

One Carrington SSD and Concept Plan (Mod 2)

Attachment B - Response to City of Sydney Submission

Comment	Response
3.0 Issues related to both proposals	
There are several procedural issues and matters of concern to the City that relate directly to both applications.	See response below.
3.1 Continued Absence of any public benefit offer (VPA)	
<p>It remains unclear what the nature and quantum of any public benefit offer is given the significant increase in floor space over the maximum control in the LEP, or who the parties to the future voluntary Planning Agreement actually are. Furthermore, the proposal in its current form (without any firm public benefit offer) does not provide sufficient contributions or public benefits to justify the magnitude of statutory non-compliances being sought and the increased pressure the proposed development will place on existing services and public domain.</p> <p>The applicant correctly notes that a VPA must be exhibited, executed and registered on title before this Concept Plan modification and SSD proposal are considered by the Minister/PAC.</p> <p>Condition A6 of the Concept Plan approval reads as follows:</p> <p><i>“A6. Voluntary Planning Agreement</i></p> <p><i>Prior to the determination of any future Application, pursuant to this Concept</i></p> <p><i>Plan, the Proponent shall provide written evidence to the Director-General that it has executed a Voluntary Planning Agreement with Transport for NSW consistent with terms outlined in the PPR, Revised Statement of Commitments and subsequent Commercial Offer dated May 2011 and Supplementary Proposal dated August 2011. The Voluntary Planning Agreement shall include at a minimum the following</i></p> <p><i>principles:</i></p> <ul style="list-style-type: none"> <i>• Brookfield is to provide a through-site pedestrian Transit Hall linking George Street to the Wynyard Station concourse in accordance with Item 2 of the Statement of Commitments.</i> <i>• The resolution of the detailed design of the Transit Hall is to be undertaken in consultation with Transport for NSW in accordance with Items 2(c) and 2(d) of the Statement of Commitments.”</i> <p>It is considered necessary that the draft VPA is placed on public exhibition as soon as possible so that the benefits being offered can be clearly understood in the context of this redevelopment proposal. This VPA exhibition should have occurred concurrently with the Concept Plan modification and SSD application or have been in a committed form. In any event, it is understood that this process must now occur before the Department finalises its assessment of the Concept Plan modification and SSD proposal and prepares any recommendations to the Minister/PAC.</p> <p>The draft VPA would be a core component of any Response to Submissions. The exhibition of the VPA should also occur whilst those RTS matters are being considered by the City, relevant State agencies and the Department.</p>	<p>Council's comment is noted. The offer which underpins the public benefit for the development is being negotiated with Transport for NSW (TfNSW) through the NSW Government's Unsolicited Proposal (USP) framework. Under the USP, the public benefit will be delivered via a Project Delivery Agreement (PDA) and Voluntary Planning Agreement (VPA).</p> <p>The VPA has been prepared and is awaiting Cabinet endorsement as part of the USP process. Once endorsed it will be made publicly available and placed on public exhibition. Council will have the opportunity to comment on the submission at this time. It is anticipated this will occur in mid to late September 2014.</p>

Comment	Response
The City would also reserve its right to make final judgement on the issue of public benefit once a draft VPA has been exhibited.	
3.2 Concept Plan site area	
<p>The method of calculation of site area suggested by the proponent is not acceptable. It is noted that a similar site area methodology was not accepted by the City or DoPE during the assessment of the original Concept Plan proposal. The final determination of the site area was published in DoPE's assessment report for the Concept Plan, which adopted a site area of 8,828m² for the purposes of the calculation of FSR. The City supports the Department's decision. This figure differed from the proponent's submission at the time which sought a figure of 11,124m² to be used and the City's suggestion that a figure of 4,032m² be adopted.</p> <p>DoPE must once again utilise the site area for the scheme adopted for the Concept Plan assessment to ensure this issue is handled consistently as part of the modification process. The only change to the site area as a result of the proposed modification is the inclusion of 285-287 George Street.</p> <p>The City acknowledges that it is acceptable under the City's LEP to permit 0.3 of the site area from the calculations to be allocated for the purposes of encouraging end of trip facilities. However, the correct site area must first be identified in accordance with the Sydney LEP 2012 definition and if this is relied upon by the Proponent, all of the other provisions of the LEP must be equally relevant (including s61 contributions). The Proponent should not be permitted to pick and choose LEP provisions that commercially suit.</p> <p>The site area previously adopted (8,824m²) must be used, updated to reflect the inclusion of 285-287 George Street (420.1m²). Therefore a total site area of 9,224m² applies to the concept plan and accordingly end of trip facilities totalling 2,767m² (0.3:1 of the site area) may be excluded from the total GFA calculations.</p>	<p>As recommended by Council, Brookfield agree the calculation of site area should exclude the land zoned open space and therefore the total site area is 9,248m². Accordingly, as also recommended by the Council, the area of end of trip facilities that may be excluded from the total GFA calculations should be 2,774m² (0.3:1 of the site area).</p> <p>Note: The Department determined the approved Concept Plan site area to be 8,828m² not 8,824m², and hence the numbers above reflect that base number.</p>
Recommendations	
1. A draft VPA identifying the public benefits in accordance with Condition A6 of the Concept Plan approval and Statement of Commitments must be prepared and placed on public exhibition prior to the completion of the assessment of the Concept Plan modification and SSD proposals.	Agreed. The draft VPA identifying public benefits has been prepared and will be placed on public exhibition.
2. The modification and SSD proposals must not be determined prior to execution and registration on title of the VPA.	Brookfield will meet its obligations as required under the Concept Plan Approval (as Modified). The Concept Plan only requires the VPA to be executed not registered on the title prior to approval. The requirement for registration on the title prior to determination after the VPA has been already executed serves no purpose and will unnecessarily delay the determination of the project.
3. That DoPE adopts a site area of 9,224m ² for the purposes of calculating GFA and end of trip facility allowances. This is consistent with the approved Concept Plan site area and the modification to include 285-287 George Street. A maximum end of trip facilities floor space of 2,767m ² can be excluded from total GFA calculations.	Agreed. Brookfield accepts the recommend site area and total area of end of trip facilities that can be excluded from the calculation of GFA.
4. That s61 contribution (or its equivalent) be conditioned to be paid to the City of Sydney prior to the issuing of a Construction Certificate.	Agreed. Brookfield accepts that a condition will be placed on the consent to pay the relevant s61 contribution.
4.0 Issues Relating to the Concept Plan Modification	
4.1 Tenant car parking	

