

24 October 2019

At 5.00 pm



## Central Sydney Planning Committee

Sydney 2030 / Green Global Connected





**Agenda**

- 1. Disclosures of Interest**
- 2. Confirmation of Minutes**
- 3. Matters Arising from the Minutes**
- 4. Development Application - 420 & 422-424 Kent Street and 275 & 277 Clarence Street, Sydney - D/2018/1577**



# Guidelines for Speakers at the Central Sydney Planning Committee



As part of our democratic process, the City invites members of the community to speak directly to Members of the Central Sydney Planning Committee (the CSPC) about items on a meeting agenda.

To enable the CSPC to hear a wide range of views and concerns within the limited time available, we encourage people interested in speaking at meetings to:

1. Register to speak by calling Council's Secretariat on 9265 9310 before 12.00 noon on the day of the meeting.
2. Check the recommendation in the agenda report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the CSPC may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.
6. Before speaking, turn on the microphone by pressing the button next to it and speak clearly so that everyone in the Council Chamber can hear.
7. Be prepared to quickly return to the microphone and respond briefly to any questions from CSPC members, after all speakers on an item have made their presentations.

At the start of each CSPC meeting, the Chair may re-order agenda items so that those items with speakers can be dealt with first.

CSPC reports are on line at [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au), with printed copies available at Sydney Town Hall immediately prior to the meeting. Council staff are also available prior to the meeting to assist.

## Item 1.

### Disclosures of Interest

Pursuant to the provisions of the City of Sydney Code of Meeting Practice and the City of Sydney Code of Conduct, Members of the Central Sydney Planning Committee are required to disclose pecuniary interests in any matter on the agenda for this meeting.

Members of the Central Sydney Planning Committee are also required to disclose any non-pecuniary interests in any matter on the agenda for this meeting.

This will include receipt of reportable political donations over the previous four years.

In both cases, the nature of the interest must be disclosed.

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

The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 ("the Act") requires the disclosure of relevant political donations or gifts when planning or development applications are made to minimise any perception of undue influence. The amendments to the Act require disclosure to the Electoral Funding Authority of:

- a **reportable political donation** as defined in the Election Funding and Disclosures Act 1981 (a donation of \$1000 or more made to or for the benefit of the party, elected member, group or candidate or made by a major political donor to or for the benefit of a party, elected member, group or candidate, or made to the major political donor), or
- a **gift** (as defined in the Election Funding and Disclosures Act 1981) to any local councillor or council employee (and includes a disposition of property or a gift of money or the provision of other valuable or service for no consideration or for inadequate consideration) when a relevant planning application is made to a council.

A donation of less than \$1000 can be a reportable political donation if the aggregated total of such donations was made by an entity or person to the same party, elected member, group or candidate or person.

## **Item 2.**

### **Confirmation of Minutes**

Minutes of the following meeting of the Central Sydney Planning Committee are submitted for confirmation:

Meeting of 5 September 2019

### **Item 3.**

#### **Matters arising from the Minutes**

Matters arising from the minutes of the Central Sydney Planning Committee of 5 September 2019.

**Item 4.****Development Application - 420 & 422-424 Kent Street and 275 & 277 Clarence Street, Sydney - D/2018/1577**

**File No.:** D/2018/1577

**Summary**

<b>Date of Submission:</b>	19 December 2018
<b>Amended and additional information:</b>	6 June 2019, 31 July 2019 and 16 September 2019
<b>Applicant:</b>	Venemchlo Pty Ltd
<b>Architect/Designer:</b>	Francis-Jones Morehen Thorp Pty Ltd
<b>Owner:</b>	George Gialouris
<b>Cost of Works:</b>	\$82,437,537
<b>Zoning:</b>	B8 Metropolitan Centre zone - <i>'tourist and visitor accommodation'</i> and <i>'retail premises'</i> is permissible.
<b>Proposal Summary:</b>	<p>Refurbishment works to the Genesian Theatre, demolition and construction of a 19 storey development comprising of:</p> <ul style="list-style-type: none"><li>• Excavation to a depth of 1.7AHD for two (2) levels of basement;</li><li>• Construction of a 199 room hotel development and retail uses;</li><li>• Use of the Genesian Theatre as an adaptive performance space and additional dining area for the hotel's restaurant;</li><li>• Provision of a through-site link between the Genesian Theatre and hotel connecting Kent and Clarence Street;</li><li>• Landscaping and public domain works; and</li><li>• Zones for future business identification signage.</li></ul>

The application was notified and advertised for a period of 28 days between 10 January 2019 and 8 February 2019. Two (2) submissions were received raising the following matters:

- Demolition of buildings results in the loss of the heritage quality of the Kent and Clarence Street Special Character Area; and
- Potential increased traffic impacts and the safety of pedestrians.

The Genesian Theatre building is identified as an item of local heritage significance being the 'former church including interiors and front fence' (I1829) under Sydney LEP 2012. The application has been amended to address issues relating to built form and the degree of cantilever that was considered to overwhelm the curtilage of the heritage listed building. As such, the amended scheme reduced the extent of the cantilever and increased the height difference and separation between the underside of the cantilever from the apex of the heritage church. This resulted in external and internal modifications to the development.

Accordingly, the amended plans were renotified for a period of 14 days between 19 September 2019 and 3 October 2019. One (1) submission was received, seeking clarification of the demolition and construction timeframe of the development.

The proposal complies with the maximum permissible height and floor space ratio (FSR) development standards prescribed in the Sydney Local Environmental Plan 2012, and is generally consistent with the relevant planning controls.

The site is located within the future Central Sydney Rail Link corridor and requires concurrence of the relevant rail authority pursuant to Clause 88 of SEPP (Infrastructure) 2007. Transport for NSW have granted concurrence for the development, subject to conditions contained in Attachment A.

The proposal adequately responds to surrounding development and its Central Sydney context, and achieves a high standard of architectural design that is considered to demonstrate design excellence.

**Summary Recommendation:** The development application is recommended for approval, subject to conditions.



**Development Controls:**

- (i) Sydney Local Environmental Plan 2012
- (ii) Sydney Development Control Plan 2012
- (iii) State Environmental Planning Policy No. 55 - Remediation of Land
- (iv) State Environmental Planning Policy No. 64 - Advertising and Signage
- (v) State Environmental Planning Policy (Infrastructure) 2007
- (vi) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; and
- (vii) Central Sydney Development Contributions Plan 2013

**Attachments:**

- A. Recommended Conditions of Consent
- B. Selected Architectural Drawings
- C. Shadow Diagrams

## Recommendation

It is resolved that:

- (A) the requirement of Section 51N of the City of Sydney Act 1988 to consult with the Central Sydney Traffic and Transport Committee not apply in this instance as the proposal does not require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD;
- (B) the requirement under Clause 6.21 of the Sydney Local Environmental Plan 2012 requiring a competitive design process is unreasonable or unnecessary in the circumstances;
- (C) the requirement under Clause 7.20 of the Sydney Local Environmental Plan 2012 requiring the preparation of a development control plan is unreasonable or unnecessary in the circumstances; and
- (D) consent be granted to Development Application No. D/2018/1577 subject to the conditions set out in Attachment A to the subject report.

## Reasons for Recommendation

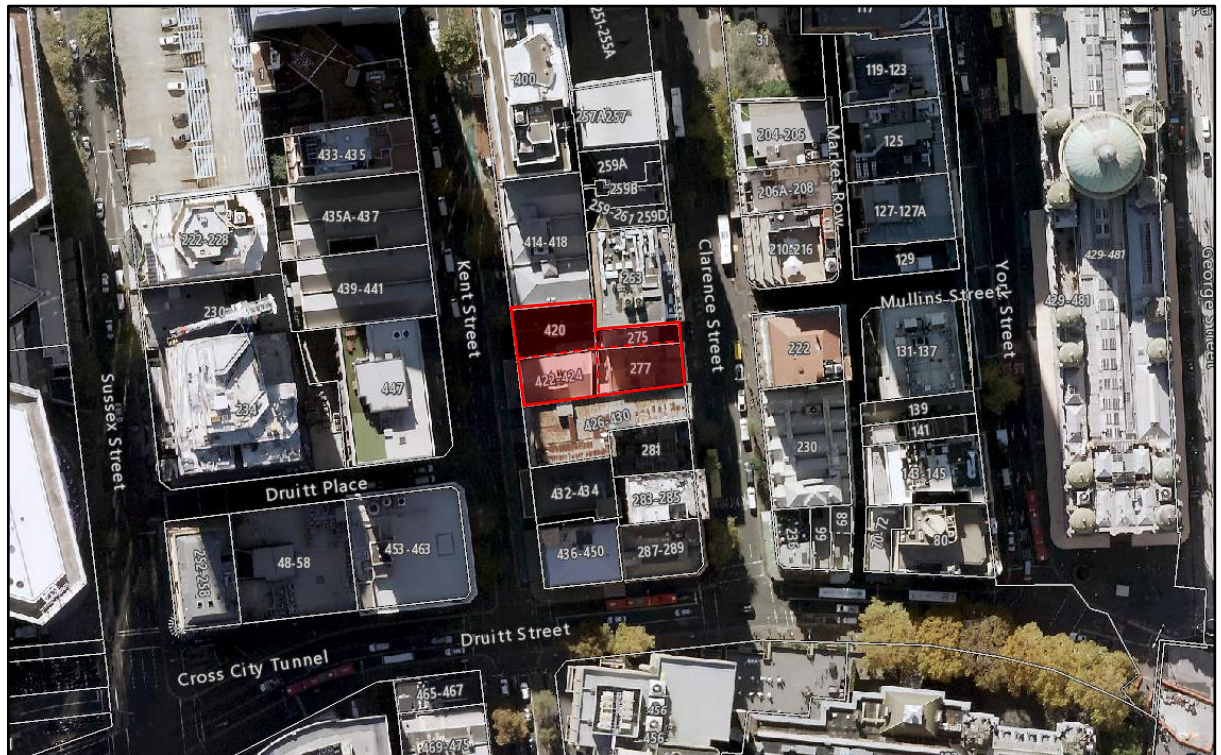
The application is recommended for approval for the following reasons:

- (A) the proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979;
- (B) the proposal generally satisfies the objectives and provisions of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012;
- (C) the proposed 'micro-hotel' provides a greater diversity of hotel accommodation in Central Sydney with acceptable internal amenity;
- (D) the heritage listed Genesian Theatre will be refurbished and retained as a performance space and be re-invigorated;
- (E) the proposed building would not result in adverse environmental impacts;
- (F) the provision of a through-site link that would be accessible 24 hours a day connecting Kent and Clarence Street; and
- (G) the proposal is consistent with the objectives of the B8 Metropolitan Centre and is in the public interest.

## Background

### The Site and Surrounding Development

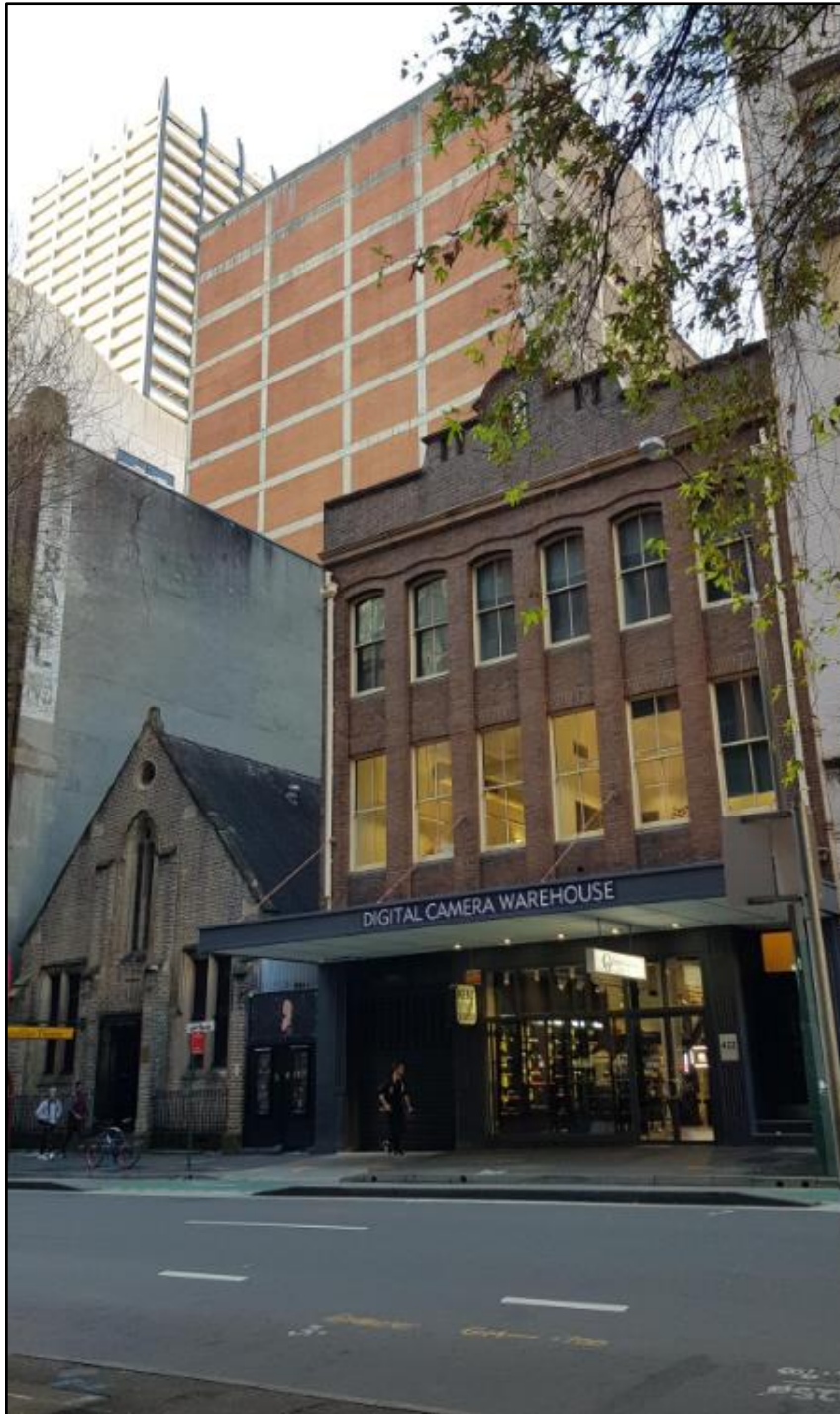
1. The most recent site visit was carried out by staff on 24 September 2019.
2. The site has a dual frontage to Kent Street to the east and Clarence Street to the west. It is located between Druitt and Market Streets and has a total site area of 806.3sqm.
3. **Figure 1** below illustrates the location of the site and provides an aerial photograph of the site in its context.



**Figure 1:** Aerial image of subject site and surrounding area.

4. The subject site comprises of four (4) separate allotments:
  - (a) 420 Kent Street has a legal description of Lot 1 DP 782342 and accommodates a heritage building of local significance being the 'former church including interiors and front fence' (I1829). The building is commonly known as the Genesian Theatre and is currently used as an entertainment facility.
  - (b) 422-424 Kent Street has a legal description of Lot 20 DP 64289 and accommodates a 3 storey brick commercial building. The building is built to the northern and southern boundaries and provides vehicular access from Kent Street. The allotment does not contain basement levels.
  - (c) 275 Clarence Street has a legal description of Lot 1 DP 74422 and accommodates a brick 3 storey commercial building. The building is built to the northern and southern boundaries and contains one level of basement and a small setback from the western boundary.

- (d) 277 Clarence Street has a legal description of SP 17931 and accommodates a 5 storey commercial building known as AMPCo House. The building is generally built to all boundaries and contains one level of basement.
5. Photographs of the subject site are provided in **Figures 2 to 5** below.



**Figure 2:** 420 and 422-424 Kent Street, looking east.





**Figure 3:** 275 and 277 Clarence Street indicated in outline, looking south-west.



**Figure 4:** Internal condition of the Genesian Theatre viewed from the Level 1 seating area.



**Figure 5:** Internal condition of the Genesian Theatre viewed from the stage.

6. The site adjoins heritage buildings of local significance to the north at 414-418 Kent Street being the 'former warehouse "Edward Dunlop & Co" including interiors and cart dock' (I1828). To the south of the site at 426-430 Kent Street exists the 'former Grace House warehouse including interiors' (I2276). The site is not located in a heritage conservation area but is located within the York Street Special Character Area including Clarence Street and Kent Street.
7. The locality is characterised by a mix of medium scale commercial buildings of a brick warehouse character with ground floor retail.



8. Contextual photos of the site and surrounds are provided in **Figures 6 and 7** below:



**Figure 6:** Kent Street streetscape, looking north-east.



**Figure 7:** Clarence Street streetscape, looking south-west.



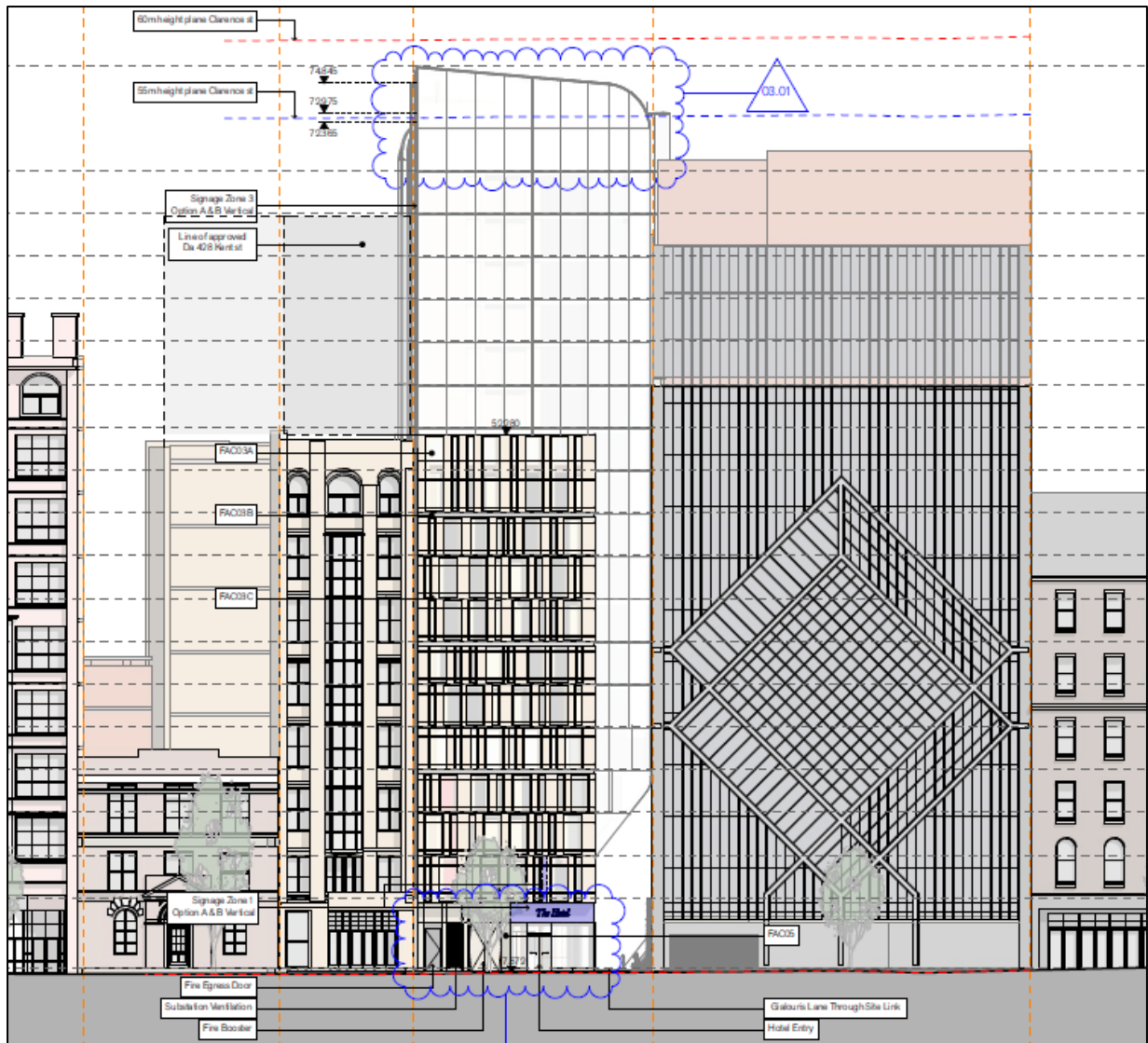
## Proposal

9. The application seeks consent for the retention and refurbishment of the Genesian Theatre located at 420 Kent Street, excavation for two basement levels, demolition of structures and construction of a 19 storey hotel development consisting of 199 rooms and comprises the following:
- (a) Basement Level 2:**
    - (i) Bicycle parking for 34 bikes and associated end of journey facilities;
    - (ii) Loading dock with combined hoist and turntable;
    - (iii) Services and plant;
  - (b) Basement Level 1**
    - (i) Hotel restaurant, amenities and kitchen facilities;
    - (ii) Services and plant;
  - (c) Lower Ground Floor (Kent Street):**
    - (i) One retail tenancy with an approximate area of 85.2sqm;
    - (ii) Vehicular and servicing access point to basement Level 2;
    - (iii) Substation, plant and services;
    - (iv) Entry to the Genesian Theatre for use as an adaptive performance space and additional dining area for the hotel's restaurant;
    - (v) Provision of a through-site link between the Genesian Theatre and hotel;
  - (d) Upper Ground Floor (Clarence Street):**
    - (i) Main hotel lobby and reception area;
    - (ii) Hotel lounge;
    - (iii) Fire control room;
  - (e) Levels 1 - 17**
    - (i) Guest rooms ranging from 8 to 13 rooms per level and is determined by the varying floor plate as it cantilevers over the Genesian Theatre;
  - (f) Level 18**
    - (i) 6 guests rooms;
    - (ii) Plant and equipment rooms.
10. The proposal has a maximum height of 60 metres, a floor space ratio of 10.4:1 and gross floor area (GFA) of 8,360sqm.

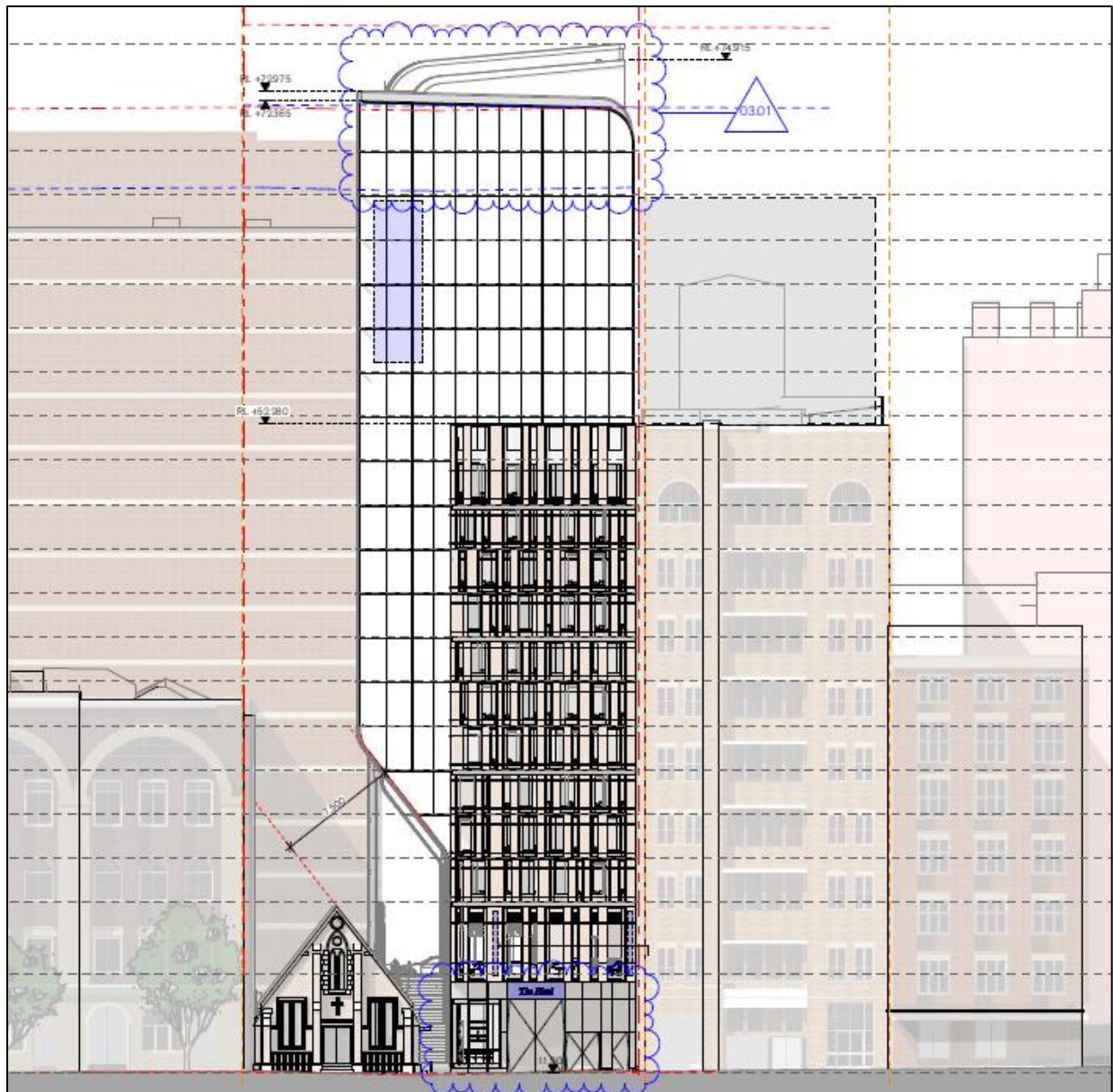
11. **Figures 8 to 12** illustrate the photomontage and elevations of the proposed development.



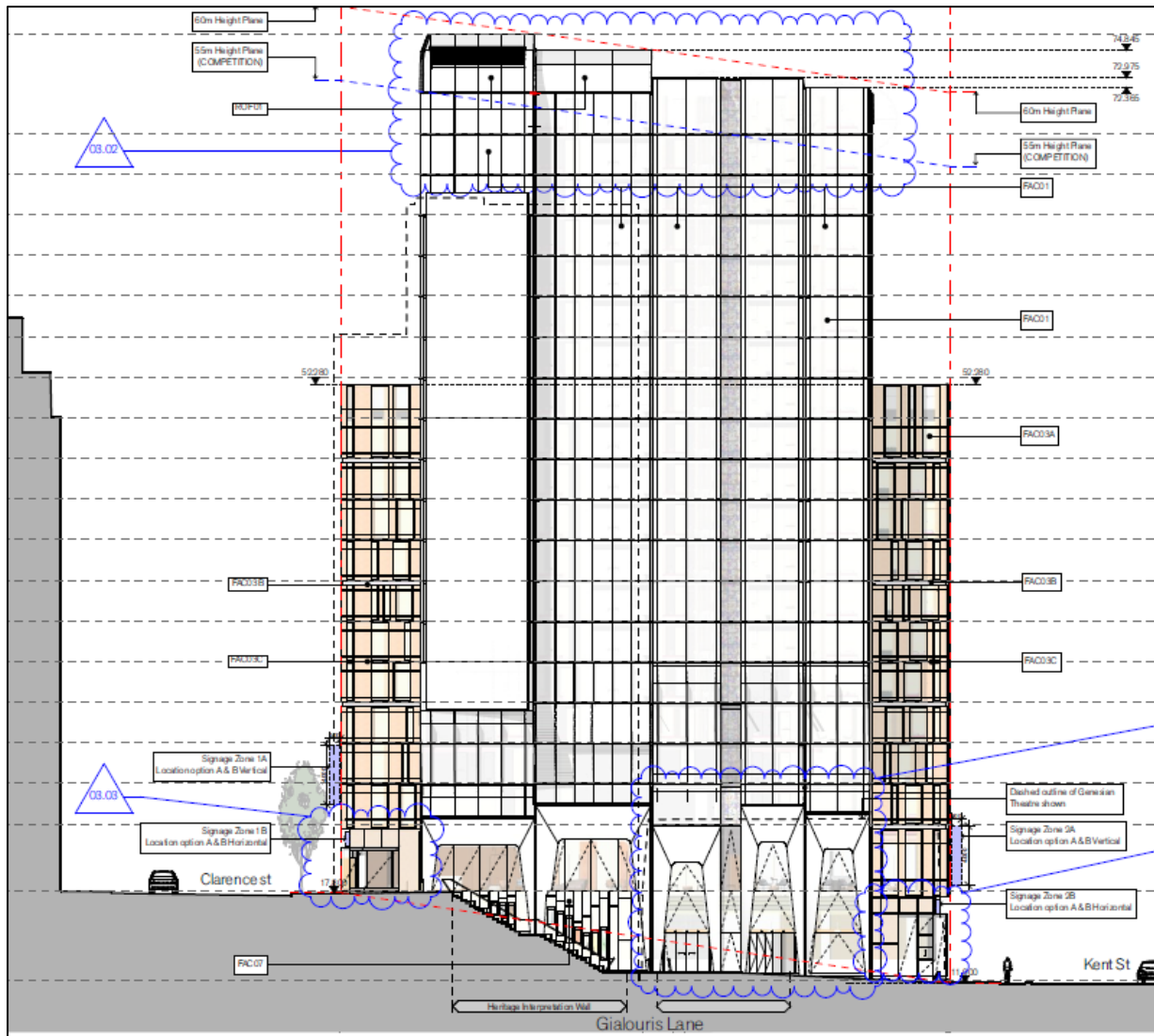
**Figure 8:** Illustration of the proposal viewed from Kent Street.



**Figure 9:** Proposed east elevation (Clarence Street).

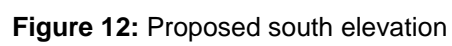


**Figure 10:** Proposed west elevation (Kent Street).



**Figure 11:** Proposed north elevation.





## History Relevant to the Development Application

### *D/2014/1366*

12. On 29 June 2015, Development Application was approved by Council for the demolition of the existing 3 storey building at 422-424 Kent Street and the construction of a 15 storey mixed use building comprising one basement level, retail uses on the ground floor, commercial uses from Levels 1 to 10 as well as residential uses from Levels 11 to 14 with a landscaped roof terrace. This consent was not activated.

### *D/2016/853*

13. On 27 March 2017, Development Application was granted a deferred commencement approval by Council for the buildings located at 422-424 Kent Street and 275 & 277 Clarence Street. The proposal involved demolition of structures and construction of a part 16 and part 17 storey mixed use building comprising of excavation, ground floor retail, 72 hotel rooms and 13 residential apartments. The deferred commencement conditions related to amendments to address issues of transport, servicing, parking and flooding.
14. On 23 April 2018, Modification Application (D/2016/853/1) was approved to extend the lapse date of the consent for an additional 12 months until 27 March 2020. An operative consent has not been issued for the development application.

### *D/2017/445*

15. On 1 June 2018, Development Application was approved for the neighbouring heritage building at 426-430 Kent Street. The proposal involved internal alterations and restoration works as well as construction of a 3 storey addition and use for a commercial premises. The addition was approved with a variation to the required 10m front of building setback control above a heritage building. The numerical non-compliance of 5.2 metres to Clarence Street and 5.5 metres to Kent Street was considered acceptable as the development achieved the objectives of the front setback control in maintaining amenity to the premises, neighbouring buildings and public domain.

## History and Amendments to the Development Application

### *Pre-Development Application*

16. On 19 September 2018, a meeting was carried out with the applicant and Council Officers. It was discussed that the site located at 420 Kent Street, being the Genesian Theatre, had been acquired by the owner and advice was sought for a potential new development application that improved on the previously approved mixed used building approved under D/2016/853.

17. The applicant presented a 'micro-room' hotel scheme with a built form that cantilevered over the Genesian Theatre with the provision of a through-site link that connected Kent and Clarence Street. The proposal was generally supported and the applicant was requested to further explore materiality of the building with respect to the prevailing masonry character of the area and consider the built form and massing to respect the heritage significance of the former church.

*Request for Additional Information*

18. The detailed development application was submitted on 19 December 2018. Following a preliminary review of the application and including a review by Council's Design Advisory Panel (DAP), additional information was requested in written correspondence dated 5 April 2019 to address the following issues:

Heritage

- (a) The degree of cantilever was considered to be excessive and overwhelmed the curtilage and significance of the heritage building. It was recommended that the outer cantilever mass be amended and therefore, the internal hotel configuration be replanned.

Amenity and Adaptability

- (b) The proposed 2.7m floor to floor height was insufficient in providing adequate amenity to the micro-hotel rooms and enable flexible use and future adaptability of the building. It was requested that the development be amended to provide minimum floor to ceiling heights of 2.7m.

Through-site link

- (c) The through-site link does not satisfy the requirements of the Disability Discrimination Act (DDA) 1992 and the Building Code of Australia (BCA) to provide equitable access. It was requested that an easement for Right of Public Access be granted to ascertain that the owners of the land consent to the public traversing in the through-site link and recognise use of the hotel lobby lifts to provide equitable access.

Flooding

- (d) The development was not designed to the required flood levels prescribed by Council's Interim Floodplain Management Policy. It was requested that all access to the building and including the through-site link, egress and ventilation to the basement fronting Clarence Street must be protected up to the PMF level RL 18m AHD. Also, all access to the building, egress and ventilation to the basement fronting Kent Street must be protected up to the PMF level or 0.3m above the road's gutter level, whichever is the highest. The provision of flood gates were requested to be deleted.

Traffic and Transport

- (e) Additional details relating to the loading dock, truck/hoist/turn table operation as well as bicycle parking and end of journey facilities was requested to be provided.



### Plan of Management

- (f) Clarification was sought on the submitted Plan of Management (POM) and the use of the retail tenancies and restaurant as part of the hotel.

### Waste

- (g) Additional details was requested for the location and areas dedicated to waste and recycling storage areas, the nomination of waste collection points, path of access for collection vehicles and submission of a Construction and Demolition Plan.

### Landscaping

- (h) Clarification was sought as to how the proposed green wall is supported.

19. On 6 June 2019, the applicant submitted supplementary information to respond to the issues raised as follows:

- (a) A cantilever setback study and supporting heritage statement, which demonstrated a reduced built form and increased setback of the hotel cantilevered wall over the Genesian Theatre to improve the curtilage to the heritage building.
- (b) Amended Waste Management Plans, Traffic Statement, Plan of Management and Landscape details was submitted.
- (c) A 'Response to the Request for Additional Information', prepared by Urbis was submitted, which sought to justify the remaining issues and is summarised as follows:
  - (i) The 2.7m floor to floor height was acceptable. Effectively, the proposal would provide a 2.5m floor to ceiling height and is compliant with the 2.4m requirement of the BCA. Due to the constraints of the site in providing economic and viable floor plates for commercial use and difficulty to obtain compliance with the Apartment Design for residential use, the proposed hotel use is the best use for the site. Therefore, future adaptability would not be achievable for another use.
  - (ii) The creation of a through site link that is made available to the public is a significant contribution to the general public, and by virtue of the 24/7 operation of the hotel enables constant surveillance of the link that facilitates a high-quality public space that engenders safe, equitable and dignified access for all people.
  - (iii) The proposal provides finished floor levels that are consistent with the development approved under D/2016/853 to address flooding of the site.

20. On 31 July 2019, amended plans were submitted relating to a modified cantilever design and internal reconfiguration of the hotel rooms.

*Central Sydney Planning Committee (CSPC)*

21. On 5 September 2019, the application was presented to the CSPC. The development proposed a modulated cantilever with the greatest extent aligned with the apex of the Genesian Theatre. The extent of the modulated cantilever was not supported by the Committee. It was considered that the relationship of the development with the heritage building could be improved.
22. Accordingly, the CSPC resolved to defer the determination of the application to enable the preparation of an amended proposal that addressed the concerns relating to the cantilevered design and distribution of floor space within the tower. The CSPC also indicated that they may waive the requirement for a design competition and preparation of a site-specific development control plan or Stage 1 application in the case that the proposal exceeds 55m in height, provided it does not breach other controls.
23. On 16 September 2019, amended plans were submitted to Council, seeking to address the recommendations expressed by the CSPC. The amended plans were renotified for a period of 14 days between 19 September 2019 and 3 October 2019.

**City of Sydney Act 1988**

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

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

(1) The Planning Committee must consult the CSTTC before it exercises a function under Part 4 that will result in the making of a decision that will require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD.

(2) The Planning Committee must take into consideration any representations made by the CSTTC within the period of 21 days (or such other period as is agreed to by the CSTTC and the Planning Committee in a particular case) after consultation takes place.

(3) The Planning Committee may delegate to a subcommittee of the Planning Committee, or the general manager or another member of the staff of the City Council, any of its functions under this section other than this power of delegation. A delegation can be given subject conditions. A delegation does not (despite section 38) require the approval of the Minister administering that section.

(4) The failure of the Planning Committee to comply with this section does not invalidate or otherwise affect any decision made by the Planning Committee."

25. Having liaised with the City's Access Unit, in this instance, the proposal is not considered to have a significant impact on traffic and transport in the CBD, and consultation with the CSTTC is not necessary.

### **Economic/Social/Environmental Impacts**

26. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:

- (a) Environmental Planning Instruments and DCPs.

### **State Environmental Planning Policy No 55—Remediation of Land**

27. The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
28. An 'Environmental Management Plan' and a 'Preliminary Contamination Assessment', both prepared by Environmental Earth Sciences was submitted with the development application. The Council's Health Unit is satisfied that subject to conditions, the site can be made suitable for the proposed use.

