

Modification of Approval



Restoration and refurbishment of the Sirius Site (SSD_10384_Mod 3)

2-60 Cumberland Street, the Rocks

Prepared on behalf of Sirius Developments Pty Ltd

August 29, 2022

Document control

Authors

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Project summary

Applicant	Sirius Developments Pty Ltd
Land to be developed	2-60 Cumberland Street, The Rocks
Legal description	Lot 100 in DP264104 and Lot 101 in DP264104
Project description	Restoration and refurbishment of the Sirius Site

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Executive Summary

This application proposes modifications to the State Significant Development Approval (SSD_10384) which applies to the Sirius Building at 2–60 Cumberland Street, the Rocks (Lot 100 in DP264104 and Lot 101 in DP264104) for the following:

- Modification to the awning fronting Cumberland Street to avoid traffic conflicts and enhance consistency with the requirements of the Sydney DCP
- Amendment of Condition A22 of the State Significant Development (SSD) Approval to ensure that the requirements for the staging of construction certificates supports the orderly delivery of the development and make a number of consequential changes to conditions to reflect the amended staging.

The alterations and additions to the Sirius Building were approved on 18 June 2021 as State Significant Development to accommodate a mixed-use development comprising 76 residential apartments, commercial (SOHO apartments) and retail premises and associated works.

It is considered that the proposed modification could be approved under the provisions of Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (the Act) relating to modifications involving minimal environmental impact. These provisions are relevant to the proposed modifications given the changes do not result in any additional dwellings, do not make significant changes to the building design or built form, and would not have any additional impacts on the surrounding area.

The proposed modifications do not impact on the consistency of the development with the *State Environmental Planning Policy (Precincts – Eastern Harbour City) 2005* or the *Sydney Harbour Foreshores and Waterways Area Development Control Plan* which apply to the site. Compliance with all other relevant SEPPs is also maintained.

The proposed modification seeks ensure that the width of the awning on Cumberland Street complies with the relevant provisions of the Sydney DCP and avoids any vehicular conflicts on Cumberland Street thereby maintaining traffic safety.

The modification to the Construction Certificate staging will ensure that the approved development can be delivered in an orderly fashion.

Accordingly, we are of the view that the proposed modification should be supported.

1 Background

On 18 June 2021 State Significant Development Approval (SSD_10384) was granted for the alterations and additions to the Sirius building including restoration and refurbishment for a mixed-use development including:

- A gross floor area of 8,419.20sqm
- 76 residential apartments, commercial (SOHO apartments) and retail premises
- Cumberland Street building with retail, pool and basement vehicle access
- Pedestrian through site link between Cumberland Street and Gloucester Walk
- Landscaping, public art and off-site public domain works.

The approval was subsequently modified on 28 March 2022 to allow for removal of two trees adjacent to the site and amend the landscape plans to include a number of replacement trees (SSD_10384_Mod 1).

A subsequent modification was recently lodged with Department of Planning and Environment on 12 August 2022 which includes design development updates to improve the overall building design and amenity, enable building compliance and respond to additional site survey and site investigations (SSD_10384_Mod 2).

This application seeks further modification of the approval for the following:

- Modification to the awning fronting Cumberland Street to avoid traffic conflicts and for consistency with the requirements of the Sydney DCP
- Amendment of Condition A22 of the State Significant Development (SSD) Approval to ensure that the requirements for the staging of construction certificates supports the orderly delivery of the development and make a number of consequential changes to conditions to reflect the amended staging.

2 Subject site

The Sirius site comprises approximately 2,666sqm of land located at 2–60 Cumberland Street, the Rocks (Lot 100 in DP264104 and Lot 101 in DP264104). It is currently developed as residential flat buildings which were previously used as social housing.

