

31 August 2016

File Number: 2016/469207
Our Ref: R/2015/19/C

Alexander Scott, Senior Planning Officer, Key Sites Assessments
NSW Department of Planning and Environment
Sydney NSW 2000

Email: Alexander.Scott@planning.nsw.gov.au

Dear Alexander,

**RE: Response to Submissions – State Significant Development (15_7064)
175-177 Cleveland Street and 1-5 Woodburn Street, Redfern**

I refer to your correspondence received on 16 August 2016 informing Council that the applicant has prepared a revised response to submissions regarding the proposed State Significant Development (15_7064) at 175-177 Cleveland Street and 1-5 Woodburn Street, Redfern.

We have reviewed the revised Response to Submissions Report and the supplementary documentation. The proposal remains unacceptable due to amenity concerns and significant departures from the development standards. This includes a variation to the maximum FSR of 23.3%, a variation to the maximum residential FSR of 35%, and a variation to the maximum height in storeys control of 20%. The City maintains its strong objection to the proposal.

Attachment A is a table (amended) summarising the City's review of the Revised Response to Submissions. The table nominates the issues raised within the City's original submission, discusses the applicant's response to the issues raised, and outlines the City's sustained objections in relation to the project where applicable.

Should the Consent Authority elect to approve the application, which we strongly oppose, amended recommended conditions of consent are provided as Attachment B.

Should you wish to speak with a Council officer about the above, please contact Christopher Ashworth, Senior Planner, on 9246 7757 or at cashworth@cityofsydney.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'C. Corradi', with a stylized flourish at the end.

CHRISTOPHER CORRADI
Area Planning Manager

ATTACHMENT A

REVIEW OF RESPONSE TO SUBMISSIONS

Issue	Applicant's Response	Issue Addressed?	City's Contention
Contamination			
<p>The site requires remediation, however a Remedial Action Plan (RAP) has not been submitted. It is recommended that a RAP should be submitted that has been prepared by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites and Planning NSW Guidelines "Managing Land Contamination Planning Guidelines" and Councils Development Control Plan "Contaminated Land".</p> <p>Note: The RAP must be reviewed by a NSW EPA Accredited Site Auditor and include a Section B Site Audit Statement or letter of interim advice issued by the Auditor certifying that the RAP is practical and the site will be suitable after remediation for the proposed use before any consent is granted.</p> <p>The RAP should be referred to the City for further comment prior to determination.</p>	<p>A Remedial Action Plan (RAP) prepared by EI Australia accompanies this correspondence. The RAP provides that the results of remediation work will be presented in a Validation Report, prepared by a qualified environmental consultant in accordance with the OEH (2011) Guidelines for Consultants Reporting on Contaminated Sites. This report shall be submitted to Council at the completion of the remediation works program and shall confirm that the site has been remediated to a suitable standard for the proposed development and occupation and that no related adverse environmental effects have occurred as a result of the temporary works.</p> <p>A Letter of Interim advice prepared by Douglas Partners accompanies this submission and concludes that: <i>"Accordingly, based on my review of</i></p>	Yes	No further comment.

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	<i>the RAP, 2016 and prior investigation reports by EI and GEE, and subject to appropriate further testing as outlined above (giving the opportunity to amend the RAP accordingly), followed by waste classification, remediation and validation, the auditor considers that the site can be made suitable for the proposed landuse (mixed residential apartments and commercial land use with two levels of basement)".</i>		
Non-compliance with key development standards			
<p>The development site is subject to the provisions of State Environmental Planning Policy (Major Development) 2005. The site is located within the Business Zone – Mixed Use. The maximum permissible FSR is 3:1 and the maximum permissible FSR for the residential component within that is 1:1 (i.e. for a mixed development such as this, up to 1:1 residential and 2:1 commercial is permissible). The aim of this type of control is to encourage commercial and mixed use developments and limit residential development in the mixed use zone. The SEPP also prescribes a maximum height control of five (5) storeys.</p> <p>All sites zoned Business - Mixed Use are subject to FSR controls that limit the proportion</p>	<p>Amended SEPP No. 1 objections in relation to FSR and height accompany this Final Submission which reflect the revised proposal. The proposal has subsequently been amended with the removal of the loft level and increased setbacks for the top floors and the amended architectural package demonstrates that the proposed variations do not result in any significant additional impacts to the adjacent properties or any visual difference to the perceived scale of the development as the additional level is now unable to be seen from the public domain. The fundamental basis for the proposed variations to the FSR and</p>	<p>No</p>	<p>The application has been amended to reduce the overall floor space from 4,102.49m² with an FSR of 3.87:1 to 3,922.5m² with an FSR of 3.7:1.</p> <p>The amended proposal remains non-compliant with the FSR development standards. It seeks a variation to the maximum FSR of 23.3%, and a variation to the maximum residential FSR of 35%.</p> <p>In real terms this represents 742.5m² of floor space above the maximum permissible, and an</p>

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<p>of residential use within the site. Most sites are limited to no more than half of the FSR being residential, however this site and others in close proximity to Cleveland Street are limited to no more than one third.</p> <p>The site area is 1,062.1m², and therefore a maximum GFA of 3,186.3m² is permissible. This proposal seeks development consent for a proposal with 4,102.49m² and an FSR of 3.87:1. In real terms this represents additional 916.19m² of floor space above the maximum permissible, and requires a variation of 28.75%.</p> <p>The proposal also seeks development consent for a height of six (6) stories, plus an attic level. However, the attic is designed in a way that the building reads as seven (7) stories, thereby exceeding the height control by two storeys. This equates to a variation of 40%.</p> <p>This proposal seeks significant departures from both the FSR and height development standards, however the SEPP 1 objection does not provide adequate justification for the variations. Most relevantly:</p> <ol style="list-style-type: none"> 1) The FSR control is structured in such a way to encourage commercial development over residential 	<p>height controls is that they do not result in an excessive building height, visual bulk or scale. It is noted that the City have suggested that justification is required as to why it is reasonable or necessary to exceed the maximum residential FSR, however the test under SEPP No. 1 is not "why it is reasonable or necessary to exceed the standard" but rather "why strict compliance is unnecessary and unreasonable". The following grounds support the position that strict compliance is unnecessary and unreasonable in this instance:</p> <ul style="list-style-type: none"> • The existing building on the site represents an under-utilisation of a site which is well served by public transport and is well located in relation to tertiary institutions, a range of large scale hospitals and health services, public recreation spaces, employment and retail facilities; • The proposal will include a public benefit offer associated with the additional floor space; • The proposed development has been designed by award winning architectural practice JPRA and 		<p>additional 371m² of residential floor space above the maximum.</p> <p>The proponent has deleted the seventh storey however the sixth storey remains. The sixth storey does not comprise an attic as per the definition contained within the standard instrument, therefore the proposal does not comply with the maximum five storey development standard). The proposal therefore seeks a variation of 20%.</p> <p>The City is of the view that the proposed variations are so excessive that they cannot be considered as part of a development application, and require a Planning Proposal to amend the controls.</p> <p>Notwithstanding this, the SEPP 1 Objection remains insufficient. In response to the key points summarised in the letter, it is noted:</p> <ol style="list-style-type: none"> 1) The underutilisation of the site would be remedied by a compliant development.

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<p>development, and it is therefore reasonable to assume that this is an underlying purpose of the standard. As the residential proportion is further restricted on sites in close proximity to Cleveland Street, which is a very busy road in this location, this is likely to be due to residential amenity concerns.</p> <p>As well as exceeding the maximum commercial FSR, this application also exceeds the maximum residential FSR, thereby failing to limit residential development within the Business – Mixed Use zone, and contravening the underlying purpose of the development standard.</p> <p>2) The objection fails to demonstrate that compliance with the development standards would hinder the development from attaining the relevant objects specified in Clause 5 of the EP & A Act 1979, which are to encourage:</p> <p>a. the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals,</p>	<p>represents a high quality development for the site which exhibits design excellence;</p> <ul style="list-style-type: none"> • The proposed street wall heights and parapet levels to Cleveland Street and Eveleigh Street are lower than the parapet levels of the recently approved development on the site and therefore the perceived scale of the proposal is essentially the same as that which has been previously approved notwithstanding the variation to FSR and height. • The additional storey above the parapets to both Woodburn Street and Eveleigh Street are set back from the street facades such that they cannot be seen from the public domain; • The density and height proposed does not give rise to any significant impacts on the adjoining properties in terms of overshadowing, loss of privacy or visual impact; • The proposal does not unreasonably overshadow 165-173 Cleveland Street which enjoys a high level of solar access from late 		<p>2) Accepting a public benefit offer in return for permitting a breach of development standards would set a highly undesirable precedent. It would undermine public confidence in the validity of statutory controls, and would send a message that non-compliances can be overcome through monetary contributions.</p> <p>3) While the design has improved, design excellence has not been achieved given significant non-compliances with the ADG.</p> <p>4) Although the additional storey is setback from the street frontage, it is nevertheless a storey rather than an attic. It also contributes significantly to the significant quantum of floor space over the maximum permitted.</p> <p>5) The proposed density and height results in an</p>

