



# CENTRAL SYDNEY PLANNING COMMITTEE

Meeting No 418  
Thursday 10 December 2015  
Notice Date 4 December 2015

*minutes*

*city of villages*

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**PRESENT**

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

Members - Mr Michael Harrison (Alternate Member to Ms Gabrielle Trainor), Councillor Robert Kok, Councillor John Mant, Ms Darlene van der Breggen (Alternate Member to Mr Peter Poulet) and The Hon. Robert Webster.

At the commencement of business at 5.15pm, those present were -

The Lord Mayor, Mr Harrison, Councillor Kok, Councillor Mant, Ms van der Breggen and Mr Webster.

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

## Apologies

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

Ms Gabrielle Trainor extended her apologies for her inability to attend the meeting of the Central Sydney Planning Committee.

Mr Gary White (Chief Planner NSW, Department of Planning and Environment), extended his apologies for his inability to attend the meeting of the Central Sydney Planning Committee.

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

That the apologies from Mr Poulet, Ms Trainor and Mr White be received and leave of absence from the meeting be granted.

Carried unanimously.

## Order of Business

The Central Sydney Planning Committee agreed, for the convenience of the public present, that the Order of Business be altered such that the agenda items be dealt with in the following order:

- Item 1 - Disclosures of Interest
- Item 2 - Confirmation of Minutes
- Item 3 - Matters Arising From The Minutes
- Item 9 - Development Application: 1 Alfred Street and 19-31 Pitt Street and 31A Pitt Street Sydney
- Item 10 - Development Application: 1 Alfred Street Sydney
- Item 5 - Development Application: 65 Craigend Street Darlinghurst
- Item 4 - Development Application: 148-160 King Street Sydney
- Item 6 - Report Summarising Determinations Delegated by the Central Sydney Planning Committee to the City of Sydney
- Item 7 - Summary of Outstanding Applications To Be Reported to the Central Sydney Planning Committee
- Item 8 - Proposed Schedule of Meetings and Briefings for 2016

### ITEM 1 DISCLOSURES OF INTEREST

#### (a) Section 451 of the Local Government Act 1993

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

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

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

**ITEM 2 CONFIRMATION OF MINUTES**

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

That the minutes of the meeting of the Central Sydney Planning Committee of 19 November 2015, as circulated to Members, be confirmed.

Carried unanimously.

**ITEM 3 MATTERS ARISING FROM THE MINUTES**

There were no matters arising from the minutes of the Central Sydney Planning Committee of 19 November 2015.

**ITEM 9 DEVELOPMENT APPLICATION: 1 ALFRED STREET AND 19-31 PITT STREET AND 31A PITT STREET SYDNEY (D/2015/1049)**

Note - A memo dated 10 December 2015 (reference 2015/654445) from the Director City Planning, Development and Transport, relevant to Item 9 at the Central Sydney Planning Committee, was circulated to members prior to the meeting of the Committee.

The following persons addressed the meeting of the Central Sydney Planning Committee on this matter - Mr Wayne Davis and Mr Tim Blythe.

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

It is resolved that:

- (A) the Design Excellence Strategy, prepared by Urbis, dated November 2015, shown at Attachment F to the subject report, be endorsed; and
- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to State Significant Development Application No. D/2015/1049, as detailed in Attachment B (Recommended Conditions of Consent), to the subject report.

Carried unanimously.

The motion, as adopted by the Central Sydney Planning Committee, is as follows:

It is resolved that:

- (A) the Design Excellence Strategy, prepared by Urbis, dated November 2015, shown at Attachment F to the subject report, be endorsed;
- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to State Significant Development Application No. D/2015/1049, as follows:

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

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

**(1) VOLUNTARY PLANNING AGREEMENT**

- (a) That a Voluntary Planning Agreement (VPA) in accordance with the public benefit offer made by Wanda One Sydney Pty Ltd, dated 3 December 2015 is to be publicly exhibited, executed and submitted to Council;
- (b) The payment of the monetary contribution must be provided to Council in accordance with the VPA;
- (c) The guarantee must be provided to Council in accordance with the VPA at the time of execution; and
- (d) The VPA, as executed, must be registered on the title of the land in accordance with the VPA.

**(2) CONSOLIDATION OF THE SITE AND EXTINGUISHMENT OF EASEMENTS**

- (a) All land titles within the site must be consolidated into one lot. A surveyed plan of consolidation must be registered with the Office of Land and Property Information Division of the Department of Lands.
- (b) All easements within the areas designated as C, G and J in deposited plan 537286 must be extinguished (wholly or in part) in so far as each easement relates to the areas designated as C, G or J in deposited plan 537286.

**(3) SURRENDER OF PREVIOUSLY APPROVED STAGE 1 CONSENT**

The following consent is to be surrendered in accordance with section 80A(5) of the Environmental Planning and Assessment Act 1979 and section 97 of the Environmental Planning and Assessment Regulation 2000:

- (a) D/2010/1533 for a Stage 1 approval at 19-31 Pitt Street, Sydney.
- (C) 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 consent will lapse pursuant to Section 95(6) of the Environmental Planning and Assessment Act 1979;
- (D) 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

- (E) upon Council giving written notification to the applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

## **PART B – CONDITIONS OF CONSENT (ONCE CONSENT IS OPERATIONAL)**

Upon compliance with the conditions contained in Part A, the consent will become operative, subject to the following conditions, as may be amended by such other conditions that may arise as a result of compliance with conditions/information required in Part A.

### **SCHEDULE 1A**

#### **(1) STAGED DEVELOPMENT APPLICATION**

Pursuant to Clause 100 of the Environmental Planning and Assessment Regulation 2000, this Notice of Determination relates to a Stage 1 development application. A subsequent development application is required prior to commencement of any work on the site.

#### **(2) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with State Significant Development application No. D/2015/1049, as amended, dated 17 July 2015, and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA01/E Massing Envelope Context Plan	Crone Partners	24.11.15
DA02/E Massing Envelope Basement 3-6	Crone Partners	24.11.15
DA03/E Massing Envelope Basement 1-2	Crone Partners	24.11.15
DA04/F Massing Envelope Ground	Crone Partners	24.11.15
DA04A/D Massing Envelope Lower Ground	Crone Partners	24.11.15
DA05/F Massing Envelope Level 1	Crone Partners	24.11.15
DA06/F Massing Envelope Level 2	Crone Partners	24.11.15
DA07/F Massing Envelope Level 3	Crone Partners	24.11.15
DA08/F Massing Envelope Level 3FM-4	Crone Partners	24.11.15
DA09/G Massing Envelope Level 5-28	Crone Partners	27.11.15
DA10/F Massing Envelope Level 27/38	Crone Partners	27.11.15
DA11/G Massing Envelope Level 39-57	Crone Partners	27.11.15
DA12/E Massing Envelope East Elevation	Crone Partners	27.11.15

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA13/E Massing Envelope North Elevation	Crone Partners	27.11.15
DA14/D Massing Envelope West Elevation	Crone Partners	27.11.15
DA15/E Massing Envelope South Elevation	Crone Partners	27.11.15

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) MATTERS NOT APPROVED IN STAGE 1 DEVELOPMENT CONSENT**

The following matters are not approved as part of this Stage 1 development consent:

- (a) any works, including demolition, excavation, construction and public domain improvements;
- (b) subdivision;
- (c) layout, mix and number of residential units and hotel rooms;
- (d) the precise quantum of commercial, residential and hotel floor space;
- (e) the number of on-site car parking spaces, bicycle spaces, car share or loading spaces/zones;
- (f) any additional up to 10% design excellence floor space which may be allowable under Clause 6.21 of the Sydney Local Environmental Plan 2012;
- (g) the proposed vehicular access to the basement parking levels to/from Pitt Street;
- (h) any works located outside of the site boundary including:
- (i) the proposed set-down and pick-up zone located along the western side of Pitt Street;
- (ii) the turning circle located at the head of Pitt Street;
- (i) ground floor RL levels.

**(4) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT**

The terms of the planning agreement entered into in accordance with Deferred Commencement Condition **(1) VOLUNTARY PLANNING AGREEMENT** are to be complied with.

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

The detailed Stage 2 design for Tower A and Tower B, including services, must be contained within the building footprint and envelope approved as part of this consent and comply with relevant planning controls.

**(6) BUILDING HEIGHT**

(a) The maximum height of future buildings, including all plant and services must not exceed the following:

- (i) Tower A – RL191(AHD);
- (ii) Tower B – RL112.5 (AHD).

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

The following applies to floor space ratio:

- (a) The floor space ratio for the proposal must not exceed the maximum 13.05:1 calculated in accordance with Clauses 4.4, 4.5 and 6.4 of Sydney Local Environmental Plan 2012 (as amended).
- (b) Notwithstanding clause (a) above, the maximum floor space ratio may be increased in accordance with Clause 6.21 of the Sydney Local Environmental Plan 2012 (as amended) only if the consent authority is satisfied that the resulting Stage 2 development(s) exhibit design excellence and are the result of a competitive design process which satisfies the requirements of any relevant local environmental plan and/or development control plan.
- (c) Precise details of the distribution of floor space shall be provided with the relevant future Stage 2 development applications.
- (d) Any floor space ratio in excess of 8:1 shall be subject to a requirement to purchase heritage floor space (HFS) in accordance with the requirements of Clause 6.11 of the Sydney Local Environmental Plan 2012.

**(8) STAGE 2 DEVELOPMENT APPLICATION TO COMPLY WITH RELEVANT PLANNING CONTROLS**

- (a) Any Stage 2 development application must be designed to comply with the provisions of Sydney Local Environmental Plan 2012 (Sydney LEP 2012) and Sydney Development Control Plan 2012 (Sydney DCP 2012). In particular:
  - (i) Section 4.2.1.2 of Sydney DCP 2012 Floor to ceiling heights and floor to floor heights.
- (b) The residential component of any Stage 2 development must be designed to comply with “State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development” (as amended), and the Apartment Design Guide (ADG).



- (c) A BASIX Certificate in accordance with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 must be submitted with the relevant Stage 2 development application.

**(9) COMMUNAL FACILITIES AND COMMON OPEN SPACE**

The Stage 2 development application for Tower B is to include provision for communal facilities/common open space that is accessible to the residents of Tower A.

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

A competitive design process in accordance with the provisions of Sydney Local Environmental Plan 2012 shall be carried out for Tower B and:

- (a) Conducted prior to lodgement of a Stage 2 development application;
- (b) Conducted in accordance with the approved Design Excellence Strategy prepared by Urbis, dated November 2015; and
- (c) The detailed design of the development must exhibit design excellence.

The design brief for the competitive design process shall incorporate the following requirements:

- (d) The design for Tower B needs to respond in a way that achieves the same or improved built form and public domain outcomes as the 2009 design competition and 2013 approval (D/2010/2029).
- (e) The integration of public domain elements to ensure a cohesive public domain approach. The public domain between the two buildings needs to be maintained and enhanced with regard to the geometry, alignment and visibility that was achieved in the previous 2009 design and 2013 approval.
- (f) A focus on the integration of art and architecture. Competition participants should provide a description of what successful artistic/architectural/curatorial collaboration would look like and a methodology for achieving this integration.
- (g) The design of vehicle access to the basement and any set-down and pick-up zone required to service the hotel. It is recommended that competition participants consult with the CBD Coordination Office, CBD and South East Light Rail Project Team and the City of Sydney during the design phase to ensure that transport interface issues along Pitt Street adequately consider relevant transport projects in the vicinity of the site.
- (h) The requirements, as outlined in Condition **(36) SYDNEY TRAIN CONDITIONS**.

