

# CENTRAL SYDNEY PLANNING COMMITTEE

Meeting No 390  
Thursday 6 December 2012  
Notice Date 30 November 2012

*minutes*

*city of villages*

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**PRESENT**

The Right Hon The Lord Mayor Councillor Clover Moore (Chair)

Members - Mr Michael Harrison (Alternate Member to The Hon. Robert Webster),  
The Hon. Craig Knowles, Councillor Robert Kok, Councillor John Mant,  
Mr Richard Pearson, Mr Peter Poulet

At the commencement of business at 4.38pm, those present were -

The Lord Mayor, Mr Harrison, Mr Knowles, Councillor Kok, Councillor Mant, Mr Pearson,  
Mr Poulet.

The Director City Planning, Development and Transport and Director Legal and  
Governance were also present.

Mr Harrison left the meeting of the Central Sydney Planning Committee at 4.45pm prior  
to discussion on Item 7 and returned at 4.53pm at the conclusion of discussion on that  
item. Mr Harrison was not present at, or in sight of, the meeting of the Central Sydney  
Planning Committee at any time during discussion or voting on this item.

Mr Knowles left the meeting of the Central Sydney Planning Committee at 4.53pm prior  
to discussion on Item 8 and returned at 4.59pm at the conclusion of discussion on that  
item. Mr Knowles was not present at, or in sight of, the meeting of the Central Sydney  
Planning Committee at any time during discussion or voting on this item.

**Apologies**

Mr Webster extended his apologies for his inability to attend the meeting of the Central  
Sydney Planning Committee.

Moved by the Chair (the Lord Mayor), seconded by Councillor Kok -

That the apology from Mr Webster be received and leave of absence from the meeting  
be granted.

Carried unanimously.

**ITEM 1 DISCLOSURES OF INTEREST****(a) Section 451 of the Local Government Act 1993**

Mr Knowles disclosed a conflict of interests in relation to Item 8 on the agenda in that he  
is a member of the Board of a company which is proposing to do work associated with  
the property which is the subject of the report. Mr Knowles said that he would not be  
present at the meeting of the Central Sydney Planning Committee during discussion on  
that item.

Mr Harrison declared a conflict of interests in relation to Item 7 on the agenda in that he  
is a director of the architectural firm who are engaged as architects for that project. Mr  
Harrison said that he would not be present at the meeting of the Central Sydney  
Planning Committee during discussion on that item.

No other Members disclosed any pecuniary or non-pecuniary interests in any matter on  
the agenda for this meeting of the Central Sydney Planning Committee.

**(b) Local Government and Planning Legislation Amendment (Political Donations) Act 2008**

No disclosures were made by any members of the public at this meeting of the Central Sydney Planning Committee.

**ITEM 2 CONFIRMATION OF MINUTES (S092508)**

Moved by Mr Knowles, seconded by Councillor Kok -

That the minutes of the meeting of the Central Sydney Planning Committee of 8 November 2012, as circulated to Members, be confirmed.

Carried unanimously.

**ITEM 3 MATTERS ARISING FROM THE MINUTES (S092508)**

There were no matters arising from the minutes of the meeting of the Central Sydney Planning Committee of 8 November 2012.

**ITEM 4 ELECTION OF DEPUTY CHAIRPERSON (S092508)**

Moved by Mr Knowles, seconded by Councillor Kok -

It is resolved that:

- (A) the Central Sydney Planning Committee elect a member to be Deputy Chairperson;
- (B) the method of voting for the election be open, exhaustive voting; and
- (C) if necessary, the duration of the Deputy Chairperson's term of office be determined by resolution.

An election for the position of Deputy Chairperson was then conducted. Councillor John Mant was nominated by Mr Knowles. The nomination was seconded by Councillor Kok. The nomination was accepted by Councillor Mant.

Councillor Mant was declared elected to the position of Deputy Chairperson of the Central Sydney Planning Committee for the duration of Councillor Mant's term of office as a member, namely to 30 September 2013.

Carried unanimously.

**ITEM 5 DEVELOPMENT APPLICATION: 188-194A AND 196-208 GEORGE STREET 4 DALLEY STREET AND 1 UNDERWOOD STREET SYDNEY (D/2012/893)**

Note - A letter from Ms Jane Lampe, Senior Consultant, Urbis Pty Ltd, dated 6 December 2012, was circulated to members prior to the meeting of the Central Sydney Planning Committee.

The following persons addressed the meeting of the Central Sydney Planning Committee:

- Ms Sancha Cromie, GE Real Estate Investments Australia Pty Ltd
- Mr Simon Healy, Mirvac

Moved by the Chair (the Lord Mayor), seconded by Mr Knowles -

It is resolved that:

- (A) the requirement of Section 51N of the City of Sydney Act 1988 to consult with the Central Sydney Traffic and Transport Committee not apply in this instance as the proposal does not require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD as the comments of the Roads and Maritime Services were sought under the provisions of State Environmental Planning Policy (Infrastructure) 2007;
- (B) pursuant to the provisions of Clause 23(4)(e) of Sydney Local Environmental Plan 2005 that the consent authority waive the requirement to prepare a development plan for the subject site as it is considered to be unreasonable and unnecessary in this instance based upon the detailed site analysis undertaken as part of the urban design study, design excellence competition and preparation of the site specific APDG LEP/DCP;
- (C) the Central Sydney Planning Committee supports the State Environmental Planning Policy No. 1 objection to Clause 52A(3)(b) of SLEP 2005;
- (D) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent is granted to D/2012/893 subject to the following:
  - (1) That the previous development consent granted under D/2008/596 shall be surrendered in accordance with the provisions of the Environmental Planning and Assessment Act 1979;
  - (2) The Voluntary Planning Agreement (Reference S:3145908\_5 RCM) placed on public exhibition on 14 November 2012 shall be executed and lodged for registration with the Office of Land and Property Information;
  - (3) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement; and
  - (4) The Voluntary Planning Agreement, as executed, must be lodged for registration with the Office of Land and Property Information prior to any works commencing on site and registered on the title of all land prior to any above ground works commencing;

- (E) evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council by 6 December 2013;
- (F) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions as indicated above, have been satisfied; and
- (G) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

## SCHEDULE 1A

### Approved Development/Design Modifications/Covenants and Contributions/Use and Operation

**Note:** Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

#### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2012/893 dated 13 June 2012 and the Amended Development Application Statement of Environmental Effects prepared by JBA Planning dated October 2012 and the following drawings:

#### Demolition Drawings

Drawing Number	Architect	Date
DA0103	FJMT	11.10.12
DA0104	FJMT	11.10.12
DA0105	FJMT	11.10.12
DA0106	FJMT	11.10.12
DA0107	FJMT	11.10.12
DA0108	FJMT	11.10.12
DA0109	FJMT	11.10.12
DA0110	FJMT	11.10.12
DA0111	FJMT	11.10.12
DA0112	FJMT	11.10.12

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA0113	FJMT	11.10.12
DA0114	FJMT	11.10.12

General Arrangement Plans

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA1009	FJMT	11.10.2012
DA1010	FJMT	11.10.2012
DA1011	FJMT	11.10.2012
DA1012	FJMT	11.10.2012
DA1013	FJMT	11.10.2012
DA1014	FJMT	11.10.2012
DA1015	FJMT	11.10.2012
DA1101	FJMT	11.10.2012
DA1102	FJMT	11.10.2012

Sections

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA1211	FJMT	11.10.2012
DA1212	FJMT	11.10.2012

Facade Option A

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA1103	FJMT	11.10.2012
DA1104	FJMT	11.10.2012
DA1107	FJMT	11.10.2012

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA1108	FJMT	11.10.12
DA1111	FJMT	11.10.12
DA1112	FJMT	11.10.12
DA1113	FJMT	11.10.12
DA1114	FJMT	11.10.12
DA1115	FJMT	11.10.12
DA1116	FJMT	11.10.12
DA1117	FJMT	11.10.12
DA1118	FJMT	11.10.12
DA1125	FJMT	11.10.12
DA1126	FJMT	11.10.12
DA1127	FJMT	11.10.12
DA1128	FJMT	11.10.12
DA1135	FJMT	11.10.12
DA1136	FJMT	11.10.12
DA1137	FJMT	11.10.12
DA1138	FJMT	11.10.12
DA1201	FJMT	11.10.12
DA1202	FJMT	11.10.12

Facade Option B

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA1303	FJMT	11.10.12
DA1304	FJMT	11.10.12
DA1307	FJMT	11.10.12



<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA1308	FJMT	11.10.12
DA1311	FJMT	11.10.12
DA1312	FJMT	11.10.12
DA1313	FJMT	11.10.12
DA1314	FJMT	11.10.12
DA1315	FJMT	11.10.12
DA1316	FJMT	11.10.12
DA1317	FJMT	11.10.12
DA1318	FJMT	11.10.12
DA1325	FJMT	11.10.12
DA1326	FJMT	11.10.12
DA1327	FJMT	11.10.12
DA1328	FJMT	11.10.12
DA1335	FJMT	11.10.12
DA1336	FJMT	11.10.12
DA1337	FJMT	11.10.12
DA1338	FJMT	11.10.12
DA1221	FJMT	11.10.12
DA1222	FJMT	11.10.12

and as amended by the conditions of this consent:

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

**(2) STAGED CONSTRUCTION**

- (a) The development may be carried out in stages with the relevant conditions being satisfied prior to the issue of a Construction Certificate for each stage as follows:

<b>STAGE</b>	<b>DESCRIPTION</b>	<b>SPECIFIC CONDITIONS</b>
1a	Demolition (George Street and Dalley Street buildings)	48, 50, 51, 52, 56, 64, 66, 83, 88, 97 and 109
1b	Archaeological Excavation and Investigation (George Street and Dalley Street buildings)	
1c	Decommissioning and Demolition of Substations (George Street and Dalley Street buildings)	
2	Excavation and Footings (George Street building)	10, 11, 17, 49, 55, 63, 70, 71, 76, 104
3	Installation and construction of in-ground services and infrastructure (George Street building)	67, 87
4	Construction of Structure from Basement to Ground Floor (George Street building)	24, 26, 33, 68, 74, 85, 86, 94
5	Construction of Structure above Ground Floor (George Street building)	7, 8, 9, 47, 89
6	Services/Finishes/Façade to Ground Floor (George Street building)	75
7	Services/Finishes/Façade above Ground Floor (George Street building)	
8	4 Dalley Street (Dalley Street building)	78, 80
9	Public domain and landscaping works (George Street and Dalley Street buildings)	90, 91

- (b) In addition to those conditions identified in the above table, other conditions may be required to be satisfied prior to the issue of a construction certificate at each stage of construction.
- (c) Any reference to 'A Construction Certificate' or 'An Occupation Certificate' relates to the first Construction Certificate and/or Occupation Certificate unless a Stage is nominated elsewhere in that particular condition. In all other cases, conditions are to be satisfied as specifically stated at Stages 1a to 9.

**(3) DESIGN DETAILS (MAJOR DEVELOPMENT)**

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by FJMT and dated 11 October 2012.

**(4) EXTERNAL TREATMENT TO 4 DALLEY STREET**

The external design treatment to 4 Dalley Street shown on drawing numbers DA1211, 1202, 1222 is not approved. An alternative design treatment for the 4 Dalley Street building that shall remain shall be submitted to the Director City Planning, Development and Transport for approval within five months of the date of the consent becoming operative.

**(5) FACADE OPTIONS**

The building may be finished either in accordance with the details shown for facade Option A or the details shown for facade Option B but not a combination of both.

**(6) RESTRICTION ON FUTURE DEVELOPMENT OF 4 DALLEY STREET**

Prior to the issue of an Occupation Certificate, the owner must enter into a deed with Council and register any required covenants on the title of the land to limit any future development of the building at 4 Dalley Street to that proposed in this application.

**(7) AWNING**

The proposed awning to the George Street and Crane Place facades shall be set back such that it projects no more than 3.66m from the building overhang. Details illustrating compliance with this condition shall be submitted to the satisfaction of the Director City Planning, Development and Transport prior to the issue of the Stage 5 Construction Certificate.

**(8) UNDERWOOD STREET VEHICLE CROSSOVER**

The design and levels of the Underwood Street vehicle crossovers shall be such that the vehicles have to drive 'up and over' a continuous pedestrian footway that connects with the enlarged Crane Place. Details shall be submitted with the Public Domain Plan (refer condition 85) for Council's approval prior to the issue of a Construction Certificate for Stage 5.

**(9) REFLECTIVITY**

The recommendations of the Facade Reflectivity Statement, prepared by Surface Design dated 11 October 2012 shall be incorporated into the development to reduce glare/reflectivity to Essex Street. Details illustrating compliance with this condition shall be submitted to the satisfaction of Council's Director of City Planning, Development and Transport prior to the issue of a Construction Certificate for Stage 5.

**(10) DESIGN QUALITY EXCELLENCE**

**(11) FLOOR SPACE RATIO - CENTRAL SYDNEY**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 13.75:1 calculated in accordance with the Sydney Local Environmental Plan 2005. For the purpose of the calculation of FSR, the Floor Space Area of the approved development is 43,270sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2005 applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.
- (c) Prior to a Construction Certificate for Stage 2 being issued, Council's written verification must be obtained, confirming that 11,014.5sqm of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of 8:1 as specified in the Sydney Local Environmental Plan 2005.

**(12) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 158.2 (AHD) to the uppermost part of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

**(13) APPROVED DESIGN ROOF - TOP PLANT****(14) RETAIL UNITS – SEPARATE DA REQUIRED**

Separate development applications for the fit-out and use of the proposed retail tenancies must be submitted to and approved by Council prior to those uses commencing.

