

# CENTRAL SYDNEY PLANNING COMMITTEE

Meeting No 395  
Thursday 22 August 2013  
Notice Date 16 August 2013

*minutes*

*city of villages*

## INDEX TO MINUTES

ITEM	PAGE NO
1. DISCLOSURES OF INTEREST .....	197
2. CONFIRMATION OF MINUTES .....	197
3. MATTERS ARISING FROM THE MINUTES .....	197
4. DEVELOPMENT APPLICATION: ST PAULS COLLEGE - SYDNEY UNIVERSITY - 9 CITY ROAD CAMPERDOWN .....	197
5. DEVELOPMENT APPLICATION: 115-119 BATHURST STREET SYDNEY .....	229
6. REPORT SUMMARISING DETERMINATIONS DELEGATED BY THE CENTRAL SYDNEY PLANNING COMMITTEE TO THE CITY OF SYDNEY .....	241
7. SUMMARY OF OUTSTANDING APPLICATIONS TO BE REPORTED TO THE CENTRAL SYDNEY PLANNING COMMITTEE .....	242
8. PUBLIC EXHIBITION - GREEN SQUARE TOWN CENTRE LIBRARY AND PLAZA - DRAFT PLANNING PROPOSAL AND DEVELOPMENT CONTROL PLAN AMENDMENT .....	242
9. CONCLUSION OF THE 1994 ULTIMO PYRMONT PUBLIC AMENITIES AND SERVICES AGREEMENT .....	242

### PRESENT

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

Members - The Hon Craig Knowles, Councillor Robert Kok, Councillor John Mant, Mr Richard Pearson (Deputy Director General - Planning Operations and Regional Delivery, NSW Department of Planning and Infrastructure), Mr Peter Poulet, the Hon Robert Webster

At the commencement of business at 5.00pm, those present were -

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

The Director City Planning, Development and Transport was also present.

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

No 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 (S106508)**

Moved by Councillor Mant, seconded by Councillor Kok -

That the minutes of the meeting of the Central Sydney Planning Committee of 25 July 2013, as circulated to Members, be confirmed.

Carried unanimously.

**ITEM 3 MATTERS ARISING FROM THE MINUTES (S106508)**

There were no matters arising from the minutes of the meeting of the Central Sydney Planning Committee of 25 July 2013.

**ITEM 4 DEVELOPMENT APPLICATION: ST PAULS COLLEGE - SYDNEY UNIVERSITY - 9 CITY ROAD CAMPERDOWN (D/2013/580)**

The following persons addressed the meeting of the Central Sydney Planning Committee on this matter -

- Mr Cam Capel, Chief Executive Officer, Moore College
- Mr Stephen McMillan, Citta Property Group

Moved by Mr Webster, seconded by Councillor Mant -

It is resolved that consent be granted to Development Application No. D/2013/580, 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/2013/580 dated 3/5/13 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
A-0100 (Rev F)	Cox Richardson	22/4/13
MP-1101 (Rev F)	Cox Richardson	22/4/13
MP-1102 (Rev F)	Cox Richardson	22/4/13
MP-1103 (Rev F)	Cox Richardson	22/4/13
MP-1104 (Rev F)	Cox Richardson	22/4/13
MP-1105 (Rev F)	Cox Richardson	22/4/13
MP-1106 (Rev F)	Cox Richardson	22/4/13
MP-1107 (Rev F)	Cox Richardson	22/4/13
MP-1108 (Rev F)	Cox Richardson	22/4/13
MP-1109 (Rev F)	Cox Richardson	22/4/13
MP-1110 (Rev F)	Cox Richardson	22/4/13
MP-1111 (Rev F)	Cox Richardson	22/4/13
MP-1201 (Rev F)	Cox Richardson	22/4/13
MP-1202 (Rev F)	Cox Richardson	22/4/13
MP-1203 (Rev F)	Cox Richardson	22/4/13
A-2001 (Rev F)	Cox Richardson	22/4/13
A-2002 (Rev F)	Cox Richardson	22/4/13
A-2003 (Rev F)	Cox Richardson	22/4/13
A-2100 (Rev F)	Cox Richardson	22/4/13
A-2101 (Rev F)	Cox Richardson	22/4/13
A-2102 (Rev F)	Cox Richardson	22/4/13
A-2103 (Rev F)	Cox Richardson	22/4/13
A-2104 (Rev F)	Cox Richardson	22/4/13

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
A-2105 (Rev F)	Cox Richardson	22/4/13
A-2106 (Rev F)	Cox Richardson	22/4/13
A-2107 (Rev F)	Cox Richardson	22/4/13
A-2108 (Rev F)	Cox Richardson	22/4/13
A-2109 (Rev F)	Cox Richardson	22/4/13
A-2202 (Rev F)	Cox Richardson	22/4/13
A-2203 (Rev F)	Cox Richardson	22/4/13
A-2204 (Rev F)	Cox Richardson	22/4/13
A-2205 (Rev F)	Cox Richardson	22/4/13
A-2206 (Rev F)	Cox Richardson	22/4/13
A-2207 (Rev F)	Cox Richardson	22/4/13
A-2208 (Rev F)	Cox Richardson	22/4/13
A-3101 (Rev F)	Cox Richardson	22/4/13
A-3102 (Rev F)	Cox Richardson	22/4/13
A-3201 (Rev F)	Cox Richardson	22/4/13
A-3202 (Rev F)	Cox Richardson	22/4/13
A-4101 (Rev F)	Cox Richardson	22/4/13
A-4201 (Rev F)	Cox Richardson	22/4/13
A-4202 (Rev F)	Cox Richardson	22/4/13
A-4401 (Rev F)	Cox Richardson	22/4/13
A-4501 (Rev F)	Cox Richardson	22/4/13
A-4502 (Rev F)	Cox Richardson	22/4/13

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)**

The design details of the proposed building facades including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by Cox Richardson, identified as SK-6201.

**(3) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) the proposed concept building envelopes for the City Road Precinct and Arnott Wing extension are not approved at this time. Prior to the submission of any detailed application relating to the City Road Precinct and/or the Arnott Wing extension, the applicant shall provide design details relating to these buildings. The reason for this requirement is that sufficient information has not been provided with the application to fully assess the material affectation on the significance of the place and Women's College; and
- (b) the proposed at-grade tennis court in the Outdoor Sports Precinct shall be moved to the north to enable the retention of Trees 23 and 25 as identified on Landscape Staging Plan (LS-4001) prepared by Context dated 24 April 2013

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

**(4) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 58.0 (AHD) to the top of Academic House/Library Building and RL 53.85 (AHD) to the top of Graduate House.
- (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) DESIGN QUALITY EXCELLENCE**

- (a) In order to ensure the design quality excellence of the development is retained:
  - (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; and
  - (iii) evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate.