**(11) PUBLIC ART**

- (a) A Public Art Strategy is to be developed for the site/development in accordance with the Sydney Development Control Plan 2012 and the City of Sydney Public Art Policy. This Strategy shall form part of the documentation lodged with the future relevant Stage 2 development application.
- (b) The requirement to accommodate public art as part of the redevelopment of the site must form part of the competitive design process brief and the nominated location should be included as part of the future relevant Stage 2 development application.
- (c) All public art required under this condition is in addition to the public art contribution required under the Voluntary Planning Agreement entered into in accordance with Deferred Commencement Condition **(1) VOLUNTARY PLANNING AGREEMENT**.

**(12) PUBLIC DOMAIN PLAN**

A Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with any Stage 2 development application for the site. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's Public Domain Manual).

**(13) PUBLIC DOMAIN DAMAGE DEPOSIT**

A Public Domain Damage Deposit calculated on the basis of 150 lineal metres of stone 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 for demolition being granted or a Construction Certificate being issued, whichever is earlier.

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.

**(14) PUBLIC DOMAIN LIGHTING**

- (a) A detailed Public Domain Lighting Plan for pedestrian 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 Council with the relevant Stage 2 development application. The Lighting Plan must be prepared in accordance with the City of Sydney's Interim Draft Sydney Lights Design Code, Sydney Streets 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.

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

- (a) Concept details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to Council with the relevant Stage 2 development application.
- (b) The requirements of Sydney Water with regard to the onsite detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted to Council with the relevant Stage 2 development application.
- (c) A concept stormwater quality assessment must be undertaken and submitted to Council with the relevant Stage 2 development application.

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 development will achieve the following post-development pollutant loads:
  - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
  - b. reduce the baseline annual pollutant load for total suspended solids by 85%;
  - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
  - d. reduce the baseline annual pollutant load for total nitrogen by 45%.

**(16) WIND ASSESSMENT**

- (a) Prior to the lodgement of any Stage 2 development application, the detailed design shall be subject to wind tunnel testing to ascertain the impacts of the development on the wind environment and condition within the publicly accessible pedestrian space, the surrounding streets and neighbouring buildings, communal external areas within the subject development and private open space.
- (b) Any recommendations of the wind tunnel testing required by (a) above, shall be incorporated into the final detailed design lodged as a Stage 2 development application.

**(17) ACID SULFATE SOILS MANAGEMENT PLAN**

An Acid Sulfate Soils Management Plan is to be submitted with the relevant Stage 2 development application.

**(18) CONTAMINATION – DETAILED ENVIRONMENTAL SITE ASSESSMENT**

- (a) A Detailed Environmental Site Assessment must be submitted for approval with the relevant Stage 2 development application. The Detailed Environmental Site Assessment must be carried out in accordance with the NSW EPA Contaminated Site guidelines, certifying that the site is suitable (or will be suitable, after remediation) for the proposed use.

Note: Where the Detailed Environmental Site Assessment states the site is suitable for the proposed use, it is to be peer reviewed by a NSW EPA accredited site auditor and a Site Audit Statement submitted to Council prior to granting any consent, certifying that the site is suitable for the proposed use.

- (b) Where the Detailed Environmental Site Assessment states that a Remediation Action Plan (RAP) is to be undertaken, the RAP is to be peer reviewed by a NSW EPA Accredited Site Auditor and include a statement certifying that the RAP is practical and the site will be suitable after remediation for the proposed use before scheduled conditions of consent can be activated.
- (c) The RAP and NSW EPA Accredited Site Auditors review and statement must be submitted to Council's Health and Building Unit for review and written approval before a schedule of conditions of consent can be activated.

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

The building(s) proposed in any Stage 2 development application must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia.

**(20) WASTE MANAGEMENT FACILITIES**

The relevant future Stage 2 development application shall demonstrate compliance with Council's requirements for waste collection for residential development and Policy for Waste Minimisation in New Development 2005 (as may be amended). In particular, the following design requirements should be included in any Stage 2 development application:

- (a) clearance height for access by collection vehicle must be no less than 3.8m at any point if vehicle is required to enter site to service bins;
- (b) waste vehicles must be capable of entering and exiting in a forward direction; and
- (c) the applicant must submit a swept path analysis as part of the detailed design stage showing all the roads can be serviced by a standard Council garbage vehicle. These plans must be submitted with the relevant Stage 2 development application.

**(21) SITE LANDSCAPING**

Detailed landscape plans are to be submitted with any future Stage 2 development application.

**(22) ACOUSTIC REPORT**

The relevant Stage 2 development application is to be accompanied by an acoustic report prepared by a suitably qualified acoustic consultant (see note) which demonstrates that the development will be capable of achieving adequate levels of acoustic amenity for future occupants.

Note: "Suitably qualified acoustic consultant" means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

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

A site specific noise management plan must be prepared and submitted with the relevant Stage 2 development application.

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 Australian Association of 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 during construction works.
- (e) Confirmation of noise 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 the 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 consultant 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.

Note: Monitoring data must be conducted in full accordance with the NSW EPA Industrial Noise Policy to include 7 days non-weather affected data for a residential use and not more than the permitted number of excluded events.

#### **(24) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

The applicant is advised that approval of any future Stage 2 development application will require the submission and approval of a Construction Traffic Management Plan prior to the issue of a Construction Certificate. The Construction Traffic Management Plan is to detail construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control.

**(25) TRANSPORT IMPACT ASSESSMENT**

A detailed Transport Impact Study must be prepared in accordance with the provisions of Section 7.4 of the Sydney Development Control Plan 2012 and shall be submitted with any Stage 2 development application.

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

- (a) The permissible number of car parking spaces is to be established as part of the relevant future Stage 2 development application.
- (b) 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.

**(27) SERVICE VEHICLES**

As part of the relevant Stage 2 development application, adequate spaces must be provided to allow manoeuvring and turning of different sized vehicles. The design, layout, signage, line marking, lighting and physical controls for all service vehicles must comply with the minimum requirements of Australian Standard AS 2890.2 – 2002 Off- Street Parking Part 2: Commercial vehicle facilities.

The relevant Stage 2 development application must include a swept path assessment for the largest vehicle to access the proposed servicing area.

**(28) LOADING WITHIN SITE**

The relevant Stage 2 development application is to demonstrate that all loading and unloading operations associated with servicing the site can be carried out within the confines of the site at all times, and must not obstruct other properties / unit or the public way.

**(29) VEHICLES TO ENTER AND LEAVE SITE IN A FORWARD DIRECTION**

The relevant Stage 2 development application is to demonstrate that development on the site has been configured to allow all vehicles to be driven onto and off the site in a forward direction.

**(30) CAR SHARE SPACES**

The relevant Stage 2 development application is to make provision for car share spaces in accordance with Sydney Development Control Plan 2012.

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

**(31) BICYCLE PARKING AND END OF TRIP FACILITIES**

Details of the location, number and class of bicycle parking must be included in the relevant Stage 2 development application. Bicycle parking for residents and employees is to be provided in the uppermost basement parking level. Class 2 facilities, or a combination of Class 1 and Class 2 facilities, are considered acceptable for residents. Employee bicycle parking is to be provided in close proximity to end-of-trip facilities. All visitor bicycle parking is to be provided at-grade in an easily accessible and visible location.

Note: Council supports the provision of innovative bicycle parking solutions in new development. Should the applicant wish to discuss bicycle parking options, please contact the City Access and Transport Unit.

**(32) CONSULTATION WITH THE CBD COORDINATION OFFICE, CBD AND SOUTH EAST LIGHT RAIL PROJECT TEAM AND THE CITY OF SYDNEY**

The applicant is to consult with the CBD Coordination Office, CBD and South East Light Rail Project Team and the City of Sydney to ensure that the traffic / transport interface issues along Pitt Street are addressed prior to the lodgement of the relevant Stage 2 development application. The relevant Stage 2 development application will need to consider the CBD and South East Light Rail project, City Access Plan, Sydney City Centre Bus Plan, and other committed major redevelopments in the vicinity of the subject site.

**(33) CONSULTATION WITH ADJOINING PROPERTY OWNERS – SHARED BASEMENT AND ACCESS**

Prior to the lodgement of the relevant Stage 2 development application, the applicant is to investigate the potential to integrate the proposed basement and associated vehicle access from Pitt Street with adjoining properties. Investigations are to include consultation with adjoining property owners.

**(34) CENTRAL SYDNEY TRAFFIC AND TRANSPORT COMMITTEE (CSTTC)**

Any relevant Stage 2 development application relating to Tower B and/or the basement on the site is to include a brief assessment in line with the CSTTC assessment criteria, which includes the following:

- (a) impact on the road network;
- (b) future economic welfare and development of Sydney and the State;
- (c) efficient functioning of businesses in the whole or any part of the Sydney CBD;
- (d) maintenance of access for freight within the whole or any part of the Sydney CBD;
- (e) efficiency and traffic safety of the public transport network in the Sydney CBD; and
- (f) needs of commuters, residents, pedestrians and visitors in the whole or any part of the Sydney CBD.



**(35) TRANSPORT FOR NSW CONDITIONS****Construction Pedestrian and Traffic Management Plan**

- (a) Prior to the commencement of any works on the Site, a Construction Pedestrian and Traffic Management Plan prepared by a suitably qualified person shall be submitted to the Principal Certifying Authority (PCA). The Plan must be prepared in consultation with the CBD Coordination Office within TfNSW. The Plan shall address, but not be limited to, the following matters:
- (i) Details of construction activities and timing of these activities;
  - (ii) Ingress and egress of vehicles to the Site;
  - (iii) Construction programme;
  - (iv) The staging of works and simultaneous construction with other projects including Sydney Light Rail project in the Circular Quay and Wynyard Precincts;
  - (v) Predicted construction traffic movements, types and routes;
  - (vi) Construction impacts on the road network, bus operation, bus stops and the safety of pedestrians/cyclists; and
  - (vii) Pedestrian and traffic management measures.

The applicant shall submit a copy of the final Plan to the CBD Coordination Office within TfNSW for endorsement, prior to the commencement of work.

**Sydney Rail Light Project**

- (b) The applicant shall design and construct the development in accordance with the 'Development Near Rail Corridors and Busy Roads – Interim Guideline' (2008) prepared by the Department of Planning and Environment. This guideline includes requirements for excavation within proximity to rail lines, safety and other requirements to be incorporated into design.

