

# Public Domain Manual

February 2017



## Version History

Revision	Comment	Date	Page Ref.
–	Original document	Sep 2013	–
A	Updates to Section 2, policy references; Updates to Public Domain Plan Checklist; Updates to Alignment Levels Checklist	13/11/2013	–
B	Entire document updated, including all hyperlinks	9/3/2017	

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## 1. Overview

The Public Domain Manual contains information to help you:

- prepare submissions for approval of works in the public domain;
- understand your responsibilities during the approval process to help avoid delays;
- calculate, lodge and re-claim performance bonds related to public domain works;
- smoothly manage the construction of public domain works; and
- understand the process and your responsibilities during the works completion, handover and defects liability periods.

The manual applies to public domain works during the following stages:

### **Construction Certificate approval (CC); Planning Agreement works; Roads Act Approvals**

Submission of plans and details required to satisfy:

- conditions of consent prior to the issue of a Construction Certificate by a Private Certifying Authority or the City;
- approval of public domain works associated with a planning agreement;
- an approval for works in the public way required under the Roads Act.

### **Construction stage**

Construction of approved public domain works, including hold point inspections by City staff as asset owner and/or Principal Certifying Authority.

### **Works completion / handover and Occupation Certificate (OC)**

Completion of approved public domain works, including:

- rectification of defects;
- preparation and submission of certified Works-as-Executed documentation;
- obtaining a Certificate of Completion by the City to allow the issue of an OC by a Private Certifying Authority or the City.

## 2. Contact us

If you have a question about public domain works, how to make a submission for public domain works or to request a pre-submission meeting, you can contact the City's Public Domain team on 9246 7575 or by email to [publicdomain@cityofsydney.nsw.gov.au](mailto:publicdomain@cityofsydney.nsw.gov.au).

**Please contact the City's Customer Service team on 9265 9333 if you have other questions about the use of the public domain, such as events, licenses, or hoarding applications.**

### 3. Policies and guidelines

The Public Domain Manual must be read in conjunction with:

- development consent conditions for your project as applicable;
- the Planning Agreement requirements for your project if applicable;
- advice given by City officers during the submission and approval process; and
- the City's policies, specifications and [planning controls](#) available on the City's website.

Key policies related to the public domain include the:

- Sydney Streets Code;
- Sydney Streets Technical Specifications;
- Sydney Lights Design Code;
- Stormwater Drainage Manual;
- Interim Floodplain Management Policy;
- Street Tree Master Plan.

These can be found on the City's [website](#).

