

ITEM 5. DEVELOPMENT APPLICATION: YOUNG AND LOFTUS STREET BLOCK - NEW BUILDINGS - 2-10 LOFTUS STREET AND 16-20 LOFTUS STREET AND 9-17 YOUNG STREET SYDNEY**FILE NO: D/2015/930****DEVELOPMENT APPLICATION NO: D/2015/930****SUMMARY****Date of Submission:** 2 July 2015**Applicant:** AMP Capital Office and Industrial P/L**Architect:** Make Architecture, Silvester Fuller & SJB**Developer:** AMP Capital**Owner:** Kent Street P/L**Cost of Works:** \$122,293,200

Proposal Summary: Stage 2 integrated development application for the redevelopment of the Young and Loftus Street Block as part of the Quay Quarter development. The application is Integrated Development requiring approval from the NSW Office of Water under the Water Management Act 2000.

The application proposes the demolition and clearance of existing buildings and basement structures on each site (other than the heritage listed sites) and remediation and excavation works. The proposal includes the construction of 3 mixed use buildings (known as Buildings A, B and C) ranging in height from 9 to 13 storeys, construction of an integrated five level basement beneath Buildings B, C and Loftus Lane (including parking and loading areas, building services, storage and waste areas) and a two level basement beneath Building A to be used as museum space. A total of 114 residential apartments, 80 car parking spaces and 2,530sq.m of commercial floor space and 2,703sq.m of retail floor space are proposed including landscaping and public domain works to Loftus Lane and surrounds.

**Proposal Summary:
(continued)**

Stage 1 consent was issued for the site by the Central Sydney Planning Committee (CSPC) in June 2014. This approved building envelopes and design parameters across the site including vehicle and pedestrian access locations. The proposal also included the redistribution of floor space across the Young and Loftus Street blocks and the Bridge and Alfred Street blocks and indicative staging of future development of the site.

The Stage 2 application is generally consistent with the Stage 1 envelopes approved for the site with the exception of minor elements of the proposed built form which project under and beyond the approved envelope and/or include the relocation of building mass resulting from the competitive design process. The minor variations to the building envelopes are supported as there will be no increased overshadowing to Macquarie Place Park or First Government House Place, will provide improved solar access to Loftus Lane and will increase natural light and views to Bridgeport Apartments.

The development has been designed having regard to the opportunities and constraints of the site and provides an architectural form which generally complies with the relevant planning controls and surrounding building form.

The Department of Primary Industries - Water has issued their General Terms of Approval for dewatering of the site for the purposes of construction.

Two (2) submissions have been received during the public exhibition period raising issues in relation to construction noise and associated impacts, land-use mix and heritage related issues. It is considered that the issues have been addressed throughout the report or resolved through appropriate conditions being recommended.

The subject application (D/2015/930) is supported and recommended for a deferred commencement approval to enable to the Applicant to satisfy the concurrence conditions imposed by Sydney Trains.

Summary Recommendation:

The development application is recommended for a deferred commencement consent.

- Development Controls:**
- (i) Sydney Local Environmental Plan 2012
(Gazetted 14 December 2012, as amended)
 - (ii) Sydney Development Control Plan 2012 (in
force on 14 December 2012, as amended)

Attachments: A - Selected Drawings

RECOMMENDATION

It is resolved that:

- (A) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2015/930, subject to the following:

PART A**DEFERRED COMMENCEMENT CONDITIONS****(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**

The consent is not to operate until the following conditions are satisfied, within 24 months of the date of this determination:

(1) SYDNEY TRAINS (RAILCORP) CONCURRENCE CONDITIONS

- (a) The owners of the site of the approved development must enter into a Deed of Agreement with Transport for NSW (TfNSW) and Sydney Trains prior to the issue of any Construction Certificate to address the adverse effects of the approved development on CBD Rail Link (CBDRL) identified in State Environmental Planning Policy (Infrastructure) 2007. The Agreement must provide for the following:
- (i) the design, construction and maintenance of the approved development so as to satisfy the requirements in clause (c) to clause (j) below;
 - (ii) allowances for the future construction of 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 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 and Sydney Trains;
 - (v) access by representatives of TfNSW and Sydney Trains to the site of the approved development and all structures on that site;
 - (vi) provision of TfNSW and Sydney Trains of drawings, reports and other information related to the design, construction and maintenance of the approved development;
 - (vii) creation of a restrictive covenant on each of the titles which comprise the approved project so as to satisfy clause (j) below;
 - (viii) such other matter which TfNSW and Sydney Trains considers are appropriate; and
 - (ix) such other matters as the owners and TfNSW and Sydney Trains may agree.

- (b) All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development which have a potential impact on the CBDRL must be designed, constructed and maintained in accordance with design criteria specified by TfNSW.
 - (c) The design and construction of the basement levels, foundations and ground anchors for the approved development are to be completed to the satisfaction of TfNSW.
 - (d) Prior to the issue of any construction certificate the development must undertake a detailed geotechnical analysis to the satisfaction of TfNSW to demonstrate likely movements of the ground due to the future CBDRL.
 - (e) No modifications may be made to ~~that~~ the approved design without the consent of TfNSW.
 - (f) A detailed regime is to be prepared for consultation with, and approved 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.
 - (g) 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.
 - (h) All requirements contained in the Agreement between TfNSW and Sydney Trains 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 TfNSW must be delivered to Council 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 compromise the approved development pursuant to Section 88E of the Conveyancing Act 1919, restricting any alterations or additional 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 CBDRL, the prior written consent of TfNSW.
- (B) evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of this deferred commencement consent, failing which this deferred commencement will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979;

- (C) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied; and
- (D) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent:

PART B

CONDITIONS OF CONSENT

(ONCE THE CONSENT IS IN OPERATION)

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) STAGED CONSTRUCTION CERTIFICATES

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

Stage	Works
1 – Early Works	De-commissioning/diversion of services Strip out of buildings Establish construction zones and hoardings Minor demolition works to facilitate footpath zones
2 – Demolition of buildings	Demolition of podium and basement area
3 – Site excavation	Site excavation Retention systems/shoring Anchoring In-ground services
4 – Footings	Footings
5 – Basement construction	Construction of basement levels up to ground level
6 – Building structure	Construction of new buildings Facade and fitout
7 – Public domain works	Public domain works

- (b) Various conditions in this consent make reference to the requirements of conditions and the stage in which they may be satisfied.

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/930 dated 6 July 2015 and the following drawings:

Drawing Number	Architect	Date
BUILDING A:		
AR-XA-A-00	MAKE ARCHITECTURE	29.06.15
AR-XA-B-B3	MAKE ARCHITECTURE	29.06.15
AR-XA-B-B2	MAKE ARCHITECTURE	29.06.15
AR-XA-B-B1	MAKE ARCHITECTURE	29.06.15
AR-XA-B-00	MAKE ARCHITECTURE	29.06.15
AR-XA-B-01	MAKE ARCHITECTURE	29.06.15
AR-XA-B-02	MAKE ARCHITECTURE	29.06.15
AR-XA-B-03	MAKE ARCHITECTURE	29.06.15
AR-XA-B-04	MAKE ARCHITECTURE	29.06.15
AR-XA-B-05	MAKE ARCHITECTURE	29.06.15
AR-XA-B-06	MAKE ARCHITECTURE	29.06.15
AR-XA-B-07	MAKE ARCHITECTURE	29.06.15
AR-XA-B-08	MAKE ARCHITECTURE	29.06.15
AR-XC-B-21	MAKE ARCHITECTURE	29.06.15
AR-XC-B-22	MAKE ARCHITECTURE	29.06.15
AR-XC-B-23	MAKE ARCHITECTURE	29.06.15
AR-XC-C-W	MAKE ARCHITECTURE	29.06.15
AR-XC-C-E	MAKE ARCHITECTURE	29.06.15
AR-XC-C-N	MAKE ARCHITECTURE	29.06.15
AR-XC-C-S	MAKE ARCHITECTURE	29.06.15
AR-XC-D-01	MAKE ARCHITECTURE	29.06.15
AR-XC-D-02	MAKE ARCHITECTURE	29.06.15
AR-XC-D-03	MAKE ARCHITECTURE	29.06.15
AR-XC-W-01	MAKE ARCHITECTURE	29.06.15
BUILDING B:		
AR-XB-B-00	SILVESTER FULLER	3.6.15
AR-XB-B-01	SILVESTER FULLER	3.6.15
AR-XB-B-02	SILVESTER FULLER	3.6.15
AR-XB-B-04	SILVESTER FULLER	3.6.15
AR-XB-B-08	SILVESTER FULLER	3.6.15
AR-XB-B-09	SILVESTER FULLER	3.6.15
AR-XB-B-10	SILVESTER FULLER	3.6.15
AR-XB-B-11	SILVESTER FULLER	3.6.15
AR-XB-B-12	SILVESTER FULLER	3.6.15
AR-XB-B-13	SILVESTER FULLER	3.6.15
AR-XB-B-21	SILVESTER FULLER	3.6.15
AR-XB-B-22	SILVESTER FULLER	3.6.15
AR-XB-B-23	SILVESTER FULLER	3.6.15
AR-XB-C-E	SILVESTER FULLER	3.6.15
AR-XB-C-N	SILVESTER FULLER	3.6.15

Drawing Number	Architect	Date
AR-XB-C-W	SILVESTER FULLER	3.6.15
AR-XB-C-S	SILVESTER FULLER	3.6.15
AR-XB-D-01	SILVESTER FULLER	3.6.15
AR-XB-D-02	SILVESTER FULLER	3.6.15
AR-XB-D-03	SILVESTER FULLER	3.6.15
AR-XB-W-01	SILVESTER FULLER	3.6.15
BUILDING C:		
AR-XC-B-00	SJB	29.6.15
AR-XC-B-01	SJB	29.6.15
AR-XC-B-02	SJB	29.6.15
AR-XC-B-03	SJB	29.6.15
AR-XC-B-04	SJB	29.6.15
AR-XC-B-05	SJB	29.6.15
AR-XC-B-06	SJB	29.6.15
AR-XC-B-07	SJB	29.6.15
AR-XC-B-08	SJB	29.6.15
AR-XC-B-09	SJB	29.6.15
AR-XC-B-10	SJB	29.6.15
AR-XC-B-11	SJB	29.6.15
AR-XC-B-12	SJB	29.6.15
AR-XC-B-13	SJB	29.6.15
AR-XC-B-14	SJB	29.6.15
AR-XC-B-21	SJB	29.6.15
AR-XC-C-E	SJB	29.6.15
AR-XC-C-N/S	SJB	29.6.15
AR-XC-C-W	SJB	29.6.15
AR-XC-D-01	SJB	29.6.15
AR-XC-D-02	SJB	29.6.15
AR-XC-W-01	SJB	29.6.15

and as amended by the conditions of this consent.

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

(3) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

- (a) The development must be carried out in accordance with all of the obligations referenced in the following Voluntary Planning Agreements:
- (i) Planning Agreement (Council's Reference S106946-03) executed on 2 June 2014 and entered into by AMP Capital Investor Limited, ACPP Office Pty Limited, Kent Street Pty Limited and the City of Sydney.
 - (ii) Planning Agreement (Council's Reference S106946-03) executed on 2 June 2014 and entered into by The Gallipoli Memorial Club Limited, AMP Capital Investors Limited and the City of Sydney.

- (b) All 'contributions' as noted in Schedule 3 and 4 of the above Voluntary Planning Agreement are required to be provided in accordance with the below:
- (i) **Monetary Contribution** – Payment of the Monetary Contribution prior to the issue of any Construction Certificate in respect of Works to be undertaken to the Building located on 50 Bridge Street.
 - (ii) **Public Art Contribution** – Installation of the Public Art prior to the first Occupation Certificate being issued in respect of Works to be undertaken to the Building located on 50 Bridge Street.
 - (iii) **Through Site Link Contribution Young Street and Loftus Street** – Construction of the Young and Loftus Street Link and Registration of the Through Site Link Easement prior to the first Occupation Certificate being issued for the building located on the Lot over which the relevant Through-site Link Easement is to be granted.
 - (iv) **Heritage Conservation Contribution, Finalisation of Draft Conservation Management Plan Hinchcliff House, Gallipoli Memorial Club and 33 Alfred Street** – Finalisation and endorsement or approval of the Draft Conservation Management Plans for Hinchcliff House, Gallipoli Memorial Club and 33 Alfred Street prior to the issue of the first Construction Certificate in respect of Works to be undertaken to the Building located on 50 Bridge Street.
 - (v) **Heritage Conservation Contribution, Completion of Heritage Conservation Works to Hinchcliff House, Gallipoli Memorial Club and 33 Alfred Street** – Completion of Heritage Conservation works to Hinchcliff House, Gallipoli Memorial Club and 33 Alfred Street prior to the issue of the first Construction Certificate in respect of Works to be undertaken to the Building located on 50 Bridge Street.

(4) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Gross Floor Area of the approved development must not exceed 16,139sq.m calculated in accordance with the *Sydney Local Environmental Plan 2012*.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under *Sydney Local Environmental Plan 2012* applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(5) DESIGN MODIFICATIONS

The design of the buildings must be modified as follows:

(a) **General design matters:**

- (i) Final architectural design details to be provided of the loading dock entrance and how it addresses the lane.
- (ii) The 'precinct connector' (footpath widening) proposed along Young Street is not approved and should be deleted from plans.
- (iii) Buildings A, B and C are to incorporate an internal mail room/s with letterboxes inside private entrances which are accessed by electronic keys and managed by building management.
- (iv) The removal of street trees is not approved at this stage. The applicant must consult with Council's Urban Forest Team in regard to proposed tree works including removals, pruning and planting to obtain separate approval.
- (v) The applicant must use materials with a high grade finish for Loftus Lane South (for example granite setts or basalt paver). Proposed materials and installation details to be approved as part of the Public Domain Plan.
- (vi) The public space created in the laneway expansion zone (next to Building C and Hinchcliff Walk) which has a significant communal bench concept is to be dedicated at no cost to Council so that the bench will not straddle two land ownerships. Final outline of the dedicated space is to be submitted to the Director City Planning Development & Transport for approval and any licence to allow building structures to overhang in such dedicated space is to be provided by the City to the Applicant.
- (vii) Final design details of the awnings proposed within Loftus Lane are to be provided including dimensions. The design of the awning must be of high quality materials (the awnings must not extend more than 1.25m from the building facade).
- (viii) The awning proposed within the through-site link within Building B adjacent to the Gallipoli Memorial Club is not approved and is to be deleted from the plans. The awning is not supported as it undermines the clearance height of the through-site link.
- (ix) The use of any type of external blind system to the northern facades of Building B and Building C is not permitted.
- (x) All proposed arcades are to have an unobstructed clearance height of 6m.
- (xi) Building B - Minimum double glazing with SHGC 0.44, 70% VLT to be used on the all north facing apartments.
- (xii) Building C - Minimum double glazing with low-e coating, 70-80% VLT to be used on all north facing apartments.

- (xiii) Building B (Levels 2-7) – In order to address adverse amenity impacts and reduced building separation between Buildings B and Building C the 1 bedroom apartment facing Loftus Lane located between gridline BC and BE at Levels 2-7 is to be deleted and amalgamated into the adjoining apartments.

(b) **Part A: Building A:**

- (i) Building A: As no development application has been lodged relating to 12-14 Loftus Street (the Gallipoli Memorial Club), the proposed entry through to 12-14 Loftus Street Level 00, is not approved.
- (ii) Building A: The proposed setback of Building A from Loftus Lane exposes the side wall of the heritage item at 12-14 Loftus Street at Levels 00 and 01. Extend Building A to the boundary with Loftus Lane at Levels 00 and 01 so that the side wall of the heritage item is not exposed at any level.
- (iii) Building A: Provide a cavity between Building A and the heritage listed building at 12-14 Loftus Street.
 - a. The width of the cavity must be a minimum of 150mm so as to:
 - i. Provide sufficient space so that construction debris can be effectively removed on a daily basis.
 - ii. Provide adequate air circulation such that the side wall of the heritage item can 'breathe' to avoid potential damage caused by rising damp and migrating salts.
 - iii. Provide sufficient offset to avoid damage to heritage footings and walls and provide effective stormwater drainage between the two buildings.
 - b. The cavity may be bridged at parapet level to reduce stormwater ingress subject to approval of the detail and subject to no cutting of masonry.
 - c. No membrane or non-porous barrier is to be applied to the heritage item.
 - d. The detail sections and plans are to be at a minimum of 1:20 scale. The resolution of the detailing is to be assisted by a suitably qualified heritage specialist.
- (iv) Building A: Prior to the issue of the Construction Certificate for the construction of Building A, submit a schedule of conservation works to the northern side wall of the heritage item at 12-14 Loftus Street proposed to be exposed at the Loftus Street frontage and at the Loftus Lane frontage. The works are to be undertaken as part of the construction project for Building A. The Schedule is to be compiled by a suitably qualified heritage specialist, and is to include outline specifications of works.

- a. The works are to include, but not limited to masonry and pointing repairs, and the removal of 1970s/1980s construction debris.
 - b. Prior to the issue of the Construction Certificate for the construction of Building A, the Cost Plan for Building A is to be updated to incorporate the costings of the conservation works to the northern side wall of the heritage item at 12-14 Loftus Street required above.
 - c. 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.
 - d. All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 1999. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.
 - e. **INSPECTION AND APPROVAL:** The conservation works are to be progressively inspected by, and be implemented to the satisfaction of, Council's own Heritage Specialist prior to the issue of the Occupation Certificate or commencement of the use, whichever is the earlier.
- (v) Building A: The proposed gates to the central arcade are to be relocated to be setback 300mm from the external face of the Loftus Street and the Loftus Lane facades. The gate is to be constructed of high quality materials and is to be of a high quality design. Details of the design at a minimum 1:50 scale are to be submitted.
 - (vi) Building A: The proposed screens should be bronze in tone rather than black.
 - (vii) The external walling at street level is to incorporate light grey granite. Refer to Part D of this condition.
- (c) **Part B: Building B.**
- (i) Building B: Prior to the issue of the Construction Certificate for the construction of Building B, submit a schedule of conservation works to the southern side wall of the heritage item at 12-14 Loftus Street proposed to be exposed by 'Gallipoli Way'. The works are to be undertaken as part of the construction project for Building B. The Schedule is to be compiled by a suitably qualified heritage specialist, and is to include outline specifications of works.
 - a. The works are to include, but not limited to masonry and pointing repairs, and the removal of 1970s/1980s construction debris.

- b. Prior to the issue of the Construction Certificate for the construction of Building B, the Cost Plan for Building B is to be updated to incorporate the costings of the conservation works to the southern side wall of the heritage item at 12-14 Loftus Street required above.
- c. All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 1999. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.
- d. INSPECTION AND APPROVAL: The conservation works are to be progressively inspected by, and be implemented to the satisfaction of, Council's own Heritage Specialist prior to the issue of the Occupation Certificate or commencement of the use, whichever is the earlier.

(d) **Part C: Building C**

- (i) Building C: The design of Building C, between Grid lines CA and CB, and Hinchcliff Walk is to be modified so as to locate a lift servicing the former 'Hinchcliff Wool Stores' at 5-7 Young Street (consistent with the Stage 1 Approval ref: D/2013/1942 Condition No 11(b)(iii)). The lift is to be glazed where visible from the public domain.
- (ii) Building C: The proposed external openings of the northern part of Building C, between Gridlines CA and CC, are to be redesigned so as to be vertical in proportion. In addition, the proposed northern elevation as it fronts Hinchcliff Walk and Hinchcliff House is to be redesigned to incorporate articulation and visual interest including use of materials that provide a contextual relationship with Hinchcliff House.
- (iii) Building C: The proposed grey brickwork for the exterior of the northern part of Building C, between Gridlines CA and CC, is not approved and is to be replaced with materials that provide a contextual relationship with the heritage listed buildings in the vicinity including sandstone. Refer the following part D of this condition.
- (iv) Building C, central arcade: The columns that are proposed within the central arcade are to be removed so as to provide a clear uninterrupted arcade. The width of the arcade as it interfaces with Young Street and Loftus lane is to be increased to six metres.
- (v) The south-eastern corner of Building C at street level, at the intersection of Young Street and Loftus Lane is to be curved in plan so as to provide adequate sight lines for pedestrian and vehicular safety and as a response to the curved corner of the heritage item 'Former 'Booth House' on the opposite side of Loftus Lane.

- (vi) The south-eastern corner of Building C as it fronts Loftus Lane south from the ground floor to the commercial levels above is to be redesigned to incorporate articulation and visual interest.
- (vii) Building C: Prior to the issue of the Construction Certificate for the construction of Building C, submit a schedule of conservation works to the southern side wall of the heritage item at 5-7 Young Street proposed to be exposed by 'Hinchcliff Walk'. The works are to be undertaken as part of the construction project for Building C. The Schedule is to be compiled by a suitably qualified heritage specialist, and is to include outline specifications of works.
 - a. The works are to include, but not limited to masonry and pointing repairs, and the removal of 1970s/1980s construction debris.
 - b. Prior to the issue of the Construction Certificate for the construction of Building C, the Cost Plan for Building C is to be updated to incorporate the costings of the conservation works to the southern side wall of the heritage item at 5-7 Young Street required above.
 - c. All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 1999. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.
 - d. INSPECTION AND APPROVAL: The conservation works are to be progressively inspected by, and be implemented to the satisfaction of, Council's own Heritage Specialist prior to the issue of the Occupation Certificate or commencement of the use, whichever is the earlier.

(e) **Part D: Buildings A, B and C.**

- (i) Buildings A, B and C: The proposed external materials of the visible facades of Buildings A, B and C are to be modified to provide a contextual relationship with the heritage listed buildings in the vicinity as follows:
 - a. The podium of Building C is to incorporate natural sandstone to the Young Street frontage, the two Loftus Lane frontages as well as to Hinchcliff Walk and its central arcade.
 - b. Similarly, Buildings A and B are to incorporate details of sandstone to the Loftus Street, Loftus Lane, and Customs House Lane (Building A) frontages as well as to the frontages of the central arcade of Building A and to Gallipoli Way (Building B). Building A may also incorporate light grey honed granite consistent with the base of Customs House.

- c. The sandstone is to be natural Gosford Piles Creek 'Cream' or matching equivalent, and is to be tooled with a textured finish, at least a honed finish, rather than a flat sawn finish. A variety of sandstone tooling finishes may be incorporated.
 - d. The sandstone and granite is to be used as solid three dimensional rather than as a flat thin cladding clipped onto a substrate.
 - e. The percentage of sandstone incorporated into the design may vary, but the overall objective, to provide a contextual relationship with the heritage listed buildings in the vicinity, must be achieved.
 - f. The residential levels of Building C are to ensure the thick façade walls appear as a solid mass with same colour window and door reveals rather than contrasting colour.
- (ii) Buildings A, B and C: The design of the framing to the glazed shopfronts of Buildings A, B and C is to be further developed to provide a greater level of visual interest and to be more vertical in proportion. This may be achieved by increasing the subdivision of the glazing by framing members, through greater variation in the cross sectional sizes of framing members, and through careful detailing of the reveals, sills, thresholds and hardware.

(f) **Part E: Young Loftus Precinct**

- (i) Young Loftus Precinct: The main architectural drawings of the precinct and each building are to be amended to indicate the specific interpretation locations and dimension the spatial allocation arising out of the developed heritage interpretation plan.
- (ii) Any original or early pavements found in excavating the lanes are to be incorporated into the proposed pavement design.
- (iii) Any archaeological relics found during the excavation of the specific building sites, the lanes and public domain are to be displayed as part of the as part of the Interpretation Plan conditioned elsewhere in this consent.
- (iv) To avoid potential damage caused by rising damp and migrating salts in heritage listed buildings at 5-7 Young Street, 12-14 Loftus Street, 31 Alfred Street, and 44 Bridge Street:
- (v) No concrete slab or bitumen pavement is to be laid directly on the ground external to any heritage listed building, directly adjacent to their exterior masonry walls.
- (vi) A minimum offset of 150mm is to apply. A porous pavement material such as gravel or stone may be laid adjacent to all heritage buildings, to offset the less porous pavements. A good example is provide at Image 03 on page 143 of the Young Loftus Precinct Design Report.

- (vii) Details of the proposed pavement (and subsurface) of all lanes, street footpaths, 'Gallipoli Way' and 'Hinchcliff Walk' where they adjoin the heritage listed buildings at 5-7 Young Street, 12-14 Loftus Street, 31 Alfred Street, and 44 Bridge Street, Sydney. The detailing is to ensure removal of potential damage caused by rising damp and migrating salts, avoid damage to heritage footings and walls and provide effective sub surface drainage.

(g) **Part F: Inspections and Approvals**

- (i) The conservation works required above in various parts are to be progressively inspected by, and be implemented to the satisfaction of, Council's own Heritage Specialist prior to the issue of the Occupation Certificate or commencement of the use, whichever is the earlier.

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of the Stage 3 Construction Certificate.

(6) BUILDING HEIGHT

- (a) The height of the building must not exceed the maximums as identified in the table below:

Building	RL (AHD) to the top of the building (including plant)
Building A	RL31.620 (top of the building inc. plant) RL31.800 (top of the handrail)
Building B	RL48.600
Building C	RL54.100

- (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.

(7) APPROVED DESIGN ROOF - TOP PLANT

All roof top plant top plant is to be designed taking into consideration that the roof areas are visible from adjacent higher sites and are to be of a high architectural standard. Design details are to be submitted and approved by Council's Director City Planning, Development and Transport prior to the issue of the Stage 3 construction certificate.

(8) 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;
 - (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's Director City Planning, Development and Transport.

