

## Relevant Information for Local Planning Panel

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**FILE:** D/2019/1339 **DATE:** 18 March 2020

**TO:** Local Planning Panel Members

**FROM:** Graham Jahn AM, Director City Planning, Development and Transport

**SUBJECT:** Information Relevant To Item 9 – Development Application 174-176A, 178-186 and 178A George Street, and 33-35 Pitt Street, Sydney - D/2019/1339:

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### Alternative Recommendation

It is resolved that consent be granted to Development Application No D/2019/1339, subject to the conditions detailed in Attachment A to the subject memorandum dated 18 March 2020 subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

### Background

On 12 March 2020, issues were raised by the applicant regarding 11 of the recommended conditions of consent. The proposed changes/deletions are noted below (with Council responses). A copy of their correspondence is attached (Attachment B).

### Conditions to be modified

#### **2 – ITEMS NOT APPROVED**

- a) *The following items are not approved as part of this application:*
- (i) *Lighting contained in report 'Plaza, Plaza Building and Bridge DA Report' prepared by Electro Light. A separate DA is to be submitted'*

Reasons for proposed deletion: The condition contradicts Condition 40 (Public Domain Lighting) which requires the lighting to be agreed with the City prior to CC. The applicant also seeks to delete Condition 3 – External Lighting for the same reasons.

### **3 EXTERNAL LIGHTING**

*As noted in Condition 2, a separate development application is required to be lodged and approved prior to any external floodlighting or illumination of the building or site landscaping.*

Planner response: During assessment, the proposed pedestrian light poles along the southern edge of the square were raised as a concern, and it was noted that additional lighting should be provided from the canopy column or from the community building itself to achieve the required luminance levels. However, it is agreed this could be addressed through Condition 40 instead of a separate DA. Both Condition 2(a)(i) and Condition 3 are recommended for deletion.

### **2 – ITEMS NOT APPROVED**

- (ii) *Outdoor dining areas/zones (~~except for the 'Public Seating Pebbles'~~) are not approved. A separate development application shall be submitted for the Director of City Planning, Development and Transport's approval.*

Reasons for proposed modification: The applicant seeks clarity of the approval of the plinth seat as well as pebble seats. Neither are dining areas/zones therefore this can be accommodated.

Planner response: Acceptable to make this change as it is understood final details of the public domain seating are still in discussions.

### **5– DESIGN DETAILS**

- c) Details of the façade treatment to the east is to be submitted for review in consultation with the City's design team. ~~The eastern elevation must align with the façade design of the Lower Ground Floor.~~*

Reasons for proposed modification: The applicant notes the lower ground floor has a different façade modulation as a result of the difference structural grids between the upper and lower ground floors and requirements of lift, Public End of Trip Facility entry/egress and retail.

Planner response: The change to the condition still enables the City to review the proposed design details prior to issue of Construction Certificate.

### **20 – ALIGNMENT LEVELS – MAJOR DEVELOPMENT** *(For wording, see Attachment B)*

#### **41 – TACTILE INDICATORS**

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

Reasons for proposed modification: Unclear wording / Tactile indicators condition applies only to the entry to the bridge where they are required. It is not possible to locate them within the private property boundary (they will need to be in public domain).

Planner response: Referred to City's Public Domain team who support the proposed change to wording to both Condition 20(c) and 41.

## **28 - TFNSW REQUIREMENTS**

### *d) Reflectivity Report*

*Prior to the issue of the relevant Construction Certificate, the applicant must hold current public liability insurance cover....*

Reasons for proposed modification: Text is not related to reflectivity – covered in Condition 63. Proposed deletion.

Planner response: Council error. Condition 63(b) is related to OC stage. TfNSW recommended this condition as below. The correct text (as recommended by TfNSW) to replace the text above is to be inserted as follows:

***Prior to the issue of the relevant Construction Certificate, the applicant shall design lighting, signs and surfaces with reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor limiting glare and reflectivity to the satisfaction of Altrac, TfNSW and the Sydney Light Rail Operator.***

## **33 – FUTURE FOOD USE – MECHANICAL VENTILATION PROVISION** *(For wording, see Attachment B)*

Reasons for proposed modification: The tenancy will be used as a food and beverage use without exhaust. The approved Plaza Building has mechanical exhaust *below roof level*.

Planner response: The City's Design Manager, confirmed that discussions with the applicant have occurred. A commercial kitchen exhaust is not feasible with the way in which the building has been designed. Other mechanical exhaust (toilet, etc) will be required to be extracted below the roof level and as such the applicant cannot strictly comply with this condition. The deletion of the condition is supported as there is a separate condition requiring a DA to be submitted for the fitout of the ground floor, at such time the City can review the kitchen fitout plans to ensure the exhaust complies. The wording of this condition has been tightened up to reflect the standard wording for separate DAs.

## **34(A-C) SITE AUDIT STATEMENT** *(For wording, see Attachment B)*

Reasons for proposed modification: A site audit statement has been provided under the Main Works consent. There is no excavation, in ground works, or remediation proposed or required under this DA.

Planner response: Acceptable to delete this condition as it is captured under D/2017/1620. The City's Health team confirms it was a Council error.

## **Conditions to remain as written**

## **18 – LANDSCAPING OF THE SITE**

Reasons for proposed modification: The applicant notes there are no planter boxes or slab planting proposed and suggests this condition is deleted.

Planner response: The standard condition relates to the proposed feature tree. It is not agreed that it should be deleted as final details must be reviewed by the City for the planting of the tree, however, any landscaping plan wouldn't require any planter boxes to be shown if they are not proposed.

## **40 - PUBLIC DOMAIN LIGHTING**

(a) (v) *Certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158, AS 3000, and AS 4282.*

Reasons for proposed modification: The applicant requested the inclusion of the following *'Exemption is granted to Clause 3.3.1.8 Upward Light Ratio (ULR) of AS4282 is granted to allow wall mounted diffuse luminaires and up lighting to the trees in the plaza.'*

Planner response: Not supported. The provisions for control of upward light spill is a critical environmental compliance requirement.

