

**19 October 2023**

At 5.00 pm

## **Central Sydney Planning Committee**

## Agenda

1. **Disclosures of Interest**
2. **Confirmation of Minutes**
3. **Matters Arising from the Minutes**
4. **Section 4.55 Application: 169-183 Liverpool Street, Sydney - D/2019/992/A**
5. **Development Application: 169-183 Liverpool Street, Sydney - D/2022/614**
6. **Post Exhibition - Planning Proposal - 90 and 100-104 Brougham Street, Potts Point - Sydney Local Environmental Plan 2012 Amendment**
7. **Proposed Schedule of Central Sydney Planning Committee Meetings and Briefings for 2024**

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1. Register to speak by calling Secretariat on 9265 9702 or emailing [secretariat@cityofsydney.nsw.gov.au](mailto:secretariat@cityofsydney.nsw.gov.au) before 10.00am on the day of the meeting.
2. Check the recommendation in the committee report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker (with a warning bell at two minutes) and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the committee may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

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## **Item 1.**

### **Disclosures of Interest**

Pursuant to the provisions of the City of Sydney Code of Meeting Practice and the City of Sydney Code of Conduct, Members of the Central Sydney Planning Committee are required to disclose and manage both pecuniary and non-pecuniary interests in any matter on the agenda for this meeting.

In both cases, the nature of the interest must be disclosed.

This includes receipt of reportable political donations over the previous four years.



## **Item 2.**

### **Confirmation of Minutes**

Minutes of the following meeting of the Central Sydney Planning Committee are submitted for confirmation:

Meeting of 14 September 2023

### **Item 3.**

#### **Matters arising from the Minutes**

Matters arising from the minutes of the Central Sydney Planning Committee of 14 September 2023.

**Item 4.****Section 4.55 Application: 169-183 Liverpool Street, Sydney - D/2019/992/A**

File No.: D/2019/992/A

**Summary****Date of Submission:** 28 July 2022**Amended Plans and Additional Information:** 17 March 2023, 27 July 2023, 11 September 2023 and 28 September 2023.**Applicant:** Sicard Pty Ltd**Developer:** Sicard Pty Ltd**Owner:** Sicard Pty Ltd**Architect:** Bates Smart**Planning Consultant:** Ethos Urban**Design Advisory Panel:** 1 September 2022**Cost of Works:** \$0**Zoning:** SP5 - Metropolitan Centre**Proposal Summary:** The application is a Section 4.55(2) modification to amend the approved concept building envelope for an indicative mixed-use development containing a 7-storey podium with indicative commercial and retail uses, and two towers above containing residential apartments. The application seeks to amend the approved building envelope and conditions of consent.

Specifically, the modification seeks to amend the width of the through-site link at ground level from 10m to 18m in the 'Urban Room' and 6m at the southern extent, include articulation zones on facades, for changes to the Liverpool Street setbacks, and for changes in levels.

The application is referred to the Central Sydney Planning Committee (CSPC) for determination as the proposed modifications relate to “major development” for the purposes of the City of Sydney Act 1988.

A separate and concurrent detailed design development application (D/2022/614) has been lodged and the amendments to the subject concept modification application will allow both applications to 'align' in terms of the siting of the proposed development, as required under Section 4.24 of the Environmental Planning and Assessment Act, 1979.

The original application was notified for 14 days between 2 August 2022 and 17 August 2022. Three submissions were received, including one submission of support and two objections raising concerns regarding privacy, wind and noise impacts. The matters raised in the objections are addressed within the report.

As amended, the proposed modifications to the building envelope are considered to result in a development that is substantially the same as previously approved and contextually appropriate. The changes are not likely to significantly impact the overall use of the building, nor the amenity of surrounding sites.

The detailed design of the development will be considered concurrently by the CSPC under development application D/2022/614, which demonstrates that a generally compliant scheme can be provided within the amended envelopes. The proposed modifications are recommended for approval.

**Summary Recommendation:** The development application is recommended for approval, subject to conditions.

**Development Controls:**

- (i) Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021
- (ii) City of Sydney Act 1988 and City of Sydney Regulation 2016
- (iii) Sydney Airport Referral Act 1996
- (iv) State Environmental Planning Policy No.65 - Design Quality of Residential Apartment Development and the Apartment Design Guide
- (i) Sydney Local Environmental Plan 2012
- (ii) Sydney Development Control Plan 2012

- (iii) Central Sydney Development Contributions Plan 2020

**Attachments:**

- A. Recommended Conditions of Consent
- B. Selected Drawings

## Recommendation

It is resolved that consent be granted to Section 4.55 Application Number D/2019/992/A subject to the amendment of the following conditions (with modifications shown in **italics** (additions) and ~~strikethrough~~ (deletions), as follows):

### (2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2019/992 dated 6 September 2019 27 September 2023 and the following drawings prepared by Crone Partners Pty Ltd Bates Smart:

Drawing Name	Drawing Number	Date
<b><i>Proposed Building</i></b> Envelope Plan	<del>DA- A- 10500</del> <b><i>Revision-B S1DA-01.00 Revision E</i></b>	<del>18.06.20</del> <b><i>27/09/23</i></b>
<b><i>Proposed Building</i></b> Envelope Plan Lower Ground	<del>10508 Revision-C</del> <b><i>S1DA-01.01 Revision E</i></b>	<del>13.08.20</del> <b><i>27/09/23</i></b>
<b><i>Proposed Building</i></b> Envelope Plan Ground	<del>DA- A- 10510</del> <b><i>Revision-B S1DA-01.02 Revision E</i></b>	<del>18.06.20</del> <b><i>27/09/23</i></b>
<b><i>Proposed Building</i></b> Envelope Plan Level 1 -6	<del>DA- A- 10511</del> <b><i>Revision-B S1DA-01.03 Revision E</i></b>	<del>18.06.20</del> <b><i>27/09/23</i></b>
<b><i>Building Envelope Plan</i></b> <b><i>Level 2-6</i></b>	<b><i>S1DA-01.04 Revision E</i></b>	<b><i>27/09/23</i></b>
<b><i>Proposed Building</i></b> Envelope Plan Level 7-28	<del>DA- A- 10512</del> <b><i>Revision-B S1DA-01.05 Revision E</i></b>	<del>18.06.20</del> <b><i>27/09/23</i></b>
<b><i>Proposed Building</i></b> Envelope Plan Level 29	<del>DA- A- 10513</del> <b><i>Revision-B S1DA-01.06 Revision E</i></b>	<del>18.06.20</del> <b><i>27/09/23</i></b>
<b><i>Proposed Building</i></b> Envelope Plan Level 30	<del>DA- A- 10514</del> <b><i>Revision-B S1DA-01.07 Revision E</i></b>	<del>18.06.20</del> <b><i>27/09/23</i></b>

<b>Proposed Building</b> Envelope Plan Level 31	<del>DA- A- 10515</del> <del>Revision B S1DA-</del> <del>01.08 Revision E</del>	<del>18.06.20</del> <del>27/09/23</del>
<b>Proposed Building</b> Envelope Plan Level 32	<del>DA- A- 10516</del> <del>Revision B S1DA-</del> <del>01.09 Revision E</del>	<del>18.06.20</del> <del>27/09/23</del>
<b>Proposed Building</b> Envelope Plan Level 33	<del>DA- A- 10517</del> <del>Revision B S1DA-</del> <del>01.10 Revision E</del>	<del>18.06.20</del> <del>27/09/23</del>
<b>Proposed Building</b> Envelope Plan Level 34	<del>DA- A- 10518</del> <del>Revision B S1DA-</del> <del>01.11 Revision E</del>	<del>18.06.20</del> <del>27/09/23</del>
<b>Proposed Building</b> Envelope Plan Level 35	<del>DA- A- 10519 S1DA-</del> <del>01.12 Revision E</del>	<del>18.06.20</del> <del>27/09/23</del>
<b>Proposed Building</b> Envelope Plan Level 36	<del>DA- A- 10520 S1DA-</del> <del>01.13 Revision F</del>	<del>18.06.20</del> <del>04/10/23</del>
<b>Proposed Envelope Plan - Reef</b>	<del>DA- A- 10521</del>	<del>18.06.20</del>
Proposed Envelope Axonometric Views	DA- A- 10530 <del>S1DA-</del> <del>03.01 Revision E</del>	<del>18.06.20</del> <del>04/10/23</del>
<b>Proposed Building</b> Envelope Elevation - North	<del>DA- A- 10601 S1DA-</del> <del>02.01 Revision E</del>	<del>18.06.20</del> <del>27/09/23</del>
<b>Proposed Building</b> Envelope Elevation - South	<del>DA- A- 10602 S1DA-</del> <del>02.02 Revision E</del>	<del>18.06.20</del> <del>27/09/23</del>
<b>Proposed Building</b> Envelope Elevation - East	<del>DA- A- 10603 S1DA-</del> <del>02.03 Revision E</del>	<del>18.06.20</del> <del>27/09/23</del>
<b>Proposed Building</b> Envelope Elevation - West	<del>DA- A- 10604 S1DA-</del> <del>02.04 Revision E</del>	<del>18.06.20</del> <del>27/09/23</del>

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.

*Amended by D/2019/992/A on 19 October 2023*

**(12) THROUGH SITE LINK DESIGN**

The through site link design in any future competitive design process and subsequent detailed design development application must be in accordance with the minimum requirements set out in the relevant objectives and provisions of Section 3.1.2.2 of the Sydney Development Control Plan 2012, including the following:

- (a) Being direct and accessible to all 24 hours a day;
- (b) Having a clear line of sight between public places;
- (c) Being open to the sky (***excluding the area contained within the 'Urban Room'***);
- (d) Being easily identifiable and including wayfinding measures;
- (e) Including materials and finishes consistent with adjoining streets and public spaces;
- (f) Being clear of obstructions and structures;
- (g) Including landscaping; and
- (h) Providing active frontages.

*Amended by D/2019/992/A on 19 October 2023*

**(17) ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

- (a) Details are to be provided with the subsequent development application for the detailed design of the buildings to confirm that the buildings have adopted the Ecologically Sustainable Development (ESD) targets outlined in The '175 Liverpool Street Concept Development Application ESD Design Report', reference REP-ESD-001, revision 2, prepared by Arup and dated 18 June 2020 (Council reference TRIM 2020/267925).
- (b) These targets must include, at a minimum:
  - (i) For the residential apartment component of the development:
    - a. A BASIX energy score of at least 35 points or better;
    - b. A BASIX water score of at least 50 points or better;
  - (ii) For the commercial component of the development:
    - a. A NABERS Energy rating of 5.5 stars or better; and
  - (iii) ~~**Implementation of Building Integrated Photovoltaics to the northern facades of the development.**~~



- (c) The ESD targets must be included in the competitive design process brief and carried through the competitive design process phase, design development, construction, and through to completion of the project.

*Amended by D/2019/992/A on 19 October 2023*

**(18) PUBLIC ART**

- (a) The 'Preliminary Public Art Plan', reference 15914/2190217, version D, dated 19 June 2020 and prepared by Ethos Urban (Council reference TRIM 2020/267917) must be incorporated into the competitive design process brief.
- (b) ~~**The artist brief and shortlist must be presented to the City of Sydney's Public Art Unit prior to any competitive process for the public artwork being undertaken.**~~
- (c) ~~**Selected artists concepts must be presented to the City of Sydney's Public Art Unit prior to the development and submission of any detailed public art plans with a subsequent detailed design development application.**~~
- (d) A detailed Public Art Strategy, based upon the preliminary strategy referred to in (a) above, must be prepared and submitted with any subsequent detailed design development application.
- (e) All public artwork must be in accordance with the relevant objectives and provisions of the Sydney Development Control Plan 2012, the City of Sydney Public Art Policy, and the City of Sydney Interim guidelines: public art in private developments.

Note: All public art must be reviewed and endorsed by the City's Public Art Unit and/or the City of Sydney Public Art Advisory Panel, prior to submission for Council approval.

*Amended by D/2019/992/A on 19 October 2023*

**(25) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

~~**Any subsequent detailed design development application must be accompanied by a**~~ A site-specific Demolition, Excavation and Construction Noise and Vibration Management Plan **must be prepared prior to the issue of any Construction Certificate for any subsequent detailed design development application.**

The Demolition, Excavation and Construction Noise and Vibration Management Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The Demolition, Excavation and Construction Noise and Vibration Management Plan must include but not be limited to the following:

- (a) Identification of noise sensitive receivers near to the site.
- (b) The proposed hours of all construction and work on the development including building / demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools etc.), in connection with the proposed development.
- (c) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours / Noise Code of Practice 1992* for the typical construction hours of 7.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (d) A representative background noise measurement ( $L_{A90, 15 \text{ minute}}$ ) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (e) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (f) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code **where possible**.
- (g) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (h) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (i) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

***Amended by D/2019/992/A on 19 October 2023***

### **(31) STREET TREES**

- (a) All street trees adjoining the site must be included for retention with any subsequent detailed design development application ***excluding street trees approved for removal under Development Consent D/2022/614.***

- (b) Any design elements (awnings, street furniture, footpath upgrades etc.) within the public domain in a subsequent detailed design development application must ensure appropriate setbacks are provided from the street tree to allow maturity of the tree to be achieved.
- (c) The location of any driveway must ensure that the removal of any existing street tree is not required. Any driveway must be appropriately setback so as it does not adversely impact on any existing street tree both below and above ground.

