

6 September 2023

Our Ref: 2023/520926
File No: R/2022/24/A

James Groundwater
Senior Planning Officer
Department of Planning and Environment

By email: james.groundwater@planning.nsw.gov.au

Dear James,

SSD-32275057 – Redfern Mixed Use Co-living Development – Advice on RtS

Thank you for your correspondence dated 18 August 2023 inviting the City of Sydney Council ("the City") to comment on the Response to Submissions (RtS) provided for the proposed State Significant Development (SSD) application for a new co-living housing development at 175-177 Cleveland Street, 1-5 and 6-8 Woodburn Street, Redfern.

The City acknowledges that the proposed design has been amended and additional information submitted to address matters previously raised which is to be commended. However, concerns do remain regarding the significant departure from the land use mix controls resulting in residential development with amenity issues and piecemeal commercial space.

As such, the City maintains our objection, in part.

The following comments are raised for your consideration in the sections below regarding the changes and information submitted as part of the RtS.

The City request the opportunity to provide recommended conditions for any unresolved matters identified below, should the Department grant consent to the application. Where possible, conditions of consent have been recommended at Attachment A.

1. Suitability of the site and non-compliance with key development standards

Whilst the City encourages the provision of diverse and more affordable housing type options in accessible locations across the Sydney local government area (LGA), within the Strategic plans and as per the applicable development standards, this specific location is envisaged to accommodate more productive development with enterprise and employment enhancing uses.

Although the development's FSR has been reduced to demonstrate compliance with the overall FSR development standard of 3.3:1 (which includes the Housing SEPP 10% bonus), the residential component of the development, with an FSR of 2.87:1 far exceeds the maximum 1:1 FSR permitted for the land use which causes amenity issues within the height constraints.

The amended scheme also replaces a commercial tenancy with new co-living rooms facing Cleveland Street which is contrary to Clause 69(e) of the Housing SEPP, which requires that in the business zone no part of the ground floor is to be used for residential purposes.

The commercial component of the development has been reduced with the amended scheme, with an FSR of only 0.43:1 provided. The reduction in commercial floor space quantum overall, including to the tenancy fronting Cleveland Street, has the effect of reducing employment capacity as envisaged for the site and area. The newly proposed basement commercial space to Eveleigh Street, which has no aspect and no direct access from the street, is also questioned as a viable genuine commercial space provision.

The City maintains its position that the development should reflect the land use mix set out in the development standards for the site.

2. Design excellence and urban design

The amended scheme includes a reduction in the height of storeys to majority 6, with the deletion of the 7th storey. Despite this, the proposal still presents contextually as a scheme with excessive scale and bulk which does not relate well to the adjacent built form mainly due to the amenity requirements of excessive residential compared to commercial floorspace. Coupled with a correction to the land use mix, the City maintains that a compliant 5-storey envelope with modulated bulk and form at the neighbouring interfaces is more appropriate for the site and the use of continuous glass balustrades on the upper floors should be redesigned.

The proposed 'through-site link' is not considered a genuine public through-site link. It does not comprise a clear line of sight, with an angled path provided, and remains covered by a building over at both street interfaces. The City recommends a more direct route from Eveleigh Street to Woodburn Street, with a clear width and height. If it is to be a public through-site link it would require an easement to give it effect.

A 1.8m high fence is now included to separate the 'through-site link' and communal open space at ground level. A graded transition from public to private in the link itself is still suggested to demonstrate an improved interface for this 'through-site link'.

With regard to materials and finishes, heavily tinted glass should be avoided, and clearer glass is recommended to be utilised with a VLT above 55%. High quality service and vehicle access doors are also required.

This City considers that the proposal expression, as amended by the recommended changes above, would be more capable of meeting the design excellence requirements under Clause 22 of Part 3 of the Eastern Harbour City SEPP.