Prepared by: Amy-Grace Douglas, Specialist Planner

### **Attachments**

**Attachment A.** Amended Recommended Conditions of Consent

**Attachment B.** Applicant's correspondence on the draft conditions of consent

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Approved



**GRAHAM JAHN AM**

Director City Planning, Development and Transport

# **Attachment A**

**Amended Recommended Conditions of  
Consent**

## CONDITIONS OF CONSENT

### SCHEDULE 1A

#### APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION

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

#### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2019/1339 dated 22 November 2019 and the following drawings prepared by Adjaye and Associates:

Drawing Number	Drawing Name	Date
DA_CQC_AD000001	Coverpage, Drawing List & General Notes	08/11/2019
DA_CQC_AD000201	Site Plan – George St Plaza – Overall	08/11/2019
DA_CQC_AD202200	GA Plan- Upper Ground – Zone 2	08/11/2019
DA_CQC_AD301200	GA Plan – Level 01	08/11/2019
DA_CQC_AD302200	GA Plan – Level 02	08/11/2019
DA_CQC_AD303200	GA Plan – Roof Rainscreen Cladding	08/11/2019
DA_CQC_AD304200	GA Plan – Roof Fenestration	08/11/2019
DA_CQC_AD305200	GA Plan – Canopy	08/11/2019
DA_CQC_AD410200	GA Elevation – South – Zone 2	08/11/2019
DA_CQC_AD420200	GA Elevation – West – Zone 2	08/11/2019
DA_CQC_AD430200	GA Elevation – North – Zone 2	08/11/2019
DA_CQC_AD440200	GA Elevation – East – Zone 2	08/11/2019

Drawing Number	Drawing Name	Date
DA_CQC_AD511200	GA Section – Long Sections – Zone 2	08/11/2019
DA_CQC_AD521200	GA Section – Cross Sections 1 – Zone 2	08/11/2019
DA_CQC_AD522200	GA Section – Cross Sections 2 – Zone 2	08/11/2019
DA-CQP-AD88003 REV 01	Link Bridge GA Plan	14/11/2019
DA-CQP-AD88004 REV 01	Link Bridge RCP and Sections	14/11/2019
DA-CQP-AD88005 REV 01	Link Bridge Elevations	14/11/2019

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) ITEMS NOT APPROVED**

- (a) The following items are not approved as part of this application:

- (i) ~~Lighting contained in report 'Plaza, Plaza Building & Bridge DA Report' prepared by Electro Light is not approved. A separate development application must be submitted for the Director of City Planning, Development and Transport's approval.~~
- (ii) Outdoor dining areas/zones ~~(except for the 'Public Seating Pebbles')~~ are not approved. A separate development application shall be submitted for the Director of City Planning, Development and Transport's approval.
- (iii) The proposed ~~Waterhousea~~ tree to the George Street Plaza is not approved. The feature tree to George Street Plaza is to be a *Koelreuteria bipinnata* (Chinese flame tree).

**(3) EXTERNAL LIGHTING**

~~As noted in Condition 2, a separate development application is required to be lodged and approved prior to any external floodlighting or illumination of the building or site landscaping.~~

**(4) SIGNAGE STRATEGY - SEPARATE DA REQUIRED**

No signage is approved. A separate development application for a Signage Strategy for the site must be submitted to and approved by Council's Director of City Planning, Development and Transport's approval prior to issue of the relevant Construction Certificate.

**(5) DESIGN DETAILS**

Details, including any modifications, of the following are to be provided and approved by Council's Director of City Planning, Development and Transport's approval prior to issue of any building works Construction Certificate:

- (a) Stormwater drainage details to be submitted and approved by Council's Area Planning Manager prior to issue of Construction Certificate. The stormwater plans should show any concealed drainpipes, box gutter, and drainage for the roof terrace details. Consideration should also be provided to the drip-line of the building façade.
- (b) Weather protection to the lift entry doors on the roof terrace and ground floor entry doors to the plaza building is to be provided in consultation with the City's design team.
- (c) *Details of the facade treatment to the east is to be submitted for review in consultation with the City's design team. ~~The eastern elevation must align with the facade design of the Lower Ground Floor.~~*
- (d) *A full size mock-up of a representative portion of the public artwork in order to determine hole sizes, finish and thickness of the materials, is to be provided and approved.*

**(6) USE AND FIT-OUT SUBJECT TO FUTURE DEVELOPMENT APPROVALS**

- (a) ***A separate development application is required to be lodged and approved for the use and fitout of the plaza building at both ground and first floor level prior to the use commencing.***

**(7) HOURS OF OPERATION – LIFT AND LOBBY**

- (a) Lobby lift access between the laneway and plaza floor levels is to be provided 24 hours per day, Mondays to Sundays, 7 days per week.

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

- (a) The development must be carried out in accordance with the terms of the planning agreement (as amended) entered into by Lendlease (Circular Quay) Pty Ltd with the City of Sydney dated 25 July 2016.
- (b) The link bridge may exceed 4m in width but must not exceed 5m in total width (outer edge to outer edge) as it passes over Crane Lane.



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

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

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

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

**(10) ASSOCIATED ROADWAY COSTS**

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Code".

**(11) SURVEILLANCE CAMERAS**

A CCTV security diagram/plan is to be submitted and approved to Council's Area Planning Manager prior to issue of a Construction Certificate.

**(12) COMPLIANCE WITH DEMOLITION, EXCAVATION & CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

- (a) All works conducted on site which form part of this development must be carried out in accordance with the submitted Demolition, Excavation and Construction Management Plan prepared by Renzo Tonin & Associates dated 13 November 2017 Council reference 2019/594757.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit.

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

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by Acoustic Logic dated 14 November 2019, reference 20171494.5/1411A/R3/WY, titled Plaza Building DA Acoustic Assessment, Council reference 2019/594764 must be implemented in the development prior to the commencement of its use.
- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant\* (see definition below). This work will be to the satisfaction of the certifier.
- (c) 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 Principal Certifier/Principal certifying Authority that the development complies with the requirements set out in the Report and in (a) and (b) 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.

- (d) All physical aspects of the building's structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times.

#### **(14) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT**

- (a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA [Noise Policy for Industry 2017 \(NPfl\)](#) unless agreed to by the City's Area Planning Manager. Further:
  - (i) Background noise monitoring must be carried out in accordance with the long-term methodology in [Fact Sheet B](#) of the NPfl unless otherwise agreed by the City's Area Planning Manager.
  - (ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- (b) An  $L_{Aeq,15\text{ minute}}$  (noise level) emitted from the development must not exceed the  $L_{A90, 15\text{ minute}}$  (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
  - (i) The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.
  - (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.
- (c) Corrections in [Fact Sheet C](#) of the NPfl are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

#### **(15) LAND DEDICATION – NO LONG TERM ENVIRONMENTAL MANAGEMENT PLAN**

Any land that is to be dedicated to the City as part of the associated Voluntary Planning Agreement must not be encumbered by an Environmental Management Plan or Long Term Environmental Management Plan.

