

2015SYE148 – 16-20 Pinnacle Street and 40-44 Pinnacle Street, Miranda

DA15/1254

## ASSESSMENT REPORT APPENDICES

Appendix	A	Draft Conditions of Consent
	B	Sydney Trains Comments dated 19 May 2016
	C	NSW Police Comments dated 18 January 2016
	D	Architectural Review Advisory Panel Report dated 19 November 2016

**DRAFT CONDITIONS OF DEVELOPMENT CONSENT  
DEVELOPMENT APPLICATION No. DA15/1254**

## **PART 1 – DEFERRED COMMENCEMENT CONDITIONS**

---

To enable the submission of further information to clarify or resolve specific aspects of the proposed development this Development Consent is issued as a “Deferred Commencement” Consent under the provisions of Section 80(3) of the Environmental Planning and Assessment Act as amended. The Consent does not operate until the applicant satisfies the Council as to the following matters.

The required information must be submitted within 12 months of the date of issue of this development consent.

Note: - Under the provisions of Clause 95A(5) of the Environmental Planning and Assessment Regulation 2000 upon written submission of the required information, Council must advise in writing whether or not it is satisfied as to the relevant matters.

1. Sydney Trains Approval / Certification

Approval must be obtained in writing from Sydney Trains that the conditions listed within Attachment A of the Sydney Trains letter of concurrence dated 19 May 2016 have been satisfactorily met.

## PART 2 - CONDITIONS OF CONSENT

---

### 1. Approved Plans and Documents

The development must be undertaken substantially in accordance with the details and specifications set out on the Plan / Drawings:

<i>Plan number</i>	<i>Reference</i>	<i>Prepared by</i>	<i>Date</i>
Job No. 1506 Dwg No. DA100 C	Basement 3 Plan	Level 33 Architectural Division	27 March 2016
Job No. 1506 Dwg No. DA101 C	Basement 2 Plan	Level 33 Architectural Division	27 March 2016
Job No. 1506 Dwg No. DA102 C	Basement 1 Plan	Level 33 Architectural Division	27 March 2016
Job No. 1506 Dwg No. DA103 B	Ground Floor Plan	Level 33 Architectural Division	17 December 2015
Job No. 1506 Dwg No. DA104 B	Typical L1 & L2 Floor Plan	Level 33 Architectural Division	17 December 2015
Job No. 1506 Dwg No. DA105 B	L3 Floor Plan	Level 33 Architectural Division	17 December 2015
Job No. 1506 Dwg No. DA106 B	Level 4 Plan	Level 33 Architectural Division	17 December 2015
Job No. 1506 Dwg No. DA107 B	Level 5 Plan	Level 33 Architectural Division	17 December 2015
Job No. 1506 Dwg No. DA108 B	Level 6 Plan	Level 33 Architectural Division	17 December 2015
Job No. 1506 Dwg No. DA201 B	North Elevation	Level 33 Architectural Division	17 December 2015
Job No. 1506 Dwg No. DA202 B	South Elevation	Level 33 Architectural Division	17 December 2015
Job No. 1506 Dwg No. DA203 B	East Elevation	Level 33 Architectural Division	17 December 2015
Job No. 1506 Dwg No. DA204 B	West Elevation	Level 33 Architectural	17 December 2015

		Division	
Job No. 1506 Dwg No. DA205 B	North Elevation Courtyard	Level 33 Architectural Division	17 December 2015
Job No. 1506 Dwg No. DA206 B	South Elevation Courtyard	Level 33 Architectural Division	17 December 2015
Job No. 1506 Dwg No. DA300 A	Section	Level 33 Architectural Division	19 October 2015
Job No. 1506 Dwg No. DA301 A	Section	Level 33 Architectural Division	19 October 2015
Dwg. DA-L101 Revision C	Landscape general arrangement plan: Basement 1 + Ground fr	Canvas Landscape Architects	27 April 2016
Dwg. DA-L102 Revision C	Landscape Plan: level 3 + level 4 fr & typical details	Canvas Landscape Architects	27 April 2016
Dwg. DA-L103 Revision C	Landscape Plan: level 6 maintenance program & irrigation notes	Canvas Landscape Architects	27 April 2016
Dwg. DA-L104 Revision A	Colour landscape plan: building C & D - basement 1 + ground fr	Canvas Landscape Architects	27 April 2016
Dwg. DA-L105 Revision A	Colour landscape plan: building A & B - ground fr	Canvas Landscape Architects	27 April 2016
Dwg. DA-L601 Revision A	Section A & section elevation B: central communal open space	Canvas Landscape Architects	27 April 2016
Job No. 1506 Dwg No. DA001 B	Site Analysis / Site and Roof Plan	Level 33 Architectural Division	17 December 2015
Job No. 13044 DWG No. E1 Issue A	Cover Sheet & Instructions	EZE Hydraulic Engineers	10 October 2015
Job No. 13044 DWG No. E2 Issue A	Soil & Water Management Plan	EZE Hydraulic Engineers	10 October 2015

Job No. 13044 DWG No. E3 Issue A	Soil & Water Management Details	EZE Hydraulic Engineers	10 October 2015
Job No. 13044 DWG No. D1 Issue B	Cover Sheet & Calculations	EZE Hydraulic Engineers	Received by Council: 21 January 2016
Job No. 13044 DWG No. D2 Issue B	Stormwater Management Plan	EZE Hydraulic Engineers	Received by Council: 21 January 2016
Job No. 13044 DWG No. D4 Issue B	Basement B2 - Drainage Design	EZE Hydraulic Engineers	Received by Council: 21 January 2016
Job No. 13044 DWG No. D5 Issue B	Basement 3 - Drainage Design	EZE Hydraulic Engineers	Received by Council: 21 January 2016
Job No. 13044 DWG No. D6 Issue B	OSD Tank Details & Drains Model	EZE Hydraulic Engineers	Received by Council: 21 January 2016
Job No. 13044 DWG No. D7 Issue B	Basement Tank & Typical Details	EZE Hydraulic Engineers	Received by Council: 21 January 2016
Job No. 1506 DWG No. DA900 B	Schedule of Materials & Finishes Northern Elevation	Level 33 Architectural Division	17 December 2015
Job No. 1506 DWG No. DA901 B	Schedule of Materials & Finishes Southern Elevation	Level 33 Architectural Division	17 December 2015
Job No. 1506 DWG No. DA902 B	Schedule of Materials & Finishes Eastern Elevation	Level 33 Architectural Division	17 December 2015
Job No. 1506 DWG No. DA903 B	Schedule of Materials & Finishes Western Elevation	Level 33 Architectural Division	17 December 2015

and any details on the application form and on any supporting information received with the application except as amended by the following conditions.

**Note:** The following must be submitted to Sutherland Shire Council prior to the commencement of any building or subdivision work.

- i) A Construction Certificate.
- ii) Notification of the appointment of a Principal Certifying Authority and a letter of acceptance from that Principal Certifying Authority.

- iii) Notification of the commencement of building and/or subdivision works with a minimum of 2 days notice of such commencement.

Under section 109E(2) of the Environmental Planning and Assessment Act 1979, please note that Sutherland Shire Council must be appointed as the Principal Certifying Authority for all subdivision works.

## **2. Design Changes Required**

### **A. Before Construction**

The following design changes must be implemented:

1. The planter box on the western balcony of Units C3.02 and C3.03 shall be extended north and south of the balcony to within 3m from the end of the balcony. The planter shall contain plant species a minimum of 1m high and be maintained at all times. In addition, privacy screening to the same extent as that on the other west facing balconies, comprising vertical aluminium louvers, shall be incorporated on the northern and southern ends of the balcony in between the end of the planter.
3. Windows along western elevation on levels 6 - 8 are limited to highlight windows; balconies within this area are also required to incorporate privacy screens.
4. Deletion of the roof terrace and all associated structures on the roof of level 6 of the northern building.
5. Deletion of the hardstand area on the eastern side of the vehicle entrance ramp. The area is to be retained as deep soil landscaped area and shown on the revised landscape plan. ). An alternative loading bay shall be provided within the Basement 1 Level adjacent the waste room and Lift D. This requires the deletion of visitor space / car wash bay 5. The loading bay must be suitably sized for an MRV in accordance with AS2890.2 (including headroom of 4.5m).
6. The roof terrace on Level 4 shall incorporate a 600mm high privacy screen on top of the proposed southern planter for the full length of the southern side of the roof terrace.
8. The stacked parking spaces 6 & 13, 7 & 14, 8 & 15 must be reallocated as residential spaces. Spaces 9, 10 & 11 must be reallocated for visitor parking.
9. Both of the western corners of the three basement levels must be splayed 2m x 2m to achieve suitable manoeuvring,
10. A fourth basement level must be provided to enable the minimum provision of 47 additional car parking spaces. The parking, aisle dimensions and manoeuvring within the basement must comply with AS2890.1.

## **3. Environmental, Damage and Performance Security Bond**

### **A. Before Works**

The person acting on this consent must provide security bond to Council, at least two (2) days **prior** to the commencement of works, against damage caused to any Council property and / or the environment as a consequence of the implementation of this consent. The security may be provided by way of a deposit with the Council or a

satisfactory guarantee. A non refundable inspection / administration fee is included in the bond value.

It is the responsibility of the person acting on this consent to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a current dilapidation report supported by photographs. This information must be submitted to Council at least two (2) days **prior** to the commencement of works.