Comment	Response
The proposed increase in tenant car parking spaces from 81 to 89 spaces is consistent with the maximum car parking calculations and is the result of the inclusion of 285-287 George Street to the overall site area. The City raises no objection to the proposed increase in maximum car parking spaces for the site as the proposal is consistent with the relevant planning controls.	Council's support is noted.
4.2 Bicycle parking and end of trip facilities	
<p>The proposal provides 447 bicycle parking spaces and end of trip facilities in the basement level of the commercial tower and ground level of Shell House. The significant increase in bicycle parking and the provision of end of trip facilities are positive changes and are both supported. The planning treatment however, as a GFA concession, is dependent on the LEP being applied and assessed consistently and not only in relation to this GFA concession alone.</p> <p>Regardless of GFA treatment, end of trip elements will make a positive contribution to encouraging alternative transport options for future occupants of the building. The end of trip facilities are particularly important from the building's operational perspective and reflect current and predicted trends in relation to future work space demands of tenants.</p> <p>The City recommends that DoPE ensures the design of access points for cyclists from Wynyard Lane to the basement levels have a minimum width of 1.8 metres.</p>	<p>Council's support for the additional bicycle parking and end of trip facilities is noted.</p> <p>As per the comments and responses above, Brookfield agrees with Council that the GFA concession for end of trip facilities should be reduced to reflect the amended measurement of site area.</p> <p>The current corridor width is 1.6m. This width is constrained by the preliminary advice regarding services requirements on Wynyard Lane. Brookfield is willing to accept a condition to look in to increasing the width, and if this is not possible demonstrate to the Department why it could not be achieved.</p>
4.3 Wynyard Lane	
The Concept Plan modification includes the removal of the commitment for the closure of Wynyard Lane. Instead, it is proposed that Wynyard Lane remains in one-way operation for vehicular thoroughfare. It is acknowledged that officers from the City participated in the working group established to review this commitment. The working group looked at all available options to close the central portion of Wynyard Lane and concluded that this option could not be pursued for a range of technical reasons and the current one way function will need to remain (with appropriate upgrades undertaken).	Council's acknowledgement of their involvement and outcome of the process leading to the proposed retention of Wynyard Lane is noted.
4.4 Incorporation of 285-287 George Street into development site	
<p>In relation to the incorporation of 285-287 George Street, it is noted that this portion of the site is currently not owned by Brookfield. However it is acknowledged that owner's consent has been obtained for lodgement of the current applications. However it is not clear if Kapau Holdings Pty Ltd will be party to the future VPA or if the site is to be acquired before the VPA is exhibited and executed. Given the importance of the terms of the VPA in delivering public benefits that offset the impact of the proposed development as approved under the Concept Plan, the City considers clarification of parties to the imminent VPA and the terms of the agreement for same are critical at this stage of the assessment.</p> <p>The modification to the approved concept plan envelope includes the introduction of a cantilevered section extending to the north, over the existing building at 285-287 George Street. The City raises no objection with the principle of a cantilevered element from a heritage perspective subject to owner's consent being provided and commercial arrangements being entered into. However, more details are required as part of the SSD proposal. Please refer to more detailed heritage comments in Section 5.</p>	<p>Sovereign Wynyard Centre Pty Limited or its nominee (referred to herein as 'Brookfield') now owns 285 -287 George Street. This occurred on 18 June 2014.</p> <p>Council's support for the inclusion of 285 George Street, and corresponding modifications to the Concept Plan envelope, subject to the delivery of an appropriate public benefit are noted.</p>
Recommendations	

Comment	Response
5. The City supports the provision of end of trip facilities and additional bicycle parking in the basement levels of the proposed tower and ground level of Shell House. Reliance on GFA concessions available in the Sydney LEP requires a consistent approach to all LEP provisions including the requirement to make developer contribution in accordance with the City of Sydney Act.	Brookfield accepts that a condition will be placed on the consent to pay the relevant s61 contribution.
6. That the Department ensures the design of bicycle access points from Wynyard Lane to the basement levels have a minimum width of 1.8 metres	The current corridor width is 1.6m. This width is constrained by the preliminary advice regarding services requirements on Wynyard Lane. Brookfield is willing to accept a condition to look in to increasing the width, and if this is not possible demonstrate to the Department why it could not be achieved
5.0 Issues relating to the SSD proposal	
5.1 Heritage	
<p>The proposal to refurbish Shell House and Beneficial House for commercial and retail uses including conservation works is fundamental to the project and will enhance the heritage significance of the buildings fronting Carrington Street and George Street. The City is supportive of the principle of proposed building works to Shell House and Beneficial House. However, the submitted information addressing heritage matters is currently insufficient for the City to finalise its view in this regard. The City requests that additional information be submitted for review prior to the determination of the SSD proposal, including:</p> <ul style="list-style-type: none"> • Conservation Management Plans for Shell House and Beneficial House; • Detailed condition assessments of Shell House and Beneficial House; • Schedule of Conservation Works; • Construction methodology for excavation works (including structural stability and vibration monitoring of heritage buildings during excavation); • Interpretation Plan; and • Structural assessment of heritage buildings <p>Failure to provide the above information may potentially put at risk the conservation of these buildings and is not regarded as good practice. Unforeseen or poorly understood conservation and/or structural requirements may require far greater financial commitment during the construction phase of the project. Furthermore, the proposed methods of construction of the new adjoining buildings may compromise the conservation of existing buildings to some extent.</p> <p>The City also requests that the proponent demonstrate that sufficient funding has been allocated within the overall project budget to the carrying out of necessary conservation works. All proposed conservation and interpretation works for these heritage buildings should also be clearly identified on the relevant architectural drawings.</p>	<p>In response to the Council's request, the Conservation Management Plans for Shell House and Beneficial House are included at Attachment F. GML recommends that the Department of Planning adopts the preparation of the other documents as conditions as consent. Further details are provided below.</p> <p>The Heritage Impact Statement recommends detailed condition assessments and Schedules of Conservation Works be prepared for Shell House and Beneficial House by a suitably qualified heritage specialist. For Shell House, the HIS recommends that the detailed condition assessment and Schedule of Conservation Works be prepared by a suitably qualified materials expert with extensive experience in the repair and conservation of glazed terracotta facades. We recommend that preparation of these condition assessments and schedules of works be adopted as conditions of consent for the project, to be prepared for Construction Certificate.</p> <p>An outline methodology for construction works, including excavation works, was provided in the Construction Management Plan prepared by Brookfield Multiplex. We recommend that refinement of the excavation methodology in consultation with the Heritage Consultant be adopted as a condition of consent for the project, to be prepared for Construction Certificate along with the construction methodology for the whole project.</p> <p>The Statement of Commitments for the project (MP 09_0076) requires that 'Heritage interpretation of the history of the site will be incorporated into the detailed design.' The Heritage Impact Statement provides an outline Interpretation Plan. This will be developed into a full Interpretation Plan during detailed design to ensure that the interpretation responds to the final design of the development. We recommend that preparation of an Interpretation Plan be adopted as a condition of consent for the project.</p> <p>Robert Bird Group reviewed the proposed development and their letter included in the SSD confirmed that 'the Construction and Demolition activities proposed are structurally feasible and aim to mitigate any potential impact to the heritage aspects of 285 George Street and Shell House'. We recommend that preparation of structural assessments of Shell House and Beneficial House by a structural engineer be adopted as a condition of consent for the project.</p>

