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30 January 2015

Our Ref: 2015/037412 File No: R/2014/4/A

Cameron Sargent Acting Manager, Key Sites NSW Planning and Environment GPO Box 39, Sydney NSW 2001

Attention: Natasha Harras, Town Planner

Natasha.Harras@planning.nsw.gov.au

Dear Natasha,

RE: Modification to Concept Plan MP06_0171 (MOD 11) to Block 11 to redistribute gross floor area and State Significant Development Application SSD 14_6673 for Block 11, Central Park (former Carlton Brewery United site)

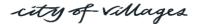
I refer to your correspondence received on 10 December 2014 inviting Council to make a submission on Frasers Broadway Pty Ltd's request to modify the approved Concept Plan MP06_0171 (MOD 11) and a State Significant Development Application (SSD 14_6673) for Block 11 at Central Park.

The State Significant Development (SSD) application is for redevelopment of Block 11, located in the south eastern corner of the Central Park site, as a mixed use building with non-residential/retail uses on the ground and first floors. A child care centre is also proposed.

The City has reviewed the information provided as part of the public exhibition and is generally supportive of the proposal, subject to the issues outlined below being addressed. Recommended conditions of consent have been included within **Attachment A**.

The City seeks amendments to the application and seeks further information on the following particular matters:

- Amendments to the O'Connor Street/northern public open space design to address issues of land ownership.
- Amendments to the Wellington Street elevation to locate the building entirely within the property boundary.
- Ongoing dialogue between the proponent and the City to facilitate the approval of the proposed Kensington Street drop off/pick up bay by the City's Traffic Committee.



- Confirmation of the total floor space allocated/number of places for the proposed child care centre. The current floor space is inadequate to support a 90 place centre.
- Reconfiguration of the ground level central vehicle access to ensure pedestrian and bicycle priority movements throughout.
- Provision of additional bicycle parking in accordance with the requirements of Sydney DCP 2012.
- Suggested landscape and urban design modifications to improve the amenity, safety and privacy of future residents.

Public Domain

O'Connell Street frontage

The O'Connor Street public open space has been designed to sit across both the development lot and Council land, with no clear delineation between the two sites. The existing O'Connor Street southern footway, from Abercrombie Street to Carlton Street is provided with a consistent width, a clear pedestrian path of travel adjacent to the building, and an area to the kerb with planting, trees and car parking. The proposal seeks to narrow the footway adjacent to the O'Connor Street public open space area resulting in the removal of the planting and car parking areas adjacent to the kerb.

The current proposal is not supported by the City. The public open space should be entirely under one land ownership. The design will need to be revised as part of the Public Domain Plan approval. The City requests that the Proponents discuss the land ownership arrangements with the City's Planning Assessments, Public Domain and Properties Units to agree a way forward prior to determination of the SSD.

Wellington Street frontage

The eastern portion of the building fronting Wellington Street is proposed to overhang land proposed for dedication to the City for footway widening. The proposed overhang is approximately 2m.

The City will not accept the current level of encroachment above any land to be dedicated. It is the City's preference that the proposal be amended to set back the Wellington Street elevation to ensure the building falls entirely within the property boundary. A solution to the Wellington Street frontage will need to be found in liaison with the City's Planning Assessments, Public Domain and Properties Units, to the approval of the City.

Kensington Street drop off and pick up bay

The proposal seeks to relocate parking spaces from the O'Conner Street frontage to Kensington Street to provide a drop off/pick up bay for the child care centre.

The bay is currently proposed along a length of footway that is not wide enough to provide an indented bay as well as a continuous suitable width of footway. Any indented bay will need to be offset by an extended dedication the same width as the parking bay around the back of the bay.

Approval for the drop off/pick up bay is required from the City's Traffic Committee. As such, this issue can be resolved through ongoing dialogue between the City and the proponent.

Child Care Centre

The child care centre is proposed on Level 1 at the eastern side of Block 11. The child care centre will have a separate and dedicated entry lobby, lift core and egress path. The lift to enter the centre must be secured to ensure only authorised people can access the centre.

The DCP compliance table provided at Attachment M states the child care centre will cater for 90 children per day. To comply with Section 4.4.4.2 of Sydney DCP 2012, this service will need to allocate a minimum of 33% of childcare places for children aged under two years.

The EIS indicates a total of $607m^2$ of floor space is allocated to the child care centre. A $607m^2$ child care centre inclusive of outdoor play space does not provide enough space for 90 children. Child care centres require $20m^2$ per child, which includes unencumbered indoor and outdoor spaces, in addition to ancillary spaces required including kitchens, bathrooms, staffroom, hallways, laundry, safe haven etc.