**(36) SYDNEY TRAINS CONDITIONS**

- (a) The owners of the site are required to consult with TfNSW and Sydney Trains prior to lodgement of relevant designs as part of any Design Competition under the relevant provisions of the Sydney Local Environmental Plan 2012 and lodgement of a Stage 2 development application(s) to ensure that the relevant designs have taken into consideration the relationship with the of the designs with the future CBD Rail Link (CBDRL).
- (b) Any Stage 2 development application(s) over the site must address the following matters:
- (i) the design to satisfy conditions (c) to (f) 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 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) provision to TfNSW and Sydney Trains of drawings, reports and other information relating to the design development;
  - (vi) such matters which TfNSW and Sydney Trains considered are appropriate; and such other matters as the owners and TfNSW and Sydney Trains may agree;
  - (vii) a detailed acoustic assessment report;
  - (viii) a detailed report on the potential impacts of electro-magnetic stray currents.
- (c) The design of the basement levels, foundations and ground anchors for the approved development are to be completed to the satisfaction of TfNSW / Sydney Trains.
  - (d) Undertake detailed geotechnical analysis to the satisfaction of TfNSW / Sydney Trains to demonstrate likely movement of the ground due to the future CBDRL.
  - (e) No modifications may be made to the approved design without the consent of TfNSW / Sydney Trains.
  - (f) A regime is to be prepared for consultation with, and approved by TfNSW / Sydney Trains 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.

**(37) SYDNEY AIRPORT CONDITIONS**

- (a) The building (Tower A) must not exceed a maximum height of 191 metres AHD, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lighting rods, any roof top garden planting, exhaust flues etc.
- (b) Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct buildings that exceed 51 metres AHD and penetrate prescribed airspace. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently may not be approved. Therefore it is advisable that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.

- (c) At the completion of the construction of the building, a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the building.
- (d) Any future addition to the buildings height that increases the penetration of the OLS (including the installation of additional antennas) will require a separate assessment.

**(38) HERITAGE COUNCIL CONDITIONS**

- (a) Details of the proposed methodology for demolition, excavation and construction phases of the project must be provided as part of the relevant Stage 2 development application. Careful consideration of subsidence, vibration and structural instability must be incorporated into the construction and design. The methodology must ensure that there will be no disturbance to the Tank Stream.
- (b) A detailed historical archaeological assessment and research design must be prepared and submitted as part of the relevant Stage 2 development application in areas. This assessment should exclude the footprint of Goldfields House. It should be prepared by a suitably qualified historical archaeologist with experience in state significant archaeological sites. The assessment must be prepared to inform the design proposed for the relevant Stage 2 development application. Avoidance of harm must be considered in this design where state significant relics may be impacted by the proposed buildings. Design options and mitigation measures should be identified in a heritage impact statement supporting the relevant Stage 2 development application. This HIS should also demonstrate impact mitigation where harm cannot be avoided.
- (c) There is potential for Aboriginal objects to be present within the footprint of the Rugby Club, Fairfax House site and immediate surrounds. On this basis a Full Aboriginal Cultural Heritage Assessment Report with Community consultation in line with current OEH Guidelines must be prepared and submitted as part of the relevant Stage 2 development application if the Aboriginal Due Diligence Assessment undertaken for the site confirms that there is potential for 'Aboriginal objects' on this site. Avoidance of harm must be considered in this design where Aboriginal objects may be impacted by the proposed buildings. Design options and mitigation measures should be identified in a heritage impact statement supporting the relevant Stage 2 development application. This heritage impact statement should also demonstrate impact mitigation where harm cannot be avoided.
- (d) An interpretation strategy should be prepared and implemented as part of the relevant Stage 2 development application. The Interpretation Strategy must enhance public appreciation of the early history of the precinct, its maritime uses, and of the Tank Stream.

**(39) DEPARTMENT OF PRIMARY INDUSTRIES CONDITIONS**

- (a) A comprehensive investigation of the hydrogeological setting is to be undertaken during the preparation of and prior to the submission of the relevant Stage 2 development application.

- (b) It is noted that the option of having an on-going take of groundwater for the life of the building is to be considered.
- (c) At the time of Stage 2 site investigations, the Applicant is to establish and continuously monitor piezometers established around the perimeter of the site in the uppermost aquifer present at the site, with a view to accurately ascertaining the current groundwater conditions and variation. The accuracy and extent of the understandings developed will help inform the licensing of any on-going groundwater take. The assessment needs to consider any interaction with the Tank Stream and its present ability to provide enhanced drainage or effects on groundwater flow.

#### **(40) AUSGRID CONDITIONS**

- (a) 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 assess any impacts on its infrastructure and determine the electrical supply requirements for the development (eg. whether a substation is required on site).
- (b) In general, works to be considered by Ausgrid include, but are not limited to, the following:
  - (i) changes in electrical load requirements;
  - (ii) changes to Ausgrid's infrastructure (ie. asset relocations, decommissioning substations etc.);
  - (iii) works affecting Ausgrid's easements, leases and/ or right of ways;
  - (iv) changing the gradients of any roads or paths;
  - (v) changing the level of roads or foot paths;
  - (vi) widening or narrowing of roads;
  - (vii) closing roads or laneways to vehicles;
  - (viii) in all cases Ausgrid is to have 24 hour access to all its assets.
- (c) 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.

#### **(41) SYDNEY WATER CONDITIONS**

- (a) Water, Drainage, Stormwater and Groundwater
  - (i) As per the Secretary's Environmental Assessment Requirements, issued 30 June 2015, the applicant will be required to provide an Integrated Water Management plan, Groundwater Monitoring Plan, Stormwater Concept Plan and information on potential augmentation of Sydney Water infrastructure.

- (ii) The Stage 2 development application should include an Integrated Water Management plan, Groundwater Monitoring Plan, Stormwater Concept Plan and information on potential augmentation of Sydney Water infrastructure. These documents should be referred to Sydney Water as part of the assessment of the Stage 2 Development Application.
- (b) Constructing a building adjacent to Sydney Water Stormwater assets
  - (i) Prior to the submission of a Stage 2 Development Application, suitable arrangements are to be made with Sydney Water for the accessibility and protection of the existing Sydney Water stormwater drain in Rugby Place / Crane Place.
  - (ii) Sydney Water advises that no building structure is to encroach laterally within 1m of the existing Sydney Water stormwater drain (unlimited depth and height) and this is to be clearly shown on future survey drawings. This is to comply with our Building Over/Adjacent to Sydney Water stormwater assets.
- (c) Discharge Stormwater Quality Targets
  - (i) Discharge stormwater quality targets should form part of the Stormwater Concept Plan for Stage 2 development application.
  - (ii) Detailed requirements will be provided at the Section 73 application phase.
- (d) Heritage
  - (i) The proposal is within close proximity of the Tank Stream, which is State Heritage listed on Sydney Water's Section 180 Register.
  - (ii) Sydney Water are satisfied that the proposal does not propose to develop within 3m of the Tank Stream, and that no connection is proposed to this asset.
  - (iii) Stage 2 of the development application should outline the methodology to ensure no adverse impacts to the Tank Stream during construction phase. The Stage 2 application should be referred to Sydney Water for subsequent review.
- (e) Water and wastewater
  - (i) The proposed development can connect to the 250mm water main in Pitt Street and 450mm wastewater main in Alfred Street.
  - (ii) Amplification of assets may be required to service the proposed development. This will be assessed at the Section 73 application phase after the development consent is obtained.

**SCHEDULE 2****PRESCRIBED CONDITIONS**

The prescribed conditions in accordance with Division 8A of the Environmental Planning and Assessment Regulation 2000 apply to the development.

- Clause 98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989
- Clause 98A Erection of signs
- Clause 98B Notification of Home Building Act 1989 requirements
- Clause 98C Conditions relating to entertainment venues
- Clause 98D Conditions relating to maximum capacity signage
- Clause 98E Conditions relating to shoring and adequacy of adjoining property

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

Carried unanimously.

**ITEM 10 DEVELOPMENT APPLICATION: 1 ALFRED STREET SYDNEY (D/2015/882)**

The following persons addressed the meeting of the Central Sydney Planning Committee on this matter - Ms Penelope Seidler and Mr Wayne Davis.

Moved by Councillor Mant, seconded by Mr Webster -

It is resolved that:

- (A) the Central Sydney Planning Committee support the variation sought to Clause 6.25 "Height of Buildings on parts of certain sites" in accordance with Clause 4.6 "Exceptions to Development Standards" in Sydney Local Environmental Plan 2012;
- (B) the Central Sydney Planning Committee support the variation sought to Clause 4.4 "Floor space ratio" in accordance with Clause 4.6 "Exceptions to Development Standards" in Sydney Local Environmental Plan 2012;
- (C) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2015/882, 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) VOLUNTARY PLANNING AGREEMENT**

- (a) That a Voluntary Planning Agreement be exhibited, executed, submitted to Council and secured on title in accordance with the Public Benefit Offer by Wanda One Sydney Pty Ltd under cover of letter received 3 December 2015.
- (b) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement.
- (c) The Voluntary Planning Agreement, as executed, must be registered on the title of the land in accordance with the Voluntary Planning Agreement; and
- (d) The payment of the monetary contribution must be provided to Council in accordance with the Voluntary Planning Agreement.

**(2) DESIGN MODIFICATIONS**

The design of the development must be modified as follows:

- (a) Opaque glazing, high level windows or screening is to be incorporated to prevent privacy issues/overlooking between relevant south facing apartments on Level 3 and adjacent windows within “Jacksons on George” hotel;
- (b) Enclosed wintergardens are to be incorporated into the “SA” (studio apartments) on Levels 3 to 6 to reduce acoustic impacts of the Jacksons on George hotel. Wintergarden window specification is to be supplied with the amended plans and demonstrate compliance with the City of Sydney’s standard entertainment noise condition;
- (c) Open south facing balconies and all south facing windows from Level 2 are to be subjected to revised acoustic advice based on the City’s standard entertainment noise condition for entertainment noise emanating from Jacksons on George hotel, including achievement of existing background noise levels at the boundary of any affected residential premises after midnight and achievement of inaudibility after midnight within habitable rooms. Enclosed wintergardens and increased window acoustic specification measures are to be incorporated where compliance with noise amenity criteria will not be achieved.
- (d) Plans reflecting the required modifications are to be submitted to and approved by the Director City Planning, Development and Transport. Following the approval of the modified plans, correspondence will be issued by the Council confirming the final approved gross floor area for the development.

**(3) BASEMENT LEVELS TO BE APPROVED IN A STAGE 2 CONSENT**

Basement access, car parking, bike parking, servicing, storage, waste management and other basement functions are to be subject to a Stage 2 DA consent. This consent is not to become operational until basement levels are approved under a Stage 2 development.

