

Relevant Information for Central Sydney Planning Committee

FILE: D/2019/857 **DATE:** 14 May 2020

TO: The Central Sydney Planning Committee

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

SUBJECT: Information Relevant To Item 4 – Development Application: 505 – 523 George Street, Sydney – D/2019/857

Alternative Recommendation

It is resolved that consent be granted to Development Application No D/2019/857, subject to the conditions detailed in Attachment A to the subject report to the Central Sydney Planning Committee on 14 May 2020, subject to amendments (additions shown in ***bold italics***, deletions shown in ~~strike through~~) shown in Attachment A to the Information Relevant to Item 4 Memorandum.

Background

On 11 May 2020, the City received correspondence from the applicant which identified minor issues and errors in the Central Sydney Planning Committee report and recommended conditions of consent contained in Attachment A to the Central Sydney Planning Committee Report (Item 4). A copy of the correspondence from the applicant is provided at Attachment B.

A summary of the minor issues raised by the applicant and Council staff response to these issues and requested amendments to the recommended conditions of consent is provided in the table below.

Item No.	Comment
1	<p><i>Reference to Landowner</i></p> <p>On page 1 of the CSPC report, the landowner of the subject site is identified as 'Michael Coombes', whereas the correct landowner of the subject site is 'Coombes Property Group (CFT No 4 Pty Limited)'.</p> <p><u>Response / recommendation:</u></p> <p>The correct landowner is acknowledged. If the CSPC resolve to approve the subject application, the correct landowner will be included in the subsequent Notice of Determination.</p>
2	<p><i>Drawings not referenced in condition 1</i></p> <p><u>Requested amendment:</u></p> <p>The applicant requests that the Gross Floor Area (GFA) drawings and Demolition Site Plan are included in the plans referenced in condition 1 of the recommended conditions of consent.</p> <p><u>Response / recommendation:</u></p> <p>The subject drawings were intentionally omitted from condition 1. It is generally not common practice for compliance drawings such as GFA, solar access and the like, to be referenced in the approved drawings of a consent. The GFA for the development is specified in condition 6 of the recommended conditions of consent (as amended below in item 4).</p> <p>The Demolition Site Plan nominates the exact location for construction access on Kent Street and George Street. The construction access points are not recommended to be approved at this point in time. Conditions 80 and 186 of the recommended conditions of consent specifies that a Construction Pedestrian and Traffic Management Plan is required to be prepared in consultation with Council, Transport for NSW and the Sydney Light Rail Operator. The location of construction access point/s will be approved under the CTMP. The remaining demolition drawings referenced in condition 1 adequately show that all structures will be demolished from the site.</p> <p>Given the above, the requested inclusion of the subject drawings is not supported.</p>
3	<p><i>Minor typographical errors to drawings referenced in condition 1</i></p> <p><u>Requested amendment:</u></p> <p>The applicant has identified 5 typographical errors in the drawings referenced in condition 1 of the recommended conditions of consent.</p> <p><u>Response / recommendation:</u></p> <p>The typographical errors are noted and it is recommended condition 1 is amended accordingly.</p>