(9) MATERIALS AND SAMPLES BOARD

A materials sample board detailing all proposed finishes must be submitted to and approved by Council's Director City Planning, Development and Transport prior to a Stage 3 Construction Certificate being issued.

(10) USE - SEPARATE DA REQUIRED

A separate development application for the fitout and use of each individual retail and/or commercial tenancy must be submitted to and approved by Council prior to that fitout or use commencing.

(11) USE OF COMMON AREAS AND FACILITIES – BUILDING A ONLY

The roof top terrace must be available for the use all residents of the building, and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

(12) SIGNAGE STRATEGY

A separate development application is to be submitted seeking approval of a consolidated signage strategy for the Young and Loftus Street Block (new and existing buildings). The signage strategy development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

(13) EXTERNAL LIGHTING

A separate development application is required to be lodged and approved prior to any external floodlighting or illumination of the building or site landscaping.

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

A cash contribution comprising 1% of the total cost of the development is payable to the City of Sydney pursuant to section 61 of the *City of Sydney Act 1988* and the *Central Sydney Contribution (Amendment) Plan 2002/ Central Sydney Development Contributions Plan 2013* in accordance with the following:

- (a) Prior to the Stage 1 Construction Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" indicating the itemised cost of the development must be completed and submitted to Council by the Certifying Authority (CA), together with copies of the plans the subject of the application for the Construction Certificate. A copy of the required format for the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" may be obtained from the City of Sydney One Stop Shop, any of the Neighbourhood Service Centres and the City of Sydney's website (www.cityofsydney.nsw.gov.au).
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the CA accordingly.
- (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, *Building Code of Australia* compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.

- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

Please contact Council's Planning Administration staff at Planningsystemsadmin@cityofsydney.nsw.gov.au to confirm the amount payable, prior to payment.

(15) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL

The following conditions apply to car parking:

- (a) The on-site car parking spaces are not to be used other than resident of the subject building for parking of vehicles related to residence in the unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.
- (b) The strata subdivision of the site is to include a restriction on user pursuant to Section 39 of the *Strata Schemes (Freehold Development) Act, 1973* as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to Section 88B of the *Conveyancing Act 1919*, burdening all car parking part lots in the strata plan.

(16) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building in Building A, B and C must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the *Sydney Local Environmental Plan 2012*.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from "residential accommodation" as defined in *Sydney Local Environmental Plan 2012*. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

(17) HOURS OF OPERATION – RETAIL & BUSINESS PREMISES

The hours of operation are restricted to between 7am and 10pm Monday to Sunday and Public Holidays. Further applications can be made to vary these hours once specific uses are known.

(18) ARCHAEOLOGICAL INVESTIGATION

- (a) The applicant must apply to the Heritage Division of the Department of Environment and Heritage for an excavation permit under Section 140 of the *Heritage Act 1977*.
- (b) Should any potential archaeological deposit likely to contain Aboriginal objects be identified by any person during the planning or historical assessment stage, application must be made by a suitably qualified archaeologist to the NSW Government Office of Environment and Heritage for an excavation permit for Aboriginal objects.
- (c) The applicant must comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance is made for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.
- (f) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*;
- (g) One hard copy and one electronic of the final archaeological report detailing all findings is to be submitted to Council's Heritage Specialist for lodgement in Council Archives prior to the issue of the Occupation Certificate.

(19) HERITAGE INTERPRETATION PLAN – NON STANDARD

- (a) The Quay Quarter Sydney Heritage Interpretation Plan' by Urbis dated June 2015 must be expanded and consolidated into specific, developed implementation initiatives, specifying the precise location, form, content, materials of each of the interpretation devices being proposed, to a point where it is complete for engaging the designer to prepare construction drawings and final artwork for any casting, printing and the like.
- (b) The key locations are to be clearly indicated on the architectural drawings for each building.

- (c) In addition to the themes identified in the 'Quay Quarter Sydney Heritage Interpretation Plan', the plan is to include the interpretation of the origin of the surrounding street names.
- (d) The updated and developed plan is to be submitted to and approved by Council's Urban Design and Heritage Manager prior to a Stage 3 Construction Certificate being issued. Ongoing consultation with Council's heritage Specialist is to occur prior to this submission.
- (e) Prior to occupation certificate being issued, the approved interpretation plan must be implemented to the satisfaction of Council's Urban Design and Heritage Manager. Ongoing consultation with Council's heritage Specialist is to occur prior to this implementation to ensure final approval.

(20) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

Prior to a Stage 1 Construction Certificate being issued, an archival photographic recording of the buildings to be demolished is to be prepared to Council's satisfaction. The recording may be in either digital or film-based form, or a combination of both, prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

The form of the recording is to be as follows:

- (a) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
- (b) The Development Application number must be noted on the front of the folder and in the report.
- (c) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (d) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

A digital based recording is to include:

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

(21) SITES IN THE VICINITY OF A HERITAGE ITEM – MAJOR DEVELOPMENT

- (a) A protection strategy for the duration of the construction works, is to be submitted to and approved by Council's Urban Design and Heritage Manager prior to the issue of the Stage 3 Construction Certificate. The Strategy is to detail how the proposed works will ensure that the heritage listed buildings at 12-14 Loftus Street, 5-7 Young Street, 44 Bridge Street, 31 Alfred Street and the Bennelong Stormwater Channel are to be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage.
- (b) The protection strategy is also to include:
 - (i) Details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street and that no such water is channelled onto the adjacent or nearby property fabric or interiors.
 - (ii) Details of construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, which are to be removed progressively on a daily basis as the works progress.
 - (iii) Details of the proposed protection of adjacent walls from damp and water ingress during the works.
 - (iv) A structural report that details of the investigation of the location and depth of footings of the adjacent heritage listed buildings. This report should address details of lateral ground movement as advised by the Geotechnical investigations, advice on any additional boundary offsets that may be required as a result of the location of footings and on the suitability of structural engineer's proposals for underpinning or other support to adjacent footings.

(22) USE OF HERITAGE CONSULTANT - MAJOR DEVELOPMENT

- (a) An experienced heritage consultant is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project in the Young/Loftus Street precinct. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant 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.
- (b) Evidence and details of the above commission on the above terms are to be provided to Council prior to the issue of the Stage 3 Construction Certificate or commencement of work on site whichever is the earlier.
- (c) Throughout the documentation and construction stages of the approved works the experienced heritage consultant is to:

- (i) Undertake site inspections of not less than fortnightly intervals.
 - (ii) Maintain a diary of site inspections that includes photographs of the works, details of heritage advice and decisions arising out of each inspection and any further physical evidence uncovered during the works.
 - (iii) Compile a final report, including the diary, verifying how the heritage conditions have been satisfied, and the works completed in accordance with the Conservation Management Plan. The diary is to be progressively submitted for approval by Council's own Heritage Specialist, at not less than two monthly intervals.
- (d) Upon completion of the works, the final report is to be submitted for approval by Council's own Heritage Specialist prior to the issue of an Occupation Certificate or the commencement of the use, whichever is the earlier.

(23) LANDSCAPED (GREEN) ROOFS

- (a) A detailed plan of the green roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of the Stage 3 Construction Certificate. The plan must include:
 - (i) A statement that includes details of proposed use of the green roof, general accessibility, as well as noise and privacy treatments.
 - (ii) Location of proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (iii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable).
 - (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species.
 - (v) Details of the soil media/substrate type and depth.
 - (vi) Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc.
 - (vii) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
 - (viii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).

- (b) Prior to the issue of the Stage 3 Construction Certificate, the following details are to be submitted to and approved by the Principal Certifying Authority:
 - (i) Evidence the green roof has been assessed as part of the structural certification provided for the development; and
 - (ii) Evidence the green roof has been assessed as part of the waterproofing certification provided for the development.
- (c) All landscaping in the approved plan is to be completed prior to the issue of an Occupation Certificate.
- (d) Prior to the issue of an Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:
 - (i) Frequency and methodology of different maintenance requirements including the removal of green waste.
 - (ii) Details of safety procedures.
 - (iii) Laminated copies of 'As Built' drawings.
 - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification;
 - (v) Copies of warranties and guarantees relating to all materials and plant used in construction; and
 - (vi) Decommissioning procedures.
- (e) Inaccessible green roofs are required to remain inaccessible during occupation of the property.

(24) LANDSCAPING OF THE SITE

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of the Stage 3 Construction Certificate for above ground building works. The plan must include:
 - (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
 - (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;

- (iii) Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage, waterproofing and watering systems.
- (b) Prior to the issue of the Stage 3 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.

(25) PUBLIC ART

- (a) A revised Public Art Strategy must be submitted to and approved by Council's Director City Planning, Development and Transport prior to a Stage 1 Construction Certificate being issued.
- (b) Final details of the approved public art work must be submitted to and approved by Council's Director City Planning, Development and Transport prior to issue of a Stage 3 Construction Certificate. The public artwork must be in accordance with the *Sydney DCP 2012* and the *Public Art Policy*. Installation of the art work must be completed to Council's satisfaction prior to the issue of an Occupation Certificate.
- (c) This condition is in addition to the public art contribution required as part of the voluntary planning agreement. The total cost of the public art contribution is to be submitted to and agreed by the Director City Planning, Development and Transport.

(26) WIND ENVIRONMENT STUDY

The recommendations of the Wind Tunnel Tests for Quay Quarter Sydney prepared by CCP, dated June 2015 shall be implemented in the final design, with details illustrating compliance with this condition to be submitted for approval to the Certifying Authority prior to the issue of a Stage 5 Construction Certificate.

(27) REFLECTIVITY

The recommendations of the Reflectivity Report (Reference number 239059-33/JK), prepared by Arup, dated 26 June 2015 shall be implemented in the final design, with details illustrating compliance with this condition to be submitted for approval to the Certifying Authority prior to the issue of a Stage 5 Construction Certificate.

(28) CRIME RISK AND SECURITY REPORT

The recommendations of the Crime Risk and Security Report prepared by MIP Security and InteRisk Group, dated July 2015 shall be implemented in the final design, with details illustrating compliance with this condition to be submitted for approval to the Certifying Authority prior to the issue of a Stage 5 Construction Certificate.

(29) ELECTRICITY SUBSTATIONS

Electricity substations, kiosks and the like are to be contained wholly with the property boundary of Precinct 2 and not in areas subject to easements for public access. The kiosks are to be appropriately screened to reduce their visibility from the public domain. Details are to be submitted for approval with the Public Domain Plan conditions of this consent.

(30) LOT CONSOLIDATION

All land titles within the site must be consolidated into one lot or alternatively a new subdivision of the site is to be prepared amalgamating and/or separating in Title the different components of the development. A plan of consolidation or subdivision must be registered with the NSW Office of Land and Property Information, prior to an Occupation Certificate being issued.

(31) LAND SUBDIVISION

Any proposal to subdivide the site, including any stratum subdivision of the building(s), will require a separate application to Council to obtain development consent for the proposal and subsequent issue of the Subdivision Certificate under Section 109J of the Environmental Planning and Assessment Act 1979.

(32) STRATA SUBDIVISION

Any proposal for strata subdivision will require development consent and therefore the lodgement of a separate development application or complying development application and subsequent approval from Council, or an accredited certifier, of the Strata Plan – and issue of a Strata Certificate, under the *Strata Schemes (Freehold Development) Act 1973*.

(33) BASEMENT STORAGE

- (a) A storage area located in the basement is to be allocated to each unit and reflected on the strata plans and on title.
- (b) The storage area is to be large enough to accommodate a bicycle and is to be no smaller than a Class 1 bicycle locker.

(34) RIGHTS OF PUBLIC ACCESS

- (a) Prior to the issue of an Occupation Certificate for the development, documentary Rights of Public Access, limited in stratum, are to be created and registered on the Title of the development site over the following areas:
 - (i) A Right of Public Access is to be defined over an east-west strip of land, of variable width, extending from the eastern alignment of Loftus Lane to the western alignment of Young Street, adjoining the southern side of Hinchliffe House (building H) at 5-7 Young Street, passing between buildings H and C as shown on approved plans numbered AR-XP-B-00 and AR-XC-B-00; and

- (ii) A Right of Public Access is to be defined over a strip of land, of variable width and a general nominal width of 3.5m, extending from the eastern alignment of Loftus Lane to the western alignment of Young Street, passing through proposed building C in a north-east/south-west direction, and including areas adjoining the alignments of Young Street and Loftus Lane, all as shown on approved plans numbered AR-XP-B-00 and AR-XC-B-00 (Public Access is to be provided minimum 0700-2400 daily); and
- (iii) A Right of Public Access is to be defined over an east-west strip of land, of a nominal width of three metres, extending from the eastern alignment of Loftus Street to the western alignment of Loftus Lane, adjoining the southern side of Gallipoli House (building G), and passing between buildings B and G as shown on approved plans numbered AR-XP-B-00 and AR-XB-B-00; and
- (iv) A Right of Public Access is to be defined over an east-west strip of land, of variable width, extending from the eastern alignment of Loftus Street to the western alignment of Loftus Lane, passing generally through the middle of building A as shown on approved plans numbered AR-XP-B-00 and AR-XA-B-00 (Public Access is to be provided minimum 0700-2400 daily).

The Rights of Public Access are to be created appurtenant to Council in terms granting unrestricted rights for public pedestrian access, without vehicles (other than wheelchairs), to Council's satisfaction and consistent with the registered Voluntary Planning Agreement for the site.

- (b) Prior to the issue of an Occupation Certificate for the development, a documentary Positive Covenant is to be created and registered on the Title of the development site, appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Rights of Public Access, and is to require the maintenance of a \$20,000,000 public indemnity insurance policy and is to require the maintenance, upkeep, repair and lighting of the Right of Public Access in accordance with Council's requirements and to the satisfaction of Council.

(35) EASEMENT FOR PUBLICLY ACCESSIBLE CIVIC SPACE

- (a) Prior to the issue of an Occupation Certificate for the development, a documentary Easement for Publically Accessible Civic Space is to be created and registered on the Title of the development site over an area of approximately 60m² adjoining the eastern alignment of Loftus Lane and the north-western corner of Building C, as shown on the approved plans numbered AR-XP-B-00 and AR-XC-B-00.

The Easement for Publically Accessible Civic Space are to be created appurtenant to Council in terms granting unrestricted rights for public pedestrian access, without vehicles, exclusive of wheelchairs for the disabled, to Council's satisfaction and consistent with the registered Voluntary Planning Agreement for the site.

- (b) Prior to the issue of an Occupation Certificate for the development, a documentary Positive Covenant is to be created and registered on the Title of the development site, appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Easement for Publically Accessible Civic Space, and is to require the maintenance of a \$20,000,000 public indemnity insurance policy and is to require the maintenance, upkeep, repair and lighting of the Right of Public Access in accordance with Council's requirements and to the satisfaction of Council.

(36) DEDICATION OF AIR SPACE LOT(S)

The owner must transfer to Council the airspace above the development site as detailed in the registered Voluntary Planning Agreement for the site. The airspace lot is to be detailed in a plan (or plans) of stratum subdivision of the site and is to be consistent with the requirements of the registered Voluntary Planning Agreement for the site. The plan (or plans) of subdivision is to be registered at the NSW Office of Land and Property Information prior to an Occupation Certificate, for whatever building is located directly beneath the respective airspace lot, being issued.

(37) RESTRICTION ON PERMITTED FLOOR SPACE RATIO

A documentary Restriction on the Use of Land limiting the Gross Floor Area of the buildings erected on each lot below (and consequently the permitted Floor Space Ratio for each lot) is to be created and registered on the Titles of:

- (a) Lots 1 to 4 in Deposited Plan 134760;
- (b) Lot 1 in Deposited Plan 810463;
- (c) Lot 501 in Deposited Plan 709624; and
- (d) Lot 1 in Deposited Plan 134861.

The Restriction on the Use of Land is to be created appurtenant to Council, in terms to Council's satisfaction, restricting the amount of gross floor area (as defined in the Sydney LEP 2012), and consequently the Floor Space Ratio, permissible for each site detailed above, to that approved by this Development Application (D/2015/930).

(38) RESTRICTION ON MINIMUM NON-RESIDENTIAL FLOOR SPACE

A documentary Restriction on the Use of Land on Minimum Non-Residential Floor Space is to be created and registered on the Titles of:

- (a) Lots 1 to 4 in Deposited Plan 134760;
- (b) Lot 1 in Deposited Plan 810463;
- (c) Lot 501 in Deposited Plan 709624; and
- (d) Lot 1 in Deposited Plan 134861.

The Restriction on the Use of Land is to be created appurtenant to Council in terms restricting the amount of non-residential floor space permissible for each site detailed above, to Council's satisfaction and consistent with the registered Voluntary Planning Agreement for the site.

(39) LANES DEVELOPMENT RESTRICTION

A documentary Lane Development Restriction on the Use of Land is to be created and registered on the Titles of:

- (a) Lots 1 to 4 in Deposited Plan 134760;
- (b) Lot 1 in Deposited Plan 810463;
- (c) Lot 501 in Deposited Plan 709624; and
- (d) Lot 1 in Deposited Plan 134861.

The Restriction on the Use of Land is to be created appurtenant to Council in terms restricting the size of retail spaces on each site detailed above and as shown on approved plans AR-XP-B-14 and AR-XP-B-15. The terms of the Restriction are to be to Council's satisfaction and consistent with the registered Voluntary Planning Agreement for the site.

(40) PUBLIC WAY LEASE OR SALE AGREEMENT

Prior to commencement of the construction of the basements of the building within the public way, a separate application must be made to Council under Section 149 of the Roads Act 1993, and the owners of the site are to enter into a formal Lease or Agreement to Lease or purchase the stratum of Loftus Lane to be occupied by the basements and any other parts of the proposed buildings.

In the case of a lease the payment of rent and the lease term is to be limited to a maximum period of 40 years.

Such sale or lease is to be subject to all conditions considered necessary to protect Council's interests and those of the public, and subject to a rental or purchase price in a sum to be assessed by Council's valuers. All associated fees and costs (including with those associated with the preparation and registration of the required Plan of Subdivision) are to be borne by the owners of the site.

If the stratum of Loftus Lane is to be the subject of a lease, the owners of the site are to maintain a public liability policy of not less than 20 million dollars for the duration of the lease as well as a security bond. The public liability policy with must note the "Council of the City of Sydney" as an interested party. The agreement must also contain an indemnity clause where the owner indemnifies the City for any damage, injury or death arising out of the use or construction of the basements and improvements referred to above.

(41) SECTION 138 APPROVAL

Prior to the commencement of any work within the public way associated with the construction of the basements of the building within the public way of Loftus Lane, approval is to be obtained from Council under Section 138 of the Roads Act 1993.

(42) EASEMENTS RELATING TO USE OF ADJOINING PROPERTY

Due to the development utilising facilities located within different sites within the development, appropriate easements for access and use of those various facilities (such as garbage rooms) must be created over those parts of the adjoining properties that are to be utilised for access and use.

(43) 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 "Sydney Streets Technical Specification" including amendments and "Sydney Streets Code".

(44) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL

The following conditions apply to car parking:

- (a) The on-site car parking spaces are not to be used other than resident of the subject building for parking of vehicles related to residence in the unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.
- (b) The strata subdivision of the site is to include a restriction on user pursuant to Section 39 of the *Strata Schemes (Freehold Development) Act, 1973* as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to Section 88B of the *Conveyancing Act 1919*, burdening all car parking part lots in the strata plan.

(45) RESIDENTIAL AMENITY – GENERAL

- (a) Ensure adequate lighting, open sightlines and security measures such as keycard or remote control access and CCTV are at the entrance to basement car parks and install signage in the car park requesting residents to take their valuables with them.
- (b) Ensure that common entries are accessible by keycard / pad or intercom system and should be self-closing and self-locking.
- (c) Ensure that individual dwellings incorporate solid core doors, security locks and one-way viewers.
- (d) Ensure that communal areas such as garbage storage areas, parking and recreation areas are situated along well used clearly defined routes, are observable from private and semi-private areas and do not provide potential entrapment spots.

- (e) Ensure that lighting illuminates pedestrian routes, dwelling entries, internal and external communal areas such as hallways, foyers, lifts and stairwells.
- (f) For CCTV installed into the public domain, consideration should be given to the types of cameras proposed, placement, management, monitoring and storage of data as well as a proposed protocol for sharing information. Consideration should be given to liaising with local police (Sydney City LAC) about placement in and around the development and its management.

(46) ALLOCATION FOR CAR WASH BAYS

If car wash bays are provided, 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 all tenants.

(47) 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.

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.

(48) 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 unit in any future strata subdivision of the building.

(49) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Stage 5 Construction Certificate.

Car Parking Type	
Residential spaces	54
Accessible residential spaces	17
Car share parking	2
Retail spaces	3
Motorcycle parking	6
Service vehicle spaces	3
9.25 min length – Accommodate Council Waste Truck (at grade loading dock 9-17 Young Street)	1
Total	86

(50) 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 "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

(51) BICYCLE PARKING AND END OF TRIP FACILITIES

- (a) The minimum number of bicycle parking spaces and end of trip facilities to be provided for the development must comply with the table below.

Bicycle Parking Type	Young & Loftus Street	Requirements
Residential	114	Spaces must be a class 1 or class 2 bicycle facilities
Residential visitor	12	Spaces must be Class 3 bicycle rails
Non-residential (staff)	28	Spaces must be Class 2 bicycle facilities
Visitor	36	Spaces must be Class 3 bicycle rails
End of Trip Facility Type		
Showers with change area	5	
Personal lockers	28	

Note:

- (i) If a basement storage area on title that is large enough to store a bike and is no smaller than a class 1 bike locker this can be counted as a space.
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Director City Planning, Development and Transport and the Principle Certifying Authority confirming prior to the Stage 5 Construction Certificate being issued.

(52) CAR SHARE SPACES

- (a) A minimum of 2 car parking spaces for the exclusive use of car share scheme vehicles are to be provided. A revised basement plan showing these spaces must be submitted to and approved by Council's Director City Planning, Development and Transport prior to the Stage 5 Construction Certificate being issued.

- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must be accessible to members of the car share scheme at all times.
- (f) The car share spaces are to be available at the same time that the car park commences operation.

Note: It is recommended that the applicant discuss the proposed location of car share parking spaces with car share operators prior to the issue of a construction certificate to ensure the commercial requirements of the operator can be accommodated.

(53) CHANGES TO KERB SIDE PARKING RESTRICTIONS

A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking the City's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use.

The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include chainages to all signs and stems from the kerb line of the nearest intersection.

All costs associated with the parking proposal will be borne by the developer.

Note: It is recommended that the applicant should approach the Area Traffic Engineer to discuss the proposal before making a submission.

(54) 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.

(55) INTERCOM FOR VISITORS

Where a boom gate 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 4m clear of the property boundary, wired to all units. 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.*

(56) VEHICLE ACCESS

All vehicles must enter and leave the site in a forward direction.

(57) ON SITE LOADING AREAS AND OPERATION

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.

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.

(58) PARKING DESIGN

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 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 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.

(59) PARKING ON COMMON PROPERTY AREAS

No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. The strata subdivision of the building is to include an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

(60) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME - APPLICATION OF CITY OF SYDNEY PARKING POLICY

All owners, tenants and occupiers of this building are advised that it is the Policy of Council that they are not eligible to participate in any existing or proposed Council on-street resident parking schemes. The owner of the dwelling must advise all intending owners, tenants and occupiers of the dwelling of this prohibition in writing at the time of entering into a purchase / lease / occupancy agreement.

(61) SERVICE VEHICLE SIZE LIMIT – AT GRADE LOADING DOCK (9-17 YOUNG STREET)

The size of vehicles servicing the property must be a maximum length of 9.25m (medium rigid vehicles).

(62) 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 ***permanently displayed and 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 ***by the Owners of the building***.

(63) SIGNS AT EGRESS

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

- (a) Compelling drivers to stop before proceeding onto the public way
- (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.

(64) 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.

(65) LOADING DOCK MANAGEMENT PLAN FOR 9-17 YOUNG STREET

- (a) A Loading Dock Management Plan, must be submitted to and approved by Council prior to the Stage 5 Construction Certificate for the site/use being granted.
- (b) The Plan should identify how the service space will be managed and used by all building tenants, not just the retail area.
- (c) The Plan must include, but is not limited to, management of deliveries to ensure there is no requirement for any service vehicles to wait on public streets to enter the site.
- (d) The plan shall be managed either by a schedule showing all tenants and residents when they can use the area, or by a register managed on site to allow tenants and residents to reserve a time period for their deliveries. Once approved, this management plan will need to be provided to all tenants and external users of the loading area.

(66) TRAFFIC AND TRANSPORT

The traffic and transport related works are not formally approved as part of this consent. All works requiring amendments to the traffic, transport and kerb side parking restrictions are subject to further approvals including the closure of Loftus Lane. All works need to be referred to Council's City Infrastructure and Traffic Operations Unit for their assessment and referral to the local Pedestrian, Cycling and Traffic Calming Committee. Some of these works will also require a referral to the Central Sydney Traffic and Transport Committee (CSTTC). These referrals, and approval of the works by the City must occur prior to the approval of a Stage 5 construction certificate.

(67) SECTION 116 OF THE ROADS ACT

- (a) The proposed road closure of Loftus Lane will prohibit existing traffic movements. This requires section 116 of the Roads Act to be satisfied.
- (b) Section 116 requires public consultation, a referral to the Local Pedestrian, Cycling and Traffic Calming Committee, a Traffic Management Plan to be approved by the RMS and a report to be put before Council.
- (c) The developer is required to contact Council when they wish to begin this process. They will need to discuss with the Traffic Operations team what documentation they need to submit.
- (d) Any additional information or design amendments required as part of this process must be provided by the developer at no cost to Council.
- (e) This process must be completed prior to any approval for the construction of the median being granted.
- (f) The Section 116 process can take up to 12 months from the Council Officer being satisfied with the proposal.
- (g) The Section 116 process can happen concurrently with the process to approve the road closure design.
- (h) All fees and costs associated with the approval of a Section 116 application are to be borne by the developer.