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<p>water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment, and</p> <p>b. the promotion and co-ordination of the orderly and economic use and development of land.</p> <p>The applicable controls are demonstrably sufficient to achieve these objectives as evidenced by State Significant Development Application 6371, which was approved by the Department on 16 May 2012. That approval granted development consent for student housing, and according to the submitted documentation complies with both the FSR and Height controls.</p> <p>3) The objection fails to demonstrate that the compliance with the controls is unnecessary or unreasonable in the circumstances of the case. More specifically:</p> <p>a. it has been demonstrated that a compliant scheme is achievable on the site (SSD 6371);</p>	<p>morning and through into the late afternoon due to the eastern, northern and western aspect and so it is likely that well over 70% of the apartments in 165-173 Cleveland Street will continue to enjoy more than 2 hours solar access at the winter solstice;</p> <ul style="list-style-type: none"> • The proposal does not unreasonably overshadow 6-8 Woodburn Street because those apartments gain their solar access from the windows which face Eveleigh Street and Woodburn Street and the proposed development does not generate any additional overshadowing of the Eveleigh or Woodburn Street facades beyond that which currently exists; • The scale of the proposal presents as 5 storeys in accordance with the control and is compatible with the built form within the visual catchment of the site; • The proposed apartments are afforded with a high level of amenity consistent with the design criteria in the Apartment Design Guide in that they all benefit from 		<p>overdevelopment of the site, as has been demonstrated by the City in this and previous submissions.</p> <p>6) The additional storey results in additional overshadowing to the frontage of the residential flat building at 165-173 Cleveland Street, including private open space. Given some of this overshadowing is arising from additional height above the control, this is unreasonable.</p> <p>7) The scale of the proposal is six storeys, no attic is proposed. We are of the opinion that the sixth storey will be visible from surrounding locations, such as from the opposite side of Cleveland to the north-east of the site. The north-western corner of the site clearly reads as six storeys.</p> <p>8) The proposal is not consistent with surrounding development, which is</p>

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<p>b. there is no planning purpose served by supporting the variation, as the development does not result in an improved outcome that would not otherwise be achieved by adhering to the control, in fact strong concerns are raised with the quality of the design and the amenity it provides (see below).</p> <p>4) In light of all of the above, the SEPP 1 objections are not well founded and are not supported.</p> <p>In light of the above, City staff recommend that the application is amended in order to comply with the Height and FSR development standards. At a minimum, the requirement to provide no more than a maximum residential FSR of 1:1 should be enforced.</p>	<p>natural cross ventilation, there is a complying amount of solar access and the internal sizes all exceed that which is required;</p> <ul style="list-style-type: none"> • The availability and capacity of local infrastructure, public transport and recreational opportunities supports the additional floor space and height proposed in this location; • The proposed density assists in meeting the demand for housing in the local government area in an appropriate location; • The proposed density assists in meeting the demand for hotel accommodation as recently identified by the City of Sydney; and • Within the context of the scale of development approved to the south along Eveleigh Street and also around Redfern train station, the proposed density and height is appropriate. 		<p>predominantly four storeys on Cleveland Street, Eveleigh Street and Woodburn Street.</p> <p>9) The proposed apartments do not comply with the natural ventilation requirements of the ADG. Only 57% of apartments are naturally cross ventilated in accordance with the ADG.</p> <p>10) If all sites in the Redfern Waterloo Authority Area where approved with variances commensurate to that proposed, it is doubtful that local infrastructure would be adequate.</p> <p>11) While the proposal will provide additional housing, the impacts that would arise are unacceptable for the reasons outlined elsewhere. Moreover, the proposed density grossly exceeds that which was deemed appropriate following extensive community consultation, the</p>

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			<p>exhibition of the Built Environment Plan, and the adoption of the exhibited controls in the SEPP. This would be an example of uncontrolled growth, rather than well considered growth arising from evidence based strategic planning (which established appropriate development standards for this and other sites in the RWA area.</p> <p>12) The developments that have been constructed around Redfern Station do not set the benchmark for development in the RWA area. Tower crowding on those sites, amongst other things, demonstrate why it is necessary to carefully control development through the enforcement of the statutory planning controls.</p> <p>In addition:</p> <ul style="list-style-type: none"> • The applicant has not provided any additional

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			<p>justification as to why it reasonable or necessary to exceed the maximum residential FSR of 1:1, which we view as a stand alone development standard that should be addressed separately from the overall FSR standard.</p> <ul style="list-style-type: none"> • The applicant has not satisfactorily demonstrated that compliance with the FSR and Height development standards would hinder the development from attaining the relevant objects specified in Clause 5 of the EP & A Act 1979. The SEPP 1 objection merely states the perceived benefits arising from an increased population. The City maintains that the existing development consent on the site clearly demonstrates that compliance with the development standards

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			<p>does not hinder attaining the relevant objects.</p> <ul style="list-style-type: none"> The applicant has not demonstrated that compliance is unnecessary or unreasonable. The objection focuses on the claimed absence of amenity impacts, however there is no discussion of why it is unnecessary to control residential density on the site – which is the underlying purpose of the proportional FSR controls. The City is of the view that it is necessary to reduce the proportion of residential development on the site to ensure that business uses are dominant within the locality, and that residential development in close proximity to Cleveland Street, an area with poor residential amenity (which the applicant's own documentation refers to as

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			<p>a 'hostile' environment), is limited even further.</p> <p>We note that the Land and Environment Court of NSW has taken the view that if an applicant fails to satisfy any of the preconditions required for a consent authority to grant consent to a variation to a development standard, the development warrants refusal. It is only when there is a positive finding for all preconditions that the consent authority is enlivened with the power to grant development consent, albeit subject to a merit assessment.</p> <p>The City maintains that the SEPP1 objection is unfounded and unsupportable for the reasons outlined in our original submission, and for those additional reasons outlined above.</p> <p>If the Department was to approve the development it would result in the effective abandonment of the controls in the locality. This would</p>

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			<p>set a highly undesirable precedent for development within the Redfern Waterloo Authority Area, and would further erode the public's confidence in the Department to operate in the public interest. Therefore, the City maintains its strong objection to the proposal.</p> <p>We note that if the sixth floor was deleted entirely (650m²), and the fifth floor of the residential component was setback to delete a further 90m² of floor space, this would result in a scheme with a compliant maximum FSR of 3:1, with a residential FSR of 1.2:1.</p> <p>However, given the applicant has not sought to amend the application to comply, and given it is not appropriate to delete such a large quantum of floor space by way of conditions of consent, the City recommends that the Consent Authority refuse the application.</p>
Building and urban design			
<i>Hotel</i>			
<i>Visual Privacy</i>			

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<p>There are two hotel rooms proposed on Ground Level/Level 1 on Eveleigh Street that directly abut the street boundary. The rooms suffer from poor visual privacy as the windows have sill heights that could allow a passer-by to look in. They also provide poor acoustic privacy as they are located in between the carpark entry and hotel lobby.</p> <p>To address these issues the City recommends that the applicant should consider providing retail uses on the ground floor instead of hotel rooms. Alternatively:</p> <ul style="list-style-type: none"> • a deep window recess could be considered to prevent looking in; or • a landscape setback could be provided. <p>If the hotel rooms were to be approved, the consent authority should ensure the proposed windows have thick glass to ensure acoustic privacy.</p>	<p>The amended architectural package has deleted these two hotel rooms and replaced them with a retail tenancy.</p>	<p>Yes</p>	<p>No further comment.</p>
<p>Hotel rooms fronting Cleveland Street on Level 2 also suffer from poor visual privacy. The elevations show a curtain wall to these rooms, but because of the topography of Cleveland Street these rooms are highly visible at street level from both cars and pedestrians.</p>	<p>The architectural package has been amended to illustrate a solid spandrel along the bottom of the glass wall for the lowest level of hotel rooms. This solution is considered sufficient having regard to the height of these hotel</p>	<p>No</p>	<p>Aside from a spandrel panel no other means have been demonstrated on the drawings. More information is required.</p>