Item No.	Comment
4	<p>Condition 6 - Floor Space Ratio – Central Sydney</p> <p>The Gross Floor Area referenced in part (a) of condition 6 is incorrect. The correct total maximum permissible Gross Floor Area excluding wind affected balconies consistent with the drawings and with the written request submitted under Clause 4.6 of SLEP 2012 and supported in the CSPA assessment report is 65,447sqm.</p> <p><u>Current wording:</u></p> <p>(a) The Floor Space Ratio of the proposal must not exceed Sydney Local Environmental Plan 2012. For the purpose of the calculation of FSR, the Gross Floor Area of the approved development is 63,383sqm inclusive of wind affected balconies.</p> <p><u>Requested amended wording:</u></p> <p>The Floor Space Ratio of the proposal must not exceed Sydney Local Environmental Plan 2012. For the purpose of the calculation of FSR, the Gross Floor Area of the approved development is 65,447sqm exclusive of wind affected balconies.</p> <p><u>Response / recommendation:</u></p> <p>The GFA figure currently referenced in part (a) of condition 6 was imposed in error. The correct GFA figure (as per the assessment of the Clause 4.6 variation to FSR in the CSPA report) is 65,447sqm exclusive of wind affected balconies. Condition 6 is recommended to be amended accordingly.</p>
5	<p>Condition 14 - Through Site Link and Publicly Accessible Toilets</p> <p>The applicant requests that the wording contained in part (a) of condition 14 is amended to be consistent with the definition of 'Toilet Facility' in the Voluntary Planning Agreement dated 7 August 2015.</p> <p><u>Current wording:</u></p> <p>(a) The through-site link (George Street and Kent Street) and public toilet facilities located within the George Street ground level podium are to remain accessible to the public at least between the hours of 6.00am – 10.00pm or longer if the retail is open.</p> <p><u>Requested amended wording:</u></p> <p>The through-site link (George Street and Kent Street) and public toilet facilities located within the George Street ground level podium are to remain accessible to the public in accordance with the Voluntary Planning Agreement dated 7 August 2015.</p> <p><u>Response / recommendation:</u></p> <p>The definition of 'Toilet Facility' contained in the subject Planning Agreement is:</p> <p>Toilet Facility means the area or facilities described in the Performance Brief, being a publically available toilet facility within the Proposed Development that is on the George Street level of the Proposed Development and open during the core trading hours of the George Street retail level.</p>

Item No.	Comment
	<p>As seen in the definition above, the hours for which the toilet facility must remain open are not specified and may be ambiguous in terms of enforcing this condition. The hours of 6.00am – 10.00pm recommended in the condition are not just for the toilet facility to remain open but for the through site link as well. The recommended hours of 6.00am – 10.00pm for the toilet facility and through site link to remain open are consistent with Section 3.1.2.2 (Through-site links) of the Sydney Development Control Plan 2012 (SDCP 2012).</p> <p>Given the above, the applicant's requested amendment to condition 14 is not supported and it is recommended that the condition remain in its current form as it is consistent with SDCP 2012.</p>
6	<p><i>Condition 27 - Shared Southern Side Boundary Wall</i></p> <p><u>Current wording:</u></p> <p>(a) If demolition of the existing building occurs prior to the demolition of the existing building on 505-523 George Street, a temporary southern side boundary wall must be constructed to provide adequate weather and fire safety protection of the building at 523-529 George Street.</p> <p><u>Requested amendment:</u></p> <p>(a) If demolition of the existing building occurs prior to the demolition of the existing building on 525-529 George Street, a temporary southern side boundary wall must be constructed to provide adequate weather and fire safety protection of the building at 525-529 George Street.</p> <p><u>Response / recommendation:</u></p> <p>The current wording of part (a) of condition 27 contains typographical errors. It is recommended that the condition is amended as per applicant's requested amendment.</p>
7	<p><i>Condition 62 - Residential Storage</i></p> <p>The applicant states that a minor correction is required as reference to 10m³ minimum storage space per apartment is not consistent with objective 4G-1 of the ADG and therefore request removal of specific reference to storage area. Minimum storage space per apartment is as follows:</p> <ul style="list-style-type: none"> • Studio – 4m³ • One Bedroom – 6m³ • Two Bedroom – 8m³ • Three + Bedroom – 10m³ <p><u>Current wording:</u></p> <p>Prior to the issue of a Construction Certificate for any part of the Tower, a storage schedule and diagrams must be submitted to the Accredited Certifier for approval. The minimum storage requirements must be in accordance with Objective 4G-1 of the Apartment Design Guide which requires 10m³ of storage space per apartment.</p>

