

11 July 2013

Our Ref: 2013/213435-01

Karen Jones
Director, Metropolitan & Regional Projects South
NSW Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Mark Brown
Email: Mark.Brown@planning.nsw.gov.au

Dear Mark

RE: Applicant's response to submissions received for Concept Plan MP06_0171 Mod 8, Project Application MP08_0254 Mod 4 (Blocks 1 and 4), SSD 5700-2012 for Block 4 South, at Central Park, Chippendale (former Carlton United Brewery site)

I refer to your correspondence received on 14 June 2013, inviting Council to make a further submission to the applicant's response to the original comments provided by the City on 24 April 2013. It is noted that the applicant has amended aspects of the proposal and provided additional supporting documentation to address issues relating to change of land use from commercial to residential, building envelopes, building separation, traffic and parking, and affordable housing.

Having reviewed the response to submissions information the City strongly objects to aspects of the proposals. In summary, the City objects to further proposed changes in land use from commercial to residential. Such a change is inconsistent with relevant planning policy including the Metropolitan Strategy for Sydney and would jeopardise the intended future role of the area.

It is understood that as the City is formally objecting to the proposal the delegation of the Director General would not apply. As such, the City would request the opportunity to address the Planning Assessment Commission in its consideration of this important matter.

Land Use – Changes from Commercial to Residential

The City acknowledges that its original concerns in relation to the proposed change in land use were reiterated by the Department. In particular, the proposed change in mix within Block 1 and the Brewery Yard Building impacting on the vitality of the mix of uses within Central Park.

The City once again raises concerns regarding the incremental change in land use mix across Central Park. The original approved Concept Plan had a 70/30 split and has subsequently been modified to a 60/40 split.

The maximum 60% residential and minimum 40% non-residential split is the minimum amount of commercial land use that was considered necessary to provide a balanced mix of uses within Central Park. This split was also a factor in establishing previous agreements in relation to open space and infrastructure provision.

The City does not support the applicant's justification that providing additional residential floor space and further reducing commercial floor space is an appropriate response to current market demand. The City does not support the suggestion that the proposed mix will result in a viable long term mix of land uses.

Conflict with Strategic Land Use Policy Direction

The proposal notes that housing growth across all of the metropolitan area is one key planning policy goal. The City agrees and is not opposed to residential development being mixed across various parts of the CBD and Global Sydney. However, the role of any residential development must only be one of support for the CBD and Global Sydney being the primary focus for national and international business.

There are other very clear land use policy objectives (in addition to metropolitan wide housing growth) that have not been addressed in the response to submissions or the original application. The draft Metropolitan Plan for Sydney (MPS) contains key objectives and policies which are directly relevant to the precinct and the current proposals:

- MPS Objective 2 seeks to strengthen and grow Sydney's centres. Related policy 'e' requires the expansion of the central commercial core areas in Global Sydney.
- MPS Objective 4 seeks to deliver strategic outcomes – nine city shapers. Related policy 'a' requires city transformation by delivering the priorities for each city shaper (Global Sydney is one of the nine city shapers – its relevant priorities are highlighted below).

The Metropolitan Plan for Sydney 2036 and its successor, the draft Metropolitan Plan for Sydney 2031, support the principles of clustering and agglomeration. Further provision of residential land use in this location will only weaken the opportunities for clustering and agglomeration of commercial, education and health related uses. This position is supported by the priorities for the city shaper Global Sydney contained in the draft Metropolitan Strategy for Sydney 2031 including:

'...recognise the role and unique character of different parts of Sydney such as:
- Sydney CBD – protect as Sydney's most significant concentration of global economic activities, including international business and financial head offices and legal companies; extend the commercial core; and ensure adequate capacity for employment growth.
- Broadway and Camperdown Education and Health – recognise as a cluster of world-class education and health facilities focused on Sydney University, University of Technology Sydney, Notre Dame University and Royal Prince Alfred Hospital...'

The policy context outlined above supports the original Concept Plan thresholds for a minimum of 30% commercial floor space and a maximum of 70% residential floor space. The supported 70/30 mix was in effect a concession in regards to land use policies that acknowledges the role and demand for residential development in the area.