In the event that the dilapidation report is not submitted two days prior to commencement and the public area sustains damage the person acting on this consent may be held liable.

Should any public property and / or the environment sustain damage during the course of and as a result of the works associated with this consent, or if the works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and / or remove the risk. The costs incurred must be deducted from the bond.

The value of the bond must be \$20,200:

- \* The bond amount includes a non refundable administration fee. Where the bond takes the form of a Bank Guarantee, the administration fee must be paid separately and not included in the bank guarantee.

Use of Bank Guarantee - As bond releases may occur under different timeframes only one bond amount / bond purpose is permitted on a Bank Guarantee. Multiple bonds will require multiply bank guarantees to be lodged.

## **B. After Occupation**

A request for release of the bond may be made to Sutherland Shire Council after all works relating to this consent have been completed. The request must be submitted to Council on the 'Bond Release Request Form' signed by the owner or any person entitled to act on the consent and must be accompanied by a current dilapidation report including photographs.

## **SECTION 94 CONTRIBUTIONS**

The following dedication of land and/or monetary contributions have been levied in relation to the proposed development pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.

The Contributions Plan may be viewed on line on Council's web page (search for S94 Contributions Plan). A copy may also be viewed or purchased at the Customer Service Counter in Council's Administration Centre, Eton Street, Sutherland during office hours.

## **4. Monetary Contribution for Shire-Wide Open Space and Recreational Facilities**

### **A. Before Construction**

Pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 and Sutherland Shire Council's Contributions Plan - Shire Wide Open Space and Recreation Facilities 2005, a monetary contribution of \$770,578.89 must be paid to Sutherland

Shire Council toward the cost of land identified for acquisition and works contained in the Works Programme of the Contributions Plan.

This contribution has been assessed and calculated in accordance with the Shire Wide Open Space and Recreation Facilities 2005, Contribution Plan on the basis of 99 proposed Residential Flat Units, Apartments etc, with a concession for 6 existing allotments.

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings, with amended rates being available from Council.

Payment must be made prior to the issue of the Construction Certificate.

## **5. Community Facilities, Shire Wide 2003 Plan**

### **A. Before Construction**

A monetary contribution of \$129,985.92 must be made for the cost of providing community facilities.

This contribution has been assessed pursuant to s.94 of the Environmental Planning and Assessment Act, and the Sutherland Shire Contributions Plan - Community Facilities in the Sutherland Shire, after identifying the likelihood that this development will require or increase the demand for community facilities within the shire. It has been calculated on the basis of 99 proposed Residential Flat Units, Apartments etc, with a concession for 6 existing allotments .

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings, with amended rates being available from Council.

Payment must be made prior to the issue of the Construction Certificate

## **6. S94 - Miranda Centre**

### **A. Before Construction**

Pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 and Miranda Centre Open Space Embellishment Plan, a monetary contribution of \$269,083.89 must be paid to Sutherland Shire Council toward the cost of works contained in the Works Programme of the Contributions Plan.

This contribution has been assessed and calculated in accordance with the Miranda Centre Open Space Embellishment Plan on the basis of 99 proposed Residential Flat Units, Apartments etc, with a concession for 6 existing allotments .

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings, with amended rates being available from Council.

Payment must be made prior to the issue of the Construction Certificate.

## **7. Approvals Required under Roads Act or Local Government Act**

### **A. Before Construction**

No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site



without approval being obtained from Sutherland Shire Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993.

**Note: Approval under the Roads Act or Local Government Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval may result in fines or prosecution.**

## **8. Design and Construction of Works in Road Reserve (Council Design)**

### **A Design**

Council has determined that the proposed development generates a need for the following works to be undertaken by the applicant in the road reserve. To this end an application under the Roads Act shall be submitted to Sutherland Shire Council, prior to the release of the Construction Certificate, for a road frontage design drawing and consent to undertake the required frontage works. This design will generally comply with the approved architectural design drawings, except where amended and/or addressing the following;

- i) Establish the property alignment levels and crossing profiles,
- ii) Construct a 9m wide vehicle crossing,
- iii) Construct piped stormwater drainage system including kerb inlet pits and lintels along the frontage of Pinnacle Street (South) from existing Council pit (Id#12516) to the boundary between No. 44 & 46 Pinnacle Street,
- iv) Construct footpath pavement along both frontages of Pinnacle Street in accordance with Councils Public Domain Design Manual,
- v) Realign and reconstruct Pinnacle Street kerb & gutter, road pavement & associated verge in accordance with Councils Public Domain Design Manual
- vi) Remove all redundant vehicle crossings and reinstate kerb & gutter,
- vii) Install street lighting,
- viii) Install ten (10) indigenous street trees at irregular centres in accordance with Councils Public Domain Design Manual,
- ix) Kerb & gutter/edge strip where required,
- x) Alter / install street signage where required,
- xi) Regrade, topsoil, turf and landscape the footpath verge to final design levels,
- xii) Adjust public services infrastructure where required,
- xiii) Ensure there are adequate transitions between newly constructed and existing infrastructure.

Evidence of the approved application must be provided to the PCA prior to the release of the Construction Certificate.

### **B. Before Construction**

Prior to the release of the Construction Certificate property alignment levels and crossing profiles must be obtained from Sutherland Shire Council.

### **C. Before Occupation**

Prior to the occupation of the building or the issue of an Occupation/Subdivision Certificate the following certification must be provided to Sutherland Shire Council:

- i) The supervising engineer must certify the road frontage works were constructed to their satisfaction and in accordance with the development consent and associated Roads Act consent.

## **9. Site Management Plan**

### **A. Before Commencement of Works including Demolition**

An Environmental Site Management Plan must accompany the application for a Construction Certificate. If demolition is to commence prior to the issue of a Construction Certificate the applicant must submit to Sutherland Shire Council a separate Demolition Site Management Plan. These plans must satisfy the Objectives and Controls of Sutherland Shire Development Control Plan 2015 relating to environmental site management and must incorporate the following throughout demolition and construction:

- i) safe access to and from the site during construction and demolition
- ii) safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting
- iii) method of loading and unloading excavation machines, building materials
- iv) how and where, construction materials, excavated and waste materials will be stored.
- v) methods to prevent material being tracked off the site onto surrounding roadways
- vi) erosion and sediment control measures

### **B. During Works**

The site management measures set out in the above plan must remain in place and be maintained throughout the period of works and until the site has been stabilised and landscaped.

## **10. Supervising Engineer**

### **A. Before Construction**

The applicant must engage an Accredited Certifier in civil engineering works or a Charter Civil Engineer to supervise construction of any:

- i) Road frontage works.
- ii) Construction / installation of stormwater drainage.
- iii) Rainwater harvesting & reuse.
- iv) All other works that form part of a subdivision.

### **B. During Construction**

The engineer must supervise the works as listed above to ensure compliance with:

- i) All relevant conditions of development consent
- ii) Any Consent issued under the Roads Act for this development

### **C. Before Occupation**

The supervising engineer must certify the works required in "A" above were undertaken and completed in accordance with the requirements of this Development Consent and to their satisfaction.

## **11. Internal Driveway Profile**

### **A. Before Construction**

An Access Application must be made to Council to obtain footpath crossing and boundary alignment levels before commencing the final design of internal driveways, paths and car park area.

## **B. Design**

The internal driveway profile must be designed to:

- i) Provide adequate sight distance for the safety of pedestrians using the footpath area.
- ii) Align with Council's issued footpath crossing levels.
- iii) Comply with AS2890.1(2004) in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle.
- iv) Comply with AS2890.2(2002) in relation to the design of vehicular access, parking and general manoeuvring for the "MRV" vehicle.
- v) The maximum longitudinal grade of the driveway must not exceed 25%.

Certification by an appropriately qualified person to the effect that these design requirements have been met must accompany the application for a Construction Certificate.

## **12. Basement Car Park Design**

### **A. Design**

The basement car park must be designed in accordance with AS 2890 and must incorporate the following:

- i) A minimum headroom of 2.2m measured from the parking floor to the underside of any beam, ventilation duct or service conduit, or to the underside of any door including a security door and fittings when those doors are in an open position.
- ii) The proposed security door fitted to the car parking area entrance must be independently mounted on rubber pads to prevent vibration noise transmission through the concrete walls and / or columns, and
- iii) All tandem parking spaces must be allocated to a single residential unit only.
- iv) a 2m x 2m splay must be provided on the western within the basement and ground floor walls around the deep soil area.
- v) The basement levels must provided suitable parking for a total of 152 spaces and 4 car wash bays.

### **B. Before Construction**

Certification of the above must accompany the application for a Construction Certificate.

## **13. Drainage Design - Detailed Requirements**

### **A. Design**

The stormwater drainage system must be connected to Council's existing piped system and designed in accordance with the approved stormwater drainage design drawing, Australian Standard AS3500.3:2003 and the BASIX Certificate issued for this development.

The design must include;

- i) A detailed drainage design supported by a drainage calculations
- ii) A layout of the drainage system showing existing and proposed pipe sizes, type, class, grades, lengths, invert levels, finished surface levels and location of all pipes with levels reduced to Australian Height Datum. Impacts on existing trees must be indicated on the plan.
- iii) A longitudinal section of the pipeline within the road reserve including existing

natural surface levels, design surface levels, design invert levels of the proposed pipeline and the location, size and reduced level of all services to AHD where those services cross the proposed drainage line.

