrability through the site, shall be in accordance with Austroads. Refer to Condition 18 below for garbage truck requirements. To demonstrate that the above requirements are met, an amended plan shall be submitted for Roads and Maritime approval prior to the lodgement of any Stage 2 DA, which shows that the development complies with this requirement.

- (c) The northernmost access driveway on Euston Road shall be restricted to left in and left out movements only.
- (d) A full deceleration lane in accordance with Austroads and Roads and Maritime's requirements shall be provided to facilitate entry to the site.
- (e) The southernmost driveway on Euston Road shall be restricted to left out only.
- (f) Roads and Maritime Services concurrence under Section 138 of the Roads Act 1993 would be required to be obtained for the proposed access driveways on Euston Road. The proposed works on Euston Road shall be designed to meet Roads and Maritime requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with Austroads and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of any Construction Certificate or commencement of road works.

The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD would need to be executed prior to Roads and Maritime assessment of the detailed civil design plans.

- (a) A 3.5m path (with verge) shall be maintained along the Euston Road frontage in the development of the design at the competition phase and lodgement of Stage 2 DAs. Any realignment of the property boundary to facilitate the footway resulting from the proposed deceleration lane works must be dedicated as road at no cost to Roads and Maritime (i.e. the property boundary would likely need to be deviated to accommodate the 3.5m path on Euston Road). This should be shown in future plans for the site.
- (b) Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to road users on Euston Road.
- (c) The proposed deceleration lane is likely to interface with some of the new and relocated service routes that the WestConnex project will locate on the western boundary of Euston Road.
- (d) All works/signposting associated with the development shall be at no cost to Roads and Maritime. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- (e) Roads and Maritime have previously acquired a strip of land for the widening of Euston Road along the frontage of the subject property. Roads and Maritime have also previously resumed and dedicated a strip of land as road along the Euston Road frontage of the subject property. All buildings and permanent structures associated with the development, together with any improvements integral to the future

use of the site, are to be wholly within the freehold property, unlimited in height or depth, along the Euston Road boundary.

- (f) A Construction Traffic Management Plan detailing demolition/construction activities, vehicle routes, hours of operation, access arrangements and traffic control measures should be submitted to Council for approval prior to the issue of any construction certificate for future detailed DAs.

(20) SERVICE VEHICLE ACCESS

As part of the Stage 2 applications, further design analysis of the service vehicle access is required which provides a suitable and safe access arrangement at the interface with Euston Road. Details to include all service types including waste collection, retail and commercial deliveries and residential removalists.

The waste collection area must meet the requirements of DCP 2012 Section 3.11.13 (3), namely that vehicle access for collection and loading will provide for:

- (a) a 9.25m Council garbage truck and a small rigid delivery vehicle;
- (b) minimum vertical clearance of 4.0 metres for residential development or else 3.8m clear of all ducts, pipes and other services, depending on the gradient of the access and the type of collection vehicle;
- (c) collection vehicles to be able to enter and exit the premises in a forward direction. Where a vehicle turntable is necessary to meet this requirement, it is to have a capacity of 30 tonnes;
- (d) maximum grades of 1:20 for the first 6m from the street, then a maximum of 1:8 with a transition of 1:12 for 4m at the lower end;
- (e) a minimum driveway width of 3.6m; and
- (f) a minimum turning circle radius of 10.5m.

(21) VEHICLE ACCESS IN STAGE 1 DEVELOPMENT CONSENT

- (a) The access design including the provision of a deceleration lane and a two access locations is not approved as part of this Stage 1 development consent.
- (b) A revised access design must be submitted as part of the Stage 2 applications. As part of this process, the applicant is to undertake a thorough investigation of vehicle access points and entry arrangements options. Investigations are to consider (but are not to be limited to) the following:
 - (i) Vehicular access is to be designed to give consideration to vehicle speed on entry, pedestrian and cyclist amenity and safety adjacent to the site.

