

Attachment A

**Correspondence from Applicant's Planning
Consultant**

From: [Michael Rowe](#)
To: [Christopher Ashworth](#)
Cc: [Mercedes Janecek](#); [Michael Grassi](#)
Subject: RE: D/2022/600, 502-514 Elizabeth Street and 272-276 Cleveland Street, Surry Hills
Date: Friday, 15 September 2023 5:55:29 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[Applicant minor Amendments Attachment A - Recommended Conditions of Consent.docx](#)

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Hi Chris,

Thank you for all your efforts getting the DA to the Panel. We've read the report and conditions and appreciate the thorough job you've done.

We do have a few minor requested amendments to the conditions that we'd really appreciate if Council could consider and do a 'Further to' ahead of the LPP meeting rather than need to discuss them on the night or have to submit a modification. The minor amendments are an attempt to clarify any inconsistencies and allow the project to commence in a timely manner after the Deferred Commencement condition is satisfied. These are listed below and shown in the attached mark-up.

Basement Setback

Condition (2)a and (94)b are inconsistent. (2)a refers to 5.5 meters, (94)b refers to 5 meters. Can we kindly amend so they are consistent and both read 5 meters?

The sequence of commencing construction and then stopping and seeking to modify the basement during construction is a major concern. We appreciate you've foreshadowed the potential for a modification to reduce the setback in the Planning Report and given a clear way forward. However, in order to minimise the program delays and avoid a formal modification application, we would appreciate if you would consider incorporating what you suggested in the report into the condition itself.

Accordingly, we kindly request the below minor amendments.

(2) DESIGN MODIFICATIONS

a)The basement carpark **design is to be amended and** must be setback up to **5.5** metres from the northern property boundary (Goodlet Street) to allow for the retention of the existing paperbark street trees. **The basement setback may be reduced if the proponent can demonstrate to the satisfaction of Council's Area Planning Manager that the basement will not have an adverse impact on the health or structural stability of the street trees.**

Notwithstanding the above minor amendment, Council and the existing paperbark trees still have the full protection of (93).

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Car Parking

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The car parking condition as drafted requires the development must comply with the number of spaces in the table under (33). Through the process of modifying the basement in (2), the number of car parks will be reduced. Given Council's rates are maximums, can we amend (33) to ensure it doesn't cause an internal conflict between conditions?

(33) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development must ~~comply with the~~ **not exceed** 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.

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Staging of Construction Certificates (CC's)

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The ability to stage CCs makes a significant impact during the construction phase and will enable Podia to get on site earlier and start demolition and commence tree root investigations etc.

The current draft Conditions contemplate staged CC's due to the use of varying language through-out - i.e 'any Construction Certificate', 'The Construction Certificate' 'any relevant Construction Certificate', 'a construction certificate', 'any Construction Certificate for excavation, civil construction, drainage or building work (whichever is earlier) prior to commencement of demolition/excavation works', 'prior to the construction of any public domain works' etc. However, in this day and age Certifiers require absolute clarity on this issue and need the concept of 'Staged CC's' to be expressly drafted in the conditions.

Is it possible to have a condition to the effect of that proposed below to enable the staged CCs to occur?

Prior to commencement of any construction works associated with the approved development, it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by the conditions of this Development Consent.

It is acknowledged that staged Construction Certificates may be obtained in accordance with the following;

Stage 1 – Demolition;

Stage 2 – Basement excavation, retention and shoring;

Stage 3 – Construction of basement slab including in-ground services;

Stage 4 – Construction of structure including services;

Stage 5 – Completion of works, landscaping and public art;

Conditions within this Development Approval should be read as being applicable to the relevant Construction Certificate and to be confirmed by the Principle Certifying Authority.

Additionally, some conditions require a minor redrafting to link the deliverable under the condition to the relevant CC. We have indicated these minor amendments in the attached mark-up and applied careful consideration to each condition to ensure the critical conditions to be

satisfied before construction commencement are still maintained.

Thank you for considering these minor amendments which will assist in the orderly development of the project. If you have any questions please reach out to Mercedes or I next week.

Have a great weekend,

Michael Rowe

Regional Director
New South Wales



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(Gadigal Land)

Ethos Urban acknowledges Traditional Owners of Country throughout Australia and recognises the continuing connection to lands, waters and communities. We pay our respect to Aboriginal and Torres Strait Islander cultures; and to Elders past and present.

We pledge our support to the Uluru Statement from the Heart and embrace the call to walk with the Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

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From: Christopher Ashworth <CAshworth@cityofsydney.nsw.gov.au>

Sent: Wednesday, September 13, 2023 1:36 PM

To: belinda.aspinal [REDACTED]

Cc: Mercedes Janecek [REDACTED]; Michael Rowe

[REDACTED]; Michael Grassi [REDACTED]

Subject: D/2022/600, 502-514 Elizabeth Street and 272-276 Cleveland Street, Surry Hills

Dear Belinda,

D/2022/600, 502-514 ELIZABETH STREET AND 272-276 CLEVELAND STREET, SURRY HILLS

Please be advised that the abovementioned Development Application (DA), will be considered by the Local Planning Panel (LPP) on Wednesday 20 September 2023.

The LPP agenda will be available on the City's website today, 13 September 2023, from 5.00pm. Meeting papers will be available here:

<https://meetings.cityofsydney.nsw.gov.au/ieListMeetings.aspx?CId=186&Year=0> (select relevant LPP meeting date).

Anyone wishing to address the Panel on any agenda item must advise Secretariat – 9265 9702 or <mailto:secretariat@cityofsydney.nsw.gov.au> – by 10.00am on 20 September 2023 (**email is preferred**). Speakers need to indicate the context of their interest, for the information of the Panel; for example, speaking on behalf of the applicant, objecting to the development as an impacted neighbour, available for questions, etc).