### 4. Making a submission

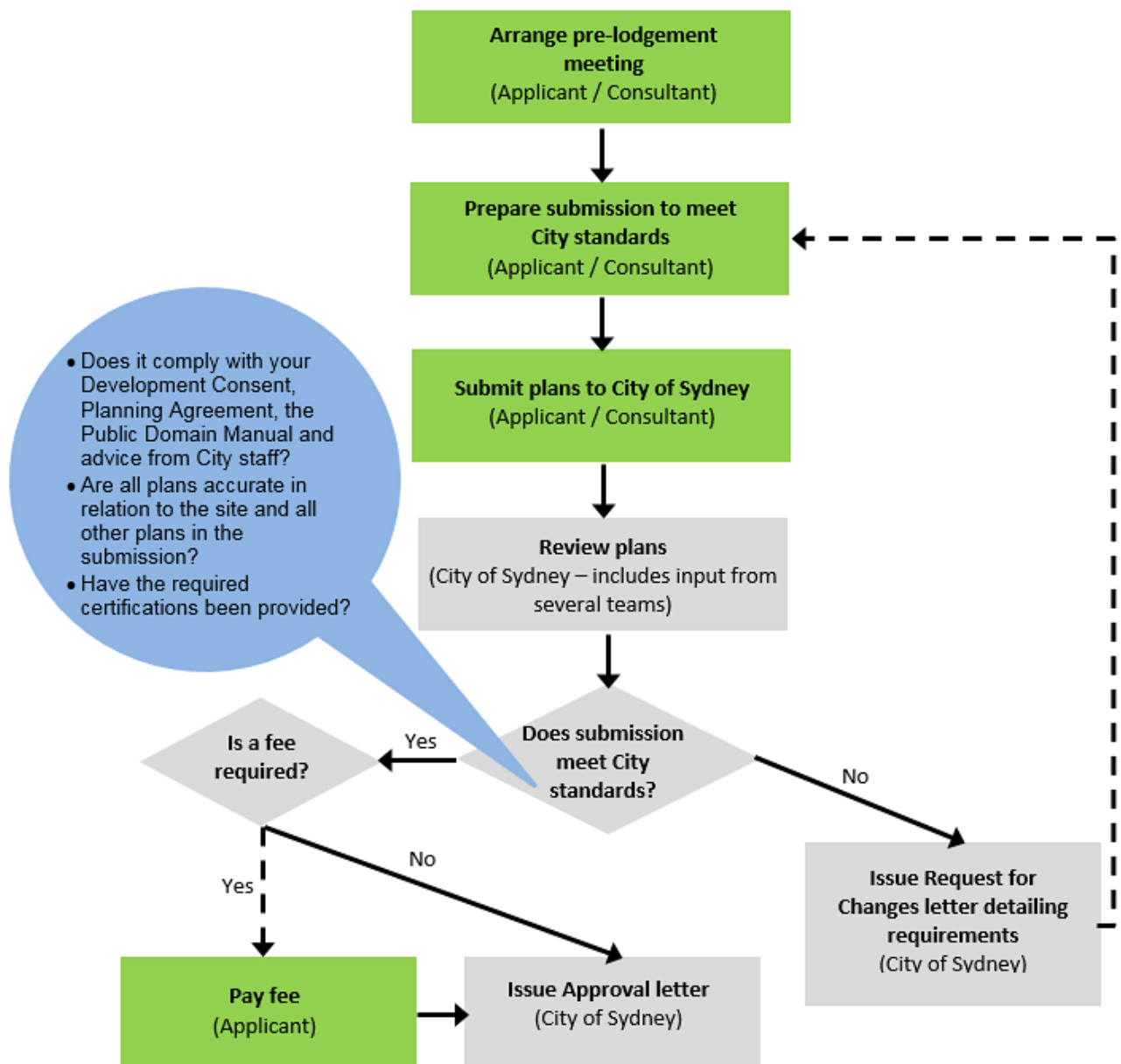
Approval is required to carry out works on land that is owned or managed by the City of Sydney, and land that will be dedicated to the City. This allows the City to clearly understand what changes will occur in the public domain and ensure that work is properly assessed.

- The need to make a submission may come from a condition of consent, a Planning Agreement, or an application for Works on the Public Way required under the Roads Act.
- To gain approval, detailed construction-level submissions must be provided for review by City staff **for all proposed work in the public domain**. This will usually involve preparation of a Public Domain Plan, together with other detailed submissions for Levels and Gradients, Stormwater Drainage, Road Design, Lighting and other elements as applicable to your site.
- Information about submission requirements for all public domain elements are outlined in Sections 4.1 – 4.7 of this manual.
- Submissions must be approved by the City, typically before a Construction Certificate may be issued for a development or as otherwise directed before the works can be constructed. The submission and approval process is summarised in figure 1 on the following page.
- Submissions must comply with the requirements set out in your planning approvals, the requirements of all City policies and legislation, and the requirements outlined in this Public Domain Manual.

- Submissions must be prepared by a suitably qualified architect, urban designer, landscape architect, civil engineer, lighting engineer or surveyor, as applicable to the submission type.

It is recommended that you arrange a pre-lodgement meeting with the City’s Public Domain team for guidance on preparing your submission. It is most beneficial that this occurs early in the process, once you are aware that public domain works are required for your development. You can contact the Public Domain team on 9246 7575 or by email to [publicdomain@cityofsydney.nsw.gov.au](mailto:publicdomain@cityofsydney.nsw.gov.au)

Figure 1: Approval process for works in the public domain



## 4.1 Coordination of plans

You may need to submit information for a range of public domain works, including public domain frontages, stormwater drainage, road works, street tree planting / landscaping and lighting. Although these requirements may be separately conditioned on your development consent or other planning approval, the works are fundamentally inter-related. It is therefore important that submissions for related works are made at the same time where possible.