#### **(16) ASSOCIATED ROADWAY COSTS**

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed generally in accordance with the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Code".

## **(17) TfNSW REQUIREMENTS**

- (a) The applicant must comply with all Altrac Light Rail Partnership (Altrac) or any subsequent operator of Sydney Light Rail (Sydney Light Rail Operator) policies, rules and procedures when working in and about the Sydney Light Rail corridor;
- (b) The applicant must comply with the requirements of T HR CI 12080 ST External Developments version 1.0 and Development Near Rail Corridors and Busy Roads – Interim Guidelines
- (c) Activities of the applicant must not affect and/or restrict Sydney Light Rail operations without prior written agreement between the applicant, TfNSW, Altrac and the Sydney Light Rail Operator, and it is a condition precedent that such written agreement must be obtained no later than two (2) months prior to the activity. Any requests for agreement are to include as a minimum the proposed duration, location, scope of works, and other information as required by the Sydney Light Rail Operator.
- (d) The applicant must apply to Altrac and the Sydney Light Rail Operator for any required network shutdowns four (4) months prior to each individual required network shutdown event. Each request for network shutdown must include as a minimum the proposed shutdown dates, duration, location, scope of works, and other information as required by the Sydney Light Rail Operator. It is likely in the first two (2) years there will not be a light rail shutdown for maintenance purposes. The Sydney Light Rail Operator may grant or refuse a request for network shutdown at its discretion;
- (e) The applicant shall provide safe and unimpeded access for Sydney Light Rail patrons traversing to and from the Sydney Light Rail stops at all times;
- (f) TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought;
- (g) All TfNSW, Altrac and Sydney Light Rail Operator's costs associated with review of plans, designs and legal must be borne by the applicant.

## **SCHEDULE 1B**

### **PRIOR TO CONSTRUCTION CERTIFICATE/COMMENCEMENT OF WORK/HEALTH AND BUILDING**

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

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Director City Planning, Development and Transport, prior to the issue of a Construction Certificate for above ground building works. The plan must include:
  - (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees (feature tree to George Street Plaza to be as per Condition 2 – 'Koelreuntheria bipinnata'), paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
  - (ii) Details of earthworks and soil volumes and depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
  - (iii) Details of planting procedure and maintenance;
  - (iv) Details of drainage, waterproofing and watering systems.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Accredited Certifier. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to any Occupation Certificate being issued.

#### **(19) STREET TREE PROTECTION**

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

- (a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
  - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and truck at all times;
  - (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and
  - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The

hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,

- (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Materials or goods, including site sheds, must not be stored or placed:
  - (i) around or under the tree canopy; or
  - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (d) Protective fencing (1.8 metre chain wire mesh fencing) must be erected on top of the hoarding [Tree Management Team to insert location of hoarding and affected trees] to protect branches during the construction works.
- (e) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

## (20) ALIGNMENT LEVELS – MAJOR DEVELOPMENT

- (a) Proposed George Street Plaza building ground floor finished floor level of 7.15mAH as shown on the "Siteworks and stormwater drainage plan" prepared by Cardno, Project No.: 80217083, Sheet No. C\_CD202210, Rev. 03, dated 14.11.19 is approved.
- (b) George Street Public Plaza grading as shown on the "Siteworks and stormwater drainage plan" prepared by Cardno, Project No.: 80217083, Sheet No. C\_CD202210, Rev. 3, dated 14.11.19 is approved in principal and shall be in accordance with the Planning Agreement dated 25/07/2016
- (c) Prior to a Construction Certificate being issued for any ***civil construction, drainage or*** building work ***(whichever is earlier), associated with the D/2017/1620 building works and for the*** Public Plaza or Plaza Building work as applicable under this consent, ***excluding approved preparatory or demolition work, alignment levels for the Plaza building,*** George Street Public Plaza grading and site frontages must be submitted to and approved by Council. The submission must be designed by a suitably qualified engineer, must be based on a current survey at the time of submission, must be in accordance with the City of Sydney's *Public Domain Manual*, must be submitted with an Application for Public Domain Levels and Gradients Approval form (available on the City's website) and shall be in accordance with the Alignment Levels approval issued under D/2017/1620, Condition 83, dated 12/08/2019.

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

#### **(21) PAVING MATERIALS**

The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

#### **(22) PRESERVATION OF SURVEY MARKS**

All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

Prior to the issue of a Construction Certificate, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.

At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.

A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

#### **(23) DETAILED AS-BUILT DRAWINGS AND WORKS MAINTENANCE PLAN**

- (a) Up to date detailed as-built architectural plans of all the works which are the subject of the application or planning agreement are to be submitted in electronic form and acknowledged in writing by Council prior to the issue of any occupation certificate.
- (b) A building operation and maintenance manual is to be submitted in hard and electronic form prior to the issue of any Occupation Certificate. Council may request that the manual be updated to include the operation and maintenance of any element or component of the works subject to the planning agreement within 6 months of receipt.

#### **(24) PROTECTION OF SURVEY INFRASTRUCTURE**

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the *Surveying and Spatial Information Act 2002* must

be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the NSW Land Registry Services.

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

## **(25) GEORGE STREET PUBLIC PLAZA PLAN**

- (a) A detailed Public Plaza plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged in consultation with Council's Public Domain and approved by Director, City Planning, Development and Transport, prior to a Construction Certificate being issued for public plaza work or above ground building work, whichever is later.
- (b) The George Street Public Plaza Plan must document all works required to ensure that the public plaza is consistent with the City of Sydney's *Public Domain Manual*, *Sydney Streets Code* and *Sydney Streets Technical Specification*, including pavement, interface with the George Street public domain footway and 200 George Street plaza, drainage, lighting, trees, and landscaping, signage, furniture and other public domain elements. If an Alignment Levels condition applies to the development, the Public Plaza Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the Public Plaza requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for Public Plaza work.
- (c) The works to the George Street Public Plaza are to be completed in accordance with the approved Public Plaza Plan and Alignment Levels plans and the *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

## **(26) GEORGE STREET PUBLIC PLAZA WORKS – HOLD POINTS AND HANDOVER**

- (a) Prior to a Construction Certificate being issued for George Street Plaza building work, including civil, drainage and subsurface works, a set of hold points for approved public plaza, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*.
- (b) Prior to a Certificate of Completion being issued for the George Street Public Plaza works and before the issue of any Occupation Certificate for the development or before the use commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all Public Plaza works. Completion and handover



of the constructed Public Plaza works must be undertaken in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*, including requirements for as-built documentation, certification, warranties and the defects liability period.