**(15) SIGNAGE**

The signage zones shown on the submitted plans are not approved. A separate development application is to be submitted seeking approval of a signage strategy for the building. The signage strategy development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

**(16) RESTRICTION ON USE OF CAR SPACES - COMMERCIAL WITH NO STRATA SUBDIVISION****(17) SECTION 61 CONTRIBUTIONS PAYABLE - REGISTERED QUANTITY SURVEYOR'S DETAILED COST REPORT - SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

**(18) RIGHT OF PUBLIC ACCESS**

- (a) Prior to the issue of an Occupation Certificate for the development, a documentary Right of Public Access is to be created and registered on the Title of the site. The Easement is to be defined over strips of land, shown on the plans accompanying the application and Voluntary Planning Agreement (Reference S:3145908 5 RCM) as "Through Site Link", "Crane Place", the north-south pedestrian area linking Crane Place to Underwood Street as well as including any other areas required for public access, and is to be created appurtenant to Council in terms granting unrestricted rights for public pedestrian access, without vehicles, exclusive of wheelchairs for the disabled, to Council's satisfaction,
- (b) Prior to the issue of an Occupation Certificate for the development, a documentary Positive Covenant is to be created and registered on the Title of the site, appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Right of Public Access, and is to require the maintenance of a \$20,000,000 public indemnity insurance policy and is to require the maintenance, upkeep, repair and lighting of the Right of Public Access in accordance with Council's requirements and to the satisfaction of Council.

**(19) RIGHT OF ACCESS**

- (a) During demolition and construction, access to the adjoining property 210-214 George Street (Lot 21 in DP 1063401) shall be maintained at all times, in accordance with the terms of the Easement for Access.
- (b) Prior to the issue of an Occupation Certificate for the development the Right of Access over part of the land known as Lot 20 in DP 1063401, in favour of land at 210-214 George Street (Lot 21 in DP 1063401), is to be relocated in accordance with the terms of the Easement contained in the Section 88B Instrument for DP 1063401.
- (c) Prior to commencement of demolition of any structures and/or commencement of any works affecting it, the applicant must submit a swept path analysis showing the largest vehicle entering and exiting the Right of Access in favour of land at 210-214 George Street (Lot 21 in DP 106340). The swept path must include information showing how many public parking spaces on Underwood Street will be affected by the vehicles movements.
- (d) The removal of any parking spaces will require a referral to the Local Pedestrian, Cycling and Traffic Calming Committee prior to the parking restriction being changed. Any parking changes must be completed prior to any works affecting the right of way commencing.

**(20) EASEMENT FOR LIGHT AND AIR**

The location and construction of the proposed building shall not affect the rights of the owners of Lot 21 in DP 1063401 over that part of Lot 20 in DP 1063401 with regards to the Easement for Light and Air, which was created by the registration of DP 1063401.

**(21) EASEMENT FOR ELECTRICITY PURPOSES**

The location and construction of the proposed building shall not affect the rights of Energy Australia (or their successors) over that part of Lot 20 in DP 1063401 with regards to the Easement for Electricity Purposes 3.66 wide and variable width, which is contained in Dealing N594271.

**(22) ROADS AND MARITIME SERVICES CONDITIONS**

- (a) The proposed planting of new trees on George Street should not obstruct driver sight lines to traffic signals at the existing signalised intersection of Essex Street and George Street.
- (b) The layout of the proposed car parking areas, loading docks and access driveway associated with the subject development (including, driveways, grades, lifts, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2-2002 for heavy vehicle usage.
- (c) All vehicles are to enter and leave the subject site in a forward direction.
- (d) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
- (e) The developer shall be responsible for all public utility adjustments/relocation works necessitated by the above work and as required by the various public utility authorities and/or their agents.
- (f) All works / regulatory signposting associated with the proposed development shall be at no cost to the RMS.

**(23) ASSOCIATED ROADWAY COSTS****(24) BICYCLE FACILITIES**

A bicycle facilities room must be provided close to staff / employee bicycle parking and include showers with change area and personal lockers. Details shall be submitted for the approval of the Director City Planning, Development and Transport prior to the issue of the Stage 4 Construction Certificate.

**(25) BICYCLE PARKING****(26) CAR PARKING SPACES AND DIMENSIONS****(27) COST OF SIGNPOSTING****(28) LOADING WITHIN SITE****(29) LOADING/PARKING KEPT CLEAR****(30) LOCATION OF ACCESSIBLE CAR PARKING SPACES****(31) SECURITY GATES**

**(32) SERVICE VEHICLE SIZE LIMIT****(33) SERVICE VEHICLES**

Courier spaces and the vehicle service area must be located close to the service entrance and away from other parking areas, as detailed below:

- (a) A minimum of five courier space(s) with minimum dimensions 2.6m x 5.4m and a minimum head clearance of 2.5 metres.
- (b) A minimum of four Small Rigid Vehicle loading dock(s).
- (c) A minimum of two Medium Rigid Vehicle loading dock(s).

Adequate space must be provided to allow manoeuvring and turning of the different sized vehicles. The design, layout, signage, line marking, lighting and physical controls for all service vehicles must comply with the minimum requirements of Australian Standard AS 2890.2 – 2002 Off-Street Parking Part 2: Commercial vehicle facilities. Details must be submitted to and approved by the Certifying Authority prior to the Stage 4 Construction Certificate being issued.

**(34) SIGNS AT EGRESS****(35) TRAFFIC WORKS****(36) VEHICLE FOOTWAY CROSSING****(37) VEHICLES ACCESS****(38) EXTERNAL LIGHTING****(39) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN****(40) COMPLIANCE WITH RECOMMENDATIONS IN ACOUSTIC REPORT**

- (a) All works conducted on site which form part of this development must be carried out in accordance with the recommendations within section 6.1 of the acoustic report submitted by Renzo Tonin, Dated 28 May 2012 reference TF697-01F04 (REV 2) CONSTRUCTION DA.
- (b) Where all such noise control measures have been implemented and the resultant noise levels at any noise sensitive receiver are still in exceedance with the Council's noise criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite from the noise causing the complaints. Such periods should where possible be set and agreed with the Council and be given at times of high noise levels, or are likely, to cause most offence.
- (c) The applicant must provide a contact telephone number to the Managers of the City Rangers and the Health Compliance Unit for the Site Manager or other suitable person who will be readily contactable onsite at all times whilst any works are carried out and whom may be

contacted should any complaints concerning offensive noise and vibration be received.

- (d) The applicant must also ensure that before any works are commenced, an appropriate level of community consultation has been carried out with surrounding noise sensitive receivers. This should include the submission of a suitable and readily contactable site contact should any complaints or other issues arise when any works are carried out within the extended hours. Complaint logs shall be kept outlining the details of any complaint received together with the investigative and corrective actions taken in response to that complaint. The logs must be made available to the City on request.

**(41) COMPLAINTS - NOISE**

**(42) NOISE USE**

**(43) NOISE CONTROL VERIFICATION**

**(44) WASTE AND RECYCLING COLLECTION**

**SCHEDULE 1B**

**Prior to the relevant Construction Certificate/Commencement of Work/Health and Building**

**Note:** Prior to the issue of the relevant Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

**(45) ARCHAEOLOGICAL INVESTIGATION**

**(46) COMMEMORATIVE PLAQUE**

**(47) HERITAGE INTERPRETATION STRATEGY**

- (a) An interpretation strategy for the site must be submitted to and approved by Council prior to a Stage 5 Construction Certificate being issued.
- (b) The interpretation strategy must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- (c) Prior to an occupation certificate being issued the approved interpretation strategy must be implemented to the satisfaction of Council.



**(48) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)**

Prior to a Stage 1a Construction Certificate being issued, an archival photographic recording of the 188-194A and 196-208 George Street buildings is to be prepared to Council's satisfaction. The recording may be in either digital or film-based form, or a combination of both, prepared in accordance with the NSW Heritage Office 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.

The form of the recording is to be as follows:

- (a) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
- (b) The Development Application number must be noted on the front of the folder and in the report.
- (c) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (d) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
- (e) 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.

A digital based recording is to include:

- (f) CD or DVD containing the report in PDF format and the electronic images saved as JPEG, TIFF or PDF files and cross referenced to the digital catalogue sheets and base plans.

A film based recording is to include:

- (g) 35mm film images submitted as contact sheets with equivalent negatives, a selection of black and white prints 200 x 250mm, and 35mm colour transparencies, all labelled and cross-referenced to the catalogue sheets and base plans.

**(49) SANDSTONE RECYCLING (FOR LARGE SCALE DEVELOPMENTS INVOLVING EXCAVATION TO A DEPTH OF AT LEAST ONE BASEMENT LEVEL)****(50) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE****(51) CONSTRUCTION TRAFFIC MANAGEMENT PLAN****(52) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL****(53) EROSION AND SEDIMENT CONTROL - MORE THAN 2,500SQM**

**(54) DEWATERING****(55) ACID SULFATE SOILS****(56) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE****(57) ASBESTOS REMOVAL WORKS**

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, Workcover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the Workcover document entitled Working with Asbestos Guide, 2008 and the City of Sydney Asbestos Policy.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.
- (e) Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Part 6 of the City of Sydney's Asbestos Policy.
- (f) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (g) No asbestos laden skips or bins are to be left in any public place without the approval of Council.
- (h) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

- (58) ASBESTOS REMOVAL**
- (59) CLASSIFICATION OF WASTE**
- (60) REMEDIATION**
- (61) CONTAMINATION**
- (62) WATER POLLUTION**
- (63) SYDNEY WATER CERTIFICATE (QUICK CHECK)**
- (64) UTILITY SERVICES**
- (65) ACOUSTIC VERIFICATION – MECHANICAL PLANT**

A further Acoustic Assessment must be submitted to Council for approval prior to the issue of an Occupation Certificate. This assessment must outline the extent of the mechanical services provided within the development and confirming that resultant maximum individual and combined operational noise levels from their use complies with the City of Sydney “Noise Use - General” condition which forms part of the consent.

Should the report indicate that resultant noise levels are, or are likely to be, in exceedance of the criteria then further acoustic controls must be implemented as recommended the acoustic consultant to ensure ultimate compliance.

**(66) DEMOLITION/SITE RECTIFICATION (if cost is over \$50m)**

The following conditions apply to the development:

- (a) Prior to the Stage 1a Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (b) Without limiting the generality of paragraph (b), the Deed must provide for:
  - (i) A bank guarantee to be provided in the sum of \$1,573,500 as security for the costs of such works provided that:
    - a. the maximum liability under the Deed must not exceed \$1,573,500; and
    - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
  - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:

- a. demolition of the existing building has commenced but not been completed;
  - b. the existing building has been demolished; or
  - c. the site has been excavated; or
  - d. the erection of the structure has commenced;
- (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
- a. make the building safe and of an appearance acceptable to Council at ground level;
  - b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
  - c. for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or
  - d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenable stage;

AND to call on such bank guarantee to cover the cost thereof.

- (c) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:
- (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (iii) to take place on the site; and
  - (ii) in the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.
- (d) The Deed may, if the Director City Planning, Development and Transport is satisfied, provide for an adjustment of the guarantee amount during the course of construction to reflect that, as the development progresses, the likelihood and nature of the appropriate site rectification works may change. The stages of reduction will be:
- (i) Stage 1 – Completion of the site excavation and all construction works necessary to complete all parts of the Development to street level, including sealing of the slab at that level.

- (ii) Stage 2 – Completion of all construction works necessary to complete the structure of the Development to the roof level.
- (iii) Stage 3 – Issue of the Final Occupation Certificate.
- (e) If a claim for an adjustment is made, the Deed must also provide that any such claim is to be supported by the following:
  - (i) Certification (from an accredited certifier) that the relevant stage is complete;
  - (ii) Detailed schedule of completed works carried out in the relevant stage;
- (f) Quantity Surveyors costing of the likely site rectification works required at each remaining stage.

**(67) ELECTRICITY SUBSTATION**

**(68) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**

**(69) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA**

**(70) PHYSICAL MODELS**

**(71) SUBMISSION OF ELECTRONIC MODELS PRIOR TO CONSTRUCTION CERTIFICATE AND PRIOR TO OCCUPATION CERTIFICATE**

**(72) BARRICADE PERMIT**

**(73) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**

**(74) ALIGNMENT LEVELS**

**(75) PUBLIC ART**

- (a) A public art strategy showing the location of high quality art work in accordance with the Central Sydney DCP 1996 and the Public Art Policy must be submitted to and approved by Council prior to the Stage 6 Construction Certificate being issued.
- (b) Installation of the art work detailed in the approved strategy must be completed to Council's satisfaction prior to the issue of an Occupation Certificate.

**(76) CERTIFICATION OF GEOTECHNICAL INSPECTION**

Prior to the issuing of the Stage 2 Construction Certificate for the excavation and footing stage, a Geotechnical inspection report/certificate confirming that the development site is suitable for the proposed development must be provided to Council (if Council is the certifying authority). The certificate must be in accordance with Clause A2.2(a)(iii) of the Building Code of Australia and be prepared by an appropriately qualified person.

**(77) STRUCTURAL CERTIFICATION FOR DESIGN - BCA (ALL BUILDING CLASSES)**

Prior to the issue of a Construction Certificate for each relevant stage, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to class 2-9 building) and Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the satisfaction of Council (where Council is the Certifying Authority).

**(78) VERIFICATION OF SUPPORT FOR NEW LOADS**

For alterations and additions to the building at 4 Dalley Street, a certificate from a qualified practicing structural engineer (National Engineering Registration Board) must be submitted to the Certifying Authority prior to the Stage 8 Construction Certificate being issued. The certificate must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia.

**(79) BCA - NEW BUILDINGS WORKS - CLASS 2-9 BUILDINGS**

**(80) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF BUILDING IS REQUIRED - BCA REPORT HAS BEEN PROVIDED AND BCA VARIATIONS ARE SOUGHT (CC REQUIRED)**

(a) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the building at 4 Dalley Street must comply with the Building Code of Australia (BCA) including:

- (i) Fire resistance and stability - Part C1;
- (ii) Compartmentation and separation - Part C2;
- (iii) Protection of openings - Part C3;
- (iv) Provision for escape (access and egress) - Part D1;
- (v) Construction of exits - Part D2;
- (vi) Access for people with disabilities - Part D3;

Note: Compliance with the access provisions of Part D3 may necessitate design modifications prior to the Stage 8 construction certificate being issued.

- (vii) Fire fighting equipment - Part E1;
- (viii) Smoke hazard management - Part E2;
- (ix) Emergency lighting, exit signs and warning systems - Part E4;

Prior to the Stage 8 construction certificate being issued the certifying authority must ensure that the proposed works and other upgrading

works required by this condition satisfy the Building Code of Australia by complying with Clause A0.4 of the BCA.

**(81) FIRE SAFETY CERTIFICATE TO BE SUBMITTED**

**(82) ANNUAL FIRE SAFETY STATEMENT FORM**

**(83) FOOTPATH DAMAGE BANK GUARANTEE**

A Footpath Damage Bank Guarantee calculated on the basis of 237 lineal metres of the site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to issue of the Stage 1a Construction Certificate.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

**(84) PAVING MATERIALS**

**(85) PUBLIC DOMAIN PLAN**

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 the Stage 4 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.