**All submissions for public domain works must be properly coordinated so that information on one plan does not contradict information on other plans for the site. That is, elements are shown in the same locations and with consistent materials and details on all plans across all sets, even if they have been prepared by different consultants for different purposes.**

### Quality checks and delays to your approvals

It is your responsibility to ensure that information submitted to the City by you or your consultants has been checked, is accurate, complies with the specified requirements and is properly coordinated. Failure to provide complete, coordinated and consistent information with your submissions may result in delays in the City's ability to approve your submissions, because additional information will need to be requested to clarify what is actually proposed. **If your submission does not satisfy these requirements, you will be asked to resubmit.**

## 4.2 Public Domain Plans

A Public Domain Plan is a set of construction-level plans and details that clearly shows:

- the existing public domain elements surrounding a development site. This includes the location of signs; street furniture; street trees; planting; property boundaries; kerb/gutter alignment; vehicular crossings; pedestrian kerb ramps; street lights; the existing finishes (e.g. paving types); and any other elements that exist.
- elements to be retained, protected, remove or replaced; and
- works required to reconstruct the public domain fronting the site to meet the City's current standards.

Required works and plans may include changes to roads; drainage infrastructure; kerbs and gutters; footways; vehicle crossovers (driveways); traffic signs and facilities; pedestrian kerb ramps; service pit covers; street trees and other landscaping; furniture; lighting and other elements on land owned by the City – as required to meet the City's current standards.

Generally, the extent of work for Public Domain Plan proposals will need to include all frontages of your project site, from the property boundary to the gutter. In some cases, works within the road carriageway may also be required, for instance if new footpath extensions (blisters); kerb and gutter reconstruction; drainage or water sensitive urban design works; or correcting cross-falls in the roadway are needed.

**For further information, you can download a sample Public Domain Plan from the City's website as an example of the submission standard - PENDING**

## Preparation

The Public Domain Plan must be prepared by a suitably qualified civil engineer, landscape architect or architect, **based on an accurate survey prepared by a registered surveyor.**

## Content

The following items should be considered in your Public Domain Plan (as required for your site):

**Encroachment** - private property elements must not encroach into the public domain. This includes things like steps, handrails and Tactile Ground Surface Indicators (TGSIs). **Property boundaries and extent of works lines must be clearly shown on the plans.** Plans must show the building footprint at ground level (showing locations of doors, windows and vehicular openings) and locations of overhead awnings above ground as applicable.

**Levels** - adjustment of footways to achieve cross-falls between 1 – 2.5% from property boundary to top of kerb. Note that localised adjustment of longitudinal grades to suit building entries **is not permitted in the public domain. Refer to Section 4.3 of this manual for further detail about Levels and Gradients submissions.**

**Kerb and gutter** - removal of non-complying or poor quality kerb and gutter, and replacement to meet City standards. Repair and realignment of stone kerb where required to provide uniform longitudinal grades and heights. Removal of redundant stormwater outlets and replacement of whole kerb sections as required.

**Footways** - new or re-paving and sealing of the footway in accordance with the relevant City specifications. Plans should show the paving setout, including paving pattern and coordination of junctions with the adjacent footway. Retention and repair of existing pavement lights/light blocks should be included where applicable to the site.

**Pits** - realignment and adjustment of service pit lids to suit new pedestrian ramps, driveway works, paver layout and footway design levels. New service pit lids are to be infill-type, with infill material to match adjacent final paving finishes.

**Pedestrian kerb ramps** - relocation and reconstruction (to ensure 90 degree orientation to roadway and alignment with opposite pram ramp). Provision of new pedestrian ramps and driveway crossovers, including provision of pedestrian ramps on the opposite side of the street to the site to ensure a complete crossing is provided. Removal of redundant ramps and crossovers and reinstatement of kerb, gutter and footpath pavement to City standards.

