

11 July 2022

Our Ref: R/2020/17/B  
Your Ref: SSD-12618001

Lucinda Craig  
Planning Officer - Planning and Assessment  
Department of Planning and Environment

By Planning Portal

Dear Lucinda

**Advice on Response to Submissions - 104-116 Regent Street, Redfern - Student Accommodation (SSD-12618001)**

Thank you for your correspondence dated 17 June 2022, inviting the City of Sydney Council ("the City") to comment on the Response to Submissions (RTS) for the abovementioned application.

The City has reviewed the submitted information. Whilst some of the issues raised in previous correspondence dated 2 March 2022 have been alleviated, the City ***maintains objection*** to the proposal and will continue to do so until there is adequate resolution on the following matters:

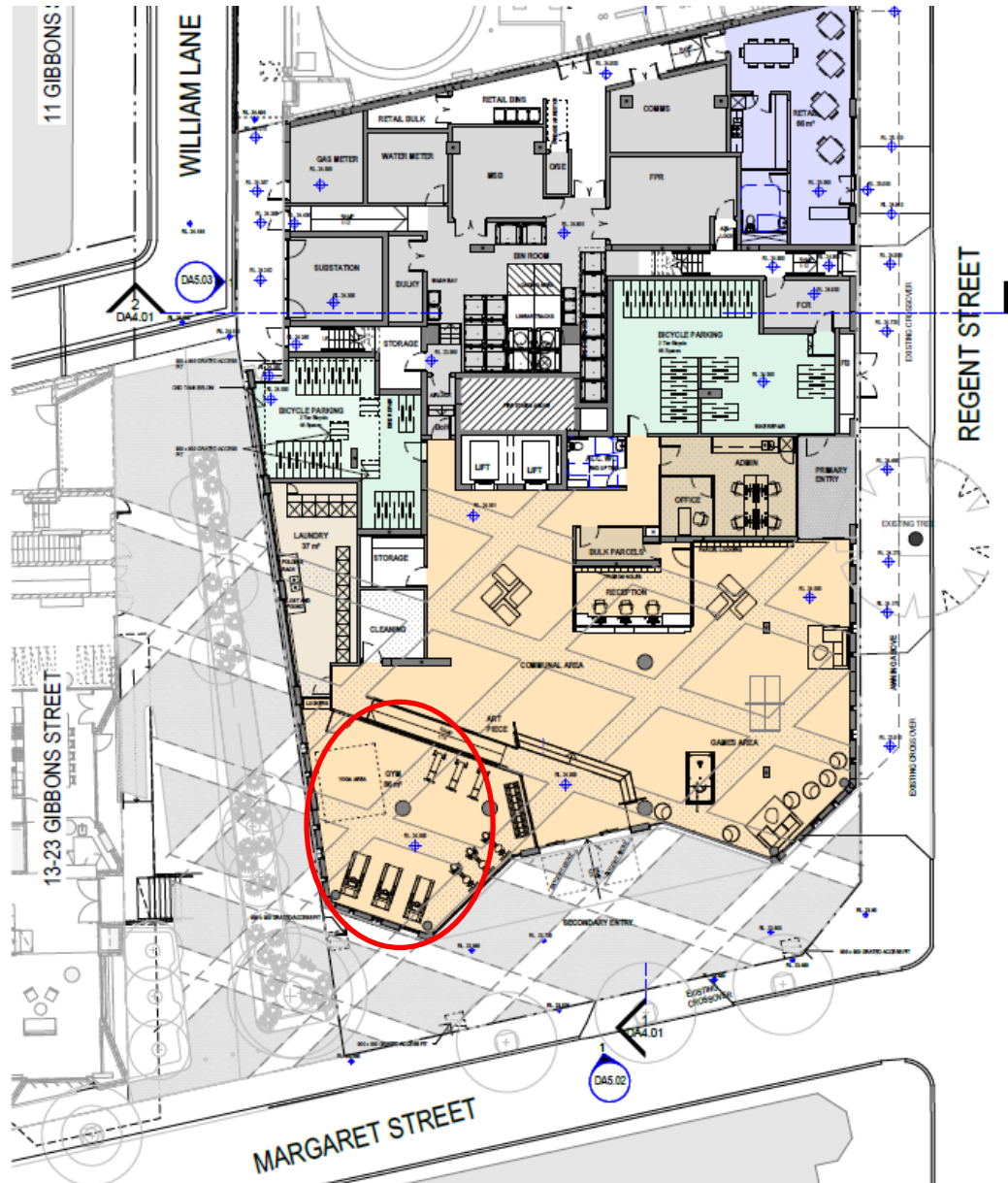
**1. Active Frontages**

The RTS has sought to address the City's previous concerns relating to active frontages by splitting the bicycle storage areas between Regent Street and William Lane, relocating administration and office along the Regent Street frontage, relocating the games area to the ground floor, provision of skylights in the Margaret Street undercroft and provision of a retail space on Regent Street.

However, the response is inadequate and collectively, the development fails to provide activation to the other frontages on Margaret Street and future through-site link and pedestrianised extension of William Street. This is a missed opportunity for good place making.

The proposed gym area on the south-western corner of the ground floor is an ideal location for a food and drink premises that could activate Margaret Street along the southern boundary and the pedestrianised William Lane extension on the western boundary (refer to **figure 1**). The provision of a food and drink premises at this location will not only attract residents but also locals and pedestrians and would achieve the objectives of an active frontage, away from the heavy volumes of traffic down Regent Street with its associated air and noise pollution. The food and drink premises would be visible from Regent Street and Margaret Street and could have an internal link to the proposed internal laundry immediately adjacent to the space on the ground floor, providing students with greater amenity and convenience.

Further, the City reiterates previous comments in relation to the 2.8m floor to ceiling heights of the ground floor retail tenancy on Regent Street. This presents as a residential scale and should be increased.