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The City recommends that the applicant should consider internally adjustable louvre blinds for these rooms. If curtains or blinds are used their appearance from the public domain should be considered as part of the building expression.	rooms above the adjacent street level. It is also expected that the hotel rooms will have blinds which will provide complete privacy in the evening.		
Boundary encroachment			
A blade wall is proposed on the Eveleigh Street frontage that extends approximately 600mm over the boundary, leaving only 600mm for the footpath. This is an unacceptable intrusion into an already narrow footpath and City staff recommend it should be deleted. We also note that owner's consent from the City, as owner of the footpath, has not been provided.	The amended architectural package has deleted the encroachment.	Yes	No further comment.
Site planning			
The proposal has windows from the hotel facing the gallery access of the apartments, which are separated by a 7m wide 'light court'. According to the Apartment Design Guide (ADG), an 18m wide light well is required for a building of this height. The proposal attempts to mitigate the insufficient separation between the hotel and the apartments by providing screening to the hotel rooms, however the ADG states that building separation is also required to ensure an	Objective 3F-1 of the Apartment Design Guide relates to visual privacy and recommends that adequate building separation between windows and balconies is provided to achieve reasonable levels of external and internal visual privacy. The Guide suggests that a distance of 12 metres should be provided between windows and balconies up to 4 storeys and 18	No	The ADG requires the following separations in 2F for 6 storey residential buildings <i>18m between habitable rooms/balconies</i> <i>12m between habitable and non-habitable rooms</i> <i>9m between non-habitable rooms</i>

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<p>appropriately scaled relationship between buildings.</p>	<p>metres between windows and balconies for 5 to 8 storeys.</p> <p>There is a separation distance of 7.19 metres between the hotel component of the development and the residential apartment building, however, with the exception of the southernmost apartments (and a highlight window for the northern apartments) the proposed development has been specifically designed with primary internal outlook.</p> <p>A louvred screen is applied to both the gallery walkway for the apartments and louvred screens are also applied to the windows of the hotel rooms which face internally. These measures provide sufficient privacy for the hotel rooms from residents using the gallery walkways to access their apartments and this solution does not compromise an adequate level of amenity for the apartments which all have an outlook over Woodburn Street, or the hotel rooms which do not have a minimum amenity standard.</p> <p>It is noted that Council's suggested solution also does not comply with the</p>		<p>Approximately 7m separates the hotel rooms from the bedrooms in apartments.</p> <p>In addition 3F requires a 9m setback from side and rear boundaries for 6 storey buildings, approximately 4.5m is provided between the rear boundary and the balconies for Apartments 2.4, 3.4, 4.4, and 5.3.</p> <p>While the visual privacy issues may be somewhat addressed, there are still acoustic issues and possible issues with the transfer of odours.</p> <p>The key issue is the lack of sufficient separation between commercial and residential uses which for a building of this scale, is to be 18m and approximately 7m is provided.</p> <p>In light of this, we are of the view that the site planning is fundamentally flawed, and a better strategy would have been to place</p>

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	<p>18 metre wide separation and would also require a louvred solution at least for the top two floors in any event. Also, Council's suggested for separation of commercial and residential uses horizontally rather than vertically would result in greater conflict between uses and also the need for multiple separate lift lobbies around the street frontage of the site.</p> <p>Having regard to the narrow proportions of the site, the need to define each street edge, the design of the development with primary apartment outlook over the street and the proposed privacy treatments, the building separation is considered acceptable in this situation as the objective of the separation distance to achieve sufficient privacy has been achieved.</p>		<p>the commercial uses on the lower levels, with residential uses above.</p> <p>Approval of this highly non-compliant scheme would significantly undermine the status of the ADG and set a highly undesirable precedent. The ADG is a relatively new document, and the effective abandonment of its key guidelines through approval of this scheme would have significant strategic implications for residential flat development across the State.</p>
<p>There is also a 4.5m rear setback to the southern part of the site from the existing apartments at 6-8 Eveleigh Street. The ADG recommends a 9m setback to rear and side boundaries for habitable rooms and 4.5m to non-habitable rooms. At ground level, the</p>	<p>The strategy of an angled window properly resolves any privacy concern between the subject site and the adjacent 6-8 Eveleigh Street.</p>	<p>No</p>	<p>The City's original comments remain unaddressed. Our original comments remain unchanged.</p>

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bedroom window faces the rear boundary and above this the bedroom has an angled window to try and overcome the insufficient setback from the rear boundary. This strategy of an angled window is inconsistent with the ADG, which requires that: 'A window should be visible from any point in a habitable room.'	The bedroom in question has a window which can effectively be seen from every usable part of the bedroom.		
Natural Cross ventilation			
<p>The proposal claims 100% natural cross ventilation, which is incorrect for the following reasons:</p> <ul style="list-style-type: none"> • The proposal includes predominantly single sided apartments and therefore, at best, any cross ventilation will be in one direction. • Apartment type 1B apartment is 'cross ventilating' to effectively a 4.5m wide light well when the adjacent built form is taken into consideration. Due to this condition, none of the apartments satisfy the definitions in the ADG for cross ventilated apartments. • The proposal relies on ventilation grills above the doors for natural ventilation, however no dimensions have been provided demonstrating the effectiveness of this approach. 	<p>The issue of cross ventilation has been discussed above in response to the Departments.</p> <p>The Council are incorrect in stating that the apartments are predominantly single sided apartments. 15 of the 19 apartments (79%) are now naturally cross ventilated with windows on either side of the apartment. The remaining 4 apartments (21%) are provided with cross ventilation via a plenum above the front door to the external face of the gallery which is illustrated in the amended architectural package. The proposed approach towards cross ventilation ensures that all apartments benefit from the capacity to be cross ventilated and a compliant number of apartments achieve cross ventilation</p>	<p>No</p>	<p>Privacy screens/operable louvres are proposed to bedrooms facing the courtyard. This is to overcome insufficient separation from the proposed hotel rooms on the other side of the courtyard. These obstructions could affect the cross ventilation/ventilation of these bedrooms and thus apartments due to reduced effective openable area.</p> <p>Effective openable area as defined in ADG is as follows: <i>the minimum area of clear opening of a window that can take part in providing natural ventilation. The effective openable area of a sliding or hung sash window can be measured in elevation. Hinged</i></p>

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<ul style="list-style-type: none"> It is unclear from the drawings the type of windows that are proposed and what the effective openable area is. <p>More information is required to accurately demonstrate the level of compliance with the natural cross ventilation requirements of the ADG.</p>	<p>strictly compliant with the ADG (i.e. 2.5% opening on either side of the apartment).</p> <p>The proposed approach towards cross ventilation represents a compliant outcome which satisfies Objective 4C1 of the ADG for the number of apartments with natural cross ventilation to be maximised to create a comfortable indoor environment for residents.</p>		<p><i>windows such as casement, awning and hopper windows may measure the diagonal plane from the sash to the jamb and add the triangles at either end up to a total area of the window opening in the wall. Obstructions within 2m of a window reduce the effective openable area as measured in elevation. Fly screens and security screens will reduce the effective openable area by half.</i></p> <p>There is insufficient information to determine the effective openable area, and thus if the required level of natural ventilation is achieved.</p> <p>We note that two of the ground level apartments are capable of providing cross ventilation but there will be a conflict between the desire for fresh air through cross ventilation and the perceived privacy and safety and security of the residents.</p> <p>While Apartments 2.4, 3.4, 4.4, and 5.3 are considered as dual aspect apartments, the air flow</p>

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			<p>path between the living room windows and the bedroom window facing the courtyard has an obstructed airflow path. Although there is a secondary window provided to the entry corridor, the ADG requires for the air flow to be provided to n-1 bedrooms, where n is the number of bedrooms. These apartments are 2 bedroom apartments and do not fulfil the definition of natural cross ventilation in the ADG:</p> <p><i>Natural ventilation which allows air to flow between positive pressure on the windward side of the building to the negative pressure on the leeward side of the building providing a greater degree of comfort and amenity for occupants. The connection between these windows must provide a clear, unobstructed air flow path. For an apartment to be considered cross ventilated, the majority of the primary living space and n-1 bedrooms (where n is the number of bedrooms) should be on a ventilation path.</i></p>

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			<p>In addition, the bedroom facing the courtyard in the abovementioned apartments do not fulfil the following design guidance in Objective 4D-1: <i>A window should be visible from any point in a habitable room.</i> This arrangement is designed to overcome the issues arising from non-compliance with building separation recommendations in the ADG.</p> <p>The operable louvres/privacy screens are located within 2m of a window. No internal courtyard elevations have been provided and thus it is difficult to tell the impact of these operable louvres. In addition no materials have been attributed. For example it is unclear if these are opaque or transparent louvres.</p> <p>A vignette has been provided of the privacy screens/glass louvres but it does not show the entirety of the apartment so it is difficult to assess the size of the window or</p>

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			<p>indeed due to a lack of scale the size of the glass louvre ventilator. Both the use of louvres/privacy screens and an angled window would not be required if sufficient separations are provided.</p> <p>We also note that while the windows to the common corridors may address the issue of ventilation, it creates potential acoustic and visual privacy issues. It is also unclear if the openings to the corridor have sufficient effective openable area.</p> <p>In summary, 57% of apartments are considered naturally cross ventilated in accordance with the ADG, not 100% as claimed. This does not comply with the requirement for 60% of apartments to achieve natural cross ventilation.</p>
<i>Apartment size and layout</i>			
The ADG states that one of the ways of ensuring that environmental performance of an apartment is maximised is to ensure that: <i>"habitable room depths are limited to a</i>	Whilst the studio apartments are by definition one habitable room, they are nonetheless divided by use with the living area component at the front of	No	The City's original comments remain unaddressed.