**Lighting** - provision and upgrade of street and pedestrian lighting to meet the lighting levels and types as required by City policies and Australian Standards. This may include removal or relocation of existing poles and fittings; installation of new poles and fittings; undergrounding or bundling of aerial cables; construction of conduits and the relocation of utilities, signage and services as required. **Note that lighting submissions are reviewed in consultation with the City's Lighting team. You should make submissions as early as possible to allow for this process. Refer to section 4.6 of this manual for further detail.**

**Vehicle crossovers (driveways)** - relocation and reconstruction of existing crossovers as required to suit the development. Provision of new crossovers. Removal of redundant crossovers and reinstatement of kerb, gutter and footpath pavement to City standards.



**Street furniture and signage** - removal of redundant furniture and traffic / parking signs (and reinstatement of remaining footway openings). Relocation of existing signs and /or provision of new signs in accordance with City standards as required. **Note that changes to traffic signage are reviewed in consultation with the City's Traffic Operations team and require separate approval through the Local Pedestrian Cycling and Traffic Calming Committee. You should make submissions as early as possible to allow for this process.**

**Road** - construction or adjustment of levels to suit new development and meet City standards. Where substantial kerb and gutter demolition is needed, the road carriageway must also be reconstructed or resurfaced in accordance with City standards, to the centre line of the carriageway or to a sufficient distance from the gutter lip to achieve a uniform cross-fall / transition into the existing road pavement. **Note that proposals for traffic facilities and / or changes to road conditions require separate approval through the Local Pedestrian Cycling and Traffic Calming Committee and Roads and Maritime Services. You should make submissions as early as possible to allow for this process. Refer to section 4.6 of this manual for further detail on Road Design submissions.**

**Street trees and planting** - retention and protection of existing street trees and understorey planting (unless otherwise approved for removal by the City). Reconstruction of existing street tree bases and surrounds to meet City standards. Provision of new street trees, including tree pit bases and surrounds in accordance with City standards. Provision of mass-planted garden beds (including irrigation as advised by City staff) and water sensitive urban design elements (e.g. rain gardens). Locations for proposed trees and planting should be fully coordinated with services locations, lighting, furniture and signs to ensure tree pits and the mature growth of the tree can be accommodated. **Note that applications for removal of trees are processed by the City's Tree Management team. You should make submissions as early as possible in the project to allow for this process.**

**Specialised designs** - in some cases, specialised work to the public domain is required due to the impact or complexities of a development or particular site. In such cases, a site specific scope of work and documentation may be required in consultation with City staff.

## Format

Submissions must be:

- **Electronic** - and provided in both pdf and CAD .dwg formats. Plans must be based on Australian Height Datum (AHD) and Map Grid of Australia (MGA) orientation, zone 56.
- **Hard copy** – submissions may also be requested for larger projects.

Submissions must include:

- **Plans and relevant site specific construction details** from the City's specifications.

## Fees

Fees apply for the submission or approval of a Public Domain Plan.

## 4.3 Levels and Gradients

A Levels and Gradients submission includes plans, cross-sections and longitudinal sections to demonstrate the road, footpath, kerb and gutter levels and cross-falls for a site.

Levels and Gradients submissions are required so the City can clearly understand:

- what the existing public domain levels and grades are;
- where improvements to gradients may be required for accessibility in accordance with City standards; and
- what changes to existing levels, driveway crossovers, and building entries are proposed.

A submission is typically needed when a development proposal involves construction of a new building; the introduction or alteration of building entries or driveways; or other impacts on the surrounding footway or roadway. **Levels and Gradients must be shown for all frontages of your project site and must extend for a distance of 20m beyond the site frontages. Cross-sections should extend from the building line to the centreline of the road carriageway.**

**For further information, you can download a sample Levels and Gradients plan from the City's website as an example of the submission standard - PENDING**

### Preparation

The Levels and Gradients submission must be **designed by a suitably qualified engineer** and be **certified by a registered surveyor** and.

### Content

The following elements should be included (as required for your site):

**Existing and proposed levels** - for existing and proposed elements in the public domain, including service pits, drainage pits, tree pits and the like. Existing and proposed levels at entries adjacent to properties, building setback areas, forecourts and the like, adjoining the public domain. Required changes in levels to meet City standards and other proposed changes to the public domain. The building footprint at ground level (including locations of doors, windows and vehicular openings) should be shown.