- iv) The rate of discharge of stormwater from the site to a drainage system under Council's control shall be controlled so that it does not exceed the pre-development rate of discharge.
- v) Where pipelines are located within the "tree protection zone" of significant vegetation to be retained, the lines shall be excavated by hand or by directional underboring techniques to reduce any adverse impact on the root zone of the trees.

#### **B. Before Construction**

Certification issued by an appropriately accredited person to the effect that these design requirements have been met must accompany the application for a Construction Certificate.

#### **C. Before Occupation**

- i) The above work must be completed in accordance with 'A' above to the satisfaction of the supervising engineer before the issue of any Occupation Certificate.
- ii) A works-As-Executed drawing (WAED) of the stormwater drainage system shall be prepared by a Registered Surveyor. This drawing must detail the alignment of the pipelines, pits and rainwater tanks. An original or a colour copy shall be submitted to Sutherland Shire Council.
- iii) The supervising Engineer must certify the WAED of the stormwater drainage system that stormwater drainage works, rainwater harvesting facility and rainwater reuse systems were constructed to their satisfaction and in accordance with the development consent. Prior to the occupation or use of the building the Applicant/Owner shall submit to Council a copy of the aforementioned letter of certification.

#### **D. Ongoing**

- i) The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse shall be maintained in good operating order at all times.

**Note:** Upon approval of the stormwater management designs a notation will be added to the 149 certificate in relation to any required detention facility or stormwater treatment device.

### **14. Noise Control During Construction and Demolition**

To minimise the impact on the surrounding environment:

#### **A. During Works**

The LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, must not exceed the ambient background level (LA90 15min) by more than 10dB(A) when measured at the nearest affected premises.

## **15. Damage to Adjoining Properties**

### **A. Before Works**

To minimise vibration damage and loss of support to buildings / structures and properties in close proximity to the development site, a Geotechnical Engineers Report must be prepared detailing constraints to be placed on earth moving and building plant and equipment and the method of excavation, shoring, underpinning and support. This report must be provided to the person undertaking the excavation and the Principal Certifying Authority.

### **B. During Works**

The constraints and recommendations of the Geotechnical Engineers Report must be implemented.

## **16. Public Utilities**

This condition is imposed to facilitate the provision of services to the development and reduce conflicts between services, buildings or associated facilities.

### **A. Before Construction**

Suitable arrangements must be made with all relevant utility service providers to ensure the development is appropriately serviced by electricity, gas, telecommunications and the like, and any necessary underground conduits are provided.

**Note:** Should these requirements result in any significant change to the approved design an application must be made to modify the consent under s.96 of the Environmental Planning and Assessment Act.

## **17. Approved Landscape Plan**

### **A. Design Changes**

The landscape works on the site must be carried out in accordance with the approved Landscape Plan except as amended by the following (refer Attachment 'E'):

- i) In ground floor Units CG.04 and DG.02, swap the living rooms and bedrooms to take advantage of the larger decked area, access to private open space and better solar access. Adjust the secondary access paths and gates from the adjoining Common Open Space to suit.
- ii) To increase the area of deep soil landscape:
  - To the north-facing ground floor Units AG.04, AG.05, AG.01, BG.01 and BG.02 delete the secondary access paths and gates. Provide direct access and gates to the courtyards of these units via the two entry paths and two fire egress paths. Relocate the secondary access to BG.03 to align with the living room.
  - On the eastern side of the site delete all concrete stepping pavers except for a garden maintenance path connecting the pedestrian ramp and loading bay. Provide a larger area of Private Open Space on the eastern side of DG.02.
  - In the central courtyard delete the timber deck along the northern side of Unit DG.02, the concrete paving adjacent to the courtyards of CG.01 and DG.01 and the secondary access paths and gates to the south-facing ground floor Units AG.01, BG.01, BG.04 and BG.05. Provide direct access and gates to the courtyards of these units via the entry paths or garden maintenance path.
  - On the western side of the site delete all concrete stepping pavers except for the path leading to the central courtyard. Provide a larger area of Private Open Space on the western side of CG.04.
  - On the southwestern corner of the site move the secondary path and gate eastwards so it lines up with the hallway. Delete the timber deck adjacent to the

two bedrooms and provide a larger deck minimum 2.4m wide adjacent to the eastern side of the living room and a narrower deck on the northern side connecting to the secondary entry path.

- iii) Tree Protection Zones (TPZ) must be shown on plan for all existing trees to be retained and protected.
- iv) The communal open space areas and all planter boxes on slab must be provided with a water-efficient irrigation system, connected to a pump and the rainwater tank, to enable effective landscape maintenance.
- v) The private open space of each ground floor dwelling with a garden must be provided with one tap with a removable water key, connected to a pump and the rainwater tank.
- vi) As the subject site is identified as being within a Greenweb Restoration area, all new tree plantings must be indigenous species and 50% of understorey plants must be indigenous species. All indigenous species must be selected from Council's 'Native Plant Selector' available on Council's website ([www.sutherlandshire.nsw.gov.au](http://www.sutherlandshire.nsw.gov.au) <<http://www.sutherlandshire.nsw.gov.au>> and search for Native Plant Selector).
- vii) Substitute local indigenous species for *Tristaniopsis laurina* and *Cupaniopsis anacardioides*.
- viii) Within the central courtyard provide shade tolerant indigenous species as follows:

#### SMALL TREES

*Synoum glandulosum* (Scentless Rosewood)

*Syzygium oleosum* (Blue Lilly Pilly)

*Elaeocarpus reticulatus* (Blueberry Ash)

#### UNDERSTOREY

*Backhousia myrtifolia* (Grey Myrtle)

*Blechnum cartilagineum*

*Christella dentata*

*Doodia aspera*

The applicant must engage a suitably qualified Landscape Designer or Landscape Architect to oversee any design changes to the approved Landscape Plan and amendments required above. Details of these design changes must be included in the documentation submitted with the application for a Construction Certificate.

#### Notes:

A Landscape Designer is a person eligible for membership of the Australian Landscape Designers and Managers and a Landscape Architect is a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect.

If demolition works to occur prior to the Construction Certificate being issued, tree protection measures must be installed prior to commencement of demolition.

## **B. Prior to Occupation/Occupation Certificate**

The landscape works must be completed in accordance with the approved Landscape Plan and amendments required by 'A' above. A Final Landscape Inspection must be carried out and a certificate issued by Council's landscape officer prior to occupation or the issue of an occupation certificate (interim or final). This certificate is required to ensure that all landscaping works and the deep soil percentage requirements have been carried out in accordance with 'A' above, and that all new indigenous plants on the site and within the road reserve are the correct species.

To arrange a Final Landscape Inspection please phone 9710-0333 48 hours prior to the required inspection date. An inspection fee of \$225 is required to be paid, prior to the inspection. Additional inspections will be charged at a rate of \$150 each.

## **C. Ongoing**

All landscaping works required by 'A' above must be maintained for 12 months following the final landscape inspection date.

Any plants found faulty, damaged, diseased or dead shall be replaced with the same species in the same sized container within one month with all costs borne by the owner.

**Note:** If difficulty is experienced sourcing suitable indigenous plants from other suppliers, plants grown from locally provenance seed may be available from:

Sutherland Shire Council Nursery  
345 The Boulevard, Gymea  
Ph: 02 9524 5672

## **18. Trees on Private Land**

### **A. Tree Removal**

The removal of the following trees is approved:

- i) Trees identified on the approved Landscape Plan as "existing tree to be removed".
- ii) Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.
- iii) Any tree species exempted by the Sutherland Shire Local Environmental Plan 2015.

All other vegetation that would require approval to be removed must be protected.

### **B. Design**

- i) 21 trees are approved for removal as part of this consent. Where trees are proposed to be removed Sutherland Shire Council's Development Control Plan 2015 requires indigenous replacement canopy tree planting at a ratio of 4 to 1 on private land.
- ii) 84 replacement trees are required to be planted.
- iii) A minimum number of 60 indigenous trees must be planted within the site as per the approved Landscape Plan. The trees selected must be planted within 3m of the front or rear setback of the subject property and not within 3m of a building or proposed building or swimming pool. A further 8 indigenous trees must be planted within the road reserve.
- iv) Trees must have a minimum container size of 5 litres

**Note:** For the remaining 16 replacement trees required by “B ii)” above, Council offers offsite planting under a ‘Deed of Agreement’ as an alternative to on site planting, at a cost of \$100 per tree. Offsite planting will be undertaken as part of Council’s Green Street Program. ‘Deed of Agreement’ forms can be downloaded from Council’s website at [www.sutherlandshire.nsw.gov.au/forms](http://www.sutherlandshire.nsw.gov.au/forms) <<http://www.sutherlandshire.nsw.gov.au/forms>> (conf url). A completed form and payment must be submitted to Council prior to the release of the Construction Certificate.

## 19. Removal and/or Pruning of Trees on Council Land

### A. Design

Council has preferred supplier agreements in place with arborists who are approved to carry out arbor works on Council land. Removal / Pruning of the tree/s listed below must only be undertaken using Council’s preferred supplier at the applicant’s expense. The applicant is responsible for contract management and payment of the arborist prior to works being undertaken.