**(4) SYDNEY TRAINS REQUIREMENTS**

- (a) The owners of the site of the approved development must enter into a Deed of Agreement with TfNSW and Sydney Trains prior to issue of any Construction Certificate to address the adverse effects of the approved development on the 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 conditions (c) to (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 to 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 condition (j) below;
  - (viii) such other matters 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 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 developer must undertake 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 the approved design without the consent of TfNSW.
  - (f) A detailed regime is to be prepared for consultation with, and approval by, TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW.
  - (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 comprise the approved development pursuant to Section 88E of the Conveyancing Act 1919, restricting any alterations or additions to any part of the approved development which is reasonably likely to adversely affect, or which otherwise is likely to interfere with the design, construction and operation of the proposed CBDRL without the prior written consent of TfNSW.
- (D) 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;
- (E) 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
- (F) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

**PART B – CONDITIONS OF CONSENT****(ONCE THE CONSENT IS IN OPERATION)**

Upon written confirmation from Council that the deferred commencement conditions contained in Part A above have been satisfied, the consent will become operative from the date of that written confirmation, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions:

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

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

**(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2015/882 dated 26 June 2015 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA0001 Roof Site Plan	Kerry Hill Architects	24/11/15
DA0002 Ground Site Plan	Kerry Hill Architects	24/11/15
DA0106 Lower Ground Plan	Kerry Hill Architects	24/11/15
DA0107 Ground Floor Plan	Kerry Hill Architects	24/11/15
DA0109 Level 1 Plan	Kerry Hill Architects	24/11/15
DA0110 Level 2 Plan	Kerry Hill Architects	24/11/15
DA0111 Levels 3-5 Plan	Kerry Hill Architects	24/11/15
DA0114 Level 6 Plan	Kerry Hill Architects	24/11/15
DA0116 Levels 7-35 Plan	Kerry Hill Architects	24/11/15
DA0126 Level 36 Plan	Kerry Hill Architects	24/11/15
DA0127 Level 37 Plan	Kerry Hill Architects	24/11/15
DA0128 Level 38 Plan	Kerry Hill Architects	24/11/15
DA0135 Level 39 Plan	Kerry Hill Architects	24/11/15

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA0129 Levels 40-45 Plan	Kerry Hill Architects	24/11/15
DA0130 Levels 46-47, 49-52 Plan	Kerry Hill Architects	24/11/15
DA0138 Level 48 Plan	Kerry Hill Architects	24/11/15
DA0131 Levels 53-54 Plan	Kerry Hill Architects	24/11/15
DA0136 Level 55 Plan	Kerry Hill Architects	24/11/15
DA0137 Level 56 Plan	Kerry Hill Architects	24/11/15
DA0133 Level 57 (Roof Plant)	Kerry Hill Architects	24/11/15
DA0134 Roof Plan	Kerry Hill Architects	24/11/15
DA1001 Building A - Elevations	Kerry Hill Architects	24/11/15
DA1002 Building A - Elevations	Kerry Hill Architects	24/11/15
DA1006 Streetscape West Elevation	Kerry Hill Architects	24/11/15
DA1007 Streetscape North Elevation	Kerry Hill Architects	24/11/15
DA1009 Streetscape Detail North Elevation	Kerry Hill Architects	24/11/15
DA1010 Streetscape Detail West Elevation	Kerry Hill Architects	24/11/15
DA1101 Sections	Kerry Hill Architects	24/11/15

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.

**(2) MODIFICATION OF DEVELOPMENT APPLICATION D/2010/2029**

- (a) Prior to the commencement of this development consent, the existing base development application consent D/2010/2029, dated 9 May 2013, shall be modified pursuant to Section 80A(1)(b) and (c) of the Environmental Planning and Assessment Act 1979 to the satisfaction of the Director City Planning, Development and Transport. The drawings set out in the following schedule shall be modified by the approved drawings nominated at Condition 1 (Approved Development) of this consent.

- (b) Notice of such modifications shall be given to Council in accordance with Section 97 of the Environmental Planning and Assessment Regulation 2000 prior to commencement of any works pursuant to this consent.

Schedule – Plans to be replaced

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA0001 (Revision B) Roof Site Plan	Kerry Hill Architects	8 November 2011
DA0002 (Revision B) Ground Site Plan	Kerry Hill Architects	8 November 2011
DA0102 (Revision B) Basement 8 Plan	Kerry Hill Architects	8 November 2011
DA0103 (Revision B) Basement 3-7 Plan	Kerry Hill Architects	8 November 2011
DA0104 (Revision B) Basement 2 Plan	Kerry Hill Architects	8 November 2011
DA0105 (Revision B) Basement 1 Plan	Kerry Hill Architects	8 November 2011
DA0106 (Revision B) Lower Ground Plan	Kerry Hill Architects	8 November 2011
DA0107 (Revision B) Ground Plan	Kerry Hill Architects	8 November 2011
DA0108 (Revision B) Mezzanine Plan	Kerry Hill Architects	8 November 2011
DA0109 (Revision B) Level 1 Plan	Kerry Hill Architects	8 November 2011
DA0110 (Revision B) Level 2 Plan	Kerry Hill Architects	8 November 2011
DA0111 (Revision B) Level 3 Plan	Kerry Hill Architects	8 November 2011
DA0112 (Revision B) Level 4 Plan	Kerry Hill Architects	8 November 2011
DA0113 (Revision B) Level 5 Plan	Kerry Hill Architects	8 November 2011
DA0114 (Revision B) Level 6-8 Plan	Kerry Hill Architects	8 November 2011

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA0116 (Revision B) Level 9-12 Plan	Kerry Hill Architects	8 November 2011
DA0118 (Revision B) Level 13 Plan	Kerry Hill Architects	8 November 2011
DA0119 (Revision B) Level 14 Plan	Kerry Hill Architects	8 November 2011
DA0120 (Revision B) Level 15-19 Plan	Kerry Hill Architects	8 November 2011
DA0121 (Revision B) Level 20 Plan	Kerry Hill Architects	8 November 2011
DA0122 (Revision B) Level 21-33 Plan	Kerry Hill Architects	8 November 2011
DA0124 (Revision B) Level 34 Plan	Kerry Hill Architects	8 November 2011
DA0125 (Revision B) Level 35 Plan	Kerry Hill Architects	8 November 2011
DA0126 (Revision B) Level 36 Plan	Kerry Hill Architects	8 November 2011
DA0127 (Revision B) Level 37 Plan	Kerry Hill Architects	8 November 2011
DA0128 (Revision B) Level 38 Plan	Kerry Hill Architects	8 November 2011
DA0129 (Revision B) Level 39-50 Plan	Kerry Hill Architects	8 November 2011
DA0130 (Revision B) Level 51-52 Plan	Kerry Hill Architects	8 November 2011
DA0131 (Revision B) Level 53 Plan	Kerry Hill Architects	8 November 2011
DA0132 (Revision B) Level 54 Plan	Kerry Hill Architects	8 November 2011
DA0133 (Revision B) Level 55 (Roof Plant) Plan	Kerry Hill Architects	8 November 2011
DA0201 (Revision A) Accessible Apts –Post Adaptation	Kerry Hill Architects	12 November 2010

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA1001 (Revision B) Building A - Elevations	Kerry Hill Architects	8 November 2011
DA1002 (Revision B) Building A - Elevations	Kerry Hill Architects	8 November 2011
DA1003 (Revision B) Building B - Elevations	Kerry Hill Architects	8 November 2011
DA1004 (Revision B) Building B - Elevations	Kerry Hill Architects	8 November 2011
DA1005 (Revision B) Streetscape East Elevation	Kerry Hill Architects	8 November 2011
DA1006 (Revision B) Streetscape West Elevation	Kerry Hill Architects	8 November 2011
DA1007 (Revision B) Streetscape North Elevation	Kerry Hill Architects	8 November 2011
DA1008 (Revision B) Streetscape Detail North Elevation Bdg B	Kerry Hill Architects	8 November 2011
DA1009 (Revision B) Streetscape Detail North Elevation – Bdg A	Kerry Hill Architects	8 November 2011
DA1010 (Revision B) Streetscape Detail West Elevation	Kerry Hill Architects	8 November 2011
DA1011 (Revision B) Streetscape Detail East Elevation – Bdg B	Kerry Hill Architects	8 November 2011
DA1101 (Revision B) Sections	Kerry Hill Architects	8 November 2011
DA1201 (Revision B) Detail Basement Section	Kerry Hill Architects	14 October 2011

**(3) RELIANCE ON PREVIOUS DEVELOPMENT CONSENT D/2010/2029, AS AMENDED**

- (a) This development consent relies on, and must be read in conjunction with, the base development application D/2010/2029 (as amended).

- (b) This consent is subject to compliance with conditions of consent contained in D/2010/2029 (as amended) as follows:

**SCHEDULE 1A OF D/2010/2029:**

- (i) (2A) COGENERATION PLANT;
- (ii) (3) DESIGN DETAILS (MAJOR DEVELOPMENT);
- (iii) (4) DESIGN QUALITY EXCELLENCE;
- (iv) (5) DESIGN DETAILS OF TEMPORARY BARRIER FENCE;
- (v) (8) APPROVED DESIGN ROOF- TOP PLANT;
- (vi) (9) REFLECTIVITY;
- (vii) (10) NON RESIDENTIAL USES – SEPARATE DA REQUIRED;
- (viii) (14) SECTION 61 CONTRIBUTIONS PAYABLE
- (ix) (15) LANDSCAPING OF THE SITE;
- (x) (33) TRAFFIC WORKS;
- (xi) (34) ASSOCIATED ROADWAY COSTS;
- (xii) (35) COST OF SIGNPOSTING;
- (xiii) (36) EXTERNAL LIGHTING;
- (xiv) (37) WASTE AND RECYCLING COLLECTION;

**SCHEDULE 1B OF D/2010/2029:**

- (xv) (39) CONSTRUCTION TRAFFIC MANAGEMENT PLAN;
- (xvi) (40) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT;
- (xvii) (41) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION;
- (xviii) (42) WASTE AND RECYCLING MANAGEMENT – RESIDENTIAL;
- (xix) (43) WASTE AND RECYCLING MANAGEMENT – COMMERCIAL;
- (xx) (44) EROSION AND SEDIMENT CONTROL
- (xxi) (45) DEWATERING;
- (xxii) (46) ACID SULPHATE SOILS;

- (xxiii) (47) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION;
- (xxiv) (48) TEMPORARY GROUND ANCHORS/SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE;
- (xxv) (49) ASBESTOS REMOVAL;
- (xxvi) (50) ASBESTOS REMOVAL SIGNAGE;
- (xxvii) (51) PROHIBITION OF ASBESTOS RE-USE;
- (xxviii) (52) CLASSIFICATION OF WASTE;
- (xxix) (53) DISPOSAL OF ASBESTOS;
- (xxx) (54) NOTIFICATION OF ASBESTOS REMOVAL;
- (xxxi) (55) SIGNAGE LOCATION AND DETAILS
- (xxxii) (56) SKIPS AND BINS;
- (xxxiii) (57) CONTAMINATION;
- (xxxiv) (58) WATER POLLUTION;
- (xxxv) (59) TREE PROTECION ZONE;
- (xxxvi) (60) STREET TREE PROTECTION;
- (xxxvii) (61) SYDNEY WATER CERTIFICATE;
- (xxxviii) (62) TELECOMMUNICATIONS PROVISIONS;
- (xxxix) (63) UTILITY SERVICES;
- (xl) (64) FLOOR TO CEILING HEIGHT;
- (xli) (65) ACOUSTIC PRIVACY BETWEEN UNITS;
- (xlii) (66) AIR CONDITIONERS IN RESIDENTIAL BUILDINGS;
- (xliii) (68) ACOUSTIC VERIFICATION – MECHANICAL PLANT;
- (xliv) (69) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES;
- (xlv) (70) ADAPTABLE HOUSING;
- (xlvi) (71) PHYSICAL MODELS;
- (xlvii) (72) SUBMISSION OF ELECTRONIC MODELS;
- (xlviii) (73) DEMOLITION/SITE RECTIFICATION;