Item No.	Comment
	<p><u>Requested amended wording:</u></p> <p>Prior to the issue of a Construction Certificate for any part of the Tower, a storage schedule and diagrams must be submitted to the Accredited Certifier for approval. The minimum storage requirements must be in accordance with Objective 4G-1 of the Apartment Design Guide which requires 10m³ of storage space per apartment.</p> <p><u>Response / recommendation:</u></p> <p>The specific reference to 10m³ relates to three bedroom apartments only and was imposed in error. It is recommended that the condition is amended as per the applicant's request.</p>
8	<p><i>Condition 94 - Landscaped (Green) Roofs</i></p> <p>The applicant states that a tower of this scale will inevitably require staged occupation both within the podium and the tower. The Green Roof incorporated as part of the Architectural Roof Feature will be one of the final inclusions to the top of the building and therefore it is unreasonable to delay occupation of completed lower parts of the building until this element of the landscaping is complete.</p> <p><u>Current wording:</u></p> <p>(a) All landscaping in the approved plan is to be completed prior to the issue of any Occupation Certificate.</p> <p><u>Requested amended wording:</u></p> <p>(a) All landscaping in the approved plan is to be completed prior to the issue of any Occupation Certificate for the relevant segment.</p> <p><u>Response / recommendation:</u></p> <p>The applicant's request is reasonable and is supported. Part (a) of condition 94 is recommended to be amended as per the applicant's request</p>
9	<p><i>Condition 113 – Demolition/Site Rectification</i></p> <p>The applicant states that due to the staging and design programme for a building of this scale it is unreasonable to require Construction Certificates to be resolved to Podium P1 prior to the commencement of demolition. Request that the referenced Construction Certificate be Basement Structure (B2).</p> <p><u>Current wording:</u></p> <p>(a) Demolition or excavation which would require cessation of active street frontages uses must not commence until the Podium 1 (P1) Construction Certificate has been issued.</p> <p>(b) Prior to the P1 Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.</p>

Item No.	Comment
	<p><u>Requested amended wording:</u></p> <p>(a) Demolition or excavation which would require cessation of active street frontages uses must not commence until the Basement Structure (B2) Construction Certificate has been issued.</p> <p>(b) Prior to the Basement Structure (B2) construction certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.</p> <p><u>Response / recommendation:</u></p> <p>The applicant's request is reasonable and is supported. Parts (a) and (b) of condition 113 are recommended to be amended as per the applicant's request.</p>

Prepared by: Tahlia Alexander, Specialist Planner

Attachments

Attachment A. Modifications to Recommended Conditions of Consent

Attachment B. Applicant's Response to Recommended Conditions of Consent

Approved



GRAHAM JAHN AM

Director City Planning, Development and Transport

Attachment A

<p>Modifications to Recommended Conditions of Consent</p>
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(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. d/2019/857 dated 9 August 2019, as amended, and the following drawings prepared by Ingenhoven and Architectus:

Drawing Number	Revision	Drawing Name	Date
DA-1000-BAS-BG1	C	Basement B01 Plan	13.03.2020
DA-1000-BAS-B1M	B	Basement B01M Mezzanine Plan	04.11.2019
DA-1000-BAS-B2	B	Basement B02 Plan	02.12.2020
DA-1000-BAS-B3	A	Basement B03 Plan	29.07.2019
DA-1000-BAS-B4	A	Basement B04 Plan	29.07.2019
DA-1000-BAS-B5	A	Basement B05 Plan	29.07.2019
DA-1000-BAS-B6	A	Basement B06 Plan	29.07.2019
DA-1000-BAS-B7	A	Basement B07 Plan	29.07.2019
DA-1000-POD-01	D	Podium Level 01 Plan	13.03.2020
DA-1000-POD-02	C	Podium Level 02 Plan	13.03.2020
DA-1000-POD-03	B	Podium Level 03 Plan	13.03.2020
DA-1000-POD-04	B	Podium Level 04 Plan	13.03.2020
DA-1000-POD-05	B	Podium Level 05 Plan	13.03.2020
DA-1000-POD-06	D	Podium Level 06 Plan	13.03.2020
DA-1000-POD-07	A	Tower Level 07 (Podium Plant)	29.07.2019
DA-1000-POD-08	B	Podium Roof Plan	29.11.2019
DA-1000-TOW-08	A	Tower Level 08 Plan – Type A	29.07.2019
DA-1000-TOW-09	A	Tower Level 09 Plan – Type B	29.07.2019
DA-1000-TOW-10	A	Tower Levels 10-33 Plan – Type C	29.07.2019