It is noted that the current approved land use mix of the development comprises 60% residential and 40% commercial uses. The proponent is seeking to modify the land use split to 76% residential and 24% commercial. Allowing the commercial share to be further eroded to 24% would effectively produce a residential precinct. This will threaten the ability of Global Sydney to achieve the goals established for it by the Department's current and draft land use policies.

Conflict with the Land Use Proposition of the Original Concept Plan

The original Concept Plan for the site sought to provide commercial buildings along Broadway, particularly at the north-western portion of the site near the intersection of Broadway and Abercrombie Street. This location was endorsed by the expert advisory panel who recommended commercial buildings to act as a buffer to the residential development to the south.

The Department's assessment report for the original Concept Plan noted that the design for developing the CUB Site '*...required consideration of two particular aspects. These were that the CUB Site needed to relieve pressure on the availability of commercial office space within the Sydney CBD and ensure the distribution of land uses integrated with the rest of Chippendale...*' The City agrees with these assessment parameters and would seek to ensure that any modification to the concept plan (now or in the future) continues to assist in meeting the strategic direction for the site and Global Sydney.

Long Term Land Use

It is acknowledged that residential development is currently in high demand within parts of Global Sydney. In particular, the City acknowledges the opportunity for student accommodation to be provided in Central Park to meet some of the demand. However, the City maintains its position that retention of the approved commercial floor space within Block 1 and the Brewery Yard Building is crucial to ensuring Central Park has an appropriate balance of uses to meet the long term needs of the immediate community and the wider city.

The proposal replaces a maximum of 51% of commercial floor space in Blocks 1 and 4 North with residential floor space, 47% of commercial floor space in the Brewery Yard Building with residential floor space and 96% of the commercial floor space in Block 4 South with residential floor space. The significant reduction in commercial floor space in Blocks 1, 4 North, 4 South and the Brewery Yard Building will have negative impacts on the contribution of the site to the City and the wider Sydney economy.

The City is of the opinion that student accommodation can be supported in Block 4 South in principle, subject to residential floor space in Blocks 1 and 4 North and the Brewery Yard Building not being supported. Retaining commercial floor space in Blocks 1 and 4 North and the Brewery Yard Building will result in a 66% residential and 34% commercial land use split which is more consistent with the approved 60/40 split than the current proposal.

It is considered that broader planning policy objectives and the strategic direction desired for the CBD and Global Sydney should not be overlooked on the basis of the short term cyclical market arguments put forward by the response to submissions. Capacity for commercial space needs to be protected so that longer term demand can be met. The current proposal seeks to dismiss the longer term planning objectives in preference to an exercise in current day highest and best use.

Built Form Design Changes

The response to submissions has addressed a number of built form issues that might arise from the proposed change in use for Block 1 and the Brewery Yard Building. These include a narrower building envelope, increased setbacks and maintaining height for Block 1. The proposal includes the deletion of the upper level link between Blocks 1 and 4 North if residential use is permitted. The modification to the approved building envelope is necessary to achieve compliance with SEPP 65 requirements.

The response has also stated that a residential use could have positive impacts on public amenity including additional public domain areas created between Blocks 1 and 4 North and increased access to sunlight to public open spaces.

The City acknowledges that the proposed deletion of the upper level link between Blocks 1 and 4 North will improve solar access to the public domain to the south. In addition, the building separation between Blocks 1 and 4 North will result in a clearly distinguished and publicly accessible connection from Broadway through to Central Park Avenue. However, there is still insufficient information to enable, proper consideration of the built form and public domain impacts of the proposed building envelopes particularly when viewed from Broadway.

In relation to the Brewery Yard Building, the applicant has clarified that any proposed residential use will be accommodated with the approved building envelope and will not have any additional impacts on the significance of the heritage item.

These built form, amenity and heritage issues are considered to be secondary. The critical issue is the strategic direction that the proposed balance of land uses would give the Central Park precinct and its surrounds.

There are a number of additional matters that the City would like to draw to the attention of the Department. These are dealt with in some detail under the headings below.

Building Separation Blocks 4 North and 4 South

The City supports the Department's request for the proposal to be modified so that building separation between Blocks 4 North and 4 South comply with approved building envelopes.