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

**(6) USE OF CONSERVATION ARCHITECT**

The applicant is to commission an experienced conservation architect throughout the construction stages of the project. The conservation architect is to be involved in the resolution of all matters where significant fabric and spaces are to be affected by the proposed works. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project and is to sign off the project on completion of the works and before the issue of an occupation certificate.

**(7) CONDITIONS IN RELATION TO GARNSEY WING**

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations, and new penetrations/fixings to the significant fabric of the existing building.
- (b) Experienced tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.

New services:

All new service installations in the building are to be placed as unobtrusively as possible with minimum intervention to significant fabric and spaces.

External finishes and works of making good:

All new external finishes and works of making good, including new stone and brickwork, shall match the existing original work adjacent in respect of materials used, detailed execution and finished appearance.

Stairs:

The existing stairs which are original have been relocated. With the changes proposed to the internal layout of Garnsey Wing the stairs are to be carefully dismantled and restored to their original location within the building. This is being shown on drawings to Council's satisfaction prior to the issue of a Construction Certificate in relation to the Garnsey Wing works.

**(8) ARCHIVAL PHOTOGRAPHIC RECORD OF GARNSEY WING, CRICKET PAVILION AND ANIMAL HOUSE**

Prior to the issue of a relevant Construction Certificate being issued or commencement of works, whichever is the earliest, a photographic record of the interior and exterior of Garnsey Wing, Cricket Pavilion and Animal House is to be prepared to Council's satisfaction. One copy of the record for Garnsey Wing and the Cricket Pavilion is to be submitted to Council's Archives and another to St Paul's College Archives. One copy of the record for Animal House is to be submitted to Council's Archives and another to Sydney University Archives.

The recording for each individual building 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'.

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) Thumbnail image sheets and a selection of A5 or A4 size images, all labelled and cross-referenced to the catalogue sheets and base plans, and processed on A4 size archival photographic paper using archivally stable inks.
- (g) CD or DVD containing the report in PDF format and the electronic images saved as JPEG or TIFF files and cross referenced to the catalogue sheets.

A film based recording is to include:

- (h) 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.

## **(9) HERITAGE INTERPRETATION PLAN**

- (a) A Heritage Interpretation Plan be prepared in accordance with NSW Heritage Office guidelines titled 'Interpreting Heritage Places and Items: guidelines' and policy titled 'Heritage Information Series: Heritage Interpretation Policy' for assessment and approval. Those documents should be prepared for the approval of the City of Sydney.
- (b) The approved Heritage Interpretation Plan proposal is to be implemented for each stage of works and installed prior to the issue of respective Occupation Certificates.



- (c) Specifically the heritage interpretation plan for the Garnsey Wing and the Cricket Pavilion must be submitted to and approved by Council, prior to a relevant Construction Certificate being issued.
- (d) The interpretation plan must detail how information on the history and significance of the Garnsey Wing and Cricket Pavilion will be provided for the staff and students of the college and general 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.
- (e) The interpretation of the Garnsey Wing is to specifically address the history and significance of this wing.
- (f) The interpretation of the Crickets Pavilion is to specifically address the history and development of the existing pavilion and the oval, as well as sport carried out by students at the college.
- (g) The plan is to show the location, type, materials and contents of the interpretation proposed, and this is to be prepared by a suitably qualified and experienced heritage practitioner.
- (h) Prior to an Occupation Certificate being issued the approved interpretation plan must be implemented to the satisfaction of Council. It is further recommended that the above information is forwarded to the NSW Heritage Council, once received by the City of Sydney for adequacy review and further comment prior to the issuance of any approval.

**(10) HISTORIC ARCHAEOLOGY CONDITION**

- (a) All works which affect areas identified as having archaeological potential are to be subject to professional archaeological monitoring and recording. A Research Design must be prepared in accordance with Heritage Council guidelines for each site which is to be excavated. Those documents should be prepared for the approval of the Director-General, Department of Planning and Infrastructure.
- (b) After archaeological works are undertaken, a copy of the final excavation report(s) shall be prepared and lodged with the Heritage Council of NSW, the Local Studies Library and the Local Historical Society in the relevant Local Government area. The proponent shall also be required to nominate a repository for the relics salvaged from any historical archaeological excavations. The information within the final excavation report shall be required to include the following:
  - (i) An executive summary of the archaeological programme;
  - (ii) Due credit to the client paying for the excavation, on the title page;
  - (iii) An accurate site location and site plan (with scale and north arrow);
  - (iv) Historical research, references, and bibliography;

- (v) Detailed information on the excavation including the aim, the context for the excavation, procedures, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale photographs and/or drawings, location of repository) and analysis of the information retrieved;
- (vi) Nominated repository for the items;
- (vii) Detailed response to research questions (at minimum those stated in the Department of Planning approved Research Design);
- (viii) Conclusions from the archaeological programme. This information must include a reassessment of the site's heritage significance, statement(s) on how archaeological investigations at this site have contributed to the community's understanding of the site and other Comparative Site Types and recommendations for the future management of the site;
- (ix) Details of how this information about the excavations have been publicly disseminated (for example, include copies of press releases, public brochures and information signs produced to explain the archaeological significance of the sites).

#### **(11) ABORIGINAL ARCHAEOLOGY CONDITION**

There is to be an archaeological monitor of the initial ground disturbance of the construction of Academic House. The monitor is to be carried out by a qualified archaeologist and a representative of the Metropolitan Local Aboriginal Land Council. The aim of the monitor is to confirm the presence or absence of the water course and whether any deposits remain which might have archaeological potential.

#### **(12) RESTRICTION ON STUDENT HOUSING**

- (a) The following restriction applies to the buildings hereby approved for student residential accommodation:
  - (i) The accommodation portion of the building may only be used for residential accommodation for students associated with St Paul's College as hereinafter defined and not otherwise as residential accommodation, or as serviced apartments, private hotel, boarding house, tourist or backpackers' accommodation or the like.
  - (ii) An owner, Owners Corporation, tenant or licensee of the premises or any part thereof shall not advertise or permit advertisement of any accommodation in the building over which they have control other than for student residential accommodation.
  - (iii) Any tenant or licensee of any part of the residential accommodation must produce to the owner or licensor or landlord prior to taking occupation evidence of identity and of enrolment in a tertiary educational facility in Australia.

- (iv) Any tenant or licensee of any part of the residential accommodation must produce to Council upon request at any time written evidence of identity and of enrolment in such tertiary educational facility.
  - (v) Upon ceasing to be enrolled to attend a full time tertiary educational course with a tertiary institution in Australia, the now former student shall vacate the residential accommodation within 4 weeks of the expiration of their tertiary course; and
  - (vi) Notwithstanding the above conditions, the student accommodation may be used for short-term accommodation only outside Sydney University's 38 week academic calendar, when that accommodation is not required or being used by a student.
- (b) For the purpose of this condition, "student" means a person over 18 years of age enrolled with a tertiary institution in Australia and attending a full time course of tertiary education in Australia.