2 Residential amenity

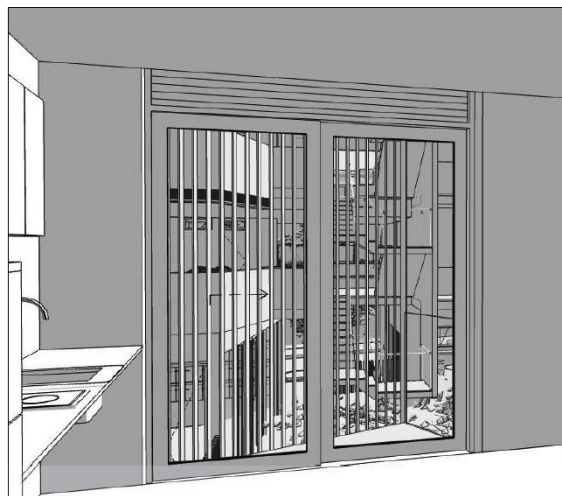
Although the proposal has improved the separation distances provided in part to the northern of the courtyard, there are still substantial ADG separation and visual privacy deficiencies when compared to the ADG objectives for habitable-to-habitable interfaces of up to 4 storeys which requires 12m (as shown below).



Additionally, the City considers that the proposal falls short of the required sustainable design principles as required by Clause 22(c) of the Eastern Harbour City SEPP by proposing poor amenity to rooms in terms of visual and acoustic privacy, and natural ventilation.

The reliance upon landscaping to provide privacy between circulation corridors which are very close to room windows is questioned as genuinely mitigating visual privacy concerns. It would not assist acoustic privacy to rooms.

Given these corridors are no longer proposed to provide natural cross ventilation / ventilation benefits (as discussed further below) their continued inclusion in the scheme is questioned. The reliance upon the proposed privacy screening (as shown below) may mitigate some visual privacy concerns to other rooms and open common circulation but comes at the expense of outlook amenity from each room's only window.



2 TYPICAL DIRECTIONAL PRIVACY SCREEN TO COURTYARD FACING UNIT PERSPECTIVE

To address our concerns, the City request the following recommendations be adopted:

- The size of the courtyard is to be further increased to improve the amenity of rooms reliant on this aspect, by removing a number of internal courtyard facing rooms.
- Operable external privacy treatments are recommended to courtyard rooms to enable user controlled privacy and solar access to those rooms that can receive it, instead of fixed battens which reduce outlook amenity to achieve some degree of visual privacy.
- The open gallery circulation is questioned as being appropriate to be retained given its amenity impacts to rooms, unless they promote natural ventilation benefit such as an opening high light window above each door on an external accessway.
- Mechanical ventilation of all rooms is not considered a high amenity, sustainable solution to addressing noise impacts and ventilation requirements, and is to be reconsidered.
- The hybrid mechanical natural ventilation assertions in the ESD report are to be supported by a natural ventilation assessment prepared by a suitably qualified expert detailing the system.
- The proposed air conditioning condenser plant on each floor (which exhausts onto common circulation) is recommended to be relocated in a well-designed and integrated consolidated plant area on the rooftop to reduce visual and acoustic impacts to residents.

3 Public domain

The future public domain works must align with City's strategic plan for the area, which is currently under development by Council's City Design Unit. Future public domain works require approval from the City, and relevant conditions have been recommended at Attachment A.

4 Ecologically sustainable development

Water star ratings have been specified for common area clothes washing machines, however no commitment has been made to energy star ratings. The BASIX certificate should provide minimum energy star rating commitment for common area clothes washers.

It is also noted that the project has committed to providing clothes drying lines to residents, and this should be captured as design is progressed. This is a commitment to individual dwellings rather than a central space.

Additionally, although there is reference in the RtS to Green Star, there is no commitment to completing a Green Star certification. The project should commit to Green Star certification, to ensure that the design objectives are followed through on.