- (xlix) (74) FOOTPATH DAMAGE BANK GUARANTEE;
- (l) (75) BARRICADE PERMIT;
- (li) (77) ALIGNMENT LEVELS;
- (lii) (78) PUBLIC DOMAIN PLAN;
- (liii) (80) STREET LIGHTING;
- (liv) (81) PAVING MATERIALS;
- (lv) (82) STORMWATER AND DRAINAGE – MAJOR DEVELOPMENT;
- (lvi) (83) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT – PUBLIC DOMAIN;
- (lvii) (84) PUBLIC DOMAIN WORKS – HOLD POINTS AND HANDOVER;
- (lviii) (85) PRESERVATION OF SURVEY MARKS;
- (lix) (89) MECHANICAL VENTILATION;
- (lx) (91) MICROBIAL CONTROL;
- (lxi) (92) CONTROL OF LEGIONNAIRES DISEASE;
- (lxii) (93) FUTURE FOOD USE – MECHANICAL VENTILATION PROVISION;
- (lxiii) (94) COMPLIANCE WITH THE BUILDING CODE OF AUSTRALIA;
- (lxiv) (95) STRUCTURAL CERTIFICATION FOR DESIGN;

**SCHEDULE 1C OF D/2010/2029:**

- (lxv) (96) OCCUPATION CERTIFICATE TO BE SUBMITTED;
- (lxvi) (97) BASIX;
- (lxvii) (98) HOURS OF WORK AND NOISE – CBD;
- (lxviii)(99) SITE NOTICE OF PROJECT DETAILS AND APPROVALS;
- (lxix) (100) USE OF INTRUSIVE APPLIANCES – NOT APPROVED;
- (lxx) (101) NOTICE OF EXCAVATION WORKS;
- (lxxi) (102) SYDNEY WATER CERTIFICATE;
- (lxxii) (103) PROTECTION OF STREET TREES DURING CONSTRUCTION;

- (lxxiii) (104) COVERING OF LOADS;
- (lxxiv) (105) VEHICLE CLEANSING;
- (lxxv) (106) LOADING AND UNLOADING DURING CONSTRUCTION;
- (lxxvi) (107) ACCESS DRIVEWAYS TO BE CONSTRUCTED;
- (lxxvii) (108) NO OBSTRUCTION OF PUBLIC WAY;
- (lxxviii) (109) USE OF MOBILE CRANES;
- (lxxix) (110) ENCROACHMENTS – NEIGHBOURING PROPERTIES;
- (lxxx) (111) ENCROACHMENTS – PUBLIC WAY;
- (lxxxi) (112) SURVEY;
- (lxxxii) (113) SURVEY CERTIFICATE AT COMPLETION; and
- (lxxxiii) (114) STREET NUMBERING.

- (c) This consent is not subject to compliance with the following conditions of consent contained in D/2010/2029 (as amended). Amended and updated conditions, as relevant, are included from Condition 4 of this consent.

**SCHEDULE 1A OF D/2010/2029:**

- (i) (2) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT;
- (ii) (6) FLOOR SPACE RATIO – CENTRAL SYDNEY;
- (iii) (7) BUILDING HEIGHT;
- (iv) (11) SIGNAGE STRATEGY;
- (v) (12) RESTRICTION ON RESIDENTIAL DEVELOPMENT;
- (vi) (13) RESTRICTIONS ON USE OF CAR SPACES;
- (vii) (16) PROHIBITION ON PARTICIPATION IN RESIDENTIAL PARKING PERMIT SCHEME;
- (viii) (17) SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENTIAL PARKING SCHEME;
- (ix) (18) CAR PARKING SPACES AND DIMENSIONS;
- (x) (19) HEIGHT CLEARANCES;
- (xi) (20) SERVICE VEHICLES;

- (xii) (21) SERVICE VEHICLE SIZE LIMIT;
- (xiii) (22) ACCESSIBLE PARKING SPACE;
- (xiv) (23) LOCATION OF ACCESSIBLE CAR PARKING SPACES;
- (xv) (24) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES
- (xvi) (25) ALLOCATION FOR CAR WASH BAYS;
- (xvii) (26) INTERCOM FOR VISITORS/ACCESS TO PORTE COCHERE;
- (xviii) (27) BICYCLE PARKING;
- (xix) (28) VEHICLE ACCESS;
- (xx) (29) SIGNS AT EGRESS;
- (xxi) (30) SECURITY GATES;
- (xxii) (31) LOADING WITHIN SITE;
- (xxiii) (32) LOADING/PARKING KEPT CLEAR;

**SCHEDULE 1B OF D/2010/2029:**

- (xxiv) (38) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE;
- (xxv) (67) ACOUSTIC ASSESSMENT REPORT;
- (xxvi) (76) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE;
- (xxvii) (86) SWIMMING POOL/SPA;
- (xxviii) (87) MINIMISE IMPACT OF POOL ON NEIGHBOURING PROPERTIES;
- (xxix) (88) SWIMMING POOL – WASTE AND OVERFLOW WATERS;
- (xxx) (90) CAR PARK VENTILATION; and

**SCHEDULE 3 OF D/2010/2029:**

- (xxxi) (115) ROADS AND MARITIME SERVICES (RMS) REQUIREMENTS.

- (d) This consent only applies to those aspects and amendments requested in the development application dated 26 June 2015, as modified by this condition of consent. Approval is not granted for any other items which may have been included on the submitted drawings, and for which approval has not been specifically sought.

**(4) COMMUNAL OPEN SPACE**

Residents in Building A are to have access to communal facilities within the future hotel building associated with Stage 1 DA D/2015/1049 (Tower B in D/2015/1049).

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

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal, calculated following the design modifications required in Part A – Deferred Commencement Conditions must not exceed the FSR calculated in satisfaction of Part A 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.
- (c) Prior to a Construction Certificate being issued, Council's written verification must be obtained, confirming that heritage floor space was allocated (purchased and transferred) to the development based on the gross floor area calculated on satisfaction of design modifications required in Part A – Deferred Commencement Conditions, being that floor space in excess of 8:1 as specified in the Sydney Local Environmental Plan 2012.

**(6) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 191 (AHD) to the top of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

**(7) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT**

The amending Voluntary Planning Agreement entered into under the terms of the deferred commencement conditions of this consent shall be complied with.

**(8) SYDNEY AIRPORT CONDITIONS**

- (a) The building must not exceed a maximum height of 191 metres AHD, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lighting rods, any roof top garden planting, exhaust flues etc.

- (b) Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct buildings that exceed 51 metres AHD and penetrate prescribed airspace. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently may not be approved. Therefore it is advisable that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.
- (c) At the completion of the construction of the building, a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the building.
- (d) Any future addition to the buildings height that increases the penetration of the OLS (including the installation of additional antennas) will require a separate assessment.

**(9) SIGNAGE STRATEGY**

The signage strategy lodged with the DA is not approved.

A separate development application is to be submitted seeking approval of a signage strategy. The strategy must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building. All signs in the strategy shall comply with Section 3.16 of the Sydney Development Control Plan 2012.

**(10) RESTRICTION ON RESIDENTIAL DEVELOPMENT**

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (Levels 3 - 56) 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.

**(11) NUMBER OF ADULTS PER ROOM**

- (a) No more than two adult people shall permanently occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets.
- (b) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms.

**(12) NOISE - GENERAL**

- (a) The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:
  - (i) The  $L_{Aeq, 15 \text{ minute}}$  noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the NSW EPA Industrial Noise Policy. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
  - (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment  $L_{A90, 15 \text{ minute}}$  / rating  $L_{A90, 15 \text{ minute}}$  process to be in accordance with the requirements for noise monitoring listed in the NSW EPA Industrial Noise Policy and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
  - (iii) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable.
- (b) An  $L_{Aeq, 15 \text{ minute}}$  noise level emitted from the use must not exceed the  $L_{A90, 15 \text{ minute}}$  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 or noise sensitive commercial premises provided that:
  - (i) Where the  $L_{A90, 15 \text{ minute}}$  noise level is below the threshold of hearing,  $T_f$  at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of  $T_f$  corresponding to that Octave Band Centre Frequency shall be used instead.
  - (ii) The  $L_{Aeq, 15 \text{ minute}}$  noise level and the  $L_{A90, 15 \text{ minute}}$  noise level shall both be measured with all external doors and windows of the affected residence closed;
  - (iii) The relevant background noise level ( $L_{A90, 15 \text{ minute}}$ ) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the NSW EPA Industrial Noise Policy and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.

- (iv) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.
- (v) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable. Internal Noise measurements are not to be corrected for duration.

**(13) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES**

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Acoustic Logic Consultancy (Reference 20150699.1/0206A/R0/BW), dated 2 June 2015 labelled Wanda, 1 Alfred Street, Sydney - Noise Impact Assessment and supplementary letter prepared by Acoustic Logic Consultancy (Reference 20150765.1/2810A/R1/TT) dated 28 October 2015 labelled 1 Alfred street, Circular Quay – Response to Submission from Jacksons *on George* must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b), (c) and (d) below and to the satisfaction of the certifying authority.
- (b) The Acoustic Assessment report, prepared by Acoustic Logic Consultancy (Reference 20150699.1/0206A/R0/BW), dated 2 June 2015 shall be amended to reflect the internal residential acoustic amenity criteria stated within Clauses 87 and 102 of the State Environmental Planning Policy (Infrastructure) 2007. An amended report must be submitted to the Council for approval prior to the issue of a Construction Certificate, particularly in relation to the proposed acoustic control recommendations stated in Part 4 of the report and the criteria adopted in the SEPP.
- (c) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant\* (see definition below) to be in accordance with the requirements of the revised and approved DA acoustic reports. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the Principal Certifying Authority which addresses the report criteria and recommendations.
- (d) Prior to the issue of an Occupation Certificate, a suitably qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the PCA that the development complies with the requirements set out in the Report and above.

Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

**(14) NOISE - ENTERTAINMENT**

- (a) The  $L_{A10, 15 \text{ minute}}$  noise level emitted from the use must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.
- (b) The  $L_{A10, 15 \text{ minute}}$  noise level emitted from the use must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.
- (c) Notwithstanding compliance with (a) and (b) above, noise from the use when assessed as an  $L_{A10, 15 \text{ minute}}$  enters any residential use through an internal to internal transmission path is not to exceed the existing internal  $L_{A90, 15 \text{ minute}}$  (from external sources excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between the hours of 7am and 12midnight. Where the  $L_{A10, 15 \text{ minute}}$  noise level is below the threshold of hearing,  $T_f$  at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of  $T_f$  corresponding to that Octave Band Centre Frequency shall be used instead.
- (d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential use between the hours of 12.00 midnight and 7.00am.
- (e) The  $L_{A10, 15 \text{ minute}}$  noise level emitted from the use must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.

