

Attachment A

**Applicant's Response to Recommended
Conditions of Consent**

Tahlia Alexander

From: Edward Green [REDACTED]
Sent: Monday, 16 March 2020 9:57 AM
To: Tahlia Alexander; Nicola Reeve
Cc: Andrew Harvey; Theo Krallis; Alex XIAO; Viola Lee
Subject: D/2018/774 (589-591 Elizabeth St, Redfern) - Draft Conditions

Importance: High

Hi Tahlia and Nicola,

I trust you are well. We were hoping to urgently pull your attention towards three Draft Conditions for D/2018/774 (589-591 Elizabeth St, Redfern), which we believe are errors.

We obviously don't want to *'throw a spanner in the works'* at this late stage, however the conditions (as drafted) have major implications for our client & we were seeking your help in resolving this matter prior to the LPP.

See summary below:

Draft Condition (2) – Section 7.11 Contributions

- The proposal is excluded from the payment of contributions levies, per p. 3 of the City of Sydney Development Contributions Plan 2015 (see excerpt below):
https://www.cityofsydney.nsw.gov.au/_data/assets/pdf_file/0004/256999/City-of-Sydney-Development-Contributions-Plan-2015.pdf
- Page 3, Table 2, line item 8 states the following development is excluded from the need to pay a contribution: *"Mid-scale and below hotel and motel accommodation with an average of 45 m² or less of gross floor area per key granted development consent before 30 June 2021"*.

1. Subdivision of land that does not involve building work
2. Development where a contribution has previously been paid for the same development at the subdivision stage under a predecessor plan
3. Alterations and additions to an existing attached dwelling, dual occupancy or dwelling house
4. Demolition of an existing dwelling and construction of a replacement dwelling that will not result in a net increase in the number of rooms capable of being used as a bedroom
5. Places of public worship and child care centres by or on behalf of a charity or not-for-profit organisation ⁸
6. Emergency services facilities
7. Affordable housing or social housing by a social housing provider ⁹
8. Mid-scale and below hotel and motel accommodation with an average of 45 m ² or less of gross floor area per key granted development consent before 30 June 2021 ¹⁰
9. Government schools ¹¹
10. Development undertaken by or on behalf of Council, including works listed in the works program in Appendix F of this plan
11. Development excluded from section 94 contributions by a Ministerial direction under section 94E of the <i>Environmental Planning and Assessment Act 1979</i> . ¹²

We therefore seek the condition to be amended to be consistent with the City of Sydney Development Contributions Plan 2015 (i.e. no levy payable).

Draft Condition (11) – Waste/Recycle Collection

- The draft condition states *"Collection of the garbage and recycling must only occur within the basement of the subject development. Garbage and recycling must not be placed on the street"*.
- This is despite the proposal seeking kerbside collection, associated with the ground floor waste holding room. The Council Officer Report (p. 37, see excerpt below) acknowledges that basement collection is unreasonable in the circumstances of the case.

Waste collection

Waste collection is proposed to occur from Elizabeth Lane. A waste holding room is located at ground level within the building which is also accessible directly from Elizabeth Lane. The submitted Waste Management Plan outlines that bins will be wheeled out directly to the waste collection vehicle and then returned immediately to the holding room so no bins are left on the kerb. The Waste Management Plan estimates that the proposed development will require waste to be collected twice per week.

Due to extent of the street tree's structural root zone within the site, the footprint of the basement is relatively constrained. If on-site waste collection was required, much of the basement would be required for a ramp and a larger turning circle. Given the above, in accordance with Section 3.11.13, it is considered that waste collection from the basement is unreasonable in this particular case and the proposed collection from Elizabeth Lane is supported.

We therefore seek the condition to be amended to reflect the intended/approved waste collection arrangements.

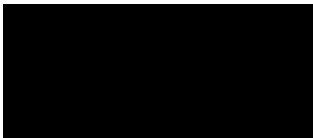
Draft Condition 3 – Floor Space Ratio

- The draft condition states the approved FSR is 1,2221.4sqm (the actual FSR is 1,221.4sqm).

Given the urgency, it would be most sincerely appreciated if you could look into this as a priority. If you need anything from us – please reach out to Andrew and I & we would be happy to assist.

Kind regards,

EDWARD GREEN
SENIOR CONSULTANT



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