5 Landscaping

With regard to deep soil, the landscape plans have been updated to show the small courtyard areas to the south-east as deep soil, with a total of 39.2sqm or 3.6% of the total site area provided. The design of the deep soil zones includes rigid concrete pavement on slab, a planter with 4 small-sized trees and a narrow planter with 1 small sized tree. This small tree in the narrow planter will be wedged between the basement wall and area of rigid pavement that leads to a blank wall, and is also impeded by the

building that projects over. It is recommended that this planter be amended to increase the garden area to support the growth of a tree to maturity (perhaps with a planter design that lines up with the wall dividing the laundry and bin room).

With regard to the principal communal open space provided at ground floor, this area is heavily shaded by the proposed development, receiving solar access to only a portion of the north-eastern corner at midday midwinter. The amended scheme does not comply with the 2 hour minimum requirement for solar access to communal open spaces in midwinter and is to be amended to demonstrate compliance.

Regarding the landscape design throughout the scheme, the following is noted:

- Ground floor –
 - The proposed raised planter design limits available soil for tree root balls to establish and thrive to maturity. It is recommended that this planter design be amended to delete the corten steel raised edging and provide a 1m high planter wall.
 - Absent clarity remains for how the water feature design can prevent any children climbing in. To comply with the regulations, please amend the design to reduce the water depth to mitigate the risk (noting that a depth of 30cm or more requires fencing).
- Level 5 –
 - A cantilevered shade structure to future detail is proposed within a raised tree planter over one bench seat. The shade structure remains small, attached to a low wall on the eastern edge that is unlikely to provide adequate shade for residents.
 - The design ideas to connect with country and provide a dance space is supported, however, it must be designed with suitable surface finishes, raised planters that can support shade trees to mitigate site impacts. Residential amenity impacts facing Cleveland Street and due west will be a hot, noisy, wind swept roof terrace. Use of gravel pebbles and concrete pavement near seating areas on the western edge of the terrace will exacerbate heat impacts and make this a hostile space. The design and surface materials must be reviewed to limit heat and increase areas of natural shade.
 - A new communal lounge with kitchen is proposed in the northeastern corner, which includes a narrow outdoor terrace to the east. There is a narrow dead space between the kitchen blank wall and the terrace edge that will be too narrow to gather and will collect rubbish. This space would be better redesigned as an inaccessible raised planter to fill the gap.
- Façade greening –
 - The facades facing 3 street frontages will be highly visible from the public domain and traffic on Cleveland Street and any landscaping must be robust and able to be maintained on a regular basis in perpetuity.
 - It is understood that façade greening is proposed to be accessed through individual units, following advance notice permissions that will be defined in the by-laws. The planters on the outside edge will be reached from individual balconies (noting some greening there is no balcony).
 - It is unreasonable to expect that residents on each floor will be all home on the same day to let a landscape contractor into their unit to carry out necessary ongoing landscape maintenance.

- An alternate maintenance strategy is to be explored, otherwise all facade greening is to be deleted from the scheme and the façades be designed to demonstrate high quality urban design outcomes.

6 Bicycle parking

In relation to bicycle parking, the revised proposal provides a reduction in bicycle parking from 116 to 86 bicycle spaces, which only allows for 40% of residents to own and store a bike. The RtS justifies the amount provided using the Housing SEPP's direction for "adequate" bike parking, however this should be interpreted as Sydney DCP 2012 rates.

Further, the type of bicycle facility is not acceptable, with a single shared storage room for both residents and staff. Residents should be provided with individual secure lockers (Class 1) and staff should be provided with a shared secured room (Class 2). Staff must also be provided with end of trip facilities which are currently omitted.

The following is required:

- 1 secure locker per co-living room (200 total).
- A secure room for staff parking, allowing for minimum 20% horizontal spaces.
- End of trip facilities for staff.

Conditions of consent are recommended at Attachment A to ensure the above is provided.