*Amended by D/2019/992/A on 19 October 2023*

### **Reasons for Recommendation**

The application is recommended for approval for the following reasons:

- (A) The development, as modified, is substantially the same development as that originally approved and is consistent with Section 4.55(2)(a) of the Environmental Planning and Assessment Act, 1979.
- (B) The proposed modification ensures that the detailed design development application is consistent with the concept approval, in order to satisfy Section 4.24 of the Environmental Planning and Assessment Act, 1979.
- (C) The proposed modification is consistent with and is considered acceptable having regard to the reasons given for the original approval in accordance with Section 4.55(3) of the Environmental Planning and Assessment Act, 1979.
- (D) The proposal is consistent with the aims, objectives and relevant provisions of the Sydney LEP 2012 and Sydney DCP 2012 for the reasons set out in the report.
- (E) The modified building envelope can accommodate a building design which is capable of exhibiting design excellence in accordance with Clause 6.21C of the Sydney LEP 2012.
- (F) The changes to the approved building envelope are not likely to significantly impact the overall use of the building or the amenity of surrounding sites or locality.

## Background

### The Site and Surrounding Development

1. A detailed description of the site and surrounds is provided in the assessment report for the detailed design development application (D/2022/614) that is presented to the CSPC concurrently for approval.

### History Relevant to the Development Application

#### Concept Development Application - D/2019/992

2. Development consent was granted on 22 October 2020 by the CSPC for a concept development application on the subject site for a building envelope and in-principle demolition of the existing commercial tower, retention of the existing basement, refurbishment and renewal of the existing pocket park, indicative construction of two new buildings separated by a through-site link, with podium elements containing retail and commercial uses, and residential uses in towers above.

#### Competitive Design Process

3. A competitive design process was undertaken for the development site in accordance with the provisions of Clause 6.21D of the Sydney LEP 2012 and the City of Sydney Competitive Design Policy.
4. As a result of this competitive design process the applicant is seeking up to 10 per cent additional height pursuant to Clause 6.21D of the Sydney LEP 2012.
5. The architectural firms who participated in the 'invited' architectural design competition were Bates Smart, Crone + Andrew Burns, Fender Katsalidis + Wong Tung International, PTW + Furtado Sullivan, and SJB.
6. The competitive design process was carried out between 11 October 2021 and 16 February 2022.
7. At the conclusion of the Jury panel's initial deliberations and before a decision could be made, the Jury recommended that further refinements be made to the Bates Smart and PTW + Furtado Sullivan schemes.
8. Following the second-round deliberations, the Jury selected the Bates Smart scheme as the winning scheme. A photomontage of the winning scheme is provided in the figure below:



**Figure 1:** Photomontage of the winning Bates Smart scheme

### **Detailed Design Development Application - D/2022/614**

9. On 27 June 2022, a development application for the detailed design of the site was lodged with the City. The DA proposes the demolition of the existing building and construction of a new mixed-use development with a maximum height of 117.1m (RL 146.00 AHD) with commercial, retail and residential land uses in a 7-storey podium and 30-storey tower and 28-storey tower.
10. The application is being reported concurrently to the CSPC for determination. The detailed design development application is recommended for approval. Refer to the separate report for details.

### **Proposed Development**

11. The subject Section 4.55(2) modification application proposes to amend the concept development consent (D/2019/992) to ensure consistency with the concurrent detailed design development application (D/2022/614).
12. Specifically, the application seeks to modify Condition 2 'Approved Development' to amend the approved architectural plans referenced in the consent, with the plans including the following:
  - amend the width of the through-site link at ground level from 10m to 18m in the 'Urban Room' and to 6m at its southern extent connecting through to Clarke Street;

- inclusion of articulation zones on the facades;
- changes to the Liverpool Street setbacks; and
- changes in levels.

13. Axonometric drawing extracts and building envelope plans are provided below.

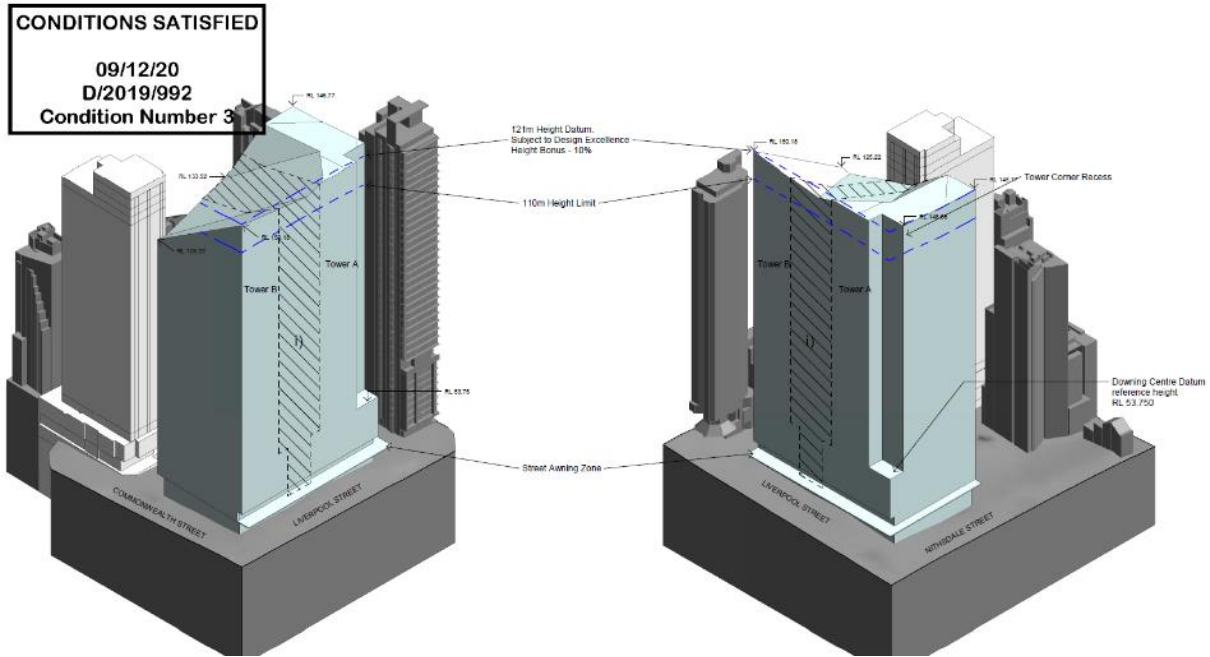


Figure 2: Approved axonometric drawings



Figure 3: Proposed axonometric drawings



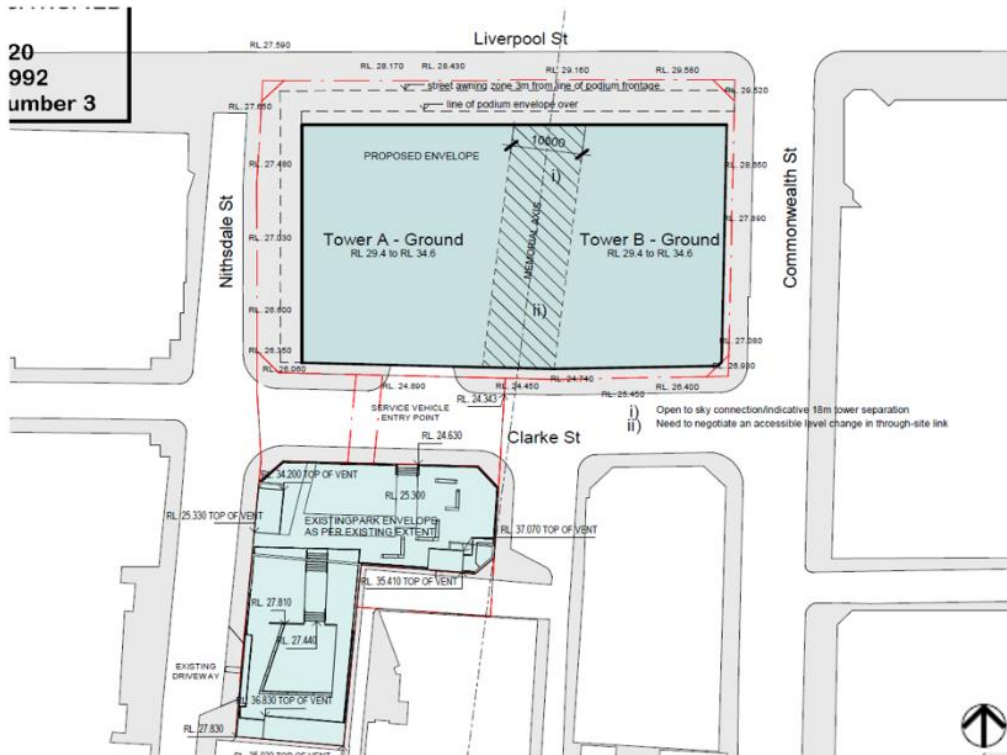


Figure 4: Approved building envelope plan

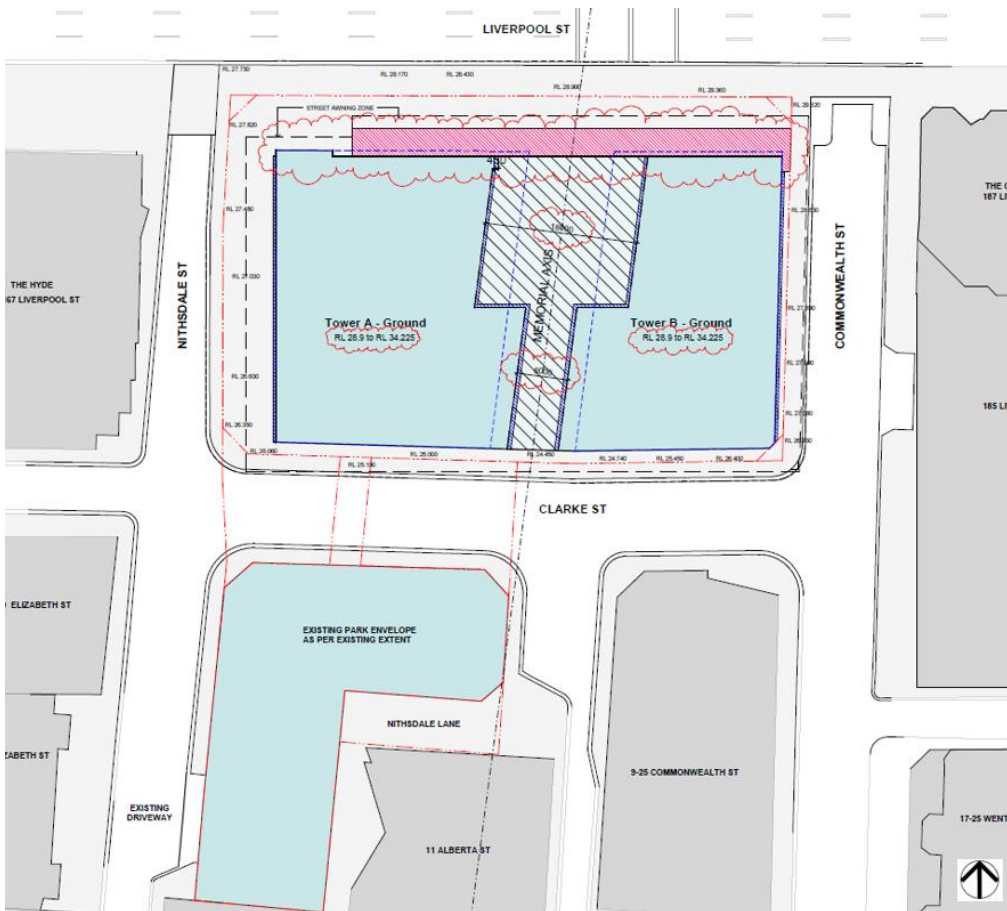


Figure 5: Proposed building envelope plan

14. The modification application also seeks consent to modify the wording of the following conditions of consent on the concept development application:
  - (a) Condition 12 'Through-Site Link Design',
  - (b) Condition 17 'Ecologically Sustainable Development',
  - (c) Condition 18 'Public Art',
  - (d) Condition 25 'Demolition, Excavation and Construction Noise and Vibration Management Plan', and
  - (e) Condition 31 'Street Trees'.
15. Details of the proposed wording changes are provided in the 'Discussion' section below.