Comment	Response
	<p>In relation to sufficient funding being allocated to the works. The proposed project was costed by the QS on the basis of the proposed works which included conservation works to the heritage buildings. Accordingly the appropriate funding will be allocated to meet the requirements of the proposed development. Brookfield would be willing to accept a condition of consent requiring the conservation works be executed prior to the relevant OC for those buildings.</p>
5.2 Building articulation	
<p>Proposed three-bay awning along George Street</p> <p>The proposed height of the George Street awning is inconsistent with the awning height controls under the Sydney DCP 2012. It is considered that the proposed awning does not relate well to the adjoining buildings. Critically, an awning of the height currently proposed will not function on a practical level as it would provide little or no protection from wind and rain in its present configuration.</p> <p>The City has consistently maintained that awnings located between the ground and first floors must maximise weather protection. Any awning with a height greater than 4.2 metres above the footpath level or situated above the first floor is unlikely to provide an adequate level of weather protection to pedestrians on George Street.</p> <p>Given the high and ever increasing volumes of pedestrian flows in this part of the CBD, it is considered imperative to provide continuous weather protection on footpaths. The objective of the provisions contained in Sydney DCP 2012 is to 'Encourage footpath awnings to enhance pedestrian amenity and provide weather protection'.</p> <p>The specific DCP provisions are:</p> <p><i>Awnings where provided are to be located between the ground and first floors to maximise weather protection. The height of an awning may vary between 3.2m and 4.2m above the footpath. The height of the awning must ensure continuity in appearance with adjacent awnings and to relate to any distinctive features of the building. Awning width is to be between 2m and 3.6m with the final width being determined to:</i></p> <ol style="list-style-type: none"> <i>maximise weather protection;</i> <i>match adjoining awnings;</i> <i>give a minimum setback of:</i> <ol style="list-style-type: none"> <i>1m from the face of the kerb to accommodate smartpoles utility poles and vehicles in the kerbside lane; and</i> <i>1.5m from the face of the kerb to accommodate street trees.</i> <p>Examples of existing awnings that are similar in height to that proposed and provide limited weather protection at street level can be found at Westfield Shopping Centre along its Market Street, Pitt Street and Castlereagh frontages, and on Broadway at the Central Park development.</p> <p>Recently, the developer of the adjoining redevelopment at 333 George Street has approached the City to discuss modification of their approved commercial development to relocate the proposed 6 metre high awning across the George Street elevation at a lower level. The modification is being sought on the basis that the awning originally approved will not provide a desirable level of weather protection at street level.</p> <p>There is an absence of credible analysis submitted to support the excessive awning height currently proposed. The proponent's assertion that the proposed awning does provide adequate weather protection</p>	<p>The design rational for the proposed awnings was detailed on page 34 of the Design Statement at Appendix A of the EIS. Further information in relation to this issue is provided below.</p> <p>In respect of the awning's performance to protect from rain, typically rain will ingress about half the height of the awning above ground level and rainfall intensity decreases with ingress distance from directly under the awning edge. The awning height is set at second retail floor level 9.1m above George Street to act as a marker on the street of the of the principal entrance to Wynyard Station – a civic space within the development.</p> <p>Design studies were undertaken in January 2013 to explore awning options as follows:</p> <ul style="list-style-type: none"> Central awning height at 5m above George Street (first retail floor level) Awnings in three bays facing George Street 5m above George Street (first retail floor level) Central awning height at 9.1m above George Street (second retail floor level) Awnings in three bays facing George Street 9.1m above George Street (second retail floor level) No awnings <p>The higher three-bay awning height was selected for the following reasons:</p> <ul style="list-style-type: none"> Raising the awning above the predominant George Street awning level to the south of the site maintains the street character while announcing Wynyard Station's civic transit hall on George Street. The higher awning presented a clear view of George Street from the lower concourse levels (especially from escalators/steps rising from concourse to George Street exiting Wynyard Station). The higher awning (9.1m above George Street) provides appropriate levels of protection from wind and rain to the entire frontage, including internally within the Transit Hall which remains open above the awning. The lower awning (5m above George Street) did not significantly announce Wynyard Station's transit hall on George Street as it was of a similar height to existing awnings to the south. Lower awnings frustrated the view of George Street from the lower concourse levels (especially from escalators/steps rising from concourse to George Street exiting Wynyard Station). <p>As detailed above, the proposed height is the outcome of significant design and environmental analysis, however Council and the Department's concern in relation to the awning height is noted and it is suggested that this issue be resolved as part of the detailed design stage in consultation with Council. Accordingly it is recommended that the following condition be imposed:</p>

Comment	Response
<p>as well as identification of the Wynyard Station entry and maintaining sightlines through to Carrington Street is not supported. The proponent has not submitted sufficient information to demonstrate that a compliant awning in terms of height would adversely impact on sightlines from Carrington Street through to George Street, have any adverse impact on urban wayfinding or other undesirable architectural outcome.</p> <p>Therefore any variation to the City's existing awning height controls is not supported and the City strongly objects to the current over-scaled awning design. It is disappointing that although this matter was raised during pre-submission consultation, it appears to have been given only cursory acknowledgement in the submitted package of information.</p> <p>Information has not been provided to allow a detailed and appropriate level of comparison in relation to this element of the proposal. There is no options analysis tabled between a compliant/City preferred awning height and the proponent's current non-compliant proposal. Such a view analysis would need to be realistically framed for a pedestrian standing on George Street, on Carrington Street and also within the station concourse (particularly views east from the Hunter Concourse towards George Street).</p> <p>Given the multi-level void traversing the level change between the two street frontages (as depicted in the George Street perspective) and the comparative transparency of the proposed awning itself, it is considered that setting the street awning at a compliant level (i.e. at 4.2 metres) would not actually impede through site visibility to any great extent in either direction.</p> <p>The City would welcome the opportunity to work with the Department and the proponent to develop a more appropriately scaled and functional awning height and design prior to the finalisation of any response to submissions.</p>	<p><i>Prior to the issue of the relevant Construction Certificate the Applicant must submit the detailed design of the awnings for the Secretary of the Department of Planning and Environment's further approval following consultation with the City of Sydney. The detailed design must be accompanied by further studies that demonstrate the awning height and design provides the optimum outcome in relation to weather protection, sight lines, and relationship to the streetscape and Transit Hall appropriate to the scale of a significant civic entry statement.</i></p>
<p>External materials and finishes on street wall façade</p> <p>It is noted that the street wall façades on Carrington Street and George Street are comprised of a combination of curtain wall glazing screened by an array of vertical blades in anodised aluminium. It is further noted that these are predominantly the same materials and finishes found on the facades of the tower element above. The proposed finishes of the street wall façade do not incorporate any masonry finishes, which are considered a predominant characteristic of street walls facades in this precinct of the CBD and part of the desired future character around sandstone precinct of Bridge Street and George Street.</p> <p>It is also noted that the uniform glazing of the lower portion of the proposed building is inconsistent with the window-to-wall proportion that is consistently exhibited by many existing commercial buildings adjacent to both the George Street frontage on the eastern side and fronting the Wynyard Park precinct on the western side of the proposal. Whilst it is acknowledged that the proposed building does demonstrate some marginal visual differentiation between the blade density and proportions in the street wall façade and the corresponding vertical elements of the tower above, the overall consistency of proposed external materials and detailing across the street wall and tower facades, the City is concerned that the proposal does not provide adequate visual differentiation between these respective components of the built form and does not reinforce a masonry context at street level.</p> <p>The Sydney DCP 2012 controls for building facades in Central Sydney (Section 5.1.5) require infill development to present an appropriate contextual response to nearby buildings, complement the existing</p>	<p>Make has provided a detailed response to the Council's concerns relating the materiality of the building at Attachment E.</p>