The City also supports the recommended design modification on the basis of improved amenity for future occupants of Block 4 South, reduced building bulk and enhanced public domain.

Internal Amenity

Further to the City's recommendation regarding adequate laundry facilities in the common area on Level 1, the Department raised the issue with the applicant. In response, the applicant provided justification for the proposal as submitted and no amendments were made to the internal layout.

The City does not support the justification provided by the applicant and reiterates its recommendation that the proposal should be required to provide the minimum required washing and dryer facilities in accordance with the Sydney DCP 2012.

The City has considered the Department's request for the applicant to modify the internal layout of Block 4 South to provide additional lifts to service the total number of rooms and occupants proposed. The City supports the Department's request as it will improve the efficiency of building and the amenity of occupants.

Pedestrian Links

The City remains of the opinion that the approved link between Blocks 1 and 4 North should be maintained. In particular, the publicly accessible and highly visible pedestrian link provides an important connection between Broadway and Central Park Avenue.

Although the proposed deletion of the upper level link between Blocks 1 and 4 North, to accommodate residential use in Block 1, would result in greater building separation and enhance the quality of the link between Broadway and Central Park Avenue, the change in building envelope is subject to a substantial change of land use to which the City objects.

The proponent has submitted that the enclosure of the pedestrian link with glazing would only be sought, should a significant commercial tenant be secured to occupy Blocks 1 and 4 North. In support of maintaining commercial floor space and uses on the site, the City may consider supporting an appropriately designed glazed enclosure, subject to the submission of further design details, and a management plan identifying measures to maintain public access through the link.

In regard to the proposed modification to the pedestrian link from Abercrombie Street to Central Park Avenue, the proposal reduces permeability from Abercrombie Street to Central Park Avenue. The City would like to acknowledge that the proposed vertical wall will facilitate future public art works and create two distinct public areas at Abercrombie Street and Central Park Avenue street levels. The City is of the opinion that maximising the visual connection from Abercrombie Street to Central Park Avenue is necessary to the quality of the public domain and usability of the pedestrian link.

Management of Student Accommodation

The City is generally supportive of the security and management measures proposed in the amended operational management plan including restriction of access to the outdoor terraces on Level 13 to between 7.00am and 10.00pm, daily. The restricted access will minimise potential visual and acoustic impacts on surrounding residents, particularly future residents of Block 8.

In addition, the proposal also includes the use of 24 hour on-site security and CCTV cameras to address ongoing security management of the student accommodation use.

Traffic and Car Parking

The City has reviewed the traffic and parking statement prepared by GTA Consultants dated 23 May 2013, and additional information submitted in response to traffic volumes and movement concerns to and from the basement car park.

The City is generally supportive of on-site drop off/pick up spaces for childcare centres, however in this instance, the City does not support the location of the childcare centre spaces within the basement car park of Block 4 North. The City is

concerned that the conflict between service vehicles, private vehicles and pedestrian movements will result in safety risks which have not been sufficiently considered by the proponent.

The City is concerned that the configuration of the basement car park does not minimise conflict between vehicles and pedestrians. In particular, the childcare centre car spaces are adjacent to the service ramp from the Abercrombie Street entrance and pedestrians must traverse across the vehicle access path to reach the lift lobby.

Although the applicant has provided an estimate of the traffic volumes likely to be generated by the childcare centre, it has not been demonstrated how private vehicles will be managed in the car park in the event that the 4 designated childcare spaces are occupied and queuing occurs. The City is concerned that congestion during peak drop off and pick up periods will increase safety risks for pedestrians in the basement car park.

Further, it is understood that the proponent proposes to reinstate the opening between the basements of Blocks 4 North and 4 South at the completion of building works. This will exacerbate the conflict between pedestrians and vehicle movements in the car park.

In regard to the availability of on street loading /drop off and pick up car spaces on Central Park Avenue, the City notes that 7 car spaces have been shown on the western side of Central Park Avenue. Of the car spaces, only 3 have been approved by the Local Pedestrian, Cycling and Traffic Calming Committee. Whilst these car spaces are available for use by the public and in close proximity to Block 4 North, the spaces are not considered appropriate for childcare drop off and pick up as they are restricted to 1 hour parking and ticketed between 8.00am and 6.00pm, Monday to Friday. During such times, parking on Central Park Avenue will be at a cost.