- (ii) Service vehicle access is to be combined with parking access and provided in accordance with other controls for vehicular access in this DCP.
- (iii) Parking and driveway crossovers are to be minimised in number and width and designed to minimise impact on existing street trees and to maximise opportunities for new street tree plantings.
- (c) The proponent is to consult with Council throughout the development of the revised design.

(22) TRAFFIC GENERATION RATES IN STAGE 1 DEVELOPMENT CONSENT

- (a) The traffic generation rates as proposed by this DA are not approved as part of this Stage 1 development consent.
- (b) A revised transport and traffic report must be submitted as part of the Stage 2 applications. As part of this process, the applicant is to undertake a thorough review of the traffic generation rate proposed for the site.
- (c) Council requests that the proponent adopts the traffic generation rate based on a design which will facilitate and encourage Sustainable Transport (and Active Transport) use in a manner which aligns with the targets and objectives set out in Sustainable Sydney 2030 and the Green Square TMAP such as:
 - Target 6 – 80 per cent of City workers commuting on public transport – 80 per cent of work trips by City residents in non-private vehicles.
 - Target 7 - By 2030, at least 10 per cent of City trips will be made by bicycle and 50 per cent by pedestrian movement.
 - Objective 3.1 – Support and plan for enhanced access by public transport from the Sydney Region to the City of Sydney
 - Objective 3.3 – Reduce the impact of transport on public space in the City Centre and Activity Hubs.
 - Objective 3.4 – Manage regional roads to support increased public transport use and reduce car traffic in City streets.
 - Objective 4.1 - Develop a network of safe, linked pedestrian and cycle paths integrated with green spaces throughout both the City and Inner Sydney.
 - Objective 4.2 - Give greater priority to cycle and pedestrian movements and amenity in the City Centre.
 - Objective 4.3 – Promote green travel for major workplaces and venues in the city.
 - Active Transport work and non-work trips for Green Square residents and workers of 60%.
- (d) The proponent is to consult with Council throughout the development of the revised design and traffic analysis. A revised transport and traffic analysis must be submitted with the Stage 2 DAs.

(23) BICYCLE PARKING AND END OF TRIP FACILITIES

The Stage 2 applications must include a Bicycle Parking Plan and End of Trip Facilities are to be provided in accordance with Sydney DCP 2012 Section 3.11.3. 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* and 'Austroads Bicycle Parking Facilities: Guidelines for Design and Installation' document.

[Note: Council supports the provision of innovative bicycle parking solutions in new development. Should the applicant wish to discuss bicycle parking options, please contact the City Access and Transport Unit].

(24) CAR SHARE SPACES

- (a) The basement car park plan submitted as part of the Stage 2 applications must include the provision of parking spaces for the exclusive use of car share scheme vehicles.
- (b) The spaces must be accessible to members of the car share scheme at all times.

Note: It is recommended that the applicant discuss the proposed location of car share parking spaces with car share operators to ensure the commercial requirements of the operator can be accommodated.

(25) GREEN TRAVEL PLAN

The Stage 2 applications must include a 'draft' Green Travel Plan.

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

[Note: The applicant may contact a member of the Transport and Access Unit, to discuss the Green Travel Plan prior to its submission]

(26) LAND CONTAMINATION – DETAILED REMEDIATION ACTION PLAN

The Stage 2 development applications must include documentation that satisfies the following:

- (c) A Detailed Remediation Action Plan must be prepared by a suitably qualified and competent environmental consultant in accordance with the recommendations and requirements outlined within the NSW EPA accredited Site Auditor Tom Onus's Letter of Interim Advice No. 1 dated 12 April 2017, reference AS121932, and Council's TRIM Reference 2017/194182 and his letter dated 5 May 2017 reference AS121932, and Council's TRIM Reference 2017/223313.

- (d) The Detailed Remediation Action Plan must be reviewed by a NSW EPA Accredited Site Auditor and include a Section B Site Audit Statement or letter of interim advice issued by the Auditor certifying that the Detailed Remediation Action Plan is practical and the site will be suitable after remediation for the proposed use before any consent is granted.

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>