**Fig. 1** Ground floor with area suggested as food & drink premises circled in red

## 2. Building Expression and Public Art

The RTS has sought to address the City's previous concerns regarding the blank building expression on the northern and southern elevations through the provision of reckli form liner patterns to create a textured and modulated façade. Public art is proposed to be designed and integrated in the reckli patterns.

This response can be acceptable to the City if the facade can accommodate sufficiently thick form liner panels to deliver an artwork of depth in the façade. It is strongly suggested that an indigenous artist be engaged to produce any future artwork for the development, particularly with Redfern's strong historical links to Aboriginal people and culture.

Further to the above, the City provides the following comments to other issues previously raised in the Environmental Impact Statement (EIS):

### **3. Urban Design**

#### **a. Tower separation**

The City maintains that the substantially non-compliant building separation to neighbouring towers to the north and west deliver substandard built form and amenity outcomes for this 4-tower city fringe block. However, it is noted that commensurate separation distances have been supported by DPE for the adjacent sites at 13-23 Gibbons Street and its northern building separation to 11 Gibbons Street. Should the proposed setbacks be supported by DPE, the City recommends that a condition of consent be imposed requiring operable privacy treatments to west-facing rooms of the development be provided.

Refer to **Attachment A**.

#### **b. Wind Impacts**

The executive summary of the Updated Environmental Wind Assessment Report, prepared by SLR, outlines the recommendations for wind amelioration. These should be requested to be reflected in the architectural and landscape packages, including the detailed recommendations to the Level 2 and 16 outdoor areas, prior to the determination to ensure these elements are well designed and integrated into the development.

Additionally, locations 4 and 5 within the through-site link are indicated as seating areas on the landscape plan. Therefore, further landscape mitigation measures are recommended to be implemented to achieve the required 4m/s wind criteria for sitting prescribed by Sydney DCP 2012.

#### **c. Signage**

The City reiterates previous comments in that a signage strategy is required for the development in accordance with the Redfern Centre Urban Design Principles 3.4.2. The signage drawings relate to signage zones only and does not meet the minimum requirements of a signage strategy where signage for the entire development is nominated. There is no signage indicated for the retail tenancy. Accordingly, it is recommended that a separation application be made for a signage strategy and detailed signage for the site.

Further, the William Lane podium signage is excessively wide and is not supported. A maximum 300mm width lettering is recommended, with individual lettering pinned on a quality finish wall.

#### 4. Landscaping and Tree

##### ***Existing trees, urban canopy and wind***

The street tree located on Regent Street is now nominated for retention. However, the proposed awning will impact on the tree canopy. Any design elements, such as awnings, street furniture and footpath upgrades within the public domain must ensure appropriate setbacks are provided from existing street trees to allow maturity of the trees to be achieved.

The Landscape Plans, prepared by RPS, propose four street trees on Margaret Street and four trees along William Lane or through-site link. However, one street tree in Margaret Street and the through-site link were approved under SSD 9194 for 13-23 Gibbons Street and are outside of the site boundary for this site. New street trees in Margaret Street will be on public land and therefore, do not contribute to the City's requirement of 15% canopy coverage within 10 years of completion. It is recommended that all trees planted within the public domain including the through-site link are in accordance with City of Sydney Street Tree Masterplan and Tree Management Policy. The landscape design must be coordinated with adjacent sites.

Trees on the Level 2 communal terrace include 31 small sized trees in integral and GRC planters. These trees are located at close centres ranging from 1.8 to 2.8m spacings. The updated wind report notes that wind tunnel testing found several points on the Level 2 and 16 communal open space areas with predicted 5% exceedance levels for standing. To meet the wind report mitigation recommendations and to achieve the Sydney DCP 2012 standing criterion, extensive tree planting is proposed at close centres in raised GRC planters is recommended. However, Level 2 trees in GRC planters are located to maintenance access areas only. The planters are at 1.8m centres in planters with 3.61 cubic metres of soil volume, which is significantly less than the minimum 9 cubic metre per small sized tree required by the City's Landscape Code. These trees are 1.2m from the façade edge and will suffer from crown suppression and unlikely to reach maturity required for urban canopy targets.

Level 16 includes 10 trees at close centres located in a central integral planter 700mm high that rely on mounding to achieve minimum 1m depth required for tree planting. There are perimeter GRC planters with shrubs. No planting plans have been submitted, only a plant schedule. A reliance on living evergreen trees to mitigate wind on upper levels of a building is problematic if the trees fail. The design is a poor outcome and not supported from a landscape perspective.

##### ***Facade Greening***

The proposed facade screen is designed for wind protection and includes fragmented small planters integrated into the podium screen in gaps to the brick facade crisscross pattern. The plants appear to be growing out of thin triangular concrete shape with inadequate soil depth, no allowance for drainage and irrigation to support a successful green facade. To this effect, the City recommends that the planters on the facade screen be deleted.

The landscape plans show a coloured concept planter elevation and plant species with notes for an 800mm wide x 650mm deep GRC planter behind brick facade. No planter detail has been provided. However, as proposed, there will be

soil media at the planter centre point only. At the edges, there will be no soil depth and it is not feasible. Maintenance is proposed within the building, or for areas not on Level 2, on Regent Street from the public domain using a cherry picker. The latter option is not a certainty as a separate permit would be required.

### ***Communal Open Space***

The Level 2 podium terrace is located at the base of the tower with communal outdoor areas to the east, south, and west of the tower with tree perimeter planters and amenity limited to a BBQ, seating areas and a small canopy to a portion on the western edge.

The majority of usable communal spaces are to the west and south edges of the tower with remaining areas on the west and eastern sides of the tower nominated for maintenance access only to mechanical plant on the northern edges. Lightwells on the southern edge in gravel are separated from the path by a steep edge, meaning people could access this space which is not an acceptable landscape outcome. The RTS does not clarify the typical edge conditions, parapet edge and balustrade locations ensuring all planting is safely and easily accessible from within the roof terraces.