No application has been lodged with the City seeking approval for the 4 additional spaces on Central Park Avenue indicated on the plans. Given that the additional parking spaces are subject to separate approval, it is considered premature to consider the spaces as appropriate and sufficient drop off/pick up zones to meet the needs of the childcare centre at this stage.

In regard to the proposal to utilise the basement car park in Block 1 as a public car park afterhours, the City reiterates its objection to the proposal which is inconsistent with the objectives of minimising reliance on private vehicle use and traffic volumes.

Deletion of Temporary Loading Area in Block 4 South

The City notes that the amended proposal has replaced the originally proposed temporary loading area to the south of Block 4 South with a retail tenancy. The City is generally supportive of the amendment as retail use fronting Irving Street will contribute to street activation.

Affordable Housing under NRAS Scheme

The City notes that the proponent has submitted the approval notice by the Government granting funding for the proposal under the NRAS Scheme for affordable housing. However, additional information to demonstrate how the proposal satisfies relevant requirements for student accommodation under the NRAS Scheme has not been provided.

Although the City recognises the demand for student accommodation and is generally supportive of student accommodation in this location, the change in land use of Block 4 South from commercial to student accommodation should only be supported if the proponent can sufficiently demonstrate compliance with relevant building, amenity, environmental and social provisions, particularly under the NRAS Scheme.

Should the Department consider granting approval for the amended proposal, please find attached the City's recommendation of additional conditions for consideration.

Should you wish to speak with a Council officer about the above, please contact Peggy Wong, Specialist Planner, on 9265 9685 or pwong@cityofsydney.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'GJahn', written in a cursive style.

Graham Jahn AM
Director
City Planning | Development | Transport

Further to the City's recommended conditions dated 24 April 2013, additional conditions are recommended shown in ***bold italics***, below:

MP08_0253 Mod 4

(1) BASEMENT CAR PARK ALLOCATION OF SPACES

A total of 251 car spaces are approved for the car park for use by occupants of Blocks 1 and 4 North only.

(2) VEHICULAR CROSSING FOR SERVICE VEHICLES

The vehicular crossing via Abercrombie Street to the basement car park under Blocks 1 and 4 North is restricted to use by service vehicles only.

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(3) MINIMUM ROOM SIZE FOR STUDIOS

- (a) The minimum room size for a standard studio must not be less than 18.9m².
- (b) The minimum room size for a long studio must not be less than 22.2m².
- (c) The minimum room size for a deluxe/accessible studio must not be less than 34.5m².

(4) FLOOR TO CEILING HEIGHTS

The floor to ceiling heights of habitable rooms must be at least 2.7 metres.

(5) LAUNDRY FACILITIES

- (a) Laundry facilities, including laundry tubs, washing machines and dryers are to be provided in accordance with the Clause 4.4.1.5(2) and (3) of the Sydney Development Control Plan 2012.
- (b) Fit out details of the communal laundry on Level 1 are to be submitted to Council for approval prior to the issue of a Construction Certificate.

(6) USE OF COMMUNAL OUTDOOR TERRACE

Use of the communal outdoor terrace on Level 13 by students is restricted to between ~~10~~ 7.00am and 10.00pm, 7 days a week.

(7) PLAN OF MANAGEMENT TO BE SUBMITTED AND APPROVED

- (a) A Plan of Management must be prepared to address all operational and management procedures to be employed, to ensure that the premises can operate without disturbance to the surrounding locality. The plan must reflect the whole of the Student Accommodation operations, including Security Management.