**Kerb and gutter alignment** – the kerb line must be parallel to and 150mm above the invert of the gutter (as designed), unless otherwise specified or approved by City staff. Levels must be shown for existing and proposed kerbs and gutters, drainage gullies, inverts, the property boundary and building alignment and levels adjustments to the road carriageway as required (e.g. for road restorations or adjustments);

**Road carriageway adjustments** - as required to suit new development and meet City standards. Note that where substantial kerb and gutter demolition is needed, the road carriageway must also be reconstructed or resurfaced in accordance with City standards to the centre line of the carriageway or to sufficient distance from the gutter lip to achieve a uniform cross-fall / transition into the existing road pavement.

**Pits and services** - levels for adjustments to pits and services, required to suit new longitudinal grades and cross-falls must be shown.

**Footway adjustments** - to achieve cross-falls between 1 – 2.5% from property boundary to top of kerb. If existing levels and gradients do not comply with City standards, reconstruction will be required, however small variations from the standards due to latent site conditions (e.g. steep sites) may be accepted. Localised adjustment of longitudinal grades and cross-falls to suit building entries **is not permitted in the public domain and must occur within the property line if required.**

**Pedestrian kerb ramps and vehicle crossovers (driveways)** – proposed new, redundant (to be removed) and relocated pedestrian kerb ramps and vehicle crossovers or other proposed adjustments to the footway gradients. **Note that adjustment of levels at vehicle and pedestrian entrances to address equal access or flood planning levels (e.g. for property basements) is not permitted. Any such adjustments must occur within the property line.**

## Format

Submissions must be:

- **Electronic** - and provided in both pdf and CAD .dwg formats. Plans must be based on Australian Height Datum (AHD) and Map Grid of Australia (MGA) orientation, zone 56.
- **A hard copy set** - must also be provided.

Submissions must include:

- **Plans** - spot levels for key elements (as outlined under Content above) and running chainages along the kerb alignment at 10m intervals, extending 20m beyond the property boundaries to ensure that levels adjustments are transitioned smoothly into the existing public domain.
- **Cross-sections** - showing existing and proposed alignments and levels at the building line, top of kerb, lip of gutter and road carriageway at each chainage interval. Sections should be taken at the same chainage intervals as indicated on the plan, for all site frontages, and be prepared at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale.
- **Longitudinal sections** - showing existing and proposed levels at driveways, pedestrian kerb ramps, building entries. Where a redesign of kerb returns is required, a separate longitudinal section is to be provided and must include existing and proposed levels at the boundary, top of kerb, gutter invert and pram ramps at relevant chainages. Include superimposed sections at building and property lines, top of kerb and lip of gutter. Sections should be taken at the same chainage intervals as indicated on the plan, for all site frontages, and be prepared at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale.

## Fees

An application fee applies for Levels and Gradients submissions in accordance with the City of Sydney's [adopted schedule of fees and charges](#). The application must be submitted with a completed [Levels and Gradients approval application](#).

## 4.4 Stormwater drainage

Requirements for stormwater drainage and flooding design, connections and submissions are outlined in the detail in the City's [Stormwater Drainage Manual](#) and [Sydney Streets Technical Specifications](#).

### Fees

An application fee applies for stormwater drainage connections in accordance with the City of Sydney's [adopted schedule of fees and charges](#). The application must be submitted with a completed [Stormwater Drainage Connection Approval Application](#) form.

## 4.5 Road design

Requirements for road design and submissions are outlined in the detail in the [Sydney Streets Technical Specifications](#). Submissions for road works should be fully coordinated with your Public Domain Plan submission – refer to Sections 4.1 and 4.2 of this manual.

### Fees

No fees apply for the submission or approval of a Public Domain Plan, including road works.

## 4.6 Lighting

Requirements for lighting design and submissions are outlined in the detail in the City's [Sydney Lights Design Code](#) and [Sydney Streets Technical Specification](#).

When a Public Domain Plan is required to be submitted for a development, the lighting submission must be fully coordinated with the Public Domain Plan.