### **State Environmental Planning Policy No 64—Advertising and Signage**

29. The application involves a signage strategy indicating the location, size and dimensions of signage zones for business identification as follows:

- (a) Signage zone 1 - Clarence Street
- (i) 1 x vertical projecting wall sign with dimensions of 700mm (width) x 4000mm (height);
  - (ii) 1 x top hamper sign with dimensions of 5400mm (width) x 1200mm (height);
- (b) Signage zone 2 - Kent Street
- (i) 2 x signage zones for vertical projecting wall signs with dimensions of 700mm (width) x 4000mm (height);
  - (ii) 1 x top hamper sign with dimensions of 3500mm (width) x 1000mm (height);
- (c) Signage zone 3 - South Elevation
- (i) Option A: 1 x vertical top of building sign with dimensions of 3,000mm (width) x 10,000mm (height);
  - (ii) Option B: 1 x horizontal top of building sign with dimensions of 6,000mm (width) x 2,500mm (height); and
- (d) Signage zone 4 - West elevation
- (i) 1 x top of building sign with dimensions of 3,000mm (width) x 10,000mm (height).

30. SEPP 64 was gazetted on 16 March 2001 and aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.
31. As proposed, it is considered that the proposed signage strategy has the capability of satisfying the relevant aims and assessment criteria of SEPP 64, subject to conditions and as discussed in the **Issues** section of this report.
32. The application is limited to identifying appropriate zones on each elevation. As such, the details and content on the specific zones would be subject to a separate development application once the future hotel operators are known and a detailed assessment under SEPP 64 can be carried out. A condition is recommended to this effect.
33. Accordingly, the proposal signage strategy would be consistent with the aims and objectives of Clause 3 of SEPP 64 and as such, is supported subject to conditions.

#### **State Environmental Planning Policy (Infrastructure) 2007**

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

#### **Clause 44 and 45**

35. The application is subject to Clause 44 and 45 (Subdivision 2 Development likely to affect an electricity transmission or distribution network) of the SEPP as the development involves the penetration of ground to a depth of at least 3m below ground level (existing) on land that is within 10m (measured radially) of the centreline of the electricity supply corridor.
36. In accordance with the Clause, the application was referred to Ausgrid for a period of 21 days who consents to the development, subject to conditions contained in **Attachment A**.

#### **Clause 88**

37. The application is subject to Clause 88 of the SEPP (Development within or adjacent to interim rail corridor). The site is located within the future Central Sydney Rail Link corridor, which requires concurrence from the relevant rail authority.
38. Concurrence was received from Transport for NSW subject to conditions contained in **Attachment A**.

#### ***Sydney Light Rail Project***

39. The application was referred to the CBD Coordination Office with TfNSW as the site is within close proximity to the Sydney Light Rail Project and the construction works may have an impact on traffic within the Central Sydney.
40. Recommended conditions of consent were received from TfNSW and are contained in **Attachment A**.

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

41. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.

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

### Sydney Local Environmental Plan 2012

44. The site is located within the B8 Metropolitan Centre zone. The proposed use is defined as *'tourist and visitor accommodation'* and *'retail premises'* and is permissible.
45. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

#### Compliance Tables

Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	A maximum height of 60m is permitted.  A height of 60m is proposed.
4.4 Floor Space Ratio  6.4 Accommodation Floor Space	Yes	A base FSR of 8:1 is permitted for the site.  The site is located in Area 3, which permits additional floor space of 3:1 if the building is used for residential accommodation, serviced apartments, hotel or motel accommodation, community facilities or centre-based child care facilities.  Therefore, a maximum permissible FSR of 11:1 and a GFA of 8,896.3sqm is permitted.

Development Control	Compliance	Comment
		A total FSR of 10.4:1 and a GFA of 8,360sqm is proposed, which includes the existing mezzanine area of the Genesian Theatre. The proposal is for a hotel accommodation and, therefore complies with the development standard.
5.10 Heritage conservation	Yes	<p>The subject site contains a heritage item of local significance, being the 'former church including interiors and front fence' (I1829) and also adjoins other heritage items.</p> <p>See discussion under the heading <b>Issues</b>.</p>

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
6.4 Accommodation floor space	Yes	As discussed above, the development is eligible for additional accommodation floor space and complies with the maximum permitted FSR of 11:1.
6.11 Utilisation of certain additional floor space requires allocation of heritage floor space	Yes	<p>The site is located in Area 3 on land in Central Sydney. Given that the proposal seeks to utilise accommodation floor space with a height that will exceed 55m, an amount of heritage floor space is required to be allocated to the site.</p> <p>Refer to <b>Issues</b> discussion below.</p>
6.16 Erection of tall buildings in Central Sydney	Yes	<p>The proposal presents a height greater than 55m for a development in Central Sydney, and as such, the provisions of this Clause are applicable.</p> <p>The tower employs appropriate setbacks and floor to ceiling heights that would provide acceptable amenity for future occupants and neighbouring buildings. The tower would not adversely affect the amenity of public spaces in terms of solar access and wind.</p>

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
		<p>Further, the development is compatible with its heritage and fine grain context, allows sunlight to reach the sides of the tower as well as to the proposed through-site link. The proposal promotes ventilation around the building with ground floor uses that would activate the street frontage.</p> <p>Accordingly, the proposal satisfies the objectives of tower development in Central Sydney.</p>
<p>6.19 Overshadowing of certain public spaces</p> <p>(i) <i>Sydney Town Hall Steps</i></p> <p>(j) <i>Sydney Square</i></p>	Yes	<p>The site is located within close proximity to Sydney Town Hall steps and Sydney Square and has the potential to overshadow these public spaces.</p> <p>Shadow diagrams were submitted with the application and confirms that the development would not result in additional overshadowing at any time to Sydney Town Hall Steps and Sydney Square. Refer to <b>Attachment C</b>.</p> <p>The proposed development satisfies the requirements of this provision.</p>
6.21 Design Excellence	Yes	<p>The proposal (as amended), achieves a high standard of architectural design that respects the streetscape and heritage building on the site.</p> <p>The development is required to undergo a competitive design process as the proposal presents a height greater than 55m and is located on land in Central Sydney.</p> <p>However, the consent authority may waive the requirement of a competitive design process if they are satisfied that such a process would be unreasonable or unnecessary in the circumstance of the development.</p> <p>Refer to the <b>Issues</b> discussion below.</p>

Part 7 Local Provisions - General	Compliance	Comment
Division 1 Car parking ancillary to other development	Yes	<p>As a hotel development, the proposal is able to provide 1 car parking space for every 5 rooms more than 100 rooms (maximum 39.8 spaces).</p> <p>The proposal provides no parking on the site. Having regard to the maximum provisions of this Clause and the site's proximity to frequent public transport, the development achieves the objectives of this provision in minimising vehicular traffic generation and is acceptable. The proposal is supported by Council's Traffic Planner, subject to conditions.</p>
7.14 Acid Sulphate Soils	Yes	<p>The site is identified as containing class 5 Acid Sulphate Soil and is located within 50m of Class 1 and 2 Acid Sulphate Soil.</p> <p>Council's Environmental Health Officer has reviewed the proposal. The proposed excavation may require dewatering and trigger the requirements for assessment and management of Acid Sulphate Soil. Potential issues relating to Acid Sulphate Soil can be addressed through conditions of consent. A condition of consent is recommended to this effect.</p>
7.15 Flood planning	Yes	<p>The site is located in the Darling Harbour Drainage Catchment and is identified as being flood prone.</p> <p>The application was referred to Council's Engineer who confirms that the development has been appropriately designed to mitigate flood impacts and can be supported, subject to conditions.</p>
7.16 Airspace operations	Yes	<p>The proposed development will not penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for the Sydney Airport.</p>



Part 7 Local Provisions - General	Compliance	Comment
7.19 Demolition must not result in long term adverse visual impacts	Yes	The development involves demolition of buildings on the site. However, the site will be comprehensively redeveloped under the subject development application and would not result in adverse visual impacts to the streetscape and special character area.
7.20 Development requiring preparation of a development control plan	Yes	<p>The site is located in Central Sydney. The proposal would result in a building with a height greater than 55m and is therefore development requiring the preparation of a development control plan or Stage 1 Application.</p> <p>However, a development control plan is not required to be prepared if the consent authority is satisfied that such a plan would be unreasonable or unnecessary in the circumstance of the development.</p> <p>Refer to <b>Issues</b> discussion below.</p>
7.24 Development near Cross City Tunnel ventilation stack	Yes	<p>The subject site is located within an area identified as being affected by the Cross City Tunnel ventilation stack.</p> <p>The development would not affect the dispersion of emissions of the Cross City Tunnel ventilation stack and future occupants of the building would not be unduly effected by these emissions.</p> <p>Refer to DCP discussion below.</p>

**Sydney Development Control Plan 2012**

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

**2. Locality Statements – York Street (Clarence & Kent Street) Special Character Area**

The subject site is located in the York Street Special Character Area, which includes Clarence and Kent Street. The proposal satisfactorily responds to the historic warehouse and commercial typology by incorporating a brick finish with a street frontage height that is consistent with neighbouring buildings. The materials respond to the prevailing masonry character of the locality. Overall, the development maintains significant views and vistas to the QVB and Sydney Town Hall.

<b>3. General Provisions</b>	<b>Compliance</b>	<b>Comment</b>
3.1 Public Domain Elements	Yes	The proposal would make a positive contribution to the public domain by providing an active frontage to both Clarence and Kent Street. This is accentuated with the provision of a through-site link that will provide enhanced pedestrian permeability in this part of the CBD.
3.1.2.2 <i>Through-site links</i>	Yes	<p>The site is not required to provide a through-site link in accordance with the '<i>Through-site links map</i>' of Sydney DCP 2012.</p> <p>Notwithstanding this, the through-site link is a unique addition to the development. Whilst it is narrow with a predominant width of 2.7m, which is below the minimum 4m requirement, it provides a height greater than 6m with clear lines of sight from Kent and Clarence Street.</p> <p>The through-site link is clearly distinguished from vehicle access ways and includes landscaping to soften the site. It is proposed to be accessible 24 hours a day with the hotel development, in which an easement for Right of Public Access will be identified on Title. This is imposed as a condition of consent.</p>

3. General Provisions	Compliance	Comment
3.2 Defining the Public Domain	Yes	The proposed development will enhance the public domain by ensuring adequate sun access is provided to publicly accessible spaces.
3.2.2 Addressing the street and public domain	Yes	<p>The provision of a through-site link enhances the address of the development to the public domain. The use of glazing to the facades abutting the through-site link provides legible and accessible entries from Kent and Clarence Street.</p> <p>Access to the basement levels for loading and servicing is provided on Kent Street and does not protrude above street level or the public domain.</p> <p>The main hotel lobby is accessed from the upper ground floor on Clarence Street. Access from Kent Street is provided by the through-site link with lift access to the main lobby on the upper ground floor.</p>
3.2.3 Active frontage	Yes	<p>The DCP does not require an active frontage to be provided on Kent and Clarence Street.</p> <p>Notwithstanding this, the development will provide a retail use on the Kent Street frontage with the main hotel lobby located on the Clarence Street frontage.</p>
3.2.6 Wind effects	Yes	<p>An 'Environmental Wind Assessment', prepared by Arup was submitted with the application.</p> <p>The report confirms that the development would have minimal impact on the local wind conditions of the area due to the stepped massing as well as its location in a dense urban setting. The wind conditions along the through-site link would satisfy pedestrian wind comfort and would pass the safety criterion.</p>

3. General Provisions	Compliance	Comment
3.2.7 Reflectivity	Yes	A 'Reflectivity Report', prepared by Arup, was submitted with the application. The report confirms that reflections from the development would not result in unacceptable glare to surrounding roads, traffic, pedestrians and surrounding buildings, subject to the external reflectance of glazed facades are below 20%. A condition of consent is recommended to this effect.
3.6 Ecologically Sustainable Development	Yes	A Section J Report, prepared by Windtech, was submitted with the application.  The proposal is capable of achieving the relevant energy efficiency requirements of Section J of the BCA by targeting a NABERS Energy Commitment Agreement at a rating of 4.5 stars as well as implementing other sustainable measures such as lighting and water efficiency. Conditions of consent have been imposed, as recommended by Council's Sustainability Officer.
3.7 Water and Flood Management	Yes	The subject site is flood prone. Appropriate conditions of consent have been recommended relating to flood management, as recommended by Council's Engineer.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	Appropriate conditions of consent are recommended to require the consolidation of the site into one allotment and also that the hotel cannot be strata subdivided.
3.9 Heritage	Yes	The site contains a heritage item of local significance.  Refer to <b>Issues</b> discussion below.
3.10 Significant Architectural Building Types	Yes	The Genesian Theatre was formally a church that is recognised as a public and community building older than 50 years.

3. General Provisions	Compliance	Comment
		<p>The proposal involves retention of the building and refurbishment works, which seeks to be reused as an adaptive performance space and additional dining area for the hotel restaurant. Significant fabric and building elements would be retained and encourages its continual use.</p>
3.11 Transport and Parking	Yes	<p>The development proposes an onsite loading bay with car hoist and lift for loading and servicing of the site to be carried out within the basement levels. Access is provided from Kent Street. No car parking is proposed. A total of 44 bicycle spaces are also provided.</p> <p>A Traffic Report was submitted with the application and was reviewed by Council's Traffic Planner. Subject to conditions, the proposal would satisfy the objectives of this Section in ensuring that the demand for transport generated by the development is managed appropriately.</p>
3.11.3 <i>Bike parking and associated facilities</i>	Yes	<p>The proposal provides 44 (34 spaces for staff and 10 for customer/visitor) bicycle spaces and associated end of journey facilities and complies with the requirements of the DCP.</p> <p>An appropriate condition is recommended to ensure that all facilities are provided in accordance with the relevant Australian Standard.</p>
3.11.6 <i>Service vehicle parking</i>	Yes	<p>The development provides a loading bay hoist and turn table that is accessed from Kent Street for a SRV size vehicle with dimensions of 6.4m (length) and 3.5m (height). Servicing and parking is carried out on basement level 2 and is considered acceptable.</p> <p>A condition is recommended for a Loading Management Plan to be submitted to the satisfaction of Council prior to the issue of Construction Certificate to ensure that servicing of the site will be carried out without use of on-street facilities.</p>

3. General Provisions	Compliance	Comment
3.11.8 <i>Bus parking</i>	Acceptable	<p>The development does not (and is not able to) provide on-site set down or pick up parking for buses and coaches.</p> <p>The submitted Traffic Report outlines that the absence of bus and coach parking is acceptable in this instance as Clarence and Kent Street provide sufficient kerbside on-street 1P/4P parking and loading zones, which may be used for picking up and setting down passengers as outlined in the RMS parking rules. Also, the site is severely constrained in terms of width to accommodate on-site bus parking.</p> <p>Council's Traffic Planner considers this acceptable, subject to the submission of a 'Coach parking and guest pick-up and drop-off Management Plan' prior to issue of an Occupation Certificate. The Plan must include details of managing vehicles associated with guest arrivals, departures and tours and its potential impacts on surrounding streets.</p>
3.11.13 <i>Design and location of waste collection points and loading areas</i>	Yes	<p>The proposal allows for waste collection and loading to be carried within the basement that is accessed from Kent Street via a hoist and turn table.</p> <p>The proposal was referred to Council's Waste Officer, who considers the waste collection points and loading areas are acceptable, subject to conditions.</p>
3.12 Accessible Design	Yes	<p>A condition has been recommended for the proposed development to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.</p>
3.13 Social and Environmental Responsibilities	Yes	<p>The proposed development provides adequate passive surveillance and is generally designed in accordance with the Crime Prevention Through Environmental Design (CPTED) principles.</p>

3. General Provisions	Compliance	Comment
3.13.2 Air quality for development near the Cross City Tunnel	Yes	The development proposes a height of 60m. The subject site has a distance greater of approximately 370m from the Cross City Tunnel Ventilation Stack. In consideration of the building height relative to the distance from the Ventilation Stack, an air quality assessment report is not required as the proposal is outside the threshold requirements of the SDCP 2012. As such, the proposal and future occupants would not be unduly impacted by emissions.
3.14 Waste	Yes	A condition has been recommended for the proposed development to comply with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
3.15 Late Night Trading Management	Yes	<p>The site is located in the Late Night Management Area and is a Category A - High Impact Premises. A Plan of Management (POM) has been submitted and has been reviewed by Council's Licensing Officer. It is considered that the POM is acceptable for the use of the hotel accommodation and hotel lounge only.</p> <p>The hotel would also accommodate ancillary food and drink premises that may be licensed, in which the details of the use and operation are unknown. Accordingly, a condition of consent is recommended for the fit out and use of the retail areas to be subject to a separate application, where additional details relating to the operation and management of its future use can be considered.</p>
3.16 Signage and Advertising	Yes	A condition of consent is recommended to require the details of any future signage on the site to be subject to a separate development application.
3.16.1 Signage Strategy	Yes	<p>A signage strategy has been submitted with this application.</p> <p>Refer to <b>Issues</b> discussion below.</p>

4. Development Types  4.2 Residential flat, non-residential and mixed use developments	Compliance	Comment
4.2.1 Building height  <i>4.2.1.2 Floor to ceiling heights and floor to floor heights</i>	Acceptable	<p>Buildings with a commercial or retail use are required to have a minimum floor to floor height of 4.5m on the first basement floor as well as the ground floor. Upper floors for mixed use development require a minimum floor to ceiling height of 2.7m, which equates to a minimum floor to floor height of 3.1m.</p> <p>The proposal has a basement floor to floor level of 4.5m. A ground floor to floor height of 4.5m on Clarence Street and 6.10m on Kent Street is provided. The upper floors of the development have a floor to floor height of 2.75m.</p> <p>Refer to <b>Issues</b> discussion below.</p>
4.2.2 Building Setbacks	Acceptable	The proposal generally complies with the DCP setback requirements. This is further discussed in Section 5.1.2.2.
4.2.3.1 Solar Access	Yes	<p>The shadow diagrams submitted with the application, and as contained in <b>Attachment C</b>, reveal the development would result in some minor additional overshadowing to neighbouring buildings on 22 March and 21 June.</p> <p>The most affected properties are to the south of the site up to Druitt Street, which accommodate commercial uses.</p> <p>In consideration of the fine grain subdivision pattern of the area and the location of the site in a dense commercial block within the Central Sydney, overshadowing on neighbouring properties is inevitable. Notwithstanding this, the neighbouring properties would still receive adequate sunlight during the winter solstice.</p>



4. Development Types  4.4.8 Visitor Accommodation	Compliance	Comment
4.4.8.1 General	Yes	<p>A Plan of Management (POM) has been submitted with the application relating to the hotel use and operation.</p> <p>The POM outlines that the hotel will operate 24/7 with a hotel manager on duty at all times. Staffing will consist of front office/admin, housekeeping, maintenance and cleaners with on-site security and CCTV.</p> <p>The sleeping rooms do not include triple-tier bunks or cooking facilities and toilet and shower facilities are partitioned off within each room.</p>
4.4.8.3 Additional provisions for hotels, private hotels and motels	Yes	<p>The development is proposed to be a 'micro-room' hotel.</p> <p>Rooms vary in size with the smallest room measuring 19.3sqm and the largest room being 59.4sqm.</p> <p>The rooms are capable of accommodating 2 persons staying a maximum of 3 months, which satisfies the 11sqm minimum requirement of the DCP.</p> <p>Storage within the rooms and the absence of kitchenettes are considered adequate having regard to the micro arrangement of the hotel.</p>

5. Specific Areas  5.1 Central Sydney	Compliance	Comment
5.1.1 Street frontage heights	Yes	<p>New buildings are required to have a street frontage height between 20 and 45 metres above the site ground level and be aligned with the predominant street frontage height of adjacent buildings.</p>

5. Specific Areas	Compliance	Comment
5.1 Central Sydney		
		The proposal provides a street frontage height of 34.6m on Clarence Street and 40.37m on Kent Street and is consistent with the street frontage heights of neighbouring buildings.
5.1.2 Building setbacks  <i>5.1.2.2 Side and rear setbacks</i>	Yes	The proposal provides a nil side setback on the southern boundary with a varying north side set back as the building ascends and cantilevers over the Genesian Theatre. The proposed through-site link, with a minimum width of 2.2m, provides an appropriate setback to the Genesian Theatre and northern neighbouring property on the ground floor. The setback of the tower allows for daylight, outlook, ventilation and wind mitigation to be provided to the through-site link and adjoining buildings. Therefore, the proposed setbacks are acceptable having regard to the existing streetscape and satisfies the objectives in maintaining amenity to neighbouring buildings and the public domain.
5.1.3 Street frontage heights and setbacks for Special Character Areas	Acceptable	<p>The site is located in the York Street Special Character Area and is required to have a weighted average 8m setback (minimum 6m) above street frontage height.</p> <p>The proposal provides a setback above street frontage height of 5.2m on Clarence Street and 5.5m on Kent Street. Notwithstanding the numerical non-compliance, the departure is acceptable, given the setback is consistent with the setback approved under D/2017/445 for the addition above the neighbouring heritage building at 426-430 Kent Street. As such, the proposal is compatible with its context and achieves the objective of the control in enhancing and complementing the distinctive character of the special character area.</p>

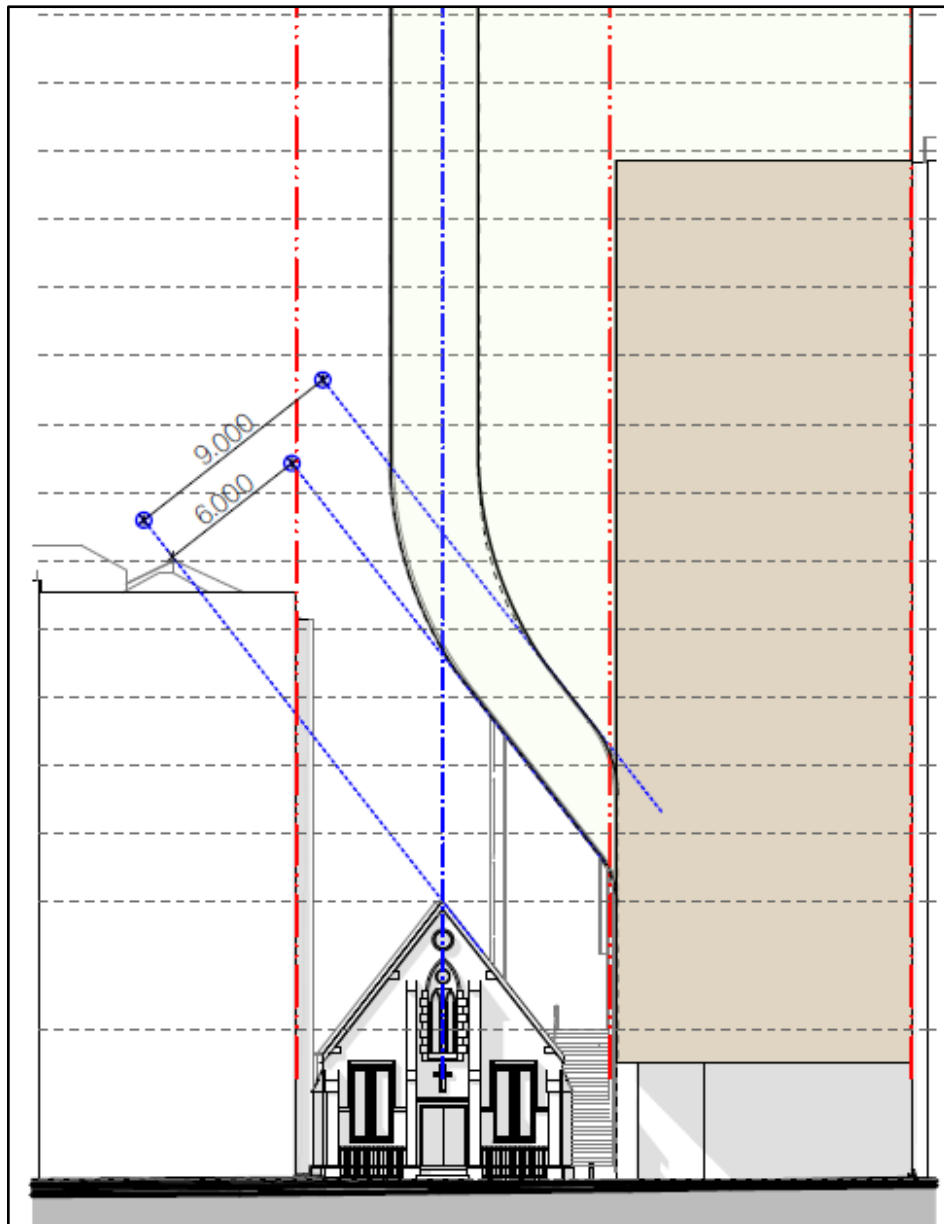
5. Specific Areas	Compliance	Comment
5.1 Central Sydney		
		It should be noted that the neighbouring heritage building to the north of the site at 414-418 Kent Street has a 5 storey street frontage height. The 6 storey difference of the street frontage height is acceptable having regard to single storey nature of the Genesian Theatre, which breaks up the consistency on Kent Street. The proposal maintains the prevalent masonry facades of the street at the street frontage height.
5.1.6 Building Exteriors	Yes	The proposal has been appropriately designed to consider the street alignment, setback and facade proportions of neighbouring buildings. The building exterior integrates with the masonry character of the area with modern materials, which allows the building to achieve a horizontal and vertical balance.

## Issues

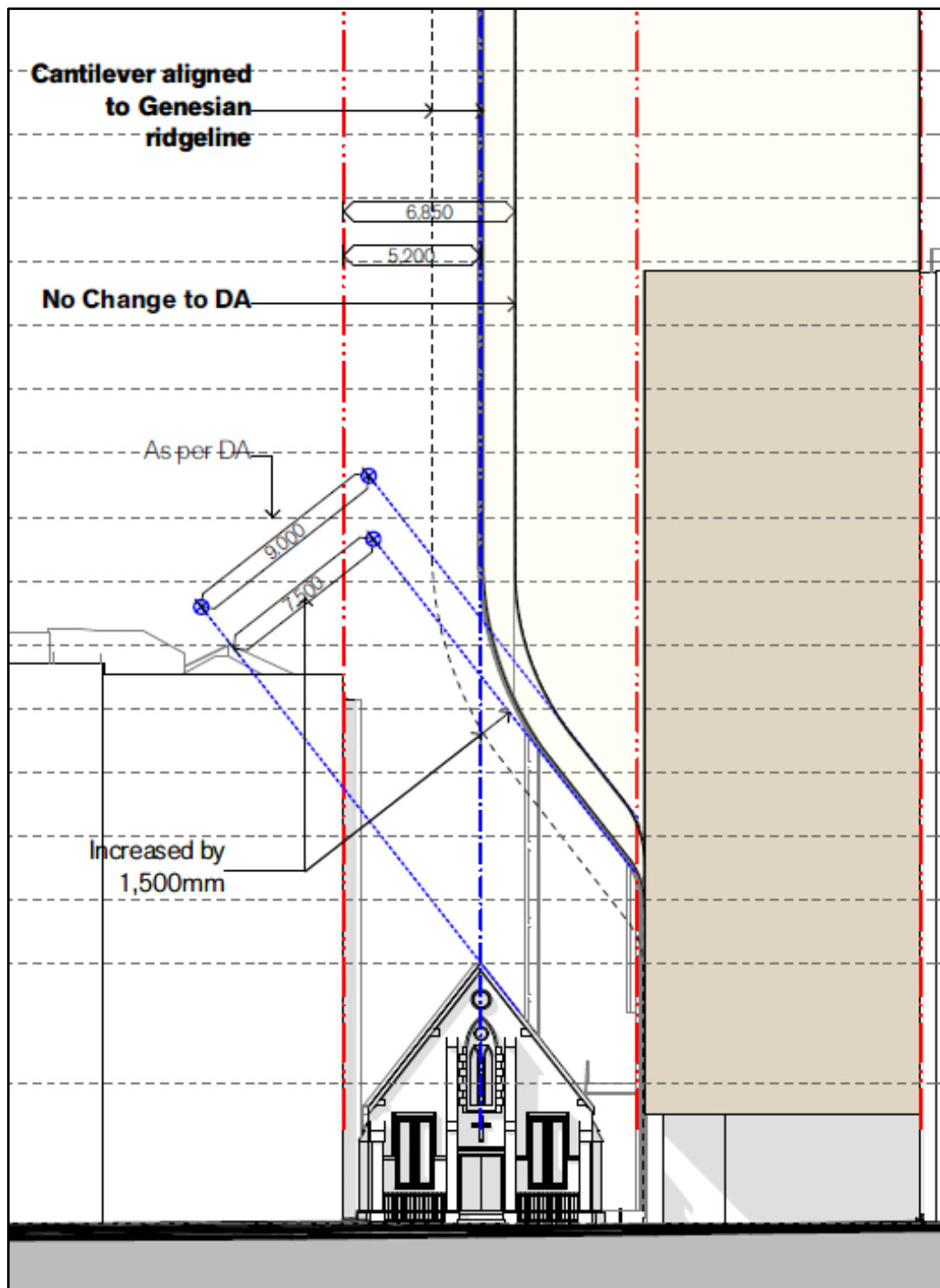
### Heritage

47. The site contains a heritage item of local significance being the 'former church including interiors and front fence' (I1829) under Sydney LEP 2012 and also adjoins other heritage items.
48. The proposal involves retention and refurbishment of the heritage building and construction of a hotel development that results in a cantilever over the church.
49. A 'Conservation Management Plan' (CMP), prepared by Weir Phillips Heritage, was submitted with the application and was referred to Council's Heritage Specialist. Whilst the adaptive reuse of the former church was supported, it was considered that the CMP was deficient in specifying the works and methodologies for restoration and reconstruction. The concerns raised can be addressed through the imposition of conditions of consent, requiring an updated CMP to be submitted and approved by Council. This is contained in Attachment A.
50. Additionally, the proposal was referred to the Design Advisory Panel (DAP). DAP and Council's Heritage Specialist shared the same view in that the extent of the cantilever over the church was excessive and overwhelmed the curtilage of the heritage building. It was recommended that the modulated cantilever be amended in order to have a single consistent cantilever that would be set at the shortest protrusion of the tower.

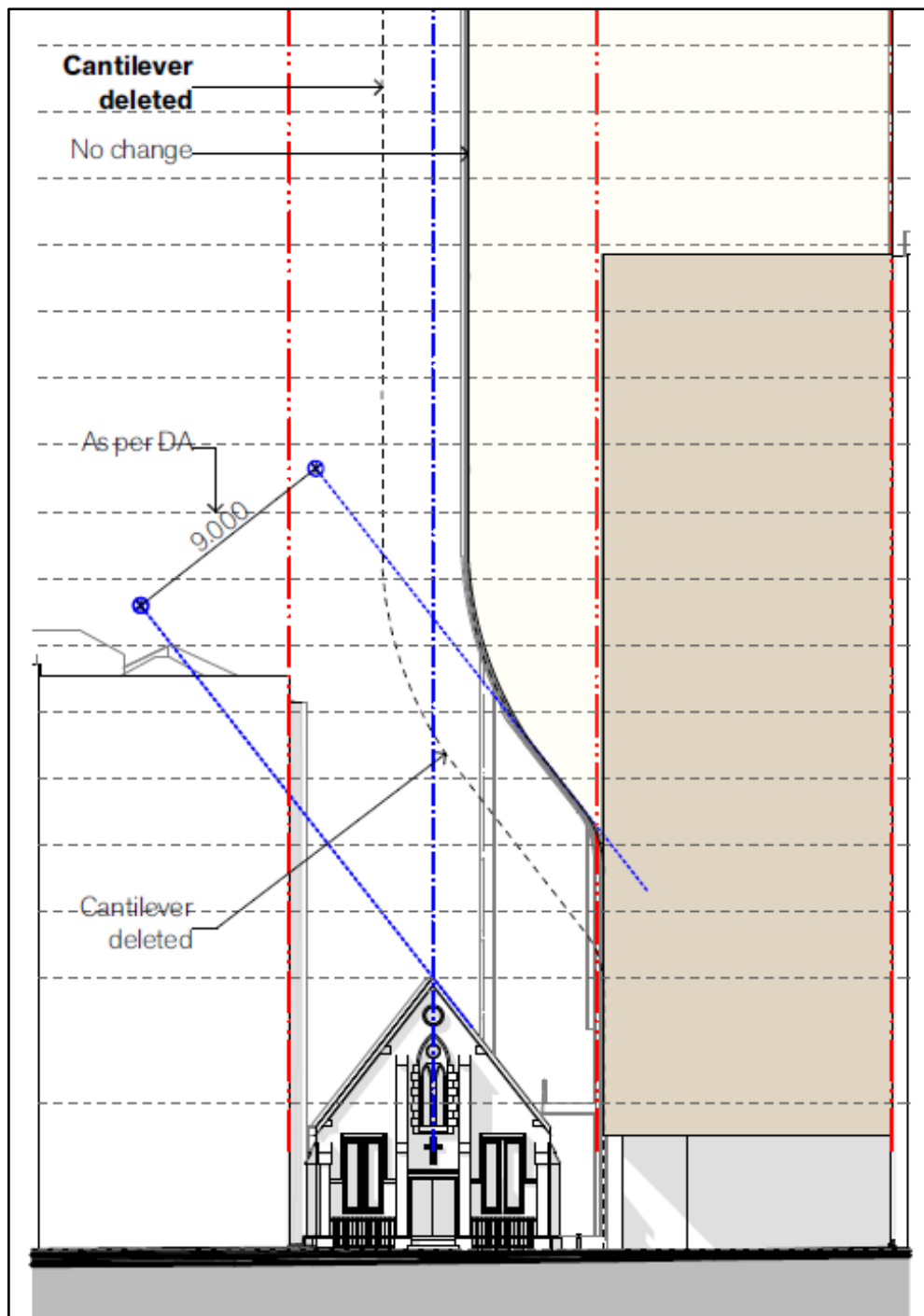
51. On 6 June 2019, the applicant submitted a Cantilever Setback Study, which illustrated massing options of the cantilever over the church. The option which maintained the modulated cantilever with a reduced extent and increased distance from the springing point of the cantilever was considered reasonable in striking a balance with the architectural form and the heritage curtilage. This scheme was presented to the CSPC.
52. At the CSPC meeting on 5 September 2019, the panel concurred with the recommendations put forward by DAP and Council's Heritage Specialist. Consequently, the CSPC resolved to defer the determination of the application to enable the preparation of an amended proposal that addressed the concerns relating to the cantilevered design in order to improve the heritage curtilage of the development.
53. The amended proposal was submitted to Council on 16 September 2019 and was reviewed by City staff. The amended design demonstrates a single cantilever that results in a tall, slender tower built form.
54. The amended proposal is considered to be an improved outcome. The proposal has an acceptable heritage impact and would foster a continual use of the building for cultural uses. The cantilever allows sufficient visual separation with the existing church building and simultaneously, affords hotel rooms in the centre of the new building to have access to natural light and views of Kent Street.
55. In light of the above, the proposal adequately satisfies the objectives and provisions of *Clause 5.10 - Heritage Conservation* of Sydney LEP 2012 and *Section 3.9 - Heritage* of Sydney DCP 2012.
56. Extracts of the Cantilever Setback Study are illustrated in **Figures 13** and **15** below.



**Figure 13:** Kent Street elevation and the extent of the modulated cantilever as originally proposed.



**Figure 14:** Kent Street elevation and the reduced extent of the modulated cantilever (increasing the separation of the underside of the cantilever and realignment of the outer edge with the apex of the Genesian Theatre roof), as proposed to the CSPC.



**Figure 15:** Kent Street elevation with a single consistent cantilever as proposed and recommended by the CSPC.

**Waiver for the requirement of a competitive design process and preparation of a development control plan**

57. As a consequence of amending the proposal to address the heritage issues, the development presents an amended height of 60m.
58. *Clause 6.21 - Design Excellence and Clause 7.20 - Development requiring or authorising preparation of a development control plan* of Sydney LEP 2012 stipulates that development in Central Sydney with a height exceeding 55m must undergo a competitive design process and requires preparation of a development control plan. Accordingly, the proposal is subject to these provisions.
59. However, Clause 6.21(6) and Clause 7.20(3) specify that the development is not required to undergo a competitive design process and not be required to prepare a development control plan if the consent authority is satisfied that such a process would be unreasonable or unnecessary in the circumstance of the development.
60. At the meeting on 5 September 2019, the CSPC as the consent authority indicated that they may waive the requirement for a design competition and preparation of a development control plan in the case that the amended proposal exceeds 55m in height, provided it does not breach other controls.
61. In the case of the subject development, such a process is considered to be unreasonable or unnecessary for the following reasons:
  - (a) Notwithstanding the exceedance to the 55m height threshold, the proposal is compliant with the height and FSR development standards under Sydney LEP 2012. The development results in a height that is appropriate and compatible for the site. The proposal has been designed accordingly with the heritage context of the locality in ensuring building elements such as the street frontage height and tower form, result in an appropriate height transition with neighbouring buildings. The density of the proposal is proportionate with development in the locality.
  - (b) Shadow diagrams have been submitted with the amended proposal and are contained in **Attachment C**. The additional height exceeding 55m will not result in additional overshadowing to certain public spaces, notably Sydney Town Hall steps and Sydney Square, as mandated in Clause 6.19 of Sydney LEP 2012.
  - (c) Additionally, the proposal is generally compliant with other planning controls prescribed in Sydney DCP 2012. The development provides an acceptable degree of amenity for future occupants and does not result adversely impact on the neighbouring properties and the locality.
  - (d) The extension of the building above the 55m height limit has arisen out of the desire to address concerns of the consent authority regarding the relationship of the new building with the existing heritage item. In this regard there is site-specific merit in granting a waiver of a competitive design process and preparation of a development control plan, that is, protecting the heritage curtilage of the Genesian Theatre by transferring the bulk of the development away from the theatre as much as possible.