- (b) The plan must include but is not restricted to; compliance with all other operational conditions of this consent; hours of operation; noise; security management; and handling complaints.
- (c) The plan must be submitted to and approved by Council prior to an Occupation Certificate being issued.
- (d) The plan must include as a minimum:-
 - (i) compliance with all other operational conditions of this consent;
 - (ii) each individual room of the student accommodation section is not to be occupied by more than one person per bed as shown on the approved plans. Any future change to the number of beds shown on the approved plans must first be approved by Council. Beds may not be replaced by double bunk beds.
 - (iii) hours of operation of outdoor areas (the use of external communal open space or common areas should be restricted);
 - (iv) use of alcohol and/or drugs, curfews, noise management plan;
 - (v) security management should be expanded to include relationships with surrounding hotels/motels/ businesses and residents;
 - (vi) students should be issued with information on how to contact Police, Ambulance and Fire Department in translated formats, personal safety awareness sessions should be conducted at the start of each semester (or three times per annum), relationship could be established with the Ethnic Community Liaison Officer at the City Central Police Command;
 - (vii) safety and security measures for residents, handling complaints;
 - (viii) provisions of communal areas and facilities, and access and facilities for people with disabilities;
 - (ix) a copy of the fire safety statement and current fire safety schedule for the premises must be prominently displayed in the reception area, a floor plan showing emergency exits must be fixed to the inside of each sleeping room.
 - (x) Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

- (xi) The approved Plan of Management is thereafter to be complied with during the use of the premises.

(8) RESTRICTION ON STUDENT HOUSING

- (a) The following restriction applies to the building hereby approved for student accommodation:
- (b) The accommodation portion of the building may only be used for residential accommodation for students as hereinafter defined and not otherwise as residential accommodation, or as serviced apartments, private hotel, boarding house, tourist or backpackers' accommodation or the like.
- (c) Each individual room of the student accommodation section is not to be occupied by more than one person per bed as shown on the approved plans. Any future change to the number of beds shown on the approved plans must first be approved by Council. Beds may not be replaced by double bunk beds.
- (d) An owner, Owners Corporation, tenant or licensee of the premises or any part thereof shall not advertise or permit advertisement of any accommodation in the building over which they have control other than for student residential accommodation.
- (e) Any tenant or licensee of any part of the residential accommodation must produce to the owner or licensor or landlord prior to taking occupation evidence of identity and of a tertiary educational facility in Australia. The owner or licensor or landlord is to maintain an up-to-date register of all details which must be produced for inspection on request by Council.
- (f) Any tenant or licensee of any part of the residential accommodation must produce to Council upon request at any time written evidence of identity and of current enrolment in such tertiary educational facility.
- (g) Upon ceasing to be enrolled to attend a full time tertiary educational course with a tertiary institution in Australia, the now former student shall vacate the residential accommodation within 4 weeks of the expiration of their tertiary course.
- (h) Prior to the issue of an occupation certificate, a restrictive covenant is to be registered on the title of the premises in the above terms to the satisfaction of Council. The Applicant shall pay Council all costs for the preparation and registration of the restrictive covenant.
- (i) For the purpose of this condition, "student" means a person over 16 years of age enrolled with a tertiary institution in Australia and attending a full time course of tertiary education in Australia.
- (j) All student occupants of the site are to be provided with a package notifying them of these requirements when they commence residency at the premises as part of the lease/ tenancy agreement. This, and other information required to be provided to the student

occupants is to be provided in the native language of the proposed student occupant so that it can be easily understood.

(9) SEPARATE DEVELOPMENT APPLICATION FOR FIT OUT AND USE OF RETAIL/COMMERCIAL TENANCIES

A separate development application is required to be submitted and approved by Council for the fit out and use of the retail/commercial tenancies located on the lower ground and ground levels of the building.

~~(10) SEPARATE APPLICATION FOR CHANGE OF USE OF TEMPORARY LOADING BAY~~

~~*Any change of use or removal of the temporary loading bay located on Irving Street requires a separate development application to be submitted and approved by Council.*~~

(11) ACCOMMODATION - REGISTRATION AND CARETAKER

Prior to the issuing of an Occupation Certificate, Council's Health and Building Unit must be advised in writing of the business name, address, owner or company name, 24 hour contact details for the site manager, and the number of occupants approved for the premises. A caretaker/manager must be contactable 24 hours a day.

(12) CARE OF BUILDING SURROUNDS

In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building must ensure that the forecourt and the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

(13) 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 "Development Specification for Civil Works Design and Construction".

(14) 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 and kerb reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be

completed in accordance with the approved plans prior to the issue of an Occupation Certificate.

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

(15) 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 "Development Specification for Civil Works Design and Construction".

