

ATTACHMENT B

**STAGE 1 DEVELOPMENT CONSENT
(D/2013/1747) AND
APPROVED BUILDING ENVELOPE**

**111-139 DARLINGHURST ROAD AND
224-226 VICTORIA ROAD, POTTS POINT
(FORMER CREST HOTEL)**

NOTICE OF DETERMINATION - APPROVAL

Issued under Section 80(1)(a) of the Environmental Planning and Assessment Act 1979

Development Application No.	D/2013/1747
Applicant	IRIS CAPITAL 64-68 Gladesville Rd HUNTERS HILL NSW 2110
Land to be developed	111-139 DARLINGHURST ROAD , POTTS POINT NSW 2011 Lots 1,2,3,4 DP 1181499
Approved development	Stage 1 DA to establish building envelope and design parameters for proposed redevelopment including the retention of the existing structure and alterations and additions to accommodate a mixed use development comprising residential units within a 14 storey tower over a 5 storey podium containing a mix of residential and commercial uses, with basement parking.
Cost of development	\$ 50,248,685
Determination	The application was determined by the Central Sydney Planning Committee and was granted consent subject to the conditions in Schedules 1 and 2.
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.
Consent is to operate from	21 August 2014
Consent will lapse on	21 August 2019

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 **Rebecca Thompson on ph. 9288 5926.**

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/2013/1747 dated 12 November 2013 and the following drawings:

Drawing Number	Architect	Date
A-2911 Rev 03	SJB Architects	24/06/14
A-2921 Rev 03	SJB Architects	24/06/14
A-2913 Rev 03	SJB Architects	24/06/14
A-501 Rev 03	SJB Architects	24/06/14
A-502 Rev 03	SJB Architects	24/06/14
A-503 Rev 03	SJB Architects	24/06/14

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) NOT APPROVED

Consent is not granted for the following:

- (a) Any physical works demolition, refurbishment and / or excavation.
- (b) That layout and number of residential units, commercial spaces and car parking spaces.
- (c) The design of the building exteriors including facades and roofs.
- (d) Public domain and landscape design.
- (e) An additional 10% bonus height or floor space.
- (f) Any wind breaks or signage at roof level.
- (g) Any proposed works on Council's land at the southern tip of the site.

(3) BUILDING HEIGHT

The height of the building must not at any point exceed 55 metres as defined by *Sydney Local Environmental Plan 2012*, including any roof top plant or wind breaks.

(4) FLOOR SPACE RATIO - ALL OTHER AREAS

No approval is granted by this consent for a quantum of floor space. The final floor space must comply with the provisions of *Sydney Local Environmental Plan 2012*.

(5) AMENDMENT TO BUILDING ENVELOPE

Prior to the endorsement of any competition brief relating to the site, the building envelope must be amended so that no part of the envelope exceeds the 55m height limit, and provided to competition participants.

(6) STAGE 2 DEVELOPMENT

- (a) Any Stage 2 development application must be contained wholly within the approved building envelope.
- (b) Any Stage 2 development application must include measures for the ongoing protection of the memorial planting located adjacent to the southern corner of the site.

(7) SEPP 65 AND RESIDENTIAL FLAT DESIGN CODE

Any Stage 2 Development Application must comply with all aspects of *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) and the Residential Flat Design Code (RFDC). A detailed table of compliance is to be submitted with any Stage 2 Development Application.

(8) STAGE 2 DESIGN MODIFICATIONS

Any Stage 2 development application must incorporate the following design modifications:

- (a) The wrap-around awning extending across the southern elevation is not supported. Any future competition brief or Stage 2 development application must not include any awning to the southern elevation.
- (b) The continuous awning to Victoria Street is not supported. Any future competition brief or Stage 2 development application should include entry awnings to the western elevation at an appropriate height and scale.
- (c) The garden bed on Council land at the southern tip of the site is to be excluded.

(9) COMPETITIVE PROCESS

- (a) A competitive process must be held in accordance with Clause 6.21 of *Sydney Local Environmental Plan 2012* and Clause 3.3 of Sydney DCP 2012. The competition must be held before the lodgement of any Stage 2 development application for the site.