(68) LOFTUS LANE SOUTH

Further detail is to be provided regarding the following:

- (a) Arrangements / treatments to Loftus Lane South designed to promote a slow speed environment and prioritise pedestrian safety
- (b) Avoidance of potential conflicts between service vehicles accessing the loading dock and vehicles accessing the car park
- (c) Control of vehicle movements accessing the car park to restrict left turn movements from the car park driveway

A revised plan must be submitted to and approved by Council (and other authorities) prior to the Stage 5 Construction Certificate for the subject site/use being granted.

(69) SHARED ZONE

- (a) The proposed shared zones on Loftus Lane South are not approved as part of this consent.
- (b) The detailed design must be submitted to and approved by Council prior to the Stage 5 Construction Certificate for the site/use being granted.
- (c) The design of the shared zone will require a referral to the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) for endorsement and then a referral to the RMS for final approval.
- (d) Additional reports, information or design changes may be required by Council officers, the LPCTCC or the RMS during the approvals process. The cost for these changes must be undertaken by the applicant at their own cost.
- (e) If these streets are not approved to be shared zones an alternative design must be undertaken and submitted to Council and approved by Council prior to the Stage 5 Construction Certificate for the site/use being granted

[Note: The process of gaining a shared zone approval can take a number of months. It is recommended the applicant begin the process as soon as practical to avoid holding up the issuing of the Construction Certificate. (RMS shared zone policy and guidelines can be found on their website).]

(70) CONSULTATION WITH THE CBD COORDINATION OFFICE

The proponent is to consult with the CBD Coordination Office to address the impacts on bus layover and operations.

The proponent is to provide a bus layover and operations plan to the satisfaction of the CBD Coordination Office and Council, prior to the issue of the Construction Certificate.

(71) CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

The proponent prepare a detailed Construction Pedestrian and Traffic Management Plan (CPTMP) prior to the issue of any construction certificate, which takes into account (but which is not limited to) other construction projects including CBD and South East Light Rail (CSELR) and 1 Alfred Street projects, in the Circular Quay and Wynyard Precincts.

The CPTMP should demonstrate that the construction impacts on the road network, bus operations and pedestrian/cyclist safety can be managed. The CPTMP should be prepared in consultation with TfNSW, Roads and Maritime services and City of Sydney. The final CPTMP is to be endorsed by the CBD Coordination Office within TfNSW prior to the issue of any construction certificate.

(72) CONSULTATION WITH CBD AND SOUTH EAST LIGHT RAIL PROJECT TEAM

The proponent is to consult any relevant project teams in the vicinity of the development to ensure traffic / transport interface issues are addressed prior to the commencement of construction. This will need to consider the CBD and South East Light Rail project, Sydney City Centre Bus Plan, and other committed major redevelopments in the vicinity of the subject site.

(73) TRANSPORT FOR NEW SOUTH WALES (TfNSW) – SPECIAL CONDITIONS**(a) Impacts of Bus Layover and Operations**

- (i) TfNSW requests that the proponent continue to consult with the CBD Coordination Office to address the impacts on bus layovers and operations and develops a bus layover and operations plan to the satisfaction of the CBD Coordination Office prior to the issue of a Construction Certificate.

(b) Construction Traffic Management

- (i) TfNSW requests that the proponent prepare a detailed Construction Pedestrian and Traffic Management Plan (CPTMP) prior to commencement of construction, which takes into account other construction projects (including CBD and South East Light Rail (CSELR) and 1 Alfred Street projects in the Circular Quay and Wynyard precincts.
- (ii) THE CPTMP should demonstrate that the construction impacts on the road network, bus operation and pedestrian/cyclist safety can be managed. The CPTMP should be prepared in consultation with TfNSW, Roads and Maritime Services and City of Sydney. The final CPTMP should be endorsed by the CBD Coordination Office within the TfNSW prior to the issue of any Construction Certificates.

(c) Shared Zone of Loftus Lane

- (i) Any proposed shared zones shall be in accordance with the Roads and Maritime Technical Direction (TTD 2014/003 July 2014) *Design and implementation of shared zones including provision for parking*. Prior to the issue of the relevant Construction Certificate, an approval for the proposed shared zone arrangements must be obtained from Roads and Maritime Services.

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.

(74) PHYSICAL MODELS

- (a) Prior to a final Occupation Certificate being issued, an accurate 1:500 scale model of the development as constructed must be submitted to Council for the City Model in Town Hall House.

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modelers must be consulted prior to construction of the model.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under section 96 of the *Environmental Planning and Assessment Act*) that affect the external appearance of the building.

(75) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE

- (a) Prior to an Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to Council for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
- (i) building design above and below ground in accordance with the development consent;
- (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
- (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

(76) FLOOR TO CEILING HEIGHT

Prior to a stage 6 Construction Certificate being issued, the Certifying Authority must ensure that all living rooms and bedrooms in sole occupancy units must have a minimum finished floor to ceiling height of not less than 2.7 metres.

(77) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the *Building Code of Australia*.

If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council prior to a Construction Certificate being issued.

(78) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

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

(79) OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

If it is proposed to install a building maintenance unit or operate a hoisting device above a road (footpath) including swinging, hoisting material/equipment and slewing any part of the device, a separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* must be made to Council to obtain approval.

Note: Building maintenance unit means a power operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (Work Health and Safety Regulation 2011).

(80) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

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

- (c) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's *Policy for Waste Minimisation in New Developments 2005*, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

UPON COMPLETION OF THE DEVELOPMENT

- (d) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

(81) WASTE MANAGEMENT FACILITIES

Prior to the issue of a Stage 6 Construction Certificate for the development, the waste management facilities within the building are to be consistent with Council's "Policy for Waste Minimisation in New Developments 2005" and designed to provide for:

- (a) A receptacle holding area capable of holding the required amount of waste receptacles is to be provided at street level, within 10m of and at the same level as the standing area for Council's waste collection vehicle, and **inside the property boundary**, for waste collection purposes,
- (b) Waste receptacles or garbage bins must not be stored on Loftus Lane or any part of the public way adjoining the development site prior to collection or at any other time;
- (c) The proposed turntable within the loading area, to be utilised for waste collection purposes, is to be of a size and capacity that will allow it to be used by Council's waste collection vehicles;
- (d) All areas accessed by Council's waste collection vehicles must be provided with a minimum vertical clearance of 4 metres, taking such items as pipes, ducts and the like into account,
- (e) The residential garbage room to be designed in accordance with Council's "Policy for Waste Minimisation in New Developments 2005" to allow for cleaning, draining and management of the room,
- (f) The physical separation of residential waste from that generated by the commercial tenancy which is to be collected by a private contractor.

(82) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

- (a) The Waste Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste Management Plan is to be approved by the Certifying Authority prior to a Stage 6 Construction Certificate being issued. The plan must comply with the Council's *Policy for Waste Minimisation in New Developments 2005*. All requirements of the approved Building Waste Management Plan must be implemented during construction of the development.

UPON COMPLETION OF THE DEVELOPMENT

- (c) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must ensure that waste handling works have been completed in accordance with: the Waste Management Plan; other relevant development consent conditions; and Council's Policy for Waste Minimisation in *New Developments 2005*.

(83) WASTE AND RECYCLING COLLECTION CONTRACT

Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is earlier, the building 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, reserves, at any time.

(84) WASTE/RECYCLING COLLECTION

- (a) The collection of waste and recycling must only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.
- (b) Waste collections are to be undertaken two times per week.
- (c) Larger types of waste containers are recommended for a development of this size (1100, 660lt bins).
- (d) The development must have a residential rating or have applied for a residential rating prior to a City of Sydney waste service.

(85) LAND REMEDIATION

- (a) A Site Remedial Action Plan (RAP) is to be submitted to the City Area Planning Manager 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" and Councils Development Control Plan "Contaminated Land".
- (b) The RAP shall include a waste classification plan, an additional sampling program and a validation strategy that demonstrates the efficacy of the tank and fill removal program.

Note: The RAP must be reviewed by a NSW EPA Accredited Site Auditor and include a Section B Site Audit Statement or letter of interim advice issued by the Auditor certifying that the RAP is practical and the site will be suitable after remediation for the proposed use. The Section B Site Audit statement or letter of interim advice regarding the RAP shall be provided to council prior to the commencement of works in relation to remediation of the site.

- (c) The site is to be remediated and validated in accordance with the Remedial Action Plan endorsed by the NSW Accredited Site Auditor and approved by council.

- (d) All remediation work carried out shall be conducted in accordance with the guidelines in force under the Contaminated Land Management Act 1997.
- (e) Any new information which comes to light during remediation, demolition 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.
- (f) Any variations to the approved Remediation Action Plan shall be approved in writing by the Accredited Site Auditor and council prior to the commencement of such work.

(86) CLASSIFICATION OF WASTE

- (a) 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 (July 2009)*. 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.
- (b) A Waste Classification Plan must be prepared and reviewed by an EPA Accredited Site Auditor

(87) SITE AUDIT STATEMENT

Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation) a Site Audit Statement (SAS) is to be obtained from a NSW EPA Accredited Site Auditor and is to be submitted to the Area Planning Manager. The SAS must confirm that the site has been remediated in accordance with the approved Remediation Action Plan and clearly state that site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.

- (a) Where the SAS is subject to conditions that require ongoing review by the Auditor or Council these should be reviewed and approved by Council before the SAS is issued. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a S96 application pursuant to the Environmental Planning & Assessment Act 1979 shall be submitted to ensure that they form part of the consent conditions.
- (b) An Occupation Certificate must not be issued by the PCA unless a Site Audit Statement has been submitted to the City in accordance with this condition.

(88) DISCHARGE OF CONTAMINATED GROUNDWATER

Prior approval must be sought from the City's Public Domain Department to discharge any groundwater into the City's stormwater drainage system.

Other options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

(89) IMPORTED FILL MATERIALS

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

The City may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

(90) NOTIFICATION – NEW CONTAMINATION EVIDENCE

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the City's Area Planning Manager and the Principal Certifying Authority immediately.

(91) STOCKPILES

- (a) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Unit.
- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours.

(92) ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of any demolition and remedial works an Environmental Management Plan (EMP) must be prepared for the site and submitted to the City's Area Planning Manager for written approval prior to the commencement of work. The EMP must consider all potential environmental impacts from the approved works including but not limited to sedimentation control, contamination containment, stockpiles, noise and vibration, odours and dust emissions.

All works must be undertaken onsite in accordance with the approved Environmental Management Plan.

(93) REGISTRATION OF COVENANT

- (a) A covenant shall be registered on the title of the land and a copy of the title submitted to the City's Area Planning Manager and the Principal Certifying Authority prior to the issue of an Occupation Certificate, giving notice of the former land use and contamination of the site and the existence of any remaining encapsulated contaminated material which are subject to ongoing environmental management.
- (b) A covenant shall be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge there from of any contaminants or for any works subsequently required by the NSW Environment Protection Authority.

(94) UNDERGROUND STORAGE TANK REMOVAL

The removal of underground storage tanks shall be undertaken in accordance with NSW WorkCover requirements which includes writing to the Chief Inspector of Dangerous Goods and complying with any conditions imposed. The tank removal shall be conducted in accordance with the *Australian Institute of Petroleum's Code of Practice, The Removal and Disposal of Underground Petroleum Storage Tanks (AIP CP22-1994)* and *AS4976-2008 The removal and disposal of underground petroleum storage tanks*. In the event of conflict between the Code of Practice and NSW WorkCover requirements, the latter shall prevail.

(95) 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 manage and control asbestos in the work place: Code of Practice (NSW WorkCover) and the City of Sydney Managing Asbestos Policy.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal work area should be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.
- (f) 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 Appendix F of the City of Sydney's Managing Asbestos Guidelines.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the approval of Council.
- (i) 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.

(96) COMPLIANCE WITH ACID SULFATE SOILS MANAGEMENT PLAN

All recommendations contained in the Acid Sulfate Soils Management Plan prepared by Coffey, dated 15 May 2015 must be implemented.

(97) EMISSIONS

- (a) The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- (b) Gaseous emissions from the development must comply with the requirements of the Protection of the *Environment Operations Act, 1997* and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

(98) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

The mechanical exhaust systems are to be designed to be capable of accommodating exhaust requirements for all ground floor retail tenancies in accordance with relevant Australia Standards, in order to allow for the event that any of the tenancies are approved for future use by food premises or other uses which require mechanical exhaust. Any exhaust system servicing an area where food is being cooked must discharge exhaust air at roof level.

(99) MECHANICAL VENTILATION

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

(100) CAR PARK VENTILATION

The car park must be ventilated in accordance with the *Building Code of Australia* and, where necessary, Australian Standard AS1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.

(101) MICROBIAL CONTROL IN WATER SYSTEMS

- (a) Prior to the issue of a Construction Certificate detailed plans of any water cooling system (including cooling towers) as defined under the Public Health Act 2010 must be prepared by a suitably qualified person and certified in accordance with AS3666: 1: 2011 Air handling and water systems of buildings – Microbial Control – Design, installation and commissioning and must be submitted to and approved by Council.
- (b) Water cooling system operation and maintenance manuals and maintenance service records shall be readily available at the premises for inspection by an authorised officer upon request. Such records must be kept on the premises in accordance with Clause 2.6 to AS/NZS 3666:2:2011 Air handling and water systems of buildings – Microbial control, operation and maintenance.
- (c) The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the following:
 - (i) *Public Health Act 2010*, Public Health Regulation 2012 and Parts 1 and 2 (or part 3 if a Performance-based water cooling system) of AS3666:2011 Air handling and water systems of buildings – Microbial Control and the NSW Health Code of Practice for the Control of Legionnaires Disease.
 - (ii) Prior to the issue of an Occupation Certificate or if non applicable, prior to commencement of the use, the owner or occupier of the premises at which any warm water system and/or water cooling system is installed must cause notice of such installation(s) by providing to Council's Environmental Health department, written notification by way of the prescribed form under Clause 12 to the Public Health Regulation 2012. Any changes to these particulars must be notified to Council's Environmental Health department in writing within 7 days of the change(s). Copies of the notification forms are available on the City of Sydney website.

(102) TREES THAT MUST BE RETAINED

Approval is NOT granted for the removal of any street trees. All street trees must be retained and protected throughout the proposed development.

(103) STREET TREE PROTECTION

Street trees must be protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

- (a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;

- (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Materials or goods, including site sheds, must not be stored or placed:
- (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (d) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

(104) STREET TREE PRUNING AND REMOVAL

- (a) The consent from Council must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that is required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, and has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.
- (c) The removal of any street tree approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the trees removal.

(105) SANDSTONE RECYCLING (FOR LARGER SALE DEVELOPMENTS INVOLVING EXCAVATION TO A DEPTH OF AT LEAST ONE BASEMENT LEVEL)

- (a) A suitably qualified expert must prepare a report which confirms the existence of sandstone or otherwise on the site and analyses the quality of the material, including contamination, to confirm whether or not it is of a quality suitable for reuse in other construction.
- (b) Subject to confirmation that the rock is of suitable quality, an Excavation Work Method Statement must be prepared which outlines the method for the removal of all sandstone material in a useable form and size.
- (c) Prior to a Stage 3 Construction Certificate being issued, the excavation methodology, including details of any required storage of material off site, must be submitted to and approved by Council.

Note: If the quantity of sandstone material exceeds the needs of the site, or if the approved development does not provide for the use of any sandstone, or if the material is Yellow Block sandstone required for conservation of buildings, the material must be stored in an appropriate location for later reuse. Storage may be able to be facilitated by the Council or the NSW Public Works. Please contact the Manager Centenary Stonework Program at the NSW Public Works on 9372 8526 for further enquiries with regard to storage.

(106) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) The Construction Traffic Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Stage 1 Construction Certificate being issued.

(107) CONSTRUCTION LIAISON COMMITTEE

- (a) Prior to the commencement of any work, a Construction Liaison Committee is to be established by the developer to ensure that demolition and construction related impacts (including construction noise and vibration, loading, issues associated with construction workers and vehicles, traffic issues and management of the construction site) can be dealt with expeditiously and co-operatively.
- (b) The Committee is to be comprised of interested parties representing potentially affected properties adjacent to and surrounding the site and any interested group. A nominated representative of the Council may be an observer from time to time.
- (c) The Committee shall meet prior to the commencement of works on the site and prior to the submission of the final Construction Management Plan to Council to address initial areas of concern, and then at monthly intervals or as considered appropriate by the Committee throughout the Construction process.

- (d) Prior to the commencement of work, the Site Manager is to provide the members of the Committee and Council with 24 hour contract details (including location of site offices and a 24 hour phone number) to ensure that any matters which arise during the construction process are addressed immediately. The Site Manager shall be available during normal business hours to provide information to the public about activities on site and to bring any complaints to the attention of the Applicant.
- (e) A register of all complaints shall be kept by the Applicant throughout the duration of the project and shall be made available to Council Officers on request.
- (f) The Committee meetings are to be recorded/minuted and such records/minutes are to be provided to Council within 14 days of the meeting.
- (g) The first Committee meeting should establish Terms of Reference, including purpose, size and membership, quorum, meeting frequency and duration, procedures for meetings, recording/distribution of comments and outcomes and the like.
- (h) The initial call for resident/worker nominations to be sent to the adjacent and adjoining property owners and tenants must be submitted to and approved by the Director City Planning, Development and Transport prior to sending.
- (i) The Site Manager is to inform each Committee meeting about the construction program, progress reports and impending work.

(108) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN

Prior to works commencing a site specific noise management plan shall be submitted to Council's Director City Planning, Development and Transport for comment and approval. The Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants.

The plan must include but not be limited to the following:

- (a) Identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the City of Sydney Construction Hours /Noise Code of Practice 1992 for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.

- (c) A representative background noise measurement (LA90, 15min) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has is and will be undertaken with Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise and dust monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

(109) COMPLIANCE WITH RECOMMENDATIONS IN ACOUSTIC REPORT

- (a) All works conducted on site which form part of this development must be carried out in accordance with the recommendations of the acoustic report prepared by ARUP, dated 26 June 2015, ref Acoustic/Stage 2 DA, Issue 3, titled AMP Capital Quay Quarter Sydney Stage 2 Development Application – Acoustic Report, Council Ref 2015/333203.
- (b) Where all such noise control measures have been implemented and the resultant noise levels at any noise sensitive receiver are still in exceedance with the Council's noise criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite from the noise causing the complaints. Such periods should where possible be set and agreed with the Council and be given at times of high noise levels, or are likely, to cause most offence.
- (c) The applicant must provide a contact telephone number to the Managers of the City Rangers and the Health Compliance Unit for the Site Manager or other suitable person who will be readily contactable onsite at all times whilst any works are carried out and whom may be contacted should any complaints concerning offensive noise and vibration be received.

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

(110) COMPLAINTS - NOISE

Should noise complaint be received by Council from a place of different occupancy (including commercial premises) and the complaint being substantiated by a Council Officer, the use of area concerned must cease operation until "attenuation works" are carried out so as that the premises complies with the relevant Noise conditions.

(111) NOISE USE

(a) General criteria

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

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

(b) Internal to internal noise transmission - residential amenity

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;
- (iii) The LA90, 15minute noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (excluding airconditioning equipment) normally servicing the affected residence operating.

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

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;
- (ii) The LA90, 15minute noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (including airconditioning equipment) normally servicing the commercial premises operating.

(112) NOISE CONTROL VERIFICATION

The Principal Certifying Authority (PCA) shall obtain a statement from appropriately qualified acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants, certifying that the Councils 'Noise Use' criterion have been satisfied prior to the issue of an Occupation Certificate.

(113) ALIGNMENT LEVELS – MAJOR DEVELOPMENT

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.
- (b) Prior to a Stage 3 – Site Excavation Construction Certificate being issued alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's *Public Domain Manual* and must be submitted with a completed Alignment Levels checklist (available in the *Public Domain Manual*) and Footpath Levels and Gradients Approval Application form (available on the City's website).

- (c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Stage 3 Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

(114) 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".

(115) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to a Stage 1 – Early Works Construction Certificate being issued, 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 building facade adjoining the footpath, 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.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

(116) 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 Stage 1 – Early Works 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).

(117) PROTECTION OF SURVEY INFRASTRUCTURE

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the *Surveying Act 2002* must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

Reason: To ensure that the survey control infrastructure and cadastral framework are preserved for the public benefit and in accordance with the *Surveying Act 2002*.

(118) PUBLIC DOMAIN PLAN

- (a) The Public Domain Plan accompanying this Development Application has not been approved by this consent.

A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council prior to a Stage 6 – Building Structure Construction Certificate being issued for public domain work. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's *Public Domain Manual*).

- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's Public Domain Manual, Sydney Streets Design Code and Sydney Streets Technical Specification, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.
- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(119) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to a Stage 6 Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*.

- (b) Prior to a Certificate of Completion being issued for public domain works and before the issue of any Occupation Certificate for the development or before the use commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*, including requirements for as-built documentation, certification, warranties and the defects liability period.

(120) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) Prior to a Stage 3 – Site Excavation_Construction Certificate being issued excluding approved preparatory or demolition work, details of the proposed stormwater disposal and drainage from the development 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 for public domain works or above ground building works, whichever is earlier, and prior to the commencement of any work within the public way.

Note: Contact Council's Legal Unit prior to the drafting of the positive covenant.

- (c) 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.
- (d) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by Council.

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified drainage engineer with experience in Water Sensitive Urban Design;
- (ii) use modelling from an industry-standard water quality model; and
- (iii) demonstrate what water sensitive urban design and other drainage measures will be used to ensure that the flow of post-development pollutants from the site due to stormwater will be reduced.

Prior to the issue of any Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and approved by the Certifying Authority and a copy provided to Council.

(121) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a 12 month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.

(122) DRAINAGE AND SERVICE PIT LIDS

Drainage and service pit lids throughout the public domain shall be heel-guard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Pit lids shall be in accordance with the *City of Sydney's Sydney Streets Design Code* and *Sydney Streets Technical Specification*. Details of drainage and service pit lids shall be submitted and approved by Council prior to a Construction Certificate being issued for the relevant stage of work.

(123) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the Young Street, Loftus Street, Loftus Lane, Loftus Lane South and Customs House Lane frontages of the site are to be retained and properly protected during excavation and construction works.
- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath 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 Council's satisfaction or as otherwise advised by Council 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.

- (g) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

(124) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of **267 lineal metres of asphalt site frontage** must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit 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 an approval of a Stage 1 – Early Works Construction Certificate being issued.

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.

(125) PUBLIC DOMAIN LIGHTING

- (a) Prior to a Stage 6 - Building Structure Construction Certificate for public domain works a detailed Public Domain Lighting Plan for pedestrian, catenary and street lighting in the public domain must be prepared by a suitably qualified, practicing lighting engineer or lighting designer and must be submitted to and approved by Council. The Lighting Plan must be prepared in accordance with the City of Sydney's Interim Draft Sydney Lights Design Code, Sydney Streets Design Code, Sydney Streets Technical Specification and Public Domain Manual and must include the following:
- (i) Vertical and horizontal illuminance plots for the public domain lighting design to demonstrate compliance with all relevant Australian Standards and to meet the lighting categories and requirements specified by the City;
 - (ii) The location, type and category of existing and proposed lights, including details of luminaire specifications, required to ensure compliance with City policies and Australian Standards;
 - (iii) Footing locations and structural details;
 - (iv) Location and details of underground electrical reticulation, connections and conduits;
 - (v) Certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158, AS 3000 and AS4282;
 - (vi) Structural certification for footing designs by a suitably qualified, practicing engineer to certify that the design complies with City of Sydney policies and Australian Standards.

- (b) The public domain lighting works are to be completed in accordance with the approved plans and the City of Sydney's Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

(126) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

(127) FLOOD PLANNING DESIGN MODIFICATIONS

- (a) The vehicle entry into the basement on Loftus Lane South shall be protected from inundation by flood waters up to the Probable Maximum Flood (PMF) level. Flood gates shall be used to provide PMF protection to the basement vehicle opening. All other basement openings (including ventilation ducts, lift shaft openings, risers and stairwells) shall have a 300mm threshold from the invert of the gutter.
- (b) A grated drain in private property along the width of the vehicle entry into the basement shall be provided and sized to capture and convey the 100 year ARI rainfall event with appropriate blockage factors to the grates.
- (c) Where flood gates are used, the following shall apply:
 - (i) Flood gates shall be mechanically activated and installed in a manner that ensures activation is achieved in circumstances where electrical power to the site is not available.
 - (ii) A suitable automated system shall be installed to ensure that flood gates are activated upon commencement of basement flooding.
 - (iii) Suitable warning systems, signage and exits shall be provided to ensure the safe egress of persons from the basement during activation of the flood gates.
 - (iv) Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all systems involving the flood gates to ensure operation and maintenance of the system.
- (d) The modifications are to be submitted to and approved by Council's Area Planning Manager prior to the Stage 3 – Site Excavation Construction Certificate being issued.

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

For temporary shoring including ground anchors affecting the road reserve, a separate application under Section 138 of the *Roads Act 1993* must be lodged with Council.

(129) 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.