Comment	Response
<p>streetscape, provide richness in detail and contribute to a visually distinctive skyline. As a contextual response to nearby commercial buildings, the proposed building is considered to be deficient in terms of both referential materiality and the window-to-wall proportion displayed in the street facades situated on the George and Carrington Street site frontages.</p> <p>It is noted that there is a predominance of stone and/or masonry elements found in the street wall and building podiums of existing buildings in the surrounding precinct. Similarly the more substantial material palette of these buildings is visually reinforced by a window-to-wall façade proportion where window apertures are inserted into a visually predominant wall plane of solid material (stone, masonry or terracotta tile on respective buildings). This is particularly evident between the subject site and the western end of Martin Place where the streetscape incorporates a cluster of large scale, State heritage listed commercial buildings such as the (former) Equitable Life Assurance Building (348-352 George Street), the (former) Bank of Australasia Building (356-360 George Street), the Westpac Bank Building (341 George Street) and the (former) CBC Bank Building (343 George Street).</p> <p>The George Street streetscape also includes a number of more modest heritage buildings comprising brick, rather than stone, construction but nevertheless displaying a similar traditional window-to-wall proportion in their street facades. These buildings include the (former) Skinners Family Hotel (296 George Street), the (former) Gowings Shop (319-321 George Street) and the (former) Peapes Menswear building (285-287 George Street), which is actually now incorporated into the development site. It should be noted that the City and the Central Sydney Planning Committee have consistently sought to ensure the incorporation of masonry (particularly sandstone) for the street wall level and limit the materiality of the lower parts of buildings to only masonry and/or glass in all recent developments approved within the immediate precinct.</p> <p>On the Carrington Street / Wynyard Park side of the proposal, an even greater consistency of solid building materiality and a visually subservient window-to-wall proportion is evident across the buildings facing the Park, regardless of their era of construction. It is acknowledged that there is a broader range of solid materiality on display across the buildings in this precinct including sandstone (Scots Presbyterian Church – 44 Margaret Street), marble cladding (50 & 60 Carrington Street), face brick (Lisgar House – 30 Carrington Street and AWA Building – 47 York Street), terracotta cladding (Transport House -19-31 York Street and (former) Shell House, which is included in the subject site) and precast concrete panelling, which is utilised as a window framing enclosure for numerous 1970s commercial buildings situated along the Margaret and York Street frontages. However it is considered that it is the uniformity of window-to-wall façade proportion across the various eras of construction for these buildings that generates such a cohesive perimeter “squarescape” framing Wynyard Park.</p> <p>In this regard, the City considers that the uniform, multi storey glazing and anodized aluminium blade screening of the proposal’s street façade across its Carrington Street frontage is not a well-mannered contextual response to a long established setting where a predominance of solid cladding materiality and a comparatively small window-to- wall façade proportion represent the prevailing architectural language.</p> <p>In accordance with its DCP controls, the City maintains that for the extent of the street wall height across the George and Carrington Street frontages, the proposed building should integrate a predominantly masonry (sandstone) and glass façade treatment into the building’s street walls on both the George and Carrington Street frontages.</p>	

Comment	Response
5.3 Public domain <p>The City acknowledges the efforts made by the Wynyard Lane Working Group to resolve vehicular and pedestrian access to Wynyard Lane.</p> <p>Given the identified constraints of Wynyard Lane and existing surrounding traffic conditions, the City supports the Working Group's resolution to retain one-way vehicular traffic, with a shared zone accommodating pedestrian traffic, subject to approval by RMS. The City encourages the proponent to further explore opportunities to increase activation of the lane and encourage additional pedestrian traffic. Upon receiving approval from the RMS for the proposed shared zone design, the proponent is required to submit details to the City for endorsement and approvals by the Central Sydney Traffic and Transport Committee and the Local Pedestrian Cycling and Traffic Calming Committee.</p>	<p>The Council's support for a shared zone is noted. Brookfield acknowledges that if approved by the RMS it will need to submit details of the public domain for the Council's endorsement and approval.</p> <p>Further discussion with regard to activation is provided below.</p>
5.4 Activation of Wynyard Lane <p>It is acknowledged that the proponent only controls the land fronting Wynyard Lane that is the subject of the application. However, this project will effectively establish principles for any future re-development along the laneway and needs to optimise opportunities for pedestrian permeability and street activation. The initiative in the amended proposal to create a space at the rear of 285-287 George Street along with a pedestrian link through to the station concourse are both welcomed and supported by the City.</p> <p>The City would request that further analysis also be undertaken of the spatial and access requirements for plant located within the lower ground of (former) Shell House.</p> <p>It is unlikely that all the existing door openings and internal space will actually be required to accommodate the relevant substation requirements. Opportunities to consolidate the array of existing openings and related internal space, even slightly, may provide the opportunity for a small tenancy ("hole-in-the-wall" style space) along the Shell House frontage of the laneway closer to Margaret Street.</p>	<p>An analysis of the opportunities to provide greater activation on Wynyard Lane is included at Attachment E. The extent of active frontage on Wynyard Lane has been optimised as follows:</p> <p>Shell House <i>Margaret Street and Wynyard Lane junction – northern two structural bays</i></p> <p>The entire Margaret Street frontage of Shell House and first two structural bays of Wynyard Lane are activated by a retail unit accessed from Margaret Street. It should be noted that at first floor level overlooking Wynyard Lane the entire frontage comprising grand arched windows is active as retail space.</p> <p><i>Substations – central six bays</i></p> <p>Two electrical sub-stations are located at Wynyard Lane level of Shell House occupying the central 6 structural bays serving the whole development. The requirement to provide access to the substations directly from street level is prescribed by Ausgrid. Negotiations with Ausgrid in February 2013 concluded with dispensation in the access requirements by Ausgrid from that normally required to allow the substations to be located within Shell House without changing the building's existing structural openings at Wynyard Lane given its heritage status (see Attachment E).</p> <p>The dispensations agreed with Ausgrid to reduce impact on Shell House are as follows:</p> <ul style="list-style-type: none"> ▪ Single access chamber to replace substation transformers rather than two fronting Wynyard Lane ▪ Single personnel access/escape to transformers rather than two fronting Wynyard Lane (personnel access/escape is independent of transformer replacement access) ▪ Low level ventilation to transformers rather than at high level <p>Therefore, the visual impact of the transformers on Wynyard Lane has been optimised.</p> <p><i>Back of Shell House building entrance – southern two bays</i></p>

