

28 August 2014

File No: R/2014/27
Your Ref: SSD 6371

Amy Watson
Team Leader, Key Sites and Special Projects
NSW Planning and Environment
22-23 Bridge Street
Sydney NSW 2000

Attention: Simon Truong
Email: simon.truong@planning.nsw.gov.au

Dear Simon,

RE: SSD 6371 – 175-177 Cleveland Street, Redfern

I refer to your correspondence received on 8 July 2014, inviting Council to make a submission regarding the proposal for a mixed use development at 175-177 Cleveland Street, Redfern.

The City has reviewed the information provided as part of the public exhibition and does not raise objection subject to the following issues being addressed. Recommended conditions of consent have also been included.

The issues cover the following matters:

- Built form and urban design
- General amenity
- Heritage
- Landscaping
- Public domain
- Transport and access
- Waste
- Noise (construction and operation)
- Contamination.

The Site and Proposal

The site is identified as a Redfern-Waterloo Authority site pursuant to State Environmental Planning Policy (Major Projects) 2005. The Major Projects SEPP outlines the relevant planning controls for the site, including a height in storeys control of 5 storeys and a FSR of 2:1. The site is zoned Business Zone - Mixed Use under the Major Projects SEPP.

The site is approximately 645.2m² in area, with frontages to Cleveland Street, Eveleigh Street and Woodburn Street. The sites northern boundary fronts Cleveland

Street which is a classified road. The Chippendale Heritage Conservation Area is located opposite the site on the other side of Cleveland Street.

The proposal includes the demolition of existing structures and construction of a 5 storey mixed use development comprising student accommodation and a residential flat building as follows:

- Student accommodation:
 - o pedestrian access via Cleveland Street
 - o reception/ administration area, communal living area and managers office on the ground floor
 - o laundry and garbage room facilities on the ground floor
 - o 40 x student accommodation bedrooms, each with a private en suite (4 of which are adaptable rooms)
 - o 8 x communal rooms with kitchen
 - o 93.08m² of communal open space located on the roof.
- Residential flat building:
 - o pedestrian access via Eveleigh Street
 - o lobby, garbage room and services located on the ground floor
 - o 12.5m² of common open space located on the ground floor
 - o 13 x 1 bedroom apartments with private balconies (2 of which are adaptable apartments)
 - o 91.97m² of communal open space located on the roof.
- Vehicular access via Eveleigh Street to a shared basement level comprising 7 car parking spaces, (2 of which are accessible spaces), 25 bicycle parking spaces, 8 motorcycle spaces, storage rooms, plant room and an accessible bathroom.

Built Form and Urban Design

The proposed material and finishes are considered to be appropriate with regard to the character of the area and the future use of the building. The anodised aluminium screen cladding with patterned artwork provides architectural interest, as well as visual and acoustic privacy for future residents. Consideration should be given to the potential for the screen to result in unacceptable glare from the sun or passing vehicle headlights.

The use of a variety of materials for the residential flat building component of the development, including polished concrete and zinc cladding is also supported. It is noted however that no materials or finishes have been specified for the ground floor balustrades to the balcony of apartment G01 and the access ramp. Further, while no objection is made to the frameless glass balustrades to the balconies, potential exists for privacy of these areas to be compromised. The use of translucent glazing should be considered in these areas.

The ground floor Cleveland Street elevation comprises double glazed low E glazing. While the use of glazing in this location is supported, consideration should be given to the reliance of curtains or blinds to manage weather protection and privacy. An integrated blind system that does not result in visual clutter should be considered.

It is noted that a plant room is proposed within the basement level and no plant has been located on the roof. Clarification should be sought as to whether any plant is to be located on the roof. Rooftop structures such as plant rooms, air conditioning and ventilation systems should be incorporated into the design of the building by

concealing them within the roof form, or located within a well-designed, integrated roof top element.

General Amenity

Internal elevations have not been provided in order to assess potential overlooking impacts from the breezeway of the student accommodation component to the bedrooms of apartments 201, 301 and 401. The incorporation of highlight windows or screening may be required to address potential privacy concerns.

Consideration should be given to incorporating a side, louvered/operable window panel private balconies to enable improved ventilation to apartments in inclement weather.