Drawing Number	Revision	Drawing Name	Date
DA-1000-TOW-34	A	Tower Level 34 Plan – Type D	29.07.2019
DA-1000-TOW-35	A	Tower Level 35 Plan – Type D1	29.07.2019
DA-1000-TOW-36	A	Tower Level 36 Plan – Plant	29.07.2019
DA-1000-TOW-37	A	Tower Level 37 Plan – Amenities	29.07.2019
DA-1000-TOW-38	A	Tower Level 38 Plan – Type E	29.07.2019
DA-1000-TOW-39	A	Tower Levels 39-41 Plan – Type F	29.07.2019
DA-1000-TOW-42	A	Tower Levels 42 & 44 Plan – Type G1	29.07.2019
DA-1000-TOW-43	A	Tower Level 43 Plan – Type G	29.07.2019
DA-1000-TOW-45	A	Tower Levels 45-56 Plan – Type H	29.07.2019
DA-1000-TOW-57	A	Tower Level 57 Plan – Type J	29.07.2019
DA-1000-TOW-58	A	Tower Level 58 Plan – Type K	29.07.2019
DA-1000-TOW-59	A	Tower Level 59 Plan – Plant	29.07.2019
DA-1000-TOW-60	A	Tower Level 60 Plan – Amenities	29.07.2019
DA-1000-TOW-61	A	Tower Levels 61-64 Plan – Type L	29.07.2019
DA-1000-TOW-65	A	Tower Levels 65-79 Plan – Type M	29.07.2019
DA-1000-TOW-65-79	A	Tower Levels 65-79 Plan – Type M	29.07.2019
DA-1000-TOW-80	A	Tower Level 80 Plan – Restaurant	29.07.2019
DA-1000-TOW-81	A	Tower Level 81 Plan – Roof Plant	29.07.2019
DA-1000-TOW-82	A	Tower Level 82 Plan – Roof Plant	29.07.2019
DA-1000-TOW-83	A	Tower Level 83 Plan – Roof Feature	29.07.2019
DA-1501-OA-00	A	Demolition Site Section	29.07.2019

Drawing Number	Revision	Drawing Name	Date
DA-1510-OA-00	A	Demolition George Street Elevation	29.07.2019
DA-1511-OA-00	A	Demolition Kent Street Site Elevation	29.07.2019
DA-2000-OA-00	A	Overall Elevation – George St	29.07.2019
DA-2001-OA-00	A	Overall Elevation – Kent St	29.07.2019
DA-2002-OA-00	A	Tower Elevations – North and South	29.07.2019
DA-2010-TOW-00	A	Tower Elevation Pt. 1 – George St	29.07.2019
DA-2012-TOW-00	A	Tower Elevation Pt. 3 – George St	29.07.2019
DA-2014-TOW-00	A	Tower Elevation Pt. 5 – George St	29.07.2019
DA-2020-POD-00	A	Podium Elevation – George St	29.07.2019
DA-2040-POD-00	A	Podium Elevation – Kent St	29.07.2019
DA-2100-OA-00	B	Overall Longitudinal Section A-A	13.03.2020
DA-2101-OA-00	B	Overall Cross Section B-B	13.03.2020
DA-2110-TOW-00	A	Tower Longitudinal Section A-A Part 1	29.07.2019
DA-2112-TOW-00	A	Tower Longitudinal Section A-A Part 3	29.07.2019
DA-2114-TOW-00	A	Tower Longitudinal Section A-A Part 5	29.07.2019
DA-2120-POD-00	B	Podium Longitudinal Section A-A Part 6	13.03.2020
DA-2140-POD-00	B	Podium Cross Section A-A B-B Part 6	13.03.2020
DA-2141-POD-00	B	Podium Cross Section C-C	13.03.2020
DA-9001-OA-00	A	BASIX Summary	29.07.2019