The City recommends that the communal open spaces on Level 2 and 16 be redesigned and rationalised to ensure all tree planting is located in 1m deep planters that provide compliant soil volume, drainage and mulch layers, revise seating to ensure all wall mounted seats do not impact on garden beds, replace a range of furniture designed for all users, and provides usable outdoor spaces designed for wind sitting and dining criterion.

### ***Contamination***

The subject site was a former petrol station, and the ground is impacted by significant contamination. The remediation action plan approved under the City's consent D/2020/1095, is for the removal and disposal of contaminants, and where possible, for offsite bioremediation of soils impacted by hydrocarbon spillage to be returned to the site. Bioremediation of the identified contaminants can take decades for the soil to be made safe for use. Accordingly, it is recommended that the proposal provides a minimum 1 metre depth virgin excavated natural material (VENM) for all tree planting and landscape at grade within the site boundary and street trees within the public domain.

## **5. Transport and Access**

The RTS is accompanied with a Loading and Servicing Management Plan (LSMP) and outlines that a single small rigid vehicle (SRV) will service this development and the neighbouring student accommodation development at 90-102 Regent Street, Redfern.

Transport for NSW's Urban Freight Forecasting tool indicates that around 4 spaces would be required for both buildings. The City continues to raise concern that the shared loading arrangement with a single SRV is insufficient and potentially problematic for the scale of both developments. The LSMP must be amended to consider the following:

- Specify how the LSMP is to be communicated to those needing to use the dock;

- Outline the procedure in the event that the turntable or roller doors are not operational;
- Specify how vehicles will be managed, if the case arises where more than one vehicle needs to access the site at once. It should be noted that queuing or blocking roads would not be acceptable.
- Outline how the collection of three streams including student accommodation and retail will be managed.

## 6. Public Domain

Since providing advice on the EIS, the City has carried out investigations on future traffic flow and pedestrian movements in the locality. Concern is raised that there are insufficient public spaces surrounding the site and would not achieve acceptable performance to support anticipated increased traffic flow and pedestrian movements upon completion of the development. Therefore, the City recommends that the following mitigation options be investigated by the developer, if consent is to be granted:

- Implement a share zone in Margaret Street between the William Lane extension and Regent Street.
- Change Margaret Street to one-way traffic, travelling from Gibbons Street to Regent Street only and widening the footpath on the northern side of Margaret Street.
- Provide an easement for public access in the building setback along the Margaret Street frontage to ensure sufficient space for tree planting and pedestrian movement is provided. However, this option should be considered as the last resort.

Additionally, the City requires the continuous footpath treatment on the Margaret Street crossing to be in accordance with the City's Street Code. An easement for public access must also be provided on the proposed William Lane extension and through- site link, in similar vein to the adjacent development at 13-23 Gibbons Street.

A new comment is raised in relation to flooding on the site. The previously submitted Flood Statement, prepared by WMA Water, incorrectly states entry door nos. 10 and 11 as having a freeboard of 100mm for the internal 1% AEP. However, it has a 0.0 freeboard. Clarification is required on the necessary freeboard for the proposed development.

The recommended public domain conditions are contained in **Attachment A**.

## 7. Waste

The submitted Waste Management Plan (WMP), prepared by Waste Audit, has been reviewed. Clarity and additional information are required on the following matters:

- The WMP provides details of chute failure procedures, which references the placement of spare bins during chute failure in each chute access room. However, the plans indicate that chutes are not contained in these rooms. Further, residents should not be able to access the downstairs chute discharge area and as such, the WMP must be amended with a revised procedure in place. and the WMP makes reference to residents accessing

- Doors for access 90-102 Regent Street on the ground floor do not appear to be aligned with the loading area to provide access to the turn table on the plans. This should be confirmed.
- The WMP is unclear if bins will be serviced by a private contractor from the waste storage area at 90-102 Regent Street and if transfers occur at or before collection time. There is insufficient space in the loading area for bins to be moved until collection time and must be confirmed.
- The City recommends that the proponent should have the chute set up confirmed by the chute supplier to ensure it will be installed and operated as designed at the discharge point.
- The updated plans have resulted in waste storage areas to be too tight for manoeuvring large 1,100L bins. The bins do not seem to be drawn to scale as per the standard measurements of 1370mm X 1245mm and indicate the manoeuvrability of bins will likely be further reduced.

The City may withdraw its objection to the proposal until such time the matters outlined above are addressed. The City's recommended conditions of consent are contained in, but not limited to, **Attachment A** of this letter. It is recommended that these conditions be imposed in any approval granted for the development. It is also requested that the City be given the opportunity to review the draft conditions of consent prior to determination.

Should you wish to speak with a Council officer about the above, please contact Reinah Urqueza, Senior Planner, on 9265 9333 or at [rurqueza@cityofsydney.nsw.gov.au](mailto:rurqueza@cityofsydney.nsw.gov.au)

Yours sincerely,



**Graham Jahn** AM LFRAIA Hon FPIA  
**Director**  
 City Planning | Development | Transport

## ATTACHMENT A – RECOMMENDED CONDITIONS OF CONSENT

### *Urban Design*

#### (1) WEST FACING ROOMS PRIVACY TREATMENTS

Operable external privacy treatments are required to west facing rooms 05.13, 05.14, 05.15, 05.16, 05.17, 05.18 and 05.19 from level 5 upwards

**Reason:** To provide user-controlled privacy whilst maintaining access to daylight to opposite facing rooms at 13-23 Gibbons Street which have less than 18m building separation

#### (2) REGENT STREET RETAIL TENANCY

- (a) The floor to ceiling height is to be increased directly behind the facade by increasing the RL of the inaccessible landscape located above the retail tenancy.
- (b) The retail glazing is to be amended to be full height by removing mechanical louvres

**Reason:** To provide a better amenity and a flexible use tenancy to Regent Street.

#### (3) FACADE DETAILS

Facade details in the form of 1:20 minimum scale plans, wall sections and elevations are to be provided of each podium façade system type. These are also to include details of the interface of the façade with the public domain. These details are to be submitted to and approved by Council prior to the issue of any Construction Certificate.