The Statement of Environmental Effects prepared by Sutherland and Associates Planning states that bedrooms within the student accommodation component are a minimum of 12m² and en suites are a minimum of 2.1m², as required by Sydney Development Control Plan 2012. A preliminary review of these areas indicates that some rooms may fall under this size.

It noted that no private open space has been provided for the student accommodation component, however given the location of the site on Cleveland Street and the ample communal open space provided, this is considered acceptable.

Sections provided show floor to floor heights of 3m. A floor to ceiling height of 2.7m requires a minimum floor to floor height of 3.1m. Further, the sections do not show the standard step down from the finished floor level to the slab, indicating that additional height may be required.

Heritage

The existing site has limited significance and does not meet the criteria of local heritage items. The building is not identified in the current *City of Sydney Industrial Heritage Study*. No objection is raised to the proposed demolition of the existing industrial building.

The site is assessed to have certain archaeological potential. It is understood that it will be under NSW Heritage Office jurisdiction to recommend archaeological investigation conditions, however the City recommends an archaeological investigation and field report be carried out and submitted for our records.

The Chippendale Heritage Conservation Area is adjacent to the subject site on the opposite of Cleveland Street. The new building will directly face Chippen Street and two neutral items (47- 49 Chippen Street and 232-236 Cleveland Street). It is also obliquely visible from a locally listed heritage item known as Strickland Building at 54-62 Balfour Street. Due to the broadness of Cleveland Street, it is not expected that the new building will create a negative visual impact on the conservation area and heritage item.

Landscaping

The proposed common open space areas provide a good range of spaces, given the constraints of the site. Limited information is provided, however the concepts indicate a variety of facilities including BBQs, water features, seating and timber seating/tables.

It is noted that planting is provided on the roof terraces in wide planter beds to deter access to the edge of the roof. However additional 1m high guarding should be provided on top of the parapet to protect from the additional fall height created by the garden bed, or an alternative arrangement of garden beds should be provided.

It is noted that no deep soil zone is provided on site, however given the constraints of the site and its urban location, this is considered to be acceptable.

Clarification should be sought regarding how the landscaped areas will be maintained. A maintenance plan including a method statement for working at height should be provided. The plant list should be developed to respond to the specific site conditions i.e. the heavily shaded ground-level courtyard, and the exposed roof terraces.

It is unclear whether there is any planting to the Cleveland Street frontage. Drawing L04 indicates a green wall and the photomontages illustrate some planting, whereas the architectural plans do not show any planting in this area. No detail has been provided and there is inadequate space for planting as the building extends to the site boundary. Clarification should be sought regarding proposed landscaping in this area.

Public Domain

Pedestrian access to the student accommodation component of the development is proposed via Cleveland Street. Plans show this entry located directly on the property boundary and do not include any ramping. As currently proposed, this entry may present accessibility issues, as the as the pavement on Cleveland Street has a gradient of greater than 1:20.

At the south eastern corner of the site, the footpath drops by approximately 1m to Woodburn Street. This level change is currently treated by way of steps and retaining walls. It is unclear as to whether this treatment is to be retained as part of the proposal. A better resolution of this level change is preferred.

The City is currently implementing upgrades to the public domain along Cleveland Street. While the existing concrete pavement, kerbs and gutters along Cleveland and Woodburn Street are in reasonable condition, they would benefit from upgrading. There may also be sufficient space on the footpath to include more street trees and a landscape verge. Coordination with City Projects should be undertaken as part of the public domain plan preparation.

Street lighting will need to be considered as part of the public domain plan. Lighting should be provided that improves safety and security in the area, particularly along Woodburn Street and Eveleigh Street.

Transport and Access

Two additional bicycle parking spaces should be provided for the visitors of the residential component as per rates specified in Sydney Development Control Plan 2012. It is noted that bicycle parking for the student accommodation portion of the proposal has been provided in accordance with the State Environmental Planning Policy (Affordable Rental Housing) 2009 controls, however it would be ideal to provide additional bicycle spaces for the this component in order to further encourage cycling.

The vehicular access ramp via Eveleigh Street is 3.2m in width and therefore, only one-directional travel is possible at any one time. Consideration should be given to the implementation of a system that makes users aware that a vehicle is on the ramp.