Select from Council's list of preferred suppliers listed on Council’s website: <<http://www.sutherlandshire.nsw.gov.au/Residents/Trees/Trees-on-Council-or-Public-Land>>. Payment of the quoted amount provided must be made prior to any works commencing on site.

The following trees have been approved for removal within the road reserve:

Tree No.	Tree Species (botanical and common name)	Location
3	<i>Nerium oleander</i> (Oleander)	Pinnacle Street south
7	<i>Callistemon rigidus</i> (Stiff Bottlebrush)	Pinnacle Street south
8	<i>Callistemon rigidus</i> (Stiff Bottlebrush)	Pinnacle Street south
9	<i>Callistemon rigidus</i> (Stiff Bottlebrush)	Pinnacle Street south

## 20. Tree Retention and Protection

### A. Before Works

Prior to the commencement of any demolition, excavation or construction works on site the applicant shall engage a suitably qualified and experienced Arborist to oversee the measures for the protection of existing trees as listed below.

**Note:** An Arborist is a person with a current membership of the National Arborist’s Association of Australia at a grade of General Member, Affiliate Member or Life Member, or alternatively a person who has obtained an Australian Qualifications Framework AQF Level 5 in Arboriculture.

Prior to the commencement of any works, including demolition, the supervising Arborist must oversee the protection of the following trees as listed in the table below and as marked on the approved Landscape Plan prepared by Canvas Landscape Architects (Rev A dated 27/04/2016) to ensure the installation and adequacy of all tree protection measures.

Tree No.	Tree Species (botanical and common name)	Location
13	<i>Cupressus macrocarpa</i> (Monterey Cypress)	Pinnacle Street north



14	<i>Cupressus macrocarpa</i> (Monterey Cypress)	Pinnacle Street north
15	<i>Eucalyptus elata</i> (Willow Peppermint)	Pinnacle Street north
16	<i>Callistemon viminalis</i> 'Weeping Pink' (Weeping Pink Bottlebrush)	Front setback, Pinnacle Street north

The trees identified for retention must be protected by the following measures:

- i) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed in accordance with the Arborist's advice. Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".
- iii) The tree protection zone within the protective fencing must be mulched with a maximum depth 75mm of suitable organic mulch (woodchips or composted leaf chip mulch) and kept regularly watered for the duration of the works subject to this consent.
- iv) No development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil, stockpiling of soil or building materials.
- vi) Where site access/egress is required over the roots of trees identified for retention and protection, provide hardwood rumble boards over a 200mm thick layer of wood chip.

#### **B. During Construction**

- i) The tree protection measures detailed in 'A' above must be maintained during construction.
- ii) The supervising Arborist must be present during any approved hand excavation or under boring works within the Tree Protection Zone (TPZ) of any tree identified for retention and protection and have the authority to direct works to ensure the trees long term preservation;
- iii) The supervising Arborist must strictly supervise that there is no disturbance or severing of roots greater than 30mm diameter and to cleanly cut those roots between 10-30mm in diameter.
- iv) If the trees identified for retention in 'A' above are damaged or destabilised during construction then works must cease and Council's Tree Assessment Officer (ph. 9710 0333) must be contacted to assess the tree/s and recommend action to be taken.

## **21. Car Wash Bays**

To prevent contamination of the stormwater drainage system 4 car-wash bays must be provided on site:

#### **A. Design**

The wash-bays must be graded to an internal drainage point and connected to the sewer.

#### **B. Before Construction**

Details of the design satisfying 'A' above must accompany the application for a Construction Certificate.

#### **C. Before Occupation**

The Principal Certifying Authority must be satisfied that

- i) 'A' above has been complied with and
- ii) any discharge to the sewer from the premises is in accordance with the requirements of Sydney Water.

#### **D. Ongoing**

All car-wash, engine degreasing and steam cleaning must be conducted in the wash-bay detailed in 'A' above. Wastewater must be treated in accordance with the requirements of Sydney Water.

### **22. Garbage, Recycling and Green-waste Storage Area**

To ensure the proper storage of waste from the premises:

#### **A. Design**

The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.

#### **B. Before Construction**

Details of compliance with 'A' above must form part of the documentation accompanying the applications for a Construction Certificate.

#### **C. Before Occupation**

The works must be completed prior to the issue of any Occupation Certificate.

#### **D. Ongoing**

All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.

### **23. External Lighting - (Amenity)**

To ensure that any lighting on the site does not cause a nuisance to neighbours or motorists on nearby roads:

#### **A. Design**

All lighting must be designed in accordance with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.

#### **B. Ongoing**

All lighting must be operated and maintained in accordance with the Standard above.

### **24. Noise Control - Residential Air Conditioning Unit / Heat Pump Water Heater**

To minimise the noise impact on the surrounding environment:

#### **A. Design**

The unit must be designed and/or located so that noise generated does not cause an LAeq (15min) sound pressure level in excess of 5 dB(A) above the ambient background level when measured on or within any residential property.

**B. Ongoing**

- i) The unit must be operated in accordance with 'A' above.
- ii) Between the hours of 10.00pm and 8.00am on weekends and public holidays and 10.00pm and 7.00am any other day, noise emitted must not be heard within any residence with its windows and/or doors open or closed.

**25. Noise Control - Design of Plant and Equipment (General Use)**

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems:

**A. Design**

All plant and equipment must be designed and / or located so that the noise emitted does not exceed an LAeq sound pressure level of 5dB above the ambient background level when measured at the most affected point on or within any residential property boundary.

**Note:** The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1.

**B. Before Occupation**

Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures has been carried out in accordance with 'A' above.

**C. Ongoing**

All plant and equipment must be operated and maintained in accordance with 'A' above.

**26. Noise and Vibration Control - Residential Car Park**

To minimise noise and vibration from use of the security door in the car park:

**A. Design**

The proposed security door fitted to the car parking area entrance must be independently mounted on rubber pads or otherwise installed to prevent vibration noise transmission through the concrete walls and / or columns.

**B. Before Occupation**

The Principal Certifying Authority must be satisfied that 'A' above has been complied with.

**27. Car-Park Ventilation - Alternate System**

To ensure adequate ventilation for the car park:

**A. Design**

As the basement car-park does not appear to comply with the natural ventilation requirements of Section 4 of Australian Standards AS1668.2 -1991, the car-park must be either mechanically ventilated by a system complying with AS1668.2 -1991 or alternatively, the natural ventilation system must be certified by a qualified mechanical ventilation engineer to the effect that the system is adequate. The certification shall confirm that the system will protect the health of occupants of the car park at anytime it is used and satisfies the atmospheric contaminate exposure rates specified in the

Worksafe Australia document: Workplace Exposure Standards for Airborne Contaminants.

### **B. Before Construction**

Details of compliance with 'A' above must form part of the application for a Construction Certificate.

### **C. Before Occupation**

Certification must be provided by a qualified mechanical ventilation engineer that the installation of the ventilation system has been carried out in accordance with 'A' above.

### **D. Ongoing**

The ventilation system must be operated and maintained in accordance with 'A' above.

## **28. Demolition Work**

To ensure that demolition of structures is carried out in an environmentally acceptable and safe manner:

### **A. Before Commencement**

If works involve the removal of more than 10 square metres of asbestos material, a bonded asbestos licence is required. A friable asbestos licence is required to remove, repair or disturb any amount of friable asbestos. For further information contact the NSW Workcover Authority.

### **B. During Works**

- i) The demolition of the existing building must be carried out strictly in accordance with Australian Standard 2601 - The Demolition of Structures.
- ii) The applicant must ensure that the demolition contractor has a current public risk insurance coverage for a minimum of \$5 million. A copy of the Policy must be submitted to the Council prior to demolition.

To ensure that the removal and transportation of any asbestos material, regardless of the quantity, is carried out in an environmentally acceptable and safe manner, all work must comply with the following:

- a) Work Health and Safety Act 2011;
- b) Work Health and Safety Regulation 2011;
- c) Safe Work Australia Code of Practice - How to Manage and Control Asbestos in the Workplace;
- d) Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC:2002(2005)];
- e) Workcover NSW 'Working with Asbestos - Guide 2008';
- f) Protection of the Environment Operations Act 1997; and
- g) Protection of the Environment Operations (Waste) Regulation 2005.

Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW EPA to accept asbestos waste. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m<sup>2</sup> or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate. More information can be found at <https://wastelocate.epa.nsw.gov.au>.

## **29. Dilapidation Report - Adjoining Properties**

### **A. Before Works**

To assist in the resolution of any future disputes about damage to properties adjoining the development site, prior to commencement of any work on site the Applicant or principal contractor must provide dilapidation reports on the adjacent buildings at No.s 14, 22, 38 and 46 Pinnacle Street, including any basements and ancillary structures. The reports must be provided to the Principal Certifying Authority and to the owners of the properties that are the subject of the report.

The reports must be prepared by a suitably qualified and experienced person, such as a structural engineer.

## **30. Design Requirements for Adaptable Housing**

### **A. Design**

A report prepared by a suitably qualified Adaptable Housing Specialist must be submitted with the Construction Certificate, demonstrating that the development complies with the requirements of AS4299 - Adaptable Housing. The report must contain a completed checklist (Appendix A - AS4299) demonstrating compliance with the requirements of a Class C Adaptable House.