### **Threshold Test**

16. The development as proposed to be modified is substantially the same as that originally approved.
17. The location and overall form of the building envelopes are consistent with the intent of the approved concept. As per the originally approved concept application, the proposed modifications will deliver mixed use building envelopes, including retail, commercial and residential uses which front all street frontages including Liverpool Street, Commonwealth Street, Nithsdale Street and Clarke Street.
18. The proposed modifications are to accommodate the detailed design and result in improved functionality and amenity of the development. Specifically, the modifications seek to amend the width of the through-site link at ground level from the approved 10m to 18m in the 'Urban Room' (towards Liverpool Street) and a reduction to 6m at its southern extent (towards Clarke Street), changes to the Liverpool Street setback in the podium, and changes in levels.
19. The proposed modifications to the envelopes are supported as they do not result in unacceptable amenity impacts and deliver envelopes that are capable of achieving an acceptable level of amenity for future occupants and adjoining properties.
20. In accordance with Section 4.55(2) of the Environmental Planning and Assessment Act, 1979 (EP&A Act), an assessment of the application against the relevant provisions of Section 4.15(1) of the EP&A Act is provided under the headings below.

### **Economic, Social and Environmental Assessment**

21. The proposed development has been assessed under Section 4.15 of the EP&A Act.

### **Environmental Planning and Assessment Act, 1979**

22. Section 4.55(3) of the EP&A Act requires that a consent authority take into consideration the reasons given for the grant of the original consent.



23. The original application (D/2019/992) was approved for the following reasons:
- (a) The proposal satisfies the objectives of the Environmental Planning and Assessment Act, 1979, in that, subject to the imposition of appropriate conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
  - (b) The proposal generally satisfies the objectives and provisions of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
  - (c) The proposal is consistent with the objectives of the B8 (now SP5) Metropolitan Centre zone.
  - (d) The building envelope complies with the maximum height of buildings development standard in Clause 4.3 of the Sydney Local Environmental Plan 2012 and provides capacity for an additional 10 per cent height available under Clause 6.21(3)(a) of the Sydney Local Environmental Plan 2012 for any subsequent detailed building design resulting from a design competition process and demonstrating design excellence.
  - (e) The indicative reference design accompanying the application demonstrates that the envelope can accommodate a building which complies with the maximum floor space ratio development standard in Clause 4.4 of the Sydney Local Environmental Plan 2012.
  - (f) The proposed development will conserve the heritage significance of the ANZAC War Memorial and Hyde Park in accordance with Clause 5.10 of the Sydney Local Environmental Plan 2012.
  - (g) The proposed building envelope complies with the Harmony Park sun access plane under the Draft Central Sydney Planning Strategy.
  - (h) Subject to compliance with the design excellence strategy, the undertaking of a competitive design process and the recommended conditions of consent, the proposed development will provide a building envelope capable of accommodating a future building which can exhibit design excellence in accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012.
  - (i) The indicative reference design accompanying the application demonstrates that the proposed development is generally consistent with the provisions of the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG).
  - (j) The proposed development has a height and form suitable for the site and its context, and subject to conditions, satisfactorily addresses the heights and setbacks of neighbouring developments, is appropriate in the streetscape context and broader locality.
  - (k) Subject to the recommended conditions of consent, the proposed development will provide a building envelope capable of accommodating a future building which can achieve acceptable amenity for future residents for solar access, natural ventilation, private open space and privacy.

- (l) The proposed building envelope can accommodate the proposed uses and does not result in any significant adverse environmental or amenity impacts on surrounding properties, the public domain and the broader Sydney Central Business District, subject to conditions on a subsequent detailed design development application.
  - (m) The public interest is served by the approval of the proposal, as amendments to the development application have addressed the matters raised by the City and the community, subject to recommended conditions imposed relating to heritage conservation, setbacks, views, privacy, transport, servicing and parking.
  - (n) Condition 11 was amended to address privacy concerns.
24. The original reasons for approval have been considered and the proposal is considered acceptable and consistent with the original reasons. Specifically:
- (a) The application relates to a concept development application and the modification application is limited to amendments to the podium and tower envelopes.
  - (b) The development, as amended, is consistent with Section 4.15 of the EP&A Act, includes appropriate conditions as recommended, achieves the objectives of the planning controls for the site and does not result in unreasonable environmental impacts.
  - (c) The development, as amended, is generally consistent with the applicable State Environmental Planning Policies, Sydney LEP 2012, Sydney DCP 2012 and the ADG.
  - (d) The modified proposal satisfies the relevant provisions contained in Clause 6.21D of Sydney LEP 2012 relating to design excellence.
  - (e) The proposal is consistent with the objectives of the SP5 Metropolitan Centre zone.
  - (f) The proposed modification does not result in any impacts to the quality of the public domain to Liverpool Street, Commonwealth Street, Nithsdale Street and Clarke Street as originally approved.

### **Sydney Local Environmental Plan 2012**

- 25. The relevant provisions of the Sydney LEP 2012 have been taken into consideration in the assessment of the proposal.
- 26. The site is located within the SP5 Metropolitan Centre zone. The proposed development comprises retail, commercial and residential use which are permissible within the zone.
- 27. Compliance with the development standards prescribed under Clause 4.3 Height of Buildings and Clause 4.4 Floor Space Ratio are able to be achieved.
- 28. The detailed design development application (D/2022/614) demonstrates the revised building envelope satisfies the objectives of Clause 6.21C relating to design excellence.

29. The development is consistent with other relevant provisions.

## Discussion

30. A summary of the proposed amendments and an assessment of their acceptability is discussed below.

### Amendments to width of through site link

31. As part of the concept approval, an indicative through-site link was shown on the plans, separate to the approved envelope and building massing. This indicative through site link was shown to be 10 metres in width at the ground floor level and podium levels (as shown in Figure 6 below), and 18 metres in width for the tower levels.
32. The winning design competition scheme included changes to the width of the through-site link, with the provision of an 18m wide section at its northern frontage towards Liverpool Street from the ground and podium levels (known as the 'Urban Room'). The rationale for the increased width is:
- (a) consistency with the 18m separation of the towers above;
  - (b) consistency with the Anzac Memorial axis;
  - (c) assists to address wind issues on the site; and
  - (d) create a strong urban response to the ground plane.
33. In addition, it is proposed to reduce the through-site link width to 6m towards the Clarke Street interface of the site, to reflect a more fine-grain form and laneway representative of the historical character of Surry Hills.
34. The subject modification application proposes to amend the through-site link in accordance with the design competition winning scheme. For the ground and podium levels, it is proposed to amend the through-site link width to part 18 metres, part 6 metres, as shown in Figure 7 below. This will result in an overall increase in the approved area of the through-site link (from approximately 340sqm to approximately 390sqm), as well as the approved 10m width at ground level. The 6m dimension at the rear is also consistent with Council's requirements for through site links as set out in Section 3.1.2.2 of the Sydney DCP 2012, which specifies a minimum width of 4m or 6m where bike access is provided.
35. Council Officers support the proposed amendments to and rationale for varying the width of the through site link.

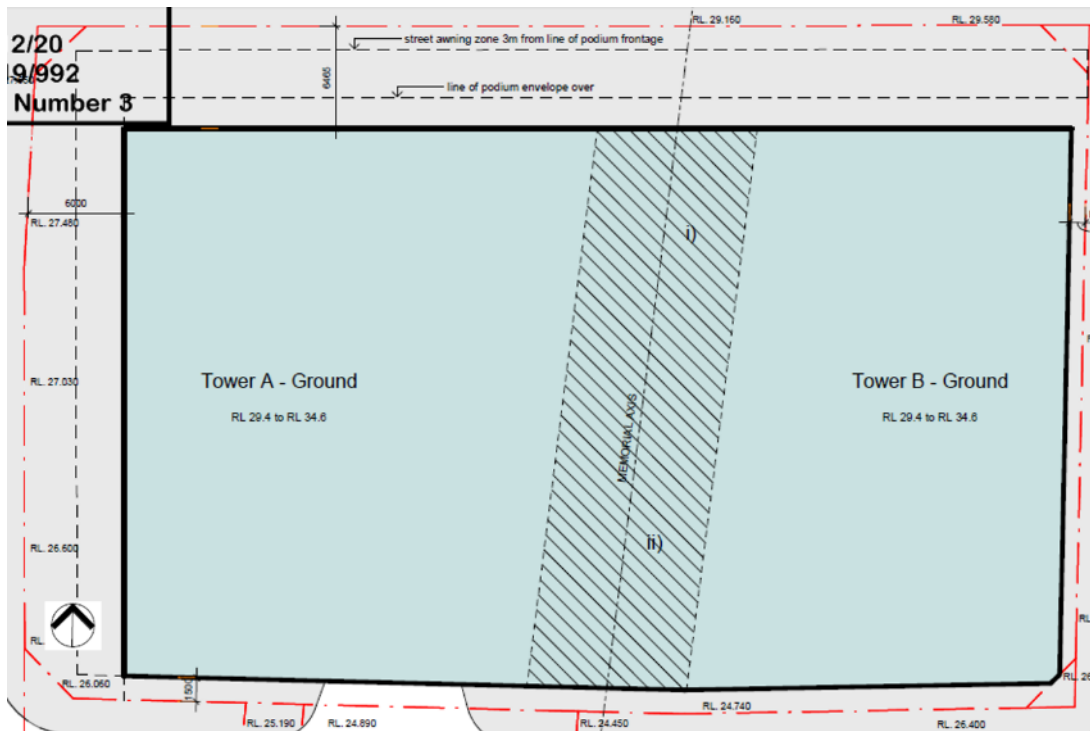


Figure 6: Approved ground floor envelope plan

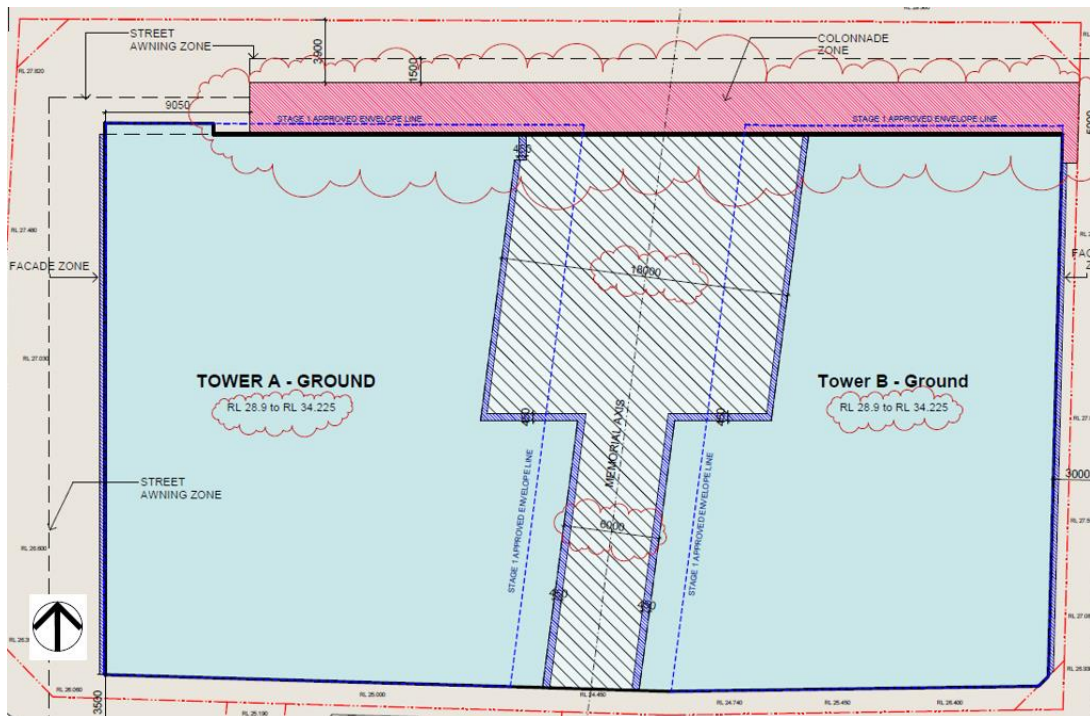
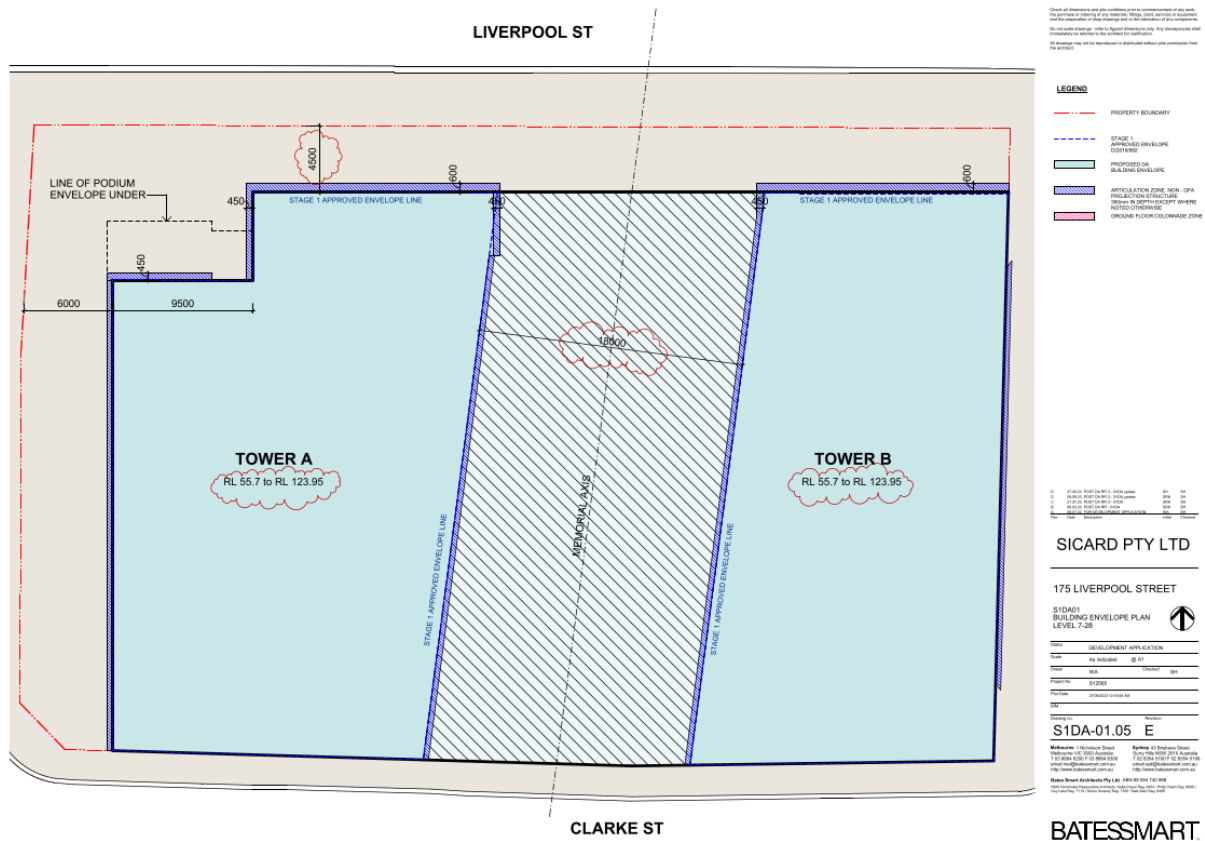