Waste

The Waste Management Plan prepared by Ghazi Al Ali Architect states that residents will dispose of waste and recycling into bins located in the ground floor bin holding room. Sydney Development Control Plan 2012 generally requires a waste chute for any buildings above 3 storeys. For smaller developments, a distance no further than 40m should occur between the furthest units to the bin holding room.

The City encourages waste collection to be accommodated off-street. This ensures that collection vehicles do not disrupt traffic flow, bins are not stored along the footpath and noise during collection is contained and does not disrupt neighbours. Clearance height for access by collection vehicles must be no less than 3.6m at any point if a vehicle is required to enter site to service bins.

Where on-street collection is to be undertaken bins should not be stored on the footpath. Waste and recycling receptacles are to be stored on the property at all times. Bin storage rooms are to utilise access keys to enable waste collection teams to access and retrieve bins. The maximum travel distance between the storage point and collection point for all waste and recycling receptacles should be no more than 10m. Unimpeded access should be provided for collection vehicles between 6am and 6pm on collection days.

Noise (Construction and Operation)

The Construction Management Plan should be updated to reflect appropriate noise predictions from demolition, excavation and construction phases. Appropriate community consultation and complaints handling procedures should also be identified.

The Noise Impact Assessment prepared by Acoustic Logic is unsatisfactory. The report states that background unattended monitoring occurred from the 28th March to 4th April 2014. The City has reviewed the Bureau of Meteorology wind speed data (Sydney Airport) for these dates, and found that wind speeds and rainfall exceeded limits set out in the Industrial Noise Policy (INP) criteria. This would potentially contribute to excessively high planning noise levels being used, and consequently, unsuitable planning performance noise criteria may have been adopted. As such, the noise assessment should include one of following:

- (a) unattended background monitoring wholly in accordance with Part 3 and Appendix B of the INP; or
- (b) justification for the submitted background monitoring data:
 - i. with reference to the exclusion rules in the INP (not exceeding the allowances for excluding data)
 - ii. by other means with reference to the INP
 - iii. by comparing noise levels during periods of acceptable weather data and unacceptable weather data and contrasting any observed differences.

RBL90 Broadband and 1/1 octave levels should be presented in a revised report in accordance with the above. It is advised that the City does not accept wind levels

corrected from gradient to ground level using the methodology published by Renzo Tonin referencing the Australian Standard for Wind loading on building.

Contamination

The submitted Remediation Action Plan should be reviewed by a NSW EPA Accredited Site Auditor prior to construction works commencing.

Should the Department grant approval to the application, the City recommends a list of conditions for consideration (as attached).

Should you wish to speak with a Council officer about the above, please contact Natasha Ridler, Specialist Planner, on 9246 7720 or at NRidler@cityofsydney.nsw.gov.au

Yours sincerely,

A handwritten signature in black ink, appearing to be 'GJahn', written in a cursive style.

Graham Jahn AM
Director
City Planning | Development | Transport

The City recommends that the Department consider the following conditions should approval be granted for the application:

ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, Workcover must be formally notified of the works.. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and Workcover document entitled How to Safely Remove Asbestos, Code of Practice and the City of Sydney Asbestos Policy.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.
- (e) Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Part 6 of the City of Sydney's Asbestos Policy.
- (f) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (g) No asbestos laden skips or bins are to be left in any public place without the approval of Council.
- (h) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

LAND REMEDIATION

- (a) The site is to be remediated and validated in accordance with the Remediation Action Plan prepared by Geo-Environmental Engineering, dated 17 May 2014.
- (b) A NSW EPA Accredited Site Auditor and Council shall approve any variations to the proposed Remediation Action Plan in writing prior to the commencement of such work.

- (c) Prior to the exportation of waste (including fill or soil) from the site the material should be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Environmental Guidelines Assessment, Classification and Management of Non- Liquid Wastes. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporter if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

SITE AUDIT STATEMENT

- (a) Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation) a Section A Site Audit Statement from a NSW EPA Accredited Site Auditor is to be submitted to Council Health and Building Unit clearly indicating that the site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.

Note: Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council these should be discussed with Council before the Site Audit Statement is issued.