## **31. Verification of Design for Construction - SEPP 65**

### **A. Design**

Design verification must be provided by a registered Architect pursuant to SEPP 65 stating that the design intent approved by the Development Consent has been maintained in the building / architectural plans submitted with the Construction Certificate. This must accompany the application for a Construction Certificate.

### **B. Before Occupation**

Prior to the issue of the final Occupation Certificate design verification must be provided in accordance with SEPP 65.

## **32. Certification Requirement of Levels**

### **A. During Construction**

At the following stages of construction:

- i) Prior to the pouring of each floor or roof slab,
- ii) Upon completion of the roof frame.

A registered surveyor must provide the Principal Certifying Authority with Certification that the stage of structure complies with the development consent in respect of levels.

### **B. Before Occupation**

The certification referred to above must form part of the application for an Occupation Certificate.

## **33. Sydney Water Tap in™ & Compliance Certificate**

### **A. Before Construction**

The plans approved as part of the Construction Certificate must be submitted to a

Sydney Water Tap in™ to determine as to whether the development will affect Sydney Water's sewer and water mains, stormwater drains and / or easements, and if further requirements need to be met. Customers will receive an approval receipt. Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au).

#### **B. Before Occupation / Prior to issue of Subdivision Certificate**

A Compliance Certificate under s73 of the Sydney Water Act, 1994, must be submitted to Council by the Principal Certifying Authority. Sydney Water may require the construction of works and/or the payment of developer charges.

#### **Sydney Water Advice on Compliance Certificates:**

An application must be made through an authorised Water Servicing Coordinator. For details see the Sydney Water web site at [www.sydneywater.com.au/customer/urban/index](http://www.sydneywater.com.au/customer/urban/index) or by telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water / sewer extensions can be time consuming and may impact on other services as well as building, driveway or landscaping design.

### **34. Dial Before You Dig**

#### **A. Before Construction**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (this is the law in NSW).

It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

### **35. Noise Control and Permitted Hours for Building and Demolition Work**

#### **A. During Works**

To minimise the noise impact on the surrounding environment:

- i) The LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, must not exceed the ambient background level (LA90 15min) by more than 10dB(A) when measured at the nearest affected premises.
- ii) All building and demolition work must be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 3.00pm Saturdays. No work must be carried out on Sundays and Public Holidays.

Only for the purpose of pouring large floor or roof slabs, work may be carried out on the site from 7.00am to 8pm Monday to Friday, excluding Public Holidays on a week day.

In order to activate the extended hours of operation both Council and affected neighbours must be notified a minimum of 48 hours prior to commencement. Affected neighbours include those in the immediate vicinity, adjacent or adjoining the development site. Notification must be by way of written advice including:

- Date/s the extended hours will be utilised.
- The purpose of the extended hours - pouring large slab.

- Address of the development works / site.
- Contact name and number of appropriate site officer (supervisor or manager) for enquiries.

Notification to Council must include a copy of the letter and a map or list identifying those affected neighbours who have been notified.

### **36. Toilet Facilities**

#### **A. During Works**

Toilet facilities must be available or provided at the work site at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site before works begin and must be maintained until the works are completed.

Each toilet must:

- i) be a standard flushing toilet connected to a public sewer, or
- ii) have an on-site effluent disposal system approved under the Local Government Act 1993, or
- iii) be a temporary chemical closet approved under the Local Government Act 1993

### **37. Street Numbering and Provision of Letter Box Facilities**

#### **A. Before Occupation**

- i) Street / unit / shop numbers must be clearly displayed.
- ii) Suitable letterbox facilities must be provided in accordance with Australia Post specifications.
- iii) The dwelling must be numbers in accordance with the approved Architectural Plans. Each tower will have the following street address:
  - Tower A shall be known as 18 Pinnacle Street Miranda
  - Tower B shall be known as 16 Pinnacle Street Miranda
  - Tower C shall be known as 40 Pinnacle Street Miranda
  - Tower D shall be known as 42 Pinnacle Street Miranda

### **38. Car parking Areas**

#### **A. Ongoing**

To ensure that the car parking area satisfies the demands of the development:

- i) it must be made available on an unrestricted basis and free of charge at all times for visitors' vehicles
- ii) any parking nominated as visitor parking or common property must be continually available as common property.

### **39. Car Parking Allocation**

#### **A. Before Subdivision**

Car parking must be allocated to individual strata lots as part of their unit entitlement.

Visitor parking facilities and/or car wash bays must be designated as common property on any strata plan.

All tandem spaces must be allocated to single residential units only

Parking must be allocated on the following basis:

- Residential dwellings: 127 spaces

- Residential visitors: 25 spaces
- Car wash bay(s): 4 spaces
- Loading/servicing: 1 space

#### **B. Ongoing**

The car-parking provided must only be used in conjunction with the dwellings and/or tenancies contained within the development and not for any other purpose.

### **40. Garbage Collection**

#### **A. Ongoing**

A private garbage contractor must be engaged to carry out all garbage, recycling and green waste collections. The collection must take place within the loading bay located within subject property.

### **41. Endorsement of Linen Plan of Subdivision for Consolidation**

#### **A. Before Construction**

To facilitate the issue of the Plan of Subdivision for the consolidation of Lots 28, 29, 30 in Deposited Plan No.11987 and Lots 8, 9, 10 in Deposited Plan No.31029 into one lot, a film eight (8) paper copies of the Plan of Subdivision shall be submitted together with any necessary Instrument under the Conveyancing Act, where required for ultimate lodgement with the Land Titles Office.



## PREScribed CONDITIONS

---

Division 8A of the Environmental Planning and Assessment Regulation Prescribes the following conditions of development consent

### **S98 Compliance with Building Code of Australia and insurance requirements under the [Home Building Act 1989](#)**

(cf clauses 78 and 78A of EP&A Regulation 1994)

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
  - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
  - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.
- (2) This clause does not apply:
  - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
  - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
  - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
  - (b) construction certificate, in every other case.

**Note.** There are no relevant provisions in the *Building Code of Australia* in respect of temporary structures that are not entertainment venues.

### **S98A Erection of signs**

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

**Note.** Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

### **S98B Notification of Home Building Act 1989 requirements**

- (1) For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- (2) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
  - (a) the case of work for which a principal contractor is required to be appointed:
    - (i) the name and licence number of the principal contractor, and
    - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
  - (b) in the case of work to be done by an owner-builder:
    - (i) the name of the owner-builder, and

- (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

**S98E Condition relating to shoring and adequacy of adjoining property**

- (1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (a) protect and support the adjoining premises from possible damage from the excavation, and
  - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

**Please be advised if this consent is for an entertainment venue, then there are further prescribed conditions that apply under clauses 98C and 98D of the Environmental Planning and Assessment Regulation.**

# NOTES

---

1. The cutting down, lopping, injury and destruction of trees is regulated by Sutherland Shire Local Environmental Plan 2015 and Sutherland Shire Development Control Plan 2015. A person who contravenes, causes or permits the controls in relation to trees to be contravened is guilty of an offence. Trees designated to be removed on the approved plans under this consent may be removed unless specified otherwise in the conditions in this consent. All other trees on the site covered by Council's controls referred to above must be retained.
2. Section 82A of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from this determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: Review provisions do not apply to Complying Development, Designated Development, State Significant Development Integrated Development or any applications determined by the Joint Regional Planning Panel or the Land and Environment Court.

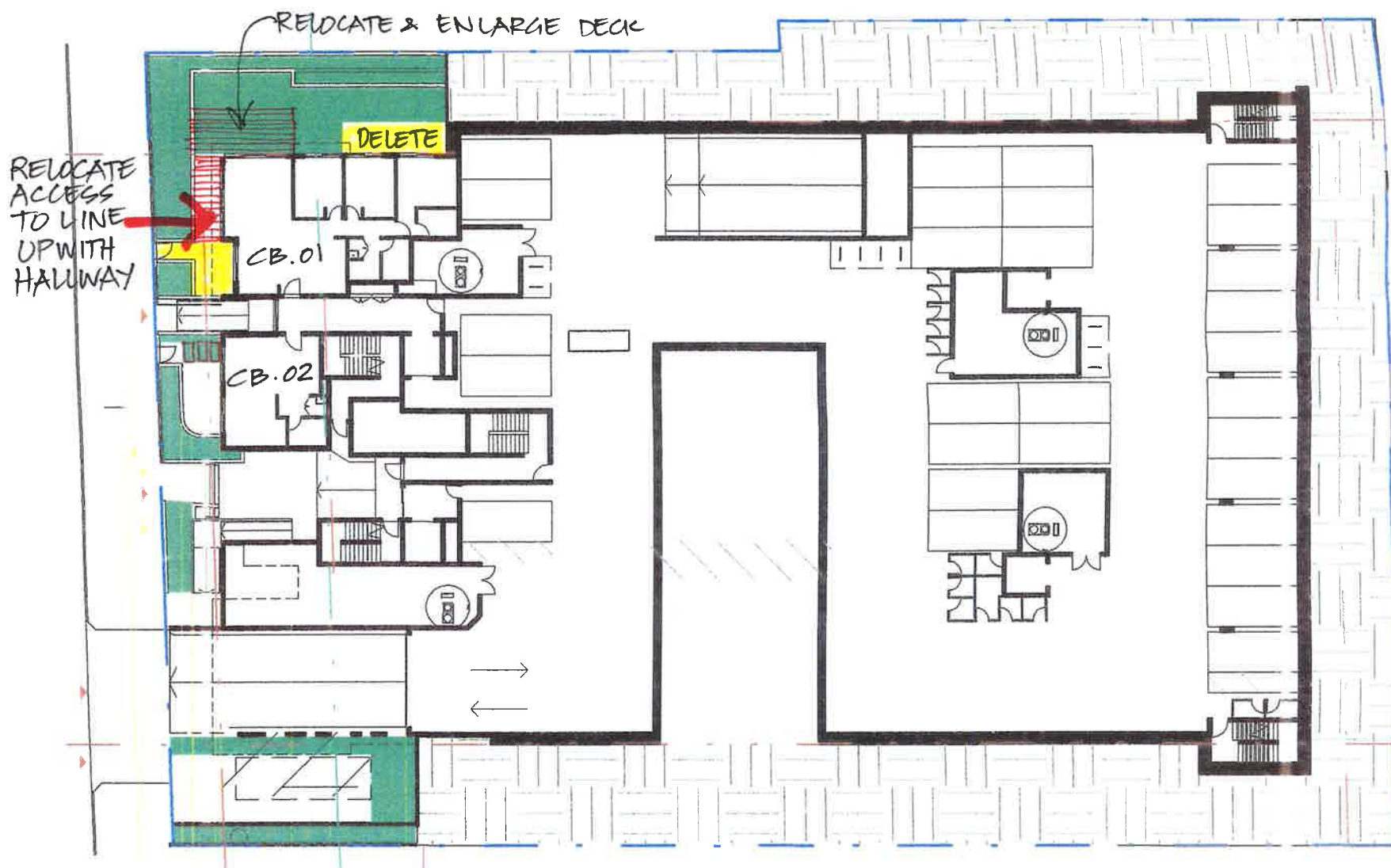
3. Division 8 (Appeals and Related Matters) Part 4 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
4. This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 95 of the Environmental Planning and Assessment Act 1979 as amended.