**(13) LAND SUBDIVISION – SEPARATE DA REQUIRED**

Any proposal for land subdivision will require a separate application to Council to obtain development consent and the subsequent approval of the plan of subdivision and issue of a Subdivision certificate under Section 109J of the Environmental Planning and Assessment Act 1979.

**(14) ALLOCATION FOR VISITOR PARKING**

Visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building visitors.

**(15) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES**

For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the units in any future strata subdivision of the building.

**(16) 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".

**(17) BICYCLE PARKING**

A minimum of 119 residential bicycle parking spaces and 48 visitor bicycle parking spaces are to be provided.

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.

**(18) PLAN OF MANAGEMENT TO BE SUBMITTED AND APPROVED**

- (a) The preliminary Plan of Management accompanying this Development Application has not been approved by this consent.
- (b) A Plan of Management must be prepared to address all operational and management procedures to be employed, to ensure that the premises can operate without disturbance to the surrounding locality. The plan must reflect the whole of the operations.
- (c) The plan must include, but not restricted to, compliance with all other operational conditions of this consent; hours of operation; noise; security management; and handling complaints.
- (d) The plan must be submitted to, and approved by, Council prior to a relevant Construction Certificate being issued.

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

A maximum of 97 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 relevant Construction Certificate being issued.

**(20) COST OF SIGNPOSTING**

All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

**(21) INTERCOM FOR VISITORS**

Where a boomgate or barrier control is in place the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 6m clear of the property boundary, wired to all units (prior to an Occupation Certificate being issued or the use commencing, whichever is earlier).

The intercom must comply with 'Australian Standard AS 1428.2- 1992: Design for access and mobility – Enhance and additional requirements – Building and facilities Sections 22 and 23.

**(22) LOADING WITHIN SITE**

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

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

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

**(24) 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.

**(25) LOCATION OF VISITOR PARKING**

All visitor parking spaces must be grouped together, and located at the most convenient location to the car parking entrance. All spaces must be clearly marked 'visitor' prior to the issue of an occupation certificate or the use commencing, whichever is earlier. All signs must be maintained in good order at all times.

**(26) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME APPLICATION OF CITY OF SYDNEY PERMIT PARKING POLICY – INELIGIBILITY FOR RESIDENT PARKING PERMITS**

All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.

**(27) 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.

**(28) SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME**

Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must be located in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times.

**(29) 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.

**(30) TRAFFIC WORKS**

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

**(31) VEHICLES ACCESS**

The site must be configured to allow all vehicles to be driven onto and off the site in a forward direction.

**(32) NOISE - GENERAL**

- (a) 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 LAeq,15minute noise level shall be adjusted for modifying factors in accordance with Part 4 of the Environmental Protection Authority (EPA) NSW Industrial Noise Policy.
  - (iii) 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.
  - (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.

**Internal to internal noise transmission- residential amenity**

- (b) 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:

- (i) 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;
- (ii) 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; and
- (iii) 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.

#### **Internal to internal noise transmission- commercial amenity**

- (c) 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:
  - (i) 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; and
  - (ii) 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.

### **(33) MECHANICAL VENTILATION**

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 and AS1668.2-1991.
- (b) 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 relevant Construction Certificate.
- (c) 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.

### **(34) AIR CONDITIONERS**

The air conditioner/s must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2008 and shall not:

- (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
  - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
  - (ii) before 7.00am and after 10.00pm on any other day; or
- (b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background ( $L_{A90, 15\text{minutes}}$ ) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

### **(35) INTRUDER ALARM**

Intruder alarm/s associated with the development must operate only in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2008 under the Protection of the Environment Operations Act, 1997.

### **(36) VEHICLE FOOTWAY CROSSING**

A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

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

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

## **SCHEDULE 1B**

### **Prior to Construction Certification/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.



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

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design 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 the Certifying Authority (Council or a private accredited certifier). A copy of the certificate must be submitted to Council if Council is not the CA.

**(38) 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).
- (b) If compliance with the deemed-to-satisfy provisions of the BCA 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 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 this condition are not an exhaustive list of non-compliances 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 the development approved in this consent.
- (d) Note: Attention is drawn to NSW Planning Circular dated 22 April 2013, Circular No. BS 13-002 which clarifies the meaning of “sole occupancy unit” (SOU) i.e. “a sole occupancy unit is an area within a building for the exclusive use of the owner or occupier”. If bedroom doors are fitted with a locking mechanism then the bedrooms are to be considered as SOU's, if an occupier (resident) has exclusive use of that room.

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

The proposed work must comply with the Building Code of Australia (BCA).

**(40) 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 following buildings the “Garnsey” Building, the “Arnott” building and the “Gatekeepers” lodge 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) Sanitary and other facilities - Part F2;
- (xiii) Room sizes - Part F3;
- (xiv) Light and ventilation - Part F4;
- (xv) Sound transmission and insulation - Part F5; and
- (xvi) Energy Efficiency – Section J.

Prior to a relevant 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.

#### **(41) ASBESTOS REMOVAL WORKS**

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.

#### **(42) ANNUAL FIRE SAFETY STATEMENT FORM**

An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued.

#### **(43) FIRE SAFETY CERTIFICATE TO BE SUBMITTED**

A Fire Safety Certificate must be submitted to the Principal Certifying Authority for all of the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued.

**(44) TREES TO BE RETAINED AND REMOVED**

**Table 1 - Existing trees which must be retained** - Approval is NOT granted for the removal of the following trees.

<b>Tree Nos:</b>
9-11, 12-19, 21, 22, 23, 25, 26, 29-31, 38, 39, 42, 43, 45, 61-63, 69-72-75, 91, 121-126, 128, 130-136, 138, 140, 141, 145, 147, 149, 150-164, 166, 167, 169-172

**Table 2 – Existing trees to be removed**

<b>Tree Nos:</b>
1-8, 20, 27, 32-37, 40, 41, 44, 46-60, 64-68, 76-90, 92-114, 127, 129, 137, 139, 142, 144, 146, 148, 165, 168, 173-193.

- (a) The existing trees detailed in Table 1 are to be retained and protected throughout the proposed development.
- (b) The existing trees detailed in Table 2 be removed during Stage 1 as per the Landscape Staging Plan (LS-4001) prepared by Context dated 24 April 2013.
- (c) A qualified Arborist with a minimum Australian Qualification Framework (AQF) of Level 5 in Arboriculture should review the finalised plans to assess/determine the specific pruning requirements for each tree listed in Table 1 prior to the commencement of works. A detailed tree pruning specification should be submitted to Council for approval prior to issue of a Construction Certificate.