Drawing Number	Revision	Drawing Name	Date
DA-9011-TOW-00	A	Tower L8 Window Schedule	13.03.2020
DA-9012-TOW-00	A	Tower L9 Window Schedule	13.03.2020
DA-9013-TOW-00	A	Tower L10-11 Window Schedule	13.03.2020
DA-9014-TOW-00	A	Tower L12-20 Window Schedule	13.03.2020
DA-9015-TOW-00	A	Tower L21-33 Window Schedule	13.03.2020
DA-9016-TOW-00	A	Tower L34 Window Schedule	13.03.2020
DA-9017-TOW-00	A	Tower L35 Window Schedule	13.03.2020
DA-9018-TOW-00	A	Tower L38 Window Schedule	13.03.2020
DA-9019-TOW-00	A	Tower L39-41 Window Schedule	13.03.2020
DA-9020-TOW-00	A	Tower L42-44 Window Schedule	13.03.2020
DA-9021-TOW-00	A	Tower L45-56 Window Schedule	13.03.2020
DA-9022-TOW-00	A	Tower L57 Window Schedule	13.03.2020
DA-9023-TOW-00	A	Tower L58 Window Schedule	13.03.2020
DA-9024-TOW-00	A	Tower L61-64 Window Schedule	13.03.2020
DA-9025-TOW-00	A	Tower L65-79 Window Schedule	13.03.2020
DA-9030-TOW-00	A	Bay Windows / Natural Ventilation Details	13.03.2020
DA-9031-TOW-00	A	Wintergarden / Natural Ventilation Details	13.03.2020

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.
- (c) The following definitions/terms apply to this development consent:

- (i) **“Whole Tower”** means Level 07 to the top of the building (including the architectural roof feature and lift overruns);
- (ii) **“Low-rise”** means Level 07 to Level 35 inclusive;
- (iii) **“Mid-rise”** means Level 38 to Level 58 inclusive; and
- (iv) **“High-rise”** means Level 61 to Level 79 inclusive.
- (v) A “Level” means the level referred to in the approved architectural drawings referenced in part (a) above.

(6) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed *Sydney Local Environmental Plan 2012*. For the purpose of the calculation of FSR, the Gross Floor Area of the approved development is ~~63,383sqm inclusive~~ **65,447sqm exclusive** of wind affected balconies.
- (b) Prior to an Occupation Certificate being issued issue of any Occupation Certificate for any combination of residential accommodation or serviced apartments for the Whole Tower, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under *Sydney Local Environmental Plan 2012* applicable at the time of development consent, to the satisfaction of the Principal Certifier.
- (c) Prior to a Construction Certificate being issued, Council's written verification must be obtained, confirming that:
 - (i) 13,117sqm of heritage floor space was allocated (purchased and transferred) to the development, being that gross area in excess of FSR 8:1 and for the centre-based childcare centre additional floor space permitted under Clause 6.32 of *Sydney Local Environmental Plan 2012*; or
 - (ii) The developer may enter into a planning agreement with Council to purchase heritage floor space in accordance with Council's “Alternative Heritage Floor Space Allocation Scheme” policy in the event that the requirement in condition (6)(c)(ii) is not able to be satisfied.
- (d) Prior to any Occupation Certificate being issued for the podium, a documentary restrictive covenant to the effect that 816sqm of the building has been approved as entertainment and club (pursuant to Clause 6.7 of *Sydney Local Environmental Plan 2012*) is to be registered on the Title of the development site pursuant to section 88E of the *Conveyancing Act 1919*. The covenant is to be created appurtenant to Council and at no cost to Council.