Comment	Response
	<p>A secondary entrance to Shell House with window is provided in the southern two structural bays of Shell House offering animation to the back-of-house activities of the building. Therefore, the extent of retail activity in the lower levels of Shell House has been optimised</p> <p>285 George Street:</p> <p>50% of 285 George Street's frontage on Wynyard Lane is active retail frontage accessed from the lane. The remaining frontage comprises necessary back of house access and fire escape.</p> <p>Link over Wynyard Lane:</p> <p>Wynyard Lane is covered by the George-Carrington Street link and office lift lobby to a similar extent as existing. To supplement Wynyard Lane level activity, animation to Wynyard Lane at first floor level on the northern side is provided by pedestrians using the George-Carrington Street link with office accommodation above and on the southern side by full building height office accommodation.</p> <p>Below the link, structural shear walls transfer loads from the new building to the perimeter basement structure allowing the core to be suspended over the concourse link between George Street and Wynyard Station. The corollary is the opportunity to penetrate these walls is limited and has been optimised.</p> <p>New building west elevation fronting Wynyard Lane:</p> <p>Below the link, the western elevation of the new building is animated by the concentration of service activities for the development as follows:</p> <ul style="list-style-type: none"> ▪ Vehicular access at the northern and southern ends ▪ Cyclist access at the southern end which will be bright and inviting ▪ Office lift service access doors <p>New building east elevation fronting Wynyard Lane:</p> <p>Below the link, the eastern elevation has been animated by the pedestrian access route between Wynyard Lane and George Street to the north and windows into the retail unit below fronting George Street at the southern end with office lift service access doors between.</p> <p>In summary, the development optimises activity and animation at Wynyard Lane level given the service access requirements for a development of this scale. To supplement lane level activity, activity at first floor is provided on all elevations at first floor and above.</p>
<p>The City recommends inclusion of relevant public domain conditions in any subsequent determination to address alignment levels, footway paving, share zone finishes and street lighting. In this regard, a suite of standard City conditions have been provided in Appendix A of this submission.</p>	<p>Brookfield has provided further comments on the recommended conditions below.</p>

Comment	Response
5.5 Way finding signage strategy <p>The DGRs require the proposal to provide a “clear station address, identification and way finding to ensure legibility in the public domain”. It is noted that the proponent claims that the DGR and statement of commitment for a signage strategy has been satisfied.</p> <p>The City is of the opinion that the proponent has not submitted sufficient information to satisfy the signage strategy requirements. In particular, the information submitted does not include a comprehensive approach for way finding signage throughout the subject site.</p> <p>The City requests that detailed drawings showing the proposed location, size and design of way finding signs, in accordance with Transport for NSW guidelines, must be prepared in consultation with the City and to the satisfaction of Transport for NSW. It is also recommended that this signage strategy be submitted for approval at the Project Application stage. However, should the Department consider it appropriate for a signage strategy to be prepared and submitted post determination, the City recommends a condition be imposed requiring the submission and approval of the signage strategy prior to the issue of any Occupation Certificate for the site.</p>	<p>The EIS demonstrates that the proposal has achieved “clear station address, identification and way finding to ensure legibility in the public domain” at an appropriate level for an SSD application. The detailed location, size and design of way finding signage will require further analysis once the base building design has been approved and the parameters are known. Brookfield will continue to work with TfNSW and the Council in relation to way finding signage and accepts Council’s recommended condition, based on the timing being amended such that the requirement is “prior to the issue of a Final Occupation Certificate for the Transit Hall.</p>
5.6 Retail/commercial signage strategy <p>The City supports the preparation and approval of a comprehensive signage strategy for retail / commercial signage on the site which should be submitted prior to determination of the Project Application. This requirement will ensure a consistent approach to signage that compliments the architectural design of the development. The retail / commercial signage strategy is required to be developed at this time to ensure there are appropriate signage zones that complement the architectural treatment and quality of the various buildings within the development site.</p> <p>In addition to the building identification signs shown on the tower elevation drawings, further design details including the proposed location, dimension and style of signs to retail/commercial tenancies are to be incorporated in the signage strategy.</p> <p>Should the Department consider it appropriate for a signage strategy to be prepared and submitted for approval post determination, it is recommended that a condition be imposed requiring the strategy to be submitted and approved by the Director Planning, Development and Transport prior to installation of any business identification or advertising signs.</p>	<p>The approach Council would ordinarily take for a DA for building in the City of Sydney, which is reflected in its ‘Standard Conditions of Consent’, would be to require a separate DA for a Signage Strategy to be prepared post approval for the development. This approach still ensures that a consistent approach to signage that compliments the architectural design of the development is achieved.</p> <p>Brookfield accepts Council’s recommended condition.</p>
5.7 Solar access/overshadowing <p>It is imperative that this development does not result in any additional overshadowing impacts on the façade of the GPO or the steps of Martin Place and the achievement of this outcome is critical for the City to ensure consistency with the planning consideration applied to similar developments elsewhere in the CBD.</p> <p>In accordance with the DGRs and Statement of Commitments, the proponent has submitted shadow diagrams suggesting the proposed building works will not result in any additional overshadowing impacts on the GPO façade or steps in Martin Place at the winter solstice. In this regard, the proposal appears to comply with the Concept Plan approval. The City is supportive of such a proposal as it does not generate any additional amenity impact on the public domain. However, in order to guarantee the accuracy of the information, the City requests that an electronic copy of the 3D modelling of shadows be submitted for</p>	<p>Brookfield specifically used the Council’s model and had it verified as part of the preparation of the EIS. The model has been provided to Council under a separate cover to allow for it to undertake its own verification.</p>

Comment	Response
<p>review and verification against the City's electronic model prior to the determination of the Project Application.</p> <p>The 3D modelling should be submitted (in the appropriate format) to the City as soon as possible. This material must be submitted and reviewed by the City prior to the determination of the application and ideally no later than with the proponent's response to submissions.</p> <p>It is essential that a condition carries forward obligating the development to not overshadow Martin Place as per the concept plan approval.</p>	
5.8 Public Art Strategy	
<p>Consistent with previous points, any major development that relies on Sydney LEP for GFA concessions must also comply with relevant provisions in the DCP applied to other developers and that are important for the City. A Public Art Strategy should be conditioned in the approval consistent with other office developments in the CBD. A condition is provided in Attachment A.</p>	<p>Brookfield intends to provide public art within the One Carrington development. Brookfield has accepted Council's suggested condition with an amendment to reflect that the Department, as the consent authority, be the one who signs off the condition following consultation with Council.</p>
5.9 Construction work impacts	
<p>Wynyard Station is a major transport hub within the City servicing large and ever increasing volumes of commuters and visitors to the CBD. The City raises concern that the construction phases for the development, in addition to construction works for Wynyard Walk, Barangaroo, CBD Light Rail and other construction projects will have significant cumulative impacts on pedestrian and vehicular traffic immediately surrounding the site.</p> <p>The City notes that a Construction Management Plan has been submitted with the Project Application identifying the proposed staging of construction works. The City recommends that in developing construction time frames and staging of works, the proponent has regard to other concurrent construction works in the surrounding precinct. All future Construction Management Plans or Construction Traffic Management Plans for the project need to be developed to take into account impacts on pedestrian and vehicular traffic flows to and from Wynyard Station, including impacts on surrounding street networks.</p>	<p>Council's concern is noted. Brookfield will continue to engage with the relevant stakeholders in order to ensure that the cumulative construction impacts are managed.</p> <p>Brookfield agrees with the Council that all future Construction Management Plans or Construction Traffic Management Plans for the project will need to be developed to take into account impacts on pedestrian and vehicular traffic flows to and from Wynyard Station, including impacts on surrounding street networks.</p>
Recommendations	
<p>7. Conservation Management Plans, detailed condition assessments, construction methodology for excavation, structural assessment, schedule of conservation works and interpretation plans for Shell House and Beneficial House must be submitted for review and endorsement by the City prior to determination of the SSD proposal.</p>	<p>The CMPs are included at Attachment F. As per GML's advice above it is not necessary or appropriate for the other requirements be provided prior to determination of the DA and these requirements can be adequately addressed as conditions of consent.</p>
<p>8. Amended architectural plans should be submitted with specific details of conservation and interpretation works to Shell House and Beneficial House.</p>	<p>As per GML's advice above it is not necessary or appropriate the requirements be provided prior to determination of the DA and these requirements can be adequately addressed as conditions of consent.</p>
<p>9. Demonstrate that sufficient funding has been allocated to the carrying out conservation works on Shell House and Beneficial House.</p>	<p>Brookfield has confirmed that sufficient funding is allocated to undertaking the conservation works and would be willing to accept a condition of consent requiring the conservation works be executed prior to the relevant OC for those buildings.</p>