Figure 7: Proposed ground floor envelope plan

**Inclusion of articulation zones**

36. The subject modification application proposes minor extensions to the envelope to capture the detailed facade design of the building, with the architectural elements in these zones to provides privacy and shading fins, as well as horizontal concrete lintels to support these elements. These are identified as 'articulation zones' on the modified concept envelope drawings at Attachment B and as shown in Figure 8 below.



**Figure 8:** Proposed tower levels (7-28) concept envelope plan

- 37. These articulation zones are contained within the site boundaries, except for the site's eastern frontage to Commonwealth Street.
- 38. Schedule 4 of the Sydney DCP 2012 allows for projections beyond private property boundaries over or into the public road/footpath, as follows:
  - (a) Projections for decorations or sun shading devices: A maximum projection of 450mm, at least 3m above the footpath, at least 800mm from the face of the kerb, and being constructed primarily of masonry, reinforced concrete, steel or other approved non-combustible material.
  - (b) Projections for balconies and bay windows: A maximum projection of 450mm, not comprising more than 50 per cent of the road frontage, at least 3.2m above the footpath, at least 800mm from the face of the kerb, and does not result in adverse impacts on the amenity of the adjoining property.

39. Section 5.1.4(5) of the Sydney DCP 2012 states that new balconies or bay windows projecting over a Public Place are considered in line with Schedule 4 of the Sydney DCP 2012, where:
- (a) the balcony or bay window has a frontage adjacent to Public Place with a width greater than 8m wide, and
  - (b) it does not derogate from the existing daylight levels in the adjacent Public Place.

This DCP section also notes that projections over Public Places that contain GFA, and projections within 10m of a street intersection, will not be permitted.

40. The proposed articulation zone over the Commonwealth Street site boundary is generally consistent with the above requirements, and is acceptable for the following reasons:
- (a) It includes projections for sun shading devices / privacy fins and bay windows of 350mm in depth, which is less than the 450mm maximum projection specified in Schedule 4 of the Sydney DCP 2012.
  - (b) The articulation zone commences from level 1, which is higher than the 3-3.2m heights specified in Schedule 4.
  - (c) The articulation zone is not within 800mm from the face of the kerb, as specified in Schedule 4.
  - (d) The shading devices / privacy fins comprise a bronze finish metal, which is non-combustible material, as required by Schedule 4.
  - (e) Although the projection comprises more than 50 per cent of the road frontage, it does not extend the full length of the building elevation, with the northern most extent of the facade closer to Liverpool Street being contained within the site boundary.
  - (f) The articulation zone to accommodate sun shading devices / privacy fins will ensure that amenity to the adjacent property to the east is maintained.
  - (g) The frontage to Commonwealth Street has a width greater than 8m, as required by Section 5.1.4 of the Sydney DCP 2012.
  - (h) The articulation zone does not derogate from the existing daylight levels in Commonwealth Street, with the zone being reduced from 450mm to 350mm to address the DAP's concerns regarding this.
  - (i) The projections do not contain GFA.
  - (j) The articulation zone is more than 10m away from the Liverpool Street and Commonwealth Street intersection. Less than 10m has been provided for the Commonwealth Street and Clarke Street intersection, however this is acceptable in this circumstance given there being less traffic going through these side streets.

41. Additionally, the articulation zones within the through site link are considered to be acceptable, as follows:
  - (a) The amended proposal maintains the 18m separation between the towers when measured from glass line to glass line.
  - (b) The privacy and shading fins and horizontal elements included within the articulation zones have been reduced from 450mm to 350mm to address the DAP's concerns.
  - (c) The Trustees of the Anzac War Memorial raise no concern regarding any impact of these articulation zones within the amended proposal on the Hyde Park / ANZAC War Memorial axis.
42. Overall, Council Officers accept the inclusion of these articulation zones in the concept envelope plans.

### **Changes to the Liverpool Street setbacks**

43. The two changes sought to the approved concept envelope's setback to Liverpool Street and their acceptability are discussed below:
  - (a) A reduction in setback to Liverpool Street at the upper ground level and level 1, to accommodate a colonnade zone:
    - (i) The proposed modification seeks to amend the Liverpool Street setback at upper ground level and level 1 in the concept envelope (shown in pink on the proposed envelope plans at Figure 7), to accommodate a colonnade in this location for the detailed design development application. The amended setback to Liverpool Street will be consistent with the Liverpool Street setback for the levels above.
    - (ii) This amendment is sought as it was included as a key element of the winning design competition scheme, to successfully extend the masonry frame to the ground plane. It is also understood that the inclusion of this colonnade improves wind conditions at ground level.
    - (iii) Further discussion and assessment of the detailed design of the colonnade and architectural expression building as a whole is addressed in the concurrent assessment report for the detailed design development application.
  - (b) Changes to the setback to Liverpool Street at the north-western corner of the podium.
    - (i) These setback changes are minor and will have no significant impact on pedestrian permeability in this location.

### **Changes in levels**

44. The proposed modification includes slight changes in levels / RLs, as a result of applying the mapping grid system used for the new Harmony Park sun access plane (SAP) under the current Sydney LEP 2012, which differs from the previous mapping grid system used for the SAP at the time of the approval of the concept application.

45. Council's Model Team confirm that the proposed RLs are consistent with the current Harmony Park sun access plane, and the amended concept envelope is contained wholly within the SAP.

#### Proposed condition changes

46. The modification seeks consent for changes to several conditions of consent, as a result of the amendments to the concept envelope as well as separate requests by the applicant. The table below details the proposed changes and outlines whether the amendments are supported or not.

Condition	Proposed Changes	Assessment
(12) Through Site Link Design	Delete part (c) which states "Being open to the sky".	<p>Acceptable, subject to changes.</p> <p>The site is not identified on the DCP's through-site links map as being required to provide a through site link. However, an indicative through site link was approved as part of the concept application, that was situated on the Hyde Park / ANZAC War Memorial axis running through the centre of the site.</p> <p>Condition 12 of concept approval outlines the design requirements for the through site link as part of the detailed design development application.</p> <p>This modification proposes to delete part (c) of Condition (12), which requires the link to be open to the sky, in order to reflect the through site link that was designed as part of the winning design competition scheme. This through-site link included an enclosed 'Urban Room' at an 18m width which was consistent with the approved tower separation, and then narrowed down to 6m at the southern extent. This through-site link design was identified as a key element of the winning scheme that was to be retained as:</p> <ul style="list-style-type: none"> <li>• It continued the historic Hyde Park and Memorial axis and was successful in linking the CBD to Surry Hills.</li> <li>• It addressed to wind impacts at the ground plane, resulting in a useable through-site link suitable for outdoor dining, pedestrian access and a public thoroughfare.</li> </ul>



Condition	Proposed Changes	Assessment
		<p>The concurrent detailed design development application is consistent with the winning design competition scheme. This results in the need for an amendment to the concept envelope as well as the requirement for the through-site link being open to the sky (as required as part of Condition 12 of the concept approval).</p> <p>An Environmental Wind Assessment Report has been submitted with the concurrent detailed design application which supports that the proposed enclosure of the through site link with the 'Urban Room' improves the wind conditions at the ground plane, compared to the approved open 10m wide through site link.</p> <p>It is further noted that:</p> <ul style="list-style-type: none"> <li>• The Sydney DCP 2012 requirements for through site links at Section 3.1.2.2 stipulate that through site links are to be designed to 'be open to the sky <b>as much as is practicable</b>' (emphasis added). The amended through-site link will still be open to the sky at the southern extent.</li> <li>• The proposed detailed design which encloses the through-site link with glazing to the street frontage and at the podium level to create an 'Urban Room', still allows for the through site link to be lit by natural lighting, emulating an uncovered link.</li> </ul> <p>Council Officers recommend the condition be amended to specify that the 'Urban Room' component of the through-site link is excluded from the requirements of part (c).</p>
(17) Ecologically Sustainable Development	Delete part (iii) which states "Implementation of Building Integrated Photovoltaics to the northern facades of the development".	<p>Acceptable, subject to changes.</p> <p>As part of the detailed design development application, the integrated PV cells are not proposed to be included on the northern facade, due to the constraints of the scheme and the</p>

Condition	Proposed Changes	Assessment
		<p>intention for a respectful backdrop to the Anzac Memorial.</p> <p>Further, the detailed design development application has incorporated shading elements on all facades, including the northern facade, which seek to regulate temperature of apartments, address privacy issues and create depth in the facade to create a quiet and respectful backdrop to the Anzac Memorial. The shading elements proposed were considered an integral element of the competition design, as considered to demonstrate design excellence by the Jury.</p> <p>It is also noted that as part of the detailed design development application, PV cells are proposed on the rooftop of Tower A.</p> <p>There is no objection to the deletion of the requirement for the implementation of PVs to the northern facades of the development, subject to the amended detailed design's commitment to the electrification of the development and the removal of onsite fossil fuel consumption (outside of emergency systems). This will be ensured via a recommended condition of consent as part of the detailed design development application.</p>
(18) Public Art	Delete parts (b) and (c) which require presentations to the Public Art Unit prior to the competitive design process and with the detailed design application.	<p>Acceptable.</p> <p>The artwork by Yhonnie Scarce was integrated into the overall Bates Smart winning design competition scheme and was an integral part of the overall design of the 'Urban Room'.</p> <p>As a result, these conditions are not considered necessary for the detailed design considering the integral element of Yhonnie Scarce's artwork into the overall design of the building is maintained with the concurrent detailed design development application.</p>

Condition	Proposed Changes	Assessment
(25) Demolition, Excavation and Construction Noise and Vibration Management Plan	Delete the requirement to submit the plan with the detailed design DA and instead submit prior to the issue of a Construction Certificate and add "where possible" and the end of part (f).	Acceptable.  The detailed design development application includes a recommended condition requiring that a Demolition, Excavation and Construction Noise and Vibration Management Plan be submitted and approved prior to issue of any Construction Certificate.
(31) Street Trees	Delete part (a) which states that "All street trees adjoining the site must be included for retention with any subsequent detailed design development application".	Not acceptable.  The City's Tree Management Unit support the removal of the street trees on Commonwealth Street, subject to the provision of new street trees along this frontage (subject to a condition to be imposed on the concurrent detailed design DA). However, the City does not support the removal of the street trees on Clarke Street to accommodate new awnings, given their healthy condition.  Council Officers recommend that condition be amended to specify that street tree removal is to be consistent with that approved under the detailed design development application.

## Consultation

### Internal Referrals

47. The application was discussed with Council's:

- (a) Environment Projects
- (b) Heritage Specialist
- (c) Urban Design
- (d) Public Art
- (e) Tree Management
- (f) Environment Health
- (g) Model Team.

48. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

## External Referrals

### Trustees of the ANZAC War Memorial

49. The application was referred to the Trustees of the ANZAC War Memorial. The Trustees raised no objections to the amended proposal which maintains the 18m separation between the towers.

### Transport for NSW

50. Pursuant to Clause 109 of the Environmental Planning and Assessment Regulation 2021, the application was referred to Transport for NSW (TfNSW) for comment as TfNSW.
51. On 22 August 2022, TfNSW provided a response raising no objections, subject to the recommended conditions included in TfNSW previous letter dated 1 October 2019 that was submitted during the assessment of the approved concept application. The subject modification application will have no impact on these conditions.

## Advertising and Notification

52. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified and advertised for a period of 14 days between 2 August 2022 and 17 August 2022. A total of 1158 properties were notified and three submissions were received (two objections and one submission of support).

53. The objections raised the following issues:

- (a) **Issue:** Issues with “twin tower” form with building located closer to adjacent buildings resulting in privacy and noise impacts.

**Response:** Detailed window and view studies were submitted during the assessment of the original application to illustrate how building separation impacts on adjoining residential developments were mitigated. The proposed modification application maintains these separation distances. The inclusion of articulation zones for shading elements on facades will ensure visual privacy is maintained.

- (b) **Issue:** Potential wind impacts.

**Response:** This issue is relevant to the detailed design development application (D/2022/614), and a detailed response to this is provided in the assessment report to D/2022/614.

- (c) **Issue:** Noise canyoning not addressed in acoustic report.

**Response:** This issue is relevant to the detailed design development application (D/2022/614), and a detailed response to this is provided in the assessment report to D/2022/614.

- (d) **Issue:** Impacts on underground car parking.

**Response:** This issue is relevant to the detailed design development application (D/2022/614), and a detailed response to this is provided in the assessment report to D/2022/614.

- (e) **Issue:** Construction-related impacts such as noise and dust pollution.

**Response:** The subject modification application does not involve any construction works. The matters relating to construction impacts have been discussed in further detail in the detailed design development application (D/2022/614) assessment report.

- (f) **Issue:** Queries regarding when the project will commence, hours of work, and construction complaints will be handled.

**Response:** As stated above, the subject modification application does not relate to construction works. The matters relating to construction activities have been discussed in further detail in the detailed design development application (D/2022/614) assessment report.

## Financial Contributions

### Levy under Section 7.12 of the Environmental Planning and Assessment Regulation 2021

54. A condition is recommended to require a monetary contribution in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 as part of the concurrent detailed design development application (D/2022/614).

### Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

55. Similar to above, a condition is recommended to require an affordable housing monetary contribution as part of the concurrent detailed design development application (D/2022/614).

## Relevant Legislation

56. Environmental Planning and Assessment Act 1979.  
57. City of Sydney Act 1988.  
58. Sydney Airport Referral Act 1996.

## Conclusion

59. This Section 4.55(2) application proposes the altering of the approved building envelopes to be consistent with the detailed design development application (D/2022/614). The detailed design development application is presented to the CSPC concurrently for approval.

60. The scope of the proposed modifications include:
  - (a) amend the width of the through site link at ground level from 10m to 18m in the 'Urban Room' and 6m at the southern extent;
  - (b) inclusion of articulation zones on the facades;
  - (c) changes to the Liverpool Street setbacks; and
  - (d) changes in levels.
61. The modifications to the envelopes are supported as they do not result in unacceptable amenity impacts and deliver envelopes that are capable of achieving an acceptable level of amenity for future occupants and adjoining properties.
62. The proposed building envelopes are capable of accommodating future buildings which exhibit design excellence in accordance with Clause 6.21C of the Sydney LEP 2012. The detailed design development application (D/2022/614) being considered concurrently by CSPC demonstrates that a generally compliant scheme can be provided within the amended envelopes that delivers design excellence in accordance with Clause 6.21C of the Sydney LEP 2012.
63. The proposed modifications are in the public interest and are recommended for approval.

**GRAHAM JAHN, AM**

Director City Planning, Development and Transport

Mia Music, Senior Planner

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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## CONDITIONS OF CONSENT

### SCHEDULE 1A

#### APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/USE AND OPERATION

##### (1) CONCEPT DEVELOPMENT APPLICATION

Pursuant to Division 4.4 of the *Environmental Planning and Assessment Act, 1979*, and Clause 100 of the *Environmental Planning and Assessment Regulation, 2000*, this Notice of Determination relates to a concept development application, and a subsequent development application (detailed design) are required for any work on the site.

##### (2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2019/992 dated ~~6 September 2019~~ **27 September 2023** and the following drawings prepared by ***Crone Partners Pty Ltd Bates Smart***:

Drawing Name	Drawing Number	Date
<b><i>Proposed Building</i></b> Envelope Plan	<del>DA- A- 10500</del> <b><i>Revision B S1DA-01.00 Revision E</i></b>	<del>18.06.20</del> <b>27/09/23</b>
<b><i>Proposed Building</i></b> Envelope Plan Lower Ground	<del>10508-Revision C</del> <b><i>S1DA-01.01 Revision E</i></b>	<del>13.08.20</del> <b>27/09/23</b>
<b><i>Proposed Building</i></b> Envelope Plan Ground	<del>DA- A- 10510</del> <b><i>Revision B S1DA-01.02 Revision E</i></b>	<del>18.06.20</del> <b>27/09/23</b>
<b><i>Proposed Building</i></b> Envelope Plan Level 1 –6	<del>DA- A- 10511</del> <b><i>Revision B S1DA-01.03 Revision E</i></b>	<del>18.06.20</del> <b>27/09/23</b>
<b><i>Building Envelope Plan</i></b> <b><i>Level 2-6</i></b>	<b><i>S1DA-01.04 Revision E</i></b>	<b>27/09/23</b>
<b><i>Proposed Building</i></b> Envelope Plan Level 7-28	<del>DA- A- 10512</del> <b><i>Revision B S1DA-01.05 Revision E</i></b>	<del>18.06.20</del> <b>27/09/23</b>
<b><i>Proposed Building</i></b> Envelope Plan Level 29	<del>DA- A- 10513</del> <b><i>Revision B S1DA-01.06 Revision E</i></b>	<del>18.06.20</del> <b>27/09/23</b>
<b><i>Proposed Building</i></b> Envelope Plan Level 30	<del>DA- A- 10514</del> <b><i>Revision B S1DA-01.07 Revision E</i></b>	<del>18.06.20</del> <b>27/09/23</b>
<b><i>Proposed Building</i></b> Envelope Plan Level 31	<del>DA- A- 10515</del> <b><i>Revision B S1DA-01.08 Revision E</i></b>	<del>18.06.20</del> <b>27/09/23</b>



Drawing Name	Drawing Number	Date
<b>Proposed Building</b> Envelope Plan Level 32	<del>DA- A- 10516</del> <del>Revision B S1DA-</del> <del>01.09 Revision E</del>	<del>18.06.20</del> <del>27/09/23</del>
<b>Proposed Building</b> Envelope Plan Level 33	<del>DA- A- 10517</del> <del>Revision B S1DA-</del> <del>01.10 Revision E</del>	<del>18.06.20</del> <del>27/09/23</del>
<b>Proposed Building</b> Envelope Plan Level 34	<del>DA- A- 10518</del> <del>Revision B S1DA-</del> <del>01.11 Revision E</del>	<del>18.06.20</del> <del>27/09/23</del>
<b>Proposed Building</b> Envelope Plan Level 35	<del>DA- A- 10519 S1DA-</del> <del>01.12 Revision E</del>	<del>18.06.20</del> <del>27/09/23</del>
<b>Proposed Building</b> Envelope Plan Level 36	<del>DA- A- 10520 S1DA-</del> <del>01.13 Revision F</del>	<del>18.06.20</del> <del>04/10/23</del>
<del><b>Proposed Envelope Plan -</b></del> <del><b>Roof</b></del>	<del>DA- A- 10521</del>	<del>18.06.20</del>
Proposed Envelope Axonometric Views	DA- A- 10530 S1DA- 03.01 Revision E	18.06.20 04/10/23
<b>Proposed Building</b> Envelope Elevation - North	<del>DA- A- 10601 S1DA-</del> <del>02.01 Revision E</del>	<del>18.06.20</del> <del>27/09/23</del>
<b>Proposed Building</b> Envelope Elevation - South	<del>DA- A- 10602 S1DA-</del> <del>02.02 Revision E</del>	<del>18.06.20</del> <del>27/09/23</del>
<b>Proposed Building</b> Envelope Elevation - East	<del>DA- A- 10603 S1DA-</del> <del>02.03 Revision E</del>	<del>18.06.20</del> <del>27/09/23</del>
<b>Proposed Building</b> Envelope Elevation - West	<del>DA- A- 10604 S1DA-</del> <del>02.04 Revision E</del>	<del>18.06.20</del> <del>27/09/23</del>

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.

**Amended by D/2019/992/A on 19 October 2023**

### **(3) BUILDING ENVELOPE MODIFICATIONS**

- (a) The building envelope depicted in the drawings referenced in condition (2) of this development consent are to be 'paired' and must be modified as follows:
- (i) The width of the northern portion of tower A to its Liverpool Street frontage must be reduced to match and be symmetrical with that of tower B and the western recessed element correspondingly widened.

- (ii) A recessed setback must be provided to the Liverpool Street frontage at the podium level 1 to match the depth of the ground level setback.
- (iii) The encroachment over the south-eastern splay must be deleted to a height of RL 32.48 AHD.
- (b) The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the commencement of any competitive design process.
- (c) The approved modified building envelope from 3 (b) must be included in the competitive design process brief.

**(4) MATTERS NOT APPROVED IN CONCEPT PROPOSAL DEVELOPMENT CONSENT**

The following matters are **not** approved and do not form part of this concept development consent:

- (a) Any works including demolition, excavation and/or construction.
- (b) The precise total quantum of floor space.
- (c) The quantum, ratio and distribution of retail, commercial and residential floor space.
- (d) The indicative floor layouts of buildings.
- (e) The number, position and configuration of residential apartments, commercial and retail tenancies.
- (f) The floor levels of each storey.
- (g) The number and configuration of car parking spaces, levels, bicycle spaces, car share spaces, service vehicle and truck loading spaces / zones.
- (h) The siting and location of a substation.
- (i) The removal or pruning of any tree on or adjoining the site.
- (j) Any additional floor space or building height up to 10%, pursuant to the provisions of Clause 6.21(7), including any building height above 110 metres.

**(5) BUILDING HEIGHT**

- (a) The height of the approved envelope and all detailed development applications on the site must not exceed the sun access plane for Harmony Park established by the Planning Proposal: Central Sydney 2020, the Draft Central Sydney Planning Strategy, and any future associated amendments to the Sydney Local Environmental Plan 2012.

- (b) The height of all detailed development applications on the site must not exceed the maximum 110 metre height of buildings development standard established by Clause 4.3 of the Sydney Local Environmental Plan 2012. No consent is granted or implied for a building to a height of 121 metres.
- (c) Notwithstanding (b) above, the portion of the site which is not subject to the Harmony Park sun access plane may be eligible for up to 10% additional height pursuant to the provisions of Clause 6.21(7)(a) of the Sydney Local Environmental Plan 2012 if the consent authority is satisfied that the resulting detailed design development application exhibits design excellence and is the result of a competitive design process.

**(6) FLOOR SPACE RATIO**

- (a) The Floor Space Ratio for all detailed development applications on the site must not exceed the maximum permissible calculated in accordance with the Sydney Local Environmental Plan 2012.
- (b) Any future detailed development application on the site will not be eligible for any additional floor space pursuant to the provisions of Clause 6.21(7)(b) of the Sydney Local Environmental Plan 2012.
- (c) Precise calculations and details of the distribution of floor space must be provided with any subsequent detailed design development application.
- (d) Any floor space ratio in excess of 8:1 shall be subject to a requirement to purchase heritage floor space (HFS) in accordance with the requirements of Clause 6.11 of the Sydney Local Environmental Plan 2012.

**(7) COMPLIANCE WITH CONCEPT ENVELOPE HEIGHTS AND SETBACKS**

Any subsequent detailed design application must comply with the building heights and setbacks established by this consent.

**(8) DETAILED DESIGN TO BE CONTAINED WITHIN APPROVED ENVELOPE**

Subject to the other conditions of this consent, the building envelope is only approved on the basis that the ultimate detailed design development application for the buildings on the site, including articulation, balconies, terraces, services, privacy treatments and other projections will be entirely contained within the approved building footprint and envelope, and comply with the relevant planning controls.

**(9) COMPETITIVE DESIGN PROCESS**

A competitive design process in accordance with the provisions of the Sydney Local Environmental Plan 2012 shall be:

- (a) Conducted in accordance with the 'Design Excellence Strategy' for 175 Liverpool Street, Sydney, reference 15914/2190217, version E, prepared by Ethos Urban Pty Ltd and dated 8 September 2020 (Council reference TRIM 2020/388774) or as varied to the written approval of the Director City Planning Development and Transport.