## DECISION

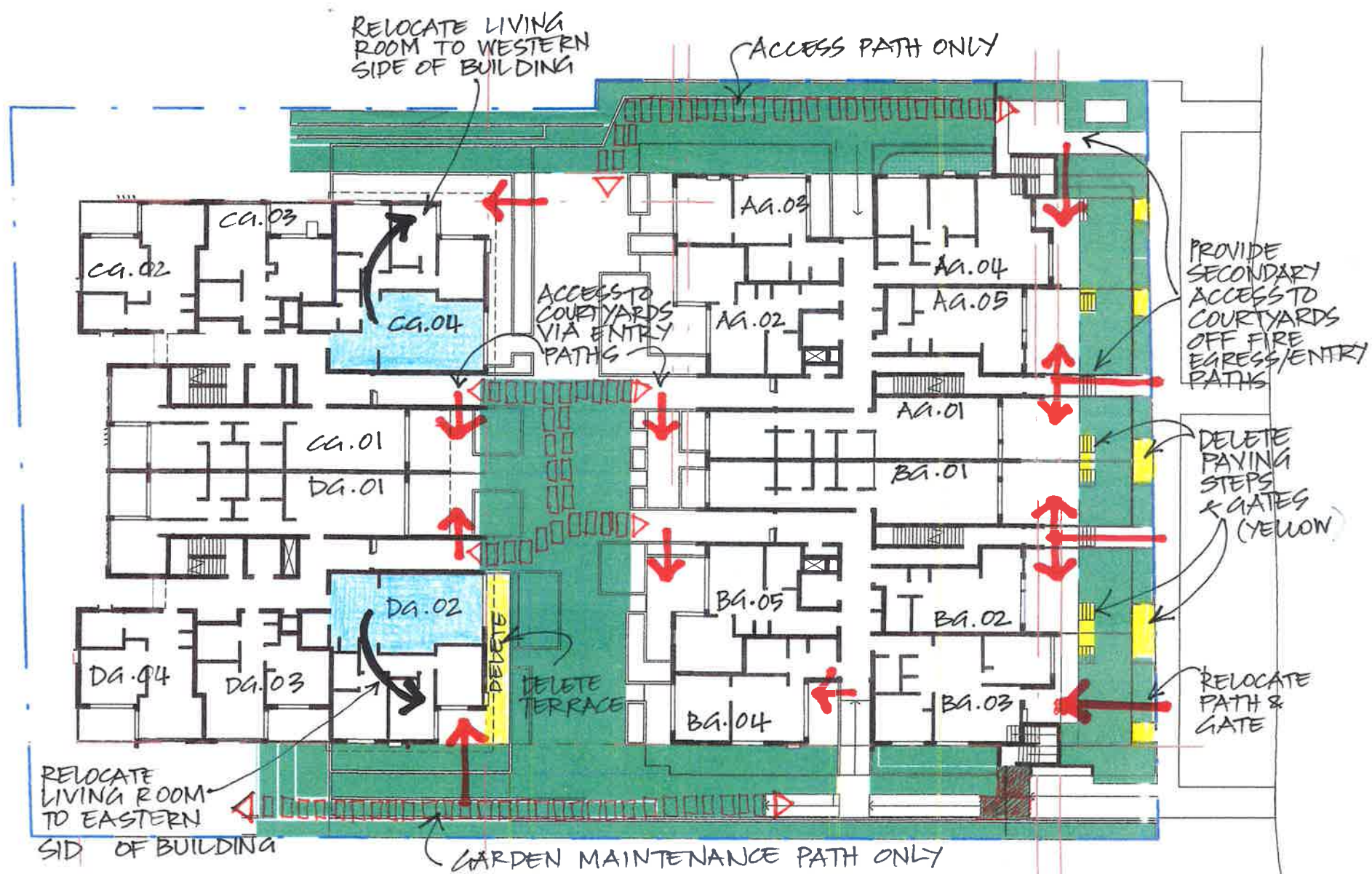
---

Pursuant to the provisions of Section 80(1)(a) of the Environmental Planning and Assessment Act 1979, Development Application No DA15/1254 is determined by the granting of approval subject to the conditions outlined in the Development Assessment Report attached to Council's file.





**11 Basement 1 Plan - Deep Soil Area**



**12 Ground Floor Plan - Deep Soil Area**

B. BUCHANAN  
SSC 12.05.2016





19 May 2016

The General Manager  
Sutherland Shire Council  
Locked Bag 17  
Sutherland NSW 1499

**ATTENTION: Amanda Treharne**

Dear Sir/Madam,

**STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007  
DEVELOPMENT APPLICATION – DA15/1254  
16-20 & 40-44 Pinnacle Street, Miranda**

I refer to Council's letter requesting RailCorp's concurrence for the above development application in accordance with clause 86(1) of the above SEPP and the Sydney Trains concurrence dated 8 March 2016.

Council is advised that the applicant has provided additional documentation in relation to the deferred commencement condition, hence Sydney Trains would like to amend its concurrence if the opportunity still exists, in accordance with the conditions provided in Attachment A.

In the event that this development proposal is the subject of a Land and Environment Court appeal, Council's attention is drawn to Section 97A of the Environmental Planning and Assessment Act 1979 which requires Council to give notice of that appeal to a concurrence authority. Sydney Trains therefore requests that Council comply with this requirements should such an event occur.

Please contact Mr Jim Tsirimiagos on 8575 0780 should you wish to discuss this matter. Finally, Sydney Trains requests that a copy of the Notice of Determination and conditions of consent be forwarded to Sydney Trains.

Yours sincerely,

  
**John Camarda**  
**A/General Manager Property**



## Attachment A

- *The proposed development along the rail corridor interface shall be undertaken in accordance with the documentation provided below:*
  - *General Notes – S0000 Revision A, dated 02/02/16*
  - *Bulk Excavation Plan – S0100 Revision A, dated 02/02/16*
  - *Bulk Excavation Section – S0001 Revision A, dated 02/02/16*
  - *Monitoring Plan – S0102 Revision A, dated 02/02/16*
  - *Correspondence from EIAustralia dated 17 March 2016 (Ref: E22641 GB)*
  - *Correspondence from Australian Consulting Engineers dated 16 March 2016 (Ref: 151181.SDC1)*

*Should the Applicant chose to vary the structural design detailed above, the Applicant shall submit to Sydney Trains for endorsement the revised structural drawings, and any other engineering documentation to enable Sydney Trains to assess any impacts on the rail corridor and rail operations. Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.*

- *If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.*
- *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".*
- *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.*
- *The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible*



*from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*

- *If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*
- *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 is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.*
- *If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.*
- *Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.*
- *No rock anchors/bolts are to be installed into Sydney Trains property or easements.*
- *Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied*
- *Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is*



*to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.*

- *Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.*
- *Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.*
- *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. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.*
- *Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.*
- *Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.*

--oOo--



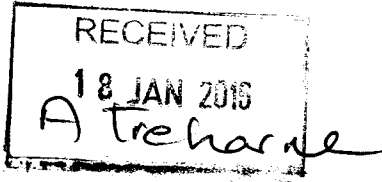
The Commander of Police

*Miranda*

Station NSW

Mail point

\*\*\*\*\*  
 \* SULLF NSW FROCE 705  
 \* 15 JAN 16 07:00  
 \*\*\*\*\*



*Amada Treharne  
 Sutherland Shire Council  
 4 Eton Street, Sutherland  
 NSW 2232*

**Sensitive: Law Enforcement****NSW Police Force**  
[www.police.nsw.gov.au](http://www.police.nsw.gov.au)**ISSUE:**

Submission regarding Development Application No. DA15/1254 at Pinnacle Street, Miranda, submitted by Senior Constable Christopher Shade Reg'd No. 27402.

