

Attachment A

Applicant's Correspondence

20th November 2023

Secretariat
City of Sydney – Local Planning Panel

Via email: secretariat@cityofsydney.nsw.gov.au

Dear Secretariat

**Development Application, D/2022/1343 - 5 – 19 Mary Street Surry Hills
Local Planning Panel Agenda, Wednesday 22nd November 2023**

Thank you for your recommendation for approval and draft Conditions of Consent for our Development Application at 5 – 19 Mary Street Surry Hills. Foster House is an important homelessness service for The Salvation Army and the many clients we serve.

We have reviewed the draft Conditions of Consent and ask the following proposed amendments be considered.

Conditions 9 and 10 – Development Contributions

We understand from discussions with Council’s Planner and a review of the assessment report that the development contributions are only intended to relate to the Mixed Use site (17 – 19 Mary St) however we request this be clarified in both conditions.

In terms of the timing of payment, we wish to also clarify the development contributions should be paid prior to issuing of a Construction Certificate for Stage 3b. The current drafting of the condition requires that the contributions be paid at the issuing of “**any** Construction Certificate” which would place an unnecessary additional financial burden on The Salvation Army should the Construction Certificate for the Foster House redevelopment come prior to the development of the Mixed Use Site.

Stage 3b is not currently intended to be developed by The Salvation Army, so allocating the payment timing to that Construction Certificate which creates the obligations seems appropriate and in line with the intent of the conditions, as noted within the Council Assessment Report. Noting the balance of the Conditions of Consent are also proposed to be allocated to different stages, being either Stage 3a or 3b, the proposed approach to the conditions relating to the contributions would be consistent.

Proposed Changes

(9) AFFORDABLE HOUSING CONTRIBUTION – RESIDUAL LAND OR CENTRAL SYDNEY – PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION – PRIOR TO CONSTRUCTION CERTIFICATE, 17 – 19 MARY STREET SURRY HILLS (STAGE 3B)

(a) In accordance with the City of Sydney Affordable Housing Program and prior

to the issue of any Construction Certificate **relating to Stage 3b**, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council.

(10) SECTION 7.12 CONTRIBUTIONS PAYABLE – SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE, 17 – 19 MARY STREET SURRY HILLS (STAGE 3B)

A monetary contribution is payable to the City of Sydney pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the *Central Sydney Development Contributions Plan 2020*.

...

The Section 7.12 levy is payable to the City of Sydney in accordance with the following:

(a) Prior to **any Construction Certificate relating to Stage 3b** ~~Construction Certificate~~ being issued, evidence must be provided of Council’s written verification of the amount of the contribution as required in (b) below, and that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.

Condition 40 – Bike Storage

Given Foster House services homelessness clients, who typically reside at the service for less than 12 months and come to The Salvation Army with limited financial means, most clients tend to use public transport or readily available Bike Share services. We request the City of Sydney consider a request to reduce the large and costly Class 1 bicycle storage cubicles to only 50%, with the balance provided as Class 2 storage in a lockable room only accessed by residents.

Proposed Changes

Bicycle Parking Type	Number	Requirements
Residential	50 for 5-15 Mary Street 10 for 17-19 Mary Street	Spaces must be 50/50 Class 1 and 2 bicycle facilities Spaces must be a Class 1 bicycle facilities
Residential visitor	1 for 17-19 Mary Street	Spaces must be Class 3 bicycle rails

Condition 55 – Public Domain

The redevelopment of Foster House is not fully funded. Adding further costs exacerbates the challenge of raising funds to achieve the redevelopment of the site.

The Salvation Army requests the City of Sydney and the Local Planning Panel consider whether this condition is absolutely required and if so, if Council could fund the works. We ask the City consider either deleting this condition or at least removing the areas that are not directly adjacent the site as per the amendments below.

Proposed Changes

(55) PUBLIC DOMAIN LIGHTING UPGRADE

Prior to issue of the Stage 3a and 3b Construction Certificate, 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/daassociated-works>.

The lighting upgrade plan must cover all adjacent street frontages, being Mary Street and Hands Lane and shall be designed to include the following requirements:

Mary Street (in front of development site ~~to Reservoir Street~~)

1. Provide lighting design complying with requirements of AS1158 under Category PR3 on the roadway and footways.
2. Supply and install City standard steel poles and LED luminaires.
3. Propose glare shields to prevent glare in residential properties.

Hands Lane (along development site)

1. Provide lighting design complying with requirements of AS1158 Category PR 3.
2. Decommission existing City wall mount lights on the property.
3. Supply and install new City standard LED wall mount lights. Installation must be accessible for maintenance and upgrade by City-authorized technicians and contractors along the entire length. All cabling must be installed on the building surface within galvanised steel conduits, MMS cabling or similar approved method. Establish an access easement in favour of the City for ongoing maintenance and upgrade of wall mounted City lighting, if applicable.
4. Supply and install a new 3Phase City MSB.
5. Propose glare shields to prevent glare in residential properties.
6. Decommission Ausgrid's redundant PUMS supplies that currently feed the wall mount lights on Blackburn Street and Hands Lane.
7. New City wall mount lights along Hands Lane ~~and existing wall mount lights in Blackburn Street (across Foster Street)~~ must be fed from the new City MSB.

102

8. Provide temporary lighting complying with City public domain lighting specific ations prior to removal of existing public lights.



Condition 124 – Rooftop Use

We note and accept the proposed restriction of use to the Foster House rooftop terrace and ask the same be applied with the Mixed Use component of the development (17-19 Mary Street) as per the recommendations of the submitted Acoustic Report, to ensure after hours activity does not disturb Foster House or other neighbours.

Proposed Change

(124) HOURS OF USE – COMMON ROOF TERRACE

The common roof terrace for 5-15 Mary Street (Foster House) and 17 – 19 Mary Street (Mixed Use) is restricted to between 7am and 10pm Monday to Sunday.

We look forward to your consideration of these requests.

Yours Sincerely

A handwritten signature in blue ink, appearing to read "Matthew Fisher".

Matthew Fisher

National Property Group – Sydney Inner City Project Director