**(45) COMPLIANCE WITH ARBORICULTURAL ASSESSMENT REPORT**

All tree protection measures and recommendations contained in the Arboricultural Impact Assessment Report prepared by Tree iQ dated 30 April 2013 must be implemented during the demolition, construction and use of the development, including the following:

- (a) For Trees 18, 21, 38, 39, 42, 43, 45, 61-63, 69-72, 91, 121-126, 130-136, 138, 145, 147, 164, 166, 167, 170-172 and the Fisher Road Figs, sensitive construction works and/or root investigations will be required to minimise/determine the impact of the works on the trees.
- (b) As detailed plans become available for Stage 2, an assessment of the potential impacts of development on trees (particularly Trees 158, 159 and 172) will be required.
- (c) Trees located adjacent to the outdoor sports courts, oval edges, Fisher Road, library building and Graduate House may require pruning as part of development works. The Project Arborist should review the finalised plans to assess/determine the specific pruning requirements for each tree prior to the commencement of the above works.

- (d) The trees to be retained within the subject site should be protected as outlined within the Tree Protection Specification, attached as Appendix 5.

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

Future planning and design of the site should address replacement tree planting to compensate the loss of canopy on the site. A detailed Landscape Plan must be submitted to Council and referred to the tree management unit for approval prior to the issue of a construction certificate.

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, should be prepared and include:
  - (i) Location of existing and proposed structures on the site including existing trees.
  - (ii) Timing of tree planting – replacement tree planting for each stage should be undertaken prior to the commencement of the next stage.
  - (iii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable).
  - (iv) Location, numbers and type of plant species.
  - (v) The design must provide a minimum 25% canopy cover across the site, provided by trees that will reach a minimum height of eight (8) metres and minimum canopy spread of six (6) metres. Palms, fruit trees and species recognised to have a short life span are not considered a suitable replacement. See details below of advanced tree planting requirements.
  - (vi) Details of planting procedure, drainage and watering systems.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

#### **(47) ADVANCED TREE PLANTING**

Tree planting within the site should be undertaken in accordance with the following:

- (a) The design should provide a minimum 25% canopy cover across the site, provided by trees that will reach a minimum height of eight (8) metres and minimum canopy spread of six (6) metres. Palms, fruit trees and species recognised to have a short life span are not considered a suitable replacement.
- (b) The trees must be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment.

- (c) At the time of planting, the container size is to be a minimum of 100 litres and a minimum height of 2.5 metres.
- (d) The trees should be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF).
- (e) The replacement plantings should be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity.

#### **(48) TREE SUPPLY, INSTALLATION AND MAINTENANCE PLAN**

A detailed supply, installation and maintenance specification should be prepared by a qualified Consultant Arborist, who holds the Diploma in Horticulture (Arboriculture), Level 5 under the Australian Qualification Framework. The specification should be submitted to Council and referred to the tree management unit for approval, including:

- (a) Replacement trees should be contract grown to meet the requirements of the project.
- (b) The estimated time required to produce trees for replacement planting should meet the requirement of the proposed removal program.
- (c) To ensure the consistency of quality plant material at the time of supply, periodic inspection of the trees by a qualified arborist throughout the growing period should be undertaken to ensure compliance and quality control.
- (d) The newly planted trees on site should be appropriately maintained on an on-going basis.
- (e) Maintenance includes watering, weeding, removal of rubbish from tree bases, pruning (in accordance with AS4373-2007), fertilizing, pest and disease control and any other operations required to maintain a healthy robust tree.

#### **(49) FUTURE STAGED DEVELOPMENT APPLICATIONS**

An Arboricultural Impact Assessment report must be submitted for each subsequent stage of development. The report must be submitted to Council and referred to the Tree Management unit for approval prior to the application being determined. The report must be:

- (a) Prepared by a qualified Arborist with a minimum Australian Qualification Framework (AQF) of Level 5 in Arboriculture; and
- (b) Written in accordance with the Australian Standard AS 4970-2009 Protection of Trees on Development Sites (AS4970).

The Arboricultural Impact Assessment report must provide the following details:

- (a) An assessment and discussion of the likely impacts the proposed development will have on the trees to be retained. This should include above and below ground constraints on trees that should be retained.

- (b) If excavation is proposed within the setback zones of retained trees, exploratory root investigation will be required to determine the exact location of existing roots. This shall consist of an 'air knife', gently removing the soil to expose the existing tree roots where construction is likely to impact on the tree or require root pruning to achieve the proposed development design. An assessment of tree root size, number and condition must be provided (including photos). No roots over 30mm will be permitted for removal.
- (c) Recommendations of any design modifications, construction techniques and/or other protection methods required to minimise adverse impact on trees that should be retained during the demolition and construction works, and into the long term. Note: particular attention must be paid to the existing soil levels, required development levels to integrate to the existing building, and the required tree protection measures.
- (d) Details of the tree protection measures in accordance with AS4970-2009 Protection of trees on development site.
- (e) Provide a Tree Protection Plan (drawing) showing the tree protection zones for trees being retained.
- (f) Details of pruning must be provided (including marked up photos).
- (g) Information on the Arborist's involvement during the works is also required.
- (h) Any other works that must be prohibited throughout construction and development on site.

**(50) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

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

**(51) WASTE AND RECYCLING COLLECTION CONTRACT**

Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is earlier, of the building the owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way e.g. footpaths, roadways, plazas, and reserves at any time.

**(52) ASBESTOS REMOVAL**

All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission (NOHSC): "Code of Practice for the Safe Removal of Asbestos" and the City of Sydney Asbestos Policy.

**(53) 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 NSW Government and WorkCover document entitled How to Safely Remove Asbestos, Code of Practice 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.

**(54) CLASSIFICATION OF WASTE**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (April 2008). The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

**(55) HAZARDOUS AND INDUSTRIAL WASTE**

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Environmental Protection Authority, NSW Work Cover Authority pursuant to the provisions of the following:

- (a) Protection of the Environment Operations Act 1997;
- (b) Protection of the Environment Operations (Waste) Regulation 2005;
- (c) Waste Avoidance and Recovery Act 2001;
- (d) Work Health and Safety Act 2011; and
- (e) Work Health and Safety Regulation 2011.

**(56) LAND CONTAMINATION**

- (a) During demolition and excavation works the site needs to be inspected by experienced environmental personnel to assess any unexpected conditions or subsurface facilities that may be discovered in the soil.
- (b) Any new information which comes to light during remediation, excavation or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Principal Certifying Authority.

**(57) DUST MANAGEMENT**

All reasonable and feasible steps must be taken to ensure that dust from activities conducted on site is kept to a minimum. This includes the covering and wetting down of disturbed soils.