**Reason:** To ensure the detailing of the ground floor/brick podium/screen are of sufficient design and material quality, substantial depth, & good detailing, to deliver a good outcome in the streetscape and adjacent the public domain.

#### (4) GLAZING

Prior to the issue of any Construction Certificate for above ground works, the following details are to be submitted to and approved by Council as follows:

- (a) All glass is to be clear to achieve a high level of transparency to provide visual depth and have a neutrality of colour. A consistency in appearance and colour characteristics between all facades is to be achieved.
- (b) The submitted details are to include physical samples of the glass types, details of the manner of assembly, and the glazing characteristics including the proposed Shading Coefficient, the Visible Light Transmission and the Reflectivity.

**Reason:** To ensure occupant amenity and improved visibility and activation outcomes adjacent the public domain.



## **(5) FACADE METALWORK, EGRESS AND SERVICE INTEGRATION**

1:20 scale minimum plans, elevation and section details of the following are to be submitted to and approved by Council prior to the issue of any Construction Certificate for above ground works:

- (a) Fire hydrant booster cupboard
- (b) Gas meter cupboard
- (c) Service access doors
- (d) Fire egress doors
- (e) End of trip amenities
- (f) Substation

The required information must include detailed material, finishing, spacing, elemental sizing details. The information submitted should show a level of detail equivalent to For Construction detailing.

**Reason:** To ensure the high design quality, integration, materiality, and finishes of these services which is equivalent with the facade quality.

## **(6) SIGNAGE STRATEGY**

A separate development application is to be submitted seeking approval of a signage strategy for the building. The signage strategy development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

**Reason:** To require separate consent to be obtained for a signage strategy.

## **(7) SIGNS - SEPARATE DA REQUIRED**

A separate development application for any proposed signs additional to those approved as part of this consent (other than exempt or complying signs) must be submitted to and approved by Council prior to the erection or display of any such signs.

**Reason:** To require separate consent to be obtained for any additional signs.

## **(8) MATERIALS SAMPLE BOARD**

- (a) A physical material sample board which specifies all proposed materials, finishes and colours, (including visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by Council prior to a Construction Certificate being issued.
- (b) The materials and samples board must not include generic material or colour descriptions or use terminology such as 'or similar'.

**Reason:** To require the submission of a materials and samples board following assessment of the development.

### *Tree Management*

#### **(9) TREES THAT MUST BE RETAINED**

- (a) The existing trees detailed in Table 2 below be retained and protected in accordance with the conditions throughout construction and development.

Table 2 – Tree Retention:

<b>Tree Number</b>	<b>Botanical / Common name</b>	<b>Location</b>
1	<i>Platanus acerifolia</i> / London Plane Tree	Regent Street

- (b) Approval is NOT granted for the removal of the following trees, which Council has determined to be prominent landscape elements.

**Reason:**

To identify the trees that cannot be removed, must be retained and protected

#### **(10) PUBLIC DOMAIN TREE PLANTING AND MAINTENANCE**

- (a) A Tree Planting Plan must be submitted and approved by the City's Public Domain Unit prior to the issuing of any Construction Certificate. The plan must include and be consistent with the following requirements:
- (i) Tree species shall be consistent with the City's Street Tree Master Plan (refer to relevant precinct plans) or other relevant guidance document. Species substitutes will not be accepted.
  - (ii) Tree pits must be located and constructed in accordance with the City's Street Tree Master Plan (Technical Guidelines) or other relevant guidance document.
  - (iii) The tree pit design must include structural soils or structural cells to support pavements in accordance with the Street Tree Master Plan (Technical Guidelines).
  - (iv) Indicate the chosen tree planting arrangement, being a choice of one of two options, being:  
Undertake all tree supply, planting, and maintenance requirements to the required standards and to the satisfaction of the City's Tree Management.  
OR  
Pay a fee for the City to supply, plant, and maintain each required tree on the applicant's behalf. The fee is consistent with the City's Schedule of Fees and Charges.

- (b) If opting to undertake all tree supply, planting, and maintenance requirements, the following requirement must be met:
- (i) The trees must be a minimum container size of 200 litre, at the time of planting.
  - (ii) All new trees must be grown in accordance with the Australian Standard 2303:2015 'Tree stock for landscape use' and meet the requirements of this standard at the time of planting.
  - (iii) Certification from the tree supplier must be submitted to the City's Tree Management Officer and Public Domain Officer, prior to the trees being planted. The certification must confirm the tree(s) have been grown and comply with the requirements of AS2302. Any new trees that do not conform will be rejected by the City.
  - (iv) The trees must be planted by a qualified Arborist or Horticulturist (AQF Level 3) and be planted before the issuing of the final Occupation Certificate.
  - (v) All new trees must be inspected and approved by the City's Tree Management Officer (or their representative) at the following milestones: before planting with planting pits excavated; after planting; and at the end of the maintenance period.
  - (vi) All trees planted in accordance with the approved Tree Planting Plan must be maintained by a qualified Horticulturist or Arborist (minimum AQF Level 3) for a minimum period of twelve (12) months, commencing from the date of planting. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
  - (vii) At the end of the twelve (12) month maintenance period, written acceptance of the tree/s must be obtained from the City before release of the public domain bond.
  - (viii) If a tree fails to thrive and successfully establish during the maintenance period, then City will request payment for a replacement tree and establishment period according to the City's Schedule of Fees and Charges.

**Reason:** To ensure that details of street trees to be planted are approved, the works are carried out in an appropriate manner and the trees are maintained following installation.