Approximately 1,800m² of floor space is required to accommodate a 90-place child care centre to ensure sufficient space to allocate ancillary and play spaces required by the Education and Care Services National Regulations and Sydney DCP 2012.

Although the child care centre will be subject to a subsequent DA, compliant provision needs to be made for floor space, including outdoor play areas, at this stage to future-proof the development. It is noted that although outdoor play has been allowed for, the landscape and safety requirements in the DCP for child care centres above ground level must not be compromised at this stage.

Central Vehicle Access/Connectivity

The design of the driveway leading to the basement creates a conflict of movement between pedestrians, bicycles and vehicles. Pedestrian and vehicular paths intersect on the proposed ground level layout in the busiest vehicular area leading up to the singular opening at O'Conner Street. The potential stacking of vehicles before exiting would further negate pedestrian connectivity. The conflict of pedestrian and vehicular traffic needs to be resolved.

The paving has been selected to indicate vehicle priority in the driveway in an area that is essential for the movement of pedestrians and bicycles. The vehicle control gates as they are currently positioned create an obstacle to any potential shared surface.

Pedestrian routes particularly from the Wellington Street Garden do not create a clear, safe line of movement for pedestrians. The Wellington Street Garden footpath terminates in a building column and driveway, with no clear pedestrian route through. The footpath along O'Connor Street is interrupted by the change in paving for the driveway. Pedestrian priority should again be given, and the footpath paving be continuous.

The route to the secure bicycle parking facility is blocked by the vehicle control barriers, and positioned just around the corner from the basement entry, creating several potential hazards.

The City recommends the reconfiguration of the ground level to ensure pedestrian priority movement throughout, and a clear, visible route to the bike parking facility. The redesign should ensure the vehicle control gates do not obstruct movement of either pedestrians or bikes. See the indicative diagram in **Attachment B** for further information.

Landscaping

Wellington Street garden

The Wellington Street Garden provides little in terms of useable recreation space. This may result in a poorly used, largely inactive space. Although the vegetation can provide both visual and ecological benefits, the overlooking, activity of the park and defensiveness of the ground level units needs to be carefully considered.

The design should ensure ground level units achieve a balance of safety and overlooking for the gardens. Consideration should be given to the incorporation of seating within these gardens and replacing some areas of shrub planting with lawn.

Maintenance on roof planting beyond balustrade

Landscape section 01/SSDA-11-804 illustrates three different design conditions where the position of the balustrade results in landscape maintenance being difficult for residents or requires specialist maintenance.

The City recommends that the balustrades on Levels 7, 8 & 9 be repositioned to the outside edge of the planting to ensure planting is easily and safely accessed for maintenance.

Urban Design and Planning

Building configuration and apartment layout

The proposal employs a combination of multiple cores to support dual aspect apartments as well double loaded corridors with single aspect units. It is noted that only 45% of apartments achieve natural cross ventilation and 19% of the apartments are south facing, which does not comply with the Residential Flat Design Code (RFDC).

The proposed apartment mix and unit areas range vastly. The proponent maintains that variations to the RFDC are in response to market demand and location. Provision of 21% of studio apartments has been justified due to demand of student population associated to surrounding universities and TAFE educational institutes, which is supported. However variances with regard to internal and external apartment sizes that exceed the +/-5% variance should be reviewed.

Building expression and materials

The proposal achieves successful layering of expression on facade treatments using appropriate built form, setbacks, materials and details. Proposed elevations respond positively to the adjacent Castle Connell Hotel and Block 5A in scale and height.

The proposal has adopted a materials pallet which is sensitive to its surrounds. The use of terracotta finishes, timber-batten screening, earthy-toned metal screens amid clear glass curtain walls are considered appropriate.

Public domain and placemaking

The modification to the approved Concept Plan has enabled wider open spaces in both the north and south public open space areas. The north facing public open space at the corner of O'Connor and Kensington Street has the opportunity to become a key urban space in the precinct, particularly in association with activation through cafes and other retail uses at the ground floor.

Potential opportunities existing to further increase activation through the treatment of this park as a civic space, such as a plaza or square, rather than a landscaped front garden as currently proposed. In contrast to Chippendale Green or Central Park, the scale of this urban plaza within dense urban fabric around the Kensington Street junction would help to act as a counter activity node to Railway Square, by being away from primary vehicular roads yet close enough to major transport hubs.

Consideration should be given to the incorporation of expanded footways, public gathering spaces and public art to transform the park into a dynamic urban space benefitting surrounding developments, and complimentary to the civic nature of Chippendale Green and Kensington/Carlton Street.