- (b) Conducted prior to the lodgement of any subsequent detailed development application for the site.

The detailed design of the building/s must exhibit design excellence, in accordance with Clause 6.21 of Sydney Local Environmental Plan 2012.

#### **(10) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO COMPETITIVE DESIGN PROCESS**

- (a) Prior to the commencement of any competitive design process for the site, an accurate 1:1 electronic CAD model of the envelope approved by this consent (and as modified by the Building Envelope Modifications condition above) must be submitted to and approved by Council's City Model Unit.
- (b) The data required to be submitted within the surveyed location must include and identify:
  - (i) envelope design above in accordance with the development consent;
  - (ii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.
- (c) The data must be submitted as a DGN or DWG file on a Compact Disc. All modelling must be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.
- (d) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at:

<http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements>

Council's Modelling staff must be consulted prior to creation of the model. The data is to comply with all of the conditions of the development consent.

#### **(11) DETAILED DESIGN OF BUILDINGS**

The competitive design process brief and subsequent detailed design development application must incorporate the following requirements:

- (a) The tower and podium forms must be designed to have a symmetrical appearance and have similar proportions, bulk and facade treatments when viewed from points within Hyde Park to the north, north-west and north-east, and in particular, when viewed looking south from Hyde Park's central avenue, as a backdrop to the ANZAC War Memorial.
- (b) The setback to the north-western corner of the western tower from Liverpool Street and Nithsdale Street must be designed as a recessive element.

- (c) The northern facades of the development must be designed to be shaded / recessive, in order to provide a calm and dignified setting as a muted, textured backdrop for the ANZAC War Memorial. Any external lighting of the development must be designed in accordance with this requirement.
- (d) Articulation of the northern facades and fenestration must be in similar proportions to, and in harmony with, the two adjacent buildings to the west of the site.
- (e) The colour scheme and materiality of the future detailed design of the development must give consideration to the heritage context of the site. Consideration must be given to potential impacts of reflections on the ANZAC War Memorial and Pool of Reflection, and views from these significant State heritage items.
- (f) The corners of the tower forms must be designed to soften and mitigate any visual impacts arising from the asymmetry of the through site link alignment.
- (g) The facade articulation between the tower forms within and adjoining the site must be designed to mitigate wind effects and visual and acoustic privacy impacts.
- (h) Detailed visual analysis of the development from multiple street and park views, including views from points along Hyde Park's central avenue from Park Street to the Pool of Reflection, and from the oculus, water cascade feature, Hall of Service, and Hall of Memory within the ANZAC War Memorial, and from other key vantage points from within Hyde Park.
- (i) Detailed visual analysis of the relationship between the development and the existing and future built form of the adjoining developments to the east, west and south of the site.
- (j) The width of any through site link at its Liverpool Street frontage must reference and respond to the width and arrangement of the memorial cascade walkway to the south of the ANZAC memorial.
- (k) The level changes between the surrounding streets must be addressed within the development to improve access and increase opportunities for ground floor and lower ground floor activation.
- (l) The design of the interface with the surrounding public domain and footpaths must provide high levels of amenity for pedestrians and sufficient space for existing and future street tree canopies.
- (m) The width of the vehicle access points to Clarke Street and Nithsdale Street must be narrowed and minimised.
- (n) Massing and modulation of buildings in order to minimise overshadowing of the public domain, adjoining residential development and public open spaces adjacent to and in proximity to the site.

- (o) Plant and lift overruns must be incorporated into the roof form of buildings and either provided within architectural roof features, as defined in the Dictionary of the Sydney Local Environmental Plan 2012, or located and provided with parapet screening so that they are not visible from the public domain or adjoining tower developments.
- (p) No high level, large or highly lit corporate signage to the northern facades of the development.
- (q) No spires, towers or flag poles on the top of the development.
- (r) The use of stone in the facades of the development should be avoided.
- (s) No open balconies to the western face of Tower A.

## **(12) THROUGH SITE LINK DESIGN**

The through site link design in any future competitive design process and subsequent detailed design development application must be in accordance with the minimum requirements set out in the relevant objectives and provisions of Section 3.1.2.2 of the Sydney Development Control Plan 2012, including the following:

- (a) Being direct and accessible to all 24 hours a day;
- (b) Having a clear line of sight between public places;
- (c) Being open to the sky (***excluding the area contained within the 'Urban Room'***);
- (d) Being easily identifiable and including wayfinding measures;
- (e) Including materials and finishes consistent with adjoining streets and public spaces;
- (f) Being clear of obstructions and structures;
- (g) Including landscaping; and
- (h) Providing active frontages.

***Amended by D/2019/992/A on 19 October 2023***

## **(13) STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS**

As part of any subsequent detailed design development application, a detailed report and certification prepared by a practicing structural engineer must be submitted. The report must explain how the existing basement and any associated building elements are to be retained and supported in the proposed development and provide details of any intervention or retrofitting required.

#### **(14) RESIDENTIAL LAND USE**

- (a) The detailed design of the residential component of the development must be designed to comply with the principles of State Environmental Planning Policy No. 65—Design Quality of Residential Apartment Development, the provisions of the Apartment Design Guide (ADG), and the provisions of the Sydney Development Control Plan 2012 (Sydney DCP 2012).

In particular, attention is drawn to the following:

- (i) The objectives and design criteria within the ADG relating to the size and solar access requirement of communal open space.
- (ii) The objectives and design criteria within the ADG relating to the maximum building depths of 18 metres glass line to glass line.
- (iii) The objectives and design criteria within the ADG relating to building separation distance and visual privacy.
- (iv) The ADG design criterion for having at least 70% of residential apartments within a development to receive a minimum of 2 hours of direct sunlight between 9am and 3pm on 21 June to living rooms and private open space.
- (v) The minimum floor to floor and floor to ceiling heights as stipulated in the ADG and Sydney DCP 2012.
- (vi) The objectives and design criteria within the ADG relating to apartment sizes, layout and room dimensions.
- (vii) The objectives and design criteria within the ADG relating to private open space sizes and dimensions.
- (viii) The objectives and design criteria within the ADG relating to common circulation and spaces.
- (ix) The objectives and design criteria within the ADG relating to residential storage size volumes and characteristics;
- (x) The provisions relating to flexible housing and dwelling mix under Section 4.2.3.12 of the Sydney DCP 2012.
- (xi) The provisions relating to adaptable dwelling mix under Section 3.12.2 of the Sydney DCP 2012.

These requirements must be included in the competition brief for the competitive design process.

- (b) A BASIX Certificate in accordance with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 must be submitted with the detailed design Development Application.

## **(15) RESIDENTIAL ACOUSTIC AMENITY**

A Noise Impact Assessment must be undertaken by a suitably qualified acoustic consultant\* and submitted with any subsequent development application for detailed design and construction of the development. The Assessment must demonstrate that the development will be capable of achieving adequate levels of acoustic amenity for future occupants. The Assessment must consider the following and demonstrate that the design will comply with the relevant requirements under the following:

- (a) New South Wales Environment Protection Authority Noise Policy for Industry.
- (b) State Environment Planning Policy (Infrastructure) 2007 and the NSW Government Department of Planning 'Development Near Rail Corridors and Busy Roads - Interim Guideline'.
- (c) Parts 4B, 4H and 4J of the Apartment Design Guide.
- (d) Section 4.2.3.11 of the Sydney Development Control Plan 2012.

\*Note: "Suitably qualified acoustic consultant" means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

## **(16) SUN ACCESS MODELLING**

Detailed design drawings and diagrams are to be submitted with the detailed design Development Applications providing precise sun access modelling of overshadowing of the public domain, adjoining residential development and public open spaces adjacent to and in proximity to the site.

## **(17) ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

- (a) Details are to be provided with the subsequent development application for the detailed design of the buildings to confirm that the buildings have adopted the Ecologically Sustainable Development (ESD) targets outlined in The '175 Liverpool Street Concept Development Application ESD Design Report', reference REP-ESD-001, revision 2, prepared by Arup and dated 18 June 2020 (Council reference TRIM 2020/267925).
- (b) These targets must include, at a minimum:
  - (i) For the residential apartment component of the development:
    - a. A BASIX energy score of at least 35 points or better;
    - b. A BASIX water score of at least 50 points or better;
  - (ii) For the commercial component of the development:
    - a. A NABERS Energy rating of 5.5 stars or better; and
  - (iii) ~~Implementation of Building Integrated Photovoltaics to the northern facades of the development.~~



- (c) The ESD targets must be included in the competitive design process brief and carried through the competitive design process phase, design development, construction, and through to completion of the project.

***Amended by D/2019/992/A on 19 October 2023***

#### **(18) PUBLIC ART**

- (a) The 'Preliminary Public Art Plan', reference 15914/2190217, version D, dated 19 June 2020 and prepared by Ethos Urban (Council reference TRIM 2020/267917) must be incorporated into the competitive design process brief.
- (b) ~~***The artist brief and shortlist must be presented to the City of Sydney's Public Art Unit prior to any competitive process for the public artwork being undertaken.***~~
- (c) ~~***Selected artists concepts must be presented to the City of Sydney's Public Art Unit prior to the development and submission of any detailed public art plans with a subsequent detailed design development application.***~~
- (d) A detailed Public Art Strategy, based upon the preliminary strategy referred to in (a) above, must be prepared and submitted with any subsequent detailed design development application.
- (e) All public artwork must be in accordance with the relevant objectives and provisions of the Sydney Development Control Plan 2012, the City of Sydney Public Art Policy, and the City of Sydney Interim guidelines: public art in private developments.

Note: All public art must be reviewed and endorsed by the City's Public Art Unit and/or the City of Sydney Public Art Advisory Panel, prior to submission for Council approval.

***Amended by D/2019/992/A on 19 October 2023***

#### **(19) LANDSCAPING**

- (a) Any subsequent detailed design development application must include a landscape plan, details and landscape design statement prepared by a qualified landscape architect.
- (b) The documentation should:
  - (i) Identify and respond to any landscape constraints, including (but not limited to) setbacks, existing trees, safety, function of spaces, access, topography, wind and screening/buffer requirements.
  - (ii) Quantify and illustrate compliance with the relevant landscape design provisions of the Apartment Design Guide, the Sydney Development Control Plan 2012 and Sydney Landscape Code Volume 2: All Development Except for Single Dwellings.

- (iii) Identify the location of communal open space, and clearly illustrate and quantify the amount of direct sunlight received.
  - (iv) Show any accessible roof terraces, including (but not limited to) how the building design accommodates adequate height for soil build-up, lift access, shade, safe maintenance and Building Code of Australia compliant guarding.
  - (v) Set principles for each landscape space in order to achieve design excellence for the landscape spaces in accordance with Clause 6.21 of the Sydney Local Environmental Plan 2012.
  - (vi) Give consideration to the greening of the podium and/or tower elements, identifying any intended design elements such as green roofs and walls, water sensitive landscape design treatments and sustainability targets. Clearly illustrate how any greening of the built form will be safely and easily accessed for maintenance.
  - (vii) Give consideration to refurbishment and renewal of the pocket park within the southern portion of the site as public open space, including the removal, redesign or relocation of existing basement car parking ventilation.
  - (viii) Address wind impacts to all landscape space within the development, ensuring the landscape design is fully coordinated with any relevant recommendations in the wind report.
- (c) The landscape design should demonstrate a clear commitment to sustainability, and should be fully integrated with the architectural design, demonstrating that the function and aesthetic of both the landscape and the building have been considered concurrently in relation to each other.
  - (d) The requirements noted above in (a) through (c) inclusive must be included in the competition brief for the competitive design process.

**(20) SIGNAGE STRATEGY**

- (a) A detailed signage strategy developed in accordance with Section 3.16.1 of the Sydney Development Control Plan 2012 must be submitted with any subsequent detailed design development application.
- (b) The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs proposed for the development.
- (c) No high level, large or highly lit corporate signage must be proposed on the northern facades of the development.

**(21) HERITAGE IMPACT STATEMENT**

A Heritage Impact Statement prepared in accordance with Clause 5.10(5) of the Sydney Local Environmental Plan 2012 and Section 3.9.1 of the Sydney Development Control Plan 2012 must be prepared and submitted with any subsequent detailed design development application.

**(22) WIND ASSESSMENT**

- (a) Prior to the commencement of any competitive design process, the building envelope as modified by condition (3) of this development consent, must be subject to wind tunnel testing to ascertain the impacts of the development on the wind environment and conditions within any publicly accessible pedestrian spaces and through site link, the surrounding streets, neighbouring buildings, and other external areas within the subject development. The wind testing must incorporate appropriate criteria for walking, standing and sitting comfort.
- (b) Any recommendations of this wind tunnel testing and wind assessment report required by (a) above must be incorporated into the competitive design process brief.
- (c) Prior to the lodgement of any subsequent detailed design development application, the detailed design of the development must be subject to further wind tunnel testing to ascertain the impacts of the development on the wind environment and conditions within the publicly accessible pedestrian space, the surrounding streets, neighbouring buildings, and communal external areas within the subject development. The wind testing must incorporate appropriate criteria for walking, standing and sitting comfort.
- (d) The recommendations of the wind tunnel testing and wind assessment report required by (a) and (c) above must not propose vertical barriers or baffle screens within the through site link which would obstruct clear lines of sight, views and access.
- (e) Any recommendations of the further wind tunnel testing and wind assessment report required by (c) above must be incorporated into and submitted with any subsequent detailed design development application.