**(58) 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".



**(59) FOOTPATH DAMAGE BANK GUARANTEE**

A Footpath Damage Bank Guarantee calculated on the basis of (TBC) lineal metres of the asphalt 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.

**(60) 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.

**(61) 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.

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

Prior to an approval for demolition being granted or 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.

### **(63) 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.

#### **(64) 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).

#### **(65) 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”.

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

- (a) Any existing stone kerbs on the City Road frontage of the site are to be retained and properly protected during excavation and construction works.
- (b) To avoid damage to stone kerbs during construction and / or excavation works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (ie. those that are in good condition as agreed by City officers) must be re-installed in accordance with the City's standard details and specifications after the construction and / or excavation works have been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath and road access until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate. Note: all costs associated with the works are to be at no cost to the Council.

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

**(67) EROSION AND SEDIMENT CONTROL - MORE THAN 2,500SQM**

Prior to the commencement of any works on site, including, but not limited to demolition, excavation or construction work, a Soil and Water Management Plan (SWMP) must be submitted to and be approved by the Principal Certifying Authority.

- (a) The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:
  - (i) existing site contours;
  - (ii) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater;
- (b) Location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).

**(68) ROAD OPENING PERMIT**

A separate Road Opening Permit under Section 138 of the Roads Act 1993 must be obtained from Council prior to the commencement of any:

- (a) Excavation in or disturbance of a public way, or
- (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

**(69) BARRICADE PERMIT**

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

**(70) ELECTRICITY SUBSTATION**

If required by the applicable energy supplier, 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 Energy Australia, prior to a relevant Construction Certificate being issued or the commencement of the use, whichever is earlier.

**(71) TELECOMMUNICATIONS PROVISIONS**

- (a) Appropriate space and access for ducting and cabling is to be provided within the plant area and to each apartment within the building for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery. The details must be submitted for the approval of the Certifying Authority prior to a relevant Construction Certificate being issued.
- (b) A separate DA must be submitted prior to the installation of any external telecommunication apparatus, or the like.

**(72) UTILITY SERVICES**

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

**(73) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE**

Demolition or excavation must not commence until a Construction Certificate has been issued.

**SCHEDULE 1C****During Construction/Prior to Occupation/Completion****(74) HOURS OF WORK AND NOISE – OUTSIDE CBD**

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

Note: The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96 of the Environmental Planning and Assessment Act 1979.

#### **(75) 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.

#### **(76) 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.

**(77) 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.

**(78) USE OF MOBILE CRANES**

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

**(79) GREEN TRAVEL PLAN**

A Green Travel Plan must be submitted to and approved by Council prior to the Occupation Certificate for the site/use being granted.

Note: It is recommended the applicant contact a member of the Transport and Access Unit, to discuss the Green Travel Plan with Council, prior to its submission

**(80) 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.

**(81) PARKING METER**

The proposed relocation of the driveway may result in the requirement to relocate one of Council's parking meters along City Road. If this is the case the applicant must contact the City's Parking Services Manager to organise for the meter to be relocated. The cost of the relocation must be borne by the developer.

**(82) BASEMENT CAR PARK TURNING AREAS**

The proposed basement car parking within Academic House and the eastern car park within Graduate House must be amended to include a turning area to allow vehicles to manoeuvre and exit in a forward direction, should all the parking spaces be occupied.

**(83) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

No portion of the proposed structure shall encroach onto the adjoining properties.

**(84) COVERING OF LOADS**

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

**(85) EROSION AND SEDIMENT CONTROL**

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifying Authority must be implemented in full during the construction period.

During the construction period;

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

**(86) VEHICLE CLEANSING**

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

**(87) SYDNEY WATER CERTIFICATE**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.



Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Principal Certifying Authority prior to an Occupation Certificate or subdivision/strata certificate being issued.

#### **(88) 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.

#### **(89) 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.

### **SCHEDULE 2**

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

### **SCHEDULE 3**

#### **Sydney Regional Development Advisory Committee (SRDAC) Conditions**

The conditions as advised by the SRDAC are as follows:

- 1) Proposed new vehicular access off City Road shall be restricted to left in/left out only.
- 2) The proposed development should be designed such that road traffic noise from City Road is mitigated by durable materials and complies with the requirements of Clause 102 – (Impact of road noise or vibration on non-road development) of State Environmental Planning Policy (Infrastructure) 2007.
- 3) Council should ensure that post-development storm water discharge from the subject site into the RMS drainage system does not exceed the pre-development discharge.

Should there be changes to the RMS's drainage system then detailed design plans and hydraulic calculations of the stormwater drainage system are to be submitted to the RMS for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management  
Roads & Maritime Services  
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before the RMS's approval is issued. With regard to the Civil Works requirement please contact the RMS's Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

- 4) The redundant driveways on City Road shall be removed and replaced with kerb and gutter to match existing.
- 5) The design and construction of the kerb and gutter crossing on City Road shall be in accordance with RMS requirements. Details of these requirements should be obtained from RMS's Project Services Manager, Traffic Projects Section, Parramatta on 8849 2496.

Detailed design plans of the proposed gutter crossing are to be submitted to the RMS for approval prior to the issue of the Construction Certificate and commencement of any road works.

It should be noted that a plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by the RMS.

- 6) The developer is to comply with the requirements of the attached Technical Direction (GTD 2012/001). This will require the developer to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RMS for assessment. The developer is to meet the full cost of the assessment by the RMS.

This report would need to address the following key issues:

- a. The impact of excavation/rock anchors on the stability of the City Road and detailing how the carriageway would be monitored for settlement.
- b. The impact of the excavation on the structural stability of the City Road.

- c. Any other issues that may need to be addressed. (Contact: Geotechnical Engineer Stanley Yuen on phone 8837 0246 or Graham Yip on phone 8837 0245 for details).
- 7) The proposed development will generate additional pedestrian movements in the area. Consideration should be given to ensuring pedestrian safety.
  - 8) Off street parking associated with the proposed development (including grades, aisle widths, turning paths, sight distance requirements, and parking bay dimensions) should be designed in accordance with Australian Standards.
  - 9) 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 AUSTRROADS. In this regard, a swept path plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
  - 10) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to the Department prior to the issue of a Construction Certificate.
  - 11) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
  - 12) All works associated with the proposed development shall be at no cost to the RMS.

Carried unanimously.

**ITEM 5 DEVELOPMENT APPLICATION: 115-119 BATHURST STREET SYDNEY (D/2013/554)**

Note - A memo from the Director City Planning, Development and Transport to the Central Sydney Planning Committee, Relevant to Item 5, dated 22 August 2013, 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 on this matter -

- Mr Sherwood Luo, Greenland Holding Group Overseas Investment Company Limited
- Dr Konstantin Yastrebov, resident

Moved by Councillor Mant, seconded by Councillor Kok -

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine the application having regard to the content of the subject report, including the recommended conditions of consent; and

- (B) determination of the application, in accordance with Clause (A) above, shall only occur following receipt of approval advice from the relevant Commonwealth body of the development and its acceptable impact on the Limitations or Operations Surface for Sydney Airport;
- (C) should the matters in Clause (B) not be completed by 22 November 2013, the Chief Executive Officer may determine the application based on the information submitted to date.