- (e) The proposal satisfies the objectives and provisions of *Clause 6.21 - Design Excellence* of Sydney LEP 2012.
  - (i) Specifically, subclause 6.21(8) refers to development that the consent authority cannot grant consent to, notwithstanding other provisions in this Clause as follows:
    - (8)(a) *Development that would result in any building on land projecting higher than any sun access plane that is taken to extend over that land by operation of Division 3, or*
    - (b) *Development that results in any building causing additional overshadowing of a kind specified in Division 3, or*
    - (c) *Development that results in any building on land in Area 1 or Area 2 on the Height of Buildings map having a height greater than the height of the building that was on the land at the commencement of this Plan.*
  - (ii) For the case of the development, the site is not situated on land subject to the sun access plane. As discussed above, the proposed development would not result in additional overshadowing to certain public spaces specified in Division 3 of Sydney LEP 2012. Further, the building is not located on land in Area 1 or Area 2 of the Height of Buildings map, which requires consideration to any additional height to the height of the building on the land. Accordingly, the consent authority may grant consent to the development.
- (f) The proposal addresses the requirements to be contained in any development control plan outlined in *Clause 7.20* of Sydney LEP 2012 in that:
  - (i) The proposal adequately demonstrates that the built form and external appearance does not adversely impact on the quality and amenity of the public domain. Rather, the provision of a through-site link enhances the public domain to both Kent and Clarence Street.
  - (ii) The proposal does not detrimentally impact on view corridors;
  - (iii) Overall and as detailed elsewhere in this report, the proposal is suitable for the site and context. The development sufficiently addresses the heritage constraints with a building bulk and articulation that achieves a satisfactory relationship with neighbouring sites. The proposal would have an acceptable environment impact that has been addressed in the assessment of the subject application.

62. In light of the above, the proposal sufficiently demonstrates that the requirement to undergo a competitive design process and preparation of a development control plan is unreasonable and unnecessary. Accordingly, it is recommended that these requirements be waived for the circumstance of the development.

### **Allocation of Heritage Floor Space**

63. The site is located in Area 3 on land in Central Sydney. Given that the proposal seeks to utilise accommodation floor space with a height that will exceed 55m, an amount of heritage floor space is required to be allocated to the site in accordance with Clause 6.11 of Sydney LEP 2012.

64. Pursuant to Clause 6.11(1)(a), the amount of heritage floor space to be allocated is equal to 50% of the accommodation floor space to be utilised. For the case of the development, the proposal utilises 2.4:1 (1,935.12sqm) of the 3:1 accommodation floor space permitted. Therefore, an amount of 968sqm of heritage floor space is to be allocated to the site.
65. Further, subclause (2)(b) allows the amount of heritage floor space to be reduced by up to 50% or 250sqm, whichever is lesser, if the consent authority is satisfied that the development includes any covered or partially covered pedestrian route through the site at street level and provides a vital publicly accessible link between 2 streets.
66. The development provides a through-site pedestrian link at street level connecting Kent and Clarence Street. The through-site link would be accessible 24 hours a days to the public and would positively enhance the public domain to both streets.
67. Therefore, the total amount of heritage floor space to be allocated to the site is **718sqm** and is calculated on the following basis:
- (a)  $1,935.12\text{sqm (accommodation floor space)} / 50\% = 967.56\text{sqm} - 250\text{sqm}$ .

### Floor to Floor Heights

68. *Section 4.2.1.2 - Floor to Ceiling and Floor to Floor Heights* of Sydney DCP 2012 requires mixed-used buildings to have a minimum floor to ceiling height of 2.7m, which equates to a minimum floor to floor height of 3.1m.
69. During the assessment of the application, concern was raised that the proposed floor to floor heights of 2.75m would compromise the amenity of the proposed micro-hotel rooms that are already narrow and confined in configuration. Concern was also raised that the proposal does not promote the flexible use and adaptability of the building as required by the DCP control. As such, the applicant was requested to amend the proposal to increase the floor to floor heights.
70. Amendments to address the floor to floor heights of the development was not provided to Council. However, the applicant provided the following responses to justify the non-compliance:
- (a) The submitted DA proposes a floor to ceiling height of 2500mm and 2250mm for bathrooms. This is compliant with the BCA, Australian Standards and is typical for small format hotels of this type.
- (b) All hotel rooms will have exposed profiled concrete soffits. All services, as is typical for hotel rooms will be wall mounted and air conditioning will be side throw from above the bathroom pod.
- (c) All rooms will have mixed mode ventilation.

- (d) Given the constrained site and existing overshadowing, and that the peak occupation of hotel rooms is during the afternoon/evening, access to direct natural light can be optimised through the facade design to include internal blinds on all windows. Also, the glazed portion of the facade is to be composed of double glazing with a white polyceramic frit pattern to maximise thermal performance and minimise solar heat gain.
  - (e) Notwithstanding the minor non-compliance with floor to ceiling heights, the development overall provides ample internal amenity in terms of natural ventilation and light, by virtue of providing generous sized hotel rooms with appropriate glazing and numerous other internal communal areas for guests to enjoy and relax.
71. On balance, the justification provided by the applicant is considered acceptable in this circumstance given the intended 'micro-room' typology of the hotel development.
72. Notwithstanding the numerical non-compliance and limited adaptability, the development would be consistent with the minimum requirements of the BCA and would achieve the objectives of the control in maintaining amenity for the development and neighbouring sites as required in Section 4.2.1.2 of Sydney DCP 2012. Conditions of consent have been recommended to this effect.

### **Signage Strategy**

73. A signage strategy for future business identification signage is proposed as part of this application as follows:
- (a) Signage zone 1 - Clarence Street
    - (i) 1 x vertical projecting wall signs with dimensions of 700mm (width) x 4000mm (height);
    - (ii) 1 x top hamper sign with dimensions of 5400mm (width) x 1200mm (height);
  - (b) Signage zone 2 - Kent Street
    - (i) 2 x vertical projecting wall signs with dimensions of 700mm (width) x 4000mm (height);
    - (ii) 1 x top hamper sign with dimensions of 3500mm (width) x 1000mm (height);
  - (c) Signage zone 3 - South Elevation
    - (i) Option A: 1 x vertical top of building sign with dimensions of 3,000mm (width) x 10,000mm (height);
    - (ii) Option B: 1 x horizontal top of building sign with dimensions of 6,000mm (width) x 2,500mm (height); and
  - (d) Signage zone 4 - West elevation
    - (i) 1 x top of building sign with dimensions of 3,000mm (width) x 10,000mm (height).

74. In consideration of the objectives and provisions of *Section 3.16 - Signs and Advertisements* of Sydney DCP 2012 and in consultation with Council's Urban Designer and Heritage Specialist, the proposed signage strategy is acceptable subject to the following:
- (a) The scale and location of the top of building signage zones is appropriate and responds to the architectural form and vertical language of the building and would generally comply with Section 3.16.5.2. Therefore, Option A relating to the vertical top of building sign for Signage zone 3 is preferred;
  - (b) The scale and dimensions of the proposed vertical projecting wall signs within Signage Zones 1 and 2 are excessive and are not compatible with the heritage significance of the special character area, as stipulated by the general requirements for signage under Section 3.16.3. The signs are not consistent with the scale of neighbouring signs and must be reduced to be of a square shape and be located no higher than 5m from the ground floor so as to be consistent with the general requirements for business identification signs in Section 3.16.6.1.
  - (c) The provision of 2 x signage zones for the vertical projecting wall signs on the Kent Street frontage is acceptable to identify the future retail tenant as well as the hotel operator;
75. In light of the above, conditions of consent are recommended for an updated signage strategy to be submitted and approved by Council prior to the issue of Construction Certificate.
76. Further, a condition of consent is recommended for the detailed specifications of signage on the site to be subject to a separate application.

### **Access**

77. It is recommended that disabled access be provided in accordance with the provisions of the DCP. An appropriate condition is recommended.

### **Other Impacts of the Development**

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

### **Suitability of the site for the Development**

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

### **Internal Referrals**

#### *Referrals*

81. The conditions of other sections of Council have been included in the proposed conditions.

82. The application was discussed with the Heritage and Urban Design Specialists; Building Services Unit; Environmental Health; Licenced Premises; Public Domain; Safe City; Surveyors; Transport and Access; Landscape and Waste Management; who advised that the proposal is acceptable subject to the recommended conditions.
83. Additionally, the amended plans were reviewed by the relevant City Officers who maintain support of the amended proposal.

#### *Design Advisory Panel*

84. The original scheme was referred to the Design Advisory Panel (DAP) in which the following comments were made:
- (a) The through-site link, reuse of the theatre and proposed hotel use is supported;
  - (b) It was considered that the proposal was an overdevelopment of the site resulting in uncomfortable urban form and rooms;
  - (c) The degree of cantilever over the adjacent heritage building was excessive and consideration should be made to delete the outer cantilever. This would result in the reduction and replanning of the hotel rooms;
  - (d) The micro-room configuration in terms of width and height of hotel rooms is not supported and significantly restricts sunlight and amenity. At a minimum, the BCA requirement of 2.4m must be achieved excluding an allowance for services;
  - (e) Every second wall between rooms should be non-structural to enable future adaptability;
  - (f) Servicing on both frontages at ground floor is poor and should be amended for better internal amenity and interface with the street.
85. The concerns raised by DAP has been addressed through amended plans and supplementary documentation that has been detailed elsewhere within this report.

## **External Referrals**

### *Referrals*

86. The application was referred to Transgrid, Ausgrid, NSW Office of Water, NSW Police, and Transport for NSW.
87. Concurrence was received from TfNSW on 25 February 2019 for the development in accordance with Clause 88 of SEPP (Infrastructure) 2007. Confirmation was received on 30 September 2019 from TfNSW advising they maintained concurrence for the amended proposal.
88. TfNSW also confirmed that the proposal would not impact on the works in Central Sydney in accordance with Clause 88 of SEPP (Infrastructure) 2007, subject to recommended conditions contained in Attachment A.

89. Written correspondence was received from Ausgrid on 19 February 2019 and 9 October 2019, noting that there are existing underground electricity network assets in Kent and Clarence Street. Subject to conditions, the proposal would not impact on existing Ausgrid infrastructure as prescribed under Clause 44 and 45 of SEPP (Infrastructure) 2007.
90. Written correspondence was received from Transgrid on 9 January 2019 and 18 September 2019, confirming the development would not be affected by a Transgrid easement or asset.
91. No response was received from NSW Office of Water and the NSW Police within the nominated timeframe. As such, it is assumed that no issues are raised regarding the proposal.

#### **Notification, Advertising and Delegation (Submissions Received)**

92. In accordance with Schedule 1 the Sydney DCP 2012, the original proposal was notified and advertised for a period of 28 days between 10 January 2019 and 8 February 2019. A total of 1,161 properties was notified and there were 2 submissions received raising the following issues:

- (a) *The demolition of the warehouse buildings at 277 Clarence Street and 422-424 Kent Street would be a detrimental loss to the character of the neighbourhood and does not address the significance of these buildings to the York Street Special Character Area.***

**Response** - The buildings proposed to be demolished are not identified to be of heritage significance. Notwithstanding this, Section 2.1.1 of Sydney DCP sets out the character statement and design principles for the York Street Special Character Area including Clarence and Kent Street.

The proposal is considered to satisfactorily reference the prevailing masonry character of the York Street Special Character Area by providing a masonry interface to both the Clarence and Kent Street frontages up to the street wall height. The proposal maintains the historic warehouse and commercial typology by emulating the scale and form of neighbouring buildings in the locality. The proposal does not compromise significant views to Darling Harbour, to the QVB and Sydney Town Hall. Therefore, the proposal is consistent with the principles of the special character area.

- (b) *The proposal would potentially increase traffic and impact on the safety of pedestrians, particularly students. A comprehensive Construction Traffic Management Plan (CTMP) should consider the volume of pedestrian traffic, including student pedestrian traffic as well as use of heavy construction vehicles. It is requested that the CTMP be available for review prior to implementation.***

**Response** - The application has been reviewed by Council's Traffic Planner as well as Transport for NSW (TfNSW). A condition of consent is recommended that requires a detailed CTMP to be prepared in consultation with the Sydney Coordination Office and Sydney Light Rail Team within TfNSW, which must be approved by Council prior to the issue of Construction Certificate.

The CTMP must include details that are not limited to the potential impacts on pedestrians, the cumulative impacts on surrounding development, identification of mitigation measures to minimise impacts on the Central Sydney road network as well as provide details on the construction program and estimated construction vehicle movements.

The details required to be addressed in the CTMP are considered to be adequate in ensuring that the proposed development would not impact on the safety of pedestrians during construction and use of the building.

93. The amended plans were renotified for a period of 14 days between 19 September 2019 and 3 October 2019. One (1) submission was received:

- (a) ***Clarification is sought on what development would be carried out over the next year and the works to no. 422-424 Kent Street.***

**Response** - The construction timeframe of the development is not considered or known during the assessment stage. However, should development consent be granted, the proponent has 5 years to carry out the approved works from the date of determination in accordance with *Clause 4.53 - Lapsing of Consent* under the Environmental Planning and Assessment Act 1979.

The works proposed to be carried out on 422-424 Kent Street involve demolition of existing structures to accommodate the new development.

## Public Interest

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

## S61 Contribution

95. The cost of the development is in excess of \$200,000. The development is therefore subject to a levy under the Central Sydney Development Contributions Plan 2013. A condition relating to this levy has been included in the recommended conditions of consent. The levy is to be paid prior to the issue of a Construction Certificate.

## Relevant Legislation

96. The Environmental Planning and Assessment Act 1979.

## Conclusion

97. The proposal seeks consent for the retention and refurbishment of the Genesian Theatre and construction of a 19 storey hotel development, providing 199 rooms with servicing and loading to be carried out within the basement levels.
98. The proposal provides a through-site link that will connect Clarence and Kent Street and is considered to be a worthy contribution in Central Sydney.

99. The development has a maximum height of 60m, a floor space ratio of 10.4:1 and a gross floor area totalling 8,360sqm, which is consistent with the maximum permissible height and floor space ratio controls prescribed for the site under the Sydney LEP 2012.
100. The proposal is generally consistent with the relevant planning controls contained in Sydney LEP 2012 and Sydney DCP 2012. The development has been appropriately designed to respond to the characteristics of the site and surrounding development and exhibits design excellence.
101. Whilst the proposal presents a height greater than 55m, the requirement to undergo a competitive design process under Clause 6.11 as well as the requirement for preparation of a development control plan under Clause 7.20 in accordance with Sydney LEP 2012 is unreasonable and unnecessary in the circumstance of the development.

**GRAHAM JAHN, AM**

Director City Planning, Development and Transport

Reinah Urqueza, Specialist Planner



# **Attachment A**

<b>Recommended Conditions of Consent</b>
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## SCHEDULE 1A

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

**Note:** Some conditions in Schedule A 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/2018/1577 dated 19 December 2018 and the following drawings prepared by Francis-Jones Morehen Thorp Pty Ltd:

Drawing Number	Drawing Name	Date
DA2000, Revision 03	General Arrangement Plan Basement 2	16 September 2019
DA2001, Revision 02	General Arrangement Plan Basement 1	16 September 2019
DA2002, Revision 13	General Arrangement Plan Lower Ground – Kent Street	4 October 2019
DA2003, Revision 02	General Arrangement Plan Upper Ground – Clarence Street	16 September 2019
DA2004, Revision 03	General Arrangement Plan Level 1	16 September 2019
DA2005, Revision 03	General Arrangement Plan Level 2	16 September 2019
DA2006, Revision 03	General Arrangement Plan Level 3	16 September 2019
DA2007, Revision 03	General Arrangement Plan Level 4	16 September 2019
DA2008, Revision 03	General Arrangement Plan Level 5-10	16 September 2019
DA2009, Revision 03	General Arrangement Plan Level 11-17	16 September 2019
DA2010, Revision 03	General Arrangement Plan Level 18 Hotel and Plant	16 September 2019
DA2011, Revision 03	General Arrangement Plan Roof	16 September 2019
DA2100, Revision 01	Demolition Plan	17 December 2018
DA3000, Revision 03	East Elevation (Clarence St)	16 September 2019
DA3001, Revision 03	West Elevation (Kent Street)	16 September 2019

Drawing Number	Drawing Name	Date
DA3002, Revision 03	North Elevation	16 September 2019
DA3003, Revision 03	South Elevation	16 September 2019
DA4000, Revision 02	Sections North-South	16 September 2019
DA4001, Revision 02	Sections North-South	16 September 2019
DA4002, Revision 02	Sections North-South	16 September 2019
DA4003, Revision 02	Sections East-West looking South	16 September 2019
DA4004, Revision 02	Sections East-West looking North	16 September 2019
DA4005, Revision 02	Public Domain Sections	16 September 2019
DA4006, Revision 02	Public Domain Sections	16 September 2019
DA5001, Revision 13	Materials and Finishes Board	4 October 2019
DA6003, Revision 01	Adaptive Performance Space and Foodservice Venue	17 December 2018
DA6004, Revision 01	Heritage Interpretation Wall	17 December 2018
DA8000, Revision 01	Public Domain Finishes and Fixtures Schedule	17 December 2018
DA8001, Revision 01	Public Domain Plan	17 December 2018
DA8002, Revision 01	Public Domain Plan 1:50	17 December 2018
DA8003, Revision 01	Public Domain Elevation 1:50	17 December 2018

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) 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 Principal 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 Principal 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.

### **(3) BUILDING HEIGHT**

- (a) The height of the building:
  - (i) Must not exceed RL 75.920 (AHD) to the top of the building;

- (ii) Must not exceed RL 52.28 (AHD) at the street frontage height of the building at Clarence Street; and
  - (iii) Must not exceed RL 52.28 (AHD) at the street frontage height of the building at Kent Street.
- (b) Prior to any Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

#### **(4) FLOOR SPACE RATIO - CENTRAL SYDNEY**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 10.4:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purpose of the calculation of FSR, the Gross Floor Area of the approved development is 8,360sqm.
- (b) Prior to any Occupation Certificate being issued, 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 718sqm of heritage floor space was allocated (purchased and transferred) to the development, being that gross floor area in excess of 8:1 as specified in the Sydney Local Environmental Plan 2012.

#### **(5) HOURS OF OPERATION – HOTEL ACCOMMODATION**

The hours of operation of the hotel accommodation are 24 hours, seven days a week.

#### **(6) EASEMENT FOR PUBLIC ACCESS**

- (a) Prior to the issue of any Occupation Certificate for the development, a documentary Easement for Public Access, limited in stratum if so desired, is to be created and registered on the Title of the development site. The Easement is to be defined over the strip of land, of variable width (and limited in height if so desired) extending from the eastern alignment of Kent Street to the Western alignment of Clarence Street, passing between the Genesian Theatre and the proposed hotel generally over the paved walkway and stairs as shown on the approved plan (DA2003 Rev 01 prepared by FJMT) for the development. The Easement will also include foyer areas and lifts within the hotel. The Easement is to be created appurtenant to Council in terms granting unrestricted rights for public pedestrian access, without vehicles, exclusive of wheelchairs for the disabled, to Council's satisfaction,
- (b) Prior to the issue of any Occupation Certificate for the development, a documentary Positive Covenant is to be created and registered on the Title of the development site, appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Right of Public Access, and is to require the

maintenance of a \$20,000,000 public indemnity insurance policy and is to require the maintenance, upkeep and repair of the Right of Public Access in accordance with Council's requirements and to the satisfaction of Council.

**(7) RESTRICTION ON STRATA SUBDIVISION**

Any strata subdivision of the hotel to create individual lots for hotel rooms is not permitted.

**(8) APPROVED DESIGN ROOF - TOP PLANT**

All roof-top plant and associated equipment must be located within the approved building envelope.

**(9) USE - SEPARATE DA REQUIRED**

- (a) No consent is granted or implied for the fit out or specific use of each of the individual retail tenancies of the development.
- (b) No consent is granted for the specific use of the Genesian Theatre as an adaptive performance space and food service venue.
- (c) A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the fit out and use of each retail tenancy, including use of the Genesian Theatre building, prior to that fit out or use commencing.

**(10) DESIGN MODIFICATIONS – SIGNAGE STRATEGY**

The signage zones forming part of the signage strategy for the building, must be modified as follows:

- (a) Signage Zone 1 – Clarence Street
  - (i) The signage zone for a projecting wall sign must be no higher than 5m above ground level and must be reduced to be square in shape with dimensions no greater than 1,000mm x 1,000mm.
- (b) Signage Zone 2 – Kent Street
  - (i) The 2 x signage zones for projecting walls signs must be no higher than 5m above ground level and must be reduced to be square in shape with dimensions no greater than 1,000mm x 1,000mm.
- (c) The following Top of Building Signs are approved as part of the signage strategy for the building:
  - (i) Signage Zone 3 on the south elevation – Vertical signage zone with dimensions of 3,000mm (length) x 10,000mm (height); and
  - (ii) Signage Zone 4 on the west elevation– Vertical signage zone with dimensions of 3,000mm (length) x 10,000mm (height).

The modifications are to be submitted to and approved by Council's Manager Urban Design and Heritage prior to the issue of a Construction Certificate.

#### **(11) SIGNS - SEPARATE DA REQUIRED**

A separate development application for any proposed signs additional to those approved as part of this consent (other than exempt or complying signs must be submitted to and approved by Council prior to the erection or display of any such signs.

#### **(12) DESIGN MODIFICATIONS – HERITAGE**

- (a) The southern wall of the Genesian Theatre at 420 Kent Street, including its face brickwork, lost buttresses and boarded-up windows, is to be reinstated. The reinstated buttresses and stain glass windows are to form significant features along the through-site link.
- (b) A set of 1:50 or 1:20 scale plans showing all new works and conservation works to the Genesian Theatre at 420 Kent Street, including ground level plan, mezzanine level plan, reflective ceiling plan, west elevation, south elevation and east-west cross section and north-south sections, are to be provided and approved by Council's Director Planning Development and Transport prior to the issue of Construction Certificate.

#### **(13) MODIFICATIONS TO THE HERITAGE CONSERVATION MANAGEMENT PLAN**

The Conservation Management Plan (CMP), prepared by Weir Phillips Heritage is to be amended to address the following:

- (a) The policies of the CMP (Section 7 Conservation Policies) are to be expanded to specify how the policies are to be applied to the subject building.
- (b) Site components rating should separate fabric rating and space rating. This is particularly important to the interior of the church. A lower ranked space may contain highly significant fabric, and vice versa.
- (c) The southern wall of the church should have a higher rating than being moderate. It is likely the main body of the wall is original and its structural role in supporting the roof.
- (d) Reinstatement of southern wall buttresses and stain glass windows is to be added to the Policies;
- (e) Joinery (wall cladding) and plaster roses should be separately ranked;
- (f) Significance ratings of internal elements roof purlins, ceilings, wall finishes and floors, and external elements palisade fence, existing signs, brickwork and stonework are to be supplemented;
- (g) A list of moveable heritage items should be provide in the CMP. They may include an early pew, programs, posters remaining within the back-of house area and ticket office/lobby area.
- (h) An investigation of the maintenance work access to the northern wall of the building and the future management of space between the northern wall and neighbouring wall should be addressed in the CMP.

- (i) The amended CMP is to be submitted and approved by Council's Area Planning Manager prior to the issue of Construction Certificate.

**(14) VISITOR AND TOURIST ACCOMMODATION - PLANS OF MANAGEMENT**

Plans of Management must be submitted and approved by Council's Health and Building Unit prior to any Occupation Certificate being issued. The Plans of Management must include the minimum criteria as stipulated in Council's *Sydney Development Control Plan 2012 – 4.4.8*.

**(15) VISITOR AND TOURIST ACCOMMODATION - USE AND OPERATION**

The use and operation of the premises must comply with the requirements of Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation, 2005 under the Local Government Act 1993, the Public Health Act, 2010 and regulations thereunder and *Sydney Development Control Plan 2012 – 4.4.8*.

**(16) COPIES OF CONSENTS AND MANAGEMENT PLANS**

A full and current copy of all current development consents, the Plan of Management and the Security Management Plan must be kept on-site and made available to Police or Council Officers, or Special Investigator upon request.

**(17) ALLOCATION OF CAR PARKING**

Car parking spaces are to be provided in accordance with the table below. Details confirming the quantity and allocations of car parking spaces is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Car Parking Type	Number
Small Rigid Vehicle loading dock(s)	1

**(18) CAR PARKING DESIGN**

The design, layout, signage, line marking, lighting and physical controls of all off-street car parking facilities is to satisfy the *Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities*. The details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

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

The minimum number of bicycle parking spaces and end of trip facilities (EOT facilities to be deleted for residential development) to be provided for the development must comply with the table below:

User	Number of bicycles to be accommodated	Requirements
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Staff	34	Class B bicycle parking facility in accordance with AS2890.3
Customer/ Visitor	10	Class C bicycle parking facility in accordance with AS2890.3. 4 (six) spaces to be located in the though site link from the Kent Street level and 6 (six) to in public domain access from Clarence Street.
End of Trip Facility Type	Number	
Showers with change area	4	
Personal lockers	44	

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

## **(20) COST OF SIGNPOSTING**

All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

## **(21) CHANGES TO KERB SIDE PARKING RESTRICTIONS**

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

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

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

Note: As parking in the LGA is at a premium, it is recommended that the applicant should approach the Area Traffic Engineer to discuss the proposal before making a submission.

## **(22) ASSOCIATED ROADWAY COSTS**

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance

with the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

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

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

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

**(24) SERVICE VEHICLE SIZE LIMIT**

The size of vehicles servicing the property must not exceed 6.4m.

**(25) VEHICLE ACCESS**

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

**(26) SIGNAL SYSTEM**

A system of traffic lights and/or mirrors and automated roller door must be installed at vehicle access driveway as outlined in the submitted traffic report to indicate traffic movement on the ramp(s)/driveway and vehicle lift is occupied. This system must be detailed in the application for a Construction Certificate. Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry, and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway.

The details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

**(27) SIGNS AT EGRESS**

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

- (a) Compelling "Give Way to Pedestrians and Bicycles" before crossing a footpath on an existing or identified shared path route.

The signs/ are to be erected prior to issue of any Occupation Certificate and must be maintained in good order at all times by the owners of the building.

**(28) TRAFFIC WORKS**

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

## **(29) VEHICLE FOOTWAY CROSSING**

A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

All disused or redundant vehicle crossings and laybacks must be removed and footway, kerb, gutter and road restoration reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of an Occupation Certificate.

Note: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

## **(30) REFLECTIVITY**

The Principal Certifier must ensure that the visible light reflectivity from building materials used on the façade of the building, including the glass used for the heritage display glass boxes within the through-site link, does not exceed 20% prior to issue of the Construction Certificate.

## **(31) 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 \(NPfI\)](#) 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 NPfI 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 NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

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

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by ARUP, dated 29<sup>th</sup> November 2018, Job No. 261407-00, titled Revised DA Acoustic Submission – 422 Kent St, Council Ref 2018/648394 must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below and to the satisfaction of the Principal Certifier.
- (b) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant\* (see definition below) to be in accordance with the requirements of the DA acoustic report set out below. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the Principal Certifier.
- (c) Prior to the issue of any Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier 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.

**(33) NOISE – ENTERTAINMENT**

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

- (d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential use between the hours of 12.00 midnight and 7.00am.
- (e) The  $L_{A10, 15 \text{ minute}}$  noise level emitted from the use must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.

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

#### **(34) PLAN OF MANAGEMENT**

The use must always be operated / managed in accordance with the Plan of Management, prepared by FJMT signed and dated 2 May 2019 (Revision 2) that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

#### **(35) NOISE FROM GLASS REMOVAL**

Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied / transferred inside of the building on the premises and removed in containers.

#### **(36) NO SPEAKERS OR MUSIC OUTSIDE**

Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

#### **(37) NO SPRUICKING NOISE**

- (a) No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruicking are to be located on Council owned property. Furthermore, the sound level of any spruicking generated within privately owned land must not be audible on any adjacent property with a shared boundary.

#### **(38) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

A site specific noise management plan shall be prepared to the Council for comments and approval prior to the issue of Construction Certificate. The Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society Institution of Engineers Australia or the Australian Association of Acoustic Consultants. The Plan must include but not be limited to the following:

- (a) identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement ( $L_{A90, 15 \text{ minute}}$ ) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

**(39) 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.
- (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. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission

levels. (Use where respite periods not specified under the approved DEC NMP)

Such periods must be set and agreed to by Council's Health and Building Unit.

## **SCHEDULE 1B**

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

#### **(40) LOT CONSOLIDATION**

All land titles within the site must be consolidated into one lot. A plan of consolidation must be registered with the Office of Land Registry Services, prior to any Occupation Certificate being issued. If a Development Application is lodged in relation to the subdivision of the site, separating the different buildings with the site, then the requirement for lot consolidation is waived.

#### **(41) LAND SUBDIVISION**

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

#### **(42) DEMOLITION/SITE RECTIFICATION**

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
  - (i) a bank guarantee to be provided in the sum of \$201,575 dollars as security for the costs of such works provided that:
    - a. the maximum liability under the Deed must not exceed \$201,575 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 is 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 made attractive 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 tenatable 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) (ii)a – d 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 provide for the release of the Bank Guarantee at such time that the Final Occupation Certificate for the approved development is issued. If the approved development also relates to works to existing buildings, the relevant Final Occupation Certificate is the one that relates to that part of the approved development which involves the demolition and new construction.

#### **(43) HAZARDOUS MATERIALS SURVEY REQUIRED**

A Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) and submitted to the satisfaction of the City's Area Planning Manager prior to any demolition / refurbishment work commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

#### **(44) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT**

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report, as approved by the City's Area Planning Manager must be complied with.

Prior to the Occupation Certificate, certification must be submitted to the Principal Certifier from a certified Occupational Hygienist (*Australia Institute of Occupational*

*Hygienists*) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the Hazardous Materials Survey Report approved by the City's Area Planning Manager and that the site is safe for future occupation in accordance with the approved use.

**(45) ASBESTOS REMOVAL WORKS**

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence shall be made available to any authorised Council officer on request within 24 hours.

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2011* and the NSW Government and Work Cover document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW) December 2011* and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.

- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

#### **(46) EMISSIONS**

- (a) The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- (b) Gaseous emissions from the development must comply with the requirements of the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Clean Air) Regulation 2010*.

#### **(47) ACID SULPHATE SOILS – PRELIMINARY SITE ASSESSMENT**

If the development is removing greater than 1 tonne of soil from the site or lowering the water table to below 1 metre, a preliminary acid sulfate soil assessment is required as the site is located within 500m of land with a class 1, 2, 3 or 4 acid sulfate soil classification. This must be carried out by a suitably qualified person in accordance with the *Acid Sulfate Soils Assessment Guidelines (Acid Sulfate Soils Management Advisory Committee August 1998)*. The preliminary assessment must be submitted to the City's Area Planning Manager for approval and written approval issued prior to the issue of a Construction Certificate.

Where the preliminary site assessment confirms that the site is subject to acid sulfate soils which may affect the integrity development, then an Acid Sulfate Soils Management Plan must also be prepared and submitted to the City for approval prior to the issuance of a Construction Certificate.

#### **(48) 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.

#### **(49) CLASSIFICATION OF WASTE**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the *NSW DECC Waste Classification Guidelines, Part 1: Classifying Waste (July 2009)*. The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the

transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

**(50) IMPORTED FILL MATERIALS**

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

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

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

**(51) STOCKPILES**

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

**(52) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF BUILDING IS REQUIRED**

- (a) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the Genesian Theatre building must comply with the *Building Code of Australia* (BCA).
- (b) If compliance with the conditions listed in (a) above cannot be achieved through the deemed-to-satisfy pathway, an alternative solution in accordance with Part A0 of the BCA must be prepared and submitted to the Principal Certifier illustrating how the relevant performance provisions are to be satisfied, and must form part of the approval prior to a Construction Certificate being issued.

**(53) ANNUAL FIRE SAFETY STATEMENT FORM**

An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial

Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

**(54) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA**

- (a) All proposed work must comply with the *Building Code of Australia* (BCA).
- (b) If compliance with (a) above cannot be achieved through the deemed-to-satisfy pathway, an alternative solution in accordance with Part A0 of the BCA must be prepared and submitted to the Principal Certifier illustrating how the relevant performance provisions are to be satisfied, and must form part of the approval prior to a Construction Certificate being issued.

**(55) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)**

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2 (a) (iii) of the Building Code of Australia (applicable to Class 2-9 buildings) and Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the satisfaction of Council (where Council is the Principal Certifier).

**(56) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – ALTERATIONS AND ADDITIONS**

A qualified practising certified structural engineer must provide structural certification to Council (where Council is the Principal Certifier) verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of Part B1 (Vol 1) and Part 2.1 (Vol 2) of the *Building Code of Australia* prior to a Construction Certificate being issued. The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building including its performance under earthquake actions (AS1170.4).

**(57) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION**

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

**UPON COMPLETION OF EXCAVATION/DEMOLITION**

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

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

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

**(58) EROSION AND SEDIMENT CONTROL - BETWEEN 250 AND 2,500SQM**

Prior to the commencement of demolition/excavation/construction work, an Erosion and Sediment Control Plan (ESCP) must be submitted to and be approved by the Principal Certifier. The ESCP must:

- (a) Conform to the specifications and standards contained in Managing Urban Stormwater: Soils and Construction (Landcom, 2004); the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004); and the *NSW Protection of the Environment Operations Act 1997*.
- (b) Include a drawing(s) that clearly shows:
  - (i) location of site boundaries and adjoining roads
  - (ii) approximate grades and indications of direction(s) of fall
  - (iii) approximate location of trees and other vegetation, showing items for removal or retention
  - (iv) location of site access, proposed roads and other impervious areas
  - (v) existing and proposed drainage patterns with stormwater discharge points
  - (vi) north point and scale
- (c) Specify how soil conservation measures will be conducted on site including:
  - (i) timing of works
  - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
  - (iii) access protection measures
  - (iv) nature and extent of earthworks, including the amount of any cut and fill
  - (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
  - (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
  - (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)

- (viii) frequency and nature of any maintenance program
- (ix) other site-specific soil or water conservation structures.

**(59) 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).

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

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

**(61) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

- (a) A Construction Traffic and Pedestrian Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.
- (b) Construction Traffic and Pedestrian Management Plans are to be prepared in accordance with Standard Requirements for Construction Traffic Management Plan on the City's website <http://www.cityofsydney.nsw.gov.au/business/business-responsibilities/traffic-management/construction-traffic-management-plans>
- (c) The applicant shall prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with the Sydney Coordination Office and Sydney Light Rail Team within TfNSW and consider both the Sydney Light Rail Project being under construction and in operation. The applicant shall submit a copy of the final plan to the Coordinator General, Transport Coordination for endorsement, prior to the commencement of any work on site. The CPTMP needs to specify, but not limited to, the following:
  - (i) Location of the proposed work zone;
  - (ii) Haulage routes;
  - (iii) Location of the crane;
  - (iv) Construction vehicle access arrangements;
  - (v) Proposed construction hours;
  - (vi) Estimated number of construction vehicle movements;
  - (vii) Construction program;
  - (viii) Consultation strategy for liaison with surrounding stakeholders;

- (ix) Any potential impacts to general traffic, cyclists, pedestrians and bus and light rail
  - (x) services within the vicinity of the site from construction vehicles during the construction of the proposed works;
  - (xi) Cumulative construction impacts of projects including the Sydney Light Rail Project, Sydney Metro City and Southwest and surrounding developments. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the CBD road network; and
  - (xii) 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 CPTMP.
- (d) The applicant shall 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, 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.

**(62) MECHANICAL PARKING FACILITIES (CAR LIFT AND TURNTABLE)**

- (a) The following details being submitted to an approved by the Principal Certifying Authority prior to the issue of the issue of a Construction Certificate:
- (b) A review of the proposed installation by the manufacturer and its suitability for implementation in accordance with the manufacturer's specifications including but not limited to compliance with AS/NZS 2890.1 2004 and its references to AS/NZS 28590.6.
- (c) The predicted noise and vibration levels arising from the car parking area received by occupiers of the building, including references to relevant Standards.
- (d) Any further information requested by the Principal Certifying Authority.

**(63) MECHANICAL PARKING FACILITY SAFETY MEASURES**

Prior to the issue of any Occupation Certificate, details outlining implementation of the mechanical parking facility including the requirements of and/or changes to specifications required in Condition 62 of this consent must be submitted to and approved by Principal Certifying Authority.

**(64) BICYCLE DIRECTIONAL SIGNAGE AND WAYFINDING PLAN**

Directional signage to the bicycle parking facility is to be installed from the street level, between the vehicle entry point at the site boundary (if any) and the entry point to the End of Trip facilities. Signage is to be generally in accordance with



image (a) (Direction sign) shown in Figure 2.5 of Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities.

Signage is to be installed before the issue of any Occupation Certificate.