Heritage

The Castle Connell Hotel

The application does not include refurbishment or re-use works to the hotel. It is noted that further design development and impact assessment is currently being undertaken, with future works to be the subject of separate development applications.

The proposal maintains significant views to the prominent corner location of the Castle Connell Hotel located on the intersection of Regent Street, Wellington and Kensington Streets without any interruption.

The connection between the new building and hotel has been carefully designed to ensure an appropriate intersection and scale is achieved. The proposed palette of materials of terracotta, metal screens and glass provides contemporary reference to the existing masonry buildings of the site and the neighbouring new buildings of Central Park.

Blackwattle Creek Ovoid Drain

As proposed, landscape works are near the ovoid drain and adequate protection methods should be taken to protect this item throughout all stages of works.

Car and Bicycle Parking

Car parking

A total of 236 car parking spaces are proposed including 218 residential spaces, 3 retail, 3 child care, 10 car share and 2 service bays.

The proposed parking spaces comply with the relevant controls under Sydney LEP 2005 however it is noted that if this DA were assessed under the parking provisions of Sydney LEP 2012, a maximum of 132 residential spaces would be permissible.

The City would support a substantial reduction in the amount of parking provided. Consideration should be made to parking take up rates in other Central Park buildings, which have experienced higher supply than demand resulting in unused parking spaces.

Child care centre parking

A total of 3 parking spaces for childcare are proposed within the basement. A drop off/pick up bay is also proposed along Kensington Street. Typically, the City requires drop off/pick up bays to be located on site, however the layout of this development makes the on-street option preferable.

As noted above, the drop off/pick up bay requires approval from the City's Traffic Committee. Should the Traffic Committee not support the on-street drop off/pick up bay, a minimum of 4 drop off/pickup spaces will be required in the basement level 1 and within close proximity to the lift core.

All spaces must be clearly marked as drop off and pick up only and must be limited in duration to no more than 15 minutes at any one time. The spaces must be clearly signposted with this time restriction and must not be used as unrestricted parking at any time.

Bike parking

The proposed bike parking areas and end of trip facilities are considered adequate for residents and employees.

A total of 18 visitor bike parking spaces are proposed and will be provided along the Kensington Street frontage. This number is inconsistent with the requirements for visitor bike parking under Sydney DCP 2012, which requires a minimum of 30 visitor bike parking spaces. The City recommends additional visitor bike parking spaces be provided in accordance with Sydney DCP 2012 requirements.

Crime Prevention Though Environmental Design

The City remains uneasy with the potential for licensed venues at the site having adverse amenity impacts on Chippendale Green which continues to receive a number of reports to the NSW Police. Although the fitout and use of the future retail tenancies is subject to separate development applications, the City puts the proponent on notice that the trading hours and management of licenced premises near the Green will be carefully reviewed.

Acoustic and Construction Noise/Vibration

Acoustic Logic was engaged to prepare a report assessing internal noise levels and potential noise emissions from the proposed development.

Internal traffic noise intrusion

Predicted noise levels are discussed in the report, and recommendations are made with regards to glazed windows and doors, and acoustic seals on windows and penetrations in external walls. The report confirms mechanical ventilation/air conditioning will be required as an alternative source of air supply. The ventilation system chosen and installed must be appropriately acoustically designed to ensure the noise criteria are not exceeded.

External noise emissions

The report identifies the main source of noise emissions from the proposed development as mechanical plant. Project specific noise goals are identified for each time period, and the consultant advises that mechanical plant ultimately selected for installation will need to meet these noise emission goals.

Child care centre

Recommendations are made regarding glazing requirements for the building façade to ensure the criteria for internal noise levels are satisfied.

Noise emissions from the child care centre are also predicted and are compared with project specific noise goals for nearby residences as well as future residences above the child care centre (in the multi-unit development). Noise emissions are predicted to comply with criteria as long as certain assumptions regarding slab construction, acoustic treatment, and external glazing are adhered to. The recommendations of the report will need to be implemented to ensure noise emissions are adequately managed.

Electromagnetic Radiation

The Electromagnetic Field Radiation Report recommended that during construction of the child care centre, all walls should be internally lined with aluminium backed Sisalation Heavy Duty Foil (450), 1200mm wide. This same foil should also be installed on the ceiling and on the floor below the carpet. The assessment and recommendations of the report are supported by the City.