Comment	Response
10. The three-bay street awning across the George Street façade is not supported. The proponent should be required to amend the current awning design in consultation with the City to achieve compliance with the relevant planning control.	The proposed height is the outcome of significant design and environmental analysis, however Council's concern in relation to the awning height is noted and it is suggested that this issue be resolved as part of the detailed design stage in consultation with Council. Accordingly it is recommended that the following condition be imposed: <i>Prior to the issue of the relevant Construction Certificate the Applicant must submit the detailed design of the awnings for the Secretary's further approval in consultation with the City of Sydney. The detailed design must be accompanied by further studies that demonstrate the awning height and design provides the optimum outcome in relation to weather protection, sight lines, and relationship to the streetscape and Transit Hall.</i>
11. Masonry materials and finishes should be incorporated into the street wall facades fronting George Street and Carrington Street. Façade treatments and materiality should visually differentiate the podium component of the building from the tower above.	Make has provided a detailed response to the Council's concerns relating the materiality of the building at Attachment E .
12. Require the proponent to explore further opportunities to increase activation along Wynyard Lane by rationalising space and access requirements of utility services in order to accommodate further small scale retail/commercial tenancies.	An analysis of the opportunities to provide greater activation on Wynyard Lane is included at Attachment E and discussed in further above. It is noted a development of this nature requires significant plant and back of house areas, which cannot be provided on Carrington Street, Margaret Street or George Street and therefore must be provided on Wynyard Lane. Notwithstanding this, if during the detailed design the spatial requirements of the plant areas etc. are reduced then Brookfield will explore the opportunity of further retail along Wynyard Lane.
13. A way finding signage strategy is to be prepared in consultation with the City and to the satisfaction of Transport NSW. The strategy is to be submitted as part of the proponent's response to submissions.	As discussed above, it is not appropriate to provide the detailed strategy at this time. Brookfield accepts the condition recommended by Council, subject to the timing not imposing undue restrictions on the staging/phasing of the project.
14. A retail/commercial signage strategy be prepared indicating the location, dimensions and style of signs for retail and commercial tenancies and submitted as part of the proponent's response to submissions.	As discussed above, it is not appropriate to provide the detailed strategy at this time. Brookfield accepts the condition recommended by Council.
15. The 3D modelling should be submitted (in the appropriate format) to the City to allow an accurate assessment of overshadowing of nearby public spaces against the City's electronic model.	Agreed. This has now been provided to Council under a separate cover.
16. A Public Art Strategy must be prepared and submitted to the City of Sydney prior to the Construction Certificate being issued for the main Tower.	Agreed. Brookfield accepts the condition recommended by Council.
17. Construction Management Plans and Construction Traffic Management Plans should be prepared in consultation with relevant authorities such as Transport for NSW and the City, as well as developers of surrounding sites to ensure that cumulative impacts and disruptions on pedestrian and vehicular traffic flows to and from Wynyard Station are minimised.	Agreed.
Recommended Conditions	
(1) 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	Noted.

Comment	Response
constructed in accordance with the City's "Development Specification for Civil Works Design and Construction".	
(2) VEHICLE FOOTWAY CROSSING	
(a) The vehicle footway crossing in Margaret St is to be removed as part of these works. 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.	Noted
(b) All disused or redundant vehicle crossings and laybacks must be removed and footway and kerb 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.	Noted.
(c) Note: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.	Noted.
(3) FOOTPATH DAMAGE BANK GUARANTEE	
(d) A Footpath Damage Bank Guarantee for Carrington Street calculated on the basis of 100 lineal metres of the granite paving and stone kerb site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.	<p>Council's condition is noted, however we recommend the last sentence should be amended as follows, to reflect the area in question specifically and damage due to project works and not those undertaken separately (eg CBD Bus Network changes, Wynyard Station Upgrade etc.):</p> <p><i>"The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the Carrington Street public domain from works associated with the site."</i></p>
(e) The guarantee must be lodged with Council prior to issue of a Construction Certificate.	Noted.
(f) The Bank Guarantee 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. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.	<p>Council's condition is noted, however we recommend the first sentence be amended in line with the specifics in (d) above, being:</p> <p><i>"The Bank Guarantee will be retained in full until the relevant Occupation Certificate/s have been issued and any rectification works to the Carrington Street footway and the approved Public Domain works are completed to Council's satisfaction."</i></p>
(4) ALIGNMENT LEVELS	
(g) Prior to a Construction Certificate being issued, footpath alignment levels for the building must be submitted to Council for approval. The submission must be prepared by a Registered Surveyor and must be in accordance with the City of Sydney's Public Domain Manual.	<p>Noted, however this condition should be amended to prior to the relevant CC to allow for staging of works. We recommend the following wording:</p> <p><i>"Prior to a Construction Certificate for works at street level or above (other than demolition, shoring and site preparation)..."</i></p>

Comment	Response
(h) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the application for a Construction Certificate, excluding a Construction Certificate for approved preparatory, demolition or shoring work.	As above.
(i) If a Public Domain Plan condition applies to the development the Alignment Levels application must be made concurrently with the submission of a Public Domain Plan.	Noted.
(5) PUBLIC DOMAIN PLAN	
The Public Domain Plan accompanying this Development Application has not been approved by this consent.	Noted. Appropriate flexibility should be built into this condition to provide for the potential that some of the public domain works contemplated under this condition may not need to be undertaken in the event they are effected by the provision of the CBD Light Rail project.
The Public Domain Plan is to address the following:	
(a) Include upgrading the footway on the southern side of Margaret Street between George Street and Wynyard Lane and pedestrian ramps on both sides of affected within the scope of works.	Noted. This condition should be amended to only require the upgrade in the public domain adjacent to the site.
(b) Design details for the shared zone in accordance with RMS requirements.	Noted.
(c) Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for any new building work (including internal refurbishments) excluding approved preparatory, demolition or shoring work.	Noted, however this condition should be amended to prior to the CC for the public domain and not any new building work to allow for staging of works.
The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must be made concurrently with the Alignment Levels application. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier	Advice from the Principal Certifying Authority (PCA) is that a regime of Interim Occupation Certificates will need to be adopted to ensure the appropriate systems and requirements are in place for each stage for life safety provisions during construction. As a result it is the requirement for the public domain works to be completed before any occupation certificate may inadvertently/unnecessarily prevent the changes in access and temporary walkways required for staging etc. Accordingly it is requested that the strategy should be required prior to the issuing of the final OC.
Note: A Public Domain Works Guarantee deposit will be required for the public domain works in Wynyard lane and Margaret Street, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent	Noted. This condition should be amended to provide for other forms of Public Domain Works Guarantees which are also accepted by the Council such as security bonds. We recommend the wording be modified to state "unconditional bank guarantee or equivalent method ".
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 Road Opening Permit for works on the public way being issued.	Noted.