HAZARDOUS AND INDUSTRIAL WASTE

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Environmental Protection Authority, NSW Work Cover Authority pursuant to the provisions of the following:

- (a) Protection of the Environment Operations Act 1997.
- (b) Protection of the Environment Operations (Waste) Regulation 2005.
- (c) Waste Avoidance and Recovery Act 2001.
- (d) Work Health and Safety Act 2011
- (e) Work Health and Safety Regulation 2011

IMPORTED WASTE DERIVED FILL MATERIAL

The only waste derived fill material that may be received at the development site is:

- (a) Virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*);
- (b) Any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.
- (c) Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as

to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

CONTAMINATED WASTE

The generation, storage, transport, treatment or disposal of industrial, hazardous or Group A liquid waste must be in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and the NSW Department of Environment and Conservation's (DEC) waste tracking requirements. For further information contact the Department of Environment and Conservation (DEC) on 133 372.

DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

- (a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifying Authority:
 - (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls and (where applicable) the proposed method of facade retention.
 - (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
 - (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
 - (iv) A Waste Management Plan for the demolition and or excavation of the proposed development.
- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Policy for Waste Minimisation in New Developments 2005*, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:
 - (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
 - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
 - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
 - (iv) The name and address of the transport contractor.
 - (v) The type and quantity of material to be removed from site.
 - (vi) Location and method of waste disposal and recycling.
 - (vii) Proposed truck routes, in accordance with this development consent.

- (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
- (ix) Measures to control noise emissions from the site.
- (x) Measures to suppress odours.
- (xi) Enclosing and making the site safe.
- (xii) Induction training for on-site personnel.
- (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.
- (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
- (xv) Disconnection of utilities.
- (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
- (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
- (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
- (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
- (xx) Working hours, in accordance with this development consent.
- (xxi) Any Work Cover Authority requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

COMPLIANCE WITH DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN

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

- (b) Where all such control measures have been implemented and the resultant noise levels at any noise sensitive receiver are still in exceedances with the council's noise criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite.

Such periods should where possible be set and agreed with the Council and be given at times high noise levels are, or are likely, to cause most offence.

CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

ALIGNMENT LEVELS – MAJOR DEVELOPMENT

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.
- (b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's *Public Domain Manual* and must be submitted with a completed Alignment Levels checklist (available in the *Public Domain Manual*) and Footpath Levels and Gradients Approval Application form (available on the City's website).
- (c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

PUBLIC DOMAIN PLAN

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's *Public Domain Manual*). The Public Domain Plan must be coordinated with the Cleveland Street Project as developed by City Projects.

- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Design Code* and *Sydney Streets Technical Specification*, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

A lighting plan must be submitted with the Public Domain Plan and produced by an experienced lighting designer. Street lighting is to satisfy the Australian Standard recommendations for Obtrusive Lighting. Submission is to include obtrusive light calculations to all residential properties in the lighting calculation areas. Street lighting is to satisfy the Australian Standard recommendations for Obtrusive Lighting. Submission is to include obtrusive light calculations to all residential properties in the lighting calculation areas.

- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.
- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 4 lineal metres of concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued excluding any approved preparatory, demolition or excavation works.
- (c) Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.
- (d) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued for public domain works or above ground building works, whichever is earlier, and prior to the commencement of any work within the public way.
- (e) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.

Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken by a suitably qualified drainage engineer and must be approved by Council, demonstrating how the development will be designed to ensure that the flow of post-development pollutants from the site due to stormwater will be reduced.

WATER POLLUTION

No wastewater, chemicals or other substances harmful to the environment shall be permitted to discharge to Council's stormwater system. Only clean, unpolluted water is permitted to discharge into the stormwater system.

CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

Wastewater arising from the use must be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements should be obtained prior to the commencement of construction work.

COMPLIANCE WITH THE ACOUSTIC REPORT & ADDITIONAL REPORTING & CERTIFICATION REQUIREMENTS PRIOR TO CONSTRUCTION AND OCCUPATION CERTIFICATES

The Noise Assessment prepared by Acoustic Logic, dated 21 March 2014 should be updated to include the following:

- (a) Unattended background monitoring wholly in accordance with Part 3 and Appendix B of the INP, or
- (b) Justification for the submitted background monitoring data:
 - (i) with reference to the exclusion rules in the INP (not exceeding the allowances for excluding data).
 - (ii) by other means with reference to the INP.
 - (iii) by comparing noise levels during periods of acceptable weather data and unacceptable weather data and contrasting any observed differences.