The Sirius site is located within the Rocks and is immediately surrounded by:

- Cumberland Street to the west, and the southern approaches to the Sydney Harbour Bridge beyond (a State heritage listed item, known as Sydney Harbour Bridge approaches group including pylons, pedestrian stairs and access roads)
- A small pocket park and public motorcycle parking area north with the National heritage listed Sydney Harbour Bridge beyond
- Gloucester Walk to the east beyond which there is a substantial level change with a sandstone wall. A number of buildings have rear private open space which faces the wall, including a number of State Heritage buildings
- A commercial office building adjacent to the site to the south (86 Cumberland Street, The Rocks).

The site is included within the Rocks Conservation Area on the Place Management NSW Section 170 Heritage and Conservation Register. The site itself is not listed as a heritage item, however it is surrounded by a number of State Heritage Items.



Figure 1: Subject site and surrounding context (Source: Architectus)

3 Proposed modification

This modification application seeks approval for the following as detailed in the relevant sections below:

- Modification to the awning fronting Cumberland Street to avoid traffic conflicts and enhance consistency with the requirements of the Sydney DCP
- Amendment of Condition A22 of the State Significant Development Approval to ensure the requirements for the staging of construction certificates supports the orderly delivery of the development and make a number of consequential changes to conditions to reflect the amended staging.

3.1 Proposed awning changes

This modification proposes to make the following changes to the awning fronting Cumberland Street:

- Reduce the width from 3m which extended to the face of the kerb to 1.78m to avoid any conflicts with vehicles on Cumberland Street and for greater consistency with the Sydney DCP which requires awnings to be setback 1m from the face of the kerb
- Increase the height from 2.50m to 3.20m to ensure consistency with the Sydney DCP which requires awnings to be between 3.2m and 4.2m above the footpath.

This is shown at Figure 2 and in the plans at Appendix B. The relevant provision of the Sydney DCP are further discussed in Section 4.4.

Advice has been provided by the Registered Certifier for the project (Phillip Chun Building Compliance) which confirms that the change in the awning would require a modification to the development consent prior to the issue of the relevant Construction Certificate (Appendix C).

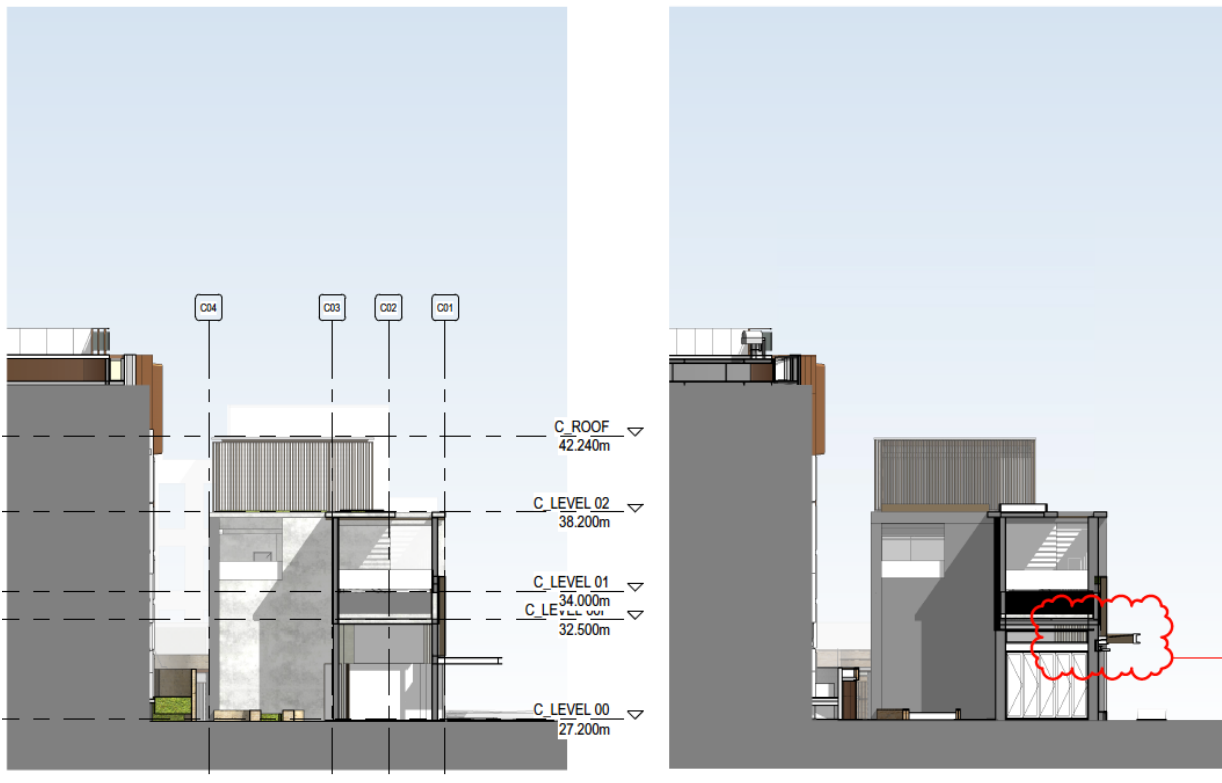


Figure 2: North Elevation Approved (RHS) and Proposed (LHS)

3.2 Proposed changes to Construction Certificate Staging

Condition A22 sets out Construction Certificate stages which relate to the timing for delivery of a number of other conditions in the approval. Changes are proposed to Construction Certificate staging to enable the orderly delivery of the development as outlined in Table 1 below and detailed at Appendix A.

A number of consequential amendments are also required to the timing of other conditions to reflect the updated staging which are also detailed in Appendix A.

Table 1: Construction Certificate Stages

Construction Certificate Stage	Existing Staging	Proposed Staging	Comment / Justification
Stage 1	Tree removal & pruning, internal strip out, façade rectification, demolition and excavation works, including any associated retention or strengthening works to allow demolition.	Tree removal & pruning, internal strip out, façade rectification, demolition and excavation works, including any associated retention or strengthening works to allow demolition.	No change
Stage 2	New concrete structure and associated inground services.	New concrete structure, associated inground services and structural steel.	<p>Due to the remediation and update of the existing building, there is detailed coordination between concrete structure and structural steel.</p> <p>Prior to commencement of areas of concrete structure, structural steel needs to be installed first.</p> <p>By having structural steel in CC3, which is tied to later work elements such as facade, it does not allow for all of CC2 works to be commenced.</p>
Stage 3	Structural steel, façade works, internal fitout, and building services.	Architectural building and internal fitout, external wall framing, and building services.	Updated to reflect change of structural steel to CC2 and façade to CC4.
Stage 4	External works, landscaping works and public domain (including external lighting and security).	Façade.	<p>Due to the existing building and interface with the proposed new construction, the investigation, rectification and certification of the façade is very onerous. There are numerous complex details between the façade junctions that require coordination and certification by various specialist trades and consultants.</p> <p>Having the facade Conditions tied to earlier work elements will prevent commencement of structural steel, services and interiors, which are not</p>

Construction Certificate Stage	Existing Staging	Proposed Staging	Comment / Justification
			strictly related to the facade design or its certification. Accordingly it is proposed to separate the facade from the remaining building elements.
Stage 5	NA	External works, landscaping works and public domain (including external lighting and security).	Moved from CC4 to CC5.

4 Statutory context

4.1 Section 4.55(1A) of the Act

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (the Act) sets out provisions relating to modifications involving minimal environmental impact. These provisions are relevant to the proposed modifications given that the changes do not result in any additional dwellings, do not make significant changes to the building design or built form, would not have any additional impacts on the surrounding area.

Section 4.55(1A) of the Act enables a consent authority to modify a consent subject to the considerations which are outlined and addressed in Table 2 below.