## **(27) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT**

- (a) Prior to an approval or Construction Certificate being issued for any civil construction, drainage or building work (whichever is earlier) applicable under this consent, excluding approved preparatory or demolition work, a detailed drainage engineering design, calculations and design for the stormwater overland flow path for the development must be:
  - (i) prepared by a suitably qualified hydraulic or civil engineer to show the proposed method of collection and disposal of stormwater; and
  - (ii) prepared in accordance with the City of Sydney's *Stormwater Drainage Manual*, technical specifications, standards and policies, as amended from time to time; and
  - (iii) submitted to and be approved by the City of Sydney and a copy of the City's letter of approval must be provided to the Principal Certifying Authority.
- (b) For approval of a connection into the City of Sydney's drainage system an "Application for Approval of Stormwater Drainage Connections" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges.
  - (i) The application must be approved by the City of Sydney prior to an approval or Construction Certificate being issued for any civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work.
  - (ii) All proposed connections to the City's underground drainage system require the owner to enter into a Deed of Agreement with the City of Sydney and obtain registration on Title of a Positive Covenant prior to an Occupation Certificate being issued, including an Interim Occupation Certificate.

### **Stormwater Quality Assessment**

A stormwater quality assessment must be undertaken by a suitably qualified drainage engineer to demonstrate how the development will be designed to ensure that the flow of post-development pollutants from the site due to stormwater will be reduced. The water quality assessment must be submitted to and be approved by the City of Sydney and a copy of the City's letter of approval must be provided to the Principal Certifying Authority prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work.

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

## Completion / Works-as-Executed Documentation

- (c) Prior to a Certificate of Practical Completion being issued by the City of Sydney for stormwater drainage works:
  - (i) All works for the disposal of stormwater and drainage are to be implemented in accordance with the approved plans, City of Sydney technical specifications. Standards and policies, approval letters and the requirements of this consent.
  - (ii) A Works-As-Executed survey, prepared, signed and dated by a Registered Surveyor, must be submitted to and be accepted by the City of Sydney. The plan must be overlaid on a copy of the approved stormwater drainage plans issued with the Construction Certificate, with variations to locations, dimensions, levels and storage volumes clearly marked.
  - (iii) Electronic works-as-executed (as-built) details, certifications, warranties, inspection reports (including Closed Circuit Television reports) and associated documentation for the completed work must be prepared and certified by a suitably qualified hydraulic engineer, in accordance with the requirements of the City of Sydney's technical specifications, the *Public Domain Manual*, the *Stormwater Drainage Manual*, the conditions of this consent and all letters of approval issued by the City of Sydney for works in the public domain, and must be submitted to and be accepted by the City of Sydney.
  
- (d) Prior to the issue of the first Occupation Certificate, including an Interim Occupation Certificate, or before the use commences (whichever is earlier):
  - (i) A copy of the City's Certificate of Completion for all stormwater and drainage work undertaken in the public domain must be provided to the Principal Certifying Authority;
  - (ii) a Works-As-Executed survey, must be prepared, signed, dated and certified by a Registered Surveyor and must be submitted to and be accepted by the Principal Certifying Authority. The Works-as-Executed plan must be overlaid on a copy of the approved stormwater drainage plans issued with the Construction Certificate, with variations to locations, dimensions, levels and storage volumes clearly marked;
  - (iii) a Hydraulic Compliance Certificate and Calculation Sheet must be prepared by a suitably qualified hydraulic engineer (minimum NER), showing approved versus installed hydraulic calculations, and must be submitted to and be accepted by the Principal Certifying Authority;
  - (iv) as applicable, evidence of Sydney Water's acceptance of the Works-As-Executed documentation, certification and Hydraulic Compliance Certificate and Calculation Sheet must be provided to the Principal Certifying Authority;

- (v) The Principal Certifying Authority must submit a copy of the Works-As-Executed plans, certifications, Hydraulic Compliance Certificate and Calculation Sheet to the City of Sydney.

**(28) TFNSW REQUIREMENTS**

(a) Process of Endorsement of Conditions

Prior to the issue of any construction certificate or any preparatory works, whichever is earlier, the applicant must:

- (i) Consult with TfNSW, Altrac and the Sydney Light Rail Operator to ascertain requirements in relation to the protection of TfNSW's infrastructure and to confirm the timing of each construction certificate and associated documentation and activities prior to preparation of requested documentation.
- (ii) If required by TfNSW, sign Interface Agreement and Works Deed with TfNSW and/or the Sydney Light Rail Operator;
- (iii) Confirm in writing with TfNSW what each Construction Certificate stage will involve;
- (iv) Submit all relevant documentation to TfNSW as requested by TfNSW and obtain its written endorsement for each construction stage. A summary report for each construction stage shall also be provided to TfNSW to demonstrate that submitted documentation has satisfied the relevant conditions.

The Principal Certifying Authority (PCA) is not to issue the relevant Construction Certificate until received written confirmation from TfNSW that the relevant conditions have been complied with for each Construction Certificate.

(b) Acoustic Assessment

If required by TfNSW, prior to the issue of the relevant Construction Certificate, the final acoustic assessment is to be submitted to PCA demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads – Interim Guidelines". All recommendations of the acoustic assessment are to be incorporated in the construction documentation.

(c) Electrolysis Analysis

If required by TfNSW, prior to the issue of the relevant Construction Certificate, the applicant is to engage an Electrolysis Consultant 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 PCA with the application for the relevant Construction Certificate.

(d) Reflectivity Report

~~**Prior to the issue of the relevant Construction Certificate, the applicant must hold current public liability insurance cover for a sum acceptable to TfNSW. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The applicant is to contact TfNSW to obtain the level of insurance required for this particular proposal. Prior to issuing the relevant Construction Certificate the PCA must witness written proof of this insurance in conjunction with TfNSW's written advice to the applicant on the level of insurance required.**~~

**Prior to the issue of the relevant Construction Certificate, the applicant shall design lighting, signs and surfaces with reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor limiting glare and reflectivity to the satisfaction of Altrac, TfNSW and the Sydney Light Rail Operator.**

(e) Insurance Requirements

Prior to the issue of the relevant Construction Certificate, the applicant must hold current public liability insurance cover for a sum acceptable to TfNSW. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The applicant is to contact TfNSW to obtain the level of insurance required for this particular proposal. Prior to issuing the relevant Construction Certificate the PCA must witness written proof of this insurance in conjunction with TfNSW's written advice to the applicant on the level of insurance required.