(27) SHARED SOUTHERN SIDE BOUNDARY WALL

- (a) if demolition of the existing building occurs prior to the demolition of the existing building on ~~505-523~~ **525-529** George Street, a temporary southern side boundary wall must be constructed to provide adequate weather and fire safety protection of the building at ~~5235~~-529 George Street.
- (b) If a temporary southern side boundary wall is required as outlined in (a) above, details of the subject wall are to be submitted to Council's Area Planning Manager or Area Coordinator for approval prior to the issue of a Construction Certificate for demolition of the building on 505-523 George Street.
- (c) If coordinated demolition of both buildings at 505-523 and 525-529 occurs at the same time, then no temporary shared boundary wall is required.

(62) RESIDENTIAL STORAGE

Prior to the issue of a Construction Certificate for any part of the Tower, a storage schedule and diagrams must be submitted to the Accredited Certifier for approval. The minimum storage requirements must be in accordance with Objective 4G-1 of the Apartment Design Guide. ~~which requires 10m³ of storage space per apartment.~~

Note: 50% of the required storage is to be within the apartments and storage in bedrooms, kitchens, bathrooms and laundries must be excluded from the calculation.

(94) LANDSCAPED (GREEN) ROOFS

- (a) A detailed plan of the green roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate. The plan must include:
 - (i) A statement that includes details of proposed use of the green roof, general accessibility, as well as noise and privacy treatments.
 - (ii) Location of existing and proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (iii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable).
 - (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species.
 - (v) Details of the soil media/substrate type and depth.

- (vi) Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc.
- (vii) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
- (viii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).
- (b) Prior to the issue of a Construction Certificate, the following details are to be submitted to and approved by the Accredited Certifier:
 - (i) Evidence the green roof has been assessed as part of the structural certification provided for the development; and
 - (ii) Evidence the green roof has been assessed as part of the waterproofing certification provided for the development.
- (c) All landscaping in the approved plan is to be completed prior to the issue of any Occupation Certificate **for the relevant segment**.
- (d) Prior to the issue of any Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifier. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:
 - (i) Frequency and methodology of different maintenance requirements including the removal of green waste.
 - (ii) Details of safety procedures.
 - (iii) Laminated copies of 'As Built' drawings.
 - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification;
 - (v) Copies of warranties and guarantees relating to all materials and plant used in construction; and
 - (vi) Decommissioning procedures.
- (e) Inaccessible green roofs are required to remain inaccessible during occupation of the property.

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

The following conditions apply to the development:

- (a) Demolition or excavation which would require cessation of active street frontages uses must not commence until the **Podium 1 (P1) Basement Structure (B2)** Construction Certificate has been issued.

- (b) Prior to the **P1 Basement Structure (B2)** Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
 - (i) A bank guarantee to be provided in the sum of \$1,052,000 dollars as security for the costs of such works provided that:
 - a. the maximum liability under the Deed must not exceed \$1,052,000 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the erection of the structure has commenced;
 - (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the Consent Authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
 - a. make the building safe and of an appearance acceptable to Council at ground level;
 - b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - c. for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenable stage;

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

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

Attachment B

**Applicant's Response to Recommended
Conditions of Consent**

11 May 2020

The General Manager
City of Sydney Council
Town Hall House
456 Kent Street
Sydney NSW 2000

**Attention: Ms Tahlia Alexander – Specialist Planner
Mr Michael Soo – Senior Area Planning Manager
Mr Graham Jahn AM - Director City Planning Development & Transport**

Dear Tahlia,

**RE: 505-523 GEORGE STREET, SYDNEY – D/2019/857 – CENTRAL SYDNEY PLANNING COMMITTEE
MEETING 14 MAY 2020 – RESPONSE TO AGENDA ITEM 4**

Thank you for the opportunity to respond to the documents pertaining to agenda item 4 for the Central Sydney Planning Committee (CSPC) Meeting on 14 May 2020.