## **(11) SITE SUPERVISION AND REPORTING**

- (a) An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone of any tree listed for retention. The Arborist must certify compliance with each key milestone detailed below:

- (i) The installation of tree protection measures prior to the commencement of any construction works;
  - (ii) During demolition of any ground surface materials (pavers, concrete, grass etc.) within the Tree Protection Zone (TPZ) of any tree to be retained;
  - (iii) During any excavation and trenching within the Tree Protection Zone;
  - (iv) During any Landscape works within the TPZ which has been approved by Council.
- (b) An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and acknowledged by Council's Area Planning Coordinator or Area Planning Manager at each hold-point listed below:
- (i) Certification that tree protection measures have been installed in accordance with these consent conditions;
  - (ii) Certification of compliance with each key milestone listed above within 48 hours of completion;
  - (iii) Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council.
- (c) A final compliance report must be submitted to and approved by Council's Area Planning Coordinator or Area Planning Manager prior to the issue of any Occupation Certificate.

**Reason:** To ensure the protection and ongoing health of trees on the site.

## (12) TREE PROTECTION ZONES

- (a) Before the commencement of works, Tree Protection Zone/s (TPZ) must be established around all trees to be retained not less than the distance indicated in the TPZ schedule below.
- (b) Tree protection must be installed and maintained in accordance with the Australian Standard 4970 Protection of Trees on Development Sites and with the following schedule.

### TPZ Schedule:

Tree no	Species name	Location	Radius (m) from trunk
1	<i>Platanus acerifolia</i>	Regent Street	4

Note: Only applies to the TPZ within the subject development site and the public domain.

- (c) The following works must be excluded from within any TPZs:
  - (i) Excavation

- (ii) Soil cut or fill including trenching
- (iii) Soil cultivation, disturbance or compaction
- (iv) Stockpiling, storage or mixing of materials
- (v) The parking, storing, washing and repairing of tools, equipment and machinery.
- (vi) The disposal of liquids and refuelling
- (vii) The disposal of building materials
- (viii) The siting of offices or sheds
- (ix) Any action leading to the impact on tree health or structure
- (d) Any trenching works for services / hydraulics / drainage etc must not be undertaken within any TPZ. Alternative installation methods for services, such as directional boring/drilling, or redirection of services must be employed.
- (e) All work undertaken within or above the TPZ must be:
  - (i) Carried out in accordance with a work methodology statement prepared by an Arborist (minimum AQF Level 5) and written approval is obtained from Council's Tree Management Officer before its implementation; and
  - (ii) Supervised by a qualified Arborist.

**Reason:** To ensure the protection and ongoing health of trees.

### **(13) STREET TREE PRUNING AND REMOVAL**

- (a) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 30mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that 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'.

**Reason:** To ensure that approval is obtained for any pruning works to, or removal of, street trees and that such works are carried out in an appropriate manner.

### **(14) STREET TREE PROTECTION**

- (a) All street trees located directly outside the site must be retained and 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:

- (i) Tree trunk and major limb protection must be undertaken prior to the commencement of any works (including demolition). The protection must be installed and certified by a qualified Arborist (AQF Level 3) and must include:
  - a. An adequate clearance, minimum 250mm, must be provided between the structure and tree branches and trunks at all times
  - b. Tree trunk/s and/or major branches must be protected by wrapped thick underlay carpet or similar padding material to limit damage, and
  - c. 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 thick underlay carpet or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.
  - d. Tree trunk and major branch 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) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (c) 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 pits. Supporting columns must not be placed on any tree roots that are exposed.
- (d) Young street trees must be protected by installing three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.
- (e) 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 or any street trees
- (f) Any excavation within any area known to or suspected of having tree roots greater than 30mm diameter must be undertaken by hand;
- (g) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within four metres of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or redirection of services must be employed where roots greater than 30mm diameter are encountered during installation of any services;

- (h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer;
- (i) Any damage sustained to street tree/s as a result of any construction activities (including demolition), must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

**Reason:** To ensure the protection and ongoing health of the street trees.

## **(15) ADVANCED TREE PLANTING**

Tree planting within the property must be undertaken in accordance with the following conditions, and to Council's satisfaction, prior to the issuing of any Occupation Certificate.

- (a) The design must provide a minimum 15% canopy cover across the site, provided by trees that will reach a minimum height of twelve metres.
- (b) Three additional trees are to be planted at ground level in deep soil at the completion of all construction works.
- (c) The tree species, when mature, must attain a minimum height of no less than twelve metre and minimum canopy spread of six metres. Palms, fruit trees and species recognised to have a short life span are not considered a suitable replacement.
- (d) The tree must be grown in accordance with the Australian Standard 2303 'Trees stock for landscape use'.
- (e) At the time of planting, the container size is to be a minimum of 400 litres and a minimum height of 2.5 metres.
- (f) The tree/s must be planted in natural ground with adequate soil volume to allow healthy tree maturity to be achieved. Planter boxes will not be accepted for tree planting.
- (g) The tree/s must be appropriately located away from existing buildings and structures to allow healthy tree maturity to be achieved without restrictions.
- (h) The tree must be planted by a qualified Horticulturalist or Arborist of Level 3 under the Australian Qualifications Framework (AQF).
- (i) The tree/s must be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity.
- (j) Prior to the issue of any Occupation Certificate, suitable documentation (including a written statement and photographic evidence) is to be submitted to Council for review and written confirmation is to be obtained from Council's Area Planning Coordinator or Area Planning

Manager confirming all trees have been planted to Council's satisfaction (excluding tree maintenance).

- (k) Any newly planted tree that fails to establish within 2 years of the initial planting date must be replaced with a tree of comparable qualities.