7 Servicing, waste and access

Regarding loading and vehicular access, the following is noted:

- 4 x B99 spaces have been provided in basement. However, only an SRV has been allowed for on the ground plane for waste collection, which moreover relies on reverse entry.
- There is a discrepancy between the RtS report which states that waste collection will be done by private contractor using SRV, and the architectural plans which show a Council waste vehicle using the ground floor loading bay.
- The 4 x B99 spaces in the basement with the reduced camp clearance of 2.3m is supported.
- However, the City will not support loading arrangements that require reverse entry manoeuvres.
- The City also do not support the two adjacent vehicle crossovers due to pedestrian impacts and the missed opportunity for activation.

The ground plane must be revised such that all vehicles *enter and exit in a forward direction* and there is only one consolidated vehicle entry location. The RtS report and architectural plans are also to be reviewed for consistency, noting that the design vehicle for the ground floor loading bay should be the council waste truck. Conditions of consent are recommended at Attachment A to ensure these requirements are incorporated into any consent.

In relation to waste management, the following matters are to be addressed:

- Waste generation rates should be recalculated based on 60L garbage, 60L recycling and 8L food waste per room. Based on this calculation the waste holding area on ground level should accommodate enough bins to allow for twice weekly collection.
- The Waste Management Plan should not reference three times a week collection for residential waste and should stipulate that commercial waste will only be

collected on days not scheduled for residential waste collection to keep the loading dock free at all hours on residential collection days.

- Service lift doors should be widened to improve access and bin transportation for 660L bins.
- It is preferred that no chutes are used over diverter chutes due to the associated low resource recovery rates. Each chute area should include space for an additional bin for larger sized items (ie cardboard boxes) that cannot be placed down the chute.

Should you wish to speak with a Council officer about the above, please contact Mia Music, Senior Planner on 9264 7283 or at mmusic@cityofsydney.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'GJahn', with a stylized flourish at the end.

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

ATTACHMENT A – RECOMMENDED CONDITIONS OF CONSENT

(1) 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.

Reason

To ensure designated areas within the development are maintained as common property.

(2) 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.

Reason

To ensure accessible vehicle parking spaces are allocated to adaptable units.

(3) VEHICLE FOOTWAY CROSSING

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

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

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

Reason

To ensure all relevant approvals for traffic and parking works are obtained and designed in accordance with Council requirements.

(4) 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".

Reason

To ensure all roadway works are designed and constructed in accordance with Council requirements.

(5) 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.

Reason

To ensure all associated roadway works costs are borne by the developer.

(6) CHANGES TO KERB SIDE PARKING RESTRICTIONS

A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking the City's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use.

The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include chainages to all signs and stems from the kerb line of the nearest intersection.

All costs associated with the parking proposal will be borne by the developer.

Note: As parking in the LGA is at a premium, it is recommended that the applicant should approach the Area Traffic Engineer to discuss the proposal before making a submission.

Reason

To require separate consent to be obtained for changes to kerb side parking arrangements.

(7) SWINGING DOORS OVER PUBLIC WAY

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.

(8) 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.

Reason

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

(9) NO OBSTRUCTIONS

All public footways and paths of travel must be free from obstructions. 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.

(10) 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".

Reason

To ensure appropriate and safe paving materials are used.

(11) 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 Registered Certifier prior to a Construction Certificate being issued.

Reason

To ensure parking facilities are designed in accordance with the Australian Standards.

(12) ALLOCATION OF PARKING

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

Car Parking Type	Number
Residential spaces	13
Accessible residential spaces	2
Information and education facility parking	1
Subtotal	
Motorcycle parking	14
Service vehicle spaces (B99)	4
Waste vehicle space (fits Council waste truck)	1
Total	35

Reason

To ensure the allocation of parking is in accordance with the Council's DCP.

(13) BICYCLE PARKING AND END OF TRIP FACILITIES

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

Bicycle Parking Type	Number	Requirements
Residential	200	Spaces must be a class 1 bicycle locker [1]
Residential visitor	20	Spaces must be Class 3 bicycle rails
Non-residential	6	Spaces must be Class 2 bicycle facilities
Non-residential visitor	2	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	1	
Personal lockers	6	

All bicycle parking spaces and end of trip facility must be provided on private land. The public domain cannot be used to satisfy this condition.

