

ATTACHMENT A

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**NOTICE OF DETERMINATION
DATED 5 NOVEMBER 2013**

Notice of Determination - Approval issued under Section 80(1)(a) of the Environmental Planning and Assessment Act 1979

| | |
|------------------------------------|---|
| Development Application No. | D/2013/554 |
| Applicant | GREENLAND (SYDNEY) BATHURST ST DEVELOPMENT PTY LTD Level 2, 233 Castlereagh Street SYDNEY NSW 2000 |
| Land to be developed | 115-119 BATHURST STREET, SYDNEY NSW 2000 LOT 1 DP 621404 |
| Approved development | Stage 1 DA for a mixed retail / commercial / residential / hotel development. The proposal includes concept plan approval for the adaptive re-use of the existing 1939 heritage listed Sydney Water building as a hotel and partial demolition and redevelopment of the adjacent building for retail/commercial/residential uses. |
| Cost of development | \$355,295,000 |
| Determination | The application was determined by Central Sydney Planning Committee and was granted consent subject to the conditions in Schedules 1 and 2 and the Terms of Approval in Schedule 3. |
| Section 61 Contribution | A Section 61 Contribution (under the City of Sydney Act 1988) does not apply to this development. |
| Other Approvals | Before commencing <i>building work</i> or <i>subdivision work</i> , a relevant Construction Certificate must be obtained from Council or an Accredited Certifier. Council must be appointed the Principal Certifying Authority for any <i>subdivision work</i> under the Act. Schedule 3 |
| Consent is to operate from | 5 November 2013 |
| Consent will lapse on | 5 November 2018 |

Reasons for conditions

Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.

Right of appeal

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) together with payment of the appropriate fee. The review must be lodged and determined within six (6) months of the date in which you received this notice.

Note: To enable the section 82A review to be considered within the six (6) month time frame prescribed under the Environmental Planning and Assessment Act 1979, it is advisable to lodge the application for review under Section 82A as soon as possible (within 4 months) to facilitate the statutory timeframes.

Section 82A does not apply to complying development, designated development, integrated development or a determination made by Council under Division 4 in respect of Crown applications. For further information please contact **Philip Jamieson** on ph. **9246 7619**.

GRAHAM JAHN

Director - City Planning, Development & Transport

CONDITIONS OF CONSENT**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 |
| DA14[F] | Crone Partners | 12 August 2013 |

| Drawing Number | Architect | Date |
|----------------|----------------|----------------|
| 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

- (d) The layout of the proposed driveway in the Stage 2 development application should be in accordance with AS2890.1-2004 and AS2890.2-2002.
- (e) 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.
- (f) 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.
- (g) All works associated with the Stage 2 development shall be at no cost to the RMS.

(23) AVIATION ENVIRONMENT BRANCH CONDITIONS

- (a) The building must not exceed a maximum height of 260.05 metres AHD, inclusive of the building maintenance unit, all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, roof top garden plantings, construction cranes etc.
- (b) The building must be obstacle lit at night with medium intensity flashing red obstacle lights, in accordance with the Manual of Standards for Part 139 of the Civil Aviation Safety Regulations 1998 (Part 139 MOS), Chapter 9, Section 9.4. The obstacle lighting must be installed at the

highest point of the building and located so that it can be observed in a 360 degree radius.

- (c) Any changes to the proposed height and location of the building must be reassessed by SACL.
- (d) A separate controlled activity application must be submitted to SACL for any equipment/crane to be used on the site that will intrude into prescribed airspace.
- (e) The proponent must arrange for a certified surveyor to notify SACL of the finished height (in metres AHD) and the coordinates of the building.

(24) 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.

(25) 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.

(26) 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.

(27) 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.

(28) 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.

(29) 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.

(30) 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.

(31) 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.

(32) 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.

(33) 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.

(34) 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

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:

Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*

Clause 98A Erection of signs

Clause 98B Notification of *Home Building Act 1989* requirements

Clause 98C Conditions relating to entertainment venues

Clause 98D Conditions relating to maximum capacity signage

Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>

SCHEDULE 3**TERMS OF APPROVAL**

The Terms of Approval for Integrated Development as advised by *[name of authority]* 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.

IMPORTANT ADDITIONAL INFORMATION

Advisory note: The State Government has commenced planning for the construction of the CBD South East Light Rail (CSELR). You may need to consider the potential impacts of this project in programming your development. The CSELR route includes Alfred St, George St, Rawson Place, Eddy Ave, Chalmers St, and Devonshire St. For construction and programming information contact the Transport for NSW Infoline on 1800 684 490 or www.transport.nsw.gov.au/projects.

The Environmental Planning and Assessment Act 1979 requires you to:

1. Obtain a **Construction Certificate** prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate.
2. Nominate a **Principal Certifying Authority** (PCA) which may be either Council or an accredited certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement.
3. Give Council at least two days notice of your intention to commence the erection of a building **before** commencing construction works. You cannot lawfully commence works without complying with this requirement.
4. Obtain an **Occupation Certificate** before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

You may also need to:

5. Lodge an **Application for Approval** under Section 138 of the *Roads Act 1993* for the **erection of a hoarding**.
6. Lodge an **Application for Subdivision** to obtain a **Subdivision Certificate** if a land (including stratum) subdivision is proposed and an Application for Subdivision to obtain **Strata Title Subdivision** under the relevant Strata Titles Act, if strata title of the development is proposed.
7. Comply with the Food Act 2003, the Australia New Zealand Food Standards Code, Australian Standard 4674 – 2004, and register the business with Council if the premises is used for the manufacture, preparation, packing, storing, conveying or delivering of food or beverage for sale.
8. Contact Sydney Water, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.
9. Carry out critical stage inspections in accordance with Section 109E of the EP&A Act 1979 and clauses 162A, 162B and 163 of the EP&A Regulation 2000.

Applications and submissions referred to in this consent may be lodged at:

CBD Level 2, Town Hall House, 456 Kent St, Sydney.

KINGS CROSS 50-52 Darlinghurst Rd, Kings Cross.

GLEBE Customer Service Centre, 186 Glebe Point Rd, Glebe.

If you have any enquiries on any aspect of this consent, contact Philip Jamieson ph. 9246 7619, email pjamieson@cityofsydney.nsw.gov.au.