(f) Safety Interface Agreement

Prior to the issue of any construction certificate or any preparatory works, whichever is earlier, if required by TfNSW, a Safety Interface Agreement between the applicant, TfNSW and/or the Sydney Light Rail Operator must be agreed and executed by the parties. This agreement may deal with matters including, but not limited to, the following:

- Pre and post construction dilapidation reports;
- The need for track possessions;
- Review of the machinery to be used during construction works;
- The need for track monitoring;
- Design and installation of lights, signs and reflective material;
- Endorsement of Risk Assessment/Management Plan and Safe Work Method Statements (SWMS);
- Endorsement of plans regarding proposed craneage and other aerial operations;
- Erection of scaffolding/hoarding;
- Light Rail Operator's rules and procedures; and

- Alteration of rail assets such as the OHW along of track and associated hoarding demarcation system, if undertaken by the applicant.

(g) Works Deed

Prior to the issue of any construction certificate or any preparatory works, whichever is the earlier, if required by TfNSW, a Works Deed between the applicant, TfNSW and/or the Sydney Light Rail Operator must be agreed and executed by the parties. This agreement may deal with matters including, but not limited to, the following:

- Sydney Light Rail Operational requirements;
- Sydney Light Rail access requirements;
- Altrac and Sydney Light Rail Operator policies, rules and procedures compliance requirements;
- Indemnities and releases;
- Insurance requirements and conditions;
- TfNSW, Altrac and the Sydney Light Rail Operator's recovery of costs from the applicant for costs incurred by these parties in relation to the development (e.g. review of designs and reports, legal, shutdown/power outages costs including alternative transport, customer communications, loss of revenue etc) risk assessments and configuration change processes;
- Interface coordination between the Sydney Light Rail Operator and the subject development construction works;
- Altrac and the Sydney Light Rail Operator's reviews of engineering design and construction works methodology on Sydney's Light Rail Operations and assets;
- Attendance and participation in the construction works risk assessment of construction activities to be performed in, above, about, and/or below the Sydney Light Rail Corridor;
- Arrangements for shutdowns and Sydney Light Rail restricted operations related costs attributed to the applicant; and
- Sydney Light Rail site works access approval and access permit to work.

(h) Other Contractor Deed Poll Form

If required by TfNSW, prior to the issue of any Construction Certificate or an preparatory works, whichever is the earlier, the applicant must, if required by Transport for NSW, sign an Other Contractor Deed Poll form. The form can be access from Transport for NSW by sending an email to [development.sco@transport.nsw.gov.au](mailto:development.sco@transport.nsw.gov.au). The email shall include the subject line "Other Contractor Deed Poll Form".

## **(29) TFNSW REQUIREMENTS – DURING CONSTRUCTION**

- (a) Construction vehicles shall not travel, stop or park on George Street (Between Hunter Street and Bathurst Street) at any time without prior approval of the Sydney Coordination Office within Transport for NSW;
- (b) No metal ladders, tapes and plants/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment unless a physical barrier such as a hoarding or structure provides separation;
- (c) During all stages of the development extreme care shall be taken to prevent any form of pollution entering the light rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the applicant;
- (d) The applicant must mitigate all noise and vibration to the extent possible and provide vibration monitoring equipment and provide the results to the Sydney Light Rail Operator at intervals required by TfNSW and the Sydney Light Rail Operator, and immediately implement corrective actions in the event that the noise or vibration exceeds acceptable limits;
- (e) Rainwater from the roof must not be projected and/or falling into the rail corridor/assets and must be piped down the face of the building which faces the rail corridor. Given the site's location next to the rail property, drainage from the development must be adequately dispose of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from TfNSW and the Sydney Light Rail Operator (or the delegated authority); and
- (f) No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the Sydney Light Rail Operator and TfNSW and a physical barrier such as a hoarding or structure provides separation. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting the securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.

## **(30) CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT PLAN**

- (a) A Construction Traffic and Pedestrian Management Plan (CTPMP) must be submitted to and approved by Council prior to a Construction Certificate being issued.
- (b) The CTPMP must be prepared in consultation with the Sydney Coordination Office within TfNSW and the Sydney Light Rail Operator. It must be endorsed by TfNSW prior to lodgement with Council's Traffic Operations team for approval.
- (c) The CTPMP needs to ensure that the construction of the development does not in any way adversely impact the regular service operation of the Sydney Light Rail Project.
- (d) The CPTMP needs to specify matters including, but not limited to, the following:
  - (i) A description of the development;

- (ii) Location of any proposed work zone(s), noting that George Street is not a suitable location;
  - (iii) Details of crane arrangements including location of any crane(s) and crane movement plan if there will be cranes on the light rail side of the building;
  - (iv) Haulage routes;
  - (v) Proposed construction hours;
  - (vi) Predicted number of construction vehicle movements and detail of vehicle types, noting that vehicle movements are to be minimised during peak periods;
  - (vii) Construction program and construction methodology;
  - (viii) A detailed plan of any proposed hoarding and/or scaffolding, including adequate clearance for pedestrian movement alongside light rail vehicles;
  - (ix) Measures to avoid construction worker vehicle movements within the CBD;
  - (x) Consultation strategy for liaison with surrounding stakeholders, including other developments under construction and the Sydney Light Rail Operator;
  - (xi) Any potential impacts to general traffic, cyclists, pedestrians, light rail and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
  - (xii) Cumulative construction impacts of projects including Sydney Metro City and Southwest. Existing CTPMPs for developments within or around the development site should be referenced in the CTPMP to ensure that coordination of work activities are managed to minimise impacts on the surrounding road network; and
  - (xiii) Proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CTPMP.
- (e) Submit a copy of the final plan to the Coordinator General, Transport Coordination within TfNSW for endorsement;
  - (f) Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and Sydney Coordination Office within Transport for NSW to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

**(31) SECTION A SITE AUDIT STATEMENT TO BE SUBMITTED PRIOR TO WORKS**

Prior to the commencement of any works approved by this consent, a Section A Site Audit Statement prepared by a NSW Environment Protection Authority accredited Site Auditor and submitted to the Council's Area Planning Manager in accordance with D/2017/1479 and D/2017/1620.

