

Relevant Information for Central Sydney Planning Committee

FILE: D/2019/263 **DATE:** 1 April 2020

TO: The Central Sydney Planning Committee

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

SUBJECT: Information Relevant To Item 5 – Development Application: 65-77 Market Street, Sydney – D/2019/263

Alternative Recommendation

It is resolved that consent be granted to Development Application No D/2019/263, subject to the conditions detailed in Attachment A to the subject report to the Central Sydney Planning Committee on 2 April 2020, and subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(2) STAGED CONSTRUCTION CERTIFICATES

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

Stage:	Works:
Stage 1 Construction Certificates – Works within the existing podium:	
<i>Early Works CC</i>	<i>Demolition and enabling works together with temporary works to facilitate construction and access</i>
Stage 1A CC	<i>Demolition and n</i> New structure, including: <i>demolition works (including structural demolition)</i> ; all temporary works; all in ground services, drainage and substation; and new structure.

Stage:	Works:
Stage 1B CC	Facade works
Stage 1C CC	Retail – Services and finishes (including services on Levels 13 and 14)
Stage 1D CC	Commercial – Services and finishes
Stage 2 Construction Certificates – Residential Tower (New Structure):	
Stage 2A CC	Structure (Level 14 above)
Stage 2B CC	Services
Stage 2C CC	Facade works
Stage 2D CC	Finishes
Stage 2E CC	Landscape and Public Art

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

(12) 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 any ~~Stage 1A Construction Certificate~~ **Early Works 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).
- (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 to confirm the amount payable, prior to payment.

(41) HERITAGE ITEMS - WORKS TO BE CONSISTENT WITH CMP OR HIS

- (a) A conservation work schedule detailing methodologies for implementation of the recommendations of the amended Conservation Management Plan must be submitted prior to the issue of ~~an **Stage 1A Construction Certificate**~~ **Early Works Construction Certificate**.
- (b) The conservation work schedule must detail how the recommendations of the CMP will be implemented and include detailed drawings and outline specifications of works required to support any schedule of conservation works.

The work schedule must be implemented to the satisfaction of Council's Urban Design and Heritage Manager prior to the issue of the Occupation Certificate.

(42) HERITAGE CONSERVATION WORKS

- (a) Prior to the issue of ~~any **Stage 1A Construction Certificate**~~ **Early Works Construction Certificate**, a 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 identified as having a heritage significance including but not limited to the following:
 - (i) façade stonework;
 - (ii) ground floor façade and shop fronts;
 - (iii) door and window joinery (including original, main entrances);
 - (iv) lift car and lift door joinery;
 - (v) glazing including entrance features about Market and Castlereagh entrances and their related voids in the first floor slab edge;
 - (vi) hardware;
 - (vii) pavements;
 - (viii) pavement lights;
 - (ix) tiling
 - (x) aluminium-clad awning.
- (c) The schedule is to be supported by 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.
- (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.

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 any Occupation Certificate or commencement of the use, whichever is the earlier.

(46) 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 and approved of the Urban Design and Heritage Manager prior to ~~any Stage 1A Construction Certificate~~ **Early Works Construction Certificate**. The Strategy is to detail how the proposed works will ensure that the building at 65-77 Market Street (David Jones' Market Street Store) and the connecting tunnel to the DJ's Elizabeth Street store (at Basement level 2) to be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage.

Optional inclusions that depend on the nature and extent of the works:

- (b) Additionally, the protection strategy is to include:
- (i) Details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street and that no such water is channelled onto the adjacent property fabric or interiors.
 - (ii) Construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, is to be removed progressively as the works progress.

(48) USE OF HERITAGE CONSULTANT - MAJOR DEVELOPMENT

- (a) An experienced heritage consultant is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (b) Evidence and details of the above commission on the above terms are to be provided to Council prior to the issue of ~~any Stage 1A Construction Certificate~~ **Early Works Construction Certificate** or commencement of work on site whichever is the earlier.

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

(83) 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 ~~any Stage 1A Construction Certificate~~ **Early Works Construction Certificate** being issued. The plan must comply with the Council's *Guidelines for Waste Management in New Developments 2018*. All requirements of the approved Building Waste and Recycling Management Plan must be implemented during construction of the development.

UPON COMPLETION OF THE DEVELOPMENT

- (c) Prior to an 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*.

(89) CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

- (a) A Construction Pedestrian and Traffic Management Plan (CPTMP) must be submitted to and approved by Council prior to ~~any Stage 1A Construction Certificate~~ **Early Works Construction Certificate** being issued.
- (b) Construction Traffic 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 CPTMP is to be in consultation with the TfNSW Sydney Coordination Office (SCO), Roads and Maritime, and City of Sydney.

Background

1. On 31 March 2020, an email was sent by the Applicant (Attachment A) to the City, requesting modifications to the recommended conditions of consent for D/2019/263 to enable work on site to commence in May 2020. The requested amendments relate to the addition of an Early Works Construction Certificate stage. Other conditions were also identified to make reference to an Early Works Construction Certificate.
2. Upon review of the requested amendments, it is considered that the changes are appropriate under the circumstances. Currently, various conditions are required to be satisfied prior to the issue of a Stage 1A Construction Certificate (which is currently worded to comprise demolition and new structure works). The addition of an Early Works Construction Certificate will allow for demolition, enabling and temporary works to commence in May 2020. This would allow for sufficient time to be given for additional information to be prepared and submitted for the satisfaction of relevant conditions that are required prior to a Stage 1A Construction Certificate being issued (which is requested to be amended to comprise new structure works including in ground services, drainage and the substation).
3. Overall, the requested amendments are acceptable and are therefore recommended as outlined above.

Prepared by: Mia Music, Planner

Attachments

Attachment A. Email from the Applicant Requesting Amendments to Conditions

Approved



GRAHAM JAHN AM

Director City Planning, Development and
Transport