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<p><i>maximum of 2.5 x the ceiling height.</i>" Assuming that a floor to ceiling height of 2.7m is achieved within the proposed floor to floor height of 3.05m, this results in a maximum apartment depth of 6.75m to the back of the studio (not including the bathroom). This proposal has a maximum habitable room depth of almost 10m for studio apartments.</p> <p>In order to comply with the ADG it is recommended that the studio apartments should be shallower and potentially wider to maintain the proposed apartment sizes.</p>	<p>the apartment adjacent to the windows and balcony with the bedroom area at the rear of the apartment. The back of the living area component is generally only approximately 6 metres from a window and whilst the bedroom is located behind the living area, the bedroom area is predominantly used for sleeping where there is less demand for ambient light. It is considered that there is no need for an increased ceiling height for the bedroom component of the studio apartment and the proposed ceiling height of 2.7 metres is sufficient to provide an acceptable level of amenity for the studio apartments.</p>		<p>We note that if the apartment building's depth was reduced, this would reduce the residential FSR and increase building separation.</p>
<i>Floor to ceiling heights</i>			
<p>The City is of the view that floor to floor heights should be 3.1m in order to future proof the 2.7m floor to ceiling heights for habitable rooms. This is implied in the ADG. Although it is possible to achieve 2.7m within a floor to floor height of 3.05m (and further concerns in this regard are raised below), it requires careful co-ordination of services, stacking of wet areas, and ensuring that there are no balconies above or below habitable rooms.</p>	<p>The proposal has been amended to provide 3.1 metre floor to floor heights.</p>	<p>Yes</p>	<p>Although our concern has been addressed, it is noted that this results in the building height increasing by 250mm, further exacerbating non-compliance with the height control.</p>

Issue	Applicant's Response	Issue Addressed?	City's Contention
<p>The consent authority should carefully consider the likelihood of 2.7m floor to ceiling heights being achieved to prevent future modifications to increase the floor to floor heights and therefore the overall height of the building in order to provide necessary services.</p>			
Unit mix			
<p>The City requires developments with more than 20 dwellings to provide a mix of dwelling types. This proposal only provides for studios and 1 bedroom apartments, and of this 62% of the dwellings are studios. In order to assist in achieving the objective of catering for the needs of the existing and future resident population, encouraging a diverse population, and achieving social diversity, it is recommended that the application be amended to provide a mix of dwellings consistent with the following percentage mix:</p> <p>(a) Studio: 5 - 10%; (b) 1 bedroom: 10 – 30% (c) 2 bedroom: 40 – 75%; and (d) 3+ bedroom: 10 - 100%</p>	<p>The proposed development is now less than 20 apartments and therefore there is no requirement to provide a mix of apartments under the Sydney DCP 2012. Notwithstanding this, the amended mix is now generally consistent with the DCP.</p>	<p>Yes</p>	<p>No further comment.</p>

Issue	Applicant's Response	Issue Addressed?	City's Contention
<i>Private open space</i>			
<p>The ADG requires all apartments to have primary balconies, yet on Levels 2-5 there is one apartment per floor without a primary balcony. The ADG also specifically addresses ground level apartments with regards to private open space as follows: <i>"For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m"</i>. Compliance with this requirement is strongly encouraged on this site, as applying this to the ground level apartments would help provide privacy and security to the ground level apartments on Woodburn Street. Concerns regarding the interface of the development with Woodburn Street are discussed in further detail below.</p> <p>The City recommends that the design should be amended to ensure all apartments have a primary balcony in accordance with the ADG.</p>	<p>The proposal has been amended to provide a balcony for every apartment. The inner city location and nil street setback is such that a larger ground courtyard as would be expected in a more suburban or garden setting, is considered unnecessary in this instance. Due to the overhang of the building above, a 3m deep terrace for the ground floor apartments would only serve to diminish amenity within the apartment as it would create difficulty in achieving sun penetration to the living room glass line.</p>	<p>Partially</p>	<p>There are still apartments that have less than the required area required in the ADG.</p> <p>The ADG on permits variances to this requirement in cases of adaptive reuse. In our view, if compliance cannot be achieved on this site as suggested it is indicative of a fundamental flaw in the design strategy.</p>
<i>Deep soil</i>			
<p>No deep soil is provided, yet the ADG requires 7% of the site area for deep soil. In this instance 74m² is required and should be provided. If provided in the location shown in Figure 1</p>	<p>The ADG clearly contemplates that there are circumstances where deep soil will be unable to be practically provided such as sites including where</p>	<p>No</p>	<p>The City's original comments remain unaddressed. Our original comments remain unchanged.</p>

Issue	Applicant's Response	Issue Addressed?	City's Contention
<p>above, this could be used to plant a mature tree, which would provide screening and outlook for the benefit of future residents.</p>	<p>the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres). The subject site is modest in size, is constrained by the three street frontages and in a highly urbanised context. These characteristics are such as that is not possible or reasonable to provide deep soil. Notwithstanding this, a combined 226.5 square metres (equivalent 21% of site) of above structure deep soil (67.5 sqm ground and 159 sqm roof) which is capable of supporting grasses, shrubs and substantial trees is proposed.</p> <p>The location of soil areas on the roof of the building is appropriate in this circumstance to provide generous solar access and appropriate conditions for supporting vegetation on the site, and in an area which will provide a meaningful contribution to the amenity for the hotel guests and residents. Having regard to the constraints and urban context of the site the proposed soil provision is considered acceptable.</p>		

Issue	Applicant's Response	Issue Addressed?	City's Contention
<i>Equitable access</i>			
<p>The residential lobby is located on Woodburn Street, however, access on the Woodburn Street footpath is impeded by five stairs within the footpath adjacent to the site as it leads to the lobby from Cleveland Street. Concern is raised that approval of the Woodburn Street lobby will result in people who are physically unable to use the stairs, such as wheelchair users, having to resort to either using the road carriageway to gain graded access, or to cross to the footpath on the other side of Woodburn Street and cross back to gain entry to the lobby. In order to address this issue it is recommended that the building is redesigned to provide residential access from Cleveland Street.</p> <p>In addition it is noted that the location of the stair in the footpath coincides with the location of the fire stair egress to the street. This results in a balustrade being required at the bottom of the stair to prevent people from falling onto the stair in the footway. The design would be significantly improved by re-locating the fire stair to avoid an interface with the stair in the footpath altogether.</p>	<p>The Woodburn Street site is currently on a separate title and it is entirely possible that it may have been redeveloped independently and the proposition that this could not occur because of existing stairs in the footway is unreasonable. It is appropriate to locate the residential lobby on Woodburn Street as this is a much quieter and less hostile street when compared to Cleveland Street. The amended architectural package includes details in relation to the proposed regrading of the footway along Woodburn Street to improve accessibility and subject to these works access via Woodburn Street is considered acceptable.</p>	Yes	<p>The proposed regrading of Woodburn Street is considered acceptable subject to the recommended conditions of consent.</p>