**Reason:** To ensure the provision and maintenance of adequate tree planting on site.

#### **(16) MAINTENANCE OF TREES ON SITE**

- (a) Tree maintenance must be implemented and complied with immediately following the tree planting, and until the tree reaches the required minimum height limit of six metres in height and six metres canopy width.
- (b) The newly planted tree on site must be appropriately maintained on an on-going basis.
- (c) Maintenance includes watering, weeding, removal of rubbish from tree bases, pruning (in accordance with AS4373-2007), fertilizing, pest and disease control and any other operations required to maintain a healthy robust tree.
- (d) If the newly planted tree fails to establish or does not reach a height of six metres and canopy width of six metres it must be replaced with a tree of comparable qualities and container size of 200 litres.
- (e) The conditions of this consent will apply to all replacement trees, including the maintenance and reporting which re-starts at each replanting event.

**Reason:** To ensure the ongoing maintenance of trees planted on the site.

#### *PUBLIC DOMAIN*

#### **(17) EASEMENT FOR PUBLIC ACCESS**

Prior to the issue of any Occupation Certificate for the development, a documentary Easement for Public Access, limited in stratum if so desired, is to be created and registered on the Title of the development site. The Easement is to be defined over the strip of land, of variable width, extending from the northern alignment of Margaret Street to the termination of William Lane passing between the proposed development and the eastern boundary of 13-23 Gibbons Street, Redfern. The Easement is to be created appurtenant to Council in terms granting unrestricted rights for public pedestrian access, with or without vehicles (with any vehicular access to be subject to Council's agreement and approval), to Council's satisfaction.

#### **(18) POSITIVE COVENANT**

Prior to the issue of any Occupation Certificate for the development, a documentary Positive Covenant is to be created and registered on the Title of the development site, appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Right of Public Access and is to require the



maintenance of a \$20,000,000 public indemnity insurance policy and is to require the maintenance, upkeep and repair of the Right of Public Access in accordance with Council's requirements and to the satisfaction of Council.

**(19) SWINGING DOORS OVER PUBLIC DOMAIN**

Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.

**Reason**

To ensure no element of the development obstructs the use of the public way.

**(20) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS**

- (a) 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.

**Reason:** To ensure ground surface indicators, handrails and other elements required to provide access into the building/property are appropriately located.

**(21) NO OBSTRUCTIONS – PUBLIC DOMAIN**

All public footways and paths of travel must be free from obstructions. The existing electrical pillar located at the south-eastern corner of the site is required to be undergrounded or relocated. If services are required to be relocated to clear paths of travel, then this must be undertaken at the developer's expense. All obstructions are to be removed prior to the issue of any Occupation Certificate.

**Reason:** To ensure there are no obstructions on public footways and paths of travel.

**(22) PAVING MATERIAL**

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".

**Reason:** To ensure appropriate and safe paving materials are used.

**(23) PUBLIC DOMAIN WORKS – CONSTRUCTION APPROVAL UNDER SECTION 138 ROADS ACT 1993**

Prior to the construction of any public domain works, approval under Section 138 / 139 of the Roads Act 1993 must be issued by the City's Public Domain Unit.

**Reason:** To ensure relevant approvals for public domain work are obtained.

**(24) PUBLIC DOMAIN DAMAGE BOND**

- (a) A Public Domain Damage Security Bond calculated based on 227 square metres (24x1.8 + 49x3.75) of concrete site frontage must be lodged with the City in accordance with the City of Sydney's adopted fees and charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.
- (b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.
- (c) The bond in this condition will be released in full when the Public Domain Works Security Bond is lodged with the City.

**Reason:** To allow for the appropriate management and rectification of damage to the public domain.

**(25) PUBLIC DOMAIN CONCEPT PLAN**

A public domain concept plan, showing all site frontages, including areas extending a minimum of 5m either side of the site boundary and to the road centerline, is to be prepared in accordance with the *Public Domain Manual*, the City's *Sydney Streets Code*, and the following requirements to mitigate the impacts of increased traffic flows in the surrounding public domain:

- (a) a Share Zone to be implemented on Margaret St between William Ln extension and Region St; **Or**,
- (b) Changing Margaret St to one-way traffic, i.e. travelling from Gibbon St to Region St only, and widening the footpath on the northern side of Margaret St by reducing the carriageway of the road.

The Public Domain Concept Plan must be submitted to and approved by City's Public Domain Unit prior to the issue of any Construction Certificate for the development other than for demolition or excavation.

Note: A detailed Public Domain Plan will be required prior to construction (refer to Public Domain Plan Detailed documentation for construction).

**(26) PUBLIC DOMAIN LEVELS AND GRADIENTS**

Prior to the issue of any Construction Certificate, a Public Domain Levels and Gradients submission for the building and site frontages must be submitted to and approved by the City's Public Domain Unit. The submission must be prepared in accordance with the City's Public Domain Manual and submitted with a completed Application for Public Domain Levels and Gradients. Information on how to complete the submission can be downloaded from the City's website at <https://www.cityofsydney.nsw.gov.au/development/publicdomainworks/daassociatedworks>.

Any requirements to comply with Disability Discrimination Act at the entrance to a building or publicly accessible space must be resolved inside the site boundary.

Note: Public Domain Levels and Gradient plans are to be included with the Public Domain Plan – Detailed Documentation for Construction condition submission.

**Reason:** To ensure public domain levels and gradients comply with Council's requirements.

## **(27) STORMWATER DRAINAGE DESIGN**

Prior to issue of any Construction Certificate a detailed stormwater management plan prepared by suitable qualified and experienced must be submitted to and approved by the City's Public Domain Unit and must include:

A certified stormwater drainage design complying with:

- (a) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
- (b) Council's Sydney Streets Technical Specifications, Standard Drawings;
- (c) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction; Council's Stormwater Drainage Manual; and
- (d) All relevant Australian Standards.

This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/publicdomainworks/daassociatedworks>

Note: A Deed of Agreement (Stormwater Deed) for all proposed connections to the City's drainage system, and a Positive Covenant for all OSD systems may be required prior to issue of any Occupation Certificate.