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

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a stage 1 Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
 - (i) A bank guarantee to be provided in the sum of \$551,750 dollars as security for the costs of such works provided that:
 - a. the maximum liability under the Deed must not exceed \$551,750 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the erection of the structure has commenced;
 - (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the Consent Authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:

- a. make the building safe and of an appearance acceptable to Council at ground level;
- b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
- c. for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or
- d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenable stage;

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

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:
 - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (iii) to take place on the site; and
 - (ii) in the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.
- (e) The Deed may, if the Director City Planning, Development and Transport is satisfied, provide for an adjustment of the guarantee amount during the course of construction to reflect that, as the development progresses, the likelihood and nature of the appropriate site rectification works may change. The stages of reduction will be:
 - (i) Stage 1 – Completion of the site excavation and all construction works necessary to complete all parts of the Development to street level, including sealing of the slab at that level.
 - (ii) Stage 2 – Completion of all construction works necessary to complete the structure of the Development to the roof level.
 - (iii) Stage 3 – Issue of the Final Occupation Certificate.
- (f) If a claim for an adjustment is made, the Deed must also provide that any such claim is to be supported by the following:
 - (i) Certification (from an accredited certifier) that the relevant stage is complete;
 - (ii) Detailed schedule of completed works carried out in the relevant stage;

- (g) Quantity Surveyors costing of the likely site rectification works required at each remaining stage.

(131) INSTALLATION OF GRAPHICS AND ARTWORK ON SCAFFOLDING (BUILDING / CONSTRUCTION WRAPS)

- (a) Where scaffolding is to be erected to undertake the proposed development, approved graphic/artwork installation/s (construction wrap image/s) must be installed on the scaffolding system/s to screen the demolition and/or construction works from the public place to minimise adverse visual impacts in the locality and to add visual interest in the streetscape.
- (b) Construction wrap image/s and proposed location/s on the development site must be discussed with Council prior to undertaking detailed artwork design and approval being granted.
- (c) Construction wraps must be printed, installed and maintained in accordance Council's Guidelines for Hoardings and Scaffolding.

Note: Where hoardings and/or scaffolding (temporary structures) are erected on land owned by the City such as roadways and footways, Council reserves the right to require the display of site-specific artwork and/or community information (refer to Clause 3.4 of the *Guidelines for Hoardings and Scaffolding*).

(132) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

- (a) A separate application under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) on or above a public road (footway and/or roadway). Temporary structures must comply with Council's Guidelines for Hoardings and Scaffolding.
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's Hoardings and Scaffolding Policy; Guidelines for Hoardings and Scaffolding; and the conditions of approval (Permit) granted including:
 - (i) maintaining a current and valid approval for the full duration the temporary structure/s is in place;
 - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
 - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
 - (iv) maintaining temporary structure/s and the public place adjoining the work-site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1; 2.11.4; 2.14.1 and 3.9.3);

- (v) maintaining a watertight deck (Type B hoardings) to prevent liquids, including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
- (vi) approved site sheds on the deck of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
- (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
- (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
- (ix) ensuring all required signage is provided and maintained (3.9.3; 3.9.6; 3.9.8; 3.10.1 and 4.2).

(133) AUSGRID REQUIREMENTS

The developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/ or Connection Application form, to allow Ausgrid to determine the method of electrical supply for the development.

In general, works to be considered by Ausgrid include, but are not limited to, the following:

- (a) Changes in electrical load requirements
- (b) Changes to Ausgrid's infrastructure (ie. asset relocations, decommissioning substations etc.)
- (c) Works affecting Ausgrid's easements, leases and/ or right of ways
- (d) Changing the gradients of any roads or paths
- (e) Changing the level of roads or foot paths
- (f) Widening or narrowing of roads
- (g) Closing roads or laneways to vehicles
- (h) In all cases Ausgrid is to have 24 hour access to all its assets.

The developer is to ensure that the proposed works do not contravene Ausgrid's technical standards and statutory requirements, in regards to the safe and reliable operation and maintenance of Ausgrid's network.

(134) 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.

(135) 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 Construction Certificate being issued or the commencement of the use, whichever is earlier.

(136) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the Department of Environment and Climate Change is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

(137) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

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

UPON COMPLETION OF EXCAVATION/DEMOLITION

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

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

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

(138) 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;
 - (iii) 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).

(139) 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).

(140) ENERGY EFFICIENCY OF BUILDINGS

The design of the building and its services must achieve a rating of 5 stars under the NSW Office and Environment and Heritage (OEH) National Australian Built Environment Rating System (NABERS Energy). This can be demonstrated by:

- (a) Entering into a Commitment Agreement with OEH, to deliver this star rating:
 - (i) for the base building, being services traditionally supplied as 'common' to tenants such as air conditioning, lifts and common area lighting;
 - (ii) or for the whole building where there is to be one tenant to occupy the whole building.

The applicant must provide a copy of the completed Commitment Agreement with their Construction Certificate application; and

- (b) Providing a copy of the independent energy assessment report to OEH and submitted with the Construction Certificate application, that follows the current OEH guidelines. This report must be based on the same documents as those submitted with the Construction Certificate.

Note: Definitions referred to in clause (a) above:

- (i) Commitment Agreement means an agreement that is set out in accordance with OEH NABERS Commitment Agreement, which is made/signed between OEH and the applicant/building owner/building manager, to design, build and commission the premises to an agreed star rating.
- (ii) Star rating refers to the benchmarking system applied by OEH for measuring the energy efficiency of a building, and known as NABERS the National Australian Built Environment Rating System.
- (iii) Base building means central services and common areas of a building.
- (iv) Tenancies means office space within a building covering tenant light and power. This may include tenancy air conditioning if this has been installed to service particular tenant loads, but does not include central services.
- (v) Whole building means all of the building, being the fabric of the building itself and all services and fit-outs.

(141) INSTALLATION OF DUAL-FLUSH TOILETS

All toilets installed within the development must be of water efficient dual-flush or other water-saving capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the approval of the Certifying Authority, prior to a Construction Certificate being issued.

(142) INSTALLATION OF WATER EFFICIENT TAPS

All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details are to be submitted for the approval of the Certifying Authority, prior to an Occupation Certificate being issued.

(143) INSTALLATION OF WATER EFFICIENT URINALS

New urinal suites, urinals and urinal flushing control mechanisms must use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Systems must include "smart controls" to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Certifying Authority, prior to a Construction Certificate being issued.

(144) INTERNAL LIGHTING SYSTEM

The proposed internal lighting system for the commercial office spaces must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours. Details of the internal lighting system must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(145) HOURS OF WORK AND NOISE – CBD**

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

- (a) All work, including demolition, excavation and building 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 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, 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 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding.

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*.

(146) USE OF LOFTUS LANE DURING DEMOLITION WORKS

If the developer intends to close Loftus Lane for the purposes of carrying out demolition works, a separate application to Council shall be required to be made. Any closure will be subject to all conditions considered by Council to be necessary to ensure that the traffic impact on existing adjoining properties is acceptable.

(147) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS

Lighting of the site while any work is undertaken outside of Council's standard hours of construction must ensure that at no time must the intensity, hours of illumination or location of the lighting cause objectionable glare or injury to the amenity of the neighbourhood or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 *Control of the obtrusive effects of outdoor lighting*. If in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.

(148) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT

The immediately adjoining neighbours must be given a minimum of 48 hours notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.

(149) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

A site notice is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (d) The approved hours of work, the Principal Certifying Authority including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.

(150) ENCROACHMENTS – PUBLIC WAY

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

(151) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(152) SURVEY CERTIFICATE AT COMPLETION

A Survey Certificate prepared by a Registered Surveyor must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment.

(153) 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.

(154) 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 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 Resource Recovery Act 2001*
- (d) *Work Health and Safety Act 2011*
- (e) *Work Health and Safety Regulation 2011.*

(155) 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.

(156) STREET NUMBERING – MAJOR DEVELOPMENT

Prior to an Occupation Certificate being issued, street numbers and the building name must be clearly displayed at either end of the ground level frontage in accordance with the *Policy on Numbering of Premises within the City of Sydney*. If new street numbers or a change to street numbers is required, a separate application must be made to Council.

(157) 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 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.

(158) 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.

(159) 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.

- (f) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

(160) 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.

(161) 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.

(162) BASIX

All commitments listed in each relevant BASIX Certificate for the development must be fulfilled prior to an Occupation Certificate being issued.

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 NSW Department of Primary Industries - Water are as follows:

General

1. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
3. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
 - (a) any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
 - (b) any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
 - (c) where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
4. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
5. The NSW DPI Water requires documentation (referred to as 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to the NSW DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

6. The following shall be included in the initial report:
 - (a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.

- (b) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
 - (c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
 - (d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [The DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.]
7. The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
 8. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.
 9. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
 10. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).
 11. A copy of a valid consent for the development shall be provided in the initial report.
 12. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.

13. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

14. Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
15. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
16. Measurement and monitoring arrangements to the satisfaction of the NSW DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
17. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
18. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
19. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
20. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW DPI Water under appropriate safety procedures.

Following excavation

21. Following completion of the dewatering operations, the Applicant shall submit to the NSW DPI Water, Parramatta Office, the completion report which shall include:
 - (a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
 - (b) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and

- (c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
22. The completion report is to be assessed by NSW DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.

BACKGROUND

The Site and Surrounding Development

1. A site visit was carried out on 6 July 2015.
2. The Young and Loftus Street block is located within the Quay Quarter Sydney precinct (QQS). QQS includes two street blocks and is located at the northern edge of the CBD and is bound by Alfred Street to the north, Phillip Street to the east, Bridge Street to the south and Loftus Street to the west. The QQS occupies a total combined area of 11,121sqm. **Figure 1** below highlights the two blocks within the QQS precinct.
3. The Young and Loftus Street block (subject site to which this Stage 2 application relates) is bound by Young Street to the east, Loftus Street to the west, Customs House Lane to the north and Loftus Lane to the south. The site excludes land to the north of Customs House Lane and south of the east-west stretch of Loftus Lane. The land also excludes heritage listed buildings on the site known as Hinchcliff House and the Gallipoli Memorial Club. **Figure 2** highlights the subject site – Young and Loftus Street block.
4. The Young and Loftus Street block has a site area of 2,207.4sqm (excluding the two existing heritage items). The heritage items are subject to separate Stage 2 development applications.
5. The north-south section of Loftus Lane also forms part of the subject site to the extent of the subterranean area proposed to be developed.
6. AMP Capital controls all of the land within the subject site excluding Loftus Lane which is in the ownership of the City of Sydney Council.
7. The Young and Loftus Street block development site comprises the following lots:
 - (a) 2-10 Loftus Street (12 storey commercial building),
 - (b) 16-20 Loftus Street (9 storey commercial building),
 - (c) 9-13 Young Street (11 storey commercial building),
 - (d) 15-17 Young Street (12 storey commercial building),
 - (e) Loftus Lane (north and south of the Bennelong Stormwater Channel No. 29).
8. Directly south of the Young and Loftus Street block are Bridgeport Apartments and 44 Bridge Street (locally listed heritage item – formerly known as Booth House) fronting Bridge Street.
9. To the south of the site across Bridge Street is the site of the First Government House, located in the forecourt of the Museum of Sydney that forms part of the Governor Phillip Tower complex. Further to the west is the Department of Education building and to the south-east is the Chief Secretary's Building (occupied by the Department of Planning and Environment).

10. To the east of the site is the QQS Bridge and Alfred Street block (33 Alfred Street and 50 Bridge Street). A Stage 2 development application for the redevelopment of the 50 Bridge Street tower and associated public domain works is concurrently being assessed (DA ref: D/2015/927).
11. To the immediate north of the site are Customs House and the Circular Quay terminal.
12. Photos of the site and surrounds are provided below:



Figure 1: Aerial image of the QQS precinct showing the Bridge and Alfred Street Block and Young and Loftus Street Block

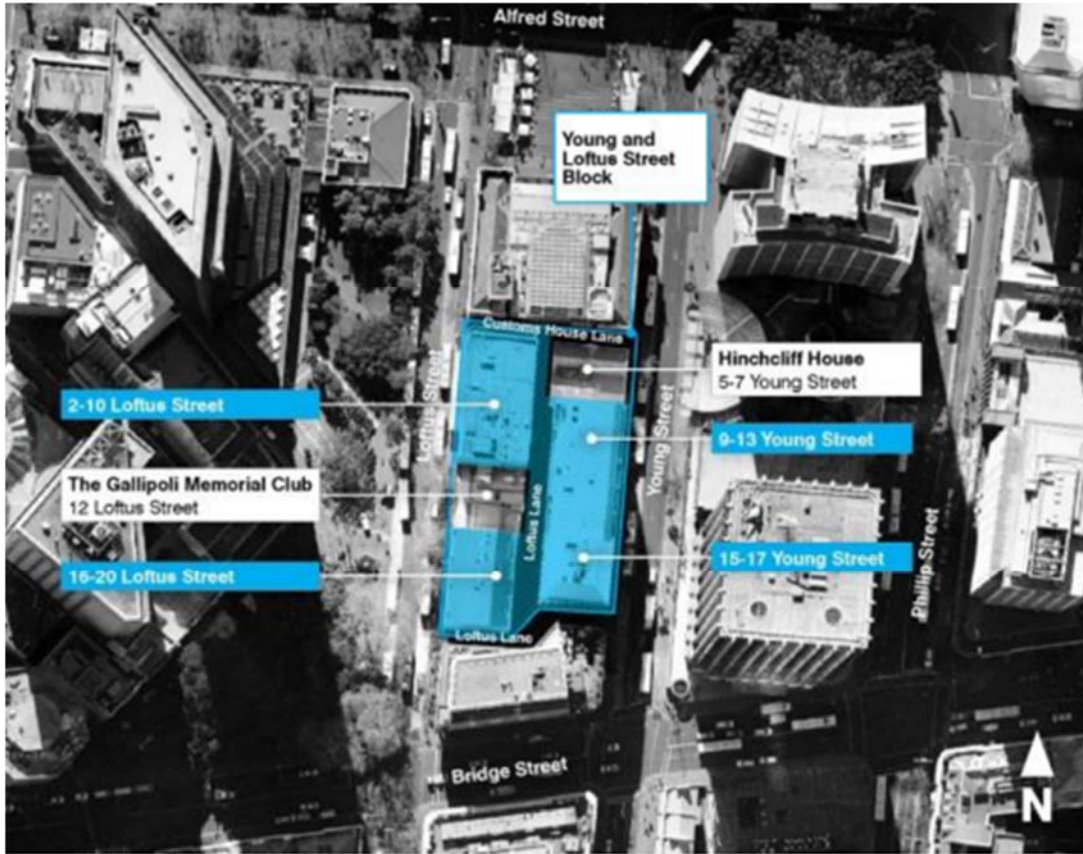


Figure 2: Aerial view Young and Loftus Street Block (subject site)

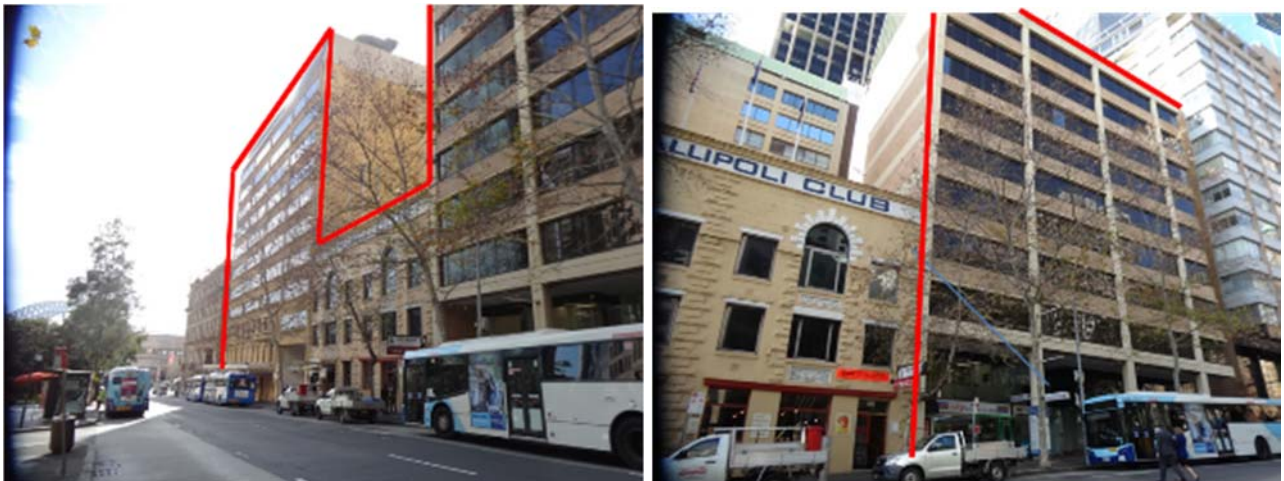


Figure 3: Site viewed from Loftus Street (existing)

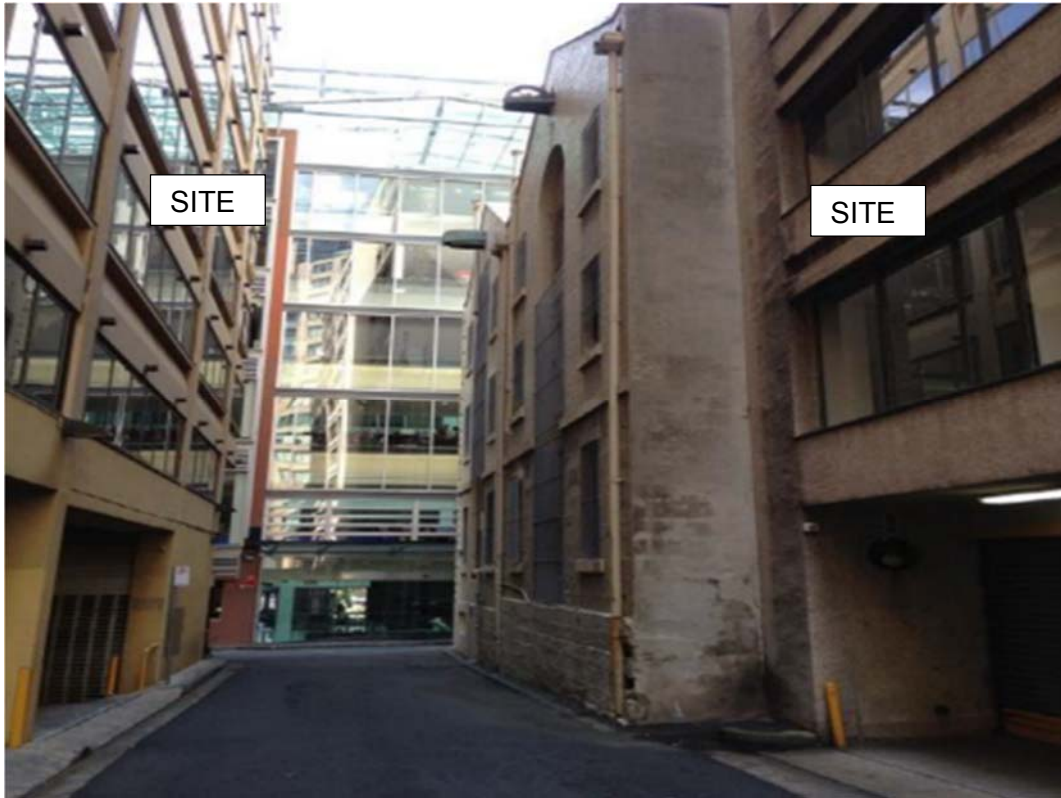


Figure 4: Existing Loftus Lane – View north towards Customs House



Figure 5: Site as viewed from Young Street (existing)



Figure 6: Existing view of Young Street looking north towards the subject site



Figure 7: View looking down Loftus Lane south from Young Street

PROPOSAL

13. The Stage 2 application seeks approval for the following works:
- (a) demolition and clearance of existing building and basement structures on each site and associated site remediation and excavation works;
 - (b) construction of an integrated five level basement beneath buildings B and C, and beneath part of Loftus Lane south of the Bennelong Stormwater Channel No. 29. The basement will include:
 - (i) 71 residential car spaces (including 17 accessible car parking spaces), 2 retail car spaces, 7 service vehicle and 2 car share spaces.
 - (ii) bicycle parking, motorcycle parking, end of trip facilities (including change rooms, lockers, showers and toilets), servicing and loading bays; and
 - (iii) building services, substation, mail room, waste areas and tenant storage (i.e. retail and residential);
 - (c) construction of a 7 storey (max. height RL 31.8) mixed use building at 2-10 Loftus Street, including an accessible roof terrace for residents of 2-10 Loftus Street (Building A);
 - (d) construction of a 12 storey (max. height RL 48.6) mixed use building at 16-20 Loftus Street (Building B);
 - (e) construction of a 13 storey (max. height RL 53.6) mixed use building at 9-17 Young Street (Building C);
 - (f) construction of a two level basement beneath Building A, and beneath part of Loftus Lane north of the Bennelong Stormwater Channel No. 29. This basement area is to be dedicated to the Gallipoli Memorial Club (GMC) as 'club' space for use as a multifunction museum space.
 - (g) dedication of an assigned loading bay and 30.4sq.m of storage area for Customs House located within the Young and Loftus Street block in Basement Level 01.
 - (h) construction of a series of publicly accessible interconnected arcades and a designated 'plaza' area within the block that will create opportunities for retailing and outdoor dining at grade;
 - (i) landscape and public domain works to Loftus Lane, Loftus Street and Young Street, as well as landscape works to the roof terraces of each building;
 - (j) a total of 114 residential apartments comprising:
 - (i) 37 x one bedroom apartments (32%);
 - (ii) 58 x two bedroom apartments (51%); and
 - (iii) 19 x three bedroom apartments (17%); and

- (k) a total of 16,139sq.m of gross floor area (GFA) allocated in the following manner:
- (i) 10,906sq.m of residential GFA;
 - (ii) 2,530sq.m of commercial GFA; and
 - (iii) 2,703sq.m of retail GFA (inclusive of 'club/museum' floor space).
14. Selected plans and elevations of the proposal are provided in **Attachment A**. Photomontages of the proposed development are shown below:



Figure 8: Photomontage – 2-10 Loftus Street – 'Building A' (Make Architecture)



Figure 9: Photomontage 16-20 Loftus Street – ‘Building B’ (Silvester Fuller)



Figure 10: Photomontage 9-17 Young Street – 'Building C' (SJB Architects)

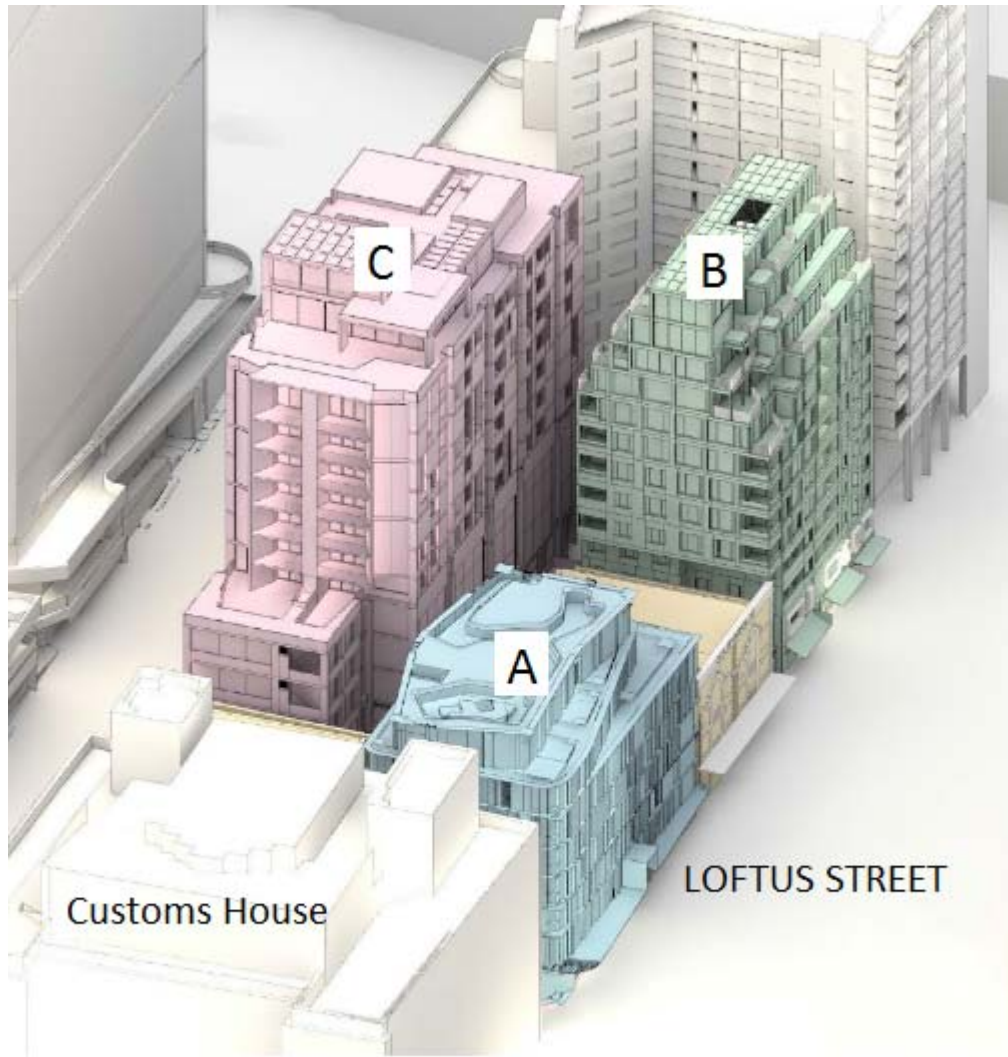


Figure 11: Physical model of proposed Buildings A, B and C (new buildings)



Figure 12: Photomontage of Loftus Lane (view north) – view of Hinchcliff House



Figure 13: Proposed – Public Domain upgrade – Loftus Lane north-south



Figure 14: Photomontage(s) of Loftus Lane (view north) showing new Building A to the left.

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

Planning proposal, LEP and DCP amendments

15. December 2012 AMP Capital Office & Industrial Pty Limited (AMP) submitted a planning justification report to the City of Sydney requesting that the City of Sydney prepares site-specific amendments to *Sydney Local Environmental Plan 2012* (SLEP2012) to enable significant redevelopment of the AMP Circular Quay Precinct (the precinct). The owner of land within the precinct is AMP, with the exception of the land comprising of the Gallipoli Club, which is owned by the Gallipoli Memorial Club Ltd.
16. In order to enable the vision for the precinct, it was necessary to amend SLEP2012. The precinct vision relies on transferring floor space potential from a constrained city block to an adjacent city block across a public road.
17. The Central Sydney Planning Committee (CSPC) and the Council resolved to approve the Planning Proposal on 20 June 2013 and 24 June 2013 respectively.
18. The City submitted the Planning Proposal to the Department of Planning and Infrastructure seeking a Gateway determination on 27 June 2013. The Gateway determination was issued by the Planning and Infrastructure on 10 July 2013.
19. The Planning Proposal, accompanied by the Draft DCP 2012 Amendment and Voluntary Planning Agreements were placed on public exhibition from 10 September 2013 – 9 October 2013.

20. On 9 December 2013, the City of Sydney Council resolved to endorse a series of 'alternative' site specific provisions to be included in the SLEP2012 and to adopt the AMP Circular Quay Precinct Amendment to the Sydney DCP 2012.
21. On 14 December 2013 the AMP amendments to the SLEP2012 were gazetted and the AMP Circular Quay Precinct Amendment to the Sydney DCP 2012 came into force.
22. The following amendments to the SLEP2012 were proposed as part of the Planning Proposal:
- (a) The inclusion of new clauses to allow:
- (i) each land parcel within the precinct to be taken as the 'site area' for the purposes of calculating permissible floor space;
 - (ii) floor space awarded by way of competitive design process for sites within the Young and Loftus Street block will be used for development within the 50 Bridge Street site; and
 - (iii) an exception to the sun access plane provisions governing height across the 50 Bridge Street site;
- (b) Amendments to the:
- (i) dictionary to enable proposed changes to the City of Sydney Competitive Design Policy relating specifically to the precinct; and
 - (ii) Laneways Development Floor Space controls so that the clause may apply to the new buildings in the Young and Loftus block.
23. The Planning Proposal was prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant Department of Planning Guidelines including 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'.

Voluntary Planning Agreement(s) (VPAs)

24. The Voluntary Planning Agreements have been executed by all relevant parties and registered on title. Following registration of the VPAs on title the LEP was made and published June 2014. The requirements of the VPA relating to the Young and Loftus Street block are summarised in the table below.

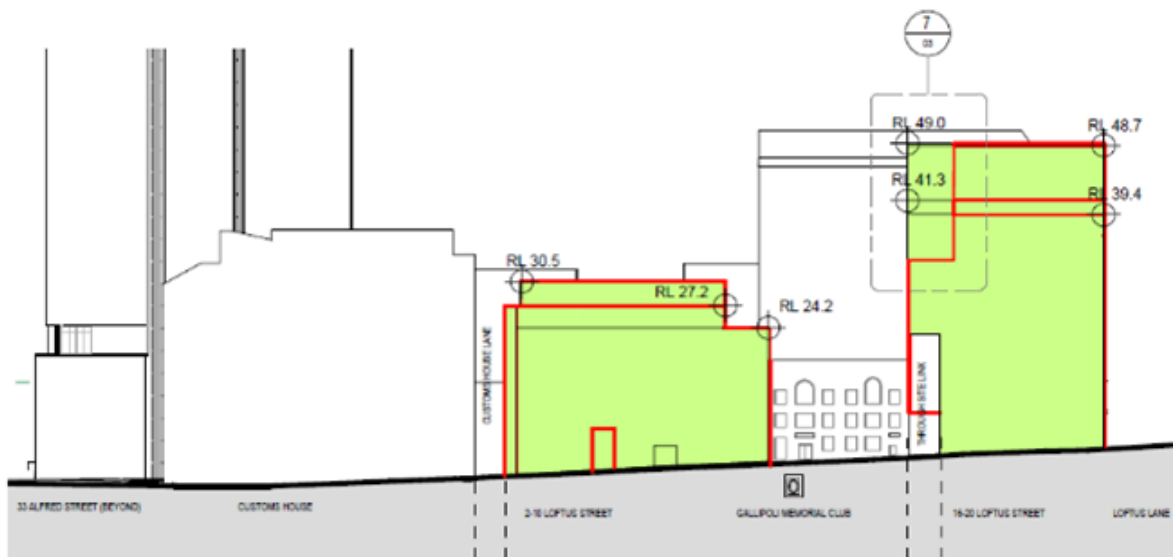
Item	VPA Requirements Summary	Proposal as assessed
Airspace Lot Contribution	Dedication of the Airspace Lot above each relevant building to the Council.	Appropriate restrictions are to be registered on the title. Conditions have been recommended as per the VPA.

Item	VPA Requirements Summary	Proposal as assessed
Monetary Contribution	Cash contribution to be paid in accordance with clause 3 of Schedule 4 of the VPA for public domain works.	Monetary contributions apply as per the VPA.
Public Art Contribution	Public Art contribution paid in accordance with clause 4 of Schedule 4 of the VPA.	A public art contribution applies as per the VPA.
Publicly Accessible Civic Space Contribution	Construction of the Publically Accessible Civic Space with relevant works and create and register an Easement in favour of Council over the part of Young and Loftus Street Lane on which the Publicly Accessible Civic Space is located.	Appropriate conditions have been recommended as per the VPA.
Through-Site Link Contribution – Young and Loftus Street Link	Construction of the Young Street and Loftus Street Link and Registration of the Through-Site Link Easement.	Appropriate conditions have been recommended as per the VPA.
Heritage Conservation Contribution – completion of Heritage Conservation Works – Hinchcliff House Land	Completion of the Heritage Conservation Works	Appropriate conditions will be recommended as part of the Hinchcliff House Stage 2 development application.
Lanes Development Contribution	Registration of the Lanes Development Restriction	Appropriate restrictions are to be registered on the title. Conditions have been recommended as per the VPA.
Minimum Non-Residential Floor Space Contribution	Registration of the Minimum Non-Residential Floor Space Contribution Restriction	Appropriate restrictions are to be registered on the title as per the VPA.

25. A Voluntary Planning Agreement (VPA) between the Gallipoli Club and Council has been executed and secures public benefits associated with the redevelopment of the site. The requirements of the VPA are generally the same as the above in relation to the Airspace Lot Contribution, Heritage Conservation Contribution and Minimum Non-Residential Floor Space Contribution.



EAST ELEVATION - YOUNG & LOFTUS STREET BLOCK



WEST ELEVATION - YOUNG & LOFTUS STREET BLOCK

Figure 16: Stage 1 consent – building envelopes – Young and Loftus Street Block

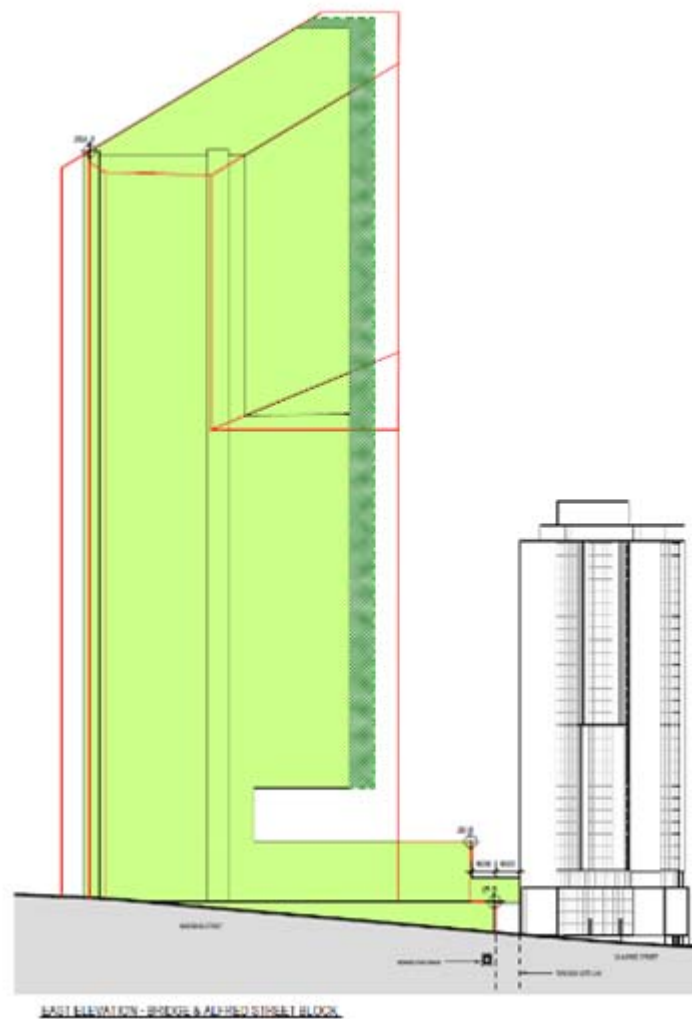


Figure 17: Stage 1 consent – building envelopes – Bridge and Alfred Street Block

Competitive design process

28. In accordance with the terms of the Quay Quarter Sydney Competitive Design Strategy, an Expression of Interest Process (EOI) was undertaken where separate design architects were selected and appointed for each building project within the Young and Loftus Street block.
29. Jointly, the City of Sydney and AMP Capital prepared an EOI Brief for the Young and Loftus Street block; invited a list of 13 Architects to respond to the EOI brief; undertook an assessment of each of the shortlisted Architects; and jointly selected the design architects for each of the nominated developments. The following design architects were selected:
 - (a) Make Architecture – 2-10 Loftus Street (Building A);
 - (b) Silvester Fuller – 16-20 Loftus Street (Building B); and
 - (c) SJB Architects 9-17 Young Street (Building C).

Other Quay Quarter Sydney development applications

30. A development application (D/2015/927) has been lodged for the modifications to the facade of the AMP Building at 33 Alfred Street to facilitate works to Goldsbrough Lane. Works include the removal of existing facade elements on the southern elevation at Ground and Level 1, installation of new facade elements on the southern elevation at Ground, Level 1 and Level 2 and installation of a new revolving door entry with canopy at Level 1 connecting to the 50 Alfred Street podium.
31. A Stage 2 development application (D/2015/928) has been lodged for heritage conservation works to restore and reintroduce heritage fabric and elements to the building known as Hinchcliff House. The proposal includes base building works to allow future tenants to undertake internal fit-out works, indicative locations for internal circulation and building services, enlargement of the existing basement area and new roofing and guttering. The application is Integrated Development requiring approval from the NSW Heritage Office under the Heritage Act 1977.
32. A Stage 2 development application (D/2015/929) for the redevelopment of the 50 Bridge Street AMP tower has been lodged. The proposal includes partial demolition of the existing commercial tower and podium and alterations and extensions to the tower to create 102,133m² of commercial office and retail GFA above a new podium and 5 level basement car park. The application includes interface works to the heritage listed 33 Alfred Street tower, as well as landscaping and public domain works. The application is Integrated Development requiring approval from the NSW Office of Water under the Water Management Act 2000.
33. A Stage 2 development application for heritage conservation works and refurbishment works to the Gallipoli Memorial Club building has yet to be lodged.
34. A Stage 2 development application for the adaptive reuse of the existing AMP Building at 33 Alfred Street has yet to be lodged.

CITY OF SYDNEY ACT 1988

35. Section 51N requires the Central Sydney Planning Committee (the Planning Committee) to consult with the Central Sydney Traffic and Transport Committee (CSTTC) before it determines a DA that will require, or that might reasonably be expected to require, the carrying out of road works or traffic control works likely to have a significant impact on traffic and transport in the Sydney CBD. A full extract of this Section is provided below.

"51N Planning proposals having a significant impact on traffic and transport in the Sydney CBD

- (1) *The Planning Committee must consult the CSTTC before it exercises a function under Part 4 that will result in the making of a decision that will require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD.*
- (2) *The Planning Committee must take into consideration any representations made by the CSTTC within the period of 21 days (or such other period as is agreed to by the CSTTC and the Planning Committee in a particular case) after consultation takes place.*

- (3) *The Planning Committee may delegate to a subcommittee of the Planning Committee, or the general manager or another member of the staff of the City Council, any of its functions under this section other than this power of delegation. A delegation can be given subject conditions. A delegation does not (despite section 38) require the approval of the Minister administering that section.*
- (4) *The failure of the Planning Committee to comply with this section does not invalidate or otherwise affect any decision made by the Planning Committee."*
36. Having liaised with the City's Access Unit, in this instance, the proposal is not required to be considered by CSTTC prior to the determination as the traffic and transport related works are not formally approved as part of this application.
37. The developer will be required to liaise with Council's City Infrastructure and Traffic Operations Unit for their assessment and referral to the local Pedestrian, Cycling and Traffic Calming Committee. Some of these works will also require a referral to the CSTTC.

Water Management Act 2000

38. The DA was referred to the NSW Office of Water pursuant to the provisions of the Water Management Act 2000 as the future basement excavation will require temporary dewatering of the site which is deemed to be an aquifer interference activity.
39. The NSW Office of Water provided General Terms of Approval for the development. These conditions will be relevant when the Applicant applies for a licence to dewater the site.

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

40. The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
- (a) Environmental Planning Instruments and DCPs.

State Environmental Planning Policy No 55—Remediation of Land

41. The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
42. An Environmental Site Assessment was submitted with the development application. The City's Health Unit is satisfied that subject to conditions, the site can be made suitable for the proposed use. Appropriate conditions have been recommended.

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development

43. SEPP 65 provides that in determining an application for a residential flat development of three or more floors and containing four or more apartments, that the consent authority take into consideration a number of matters relating to design quality, including 10 design quality principles, being:

(a) **Principle 1 & 2:** Context, Built form and scale

The site is located in a prominent location at the northern end of the CBD and is well serviced by public transport and retail shops. The subject site includes two heritage items known as Hinchcliff House (State listed item) and the Gallipoli Memorial Club (locally listed item).

The siting, height, bulk and massing of the buildings has already been established within the Stage 1 development approval for the site and the proposed buildings are generally consistent with these envelopes. It is considered that the design of the proposal achieves an appropriate built form in terms of scale, proportions and building composition having regard to the heritage items, adjoining residential buildings, building height and solar access controls applicable to the site.

The development is built to the street alignment and proposes active street frontage to all streets including Loftus Lane which is to be pedestrianised. The buildings have been designed to be sympathetic to adjoining heritage items and to take advantage of the sites orientation and dense urban environment by maximising north facing apartments and prioritising safe pedestrian movements throughout the site.

(b) **Principle 3:** Density

The design of the mixed use buildings including setbacks, height, FSR, building depth and mix of residential apartments ensures that the density is appropriate for the area and will not unreasonably affect the amenity of the surrounding area.

(c) **Principle 4:** Sustainability

The proposed residential component is BASIX compliant and a condition will be recommended to ensure that the development complies with the commitments in the BASIX certificate.

The buildings have been orientated and configured to maximise solar access and natural ventilation which will minimise the need for mechanical heating and cooling of the building. On-site rainwater harvesting and re-use is proposed which will serve to irrigate the sites landscaping, energy efficient appliances and double glazing are also proposed to all apartments. Photovoltaic cells are proposed on the rooftop of Building C.

The commercial building component of Building C proposes to achieve a minimum 5 Star NABERS energy rating.

(d) **Principle 5:** Landscape

Considering the urban environment it is acknowledged there is limited area for all buildings to achieve large areas of communal open space in each building. The development however incorporates a landscaped terrace area to the roof top of Building A for landscaping and communal recreation for its residents.

(e) **Principle 6: Amenity**

Given the orientation of the site, height restriction and dense urban environment surrounding the site, the proposed development is able to achieve 68.4% solar access (where 70% is required) and 74.6% cross ventilation is achievable (where 60% is required). 98.2% of apartments propose balconies where 100% is required. The proposed development is able to achieve minimum apartment sizes, building depth, balcony size and storage requirements.

Building separation is not physically achievable in the Young and Loftus Street block however, acoustic and visual privacy has been addressed by limiting the number of apartments to have their primary outlook onto Loftus Street and for those apartments facing Loftus Lane through architectural design features such as sculpting of window reveals, proposing dual windows to bedrooms and deep set windows to further minimise impacts and maximise amenity of apartments facing Loftus Lane. Refer to issues section for discussion.

(f) **Principle 7: Safety**

A high level of casual surveillance is provided around the site by the activation of small ground floor retail tenancies including retail tenancies within the through site links. The proposal provides separate commercial and residential lobby access which is clearly defined. The proposed active ground plane uses provide a high level of passive surveillance at street level.

(g) **Principle 8: Housing diversity and social interaction**

The development provides a total of total of 114 residential apartments comprising 37 x one bedroom apartments (32%), 58 x two bedroom apartments (51%) and 19 x three bedroom apartments (17%).

(h) **Principle 9: Aesthetics**

The proposed design of the Young and Loftus Street block is the result of a competitive design process and proposes a variety of architectural elements and building materials which is positive but requires some further design refinements which will be requested as part of a design modification condition.

44. The development is considered generally acceptable when assessed against the above stated principles and the SEPP generally, which are replicated in large part within Council's planning controls.

Apartment Design Guide

45. Clause 30 of SEPP 65 requires consideration of the Apartment Design Guide (ADG), which provides additional detail and guidance for applying the design quality principles outlined in SEPP 65 to a specific locality. Compliance with the guidelines within the ADG are addressed in the table below. Amenity concerns with regard to specific apartments are discussed further in the Issues section.

Apartment Design Guide		
Control	Compliance	Comment
2E Building Depth		
12-18m (glass to glass)	Generally complies	Building depth is largely influenced by the Stage 1 approved building envelopes. Including balconies the maximum depth of apartments are: Building A –18.5m. Building B – 18.5 - 19m. Building C – 18.5 - 19m.
2F Building Separation		
Up to four storeys (approximately 12 metres): <ul style="list-style-type: none"> • 12m between habitable rooms / balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms 	No	Building separation is not achieved. Between Building C and Building A/B: Level 3-4: 6.4m-11.6m between habitable and non-habitable rooms. Level 5: 6.2m between habitable rooms/balconies. Between Building C and A: Level 6: 12.3m between habitable rooms/balconies
Five to eight storeys (approximately 25 metres): <ul style="list-style-type: none"> • 18m between habitable rooms / balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable Rooms 	No	Building separation is not achieved. Between Building B and C: Level 7 – 9: 6.2m between habitable rooms/balconies

Apartment Design Guide		
Control	Compliance	Comment
<p>Nine storeys and above (over 25m):</p> <ul style="list-style-type: none"> • 24m between habitable rooms / balconies • 18m between habitable and non-habitable rooms • 12m between non-habitable Rooms 	No	<p>Building separation is not achieved.</p> <p>Between Building B and C:</p> <p>Level 10 – 7.8m between habitable rooms/balconies</p> <p>Level 11 – 9.6m between habitable rooms/balconies</p> <p>Level 12 – 11.4m between habitable rooms/balconies</p> <p>The design of the facade has adopted a defensive built form, including dual windows, and windows to living areas orientated to avoid overlooking of adjoining residential buildings for the eastern and western elevations of Building B and C the separation distances proposed are able to provide for adequate amenity considering the sites inner city context and compliance with Stage 1 building envelope setbacks. Notwithstanding this, it is considered to ensure that privacy between residential buildings is protected a design modification condition is recommended to delete and amalgamate the 1 bedroom single aspect apartment facing onto Loftus Lane with the apartments either side.</p> <p>Note: Adequate solar access and natural ventilation is achievable despite the non-compliance.</p> <p>See discussion in the Issues section.</p>
3D Communal and Public Open Space		
Communal open space has a minimum area equal to 25% of the site.	<p>Yes – Building A</p> <p>No – Building B and C</p>	<p>Building A proposes a roof top terrace area for the use of its residents.</p> <p>Building B and C do not provide any communal open space.</p> <p>Overall the above non-compliances are considered acceptable given the unique inner city location and urban infill nature of the development site.</p>

Apartment Design Guide														
Control	Compliance	Comment												
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two (2) hours between 9am and 3pm on 21 June (midwinter).	Yes – Building A	50% direct sunlight is provided.												
3E Deep Soil Zones														
Deep soil zones are to meet the following minimum requirements:	No	Building A – site area 674sqm Building B – site area 507sqm Building C – site area 1026sqm Given inner city location and basements proposed beneath each building deep soil zones cannot be achieved at ground level. Landscaping is proposed to the roof terrace of Building A only. It is considered the non-compliance is acceptable in this instance given the public domain upgrade works proposed where landscaping features are proposed throughout the combined site.												
<table border="1"> <thead> <tr> <th>Site area</th> <th>Minimum Dimensions</th> <th>% of site area</th> </tr> </thead> <tbody> <tr> <td><650m²</td> <td>-</td> <td rowspan="4">7%</td> </tr> <tr> <td>650m² – 1,500m²</td> <td>3m</td> </tr> <tr> <td>>1,500m²</td> <td>6m</td> </tr> <tr> <td>>1,500m² with significant existing tree cover</td> <td>6m</td> </tr> </tbody> </table>	Site area	Minimum Dimensions	% of site area	<650m ²	-	7%	650m ² – 1,500m ²	3m	>1,500m ²	6m	>1,500m ² with significant existing tree cover	6m		
Site area	Minimum Dimensions	% of site area												
<650m ²	-	7%												
650m ² – 1,500m ²	3m													
>1,500m ²	6m													
>1,500m ² with significant existing tree cover	6m													
3F Visual Privacy														
Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum separation distances from buildings to the side and rear boundaries are outlined below. Note: Gallery circulation is treated as habitable space.														

Apartment Design Guide		
Control	Compliance	Comment
Up to four storeys (12 metres): <ul style="list-style-type: none"> • 6m between habitable rooms / balconies • 3m between non-habitable rooms 	No	Building separation is constrained by the approved Stage 1 building envelope and therefore compliance cannot physically be achieved as the proposal is unable to comply with the minimum building separation controls which in turn relate to separation between windows and balconies. The proposal results in a number of apartments facing onto each other across the laneway, resulting in the use of defensive facades to address overlooking issues. This is discussed under the "Building Separation" section of this report above. See discussion in the Issues section.
Five to eight storeys (25 metres): <ul style="list-style-type: none"> • 9m between habitable rooms / balconies • 4.5m between non-habitable rooms 	No	
Nine storeys and above (over 25m): <ul style="list-style-type: none"> • 12m between habitable rooms / balconies • 6m between non-habitable rooms 	No	
4A Solar and Daylight Access		
70% of units to receive a minimum of 2 hours of direct sunlight in midwinter to living rooms and private open spaces.	Generally complies	68.4% of all apartments receive solar access. Given the inner city location of the site and surrounding commercial office towers the minor shortfall to the 70% requirement is considered acceptable.
4B Natural Ventilation		
Minimum 60% of apartments in the first nine (9) storeys of the building are naturally cross ventilated. Note: Apartments 10 storeys or greater are deemed to be naturally cross ventilated only if balconies allow for adequate ventilation and cannot be fully enclosed.	Yes	74.6% of all apartments achieve cross flow ventilation.

Apartment Design Guide		
Control	Compliance	Comment
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Yes	Maximum building depths generally comply.
4C Ceiling Heights		
Measured from finished floor level to finished ceiling level, minimum ceiling heights are as follows:		
Habitable rooms: 2.7m	Yes	A minimum 2.7m floor to ceiling height is proposed in all habitable rooms.
Non-habitable rooms: 2.4m	Yes	Minimum ceiling heights are provided in all non-habitable rooms.
If located in mixed use areas – 3.3m for ground and first floor to promote future flexibility of use.	NA	No apartments are located at ground or first floor.
4D Apartment Size and Layout		
<p>Minimum unit sizes:</p> <ul style="list-style-type: none"> • Studio: 35m² • 1 bed: 50m² • 2 bed: 70m² • 3 bed: 90m² <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p>	Generally complies	<p>Proposed apartment sizes are generally as follows:</p> <p>Building A -</p> <ul style="list-style-type: none"> • 1 bed: 49.6-50sqm • 2 bed: 74.2-110.6sqm • 3 bed: NA <p>Building B -</p> <ul style="list-style-type: none"> • 1 bed: 50-55sqm • 2 bed: 74-91sqm • 3 bed: 116-276sqm <p>Building C -</p> <ul style="list-style-type: none"> • 1 bed: 54.2-65.6sqm • 2 bed: 78.7-84.2sqm • 3 bed: 106.4-303.7sqm <p>Out of the 114 apartments proposed 9 fall short of the minimum apartment size by approximately 0.4m – 1m which is considered acceptable.</p>
Every habitable room is to have a window in an external wall with a minimum glass area of 10% of the floor area of the room.	Yes	All habitable rooms have access to an external window.

Apartment Design Guide																	
Control	Compliance	Comment															
Habitable room depths are to be no more than 2.5 x the ceiling height.	Yes	The proposal complies.															
8m maximum depth for open plan layouts.	Yes Minor non-compliant Building C	Building A and B comply. Building C: Minor non-compliant for upper level 3 bedroom north facing apartments where some living areas are 8-10m from the principle living room window. However, the apartments are not single aspect and have views to alternate windows.															
Minimum area for bedrooms (excluding wardrobes): <ul style="list-style-type: none"> • master bedroom: 10m² • all other bedrooms: 9m² Minimum dimension of any bedroom is 3m (excluding wardrobes).	Yes	All apartments comply with the minimum bedroom size.															
Living and living/dining rooms minimum widths: <ul style="list-style-type: none"> • One-bedroom: 3.6m • Two-bedroom or more: 4m 	Yes	All apartments comply with the minimum living/dining room widths.															
4m minimum width for cross over and cross through apartments.	Yes	All apartments comply with the minimum width.															
4E Private Open Space and Balconies																	
All apartments required to have primary balconies as follows:	No	98.2% of all apartments provide a principle balcony (i.e. 112 apartments out of 114 apartments propose balconies). Not all balcony areas meet the area or depth requirements however the proposed width is capable to accommodate outdoor recreation furniture for occupants.															
<table border="1"> <thead> <tr> <th>Dwelling Type:</th> <th>Min. Area</th> <th>Min. Depth</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m²</td> <td>-</td> </tr> <tr> <td>One bed</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>Two bed</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>Three+ bed</td> <td>12m²</td> <td>2.4m</td> </tr> </tbody> </table>	Dwelling Type:	Min. Area	Min. Depth	Studio	4m ²	-	One bed	8m ²	2m	Two bed	10m ²	2m	Three+ bed	12m ²	2.4m		
Dwelling Type:	Min. Area	Min. Depth															
Studio	4m ²	-															
One bed	8m ²	2m															
Two bed	10m ²	2m															
Three+ bed	12m ²	2.4m															
The minimum depth counting to balcony area is 1m.																	

Apartment Design Guide		
Control	Compliance	Comment
4F Common Circulation and Spaces		
The maximum number of apartments off a circulation core on a single level is eight (8).	Yes	No more than 8 apartments are accessed from each lift core. All lobby areas are naturally lit and ventilated.
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Yes	No more than 40 apartments share a single lift.
4G Storage		
Minimum storage provision facilities: <ul style="list-style-type: none"> • Studio: 4m³ • 1 bed: 6m³ • 2 bed: 8m³ • 3 bed: 10m³ (Minimum 50% storage area located within unit)	Yes	Adequate storage is provided within each apartment. Additional residential storage is also proposed within basement levels.

State Environmental Planning Policy (Infrastructure) 2007

46. The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

Clause 45

47. The application is subject to Clause 45 (Subdivision 2 Development likely to affect an electricity transmission or distribution network) of the SEPP
48. In accordance with the Clause, the application was referred to Energy Australia for a period of 21 days.
49. Ausgrid has responded and raises no objections.

Clause 88

50. The application is subject to Clause 88 as the development in or above or adjacent to an interim rail corridor.
51. Sydney Trains (acting under the delegated authority of RailCorp issued their concurrence subject to a number of deferred commencement conditions.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)

52. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.
53. The Sydney Harbour Catchment Planning Principles must be considered in the carrying out of development within the catchment. The key relevant principles include:
 - (a) protect and improve hydrological, ecological and geomorphologic processes;
 - (b) consider cumulative impacts of development within the catchment;
 - (c) improve water quality of urban runoff and reduce quantity and frequency of urban run-off;
 - (d) protect and rehabilitate riparian corridors and remnant vegetation.
54. The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development.
55. The development is consistent with the controls contained with the deemed SEPP.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

56. The BASIX Certificate has been submitted with the development application.
57. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated in the proposal. A condition is recommended ensuring the measures detailed in the BASIX certificate are implemented.

State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)

58. SEPP 32 provides for the increased availability of housing within the inner city and to assist in meeting the demand for housing close to employment, leisure and retail opportunities.
59. The site is strategically located in proximity to the Sydney CBD and is well serviced by existing public infrastructure, public transport and community facilities. The proposed development will increase housing availability within the inner city and will assist in meeting the demand for residential flats which are close to employment, leisure and retail opportunities.
60. The proposed development of the site is consistent with the aims and objectives of SEPP.

Sydney LEP 2012

61. The site is located within the B8- Metropolitan zone. The proposed redevelopment of the site for a mixed use development is permissible with consent.

62. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Table		
Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	The proposed building heights are consistent with the height controls and comply with the LEP, however the maximum permissible height is defined in detail by the approved Stage 1 envelopes.
4.4 Floor Space Ratio	Yes	<p>An FSR of 12.5:1 is permitted across the Quay Quarter Sydney development site (8:1 base FSR + 4.5:1 accommodation floor space).</p> <p>Pursuant to Clause 6.21(7), Council may grant an additional 10% of floor area if a competitive design process has been undertaken and design excellence is demonstrated.</p> <p>In total, an FSR of 13.75:1 is potentially achievable across the development site (including existing and new buildings).</p> <p>See discussion under the heading Issues.</p>
5.10 Heritage conservation	Yes	Hinchcliff House (State listed Heritage item) and the Gallipoli Memorial Club (locally listed heritage item) are contained within the development site but do not form part of this development application. Notwithstanding, the proposed re-development of the Young and Loftus Street Block has regard to the heritage items and their aims to enhance their prominence with the precinct.

Compliance Table		
Development Control	Compliance	Comment
		The Bennelong Stormwater Channel (SWC) No. 29 which is listed on the Sydney Water s170 Register runs east-west through the middle of the site. No works are proposed to the sub surface Bennelong SWC No. 29 and excavation includes appropriate buffer zones around the stormwater channel to mitigate impacts. AMP has liaised with Sydney Water with regards to the setback requirements to the drain for excavation. The proposed integrated basement that runs under 9-17 Young Street, Loftus Lane and 16-20 Loftus Street have been designed to avoid any impact with the Bennelong SWC.
Part 6 Local provisions - height and floor space		
Division 1 Additional floor space in Central Sydney (and AMP LEP amendment Clause 6.8(4))	Yes	The Stage 2 application is proposing 471sq.m of Lanes development floor space and 678sq.m of Entertainment and club floor space. See discussion under the heading Issues.
Division 3 Height of buildings and overshadowing	Yes	See discussion under the heading Issues.
Division 4 Design excellence (and AMP LEP amendment – clause 6.26(7)(b))	Yes	The Buildings within the Young and Loftus Street block are the result of a competitive process. Given the nature and scope of the proposal as well as the extensive consultation with Council, it is considered the proposal is able to achieve satisfy the objectives for design excellence through a considered and developed design scheme.
Part 7 Local provisions—general		
Division 1 Car parking ancillary to other development	Yes	A maximum of 94 car parking spaces are permitted. 74 car parking spaces are proposed (71 residential and 3 retail).

Compliance Table		
Development Control	Compliance	Comment
7.16 Acid Sulphate Soils	Yes	<p>The site is identified as containing Class 2 Acid Sulphate Soil. An ASS Management Plan has been submitted for the Young and Loftus Street block and is considered acceptable.</p> <p>A condition has been recommended to address acid sulphate soils on site.</p>
7.17 Flood planning	Able to comply	<p>There are no adverse flooding impacts on surrounding private properties including the upstream properties (i.e. 44 Bridge Street and Bridgeport Apartments) as a result of the development.</p> <p><u>Young Street (west) and Loftus Street frontages</u></p> <ul style="list-style-type: none"> - Retail flood planning levels of at least 300mm above the gutter invert levels are not able to be achieved. - The proposal has revised the design to achieve retail FFLs of at least 275mm above the gutter invert level. - These levels have been reviewed with Council's Senior Engineer - Water Assets, there are no objections to the proposed FFLs due to site constraints and that the proposed retail FFLs are protected from flooding up to the PMF. <p><u>Loftus Lane</u></p> <ul style="list-style-type: none"> - Retail flood planning levels of at least 150mm above the invert of the centre V channel/drain are not able to be achieved. - The proposal has revised the design to achieve retail FFLs of at least 105mm above the invert of the v channel. - These levels have been reviewed with Council's Senior Engineer - Water Assets and no objections to the proposed FFLs due to site constraints and that the proposed retail FFLs are protected from flooding up to the PMF.

Compliance Table		
Development Control	Compliance	Comment
		<p><u>Vehicle Entry into Basement</u></p> <ul style="list-style-type: none"> - The 300mm threshold provided at each end of the lane at Young Street and Loftus Street as an alternate solution is not acceptable. The threshold needs to be 300mm from the gutter directly in front of the entry subject to the results of the PMF depths being less than 300mm at this location. A specific design modification Flood Planning condition is imposed requesting suitable measures to be implemented into the design to ensure the likelihood of flooding is minimised and risk to human life is reduced at all cost.
7.22 Development requiring preparation of a development control plan	Yes	A site specific DCP (AMP Circular Quay Precinct Amendment) applies to the site and provides site specific design principles and controls.

Sydney DCP 2012 and AMP Circular Quay Precinct Amendment DCP (AMP DCP)

63. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

2. Locality Statements – Bridge Street, Macquarie Place and Bulleting Place Special Character Area
<p>Buildings A and B including Loftus Lane are part of the Bridge Street, Macquarie Place and Bulletin Place Special Character Area.</p> <p>The proposed development is considered to be in keeping with the principles of the Special Character Area in that:</p> <ul style="list-style-type: none"> - Buildings A and B are proposed to be built to the street alignment and building form is designed to protect and extend morning sun to Macquarie Place Park and First Government House Place. - Buildings A and B have been designed to open up vistas to Customs House to the north and Bridgeport Apartments to the south. <p>The proposal is considered to be in keeping with the unique character of the area and design principles in that the design scheme proposes a reduction in height of Building A to the existing building which is now lower than Customs House and a partially open through site link adjacent to the Gallipoli Memorial Club (GMC) which separates the old buildings from the new.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.1 Public Domain Elements	Yes	<p>The proposed development includes improvements and upgrade works to Loftus Lane and includes the pedestrianisation of Loftus Lane north-south. The scope of the works includes proposing ground floor activation in Loftus Lane and along Loftus Street and Young Street by way of fine grain retail uses on all frontages including new east-west through site links.</p> <p><u>Public art</u></p> <p>A public art strategy has been submitted that outlines the applicants approach for delivery of public art throughout the QQS precinct. The Strategy has been endorsed in principle by the City's Public Art Advisory Panel, however amendments are required to address issues of budget and detail relating to the Young and Loftus Street block. Appropriate conditions have been recommended.</p>
3.2 Defining the Public Domain	Yes	<p>Overall the proposed development will enhance the public domain by ensuring adequate sun access to publicly accessible spaces and considering public views.</p> <p><u>Active frontages</u></p> <p>Active street frontages are provided in the form of fine grain retail spaces that are directly accessible from the street and include uses such as cafes, restaurants and outdoor dining at street level.</p> <p>Fixed continuous awnings are proposed along both Loftus Street and Young Street with retractable awnings proposed within Loftus Lane. The awnings will be located between ground floor and first floors.</p>

3. General Provisions		
Development Control	Compliance	Comment
		<p><u>Reflectivity</u></p> <p>A reflectivity assessment has been submitted. This report concludes that the building performs generally well in terms of solar reflectivity, subject to conditions relating to glazing and cladding reflectivity. Appropriate conditions have been recommended.</p> <p><u>Wind</u></p> <p>A wind impact assessment has been submitted that demonstrates the wind environment around the building is generally satisfactory for pedestrian standing or walking and supports the proposed land use.</p> <p><u>Lighting</u></p> <p>A building lighting strategy has not been submitted as part of the application. A condition has been recommended requiring a lighting strategy be submitted.</p>
3.2.4 Footpath awnings	Yes	The proposal provides fixed awnings to Loftus Street and Young Street between the ground floor and the first floor to maximise weather protection.
3.3 Design Excellence and Competitive Design Processes	Yes	<p>The proposed development has undergone a competitive design process and the proposed development is seeking an uplift of 10% additional floor space subject to design excellence.</p> <p>See discussion under the heading Issues.</p>
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies BASIX requirements and commercial development will achieve a minimum 5 Star NABERS energy rating.

3. General Provisions		
Development Control	Compliance	Comment
3.9 Heritage	Yes	<p>The buildings to be demolished as part of this application are not listed heritage items or within a heritage conservation area. The subject buildings however are within the Bridge Street, Macquarie Place and Bulletin Place Special Character Area. The buildings in their current form do not contribute to the character of the area or adjoining heritage items. The removal and replacement of the subject buildings were considered at Stage 1 and the new infill buildings are not considered to detrimentally impact on the heritage significance of nearby heritage items or the special character area.</p> <p>See discussion under the heading Issues.</p>
3.11 Transport and Parking Required: -114 Class 1 residential bike storage - 28 Class 2 commercial/retail - 36 Class 3 visitor bike rails	Yes	<p>The proposal provides the required number bike parking spaces consistent with the DCP.</p> <p>A condition is recommended confirming bike parking numbers.</p>
3.12 Accessible Design	Yes	<p>The entry points into each building and retail tenancy provides equitable access and lift access is proposed to all levels.</p> <p>A condition has been recommended for the proposed development to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.</p>
3.13 Social and Environmental Responsibilities	Yes	<p>A Crime Risk and Security Report has been submitted with the Stage 2 application. The report provides an assessment against the CPTED principles. It is considered that the proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.14 Waste	Generally complies	<p>Waste and recycling chutes are proposed within Buildings A, B and C for residents. Waste collection is to be managed via the Loftus Street south loading dock. A large waste storage handling area has been designed for both residential and commercial waste. Residential waste will be collected by Council and commercial waste will be by a private contractor.</p> <p>See discussion under the heading Issues.</p>
3.15 Late Night Trading Management	NA	<p>The proposal creates a number of new retail tenancies throughout the development however no approval is being sought for the individual use of the retail/commercial tenancies as part of this Stage 2 application.</p> <p>Any future DAs will need to have regard to the late night trading provisions of the DCP.</p>
3.16 Signage and Advertising	NA	No signage is proposed as part of this Stage 2 application.

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.1.2 Floor to ceiling heights and floor to floor heights	<p>Complies – residential</p> <p>Does not comply - retail</p>	<p>Buildings A, B and C propose maximum floor to floor heights of 2.7m.</p> <p>A majority of the ground floor and first floor retail tenancies do not meet the minimum 3.6m floor to ceiling height requirement or the 3.3m ground floor to ceiling height at first floor level.</p> <p>The non-compliance with the floor to ceiling heights for the retail uses at ground floor is a result of the finished floor levels that are required to comply with the flooding impacts. In addition to this, the gradient of the site also adds pressure to complying floor to ceiling height limits whilst ensuring the maximum height of the building is complied with.</p> <p>The non-compliance with the floor to ceiling heights are generally acceptable along Loftus Lane as these retail tenancies are small 'fine grain' spaces and proposed to be unique in character and it is considered the floor to ceiling height proposed in these spaces are proportional to their small area.</p>
4.2.3 Amenity	Yes	<p><u>Solar access:</u></p> <p>The proposal building massing will not result in any additional overshadowing of surrounding buildings or public spaces compared to the Stage 1 approval. The proposal will improve solar access to First Government House Place and Macquarie Place Park.</p>

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
		<p>68.4% of apartments will receive a minimum of 2 hours sunlight between 9AM and 3PM where 70% is required. This is a slight variation to the control and is considered acceptable in this instance given the orientation of the site and dense urban environment. Notwithstanding this, the apartments will benefit from natural daylight and open vistas towards Macquarie Place Park.</p> <p>Adjoining residential apartments are able to receive a minimum of 2 hours direct sunlight between 9AM and 3Pm on June 21 to 70% of the apartments.</p> <p>All internal residential lift lobby areas have access to natural daylight.</p> <p><u>Natural ventilation:</u> 74.6% of apartments will achieve cross flow ventilation.</p> <p>It is considered that all apartments within each building are of an appropriate size and layout, include balconies and benefit from appropriate levels of solar access and natural ventilation.</p>
4.2.3.8 Common open space	<p>Yes – Building A</p> <p>Building B and C do not comply</p>	<p>Building A proposes a 300sqm roof top terrace area for its residents.</p> <p>Building B and C do not provide any communal open space.</p>

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.3.12 Flexible housing and dwelling mix	Generally complies	<p>The development provides a total of 114 residential apartments comprising 37 x one bedroom apartments (32%), 58 x two bedroom apartments (51%) and 19 x three bedroom apartments (17%). No studio apartments are proposed, however it is considered that the apartment mix adequately provides a mix of dwellings to cater for the needs of future residents.</p> <p>Although no studio apartments are proposed, it is considered positive that a larger percentage of 2 and 3 bedroom apartments are proposed to suit the long term needs of households with families.</p>
4.2.6 Waste minimisation	Generally complies	<p>Waste and recycling chutes are proposed within Buildings A, B and C for residents. Waste collection is to be managed via the Loftus Street south loading dock. A large waste storage handling area has been designed for both residential and commercial waste. Residential waste will be collected by Council and commercial waste will be by a private contractor.</p> <p>See discussion under the heading Issues (Waste management).</p>

5. Specific Areas		
5.1 Central Sydney		
Development Control	Compliance	Comment
5.1.1 Street frontage heights	Stage 1 approval	The street frontage heights are generally consistent with the Stage 1 approval.
5.1.2 Building setbacks	Stage 1 approval	The building setbacks are generally consistent with the Stage 1 approval. See discussion under the heading Issues (Building form).
5.1.3 Street frontage heights and setbacks for special character areas	Stage 1 approval	The street frontage heights are generally consistent with the Stage 1 approval.
5.1.4 Building bulk and 5.1.5 Building exteriors	Yes	The building envelopes have been set as part of the Stage 1 approval. The proposed Buildings A, B and C have been designed to reflect the fine grain subdivision pattern and masonry character of heritage items incorporating architectural modelling and articulation, fine architectural detailing and high quality materials. The design scheme subject to design refinement is able to respond positively to the heritage constraints of the site and its surrounds. The new buildings aligns with adjoining buildings/heritage items.
5.1.8 Award and allocation of heritage floor space	NA	On the basis that the floor space of the existing buildings is approximately 4,694sqm greater than the proposed buildings the total amount of existing floor space as calculated as part of this development is not increased across the total development site and therefore there is no requirement to purchase HFS as part of this development application.

5. Specific Areas		
5.1 Central Sydney		
Development Control	Compliance	Comment
		Floor space will increase across the total development site as part of the 50 Bridge Street application and therefore, HFS will be levied as part of that development application (which is concurrently being assessed DA ref: D/2015/929).

6. Specific sites – AMP Circular Quay Precinct		
Development Control	Compliance	Comment
<p>6.1.12.1 Streets, lanes, arcades and through-site links</p> <p>Link C: Arcade (accessible min 0700-2400 daily) 2 storeys and 6m min. clear height.</p>	Generally complies	<p>Minor variations are proposed to the location of the arcades and through-site links.</p> <p>Building A: The arcade will provide access from Loftus Street through to Loftus Lane between 7AM and 12Midnight daily and will also serve as the residential entry to Building A. 3m wide entry points are provided with an approximate height of 6m at Loftus Street, the arcade reduces in width to 2.4m in the middle and widens to 3.5m at Loftus Lane. The arcade requires an unobstructed height clearance of 6m to provide natural light and safe sight lines for pedestrians and residents alike. The minor variations to the arcades width is considered acceptable, however, a condition is recommended requiring compliance with the 6m height clearance control.</p>

6. Specific sites – AMP Circular Quay Precinct		
Development Control	Compliance	Comment
		<p>Building B: The arcade will provide access from Loftus Street through to Loftus Lane and is proposed to be publicly accessible link 24 hours per day. The arcade proposes an unobstructed height of 6m and extends up to 13m with a 3m wide entry point from Loftus Street which gradually widens to approximately 6m at Loftus Lane. The DCP control recommends a 4.5-6m wide arcade in this location. The minor variation to the control is considered acceptable.</p> <p>Building C: A minor shift is proposed in the location of the arcade to Building C. This is a result of the topography of the site in order to achieve equitable access paths. The arcade is approximately 3.5m wide and does not propose an unobstructed height clearance of 6m as required by the DCP. A condition is recommended requiring compliance with the 6m height clearance control.</p> <p>A 60sqm laneway expansion zone open to the sky is proposed at the northern end of Loftus Lane. The expansion zone is not located in the area identified in the DCP but is considered acceptable as the new expansion zone area is located next to Hinchcliff House which provides wind protection is located opposite the laneway expansion zone in Building A so creates a sense of space.</p> <p>A new through-site link known as Hinchciff Walk is proposed further north along the boundary of the heritage item. This new link is considered acceptable as it allows the heritage item to be separated from new Building C and visible within the laneway expansion zone.</p> <p>The proposed laneways, through-site links and plaza area proposed are generally consistent with the DCP maps.</p>

6. Specific sites – AMP Circular Quay Precinct		
Development Control	Compliance	Comment
6.1.12.2 Active frontages	Yes	<p>Active street frontages are proposed along Young Street and Loftus Street consistent with the Active Frontages map in the DCP.</p> <p>The relocation of vehicle access including loading/unloading activities to Loftus Lane south will allow the pedestrianisation of Loftus Lane north-south to take place and maximise pedestrian access and retail street activation. The lane will be activated by a range of small retail tenancies fronting the lane and new 'plaza' area open to the sky. New east-west pedestrian through site links will connect Loftus Street and Young Street via Loftus Lane as well as connect the Young and Loftus Street block to the adjoining Bridge and Alfred Street block.</p>
6.1.12.3 Awnings	Yes	<p>Fixed awnings are proposed along the Young Street and Loftus Street. The awnings have been integrated into the architecture of the new buildings. Retractable awnings are proposed along Loftus Lane consistent with the Footpath awnings and colonnades map in the DCP.</p>
6.1.12.4 Building envelope (Built form)	Generally complies	<p>The AMP DCP states that building envelopes within the Young and Loftus Street block may be subject to a minor variation but only if design excellence is demonstrated through a competitive design process.</p> <p>The building envelopes have been set by the approved Stage 1 building envelopes and DCP.</p> <p>There are a number of variations proposed to the approved Stage 1 building envelope control. The DCP states that building envelopes within the Young and Loftus Street block may be subject to minor variations but only if design excellence is demonstrated through a competitive design process.</p>

6. Specific sites – AMP Circular Quay Precinct		
Development Control	Compliance	Comment
		See discussion under the heading Issues (Building form variation).
6.1.12.5 Street frontage height and setbacks	Yes	The building envelopes are proposed to the street alignment and are consistent with the control.
6.1.12.6 Uses	Able to comply	<p>The proposed mix of retail, commercial and residential uses is considered acceptable. 57% of the total gross floor area of all buildings (new and existing) within the block are non-residential. Although this is above the 50% requirement in the DCP it is consistent with the Voluntary Planning Agreement terms which states that 40% of the total gross floor area of all buildings (new and existing) within the Young and Loftus Street block must be provided as non-residential.</p> <p>Noise – A precinct based noise condition has been proposed by the applicant's Acoustic consultant as an alternative to Councils standard noise condition however the submitted revised Acoustic Report did not provide sufficient information to justify the use of a non-standard noise criteria for the precinct. Therefore, a number of conditions have recommended requiring review and assessment of the noise criteria. If the applicant wishes to use an alternative criteria, they will be required to submit the required level of detail for the adoption of a Precinct Specific noise criteria i.e. a fixed/absolute laneway noise level.</p> <p>Residential uses are not proposed to be located on the ground or first floors. In Buildings A and B residential uses start at level 2 and in Building C start at level 5.</p>

6. Specific sites – AMP Circular Quay Precinct		
Development Control	Compliance	Comment
6.1.12.7 Parking and vehicular access	Generally complies	<p>The relocation of vehicular access and loading to the south east corner Loftus Lane in Building C is a result of the existing site constraints, vehicular access points and existing rubbish collection points for surrounding buildings. The loading dock will service the Young and Loftus Street precinct and is able to accommodate a Council garbage truck (9.25m).</p> <p>No objection is raised to the location of the 'at grade' loading dock from Council's Transport Unit or Waste Services Unit.</p>
6.1.12.8 Sustainability	Yes	The proposal satisfies BASIX requirements and commercial development will achieve a minimum 5 Star NABERS energy rating.
6.1.12.9 Heritage	Able to comply	See discussion under the heading Issues.

ISSUES

Built form variations

64. The built form and building envelope controls have been set out in the Stage 1 Approval and the Sydney Development Control Plan 2012 (SDCP2012 - Clause 6.1.12.4). Proposed Buildings A, B and C must not exceed the building envelopes set out in the 'Envelope setbacks and alignments map' unless the minor variations are a result of a competitive design process in which design excellence has been achieved.
65. Condition 5(b) of the Stage 1 approval also allowed some flexibility in considering minor variations to the approved building envelopes by stating that "any projection beyond the building envelope must be fully justified through the competitive design and Stage 2 Development Application process".
66. Built form variations are requested to Building B which exceeds the maximum RL height limit by 480mm and Building C which exceeds the maximum RL height limit by 510mm.
67. Section 83D(2) of the Act states that while any Stage 1 consent for a site remains in force, the determination of any further development applications in respect of that site cannot be inconsistent with that consent. It is considered that this application is not inconsistent with the Stage 1 consent for the reasons outlined below.

Building A (2-10 Loftus Street)

68. The variations to the ground plane on Loftus Lane is a result of the building being setback to provide a 'stopping place' and shifted back at the most southern corner to reveal the Gallipoli Memorial Club. The Stage 1 approval and DCP building envelope was for a more rectilinear recess consistent with the historical alignment of the lane (refer Figure 18 below - Stage 1 approved envelope outline in dotted line).
69. The design of the building at the upper levels shifts in and out of the DCP building envelope in plan form to avoid the appearance of noticeable setback lines and to respond to the height of Customs House and the GMC. There is however no increase in overshadowing to Macquarie Place Park as a result of the envelope variations.



Figure 18: Building A plan view – Stage 1 approved envelope outline in dotted line.

70. The variations to the building envelope height control for Building A are a result of:

- (a) The addition of roof terrace and planter beds:

The additional height is related to balustrade heights required to provide a trafficable roof terrace. The increase is 1170mm as a solid element that acts as a balustrade and deep planter. The services and lift-overrun are hidden within the space (refer to Figure 19 below).

- (b) Level 6 and 7 terrace garden beds:

A height increase of 480mm on Level 7 and 430mm on Level 6 beyond the DCP envelope to provide a solid edge for planting and green roof for the terraces. An "open steel balustrade" setback from the buildings edge and sits above the DCP envelope by 930mm on Level 6 and 980mm on Level 7 (refer to Figure 15 below).

- (c) Built form extends over the 'laneway expansion zone' from level 2 upwards:

A laneway expansion zone is provided in Loftus Lane in accordance with the SDCP2012. The building rather than being setback in this location as specified in the DCP is built to the laneway alignment from Levels 2 to 5 and is to provide protection to the dining areas below.

- (d) Built form design at level 6 and 7:

A number of setback controls apply the upper levels of the Stage 1 approved building envelopes for Building A. As a result of the architectural design process the design of the building at the upper levels 'gently connects and shifts away' from the building line resulting in a non-compliance with the approved envelope (refer to Figure 18 below).

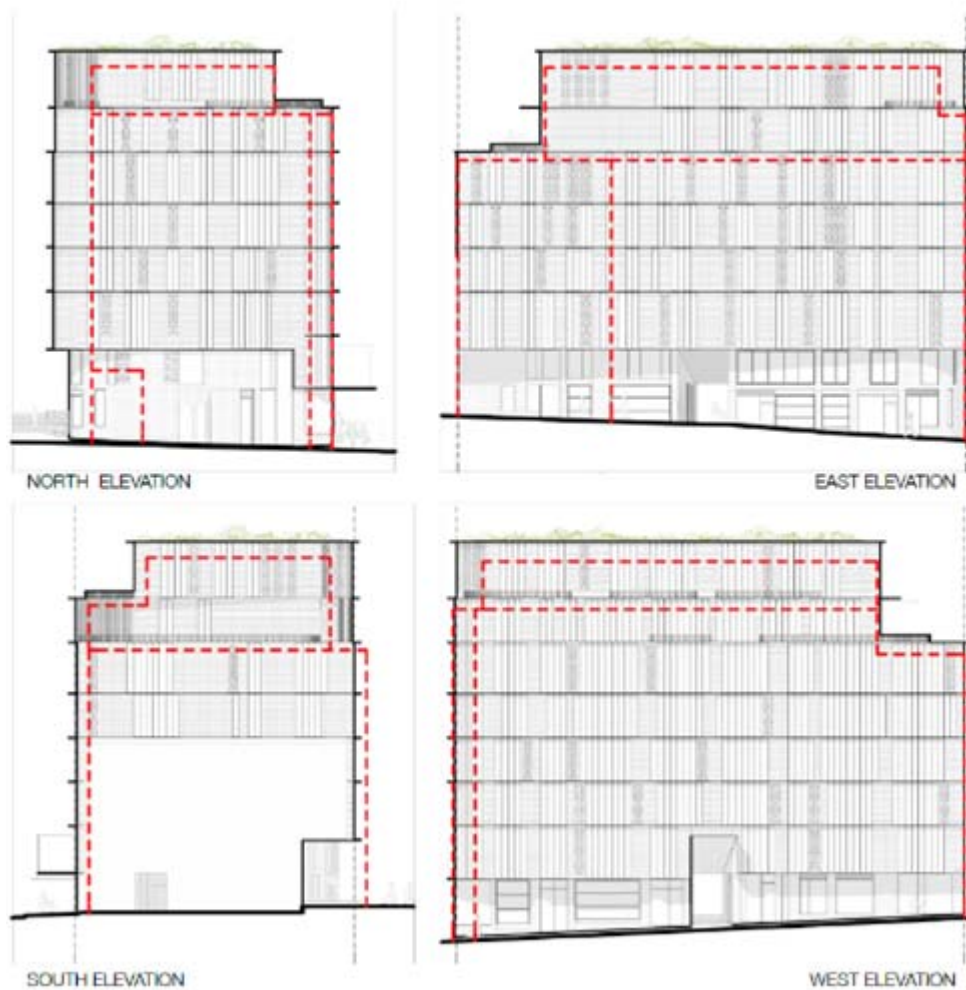


Figure 19: Building A elevation – Stage 1 approved envelope in dotted line.

Building B (16-20 Loftus Street)

71. The variations to the building envelope control for Building B are a result of:
- (a) building mass being removed from the through-site link to the upper levels, and
 - (b) building mass is stepped away from the north-west corner allowing greater sun access into Macquarie Place Park.

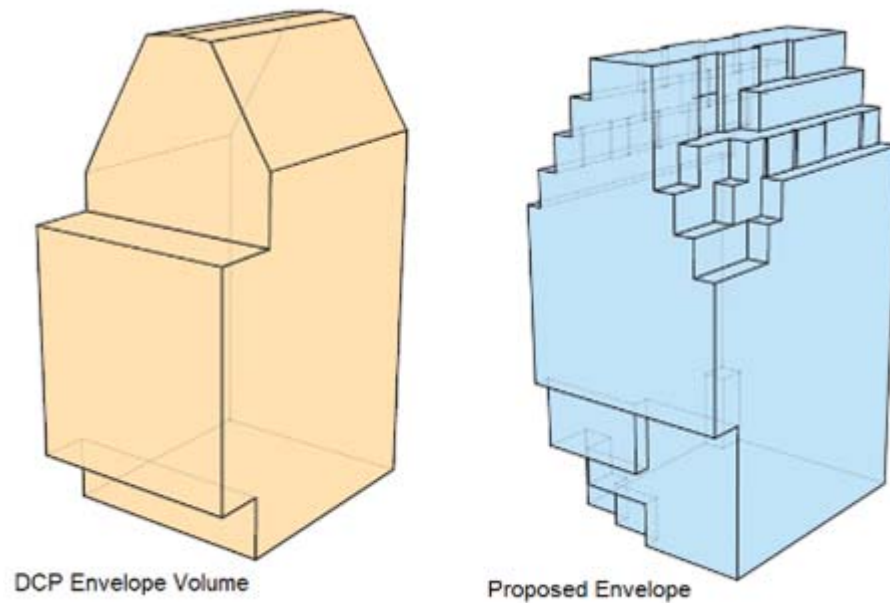


Figure 20: Building C – proposed built form variations

72. The relocation of the building mass sits wholly within the sectional building envelope approved at Stage 1.

Building C (9-17 Young Street)

73. The variations to the building envelope control for Building C are a result of:
- (a) the DCP approved permits a maximum RL of 53.6 at the southern end of Building C (closest to Bridgeport Apartments). The proposed building mass will not fill this part of the envelop but is proposed further north along the top of Building C away from the interface of the Bridgeport Apartments and exceeds the maximum RL height limit set by the approved building envelope by approximately 510mm;
 - (b) increase in the height of the northern commercial building next to Hinchcliff House by approximately 2 storeys. The proposed increase in height is proposed to align with the height of Customs House; and
 - (c) a new through-site link (open to the sky) is proposed along the southern edge of Hinchcliff House. Building C is setback from Hinchcliff house to reveal the southern facade of the heritage item.



Figure 21: Building C – proposed built form shaded and dotted lines are approved building envelopes (blue line – Stage 1 approval, red line – DCP building envelope).

74. The proposed building envelope variations for Buildings A, B and C as discussed above are considered acceptable for the following reasons:
- (a) the proposed buildings provide a greater quantum of sunlight access to Macquarie Place Park than that approved by the Planning Proposal and Stage 1 by providing 686sqm of increased sunlight to the park at 9.00AM (compared to 680sqm approved under the Planning Proposal and Stage 1) and 422sqm of increased sunlight at 10.00AM (compared to 420sqm approved under the Planning Proposal and Stage 1);
 - (b) the relocation of the building mass to the upper levels of Building B will improve the amenity of the apartments facing north and allow sun access into the low level apartments facing the laneway, improve the amenity of the through-site link and expose the southern elevation of the heritage listed Gallipoli Memorial Club;
 - (c) a view analysis of Levels 14 – 15 has been undertaken by the applicant and it is confirmed that the proposed built form variations proposed to Building C will not impact on views from Bridgeport Apartments and in some cases increases landmark views. The relocation of the tallest part of the building envelope in Building C has been shifted away from Bridgeport Apartments and detailed view analysis indicates that the proposal results in a better design outcome with regards to views to that of the approved Stage 1 building envelopes;
 - (d) improved sunlight is provided to across Bridgeport Apartments in midwinter. A total of 361sqm of additional sun access is provided between 9.00AM and 3.00PM on 21 June to that provided under the approved Stage 1 building envelopes;

- (e) there is a net reduction in shadows cast during mid-winter to First Government House Places as a result of the redistribution of building mass at the top of Building C;
- (f) the proposed buildings within the Young and Loftus Street Block either match the roof profile of the existing buildings or are lower and do not add any additional overshadowing;
- (g) consistent with the AMP DCP and Stage 1 consent, the proposed variations to the building envelopes are the result of a competitive process and all proposed variations have been discussed in detail; and
- (h) the Stage 1 approval provided some flexibility to vary the approved building envelopes and it is considered that the proposed building envelopes are not inconsistent with the approved Stage 1 building envelopes in accordance with Clause 83D (2) of the Act and as a result it is considered that a Section 96 modification to amend the approved building envelopes is not required.

Floor space ratio and additional floor space in Central Sydney

- 75. Clause 6.26(2) of SLEP 2012 specifically applies to the AMP Circular Quay Precinct. The objective of this clause is to provide for a commercial addition to the existing commercial tower on block A (the 50 Bridge Street site) by permitting the utilisation, or 'harvesting' of floor space from block C (Young and Loftus Street block). The clause includes key provisions in determining *site area* for the purposes of applying floor space ratio to the development on the subject land. In this regard, for the purpose of calculating the maximum potential FSR for the site, the site area is taken to be the total combined site area of the Young and Loftus Street Block and Bridge and Alfred Street block resulting in a total site area of 11,121sqm.
- 76. The site permits a base FSR of 8:1 plus an addition of up to 4.5:1 of additional 'accommodation floor space' in accordance with Clause 6.4 of the SLEP2012.
- 77. In addition to this, up to 10% bonus floor space may be granted under Clause 6.21(7) of SLEP2012 if the building design is a result of a competitive process and exhibits design excellence.
- 78. The maximum potential FSR across the total site is 13.75:1 (includes 10% design excellence bonus).

Additional floor space in Central Sydney

- 79. In accordance with Clause 6.3 of the SLEP2012 the proposed development is able to seek additional bonus floor space known as 'incentive' floor space.
- 80. The development is proposing a number of 'fine grain' tenancies in Loftus Lane for future business, entertainment and food and drink uses which will help enliven the lane by creating a new and interesting space to attract more people.
- 81. The proposal is applying for a total of 678sq.m of Entertainment and club floor space (under the Gallipoli Memorial Club) and 471sq.m of Lanes development floor space.
- 82. To ensure the use of the 'entertainment and club floor space' is always operated as part of the Gallipoli Memorial Club and to ensure the fine grain tenancies of the 'lanes development floor space' are not combined in the future, a covenant restriction will be secured on the title of the land through the VPA.

83. The gross floor area (GFA) breakdown of the proposal of the lanes development floor space and entertainment and club floor space is provided in table below:

Building	Proposed GFA	
	Lanes development floor space	Entertainment and club floor space
Building A	114.2sqm	678sqm
Building B	72sqm	-
Building C	284.8sqm	-
Total	471sqm	678sqm

84. The total gross floor area (GFA) breakdown of the new and existing buildings in the across the total combined development site is provided in the table below:

Young and Loftus Street – New Buildings		
Proposal	Proposed GFA	
GFA by use	<u>Residential</u>	<u>Commercial / Retail</u>
Building A	2,797sqm	1,418sqm (includes 678sqm of 'entertainment and club floor space')
Building B	3,668sqm	515sqm
Building C	441sqm	3,300sqm
Total	10,906sqm	5,223sqm (includes 471sqm of 'lanes development floor space')
New buildings (total)		
Building A	4,215sqm	
Building B	4,183sqm	
Building C	7,741sqm	
Total (new buildings)	16,139sqm	

85. With the inclusion of allowable 'incentive floor space' the maximum potential FSR across the total site is 14.02:1.

86. The gross floor area (GFA) breakdown of the QQS proposal, across the Bridge and Alfred Street block and the Young and Loftus Street block is provided in the table below.

Table: Gross Floor Area Breakdown of proposal

	Young & Loftus block	Bridge & Alfred block
Site area	2,924sqm	8,197sqm
Total site area	11,121sqm	
FSR	8:1	
Potential maximum GFA	88,968sqm	
FSR including accommodation floor space and design excellence bonuses	13.75 (8:1 + 4.5:1 + 10%)	
Potential maximum GFA (including bonuses)	152,914sqm	
Plus incentive floor space:		
Car parking reduction floor space		1,731sqm
Lanes development floor space	571sqm	
Entertainment and club floor space	721sqm	
FSR including incentive floor space	14.02:1	
Maximum allowable GFA (including bonuses and incentives)	155,937sqm	
Existing buildings to be retained:		
Gallipoli Memorial Club	889sqm	
Hinchcliff House	1,095sqm	
33 Alfred Street		35,681sqm
50 Bridge Street		62,747sqm
Proposed buildings:		
2-10 Loftus Street	4,215sqm	
16-20 Loftus Street	4,183sqm	
9-17 Young Street	7,741sqm	
50 Bridge Street (additional area)		39,386sqm
Total Development GFA	155,940sqm	
Proposed FSR	14.02:1	

87. As outlined in the table above, the proposal complies with the maximum FSR permissible for the site.

88. Following submission of development applications for the Gallipoli Memorial Club and the 33 Alfred Street sites, a site-wide assessment of FSR will be required to be undertaken to ensure that proposed GFA for these buildings does not exceed the figures in the table above and result in a non-compliance with the site-wide FSR control.

Allocation of heritage floor space

89. Clause 6.11 of SLEP 2012 requires heritage floor space be allocated to a building when it utilises any amount of additional floor space. As outlined above, the proposal seeks to utilise additional accommodation and design excellence floor space to reach an FSR of 13.75:1. HFS calculations do not include incentive floor space GFA.
90. As the proposed gross floor area of the proposed new buildings is approximately 4,694sqm greater than the proposed gross floor area of the new buildings the allocation of HFS is not applicable.
91. HFS will be calculated and levied as part of the 50 Bridge Street development application which increases the total amount of floor space across the combined development site (and is concurrently being assessed DA ref: D/2015/929).

Competitive design process

Design Excellence/Competitive Process

92. Clause 6.21(7) of the Sydney LEP permits the consent authority to award an additional amount of floor space to a maximum of 10% where the design of a development is the result of a competitive design process.
93. As approved as part of the Planning Proposal and AMP DCP amendment for the Young and Loftus Street precinct, if the consent authority is satisfied that the design of the new buildings within the Young and Loftus Street block exhibits design excellence in accordance with Clause 6.21(7) the award of the 10% floor space is to be transferred (i.e. used for development) on the 50 Bridge Street tower.
94. The applicant undertook an Expression of Interest (EOI) design competition in accordance with the Quay Quarter Design Strategy dated December 2013, prepared in accordance with the City of Sydney Competitive Design Policy set out a site specific architectural design competitive framework for Quay Quarter Sydney.
95. An Expression of Interest Brief (EOI) was prepared jointly by the City and the applicant for the Young and Loftus Street block and a total of 13 architects were invited to respond to the brief. The responses to the brief were assessed and a shortlist was confirmed and architects selected. Through this process five (5) architects were appointed to develop the winning design for each of the nominated buildings within the block. The following design architects were selected:
- (a) Make Architecture – 2-10 Loftus Street (Building A);
 - (b) Silvester Fuller – 16-20 Loftus Street (Building B);
 - (c) SJB Architects – 9-17 Young Street (Building C);
 - (d) Cater Williamson – 5-7 Young Street (Hinchcliff House); and

(e) Lippmann Partnership – 12 Loftus Street (Gallipoli Memorial Club).

(Note: Hinchcliff House and the Gallipoli Memorial Club do not form part of this development application).

96. The winning design scheme satisfies the design excellence objectives for the following reasons:
- (a) the proposed built form and scale of buildings has been reduced from the existing situation;
 - (b) the design of buildings within the Young and Loftus Street block allows for an increase in the quantum of sunlight access to Macquarie Place Park and First Government House Place;
 - (c) pedestrianisation of Loftus Lane including proposed active retail frontages to accommodate a lively mixed use precinct;
 - (d) new arcades and through-site links to improve connectivity and permeability within and around the precinct;
 - (e) the conservation of heritage items within the Young and Loftus Street block by ensuring the design of each new building responds sympathetically to the interface of the items; and
 - (f) reduced vehicular movement through the consolidation of one vehicular access point to an integrated basement and one designated 'at grade loading bay' located within the site.
97. It is considered that the proposal satisfies the objectives of design excellence through a considered design response to the heritage context of the site, introduction of accessible pedestrian links, use of materiality, design expression and significant public domain upgrade.

Public Domain

98. The AMP DCP design principles states that Loftus Lane is to be retained, pedestrianised and activated. The 'Lanes Map' in the DCP identifies laneway expansion zones along Loftus Lane that are to be open to the sky and available for outdoor dining and identifies indicative locations for east-west arcades linking streets and lanes within the block.
99. The public domain concept plan submitted with the application will be assessed at finalised and approved at construction certificate stage, however, the public domain plan concept is generally supported in principle.
100. The plan proposes a number of improvements to the current situation to create a pedestrian friendly environment. There are a number of existing north-south connections along Loftus Street and Young Street that link the site and the CBD however there is limited east-west permeability which is proposed to be improved. The topography of the site is a challenge as the site slopes from a high point at the corner of Bridge and Phillip Street to a low point at the corner of Customs House and Loftus Lane.

101. A major component of the application is to connect the Young and Loftus Street blocks and 50 Bridge Street block to enable accessible and desirable pedestrian routes both north-south and east-west through the site; to provide useable public spaces and enliven and reveal the heritage fabric of the GMC and Hinchcliff House to Loftus Lane and the Young and Loftus Street block.
102. The application proposes landscape and public domain works to Loftus Lane, Loftus Street and Young Street. The proposal includes a complete upgrade of the public domain and pedestrianise Loftus Lane (north-south) which includes the closure to vehicular traffic and removal of the kerb and gutter to create a seamless and accessible path of travel. The closure of the lane to vehicles will allow the ground plane to be activated for future food and beverage uses and retail activities.
103. Loftus Lane South is proposed to continue to function as a service vehicle and residential parking access way.



Figure 22: Existing condition of Loftus Lane (view north towards Customs House).



Figure 23: Existing condition of Loftus Lane – view of the rear of Hinchcliff House with Customs House at the end of the lane.



Figure 24: Existing condition - intersection of Customs House Lane and Loftus Lane (existing east-west link connecting Loftus Street/Loftus Lane to Young Street).

104. The application also proposes a 'precinct connector' along Young Street and includes footway widening between Hinchcliff House and Loftus Lane South with footway widening mirrored on the opposite side of the street to address 50 Bridge Street (subject to separate approval).

Merchant Laneways

105. The existing character of Customs House Lane, Loftus Lane and Loftus Lane South (also known as the Merchant Laneways) is that of service vehicle laneways with very narrow footpaths.
106. Major upgrade works are proposed to Loftus Lane north-south to transform this area into a pedestrian only space. The public domain concept proposes integrated communal seating, pocket gardens, outdoor dining and an open space plaza area (adjacent to Hinchcliff House). The open space plaza area proposes an integrated communal bench and raised planter bed that provides additional seating opportunities however the communal bench restricts the accessible path of travel from Loftus Lane through Hinchcliff Walk to Young Street. Hinchcliff Walk is an additional east-west connection proposed to provide separation between Building C and the heritage item. In addition, the communal bench is located both within the private and public domain. A condition is recommended to dedicate this public open plaza space to Council so that the bench does not straddle land both in private and public ownership.
107. As part of the upgrade works to the lane a custom designed paving pattern with integrated metal edges referencing former heritage lot boundaries has been developed.
108. Customs House Lane provides an existing east-west link connecting Loftus Street and Young Street and is well used by pedestrians in addition to being used by Customs House as a service lane. To encourage the reduction in vehicle movement around the precinct a designated vehicle loading bay is proposed in Basement Level 1 for the exclusive use of Customs House including a 34sq.m enclosed storage space. Customs House Lane will act as an important link into the newly pedestrianised Loftus Lane (north-south). Minor improvements are proposed to the paving at the intersection of Customs House Lane and Loftus Lane north.
109. Loftus Lane south will continue its role as the service laneway for the precinct enabling vehicle access to resident parking in the basement of 16-20 Loftus Street and service vehicle loading dock at 9-17 Young Street as well as continue to serve the existing entry points to Bridgeport Apartments.

Young Street

110. It is noted that the proposed 'precinct connector' along Young Street includes footway widening and significant changes to the roadway which have not been approved as part of this Stage 2 development application, and that the design will require the approval of RMS and the support from the Local Pedestrian Cycling and Traffic Calming Committee (LPCTC). Such approvals can take a number of months and hence it is advised that this feature should be removed from any future public domain plan submissions until such time as the proposal is approved as required. It is also noted that the street trees are not approved for removal. It is also noted that the design requires refinement particularly in relation to pedestrian movement and public seating arrangements.

Although the concept of the footpath widening is supported in principle the footway widening and associated works include significant changes to the roadway and are not approved as part of this application. The design will require the approval of NSW Roads and Maritime Services and the support from the Local Pedestrian Cycling and Traffic Calming Committee (LPCTC). A condition is recommended to delete the 'precinct connector' from the plans.

Residential amenity / privacy (building separation)

111. The Apartment Design Guide (ADG) states that building separation is measured from the outer face of the building envelope which includes balconies. Building separation controls assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook.
112. The separation of buildings is consistent with the AMP DCP and building envelopes approved under the Stage 1 consent. However it was noted at Stage 1 that any residential development proposed in Loftus Lane would find it difficult to comply with the minimum building separation distances and that any residential development would need to achieve acceptable levels of residential amenity.
113. To enhance privacy and potential overlooking impacts between apartments a number of architectural design elements and window treatments have been proposed such as:
 - (a) limiting the number of single aspect apartments facing Loftus Lane;
 - (b) sculpting of the window reveals and restriction in the extent of glazing;
 - (c) windows orientated away from apartments across the lane and dual windows to manage and reduce overlooking;
 - (d) deep set windows and use of integrated window screens to balconies; and
 - (e) the finished floor levels of Building B and C differ to restrict the ability for commercial tenants to look directly into units across the lane.
114. **Figure 25** below illustrate the apartments within Buildings A, B and C of the proposed development where the separation buildings is less than those recommended within the ADG and show the architectural design treatments proposed to reduce privacy and overlooking as discussed above.

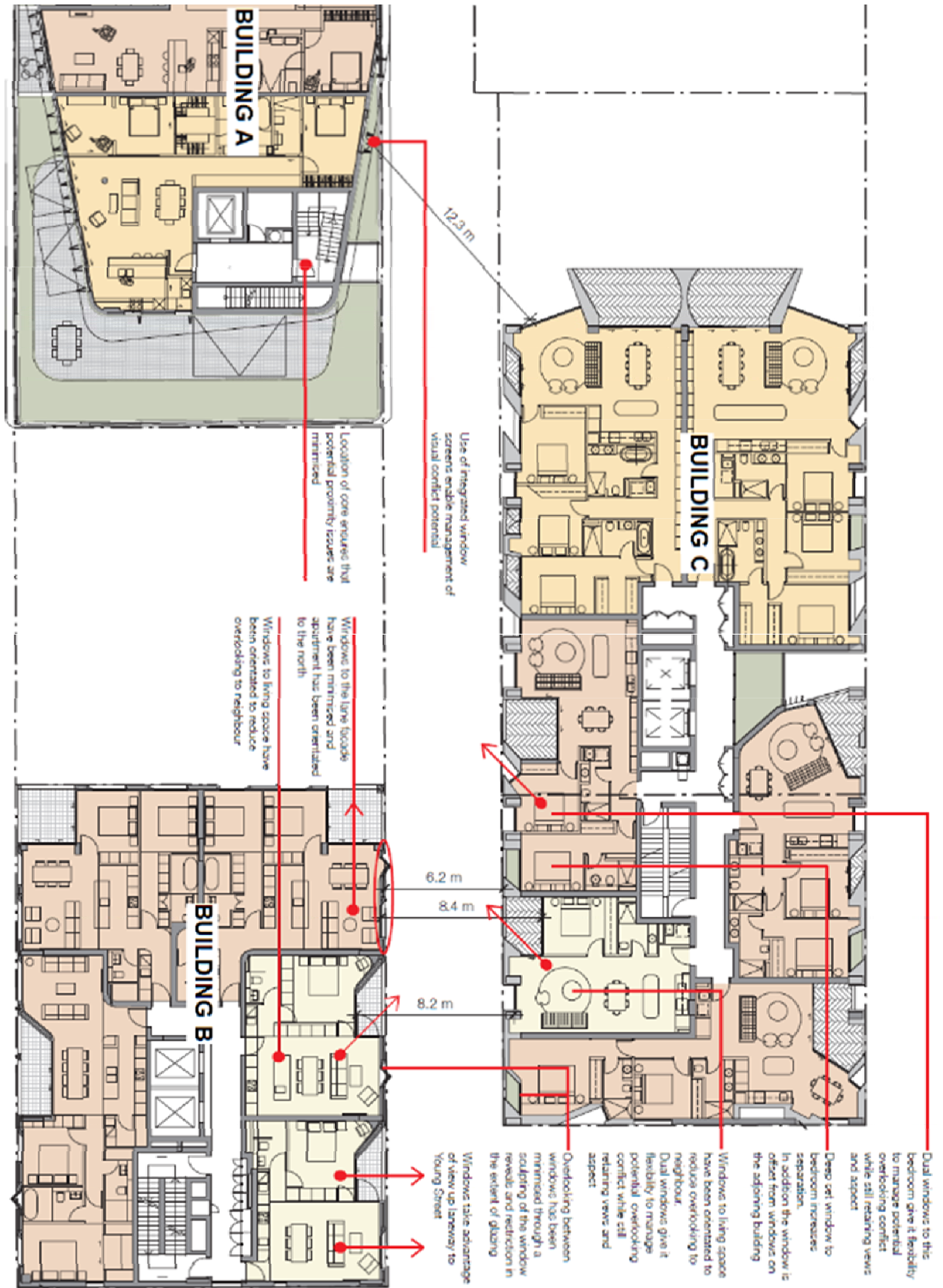


Figure 25: Visual privacy treatment features

115. As detailed in the Apartment Design Guide, degrees of privacy are also influenced by a number of factors including the activities or each of the spaces where overlooking may occur, the times and frequency these spaces will be used. In Building B (between gridline BC and BE), there is a single aspect apartment proposed from Levels 2-7. The primary outlook and balcony for this apartment directly overlooks the lane and Building C and the living room window of the single aspect apartment in Building C. Given this balcony is the only private open space allocated to this apartment the frequency of use will be high. It is considered that in order to achieve better visual privacy between apartments facing Loftus Lane that the 1 bedroom single aspect apartment facing Loftus Lane in Building B is deleted and amalgamated with the adjoining apartments to create larger floor areas and to alleviate visual privacy impacts across the laneway which already cannot comply with the minimum building separation requirements. As such, a design modification condition is recommended.
116. Notwithstanding this, the overall design of the proposed development is generally considered to result in apartments that have acceptable levels of internal amenity in that a majority of the apartments do not have their predominant outlook towards the lane, 68.4% of apartments are able to achieve solar access and 74.6% achieve cross flow ventilation.

Heritage

117. The Young and Loftus Street Block contains two listed heritage items. Hinchcliff House is identified in the State Heritage Register and the Gallipoli Memorial Club is identified as being of local significance. Although the proposed redevelopment of the Young and Loftus Street block is adjacent to the heritage items this development application does not propose any works to the heritage items.
118. A Heritage Impact Statement has been submitted and reviewed as part of this assessment. The bulk and scale of the development was considered under the Stage 1 development approval. Given the close proximity of the subject development to heritage items, the proposal is not considered to have a material impact above and beyond that considered acceptable under the assessment of the Stage 1 development approval.

Building A

119. Council's Heritage Specialist has raised the following concerns with regards to the ground plane along Loftus Lane and proposed material and colour palette:
- (a) the building alignment of the ground plane of Building A is inconsistent with the approved Stage 1 building envelope by not following the laneway alignment and by proposing a splayed corner at the most southern corner to reveal the wall of the Gallipoli Memorial Club (GMC) at the ground level. The heritage justification put forward by the applicant's consultant is that it reveals the side wall of the adjacent former wool-store, but there are several issues that invalidate their justification such as:
 - (i) the condition of the wall is likely to be poor and covered with cement slurry from the construction of the existing building and consequently the Cost Plan would need to nominate an allowance for conservation works; and

- (ii) the wall is only intended to be exposed at ground floor level in an undercroft area. The outcome is likely to be highly visually unsatisfactory;
- (b) Building A is adjacent to three heritage listed sandstone buildings, the former 'Hinchcliff Wool Stores' at 5-7 Young Street, the former Barker's Wool and Produce Stores at 12-14 Loftus Street, and the former Customs House at 31 Alfred Street. The proposed palette of dark grey brickwork, anodized perforated screens and black steel of the ribbon edges has no contextual relationship with the adjoining sandstone buildings;
- (c) the proposed arcade link in Building C proposes recessed gates that will be closed between the hours of 12 midnight and 7.00AM on a daily basis. The gates should be flush with the building line. The dip in the ceiling level of the arcade impedes visual permeability between the street and lane as well as daylight; and
- (d) the proposed curved corner adjacent to the Gallipoli Memorial Club is justified on the basis of the curvatures of Booth House and Custom House and revealing the side of the heritage item (refer **Figure 26** below). This side was never meant to be revealed being part of a once extensive row. The space formed by the curvature will recede to a point where it will not be possible to tool the brickwork. The space is likely to collect dust and rubbish. A shallow square recess would be a more buildable solution.

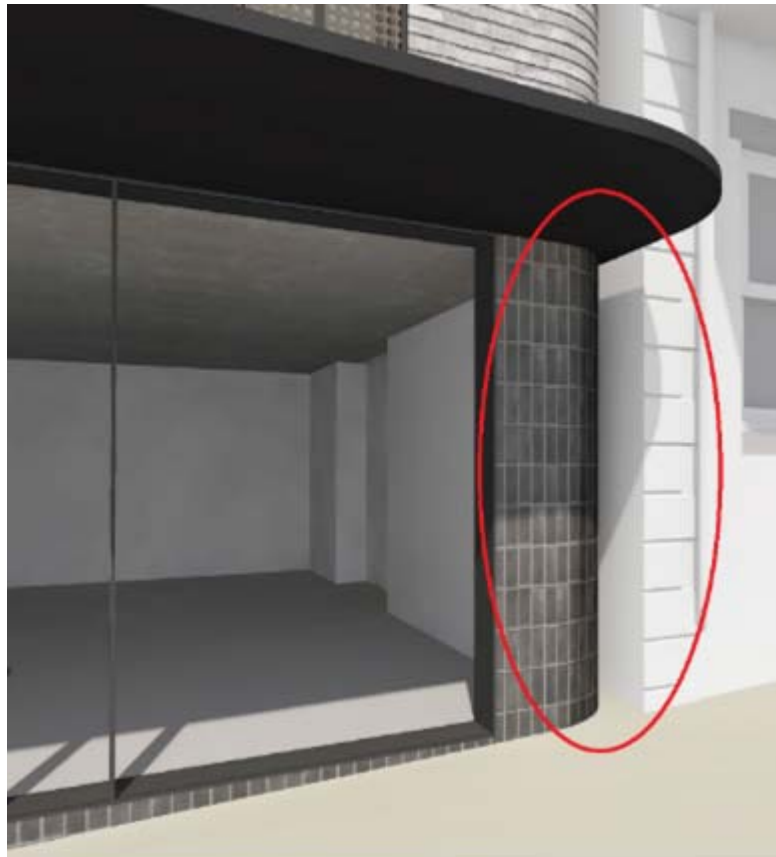


Figure 26: Proposed curved corner next to Gallipoli Memorial Club on Loftus Street

120. At the ground plane Building A has been setback from the alignment of Loftus Lane to create a splayed edge with the upper levels built to the laneway alignment to provide protection to the dining areas below. The proposed variation to the Stage 1 building envelope in this location is considered to be an appropriate design response to the current environment and Stage 1 approval as it creates a space for outdoor seating. It is noted that this area is not at grade level but this is a result of the gradient of the laneway and by setting back the building in this location it creates a useable space. In addition to this, to define the edge of Building A new bench seating is proposed at grade on Loftus Lane (within the boundary line of 2-10 Loftus Street) for public use (refer to **Figure 27** below). It is agreed however that the setback in this location to expose the GMC could be improved and a condition is recommended to extend Building A to the boundary with Loftus Lane so that the side wall of the heritage item is not exposed at all.



Figure 27: Loftus Lane – Building A

121. The proposed use of steel grey bricks and anodized perforated screens for Building A has been proposed to create a contrast with the adjoining sandstone buildings.
122. Building A has been refined since Stage 1 in order to enable the vision of the new pedestrianised laneway to be inviting and to create a lively pedestrian experience. It is considered that the proposed variation to the ground plane building alignment fronting Loftus Lane is acceptable as it responds to the gradient of the lane and provides a greater area for outdoor dining and place for pedestrians to sit within the property boundary line.
123. The proposed arcade within Building A should maintain a clear unobstructed height of 6m and this will be recommended as a condition. In addition to this, the proposed gates at Loftus Street and Loftus Lane should be flush with the building so as not to create an undesirable setback. An appropriate condition is recommended.

124. It is agreed that the exposure of the southern wall of the GMC within the outdoor seating of Building A is not completely resolved from a heritage perspective. The exposure of this side wall of the GMC will expose the later parapet to view and this parapet will require seismic bracing. A condition is recommended requesting the design of Building A along Loftus Lane to extend Building A to the boundary with Loftus Lane at Levels 00 and 01 so that the side wall of the heritage item is not exposed.
125. The design of the building is the result of a competitive process and it is considered that the choice of materials and colour pallet for Building A is achievable in this location as it creates a facade that has texture and visual interest however it is also considered that at street level the use of granite can be incorporated into the building design to Loftus Lane and Customs House Lane as well as to the frontages of the central arcade to provide a contextual relationship with the adjoining heritage items.

Building C

126. The following concerns have been raised by Council's Heritage Specialist:
- (a) the design adopts a stark contrast in materials and colours between the treatment of the facade at the base (podium) compared to the upper part. The use of sandstone at the base of the building is recommended in lieu of the of concrete so as to relate to the historic context of the Special Character Area and surrounding heritage items;
 - (b) the proposed height of the new building directly adjacent to Hinchcliff House departs from the approved Stage 1 envelope in that the new building is almost two storeys higher than Hinchcliff instead of matching the ridge height. The massing appears to dominate the setting of Hinchcliff House; and
 - (c) the proposed angled line of arcade is at odds with the simplicity of the Victorian rectilinear laneway pattern. In addition, the entrance space at the Young Street end of the arcade is interrupted by columns.
127. It is agreed that the southern block of Building C presents as a two-tier facade to Young Street. The differentiation of base and upper level and of red brick and concrete needs further design refinement as can be seen in the design of Booth House. The selection of materials for this northern block should be more contextual. Materials that relate to the heritage items such as sandstone to link with the historic context should be woven into the facades. A condition is recommended seeking the use of sandstone in lieu of concrete.
128. The height of the northern block of Building C aligns with Customs House and addresses this height datum along its entire length of Building C. It is agreed that the proposed dark grey brickwork of the northern part of Building C could be refined to be within the context of the heritage listed buildings in view in particular Hinchcliff House. A condition is recommended seeking the use of sandstone for this part of the building.

129. The arcade has been set at an angle to provide equitable access paths given the gradient of Young Street. The applicant has agreed to the removal of the columns at the entrances to the arcade and this will improve visibility through the arcade. Notwithstanding this, a condition is recommended to further widen the link to both the lane and Young Street frontage. The through-site link needs design amendments to provide visual permeability through the block to Loftus Lane. The link should be far simpler and direct and unimpeded by columns. A design modification condition is recommended to finalise the design of the arcade entrance and to confirm a 6m clear unobstructed height limit to the arcade in Building C is maintained throughout the design development stage.

Waste management / Servicing

130. In accordance with the Sydney DCP (Clause 3.11.13) waste collection and loading is to be accommodated within new development in the building's basement *or at grade within the building* in a dedicated collection or loading bay. All service vehicles are to enter and exit the premises in a forward direction.
131. A shared basement is proposed across the development site for Buildings A, B and C. No basement is proposed under Building A for the purposes of servicing the building. The Waste Management Report submitted with the application states that the Body Corporate will regulate the movement of residential waste to the shared collection area that there is a temporary waste collection area located on Level 00 next to the loading dock. This is shared by all five buildings.
132. It is acknowledged that the site is limited as to where vehicle access to the site can be permitted; Loftus Lane north-south is to be pedestrian only and due to the gradient of the site and Bennelong Stormwater Channel bisecting the site vehicle access off Loftus Street and Young Street is limited. The applicant has investigated options for ramp access to the basement level via Loftus Lane south east and found this option to be unviable in order to obtain an appropriate and safe gradients for a Council garbage truck and large service vehicles.
133. The application proposes a dedicated at grade loading dock/collection bay within Building C (south western corner of Loftus Lane 9-17 Young Street building) and includes a turning circle which is able to accommodate a Council garbage truck. Service vehicles will be via Loftus Lane from Loftus Street and all deliveries and servicing will take place within this loading dock and will take place on a turntable so that all service vehicles will be able to enter and exit the premises in a forward direction. A Loading Dock Management strategy will be put in place to ensure coordination of all delivers so that there are no queuing of vehicles within the Lane.

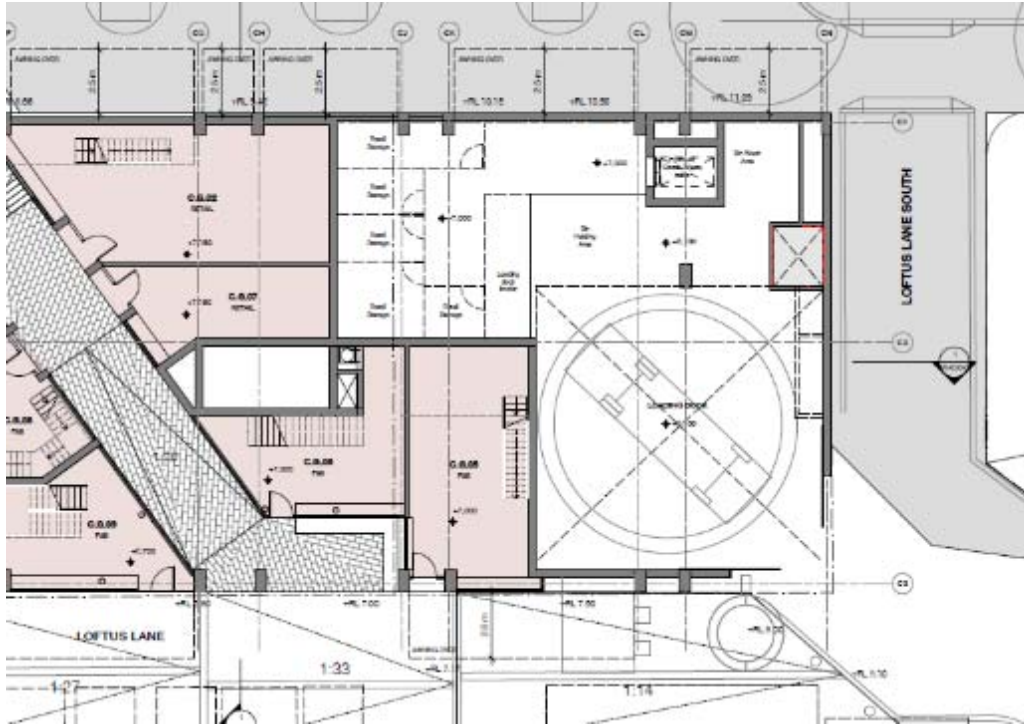


Figure 28: Proposed at grade loading dock/designated waste collection area

Other Impacts of the Development

134. The proposed development is capable of complying with the BCA.
135. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Suitability of the site for the Development

136. The proposal is of a nature in keeping with the overall function of the site. The premises are in a commercial/residential surrounding and amongst similar uses to that proposed.

INTERNAL REFERRALS

137. The application was referred to Council's:
- (a) Urban Designer;
 - (b) Heritage Specialist;
 - (c) Landscape Architect;
 - (d) Environmental Health Specialist;
 - (e) Safe Cities Unit;
 - (f) Waste Management Unit;
 - (g) Public Domain Unit;

- (h) City Access and Transport Unit;
- (i) Building Services Unit;
- (j) Specialist Surveyor;
- (k) Social Planning Unit;
- (l) Tree Management Unit;
- (m) City Design Unit; and
- (n) Public Art Program Manager.

138. Concerns raised about aspects of the development from other Council Units have been addressed throughout this report. Conditions recommended for inclusion have been incorporated into the conditions.

Design Advisory Panel

139. A pre-lodgement briefing of the Design Advisory Panel was undertaken on the 28 April 2015. At this meeting, the Panel were generally supportive of the concept design and identified a number of issues for further consideration.

140. The proposal as lodged was presented to the Design Advisory Panel at its meeting of 18 August 2015. The following comments were raised by the Panel:

- (a) Whilst the approach of a collection of buildings with varying styles is acceptable, the Panel recommended that the materials and design of the public domain be a unifying element and be of high quality. The public spaces should not be gated and should be accessible at all times.

Response: The selection of materials and design of the public domain will be approved as part of the Public Domain plan. The public spaces will be open to the public and the only arcade to have a gate is in Building A and this gate will be locked at 12 midnight as it also serves as the main residential entrance to Building A.

- (b) The Panel recommended that further work be done to consider the treatment and finishes within the lane and integration to Custom House Lane and vehicular access to the south.

Response: This has been raised with Council's Public Domain Unit and will be addressed as part of the Public Domain Plan.

- (c) The Panel suggested that the brick facade of 9-17 Young Street (Building C) at the residential level be brought down to the ground so that the building does not appear to be in two halves.

Response: It is agreed that the southern block of Building C presents as a two-tier facade to Young Street. The differentiation of base and upper level and of red brick and concrete needs to be more carefully balanced and interwoven as was achieved in the design of the adjacent Booth House (which has brickwork above a sandstone base). The selection of materials for this northern block should be more contextual. Materials that relate to the heritage items such as sandstone to link with the historic context should be woven into the facades. A condition is recommended seeking the use of sandstone in lieu of concrete.

- (d) The Panel accepts the non-compliance with the stage 1 envelope to improve the overall scheme.
- (e) The Panel recommended that the proposal be checked for SEPP 65 compliance. The Panel is particularly concerned about the amenity of fully glazed north facing apartments in Building B.

Response: All apartments are able to comply with BASIX requirements. The north facing apartments meet the BASIX requirements and utilise clear double glazing with low-e coating glass to achieve BASIX compliance results.

EXTERNAL REFERRALS

Transport for NSW, CBD Coordination Office

- 141. A referral was sent to the Transport for NSW (TfNSW) CBD Coordination Office.
- 142. TfNSW have noted that a number of issues, including impacts on bus layovers and operations, as well as construction traffic management are issues that require ongoing coordination.
- 143. TfNSW have requested that conditions be imposed on the consent requiring the applicant continue to consult with the CBD Coordination Office to address the abovementioned issues. Appropriate conditions have been recommended.

Notification, Advertising and Delegation (Submission(s) Received)

- 144. The application constitutes integrated development and as such the application was notified and advertised for 30 days in accordance with the provisions of Environmental Planning and Assessment Regulations 2000. As a result of this 2 submission(s) were received.
 - (a) Land use mix – The proposed diversity of land use will be less than it is now. Not all apartments comply fully with the Apartment Design Code and SEPP 65 strengthens the case for compliance with the DCP. The bulk, height and proximity of Building C to the 50 Bridge Street tower compromises the amenity of the apartments in Building C.

The plans for 50 Bridge Street offer no space suitable for businesses so there must be adequate space in the Young and Loftus block for non-residential businesses servicing the public.

Response – Given the inner city location it is inevitable that full compliance with the Apartment Design Guide and SEPP 65 would be achievable, notwithstanding this, the Young and Loftus Street precinct the proposed residential development provides a high level of residential amenity and is considered acceptable (refer to discussion under SEPP 65).

Approximately 2,530sq.m of commercial floorspace and 2,703sq.m of retail floorspace is proposed within the Young and Loftus Street block and size with an area ranging from 34sq.m and up. It is considered that the scale of the floor areas provided within the commercial and retail tenancies allows for a range of small to large scale businesses.

- (b) Heritage Interpretation Strategy is vague, contains errors and omissions.

Response – Agree. The Heritage Interpretation Strategy submitted requires further work to be undertaken and is to be updated. A specific condition is recommended requiring an updated Heritage Interpretation Strategy to be submitted to the satisfaction of Council's Urban Design and Heritage Manager.

- (c) The applicant is claiming car parking reduction floor space for 50 Bridge Street while substantially increasing car parking in the Young and Loftus Block.

Response - The car parking rates proposed within the Young and Loftus Street block are below the maximum permitted by the Sydney LEP 2012 (maximum of 94 permitted to 73 proposed).

- (d) Impact on Booth House – Impacts on Booth House could be reduced by a corner splay on 15-17 Young Street.

Response – Agree. A splayed corner on 15-17 Young Street at the corner of Young Street and Loftus Lane south-east is considered to provide clearer view lines for pedestrians at the corner. A condition is recommended accordingly.

- (e) Demolition and construction impacts:

- (i) Concern raised over dust and pollution impacts and construction noise on surrounding business operations and residents.
- (ii) Concern over capacity of surrounding businesses and residents to notify Council of excessive noise and to have immediate action taken. Request a priority complaint avenue to the applicant and Council be established for adjoining properties to report disturbances.
- (iii) Request demolition and construction working hours (including retail and residential fitout works) be restricted to between 7.30am and 5.00pm weekdays, with restricted works on weekends and public holidays and notice of weekend work to be given to residents.
- (iv) Request that the applicant provide and pay for regular professional cleaning services for adjoining residential apartments.
- (v) Request that the rooftop air conditioning intake at 44 Bridge Street be modified and level eight windows be repaired to ensure no dust intrusion, with costs incurred for the modification to be met by the applicant.

Response - The City of Sydney manages noise and associated impacts created from construction works through the implementation of its Construction Hours. Where there is likelihood that construction works will have a significant impact on the local community, the developer is required to submit a Construction Noise Management Plan for approval.

The Construction Noise Management plan will contain comprehensive details of the work methods that the developers will employ on site in order to fully comply with noise requirements for construction.

The requirement for developers to have a construction noise management plan will be included within conditions of Development Consent for most large sites and where significant impact is considered likely.

The City of Sydney Code of Practice Construction Hours/Noise permits general hours of construction works within the CBD from 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, and no work must be carried out on Sundays or public holidays.

Due to the amount of demolition works expected, the large excavation proposed, the significant amount of construction and the site being located near sensitive receivers it is necessary that a Demolition, Excavation and Construction Noise Management Plan be submitted and approved by Council.

Traffic and parking management during construction is managed by the City in a manner similar to noise and other construction impacts. A condition has been recommended requiring the approval of a Construction Traffic Management Plan by Council prior to the issue of a construction certificate.

The request for a cleaner during construction for apartments at 44 Bridge Street, to change window hardware and to modify the A/C units on the rooftop is not a Council matter and is best to be discussed between the developer and the owners of the apartments in 44 Bridge Street.

- (f) Request a green wall for the south face of Building C. This wall is directly across from the north side of 44 Bridge Street and the design at present will give the occupants of 44 Bridge Street a view of a blank brick wall not more than 5 metres away.

Response – Window openings are proposed on this elevation however they have been reduced in scale to ensure privacy to 44 Bridge Street is maintained. Notwithstanding, a design modification condition is recommended for the south-eastern corner of Building C as it fronts Loftus Lane south from the ground floor to the commercial levels above to be redesigned to incorporate articulation and visual interest.

- (g) AMP has not provided to the owners of 44 Bridge Street nor the Council any projections as to the alteration in outlook from the property nor has it provided a shadow diagram detailing how the new building will affect its access to direct sunlight.

Response – The applicant has undertaken and submitted a detailed visual analysis and overshadowing analysis on 44 Bridge Street. The overshadowing analysis confirms that 44 Bridge Street and Bridgeport Apartments will achieve increased levels of solar access compared to the Stage 1 approval and existing situation. The detailed visual analysis demonstrates that views to apartments at the higher levels will be increased to the Stage 1 approval. The visual analysis has not been undertaken at the lower levels where no change is proposed to the current situation.

- (h) Setback the south east corner of Building C: By setting back the south-eastern corner of Building C above the retail level, the views and amenity for those at 44 Bridge Street would be greatly improved.

Response – The proposed built form above street level is consistent with the Stage 1 approved building envelopes.

PUBLIC INTEREST

145. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

FINANCIAL IMPLICATIONS/S94 CONTRIBUTION

Section 61 Contributions

146. The development is subject to Section 61 Contributions.

RELEVANT LEGISLATION

147. The Environmental Planning and Assessment Act 1979 and Water Management Act 2000.

CONCLUSION

148. The site has been the subject of a planning proposal that formulated site specific planning amendments to the Sydney LEP and Sydney DCP. The proposed development has been designed to be generally consistent with site specific planning controls, objectives and guidelines of the relevant planning controls and Stage 1 approved building envelopes. Where variations are proposed it has been demonstrated that non-compliances will not result in unacceptable amenity impacts. Conditions are recommended to require design modification, where appropriate.
149. A number of variations to the building envelope are proposed and as detailed in this report the proposed variations are considered to result in a net reduction in shadows cast during mid-winter to First Government House Place and increased sunlight to Macquarie Place Park as a result of the built form variations.
150. The redevelopment of the Young and Loftus Street block proposes a range of active uses fronting Loftus Street and Young Street and new fine grain active uses to Loftus Lane to encourage pedestrian activity and vibrancy like no other place in the CBD. The proposed development considerably improves the presentation of the site to Loftus Street and Young Street and revitalises an out-dated city block into a new contemporary mixed use precinct.

151. The proposal forms a major part of the significant transformation of Circular Quay, one of the City's key precincts. The redevelopment of the site will encourage pedestrian activity and vibrancy and reinforce the economic viability and function of the area and its surrounds.
152. The proposed application is recommended for a deferred commencement approval to D/2015/930, subject to conditions.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Vanessa Aziz, Senior Planner)