Note: The  $L_{A10, 15 \text{ minute}}$  noise level emitted from the use is as per the definition in the Australian Standard AS1055-1997 Acoustics – Description and measurement of environmental noise. The background noise level  $L_{A90, 15 \text{ minute}}$  is to be determined in the absence of noise emitted by the use and be representative of the noise sensitive receiver. It is to be determined from the assessment  $L_{A90}$  / rating  $L_{A90}$  methodology in complete accordance with the process listed in the NSW EPA Industrial Noise Policy and relevant requirements of AS1055.1997.

**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.



**(15) 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).
- (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 Hoarding 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 that 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 structures 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 decks 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 (Clauses 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews any part of the device over the public road, 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).

**(16) PUBLIC ART**

High quality public art work(s) shall be installed in accordance with a Public Art Strategy endorsed by Council in relation to the site.

It is acknowledged that a site-wide Public Art Strategy shall be prepared as part of the process of preparing the Stage 2 DA design associated with Tower B under Stage 1 DA 2015/1049. At this stage, the principles of the Public Art Strategy prepared by Barbara Flynn and dated 15 June 2015 and indicative locations (through-site link) or laneways are endorsed.

Public art is to be installed prior to the issue of any Occupation Certificate.

This public art is in addition to the public art contribution required by the terms of any Voluntary Planning Agreement.

**SCHEDULE 1C**

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

- REFER TO D/2010/2029, AS AMENDED -

**SCHEDULE 2**

**Prescribed Conditions**

- REFER TO D/2010/2029, AS AMENDED -

**SCHEDULE 3**

**(17) TRANSPORT FOR NSW REQUIREMENTS**

In addition to the Sydney Trains conditions set out in this consent, TfNSW requires the proponent to prepare a detailed Construction Pedestrian and Traffic Management Plan (CPTMP) prior to commencement of construction, which takes in account other construction projects (including CBD and South East Light Rail (CSELR) and AMP Quay Quarter projects) in the Circular Quay and Wynyard precincts.

The CPTMP should demonstrate that that construction impacts on the road network, bus operation and pedestrian/cyclist safety and movements 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 TfNSW prior to the issue of any Construction Certificates.

## **SCHEDULE 4**

### **Terms of Approval**

#### **Other Integrated Development Approvals**

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

- (a) All General Terms of Approval issued in relation to development consent D/2010/2029 remain valid except as amended by the following conditions:

#### **Archaeology**

- (b) If historical archaeological deposits are discovered during works, work must immediately cease in the affected area(s) and the Heritage Council of NSW must be notified. A suitably qualified and experienced archaeologist must be contacted to assess the finds. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
- (c) If any Aboriginal objects are uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage (Enviroline 131 555) is to be notified in accordance with Section 89A of the National Parks and Wildlife Act 1974 (NPW Act). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by the Office of Environment & Heritage.

#### **Section 60 Application**

- (d) An application under section 60 of the Heritage Act 1977 must be submitted to and approved by the Delegate of the Heritage Council of NSW prior to work commencing.

Carried unanimously.

### **ITEM 5 DEVELOPMENT APPLICATION: 65 CRAIGEND STREET DARLINGHURST (D/2015/565)**

The following persons addressed the meeting of the Central Sydney Planning Committee on this matter - Mr Elliott Savdie, Mr David Kessler and Mr Stephen White.

Moved by Councillor Mant, seconded by Mr Webster -

It is resolved that:

- (A) the Design Excellence Strategy, prepared by Urbis, dated November 2015, as shown as Attachment B to the subject report, be endorsed pursuant to Section 3.3.1 of Sydney Development Control Plan 2012; and
- (B) pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979, consent be granted to Development Application No. D/2015/565, subject to the following conditions:

## SCHEDULE

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

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

#### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/565 dated 1 May 2015 and the following drawings:

Drawing Number	Architect	Date
DA03.00 [B]	Bates Smart Architects	04.09.15
DA03.01 [B]	Bates Smart Architects	04.09.15
DA07.00 [B]	Bates Smart Architects	04.09.15
DA07.01 [B]	Bates Smart Architects	04.09.15

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.

#### (2) STAGED DEVELOPMENT APPLICATION

Pursuant to Clause 100 of the Environmental Planning and Assessment Regulation 2000, this Notice of Determination relates to a Stage 1 Development Application for building envelopes and concept uses only.

A subsequent development application (Stage 2) or applications are required for any built form of the development (excluding building work directly related to remediation work on the site).

#### (3) MATTERS NOT APPROVED

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

- (a) Any demolition, construction, or excavation;
- (b) The precise quantum of floor space;
- (c) The location of driveways on McLachlan Avenue frontage;
- (d) The indicative layout, including car parking layout; and
- (e) The removal of street trees.

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

A competitive design process in accordance with the provisions of Sydney Local Environmental Plan 2012 shall be:

- (a) Conducted in accordance with 'Design Excellence Strategy for 65 Craigend Street, Darlinghurst November 2015' prepared by Urbis on behalf of BMW Australia Ltd.
- (b) Conducted prior to lodgement of a Stage 2 Development Application.

The detailed design of the development must exhibit design excellence, as per Clause 6.21 of Sydney Local Environmental Plan 2012.

**(5) DESIGN MODIFICATIONS**

The competitive design process brief and Stage 2 Development Application must incorporate the following design requirements and modifications:

- (a) An upper level setback of 3m must be provided 11.4m above existing ground level on the Barcom Avenue frontage. This applies only to the building located south of the vehicular access point.
- (b) The location of driveways on McLachlan Avenue frontage are not approved. The Stage 2 design must investigate alternative locations that preserve the existing street trees on McLachlan Avenue.
- (c) In accordance with Condition (3) (e) above, the removal of any street trees is not approved.

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

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

**(7) ALLOCATION OF PARKING**

- (a) Details of the proposed parking provisions specifying spaces per servicing bays, showroom customer parking and employee parking is to be provided with the Stage 2 development application. The Stage 2 development application is not to exceed parking provisions as outlined in the following table.

<b>Car Parking Type</b>	<b>Number</b>
Vehicle servicing	331
Office parking	22
Showroom parking	34
<b>Total</b>	<b>387</b>

- (b) 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 and AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities.

**(8) SUBDIVISION**

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

**(9) REFLECTIVITY**

The Stage 2 Design must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20%. The Stage 2 DA shall be the subject of a reflectivity report that demonstrates compliance with the above.

**(10) HERITAGE**

The Stage 2 design must relate sympathetically to the fine grain nature of the adjoining conservation area and the heritage item Corinthians (I501), particularly with the facade treatment to Barcom Avenue. Options that incorporate land uses other than car parking adjacent to the Barcom Avenue façade, such as office uses, should be explored. The Stage 2 DA shall be the subject of a heritage report that demonstrates that the above matters have been adequately considered and addressed.

**(11) PUBLIC ART**

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

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

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed the maximum permissible and shall be calculated in accordance with Clauses 4.4, 4.5, and 6.21 of the Sydney Local Environmental Plan 2012.

**(13) BUILDING HEIGHT**

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

**(14) ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

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

**(15) SIGNAGE STRATEGY**

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

**(16) SUBSTATIONS**

- (a) The location and placement of future sub stations required by Ausgrid are to be identified within any Stage 2 Development Application. Any substations are to be designed and located such that their placement does not deactivate and intrude upon the streetscape and must also be included as part of the brief for the competitive design process.
- (b) The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.
- (c) In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres. Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment. For further details on fire segregation requirements refer to Ausgrid's Network Standard 113.

**(17) RIGHT OF CARRIAGEWAY**

The proposed development is to be designed so that no part of the proposed buildings encroach within the Right of Carriageway (limited in stratum) that is located on the southern boundary of the site, benefitting the land adjoining to the south of the site. The construction of the proposed building must also not interfere with the rights of those parties in possession of rights to use the Right of Carriageway.

**(18) BICYCLE PARKING AND END OF TRIP FACILITIES**

Class 3 bicycle parking facilities and end-of-trip facilities are to be provided for employees. Details of the location and quantity of bicycle parking must be included in the Stage 2 Development Application.

The layout, design and security of bicycle facilities must comply with the requirements of Australian Standard AS 2890.3 (2015) Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Construction Certificate being issued.

**(19) VEHICLES ACCESS**

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

**(20) BARCOM AVENUE ACCESS POINT**

The vehicle access point in Barcom Avenue must be designed to ensure vehicles can only enter the site via this point. Provisions must ensure vehicles cannot exit the site to Barcom Avenue.

Physical restrictions are to be installed on-site and/or on the Barcom Avenue roadway to prevent vehicles making a left turn from the site to Barcom Avenue. Details are to be submitted with the Stage 2 Development Application.

Any proposals for alterations to the public road must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

All works are to be completed in accordance with the approved plans prior to the issue of any Occupation Certificate.

All associated costs shall be borne by the developer.

**(21) SERVICE VEHICLE SIZE LIMIT**

The size of vehicles servicing the property must not exceed 19 metres.

The Stage 2 Development Application must include swept paths for the largest vehicles to access the site.

**(22) ON SITE LOADING AREAS AND OPERATION**

The Stage 2 Development Application must ensure all loading and unloading associated with the site can be carried out within the confines of the site at all times and not obstruct other properties or the public road or footpath.

**(23) STREET TREE RETENTION**

- (a) All existing street trees shall be considered during designing of the new buildings, driveways, footpaths etc for the Stage 2 Development Application.
- (b) The location of any new driveway shall ensure it does not require the removal of any existing street tree. The driveways shall be appropriately setback so as not to adversely impact on any existing street trees both below and above ground.

**(24) ARBORICULTURAL IMPACT ASSESSMENT**

- (a) An Arboricultural Impact Assessment (AIA) prepared by a qualified Arborist with a minimum Australian Qualification Framework (AQF) of Level 5 must be submitted with the Stage 2 Development Application.



- (b) The report must reflect current industry practices, with particular reference to the Australian Standard 'Protection of trees on development site' (AS4970-2009) and must include;
- (i) Identify and include correct botanical and common names of all trees within the proposed development site and must also include trees growing within neighbouring properties (within a 5 metres radius) that are likely to be affected by the development.
  - (ii) An assessment of all trees health, vigour and structural condition;
  - (iii) Provide an assessment detailed in a tree schedule / table for each tree surveyed. The tree assessment should be conducted and recorded in accordance with industry best practice;
  - (iv) Include a suitably scaled plan of the site showing the location of all trees assessed in the report;
  - (v) Identify all trees to be retained and removed during construction and development;
  - (vi) A discussion of all options available, including reasons as to why trees are, or are not being recommended for removal or retention;
  - (vii) Recommendations of any design modifications, construction techniques and/or other protection methods required to minimise adverse impact on trees that should be retained during the demolition and construction works, and into the long term;
  - (viii) Details of the tree protection measures in accordance with AS4970-2009 Protection of trees on development site;
  - (ix) Details on the trunk protection (method / materials/ duration); and
  - (x) Details of any pruning required for construction and development. This must include number of branches and orientation, branch diameter, percentage of live canopy to be removed. This information must also be detailed on either a diagram or photograph of the tree.
  - (xi) Information on the Arborist's involvement during the works is also required;
  - (xii) Any other works that must be prohibited throughout construction and development on site.