Issue	Applicant's Response	Issue Addressed?	City's Contention
<i>Ground level apartments on Woodburn Street</i>			
<p>There are no individual direct entries to the ground level apartments, which is inconsistent with the ADG. The presentation of the ground level apartments respond defensively to the existing context, which seems to arise from the strategy of building to the street boundary, combined with most of the ground level apartments being small studio apartments.</p> <p>As there is no building setback there is a 2m high blank wall proposed at the southern end of the building along Woodburn Street. There are strong concerns that these ground level apartments will have security bars, especially Apartment G.1 as this apartment is located below the footpath level. The location of that apartment also results in the kitchen window being low in relation to the footpath which provides poor visual privacy.</p> <p>Typically, the proposed ground floor apartments provide a small re-entrant balcony and a kitchen addressing the street. In order to ensure that the environmental performance of the apartment is maximised, the ADG recommends that: 'All living areas and bedrooms should be located on the external face of the building'. Considering the nature of Woodburn Street, the strategy of</p>	<p>The proposal has been amended to provide direct street access to all ground floor apartments where possible due to the fall of the site. The Woodburn Street facade has also been amended and provides a more sensitive and less defensive presentation to the street.</p>	<p>Yes</p>	<p>No further comment.</p>

Issue	Applicant's Response	Issue Addressed?	City's Contention
<p>locating the kitchen to the street at ground level does provide a buffer between the street and living areas, however, this is not as effective as a building setback.</p> <p>The footpaths along Woodburn Street are narrow at 1.2m wide, and along the eastern side of the street the footpath 'runs out' forcing pedestrians to walk adjacent to the proposed building. Due to the narrow footpaths pedestrians will pass close to the fronts of the ground level apartments, reducing privacy to the ground level where all apartments have their primary living space at ground level.</p> <p>To mitigate the privacy issues identified above, and to improve the safety and security of both Woodburn Street and the ground level apartments, City staff recommend the following: Providing a 3m ground and first floor setback to Woodburn Street to provide for landscape and private open space. This will provide not only a buffer but a means of reducing the length of high blank walls. A landscape setback will also help provide for stairs to individual entries for the ground level apartments.</p> <p>Providing two-storey ground level apartments. This will provide separation from the street to the bedrooms and improve privacy and security.</p>			

Issue	Applicant's Response	Issue Addressed?	City's Contention
<i>Common circulation</i>			
<p>The City requires common corridors to be at least 2m wide in front of lifts. In this proposal, approximately 1.5m is proposed for the common corridors, including in front of the lifts. This is particularly inappropriate at ground level where access to the residential bike parking is located. As an example, 1.5m wide corridors could be too narrow for a person carrying a bike and a person carrying bags of groceries to pass. It is also noted that the landing space between the top of the stairs from the bike parking to the front door of Apartment G.1 is inadequate.</p> <p>City staff recommend providing 2m wide corridors connected to the bike parking to ensure that two people (one with a bike) can pass each other in the corridor. Alternatively, the applicant could provide recessed doorways (500mm) to apartments that allow localised areas of corridors that are wider.</p>	<p>The bike parking area has been relocated from the ground floor area to the basement. The actual incidence of a person carrying a bike passing a person carrying grocery bags is considered to be unlikely and extremely rare. Given the modest scale of the proposal with only 19 apartments and the unlikely incidence of two people passing each other as described, the proposed width adjacent to the lift is considered sufficient such that no further change is necessary.</p>	No	<p>The City's original comments remain unaddressed. Our original comments remain unchanged.</p>
<i>Access to bicycle parking</i>			
<p>Access to the bike parking is via a flight of stairs, which in our view will compromise the useability of the bike parking as access is not direct nor easy. It is recommended that any stair</p>	<p>The bike parking has been relocated to the basement with direct lift access.</p>	Yes	<p>No further comments.</p>

Issue	Applicant's Response	Issue Addressed?	City's Contention
access to bicycle parking is deleted and alternative access provided that is more suitable.			
Letterboxes			
The nominated letterbox area is located on the outside of the building on Woodburn Street, in a location with no passive surveillance. NSW Police (Redfern Local Area Command) have advised that letter box theft is a significant problem in the area, resulting in increased identity theft and credit card fraud in particular. NSW Police have requested Council to ensure all letter boxes in newly proposed Residential Flat Buildings are provided within a secure lobby and Australia Post provided with access to make deliveries.	The letter box has been relocated and is not within the security of the building.	Yes	No further comments.
Landscaping and open space			
Ground level residential common open space			
The ground level courtyard is a small, heavily planted space in full shade. It is overlooked by both the residential units and the hotel, and despite the inclusion of some bench seats it has limited usability. The position of the lift core and the ramp to the bin store encroach significantly into the space, compromising its function. In addition, the space is so heavily shaded that UV	The ground level courtyard has been amended and will now provide a garden space.	Yes	No further comment.

Issue	Applicant's Response	Issue Addressed?	City's Contention
<p>lights are proposed to enable planting. Subsequently, whilst this courtyard may be included in the calculation of common open space, its primary function is visual amenity only.</p> <p>It is recommended that the applicant consider relocating the lift core away from the ground level courtyard to create a useable seating area. The consent authority should also consider the acoustic impacts of this courtyard, and ensure the design minimises noise and echoing. This may be through material selection, or noise baffles such as moving water.</p>			
Roof terraces			
<p>The residential roof terrace is the primary common open space. It consists of raised planters to the edges, paving to the centre, and two Dracaenas intended to give some canopy cover. With the exception of the planting, there is no fixed amenity in this roof terrace, and its design is the same as the adjacent hotel terrace, which is a larger version of the residential terrace. As the hotel terrace does not directly relate to an internal space, such as hotel restaurant, the function of that space is questionable.</p>	<p>The rooftop common open space for the residential component has been significantly increased in size and is now 318 square metres in area which is the equivalent of 30% of the entire site (notwithstanding that the residential component of the development only occupies a small proportion of the site) which exceeds the 25% requirement of the Apartment Design Guide. Contrary to the suggestion by the City, the use of part</p>	Partially	<p>The City's concerns have largely been addressed, however we remain concerned that there could be future maintenance and strata issues as the residential common open space is located above the hotel uses. There could also be issues with regards to noise as the hotel and residential roof top spaces are co-located.</p>

Issue	Applicant's Response	Issue Addressed?	City's Contention
<p>It is recommended that the applicant should:</p> <ul style="list-style-type: none"> • Introduce some fixed furniture to ensure the roof terraces are useable, inviting spaces. At a minimum this should include seating walls or other fixed seats, a shade structure and tables. • Plant all trees in large, wide planters, to meet or exceed minimum soil requirements (5-15m³ for small trees) and to provide structural stability/wind resistance. • Clarify the intended use of the hotel terrace, given its lack of direct connection to the hotel facilities. <p>It is noted that the section on drawing L4 appears to illustrate a low planter to the outside edge of the roof terrace. The applicant should clarify how the requirements of the BCA are met, and ensure all planting is positioned within the balustrade to allow unrestricted access for maintenance.</p>	<p>of the roof of the hotel component for residential roof top common area is able to be adequately dealt with via strata subdivision and is a common scenario.</p>		
Noise and Vibration			
<p>The submission raises a range of queries in relation to the acoustic report.</p>	<p>A response prepared by Acoustic Logic to the various issues raised by the City of Sydney accompanies this documentation.</p>	<p>Yes</p>	<p>The acoustic issues have been addressed. The recommended conditions of consent are required to be incorporated in the event of approval (which we do not support).</p>

Issue	Applicant's Response	Issue Addressed?	City's Contention
Waste storage and collection			
<p>The building exceeds three storeys, yet a waste and recycling chute has not been provided. It is recommended that the design is amended to incorporate waste and recycling chutes.</p> <p>It is also noted that the ramps leading down from the garbage rooms to the street are very steep, and appear to land on the footpath. The strategy for garbage collection is unclear, and given the narrow footpaths on either side of this site it is considered unlikely that on-street collection will be successful. It is recommended that the applicant should ensure all ramps and landings are well within the site and clarify the collection strategy.</p> <p>In addition, City waste staff advise of the following waste design requirements:</p> <ul style="list-style-type: none"> • Waste and recycling is to be serviced on site if possible. • A loading area to accommodate a 9.24m truck is required, that will enable a truck to enter and exit the site in a forward direction. • Waste and recycling receptacles are to be stored on the property at all times with 	<p>The site is heavily constrained and the residential apartment development is modest with only 19 apartments. All apartments have a travel distance of less than 40 metres from their front door to the bin holding room, via the lift and so waste chutes are not considered to be necessary in this circumstance (it is noted that waste chutes were not required for the recently approved apartments on the site).</p> <p>The waste arrangements and their response to the City's requirements has been addressed above in response to the Department's issues.</p>	No	<p>The City's comments have not been addressed.</p> <p>Our original comments remain unchanged.</p>

Issue	Applicant's Response	Issue Addressed?	City's Contention
<p>Council provided with an access key for servicing.</p> <ul style="list-style-type: none"> • Residential and commercial waste rooms are to be separated (commercial tenants must not have access to residential waste and recycling bins or waste chutes). • A common storage area for discarded bulky items must be provided for residential units. • Clearance height for access by collection vehicle must be no less than 3.6m at any point if a refuse vehicle is required to enter the site to service bins. • The maximum travel distance between the storage point and collection point for all waste and recycling receptacles shall be no more than 10 meters. 			