(16) 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 and kerb reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of an Occupation Certificate.

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

(17) ALIGNMENT LEVELS

- (a) Prior to a Construction Certificate being issued, footpath alignment levels for the building must be submitted to Council for approval. The submission must be prepared by a Registered Surveyor and must be in accordance with the City of Sydney's Public Domain Manual.***
- (b) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the application for a Construction Certificate, excluding a Construction Certificate for approved preparatory, demolition or shoring work.***
- (c) If a Public Domain Plan condition applies to the development the Alignment Levels application must be made concurrently with the submission of a Public Domain Plan.***

(18) PUBLIC DOMAIN PLAN

The Public Domain Plan accompanying this Development Application has not been approved by this consent.

Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for any new building work (including internal refurbishments) excluding approved preparatory, demolition or shoring work.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must be made concurrently with the Alignment Levels application. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

Note: A Public Domain Works Guarantee deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.

Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Road Opening Permit for works on the public way being issued.

The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(19) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to a Construction Certificate being issued for a new building work, excluding approved preparatory, demolition and shoring work, a set of hold points for approved public domain and civil construction work is to be determined with and approved by the City's Public Domain section in accordance with the City's Public Domain Manual.*
- (b) Completion and handover of the constructed public domain works is to be undertaken in accordance with the City's Public Domain Manual, including requirements for as-built documentation, certification and defects liability period.*

(20) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

On-site detention, treatment and re-use is encouraged.

- (a) Prior to a Construction Certificate being issued, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued and prior to the commencement of any work within the public way.
- (c) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued.
- (d) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- (e) A Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

(13) PRESERVATION OF SURVEY MARKS

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

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

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

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

(14) 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".

(15) LANDSCAPING OF THE SITE

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council prior to the issue of a Construction Certificate. The plan must include:
 - (i) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (iii) Location, numbers and type of plant species;
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage and watering systems.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

(16) PROTECTION OF STONE KERBS

- (a) ***The existing stone kerbs on the Abercrombie Street frontage of the site are to be retained and properly protected during excavation and construction works.***
- (b) ***To avoid damage to stone kerbs during construction and / or excavation works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (ie. those that are in good condition as agreed by City officers) must be re-installed in accordance with the City's standard details and specifications after the construction and / or excavation works have been completed.***

Note: A temporary concrete kerb will need to be constructed to retain the footpath and road access until the stone kerbs

can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate. Note: all costs associated with the works are to be at no cost to the Council.

- (c) ***Damaged kerbs are to be replaced to match existing to the City's satisfaction or as otherwise advised by City officers.***
- (d) ***Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.***
- (e) ***All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.***
- (f) ***Council approval is required before kerbs are removed.***

(25) STREET TREE PLANTING AND MAINTENANCE

- (a) A Landscape Plan indicating the location of the street trees to be planted in association with the development must be submitted to and approved by Council prior to the issue of the Construction Certificate. Street trees must be located and planted in accordance with the City's Street Tree Master Plan.
- (b) The street tree(s) must be planted:
 - (i) by a qualified Arborist or Horticulturist (AQF Level 3); and
 - (ii) before the issue of an Occupation Certificate.
- (c) The tree pits must be inspected by Council's Contract Coordinator – Street Trees, before and after planting.
- (d) All street trees planted in accordance with the approved Landscape Plan must be maintained by a qualified Horticulturist or Arborist (AQF Level 2 or 3) for a minimum period of twelve (12) months commencing on the planting date. 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.
- (e) At the end of the twelve (12) month maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.
- (f) If a street tree has been replaced due to maintenance deficiencies during the twelve (12) month maintenance period, the twelve (12) month maintenance period will start again from the date that the street tree is replaced.

(26) STREET TREE PROTECTION

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

- (a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and truck at all times;
 - (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
 - (iv) Tree trunk 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) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (d) The consent from Council must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.
- (e) Any pruning that is required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, and has been approved by Council, shall be carried out by a qualified Arborist (min AQF3) in accordance with AS4373-2007 Australian Standards 'Pruning of Amenity Trees' and the WorkCover Code of Practice for the Amenity Tree Industry.

- (f) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree