

ATTACHMENT D

STAGE 1 CONSENT - D/2012/1453/A

137-151 CLARENCE STREET SYDNEY

NOTICE OF DETERMINATION - APPROVAL issued under Section 80(1)(a)
of the Environmental Planning and Assessment Act 1979

Development Application No.	D/2012/1453/A
Applicant	INVESTA PROPERTY GROUP Level 6 126 Phillip Street SYDNEY NSW 2000
Land to be developed	137-151 Clarence Street, SYDNEY NSW 2000 Lot 1 DP 9117, Lot 6 DP 165754, Lot 1 DP 165965, Lot 1 DP 205806, Lot 5 DP 661092
Approved development	Stage 1 development application for a 80m tower with ground level retail uses including basement car parking for 160 vehicles accessed via Kent Street. The proposal includes the provision of a mid block connection between Clarence Street and Kent Street.
Cost of development	\$99,969,978
Determination	The application was determined by Central Sydney Planning Committee and was granted consent subject to the attached conditions. This Section 96 modification application was determined by Central Sydney Planning Committee and was granted consent subject to the attached conditions.
Section 61 Contribution	A Section 61 Contribution (under the City of Sydney Act 1998) does not apply to this development.]
Consent is to operate from	6 December 2012
Consent will lapse on	6 December 2017
Date of Section 96(2) Modification	20 February 2014

Reasons for conditions

Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.

Right of Appeal

If you are dissatisfied with this decision, Section 96(6) of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environmental Court within 6 months after the date of this Notice of Determination.

Alternatively, you may request a review under Section 96AB of the Act within 28 days of the date of this notice (NB section 96AB is not applicable to integrated or designated development).

GRAHAM JAHN

Director - City Planning, Development & Transport

CONDITIONS OF CONSENT

SCHEDULE 1A

Approved Development/Design Modifications/Covenants and Contributions/Use and Operation

Note: Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of an Occupation Certificate, where indicated.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2012/1453, dated 20 September 2012, and the following drawings:

Drawing Number	Architect	Date
DA S1 01 Issue B	Architectus	19/9/12 29/10/13
DA S1 02 Issue B	Architectus	19/9/12 29/10/13
DA S1 03 Issue B	Architectus	19/9/12 29/10/13
DA S1 04 Issue B	Architectus	19/9/12 29/10/13
DA S1 05 Issue B	Architectus	19/9/12 29/10/13
DA S1 06 Issue B	Architectus	19/9/12 29/10/13
DA S1 07	Architectus	19/9/12
DA S1 08 Issue B	Architectus	19/9/12 29/10/13
DA S1 09 Issue B	Architectus	19/9/12 29/10/13
DA S1 10 Issue B	Architectus	19/9/12 29/10/13
DA S1 11 Issue B	Architectus	19/9/12 29/10/13
DA S1 12 Issue B	Architectus	19/9/12 29/10/13
DA S1 13 Issue B	Architectus	19/9/12 29/10/13
DA S1 14 Issue B	Architectus	19/9/12 29/10/13

and as amended by the conditions of this consent:

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(As modified by D/2012/1453/A, dated 20 February 2014)

(2) MATTERS NOT APPROVED

The following items are not approved and do not form part of this consent:

- (a) any demolition, construction, refurbishment and/or excavation; and
- (b) the layout, number of basement levels and number of car parking spaces.

(3) BUILDING ENVELOPE

The building envelope is only approved on the basis that the ultimate building design, including services, will be entirely within the approved envelopes and provide an appropriate relationship with neighbouring and approved buildings. Any projection beyond the building envelope must be fully justified through the competitive design and Stage 2 Development Application process.

(4) DESIGN EXCELLENCE AND COMPETITIVE DESIGN PROCESS

- (a) A competitive design process in accordance with the provisions of Sydney LEP 2005 and Central Sydney DCP 1996 shall be conducted prior to the lodgement of a Stage 2 Development Application.
- (b) The detailed design of the development must exhibit design excellence.

(5) BUILDING HEIGHT

The maximum height of the building as defined in the Sydney Local Environmental Plan 2005 (as may be amended) must not exceed 80 metres.