## 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/2013/554 dated 28 April 2013 and the following drawings:

Drawing Number	Architect	Date
DA01[F]	Crone Partners	12 August 2013
DA02[F]	Crone Partners	12 August 2013
DA03[F]	Crone Partners	12 August 2013
DA04[F]	Crone Partners	12 August 2013
DA05[F]	Crone Partners	12 August 2013
DA06[F]	Crone Partners	12 August 2013
DA07-1[F]	Crone Partners	12 August 2013
DA07-2[F]	Crone Partners	12 August 2013
DA08[F]	Crone Partners	12 August 2013
DA09[F]	Crone Partners	12 August 2013
DA10[F]	Crone Partners	12 August 2013
DA11[F]	Crone Partners	12 August 2013
DA12[F]	Crone Partners	12 August 2013
DA13[F]	Crone Partners	12 August 2013

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA14[F]	Crone Partners	12 August 2013
DA15[F]	Crone Partners	12 August 2013
DA16[F]	Crone Partners	12 August 2013
DA17[F]	Crone Partners	12 August 2013

and/or 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) RETENTION OF 1965 BUILDING**

The approval is only for the current proposal to retain and redevelop the 1965 building. Any alternative proposal to redevelop the site - for the same or a different building envelope - by demolishing the superstructure of the 1965 building to an extent more substantial than that shown on the submitted plans or in its entirety shall be the subject of a new separate development application.

**(3) MATTERS NOT APPROVED**

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

- (a) Any demolition, construction, or excavation;
- (b) The precise quantum of floorspace;
- (c) The layout, mix and number of residential units and car parking spaces.

**(4) SUBDIVISION**

This approval does not include any subdivision. Any proposal to subdivide the site at a later date will need to be the subject of a separate future application that will be considered on its own merits.

**(5) FUTURE STAGE 2 APPLICATION**

The future Stage 2 application shall include both the 1965 building (115 Bathurst Street) and the 1939 building (339 Pitt Street) on the site.

**(6) STAGE 2 TO BE CONTAINED WITHIN APPROVED ENVELOPE**

The detailed design, including services, developed under any future Stage 2 development application shall be contained within the building footprint and envelope approved as part of this consent. Any modification of the envelope must be fully justified through the competitive design process and Stage 2 DA process and be compliant with all relevant planning controls.

**(7) CONSERVATION AND RESTORATION OF THE 1939 BUILDING AT 339 PITT STREET, SYDNEY**

- (a) The Stage 2 development application submitted for the proposed refurbishment of the 1939 building at 339 Pitt Street shall be for use as a hotel, and for its restoration and conservation.
- (b) A Conservation Management Plan (CMP), including a detailed Schedule of Conservation Works, pertaining to the conservation of the heritage listed 1939 building at 339 Pitt Street, shall be prepared for the 1939 building in consultation with the NSW Heritage Division and the City of Sydney. The conservation approach for the interface between the 1939 and the 1965 building shall be submitted for the approval of the Director City Planning, Development and Transport prior to the commencement of any future design competition. The CMP and detailed Schedule of Conservation Works shall be submitted and approved by the Director City Planning, Development and Transport prior to any Stage 2 consent. Such a conservation management plan and conservation schedule is to have regard to the conditions of consent imposed upon D/2008/979/A.
- (c) The Stage 2 conservation and reconstruction works shall include, but not be restricted to, the following:
  - (i) The full conservation of the external facades, including the granite base and linings, all faience work and bronze work. Any retention of later bronze over-cladding is to be justified by evidence of the condition of the faience beneath.
  - (ii) The reinstatement of the two storey Ratings Chamber and the reconstruction of its lost components based on documentary and physical evidence. Materials and alignments are to replicate the original.
  - (iii) The reconstruction of lost elements within the Main Entrance.
  - (iv) The conservation of the tiling, bronze framed windows and reveals, hardware and terrazzo sills of the enclosure to the Light Well, Level 2 to Level 7.
  - (v) The conservation of the 'western corridor' of the Basement, Ground Floor and Levels 1, 2, and 4 to 7.
  - (vi) The conservation of lavatories on a minimum of two levels of Levels 4, 5, 6 and 7.
  - (vii) The conservation of the north-south and east-west corridors on Level 5 or Level 7.
  - (viii) The conservation of the Plan Lift alcove, the lift cabinet and controls on Levels 6 and 7.
  - (ix) The conservation of the basement level Strongroom and the central stair leading up to the former Ratings Chamber.

- (d) The reconstruction of the northern façade of the 1939 building at ground and first floor levels is to maintain a high level of transparency and daylight access to the proposed exterior courtyard.
- (e) The fire rating solution for the laylight is to utilise fire engineered solutions in preference to physical barrier solutions. Any solution for the laylight is to minimise additional structural loading.
- (f) The Pitt Street lift core is to be retained as operational, albeit with new lift cars and mechanisms.
- (g) No demolition relating to any heritage fabric of the 1939 building is approved by this current consent, and any such demolition and intervention must be applied for as part of the Stage 2 development application.

#### **(8) DESIGN MODIFICATIONS**

Any future competitive design process brief and Stage 2 development application must incorporate the following design requirements and modifications:

- (a) That the soffit of the 1,600mm wide cantilever over the main tower feature of the building at 339 Pitt Street is to be a minimum of 12,500mm clear above the 1939 building;
- (b) The tower building, including the cantilever, is to be structurally independent of the heritage listed building at 339 Pitt Street. Further, no structural supports for the new building are to intrude upon the original footprint of the building as established in 1939;
- (c) The proposed courtyard space between the 1939 building and the proposed building is to remain open to the sky; and
- (d) The design for the tower, including its soffit, is to incorporate high quality materials, and achieve a high level of articulation and architectural detail. Balconies should be recessed within the line of the facade through punctured openings.

#### **(9) EXOSKELETON STRUCTURE**

The competitive design process must highlight the need for the proposed exoskeleton structure, in particular crossbracing and structural connections, to minimise the impact on the usability of the podium floorspace wrapping the exterior of the above ground car parking currently indicated to be levels 2-8.

#### **(10) COMMERCIAL/CREATIVE HUB FLOORSPACE**

- (a) The proposed commercial/creative hub floorspace wrapping the car parking shall be at least 6 metres in usable width and shall not be impaired in its usability by the proposed exoskeleton structure; and
- (b) Any proposed voids to the maximum possible floor area in the podium wrap between levels 2-8 must not exceed 20% of the floor area.