**(32) 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 Council's Area Planning Manager and the Principal Certifier.

**(33) ~~FUTURE FOOD USE – MECHANICAL VENTILATION PROVISION~~**

~~Prior to the issue of a Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, and AS1668.1 – The Use of Mechanical Ventilation and Air-Conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings.~~

**(34) ~~SITE AUDIT STATEMENT~~**

~~Prior to the issue of a construction certificate associated with the built form of the development (excluding building work directly related to remediation), a Section A Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor and submitted to the Council's Area Planning Manager at email address:-~~

~~[hbapplications@cityofsydney.nsw.gov.au](mailto:hbapplications@cityofsydney.nsw.gov.au)~~

~~The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remedial Action Plan and clearly state that site is suitable for the proposed use.~~

~~(a) In circumstances where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and must be approved by the Council's Health and Building department in writing through the Area Planning Manager before the Site Audit Statement is issued.~~

~~(b) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a S4.55 modification of the consent pursuant to the provisions of the Environmental Planning & Assessment Act 1979).~~



~~(c) **No Occupation Certificate is to be issued by the Principal Certifier unless a Site Audit Statement has been submitted to and approved by Council in accordance with this condition.**~~

**(35) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS**

All public domain works to the George Street Public Plaza, including rectification of identified defects, are subject to a 6 month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Practical Completion for public domain works.

**(36) DRAINAGE AND SERVICE PIT LIDS**

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

**(37) NOMINATED ENGINEERING WORKS SUPERVISOR – MAJOR INFRASTRUCTURE**

Prior to issue of a Road Opening Permit for works in the public domain, the developer shall give Council written notification of the appointment of either:

- (a) A Chartered Civil Engineer, with National Professional Engineering Registration (NPER 3) in the construction of civil works, or
- (b) A survey company of Registered Surveyors with accreditation from the Institution of Surveyors NSW Inc, or
- (c) An accredited certifier in civil engineering, as its nominated engineering works supervisor, the responsibility of whom shall be to sufficiently supervise the works to ensure compliance with all relevant statutory requirements, all relevant conditions of development consent, construction requirements detailed in the above specification, and the requirements of all legislation relating to environmental protection and occupational health and safety.

On completion of the works the nominated engineering works supervisor shall certify that the works have been constructed in accordance with the approved plans, specifications and conditions of approval, and that the "Works as Executed" plans are a true and correct record of what has been built. The works supervisor shall be independent of the Principal Certifier.

**(38) PROTECTION OF STONE KERBS**

- (a) The existing stone kerbs on the George St frontage of the site are to be retained and properly protected during excavation and construction works.
- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may

be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate. Note: all costs associated with the works are to be at no cost to the Council.

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

### **(39) PUBLIC DOMAIN DAMAGE DEPOSIT**

- (a) A Public Domain Damage Deposit calculated on the basis of 170 square metres of Granite stone paver at George Street 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 or insurance bond as per the Council's Performance Bond Policy in favour of Council as security for repairing any damage to the public domain in the vicinity of the site (Guarantee).
- (b) The Guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier.
- (c) The Guarantee in this condition will be retained in full until the Public Domain Works Deposit Guarantee if required by this consent is lodged with Council. Upon lodgement of the Public Domain Works Deposit Guarantee, the Guarantee in this condition will be released.
- (d) If no public domain works are required the Guarantee in this condition 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. The Guarantee will be released in full unless rectification works are required where upon 90% of the total securities will be released, with the remaining 10% to be retained for the duration of a 6 months Defect Liability Period.

#### **(40) PUBLIC DOMAIN LIGHTING**

- (a) Prior to a Construction Certificate for public domain works or above ground building works being issued, whichever is later, 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 and approved by Council. The Lighting Plan must be prepared in accordance with the City of Sydney's 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;
  - (v) Certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158, AS 3000 and AS4282;
  - (vi) Structural certification for footing designs by a suitably qualified, practicing engineer to certify that the design complies with City of Sydney policies and Australian Standards.
- (b) The public domain lighting works are to be completed in accordance with the approved plans and the City of Sydney's *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

#### **(41) ~~TACTILE GROUND SURFACE INDICATORS AND HANDRAILS~~**

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

#### **(42) WASTE AND RECYCLING MANAGEMENT - MINOR**

The proposal must comply with the relevant provisions of Council's *Guidelines for Waste Management in New Developments 2018* which requires facilities to minimise and manage waste and recycling generated by the proposal.

#### **(43) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

- (a) The Waste and Recycling Management Plan accompanying this Development Application has not been approved by this consent.

- (b) A Waste and Recycling Management Plan is to be approved by the Principal Certifier prior to a Construction Certificate being issued. The plan must comply with the Council's *Guidelines for Waste Management in New Developments 2018*. All requirements of the approved Building Waste and Recycling Management Plan must be implemented during construction of the development.

#### UPON COMPLETION OF THE DEVELOPMENT

- (c) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must ensure that waste handling works have been completed in accordance with: the Waste and Recycling Management Plan; other relevant development consent conditions; and Council's *Guidelines for Waste Management in New Developments 2018*.

#### **(44) WASTE AND RECYCLING COLLECTION CONTRACT**

Prior to any commencement of the use the building owner must ensure that there is a contract with a licensed contractor for the removal of **all waste**. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

#### **(45) ROAD OPENING PERMIT**

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

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

#### **(46) 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) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), 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 for such structures.
- (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, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 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/wind vanes 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 2017*).

#### **(47) LAND SUBDIVISION – SEPARATE DA REQUIRED**

Any proposal for land subdivision will require a separate application to Council to obtain development consent and the subsequent approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*.

The application is to be lodged and approved prior to the construction of any public benefits.

#### **(48) SYDNEY WATER CERTIFICATE (TAP-IN)**

- (a) The approved plans must be submitted to Sydney Water's "Tap-in" online service to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water's "Tap-in" online service is available at [www.sydneywater.com.au](http://www.sydneywater.com.au), (see Plumbing, Building & Development and then Sydney Water "Tap-in").

- (b) The Consent Authority or a Principal Certifier must ensure that Sydney Water has appropriately stamped the plans before the commencement of work.

#### **(49) WORKS REQUIRING USE OF A PUBLIC PLACE**

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

#### **(50) PHYSICAL MODELS**

- (a) Prior to the issue of any Occupation Certificate an accurate 1:500 scale model of the development as constructed must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the City Model in Town Hall House.