- (b) The Stage 2 development application and competition brief must address the following:
 - (i) Modulation to break up the apparent building length and appropriate articulation of all facades.
 - (ii) The scale and rhythm of the podium facade should relate to the vertical proportions and grain established along Darlinghurst Road.
 - (iii) Design and location of appropriate passive shading devices to exposed facades.
 - (iv) A significant proportion of residential units with double height spaces and dual aspects should be provided in order to provide adequate cross ventilation and compensate for low floor to ceiling heights.
 - (v) Residential uses on the first floor of the podium is not supported. Consideration must be given to appropriate types and distribution of commercial and residential uses within the lower levels of the building, particularly with regard to residential amenity.
 - (vi) The distribution of height and bulk should minimise potential view impacts on surrounding development. In particular, careful consideration must be given in determining the appropriate location of any bonus floor space or height that may be awarded.
 - (vii) The provision of quality private and communal landscaped open space, having regard to site conditions. It should be noted that winter gardens may be appropriate in this location, however these would be included in floor space calculations.
 - (viii) An appropriate mix of residential units must be provided in accordance with Sydney Development Control Plan 2012.
 - (ix) Opportunities for increased activation on Victoria Street.
 - (x) Opportunities to incorporate public art, in accordance with the City of Sydney Public Art Policy.
 - (xi) Opportunities to incorporate high quality communal green roof and communal landscaping within the site.
 - (xii) Requirements of RailCorp contained in condition 11.
 - (xiii) The ability of the proposed development to comply with the relevant provisions of Council's *Policy for Waste Minimisation in New Developments 2005* which requires facilities to minimise and manage waste and recycling generated by the proposal.
- (c) The competition brief must include as an attachment the planning assessment report prepared for the Stage 1 development application, including attachments, but excluding attachment B.
- (d) The competition brief must not include indicative floor plans prepared by SJB Architects as part of the submission for the Stage 1 development application.

(10) CONTAMINATION INVESTIGATION

Any Stage 2 development application must be accompanied by a detailed contamination investigation prepared by a suitably qualified consultant.

(11) RAILCORP REQUIREMENTS

Any future Stage 2 development application must satisfy the following requirements of RailCorp:

- (a) An accurate survey locating the development with respect to the rail boundary and rail infrastructure must be provided. The survey is to be prepared by a registered surveyor to the satisfaction of RailCorp.
- (b) A services search is to be conducted to establish the existence and location of any rail services. The services search is to be conducted using equipment that will not have any impact on rail services and signalling. Should rail services be identified, the applicant must contact RailCorp to determine whether these services should be relocated or incorporated within the development site.
- (c) A Geotechnical Engineering Report is to be submitted to RailCorp for review and must demonstrate that the development of the site will not impact on the rail corridor or on the structural integrity of rail infrastructure through loading and ground deformation. The report must include structural design details/ analysis and is required to address the potential impact of any demolition or excavation and vibration in rail facilities, and loadings imposed on RailCorp Facilities by the development.

(12) ACOUSTIC REPORT

The building must provide high levels of acoustic attenuation for occupants when windows are closed. Any future Stage 2 development application must be accompanied by the following:

- (a) An acoustic report prepared by a suitably qualified acoustic consultant * must be submitted as part of any Stage 2 development application. The acoustic report must include noise control measures to ensure that habitable rooms will not be affected by offensive noise from the occurrence of any structure and/or airborne noise resulting from operational activities conducted within neighbouring licensed premises, including operation of premises located within the site.
- (b) The internal noise criteria adopted for residential premises shall be in accordance with the City of Sydney noise criteria used for licensed premises below rather than Australian Standards:
 - (i) The $LA_{10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($LA_{90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.
 - (ii) The $LA_{10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($LA_{90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00

midnight and 7.00am when assessed at the boundary of any affected residence.

- (iii) Notwithstanding compliance with (a) and (b) above, the $LA_{10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($LA_{90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential property between the hours of 7am and 12pm.
- (iv) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.
- (v) The $LA_{10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($LA_{90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.

Note: The $LA_{10, 15 \text{ minute}}$ noise level emitted from the use is as per the definition in the Australian Standard AS1055-1997 Acoustics – Description and measurement of environmental noise. The background noise level $LA_{90, 15 \text{ minute}}$ is to be determined in the absence of noise emitted by the use and be representative of the noise sensitive receiver. It is to be determined from the assessment LA_{90} / rating L_{90} methodology to be in complete accordance with the process listed in Appendix B of the NSW EPA Industrial Noise Policy and relevant requirements of AS1055.1997.

**Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics.*

(13) FLOODING AND OVERLAND FLOW

Any Stage 2 development application must include a flooding and overland flow report prepared by a suitably qualified engineer. The report must include, but not be limited to, the following information:

- (a) A review of the impact of overland flow and flooding in the area;
- (b) Set flood planning levels using the 100 year flood level for all entry points and lifts; and PMF flood level for all driveway accesses for the sites relevant frontages.

(14) PUBLIC DOMAIN PLAN

Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Public Domain Section as part of any Stage 2 Development Application.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual.

(15) LANDSCAPING OF THE SITE

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted as part of any Stage 2 Development Application. The plan must include:
 - (i) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (iii) Location, numbers and type of plant species;
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage and watering systems; and
 - (vi) Details of green walls and green roof treatments.

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>

ATTACHMENT B

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.

Note: From 6 January 2014, it will be compulsory to lodge digital copies of applications, including plans and documentation if lodging an application with Council. Please refer to the link below for any further information about digital requirements and electronic files.

<http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/digital-requirements>.

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 68 of the *Local Government Act 1993* for an activity under that Act, including 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 Rebecca Thompson ph. 9288 5926, email rthompson@cityofsydney.nsw.gov.au.

ATTACHMENT B

CITY OF SYDNEY

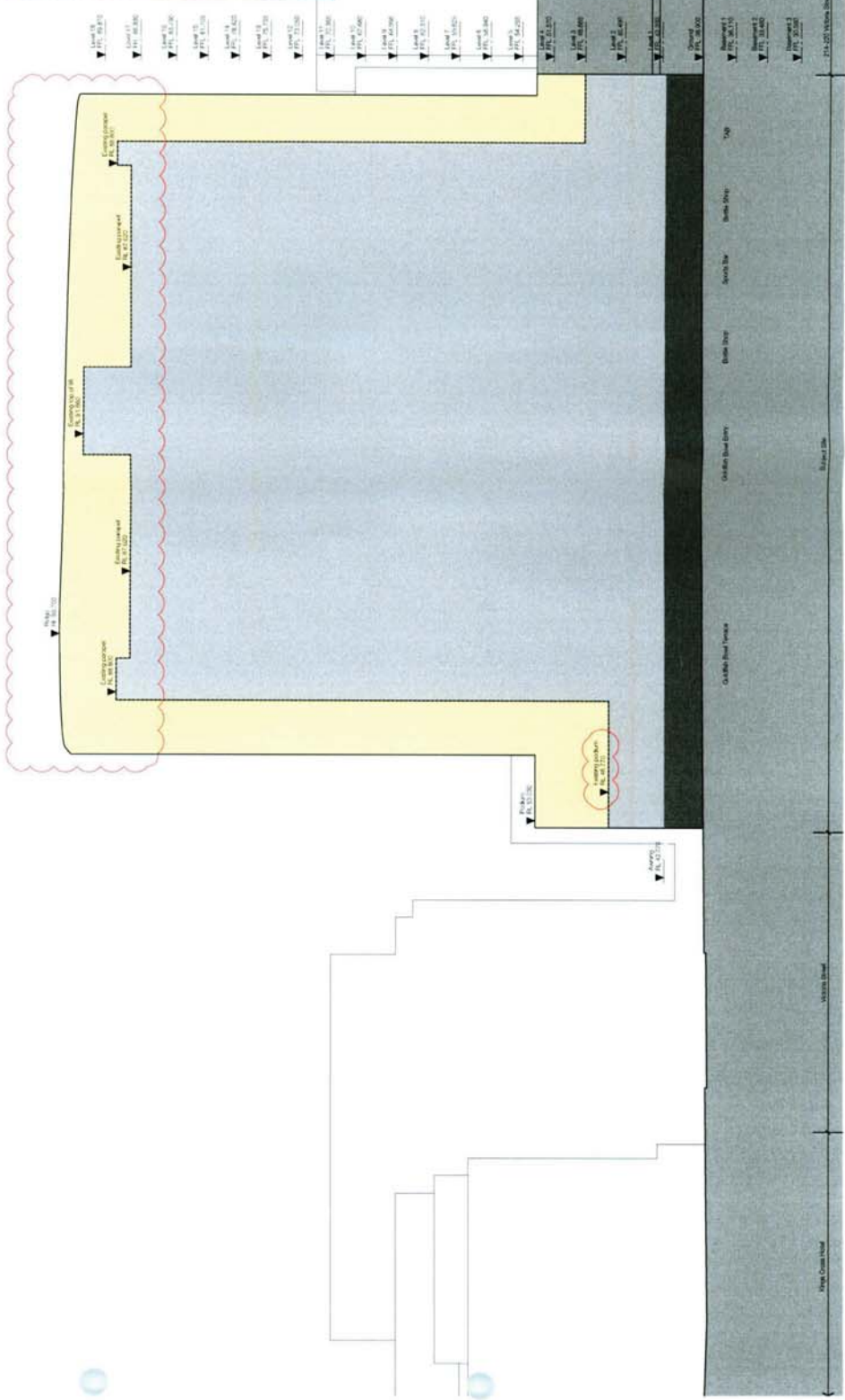
CITY PLANNING DIVISION

APPROVAL

Development drawings approved subject to conditions by delegation of Council/
Central Sydney Planning Committee
pursuant to Section 81 (1) (a) of the
Environmental Planning & Assessment Act 1979

21/08/14
Dated

[Signature]
Signature



D/13/1747

FOR APPROVAL

Project: Mixed Use Development
111 Daringhurst Road
Potts Point

Site No: 4932 A-2912 / 03

Date: 24.08.2014 1:200 @ A1

Scale: 1:200

Drawn: CP

Checked: AH