Comment	Response
The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as- executed documentation are submitted and approved by Council in writing.	Council's condition is noted, however we recommend the wording be amended in line with the specifics above, being: "The Bank Guarantee will be retained in full until the approved Public Domain works to Wynyard Lane and Margaret Street are completed 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 total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period	As above.
(6) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER	
(a) Prior to a Construction Certificate being issued for a new building work, excluding approved preparatory, demolition and shoring work, a set of hold points for approved public domain and civil construction work is to be determined with and approved by the City's Public Domain section in accordance with the City's Public Domain Manual.	Noted, however we recommend the timing be amended in line with previous, being: "Prior to a Construction Certificate being issued for works to the Public Domain... "
(b) Completion and handover of the constructed public domain works is to be undertaken in accordance with the City's Public Domain Manual, including requirements for as-built documentation, certification and defects liability period.	Noted.
(7) STREET LIGHTING	
Lighting designs certified by a practicing lighting engineer are to be submitted for Council approval prior to the issue of a Construction Certificate for public domain works.	Noted.
(a) Provide Smartpole lighting in Margaret Street to City of Sydney specifications complying with AS1158 Category V1 for roadway and Category P1 + 4 Lux vertical illumination for footpaths.	Noted. This condition needs to be modified to establish that these works only relate to providing the lighting in Margaret Street along the site's frontage.
(b) Provide City of Sydney standard wall mounted lighting in Wynyard Lane complying with AS1158 Category P1 + 4 lux vertical illumination.	Noted. As above this condition needs to be amended to only require lighting in Wynyard Lane along the site frontages.
(8) 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.	Noted.
The recording must include clear images of 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.	Noted.
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.	Noted.
(b) Each image is to be labelled to identify the elements depicted, the direction	Noted.

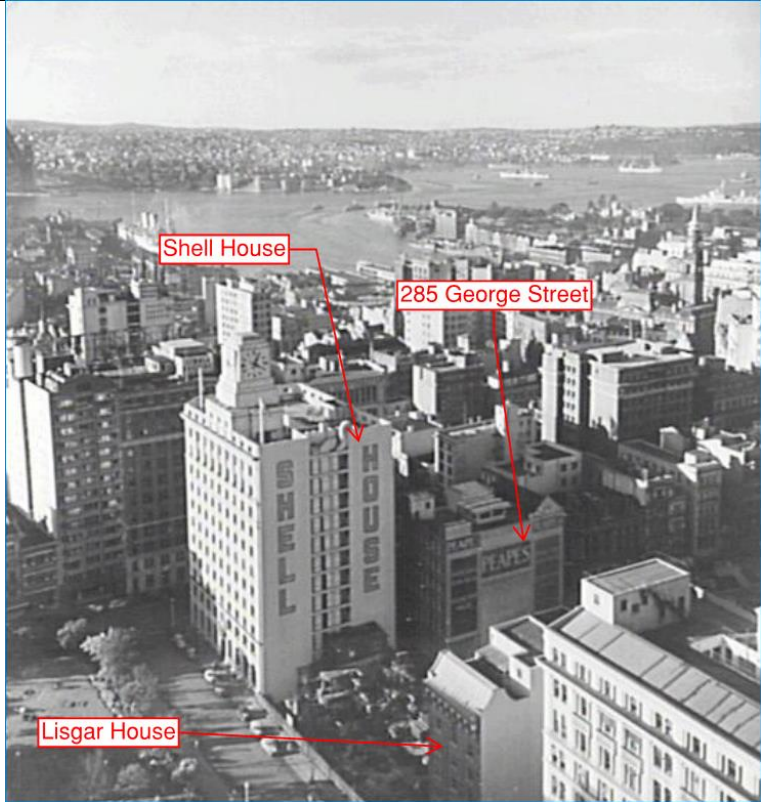
Comment	Response
that the image is viewed towards, and include the name of the relevant street frontage.	
(c) Each image is to be numbered and cross referenced to a site location plan.	Noted.
(d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the 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.	Noted.
(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.	Noted.
(9) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT	
On-site detention, treatment and re-use is encouraged.	
(a) Prior to a Construction Certificate being issued, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.	Noted. The stormwater infrastructure associated with the site is Sydney Water's infrastructure as identified in the Stormwater Management Plan. As such the condition should be amended to provide details to council, with approvals being through the owner of the associated infrastructure. Details of the overland flow path will be included in such submissions.
(b) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued and prior to the commencement of any work within the public way.	Noted.
(c) The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued.	Noted.
(d) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.	Noted.
(e) A Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.	Noted –
(10) PRESERVATION OF SURVEY MARKS	

Comment	Response
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	Noted.
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.	Noted.
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.	Noted.
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).	Noted.
(11) 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".	We note that this standard relates to the testing of pedestrian surfaces, not the selection (selection would typically be in accordance with HB197-1999). We expect that a nominated rating be issued by TfNSW for all internal areas as part of the PDA. A condition relating to the need for this to be detailed as part of the PDA is suggested as part of the response to TfNSW's submission at Attachment C .
(12) PROTECTION OF STONE KERBS	
(a) The existing stone kerbs on the George Street, Margaret Street, Wynyard Lane and Carrington Street frontages of the site are to be retained and properly protected during excavation and construction works.	Noted. This condition should include an appropriate note or working excluding George Street where works are being undertaken by TfNSW as part of the CBD Light Rail.
(b) To avoid damage to stone kerbs during construction and / or excavation works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (ie. those that are in good condition as agreed by City officers) must be re-installed in accordance with the City's standard details and specifications after the construction and / or excavation works have been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath and road access 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.	Advice from the PCA is that a regime of Interim Occupation Certificates will need to be adopted to ensure the appropriate systems and requirements are in place for each stage for life safety provisions during construction. As a result the requirement for this strategy prior to <u>any</u> occupation certificate may inadvertently/unnecessarily prevent the changes in access and temporary walkways required for construction and public access staging etc. Accordingly it is requested that the strategy should be required prior the issuing of the final OC.
(c) Damaged kerbs are to be replaced to match existing to the City's satisfaction or as otherwise advised by City officers.	Noted.
(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.	Noted.
(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.	Noted.