Table 2: Consideration of Section 4.55(1A) of the Act

Section 4.55(1A) matter	Consideration
(a) it is satisfied that the proposed modification is of minimal environmental impact	<p>The proposed modification does not include any major changes to the design or built form that would result in any significant environmental impacts.</p> <p>The change to the awning will ensure that compliance with the Sydney DCP and avoid any conflicts with vehicles on Cumberland Street ensuring that the development does not result in any impacts on traffic safety.</p>
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	<p>The development is substantially the same development as was approved, noting that the changes are limited to a minor change to an awning, and changes to the staging of construction certificates.</p>
(c) it has notified the application in accordance with— (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and	<p>Department of Planning and Environment will notify the modification in accordance with any relevant requirements.</p>
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	<p>Any submissions made would be considered in Council's assessment of the modification.</p>

4.2 State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021

The zones and controls which apply to the site are located within *State Environmental Planning Policy (Precincts – Eastern Harbour City) 2005*.

Under the SEPP the site is zoned B8 Metropolitan Centre with maximum height of buildings ranging from RL38.2m to RL41.4m and a maximum GFA of 7,010sqm. However, clause 14 sets out exceptions to development standards in the situation that the building is not demolished including for gross floor area up to a maximum of 8,420sqm.

The proposed modification does not make any changes to the proposed land use, building height or gross floor area. Accordingly, the development as modified would continue to comply with the relevant provisions of the SEPP.

4.3 Sydney Harbour Foreshores and Waterways Area DCP

The *Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005* (the Sydney Harbour DCP) was prepared to accompany the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (Sydney Harbour Catchment SEPP) which aims to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected and maintained as an outstanding natural asset and public asset of national and heritage significance for existing and future generations.

A full assessment against the DCP was provided as part of the original SSD application. The proposed modification does not make any changes which would impact on compliance with the relevant provisions of the Sydney Harbour DCP.

4.4 Sydney Development Control Plan 2012

This modification application seeks to achieve compliance with the following provision within Section 3.2.4 of the Sydney DCP.

(4) 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.

(14) Awning width is to be between 2m and 3.6m with the final width being determined to:

(a) maximise weather protection;

(b) match adjoining awnings;

(c) give a minimum setback of:

(i) 1m from the face of the kerb to accommodate smartpoles™ utility poles and vehicles in the kerbside lane; and

(ii) 1.5m from the face of the kerb to accommodate street trees.

The amended awning would have a height of 3.20m consistent with the DCP requirement. The proposed width of 1.78m is less than required range of 2m to 3.6m but meets the requirement to be at least 1m from the face of the kerb.

4.5 State Environmental Planning Policies

The proposed development complies with all relevant provisions of State Environmental Planning Policies (SEPPs) as outlined in the original SSD application and the proposed modification does not make any changes which would impact on the provisions of relevant SEPPs.

4.6 Assessment against Section 4.51 of the EP&A Act

Table 3: Assessment against s4.15(1) of the EP&A Act

Section 4.51 matter	Consideration
The provisions of any environmental planning instrument	See Section 4.2.
The provisions of any proposed instrument that is or has been the subject of public consultation under this Act or that has been notified by the consent authority.	Not applicable.
The provisions of any Development Control Plan	See Section 4.3 and 4.4.
The provisions of any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F	Not relevant.
The provisions of the <i>Environmental Planning and Assessment Regulations 2000</i> (the Regulations), to the extent that they prescribe matters for the purposes of this paragraph	Clause 61 of the Regulations set out additional matters for consideration by a consent authority for the purposes of 4.15(1) of the EP&A Act. None of these matters is relevant to the proposed modification.
The provisions of any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)	Not applicable
The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The social, environmental or economic impacts as were assessed as part of the original SSDA. The modification will not result in any additional impacts and will support the delivery of the approved development and ensure safety of traffic along Cumberland Street.
The suitability of the site for the development	The site has been demonstrated to be suitable for the development through original approval.
Any submissions made in accordance with this Act or the regulations	Submissions received during any notification of the proposed modification will be considered as part of DPE's assessment.
The public interest	The proposed development has been assessed as being in the public interest as part of the original SSDA, and this is unchanged as a result of the proposed modification.

5 Conclusion

It is considered that the proposed modification could be approved under the provisions of Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (the Act) relating to modifications involving minimal environmental impact. These provisions are relevant to the proposed modifications given the changes do not result in any additional dwellings, do not make significant changes to the building design or built form, and would not have any additional impacts on the surrounding area.