All recommendations contained in the amended acoustic report must be implemented during construction and use of the premises. This will incorporate the following specific requirements with detailed timings:

- (a) The proponent is to engage an Acoustic Consultant at the detailed design stage of the project who shall prepare an *Acoustic Design Report* to the satisfaction of the Principal Certifying Authority **prior to the issue of the Construction Certificate**.

The report is to provide specific detail on the exact and final specifications of building construction methodologies and noise emitting articles that will be implemented within the building envelope which will comply with the allocated criteria and meet or exceed the acoustic requirements prescribed in the above sections of the *Acoustic DA Report*. The Principal Certifying Authority is to ensure that the report contains adequate engineering assessment of noise emissions and detail proposed controls such that noise impacts are expected to comply with applicable criteria.

The report is to also review the proposed design in detail and identify necessary acoustic controls that are to be incorporated into the building construction such that it achieves the applicable acoustic requirements of the National Construction Code.

- (b) The proponent is to engage an Acoustic Consultant prior to occupation of the use and completion of the project who shall prepare an *Acoustic Verification Report* to the satisfaction of the Principal Certifying Authority **prior to the issue of the Occupation Certificate**.

The report is to provide specific detail including but not limited to noise compliance tests and measurements demonstrating that:

- (i) Noise emissions comply with applicable criteria at the nearest affected receivers as per the requirements of the *Acoustic DA Report and Acoustic Design Report*.
- (ii) That those respective elements of the building construction incorporating noise amelioration and that incorporated noise emitting articles subject to applicable noise controls have been inspected and or tested to comply with the requirements of the *Acoustic DA Report and Acoustic Design Report*. The Principal Certifying Authority shall ensure that the report incorporates a signed statement from the consultant stating that the building complies with all applicable noise requirements.

NOISE - GENERAL

- (a) The emission of noise associated with the use of the premises including the operation of any mechanical plant and equipment shall comply with the following:
 - (i) The $L_{Aeq, 15\text{minute}}$ noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the NSW EPA Industrial Noise Policy. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment $L_{A90, 15\text{ minute}}$ / rating $L_{A90, 15\text{ minute}}$ process to be in accordance with the requirements for noise monitoring listed in the NSW EPA Industrial Noise Policy and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (iii) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable.
- (b) An $L_{Aeq, 15\text{minute}}$ noise level emitted from the use must not exceed the $L_{A90, 15\text{minute}}$ noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence provided that;
 - (i) Where the $L_{A90, 15\text{minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.
 - (ii) The $L_{Aeq, 15\text{minute}}$ noise level and the $L_{A90, 15\text{minute}}$ noise level shall both be measured with all external doors and windows of the affected residence closed;
 - (iii) The relevant background noise level ($LA_{90, 15\text{ minute}}$) is taken to mean the day, evening or night rating background noise level determined in

complete accordance with the methodology outlined in the NSW EPA Industrial Noise Policy and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.

- (iv) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.
- (v) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable. Internal Noise measurements are not to be corrected for duration.

INTRUDER ALARM

Intruder alarm/s associated with the development must operate only in accordance with the requirements of Clause 53 of the *Protection of the Environment Operations (Noise Control) Regulation 2008* under the *Protection of the Environment Operations Act, 1997*.

RE - USE OF ROOF RAINWATER

Use

- (a) Rainwater is only to be collected from roof catchments and its use is restricted to toilet flushing, washing cars, garden use and for washing machines only.

Installation requirements

- (b) All plumbing work is to be carried out by a licensed plumber and must be carried out in accordance with AS/NZS 3500. A permit in accordance with the NSW Code of Practice - Plumbing and Drainage 2006 (as amended) is to be obtained from Sydney Water for the work to be carried out.
- (c) Rainwater tanks shall be designed to include, but not be limited to the following:
 - (i) Shall be fitted with a first flush device.
 - (ii) Openings being suitably sealed to prevent access by children and being fitted with a fine mesh screens in order to prevent penetration of contaminants and insects such as mosquitoes.
 - (iii) All gutters, downpipes and associated supply pipe work must be free draining to prevent ponding of rainwater and made of suitable non corrodible materials.
 - (iv) Shall have an overflow device fitted to the rainwater tank which directs to the existing stormwater drainage system, and shall have a suitable drainage system fitted that facilitates flushing and cleaning.
 - (v) Shall have all taps and outlets marked “non potable - not for drinking” on a permanent sign and all pipes are to be coloured ‘green’ in accordance with AS 1345 / AS 2700.