**BACKGROUND:**

See attached file.

**COMMENT:****Development Application No.: DA15/1254**

**Proposal:** Demolition of 6 existing dwellings and construction of a seven storey and eight storey residential flat buildings containing 101 units with basement carparking.

**Property:** 16 Pinnacle Street, Miranda, 40 Pinnacle Street, Miranda, 18 Pinnacle Street, Miranda, 20 Pinnacle Street, Miranda, 42 Pinnacle Street, Miranda, 44 Pinnacle Street, Miranda.

**Police Ref:** D/2015/669343

We refer to your development application which seeks approval for the development of a 6 level unit complex containing 101 residential apartments with three levels of basement car parking. The proposed development will result in an increase in activity, both in and around the location. Such activity will subsequently increase the risk of crime, along with increasing crime opportunities and potential offenders to the development and its surroundings.

After perusing the paperwork the following suggested treatment options are submitted for consideration including a number of Crime Prevention through Environmental Design (CPTED) factors that should be considered in this development.

**Surveillance**

The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical. Good surveillance means that people can see what others are doing. People feel safe in public areas when they can easily

34 Kingsway, Cronulla

Telephone 02 9527 8199 Facsimile 02 9527 8137 E/Net 58199 E/Fax 58137 TTY 9211 3776 (Hearing/Speech impaired)

APN 15A 812 150

**NSW POLICE FORCE RECRUITING NOW 1800 222 122**

see and interact with others. Would-be offenders are often deterred from committing crime in areas with high levels of surveillance.

### **Lighting and Technical Supervision**

Lighting should meet minimum Australian standards. Effective lighting contributes to safety by improving visibility, increasing the chance that offenders can be detected and decreasing fear. Special attention should be made to lighting the entry and exit points from the buildings, pathways throughout the site, car park and access/exit driveways.

The access/exit driveways need to be adequately lit to improve visibility and increase the likelihood that offenders will be detected and apprehended. At the same time throughout the site transition lighting is needed to reduce vision impairment, i.e. reducing a person walking from dark to light places.

Security lighting should not illuminate observers or vantage points. Within the residential complex, observers are likely to be “inside” dwellings. Light should be projected away from buildings towards pathways and gates – not towards windows and doors. Additionally, the central pathway through the complex should provide adequate lighting for pedestrian safety. The attached development application does not specify such lighting considerations.

### **Landscaping**

The safety objective of “to see and be seen” is important in landscaped areas. Research and strong anecdotal evidence suggests that vegetation is commonly used by criminals to aid concealment through the provision of entrapment pockets. Dense vegetation can provide concealment and entrapment opportunities.

Species can be selected for different locations on the basis of their heights, bulk and shape. A safety convention for vegetation is: lower tree limbs should be above average head height, and shrubs should not provide easy concealment. It is recommended that 3-5m of cleared space be located either side of residential pathways. Thereafter, vegetation can be stepped back in height to maximise sightlines.

Given the inclusion of shrubs and trees throughout the site within the proposed development, it must be emphasised that the vegetation be kept trimmed and maintained at all times.

### **Access Control**

Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime. By making it clear where people are permitted to go or not go, it becomes difficult for potential offenders to reach and victimise people and their property.

Illegible boundary markers and confusing spatial definition make it easy for criminals to make excuses for being in restricted areas. The proposed development application does not specify access control measures throughout the development. It is, however, crucial that these access control measures be considered.

Consideration should be given to installing security shutters at the entry to the underground car park area. It is noted that the following 'can be conditioned' - *"where security measures to car parks are provided an intercom system shall be installed for visitors to gain entry. This system shall incorporate a CCTV system to ensure that the visitor space availability can be determined"* (Annexure B, SSDCP 2006 Compliance Table, p.15). **This security control measure should strongly be considered prior to approval of this development application.**

Police would recommend that all residents are allocated access cards to provide temporary activation of security shutters to the basement area. This security access control measure could also be used to gain access into the pool area – access/safety control measures are not specified within the development application.

The proposal does not specify the type of locks to be fitted to roller doors within the basement car park area. Police would recommend that garage doors are designed and installed to the Australian Standards, fitted with quality locks. Within the local area, a common modus operandi of break and enter offenders whilst targeting premises of similar nature, is to access the residential premise via the garage area. Hence, quality deadlock sets should be fitted to internal doors leading from the garage area into individual townhouses. Storage doors within the garage area should also be fitted with quality deadlocks.

Police recommend that the underground car parking areas be painted white to greatly help to reflect light. Painted facilities not only look larger and more spacious than unpainted car parks, but can greatly reduce the number of lights required to illuminate the car park and on-going energy costs.

Police would suggest the use of CCTV to monitor the common areas, access/exit driveways and underground car parks to ensure resident safety and security.

Internal residential entrance doors and frames should be of solid construction. These doors should be fitted with quality deadlock sets, which comply with the Australian/New Zealand standards and Fire Regulations (Australian Building Code) to enable occupants to escape in emergency situations such as a fire. Consideration should be given to installing key operated locks to windows. In addition to this, consideration should be given to installing locks that allow for windows and doors in a partially open position.

## **Territorial Reinforcement**

With few exceptions, criminals do not want to be detected, challenged or apprehended. For offenders, the capability of guardianship (to detect, challenge or apprehend) is an

important consideration. It is argued that residents are more effective as guardians (crime deterrents) than passing members of the community.

Territorial reinforcement can be achieved through:

- ✓ Design that encourages people to gather in public space and to feel some responsibility for its use and condition
- ✓ Design with clear transitions and boundaries between public and private space
- ✓ Clear design cues on who is to use the space and what it is to be used for. Care is needed to ensure that territorial reinforcement is not achieved by making public spaces private spaces, through gates and enclosures.

### **Environmental Maintenance**

Clean, well-maintained areas often exhibit strong territorial cues. Rundown areas negatively impact upon perceptions of fear and may affect community confidence to use public space and ultimately, it may affect crime opportunity. Vandalism can induce fear and avoidance behaviour in a public space, therefore the rapid repair of vandalism and graffiti, the replacement of car park lighting and general site cleanliness is important to create a feeling of ownership. Ownership increases the likelihood that people will report or attempt to prevent crime.

Many graffiti vandals favour porous building surfaces, as 'tags' are difficult to remove. Often a ghost image will remain even after cleaning. Easily damaged building materials may be less expensive to purchase initially, but their susceptibility to vandalism can make them a costly proposition in the long term, particularly in at-risk areas. This should be considered when selecting materials for construction.

The overall design of the outdoor "common areas" should include low barrier vegetation, bright/even lighting, wide/even paving, effective guardianship and an absence of entrapment opportunities. In addition to visible street numbering at the entrance to the complex, and throughout, this development should contain clearly signposted directional signage to assist both visitors and emergency services personnel.

## **Other Matters**

### **Lighting**

Offenders within the area target this type of development, both in its construction phase and when the units are occupied. Police would recommend the use of security sensor lights and a security company to monitor the site while construction is in progress.

### **Car Park Security**

One of the major issues that have been brought to Police attention in this Local Government Area is the prevalence of offenders breaching the security access to the car park areas, and breaking into the vehicles. Due to the isolation of the garages, these offences are not usually noticed by the owners until much later. It is suggested



that this area be monitored by CCTV and appropriately sign-posted to deter potential offenders.

### **Way-finding**

Way-finding in large environments such as this proposed development site can be confusing. Design and definitional legibility is an important safety issue at these locations. Knowing how and where to enter and exit, and find assistance within the development, can impact perceptions of safety, victim vulnerability and crime opportunity. Signage should *reinforce*, but not be an alternative to legible design.

### **Letter Boxes**

Mail theft/identity theft costs the community millions of dollars annually and due to the size of this proposal (101 units) and the volume of mail that will be delivered, it is highly recommended the letter boxes are secured in the foyer area with access via a 'swipe card' or the entry door be fitted with quality locks that are approved by Australian Standards. Multi storey residential apartment's are prime targets for mail and identity theft offenders. Letter boxes that are positioned on the outside of the unit complex are easily accessible by a 'master key' or residents leaving their letter boxes unlocked.

### **Windows**

Chemically hardened glass and toughened glass with PVB interlayer and transparent polycarbonate sheeting can be an effective alternative to 'normal' glass in certain high risk applications. When properly fitted, they are resistant to breakage. Older stylr polycarbonates can be negatively affected by UV and scratching. New protective films have reduced this problem.

*The NSW Police Force (NSWPF) has a vital interest in ensuring the safety of members of the community and their property. By using recommendations contained in this evaluation any person who does so acknowledges that:*

- *It is not possible to make areas evaluated by the NSWPF absolutely safe for the community and their property*
- *Recommendations are based upon information provided to, and observations made by the NSWPF at the time the evaluation was made*
- *The evaluation is a confidential document and is for use by the Council or the organisation referred to on page one*
- *The contents of this evaluation are not to be copied or circulated otherwise than for the purpose of the Council or the organisation referred to on page one.*
- *The NSWPF hopes that by using recommendations contained within this document, criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that the area evaluated will be free from criminal activity if its recommendations are followed.*



**RECOMMENDATION:**

There are no objections to this proposal however it is recommended the above Crime Prevention Through Environmental Design (CPTED) should be considered in this development.