**Reason:** To ensure stormwater drainage design complies with Council's requirements.

## **(28) STORMWATER ON-SITE DETENTION**

The requirements of Sydney Water with regard to the onsite detention (OSD) of stormwater must be ascertained and complied with. Evidence of the approval must be submitted to Council prior to issue of any Construction Certificate other than demolition.

Where an OSD is not required by Sydney Water one may still be required by the City.

**Reason:** To ensure the requirements of Sydney Water are complied with.

## **(29) STORMWATER QUALITY ASSESSMENT**

Prior to issue of any Construction Certificate a design certification report prepared by a suitably qualified practitioner engineer (NPER) demonstrating compliance with approved music link targets and parameters must be submitted to and approved by the City's Public Domain Unit. The report must

include a response to all stormwater quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC link reports.

**Reason:** To ensure appropriate stormwater quality on the site.

### (30) FLOOD PLANNING LEVELS

- (a) The development must be constructed to comply with the recommended flood planning levels indicated in the Table on page 2 of the report titled *Review of Flood Related Development Controls for Building Floors 104-116 Regent Street, Redfern, Response to Council Submission*, prepared by WMA Water dated 30 May 2022.
- (b) Details must be submitted to the Principal Certifier prior to the issue of any Construction Certificate demonstrating that the development will comply with the recommended flood planning levels.

**Reason:** To ensure the development complies with the recommended flood planning levels.

### (31) PUBLIC DOMAIN LIGHTING UPGRADE

Prior to issue of any Construction Certificate for excavation, civil construction, drainage or building work (whichever is earlier), a concept Public Domain Lighting Upgrade Plan for pedestrian and street lighting in the public domain must be submitted to and approved by City's Public Domain Unit. The Lighting Plan must be prepared in accordance with the *Sydney Streets Technical Specifications* A5Street Lighting Design and B8Street Lighting Construction, *Sydney Lights: Public Domain Design Code* and *Public Domain Manual*. This information is available for download from the City's website at

<https://www.cityofsydney.nsw.gov.au/development/publicdomainworks/associatedworks>

The lighting upgrade plan must cover all adjacent street frontages, being Regent Street, Margret Street and William Lane and shall be designed to include the following requirements;

#### REGENT STREET

- (a) Lighting standards compliance of AS1158.1.1 Category V3 on the roadway and AS1158.3.1:2020 Category PP1 on the footway is required.
- (b) Provide COS standard Smart poles Type S1B 9.6m with GE R250 Eco Gen2 160w 4000K LED luminaires on 3m outreach arms. Provide standard banner arm and high level GPO.
- (c) Remove existing Ausgrid street lights and overhead power lines.

#### MARGARET STREET

- (d) Lighting standards compliance of AS1158.3.1:2020 Category PR1 on the roadway and on the footway is required.

- (e) Provide COS standard 7.5m galvanised steel poles with GE R250 Eco Gen2 80w 4000K LED luminaires off 2.0m outreach arms.

#### WILLIAM LANE

- (f) Lighting standards compliance of AS1158.3.1:2020 Category PP2 is to be achieved.
- (g) Provide building façade mounted pedestrian lighting.

#### LIGHTING DESIGNS

- (h) Lighting designs certified by a practicing lighting engineer must be submitted for council review and approval prior to a Construction Certificate being issued for public domain works.
- (i) Lighting design submission requirements are specified in COS specification "Sydney Streets Technical specification A5: Street Lighting Design".

Advice on site specific lighting requirements must be obtained from the City's Public Domain Unit before proceeding with the preparation of any final lighting design proposals.

**Reason:** To ensure pedestrian and street lighting in the public domain complies with Council's requirements.

### (32) DILAPIDATION REPORT – PUBLIC DOMAIN

Prior to an approval for demolition and preparatory works being granted or the issue of any Construction Certificate, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared as described in the Public Domain Manual and submitted for approval by Council's Public Domain Unit. The City's Public Domain Manual is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/>

The submission is to include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual nonexclusive 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.

**Reason:** To establish and document the condition of the public domain for comparison as building work progresses and is completed.

### (33) TEMPORARY DEWATERING DURING CONSTRUCTION

Prior to discharging any water collected during excavation and construction into the City's stormwater drainage system, approval must be sought from the City's Public Domain Unit. A dewatering management plan must be submitted with an Application for Temporary Dewatering available to download on the City's website.

Other options for dewatering include disposal to sewer with prior approval from Sydney Water, or offsite disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**Reason:** To ensure dewatering is managed appropriately.

**(34) STORMWATER DRAINAGE DESIGN FOR STATE ROADS/OTHER AUTHORITIES**

A detailed stormwater management plan prepared by suitably qualified and experienced professional and complying with Council's Sydney Streets Technical Specifications, Part A4 Stormwater Drainage Design must be submitted to and approved by RMS prior to issue of any Construction Certificate. Evidence of this approval must be submitted to Council.

**(35) PUBLIC DOMAIN WORKS SECURITY BOND**

A Public Domain Works Security Bond will be required for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual.

The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The bond must be lodged with the City prior to an approval being issued for the approval of the Public Domain Plan.

The bond will be retained in full until all public domain works, including rectification of damage to the public domain, are completed to the City's standards and approval and the required works-as-executed documentation are approved. On satisfying the above requirements, and the issue of the Public Domain Works Letter of Completion Operational Acceptance by the City, 90% of the bond will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

**Reason:** To ensure public domain works are completed and any damage to the public domain is rectified.

**(36) DRAINAGE AND SERVICE PIT LIDS**

All existing or proposed drainage and service pit lids throughout the public domain must be to City of Sydney specifications and heel/bicycle safe, slip resistant, infill with material to match surrounding surface, finished flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Infill pit lids are to be detailed where specified by Council's Public Domain Officer. Private pits are not permitted within the public domain. All details of pit lids must be shown on the public domain plan and must be approved by the City's Public Domain Unit prior to the issue of an approval for public domain works.