### Fees

No fees currently apply for the submission or approval of a lighting proposal.

## 4.7 Planning Agreement works

Works may be proposed in the City's public domain as part of a [Planning Agreement](#).

**Submission requirements** for public domain works covered by a Planning Agreement are the same as the requirements for works that are covered under a Development Application. Refer to Sections 4 – 4.6 of this manual for detailed requirements.

### Fees

No fees currently apply for the submission or approval of plans relating to a planning agreement, except for any associated Levels and Gradients or Stormwater Connection submissions.

## 4.8 Works on the public way

Works may be proposed in the City's public domain that do not need to be associated with a development application or a Planning Agreement. These may include proposals under part 5a of the [Environmental Planning and Assessment Act](#) and section 138 of the [Roads Act 1993](#), known as [works on the public way applications](#).

**Submission requirements** for these types of applications are the same as the requirements for works that are covered under a Development Application or Planning Agreement. Refer to Sections 4 – 4.6 of this manual for detailed requirements.

### Fees

No fees currently apply for the submission or approval of plans relating to a planning agreement, except for any associated Levels and Gradients or Stormwater Connection submissions.

## 5. Security deposits (performance bonds)

A security deposit or performance bond may be required in relation to public domain works arising from a Development Application, a Planning Agreement or a Works on the Public Way approval under the Roads Act. Bonds may also be required even if you are not undertaking any public domain works, but will be working near the public domain and are likely to damage it.

Securities that may be requested in relation to the public domain include:

- a Public Domain Works Deposit or Planning Agreement deposit – to help ensure that approved works in the public domain are carried out in accordance with the approved plans and City requirements;
- a Public Domain Damage Deposit – to help ensure that existing public domain assets are adequately protected during building and public domain construction works;
- a security to cover temporary shoring of footpaths or roads or the installation of ground anchors.

Other deposits related to construction activity such as erecting hoardings may also be applied by other teams at the City.

### Calculating the security deposit

Public Domain Works Deposits, Public Domain Damage Deposits and securities for temporary shoring or ground anchors are calculated in accordance with the City's adopted schedule of [Fees and Charges](#).

Securities for works to be undertaken under a planning agreement are based on the agreed value of the works to be provided, as determined by a Quantity Surveyor's estimate.

## Lodging the security deposit

Security deposits must be lodged with the City before approval is issued for the related work, or before the work commences, as determined by the City and any relevant planning controls.

**Note that approvals for works will not be issued until all required items and issues have been satisfactorily addressed, and until any required fees or securities have been paid.**

The City's Public Domain team will advise you in writing of the required value of the bond; details to be included on documentary performance bonds (bank guarantees or accepted insurance bonds) and how and where to lodge the deposit.

Ideally bonds should be lodged as an unconditional (no expiry date) bank guarantee made out in favour of the City, although other forms of security (such as cash or insurance bonds) may be accepted in consultation with the City's Finance unit.

## Returning security deposits

Security deposits are refundable once the work to which they relate is complete to the City's satisfaction. Completion includes:

- a Certificate of Completion has been issued by the City's Public Domain team; and
- all works-as-executed (as-built) documentation, certifications and warranties related to the work have been submitted in full and have been accepted by the City.

Typically, once completion is reached, 90% of the value of the security is eligible for release. The remaining 10% of the security will be retained by the City until the conclusion of the specified defects liability and maintenance period, providing there are no outstanding issues at the end of that period.

Public Domain Damage Deposits can be returned in full once completion is reached, provided no rectification of damage has been required.

**If the obligations against which a deposit is held are not met, the City has the ability to make a claim on the security and use it to undertake any necessary outstanding works, including rectification of defects. Any funds left over after such work are eligible for refund.**

## 6. Construction, hold points and appointing the City as PCA

### Opening the public domain

Once you receive an approval letter from the City for works affecting the public domain, you will also need to obtain a separate [Road Opening Permit](#) from the City's Construction and Regulation team before the work can commence. The Road Opening Permit may include requirements for fees to be paid and conditions may be imposed on the construction process.