**(11) WESTERN FACADE OF TOWER AND PODIUM**

The competitive design process and Stage 2 application must acknowledge the proximity of the new podium and tower to 580 George Street ('the HSBC building') and appropriately address any associated potential impacts including overlooking and loss of privacy. Any glazing and/or openings within the enclosing envelope must be located at least 3 metres from the western property boundary.

**(12) PODIUM DESIGN**

- (a) The design of the podium of the proposed tower shall:
  - (i) Have a finely designed façade exhibiting a high degree of architectural modelling, articulation and detail.
  - (ii) Retain a sampling of the original façade panels within the car park levels, interpreting the technological significance of the existing building.
- (b) The materials, proportions and modelling of the north, east and south podium facades are to complement the east and north facades of the heritage listed former Metropolitan Water, Sewerage and Drainage Board building. The design is to include contemporary use of high quality materials characteristic to the vicinity and the adjacent heritage item such as Sydney sandstone, faience, granites and bronze metal.
- (c) The ground floor must maximise active street fronts to Pitt and Bathurst Streets. Fire doors, substations, service doors and vents must be minimised on the Pitt and Bathurst Street elevations.

**(13) STAGE 2 DA/COMPETITIVE DESIGN PROCESS**

- (a) The detailed design of the whole development including both the 1939 and the 1965 building shall be the subject of a Stage 2 development application.
- (b) The detailed design of the whole development shall be the subject of a competitive design process in accordance with the provisions of Clause 6.21 of the Sydney Local Environmental Plan 2012, Part 3.3 of the Sydney Development Control Plan 2012 and the City of Sydney Competitive Design Policy.
- (c) The competitive design process must be held prior to the lodgement of the Stage 2 development application for the development.
- (d) The competitive design process must include the 1939 building both in terms of its interface with the 1965 building, that portion of the sites' adaptive re-use as a hotel and in respect of the overall floorspace for the development.

Note: It is not a requirement that the competition designer is involved in the design of the interior of the 1939 building.



**(14) PUBLIC ART**

A public art strategy that nominates artists and potential locations must be included as part of the competitive design process and must be lodged as part of the Stage 2 DA.

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

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed the maximum permissible and shall be calculated in accordance with Clauses 4.4, 4.5, 6.3 - 6.9 and 6.21 of the Sydney Local Environmental Plan 2012.
- (b) The floor space in excess of a FSR of 8:1 shall be subject to a requirement to purchase heritage floor space (HFS) in accordance with the requirements of Clauses 6.11 and 6.12 of the Sydney Local Environmental Plan 2012.
- (c) The amount of HFS to be purchased may be reduced in accordance with Clause 6.11 of the Sydney Local Environmental Plan 2012 only if the consent authority is satisfied that the resulting Stage 2 development exhibits design excellence and is the result of a design competition which satisfies the requirements of design competitions in any relevant development control plan.

**(16) BUILDING HEIGHT**

The height of the proposed tower must not exceed the maximum permissible and shall be calculated in accordance with Clauses 4.3 and 6.21 of the Sydney Local Environmental Plan 2012.

**(17) ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

The detailed Stage 2 design for the whole development shall incorporate ESD initiatives. The minimum criteria the Stage 2 development should strive to achieve is the highest possible ESD targets consistent with current world best practice. The Stage 2 DA shall be the subject of a sustainability report that demonstrates compliance with the above.

**(18) WIND**

The Stage 2 proposal shall be subject to physical wind tunnel testing in its context to ascertain the impacts of the development on the ground level wind environment and the wind conditions on building balconies. Enclosing or roofing of the areas adjacent to the heritage building is to be avoided on heritage grounds. Any future development must satisfy the provisions relating to ground floor wind speeds in the Sydney Development Control Plan 2012 in this regard.

**(19) SIGNAGE STRATEGY**

A detailed signage strategy for the whole development shall be submitted with the Stage 2 DA and must be included in the brief for the competitive design process. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs proposed for the development.

**(20) SUBSTATIONS**

The location and placement of future sub stations required by Energy Australia are to be identified within any Stage 2 development application. Any substations are to be designed and located such that their placement does not deactivate and intrude upon the streetscape and must also be included as part of the brief for the competitive design process.

**(21) CONTAMINATION**

A Remedial Action Plan (RAP) is to be submitted to Council prepared by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites and Planning NSW Guidelines "Managing Land Contamination Planning Guidelines". The RAP shall be reviewed by a NSW EPA Accredited Site Auditor and include a statement issued by the Auditor certifying that the RAP is practical and the site will be suitable after remediation for the proposed use before any consent is granted.

**(22) RMS CONDITIONS**

- (a) The layout of the proposed driveway in the Stage 2 development application should be in accordance with AS2890.1-2004 and AS2890.2-2002.
- (b) The layout of the proposed car parking areas, loading docks and access driveway associated with the Stage 2 development application (including driveway, grades, 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) The Stage 2 development application shall be designed such that 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 AUSROADS. In this regard, a swept path plan shall be submitted to Council for approval, which illustrates that the proposed development complies with this requirement.
- (d) All works associated with the Stage 2 development shall be at no cost to the RMS.

**(23) TRANSPORT FOR NSW CONDITIONS**

- (a) The owners of the site of the approved development must enter into an Agreement with Transport for NSW (TfNSW) prior to the issuing of a construction certificate to address the potential impacts of the approved development on the Sydney Metro corridor. The Agreement must provide for the following:
- (i) the design, construction and maintenance of the approved development so as to satisfy the requirements in conditions (b) to (k) below;
  - (ii) allowances for the future construction of Metro railway tunnels in the vicinity of the approved development;
  - (iii) allowances in the design, construction and maintenance of the approved development for the future operation of Metro railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety;
  - (iv) consultation with TfNSW;
  - (v) access by representatives of TfNSW to the site of the approved development and all structures on that site;
  - (vi) provision to TfNSW of drawings, reports and other information related to the design, construction and maintenance of the approved development;
  - (vii) such other matters which TfNSW considers are appropriate to give effect to (i) to (vi) above; and
  - (viii) such other matters as the owners and TfNSW may agree.
- (b) The location of any building footings must be determined in consultation with TfNSW prior to excavation works to ensure the structural integrity of the Sydney Metro.
- (c) 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 Sydney Metro must be designed, constructed and maintained in accordance with design criteria specified by TfNSW.
- (d) The design and construction of the basement levels, foundations and ground anchors for the approved development are to be completed to the satisfaction of TfNSW.
- (e) No modifications may be made to that approved design without the consent of TfNSW.