**(25) LANDSCAPING**

Prior to the preparation of the brief for the competitive design process, a landscape concept statement must be submitted to Council's Director City Planning, Development and Transport for approval. The statement should identify any landscape constraints, and set the aspirations and requirements for the landscape spaces in order to achieve design excellence. It should establish a clear commitment to designing landscape sustainably and in an integrated manner, and demonstrate that the function and aesthetic of both the landscape and buildings have been considered concurrently, in relation to each other, and in relation to the public domain.

**(26) DETAILED ENVIRONMENTAL SITE INVESTIGATION REQUIRED**

After the completion of demolition of the existing buildings and prior to the works associated with construction of the new building forms as part of a subsequent stage 2 Development Application for this proposal, a Detailed Environmental Site Investigation (DESI) is to be carried out by a suitably qualified and competent environmental consultant and submitted to the City Area Planning Manager for further review in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites, Contaminated Land Management Act 1997 and SEPP 55 Remediation of Land" confirming that the site is suitable (or will be suitable, after remediation) for the proposed use.

Where the DESI states that the site requires remediation, a Remediation Action Plan (RAP) is to be 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 the Contaminated Land Management Act 1997 and submitted to the City Area Planning Manager for approval.

Note: Where the DESI concludes that the site is suitable for the proposed use it is to be peer reviewed by a NSW EPA Accredited Site Auditor and a Section A Site Audit Statement submitted to the City Area Planning Manager certifying that the site is suitable for the proposed use.

The DESI and RAP must be peer reviewed by a NSW EPA Accredited Site Auditor and include a Section B Site Audit Statement or a letter of Interim advice from the Site Auditor certifying that the RAP is practical and the site will be suitable after remediation for the proposed use.

**(27) 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 Section 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 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 and approved in accordance with this condition.

**(28) UNDERGROUND STORAGE TANK REMOVAL**

If the removal of underground storage tanks is to be carried out, the work 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.

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

- (a) Concept details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to Council with the Stage 2 Development Application.
- (b) The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with. Evidence of Sydney Water requirements to the on-site detention must be submitted to Council with the Stage 2 Development Application.
- (c) A concept stormwater quality assessment must be undertaken and submitted to Council with the Stage 2 Development Application.
- (d) 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 development will achieve the following post-development pollutant loads:
    - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
    - b. reduce the baseline annual pollutant load for total suspended solids by 85%;

- c. reduce the baseline annual pollutant load for total phosphorous by 65%;
- d. reduce the baseline annual pollutant load for total nitrogen by 45%.

## **SYDNEY TRAINS CONDITIONS**

### **(30) SERVICES SEARCH**

Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with the Rai/Corp as to whether these services are to be relocated or incorporated within the development site.

### **(31) ELECTROLYSIS RISK**

Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

### **(32) CRANES AND AERIAL OPERATIONS**

Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

## **RMS CONDITIONS**

### **(33) DESIGN DRAWINGS AND DOCUMENTS TO BE SUBMITTED TO RMS**

The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:

Project Engineer, External Works  
Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.  
Telephone 8849 2114  
Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days' notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

**(34) DEMOLITION AND CONSTRUCTION VEHICLES**

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Craigend Street.

**(35) ROAD OCCUPANCY LICENSE**

A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Craigend Street during construction activities.

**(36) STORMWATER DRAINAGE**

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:

Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.

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

**(37) CAR PARKING LAYOUT**

The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 - 2002 for heavy vehicle usage.

**SCHEDULE 2**

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

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

Clause 98A Erection of signs

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

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

**SCHEDULE 3****TERMS OF APPROVAL**

The Terms of Approval for Integrated Development as advised by NSW Office of Water are as follows:

**General**

1. An authorisation must be obtained for the take of groundwater from the site unless subsequently identified otherwise by DPI Water.
2. A copy of a valid development consent for the project must be provided to DPI Water on application for the authorisation.
3. A copy of the written permission from the relevant controlling authority for the proposed method of disposal of pumped water must be provided to DPI Water on application for the authorisation.
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 present beneath the site, and shall not themselves cause pollution of groundwater.
5. The take of groundwater must be carried out so as not to compromise any aspects of groundwater-related management plans applicable to the site (e.g. acid sulfate soils management plan, remediation action plan).

**During UST removal**

6. Regular monitoring of discharge volumes using a method compliant with the NSW Water Extraction Monitoring Policy must be undertaken for the period over which the groundwater take is occurring.
7. Multiple measurements of discharge volumes must be made whilst groundwater take is occurring at a monitoring schedule appropriate to the likely duration of the activity.
8. Regular monitoring of pumped or discharged water quality must be undertaken for the period over which the groundwater take is occurring.

9. Repeated sampling and analysis of pumped or discharged water quality must be undertaken whilst groundwater take is occurring at a monitoring schedule appropriate to the likely duration of the activity.

#### **Reinstatement of the UST excavation**

10. Any clean backfill imported to the site (e.g. virgin excavated natural material or excavated natural material) must be of similar particle size and hydraulic properties to the material excavated for the removal of the UST to restore groundwater flows to a similar condition to that existing before the activity commenced.

#### **Reporting following UST removal**

11. Records of the volumes and quality of all water pumped or discharged must be kept and provided to DPI Water after the groundwater take from the site has ceased.
12. A completion report must be provided to DPI Water that includes the total volume of groundwater take, the duration over which it occurred, and the residual quality of groundwater beneath the site to be submitted in an electronic format consistent with common word processing and spreadsheet software and without editing restrictions.

#### **During building construction**

13. The design and construction of the building must prevent any take of groundwater after construction by making any below-ground levels that may be impacted by any watertable watertight for the anticipated life of the building and sufficiently extensive to incorporate adequate provision for unforeseen high watertable elevations to prevent potential future inundation.
14. 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 watertable might naturally rise in the location immediately prior to the construction of the structure;
  - (b) any elevated watertable 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.

#### **Following building construction**

15. Measurement and recording of discharge volumes arising from any unexpected or exempt ongoing take of groundwater at the site must be undertaken on a monthly basis for the life of the completed building using a method compliant with the NSW Water Extraction Monitoring Policy.
16. Such records must be maintained by the occupier for the life of the building, and provided to DPI Water on request, to demonstrate the take of groundwater remains negligible and any relevant exemption continues to apply.

17. If any groundwater take from the site exceeds an annual volume that has been determined by DPI Water to be significant for that location the occupier must apply for and obtain an authorisation for that amount in accordance with the requirements of the NSW Aquifer Interference Policy.

Carried unanimously.

**ITEM 4 DEVELOPMENT APPLICATION: 148-160 KING STREET SYDNEY (D/2015/750)**

Moved by Councillor Mant, seconded by Mr Webster -

It is resolved that:

- (A) the Design Excellence Strategy, prepared by Urbis, dated November 2015, as shown at Attachment F to the subject report, be endorsed pursuant to Section 3.3.1 of Sydney Development Control Plan 2012; and
- (B) pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979, consent be granted to Development Application No. D/2015/750, subject to the following conditions:

**SCHEDULE 1A**

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

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

**(1) STAGED DEVELOPMENT APPLICATION**

Pursuant to Clause 100 of the Environmental Planning and Assessment Regulation 2000, this Notice of Determination relates to a Stage 1 development application and a subsequent development application (Stage 2) or applications are required for any work on the site.

**(2) APPROVED STAGE 1 DEVELOPMENT**

- (a) Development consent is limited to a Stage 1 concept plan building envelope and indicative land uses within this envelope, in accordance with Development Application No. D/2015/750, dated 3 June 2015 (as amended), and the following drawings:



<b>Drawing Number / Title</b>	<b>Architect</b>	<b>Date</b>
A02_1001_DA (Revision 01) Basement 02-06 Proposed Envelope	Kann Finch & Urban Possible	01.09.2015
A02_1002_DA (Revision 01) Basement 01 Proposed Envelope	Kann Finch & Urban Possible	01.09.2015
A02_1003_DA (Revision 01) Ground Level + Level 01 Proposed Envelope	Kann Finch & Urban Possible	01.09.2015
A02_1004_DA (Revision 01) Typical Lower Level - Levels 02-13 Proposed Envelope	Kann Finch & Urban Possible	01.09.2015
A02_1005_DA (Revision 02) Typical Upper Level - Levels 14-18 Proposed Envelope	Kann Finch & Urban Possible	01.09.2015
A02_1006_DA (Revision 02) Typical Upper Level – Levels 19-22 Proposed Envelope	Kann Finch & Urban Possible	01.09.2015
A02_1007_DA (Revision 03) Level 23 Proposed Envelope	Kann Finch & Urban Possible	16.09.2015
A02_1008_DA (Revision 03) Level 24 Proposed Envelope	Kann Finch & Urban Possible	16.09.2015
A02_1009_DA (Revision 02) Level 25 Proposed Envelope	Kann Finch & Urban Possible	01.09.2015
A02_1010_DA (Revision 02) Level 26 Proposed Envelope	Kann Finch & Urban Possible	01.09.2015
A03_1001_DA (Revision 02) Proposed East Elevation Phillip Street	Kann Finch & Urban Possible	01.09.2015
A03_1002_DA (Revision 01) Proposed South Elevation King Street	Kann Finch & Urban Possible	01.09.2015
A03_1003_DA (Revision 02) Proposed West Elevation Elizabeth Street	Kann Finch & Urban Possible	01.09.2015

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) MATTERS NOT APPROVED IN STAGE 1 DEVELOPMENT CONSENT**

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

- (a) any works, including demolition, excavation and construction;
- (b) the quantum, ratio and distribution of residential, retail / commercial floor space;

- (c) the layout, number and mix of residential apartments;
- (d) the number, configuration and layout of the basement level/s;
- (e) the number and configuration of car spaces, bicycle spaces and loading spaces / zones;
- (f) the precise quantum of total floor space; and
- (g) any additional design excellence uplift up to 10% of the gross floor area (GFA) of the building under Clause 6.21 of the Sydney Local Environmental Plan 2012.

**(4) STAGE 2 DESIGN TO BE CONTAINED WITHIN APPROVED ENVELOPE**

Subject to other conditions of this consent, the building envelope is only approved on the basis that the Stage 2 building design, including services and balconies, are contained wholly within the approved building footprint and envelope, and comply with relevant planning controls.

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

- (a) A competitive design process in accordance with the provisions of Sydney Local Environmental Plan 2012, Sydney Development Control Plan 2012 and the 'Design Excellence Strategy' for 148-160 King Street, Sydney, dated November 2015, prepared by Urbis, shall be undertaken prior to the lodgement of a Stage 2 Development Application.
- (b) The detailed design of the development must exhibit design excellence in accordance with the provisions of Clause 6.21 of Sydney Local Environmental Plan 2012.

**(6) BUILDING HEIGHT**

The maximum height of any future building on the site must not exceed RL 120.70 (AHD).