**(86) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER**

**(87) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT**

**(88) PRESERVATION OF SURVEY MARKS**

**(89) LANDSCAPED (GREEN) ROOFS ON LEVELS 7 AND 11 OF THE GEORGE STREET TOWER**

- (a) A detailed plan of the green roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council prior to the issue of the Stage 5 Construction Certificate. The plan must include:
- (i) A Design Statement that includes details of proposed use of the green roof, general accessibility, a description of the environmental parameters it sets out to address, including noise and privacy treatment and performance specification.
  - (ii) Survey Plans showing existing and proposed services and engineering details of existing roofs proposed to be retrofitted.
  - (iii) Location of existing and proposed structures and hard landscaping on the rooftop, retaining walls, and roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
  - (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species and those specified for use by the City of Sydney.
  - (v) Details of installation methodology including structural reinforcement or retention structures for sloping roofs, including details of prevention of slippage.
  - (vi) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
  - (vii) Details of drainage and irrigation systems, including overflow provisions.
- (b) Prior to the issue of the Stage 5 Construction Certificate, a Maintenance Manual is to be submitted and approved by the Principal Certifying Authority. A copy of the Maintenance Manual is to be kept on site at all times during construction and shall be produced to Council on request. The Maintenance Manual shall include as a minimum:



- (i) Frequency and methodology of different maintenance requirements.
- (ii) Details of safety procedures.
- (iii) Laminated copies of 'As Built' drawings.
- (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification; and
- (v) Copies of warranties and guarantees relating to all materials and plant used in construction.

The owner of the premises shall at all times comply with the on going maintenance requirements of the Maintenance Manual and shall promptly upon request produce a copy of the Manual to Council.

- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.
- (d) Prior to the issue of the Stage 5 Construction Certificate, the certifying authority must assess and approve the proposed design of the waterproofing system against the relevant performance provisions of the Building Code of Australia as required by Clause A0.5 of the Code and ensure the following is satisfied:
  - (i) A report from a structural engineer confirming the adequacy of the structure to support the saturated weight-bearing capacity of the green roof; and
  - (ii) A report from a hydraulic engineer certifying the drainage overflow provisions and water retention cells in the drainage layer used to facilitate self-watering for the plants.

#### **(90) LANDSCAPING OF THE SITE**

#### **(91) STREET TREE PLANTING AND MAINTENANCE**

- (a) A Landscape Plan indicating the location of the replacement street trees to be planted in association with the development must be submitted to and approved by Council prior to the issue of the Stage 9 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.

## **(92) PROTECTION OF STONE KERBS**

- (a) The existing stone kerbs on the George Street, Dalley Street, Underwood Street and Crane Place frontages 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.

## **(93) STREET LIGHTING**

- (a) Details of existing public domain lighting elements to the frontage of the site, including wall mounted lighting, conduits, special small service, power supply and relevant electrical information, are to be fully documented by a suitably qualified electrical engineer or accredited service provider and must be submitted to Council prior to the commencement of demolition works.

- (b) The documentation must include the proposed methodology to remove and store the lighting elements during the demolition and construction phases of the development, to the agreement of Council. The submission must also include details of proposed alternative public domain lighting types, location and levels to be provided during the demolition and construction phases of the development, for Council approval.
- (c) The lighting submissions must be submitted to Council prior to the commencement of demolition works.

**(94) MECHANICAL VENTILATION**

**(95) CAR PARK VENTILATION**

**(96) LEGIONELLA CONTROL**

- (a) The Public Health Act 2010, Public Health Regulation 2012, and NSW Health Code of Practice for the Control of Legionnaires Disease include microbial control requirements for the installation, operation and maintenance of air handling, heated water systems and water cooling systems and must be complied with.
- (b) All cooling towers and cooling and warm water systems must be operated and maintained in accordance with AS 3666.2:2011, (or AS 3666.3:2011 subject to prior notification to Council), The Public Health Act 2010 and the Public Health Regulation 2012
- (c) Prior to commencement of the use the owner or occupier of the premises must apply to Council for the registration of water cooling systems and warm water systems installed on the premises in accordance with Clause 31 to the Public Health Regulation 2012.

**(97) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION**

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 178-186, 210-214 George Street and 33-35 Pitt Street are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Certifying Authority and the Council prior to the issue of the Stage 1a Construction Certificate.

**UPON COMPLETION OF EXCAVATION/DEMOLITION**

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifying Authority and the Council prior to the issue of an Occupation Certificate.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

## **SCHEDULE 1C**

### **During Construction/Prior to Occupation/Completion**

#### **(98) OCCUPATION CERTIFICATE TO BE SUBMITTED**

#### **(99) HOURS OF WORK AND NOISE – CBD**

#### **(100) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**

#### **(101) INTRUSIVE APPLIANCES - TIME RESTRICTION**

- (a) The operation of high noise intrusive plant and machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 "Guide to Noise Control on Construction, Maintenance and Demolition Sites is restricted to the hours of 9am to 12pm and 2pm to 5pm or other hours agreed in writing with Council.
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436- 2010 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

#### **(102) NOTIFICATION OF EXCAVATION WORKS**

#### **(103) SYDNEY WATER CERTIFICATE**

#### **(104) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION**

#### **(105) HAZARDOUS AND INDUSTRIAL WASTE**

#### **(106) VEHICLE CLEANSING**

#### **(107) WATER POLLUTION**

#### **(108) RAINWATER HARVESTING AND RAINWATER TANKS**

#### **(109) PROTECTION OF STREET TREES DURING CONSTRUCTION**

#### **(110) COVERING OF LOADS**

#### **(111) ACCESS DRIVEWAYS TO BE CONSTRUCTED**

**(112) LOADING AND UNLOADING DURING CONSTRUCTION**

**(113) USE OF MOBILE CRANES**

**(114) NO OBSTRUCTION OF PUBLIC WAY**

**(115) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

**(116) ENCROACHMENTS – PUBLIC WAY**

**(117) SURVEY**

**(118) SURVEY CERTIFICATE AT COMPLETION**

**(119) STREET NUMBERING – MAJOR DEVELOPMENT**

## **SCHEDULE 2**

**The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply to the development.**

Carried unanimously.

### **ITEM 6 DEVELOPMENT APPLICATION: 161-165 CLARENCE STREET AND 304 KENT STREET SYDNEY (D/2012/1425)**

Moved by Mr Knowles, seconded by Councillor Mant -

It is resolved that:

- (A) the requirement of Section 51N of the City of Sydney Act 1988 to consult with the Central Sydney Traffic and Transport Committee not apply in this instance as the proposal does not require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD, having regard to the following:
  - (i) The carrying out of works is not proposed or approved as part of this Stage 1 DA, which is conceptual in nature. Detailed matters in respect of on-site parking, driveway configuration and the like will be further addressed as part of the future Stage 2 Development Application;
  - (ii) The comments of both RailCorp and the Roads and Maritime Services were sought under the provisions of State Environmental Planning Policy (Infrastructure) 2007;
  - (iii) The three existing Kent Street driveway crossings will be consolidated into one driveway crossing. Subject to the future detailed design, this has a positive impact on traffic and transport in general, including the adjacent Kent Street separated cycleway;
- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted subject to the following:

- (1) The owners of the site of the approved development must enter into an Agreement with RailCorp to address the potential impacts of the approved development on the CBD Rail Link identified in State Environmental Planning Policy (Infrastructure) 2007. The Agreement must provide for the following:
  - (a) the design, construction and maintenance of the approved development so as to satisfy the requirements in condition (1) (a) to (h) below;
  - (b) allowances for the future construction of railway tunnels in the vicinity of the approved development;
  - (c) allowances in the design, construction and maintenance of the approved development for the future operation of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety;
  - (d) consultation with RailCorp;
  - (e) access by representatives of RailCorp to the site of the approved development and all structures on that site;
  - (f) provision to RailCorp of drawings, reports and other information related to the design, construction and maintenance of the approved development;
  - (g) preparation of a summary report that summarises and incorporates material and documents related to the Agreement;
  - (h) creation of a restrictive covenant on each of the titles which comprise the approved project so as to satisfy condition (1) (j) below;
  - (i) such other matters which RailCorp considers are appropriate to give effect to (a) to (h) above; and
  - (j) such other matters as the owners and RailCorp may agree.
- (C) evidence that those matters identified in deferred commencement conditions listed above must be submitted to Council within 24 months or 730 days or the consent will lapse;
- (D) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions as indicated in Clause (B) above, have been satisfied; and
- (E) upon Council giving written notification to the Applicant that the deferred commencement conditions in clause (B) above have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

**SCHEDULE 1****(1) APPROVED DEVELOPMENT**

- (a) Stage 1 development consent is granted only for a building envelope and general arrangement of uses within the development, being basement car parking, mixed use podium blocks containing retail, commercial, serviced apartments and residential apartments, a residential tower, a publicly accessible pedestrian space (centrally located between the podium blocks), east-west through site link and connection to Skittle Lane, in accordance with Development Application No. D/2012/1425 dated 14 September 2012 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
A02_1001_DA to A02_1007_DA	Grimshaw Architects	10 September 2012
A05_1001_DA to A05_005_DA	Grimshaw Architects	10 September 2012
A06_1001_DA to A06_1002_DA	Grimshaw Architects	10 September 2012

and as amended by the conditions of this consent:

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

**(2) SURRENDER OF PREVIOUS CONSENT**

Prior to the lodgement of a Stage 2 Development Application, the previous development consent granted under D/2008/150 shall be surrendered, if not already lapsed, in accordance with the provisions of the Environmental Planning and Assessment Act 1979.

**(3) MATTERS NOT APPROVED**

The following items are not approved and do not form part of this Stage 1 development consent:

- (a) the request for a 10% uplift in floor space ratio and 'locking in' of a residential parking rate;
- (b) any demolition, construction, refurbishment and/or excavation; and
- (c) the layout and number of residential and serviced apartments, car parking spaces, and basement levels.

**(4) DESIGN EXCELLENCE AND COMPETITIVE DESIGN PROCESS**

- (a) A competitive design process in accordance with the provisions of Sydney Local Environmental Plan 2005 and Central Sydney Development Control Plan 1996 (as may be amended) shall be

conducted prior to the lodgement of a Stage 2 Development Application.

- (b) The detailed design of the development must exhibit design excellence.

**(5) BUILDING ENVELOPE**

Subject to the other conditions of this consent, the building envelope is only approved on the basis that the ultimate building design, including services, will be entirely within the approved envelopes and provide an appropriate relationship with neighbouring and approved buildings. Any projection beyond the building envelope must be fully justified through the competitive design and Stage 2 Development Application process.

**(6) CLARENCE STREET TOWER SETBACK**

Above the street frontage height, the building is to be setback at least 8m from Clarence Street so as not to protrude forward of the approved addition to 153-159 Clarence Street, Sydney (Red Cross House).

**(7) EXPOSED ELEVATIONS**

A visually interesting treatment is to be applied to the exposed side elevations along the northern and southern boundaries. In applying this treatment, care should be taken to ensure that there are no unreasonable impacts on the neighbouring properties. Details shall be submitted as part of the future Stage 2 Development Application.

**(8) PODIUM DESIGN**

For the podium, the competitive design process and Stage 2 DA should have regard to the following matters:

- (a) be a finely designed masonry building with the facade composition responding in a positive way to the adjacent heritage items and the predominant historic warehouse development of the area that is characterised by strong visual depth, a high degree of architectural modelling and articulation, a complex hierarchy of vertical and horizontal proportions and changes in architectural treatment with height and level;
- (b) high quality materials that provide a compatible response to surrounding development should be incorporated into the future design; and
- (c) glazing (at all levels of the building) should maintain a high level of clarity and be neutral in colour. While large richly detailed windows that 'frame' the occupants view out are considered to be more appropriate than balconies, where balconies are proposed, these should be recessed within the line of the facade through punctured openings.

**(9) BUILDING HEIGHT**

The maximum height of the building as defined in the Sydney Local Environmental Plan 2005 (as may be amended) must not exceed 80 metres.



**(10) FLOOR SPACE RATIO - CENTRAL SYDNEY**

- (a) The Floor Space Ratio of the proposal must not exceed the maximum permissible and calculated in accordance with the Sydney Local Environmental Plan 2005 (as may be amended). Precise details of the distribution of floor space shall be provided with the future Stage 2 development applications.
- (b) The floor space in excess of 8:1 shall be subject to a requirement to purchase heritage floor space (HFS) in accordance with the requirements of Clause 62 of the Sydney Local Environmental Plan 2005 (as may be amended).

**(11) WIND**

The Stage 2 DA shall be subject to wind tunnel testing to ascertain the impacts of the development on the wind environment and conditions within the publicly accessible pedestrian space (centrally located between the podium blocks), pedestrian laneways (including Skittle Lane), the surrounding streets and neighbouring buildings, and the podium apartment uses, which may rely upon natural cross ventilation from the central void.

**(12) OTHER RAILCORP CONDITIONS**

- (a) All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development which have a potential impact on the CBD Rail Link must be designed, constructed and maintained so as to:
  - (i) ensure that they not inhibit and prevent damage to, or other interference with the approved development which may occur in connection with the future design, construction and operation of the CBD Rail Link in any location, including the risk of any damage which may occur as a result of any rock stress re-distributions, associated load re-distributions, rock movements, other geological events and draw down of the water table;
  - (ii) allow for the future demolition of any part of the approved development without damaging or otherwise interfering with the CBD Rail Link and rail operations in any location. This does not apply where a part of the structure is to be retained because its demolition would damage or otherwise interfere with the CBD Rail Link and train operations, in which case, that part of the structure must have a minimum design life of 100 years;
  - (iii) ensure that liquids and gases cannot transfer into the CBD Rail Link;
  - (iv) avoid any damage or other interference which may occur as a result of stray electrical currents, electromagnetic effects and the like from railway operations; and
  - (v) avoid any damage or other interference which may occur as a result of noise and vibration from railway operations.