- (f) TfNSW, 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 principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- (g) A detailed regime is to be prepared for consultation with, and approval by, TfNSW 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 TfNSW.
- (h) All requirements contained in the Agreement between TfNSW and the owners of the site must be satisfied during construction and, where appropriate, the operation of the approved development.
- (i) Copies of any certificates, drawings or approvals given to or issued by Sydney Metro must be delivered to the Department of Planning 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 Sydney Metro the prior written consent of TfNSW.
- (k) The owners of the site of the approved development must:
  - (i) allow in the design, construction and maintenance of the approved development for the future operations of metro railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents and electromagnetic fields; and
  - (ii) prior to the issue of any occupancy certificate, provide TfNSW with drawings, reports and other information related to the design, construction and maintenance of the approved development to allow TfNSW to fully understand the interaction between the approved development and the Sydney Metro.

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

The layout, design and security of bicycle facilities either on-street or off-street in the Stage 2 design 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.

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

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities in the Stage 2 application 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.

**(26) COACH PARKING MANAGEMENT PLAN**

A Coach Parking Management Plan for the hotel is to be submitted with the Stage 2 application for approval by the City of Sydney.

**(27) 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.

**(28) 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.

**(29) SERVICE VEHICLES**

Adequate space must be provided in the Stage 2 application to allow manoeuvring and turning of different sized vehicles within the designated loading area. 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.

**(30) VEHICLES ACCESS**

The design of the Stage 2 development must be configured to allow all vehicles to be driven onto and off the site in a forward direction.

**(31) LAYOUT OF LOADING SPACE**

The layout of the loading space from Bathurst Street is not approved. Additional information is to be provided with the Stage 2 application, in particular addressing the shared nature of the loading area and how potential conflicts between loading vehicles and pedestrians in the space will be avoided.

**(32) SERVICE VEHICLE SIZE LIMIT**

The Stage 2 application must include swept paths for the largest vehicles to access the proposed loading areas. These will be used to determine a condition for the largest vehicle permitted to service the site.

**(33) ACCESSIBLE PARKING SPACE**

The design, layout, signage, line marking, lighting and physical controls of all off-street accessible parking facilities within the Stage 2 development 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.

**SCHEDULE 2**

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

**SCHEDULE 3****Terms of Approval****Other Integrated Development Approvals**

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

1. All work shall be carried out in accordance with the following documentation:
  - (a) Indicative Scheme drawings ID00 to ID12 dated 15 April 2013 prepared by Crone Architects;
  - (b) Stage 1 Development Application, Statement of Environmental Effects by JBA dated April 2013; and
  - (c) Heritage Impact Statement by Graham Brooks Architects dated April 2013.

EXCEPT AS AMENDED by the following conditions:

2. Removal of some interior original building fabric is accepted in principle only. Further assessment will be made as part of stage 2 application when detailed design will be required with adequate justification for such removal of original building fabric;
3. The proposed cantilever of the building envelope of the new tower over the northern side of the 1939 building is approved only if the cantilever is self-supporting and its structural integrity is not based on demolition of any part of the 1939 building;
4. The separation between the bottom of the cantilever of the new building and the top of the highest point of the 1939 building must be at least 12500mm. Details of how this will be achieved shall be submitted with the section 60 application and approved prior to a construction certificate being issued;

5. Approval for the 1965 building is contingent upon approval and implementation of substantial refurbishment works to the 1939 Building at 339-341 Pitt Street, to be detailed and formalised in a Section 60 application. The refurbishment works would include but not be restricted to the reinstatement of the two-storey Ratings Chamber and the restoration of the building's facades to Pitt Street and Wilmot Street. These works shall be completed prior to the issue of occupation certificate for the proposed building on 115-123 Bathurst Street, Sydney to the satisfaction of the Heritage Council or its delegate;
6. This approval does not include any subdivision and is based on an understanding that both the buildings will be retained by one owner. This approval should not be construed in any way to mean that a subdivision will be possible at a later date. A separate application will need to be submitted if a subdivision is proposed at a later date that will be considered on its own merits;
7. A work method statement must be submitted with the section 60 application to the satisfaction of the Heritage Council or its delegate, demonstrating that adequate precautions have been taken to ensure the safety of the historic building during construction of the proposed tower.
8. Removal of relics of state significance is not approved. Parts of the proposed development may need design changes or even deletion, if required, to avoid removal of archaeological relics of state significance. If any significant archaeological relics are found during the construction, the work must be stopped immediately and the Heritage Division, Office of Environment and Heritage be informed; and
9. 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.

At this stage of the meeting, it having been agreed that these matters be dealt with together, it was moved by Mr Knowles, seconded by Mr Webster -

That the officers' recommendations for Items 6, 7, 8 and 9, as follows, be adopted.

Carried unanimously.

**ITEM 6 REPORT SUMMARISING DETERMINATIONS DELEGATED BY THE CENTRAL SYDNEY PLANNING COMMITTEE TO THE CITY OF SYDNEY (S040864)**

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

Carried unanimously.

**ITEM 7 SUMMARY OF OUTSTANDING APPLICATIONS TO BE REPORTED TO THE CENTRAL SYDNEY PLANNING COMMITTEE (S042755)**

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

Carried unanimously.

**ITEM 8 PUBLIC EXHIBITION - GREEN SQUARE TOWN CENTRE LIBRARY AND PLAZA - DRAFT PLANNING PROPOSAL AND DEVELOPMENT CONTROL PLAN AMENDMENT (S107149)**

It is resolved that:

- (A) the Central Sydney Planning Committee approve Draft Planning Proposal: Green Square Town Centre Library and Plaza, 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 Draft Planning Proposal: Green Square Town Centre Library and Plaza for public authority consultation and public exhibition in accordance with the Gateway Determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 19 August 2013 that Council approve the draft amendment to the Green Square Town Centre Development Control Plan 2012, shown at Attachment B to the subject report, for public authority consultation and public exhibition in parallel with the draft Planning Proposal as per the Gateway Determination;
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal following receipt of the Gateway Determination; and
- (E) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 19 August 2013 that following consideration of any submissions, and refinements as necessary, Draft Planning Proposal: Green Square Town Centre Library and Plaza and the draft amendment to the Green Square Town Centre Development Control Plan 2012 will be reported back to Council for final approval.

Carried unanimously.

**ITEM 9 CONCLUSION OF THE 1994 ULTIMO PYRMONT PUBLIC AMENITIES AND SERVICES AGREEMENT (S096051)**

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to conclude the Ultimo Pyrmont Public Amenities and Services Agreement on behalf of the Central Sydney Planning Committee; and



- (B) the Central Sydney Planning Committee note that the Ultimo Pymont Public Amenities and Services Agreement may be concluded before a draft development contributions plan is prepared to replace the existing Ultimo Pymont Section 94 Contributions Plan 1994.

Carried unanimously.

The meeting of the Central Sydney Planning Committee concluded at 5.30pm.

CHAIR