We take this opportunity to provide feedback relating to:

1. Corrections and additions to drawing referencing for completeness; and
2. Discrepancies, clarifications and administrative items.

In the interest of minimising changes requested in this letter and in view of the limited timeframe prior to Thursday's CSPC meeting, other administrative and housekeeping amendments will be addressed in a future s4.55 modification.

1.0 Additions and corrections to drawing referencing

1.1 Additions

Drawings Provided to Council but NOT LISTED in (1)(a) Recommended Conditions of Consent - Drawing Schedule			
DRAWING NUMBER	REVISION	DRAWING NAME	DATE
DA-1700-OA-00_C	C	GFA PLANS – BASEMENT	13.03.2020
DA-1701-OA-00_C	C	GFA PLANS – PODIUM	13.03.2020
DA-1702-OA-00_C	C	GFA PLANS – TOWER	13.03.2020
DA-1703-OA-00_C	C	GFA PLANS – ROOF	13.03.2020
DA-1500-OA-00_A	A	Demolition Site Plan	29.07.2019

1.2 Corrections

DRAWING NAME AS LISTED	CORRECTED DRAWING NAME
DA-1000-BAS-B C rev C: Basement B01 Plan (13.03.2020)	DA-1000-BAS-B1 rev C: Basement B01 Plan (13.03.2020)
DA-1000-TOW-35 rev A: Tower Level 35 Plan - Type D (29.07.2019)	DA-1000-TOW-35 v A: Tower Level 35 Plan - Type D1 (29.07.2019)
DA-2140-POD-00 rev B: Podium Cross Section A-A part 6 (13.03.2020)	DA-2140-POD-00 rev B: Podium Cross Section B-B part 6 (13.03.2020)
DA-1000-BAS-B2 rev B: Basement B02 Plan (02.12.20 20)	DA-1000-BAS-B2 rev B: Basement B02 Plan (02.12.2019)

We also note that drawing DA-1000-TOW-65-79 in 1(a) of the Recommended Conditions of Consent can be deleted as this drawing does not exist and appears to be a duplication of DA-1000-TOW-65.

2.0 Discrepancies, clarifications and administrative items

The below table outlines corrections, clarifications and administrative items requested in relation to the *Development Application: 505-523 George Street, Sydney – D/2019/857* report and *Attachment A: Recommended Conditions of Consent*.

DOCUMENT	REFERENCE	COMMENT
<i>Development Application: 505-523 George Street, Sydney – D/2019/857, item 4</i>	Page 1	<p>Incorrect owner identified.</p> <p>Current wording: Michael Coombes</p> <p>Requested amended wording: Coombes Property Group (CFT No 4 Pty Limited)</p>
<i>Attachment A: Recommended Conditions of Consent</i>	Condition (6)(a)	<p>The Gross Floor Area referenced is incorrect. The correct total maximum permissible Gross Floor Area excluding wind affected balconies consistent with the drawings and with the written request submitted under Clause 4.6 of SLEP 2012 and supported in the assessment report (as per Table 15 provided within the <i>Request for Information #4</i> response dated 24 March 2020) is 65,447sqm.</p> <p>Current wording: (a) <i>The Floor Space Ratio of the proposal must not exceed Sydney Local Environmental Plan 2012. For the purpose of the calculation of FSR, the Gross Floor Area of the approved development is 63,383sqm inclusive of wind affected balconies.</i></p> <p>Requested amended wording: (a) <i>The Floor Space Ratio of the proposal must not exceed Sydney Local Environmental Plan 2012. For the purpose of the calculation of FSR, the Gross Floor Area of the approved development is 65,447sqm exclusive of wind affected balconies.</i></p>
<i>Attachment A: Recommended Conditions of Consent</i>	Condition 14(a)	<p>Request that the wording be amended to be consistent with the definition of 'Toilet Facility' in the Voluntary Planning Agreement dated 7 August 2015.</p> <p>Current wording: (a) <i>The through-site link (George Street and Kent Street) and public toilet facilities located within the George Street ground level podium are to remain</i></p>