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modellers must be consulted prior to construction of the model.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under Section 4.55 of the *Environmental Planning and Assessment Act*) that affect the external appearance of the building.

#### **(51) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE**

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

Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

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

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

## **SCHEDULE 1C**

### **DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION**

#### **(52) SYDNEY WATER CERTIFICATE**

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

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

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

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

#### **(53) ENCROACHMENTS – PUBLIC WAY**

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

#### **(54) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

#### **(55) SURVEY**

All footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report, prepared by a Registered Surveyor, must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments by the subject building over adjoining boundaries or roads must be removed prior to continuation of building construction work.

#### **(56) SURVEY CERTIFICATE AT COMPLETION**

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

#### **(57) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:



- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 must be obtained.

**(58) NO OBSTRUCTION OF PUBLIC WAY**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

**(59) USE OF MOBILE CRANES**

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.
- (c) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) The use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of approved hours of construction can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

**(60) ROOF SAFETY ACCESS SYSTEM**

- (a) An appropriate roof safety access system for maintenance of the artwork canopy is to be prepared.
- (b) Details are to be provided and approved by Council's Area Planning Manager prior to issue of Occupation Certificate.

**(61) OCCUPATION CERTIFICATE TO BE SUBMITTED**

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

**(62) HOURS OF WORK AND NOISE – CBD**

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

- (a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

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

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

**(63) TFNSW REQUIREMENTS**

- (a) Post-construction Dilapidation Report

Prior to the Issue of the Occupation Certificate, a post-construction dilapidation survey shall be undertaken via a joint inspection with

representatives from TfNSW, Altrac, the Sydney Light Rail Operator and the applicant. The dilapidation survey will be undertaken on the rail infrastructure and property in the vicinity of the project. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report to TfNSW and the Sydney Light Rail Operator will be required unless otherwise notified by TfNSW. The applicant needs to undertake rectification of any damage to the satisfaction of TfNSW and the Sydney Light Rail Operator and if applicable the City of Sydney.

(b) Reflectivity Report

Prior to the issue of the Occupation Certificate, the applicant shall demonstrate that lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor were installed limiting glare and reflectivity to the satisfaction of TfNSW, Altrac and the Sydney Light Rail Operator.

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

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

**(65) HAZARDOUS AND INDUSTRIAL WASTE**

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

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

## **SCHEDULE 2**

### **PRESCRIBED CONDITIONS**

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

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

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

## IMPORTANT ADDITIONAL INFORMATION

### Advisory notes:

1. It is advised that the City of Sydney Neighbourhood Parking Policy may apply to this development. Eligibility for parking permits for residents or users of the development will be determined by the terms of this policy or subsequent future policies.
2. The State Government has commenced planning for the construction of the CBD South East Light Rail (CSELR). You may need to consider the potential impacts of this project in programming your development. The CSELR route includes Alfred St, George St, Rawson Place, Eddy Ave, Chalmers St, and Devonshire St. For construction and programming information contact the Transport for NSW Infoline on 1800 684 490 or [www.transport.nsw.gov.au/projects](http://www.transport.nsw.gov.au/projects).

### The Environmental Planning and Assessment Act 1979 requires you to:

1. Obtain a **Construction Certificate** prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate.
2. **Note: it is compulsory to lodge digital copies of applications, including plans and documentation if lodging an application with Council. Please refer to the link below for any further information about digital requirements and electronic files.**  
**<http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/digital-requirements>**
3. Nominate a **Principal Certifier** which may be either Council or an accredited certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement.
4. Give Council at least two days notice of your intention to commence the erection of a building **before** commencing construction works. You cannot lawfully commence works without complying with this requirement.
5. Obtain an **Occupation Certificate** before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

### You may also need to:

6. Obtain approval through the lodgement of an application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* for an activity which is proposed to be undertaken in, on or above a road reservation (including footways). Such activities include:
  - (a) installation of hoardings/scaffolding;
  - (b) installation and/or alterations to advertising/business signs and street awnings;
  - (c) crane operation and other hoisting activities;
  - (d) temporary works (e.g.: barricading, road openings, mobile hoisting devices);
  - (e) works zone (for loading and unloading from the roadway); and
  - (f) temporary ground anchoring and shoring to support a roadway when excavating.

Application forms are available on the City's website.

7. Lodge an **Application for Subdivision** to obtain a **Subdivision Certificate** if a land (including stratum) subdivision is proposed and an Application for Subdivision to obtain **Strata Title Subdivision** under the relevant Strata Titles Act, if strata title of the development is proposed.
8. Comply with the Food Act 2003, the Australia New Zealand Food Standards Code, Australian Standard 4674 – 2004, and register the business with Council if the premises is used for the manufacture, preparation, packing, storing, conveying or delivering of food or beverage for sale.
9. Contact Sydney Water regarding the water and sewerage services to this development. For further information go to [www.sydneywater.com.au](http://www.sydneywater.com.au).
10. Carry out critical stage inspections in accordance with Section 6.5 of the EP&A Act 1979 and clauses 162A, 162B and 163 of the EP&A Regulation 2000.

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

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

**KINGS CROSS** 50-52 Darlinghurst Rd, Kings Cross.

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

**If you have any enquiries on any aspect of this consent, contact Amy Douglas ph. 02 9246 7857, email [adouglas@cityofsydney.nsw.gov.au](mailto:adouglas@cityofsydney.nsw.gov.au).**

# **Attachment B**

**Applicant's Request to Change Conditions**

Cond #	Existing Condition	Comments	Proposed Change
2(a)(i)	<p>(a) The following items are not approved as part of this application:</p> <p>(i) Lighting contained in report 'Plaza, Plaza Building &amp; Bridge DA Report' prepared by Electro Light is not approved. A separate development application must be submitted for the Director of City Planning, Development and Transport's approval.</p>	<p>This Condition contradicts Condition 40, which requires the lighting to be agreed with the City prior to the CC.</p> <p>LL request that the lighting is to be agreed with the City prior to CC, rather than requiring a new DA.</p>	Condition 2(a)(i) to be deleted as it is addressed under Condition 40.
2(a)(ii)	<p>(a) The following items are not approved as part of this application:</p> <p>(ii) Outdoor dining areas/zones (except for the 'Public Seating Pebbles') are not approved. A separate development application shall be submitted for the Director of City Planning, Development and Transport's approval.</p>	LL propose clarity of the approval of the plinth seat as well as the pebble seats. Suggest this can be accommodated as neither are dining areas/zones.	<p>(a) The following items are not approved as part of this application:</p> <p>(ii) Outdoor dining areas/zones (<del>except for the 'Public Seating Pebbles'</del>) are not approved. A separate development application shall be submitted for the Director of City Planning, Development and Transport's approval.</p>
3	<p>(3) EXTERNAL LIGHTING</p> <p>As noted in Condition 2, a separate development application is required to be lodged and approved prior to any external floodlighting or illumination of the</p>	As per 2(a)(i)	Remove as per 2(a)(i)