The proposed modifications do not impact on the consistency of the development with the *State Environmental Planning Policy (Precincts – Eastern Harbour City) 2005* or the *Sydney Harbour Foreshores and Waterways Area Development Control Plan* which apply to the site. Compliance with all other relevant SEPPs is also maintained.

The proposed modification seeks ensure that the width of the awning on Cumberland Street complies with the relevant provisions of the Sydney DCP and avoids any vehicular conflicts on Cumberland Street thereby maintaining traffic safety.

The modification to the Construction Certificate staging will ensure that the approved development can be delivered in an orderly fashion.

Accordingly, we are of the view that the proposed modification should be supported.

Appendix A Proposed amendments to conditions

The following amendments are proposed to the conditions of consent (shown by bold strikethrough / underlined text)

SCHEDULE 2 PART A ADMINISTRATIVE CONDITIONS

Terms of Consent

A1. The development may only be carried out:

- a) in compliance with the conditions of this consent;
- b) in accordance with all written directions of the Planning Secretary;
- c) in accordance with the EIS, Response to Submissions (RtS) and Further RtS;
- d) generally in accordance with the following modification applications:
 - i) Section 4.55(1A) modification application (SSD 10384 MOD 1) and accompanying appendices prepared by File Planning & Development Services dated 5 November 2021; Responses to Request for further information and accompanying appendices prepared by File Planning & Development Services dated 9 December 2021 and 2 February 2022;
 - ii) **Section 4.55(1A) modification application (SSD 10384 MOD 3) and accompanying appendices prepared by File Planning & Development Services dated 29 August 2022;**
- e) in accordance with the approved plans in the table below (except where modified by a condition):

(The following table outlines the plan references to be updated)

Plan No.	Plan Name / Title	Revision	Date
Architectural plans prepared by BVN			
AR-DA-A-00-05	LOT BOUNDARY / SITE AREA	2	18.09.20
AR-DA-A-00-07	PROPOSED SITE PLAN	10 12	05.08.21 11.08.22
AR-DA-A-00-09	BULK EARTH WORK PLAN	2	18.09.20
AR-DA-B-10-01	BASEMENT B2b-B2a	29	23.10.20
AR-DA-B-10-02	BASEMENT B1b-B1a	26	30.11.20
AR-DA-B-10-03	LEVEL 01-03	19	20.11.20
AR-DA-B-10-04	LEVEL 03-05	19 22	28.10.10 11.08.22
AR-DA-B-10-05	LEVEL 05-07	14 17	18.09.20 11.08.22
AR-DA-B-10-06	LEVEL 07-09	13	18.09.20
AR-DA-B-10-07	LEVEL 09-11	13	18.09.20
AR-DA-B-10-08	LEVEL 11-13	12	18.09.20
AR-DA-B-10-09	LEVEL 13-15	12	18.09.20
AR-DA-B-10-10	LEVEL 15-17	12	18.09.20
AR-DA-B-10-11	LEVEL 18-19	11	18.09.20
AR-DA-B-10-12	LEVEL 20-21	11	18.09.20
AR-DA-B-10-13	LEVEL 22-23	12	18.09.20
AR-DA-B-10-14	LEVEL 24-27	8	18.09.20
AR-DA-B-10-15	ROOF PLAN	5 8	18.09.20 11.08.22