- (vi) A suitable back up water supply using potable water must be provided to ensure that essential services such as toilet flushing are not contradicted where there is inadequate rainfall to meet demand or the rainwater harvesting system fails.
- (vii) Where a rainwater tank is to be directly cross connected with the Sydney Water supply, an appropriate testable device shall be provided at the meter location on the potable water supply to prevent backflow of rainwater. This device must meet the requirements of Sydney Water.
- (viii) Water pumps are to be located so as not causing an “offensive noise” as defined by the Protection of the Environment Operations Act 1997 to any affected receiver.

Proximity to other services

- (d) That all rainwater pipes must be separated from any parallel drinking water service. Above ground pipes must be 100mm away and below ground 300mm away from any drinking water pipe

Marking and labelling

- (e) Above ground distribution pipes shall be continuously marked ‘RAINWATER’ in accordance with AS1345. Alternatively, adhesive pipe markers clearly labelled ‘RAINWATER’ made in accordance with AS 1345 can be used.
- (f) Below ground distribution pipes shall be continuously marked ‘RAINWATER’ in accordance with AS1345. Alternatively, identification tape/pipe sleeve continuously marked ‘RAINWATER’ made in accordance with AS 2648 can be used.
- (g) All rainwater tank outlets, taps, valves and tank apertures shall be identified as ‘RAINWATER’ with a sign complying with AS1319 or a green coloured indicator with the letters ‘RW’. Alternatively a permanent sign at the front of the premises and visible to all visitors may be displayed advertising rainwater use.

Maintenance

- (h) All rainwater tanks installed are to be maintained by the owner in accordance with these provisions, the NSW Health Department Circular no 2002/1 “Use of rainwater tanks where a reticulated potable supply is available” and any other local water utility requirements.
- (i) The rainwater collection system shall be constantly maintained in accordance to the manufacturer’s instructions and in line with any approved maintenance plan so as to prevent risk of pathogenic microbial contamination including *legionella* and organisms from wildlife including birds.

MICROBIAL CONTROL IN WATER SYSTEMS

- (a) Prior to the issue of a Construction Certificate detailed plans of any water cooling system (including cooling towers) as defined under the Public Health Act 2010 must be prepared by a suitably qualified person and certified in accordance with AS3666: 1: 2011 Air handling and water systems of buildings – Microbial Control – Design, installation and commissioning and must be submitted to and approved by Council.

- (b) Water cooling system operation and maintenance manuals and maintenance service records shall be readily available at the premises for inspection by an authorised officer upon request. Such records must be kept on the premises in accordance with Clause 2.6 to AS/NZS 3666:2:2011 Air handling and water systems of buildings – Microbial control, operation and maintenance.
- (c) The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the following:

Public Health Act 2010, Public Health Regulation 2012 and Parts 1 and 2 (or part 3 if a Performance-based water cooling system) of AS3666:2011 Air handling and water systems of buildings – Microbial Control and the NSW Health Code of Practice for the Control of Legionnaires Disease.

- (d) Prior to the issue of an Occupation Certificate or if non applicable, prior to commencement of the use, the owner or occupier of the premises at which any warm water system and/or water cooling system is installed must cause notice of such installation(s) by providing to Council's Environmental Health department, written notification by way of the prescribed form under Clause 12 to the Public Health Regulation 2012. Any changes to these particulars must be notified to Council's Environmental Health department in writing within 7 days of the change(s). Copies of the notification forms are available on the City of Sydney website.

FUTURE FOOD USE – MECHANICAL VENTILATION PROVISION

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

ARCHAEOLOGICAL INVESTIGATION

A copy of archaeological investigation report and any following field work report should be submit to City of Council for archival records and heritage inventory updating.

PHOTOGRAPHIC RECORDING

A copy of photographic recording of the existing building, including both interior and exterior and in line with NSW Heritage Office Guideline *Photographic Recording of Heritage Items using Film or Digital Capture*, is to be submitted to City of Sydney Council Archives.