ATTACHMENT B
RECOMMENDED CONDITIONS OF CONSENT

RWA1 REDFERN-WATERLOO AUTHORITY CONTRIBUTIONS PLAN 2006

To meet the demand for additional public facilities and infrastructure generated by the development on the site, contributions will be as required based on the *Redfern-Waterloo Authority Contributions Plan 2006*.

The levy is to be calculated as 2% of the proposed cost of development, indexed between the date of determination and the date the levy is required to be paid in accordance with clause 25J(4) of the *Environmental Planning and Assessment Regulation 2000* and clause 10 of *Redfern-Waterloo Authority Contributions Plan 2006*.

Pursuant to the *Redfern-Waterloo Authority Contributions Plan 2006*, a contribution in the amount of \$324,584 plus indexation between the date of approval and date of payment, in accordance with Consumer Price Index (All Groups Index) for Sydney, is to be paid to Urban Growth NSW Development Corporation (UGDC) for deposit into the Redfern-Waterloo Fund towards the cost of one or more of the public facilities set out in the Works Schedule to that Plan.

Proof of payment of this contribution to the UGDC shall be provided to the Certifying Authority prior to the issue of a Construction Certificate (or other timing in accordance with the Contributions Plan). If the amount is not to be paid prior to the issue of a Construction Certificate, written verification of this should be provided by UrbanGrowth NSW Development Corporation and provided to the Principal Certifying Authority. No deferred or periodic payments are permitted.

Phone 02 9202 4220 to confirm indexed amount of the contribution, prior to preparation of a bank cheque made out to the UrbanGrowth NSW Development Corporation.

A copy of *Redfern-Waterloo Authority Contributions Plan 2006* is available for inspection at the offices of UGDC, (see website for details), or from the website www.ugdc.nsw.gov.au.

RWA2 REDFERN-WATERLOO AUTHORITY AFFORDABLE HOUSING CONTRIBUTIONS PLAN 2006

To contribute to the provision or refurbishment of affordable housing within the Redfern-Waterloo Operational Area, contributions are required in accordance with the *Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006*.

In accordance with *Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006* the levy is 1.25% of the additional total gross area of the proposed development and is calculated at \$76.83 per square metre being the rate at 1 July 2014. Between the date of determination and the date the levy is required to be paid, the levy is indexed in accordance with the Building Price Index, Sydney as published in Rawlinson's Australian Construction Handbook. This is in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 and clause 9

of the *Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006*.

Pursuant to the *Redfern-Waterloo Affordable Contributions Plan 2006*, a contribution in the amount of **\$[planner to add amount based on rate above]** plus indexation in accordance with the Building Price Index is to be paid via bank cheque for deposit into the Redfern-Waterloo Fund towards the provision of affordable housing within the Redfern Waterloo area.

Proof of payment of this contribution and calculation of any indexing shall be provided to the Certifying Authority prior to the issue of a Construction Certificate. No deferred or periodic payments are permitted.

Phone 02 9209 4220 to confirm indexed amount of the contribution, prior to preparation of a bank cheque made out to the UrbanGrowth NSW Development Corporation.

A copy of *Redfern-Waterloo Affordable Housing Contributions Plan 2006* is available for inspection at the Redfern-Waterloo Authority office, (see website for details), or from the website www.ugdc.nsw.gov.au

USE - SEPARATE DA REQUIRED

A separate development application for the fitout and use of the ground floor retail tenancy must be submitted to and approved by Council prior to that fitout or use commencing.

DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

A site specific Demolition, Excavation & Construction Noise & Vibration Management Plan shall be submitted to and approved by the Area Planning Manager prior to issue of any Construction Certificate.

The Demolition, Excavation & Construction Noise & Vibration Management Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The Demolition, Excavation & Construction Noise & Vibration Management Plan must include but not be limited to the following:

- (a) Identification of noise sensitive receivers near to the site.
- (b) The proposed hours of all construction and work on the development including building / demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools etc), in connection with the proposed development.
- (c) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A

statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours / Noise Code of Practice 1992* for the typical construction hours of 7.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.

- (d) A representative background noise measurement ($L_{A90, 15 \text{ minute}}$) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (e) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (f) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (g) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (h) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (i) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

COMPLIANCE WITH DEMOLITION, EXCAVATION & CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- (a) All works conducted on site which form part of this development must be carried out in accordance with the approved Demolition, Excavation and Construction Management Plan.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable 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 in consultation with **Council's Health and Building unit**. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from **Council** prior to activities being undertaken that exceed sanctioned emission levels.

(Use where respite periods not specified under the approved DEC NMP)

Such periods must be set and agreed to by **Council's Health and Building Unit.**

USE OF INTRUSIVE APPLIANCES

A report detailing the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or 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", is to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

As a minimum, the report must specify:

- (a) Specific the proposed hours and days of operation;
- (b) The tasks that the equipment will be used for;
- (c) Justify in writing why the intrusive appliance cannot be substituted for a lower impact apparatus;
- (d) Provide for how noise will be managed to comply with the above code, and if cannot, provide for how it will be managed to the lowest reasonable and feasible levels;
- (e) Indicate a timeframe for completion the associated task;
- (f) Provide details of respite periods which will occur to reduce exposure to intrusive noise at sensitive receiving locations.

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

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Acoustic Logic, dated 10 August 2016, reference 20150160.1/1008A/R1/JL must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below and to the satisfaction of the certifying authority.
- (b) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant* (see definition below) to be in accordance with the requirements of the acoustic report prepared by Acoustic Logic, dated 10 August 2016, reference 20150160.1/1008A/R1/JL
- (c) Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification

Report to the satisfaction of the PCA that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

NOISE - ENTERTAINMENT VENUES

- (a) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.
- (b) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.
- (c) Notwithstanding compliance with (a) and (b) above, noise from the use when assessed as an $L_{A10, 15 \text{ minute}}$ enters any residential use through an internal to internal transmission path is not to exceed the existing internal $L_{A90, 15 \text{ minute}}$ (from external sources excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between the hours of 7am and 12midnight. Where the $L_{A10, 15 \text{ minute}}$ 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.
- (d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential use between the hours of 12.00 midnight and 7.00am.
- (e) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.

Note: The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use is as per the definition in the Australian Standard AS1055-1997 Acoustics – Description and measurement of environmental noise. The background noise level $L_{A90, 15 \text{ minute}}$ is to be determined in the absence of noise emitted by the use and be representative of the noise sensitive receiver. It is to be determined from the assessment L_{A90} / rating L_{A90} methodology in complete accordance with the process listed in the NSW EPA Industrial Noise Policy and relevant requirements of AS1055.1997.

NOISE - GENERAL

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

- (v) Modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable. Internal Noise measurements are not to be corrected for duration.

EMISSIONS

- (a) The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- (b) Gaseous emissions from the development must comply with the requirements of the Protection of the *Environment Operations Act, 1997* and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, Workcover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the *Work Health and Safety Regulation 2011* and the NSW Government and Workcover document entitled *How to manage and control asbestos in the work place: Code of Practice (NSW WorkCover)* and the *City of Sydney Managing Asbestos Policy*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal work area should be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.

- (f) Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Appendix F of the City of Sydney's Managing Asbestos Guidelines.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the approval of Council.
- (l) 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.

CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the *Environment Operations Act 1997* and the *NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009)*. The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

DISCHARGE OF CONTAMINATED GROUNDWATER

Prior approval must be sought from the City's Public Domain Department to discharge any groundwater into the City's stormwater drainage system.

Other options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of any demolition and remedial works an Environmental Management Plan (EMP) must be prepared for the site and submitted to the City's Area Planning Manager for written approval prior to the commencement of work. The EMP must consider all potential environmental impacts from the approved works including but not limited

to sedimentation control, contamination containment, stockpiles, noise and vibration, odours and dust emissions.

All works must be undertaken onsite in accordance with the approved Environmental Management Plan.

IMPORTED FILL MATERIALS

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

The City may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

LAND REMEDIATION (Where Site Auditor engaged)

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by Environmental Investigations dated 14 March 2016 and the Letter of Interim Advice prepared by NSW Environment Protection Authority accredited Site Auditor JM Nash dated 21 July 2016 and referenced 85573.00. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council's Area Planning Manager, the Site Auditor and the Principal Certifying Authority.