- (b) All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development which have a potential impact on the CBD Rail Link must be designed, constructed and maintained in accordance with design criteria specified by RailCorp.
- (c) The design and construction of the basement levels, foundations and ground anchors for the approved development are to be completed to the satisfaction of RailCorp.
- (d) No modifications may be made to that approved design without the consent of RailCorp.
- (e) RailCorp, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principle contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- (f) A detailed regime is to be prepared for consultation with, and approval by, RailCorp for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by RailCorp.
- (g) All requirements contained in the Agreement between RailCorp and the owners of the site must be satisfied during construction and, where appropriate, the operation of the approved development.
- (h) Prior to the issue of an Occupation Certificate a summary report as required in deferred commencement condition (1) (g) must be completed to the satisfaction of RailCorp.
- (i) Copies of any certificates, drawings or approvals given to or issued by RailCorp must be delivered to the City for its records.
- (j) Prior to the commencement of any excavation below existing ground level, a restrictive covenant is to be created upon each of the titles which comprise the approved development pursuant to Section 88E of the Conveyancing Act 1919, restricting any alterations or additions to any part of the approved development which are reasonably likely to adversely affect, or which otherwise are likely to interfere with the design, construction and operation of the proposed CBD Rail Link without the prior written consent of RailCorp.

### **(13) COMPLIANCE WITH ALL RELEVANT PLANNING PROVISIONS**

It is expected that the future Stage 2 DA will comply with all relevant State Environmental Planning Policies, Local Environmental Plan and Development Control Plan. In particular, it is noted that the future Stage 2 DA will require the concurrence of the rail authority and consultation with the Roads and Maritime Services under State Environmental Planning Policy (Infrastructure) 2007.

**(14) WASTE COLLECTION**

The future Stage 2 Development Application shall demonstrate compliance with Council's requirements for waste collection for residential development and Policy for Waste Minimisation in New Development 2005 (as may be amended).

**(15) ELECTRICITY SUBSTATION**

The owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Ausgrid with any future Stage 2 DA.

**(16) ACID SULFATE SOILS**

An Acid Sulfate Soils Management Plan for the development must be prepared by an appropriate qualified consultant and submitted with the Stage 2 Development Application. This plan shall be prepared in accordance with the Acid Sulfate Soils Manual.

**(17) PUBLIC DOMAIN PLAN**

A Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with the Stage 2 development application. The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual.

**(18) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT**

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

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 with the Stage 2 application.

The requirements of Sydney Water with regard to the onsite detention of stormwater must be ascertained and complied with.

**(19) THROUGH SITE LINK**

Details of the proposed through site link are to be submitted with the Stage 2 application. These details are to include:

- (a) view analysis from/to Clarence Street through the link from/to Kent Street and from and to King Street. A visual connection between Clarence Street and Kent Street is to be explored;
- (b) levels;
- (c) easements and future restrictions;
- (d) design of the space; and

- (e) lighting.

**(20) 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".

**(21) LOCATION OF DRIVEWAY**

The access driveway for the site must not be closer than:

- (a) 10 metres from the kerb line of the nearest cross street/lane;
- (b) 20 metres from the kerb line of the nearest signalised cross street/lane;
- (c) 1 metre from the property boundary of the site; and
- (d) 2 metres from any other driveway.

Details shall be submitted with the Stage 2 Development Application.

**(22) VEHICLE ACCESS**

The site must be configured to allow all vehicles to be driven onto and off the site in a forward direction. Details shall be submitted with the Stage 2 Development Application.

**SCHEDULE 2**

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply to the development.

Carried unanimously.

**ITEM 7 DEVELOPMENT APPLICATION: 137-151 CLARENCE STREET SYDNEY (D/2012/1453)**

The following person addressed the meeting of the Central Sydney Planning Committee:

- Mr Mark Tait, Investa Property Group

Moved by the Chair (the Lord Mayor), seconded by Councillor Kok -

It is resolved that consent be granted subject to the following conditions:

**SCHEDULE 1A****Approved Development/Design Modifications/Covenants and Contributions/Use and Operation**

**Note:** Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

**(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2012/1453 dated 20 September 2012 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA S1 01	Architectus	19/9/12
DA S1 02	Architectus	19/9/12
DA S1 03	Architectus	19/9/12
DA S1 04	Architectus	19/9/12
DA S1 05	Architectus	19/9/12
DA S1 06	Architectus	19/9/12
DA S1 07	Architectus	19/9/12
DA S1 08	Architectus	19/9/12
DA S1 09	Architectus	19/9/12
DA S1 10	Architectus	19/9/12
DA S1 11	Architectus	19/9/12
DA S1 12	Architectus	19/9/12
DA S1 13	Architectus	19/9/12
DA S1 14	Architectus	19/9/12

and as amended by the conditions of this consent:

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

**(2) MATTERS NOT APPROVED**

The following items are not approved and do not form part of this consent:

- (a) any demolition, construction, refurbishment and/or excavation; and
- (b) the layout, number of basement levels and number of car parking spaces.

**(3) BUILDING ENVELOPE**

The building envelope is only approved on the basis that the ultimate building design, including services, will be entirely within the approved envelopes and provide an appropriate relationship with neighbouring and approved buildings. Any projection beyond the building envelope must be fully justified through the competitive design and Stage 2 Development Application process.

**(4) DESIGN EXCELLENCE AND COMPETITIVE DESIGN PROCESS**

- (a) A competitive design process in accordance with the provisions of Sydney LEP 2005 and Central Sydney DCP 1996 shall be conducted prior to the lodgement of a Stage 2 Development Application.
- (b) The detailed design of the development must exhibit design excellence.

**(5) BUILDING HEIGHT**

The maximum height of the building as defined in the Sydney Local Environmental Plan 2005 (as may be amended) must not exceed 80 metres.

**(6) FLOOR SPACE RATIO - CENTRAL SYDNEY**

- (a) The Floor Space Ratio of the proposal must not exceed the maximum permissible and calculated in accordance with the Sydney Local Environmental Plan 2005 (as may be amended). Precise details of the distribution of floor space shall be provided with the future Stage 2 development applications.
- (b) The floor space in excess of 8:1 shall be subject to a requirement to purchase heritage floor space (HFS) in accordance with the requirements of Clause 62 of the Sydney Local Environmental Plan 2005 (as may be amended).

**(7) THROUGH SITE LINK (MID BLOCK CONNECTION)**

Details of the proposed pedestrian through site link are to be submitted with the Stage 2 application. These details are to include:

- (a) detailed design and view analysis;
- (b) view analysis from/to Clarence Street through the link from/to Kent Street. A visual connection between the streets is to be provided;
- (c) levels; and
- (d) proposed easement.

**(8) BREAK THROUGH PANELS**

The future Stage 2 application should investigate the opportunity for a connection/s into the adjoining property at 153-159 Clarence Street, Sydney to allow for possible future vehicle access between the two sites and sharing of driveways. Details shall be submitted as part of the future Stage 2 Development Application.

**(9) EXPOSED ELEVATIONS**

- (a) A visually interesting treatment is to be applied to the exposed side elevations along the north and south boundaries. In applying this treatment, care should be taken to ensure that there are no unreasonable impacts on the neighbouring properties. Details shall be submitted as part of the future Stage 2 Development Application.

- (b) Signage zones are not permitted on the side boundary elevations.
- (c) The above design elements are to form part of the design competition brief.

**(10) CLARENCE STREET AND KENT STREET ELEVATIONS**

- (a) The design of the building should respond to the high quality masonry facades of the surrounding palazzo and warehouse development comprising masonry facades of high quality, strong visual depth, a high degree of architectural modelling and articulation, a complex hierarchy of vertical and horizontal proportions and changes in architectural treatment with height and level, and high quality materials that provide a compatible response to surrounding development should be incorporated into the design.
- (b) There are significant axial views to the site looking west to the site from the former GPO building and from Barrack Street that should be enhanced by the architectural design of the Kent Street façade. There are significant views from the site to the east along Barrack Street, towards George Street, down to the Sydney General Post Office Building that should be taken advantage of, and enhanced by careful framing.
- (c) The design for the development should respond to major horizontal elements of the former Hoffnung and Co warehouse in a similar manner.
- (d) The above design elements are to form part of the design competition brief.

**(11) SECTION 61 CONTRIBUTIONS**

The future Stage 2 Development Application will be subject to a cash contribution comprising 1% of the total cost of development. The contribution is payable to the City of Sydney pursuant to Section 61 of the City of Sydney Act 1988 and Central Sydney Contribution (Amendment) Plan 2002.

**(12) PUBLIC DOMAIN PLAN**

A Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with the Stage 2 development application. The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual.

**(13) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT**

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

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 with the Stage 2 application.

The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with.

**(14) WASTE COLLECTION**

The future Stage 2 Development Application shall demonstrate compliance with Council's requirements for waste collection for residential development and Policy for Waste Minimisation in New Development 2005.

**(15) ELECTRICITY SUBSTATION**

The owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Ausgrid with any future Stage 2 DA.

**(16) ACID SULFATE SOILS**

An Acid Sulfate Soils Management Plan for the development must be prepared by an appropriate qualified consultant and submitted with the Stage 2 Development Application. This plan shall be prepared in accordance with the Acid Sulfate Soils Manual.

**(17) 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".

**(18) TRANSPORT ROADS AND MARITIME SERVICES CONDITIONS**

- (a) The layout of the proposed driveway should be in accordance with AS2890.1-2004 and AS2890.2-2002.
- (b) The swept path of the longest vehicle entering and exiting the subject site as well as manoeuvrability through the site shall be in accordance with AUSTROADS. In this regard, a swept path plan shall be submitted to Council as part of the Stage 2 application which shows the development complies with this requirement.
- (c) All works/regulatory signposting associated with the proposed development shall be at no cost to the Roads and Maritime Services (RMS).

Carried unanimously.



**ITEM 8 DEVELOPMENT APPLICATION: 18-30A MARTIN PLACE - ALSO KNOWN AS 20 MARTIN PLACE SYDNEY (D/2012/973)**

Moved by Councillor Mant, seconded by Mr Poulet -

It is resolved that:

- (A) pursuant to the provisions of Clause 23(4)(e) of Sydney Local Environmental Plan 2005 (SLEP 2005), the Central Sydney Planning Committee waive the requirement to prepare a development plan for the subject site as it is considered to be unreasonable and unnecessary in this instance as the proposal is for the refurbishment of an existing building;
- (B) the requirement of Section 51N of the City of Sydney Act 1988 to consult with the Central Sydney Traffic and Transport Committee not apply in this instance as the proposal does not require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD, having regard to the following:
- (i) no objection was received from the Roads and Maritime Services as part of the consultation under the provisions of State Environmental Planning Policy (Infrastructure) 2007;
  - (ii) the number of parking spaces proposed is below the maximum permitted limit prescribed in Sydney Local Environmental Plan 2005;
  - (iii) the existing Hosking Place driveway will be retained, with provision made for the future sharing of vehicular access between the subject site and the neighbouring 92-94 Pitt Street site. This will have a positive impact on the laneway and to traffic in the CBD; and
- (C) consent be granted subject to the following conditions:

**SCHEDULE 1A**

**Approved Development/Design Modifications/Covenants and Contributions/Use and Operation**

**Note:** Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

**(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2012/973 dated 29 June 2012 and the following drawings:

Drawing Number	Architect	Date
DA000 B	Crone Partners	10/10/12
DA010 A	Crone Partners	29/6/12
DA011 A	Crone Partners	29/6/12
DA097 A	Crone Partners	29/6/12

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA098 A	Crone Partners	29/6/12
DA099 B	Crone Partners	10/10/12
DA100 B	Crone Partners	10/10/12
DA101 B	Crone Partners	10/10/12
DA102 B	Crone Partners	10/10/12
DA103 A	Crone Partners	29/6/12
DA104 A	Crone Partners	29/6/12
DA105 A	Crone Partners	29/6/12
DA106 A	Crone Partners	29/6/12
DA107 A	Crone Partners	29/6/12
DA108 A	Crone Partners	29/6/12
DA109 A	Crone Partners	29/6/12
DA110 A	Crone Partners	29/6/12
DA111 A	Crone Partners	29/6/12
DA112 A	Crone Partners	29/6/12
DA113 A	Crone Partners	29/6/12
DA114 A	Crone Partners	29/6/12
DA115 A	Crone Partners	29/6/12
DA116 A	Crone Partners	29/6/12
DA117 A	Crone Partners	29/6/12
DA118 A	Crone Partners	29/6/12
DA119 A	Crone Partners	29/6/12
DA120 A	Crone Partners	29/6/12
DA121 A	Crone Partners	29/6/12
DA122 A	Crone Partners	29/6/12
DA123 A	Crone Partners	29/6/12
DA200 B	Crone Partners	10/10/12
DA201 B	Crone Partners	10/10/12
DA202 B	Crone Partners	10/10/12
DA203 B	Crone Partners	10/10/12
DA204 B	Crone Partners	10/10/12
DA300 A	Crone Partners	29/6/12
DA301 A	Crone Partners	29/6/12
DA302 A	Crone Partners	29/6/12
DA303 A	Crone Partners	29/6/12
DA304 A	Crone Partners	29/6/12
DA400 A	Crone Partners	29/6/12
DA401 A	Crone Partners	29/6/12
DA402 A	Crone Partners	29/6/12
DA403 A	Crone Partners	29/6/12

and as amended by the conditions of this consent:

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

**(2) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) The podium level cast glass columns are to be increased in width. The width of the columns should be increased to between 1,000mm and 1,100mm, whilst maintaining the proposed singular u-shaped cast glass panel, 900mm in height.

The modifications are to be submitted to and approved by the Director City Planning, Development and Transport prior to a Construction Certificate being issued.

### **(3) STRATEGY FOR FUTURE TENANCIES**

- (a) To ensure that future tenancy fitouts on the lower ground floor, upper ground floor and first floor levels visible from Martin Place, provide an enhancement of the visual character of Martin Place, a set of guidelines for future tenancies should be developed.
- (b) The guidelines should include specific recommendations relating to the retention of visibility into the building, appropriate finishes, visual clutter, partitioning, additional requirements for mechanical servicing, lighting, security including for ATMs and internal signage.

The Tenancy Strategy is to be submitted to and approved by the Director City Planning, Development and Transport prior to a Construction Certificate being issued.

### **(4) BREAK THROUGH PANEL**

Provision shall be made for connection/s into the adjoining property at 92-94 Pitt Street, Sydney to allow for the possible future vehicle access between the two sites and sharing of driveways. The dimensions and location of the connection shall be submitted and approved by the Director City Planning, Development and Transport prior to the issue of a Construction Certificate.