Notes:

- (i) 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.
- (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 Registered Certifier confirming prior to and form part of the Construction Certificate being issued.

Reason

To ensure the allocation of bicycle parking onsite that is in accordance with Australian Standards and the Council's DCP.

(14) CAR SHARE SPACES

- (a) A minimum of 1 car parking space for the exclusive use of car share scheme vehicles are to be provided. A revised plan showing these spaces must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.
- (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 and be accessible to members of the car share scheme at all times.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The car share spaces are to be available at the same time that the car park commences operation.

Reason

To ensure car share spaces are provided within the development are maintained as common property.

(15) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MAJOR WORKS)

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

Procedure:

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

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

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

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

The form of recording is to be a photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s) photographed, where appropriate, using a camera/lens capable of 'perspective correction'.

- (c) For each of the two submissions listed above in (a) and (b), the digital form of the recording is to be as follows:
 - (i) The Development Application number and the Condition of Consent number must be noted.
 - (ii) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
 - (iii) The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process and avoid duplicate images.
 - (iv) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
 - (v) The report can be submitted on a USB, or digital file transfer in PDF/A format (created directly from the digital original), with a digital catalogue of images with the following data for each location, image subject/description and date.

Reason

To ensure appropriate archival documentation of the building.

(16) SALVAGE, REUSE AND RECYCLING OF TRADITIONAL BUILDING MATERIALS – MAJOR DEVELOPMENT

Stone, bricks, roof tiles joinery and decorative architectural elements to be demolished, which include stairs, windows and doors, chimney pieces and ceiling roses must be salvaged and where possible reused on the project.

Salvaged building materials surplus to the project must either be stored on site for future reuse or transferred to an established second building material dealer for recycling.

Documentation of the salvage methodology must be submitted to and approved by Council's Urban Design and Heritage Manager / Area Planning Manager prior to the issue of a Construction Certificate.

Reason

To ensure the salvaging and reuse of traditional building materials.

(17) 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.

(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 (insert size) litres 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 six (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 six (6) 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.

(18) PUBLIC DOMAIN DAMAGE BOND

- (a) A Public Domain Damage Deposit calculated on the basis of 220 square metres of concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The 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.

(19) SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY

Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General. Accordingly, the applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor-General's authorisation to remove or replace marks.

Prior to the issue of any Construction Certificate, documentary evidence must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include either:

- (a) A copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report); or
- (b) A letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor-General's Direction No.11 have been made for the subject site and that no survey infrastructure will be affected by the proposal.

Council's Principal Surveyor may request further information and/or add conditions to any Surveyor-General's Approval at their discretion.

Reason

To ensure the preservation of existing survey infrastructure.

(20) PUBLIC DOMAIN CONCEPT PLAN

A public domain concept plan, showing all the site frontages and extending a minimum of 5m past the boundary and to the road centreline, must be prepared in accordance with the City's *Public Domain Manual* and *Sydney Streets* Code. It must be submitted to and approved by the 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 condition).

Reason

To ensure public domain works comply with Council's requirements.

(21) PUBLIC DOMAIN LEVELS AND GRADIENTS - MAJOR

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/public-domain-works/da-associated-works>.

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.

(22) STORMWATER DRAINAGE DESIGN

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

- (i) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
- (ii) Council's Sydney Streets Technical Specifications, Standard Drawings;
- (iii) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
- (iv) Council's Stormwater Drainage Manual; and
- (v) All relevant Australian Standards.

This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

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.

(23) STORMWATER ON-SITE DETENTION

The requirements of Sydney Water with regard to the on-site 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.

(24) STORMWATER QUALITY ASSESSMENT

The development must comply with MUSIC-link Report dated 15/09/2022 approved with this development application.

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.

(25) 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 A5 and B8*, *Sydney Lights 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/public-domain-works/da-associated-works>.