Any variations to the approved Remedial Action Plan shall be approved in writing by the Site Auditor and **Council's Area Planning Manager** prior to the commencement of such work.

SITE AUDIT STATEMENT

Prior to the issue of a construction certificate associated with the built form of the development (excluding building work directly related to remediation), a Section A Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor and submitted to the Council's Area Planning Manager at email address:

hbapplications@cityofsydney.nsw.gov.au

The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remedial Action Plan and clearly state that site is suitable for the proposed use.

- (a) Where the Site Audit statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and must be approved by the Council's Health and Building department in writing through the Area Planning Manager before the Site Audit Statement is issued.
- (b) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a s96 modification of the consent pursuant to the provisions of the *Environmental Planning & Assessment Act 1979*).
- (c) **No Occupation Certificate is to be issued** by the Principal Certifying Authority unless a Site Audit Statement has been submitted to and approved by Council in accordance with this condition.

SITE AUDIT STATEMENT – ENVIRONMENTAL MANAGEMENT PLAN

Where the ongoing land use suitability and release of the Final (Section A) Site Audit Statement is dependent upon the implementation of an Environmental Management Plan (EMP) in relation to any residual contamination remaining onsite, the EMP must be approved by the Site Auditor and the **City's Area Planning Manager** prior to the issue of the final Site Audit Statement.

The owner of the land is required to comply with the ongoing obligations of any EMP which form part of the final Site Audit Statement for the site.

A covenant shall be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge from any contaminants or for any works subsequently required by the NSW Environment Protection Authority

A copy of the revised certificate of land title recording the covenant must be submitted to the City's Area Planning Manager and the Principal Certifying Authority prior to the issue of an Occupation Certificate.

STOCKPILES

- (a) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Unit.
- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.

- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

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

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:
 - (i) *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.
 - (ii) 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.

VENTILATION MINOR WORKS

The premises must be ventilated in accordance with the *Building Code of Australia* and AS1668.1-1998 and AS1668.2-1991.

REDUCTION OF NOISE FROM EXTERNAL SOURCES (RESIDENTIAL AND SERVICED APARTMENTS)

- (a) Prior to a Construction Certificate being issued, an acoustic assessment report prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Certifying Authority demonstrating compliance with the requirements of the *Sydney DCP 2012* in relation to acoustic privacy. The approved drawings and specifications for construction are to be in accordance with the requirements of the DCP.
- (b) In the preparation of the report:
 - (i) The environmental noise monitoring at the site of the proposed development must be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;
 - (ii) The repeatable maximum LAeq (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
 - (iii) The LAeq (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed must be shown.
- (c) Prior to an Occupation Certificate being issued, a Compliance Certificate from a qualified, practicing acoustic engineer must be submitted to the satisfaction of the Principal Certifying Authority, certifying compliance with the condition.

WASTE AND RECYCLING COLLECTION CONTRACT

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

WASTE/RECYCLING COLLECTION

- (a) The collection of waste and recycling must only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.
- (b) Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.

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.

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.

HAZARDOUS AND INDUSTRIAL WASTE

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

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

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.

PARKING ON COMMON PROPERTY AREAS

No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle

spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. The strata subdivision of the building is to include an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

VEHICLE FOOTWAY CROSSING

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

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

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

RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The residential accommodation portion of the building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the *State Environmental Planning Policy (State Significant Precincts) 2005*.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from residential. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

RESTRICTION ON USE OF CAR SPACES - HOTEL

The following conditions apply to car parking:

- (a) The on site car parking spaces are not to be used other than by hotel guests, function patrons and staff of the subject building.
- (b) Car parking spaces used in connection with hotel function areas are to be available only to patrons while using the function facilities and must not be used for public car parking.
- (c) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary restrictive covenant is to be registered on the Title of the development site pursuant to Section 88E of the *Conveyancing Act 1919*, to the effect of (a), above. The covenant is to be created appurtenant to Council, at no cost to Council.

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 for parking of vehicles related to residence in the unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.
- (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.

ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the *Building Code of Australia*.

If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council prior to a Construction Certificate being issued.

ACCESS FOR PERSONS WITH DISABILITIES - OFFICE / SHOP FITOUTS

In accordance with the *Building Code of Australia* the proposed office / shop layout and design must comply with Australian Standard 1428.1: General requirements for access - New building works.

ADAPTABLE HOUSING

Prior to a Construction Certificate being issued, information from an appropriately qualified access consultant:

- (a) Confirming that the required number of residential units are able to be adapted for people with a disability in accordance with the *Building Code of Australia*.

- (b) Demonstrating (in a checklist) compliance with Australian Standard AS4299, is to be submitted to the Certifying Authority.

Is to be submitted to the Certifying Authority.

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) Existing steps on Woodburn Street to be removed and the new footpath is to follow the alignment of the existing road and boundary alignment.
- (c) 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).
- (d) 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.

PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the building facade adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;

- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

PRESERVATION OF SURVEY MARKS

All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

Prior to the issue of a Construction Certificate, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.

At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.

A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

PROTECTION OF SURVEY INFRASTRUCTURE

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the *Surveying Act 2002* must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey

Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

Reason: To ensure that the survey control infrastructure and cadastral framework are preserved for the public benefit and in accordance with the *Surveying Act 2002*.

PUBLIC DOMAIN PLAN

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's *Public Domain Manual*).
- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Design Code* and *Sydney Streets Technical Specification*, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.
- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the

total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to a Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, , a set of hold points for approved public domain, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*.
- (b) Prior to a Certificate of Completion being issued for public domain works and before the issue of any Occupation Certificate for the development or before the use commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*, including requirements for as-built documentation, certification, warranties and the defects liability period.

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.
- (f) 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 and must be approved by Council.

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified drainage engineer with experience in Water Sensitive Urban Design;
- (ii) use modelling from an industry-standard water quality model; and
- (iii) demonstrate what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
 - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
 - b. reduce the baseline annual pollutant load for total suspended solids by 85%;
 - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
 - d. reduce the baseline annual pollutant load for total nitrogen by 45%.

Prior to the issue of any Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and approved by the Certifying Authority and a copy provided to Council.

DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a [insert time frame, typically 12] month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.

DRAINAGE AND SERVICE PIT LIDS

Drainage and service pit lids throughout the public domain shall be heelguard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Pit lids shall be in accordance with the *City of Sydney's Sydney Streets Design Code* and *Sydney Streets Technical Specification*. Details

of drainage and service pit lids shall be submitted and approved by Council prior to a Construction Certificate being issued for the relevant stage of work.

PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 34 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.

PUBLIC DOMAIN LIGHTING

- (a) Prior to a Construction Certificate for public domain works or above ground building works being issued, whichever is later, a detailed Public Domain Lighting Plan for pedestrian and street lighting in the public domain must be prepared by a suitably qualified, practicing lighting engineer or lighting designer and must be submitted to and approved by Council. The Lighting Plan must be prepared in accordance with the City of Sydney's Interim Draft Sydney Lights Design Code, Sydney Streets Design Code, *Sydney Streets Technical Specification* and *Public Domain Manual* and must include the following:
 - (i) Vertical and horizontal illuminance plots for the public domain lighting design to demonstrate compliance with all relevant Australian Standards and to meet the lighting categories and requirements specified by the City;
 - (ii) The location, type and category of existing and proposed lights, including details of luminaire specifications, required to ensure compliance with City policies and Australian Standards;
 - (iii) Footing locations and structural details;
 - (iv) Location and details of underground electrical reticulation, connections and conduits;
 - (v) Certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158, AS 3000 and AS4282;

- (vi) Structural certification for footing designs by a suitably qualified, practicing engineer to certify that the design complies with City of Sydney policies and Australian Standards.
- (b) The public domain lighting works are to be completed in accordance with the approved plans and the City of Sydney's *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

PHYSICAL MODELS

- (a) Prior to a Construction Certificate being issued, an accurate 1:500 scale model of the approved development must be submitted to Council for the City Model in Town Hall House; and
- (b) Prior to a final Occupation Certificate being issued, an accurate 1:500 scale model of the development as constructed must be submitted to Council for the City Model in Town Hall House

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modelers must be consulted prior to construction of the model.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under section 96 of the Environmental Planning and Assessment Act) that affect the external appearance of the building.

SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO CONSTRUCTION CERTIFICATE AND PRIOR TO OCCUPATION CERTIFICATE

- (a) Prior to a Construction Certificate being issued, an accurate 1:1 electronic CAD model of the detailed construction stage drawings for that stage must be submitted to Council for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
 - (i) building design above and below ground in accordance with the development consent;
 - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
 - (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia)

coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/applicationguide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.
- (d) Prior to an Occupation Certificate being issued, a second and updated "as built" 1:1 electronic model, in accordance with the above requirements, of the completed development must be submitted to Council for the electronic City Model.