Comment	Response
(f) Council approval is required before kerbs are removed.	Noted.
(13) MAXIMUM TENANT CAR PARKING SPACES	
A maximum 89 tenant car parking spaces are permitted within the basement levels of the site.	Noted.
(14) BICYCLE PARKING AND END OF TRIP FACILITIES	
(g) A minimum of 446 bicycle parking spaces and end of trip facilities comprising 46 showers and 446 lockers are to be provided on the site.	Noted.
Notes:	
(i) If a basement storage area on title that is large enough to store a bike and is no smaller than a class 1 bike locker this can be counted as a space.	Noted
(ii) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Construction Certificate being issued.	Note: There are systems available which are more compact and just as effective as those prescribed under the standard and have been utilised in recent developments. We would prefer not to see the reference to AS2890.3 as more effective systems may be precluded in doing so.
(15) WIDTH OF BICYCLE ACCESS POINTS TO BASEMENT LEVEL	
Access points for bicycles from Wynyard Lane to the basement parking levels are to be a minimum width of 1.8 metres.	The current corridor width is 1.6m. This width is constrained by the preliminary advice regarding services requirements on Wynyard Lane. Brookfield is willing to accept a condition to look in to increasing the width, and if this is not possible demonstrate to the Department why it could not be achieved
(16) WAY FINDING SIGNAGE STRATEGY	
A way finding signage strategy is to be prepared in accordance with Transport NSW guidelines and in consultation with Transport NSW and submitted for approval prior to the issue of any Occupation Certificate for the site. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.	Advice from the PCA is that a regime of Interim Occupation Certificates will need to be adopted to ensure the appropriate systems and requirements are in place for each stage for life safety provisions during construction. As a result the requirement for this strategy prior to <u>any</u> occupation certificate may inadvertently/unnecessarily prevent the changes in access and temporary walkways required for construction and public access staging etc. Accordingly it is requested that the strategy should be required prior to the issuing of the final OC.
(17) RETAIL/COMMERCIAL SIGNAGE STRATEGY	
A signage strategy for retail/commercial tenancies within the site is to be prepared and submitted to the Director Planning, Development and Transport for approval prior to the installation of any business identification or advertising signs. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.	Noted. This condition should be amended so that the Secretary of the Department of Planning and Environment, as the delegated authority of the consent authority, remains the responsible authority to approve the subsequent signage strategy.
(18) CONSTRUCTION TRAFFIC MANAGEMENT PLAN	
(a) The Construction Traffic Management Plan accompanying this Development Application has not been approved by this consent.	Noted.
(b) A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.	A Construction Traffic and Pedestrian Management Plan (CTPMP) will need to be prepared and approved by TfNSW in order to appropriately address its issues with the application. It is considered that it is more appropriate if TfNSW is the responsible party for the CTPMP considering their need for coordination with their existing assets and potential concurrent construction projects. A condition has been recommended as part of the

Comment	Response
	response to TfNSW at Attachment C for the preparation of the CTPMP which requires the plan to be prepared in consultation with Council.
(19) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT	
(a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifying Authority:	Noted.
(i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.	Noted.
(ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)	Noted.
(iii) An Excavation Work Method Statement prepared by an appropriately qualified person.	Noted.
(iv) A Waste Management Plan for the demolition and or excavation of the proposed development.	Noted.
(b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the Work, Health and Safety Act 2011 and Regulation; Council's Policy for Waste Minimisation in New Developments 2005, the Waste Avoidance and Resource Recovery Act 2001, and all other relevant acts and regulations and must include provisions for:	Noted.
(i) A Materials Handling Statement for the removal of refuse from the site in accordance with the Waste Avoidance and Resource Recovery Act 2001.	Noted.
(ii) The name and address of the company/contractor undertaking demolition/excavation works.	Noted.
(iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.	Noted.
(iv) The name and address of the transport contractor.	Noted.
(v) The type and quantity of material to be removed from site.	Noted.
(vi) Location and method of waste disposal and recycling.	Noted.
(vii) Proposed truck routes, in accordance with this development consent.	Noted.
(c) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the	Noted.

Comment	Response
building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).	
(i) Measures to control noise emissions from the site.	Noted.
(ii) Measures to suppress odours.	Noted.
(iii) Enclosing and making the site safe.	Noted.
(iv) Induction training for on-site personnel.	Noted.
(v) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.	Noted.
(vi) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.	Noted.
(vii) Disconnection of utilities.	Noted.
(viii) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).	Noted.
(ix) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).	Noted.
(x) Waterproofing of any exposed surfaces of adjoining buildings.	<p>Brookfield does not support this condition. Brookfield is not aware of a statutory requirement to 'waterproof' an adjoining structure. Each structure, just as it should stand on its own merit from a structural, smoke and fire perspective should also do so from a waterproofing perspective.</p> <p>Notably, Shell House, Lisgar House and 285 George Street are all evidenced (through council's photographic archives – see below) to have been freestanding prior to the Menzies and 301 George Street being constructed and as such should be waterproof in their own right.</p>

Comment	Response
	 <p>Source: Archivepix – File: 028/028320 - http://photosau.com.au/cos/scripts/home.asp</p> <p>Notwithstanding the above, Brookfield (Brookfield Multiplex) shall provide protection to the adjoining buildings in line with industry practice and subject to discussions with the adjoining properties.</p>
(xi) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the Protection of the Environmental Operations Act 1997).	Noted.
(xii) Working hours, in accordance with this development consent.	Noted.
(xiii) Any Work Cover Authority requirements.	Noted.
(b) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of	Noted.

Comment	Response
construction.	
(20) SECTION 61 CONTRIBUTIONS PAYABLE - REGISTERED QUANTITY SURVEYOR'S DETAILED COST REPORT - SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE	Noted.
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 Contribution (Amendment) Plan 2002/ 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 Certifying Authority (CA), 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 CA 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	

Comment	Response
<p>construction related fees, charges and GST and any other matter not expressly excluded in (e) below.</p>	
<p>(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.</p>	
(21) PUBLIC ART	
<p>(a) High quality art work must be provided within the development in publicly accessible locations, including near main entrances, in lobbies and on street frontages, in accordance with the Sydney DCP 2012 and the Public Art Policy.</p>	<p>Noted.</p>
<p>(b) A public art strategy that nominates artists, artworks and potential locations must be submitted to and approved by the Director City Planning, Development and Transport prior to the Construction Certificate being issued. Installation of the art work must be completed to Council's satisfaction prior to the issue of an Occupation Certificate.</p>	<p>Noted. This condition should be amended so that the Secretary of the Department of Planning and Environment, as the delegated authority of the consent authority, remains the responsible authority to approve the subsequent public art strategy. As with the other changes to conditions, the timing of the condition must be in relation to the Final OC.</p>
(22) COSTED HERITAGE ASSET MAINTENANCE PLAN	
<p>(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:</p>	<p>Noted.</p>
<p>(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.</p>	
<p>(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 1999 and best conservation practise, and a list of appropriate consultants and suppliers together with the projected costing for each item of work.</p>	
<p>(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 an Occupation Certificate.</p>	