**(65) COACH PARKING AN GUEST PICK-UP AND DROP-OFF MANAGEMENT PLAN**

A Coach parking and Guest Pick-Up and Drop-off Management Plan is to be submitted in consultation with the Sydney Coordination Office within TfNSW demonstrating management of all vehicles associated with guest arrivals, departures and tours and its potential impacts on surrounding streets. The Guest Pick-Up and Drop-off Management Plan is to include the following and shall be submitted to and approved by Council prior to the issue of an Occupation Certificate for the site/use:

- (a) An outline of the quantity and frequency of visits per day, including time of day, of vehicles (including taxi, uber, hire cars) likely to be received for guest drop-off and pick-up and tour groups/services
- (b) Details of coach/vehicle sizes likely to be used to accommodate guest arrivals, departures and tours
- (c) Details of how guest arrivals and departures would be managed if changes to street parking restrictions are not supported
- (d) Management of guests, luggage and/or trollies to ensure the public footpath remains unobstructed for use of pedestrians.
- (e) Detail of strategies to communicate and inform all the guests such as at the time of booking/reservation, website, confirmation email, text messaging about of the lack of on-street car parking and passenger pick-up and set down areas at the development site, and be encouraged to use public transport

**(66) LOADING MANAGEMENT PLAN**

- (a) A detailed Loading Management Plan, must be submitted to and approved by Council prior to the Construction Certificate for the site/use being granted.
- (b) The Plan shall include details on the freight and servicing profile including the use of off peak/ night time deliveries and demonstrate the freight and servicing profile could adequately be accommodated for the development without the use of on-street facilities. The management plan is required to include the following (not limited to):
  - (i) Management of queuing along Kent Street as a result of malfunction of the proposed loading dock access arrangement;
  - (ii) Details of loading zones to redirect vehicles due to extensive queuing at the access to the loading bay;
  - (iii) Loading bay management details including service vehicle movements during peak periods and how traffic flow in Kent Street will not be impacted;

- (iv) Details on how onsite waiting bays requirement (due to queueing from mechanical parking facilities car lift, turntable etc.) can be eliminated/ managed by traffic lights, fast and automated roller door;
  - (v) Details on how the loading area will be managed and used by all building tenants;
  - (vi) Details of the management of deliveries to ensure there is no requirement for any service vehicles to wait on public streets to enter the site;
  - (vii) Management of Long stay deliveries (i.e. tradesperson, removalist vehicle) and management of Short stay deliveries (i.e. courier);
  - (viii) Details of the largest vehicle accessing the site; and
  - (ix) Management of conflicts between vehicles accessing the site and pedestrian and cyclist movements along Kent Street.
- (c) The proposed loading dock must not be reserved for any one other single tenancy, and must be available to all users within the site. A loading dock manager and loading schedule, pre-booking or similar must be prepared so all users are aware of their entitlements and to avoid too many deliveries being at the dock at any one time.
  - (d) Once approved by the Council, the Loading Bay Management Plan shall be referred to the Coordinator General, Transport Coordination within TfNSW for endorsement, prior to the issue of the Construction Certificate.

#### **(67) TRANSPORT ACCESS GUIDE**

- (a) A Transport Access Guide must be implemented and maintained by the operators of the premises and be made available to staff, clients, customers and visitors at all times. The following information shall be submitted to and approved by Council prior to the issue of any Occupation Certificate for the site/use:
- (b) The Transport Access Guide is to include (but not limited to) the following:
  - (i) A Transport Access Guide detailing sustainable transport options to access the site including public transport, cycling and walking or a combination of these modes.
  - (ii) Information regarding lack of off-street car parking and passenger pick-up and set-down areas at the development site.
  - (iii) Suitable nearby drop-off/pick-up locations.
  - (iv) Identify areas where drop-off/pick-up is prohibited and instruct visitors to avoid use of these areas.
  - (v) Suitable nearby Taxi Zones.
  - (vi) Public Transport options adjacent to the site.
  - (vii) Pedestrian access to the site.

- (viii) Bicycle Parking and cycleway networks to the site.
- (ix) Communication methods by which the Transport Access Guide will be made available to staff, clients, customers and visitors.

Note: Transport Access Guide requirements are detailed in Section 7.7 of the Sydney DCP 2012. Information about preparing a Transport Access Guide is available on Council's website. For further information about a preparing a Transport Access Guide, the applicant should contact the City's Transport and Access Unit.

#### **(68) ALIGNMENT LEVELS – MAJOR DEVELOPMENT**

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.
- (b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor and designed by a suitably qualified engineer, must be in accordance with the City of Sydney's *Public Domain Manual* and must be submitted with a completed and Levels and Gradients Approval Application form (available on the City's website).
- (c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a 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.

#### **(69) 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".

#### **(70) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the building facade adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

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

#### **(71) 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).

#### **(72) 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*.

### **(73) PUBLIC DOMAIN PLAN**

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later.
- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Code* and *Sydney Streets Technical Specification*, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

### **(74) PUBLIC DOMAIN WORKS BOND**

- (a) Public Domain Works Deposit will be required as security for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee or insurance bond as per the Council's Performance Bond Policy in favour of Council as security for completion of the obligations under this consent (Guarantee).
- (b) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.
- (c) The Guarantee will be retained in full until all Public Domain works, including rectification of damage to the public domain, are completed to City of Sydney standards and approval and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the security will be

released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

**(75) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER**

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

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

- (a) Prior to an approval or Construction Certificate being issued for excavation, civil construction, drainage or building work (whichever is earlier), 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 excavation, 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.

### **On-site Detention**

- (c) The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with.
  - (i) Evidence of the approval by Sydney Water of the detailed design of the on-site detention must be submitted to and be accepted by the City of Sydney and a copy of the City's letter of acceptance must be provided to the Principal Certifying Authority prior to a Construction Certificate being issued, excluding for any approved preparatory, demolition or excavation works.
  - (ii) Prior to the issue of an Occupation Certificate, including an Interim Occupation Certificate, a Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

### **Stormwater Quality Assessment**

- (c) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by City of Sydney and a copy of the City's letter of approval must be provided to the Principal Certifying Authority.

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**

- (d) Prior to a Certificate of 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.
- (e) 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) 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.

#### **(77) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS**

All works to the City's public domain, 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 Completion for public domain works.

#### **(78) DRAINAGE AND SERVICE PIT LIDS**

Drainage and service pit lids throughout the public domain 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.

**(79) PROTECTION OF STONE KERBS**

- (a) The existing stone kerbs on the Clarence Street and Kent Street frontages of the site are to be retained and properly protected during excavation and construction works.
- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate. Note: all costs associated with the works are to be at no cost to the Council.
- (c) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
- (d) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- (e) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.
- (f) Council approval is required before kerbs are removed.
- (g) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

**(80) PUBLIC DOMAIN DAMAGE DEPOSIT**

- (a) A Public Domain Damage Deposit calculated on the basis of 143 square metres of asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee 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.

#### **(81) 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.

#### **(82) 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.

**(83) THROUGH-SITE LINK WAYFINDING SIGNAGE**

- (a) A wayfinding signage plan for the through site link must be submitted to the City for review and approval with the Public Domain Plan.
- (b) The signage plan must comply with relevant Australian Standards and Disability Discrimination Act requirements, and must include a certification of compliance from a suitably qualified and practicing access consultant.
- (c) Through site link signage works must be completed in accordance with the approved signage plan before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

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

- (a) A separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) on or above a public road (footway and/or roadway).
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
  - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
  - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
  - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
  - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
  - (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
  - (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
  - (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
  - (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and

- (ix) ensuring all required signage is provided and maintained (Clauses 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews any part of the device over the public road, a separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* must be made to Council to obtain approval.

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

#### **(85) 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.

#### **(86) UTILITY SERVICES**

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

#### **(87) 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.
- (c) All requirements of the approved Waste and Recycling Management Plan must be implemented during construction of the development. Including but not limited to:
- (d) Dedicated bin storage space to be provided on each habitable floor area to hold one day's waste and recycling. In addition, dedicated storage space

within the development for the storage and recycling of bulky waste, problem waste, strip out and food waste.

- (e) Collection points for waste and recycling must be wholly located within the boundary of the development.
- (f) The nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by the City's Guidelines for Waste Management in New Developments 2018.
- (g) Provision and storage within the boundary of the development of waste and recycling receptacles and any bulky waste at all times.

#### UPON COMPLETION OF THE DEVELOPMENT

- (h) 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*.

### **(88) 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.

### **(89) ARCHAEOLOGICAL INVESTIGATION**

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

- (g) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council's Area Coordinator Planning Assessments / Area Planning Manager prior to issue of an Occupation Certificate.

**(90) BUILDING WORKS TO COMPLY WITH BCA – HERITAGE BUILDINGS OR BUILDINGS WITHIN CONSERVATION AREA**

Any building works required to ensure compliance with the BCA or new building standards not specified in the submitted/approved plan must not damage existing fabric and building features. If such upgrading works have impact or potentially have impact on existing fabric and features, details of the works must be submitted and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to issue of any Construction Certificate.

**(91) COSTED HERITAGE ASSET MAINTENANCE PLAN**

- (a) To ensure the continued protection of heritage significance of the heritage item and to guide the future maintenance on heritage fabric, a costed Heritage Asset Maintenance Plan is to be developed. The following is to apply:
  - (i) The Plan is to be based the NSW Heritage Division of the Department of Environment and Heritage publication: 'Preparing a maintenance plan', and is to be a guide for the effective, continuous, protective maintenance of all significant heritage fabric for a minimum period of 20 years.
  - (ii) The Plan is to include all fabric identified as being of heritage significance, specification notes and methodologies based on the Articles of the Australian ICOMOS Burra Charter 2013 and best conservation practise, and a list of appropriate consultants and suppliers together with the projected costing for each item of work.
  - (iii) The Plan is to be prepared by the Conservation Architect and is to be submitted to Council for approval prior to the issue of any Occupation Certificate.

**(92) GENERAL HERITAGE**

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- (d) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.

- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (f) The face brickwork/stone/tiles must not be rendered, painted or coated.

**(93) HERITAGE CONSERVATION WORKS**

- (a) The Schedule of Conservation Works submitted in the application and dated December 2018 is not satisfactory. Prior to the issue of the Construction Certificate, an updated schedule of conservation works to be undertaken concurrent with the works is to be submitted to Council's Area Coordinator Planning Assessments / Area Planning Manager for approval.
- (b) The schedule is to detail the conservation of all fabric and building components. The schedule is to specify the scope of work to each building element of the church. It is not limited to maintenances but includes reinstatements of lost features such as the stain glass windows. The schedule is to be based on investigation findings to the existing building fabric by experienced heritage tradespeople or professionals.
- (c) The schedule is to be supported by relevant investigation reports, outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building. The repair work to stonework is to be specified block by block.
- (d) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.
- (e) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.
- (f) INSPECTION AND APPROVAL: The conservation works are to be progressively inspected by, and be implemented to the satisfaction of Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of the Occupation Certificate or commencement of the use, whichever is the earlier.

**(94) HERITAGE INTERPRETATION PLAN**

- (a) An interpretation plan for the church building at 420 Kent St and warehouse buildings to be demolished at 422 Kent St and 277 Clarence St must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.
- (b) The interpretation plan must detail how information on the history and significance of the church and warehouse buildings will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected

artefacts are some of the means that can be used. Any archaeological finds during the excavation must be incorporated into the interpretation.

- (c) The plan must specify the location, type, making materials and contents of the interpretation device being proposed.
- (d) Prior to any occupation certificate being issued the approved interpretation plan must be implemented to the satisfaction of Council's Area Co-ordinator Planning Assessments / Area Planning Manager.

#### **(95) HISTORIC MARKER**

A plaque of high-quality material (e.g. bronze or stainless steel) describing the history of the site and building must be installed on the facade of the building prior to an Occupation Certificate being issued. The design, location and wording must be submitted for the approval of Council's Area Coordinator Planning Assessments / Area Planning Manager prior to manufacture and installation. The marker is to be incorporated into the heritage interpretation plan if a plan is required by this consent.

#### **(96) MATERIALS FOR MAKING GOOD**

New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.

#### **(97) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MAJOR WORKS)**

Prior to a Construction Certificate being issued, an archival photographic recording of the church building at 420 Kent Street, warehouse building at 422 Kent Street and warehouse building at 277 Clarence Street is to be prepared to Council's satisfaction. The recording is to be in digital form, prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

##### **Procedure**

For buildings or structures with heritage significance, the archival documentation, and the number and type of selected enlarged photographs required will be determined by the significance and quality of the building or structure. For a scope of work, refer to Council's Heritage Specialist to determine the particular architectural/design features of the building/site that may need to be recorded.

For buildings or structures with no heritage significance the archival documentation requirements are less comprehensive, and may just be limited to contextual and exterior photographs only. However, this will depend upon the type, complexity and significance of the building, and should be confirmed with Council's Area Coordinator Planning Assessments / Area Planning Manager, and if necessary Council's Urban Design and Heritage Manager.

Because significant fabric may remain concealed and only be exposed during construction works, the archival recording is to be undertaken in stages, prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the



conservation architect commissioned for the project, and submitted as two parts as follows.

- (a) The first submission of the archival recording of significant building fabric or furnishings is to be prior to the removal of any significant building fabric or furnishings from the site, and must be submitted to and approved by Council prior to the commencement of any work on site and prior to a Construction Certificate being issued.
- (b) The second submission of the archival recording is of significant building fabric or furnishings that is exposed during demolition or construction and after work has been completed on site, and must be submitted to Council prior to an Occupation Certificate being issued.

The form of recording is to be a photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s) photographed, where appropriate, using a camera/lens capable of 'perspective correction'. The photographic recording is to be in digital form, prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage guidelines titled 'Photographic Recording of Heritage Items using Film or Digital Capture'. One copy of the record is to be submitted to Council to be lodged with Council's Archives.

- (c) For each of the two submissions listed above in (a) and (b), the digital form of the recording is to be as follows:
  - (i) The Development Application number and the Condition of Consent number must be noted.
  - (ii) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
  - (iii) The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images.
  - (iv) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
  - (v) The report can be submitted on a USB, CD or DVD, in PDF/A format (created directly from the digital original), with a digital catalogue of images with the following data for each: DOS title, image subject/description and data photograph taken.

#### **(98) SITES IN THE VICINITY OF A HERITAGE ITEM – MAJOR DEVELOPMENT**

- (a) A protection strategy for the duration of the construction works, is to be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Construction

Certificate. The Strategy is to detail how the proposed works will ensure that the heritage buildings within or in the vicinity of the construction site are to be suitably protected and stabilised during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage.

#### **(99) USE OF HERITAGE CONSULTANT**

- (a) A heritage consultant experienced in heritage restoration and renovation works is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (b) Evidence and details of the above commission on the above terms are to be provided to Council's Area Coordinator Planning Assessments / Area Planning Manager prior to commencement of work on site. The heritage consultant must sign off the completed project and submit a final report to Council's Area Coordinator Planning Assessments / Area Planning Manager specifying how the heritage conditions are satisfied prior to the issue of any Occupation Certificate or the commencement of the use, whichever is earlier.

#### **(100) LANDSCAPED (GREEN) WALLS**

The design of the green wall must demonstrate the response to site conditions, including in particular light availability, sun and wind impacts.

- (a) Prior to the issue of a Construction Certificate, the following design details of the proposed green wall must be submitted to, and approved by Council's Area Planning Manager:
  - (i) Detailed drawings demonstrating how the green wall is constructed, including proposed materials, planter dimensions, and integration into the wall structure;
  - (ii) Details of the proposed growing medium, including soil depth and type;
  - (iii) Location, numbers, type and size of plant species selected (with plants being selected on the basis of the site conditions);
  - (iv) Drainage, irrigation and waterproofing details (as applicable); and
  - (v) Details of any additional lighting (where applicable).
- (b) Prior to the issuing of a Construction Certificate a maintenance plan is to be submitted to, and approved by Council. The maintenance plan is to include information on:
  - (i) How access will be provided to the plants, soil and structural elements for installation and maintenance; and

- (ii) Details outlining the intended strategy for decommissioning the planting works should plants fail. This strategy is to ensure that the finish to the wall is well maintained throughout its life.

#### **(101) MECHANICAL VENTILATION**

- (a) The premises must be ventilated in accordance with the *Building Code of Australia* and *AS1668.1 and 2 - 2012. The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings*.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with *AS1668.1 and 2 – 2012 The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings*, the *Building Code of Australia* and relevant Australian Standards must be prepared by a suitably qualified person and certified in accordance with Clause A2.2 (a) (iii) of the *Building Code of Australia*, to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate.
- (c) Prior to issue of any Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2 (a) (iii) of the *Building Code of Australia*, must be submitted to the Principal Certifier.

#### **(102) CONSTRUCTION AND FITOUT OF FOOD PREMISES**

The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003* and AS 4674 – 2004 Design, Construction and Fitout of Food Premises.

Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website [www.standards.com.au](http://www.standards.com.au).

Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02) 6271 2222, email [info@foodstandards.gov.au](mailto:info@foodstandards.gov.au) or by visiting the website [www.foodstandards.gov.au](http://www.foodstandards.gov.au).

#### **(103) GREASE AND LIQUID WASTE TRAPS**

- (a) A grease trap if required by Sydney Water must be installed in accordance with Sydney Water requirements and:
  - (i) Must be installed by a suitably qualified and licensed plumber in accordance with the *Plumbing Code of Australia*;
  - (ii) The grease trap must not be located in any kitchen, food preparation or food storage area;
  - (iii) Be suitably constructed and installed in a location which allows it to be easily and effectively cleaned and emptied; and
  - (iv) Be suitably constructed and located as not to encourage the harbourage of pests and be effectively pest proofed.

- (b) In-sink and in-floor waste bucket traps must be installed in all sinks and floor wastes in all commercial kitchens and food preparation areas and must be carried out by a suitably qualified and licensed plumber in accordance with the *Plumbing Code of Australia*.

#### **(104) HOT WATER SERVICE**

The capacity of the hot water service must ensure that a constant supply of hot water is provided to the premises at all times for all sinks and basins including hand wash basin/s. The temperature of the hot water provided to the sinks must be in accordance with *AS4674 – Design, Construction and Fit-out of Food Premises* and the *Australia New Zealand Food Standards Code 3.2.2 - Food Safety Practices* and general requirements.

#### **(105) NOTIFICATION OF CONDUCT OF FOOD BUSINESS**

- (a) The use shall not commence until the food business has notified Council with their food business details in accordance with the *Food Act 2003* and *The Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements, Clause 4*.
- (b) An Occupation Certificate will not be issued until such notification has been received by Council in accordance with Clause (a) of this condition.

Note: Registration forms are available on Council's website [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au).

#### **(106) WASTE STORAGE AREA**

- (a) To ensure the adequate storage and collection of waste from the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with *AS 4674 – Design, Construction and Fit-out of Food Premises, Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment* and comply with the *Council Policy for Waste Minimisation in New Developments*, and must be:
  - (i) Provided with a hose tap connected to the water supply.
  - (ii) Paved with impervious floor materials.
  - (iii) Coved at the intersection of the floor and walls.
  - (iv) Graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water).
  - (v) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour or air pollution as defined by the *Protection of the Environment Operations Act 1997* or a nuisance.
  - (vi) Fitted with appropriate interventions to meet fire safety standards in accordance with the *Building Code of Australia*.
  - (vii) Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling.

- (viii) Appropriately managed so that it does not attract pests or create litter.
- (b) Detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Principal Certifier prior to the issue of the Construction Certificate and must be constructed in accordance with such plans and specifications prior to the issuance of any Occupation Certificate.

#### **(107) ENERGY EFFICIENCY OF BUILDINGS**

The design of the building and its services must achieve a rating of 4.5 stars under the NSW Office and Environment and Heritage (OEH) National Australian Built Environment Rating System (NABERS Energy). This can be demonstrated by:

- (a) Entering into a Commitment Agreement with OEH, to deliver this star rating.
- (b) The applicant must provide a copy of the completed Commitment Agreement with their Construction Certificate application; and
- (c) Providing a copy of the independent energy assessment report to OEH and submitted with the Construction Certificate application, that follows the current OEH guidelines. This report must be based on the same documents as those submitted with the Construction Certificate.

Note: Definitions referred to in clause [1(a)] above:

- (i) Commitment Agreement means an agreement that is set out in accordance with OEH NABERS Commitment Agreement, which is made/signed between OEH and the applicant/building owner to design, build and commission the premises to an agreed star rating.
- (ii) Star rating refers to the benchmarking system applied by OEH for measuring the energy efficiency of a building, and known as NABERS the National Australian Built Environment Rating System.

#### **(108) INTERNAL LIGHTING SYSTEM**

The proposed internal lighting system must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to avoid unnecessary lighting of unused rooms/spaces. Details of the internal lighting system must be submitted to and approved by the Principal Certifier prior to a Construction Certificate being issued.

#### **(109) OVERALL DESIGN FOR WATER EFFICIENCY**

A report describing all water efficiency measures applied to the building design and fit out is required and must be submitted for the approval of the Principal Certifier, prior to a Construction Certificate being issued. The report should address, as a minimum: Efficiency ratings of toilets, urinals, taps, and shower heads in hotel rooms, publically accessible areas, back of house services (kitchens, laundrys) and staff facilities (end of trip facilities etc); efficiency measures for fire test water, and any water-based space conditioning (HVAC) services.

## **SCHEDULE 1C**

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

#### **(110) 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.

#### **(111) 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*.

#### **(112) 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.*

**(113) USE OF HIGH NOISE EMISSION APPLIANCES/PLANT**

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of 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* is restricted to the hours of 9.00am – 12.00pm and 2.00pm – 6pm Monday – Friday, 10.00am – 12.30pm and 1.30pm – 5pm on Saturdays, and no work must be carried out on Sundays or public holidays.
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies 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*.

**(114) 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.

**(115) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**(116) 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.

**(117) 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.

**(118) SURVEY CERTIFICATE AT COMPLETION**

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

### **(119) COVERING OF LOADS**

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

### **(120) EROSION AND SEDIMENT CONTROL**

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifier must be implemented in full during the construction period.

During the construction period;

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

### **(121) VEHICLE CLEANSING**

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

### **(122) 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.



### **(123) ACCESS DRIVEWAYS TO BE CONSTRUCTED**

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

### **(124) 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 must be obtained.

### **(125) 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.

### **(126) USE OF MOBILE CRANES**

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) 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.

## **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>

### **SCHEDULE 3**

#### **(A) TRANSPORT FOR NSW (TfNSW) CONCURRENCE CONDITIONS**

TfNSW has provided the following concurrence conditions pursuant to Clause 88 of the State Environmental Planning Policy (Infrastructure) 2007 as follows:

##### ***General Conditions***

- (127)** All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development that have a potential impact on the CBD Rail Link (CBDRL) must be designed, constructed and maintained in accordance with design criteria specified by Transport for NSW (TfNSW).
- (128)** The design and construction of the basement levels, foundations and ground anchors for the approved development are to be completed to the satisfaction of TfNSW;
- (129)** The applicant must make allowances that are to be agreed with TfNSW in the design, construction and maintenance of the approved development for the future operation of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety;
- (130)** The design and construction of the foundations and ground anchors for the approved development are to be completed to the satisfaction of TfNSW. An accurate plan/CAD model should be included for the proposed foundations, to enable verification against the CBDRL alignment model;
- (131)** No modifications may be made to the approved design without the consent of TfNSW;
- (132)** The applicant must provide access by representatives of TfNSW upon request to the site of the approved development and all structures on that site during all stages of the development;
- (133)** 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;
- (134)** Any contamination issues encountered during the development of the site are to be resolved taking cognizance of the future railway;
- (135)** Copies of any certificates, drawings or approvals given to or issued by TfNSW must be delivered to Council for its records; and
- (136)** All TfNSW costs associated with review of plans, designs and legal must be borne by the applicant.

### ***Prior to the issue of Construction Certificate***

The applicant should consult with TfNSW to confirm the timing of the each construction certificate and associated documentation and activities prior to preparation of requested documentation.

The applicant should provide the information to TfNSW for review and endorsement. The Principal Certifying Authority (PCA) is not to issue the relevant Construction Certificate until received written confirmation from TfNSW that the following conditions have been complied with.

**(137)** Prior to issue of any Construction Certificate, the applicant shall address the adverse effects of the approved development on the CBD Rail Link (CBDRL) identified in State Environmental Planning Policy (Infrastructure) 2007. The applicant must:

- (a) Provide the following for TfNSW review and endorsement:
  - (i) Geotechnical Report - The applicant must undertake detailed geotechnical analysis to the satisfaction of TfNSW to demonstrate likely movements of the ground due to the future CBDRL;
  - (ii) Foundation Design - The applicant shall develop their foundation design, and any encroachment into the Exclusion Zones as required by TfNSW. Cross Sectional drawings showing the proposed basement excavation and structural design of sub ground support adjacent to the rail corridor should be included for the proposed foundations. All ground anchors and rock bolts within the CBDRL protection zone adjacent to the bulk excavation face shall be temporary anchors, or removable type or fibreglass type, to avoid obstruction of any future CBDRL construction; and
  - (iii) Electrolysis report - All Structures must be designed, constructed and maintained so as to avoid any damage or other interference, which may occur as a result of stray electrical currents, electromagnetic effects and the like from future railway operations. An Electrolysis Report is to be submitted to TfNSW demonstrating the Electrolysis Risk to the development. The applicant must incorporate in the development all the measures recommended in the report to control that risk.

Any conditions issued as part of TfNSW approval/certification of the above documents will also form part of the consent conditions that the applicant is required to comply with.

- (b) Make allowances that are to be agreed with TfNSW in the design for the future construction of railway tunnels in the vicinity of the approved development;
- (c) Consult with TfNSW including preparation of a detailed regime for consultation with and approval by, TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW

- (d) Provide detailed survey information to TfNSW, to confirm the property boundaries are consistent with the setting out on the CBDRL drawings;
- (e) Provide to TfNSW drawings, reports and other information related to the design, construction and maintenance of the approved development; and Address such other matters that TfNSW considers is appropriate.
- (f) The applicant is to submit a report to TfNSW demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads -Interim Guideline". All structures must be designed, constructed and maintained so as to avoid any damage or other interference, which may occur as a result of air-borne noise, ground-borne noise and vibration that may emanate from the (future) rail corridor construction and rail operations to the proposed development. The applicant must incorporate in the development all the measures recommended in the report.

***Prior to the Commencement of Works***

- (138)** Prior to the commencement of any excavation below existing ground level, a restrictive covenant is to be created upon each of the titles which comprise the approved development pursuant to Section 88E of the Conveyancing Act 1919, restricting any alterations or additions to any part of the approved development which are reasonably likely to adversely affect, or which otherwise are likely to interfere with the design, construction and operation of the future CBDRL the prior written consent of TfNSW.

## **(B) TRANSPORT FOR NSW (TfNSW) REFERRAL CONDITIONS**

The conditions of consent, as recommended by TfNSW in response to the development are as follows:

### **(139) COACH PARKING AND PASSENGER PICK-UP AND SET-DOWN MANAGEMENT**

- (a) A 'Coach Parking and Passenger Pick- Up and Set-Down Management Plan' must be prepared, in consultation with the Sydney Coordination Office within TfNSW, prior to the issue of the Construction Certificate.

### **(140) LOADING BAY MANAGEMENT**

- (a) A 'Loading Bay Management Plan' must be prepared, in consultation with the Sydney Coordination Office within TfNSW, prior to the issue of the Construction Certificate.

### **(141) CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT**

#### **A ACTIVE TRANSPORT**

The applicant must:

- (a) Locate bicycle facilities in secure, convenient, accessible areas close to the main entries incorporating adequate lighting and passive surveillance and in accordance with Austroads guidelines; and
- (b) Develop wayfinding strategies and travel access guides to assist with increasing the mode share of walking and cycling for staff and guests.

## **(C) AUSGRID REFERRAL CONDITIONS**

The conditions of consent, as recommended by Ausgrid in response to the development are as follows:

#### **(143) PROXIMITY TO EXISTING NETWORK ASSETS – UNDERGROUND CABLES**

- (a) There are existing underground electricity network assets in Kent Street and Clarence Street.
- (b) Special care should be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to the possible changes in ground levels from previous activities after the cables were installed. Hence, it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.
- (c) Safework Australia Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

#### **(144) FOR ACTIVITIES WITHIN OR NEAR TO THE ELECTRICITY EASEMENT**

- (a) Purpose of Easement
  - (i) This easement was acquired for the 11,000 volt distribution assets currently owned and operated by Ausgrid. The purpose of the easement is to protect the distribution assets and to provide adequate working space along the route of the cables for construction and maintenance work. The easement also assists Ausgrid in controlling works or other activities under or near the distribution cables, which could either by accident or otherwise create an unsafe situation for workers or the public, or reduce the security and reliability of Ausgrid's network.

# **Attachment B1**

<b>Selected Architectural Drawings</b>
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Bicycle Parking Compliance Schedule

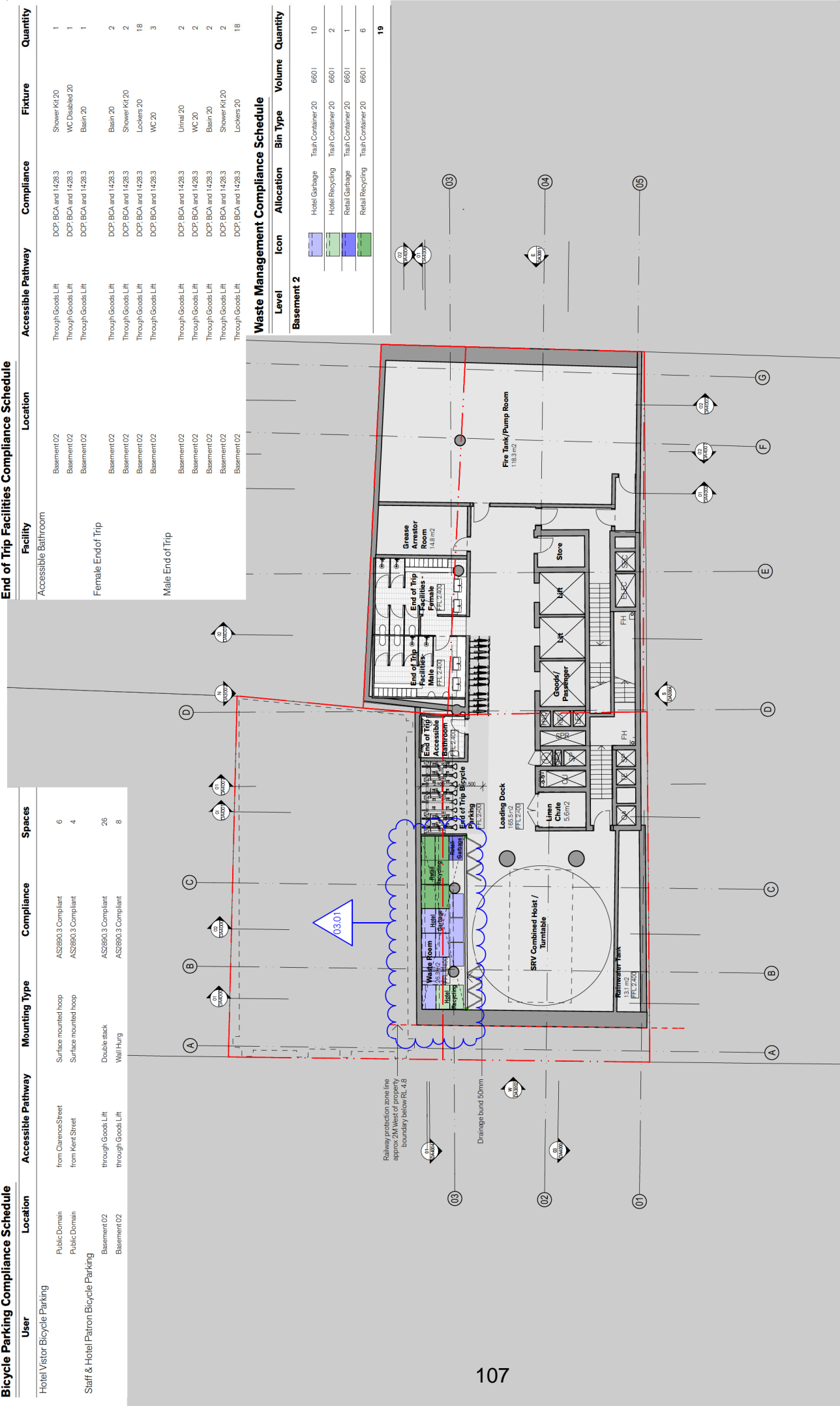
User	Location	Accessible Pathway	Mounting Type	Compliance	Spaces
Hotel Visitor Bicycle Parking	Public Domain	from Clarence Street	Surface mounted hoop	AS2890.3 Compliant	6
	Public Domain	from Kent Street	Surface mounted hoop	AS2890.3 Compliant	4
Staff & Hotel Patron Bicycle Parking	Basement 02	through Goods Lift	Double stack	AS2890.3 Compliant	26
	Basement 02	through Goods Lift	Wall Hung	AS2890.3 Compliant	8

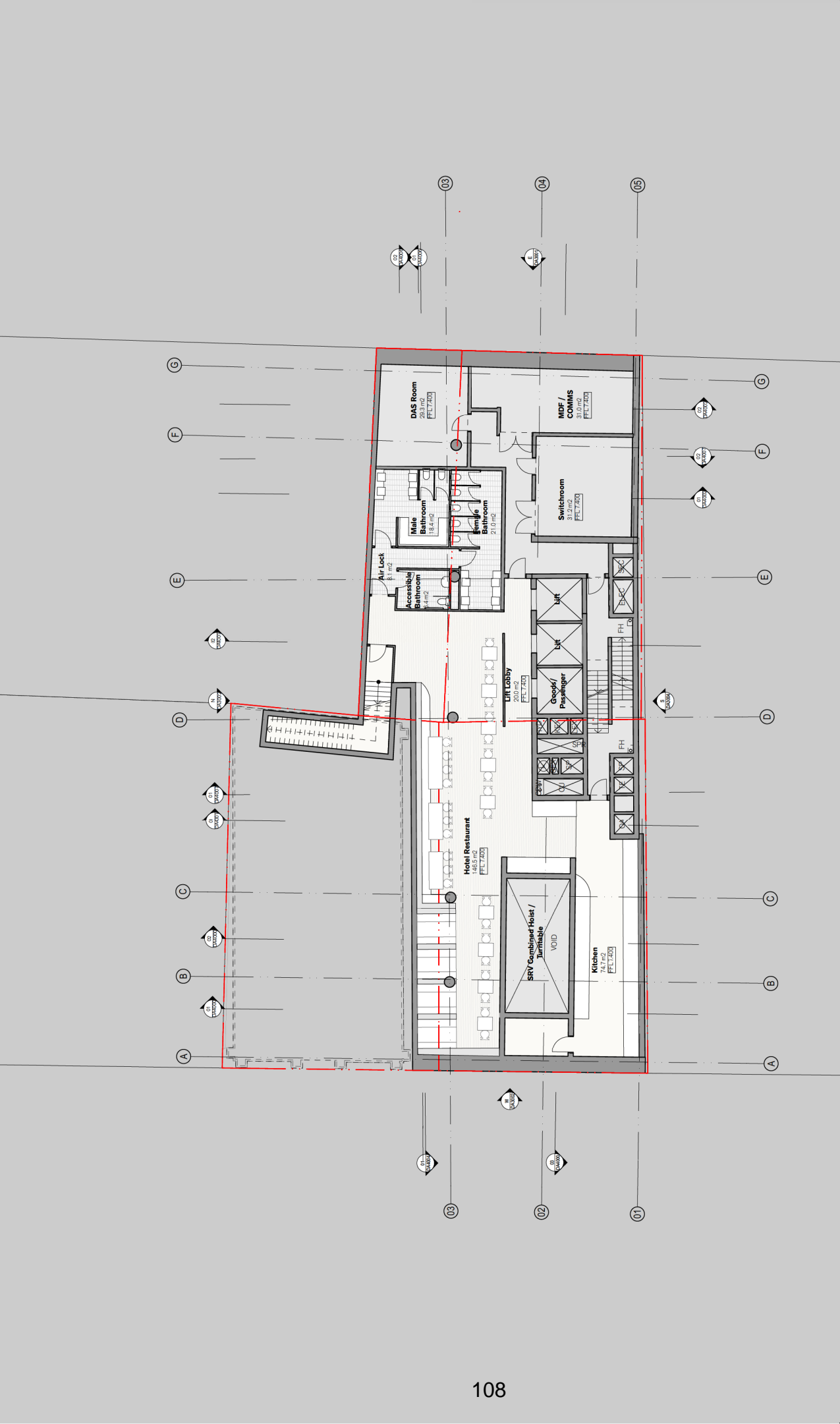
End of Trip Facilities Compliance Schedule

Facility	Location	Accessible Pathway	Compliance	Fixture	Quantity
Accessible Bathroom	Basement 02	Through Goods Lift	DCF, BCA and 1428.3	Shower Kit 20	1
	Basement 02	Through Goods Lift	DCF, BCA and 1428.3	WC Disabled 20	1
	Basement 02	Through Goods Lift	DCF, BCA and 1428.3	Basin 20	1
Female End of Trip	Basement 02	Through Goods Lift	DCF, BCA and 1428.3	Basin 20	2
	Basement 02	Through Goods Lift	DCF, BCA and 1428.3	Shower Kit 20	2
	Basement 02	Through Goods Lift	DCF, BCA and 1428.3	Lockers 20	18
Male End of Trip	Basement 02	Through Goods Lift	DCF, BCA and 1428.3	WC 20	3
	Basement 02	Through Goods Lift	DCF, BCA and 1428.3	Urinal 20	2
	Basement 02	Through Goods Lift	DCF, BCA and 1428.3	WC 20	2
	Basement 02	Through Goods Lift	DCF, BCA and 1428.3	Basin 20	2
	Basement 02	Through Goods Lift	DCF, BCA and 1428.3	Shower Kit 20	2
	Basement 02	Through Goods Lift	DCF, BCA and 1428.3	Lockers 20	18