The lighting upgrade plan must cover all adjacent street frontages, being Eveleigh Street, Woodburn Street, and Cleveland Street.

Advice on site specific lighting requirements must be obtained from 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.

(26) 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 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.

Reason

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

(27) 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 off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason

To ensure dewatering is managed appropriately.

(28) 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 TfNSW prior to issue of any Construction Certificate other than demolition. Evidence of this approval must be submitted to Council.

Reason

To ensure stormwater drainage design complies with owner's requirements.

(29) 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.

(30) PUBLIC DOMAIN WORK – 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.

(31) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*.
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the issue of any Occupational Certificate.
- (d) If the discovery is on Council's land, Council must be informed.

Reason

To ensure that the archaeology of the site is appropriately managed and protected.

(32) STREET TREE PROTECTION

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:

- (a) 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 (AQR Level 3) and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, and trucks at all times.

- (ii) Tree trunk/s and/or major branches, must be protected by wrapped thick underlay carpet or similar padding material to limit damage, and
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The thick underlay carpet or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.
 - (iv) 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 of 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 [specify] 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 the erection 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.

(33) 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 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.

(34) 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.

(35) 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 upgrade work complies with the City's specifications and requirements, as outlined in documents such as City of Sydney's *Public Domain Manual*, *Sydney Streets Code*, *Sydney Street Tree Masterplan*, *Sydney Lights: Public Domain 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/public-domain-works/da-associated-works>.

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, details must be submitted for approval with the public domain plan and additional fees may apply.

Reason

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

(36) 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.

(37) 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.

(38) 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/public-domain-works/da-associated-works>.

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.

(39) ADVANCE 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 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 6-8 metres.
- (b) The tree must be grown in accordance with the Australian Standard 2303 'Trees stock for landscape use'.
- (c) At the time of planting, the container size is to be a minimum of 75 litres and a minimum height of 1.5 metres.
- (d) The trees must be planted by a qualified Horticulturalist or Arborist of Level 3 under the Australian Qualifications Framework (AQF).
- (e) The trees 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.
- (f) 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).
- (g) 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.

(40) 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.

(41) 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 (As-Built) 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.

(42) 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 system.

(43) SURVEY INFRASTRUCTURE – RESTORATION

- (a) Prior to any Occupation Certificate being issued for the development, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include:
 - (i) Certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with;
 - (ii) Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre Subdivision Certificate works" have been complied with and;
 - (iii) Time-stamped photographic records of all new survey infrastructure relating to the site clearly showing the mark itself and sufficient context to aid in identifying the mark on site.

Reason

To ensure all requirements for survey mark removal are complied with.

(44) 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.

Reason

To maintain the orderly operation of vehicle parking areas and to ensure the public domain is kept free from physical obstructions.

(45) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a 6 month 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.

Reason

To ensure all works to the City's public domain are protected under a liability period.

(46) ENCROACHMENTS – PUBLIC WAY

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

Reason

To protect the public way.

(47) PUBLIC ART

Public art must be installed to the City's satisfaction prior to the issue of any Occupation Certificate.

- (a) Public art must be in accordance with the Preliminary Public Art Plan by UAP dated April 2023, the Sydney DCP 2012, the Public Art Policy, and the Interim Guidelines: Public art in private developments.
- (b) A Detailed Public Art Plan with final details including budget of the proposed public artwork(s) located at external locations only must be submitted to and approved by Council's [Area Planning Manager / Director City Planning, Development and Transport] prior to issue of any Construction Certificate for above ground works.
- (c) Public art must be installed to the City's satisfaction, inspected and approved and the Final Public Art Report submitted and approved by Council's Area Planning Manager prior to the issue of any Occupation Certificate.

Note: Public Art plans must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at <http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art>. Please contact the Public Art Team at publicartreferrals@cityofsydney.nsw.gov.au for further information.

Reason

To ensure public art is installed to the City's satisfaction.