(6) FLOOR SPACE RATIO - CENTRAL SYDNEY

- (a) The Floor Space Ratio of the proposal must not exceed the maximum permissible and calculated in accordance with the Sydney Local Environmental Plan 2005 (as may be amended). Precise details of the distribution of floor space shall be provided with the future Stage 2 development applications.
- (b) The floor space in excess of 8:1 shall be subject to a requirement to purchase heritage floor space (HFS) in accordance with the requirements of Clause 62 of the Sydney Local Environmental Plan 2005 (as may be amended).

(7) THROUGH SITE LINK (MID BLOCK CONNECTION)

Details of the proposed pedestrian through site link are to be submitted with the Stage 2 application. These details are to include:

- (a) detailed design and view analysis;
- (b) view analysis from/to Clarence Street through the link from/to Kent Street. A visual connection between the streets is to be provided;
- (c) levels; and

- (d) proposed easement.

(8) BREAK THROUGH PANELS

The future Stage 2 application should investigate the opportunity for a connection/s into the adjoining property at 153-159 Clarence Street, Sydney to allow for possible future vehicle access between the two sites and sharing of driveways. Details shall be submitted as part of the future Stage 2 Development Application.

(9) EXPOSED ELEVATIONS

- (a) A visually interesting treatment is to be applied to the exposed side elevations along the north and south boundaries. In applying this treatment, care should be taken to ensure that there are no unreasonable impacts on the neighbouring properties. Details shall be submitted as part of the future Stage 2 Development Application.
- (b) Signage zones are not permitted on the side boundary elevations.
- (c) The above design elements are to form part of the design competition brief.

(10) CLARENCE STREET AND KENT STREET ELEVATIONS

- (a) The design of the building should respond to the high quality masonry facades of the surrounding palazzo and warehouse development comprising masonry facades of high quality, strong visual depth, a high degree of architectural modelling and articulation, a complex hierarchy of vertical and horizontal proportions and changes in architectural treatment with height and level, and high quality materials that provide a compatible response to surrounding development should be incorporated into the design.
- (b) There are significant axial views to the site looking west to the site from the former GPO building and from Barrack Street that should be enhanced by the architectural design of the Kent Street façade. There are significant views from the site to the east along Barrack Street, towards George Street, down to the Sydney General Post Office Building that should be taken advantage of, and enhanced by careful framing.
- (c) The design for the development should respond to major horizontal elements of the former Hoffnung and Co warehouse in a similar manner.
- (d) The above design elements are to form part of the design competition brief.

(11) SECTION 61 CONTRIBUTIONS

The future Stage 2 Development Application will be subject to a cash contribution comprising 1% of the total cost of development. The contribution is payable to the City of Sydney pursuant to Section 61 of the City of Sydney Act 1988 and Central Sydney Contribution (Amendment) Plan 2002.

(12) PUBLIC DOMAIN PLAN

A Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with the Stage 2 development application. The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual.

(13) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

On-site detention, treatment and re-use is encouraged.

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 with the Stage 2 application.

The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with.

(14) WASTE COLLECTION

The future Stage 2 Development Application shall demonstrate compliance with Council's requirements for waste collection for residential development and Policy for Waste Minimisation in New Development 2005.

(15) ELECTRICITY SUBSTATION

The owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for the approval of Council and Ausgrid with any future Stage 2 Development Application.

(16) ACID SULFATE SOILS

An Acid Sulfate Soils Management Plan for the development must be prepared by an appropriate qualified consultant and submitted with the Stage 2 Development Application. This plan shall be prepared in accordance with the Acid Sulfate Soils Manual.

(17) 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".

(18) TRANSPORT ROADS AND MARITIME SERVICES CONDITIONS

- (a) The layout of the proposed driveway should be in accordance with AS2890.1-2004 and AS2890.2-2002.
- (b) The swept path of the longest vehicle entering and exiting the subject site as well as manoeuvrability through the site shall be in accordance with AUSTROADS. In this regard, a swept path plan shall be submitted to Council as part of the Stage 2 application which shows the development complies with this requirement.
- (c) All works/regulatory signposting associated with the proposed development shall be at no cost to the Roads and Maritime Services (RMS).

SCHEDULE 2

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply to the development.