Plan No.	Plan Name / Title	Revision	Date
AR-DA-B-11-61	DDA APARTMENTS-TYPE 3H AND 3F	3	18.09.20
AR-DA-B-11-62	LIVEABLE APARTMENTS	4	23.10.20
AR-B-21-01	BASEMENT B2b-B2a DEMOLITION	4	18.09.20
AR-B-21-02	BASEMENT B1b-B1a DEMOLITION	4	18.09.20
AR-B-21-03	LEVEL 01-03 DEMOLITION	4	18.09.20
AR-DA-B-21-04	LEVEL 03-05 DEMOLITION	5	23.10.20
AR-B-21-05	LEVEL 05-07 DEMOLITION	4	18.09.20
AR-B-21-06	LEVEL 07-09 DEMOLITION	4	18.09.20
AR-B-21-07	LEVEL 09-11 DEMOLITION	4	18.09.20
AR-B-21-08	LEVEL 11-13 DEMOLITION	4	18.09.20
AR-B-21-09	LEVEL 13-15 DEMOLITION	4	18.09.20
AR-B-21-10	LEVEL 15-17 DEMOLITION	4	18.09.20
AR-B-21-11	LEVEL 17-19 DEMOLITION	4	18.09.20
AR-DA-B-21-12	LEVEL 19-21 DEMOLITION	4	18.09.20
AR-B-21-13	LEVEL 21-23 DEMOLITION	4	18.09.20
AR-B-21-14	LEVEL 23-24 DEMOLITION	4	18.09.20
AR-B-21-15	LEVEL 24-25 & PLANT DEMOLITION	4	18.09.20
AR-B-31-01	DEMOLITION EAST AND WEST ELEVATIONS	5	23.10.20
AR-B-31-02	DEMOLITION NORTH AND SOUTH ELEVATIONS	4	18.09.20
AR-DA-C-10-00	EAST & WEST ELEVATIONS – STREETSCAPE	11 13	05.08.21 11.08.22
AR-DA-C-10-01	EAST & WEST ELEVATIONS – SIRIUS BUILDING	8	23.10.20
AR-DA-C-10-02	NORTH & SOUTH ELEVATIONS – OVERALL	6 10	18.09.20 11.08.22
AR-DA-C-10-03	NORTH & SOUTH ELEVATIONS – SIRIUS TOWER	6 10	18.09.20 11.08.22
AR-DA-C-10-04	EAST & WEST ELEVATIONS – CUMBERLAND BUILDING	4 6	18.09.20 11.08.22
AR-DA-C-10-05	MATERIALS BOARD	2	18.09.20
AR-DA-D-10-01	SECTIONS	7 10	18.09.20 11.08.22
AR-DA-D-10-02	SECTIONS	3 6	18.09.20 11.08.22
AR-C-11-01	TYPICAL FAÇADE DETAILS – WEST ELEVATION	1	18.09.20
AR-C-11-02	TYPICAL FAÇADE DETAILS – NORTH ELEVATION	1	18.09.20
AR-DA-T-40-23	APARTMENT SCHEDULE / MIX / STORAGE	6	23.10.20
AR-DA-U-10-01	GFA LEVEL B2b-11	11	27.10.20
AR-DA-U-10-02	GFA LEVEL 12-PLANT	9	18.09.20
AR-DA-U-10-03	GFA SCHEDULE	11	27.10.20
Landscape plans prepared by 360°			
L-DA-01	Cover Page		
L-DA-08	Landscape Plan - BASEMENT B4-B3	O	25.11.21
L-DA-09	Landscape Plan - BASEMENT B2-B1	O	25.11.21
L-DA-010	Landscape Plan – LEVEL 01-03	O	25.11.21
L-DA-011	Landscape Plan – LEVEL 03-05	O	25.11.21
L-DA-012	Consolidated Ground floor / Public Domain Plan	O	25.11.21
L-DA-13	Landscape Plan – LEVEL 05-07	I	19.05.21
L-DA-14	Landscape Plan – LEVEL 07-09	I	19.05.21
L-DA-15	Landscape Plan – LEVEL 09-11	I	19.05.21