Cond #	Existing Condition	Comments	Proposed Change
	building or site landscaping.		
5(c)	(c) Details of the facade treatment to the east is to be submitted for review in consultation with the City's design team. The eastern elevation must align with the facade design of the Lower Ground Floor.	The external balcony on UG floor serves to create a visual break between the upper ground and lower ground facades. The lower ground has a different façade modulation as a result of the different structural grids between the upper and lower ground floors and requirements of lift, PCF entry/egress and retail. This is a key design consideration.	(c) Details of the facade treatment to the east is to be submitted for review in consultation with the City's design team. <del>The eastern elevation must align with the facade design of the Lower Ground Floor.</del>
18(a)(ii)	(18) LANDSCAPING OF THE SITE  (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Director City Planning, Development and Transport, prior to the issue of a Construction Certificate for above ground building works. The plan must include:  (ii) Details of earthworks and soil volumes and depths including mounding and retaining walls	There are no planter boxes or on slab planting proposed.	Suggest deleting condition 18(a)(ii).

Cond #	Existing Condition	Comments	Proposed Change
	and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;		
20(c)	<p>Prior to a Construction Certificate being issued for any civil construction, drainage or building work (whichever is earlier), associated with the D/2017/1620 building works and Public Plaza or Plaza Building work as</p> <p>applicable under this consent, excluding approved preparatory or demolition work, alignment levels for the Plaza building, George Street Public Plaza grading and site frontages must be submitted to and approved by Council. The submission must be designed by a suitably qualified engineer, must be based on a current survey at the time of submission, must be in accordance with the City of Sydney's Public Domain Manual, must be submitted with an Application for Public Domain Levels and Gradients Approval form (available on the City's website) and shall be in accordance with the Alignment Levels approval issued under D/2017/1620, Condition 83, dated 12/08/2019.</p>	Wording of the condition is unclear / ambiguous.	<p>Prior to a Construction Certificate being issued for any <del>civil construction, drainage or</del> building work <del>(whichever is earlier)</del> for the <del>associated with the D/2017/1620 building works and</del> Public Plaza or Plaza Building <del>work</del> as applicable under this consent, <del>excluding approved preparatory or demolition work, alignment levels for the Plaza building,</del> the George Street Public Plaza grading and site frontages must be submitted to and approved by Council. The submission must be designed by a suitably qualified engineer, must be based on a current survey at the time of submission, must be in accordance with the City of Sydney's Public Domain Manual, must be submitted with an Application for Public Domain Levels and Gradients Approval form (available on the City's website) and shall be in accordance with the Alignment Levels approval issued under D/2017/1620, Condition 83, dated 12/08/2019.</p>
28(d)	(d) Reflectivity Report	This condition does not relate to reflectivity.	Suggest deleting 28(d)

Cond #	Existing Condition	Comments	Proposed Change
	<p>Prior to the issue of the relevant Construction Certificate, the applicant must hold current public liability insurance cover for a sum acceptable to</p> <p>TfNSW. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The applicant is to contact</p> <p>TfNSW to obtain the level of insurance required for this particular proposal. Prior to issuing the relevant Construction Certificate the PCA must witness written proof of this insurance in conjunction with TfNSW's</p> <p>written advice to the applicant on the level of insurance required.</p>	<p>Reflectivity is covered in a separate condition – 63(b)</p>	
33	<p>Prior to the issue of a Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in</p> <p>accordance with AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings –</p>	<p>Council has confirmed that the kitchen exhaust is not required for the retail tenancy within the Plaza Building, however this tenancy will be suitable for F&amp;B use (i.e. without commercial kitchen exhaust).</p> <p>The approved Plaza Building 50% DD VPA</p>	<p>Suggest deleting this condition.</p>

Cond #	Existing Condition	Comments	Proposed Change
	Mechanical Ventilation in Buildings, and AS1668.1 – The Use of Mechanical Ventilation and Air-Conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings.	design has mechanical (toilet) exhaust discharging via a louvred grille at high level on the eastern façade (below the roof level).	
34(a-c)	<p>(34) SITE AUDIT STATEMENT</p> <p>Prior to the issue of a construction certificate associated with the built form of the development (excluding building work directly related to remediation), a Section A Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor and submitted to the Council's Area Planning Manager at email address:-</p> <p>hbapplications@cityofsydney.nsw.gov.au</p> <p>The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remedial Action Plan and clearly state that site is</p> <p>suitable for the proposed use.</p> <p>(a) In circumstances where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these</p>	<p>The site audit statement has been provided under the Main Works consent. There is no excavation, in ground works or remediation proposed or required under this DA</p>	<p>Suggest deleting this condition.</p>

Cond #	Existing Condition	Comments	Proposed Change
	<p>must be reviewed and must be approved by the Council's Health and Building department in writing through the Area Planning Manager before the Site Audit Statement is issued.</p> <p>(b) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a S4.55 modification of the consent pursuant to the provisions of the Environmental Planning &amp; Assessment Act 1979).</p> <p>(c) No Occupation Certificate is to be issued by the Principal Certifier unless a Site Audit Statement has been submitted to and approved by Council in accordance with this condition.</p>		
40(a)(v)	<p>Certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158, AS 3000 and AS4282;</p>		<p>Suggest adding the following to the condition:</p> <p>Note: Exemption is granted to Clause 3.3.1.8 Upward light ratio (ULR) of AS4282 is granted to allow wall mounted diffuse luminaires and up lighting to the trees in the plaza.</p>

Cond #	Existing Condition	Comments	Proposed Change
41	<p>All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.</p>	<p>Note this applies only to the entry to the bridge where TGSIs are required. It's not possible to locate them within the private property boundary so these TGSIs will need to be located within the public domain.</p>	<p>Suggest deleting this condition or re-wording to provide an exemption for the bridge.</p> <p>All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary. <b>Note: this condition is not applicable to the bridge.</b></p>