**(23) REFLECTIVITY**

Any subsequent detailed design development application must contain sufficient information to demonstrate that the visible light reflectivity from building materials used on the facade of any building does not exceed 20%. A reflectivity report that demonstrates compliance with the above criterion must be submitted with any subsequent detailed design development application.

**(24) EXTERNAL LIGHTING**

Details of any proposed external floodlighting or illumination of the development or site landscaping must be submitted with any subsequent detailed design development application, including an illumination assessment report carried out by an appropriately qualified lighting consultant.

**(25) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

~~Any subsequent detailed design development application must be accompanied by a~~ A site-specific Demolition, Excavation and Construction Noise and Vibration Management Plan **must be prepared prior to the issue of any Construction Certificate for any subsequent detailed design development application.**

The Demolition, Excavation and Construction Noise and Vibration Management Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The Demolition, Excavation and Construction Noise and Vibration Management Plan must include but not be limited to the following:

- (a) Identification of noise sensitive receivers near to the site.
- (b) The proposed hours of all construction and work on the development including building / demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools etc.), in connection with the proposed development.
- (c) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours / Noise Code of Practice 1992* for the typical construction hours of 7.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (d) A representative background noise measurement ( $L_{A90, 15 \text{ minute}}$ ) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (e) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (f) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code **where possible**.
- (g) What course of action will be undertaken following receipt of a complaint concerning offensive noise.

- (h) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (i) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

***Amended by D/2019/992/A on 19 October 2023***

**(26) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN - USE OF INTRUSIVE APPLIANCES**

Any subsequent detailed design development application must be accompanied by a report detailing the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992”.

At a minimum, the report must specify:

- (a) Specific the proposed hours and days of operation;
- (b) The tasks that the equipment will be used for;
- (c) Justify in writing why the intrusive appliance cannot be substituted for a lower impact apparatus;
- (d) Provide for how noise will be managed to comply with the above code, and if cannot, provide for how it will be managed to the lowest reasonable and feasible levels;
- (e) Indicate a timeframe for completion the associated task; and
- (f) Provide details of respite periods which will occur to reduce exposure to intrusive noise at sensitive receiving locations.

**(27) ACID SULFATE SOILS – PRELIMINARY SITE ASSESSMENT**

- (a) A Preliminary Acid Sulfate Soil Assessment must be prepared and submitted with any subsequent detailed design development application. The assessment must be carried out by a suitably qualified person in accordance with the Acid Sulfate Soils Assessment Guidelines (Acid Sulfate Soils Management Advisory Committee August 1998).
- (b) Where the preliminary site assessment confirms that the site is subject to Acid Sulfate Soils which may affect the integrity of the development, then an Acid Sulfate Soils Management Plan must also be prepared and submitted with any subsequent detailed design development application.

**(28) LAND CONTAMINATION**

- (a) No development works are approved to be undertaken on the site until such time as a subsequent detailed design development application has been granted development consent.
- (b) Any such detailed design application must include documentation that demonstrates the requirements of State Environmental Planning Policy No 55—Remediation of Land (SEPP 55) and ‘Managing Land Contamination Planning Guidelines SEPP 55—Remediation of Land’ are addressed.
- (c) To address the requirements of SEPP 55 and hierarchy of assessment may include but not be limited to the following:
  - (i) Detailed Environmental Site Assessment (DESA) (also known as Stage 2);
  - (ii) Remediation Action Plan (RAP);
  - (iii) Review by NSW EPA Site Auditor;
  - (iv) Site Validation Report; and
  - (v) Site Audit Statement (SAS).

**(29) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**

An access report must be prepared by a qualified access consultant and submitted with any subsequent detailed design development application to demonstrate that the building has been designed and is capable of being constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia.

**(30) CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

- (a) A Security Management Plan, prepared by an appropriately qualified consultant, in accordance with the ‘Crime Prevention Through Environmental Design’ principles must be submitted with any subsequent detailed design development application.
- (b) The recommendations of the Security Management Plan should be incorporated into the detailed design of the development proposed with any subsequent detailed design development application.

**(31) STREET TREES**

- (a) All street trees adjoining the site must be included for retention with any subsequent detailed design development application ***excluding street trees approved for removal under Development Consent D/2022/614.***
- (b) Any design elements (awnings, street furniture, footpath upgrades etc.) within the public domain in a subsequent detailed design development application must ensure appropriate setbacks are provided from the street tree to allow maturity of the tree to be achieved.

- (c) The location of any driveway must ensure that the removal of any existing street tree is not required. Any driveway must be appropriately setback so as it does not adversely impact on any existing street tree both below and above ground.

*Amended by D/2019/992/A on 19 October 2023*

**(32) BICYCLE PARKING AND END OF JOURNEY FACILITIES**

Any subsequent detailed design development application must include a Bicycle Parking Plan, bicycle parking and end of journey facilities must be provided in accordance with Section 3.11.3 of the Sydney Development Control Plan 2012.

The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities and 'Austroads Bicycle Parking Facilities: Guidelines for Design and Installation' document

The details of the location, quantity and class of bicycle parking must be included in the architectural drawing set in any subsequent detailed design development application.

Residential bicycle parking can be in the form of class A or B (AS 2890.3:2015) facilities, and preferably a combination of both.

Staff bicycle parking (Class B of AS 2890.3:2015) is to be provided at the ground floor level, lower ground floor level or basement level 1, and is to be in close proximity to end-of-trip facilities.

All visitor bicycle parking (Class C of AS 2890.3:2015) should preferably be provided at ground floor level, or lower ground floor level, in an easily accessible and visible location. Visitor bicycle parking is not to be provided in any service vehicle parking area.

Note: Council supports the provision of innovative bicycle parking solutions in new development. Should the applicant wish to discuss bicycle parking options, please contact the City Access and Transport Unit.

**(33) CAR SHARE SPACES**

The car parking plan drawings submitted as part of any detailed design development application must include the provision of parking spaces for the exclusive use of car share scheme vehicles within the basement, in accordance with Section 3.11.2 of the Sydney Development Control Plan 2012.

Parking spaces allocated for car share vehicles must be publicly accessible by people who do not occupy the building. The spaces must be retained as common property of the Owners Corporation and not sold or leased at any time. The spaces must be made available to car share operators without a fee or charge. The spaces must be well lit and sign posted for use only by car share vehicles.

The car share spaces are to be available at the same time that the building is occupied.

Details of the location and public accessibility of the car share spaces must be included in any detailed design development application.

Note: it is recommended the applicant contact car share operator/s to discuss the proposed car share parking spaces and related documentation should submit to the council as a part of any detailed design development application submission.

**(34) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

A draft Construction Traffic Management Plan (CTMP) must be prepared in accordance with Council's requirements, located on the City's website at <http://www.cityofsydney.nsw.gov.au/business/business-responsibilities/traffic-management/construction-traffic-management-plans>, and be submitted with any subsequent detailed design development application.

**(35) LOADING DOCK DESIGN**

The design, layout, signage, line marking, lighting and physical controls of all off-street loading dock facilities is to satisfy the Australian Standard AS/NZS 2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities. The details should be submitted as part of any subsequent detailed design development application.

**(36) ON SITE LOADING AREAS AND OPERATION**

Any subsequent detailed design development must ensure that the design of all loading and unloading facilities associated with servicing the site must be located within the confines of the site and must not obstruct other properties or the public way.

**(37) SERVICE VEHICLE SIZE LIMIT**

Any subsequent detailed design development application must include swept paths for the largest vehicles to access any proposed on-site loading areas (including accessing driveways in and out from the roadway and manoeuvring within loading areas). These will be used to determine a condition for the largest vehicle permitted to service the site.

**(38) SERVICING AND LOADING DOCK MANAGEMENT PLAN**

A draft servicing and loading dock management plan must be prepared and submitted as part of any subsequent detailed design development application. The draft plan must specify the following:

- (a) Details of the freight and servicing profile and requirements for the development, including forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay.
- (b) Details of the loading and servicing facilities within the subject site which adequately accommodate the forecast demand of the development, so as not to rely on kerbside arrangements to conduct business associated with the development.



- (c) Service vehicle parking spaces provided in accordance with Section 3.11.6 and Schedule 7.8.1 of the Sydney Development Control Plan 2012.
- (d) Compliance with the minimum requirements of Australian Standard AS/NZS 2890.2 Parking facilities Part 2: Off-street commercial vehicle facilities including that vehicle access will provide for:
  - (i) A 9.25 metre truck; and
  - (ii) Minimum vertical clearance of 4.5 metres.
- (e) The plan is to identify how the loading area will be managed and used by all building tenants including retail, commercial and associated uses and how the loading area will accommodate uses such as waste vehicles, bulky good deliveries and similar.
- (f) The plan must include, but is not limited to, management of deliveries to ensure there is no requirement for any service vehicles to wait on public streets to enter the site, either by a schedule showing all tenants when they can use the area, or by a register managed on site to allow tenants to reserve a time period for their deliveries.

**(39) TRANSPORT IMPACT STUDY**

A Transport Impact Study must be prepared in accordance with Section 3.11.1 and Schedule 7.4 of the Sydney Development Control Plan 2012 and submitted with any subsequent detailed design development application.

**(40) VEHICLE ACCESS AND EGRESS**

The design of vehicle access and egress in any subsequent detailed design development application must be configured to allow all vehicles to be driven onto and off the site in a forward direction.

**(41) VEHICLE ACCESS DESIGN AND LOCATION**

All vehicle access points and crossovers must be designed and located in accordance with Sections 3.11.10, 3.11.11 and 3.11.13 of the Sydney Development Control Plan 2012, and be designed to minimise impacts on, and to provide priority to, pedestrian movement through and around the site.

**(42) VEHICLE PARKING PROVISION AND DESIGN**

- (a) No parking spaces are approved under this consent. The permissible number of car parking spaces is to be determined in any subsequent detailed design development application.
- (b) Any vehicle parking proposed as part of any future detailed design development application must comply with the maximum parking rates specified in Part 7, Division 1 of the Sydney Local Environmental Plan 2012 and Section 3.11 and Schedule 7.8 of the Sydney Development Control Plan 2012, and be in keeping with the transport objectives and provisions of both the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.

- (c) Consideration must be given in any subsequent detailed design development application to:
  - (i) a vehicle mode share based on a 20 percent reduction in vehicle traffic, including a 20 percent reduction in overall car parking numbers (excluding car share, loading dock facilities and service vehicle spaces); and
  - (ii) design of car parking facilities to permit conversion to alternate future uses.
- (d) The design, layout, signage, line marking, lighting and physical controls of all off-street car parking facilities is to satisfy the Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking, Australian Standard AS/NZS 2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities and Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities.

**(43) PUBLIC DOMAIN CONCEPT PLAN**

A Public Domain Concept Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and be submitted with any subsequent detailed design development application for the site. The plan must show all existing and proposed public domain elements within the surrounding site frontages, as well as the pocket park, any through site links, land dedications and/or setback areas.

**(44) STORMWATER QUALITY DESIGN**

A stormwater quality design and report for the proposed development must be prepared in accordance with Council's 'Model for Urban Stormwater Improvement Conceptualisation (MUSIC) Link model. The certificate/report from the MUSIC Link model and electronic copy of MUSIC Model must be prepared and submitted with any subsequent detailed design development application.

**(45) WASTE MANAGEMENT PLAN AND WASTE FACILITIES**

Any subsequent detailed design development application must include:

- (a) A Waste and Recycling Management Plan prepared in accordance with Section 3.14 of the Sydney Development Control Plan 2012.
- (b) Details of the location, construction and servicing of the waste collection facilities for the different components of the development of the proposed buildings.
- (c) The design of waste facilities prepared in accordance with Section 4.2.6 of the Sydney Development Control Plan 2012 and Council's Guidelines for Waste Management in New Developments 2018.

**(46) AUSGRID**

- (a) Consultation is required with Ausgrid to ensure that technical and statutory requirements with regard to the safe and reliable operation and maintenance of Ausgrid's network are maintained.
- (b) Details of the consultation undertaken are to be provided with any subsequent detailed design development application.

**(47) SYDNEY WATER**

- (a) Consultation is required with Sydney Water to ensure that technical and statutory requirements with regard to the safe and reliable operation and maintenance of Sydney Water's assets are maintained.
- (b) Details of the consultation undertaken are to be provided with any subsequent detailed design development application.