## Hold point inspections

Public domain works must be constructed in accordance with the approved plans, specifications, City standards and relevant policies. Any minor variations to the approved documentation that may be required due to unforeseen site conditions must be raised with, and be approved by the City's Public Domain team before the variations are constructed.

Your letter of approval for public domain works will list the required hold point inspections that you must coordinate with the City's Public Domain team. City staff may also undertake random, unscheduled inspections to monitor work progress and compliance with the approved plans and specifications.

## Critical stage hold point inspections – appointing the City as PCA

When the City is appointed Principal Certifying Authority (PCA) for construction work, critical stage inspections will also be set, over and above any other hold points specified for other public domain works. The City's Public Domain team will advise you in writing of the inspections that will apply.

In accordance with Section 109E(1AA) of the [Environmental Planning and Assessment Act](#), the City must be appointed as the Principal Certifying Authority (PCA) for 'subdivision work' benefitting the City – that is, when a proposal includes subdivision of land or a requirement to dedicate land to the City.

**Note: you may still appoint an accredited private certifier to issue the Construction Certificate for the work (even for land to be dedicated to the City), but you must appoint Council as PCA for the construction component when land is to be dedicated.**

To appoint the City as PCA for your subdivision (dedication works), you must submit a [Notice of Commencement of Building or Subdivision Work and Appointment of Council as Principal Certifying Authority](#) form. The application must be made no less than 48 hours before the subdivision (dedication) works are proposed to commence, but it is recommended that you notify the City as soon as you know subdivision works will apply.

**If the Construction Certificate for the work has been issued by a private certifier, a copy of the Construction Certificate or complying development certificate should be provided to the City, together with copies of the approved plans and specifications.**

The person making the application must be the person having benefit of the development consent or complying development certificate, or the contractor carrying out the work if the contractor is the owner of the site.

## Missed inspections

**A minimum of 48 hours' notice (or as otherwise specified in your approval) must be given to City staff before the date of all intended hold point and critical stage inspections.**

**Work must not progress beyond a set hold point until written approval is given by City officers. Failure to give adequate notice of a required hold point may result in staff rejecting the work and requiring it to be reconstructed.**

**Additional requirements apply to missed inspections when the City is the PCA. These are outlined in Section 162C of the [Environmental Planning and Assessment Regulation](#).**

## Fees and charges

Inspection fees will apply when the City is appointed as PCA. The applicable fees are outlined in the City's adopted schedule of [Fees and Charges](#) and you will also be advised of the required fees in writing.

## 7. Defects, works completion and handover

### Defects

Once the public domain works have been constructed, City officers will undertake an inspection to identify any defects that need to be rectified.

Defects may include incorrect location of elements, unsatisfactory construction techniques or finishes, or any other non-compliances with the approved plans and specifications. All items will be confirmed by the City in writing and must be rectified as soon as possible.

Any bonds related to the work will be held until the identified issues have been addressed in accordance with the approved plans, specifications and to the City's satisfaction.

### Completion and works-as-executed (as-built) documentation

Once the public domain works have been constructed, including the rectification of any identified defects, City officers will undertake a final inspection to determine completion. A Certificate of Completion will only be issued by the City **once the works are considered satisfactory and all required works-as-executed documentation has been submitted to, and been accepted by the City.**

Requirements for works-as-executed documentation will be outlined on your approval letter for all works in the public domain (including those arising from a Development Application, Planning Agreement or Works on the Public Way application), but will typically include:

- a set of survey plans prepared and certified by a registered surveyor that clearly show the works as constructed, and clearly note all variations from the approved plans;
- certifications for all work stating that the works have been constructed in accordance with the approved plans, specifications and City standards. Certification must be prepared by a suitably qualified professional with qualifications relevant to the work being certified and **who observed the work being constructed at each critical stage;**
- maintenance manuals and warranties for all works as applicable;
- any other requirements outlined in the Sydney Streets Technical Specification -e.g. Lighting Electrical Compliance certificates, etc. (ask City staff for a copy).

Plans should be provided in hard copy and electronic format – based on Australian Height Datum (AHD) and Map Grid of Australia (MGA) orientation, Zone 56.