Waste Management Compliance Schedule

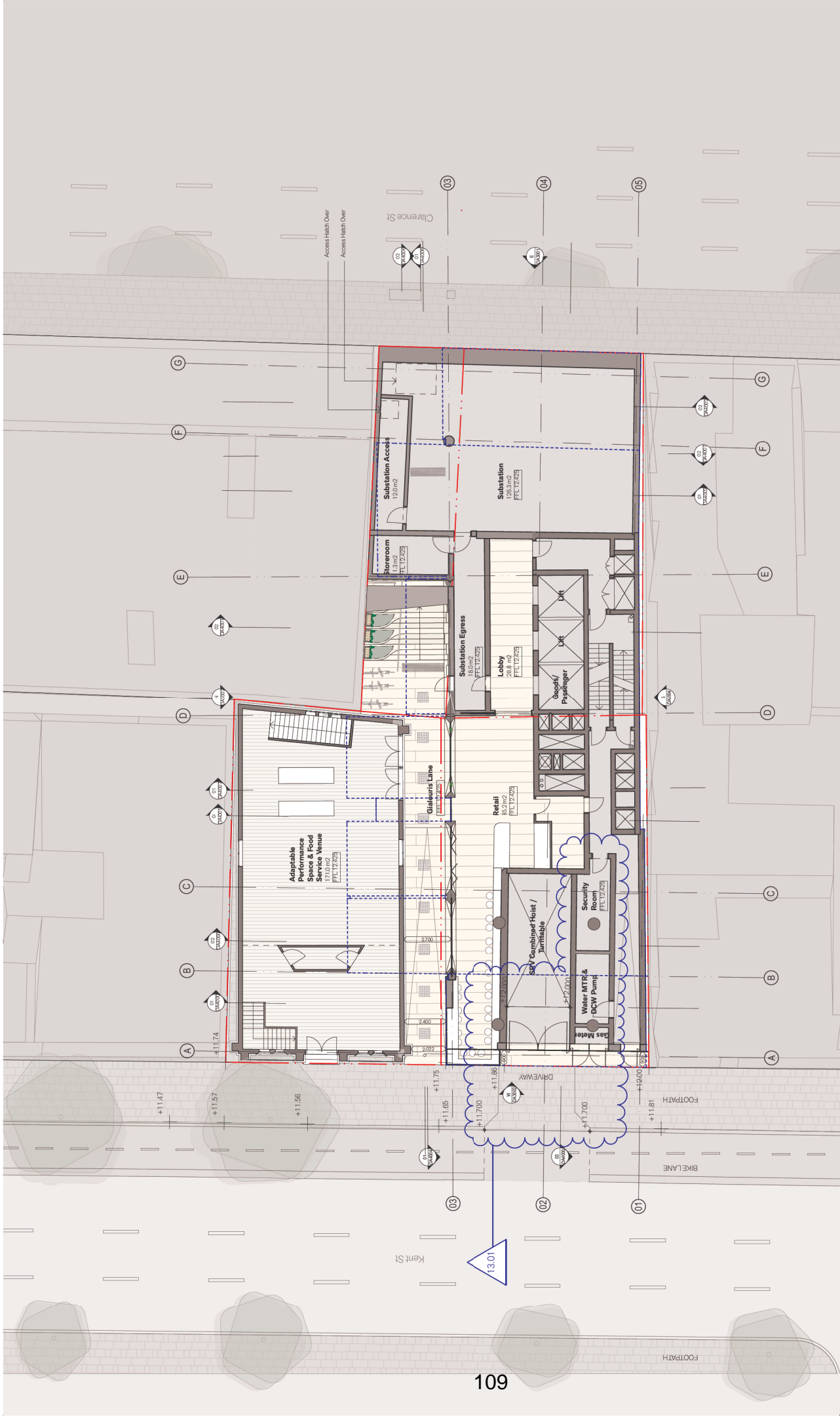
Level	Icon	Allocation	Bin Type	Volume	Quantity
Basement 2		Hotel Garbage	Trash Container 20	660 l	10
		Hotel Recycling	Trash Container 20	660 l	2
		Retail Garbage	Trash Container 20	660 l	1
		Retail Recycling	Trash Container 20	660 l	6
					19





<div><div>fjmt</div><div>fjmt studio architecture interiors landscape urban community</div><div>sydney melbourne uk</div><div>Level 5, 70 King Street t +61 2 9231 7077 w <a href="http://fjmtstudio.com">fjmtstudio.com</a></div></div>	project	Hotel Redevelopment 420 Kent Street Sydney New South Wales 2000			by			title			
								General Arrangement Plan Basement 1			
								scale			
								1:200 @ A3			
								sheet no. DA2001			
						code GG420K			rev 02		
						02 16/09/19 Issued for Submission			90		
						01 17/12/18 Issued for Approval			95		

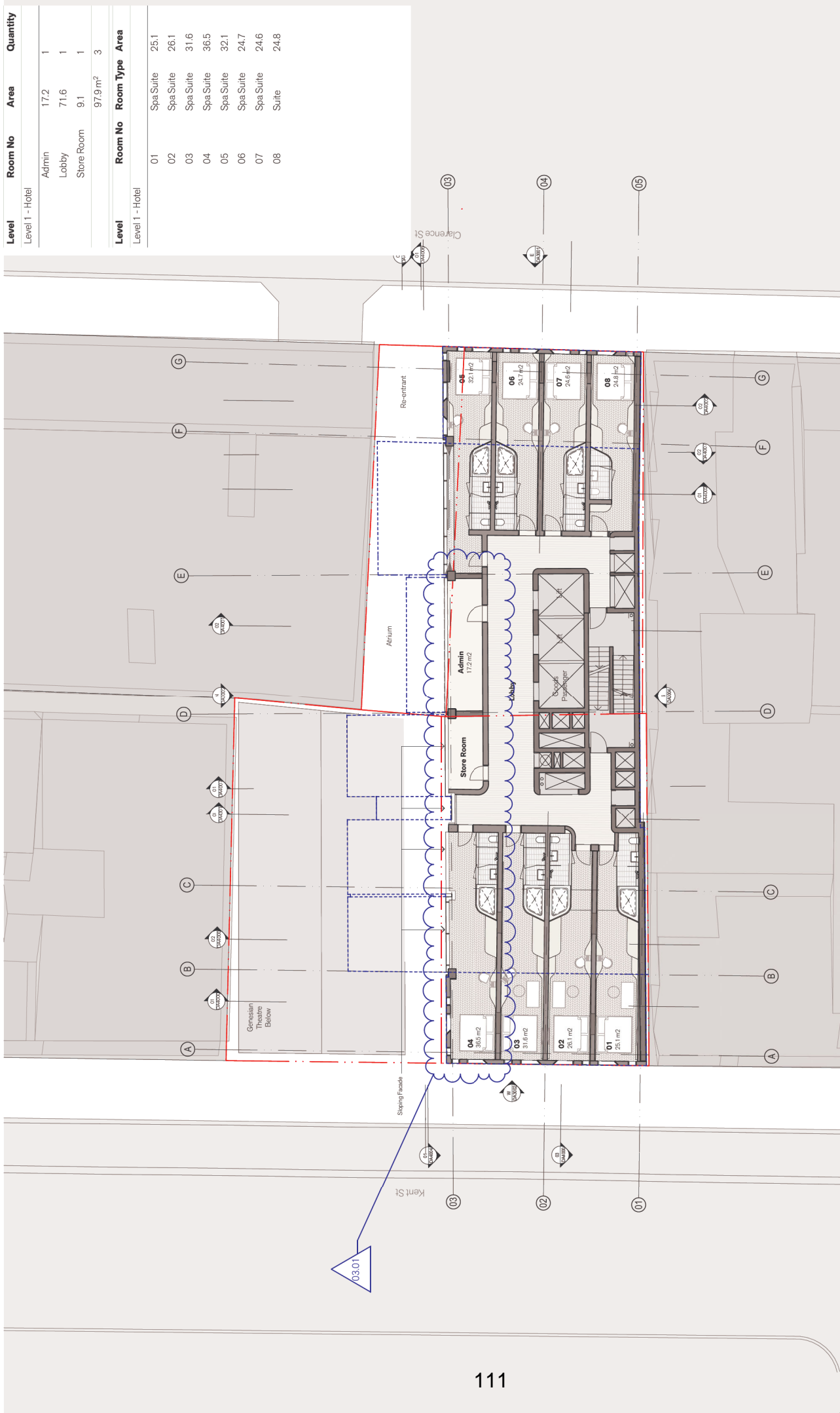
<



project		title	
fjmt studio architecture interiors landscape urban community sydney melbourne uk Level 3, 70 King Street t +61 2 9251 7077 w fjmtstudio.com		General Arrangement Plan Lower Ground - Kent St	
13 4/10/19 Responses to C&S C&S 1301 Flood gate note deleted. LG Plan updated. Materials Board updated		scale 1:200 @ A3	
12 27/9/19 LG Plan updated		code GG420K DA2002	
02 16/6/19 Revised C&S Submission		sheet no. 13	
01 17/12/18 Issues for Approval		rev	

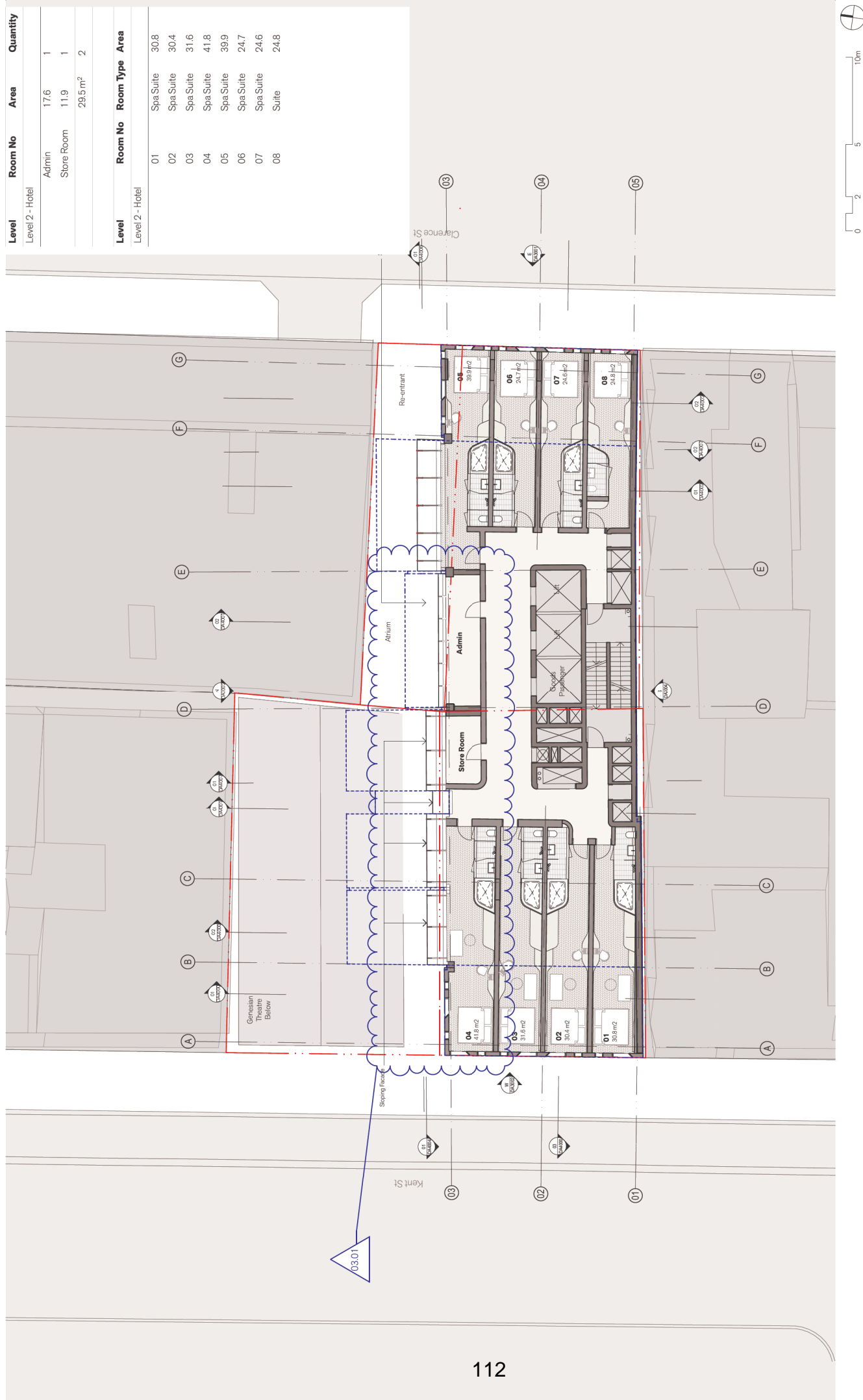


<div><div><div>fjmt</div></div><div><div>fjmt studio architecture interiors landscape urban community</div><div>sydney melbourne uk</div><div>Level 5, 70 King Street +61 2 9251 7077 <a href="http://www.fjmtstudio.com">www.fjmtstudio.com</a></div></div></div>	project	Hotel Redevelopment 420 Kent Street Sydney New South Wales 2000				
		title				
		N	U	Issue	Change No	Change Name
		57				
		02	16/6/19	Revised PA Submission	Finals column added to address changes and lower priority	
		01	17/7/18	Issued for Approval	Primary loading address repositioned to COS preference. Roadset re-align to meet to COS preference. Roadset re-align to meet to COS preference. Roadset re-align to meet to COS preference.	
		01	17/7/18	Issued for Approval	58	
		01	17/7/18	Issued for Approval	59	
		01	17/7/18	Issued for Approval	60	
		01	17/7/18	Issued for Approval	61	
		01	17/7/18	Issued for Approval	62	
		01	17/7/18	Issued for Approval	63	
		01	17/7/18	Issued for Approval	64	
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		01	17/7/18	Issued for Approval	99	
		01	17/7/18	Issued for Approval	100	



<b>fjmt</b> fjmt studio architecture interiors landscape urban community sydney melbourne auckland Level 5, 70 King Street t +61 2 9251 7077 w fjmtstudio.com	<b>project</b> Hotel Redevelopment 420 Kent Street Sydney New South Wales 2000		<b>title</b> General Arrangement Plan Level 01 Hotel	
	<b>revision</b> 01 16/07/19 Revised DA Submission 02 31/07/19 Revised floor plan 03 17/12/19 Issued for Approval		<b>scale</b> 1:200 @ A3	
	<b>sheet no.</b> DA2004		<b>rev</b> 03	

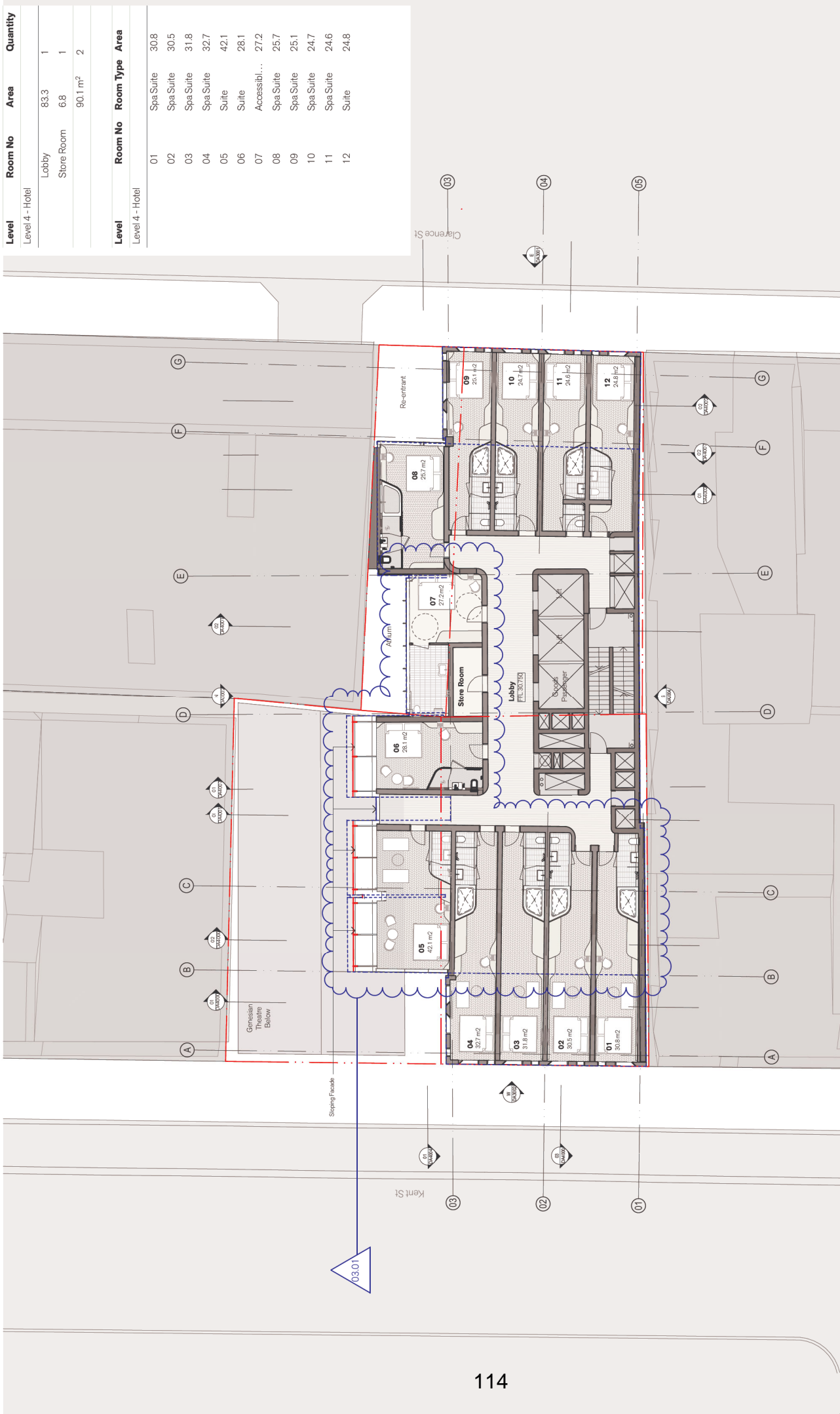




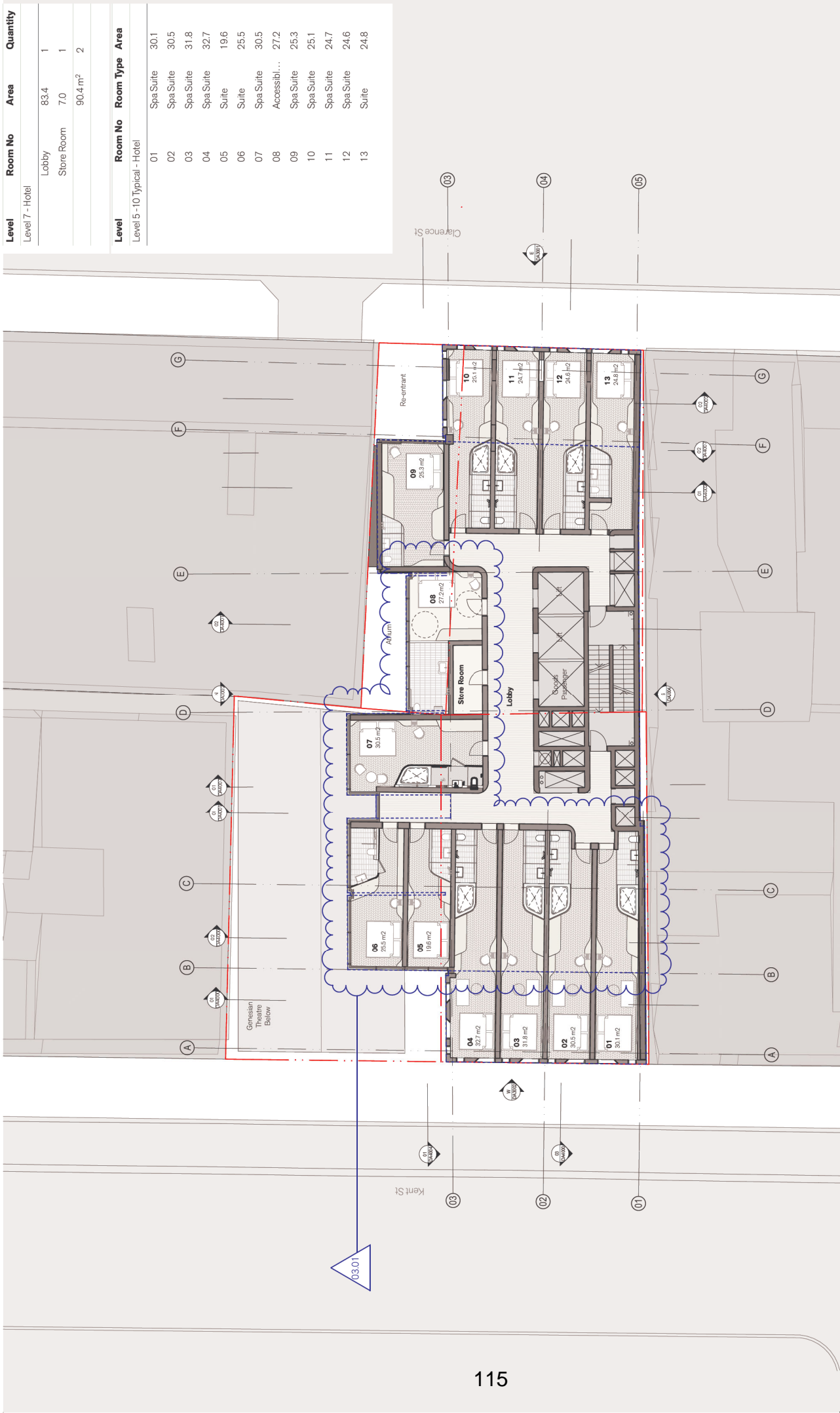
<div><div>fjmt</div><div><div>fjmt studio</div><div>architecture interiors landscape urban community</div><div>sydney melbourne uk</div><div>Level 15, 70 King Street • +61 2 9251 7077 • <a href="http://fjmtstudio.com">fjmtstudio.com</a></div></div></div>	<div>project</div> <div>Hotel Redevelopment</div> <div>420 Kent Street</div> <div>Sydney New South Wales 2000</div>	Rev	D	Issue	Change No	Change Reason	By	title				
		03	16/0/19	Revised DA Submission	03/01	Revised floor planning to address reduced floor area	SB	General Arrangement Plan				
		02	31/7/19	Revised 1st Floor Plan			SB	Level 02 Hotel				
		01	17/7/18	Issued for Approval			SB	scale	code	sheet no.	rev	
									1:200 @ A3	GG420K	DA2005	03



<div>fjmt</div> <div>fjmi studio architecture interiors landscape urban community</div> <div>sydney melbourne uk</div> <div>Level 5, 70 King Street t +61 2 9251 7077 w fjmstudio.com</div>	<div>project</div> <div>Hotel Redevelopment</div> <div>420 Kent Street</div> <div>Sydney New South Wales 2000</div>	rev	sheet no.	<div>code</div> <div>GG420K</div>	<div>scale</div> <div>1:200 @ A3</div>	<div>title</div> <div>General Arrangement Plan</div> <div>Level 03 Hotel</div>	01	01/19	Revised DA Submission	0.01	Revised room planning to address reduced floor area	50
		02	3/7/19				Revised Floor			50		
		03					Revised Floor			50		
		04					Revised Floor			50		
		05	17/12/18				Issued for Approval			50		









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	Hotel Redevelopment 420 Kent Street Sydney New South Wales 2000						
R#		D#	Issue	Change No	Change Reason	title	
03		16/0/19	Revised DA Submission	03/01	Revised floor plan to address reduced floor area	SB	
02		31/7/19	Revised floor plan			SB	
01		17/7/18	Initial floor plan for approval			SB	
				scale		code	sheet no.
				1:200 @ A3		GG420K	DA2009
							rev
							03

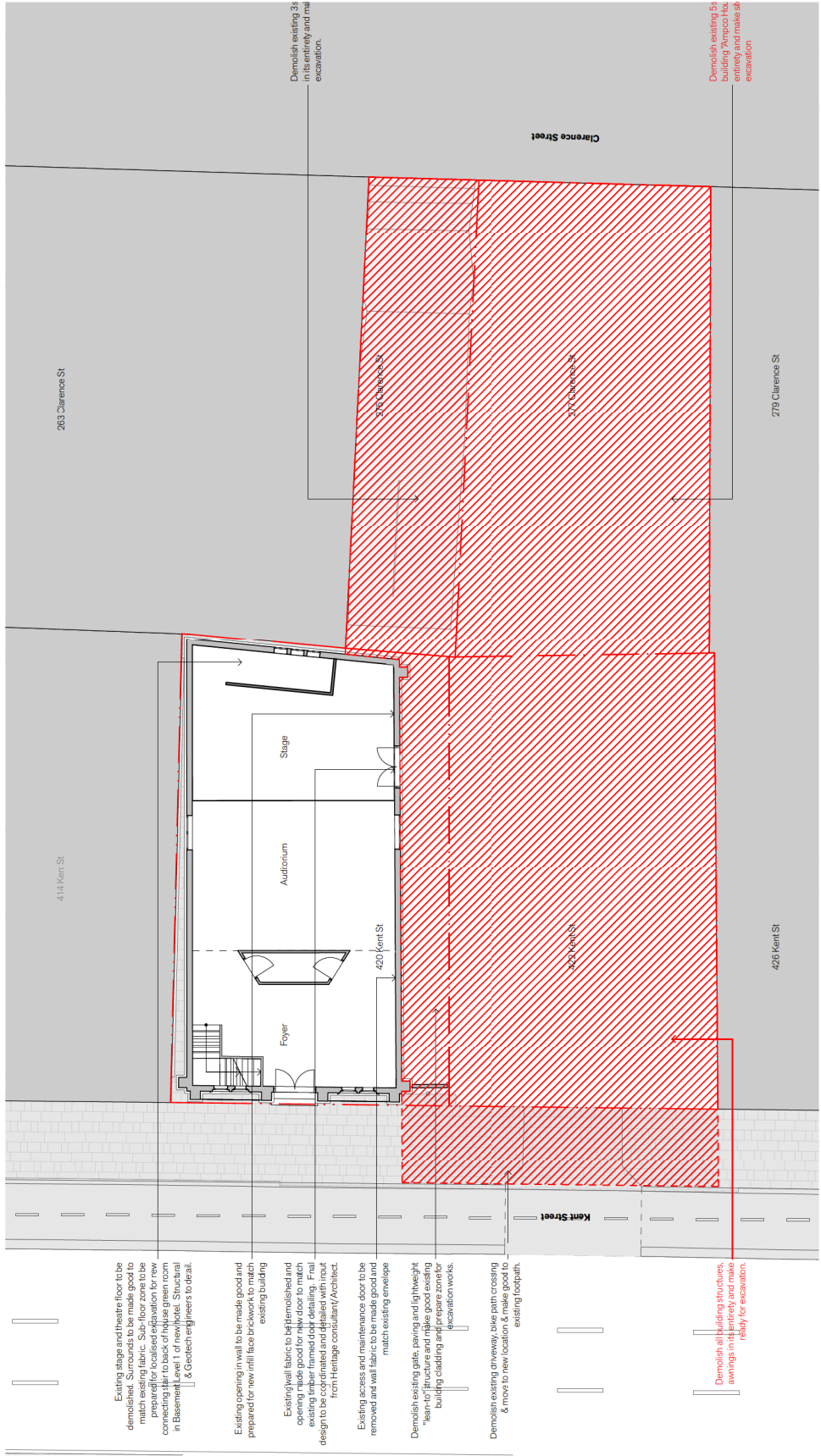


Level	Room No	Area	Quantity
Level 18 - Hotel & Plant			
	Lobby	75.9	1
	Plant	40.8	1
	Plant	84.3	1
	Store Room	7.0	1
Level	Room No	Room Type	Area
Level 18 - Hotel & Plant			
	01	Suite	19.6
	02	Suite	19.6
	03	Suite	19.6
	04	Suite	25.2
	05	Suite	30.5
	06	Accessibili...	27.2

<div><div>fjmt</div><div>fjmt studio architecture interiors landscape urban community sydney melbourne auckland Level 5, 70 King Street • +61 2 9251 7077 • <a href="#">fjmtstudio.com</a></div></div>	project Hotel Redevelopment 420 Kent Street Sydney New South Wales 2000	K	D	Issue	Change No.	Change Name	BSP	Title		
		03	16/09/19	Revised PS Submission	03/01	Revised room planning to address reduced floor area	50			
		02	31/7/19	Revised floor plan			50			
		01	17/7/2018	Issued for Approval			50			
								scale	code	sheet no.
								1:200 @ A3	GG420K	DA2010
								F&W	03	

REV	DATE	CHANGE NO.	CHANGE NAME	BY	TITLE	SCALE	CODE	SHEET NO.	REV
03	10/9/19		Revised DA	03/21	General Arrangement Plan Roof	1:200 @ A3	GG420K	DA2011	03
02	31/7/19		Revised Floor						
01	17/3/18		Revised for Approval						
00			Revised room planning to address reduced floor area						





01 PLAN Demolition 1:200

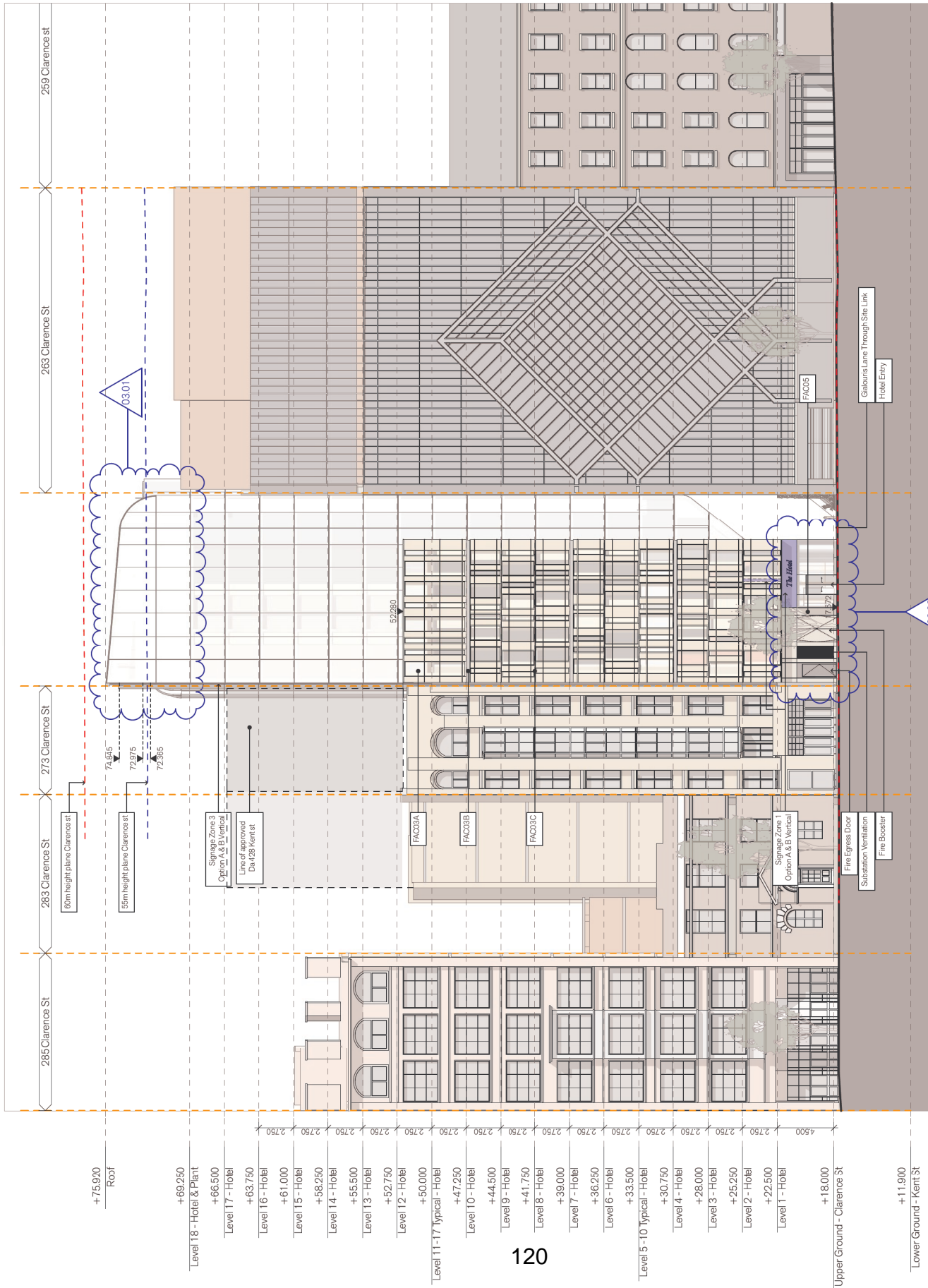


<div><div>fjmt</div><div>fjmt studio architecture interiors landscape urban community sydney melbourne adk Level 3, 70 King Street t +61 2 9231 7077 w fjmtstudio.com</div></div>	<div>project</div> <div><b>Hotel Redevelopment</b></div> <div>420 Kent Street</div> <div>Sydney New South Wales 2000</div>	Revision    Date    Reason for Issue			Issued By		title		
							<b>Demolition Plan</b>		
							<b>420-422 Kent St - 275-277 Clarence St</b>		
		01	17/12/18	Issued for Approval	SB	scale 1:200 @ A3	code <b>GG420K</b>	sheet no <b>DA2100</b>	rev <b>01</b>

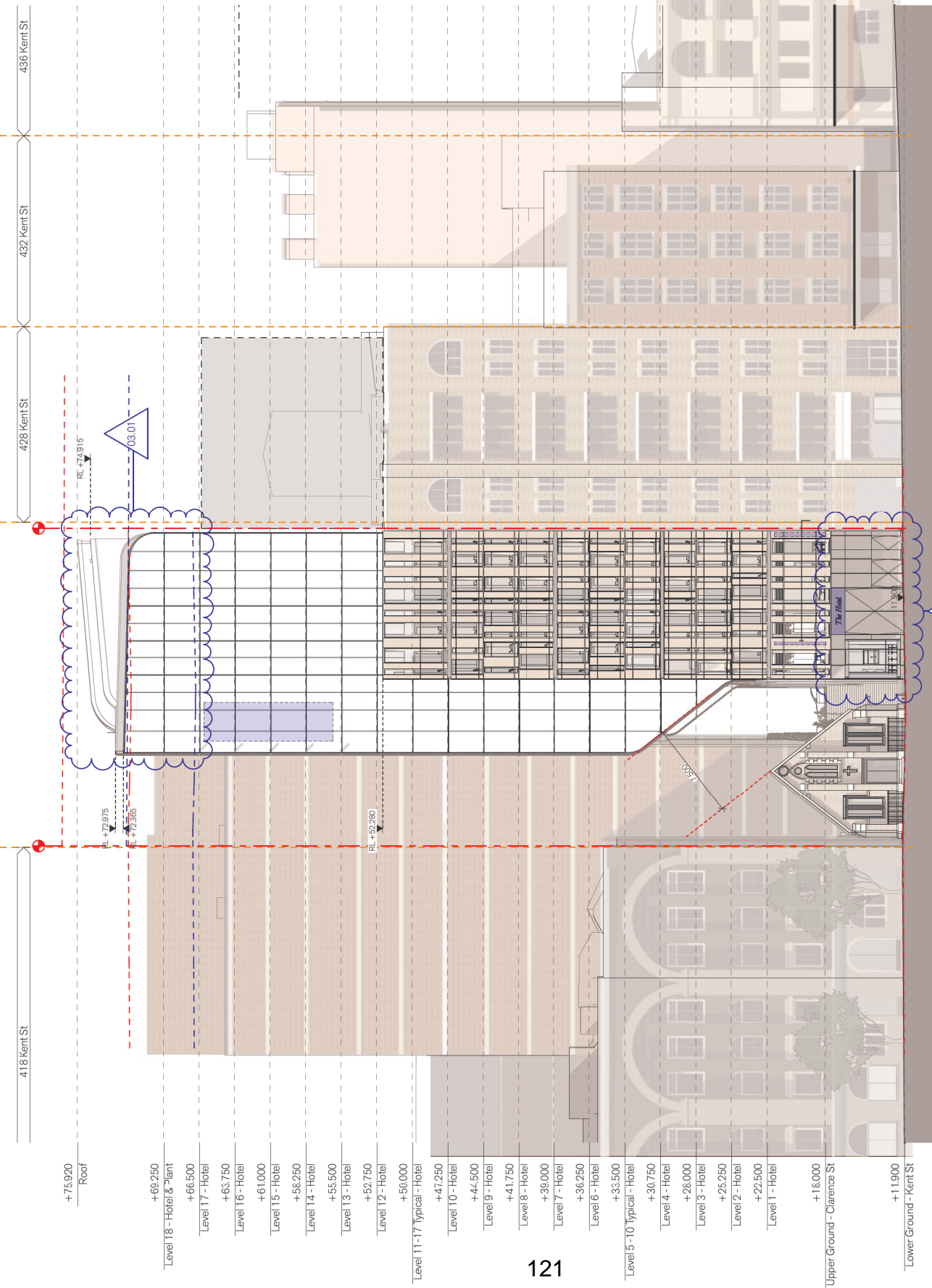
Facade Types

FAC01	Curtain wall insulated glazing unit with white coloured graded poly ceramic tint.
FAC02	Feature structural steel columns - Filled with concrete painted white to match curtain wall system.
FAC03A	Dry pressed light brown brick veneer with custom brick profiles to achieve feature corner profiles. Integrated stained Black-butt timber framed flush metal feature battens through windows and brickwork.
FAC03B	Galvanised steel shell angles to create 50mm deep 300mm high rebate
FAC03C	Black metal steel shell angles to create 50mm deep 50mm high rebate
FAC04	Class 2C 'In situ or precast concrete facade with integral penetrating masonry stain finish (NANOCAT or similar) or Architect approved equal
FAC05	Large format natural sandstone cladding tiles (potentially using excavated stone from the site).
FAC06	Shopfront glazing with frameless Anseta style sash windows
FAC07	Polished precast concrete panels with custom profile integrated heritage display and lighting
FAC08	Powdercoated aluminium sheet pressure seal flushing to neighbouring properties
PAZ01	Public Art Zone 01
PAZ02	Public Art Zone 02