**(7) FLOOR SPACE RATIO – CENTRAL SYDNEY**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the proposal must not exceed the maximum 12.5:1, calculated in accordance with the provisions of Clauses 4.4, 4.5 and 6.4 of the Sydney Local Environmental Plan 2012 (as amended).
- (b) Notwithstanding clause (a) above, the proposal may be eligible for up to 10% design excellence additional floor space pursuant to the provisions of Clause 6.21(7) of the Sydney Local Environmental Plan 2012.
- (c) Precise details of the distribution of floor space shall be provided with the future Stage 2 Development Application.
- (d) Any floor space ratio in excess of 8:1 shall be subject to a requirement to purchase heritage floor space (HFS) in accordance with the requirements of Clause 6.11 of the Sydney Local Environmental Plan 2012.

**(8) RESIDENTIAL LAND USE**

- (a) The residential component of the development must be designed to comply with the principles of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development, the provisions of the Apartment Design Guide (ADG), and the provisions of Section 4.2 of the Sydney Development Control Plan 2012.
- (b) A BASIX Certificate in accordance with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 must be submitted with the Stage 2 Development Application.

**(9) DETAILED DESIGN OF BUILDING**

The Design Brief for the competitive design process for the Stage 2 Development Application shall incorporate the following requirements:

- (a) The design of the podium levels of the building is to enhance the setting of heritage items in the broader vicinity by:
  - (i) The use of sandstone [Note: Brickwork is not considered desirable as contemporary brick manufacturing cannot replicate the appearance of the convict built bricks of the Greenway designed buildings opposite the site.];
  - (ii) The design is to incorporate a high degree of architectural modelling and articulation so as to enhance the building's relationship with the heritage items in the vicinity;
  - (iii) The design of the framing to the ground floor glazing is to provide a high degree of visual interest and is to incorporate high quality materials; and
  - (iv) The design is to enhance views to and from the St. James Church precinct and the Law Courts, by providing an appropriate level of transparency at the intersections between King Street and Elizabeth Street and between King Street and Phillip Street.
- (b) The detailed design is to investigate and provide an alternative use/s (other than residential accommodation) to part or all of the podium levels, in order to ensure that the proposed apartments will comply with the solar access and natural ventilation provisions of the Apartment Design Guide.
- (c) The modelling of the tower component, in particular the uppermost 5 levels of the building, must endeavour to minimise additional overshadowing of Hyde Park.
- (d) The modelling of the built form must seek to achieve an appropriate visual scale and proportion between the tower and podium elements.
- (e) Provision of an aesthetically and visually interesting treatment to the side elevation of the building adjacent to the northern boundary of the site.
- (f) The scale of the ground floor level is to relate to the Commonwealth / State Law Courts building to the east on the opposite side of Phillip Street as well as the heritage buildings to the south.

- (g) Provision of a high degree of activation to the Phillip Street, King Street and Elizabeth Street frontages.
- (h) Provision of separate waste storage facilities for the residential and non-residential uses.
- (i) Provision of on-site waste storage, handling and collection facilities in accordance with the relevant provisions of Sydney DCP 2012.

**(10) HERITAGE INTERPRETATION STRATEGY**

- (a) The Design Excellence Brief is to incorporate information on the historical development of the site, in order to facilitate an understanding of the site and the opportunities for an interpretive approach to design.
- (b) The Stage 2 Development Application is to incorporate an interpretation strategy that details how information on the history of the site will be provided for the public. Interpretation by design should form an integral aspect of the strategy, in addition to other devices such as display and public art.
- (c) The strategy is to provide preliminary recommendations as to the type, location and spatial requirements of the interpretation. As part of this strategy, the foundation plaque for the University of Sydney Law School relocation and the University Chambers plaque are to be incorporated into the building.

**(11) PUBLIC ART**

- (a) A Public Art Strategy is to be developed for the site/development in accordance with the Sydney DCP 2012 and the Public Art Policy. This Strategy shall form part of the documentation lodged with the future Stage 2 Development Application.
- (b) The requirement to accommodate public art as part of the redevelopment of the site must form a component of the competitive design process brief and the nominated location should be included in any future Stage 2 Development Application.

**(12) WIND**

Prior to the lodgement of a Stage 2 Development Application, the detailed design shall be subject to wind tunnel testing to ascertain the impacts of the development on the wind environment and conditions within the publicly accessible pedestrian space, the surrounding streets, neighbouring buildings, communal external areas within the subject development and private open space. Any recommendations of this wind tunnel testing and wind assessment report shall be incorporated into the final detailed design lodged as a Stage 2 Development Application.

**(13) LOT CONSOLIDATION**

Any Stage 2 Development Application is to provide for all land titles within the site to be consolidated into one lot.

**(14) CONSTRUCTION NOISE MANAGEMENT PLAN**

A Construction Noise Management Plan must be prepared and submitted with the Stage 2 Development Application. This Plan must be prepared by a suitably qualified acoustic consultant and must detail, but not limited to, the following:

- (a) the equipment to be used during construction on site, the quantity of all equipment and a plan of how equipment will be operated on site cumulatively;
- (b) the type of work that will be conducted during the construction process;
- (c) details on (any) respite periods and any noise mitigation measures required; and
- (d) detail the extent of community consultation to be undertaken.

**(15) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

A construction traffic management plan must be prepared and submitted with the Stage 2 Development Application.

**(16) RESIDENTIAL ACOUSTIC AMENITY- ACOUSTIC REPORT**

The Stage 2 development application is to be accompanied by an acoustic report prepared by a suitably qualified acoustic consultant\* which demonstrates that the development will be capable of achieving adequate levels of acoustic amenity for future occupants.

**(17) TRANSPORT IMPACT ASSESSMENT**

A detailed Transport Impact Study must be prepared in accordance with the provisions of Schedule 7.4 of Sydney DCP 2012, and shall be submitted with the Stage 2 Development Application.

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

- (a) The permissible number of car parking spaces is to be established as part of the Stage 2 Development Application.
- (b) 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-street commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities.

**(19) ACCESSIBLE PARKING SPACE**

The design, layout, signage, line marking, lighting and physical controls of all off-street accessible parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities.

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

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

**(21) BICYCLE PARKING AND END OF TRIP FACILITIES**

Details of the location, number and class of bicycle parking must be included in the Stage 2 Development Application.

Bicycle parking for residents and employees must be provided in the uppermost basement parking level. Class 2 facilities, or a combination of Class 1 and Class 2 facilities, are considered acceptable for residents. Employee bicycle parking is to be provided in close proximity to end-of-trip facilities.

All visitor bicycle parking is to be provided at grade in an easily accessible and visible location.

**Note:** Council supports the provision of innovative bicycle parking solutions in new development. Should the applicant wish to discuss bicycle parking options, please contact the City Access and Transport Unit.

**(22) CAR SHARE SPACES**

The Stage 2 development application is to make provision for car share spaces as follows:

- (a) Car share parking spaces are to be provided in accordance with Sydney Development Control Plan 2012. A minimum of 1 car share space per 50 car spaces for the exclusive use of car share scheme vehicles are to be provided. The Stage 2 basement plans must show where these spaces are to be located.
- (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 publicly accessible 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 to ensure the commercial requirements of the operator can be accommodated.]

**(23) VEHICLE ACCESS**

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

**(24) LOADING WITHIN SITE**

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

**(25) SERVICE VEHICLE SIZE LIMIT**

The Stage 2 Development Application must include swept paths for the largest vehicles to access the building. These will be used to determine a condition for the largest vehicle permitted to service the site.

**(26) LOADING DOCK MANAGEMENT PLAN**

A management plan demonstrating how the loading and unloading requirements of the residential and non-residential land uses can be catered for by the loading docks must be submitted with the Stage 2 Development Application.

**(27) TRAFFIC WORKS**

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".

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

An access report shall be submitted with the Stage 2 Development Application to demonstrate that the building has been designed, and is capable of being constructed, to provide access and facilities for people with a disability in accordance with the Building Code of Australia.

**(29) WASTE FACILITIES**

Any Stage 2 Development Application is to provide details of the location, construction and servicing of the waste collection facilities for the proposed building. The Stage 2 Development Application must demonstrate:

- (a) The design of the facilities complies with Council's "Policy for Waste Minimisation in New Developments."
- (b) That adequate provision has been made for the separate storage of commercial and residential waste.

**(30) 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.

**(31) AUSGRID**

- (a) Consultation is required with Ausgrid to ensure that technical and statutory requirements in regards to the safe and reliable operation and maintenance of Ausgrid's network are maintained.
- (b) Details of the consultation undertaken are to be provided with the Stage 2 Development Application.

**SCHEDULE 2**

**PRESCRIBED CONDITIONS**

The prescribed conditions in accordance with Division 8A of the Environmental Planning and Assessment Regulation 2000 apply to the development.

- Clause 98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989
- Clause 98A Erection of signs
- Clause 98B Notification of Home Building Act 1989 requirements
- Clause 98C Conditions relating to entertainment venues
- Clause 98D Conditions relating to maximum capacity signage
- Clause 98E Conditions relating to shoring and adequacy of adjoining property

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

Carried unanimously.

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

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

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

Carried unanimously.



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

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

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

Carried unanimously.

**ITEM 8 PROPOSED SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2016 (S125138-02)**

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

It is resolved that the Central Sydney Planning Committee adopt the draft Schedule of Meetings and Briefings for 2016, as shown at Attachment A to the subject report.

Carried unanimously.

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

**SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2016**

<b>DATE</b>	<b>MEETING</b>
THURSDAY 18 FEBRUARY	• CSPC BRIEFINGS
THURSDAY 25 FEBRUARY	• CSPC MEETING
THURSDAY 10 MARCH	• CSPC BRIEFINGS
THURSDAY 17 MARCH	• CSPC MEETING
THURSDAY 31 MARCH	• CSPC BRIEFINGS
THURSDAY 7 APRIL	• CSPC MEETING
THURSDAY 5 MAY	• CSPC BRIEFINGS
THURSDAY 12 MAY	• CSPC MEETING
THURSDAY 16 JUNE	• CSPC BRIEFINGS
THURSDAY 23 JUNE	• CSPC MEETING
THURSDAY 14 JULY	• CSPC BRIEFINGS
THURSDAY 21 JULY	• CSPC MEETING
THURSDAY 4 AUGUST	• CSPC BRIEFINGS
THURSDAY 11 AUGUST	• CSPC MEETING
THURSDAY 6 OCTOBER	• CSPC BRIEFINGS
THURSDAY 13 OCTOBER	• CSPC MEETING
THURSDAY 10 NOVEMBER	• CSPC BRIEFINGS
THURSDAY 17 NOVEMBER	• CSPC MEETING
THURSDAY 1 DECEMBER	• CSPC BRIEFINGS
THURSDAY 8 DECEMBER	• CSPC MEETING
THURSDAY 15 DECEMBER	• CSPC RECESS
THURSDAY 22 DECEMBER	• CSPC RECESS

The recess continues until the first Central Sydney Planning Committee meetings of 2017

The meeting of the Central Sydney Planning Committee concluded at 6.50pm.

CHAIR