### **(5) DESIGN DETAILS (MAJOR DEVELOPMENT)**

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by Crone Partners dated 29 June 2012.

### **(6) FLOOR SPACE RATIO - CENTRAL SYDNEY**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 12.5:1 calculated in accordance with the Sydney Local Environmental Plan 2005. For the purpose of the calculation of FSR, the Floor Space Area of the approved development is 20,673sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2005 applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

- (c) Prior to a Construction Certificate being issued, Council's written verification must be obtained, confirming that 992sqm of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of 11.3:1 (existing FSR).

**(7) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 102.09 (AHD) to the top of the plant, RL 97.62 (AHD) to the top of the building, and 97.67 (AHD) to the parapet of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

**(8) SECTION 61 CONTRIBUTIONS PAYABLE - REGISTERED QUANTITY SURVEYOR'S DETAILED COST REPORT - SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

**(9) SIGNS - SEPARATE DA REQUIRED**

A separate development application for any proposed signs (other than exempt or complying signs under Council's exempt and complying Development Control Plans) must be submitted to and approved by Council prior to the erection or display of any such signs.

**(10) SIGNAGE STRATEGY**

**(11) COMMEMORATIVE PLAQUE**

A commemorative plaque, recording the names of the developer, architect, consent authority and year of completion of construction must be installed on the building prior to occupation. The design, location and wording must be submitted to and approved by Council prior to an Occupation Certificate being issued.

**(12) ASSOCIATED ROADWAY COSTS**

**(13) BICYCLE FACILITIES**

A bicycle facilities room must be provided close to staff / employee bicycle parking and include:

- (a) 12 showers with change area; and
- (b) 113 personal lockers.

Details to be approved prior to the issue of a Construction Certificate by the Principal Certifying Authority.

**(14) BICYCLE PARKING**

The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities except that:

- (a) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities; and
- (b) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

Details to be approved prior to the issue of a Construction Certificate by the Principal Certifying Authority.

**(15) CAR PARKING SPACES AND DIMENSIONS**

A maximum of 24 off-street car parking spaces must be provided. 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 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

**(16) COST OF SIGNPOSTING**

**(17) HOLDING AREAS**

**(18) INTERCOM FOR VISITORS**

**(19) LOADING WITHIN SITE**

**(20) LOADING/PARKING KEPT CLEAR**

**(21) LOCATION OF ACCESSIBLE CAR PARKING SPACES**

**(22) SECURITY GATES**

Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the street front property boundary.

**(23) SERVICE VEHICLE SIZE LIMIT**

The size of vehicles servicing the property must be a maximum length of 6.4m.

**(24) SERVICE VEHICLES**

**(25) SIGNAL SYSTEM**

**(26) SIGNS AT EGRESS**

The following signs must be provided and maintained within the site at the point(s) of vehicular egress:

- (a) compelling drivers to stop before proceeding onto the public way; and
- (b) compelling drivers to "Give Way to Pedestrians" before crossing the footway; or compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

**(27) TRAFFIC WORKS****(28) VEHICLES ACCESS****(29) SMALL CAR PARKING SPACES AND DIMENSIONS**

The design and layout of all off-street small car parking spaces must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

All small car spaces must be clearly marked and identifiable as small car spaces. The signs or line markings must be in place and approved by the Principal Certifying Authority prior to an Occupation Certificate being issued and must be maintained in good order at all times.

**(30) RESTRICTION ON USE OF CAR SPACES - COMMERCIAL WITH NO STRATA SUBDIVISION****SCHEDULE 1B****Prior to Construction Certificate/Commencement of Work/Health and Building**

**Note:** Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

**(31) HERITAGE INTERPRETATION STRATEGY**

- (a) An interpretation strategy for the site must be submitted to and approved by Council prior to a Construction Certificate being issued.
- (b) The interpretation strategy must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- (c) Prior to the occupation certificate being issued, the approved interpretation strategy must be implemented to the satisfaction of Council.

**(32) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)**

Prior to a Construction Certificate being issued, an archival photographic recording of the exterior of the building is to be prepared to Council's satisfaction. The recording may be in either digital or film-based form, or a combination of both, prepared in accordance with the NSW Heritage Office 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.

The form of the recording is to be as follows:

- (a) In A4 format, placed in archival plastic sleeves in an appropriate archival folder;
- (b) The Development Application number must be noted on the front of the folder and in the report;
- (c) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record;
- (d) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans;
- (e) 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.

A digital based recording is to include:

- (f) CD or DVD containing the report in PDF format and the electronic images saved as JPEG, TIFF or PDF files and cross referenced to the digital catalogue sheets and base plans.

A film based recording is to include:

- (g) 35mm film images submitted as contact sheets with equivalent negatives, a selection of black and white prints 200 x 250mm, and 35mm colour transparencies, all labelled and cross-referenced to the catalogue sheets and base plans.

**(33) ASBESTOS REMOVAL**

**(34) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

- (a) The Construction Traffic Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

**(35) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)**

**(36) VERIFICATION OF SUPPORT FOR NEW LOADS**

**(37) CERTIFICATION OF GEOTECHNICAL INSPECTION**

**(38) GEOTECHNICAL REPORT AND CERTIFICATION**

**(39) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF WHOLE OR PART OF BUILDING IS REQUIRED (CC REQUIRED)**

**(40) BCA - NEW BUILDINGS WORKS - CLASS 2-9 BUILDINGS****(41) ANNUAL FIRE SAFETY STATEMENT FORM****(42) FIRE SAFETY CERTIFICATE TO BE SUBMITTED****(43) SPRINKLER SYSTEM****(44) 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".

**(45) FOOTPATH DAMAGE BANK GUARANTEE**

A Footpath Damage Bank Guarantee calculated on the total lineal metres of footway material along the developments site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to issue of a Construction Certificate.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

**(46) 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.

**(47) PUBLIC DOMAIN PLAN**

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.

#### **(48) 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.

#### **(49) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to an approval for demolition being granted a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages where no work is required by Council to the public domain is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- (a) a PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) each image is to be numbered and cross referenced to a site location plan;
- (d) a summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record; and
- (e) 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.

**(50) 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 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.

**(51) 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).

**(52) PROTECTION OF SURVEY INFRASTRUCTURE**

**(53) LANDSCAPING OF THE SITE**

- (a) A detailed landscape plan for the roof terrace and green wall, 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) details of green wall structure and planting;
  - (ii) details of planter soil type;
  - (iii) details of earthworks including mounding and retaining walls and planter boxes (if applicable);
  - (iv) location, numbers and type of plant species;
  - (v) details of planting procedure and maintenance; and
  - (vi) details of drainage and watering systems, automatic drip irrigation is required.
- (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.

**(54) 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".

**(55) PROTECTION OF STONE KERBS**

- (a) The existing stone kerbs on Pitt Street and Hosking Place frontages 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.

**(56) CAR PARK VENTILATION****(57) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION****(58) MECHANICAL VENTILATION****(59) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN****(60) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION**

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of affected properties are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy

lodged with the Certifying Authority and the Council prior to the issue of a Construction Certificate.

#### UPON COMPLETION OF EXCAVATION/DEMOLITION

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifying Authority and the Council prior to the issue of an Occupation Certificate.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

- (61) EROSION AND SEDIMENT CONTROL - BETWEEN 250 AND 2,500SQM**
- (62) ROAD OPENING PERMIT**
- (63) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE**
- (64) USE OF INTRUSIVE APPLIANCES - TIME RESTRICTION.**
- (65) MICROBIAL CONTROL**
- (66) AIR HANDLING**
- (67) CONTROL OF LEGIONNAIRES DISEASE**
- (68) DEMOLITION/SITE RECTIFICATION (if cost is over \$50m)**

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:

- (i) A bank guarantee to be provided in the sum of \$413,500.00 dollars as security for the costs of such works provided that:
  - a. the maximum liability under the Deed must not exceed \$413,500.00 dollars; and
  - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
- (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
  - a. demolition of the existing building has commenced but not been completed;
  - b. the existing building has been demolished; or
  - c. the site has been excavated; or
  - d. the erection of the structure has commenced;
- (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
  - a. make the building safe and of an appearance acceptable to Council at ground level;
  - b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
  - c. for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or
  - d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenable stage;

AND to call on such bank guarantee to cover the cost thereof.

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:
  - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (iii) to take place on the site; and

- (ii) in the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.
- (e) The Deed may, if the Director City Planning, Development and Transport is satisfied, provide for an adjustment of the guarantee amount during the course of construction to reflect that, as the development progresses, the likelihood and nature of the appropriate site rectification works may change. The stages of reduction will be:
  - (i) Stage 1 – Completion of the site excavation and all construction works necessary to complete all parts of the Development to street level, including sealing of the slab at that level.
  - (ii) Stage 2 – Completion of all construction works necessary to complete the structure of the Development to the roof level.
  - (iii) Stage 3 – Issue of the Final Occupation Certificate.
- (f) If a claim for an adjustment is made, the Deed must also provide that any such claim is to be supported by the following:
  - (i) Certification (from an accredited certifier) that the relevant stage is complete;
  - (ii) Detailed schedule of completed works carried out in the relevant stage;
- (g) Quantity Surveyors costing of the likely site rectification works required at each remaining stage.

**(69) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**

**(70) BARRICADE PERMIT**

**(71) SYDNEY WATER CERTIFICATE (QUICK CHECK)**

**(72) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

- (a) The Waste Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste Management Plan is to be approved by the Certifying Authority prior to a Construction Certificate being issued. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Building Waste Management Plan must be implemented during construction of the development.

**UPON COMPLETION OF THE DEVELOPMENT**

- (c) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must ensure that waste handling works have been completed in accordance with: the Waste Management Plan; other relevant development consent

conditions; and Council's Policy for Waste Minimisation in New Developments 2005.

## **SCHEDULE 1C**

### **During Construction/Prior to Occupation/Completion**

#### **(73) HOURS OF WORK AND NOISE – CBD**

#### **(74) COVERING OF LOADS**

#### **(75) OCCUPATION CERTIFICATE TO BE SUBMITTED**

#### **(76) ACCESS DRIVEWAYS TO BE CONSTRUCTED**

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

#### **(77) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.

#### **(78) NO OBSTRUCTION OF PUBLIC WAY**

#### **(79) USE OF MOBILE CRANES**

#### **(80) ENCROACHMENTS – NEIGHBOURING PROPERTIES**



**(81) ENCROACHMENTS – PUBLIC WAY**

No portion of the proposed structure (including gates and doors during opening and closing operations) shall encroach upon or over Council's footpath areas, with the exception of proposed architectural embellishments shown as overhanging the footways of Martin Place and Hosking Place. These proposed architectural embellishments shall not overhang the footways of Martin Place and Hosking Place by more than 450mm.

**(82) SURVEY****(83) SURVEY CERTIFICATE AT COMPLETION****(84) EROSION AND SEDIMENT CONTROL****SCHEDULE 2**

**The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply to the development.**

Carried unanimously.

**ITEM 9 DEVELOPMENT APPLICATION: 331-333 GEORGE STREET SYDNEY (D/2012/696)**

Moved by Mr Pearson seconded by Councillor Mant -

It is resolved that:

- (A) the requirement of Section 51N of the City of Sydney Act 1988 to consult with the Central Sydney Traffic and Transport Committee not apply in this instance as the proposal does not require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD, having regard to the following:
  - (1) No objection was received from the Roads and Maritime Services as part of the consultation under the provisions of State Environmental Planning Policy (Infrastructure) 2007.
  - (2) The number of parking spaces proposed is below the maximum permitted limit prescribed in Sydney LEP 2005;
- (B) pursuant to the provisions of Clause 23(4)(e) of Sydney Local Environmental Plan 2005 (SLEP 2005) the Central Sydney Planning Committee waive the requirement to prepare a development plan for the subject site;
- (C) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted subject to the following:
  - (1) The Voluntary Planning Agreement prepared by Council and placed on public exhibition on 29 November 2012 shall be executed and submitted to Council and:

- (a) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement;
  - (b) The Voluntary Planning Agreement, as executed must be registered on the Title of the land.
- (2) The design and materials selection of the stone columns at ground first and second floor levels, the awning on the George Street facade and the northern elevation as shown on the Concept plans prepared by Grimshaw dated 16 November 2012 – (i.e. Columns Option B, Facade Type 3 and North Façade Option 3) shall be finalised in consultation with and approved by the Director City Planning, Development and Transport.
- (3) The roof top terrace balustrade is to be setback to be wholly within the Sun Access Plane height restriction unless the Director City Planning, Development and Transport provides written advice that the transparency of the glass balustrades are acceptable.
- (4) Final detailed architectural plans of these elements of the design shall be submitted to and approved by the Director City Planning, Development and Transport;
- (D) evidence that those matters identified in deferred commencement conditions listed above, must be submitted to Council within 24 months or 730 days of the resolution otherwise the consent will lapse;
- (E) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions as indicated in Clause (C) above, have been satisfied; and
- (F) upon Council giving written notification to the Applicant that the deferred commencement conditions in Clause (C) above have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

## **SCHEDULE 1A**

### **Approved Development/Design Modifications/Covenants and Contributions/Use and Operation**

**Note:** Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

#### **(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2012/696 dated 14 May 2012 and plans approved as part of the deferred commencement conditions and as amended by the conditions of this consent.
- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

**(2) DESIGN DETAILS (MAJOR DEVELOPMENT)**

- (a) An updated materials schedule and sample board must be submitted and approved by the Director City Planning Development and Transport.
- (b) The curved glazed corners of the building shall be constructed with curved glazing as shown in the application documentation and shall not be faceted glass.

Written confirmation that curved glazing is to be used, with appropriately annotated plans, shall be submitted to the Director of City Planning Development and Transport prior to the issue of a Construction Certificate.

**(3) FLOOR SPACE RATIO - CENTRAL SYDNEY**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 13.75:1 calculated in accordance with the Sydney Local Environmental Plan 2005. For the purpose of the calculation of FSR, the Floor Space Area of the approved development is 15812.5sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2005 applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.
- (c) Prior to a Construction Certificate being issued, Council's written verification must be obtained, confirming that ~~3,967sqm~~ 4,025sqm of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of 8.1 as specified in the Sydney Local Environmental Plan 2005.