Plan No.	Plan Name / Title	Revision	Date
L-DA-16	Landscape Plan – LEVEL 11-13	I	19.05.21
L-DA-17	Landscape Plan – LEVEL 13-15	I	19.05.21
L-DA-18	Landscape Plan – LEVEL 15-17	I	19.05.21
L-DA-19	Landscape Plan – LEVEL 18-19	I	19.05.21
L-DA-20	Landscape Plan – LEVEL 20-21	I	19.05.21
L-DA-21	Landscape Plan – LEVEL 24-25	I	19.05.21
L-DA-22	Landscape Plan – LEVEL 27	I	19.05.21
L-DA-23	CONSOLIDATED ROOF PLAN	I	19.05.21
L-DA-24	TYPICAL PRIVATE ROOF TERRACE	J	19.05.21
L-DA-25	TYPICAL NON-ACCESSIBLE GREEN ROOF	I	19.05.21
L-DA-026	Planting Palette – TREES	O	29.10.21
L-DA-27	Planting Palette – GROUND FLOOR & COURTYARDS	I	19.05.21
L-DA-28	Planting Palette – GREEN ROOFS	I	19.05.21
L-DA-29	BOUNDARY WALL / FENCE PLAN	N	29.10.21
L-DA-30	CUMBERLAND STREET ELEVATION	I	19.05.21
L-DA-31	SITE CANOPY COVERAGE PLAN	I	19.05.21
L-DA-32	ROOF GARDEN ACCESS METHODOLOGY	C	19.05.21
L-DA-033	PROPOSED SITE CANOPY COVERAGE PLAN	I	25.11.21
L-DA-034	PROPOSED STREET TREE PLAN	I	25.11.21
L-DA-035	PUBLIC DOMAIN TREE CANOPY PLANS	D	25.11.21

STAGING

A22. Construction of the development may be carried out in stages, in accordance with the below table and Section 8.19 of the Applicant's EIS, with conditions to be satisfied prior to commencing work on the relevant stage.

Stage	Description
Construction certificate stage 1	Tree removal & pruning, internal strip out, façade rectification, demolition and excavation works, including any associated retention or strengthening works to allow demolition.
Construction certificate stage 2	New concrete structure, <u>and</u> associated inground services <u>and structural steel</u> .
Construction certificate stage 3	Structural Steel, façade works, <u>Architectural building and</u> internal fitout, <u>external wall framing</u> , and building services.
Construction certificate stage 4	<u>Façade</u> . External works, landscaping works and public domain (including external lighting and security).
<u>Construction certificate stage 5</u>	<u>External works, landscaping works and public domain (including external lighting and security).</u>

PART B PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

EXTERNAL WALLS AND CLADDING

B2. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

Before the issue of ~~Construction Certificate 3~~ **Construction Certificate 4**, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use in the construction of external walls **façade (i.e. elements including and past the weatherproofing line)** including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA. **For clarity, this Condition excludes structural elements (Construction Certificate 2) and external wall framing (Construction Certificate 3).**

The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after being accepted by the Certifier.

DESIGN EXCELLENCE AND INTEGRITY

B4. Prior to the issue of ~~Construction Certificate 3~~ **Construction Certificate 4**, the DIP is to review the architectural drawings, landscape drawings and samples of all external materials, including revised 3D photomontages, and provide confirmation to the Certifier that these are consistent with the approved design.

PUBLIC DOMAIN

B5. Prior to the issue of **Construction Certificate 5** ~~Construction Certificate 4~~, a detailed Public Domain Plan prepared by a suitably qualified architect, urban designer or landscape architect must be developed in consultation with PMNSW and Council and approved by PMNSW. The Public Domain Plan must document all works relating to the public domain at Cumberland Street, Gloucester Walk and the northern pocket park (identified as Lots 1 – 6, DP 776315 & Lot 7, DP 264080). This is to include, but not limited, to:

- (a) seating plan, including additional public seating on Gloucester Walk and Bunker Hill viewing area, and how it addresses heritage, retail frontages and pedestrian circulation
- (b) landscaping plan, including plant selection and how it will contribute to enhancing the natural heritage of The Rocks
- (c) 10 street trees (minimum size 200 L) in Cumberland Street (planted in accordance with Council's Street Tree Masterplan technical specifications)
- (d) four replacement trees on Gloucester Walk with species and sizes being determined in consultation with Council and PMNSW (planted in accordance with relevant Australian \landscaping and horticultural standards) tree maintenance arrangements over a 12 month establishment period
- (f) details of paving treatment
- (g) location of bins, bollards, lighting, digital infrastructure and the like
- (h) signage and wayfinding
- (i) bicycle parking facilities
- (j) upgrade of the northern pocket park.