		<p>accessible to the public at least between the hours of 6.00am – 10.00pm or longer if the retail is open.</p> <p>Requested amended wording:</p> <p>(a) <i>The through-site link (George Street and Kent Street) and public toilet facilities located within the George Street ground level podium are to remain accessible to the public in accordance with the Voluntary Planning Agreement dated 7 August 2015.</i></p>
Attachment A: Recommended Conditions of Consent	Condition 27(a)	<p>Note the typographical error in referencing the property.</p> <p>Current wording:</p> <p>(a) <i>If demolition of the existing building occurs prior to the demolition of the existing building on 505-523 George Street, a temporary southern side boundary wall must be constructed to provide adequate weather and fire safety protection of the building at 523-529 George Street.</i></p> <p>Required correction:</p> <p>(b) <i>If demolition of the existing building occurs prior to the demolition of the existing building on 525-529 George Street, a temporary southern side boundary wall must be constructed to provide adequate weather and fire safety protection of the building at 525-529 George Street.</i></p>
Attachment A: Recommended Conditions of Consent	Condition 62	<p>Minor correction required as reference to 10m³ minimum storage space per apartment is not consistent with objective 4G-1 of the ADG and therefore request removal of specific reference to storage area. Minimum storage space per apartment is as follows:</p> <ul style="list-style-type: none"> • Studio – 4m³ • One Bedroom – 6m³ • Two Bedroom – 8m³ • Three + Bedroom – 10m³ <p>Current wording:</p> <p><i>Prior to the issue of a Construction Certificate for any part of the Tower, a storage schedule and diagrams must be submitted to the Accredited Certifier for approval. The minimum storage requirements must be in accordance with Objective 4G-1 of the Apartment Design Guide which requires 10m³ of storage space per apartment.</i></p> <p>Requested amended wording:</p> <p><i>Prior to the issue of a Construction Certificate for any part of the Tower, a storage schedule and diagrams must be submitted to the Accredited Certifier for approval. The minimum storage requirements must be in accordance with Objective 4G-1 of the Apartment Design Guide which requires 10m³ of storage space per apartment.</i></p>
Attachment A: Recommended Conditions of Consent	Condition 94(c)	<p>A tower of this scale will inevitably require staged occupation both within the podium and the tower. The Green Roof incorporated as part of the Architectural Roof Feature will be one of the final inclusions to the top of the building and therefore it is unreasonable to delay occupation of completed lower parts of the building until this element of the landscaping is complete.</p> <p>Current wording:</p>

		<p>(c) All landscaping in the approved plan is to be completed prior to the issue of any Occupation Certificate.</p> <p>Requested amended wording:</p> <p>(c) All landscaping in the approved plan is to be completed prior to the issue of any Occupation Certificate for the relevant segment.</p>
Attachment A: Recommended Conditions of Consent	Condition 113(a) & (b)	<p>Due to the staging and design programme for a building of this scale it is unreasonable to require Construction Certificates to be resolved to Podium P1 prior to the commencement of demolition. Request that the referenced Construction Certificate be Basement Structure (B2).</p> <p>Current wording:</p> <p>(a) Demolition or excavation which would require cessation of active street frontages uses must not commence until the Podium 1 (P1) Construction Certificate has been issued.</p> <p>(b) Prior to the P1 Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.</p> <p>Requested amended wording:</p> <p>(a) Demolition or excavation which would require cessation of active street frontages uses must not commence until the Basement Structure (B2) Construction Certificate has been issued.</p> <p>(b) Prior to the Basement Structure (B2) Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.</p>

On behalf of Coombes Property Group and Mirvac we would like to thank you again for the opportunity to provide the above response.

We look forward to the determination of this landmark application.

Yours sincerely,



Dominic Hunt
Senior Development Manager