Project No: 4932 A-2912 / 03

Project Name: Mixed Use Development
111 Daringhurst Road
Potts Point

Envelope Diagram East

Site No: 4932 A-2912 / 03

Date: 24.08.2014 1:200 @ A1

Scale: 1:200

Drawn: CP

Checked: AH

Project No: 4932 A-2912 / 03

Project Name: Mixed Use Development
111 Daringhurst Road
Potts Point

Envelope Diagram East



ATTACHMENT B

CITY PLANNING DIVISION

APPROVAL

Development drawings approved subject to conditions by delegation/Committee
Central Sydney Planning Committee
pursuant to Section 81 (1) (a) of the Environmental Planning & Assessment Act 1979

21/08/14

Dated

[Signature]

Signature

Mixed Use Development
111 Darlinghurst Road
Potts Point
Quantity Name
Elevations
East

DA13/1777

DA13/1777

24.06.2014 1:200 @ A1

21/08/14

4932 A-0502 /03

FOR APPROVAL

11/03/17 Preliminary DA Issue
26/11/13 Stage 1 DA Issue
24/06/14 Existing Issues (A&B)

DT 11/03/17 Preliminary DA Issue
D2 26/11/13 Stage 1 DA Issue
D3 24/06/14 Existing Issues (A&B)

DT 11/03/17 Preliminary DA Issue
D2 26/11/13 Stage 1 DA Issue
D3 24/06/14 Existing Issues (A&B)

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DT 11/03/17 Preliminary DA Issue
D2 26/11/13 Stage 1 DA Issue
D3 24/06/14 Existing Issues (A&B)



ATTACHMENT B



CITY OF SYDNEY

CITY PLANNING DIVISION

APPROVAL

Development drawings approved subject to conditions by delegation of Council Central Sydney Planning Committee pursuant to Section 81 (1) (a) of the Environmental Planning & Assessment Act 1979

[Signature]
Signature

21/08/14
Dated

<p>01 ELEVATION North</p> <p>02 ELEVATION South</p>	<p>01 15/11/11 Temporary CA Mark</p> <p>02 20/11/13 Stage 1 CA Mark</p> <p>03 18/10/14 Existing work added</p>	<p>By Date Number</p> <p>By Date Number</p>	<p>Project</p> <p>Mixed Use Development</p> <p>111 Darlinghurst Road</p> <p>Potts Point</p> <p>Elevations North, South</p>	<p>Scale</p> <p>1:200</p> <p>Date</p> <p>21.06.2014</p> <p>Sheet Size</p> <p>A1</p>	<p>Author</p> <p>CP</p> <p>Checked</p> <p>CP</p> <p>Drawn</p> <p>CP</p> <p>Issue No.</p> <p>AH</p>	<p>Project No.</p> <p>4932</p> <p>Drawing No.</p> <p>A-0501</p>	<p>Scale</p> <p>1:200</p> <p>Date</p> <p>21.06.2014</p> <p>Sheet Size</p> <p>A1</p>	<p>Author</p> <p>CP</p> <p>Checked</p> <p>CP</p> <p>Drawn</p> <p>CP</p> <p>Issue No.</p> <p>AH</p>	<p>Project No.</p> <p>4932</p> <p>Drawing No.</p> <p>A-0501</p>
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FOR APPROVAL