**NOTE:**  
ALL SIGNAGE ZONES ARE INDICATIVE AND TO BE DETAILLED IN A FUTURE SIGNAGE DA BY OTHERS.



project		title	
fjmt studio architecture interiors landscape urban community sydney melbourne uk Level 5, 70 King Street t +61 2 9251 7077 w fjmtstudio.com		Elevations East Elevation (Clarence St)	
03 16/01/19		03/02	03
02 06/01/19		02/01	02
01 17/12/18		01/01	01
Revised DA		Revised DA	Revised DA
Signage Zones		Signage Zones	Signage Zones
Adopted		Adopted	Adopted
Issued for Approval		Issued for Approval	Issued for Approval
03 16/01/19		03/02	03
02 06/01/19		02/01	02
01 17/12/18		01/01	01
Revised DA		Revised DA	Revised DA
Signage Zones		Signage Zones	Signage Zones
Adopted		Adopted	Adopted
Issued for Approval		Issued for Approval	Issued for Approval
03 16/01/19		03/02	03
02 06/01/19		02/01	02
01 17/12/18		01/01	01
Revised DA		Revised DA	Revised DA
Signage Zones		Signage Zones	Signage Zones
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Issued for Approval		Issued for Approval	Issued for Approval
03 16/01/19		03/02	03
02 06/01/19		02/01	02
01 17/12/18		01/01	01
Revised DA		Revised DA	Revised DA
Signage Zones		Signage Zones	Signage Zones
Adopted		Adopted	Adopted
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03 16/01/19		03/02	03
02 06/01/19		02/01	02
01 17/12/18		01/01	01
Revised DA		Revised DA	Revised DA
Signage Zones		Signage Zones	Signage Zones
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02 06/01/19		02/01	02
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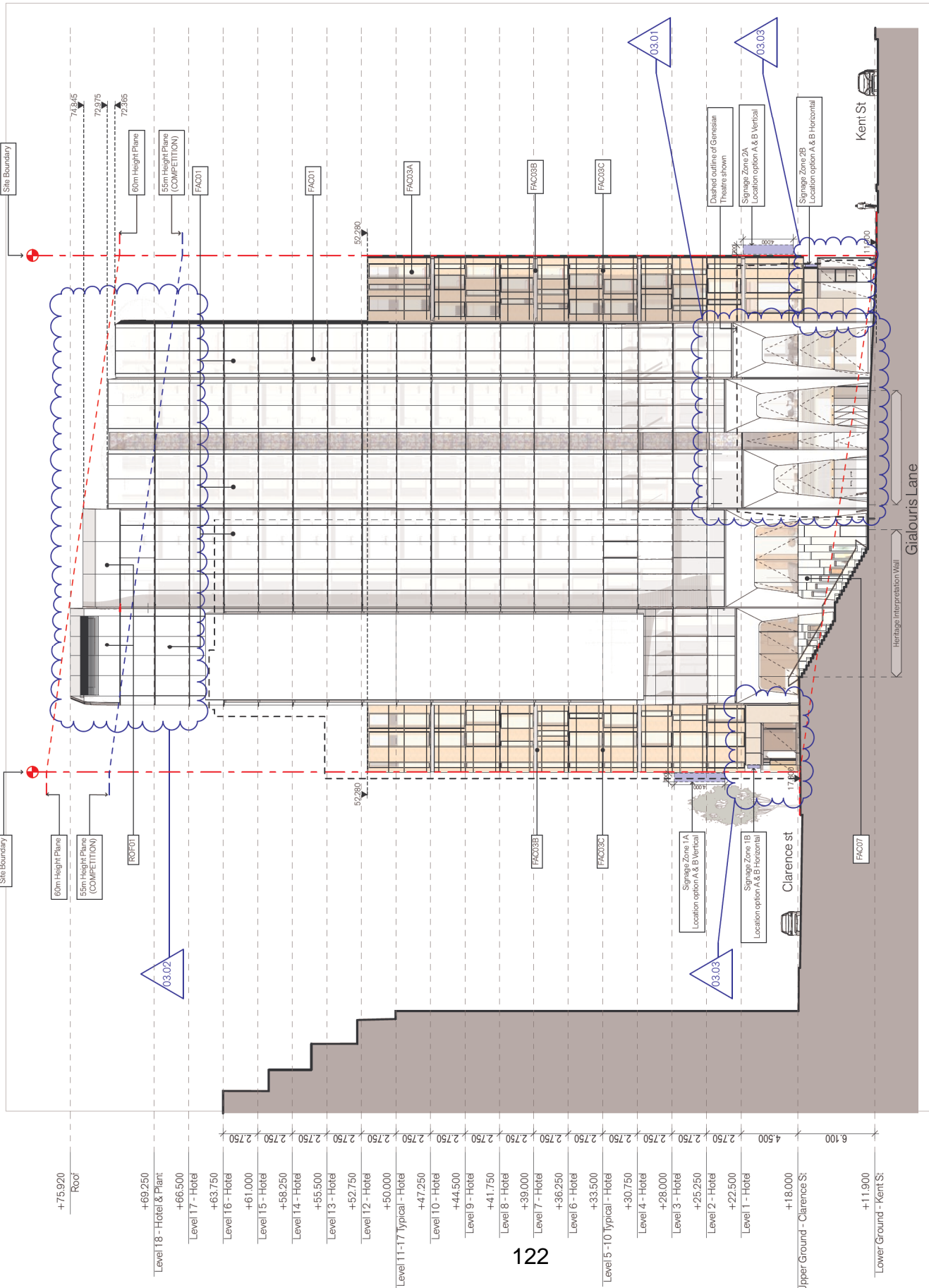




Facade Types

FAC01	Curtain wall insulated glazing unit with white coloured graduated poly ceramic tint.
FAC02	Feature structural steel columns - Filled with concrete painted white to match curtain wall system.
FAC03A	Dry pressed light brown brick veneer with custom brick profiles to achieve feature corner profiles. Integrated stained Black-butt timber framed flush metal feature battens through windows and brickwork.
FAC03B	Galvanised steel shell angles to create 50mm deep 300mm high rebate
FAC03C	Black metal steel shell angles to create 50mm deep 50mm high rebate
FAC04	Class 2C 'In situ or precast concrete facade with integral penetrating masonry stain finish (NANCAW or similar) or Architect approved equal
FAC05	Large format natural sandstone cladding tiles (potentially using excavated stone from the site).
FAC06	Shopfront glazing with frameless Anseta style sash windows
FAC07	Polished precast concrete panels with custom profile integrated heritage display and lighting
FAC08	Powdercoated aluminium sheet pressure seal flushing to neighbouring properties
PAZ01	Public Art Zone 01
PAZ02	Public Art Zone 02

**NOTE:**  
ALL SIGNAGE ZONES ARE INDICATIVE AND TO BE DETAILED IN A FUTURE SIGNAGE DA BY OTHERS.



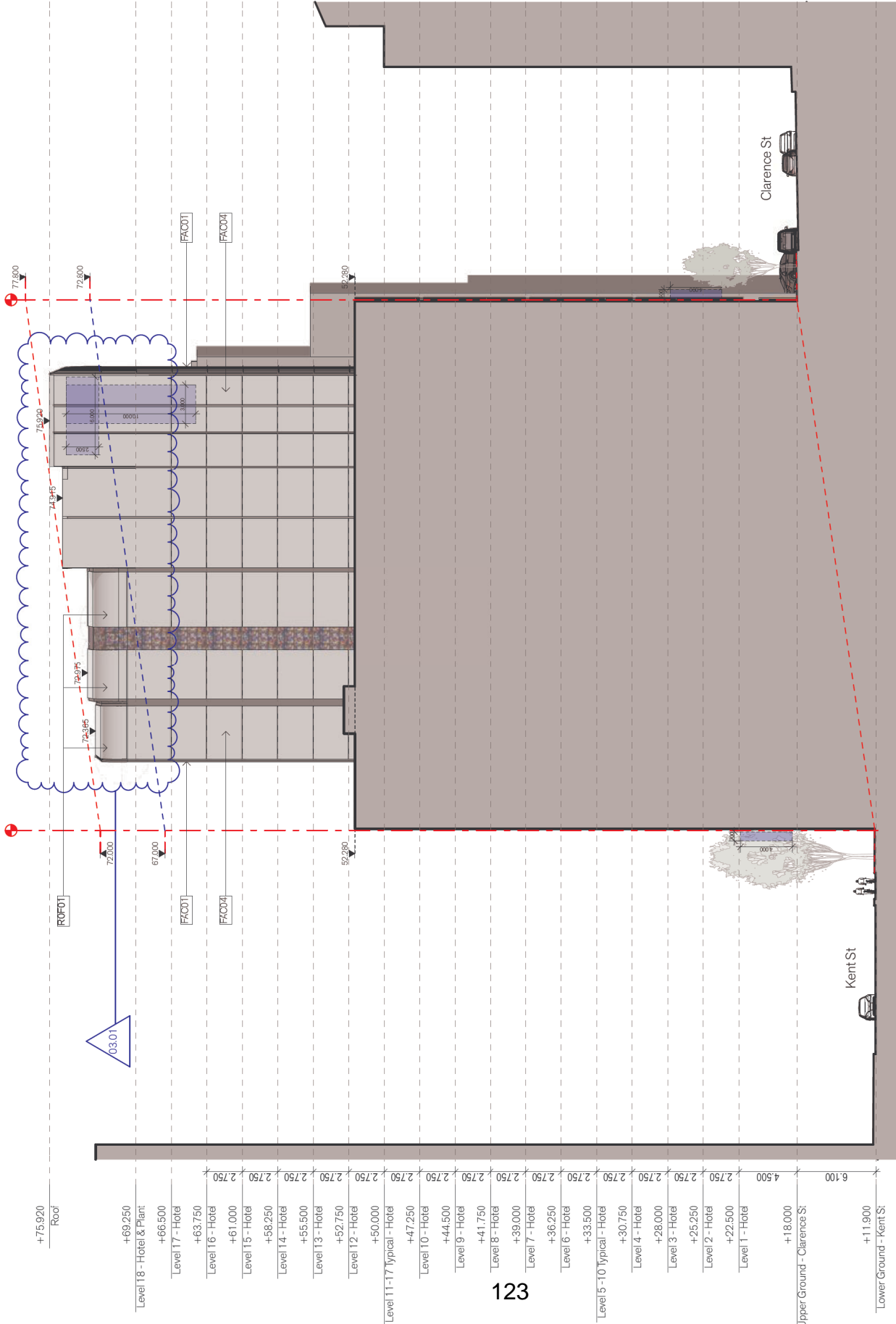
<div>fjmt studio architecture interiors landscape urban community</div> <div><b>sydney</b> melbourne uk</div> <div>Level 5, 70 King Street • +61 2 9251 7077 • <a href="http://fjmtstudio.com">fjmtstudio.com</a></div>	project		title	
	Hotel Redevelopment 420 Kent Street Sydney New South Wales 2000		North Elevation	
	Revision		Scale	
	01 16/07/19 Revised 2A Submission	0100 0101	Entry facade viewed from Kent St to address road foot path	
	02 06/09/19 Signage Zones Added to Facade	0201	Signage Zones added to elevations	
03 03/03/20 Signage Zones Revised to Address Reduced Floor Area		98		
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Facade Types

FAC01	Curtain wall insulated glazing unit with white coloured graduated poly ceramic tint.
FAC02	Feature structural steel columns - Filled with concrete painted white to match curtain wall system.
FAC03A	Dry pressed light brown brick veneer with custom brick profiles to achieve feature corner profiles. Integrated stained Black-bout timber framed flush doors and windows. Metal feature batons through windows and brickwork.
FAC03B	Galvanised steel shell angles to create 50mm deep 300mm high rebate
FAC03C	Black metal steel shell angles to create 50mm deep 50mm high rebate
FAC04	Class2C Insitu or precast concrete facade with integral penetrating masonry stain finish (NANCAW or similar) or Architect approved equal
FAC05	Large format natural sandstone cladding tiles (potentially using excavated stone from the site).
FAC06	Shopfront glazing with frameless Anseta style sash windows
FAC07	Polished precast concrete planks with custom profile integrated heritage display and lighting
FAC08	Powercoated aluminium sheet pressure seal flashing to neighbouring properties
PAZ01	Public Art Zone 01
PAZ02	Public Art Zone 02

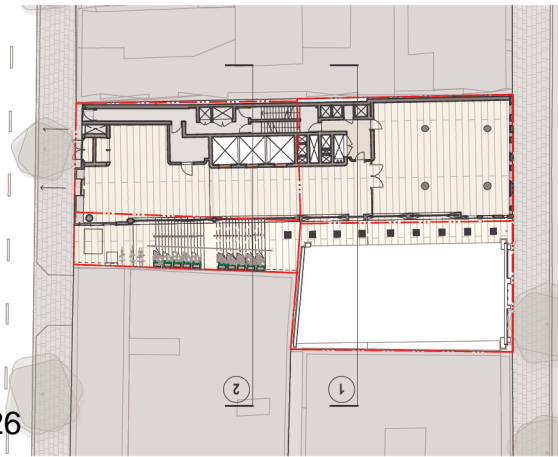
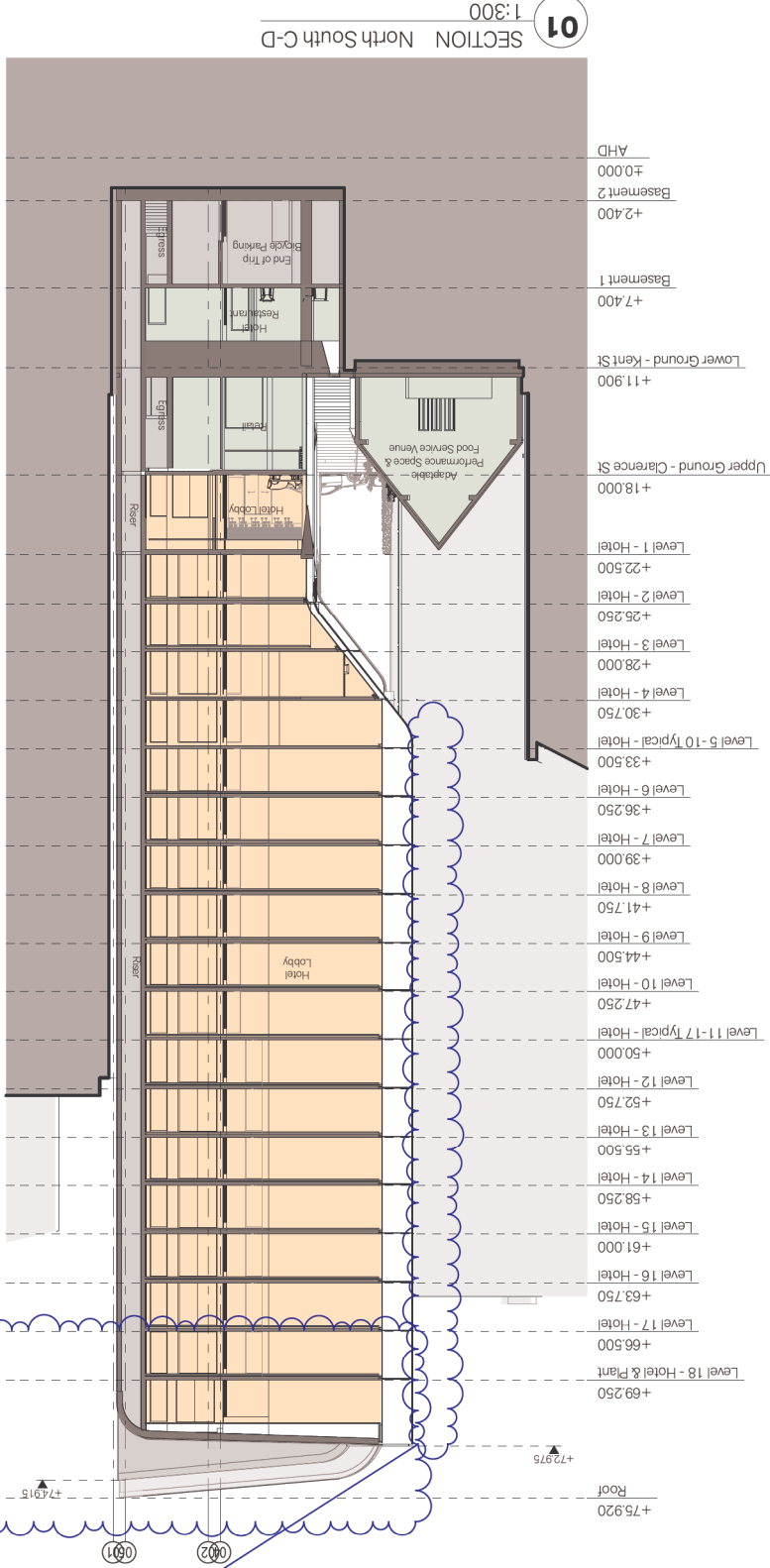
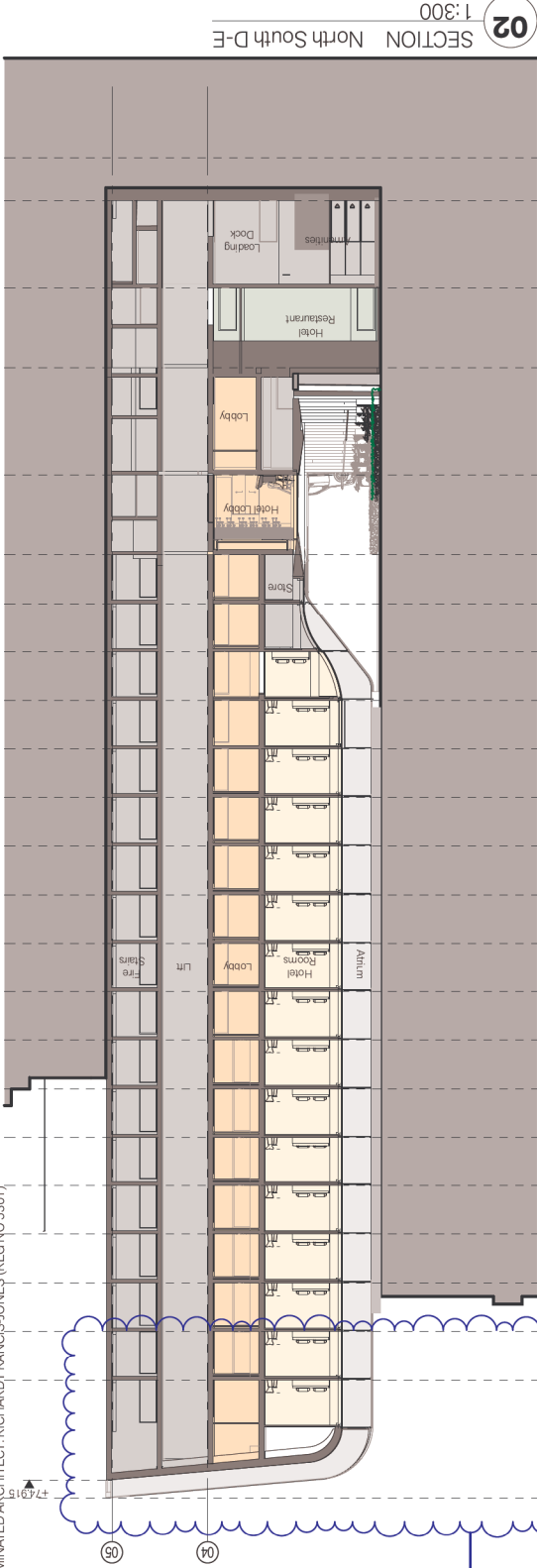
NOTE:  
ALL SIGNAGE ZONES ARE INDICATIVE AND TO BE DETAILED IN A FUTURE SIGNAGE DA BY OTHERS

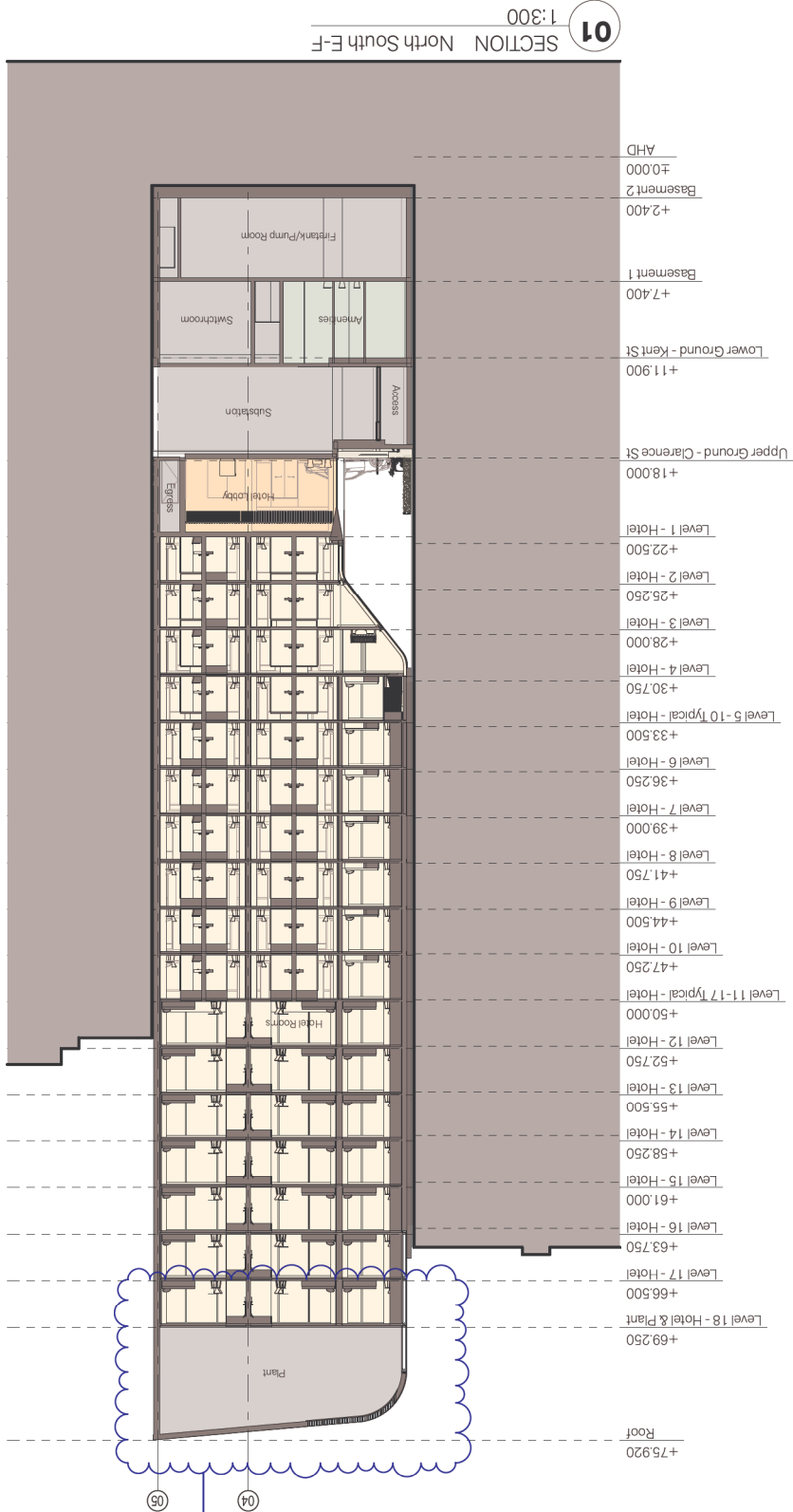
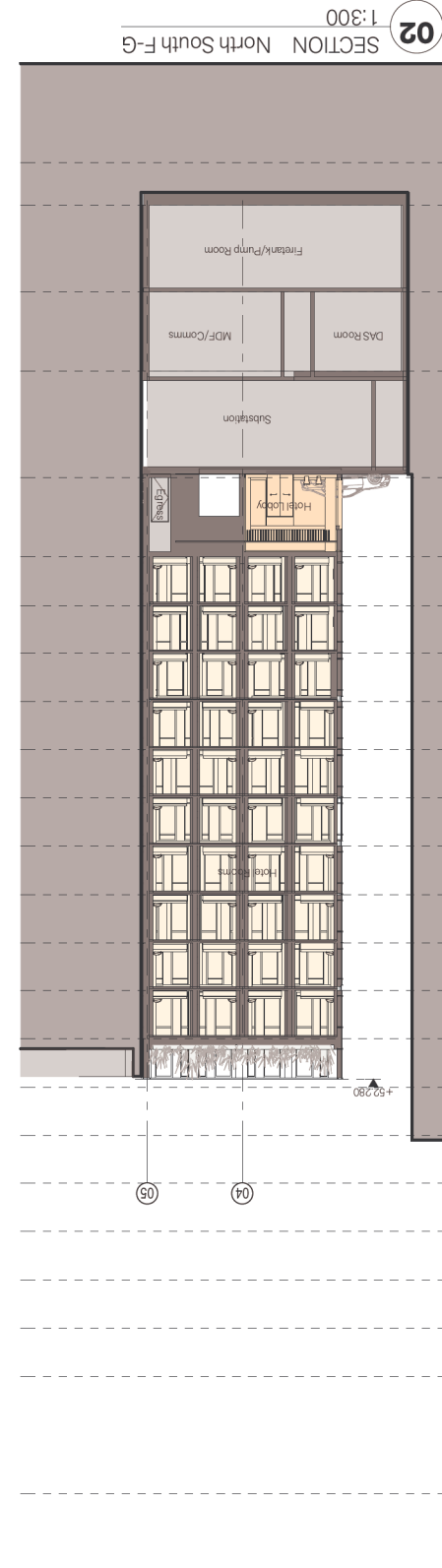


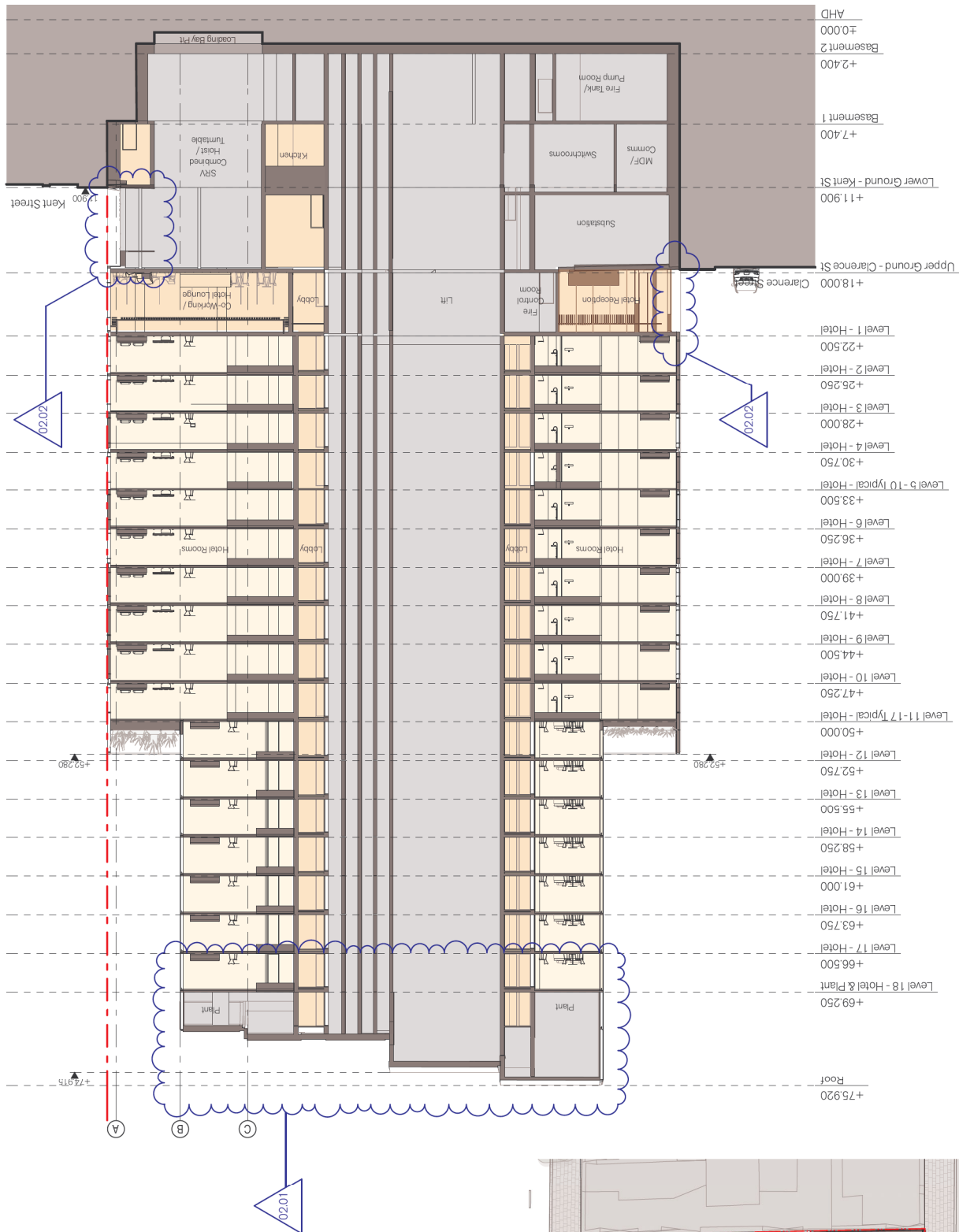
## **Attachment B2**

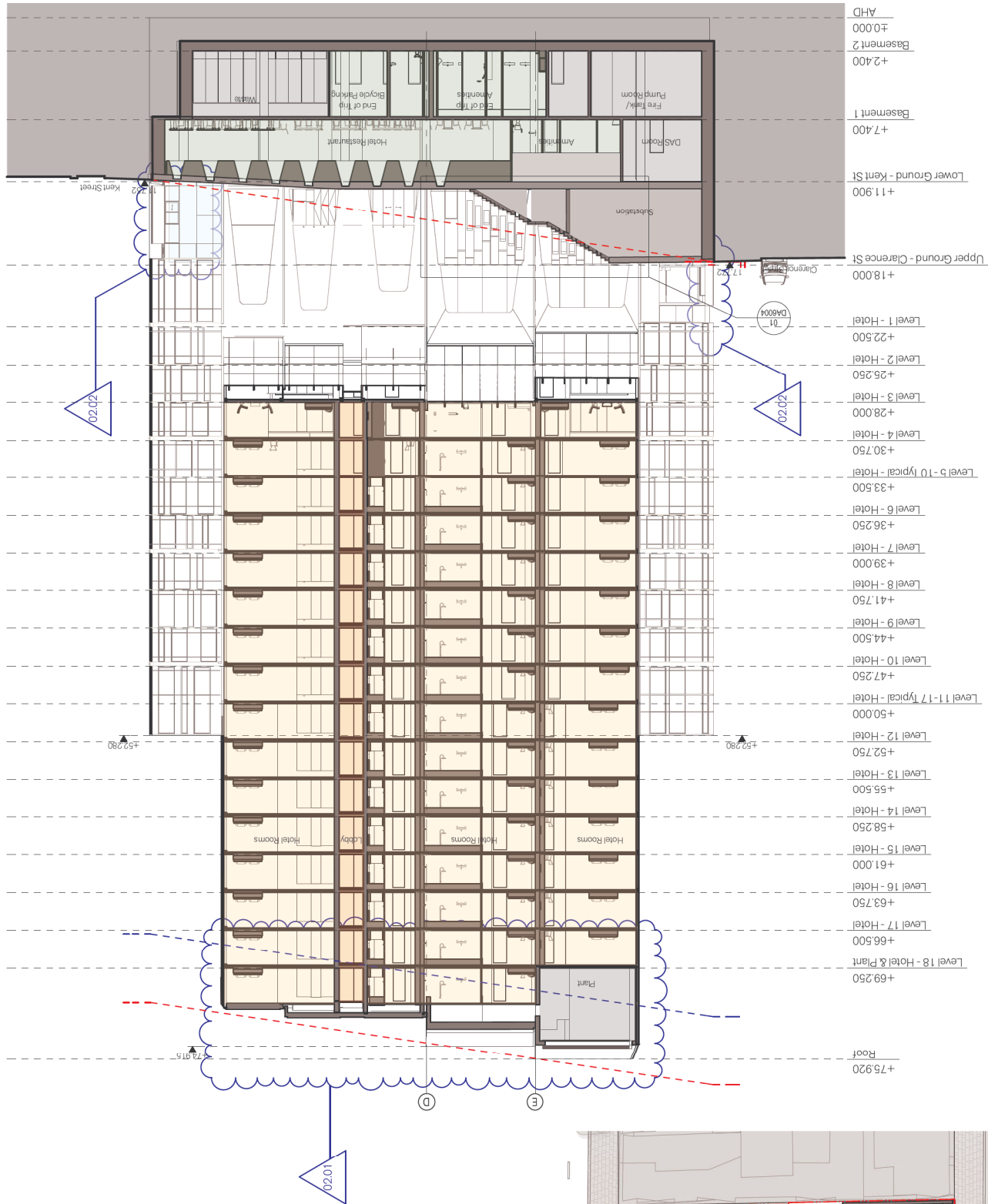
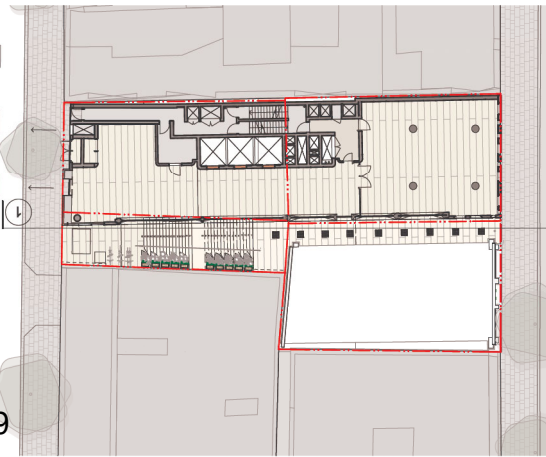
<b>Selected Architectural Drawings</b>
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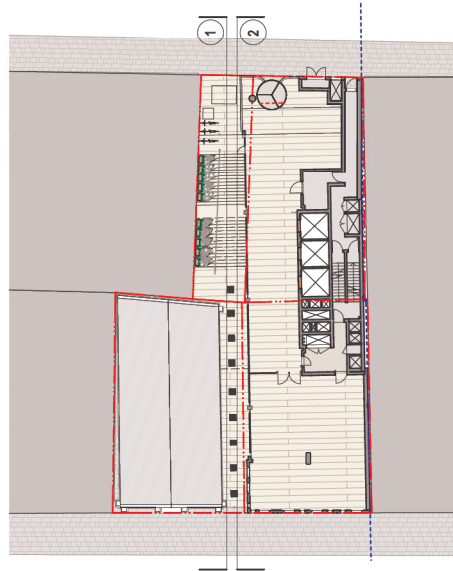
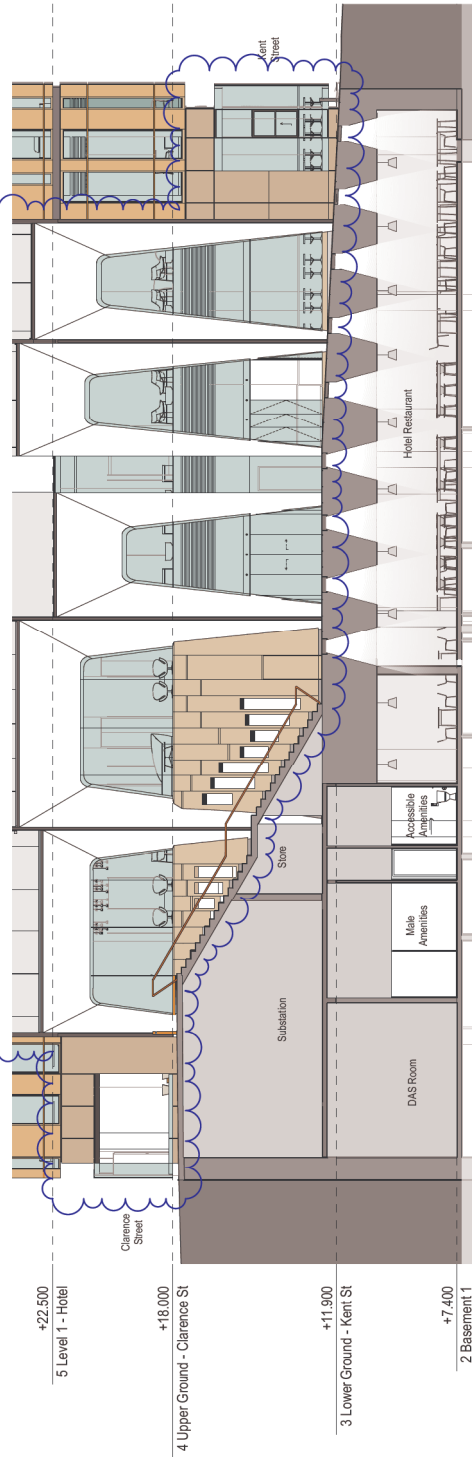
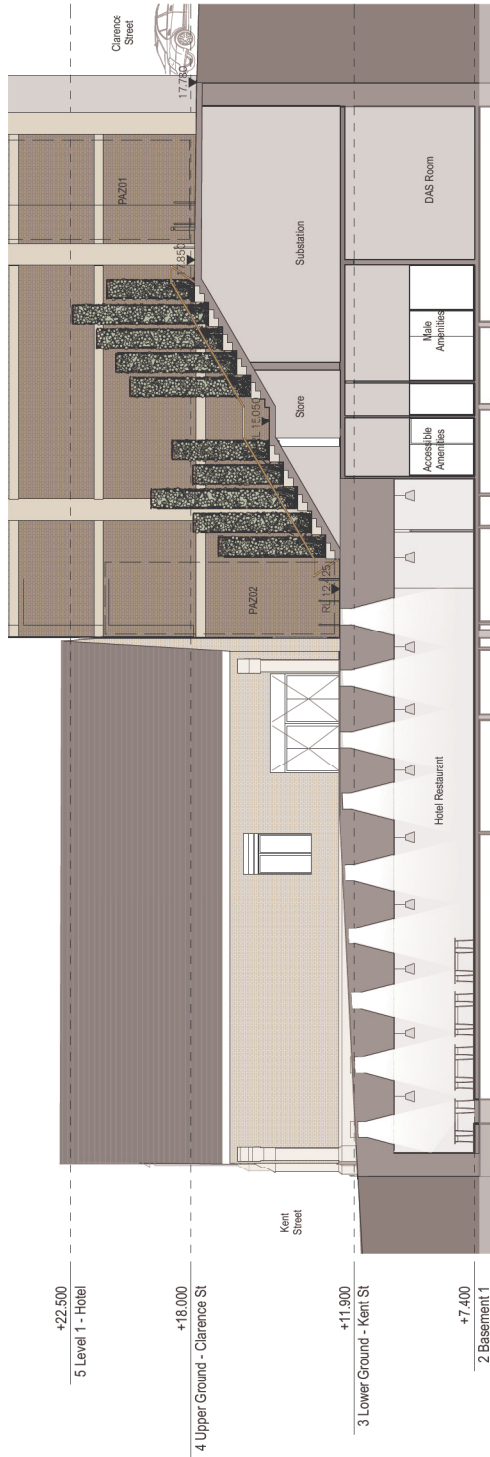