**(4) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 82.75 (AHD) to the top of the plant and wholly within the Sun Access Plan.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

**(5) BOUNDARY WINDOWS COVENANT**

All windows adjacent to the northern boundary of the site must be sealed, bricked up or otherwise enclosed, prior to the construction of any building abutting, adjoining or adjacent to such windows. Prior to a Construction Certificate being issued, a documentary restrictive covenant is to be registered on the Title of all units/tenancies facing the affected boundary. The covenant is to be created appurtenant to Council and at no cost to Council.

**(6) SECTION 61 CONTRIBUTIONS PAYABLE - REGISTERED QUANTITY SURVEYOR'S DETAILED COST REPORT - SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

**(7) COMPLIANCE WITH ACOUSTIC REPORT**

All recommendations contained in Section 7 of the DA Acoustic Impact Assessment prepared by VIPAC dated 30 April 2012 and referenced 20C-12-0062-TRP-466612-4 must be implemented as a minimum to achieve the relevant noise criterion for the development.

**(8) SIGNAGE STRATEGY**

**(9) STRATEGY FOR FUTURE TENANCIES**

- (a) To ensure that future tenancy fitouts on the lower ground floor, upper ground floor and first floor levels visible from Regimental Square and George Street, provide an enhancement of the visual character of Regimental Square, a set of guidelines for future tenancies should be developed.
- (b) The guidelines should include specific recommendations relating to the retention of visibility into the building, appropriate finishes, visual clutter, partitioning, additional requirements for mechanical servicing, lighting, security including for ATMs and internal signage.
- (c) The Tenancy Strategy is to be submitted to and approved by the Director City Planning, Development and Transport prior to a Construction Certificate being issued.

**(10) NOISE USE**

**(a) General criteria**

The emission of noise associated with the use of the premises including the operation of any mechanical plant and equipment shall comply with the following criteria:

- (i) The LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence.
- (ii) The background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1-1997-Description and measurement of environmental noise.
- (iii) The LAeq, 15minute noise level shall be adjusted to account for any applicable modifying factors in accordance with Part 4 of the EPA NSW Industrial Noise Policy.
- (iv) In this clause, the term "noise level emitted from the use" means the contributing noise level from the use in isolation to any other ambient noise and account must therefore be taken of the LAeq, 15minute when the use is not in operation.

- (v) In circumstances where this development application refers to a modification or addition to an existing use, the background noise level referred to in this clause pertains to the LA90, 15minute noise level measured in the absence of all noise from the site.

**(b) Internal to internal noise transmission - residential amenity**

- (i) An LAeq,15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence provided that;
- (ii) Where the LA90, 15minute noise level is below the threshold of hearing Tf at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 - Normal Equal-Loudness-Level Contours then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead.
- (iii) The LAeq,15minute noise level and the LA90,15minute noise level shall both be measured with all external doors and windows of the affected residence closed;
- (iv) The LA90, 15minute noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (excluding air-conditioning equipment) normally servicing the affected residence operating.

**(c) Internal to internal noise transmission – commercial amenity**

- (i) An LAeq,15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any commercial premises provided that;
- (ii) The LAeq,15minute noise level and the LA90,15minute noise level shall both be measured with all external doors and windows of the commercial premises closed;
- (iii) The LA90, 15minute noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (including air-conditioning equipment) normally servicing the commercial premises operating.

**(11) MECHANICAL VENTILATION**

- (a) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1-1998 and AS1668.2-1991, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

- (b) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to the Principal Certifying Authority.

#### **(12) NOISE CONTROL VERIFICATION**

The Principal Certifying Authority (PCA) must ensure that a statement from an accredited acoustic consultant certifying that the acoustic mitigation measures identified in Section 7 of the noise assessment report prepared by VIPAC are suitably incorporated into the development, and the noise criteria in the subject report have been met prior to the issue of an Occupation Certificate.

#### **(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) BICYCLE PARKING**

The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities except that:

- (a) all bicycle parking for occupants of residential buildings must be Class 1 bicycle lockers, and
- (b) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities, and
- (c) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

#### **(15) CAR PARKING SPACES AND DIMENSIONS**

A maximum of 18 off-street car parking spaces must be provided. 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 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

#### **(16) COST OF SIGNPOSTING**

#### **(17) HOLDING AREAS**

#### **(18) LOADING WITHIN SITE**

#### **(19) LOADING/PARKING KEPT CLEAR**

**(20) LOCATION OF ACCESSIBLE CAR PARKING SPACES**

Where a car park is serviced by lifts, accessible spaces for people with mobility impairment are to be located to be close to lifts. Where a car park is not serviced by lifts, accessible spaces for people with mobility impairment are to be located at ground level, or accessible to ground level by a continually accessible path of travel, preferably under cover.

**(21) SERVICE VEHICLE SIZE LIMIT**

The size of vehicles servicing the property must be a maximum length of 6.4m.

**(22) SERVICE VEHICLES**

- (a) A minimum of two service vehicles spaces are required.
- (b) Adequate space must be provided to allow manoeuvring and turning of the different sized vehicles. The design, layout, signage, line marking, lighting and physical controls for all service vehicles must comply with the minimum requirements of Australian Standard AS 2890.2 – 2002 Off-Street Parking Part 2: Commercial vehicle facilities. Details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

**(23) SIGNS AT EGRESS**

The following signs must be provided and maintained within the site at the point(s) of vehicular egress:

- (a) compelling drivers to stop before proceeding onto the public way; and
- (b) compelling drivers to “Give Way to Pedestrians” before crossing the footway; or compelling drivers to “Give Way to Pedestrians and Bicycles” before crossing a footway on an existing or identified shared path route.

**(24) TRAFFIC WORKS**

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RTA Technical Directives and must be referred to and agreed to by the Sydney Traffic Committee prior to any work commencing on site.

**(25) VEHICLE FOOTWAY CROSSING****(26) VEHICLES ACCESS****(27) INTERNAL HOLDING BAY TO BE ADDED**

The plans must be amended to provide a marked holding bay to allow a vehicle to wait for the vehicle lift to arrive. The holding area must be located such that a vehicle waiting in the bay does not obstruct the movement of a vehicle exiting either of the lifts. To show this is the case swept path plans must be included in the submission.

The plans must be amended and approved by Council prior to the issuing of the Construction Certificate for the development.

**(28) LOADING AND PARKING MANAGEMENT PLAN**

A Loading and Parking Management Plan must be prepared for the development and must be made available to drivers of all the vehicles using the site. The plan must include, but not be limited to, the following issues:

- (a) How the site will manage the dual use of one of the lifts, as both an car access and a loading dock;
- (b) Which hours both lifts will be used for car park access and which hours one will be used as a loading dock;
- (c) Any safety requirements for reversing into the loading dock from the lane
- (d) Any controls or measures the site uses to decide which vehicles use which loading dock when both are operational.

The plan must be prepared by a qualified traffic engineer prior to the Occupation Certificate being granted.

**(29) ACCESSIBLE PARKING SPACE**

The design, layout, signage, line marking, lighting and physical controls of all off-street accessible parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

**SCHEDULE 1B**

**Prior to Construction Certificate/Commencement of Work/Health and Building**

**Note:** Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

**(30) RAILCORP – PROPERTY AND TITLE SEARCH AND SURVEY**

The applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor to the satisfaction of RailCorp's representative.

**(31) RAILCORP – SERVICES SEARCH**

Prior to the issue of a Construction Certificate the applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have



any impact on rail services and signaling. Should rail services be identified within the subject development site the applicant must discuss with RailCorp as to whether these services are to be relocated or incorporated within the development site.

**(32) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

**(33) STRUCTURAL CERTIFICATION FOR DESIGN - BCA (ALL BUILDING CLASSES)**

**(34) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA**

**(35) CERTIFICATION OF GEOTECHNICAL INSPECTION**

Prior to the issue of a Construction Certificate, a Geotechnical Inspection Certificate in accordance with Clause A2.2(a)(iii) of the Building Code of Australia prepared by an appropriately qualified person must be submitted to the satisfaction of the Certifying Authority and a copy submitted to Council.

**(36) GEOTECHNICAL REPORT AND CERTIFICATION**

Prior to commencement of any foundation or bulk excavation, a Geotechnical Report must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy submitted to Council (if it is not the Principal Certifying Authority).;

**(37) BCA - NEW BUILDINGS WORKS - CLASS 2-9 BUILDINGS**

(a) Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA) including:

- (i) Structural provisions - Part B1;
- (ii) Fire resistance and stability - Part C1;
- (iii) Compartmentation and separation - Part C2;
- (iv) Protection of openings - Part C3;
- (v) Provision for escape (access and egress) - Part D1;
- (vi) Construction of exits - Part D2;
- (vii) Access for people with disabilities - Part D3;

Note: Compliance with the access provisions of Part D3 may necessitate design modifications prior to a construction certificate being issued.

- (viii) Fire fighting equipment - Part E1;
- (ix) Smoke hazard management - Part E2;

- (x) Lift installation - Part E3;
- (xi) Emergency lighting, exit signs and warning systems – Part E4;
- (xii) Damp and weatherproofing - Part F1;
- (xiii) Sanitary and other facilities - Part F2;

Note: For restaurants, cafes, bars and the like, sanitary facilities (including accessible facilities for persons with disabilities complying with AS 1248.1) must be provided for customers where more than 20 seats are provided, including seating for any future footway dining facilities.

- (xiv) Room sizes - Part F3;
  - (xv) Light and ventilation - Part F4;
  - (xvi) Energy Efficiency - Building fabric - Part J1;
  - (xvii) Energy Efficiency - External glazing - Part J2;
  - (xviii) Energy Efficiency - Building sealing - Part J3;
  - (xix) Energy Efficiency - Air-conditioning and ventilation systems - Part J5;
  - (xx) Energy Efficiency - Artificial lighting and power - Part J6;
  - (xxi) Energy Efficiency - Hot water supply - Part J7;
  - (xxii) Energy Efficiency - Access for maintenance and facilities for monitoring - Part J8;
- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- (c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend this consent.

**(38) ANNUAL FIRE SAFETY STATEMENT FORM**

**(39) FIRE SAFETY CERTIFICATE TO BE SUBMITTED**

**(40) ASSOCIATED ROADWAY COSTS**

**(41) FOOTPATH DAMAGE BANK GUARANTEE**

A Footpath Damage Bank Guarantee calculated on the total lineal metres of the public frontage of granite paving site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to issue of a Construction Certificate.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

**(42) 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.

**(43) PUBLIC DOMAIN PLAN**

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.

**(44) 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.

**(45) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to an approval for demolition being granted a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date

and authorship of the photographic record, the method of documentation and limitations of the photographic record;

- (e) 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.

#### **(46) 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.

#### **(47) PRESERVATION OF SURVEY MARKS**

#### **(48) LANDSCAPING OF THE SITE**

- (a) A detailed landscape plan of the roof top terrace, 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, numbers and type of plant species;
  - (ii) Details of planting procedure and maintenance;
  - (iii) Details of drainage and watering systems;

- (iv) No outdoor furniture is permitted within the roof top terrace area.
- (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.

**(49) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN**

**(50) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION**

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of the affected properties is to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Certifying Authority and the Council prior to the issue of a Construction Certificate.

**UPON COMPLETION OF EXCAVATION/DEMOLITION**

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifying Authority and the Council prior to the issue of an Occupation Certificate.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

**(51) EROSION AND SEDIMENT CONTROL - BETWEEN 250 AND 2,500SQM**

**(52) ROAD OPENING PERMIT**

**(53) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE**

**(54) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**

**(55) BARRICADE PERMIT**

- (56) LOT CONSOLIDATION**
- (57) ELECTRICITY SUBSTATION**
- (58) UTILITY SERVICES**
- (59) CONTAMINATION**
- (60) HAZARDOUS AND INDUSTRIAL WASTE**
- (61) INTRUDER ALARM**
- (62) ASBESTOS REMOVAL**
- (63) ASBESTOS REMOVAL SIGNAGE**
- (64) IMPORTED WASTE DERIVED FILL MATERIAL**
- (65) RAINWATER TANKS**
- (66) WASTE WATER RECYCLING**
- (67) ARCHAEOLOGICAL ASSESSMENT**
- (68) ARCHAEOLOGICAL INVESTIGATION**
- (69) HERITAGE INTERPRETATION STRATEGY**

- (a) An interpretation strategy for the site must be submitted to and approved by the Director of City Planning Development and Transport prior to a Construction Certificate being issued.
- (b) The interpretation strategy must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- (c) Prior to occupation certificate being issued the approved interpretation strategy must be implemented to the satisfaction of the Director City Planning, Development and Transport.

**(70) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)**

Prior to a Construction Certificate being issued, an archival photographic recording of the 331-333 George Street Sydney is to be prepared to Council's satisfaction. The recording may be in either digital or film-based form, or a combination of both, prepared in accordance with the NSW Heritage Office 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.

The form of the recording is to be as follows:

- (a) in A4 format, placed in archival plastic sleeves in an appropriate archival folder;

- (b) the Development Application number must be noted on the front of the folder and in the report;
- (c) include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record
- (d) each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans; and
- (e) 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.

A digital based recording is to include:

- (f) CD or DVD containing the report in PDF format and the electronic images saved as JPEG, TIFF or PDF files and cross referenced to the digital catalogue sheets and base plans.

A film based recording is to include:

- (g) 35mm film images submitted as contact sheets with equivalent negatives, a selection of black and white prints 200 x 250mm, and 35mm colour transparencies, all labelled and cross-referenced to the catalogue sheets and base plans.

**(71) DEMOLITION/SITE RECTIFICATION (if cost is over \$50m)**

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
  - (i) A bank guarantee to be provided in the sum of \$287,500 as security for the costs of such works provided that:
    - a. the maximum liability under the Deed must not exceed \$287,500; and
    - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor



costing for works which meet the objectives of the condition.

- (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
  - a. demolition of the existing building has commenced but not been completed;
  - b. the existing building has been demolished; or
  - c. the site has been excavated; or
  - d. the erection of the structure has commenced;
- (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
  - a. make the building safe and of an appearance acceptable to Council at ground level;
  - b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
  - c. for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or
  - d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenatable stage;

AND to call on such bank guarantee to cover the cost thereof.