Waste Management

The application includes a detailed waste management plan for the demolition, construction and use of the proposal. The plan has been prepared in accordance with the City's *Policy for Waste Minimisation for New Developments* and the DECC *Better Practice Guideline for Waste Management in Multi Unit Dwellings*. The provisions of the submitted waste management plan should be complied with during all phases of the development.

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

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

Yours sincerely,

Andrew Thomas A/Director

City Planning I Development I Transport

A. I. J.Thom

ATTACHMENT A - RECOMMENDED CONDITIONS OF CONSENT

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

(1) WELLINGTON STREET FOOTWAY ENCROACHMENT

(2) The building must not encroach over any land under the current or future ownership of the City. A solution to the Wellington Street frontage encroachment is required in liaison with the City of Sydney to the approval of the City of Sydney.

(3) ADDITIONAL DEDICATION

The proposed drop off/pick up parking bays along Kensington/Carlton Street are not approved as part of this application. The proposal will require a separate application to the City for an approval by the Local Pedestrian, Cycling and Traffic Calming Committee.

Construction works to amend the kerb and create the bays cannot commence until an additional footway dedication, or similar, has been agreed with the City to ensure pedestrian access is maintained.

(4) USE - SEPARATE DA REQUIRED

Separate development applications for the fit out and use of the child care centre and retail tenancies must be submitted to and approved by Council prior to that fitout or use commencing.

(5) ALIGNMENT LEVELS - MAJOR DEVELOPMENT

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

PAVING MATERIALS

The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

(6) 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.

(7) 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).

(8) 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*.

(9) 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.

(10) 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.

(11) 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.

(12) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a 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.

(13) DRAINAGE AND SERVICE PIT LIDS

(14) 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.

(15) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the sites frontages of the site are to be retained and properly protected during excavation and construction works.
- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate. Note: all costs associated with the works are to be at no cost to the Council.
- (c) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
- (d) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- (e) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.
- (f) Council approval is required before kerbs are removed.
- (g) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

(16) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated in accordance with the City of Sydney's adopted Schedule of Fees and Charges may be required for the works to the site. 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. Contact the City for confirmation of the damage deposit required for the site.

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.

(17) 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.

(18) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

(19) ALLOCATION FOR CAR WASH BAYS

If car wash bays are provided, spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by all tenants.

(20) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

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

(21) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Car Parking Type	Number
Residential spaces	174
Accessible residential spaces	44
Retail parking	3
Child care parking	3
Car share parking	10
Service vehicle spaces (1 to double as car wash bay)	2
Total	236

(22) ASSOCIATED ROADWAY COSTS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

(23) COST OF SIGNPOSTING

All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

(24) ON SITE LOADING AREAS AND OPERATION

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

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

(25) PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

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(29) 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.

(30) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME - APPLICATION OF CITY OF SYDNEY PARKING POLICY

All owners, tenants and occupiers of this building are advised that it is the Policy of Council that they are not eligible to participate in any existing or proposed Council onstreet resident parking schemes. The owner of the dwelling must advise all intending owners, tenants and occupiers of the dwelling of this prohibition in writing at the time of entering into a purchase / lease / occupancy agreement.

(31) SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME

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

(32) TRAFFIC WORKS

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

(33) CHILD CARE DROP OFFS AND PICK UP

Child care drop off and pick up spaces must be limited in duration to no more than 30 minutes at any one time.

The spaces must be clearly signposted with this time restriction and must not be used as unrestricted parking at any time.

(34) CAR SHARE SPACES

- (a) Car parking spaces for the exclusive use of care share scheme vehicles are to be provided as shown in plan SSDA-11-801 dated 29.08.2014.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must be publicly accessible at all times;

(f) The car share spaces are to be available at the same time that the car park commences operation.

(35) KERB SIDE PARKING RESTRICTIONS

A separate submission must be made to the Pedestrian, Cycling and Traffic Calming Committee seeking the City's approval for any changes to kerb side parking restrictions.

The submission must include a plan. One showing the existing kerb side parking restriction signs and stems must include chainages to all signs and stems from the kerb line of the nearest intersection.

All installation costs will be borne by the developer.

(36) CAR PARKING ALLOCATION/LEASE

If car parking spaces are not allocated to individual uses within the site, the car parking spaces may only be leased or allocated to occupants/residents of the subject building.

Car parking spaces may not be leased to members of the general public.