PUBLIC ART

Public Artwork is to be provided as part of the development.

Final details of public art work must be submitted to and approved by Council's Area Planning Manager prior to issue of a Construction Certificate.

The public artwork must be in accordance with the Sydney DCP 2012 and the Public Art Policy. Installation of the art work must be completed to Council's satisfaction prior to the issue of an Occupation Certificate.

STREET TREE PROTECTION

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

- (a) Tree trunk protection must be undertaken prior to the issuing of the Construction Certificate. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;
 - (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and

- (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
- (iv) Tree trunk protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (d) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

STREET TREE PRUNING

- (a) The consent from Council must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that is required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, and has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MAJOR WORKS)

Prior to a Construction Certificate being issued, an archival photographic recording of the existing buildings is to be prepared to Council's satisfaction. The recording may be in either digital or film-based form, or a combination of both, prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

Procedure:

For buildings or structures with heritage significance, the archival documentation, and the number and type of selected enlarged photographs required will be determined by the significance and quality of the building or structure. For a scope of work, refer to Council's Heritage Specialist to determine the particular architectural/design features of the building/site that may need to be recorded.

For buildings or structures with no heritage significance the archival documentation requirements are less comprehensive, and may just be limited to contextual and exterior photographs only. However, this will depend upon the type, complexity and significance of the building, and should be confirmed with the Area Planning Manager, and if necessary Council's Heritage Specialist.

Because significant fabric may remain concealed and only be exposed during construction works, the archival recording is to be undertaken in stages, prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project, and submitted as two parts as follows.

- (a) The first submission of the archival recording of significant building fabric or furnishings is to be prior to the removal of any significant building fabric or furnishings from the site, and must be submitted to and approved by Council prior to the commencement of any work on site and prior to a Construction Certificate being issued.
- (b) The second submission of the archival recording is of significant building fabric or furnishings that is exposed during demolition or construction and after work has been completed on site, and must be submitted to Council prior to an Occupation Certificate being issued.

The form of recording is to be a photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s) photographed, where appropriate, using a camera/lens capable of 'perspective correction'. The photographic recording may be in either digital or film-based form, or a combination of both, prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage guidelines titled 'Photographic Recording of Heritage Items using Film or Digital Capture'. One copy of the record is to be submitted to Council to be lodged with Council's Archives.

- (c) For each of the two submissions listed above in (a) and (b), the form of the recording is to be as follows:
 - (i) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
 - (ii) The Development Application number and the Condition of Consent number must be noted on the front of the folder and in the report.

- (iii) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
 - (iv) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
 - (v) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
- (d) A digital based recording is to include:
- (i) CD or DVD containing the report in PDF format and the electronic images saved as JPEG TIFF or PDF files and cross referenced to the digital catalogue sheets and base plans
- (e) A film based recording is to include:
- (i) 35mm film images submitted as contact sheets with equivalent negatives, a selection of black and white prints 200 x 250mm, and 35mm colour transparencies, all labelled and cross-referenced to the catalogue sheets and base plans.

ARCHAEOLOGICAL INVESTIGATION

- (a) The applicant must apply to the Heritage Division of the Department of Environment and Heritage for an excavation permit under Section 140 of the *Heritage Act 1977*.
- (b) Should any potential archaeological deposit likely to contain Aboriginal objects be identified by any person during the planning or historical assessment stage, application must be made by a suitably qualified archaeologist to the NSW Government Office of Environment and Heritage for an excavation permit for Aboriginal objects.
- (c) The applicant must comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance is made for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.

- (f) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*;
- (g) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council's Heritage Specialist prior to issue of an Occupation Certificate.

DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowners, a dilapidation report, including a photographic survey of 6-8 Woodburn Street, Redfern, is to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Certifying Authority and the Council prior to the issue of a Construction Certificate.

UPON COMPLETION OF EXCAVATION/DEMOLITION

- (b) A second Dilapidation Report, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifying Authority and the Council prior to the issue of an Occupation Certificate.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

ROAD OPENING PERMIT

A separate Road Opening Permit under Section 138 of the *Roads Act 1993* must be obtained from Council prior to the commencement of any:

- (a) Excavation in or disturbance of a public way, or
- (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE

For temporary shoring including ground anchors affecting the road reserve, a separate application under Section 138 of the *Roads Act 1993* must be lodged with Council.

CAR PARK VENTILATION

The car park must be ventilated in accordance with the *Building Code of Australia* and, where necessary, Australian Standard AS1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.

MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the *Building Code of Australia* and AS1668.1 -*The Use of Mechanical Ventilation and Air conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings* and AS1668.2 - *The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 -*The Use of Mechanical Ventilation and Air conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings* and AS1668.2 - *The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*, the *Building Code of Australia*, and relevant Australian Standards must be prepared by a suitably qualified person and certified in accordance with Clause A2.2(a)(iii) of the *Building Code of Australia*, and AS1668 -*The Use of Mechanical Ventilation and Air conditioning in Buildings* to the written satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.
- (c) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the *Building Code of Australia*, must be submitted to and approved by the Principal Certifying Authority.

APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

- (a) A separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) on or above a public road (footway and/or roadway).
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:

- (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
- (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
- (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
- (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
- (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
- (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
- (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
- (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
- (ix) ensuring all required signage is provided and maintained (Clauses 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews any part of the device over the public road, a separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* must be made to Council to obtain approval.

Note: 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation 2011*).

WORKS REQUIRING USE OF A PUBLIC PLACE

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

LAND SUBDIVISION – SEPARATE DA REQUIRED

Any proposal for land subdivision will require a separate application to Council to obtain development consent and the subsequent approval of the plan of subdivision and issue of a Subdivision Certificate under Section 109J of the *Environmental Planning and Assessment Act 1979*.

LOT CONSOLIDATION

All land titles within the site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to an Occupation Certificate being issued.

STRATA SUBDIVISION – DEVELOPMENT CONSENT

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

ELECTRICITY SUBSTATION

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

UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

WASTE STORAGE

- (a) Waste and recycling receptacles to be stored on property at all times with council access key for servicing

- (b) Residential and commercial waste rooms to be separated (commercial tenants must not have access to residential waste and recycling bins or waste chutes)
- (c) A storage area for discarded bulky items must be provided per block of residential units

WASTE AND RECYCLING COLLECTION

- (a) Clearance height for access by collection vehicle must be no less than 3.6m at any point if vehicle is required to enter site to service bins
- (b) The maximum travel distance between the storage point and collection point for all waste and recycling receptacles shall be no more than 10 meters.
- (c) Unimpeded access shall be provided for collection vehicles between 6am and 6pm on collection days.
- (d) Waste and recycling containers will not be supplied until construction in developments is completed unless otherwise organised with waste services
- (e) If there is commercial tenancies in this development they are not to use the residential waste and recycling service and have their own waste facility
- (f) The development must have a residential rating or applied for a residential rating prior to a City Of Sydney waste service

WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

- (a) The Waste Management Plan accompanying this Development Application has not been approved by this consent.
- (b) 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

- (c) 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*.

WASTE AND RECYCLING MANAGEMENT - MINOR

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 - RESIDENTIAL

- (a) The Waste Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste Management Plan is to be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued. The plan must comply with the Council's *Policy for Waste Minimisation in New Developments 2005*. All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- (c) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's *Policy for Waste Minimisation in New Developments 2005*, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

UPON COMPLETION OF THE DEVELOPMENT

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

HOURS OF WORK AND NOISE – OUTSIDE CBD

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

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in

accordance with the Code and under Section 96 of the *Environmental Planning and Assessment Act 1979*.

ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

ENCROACHMENTS – PUBLIC WAY

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

SURVEY

All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.

SURVEY CERTIFICATE AT COMPLETION

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

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.

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.

STREET NUMBERING – MAJOR DEVELOPMENT

Prior to an Occupation Certificate being issued, street numbers and the building name must be clearly displayed at either end of the ground level frontage in accordance with the *Policy on Numbering of Premises within the City of Sydney*. If new street numbers or a change to street numbers is required, a separate application must be made to Council.

OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

SYDNEY WATER CERTIFICATE

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Principal Certifying Authority prior to an Occupation Certificate or subdivision/strata certificate being issued.

ACCESS DRIVEWAYS TO BE CONSTRUCTED

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council’s “Driveway Specifications” to the satisfaction of Council.

LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.

- (b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (f) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

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.

USE OF MOBILE CRANES

The following requirements apply:

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