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:
  - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (iii) to take place on the site; and
  - (ii) in the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.
- (e) The Deed may, if the Director City Planning, Development and Transport is satisfied, provide for an adjustment of the guarantee amount during the course of construction to reflect that, as the

development progresses, the likelihood and nature of the appropriate site rectification works may change. The stages of reduction will be:

- (i) Stage 1 – Completion of the site excavation and all construction works necessary to complete all parts of the Development to street level, including sealing of the slab at that level.
  - (ii) Stage 2 – Completion of all construction works necessary to complete the structure of the Development to the roof level.
  - (iii) Stage 3 – Issue of the Final Occupation Certificate.
- (f) If a claim for an adjustment is made, the Deed must also provide that any such claim is to be supported by the following:
- (i) Certification (from an accredited certifier) that the relevant stage is complete;
  - (ii) Detailed schedule of completed works carried out in the relevant stage;
- (g) Quantity Surveyors costing of the likely site rectification works required at each remaining stage.

#### **(72) TREE PROTECTION ZONE**

Before the commencement of works, a Tree Protection Zone/s (TPZ) must be established around all tree/s to be retained not less than the distance indicated in the TPZ schedule below. Tree protection must be installed and maintained in accordance with the Australian Standard 4970 Protection of Trees on Development Sites.

TPZ Schedule:

Tree No	Species Name	Location	Radius (m) from Trunk
2x	<i>Platanus x hybrida</i> (Plane Tree)	Council owned trees in Regimental Square	2 metres
13x	<i>Syagrus romanzoffianum</i> (Cocos Palm)		
8x	<i>Archontophoenix cunninghamiana</i> (Bangalow Palm)		

#### **(73) 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 shall be undertaken prior to or during the installation of any approved hoardings or scaffoldings. The protection shall be installed by a qualified Arborist (AQF 2 or 3) and must include;

- (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk 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) shall be placed around tree trunk/s. The timber planks shall 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 shall 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 the trunks or branches of any street trees.
- (d) Protective fencing (1.8 metre chain wire mesh fencing) must be erected on top of the hoarding to protect branches during the construction works.
- (e) 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 9673, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

#### **(74) STREET TREE PRUNING**

- (a) Only minor pruning will be permitted for scaffolding/hoarding/awning installation. If large branches (>50mm) are within the works areas, branches will require protecting with the hoarding designed or located around them.
- (b) Any pruning that is required to accommodate hoardings, scaffolding, or to allow for the installation of awnings will be undertaken by the City of Sydney.
- (c) The Contractor must notify Council's Tree Management Unit 9265 9333 one (1) month prior to works commencing to allow for Council to arrange tree pruning.

- (d) The Contractor shall meet with Council's Street Tree Coordinator to discuss the various activities including site set up and building clearance for scaffolding and hoarding installation, to determine the pruning required.
- (e) Under no circumstances shall branches be torn off by construction equipment.
- (f) Consent is not provided to the Contractor to carry out pruning.

## **SCHEDULE 1C**

### **During Construction/Prior to Occupation/Completion**

#### **(75) OCCUPATION CERTIFICATE TO BE SUBMITTED**

#### **(76) HOURS OF WORK AND NOISE – CBD**

#### **(77) ACCESS DRIVEWAYS TO BE CONSTRUCTED**

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

#### **(78) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.

#### **(79) NO OBSTRUCTION OF PUBLIC WAY**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this

requirement will result in the issue of a notice by Council to stop all work on site.

- (80) USE OF MOBILE CRANES**
- (81) ENCROACHMENTS – NEIGHBOURING PROPERTIES**
- (82) ENCROACHMENTS – PUBLIC WAY**
- (83) SURVEY**
- (84) SURVEY CERTIFICATE AT COMPLETION**
- (85) COVERING OF LOADS**
- (86) EROSION AND SEDIMENT CONTROL**
- (87) PROTECTION OF STREET TREES DURING CONSTRUCTION**
- (88) VEHICLE CLEANSING**
- (89) SYDNEY WATER CERTIFICATE**

## **SCHEDULE 2**

**The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply to the development.**

Carried unanimously.

### **ITEM 10 SECTION 96(2) APPLICATIONS: 48-50 MARTIN PLACE SYDNEY - COMMONWEALTH BANK BUILDING (D/2011/733/A AND D/2011/733/B)**

Moved by Mr Knowles, seconded by Councillor Kok -

It is resolved that:

- (A) the requirement of Section 51N of the City of Sydney Act 1988 to consult with the Central Sydney Traffic and Transport Committee not apply in this instance as the proposal does not require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD, having regard to the following:
  - (i) the subject application is a modification to a previously approved development. The proposed modifications do not change the previously approved driveway arrangements;
  - (ii) Transport for NSW, the Roads and Maritime Services and RailCorp were consulted and did not object to the proposed modifications; and
- (B) the Section 96 (2) modification application numbers D/2011/733/A and D/2011/733/B be approved subject to:

- (i) Modification of Conditions 1, 3, 4, 5, 7, 8 and 28 as follows (with changes shown in ***bold italics*** or a ~~strikethrough~~):

**(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2011/733 dated 18 May 2011 and the following:

<b>Drawing Number</b>	<b>Revision</b>	<b>Title</b>	<b>Date</b>
DA-A-0050	<del>00</del> <b><i>01</i></b>	Location Plan	<del>13.04.2011</del> <b><i>31.07.2012</i></b>
DA-A-0970	<del>00</del> <b><i>01</i></b>	Sub Basement	<del>13.04.2011</del> <b><i>31.07.2012</i></b>
DA-A-0980	<del>00</del> <b><i>02</i></b>	Lower Basement	<del>13.04.2011</del> <b><i>03.09.2012</i></b>
DA-A-0990	<del>00</del> <b><i>02</i></b>	Upper Basement – Castlereagh St Level	<del>13.04.2011</del> <b><i>03.09.2012</i></b>
DA-A-1000	<del>00</del> <b><i>02</i></b>	Ground – Martin Place/Elizabeth St Level	<del>13.04.2011</del> <b><i>03.09.2012</i></b>
DA-A-1005	<del>00</del> <b><i>02</i></b>	Level 00 Mezzanine	<del>13.04.2011</del> <b><i>03.09.2012</i></b>
DA-A-1010	<del>00</del> <b><i>02</i></b>	Level 01	<del>13.04.2011</del> <b><i>03.09.2012</i></b>
DA-A-1020	<del>00</del> <b><i>02</i></b>	Level 02	<del>13.04.2011</del> <b><i>03.09.2012</i></b>
DA-A-1030	<del>00</del> <b><i>02</i></b>	Level 03	<del>13.04.2011</del> <b><i>03.09.2012</i></b>
DA-A-1040	<del>00</del> <b><i>02</i></b>	Level 04	<del>13.04.2011</del> <b><i>03.09.2012</i></b>
DA-A-1050	<del>00</del> <b><i>02</i></b>	Level 05	<del>13.04.2011</del> <b><i>03.09.2012</i></b>
DA-A-1060	<del>00</del> <b><i>02</i></b>	Level 06	<del>13.04.2011</del> <b><i>03.09.2012</i></b>
DA-A-1070	<del>00</del> <b><i>02</i></b>	Level 07	<del>13.04.2011</del> <b><i>03.09.2012</i></b>
DA-A-1080	<del>00</del> <b><i>02</i></b>	Level 08	<del>13.04.2011</del> <b><i>03.09.2012</i></b>
DA-A-1090	<del>00</del> <b><i>02</i></b>	Level 09	<del>13.04.2011</del> <b><i>03.09.2012</i></b>
DA-A-1100	<del>00</del> <b><i>02</i></b>	Level 10	<del>13.04.2011</del> <b><i>03.09.2012</i></b>
<b><i>DA-A-1105</i></b>	<b><i>02</i></b>	<b><i>Level 10 Mezzanine</i></b>	<b><i>03.09.2012</i></b>
DA-A-1110	<del>00</del> <b><i>02</i></b>	Level 11	<del>13.04.2011</del> <b><i>03.09.2012</i></b>
DA-A-1120	<del>00</del> <b><i>02</i></b>	Level 12	<del>13.04.2011</del> <b><i>03.09.2012</i></b>
DA-A-1200	<del>00</del> <b><i>01</i></b>	Roof	<del>13.04.2011</del> <b><i>31.07.2012</i></b>
DA-A-3020	<del>00</del> <b><i>01</i></b>	West Elevation – Castlereagh Street	<del>13.04.2011</del> <b><i>31.07.2012</i></b>
DA-A-3030	<del>00</del> <b><i>01</i></b>	South Elevation – Martin Place	<del>13.04.2011</del> <b><i>31.07.2012</i></b>

Drawing Number	Revision	Title	Date
DA-A-3040	00 <b>01</b>	East Elevation – Elizabeth Street	13.04.2011 <b>31.07.2012</b>
DA-A-3100	00 <b>02</b>	North South Section (Typical) XDE	13.04.2011 <b>03.09.2012</b>
DA-A-3200	00 <b>02</b>	East West Section (Typical) X6N	13.04.2011 <b>03.09.2012</b>
DA-A-3300	00 <b>01</b>	East West Section (Grand Hall) X9N	13.04.2011 <b>31.07.2012</b>
<b>DA-A-3400</b>	<b>01</b>	<b>East West Section X4S</b>	<b>31.07.2012</b>
DA-A-4010	00 <b>01</b>	Typical Heritage Facade Section & Elevation	13.04.2011 <b>31.07.2012</b>
DA-A-4020	00	Typical Level 10 Facade Section & Elevation	13.04.2011
DA-A-4040	00 <b>02</b>	Banking Chamber Lobby Sections	13.04.2011 <b>03.09.2012</b>
<b>DA-A-4050</b>	<b>02</b>	<b>Roof Detail Section 1</b>	<b>03.09.2012</b>
<b>DA-A-4055</b>	<b>01</b>	<b>Roof Detail Section 2</b>	<b>31.07.2012</b>
<b>DA-A-4060</b>	<b>01</b>	<b>Roof Detail Section 3</b>	<b>31.07.2012</b>
DA-A-6000	00 <b>01</b>	Proposed Materials and Finishes	15.04.2011 <b>31.07.2012</b>

and as amended by the conditions of this consent:

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

**(3) BUILDING HEIGHT**

- (a) The height of the rooftop addition (including plant) must not **result in any part of the building projecting above the Martin Place Sun Access Plane and must not** exceed RL ~~75.59~~ **77.54** (AHD) to the top of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

**(4) FLOOR SPACE RATIO - CENTRAL SYDNEY**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed ~~9.45:1~~ **9.53:1** calculated in accordance with the Sydney Local Environmental Plan 2005. For the purpose of the calculation of FSR, the Floor Space Area of the approved development is ~~25,684.65~~ **25,910.12**sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2005

applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

**(5) AWARDED HERITAGE FLOOR SPACE**

Prior to issue of any Construction Certificate for the approved works, the amount of Heritage Floor Space awarded under D/2000/801 is to be reduced to reflect the additional floor space permitted by this approval. For the purpose of the calculation, the approved additional floor space under this application equates to ~~890~~ **1,490**sqm, which results in a reduction of Heritage Floor Space awarded under D/2000/801 from 10,876sqm to ~~9,986~~ **9,760**sqm.

**(6) DESIGN QUALITY EXCELLENCE**

(a) In order to ensure the design quality excellence of the development, ***particularly the roof top addition***, is retained ***and befitting of the quality of the original building***:

(i) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;

(ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;

(iii) Evidence of the design architect's commission is to be provided to the Council prior to the release of the Construction Certificate.

(iv) ***Details of the roof structure and glazing system shall be submitted for the approval of the Director City Planning, Development and Transport prior to the issue of a Construction Certificate.***

(b) The design architect of the project is not to be changed without prior notice and approval of the Council.

**(7) DESIGN DETAILS - APPROVED**

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by JPW dated ~~15 April 2011~~ **31 July 2012**, titled 'Proposed Materials and Finishes', DA-A-6000, Revision ~~00~~ **01**.

**(8) DESIGN DETAILS - REQUIRED**

The following design details are to be submitted to Council for approval prior to the issue of the Stage 1 Construction Certificate:

(a) Lower Basement Level



- (i) Safe Deposit Vault Lobby:
  - a. ~~The design of the wall enclosing the former stair well and the making good of the floor pattern after removal of the stair, continuing the original finishes~~ ***infill of the existing opening to the stair, which is to incorporate high quality materials originally represented in the Lower Basement level and is to be of a symmetrical composition.***
- (b) Upper Basement (Castlereagh St) Level:
  - (i) New Entrance Vestibule: Proposed design of contemporary floor, wall and ceiling finishes.
  - (ii) Proposed changes to signage and the hydrant booster couplings, west elevation.***
- (c) Central Atrium, Levels 1-11:
  - (i) The proposed contemporary finishes.
  - (ii) The perimeter of the floor plates and stair structure and stair balustrades.***
  - (iii) The design details of any internal handrails that may be required under the BCA within the glazing of external openings due to the raised level of the floors. The material of any such handrails should complement those of the window assemblies.***
  - (iv) The lighting system between the Banking Chamber laylight and the existing concrete slab to Level 1.***
  - (v) The raised glass floor at Level 1.***
  - (vi) The detail resolution of the penetrations for the lift shafts through each original floor structure, and at Level 10 to show the intended resolution with the original rooftop colonnade.***
- ~~(d) Plant Room, Level 11:~~
  - ~~(I) Profile and metal type of the proposed roofing over the plant room, with consideration to folded seam copper to be consistent with the sections of original roofing.~~
  - ~~(II) The metal type for the plant room louvres with consideration to a bronze colour, consistent with the proposed incised bronze interlayer of the facade beneath.~~
- (e) **Levels 10-11**
  - (i) The design resolution of the structural system of the dome as well as the external glazing systems.***

- (ii) *The design resolution of the new raised floor and roof deck, particularly at the interface with the existing building parapet.*

**(28) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF WHOLE OR PART OF BUILDING IS REQUIRED (CC REQUIRED)**

- (a) ~~Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the whole building must comply with the deemed to satisfy provisions of the Building Code of Australia (BCA) and the following:~~
- ~~(i) Structural provisions – Part B1;~~
  - ~~(ii) Fire resistance and stability – Part C1;~~
  - ~~(iii) Compartmentation and separation – Part C2;~~
  - ~~(iv) Protection of openings – Part C3;~~
  - ~~(v) Provision for escape (access and egress) – Part D1;~~
  - ~~(vi) Construction of exits – Part D2;~~
  - ~~(vii) Access for people with disabilities – Part D3;~~
  - ~~(viii) Fire fighting equipment – Part E1;~~
  - ~~(ix) Smoke hazard management – Part E2;~~
  - ~~(x) Lift installation – Part E3;~~
  - ~~(xi) Emergency lighting, exit signs and warning systems – Part E4;~~
  - ~~(xii) Damp and weatherproofing – Part F1;~~
  - ~~(xiii) Sanitary and other facilities – Part F2;~~
  - ~~(vi) Light and ventilation – Part F4;~~
  - ~~(v) Energy Efficiency – Building fabric – Part J1;~~
  - ~~(vi) Energy Efficiency – Building sealing – Part J3~~
  - ~~(vii) Energy Efficiency – Air conditioning and ventilation – Part J5~~
  - ~~(viii) Energy Efficiency – Artificial lighting and power – Part J6~~
  - ~~(xix) Energy Efficiency – Access for maintenance – Part J8~~
- (b) ~~If compliance with the deemed to satisfy provisions of the BCA and the conditions listed above cannot be achieved, an alternate solution in accordance with Part A0 of the BCA must be prepared~~

~~by a suitably qualified and accredited person and submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued the Certifying Authority must ensure that the building complies with the Building Code of Australia.~~

***Pursuant to Clause 94 of the Environmental Planning and Assessment Regulations 2000 the existing building must be upgraded in accordance with the recommendations of Report 2012/0308 R2.8 dated November 2012, issued by Steve Watson and Partners.***

- (ii) Insertion of the following new conditions in Schedule 1A:

**(8A) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) The design resolution of the interconnecting stairs at the northern edge of the atrium should endeavour to minimise the extent of cantilever into the original portion of the atrium.
- (b) The design of the interconnecting stairs at the northern edge of the atrium should avoid demolition of the northern perimeter beam exploring alternate structural systems, such as suspended, or revised landing locations on the eastern and western edges of the atrium.