The public domain plan is to include all relevant recommendations of the Crime Prevention Through Environmental Design Report prepared by Architectus, dated 21 October 2020.

The final approved Public Domain Plan must be submitted to the Planning Secretary and the Certifier, for information.

PUBLIC ART

B6. Prior to the issue of **Construction Certificate 5** ~~Construction Certificate 4~~, the final details of the public artwork must be developed in consultation with Council and PMNSW, with the final details submitted to the Planning Secretary for approval.

The Public Art must reflect the social and cultural history of the Sirius site, in accordance with public art strategy and curatorial rationale outlined in the Sirius Public Art Strategy, prepared by UAP, dated October 2020.

The public artwork must be in accordance with the Sydney DCP 2012, the Public Art Policy, and the Interim Guidelines: Public Art in Private Developments.

In finalising the Public Artwork, the Applicant must:

- (a) undertake suitable consultation and engagement with community groups
- (b) share and discuss the longlist of artists with Council's Public Art team prior to shortlisting
- (c) present the artists concepts to Council's Public Art Advisory Panel
- (d) explore and document further options to link with the Museum of Contemporary Art C3West initiative.

SITE LANDSCAPE PLAN

B7. Prior to the issue of **Construction Certificate 5** ~~Construction Certificate 4~~, a detailed site Landscape design, including plans and details drawn to scale, and technical specification, by a registered landscape architect or designer, must be prepared in consultation with Council and PMNSW. The Landscape Plan, including evidence of consultation with Council and PMNSW, the comments raised and how these have been addressed, must be submitted to the Planning Secretary for approval. These documents must include:

- (a) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features.
- (b) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers.
- (c) Location, numbers, type and supply of plant species, with reference to the relevant Australian Standards (if applicable).
- (d) Details of planting procedure and maintenance.
- (e) Details of drainage, waterproofing and watering systems.

GREEN ROOFS

B8. Prior to the issue of **Construction Certificate 5** ~~Construction Certificate 4~~, a detailed green roof design including plans and details drawn to scale, and technical specification, by a registered landscape architect

or designer, must be prepared in consultation with Council and submitted to the Planning Secretary for approval. These documents must include:

- (a) A statement that includes details of proposed use of the green roof, accessibility, and any noise and privacy treatments.
- (b) 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.
- (c) Details of earthworks including mounding and retaining walls and planter boxes (if applicable)
- (d) Details of the location, sizes and numbers of plants used with reference to relevant Australian Standards (if applicable), with preference for drought resistant species.
- (e) Details of the soil media/substrate type and depth.
- (f) Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc.
- (g) 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.
- (h) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).

B9. Prior to the issue of **Construction Certificate 5** ~~Construction Certificate 4~~, the following details are to be submitted to and approved by the Certifier:

- (a) Evidence the green roof has been assessed as part of the structural certification provided for the development; and
- (b) Evidence the green roof has been assessed as part of the waterproofing certification provided for the development.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

B13. Prior to the issue of ~~Construction Certificate 3~~ **Construction Certificate 4**, the architectural plans must be annotated to include relevant recommendations of the Crime Prevention Through Environmental Design Report, prepared by Architectus, dated 21 October 2020, and be submitted to the Certifier.

OUTDOOR LIGHTING

B31. Outdoor lighting must be designed, positioned and installed, including appropriate shielding and orientation, so as to not give rise to obtrusive light, interfere with traffic safety or detract from the amenity of surrounding properties, in accordance with Australian Standard AS 4282: 1997 Control of the obtrusive effects of outdoor lighting.

Prior to the issue of **Construction Certificate 5** ~~Construction Certificate 4~~, details demonstrating compliance with these requirements must be submitted to the Certifier.

Appendix B Updated Architectural Drawings

Appendix C Building Certifier letter