LANDSCAPING OF THE SITE

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate for above ground building works. The plan must include:

- (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
 - (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
 - (iii) Location, numbers, type and supply of plant species (and NATSPEC – see below);
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage, waterproofing and watering systems.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
 - (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL

The following conditions apply to car parking:

- (a) The on-site car parking spaces are not to be used other than resident of the subject building.
- (b) The strata subdivision of the site is to include a restriction on user pursuant to section 39 of the *Strata Schemes (Freehold Development) Act, 1973* as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to section 88B of the *Conveyancing Act 1919*, burdening all car parking part lots in the strata plan.

PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME APPLICATION OF CITY OF SYDNEY PERMIT PARKING POLICY - INELIGIBILITY FOR RESIDENT PARKING PERMITS

All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.

SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME

Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must ***be permanently displayed and located*** in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times ***by the Owners Corporation***.

CAR PARKING SPACES AND DIMENSIONS

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

ACCESSIBLE PARKING SPACE

The design, layout, signage, line marking, lighting and physical controls of all off-street accessible parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the units in any future strata subdivision of the building.

LOCATION OF ACCESSIBLE CAR PARKING SPACES

Where a car park is serviced by lifts, accessible spaces for people with mobility impairment are to be located to be close to lifts. Where a car park is not serviced by lifts, accessible spaces for people with mobility impairment are to be located at ground level, or accessible to ground level by a continually accessible path of travel, preferably under cover.

BICYCLE PARKING

The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities.

LOADING WITHIN SITE

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

LOADING/PARKING KEPT CLEAR

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

VEHICLES ACCESS

The site must be configured to allow all vehicles to be driven onto and off the site in a forward direction.

SIGNS AT EGRESS

The following signs must be provided and maintained within the site at the point(s) of vehicular egress:

- (a) Compelling drivers to stop before proceeding onto the public way;
- (b) Compelling drivers to “Give Way to Pedestrians” before crossing the footway; or compelling drivers to “Give Way to Pedestrians and Bicycles” before crossing a footway on an existing or identified shared path route.

TRAFFIC WORKS

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

VEHICLE FOOTWAY CROSSING

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

ASSOCIATED ROADWAY COSTS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City’s “Development Specification for Civil Works Design and Construction”.

ALCOVE LIGHTING

The proposed entry alcoves on the Cleveland Street and Eveleigh Street elevations shall be fitted with a sensor-activated vandal proof security light. The light shall be maintained in good working order to Council's satisfaction. The intensity, colour, and illumination must be varied if, at any time in the opinion of the consent authority, adverse impact is being caused to the amenity of the area.

WASTE AND RECYCLING MANAGEMENT

The proposal must comply with the relevant provisions of Council's *Policy for Waste Minimisation in New Developments 2005* which requires facilities to minimise and manage waste and recycling generated by the proposal.

WASTE AND RECYCLING MANAGEMENT

- (a) A Waste Management Plan is to be approved by the Certifying Authority prior to a Construction Certificate being issued. The plan must comply with the Council's *Policy for Waste Minimisation in New Developments 2005*. All requirements of the approved Building Waste Management Plan must be implemented during construction of the development.

UPON COMPLETION OF THE DEVELOPMENT

- (b) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must ensure that waste handling works have been completed in accordance with: the Waste Management Plan; other relevant development consent conditions; and Council's *Policy for Waste Minimisation in New Developments 2005*.

GARBAGE ROOM

The garbage room is to be constructed in accordance with City of Sydney's policy for *Waste Minimisation in New Developments* and the BCA. The floor of the garbage room is to be drained to a floor waste connected to the sewer. The floor waste is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements. A constant supply of water is to be available within the vicinity.

HOURS OF WORK AND NOISE – OUTSIDE CB

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

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436 - 1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

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

USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* is restricted to the hours of:
 - o 9.00am to 12.00pm and 1.00pm to 4.30pm, Mondays to Fridays
 - o 9.00am to 1.00pm, Saturdays
 - o No work is permitted on Sundays or Public Holidays

- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436- 2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

COVERING OF LOADS

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

DUST MANAGEMENT

All reasonable and feasible steps must be taken to ensure that dust from activities conducted on site is kept to a minimum. This includes the covering and wetting down of disturbed soils.

EROSION AND SEDIMENT CONTROL

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

During the construction period;

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

VEHICLE CLEANSING

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

NO OBSTRUCTION OF PUBLIC WAY

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.