**Reason:** To ensure drainage and service pit lids within the public domain are appropriately designed and installed.

### **(37) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION**

A detailed public domain plan and all relevant documentation must be submitted to and approved by City's Public Domain Unit prior to the construction of any public domain works. This Plan must document all works required to ensure that the public domain complies with the City of Sydney's Public Domain Manual, Sydney Streets Code, Sydney Street Tree Masterplan, Sydney Lights Design Code and Sydney Streets Technical Specification. The documentation must be checked, accurate, and comply with specified requirements. Plans must be based on an accurate survey, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be For Construction issue and will be approved under Section 138 of the Roads Act.

The Public Domain Manual and all other relevant documents are available for download from Council's website at <https://www.cityofsydney.nsw.gov.au/development/publicdomainworks/daassociatedworks>

The Public Domain Plan documentation must be submitted with an Application for Public Domain Plan Assessment and include the approved Public Domain Levels and Gradients documentation. If the proposed detailed design of the public domain requires changes to any previously approved levels an Application for Public Domain Levels and Gradients must be submitted to and approved by the City's Public Domain Unit to reflect these changes prior to an approval being issued for the construction of public domain work.

**Reason:** To ensure the public domain complies with Council's requirements.

### **(38) HOLD POINTS**

Prior to an approval being issued for the construction of public domain and / or planning agreement works, including civil, drainage and subsurface works, a set of hold points will be provided by the City's Public Domain Unit in accordance with the City's Public Domain Manual and Sydney Streets Technical Specification. The list of hold point inspections will be included in the Public Domain works approval letter.

These hold point inspections must be adhered to during construction works. Prior to the issue of any Occupation Certificate, confirmation from the City's Public Domain Unit, that hold point inspections have been completed and works have been accepted by the City must be provided to the Principal Certifier.

**Reason:** To ensure hold points are adhered to during construction works.

### **(39) STORMWATER DRAINAGE CONNECTION**

For approval of a connection into the City of Sydney's drainage system an "Application for Approval of Stormwater Drainage Connections" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges. This must be approved prior to approval being issued for the construction of public domain work.

**Reason:** To ensure approval of connection into the Council's drainage system is sought.

#### **(40) PUBLIC DOMAIN LIGHTING RETICULATION**

Prior to the issue of any relevant approval for the construction of public domain works, a detailed Public Domain Lighting Reticulation Plan for pedestrian and street lighting in the public domain must be submitted to and approved by the City's Public Domain Unit in accordance with the City's Sydney Lights Design Code, Sydney Streets Code, Sydney Streets Technical Specification and Public Domain Manual.

The Public Domain Manual and all other relevant documents are available for download from Council's website at <https://www.cityofsydney.nsw.gov.au/development/publicdomainworks/associatedworks>

If applicable, this public domain lighting documentation must include pole footing locations and structural details, location and details of underground electrical reticulation including connections and conduits, pit cabling and certifications as described in the City's Public Domain Manual. The public domain lighting is to be superimposed on the public domain plan to show any conflicts between lighting and the proposed landscape design.

**Reason:** To ensure the public domain lighting documentation complies with Council requirements.

#### **(41) PUBLIC DOMAIN WORKS COMPLETION**

The Public Domain works are to be constructed in accordance with the Public Domain Works Approval letter, stamped plans for Public Domain Levels and Gradients, Stormwater, Public Domain Lighting, the City's Public Domain Manual, Stormwater Drainage Manual, Sydney Lights Design Code and Sydney Streets Technical Specification.

The public domain work must be inspected, and a Public Domain Work Letter of Completion Operational Acceptance must be issued by Council's Public Domain Officer prior to the issue of any Occupation Certificate or before the commencement of use, whichever is earlier.

**Reason:** To ensure the public domain works are completed in accordance with the approved documents and Council's requirements.

#### **(42) PUBLIC DOMAIN COMPLETION – WORK AS EXECUTED DOCUMENTATION**

Prior to a Public Domain Works Letter of Completion Operational Acceptance being issued for public domain works, works-as-executed (AsBuilt) plans and documentation, must be submitted to and accepted by the City of Sydney for all public domain works, including where required Stormwater, Public Domain Lighting and road construction. These works must be certified by a suitably qualified, independent professional. Details of the documentation required for approval will be advised by the City's Public Domain Unit.



**Reason:** To ensure Council receives works-as-executed documentation for public domain works.

**(43) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT**

Prior to the issue of any Occupation Certificate:

- (a) The Owner is required to enter into a Deed of Agreement (Stormwater Deed) with the City of Sydney and obtain registration of Title of a Positive Covenant for all proposed connections to the City's underground drainage system. The deed and positive covenant will contain terms reasonably required by the City and will be drafted by the City's Legal Services Unit at the cost of the applicant, in accordance with the City's Fees and Charges.
- (b) A Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection. The positive covenant will contain terms reasonably required by the City and will be drafted by the City's solicitor at the cost of the applicant, in accordance with the City's Fees and Charges.

**Reason:** To protect underground drainage systems.

**(44) CONSTRUCTION FLOOR LEVELS**

A certification report prepared by a suitably qualified practitioner engineer (NPER) must be submitted to the Principal Certifier prior to issue of any Occupation certificate stating that the development has been constructed and the required levels achieved in accordance with the recommendations of the report titled *Review of Flood Related Development Controls for Building Floors 104-116 Regent Street, Redfern, Response to Council Submission*, prepared by WMA Water dated 30 May 2022.

**Reason:** To ensure the development achieves the required floor levels.

**(45) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS**

All works to the City's public domain, including rectification of identified defects, are subject to a 6month defects liability period from the date of Completion. The date of Completion will be nominated by Council on the Public Domain Works Letter of Completion Operational Acceptance.