Christopher Shade  
Senior Constable  
Crime Prevention Officer  
Miranda Local Area Command  
7 January, 2016  
Ph: 9541 3899

- 1) Sergeant Millington - Crime Co-ordinator, Miranda LAC

*For information and attention of SSC. Enq sgt 11/1/16.*

- 2) Detective Chief Inspector Woolbank – Crime Manager, Miranda LAC

  
12.1.16

- 3) General Manager, Sutherland Shire Council

## Architectural Review Advisory Panel

Proposal:

**Demolition of 6 existing dwellings and construction of a seven storey and eight storey residential flat development containing 101 units with basement car parking**

Property:

**16, 18, 20, 40, 42 & 44 Pinnacle Street MIRANDA NSW 2228**

Applicant:

**42 - 44 Pinnacle St Miranda Pty Ltd**

File Number:

**DA15/1254**

The following is the report of the Architectural Review Advisory Panel Meeting held on 19 November 2015 at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

### **1. "DA15/1254 – Demolition of Existing Structures & Construction of a Seven (7) & Eight (8) Storey Residential Flat Development Containing One Hundred & One (101) Residential Apartments & Three (3) Levels of Basement Car Parking at 16-20 & 40-44 Pinnacle Street, Miranda – JRPP Application**

Council's David Jarvis, Carine Elias and Barbara Buchanan outlined the proposal for the Panel, including providing details of Council's relevant codes and policies.

George Donovan and Eddy Haddad addressed the Panel regarding further development of the proposal and how they have addressed the issues raised by the Panel at the previous meeting.

#### **Description of the Site and Proposal**

This development application is for the demolition of existing structures and construction of a seven (7) and (8) storey residential flat development containing one hundred and one (101) residential apartments and three (3) levels of basement car parking.

The site is zoned R4 – High Density Residential (SSLEP 2015).

The site is located at 16-20 and 40-44 Pinnacle Street, Miranda.

#### **Key Controls:**

Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015)  
Sutherland Shire Draft Development Control Plan 2015 (SSDDCP 2015)  
State Environmental Planning Policy 65 Amendment No. 3 (SEPP 65)  
Apartment Design Guide (ADG)

#### **Applicant's Submission**

The Panel noted that the proponent has attended a PAD meeting (PAD15/0085) and ARAP pre-DA meeting (ARAP15/0016).

Since the previous ARAP meeting the applicant has purchased a 6th lot in the south-west and the proposal now aligns with Council's preferred amalgamation plan.

### **PRINCIPLE 1 – CONTEXT AND NEIGHBOURHOOD CHARACTER**

The site lies within the Pinnacle Street precinct, which is subject to Council's up-zoning modelling and site DCP that aims to achieve increased density within a parkland setting. The previous proposal did not conform to Council's recommended amalgamation model with resulting difficulties in solar access to the communal open space.

The submitted documentation has not provided the existing and future envelopes for adjacent properties in the submission as suggested by ARAP. An understanding of the likely future context through indication of adjacent DAs is important to understanding the possibilities and issues of the site.

The site sits within part of the Shire's Greenweb Restoration Zone.

### **PRINCIPLE 2 – SCALE AND BUILT FORM**

The revised proposal has a 7-storey building to the south, a 6/4 storey building to the north, and landscaped communal open space above the basement car-park running E-W across the centre of the site. The northern building has two roof gardens as additional communal open space in order to achieve ADG compliance.

The revised layout of built form on the expanded lot as proposed by the applicant is an improvement on the L-shape forms proposed by Council's amalgamation plan.

However, the communal central space remains challenged for appropriate levels of sunlight so a comparison to illustrate the differences between the two models should be provided. This should also show solar access to lower apartments in the southern building.

Improved solar access to the central courtyard could be provided with further consideration of redistribution of the built form across the upper two levels.

### **PRINCIPLE 3 – DENSITY**

Complies.

### **PRINCIPLE 4 – SUSTAINABILITY**

Not discussed.

### **PRINCIPLE 5 – LANDSCAPE**

Structural tree design: In an up-zoned precinct such as Pinnacle Street, structural tree planting must feature strongly in an integrated design. The proposal presently lacks this quality. The Panel suggests that where large trees are proposed there should be at least 2 trees, rather than single isolated trees, and that they be species that have tall unbranched trunks so that they occupy minimal space for the first 4m and add to the general strength of tree planting for the precinct. This proposal does not appear to have understood the structural tree design requirements; instead it appears to be a random selection of trees taken from Council's tree selection guide, located in deep soil but without regard to their form and their potential to shade the communal open space. It is suggested that 2 *Syncarpia Sp* (4 in all) occupy the northern corners of the site. In order

to avoid shading the only shaft of sunlight reaching the central communal open space, suggest moving the proposed *Angophora costata* further south near the western entry of the rear building and increase to 2 trees. Suggest adding a further *Syncarpia glomulifera* (2 trees) to the proposed tree on the eastern boundary of the communal open space.

The central communal open space is shaded for much of the year and the lack of easy access means it is unlikely to be used.

Roof gardens. Generally these spaces will be pleasant but the lack of a roof garden on the rear building is unfortunate and not equitable. Level 4 and Level 6 gardens provide pleasant diverse spaces but water, toilets and other facilities are needed.

Northern courtyard entries: The photomontage indicated that each unit has a portico over the street courtyard entry. This will result in an unnecessarily 'busy' elevation.

### **PRINCIPLE 6 – AMENITY**

A number of issues relating to amenity require further consideration and resolution:

- There is no demonstrated compliance with solar access requirements of the ADG.
- The ground level open space has poor amenity as it will be mostly in shade. Its purpose is not evident and requires further design resolution.
- There is an inequitable distribution of common open space, with all rooftop common open space allocated to the northern building. A portion of common open space should be located on the roof of the southern building. Level 6 could be modified in such a way to create a south-east and a south-west common area accessed directly off the main lift lobbies.
- Communal open space on roofs should include an all-access toilet, a sink, BBQ facilities and an area of fixed sun shading.
- The provision of one lift in the southern building is questionable. Consideration should be given to linking cores at an upper or level to allow residents the use of an alternative lift when one is not in use.
- Ground floor apartments with individual street entries should provide a degree of separation between the entry and the private open space, and a front door with a distinct entry space within the apartment should be provided.
- All apartment sizes must comply with ADG requirements – for example, 2 bed/2 bath sizes minimum 75m<sup>2</sup>, bedrooms should have a minimum dimension of 3m in each direction, balconies minimum 2m depth.
- All furniture should be drawn at the correct scale and size.
- Some of the required storage in the basement appears unusable and it is not clear whether the requirements within apartments have been met.

- Consideration should be given to balustrade materials that provide a balance of privacy and surveillance. Detailing should use a proportion of solid (or translucent) and transparent materials.
- A number of detail issues should be resolved in principle and shown on drawings at DA stage so as not to compromise amenity, built form and aesthetics at a later stage. These include car park ventilation, the method of roof and balcony drainage to avoid exposed downpipes and rainwater heads, and discreet location of AC condensers and gas hot water heaters.
- The north-eastern unit on Level 5 in the northern block would have improved solar access if the living area is switched to the north-western corner.
- There is inadequate space in front of the lifts in the basement.

### **PRINCIPLE 7 – SAFETY**

Acceptable.

### **PRINCIPLE 8 – HOUSING DIVERSITY AND SOCIAL INTERACTION**

There is a good diversity of unit type. Inadequate access to the central communal open space is not conducive to social interaction. Direct access should be provided from the ground floor lobbies. On the ground floor, converting the 2 bedroom unit on the south-eastern corner of the northern building to a 1 bedroom unit would release space for access from the lift lobby. As well, deleting the 1 bedroom unit on the northern side of the southern block would release similar space to lift lobby.

Roof gardens will provide for social interaction in the northern building but not in the southern building. The lack of a rooftop common area to this building must be addressed.

### **PRINCIPLE 9 – AESTHETICS**

The proposal has deteriorated since previously reviewed by ARAP (refer to comments in the previous ARAP report) which was more supportive of the aesthetic proposal at that stage. This was more moderate and subtle in its material palette compared to the current evolution, which appears as an overly complex mix of languages and expressions. It is therefore suggested that the elevations are simplified to aim for more calm and simplicity.

The entrance porticos should be made less prominent or deleted.

The use of bright colour on the decorative frames is not supported and if the architect is to persist with colour it should be restricted to the return wall surfaces as per previous scheme.

The previous ARAP report requested that the landscape plan be provided with an overall aesthetic approach within the Greenweb context. This has not been provided and the proposal submitted lacks aesthetic strength.

---

**RECOMMENDATIONS/CONCLUSIONS:**

The Panel recommends that the proposal requires further analysis and modification as follows:

- Confirm that ADG solar access compliance to units and communal open space is achieved, taking into account the adjacent forms of development.
- Items noted under “Amenity” need to be addressed.
- The form, character and expression of the buildings should be simplified.
- Details of the central landscaped courtyard should be provided and the space made more accessible.”

Tony Caro  
Acting ARAP Chairman

10 December 2015