(37) BICYCLE PARKING AND END OF TRIP FACILITIES

(a) The minimum number of bicycle parking spaces and end of trip facilities to be provided for the development must comply with the table below:

Bicycle Parking Type	Number	Requirements
Residential	296	Spaces must be a class 1 bicycle
		locker ⁽¹⁾ and/or class 2 bicycle facilities
Staff	6	Spaces must be class 2 bicycle
		facilities
All visitors	30	Spaces must be class 3 bicycle rails ⁽²⁾
End of Trip Facility Type	Number	
Showers with change area	1	
Personal lockers	6	

Notes:

- (1) If a basement storage area on title that is large enough to store a bike and is no smaller than a class 1 bike locker this can be counted as a space.
- (2) Class 3 bicycle rails must be provided at along each site frontage within close proximity to the main building entrances.
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Construction Certificate being issued.

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(40) SMALL CAR PARKING SPACES AND DIMENSIONS

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

All small car spaces must be clearly marked and identifiable as small car spaces. The signs or line markings must be in place and approved by the Principal Certifying Authority prior to an Occupation Certificate being issued and must be maintained in good order at all times.

(41) PROTECTION METHODOLOGY

- (a) The Blackwattle Creek Ovoid Drain is to be adequately protected throughout all stages of the works. To this end a protection methodology is to be submitted to Council's Manager of Urban Design and Heritage for approval prior to the issue of the Construction Certificate.
- (b) The methodology should also make recommendations on the following:
 - (42) (i) Vibration monitoring of drain should be undertaken during the construction process
 - (43) (ii) Site induction of all construction personal as to the significance of the drain.

(44) HERITAGE INTERPRETATION PLAN

- (a) An interpretation plan for the Block 11 must be submitted to and approved by Council's Manager of Urban Design and Heritage prior to a Construction Certificate being issued.
- (b) The interpretation plan must detail how information on the history and significance of the Block 11, the Blackwattle Creek Ovoid Drain and any archaeological relics pertaining to the area will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- (c) Prior to occupation certificate being issued the approved interpretation plan must be implemented to the satisfaction of Council's Manager of Urban Design and Heritage.

(45) 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 6 November 2014 (20140855.1/0309A/R1/BW) 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 DA acoustic report set out below. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the Principal Certifying Authority.
- (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 Principal Certifying Authority that the development complies with the requirements set out in the Report and in (a) and (b) above.

<u>Note</u>: 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.

WASTE MANAGEMENT PLAN

(a) All requirements of the submitted waste management plan prepared by Arup, dated 30 October 2014 must be implemented during construction of the development.

UPON COMPLETION OF THE DEVELOPMENT

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

ELECTROMAGNETIC RADIATION

- (a) All recommendations contained in the electromagnetic field radiation report prepared by Magshield Products Australia Pty Ltd, dated 7 July 2014 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.
- (b) Prior to the issue of an Occupation Certificate, a suitable qualified consultant is to provide a written verification to the satisfaction of the Principal Certifying Authority that the development complies with the requirements set out in the Report.

(46) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) The Construction Traffic Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A construction traffic management plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

(47) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

- (a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifying Authority:
 - (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.

- (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
- (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
- (iv) A Waste Management Plan for the demolition and or excavation of the proposed development.
- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Policy for Waste Minimisation in New Developments 2005*, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:
 - (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
 - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
 - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
 - (iv) The name and address of the transport contractor.
 - (v) The type and quantity of material to be removed from site.
 - (vi) Location and method of waste disposal and recycling.
 - (vii) Proposed truck routes, in accordance with this development consent.
 - (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
 - (ix) Measures to control noise emissions from the site.
 - (x) Measures to suppress odours.
 - (xi) Enclosing and making the site safe.
 - (xii) Induction training for on-site personnel.
 - (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.

- (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
- (xv) Disconnection of utilities.
- (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
- (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
- (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
- (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
- (xx) Working hours, in accordance with this development consent.
- (xxi) Any Work Cover Authority requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

(48) COMPLIANCE WITH DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN

- (a) All works conducted on site which form part of this development must be carried out in accordance with the submitted and approved Demolition, Excavation and Construction Management Plan.
- (b) Where all such control measures have been implemented and the resultant noise levels at any noise sensitive receiver are still in exceedances with the council's noise criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite.

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

(49) BARRICADE PERMIT

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 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

(50) 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 1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

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

(51) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT

The immediately adjoining neighbours must be given a minimum of 48 hours notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.

(52) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites is restricted to the hours of (EHO to specify hours)
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436- 2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites.*

(53) 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.

(54) 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.

(55) 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.

(56) 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.

(57) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE

- (a) Prior to an Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development 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.

Submission on one full set of as-built drawings will assist the City's Modellers reviewing the electronic model.

(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/application-guide/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.

ATTACHMENT B - CENTRAL VEHICLE ACCESS RECONFIGURATION