The modifications are to be submitted to and approved by Council prior to a Construction Certificate being issued.

**(8B) CONSERVATION MANAGEMENT PLAN**

One bound colour copy of the latest version of the Conservation Management Plan by Tanner Architects dated July 2012, is to be submitted to Council's heritage specialist for lodgement in Council's Archives prior to the issue of any construction certificate.

**(8C) REFLECTIVITY**

The Certifying Authority must ensure that the visible light reflectivity from building materials used on the façade of the building does not exceed 20% prior to the issue of the Construction Certificate.

- (iii) Insertion of the following new conditions in a new Schedule 3:

**SCHEDULE 3**

**Terms of Approval**

**Other Integrated Development Approvals**

The Terms of Approval for Integrated Development as advised by the Heritage Council of NSW are as follows:

1. All work shall comply with the information contained within:
  - a. Architectural drawing No's: DA-A-0001; DA-A-0050; DA-A-0970; DA-A-1200; DA-A-3020; DA-A-3030; DA-A-3040; DA-A-3300; DA-A-3400; DA-A-4010; DA-A-4055; DA-A-4060; DA-A-6000; DA-A-6970; DA-A-7005; DA-A-7105; DA-A-7110; DA-A-7970; DA-A-8120. All dated 31/07/2012 revision 01 and prepared by Johnson Pilton Walker Pty Ltd.
  - b. Architectural drawing Number's DA-A-980; DA-A-990; DA-A-1000; DA-A-1005; DA-A-1010; DA-A-1020; DA-A-1030; DA-A-1040; DA-A-1050; DA-A-1060; DA-A-1070; DA-A-1080; DA-A-1090; DA-A-1100; DA-A-1105; DA-A-1110; DA-A-1120; DA-A-3100; DA-A-3200; DA-A-4040; DA-A-4050; DA-A-6980; DA-A-6990; DA-A-7000; DA-A-7010; DA-A-7020; DA-A-7030; DA-A-7040; DA-A-7050; DA-A-7060; DA-A-7070; DA-A-7080; DA-A-7090; DA-A-7100; DA-A-7900; DA-A-7980; DA-A-7990; DA-A-8000; DA-A-8005; DA-A-8010; DA-A-8020; DA-A-8030; DA-A-8040; DA-A-8050; DA-A-8060; DA-A-8070; DA-A-8080; DA-A-8090; DA-A-8100; DA-A-8105; DA-A-8110. All dated 03/09/2012 revision 02 prepared by Johnson Pilton Walker Pty Ltd.
  - c. Report titled 'Former Government Savings Bank of New South Wales, 48-50 Martin Place, Sydney – Proposed Building Refurbishment – Statement of Heritage Impact – Section 96(2) Modification – D/2011/733. Prepared by Tanner Architects dated August 2012 Issue D' and report titled 'Former Government Savings Bank of New South Wales 48-50 Martin Place, Sydney – Proposed Glass Shuttle Lifts – Statement of Heritage Impact – Section 96(2) Modification – D/2011/733 Section 60 Application'. Prepared by Tanner Architects dated September 2012, Issue A.
  - d. Reports titled 'Statement of Environmental Effects – Section 96(2) Modification D/2011/733, 48-50 Martin Place. Prepared by JBA Panning Consultants Pty Ltd dated August 2012' and attachments, and Statement of Environmental Effects report titled '48-50 Martin Place – Glass Shuttle Lifts – Section 96(2) Modification D/2011/733' (and appendices). Prepared by JBA Planning dated September 2012.

EXCEPT AS AMENDED by the conditions of this approval:

2. Construction detailed drawings of the proposed atrium staircases are to be submitted with the section 60 application for assessment and approval.
3. Detailed structural and façade engineering construction drawings of the glazed roof are to be submitted with the section 60 application for assessment and approval.
4. Details of external signage proposed to be modified that are indicated on architectural drawing numbers DA-A-3020 and DA-A-3030 are to be submitted with the section 60 application for assessment and approval.

5. Details of the proposed 'hydrant/sprinkler booster couplings' indicated on architectural drawing number DA-A-3020 are to be submitted with the section 60 application for assessment and approval.
6. Construction detail drawings and finishes of the proposed glass shuttle lifts that demonstrate the architectural Design Statement claims are to be submitted with the section 60 application for assessment and approval.
7. Construction detail drawings and finishes of the reproduction ceiling panels flanking the glass shuttle lifts' void in the Banking Chamber are to be submitted with the section 60 application for assessment and approval.

Nominated Heritage Consultant:

8. The nominated heritage consultant shall provide advice on the detail design resolution of new elements and inspect the demolition and removal of material to ensure that no unapproved loss of significant fabric or elements occurs (to minimise impacts on significant fabric and to manage the implementation of the conditions of approval).
9. All work shall be carried out by suitably qualified tradesmen with practical experience in conservation and restoration of similar heritage items. The nominated heritage consultant shall be consulted prior to the selection of appropriate tradesmen.

Archival Recording:

10. Submit with the section 60 application an archival record of the heritage fabric affected by the works in accordance with NSW Heritage Branch guidelines titled 'Photographic Recording of Heritage Items using Film or Digital Capture' for approval. A copy shall be submitted to the Council of the City of Sydney prior to the Construction Certificate being issued.

Heritage Interpretation Plan:

11. Submit with the section 60 application an Interpretation Plan in accordance with NSW Heritage Branch guidelines titled 'Interpreting Heritage Places and Items: guidelines' and policy titled 'Heritage Information Series: Heritage Interpretation Policy' for assessment and approval. The approved Interpretation Plan proposal is to be implemented and installed prior to the issue of an Occupation Certificate.

Site Protection & Works:

12. Significant built elements are to be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.

Archaeology:

13. The Applicant must ensure that if intact archaeological deposits and/or State significant relics are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified in accordance with Section 146 of the Heritage Act. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Compliance:

14. This approval shall be void if the activity to which it refers is not physically commenced within five years after the date of the approval or within the period of consent specified in any relevant development consent granted under the Environmental Planning and Assessment Act, 1979, whichever occurs first.
15. An application under section 60 of the NSW Heritage Act must be submitted and approved by the NSW Heritage Council prior to work commencing.

Carried unanimously.

**ITEM 11 REPORT SUMMARISING DETERMINATIONS DELEGATED BY THE CENTRAL SYDNEY PLANNING COMMITTEE TO THE CITY OF SYDNEY COUNCIL (S040864)**

Moved by Mr Knowles, seconded by Councillor Kok -

It is resolved that the subject report be received and noted.

Carried unanimously.

**ITEM 12 SUMMARY OF OUTSTANDING APPLICATIONS TO BE REPORTED TO THE CENTRAL SYDNEY PLANNING COMMITTEE (S042755)**

Moved by Mr Knowles, seconded by Councillor Kok -

It is resolved that the subject report be received and noted.

Carried unanimously.

Note - The Chair (the Lord Mayor), congratulated City of Sydney staff on the work they have done on the development applications that have been approved by the Committee at this meeting.

**ITEM 13 DELEGATION OF MINISTER'S PLAN-MAKING FUNCTIONS (S093891)**

Moved by Mr Knowles, seconded by Councillor Kok -

It is resolved that the Central Sydney Planning Committee note that the report to the Planning and Development Committee on 3 December 2012 recommends that Council accept the delegation by the Minister for Planning and Infrastructure of all his functions under section 59 of the Environmental Planning and Assessment Act 1979.

Carried unanimously.

**ITEM 14 PUBLIC EXHIBITION - PLANNING PROPOSAL: AMENDMENT TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 - SYDNEY FISH MARKET - 56-60 PYRMONT BRIDGE ROAD PYRMONT (S110701)**

Moved by Mr Knowles, seconded by Mr Pearson -

It is resolved that:

- (A) the Central Sydney Planning Committee approve the Planning Proposal: Amendment to Sydney Local Environmental Plan 2012 – Sydney Fish Market – 56-60 Pyrmont Bridge Road, Pyrmont shown at Attachment A to the subject report, for submission to the Minister for Planning and Infrastructure with a request for a Gateway determination;
- (B) the Central Sydney Planning Committee approve the Planning Proposal: Amendment to Sydney Local Environmental Plan 2012 – Sydney Fish Market – 56-60 Pyrmont Bridge Road, Pyrmont, for public authority consultation and public exhibition;
- (C) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal following receipt of the Gateway determination; and
- (D) the Planning Proposal, as shown at Attachment A to the subject report, be amended to include the zoning map, as shown at Attachment A to the Memo Relevant To the subject report dated 6 December 2012 from the Director City Planning, Development and Transport, circulated prior to the meeting of the Central Sydney Planning Committee.

Carried unanimously.

**ITEM 15 POST EXHIBITION - PLANNING PROPOSAL TO ALLOW MOBILE FOOD VENDING VEHICLES – FOOD TRUCKS AS EXEMPT DEVELOPMENT (S102371)**

Moved by the Councillor Mant, seconded by Councillor Kok -

It is resolved that:

- (A) the Central Sydney Planning Committee note that no submissions were received in response to the public exhibition of the Planning Proposal: Amendment No.1 to Sydney Local Environmental Plan 2012 – Schedule 2 Exempt Development Mobile Food Vending Vehicles (Food Trucks);
- (B) the Central Sydney Planning Committee endorse the Planning Proposal: Amendment No.1 to Sydney Local Environmental Plan 2012 – Schedule 2 Exempt Development Mobile Food Vending Vehicles (Food Trucks), as shown at Attachment A to the subject report, for submission to the Director-General of the Department of Planning and Infrastructure, requesting a local environmental plan be legally drafted and made, in accordance with Sections 58 and 59 of the Environmental Planning and Assessment Act 1979;
- (C) authority be delegated to the Chief Executive Officer to make minor amendments and corrections to the Planning Proposal: Amendment No.1 to Sydney Local Environmental Plan 2012 – Schedule 2 Exempt Development Mobile Food

Vending Vehicles (Food Trucks), as shown at Attachment A, to finalise matters prior to submission to the Department of Planning and Infrastructure; and

- (D) the Central Sydney Planning Committee note that a draft Local Approvals Policy for Mobile Food Vending Vehicles is currently on public exhibition, the outcome of which will be reported back to Council early in the new year for consideration prior to the Policy coming into force.

Carried unanimously.

**ITEM 16 PROPOSED SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2013  
(S092508)**

Moved by the Chair (the Lord Mayor), seconded by Councillor Mant -

It is resolved that the Central Sydney Planning Committee adopt the Schedule of Meetings and Briefings for 2013, as shown at Attachment A to the subject report.

Carried unanimously.

The Schedule of Meetings and Briefings for 2013, as adopted by the Central Sydney Planning Committee, is as follows:



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**2013 PROGRAM OF MEETINGS**


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<b>DATE</b>	<b>MEETING</b>
THURSDAY 14 FEBRUARY	• CSPC BRIEFINGS
THURSDAY 21 FEBRUARY	• CSPC MEETING
THURSDAY 14 MARCH	• CSPC BRIEFINGS
THURSDAY 21 MARCH	• CSPC MEETING
THURSDAY 2 MAY	• CSPC BRIEFINGS
THURSDAY 9 MAY	• CSPC MEETING
THURSDAY 13 JUNE	• CSPC BRIEFINGS
THURSDAY 20 JUNE	• CSPC MEETING
THURSDAY 18 JULY	• CSPC BRIEFINGS
THURSDAY 25 JULY	• CSPC MEETING
THURSDAY 15 AUGUST	• CSPC BRIEFINGS
THURSDAY 22 AUGUST	• CSPC MEETING
THURSDAY 5 SEPTEMBER	• CSPC BRIEFINGS
THURSDAY 12 SEPTEMBER	• CSPC MEETING
THURSDAY 10 OCTOBER	• CSPC BRIEFINGS
THURSDAY 17 OCTOBER	• CSPC MEETING
THURSDAY 7 NOVEMBER	• CSPC BRIEFINGS
THURSDAY 14 NOVEMBER	• CSPC MEETING

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**2013 PROGRAM OF MEETINGS**

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THURSDAY 28 NOVEMBER	<ul style="list-style-type: none"><li>• CSPC BRIEFINGS</li></ul>
THURSDAY 5 DECEMBER	<ul style="list-style-type: none"><li>• CSPC MEETING</li></ul>
THURSDAY 12 DECEMBER	<ul style="list-style-type: none"><li>• CSPC RECESS</li></ul>

The recess continues until the first Committee meetings of 2014.

The meeting concluded at 5.05pm.

CHAIR