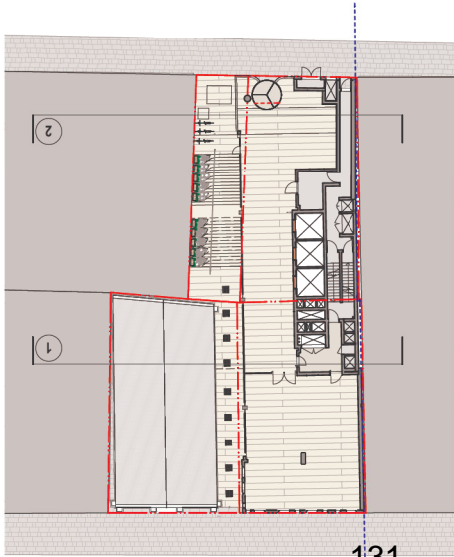


SECTION East West looking South  
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1:300

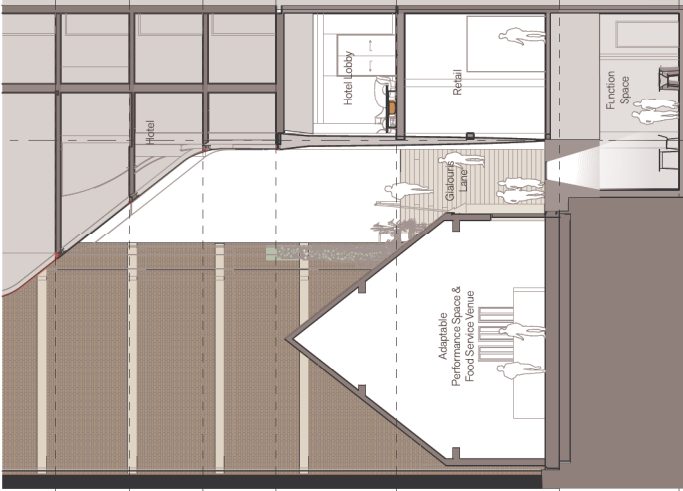






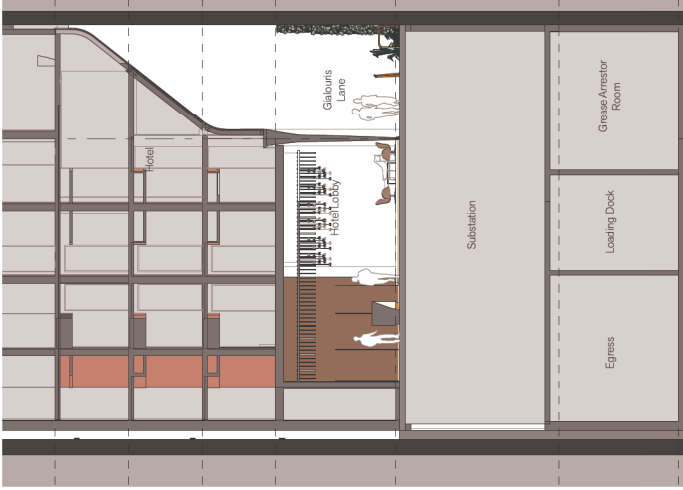


- +30.750  
8 Level 4 - Hotel
- +28.000  
7 Level 3 - Hotel
- +25.250  
6 Level 2 - Hotel
- +22.500  
5 Level 1 - Hotel
- +18.000  
4 Upper Ground - Clarence St
- +11.900  
3 Lower Ground - Kent St
- +7.400  
2 Basement 1



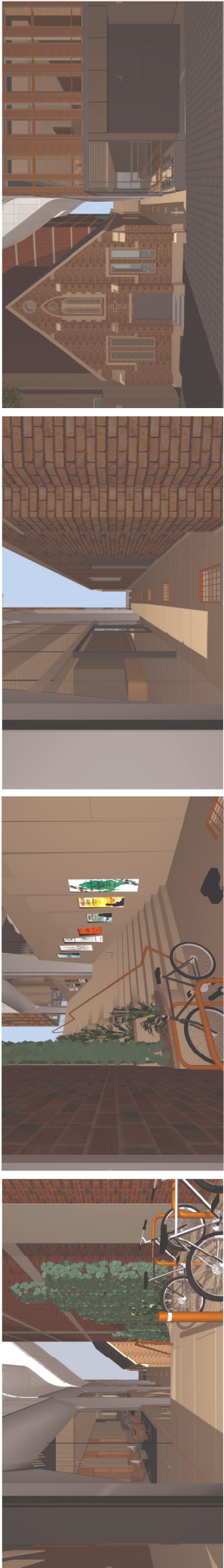
SECTION 01 Public Domain - Gialouris Lane looking East

1:200



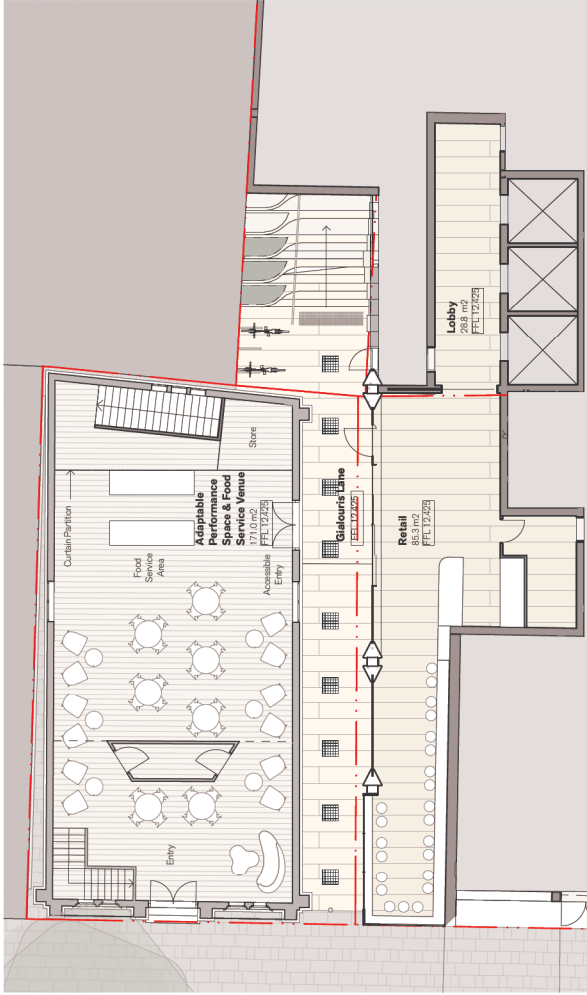
SECTION 02 Public Domain - Gialouris Lane looking West

1:200

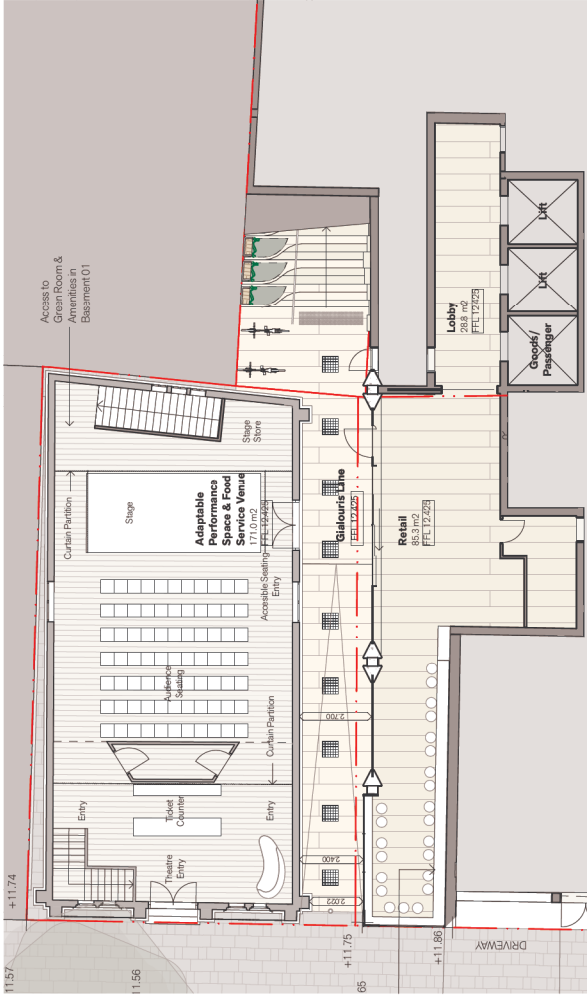




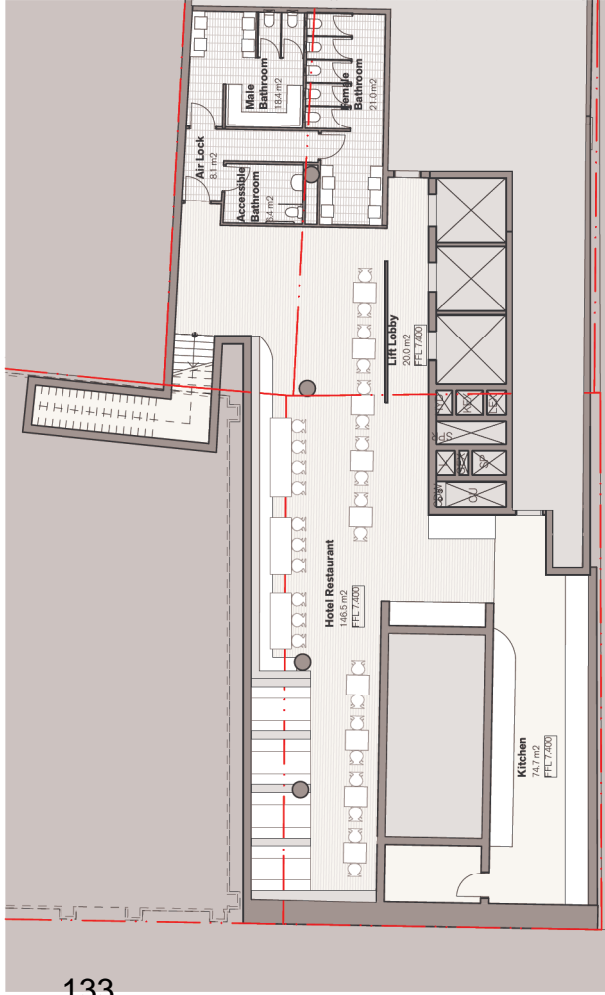
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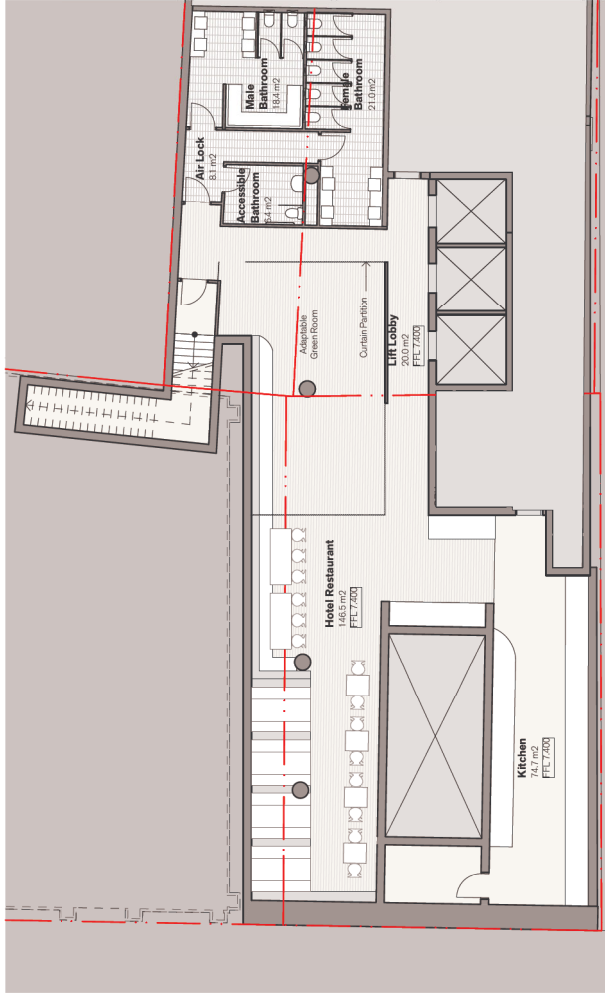
01 PLAN Lower Ground Floor - Food Service Mode  
1:200



03 PLAN Lower Ground Floor - Theatre Mode  
1:200



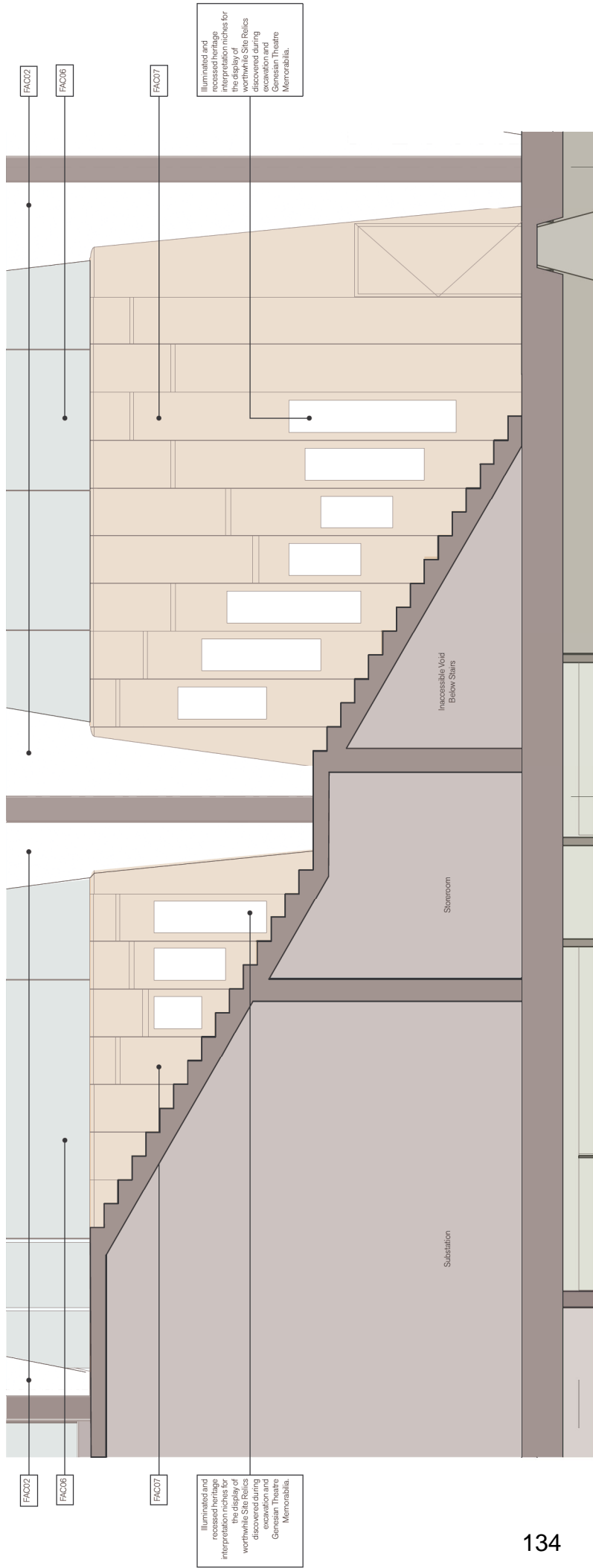
02 PLAN Basement 01 - Service Mode  
1:200 Food Service Mode



04 PLAN Basement 01 - Theatre Mode  
1:200

Revision	Date	Reason for Issue	Issued By	Title	Project		
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01	17/12/18	Issued for Approval	SB	Heritage Adaptable Performance Space and Foodservice Venue	<b>Hotel Redevelopment</b> 420 Kent Street Sydney New South Wales 2000		
					fjmt studio architecture interiors landscape urban community sydney melbourne uk Level 5, 70 King Street t +61 2 9251 7077 w fjmtstudio.com	code GG420K	sheet no. DA6003






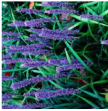





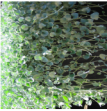














01 ELEVATION Heritage Interpretation Wall  
1:50 Gialouris Lane



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								Heritage Interpretation Wall	
								scale	code
				01	17/12/18	Issued for Approval	SB		GG420K
							sheet no.	rev	
							DA6004	01	

Code	Description	Image	Code	Description	Image	Code	Description	Image
BYR01	Bicycle Rack, Type 01		LNDTR01	Landscape Trellis, varying heights with proprietary green wall cartridge system containing LND06, LND09, LND12, integrated lighting and watering system.		LND15	Plectranthus argentatus	
TGI01	Tactile Ground Indicator, Type 01		ASF01	Anti Skateboard Fins		LND14	Philodendron Xanadu	
ACH01	Substation Access Hatch 01		Plant, Climbing	LND12	Mandevilla sp.	LND13	Ophiopogon japonicus	
ACH02	Substation Access Hatch 01			LND09	Hedera helix	LND10	Liriope muscari	
GRV02	Gravel, Nepean River Gravel Type 2 to Roof Tops			LND06	Cissus antarctica	LND11	Liriope muscari 'Stripe White'	
GRV01	Gravel, Nepean River Gravel Type 1 to Roof Tops			LND03	Asplenium marginata	LND01	Dicksonia antarctica	
PAV01	Paving Type 1, Precast Concrete exposed aggregate 'planks' Sandblasted and Honed		LND01	Aglaonema sp.		LND08	Dichondra 'Silver Falls'	
PAV02	Paving Type 2, Precast Concrete exposed aggregate 'stair goings and risers' Sandblasted and Honed		LND02	Aspidistra elatior		LND07	Ctenanthe greystar	
SKY01	Skylight Type 1, trafficable glass block pavers		LND16	Spathiphyllum Sensation		LND05	Bromilead sp.	
BL01	Bollard, Type 01		LND17	Spathiphyllum wallisii		LND04	Bambusa lako	
Hardware, Public Domain								

		project	Revision			Issued By			title								
			Date			Reason for Issue			Landscaped								
			01			17/12/18			Public Domain Finishes & Fixtures Schedule								
			Hotel Redevelopment 420 Kent Street Sydney New South Wales 2000			01			17/12/18			Scale					
			fjmt studio architecture interiors landscape urban community sydney melbourne uk Level 5, 70 King Street t +61 2 9231 7077 w fjmtstudio.com			01			17/12/18			Scale					

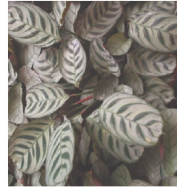




*Cissus antarctica*    *Hedera helix*



*Mandevilla* sp.



*Ctenanthe 'Grey star'*



### Dichondra 'Silver Falls'



*Dicksonia antarctica*



*Aglaonema* sp.



*Aspidistra elatior*



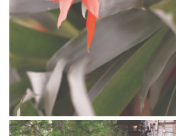
*Asplenium marginata*



Bambusa lako



Bambusa lako




*Bromilead* sp.



*Bromilead* sp.



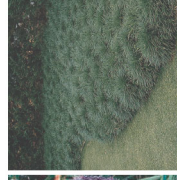
*lulum wallisii* Spathiphyllum 'Sensation'



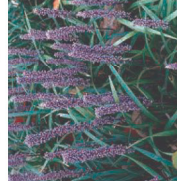
*Plectranthus argeniatus* Spä



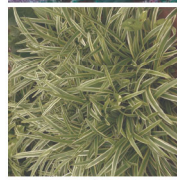
*Philodenron 'Xanadu'*



*Ophiopogon japonicus*



*Liriope muscari*




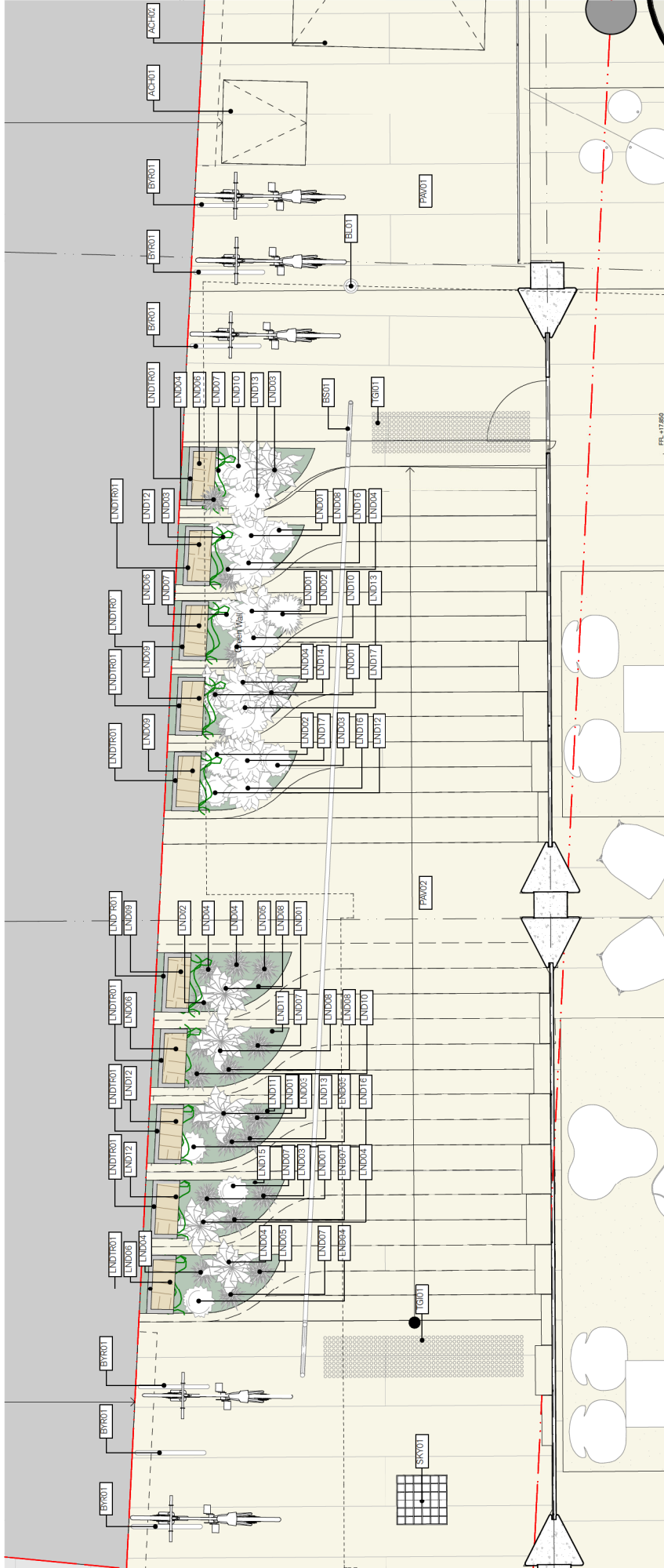
*Liriope muscari* 'Stripey White'



*Jacksonia antarctica*



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		<p><b>Hotel Redevelopment</b> 420 Kent Street Sydney New South Wales 2000</p>							
		<p>title <b>Landscape Public Domain Plan</b></p>							
Revision		Date	Reason for Issue	Issued By	scale		code	sheet no.	rev
01		17/12/18	Issued for Approval	SB	1:100 @ A3		<b>GG420K</b>	<b>DA8001</b>	<b>01</b>

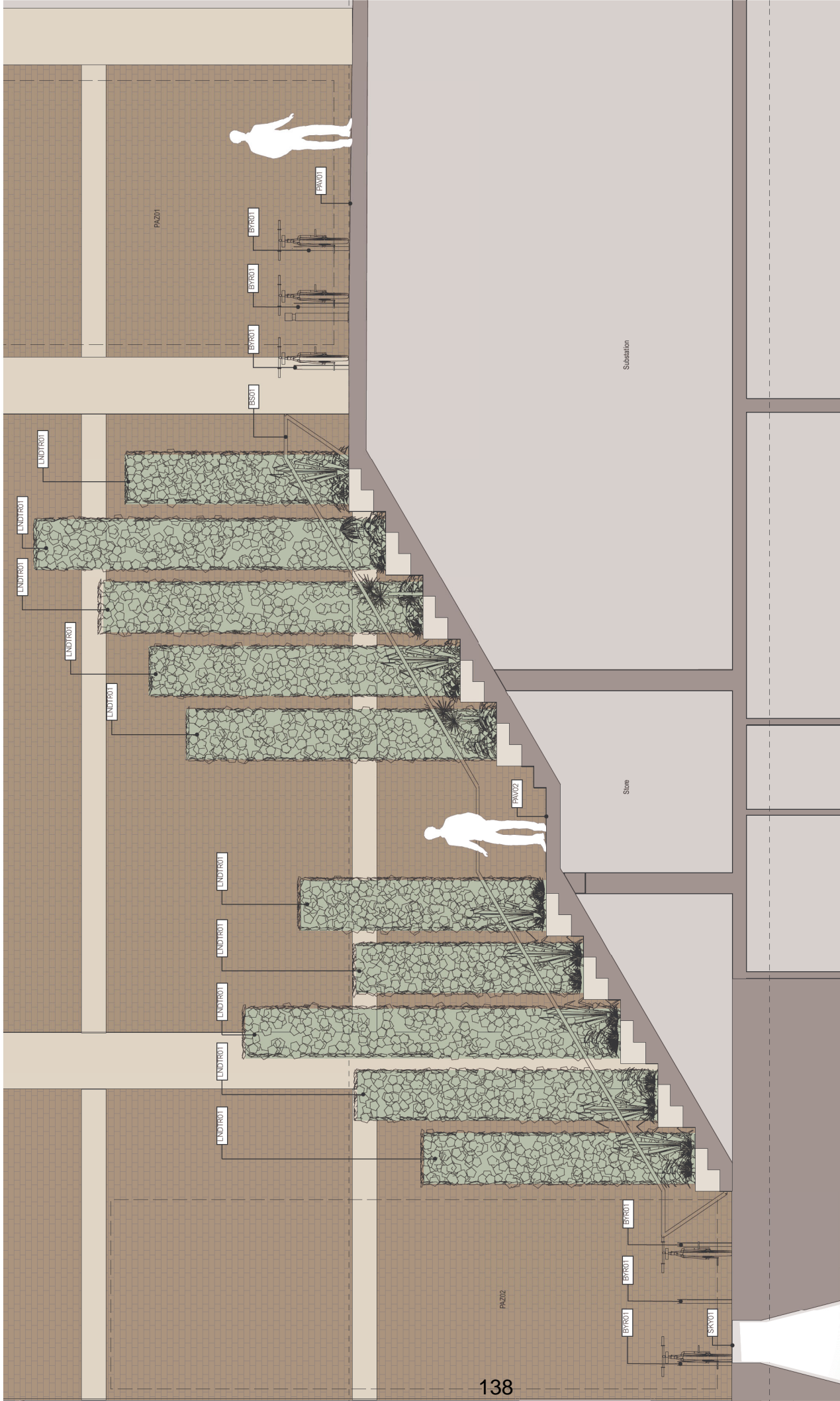


**01** PLAN Landscape Plan - Upper Ground 1:50




<div><div>fjmt</div><div>fjmt studio architecture interiors landscape urban community sydney melbourne uk Level 5, 70 King Street t +61 2 9231 7077 w fjmtstudio.com</div></div>	project <b>Hotel Redevelopment</b> 420 Kent Street Sydney New South Wales 2000	Revision Date Reason for Issue		Issued By		title	
		01	17/12/18	Issued for Approval	SB	scale 1:100 @ A3	code GG420K





01 SECTION Public Domain East West 01 1:50



<div></div> <div>fjmt studio architecture interiors landscape urban community sydney melbourne uk Level 5, 70 King Street t +61 2 9251 7077 w fjmtstudio.com</div>	project <b>Hotel Redevelopment</b> 420 Kent Street Sydney New South Wales 2000	Revision	Date	Reason for Issue	Issued By	title		rev
						<b>Landscape</b> <b>Public Domain Elevation 1:50</b>		
		01	17/12/18	Issued for Approval	SB	scale	code	sheet no.
						1:100 @ A3	<b>GG420K</b>	<b>DA8003</b>
								<b>01</b>



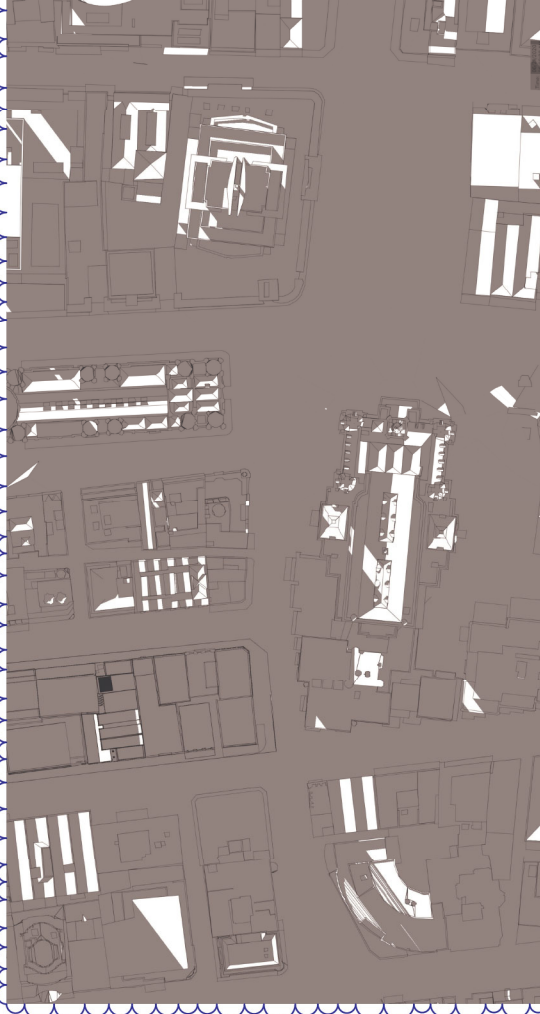
# **Attachment C**

<h2><b>Shadow Diagrams</b></h2>
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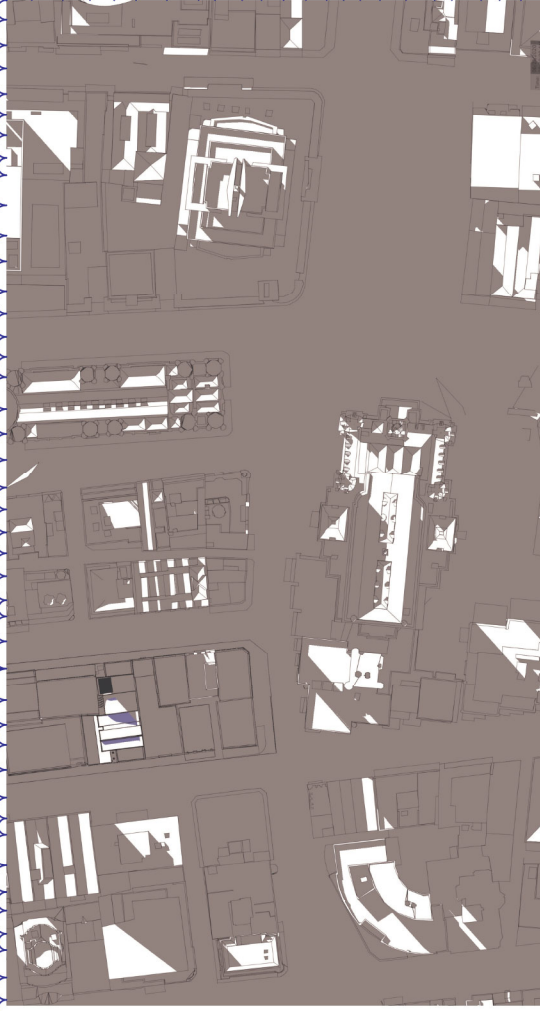
## Shadow Studies

