

# **Attachment A**

**Modifications to Recommended Conditions  
of Consent**

**(1) APPROVED DEVELOPMENT**

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

| <b>Drawing Number</b>    | <b>Revision</b> | <b>Drawing Name</b>              | <b>Date</b>          |
|--------------------------|-----------------|----------------------------------|----------------------|
| DA-1000-BAS-B <i>C/I</i> | C               | Basement B01 Plan                | 13.03.2020           |
| DA-1000-BAS-B1M          | B               | Basement B01M Mezzanine Plan     | 04.11.2019           |
| DA-1000-BAS-B2           | B               | Basement B02 Plan                | 02.12.20 <b>2019</b> |
| DA-1000-BAS-B3           | A               | Basement B03 Plan                | 29.07.2019           |
| DA-1000-BAS-B4           | A               | Basement B04 Plan                | 29.07.2019           |
| DA-1000-BAS-B5           | A               | Basement B05 Plan                | 29.07.2019           |
| DA-1000-BAS-B6           | A               | Basement B06 Plan                | 29.07.2019           |
| DA-1000-BAS-B7           | A               | Basement B07 Plan                | 29.07.2019           |
| DA-1000-POD-01           | D               | Podium Level 01 Plan             | 13.03.2020           |
| DA-1000-POD-02           | C               | Podium Level 02 Plan             | 13.03.2020           |
| DA-1000-POD-03           | B               | Podium Level 03 Plan             | 13.03.2020           |
| DA-1000-POD-04           | B               | Podium Level 04 Plan             | 13.03.2020           |
| DA-1000-POD-05           | B               | Podium Level 05 Plan             | 13.03.2020           |
| DA-1000-POD-06           | D               | Podium Level 06 Plan             | 13.03.2020           |
| DA-1000-POD-07           | A               | Tower Level 07 (Podium Plant)    | 29.07.2019           |
| DA-1000-POD-08           | B               | Podium Roof Plan                 | 29.11.2019           |
| DA-1000-TOW-08           | A               | Tower Level 08 Plan – Type A     | 29.07.2019           |
| DA-1000-TOW-09           | A               | Tower Level 09 Plan – Type B     | 29.07.2019           |
| DA-1000-TOW-10           | A               | Tower Levels 10-33 Plan – Type C | 29.07.2019           |

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

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

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

and as amended by the conditions of this consent.

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

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

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

The following applies to Floor Space Ratio:

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

## **(27) SHARED SOUTHERN SIDE BOUNDARY WALL**

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

## **(62) RESIDENTIAL STORAGE**

Prior to the issue of a Construction Certificate for any part of the Tower, a storage schedule and diagrams must be submitted to the Accredited Certifier for approval. The minimum storage requirements must be in accordance with Objective 4G-1 of the Apartment Design Guide. ~~which requires 10m<sup>3</sup> of storage space per apartment.~~

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

## **(94) LANDSCAPED (GREEN) ROOFS**

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

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

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

The following conditions apply to the development:

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



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

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

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