Existing v Proposed 08:00 - 09:30 21st June

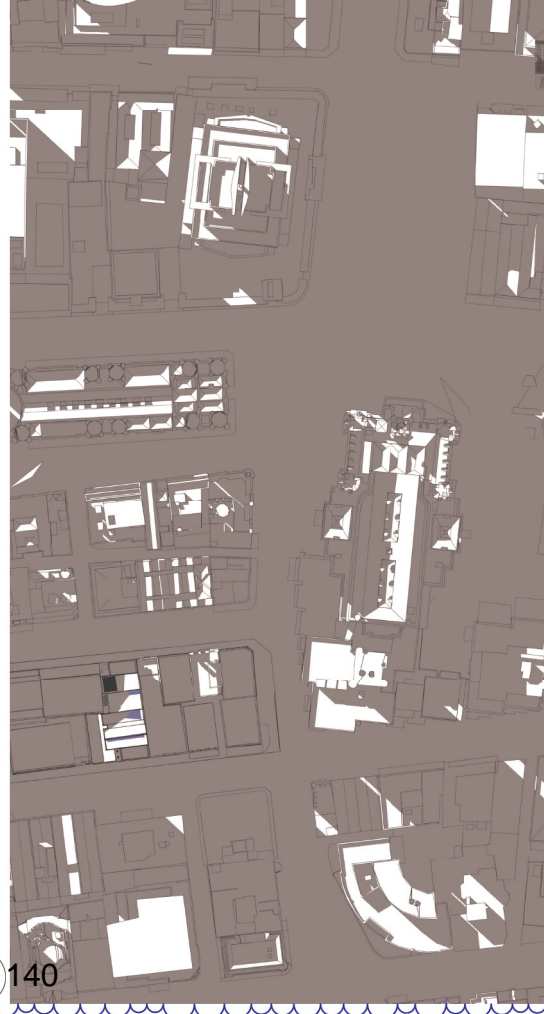
Additional Shadow of  
Proposed Scheme



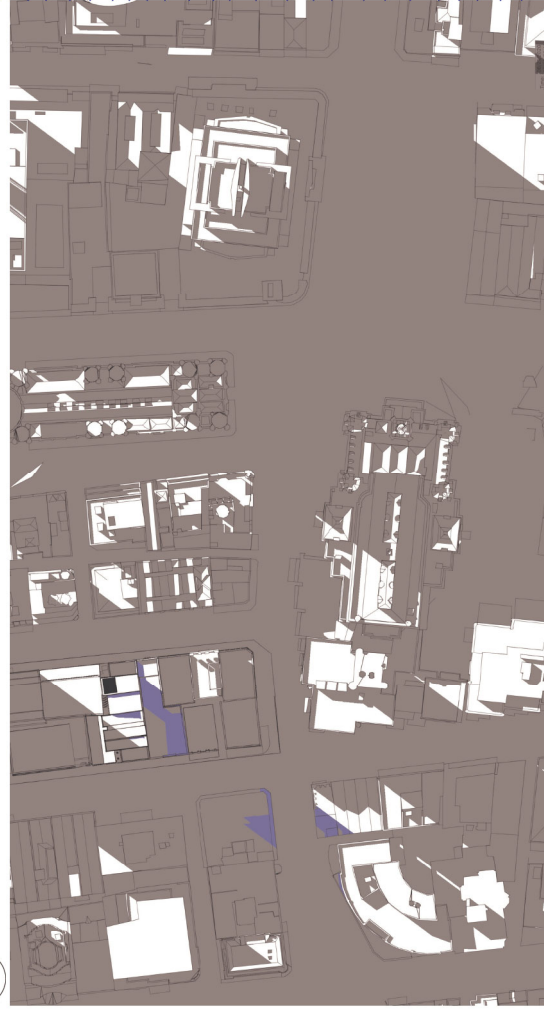
01 Shadow Studies Sunstudy June 21 0800



02 Shadow Studies Sunstudy June 21 0830



03 Shadow Studies Sunstudy June 21 0900

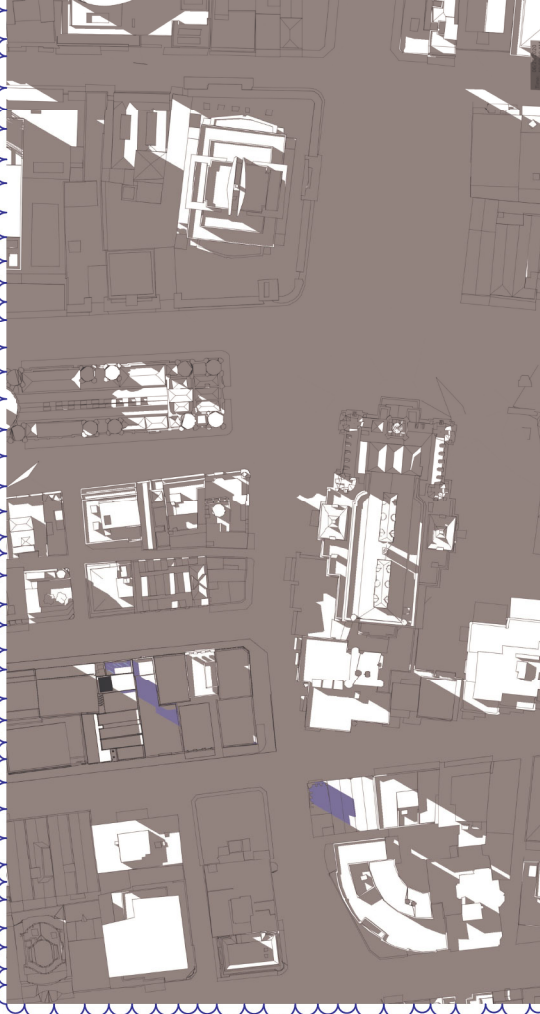


04 Shadow Studies Sunstudy June 21 0930

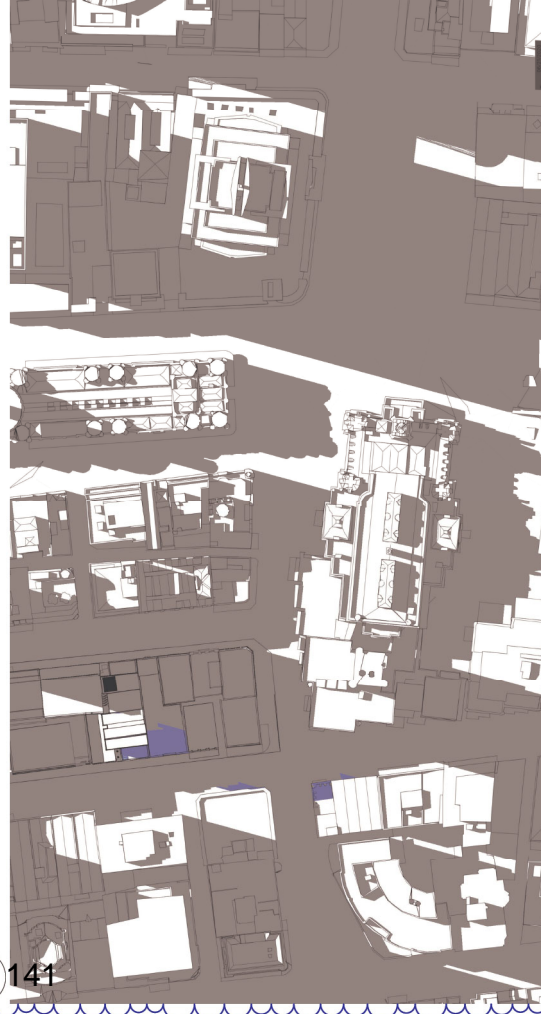
## Shadow Studies

Existing v Proposed 10:00 - 11:30 21st June

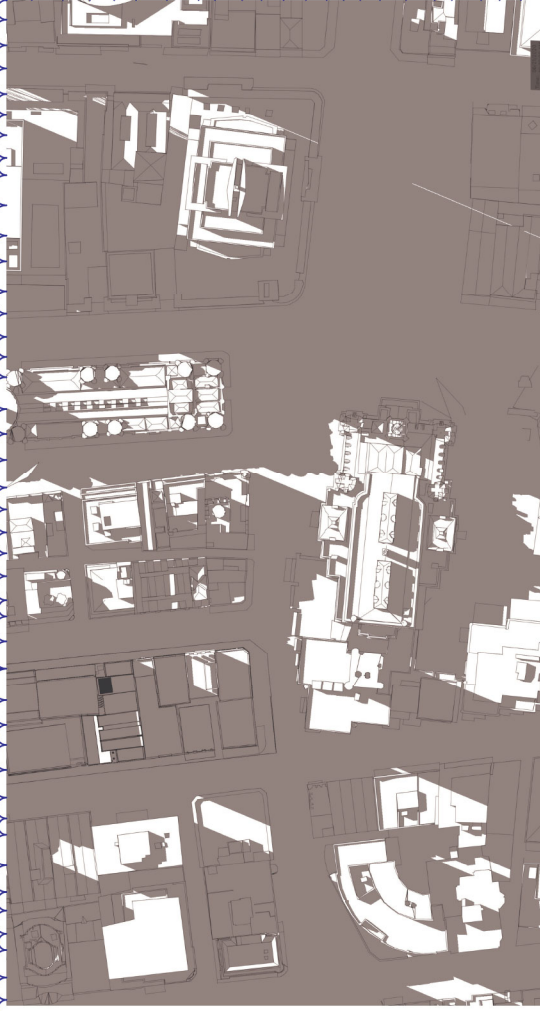
Additional Shadow of  
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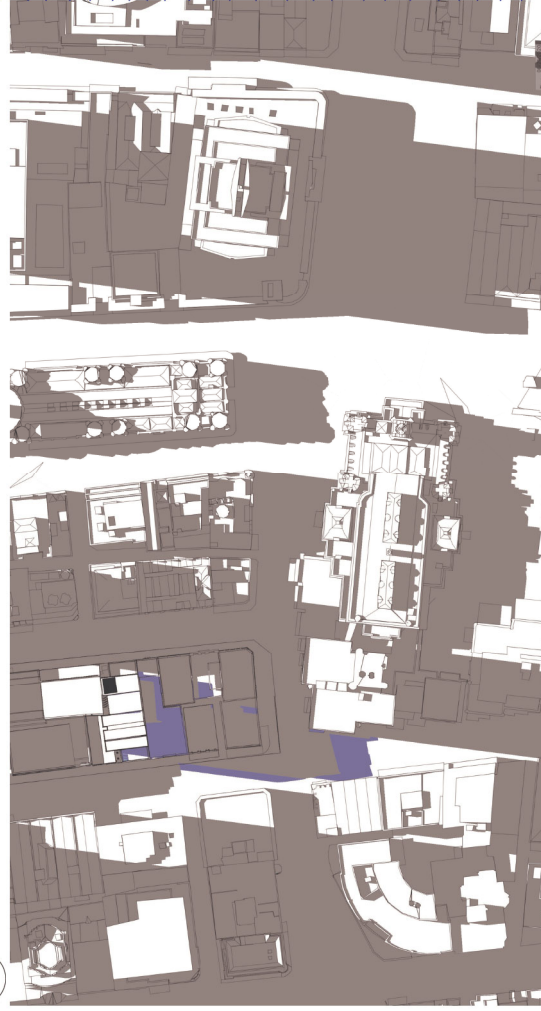
01 Shadow Studies Sunstudy June 21 1000



03 Shadow Studies Sunstudy June 21 1100



02 Shadow Studies Sunstudy June 21 1030



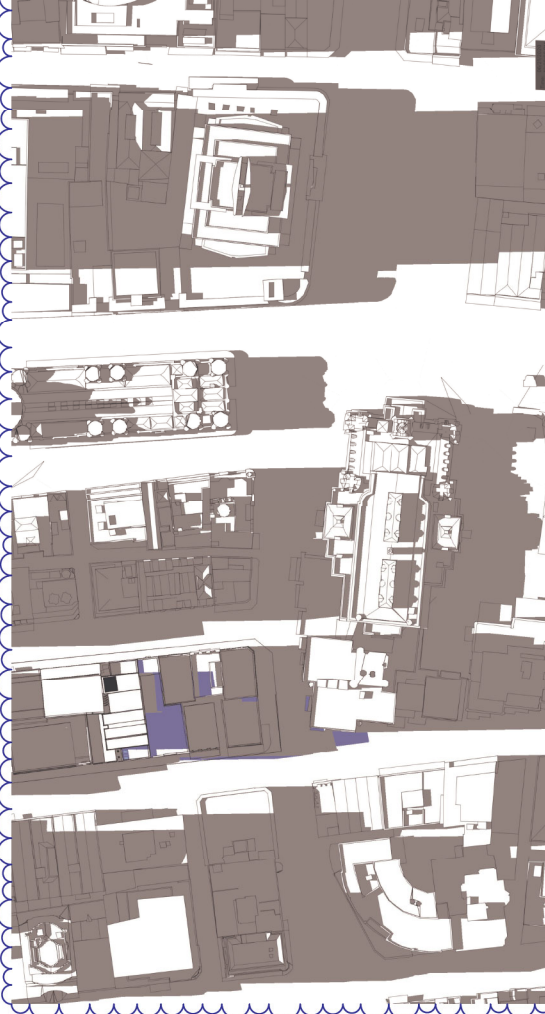
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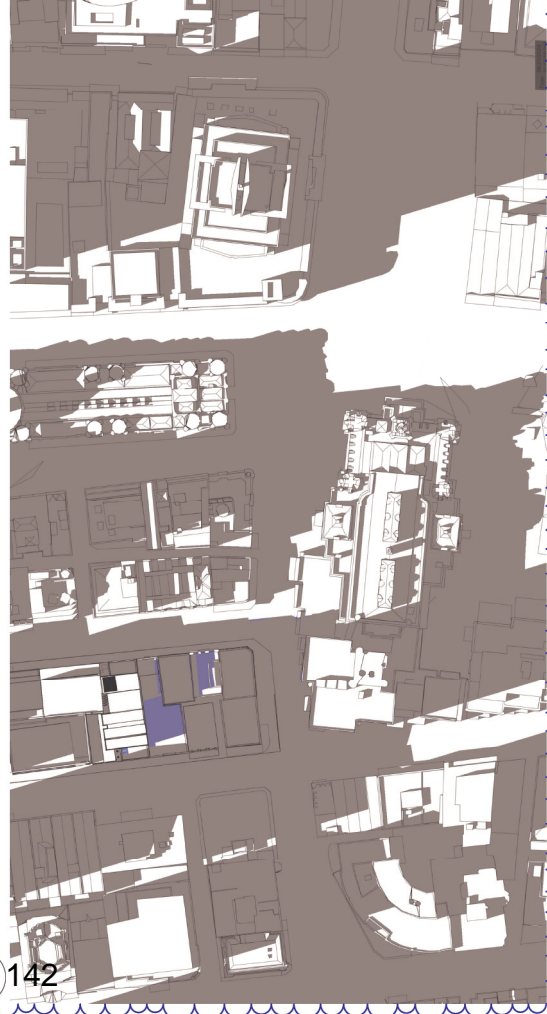
## Shadow Studies

Existing v Proposed 12:00-13:30 21st June

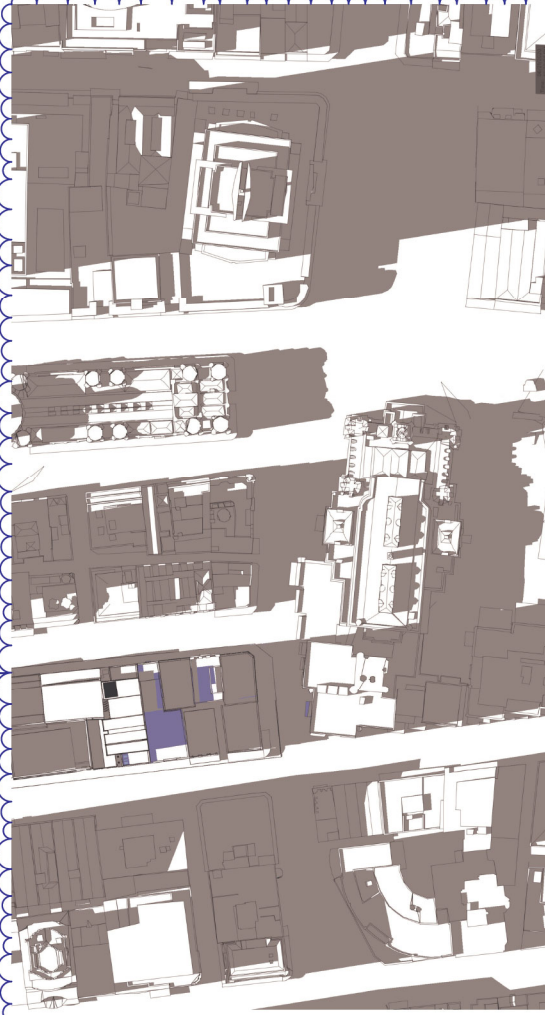
Additional Shadow of  
Proposed Scheme



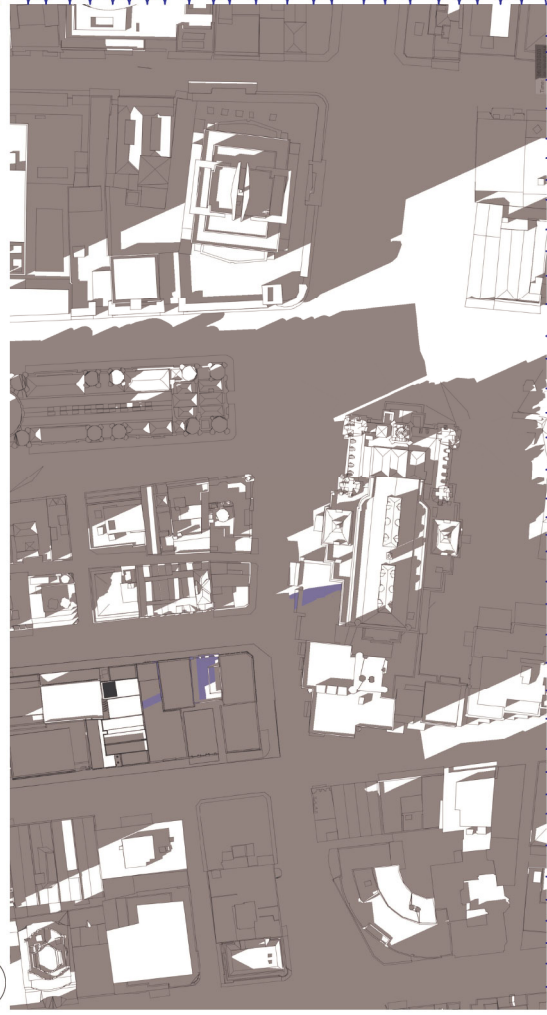
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03 Shadow Studies Sunstudy June21 1300



02 Shadow Studies Sunstudy June21 1230

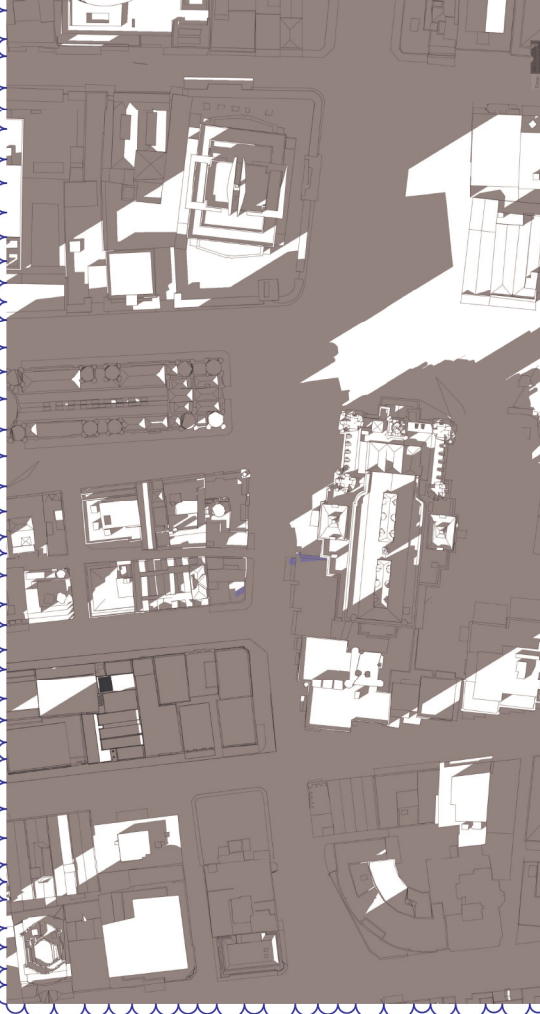


04 Shadow Studies Sunstudy June21 1330

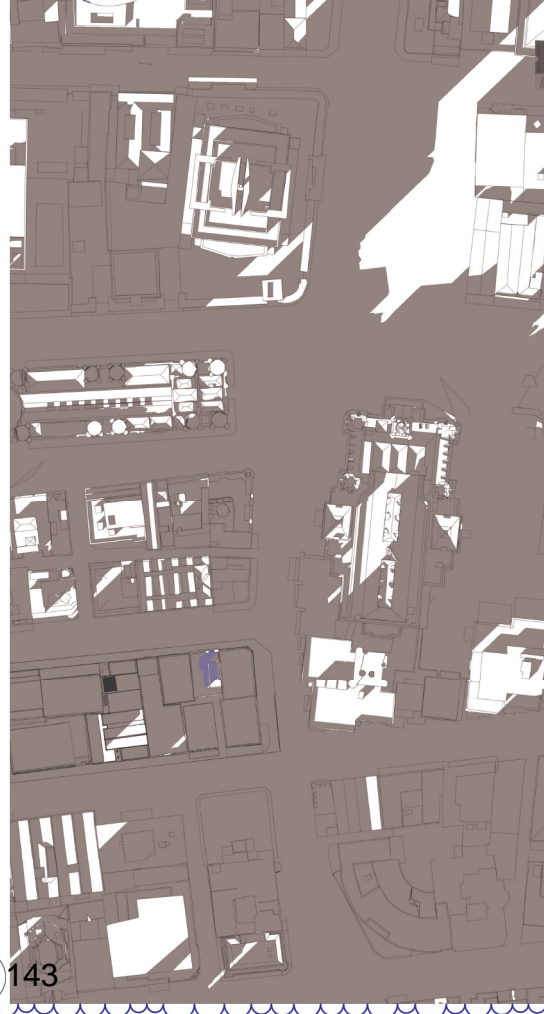
## Shadow Studies

Existing v Proposed 14:00 - 15:30 21st June

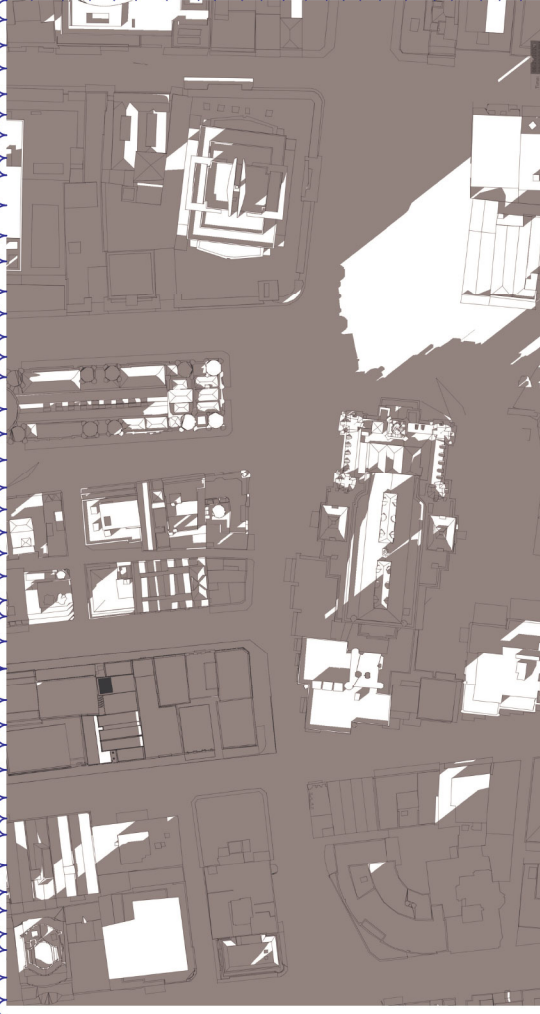
Additional Shadow of  
Proposed Scheme



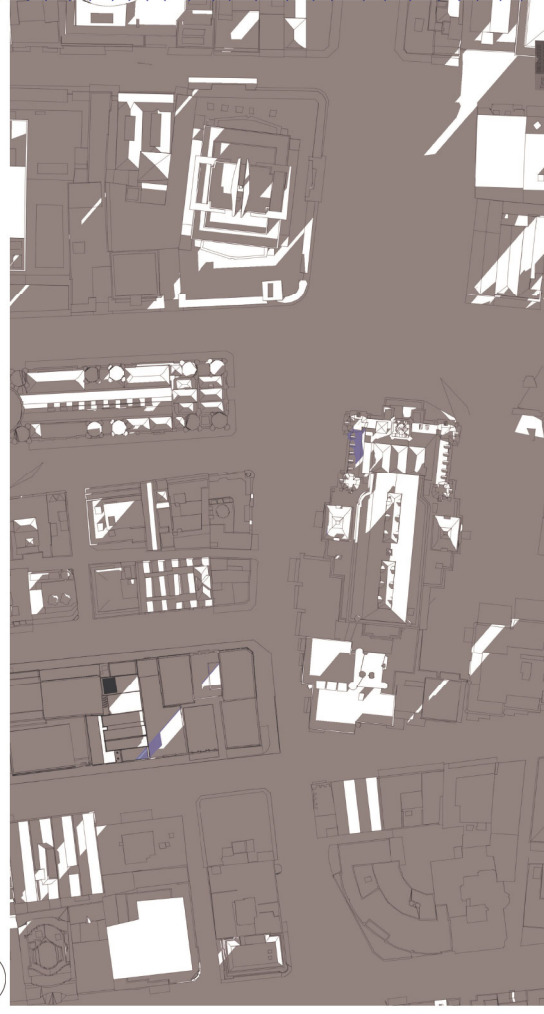
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03 Shadow Studies Sunstudy June 21 1500



02 Shadow Studies Sunstudy June 21 1430



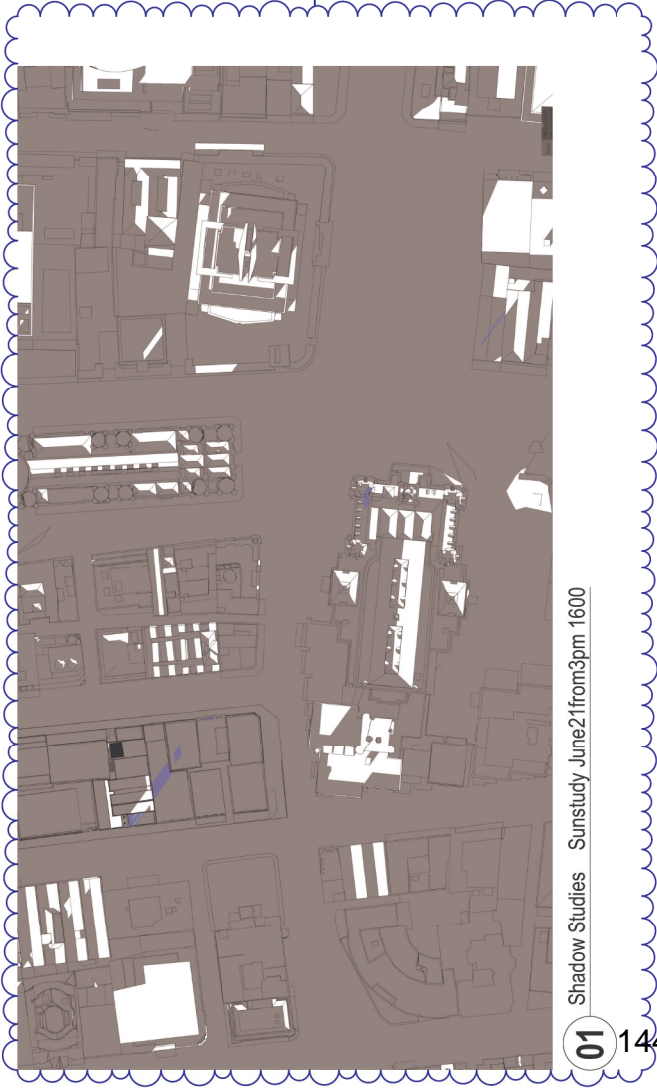
04 Shadow Studies Sunstudy June 21 from 3pm 1530

fjmt studio architecture interiors landscape urban community sydney melbourne uk Level 5, 70 King Street st +61 2 9251 7077 <a href="http://www.fjmtstudio.com">www.fjmtstudio.com</a>		project Hotel Redevelopment 420 Kent Street Sydney New South Wales 2000		title Height and Solar Analysis Solar Envelope Analysis Existing v Proposed	
143		1		scale 1:200 @ A3	
02 16/6/19 Revised DA		0201 Updated shadow analysis to reflect increased height		code GG420K	
01 17/12/18 Issues for Approval				sheet no. DA1503	
				rev 02	



Shadow Studies  
Existing v Proposed 16:00 21st June

Additional Shadow of  
Proposed Scheme



Shadow Studies Sunstudy June21from3pm 1600

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		title		
		Height and Solar Analysis		
		Solar Envelope Analysis Existing v Proposed		
		scale	code	sheet no.
		1:200 @ A3	GG420K	DA1504
rev		02		
02		16/6/19	Revised DA	50
01		17/7/21	Submitted for Council Approval	50
		Updated shadow analysis to reflect increased height		

Updated shadow analysis to reflect increased height

Revised DA  
16/6/19

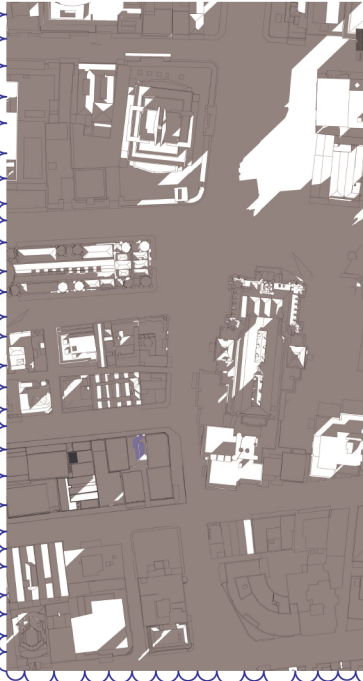
02  
17/7/21 B

Issued for Approval

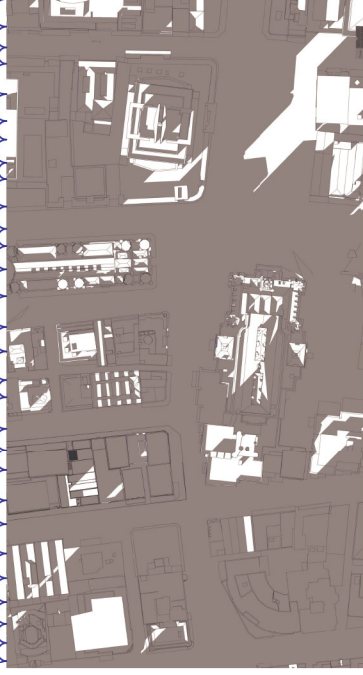
Shadow Studies  
Existing v Proposed

10 minute increments 15:00 - 16:00 21st June

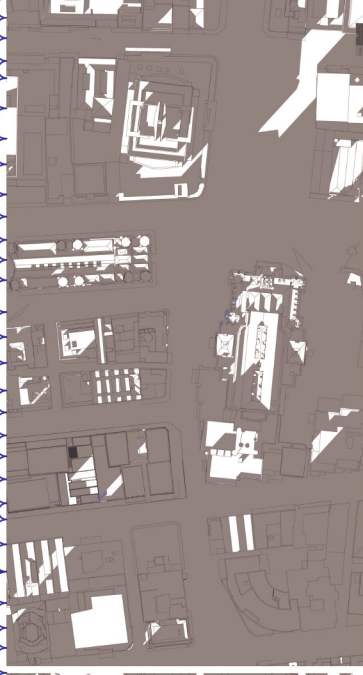
Additional Shadow of  
Proposed Scheme



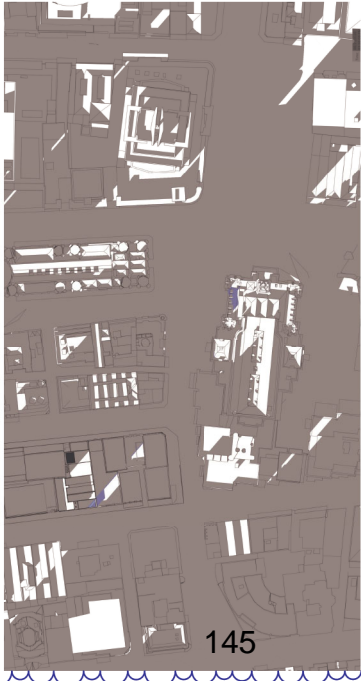
Sunstudy June 21 from 3pm 1500



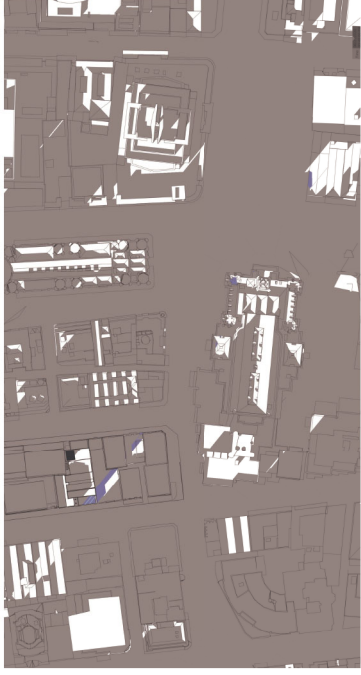
Sunstudy June 21 from 3pm 1510



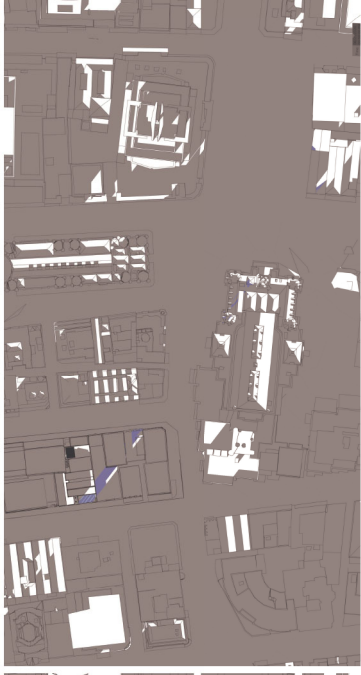
Sunstudy June 21 from 3pm 1520



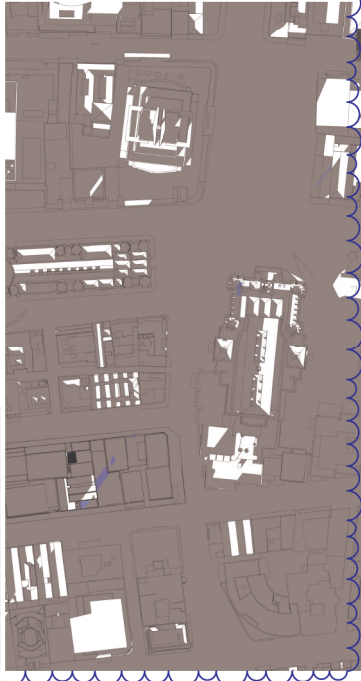
Sunstudy June 21 from 3pm 1530



Sunstudy June 21 from 3pm 1540



Sunstudy June 21 from 3pm 1550



Sunstudy June 21 from 3pm 1600

project		title	
fjmt studio architecture interiors landscape urban community sydney melbourne uk Level 5, 70 King Street • t +61 2 9251 7077 • w fjmtstudio.com		Hotel Redevelopment 420 Kent Street Sydney New South Wales 2000	
by		by	
Revision 01 15/07/19		Updated shadow analysis to reflect increased height	
Issue 01/01		Scale 1:200 @ A3	
Change No.		Code GG420K	
Change Name		Sheet no. DA1505	
		rev 01	
		Height and Solar Analysis Solar Analysis Exist v Prop 10minute increments 3-4pm	

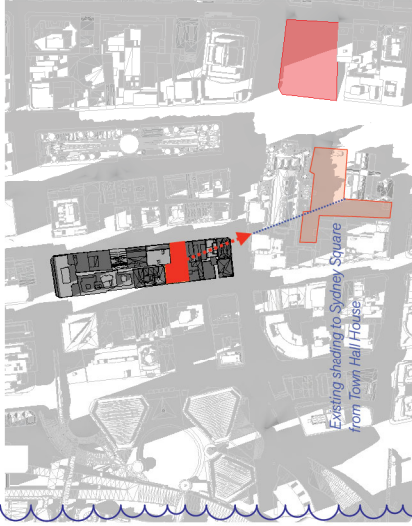


## Solar Envelope Analysis

- The No Additional Overshadowing (NAO) controls are the primary limit to building envelope besides the LEP height controls which we do not breach.



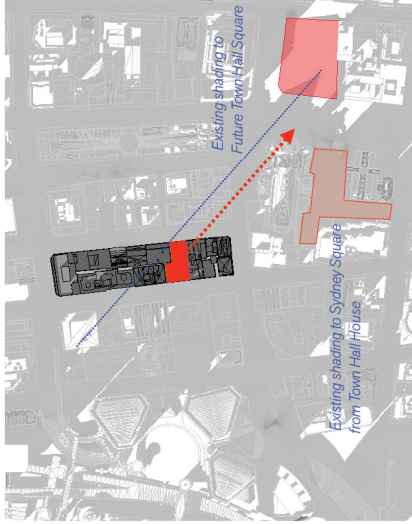
May 21 1pm



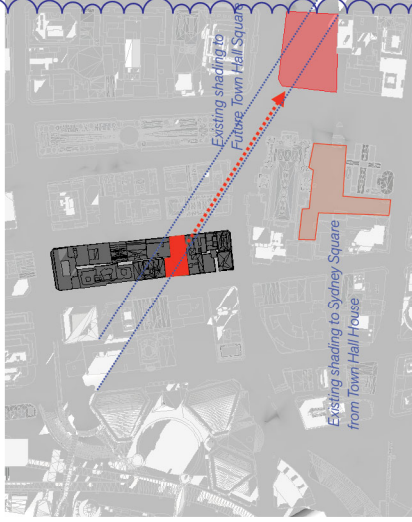
May 21 2pm



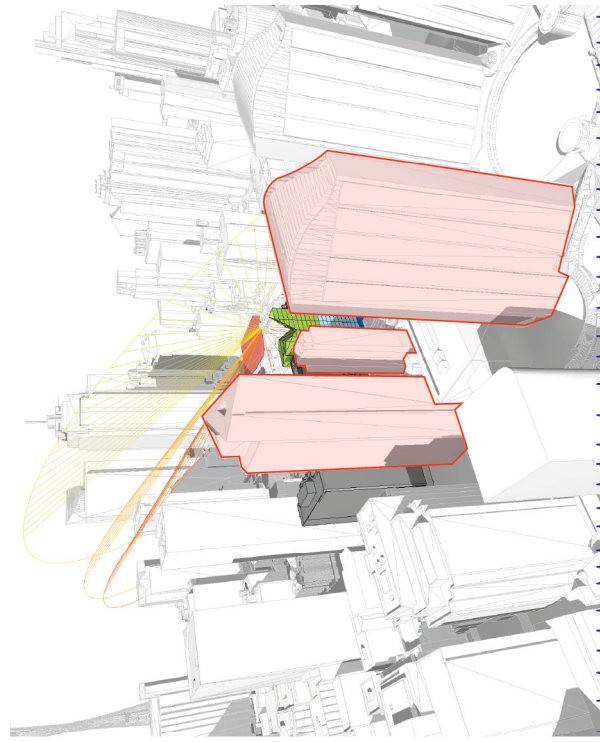
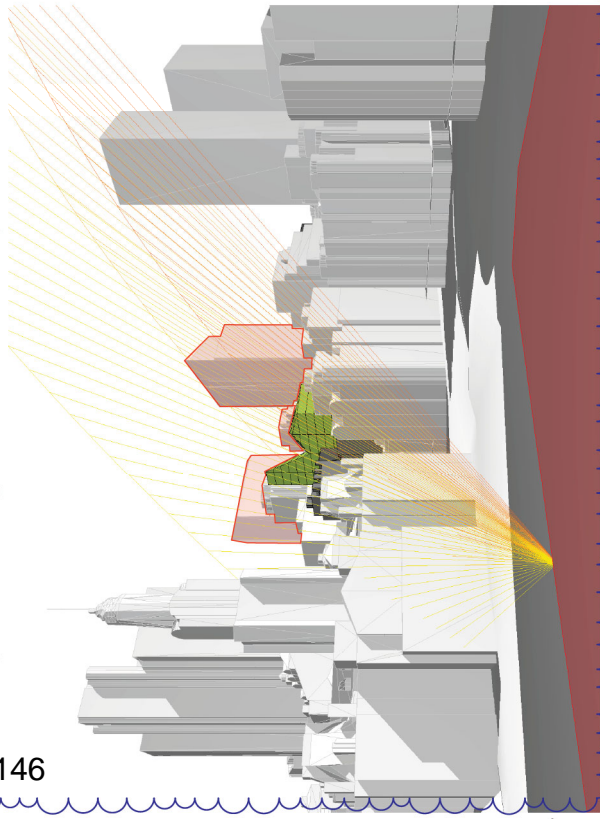
May 21 3pm



May 21 4pm



Key buildings determining form of Solar Envelope



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sydney melbourne uk  
Level 5, 70 King Street st +61 2 9251 7077 [www.fjmtstudio.com](http://www.fjmtstudio.com)

**project**  
**Hotel Redevelopment**  
420 Kent Street  
Sydney New South Wales 2000

02	16/6/19	Revised DA	02/21	Updated shadow analysis to reflect increased height	SS	SS
01	17/12/18	Issued for Approval				

title		Height and Solar Analysis
project		Solar Envelope Analysis Town Hall Square
scale	1:200 @ A3	
code	GG420K	
sheet no.	DA1506	
rev		02



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