## SCHEDULE 1B

### CONCURRENCE CONDITIONS

#### (48) ROADS AND MARITIME SERVICES

- (a) All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Liverpool Road boundary.
- (b) The developer shall be responsible for all public utility adjustment/relocation works, etc. necessitated by the above/approved work and as required by the various public utility authorities and/or their agents.
- (c) Traffic Report for the future development Stage 1 and Stage 2 Applications, in the detailed stages, should include generating flow traffic impact assessment for the surrounding signalised intersections along Liverpool Street and Elizabeth Street.
- (d) Access arrangements along the Nithsdale Street site frontage should be referred to Council's traffic committee for approval.
- (e) All vehicles are to enter and exit the site in a forward direction.
- (f) The layout of the proposed car parking areas associated with the subject development (including, driveways, swept paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay and loading dock dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018.
- (g) Parking Restrictions may be required to maintain the required sight distances at the Nithsdale Street driveways. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- (h) Construction activities shall be undertaken wholly within the private property of the site. If this is not possible Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Liverpool Road during construction. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
- (i) A Construction Traffic Management Plan (CTMP) shall be submitted in consultation with the TfNSW Sydney Coordination Office (SCO), Roads and Maritime, and City of Sydney, prior to the issue of a Construction Certificate. The CTMP needs to include, but not be limited to, the following: construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control, taking into consideration the cumulative traffic impacts of other developments in the area.

**(49) TRANSPORT FOR NEW SOUTH WALES - LOADING AND SERVICING MANAGEMENT**

The applicant must prepare a Loading and Servicing Management Plan, as part of any Stage 2 application, for an on-site loading dock or shared off-street parking facilities. The Plan needs to specify, but not be limited to, the following:

- (a) Details of the development's freight and servicing profile, including the forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
- (b) Details of loading and servicing facilities within the subject site which adequately accommodate the forecast demand of the development so as to not rely on the kerbside restrictions to conduct the development's business; and
- (c) If the above is not achievable, details of shared off-street parking facilities at another location close to the site.

**(50) TRANSPORT FOR NEW SOUTH WALES - GREEN TRAVEL PLAN**

The applicant must prepare a Green Travel Plan for the operations of the subject site, to be developed and endorsed by Council prior to Certificate of Occupancy. The Green Travel Plan should include, but not be limited to:

- (a) Site audit and data collection, which is crucial for understanding the starting point;
- (b) Objectives and targets that define the direction and purpose of the travel plan. Targets should be specific, measurable, achievable and time-bound;
- (c) Actions that will help achieve the objectives. Actions should provide incentives for using sustainable transport modes;
- (d) A strategy for promoting and marketing the actions;
- (e) Commitment of resources, including financial support and human resources to allow for implementation, monitoring, review and continual improvement of the travel plan;
- (f) A monitoring and review process that sets out a systematic approach to measuring the impact of the travel plan;
- (g) Governance support, including appointment of a Travel Plan Coordinator or Committee.

**(51) TRANSPORT FOR NEW SOUTH WALES - CONSTRUCTION PEDESTRIANS AND TRAFFIC MANAGEMENT PLAN**

The applicant must prepare a draft Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with the Sydney Coordination Office within Transport for New South Wales and submit it as part of any subsequent detailed design application. The draft CPTMP needs to specify matters including, but not limited to, the following:

- (a) A description of the development;
- (b) Location of any proposed work zone(s), noting that Liverpool Street is not a suitable location;
- (c) Location of any crane(s);
- (d) Haulage routes;
- (e) A detailed plan identifying all construction vehicle access arrangements;
- (f) Estimated number of construction vehicle movements, including measures to reduce the number of movements during the AM and PM peak periods;
- (g) Measures to avoid construction worker vehicle movements within the CBD;
- (h) Construction program;
- (i) Proposed construction hours;
- (j) Consultation strategy for liaison with surrounding stakeholders, including other developments;
- (k) Any potential impacts to general traffic, cyclists, pedestrians and bus and light rail services within the vicinity of the site from the construction of the development;
- (l) Cumulative construction impacts of the development, Sydney Metro City and Southwest and other development. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the CBD road network; and
- (m) Proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

Transport for New South Wales requests that the applicant consults with the Sydney Coordination Office within Transport for New South Wales for non-concurrence matters. Transport for New South Wales would be pleased to consider any further material forwarded from the applicant.

## **SCHEDULE 2**

### **PRESCRIBED CONDITIONS**

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation, 2000* apply to the development.

## IMPORTANT ADDITIONAL INFORMATION

### Advisory notes:

1. It is advised that the City of Sydney Neighbourhood Parking Policy may apply to this development. Eligibility for parking permits for residents or users of the development will be determined by the terms of this policy or subsequent future policies.
2. The State Government has completed construction of the CBD South East Light Rail (CSELR). You may need to consider the potential impacts of this project in programming your development. The CSELR route includes Alfred Street, George Street, Rawson Place, Eddy Avenue, Chalmers Street, and Devonshire Street. For further information contact the Transport for NSW Infoline on 1800 684 490 or [www.transport.nsw.gov.au/projects](http://www.transport.nsw.gov.au/projects).

### The *Environmental Planning and Assessment Act, 1979* requires you to:

1. Obtain a **Construction Certificate** prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate.
2. **Note: it is compulsory to lodge digital copies of applications, including plans and documentation if lodging an application with Council. Please refer to the link below for any further information about digital requirements and electronic files.**  
**<http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/digital-requirements>.**
3. Nominate a **Principal Certifier** which may be either Council or an accredited certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement.
4. Give Council at least two days notice of your intention to commence the erection of a building **before** commencing construction works. You cannot lawfully commence works without complying with this requirement.
5. Obtain an **Occupation Certificate** before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

### You may also need to:

6. Obtain approval through the lodgement of an application under Section 68 of the *Local Government Act, 1993* and Section 138 of the *Roads Act, 1993* for an activity which is proposed to be undertaken in, on or above a road reservation (including footways). Such activities include:
  - (a) installation of hoardings/scaffolding;
  - (b) installation and/or alterations to advertising/business signs and street awnings;
  - (c) crane operation and other hoisting activities;
  - (d) temporary works (e.g.: barricading, road openings, mobile hoisting devices);
  - (e) works zone (for loading and unloading from the roadway); and
  - (f) temporary ground anchoring and shoring to support a roadway when excavating.Application forms are available on the City's website.
7. Lodge an **Application for Subdivision** to obtain a **Subdivision Certificate** if a land (including stratum) subdivision is proposed and an Application for Subdivision to obtain **Strata Title Subdivision** under the relevant Strata Titles Act, if strata title of the development is proposed.
8. Comply with the *Food Act, 2003*, the Australia New Zealand Food Standards Code, Australian Standard 4674 – 2004, and register the business with Council if the premises is used for the manufacture, preparation, packing, storing, conveying or delivering of food or beverage for sale.
9. Contact Sydney Water regarding the water and sewerage services to this development. For further information go to [www.sydneywater.com.au](http://www.sydneywater.com.au).
10. Carry out critical stage inspections in accordance with Section 6.5 of the *Environmental Planning and Assessment Regulation, 1979* and Clauses 162A, 162B and 163 of the *Environmental Planning and Assessment Regulation, 2000*.



# **Attachment B**

<b>Selected Drawings</b>
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Check all dimensions and the conditions prior to commencement of any work. The proponent or contractor is responsible for the final accuracy of all dimensions. Do not assume dimensions - measure in situ. Dimensions shown are approximate and intended to guide the contractor. Any discrepancies shall be resolved by the architect or engineer. All drawings may not be reproduced or distributed without prior permission from the architect.

**LEGEND**

- PROPERTY BOUNDARY
- - - - STAGE 1 BUILDING ENVELOPE (D201) SHOWN
- PROPOSED DA BUILDING ENVELOPE
- ARTICULATION ZONE (NON-GFA SECTION IN DRAFT) EXCEPT WHERE NOTED OTHERWISE
- GROUND FLOOR COLONNAD ZONE

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175 LIVERPOOL STREET  
 STDAUT  
 BUILDING ENVELOPE PLAN

Scale	1:200	@ A1
Client	VIA	Contract
Project No.	S15565	
File Name	4/2023/14/2/14.rvt	
Drawn by		Reviewed
Checked by		Approved

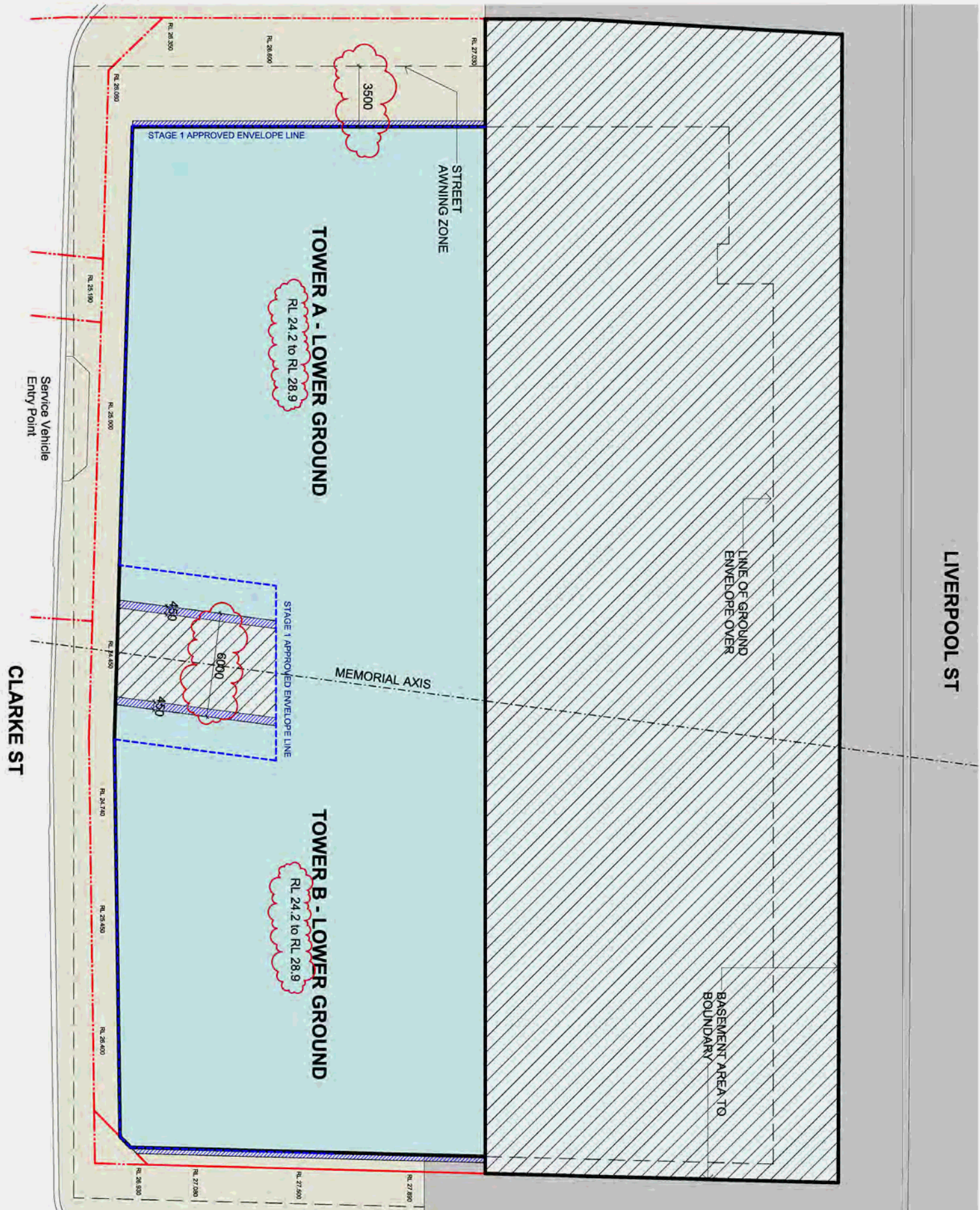
**S1DA-01.00 E**

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 Email: [info@mcintosh.com.au](mailto:info@mcintosh.com.au)  
<http://www.mcintosh.com.au>

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<http://www.battersmart.com.au>

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LIVERPOOL ST

CLARKE ST

**LEGEND**

- — — — — PROPERTY BOUNDARY
- — — — — STAGE 1 GROUND ENVELOPE D20019882
- — — — — PROPOSED DA BUILDING ENVELOPE
- ARTICULATION ZONE NON-GFA 300mm IN DEPTH EXCEPT WHERE NOTED OTHERWISE
- GROUND FLOOR COLUMN/DAZE ZONE

Check all dimensions and the conditions prior to commencement of any work. The project is intended to be a preliminary design. It is not intended to be a final design. Do not issue drawings, or any other documents, or any other information, without the written consent of the architect. All drawings may not be reproduced or distributed without prior permission from the architect.

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SICARD BUILDING ENVELOPE PLAN LOWER GROUND



STATUS	DEVELOPMENT APPLICATION
SCALE	A4 PRELIMINARY @ A1
DRAWN	VVA
CHECKED	SH
PROJECT NO.	S12565
FILE NAME	4-202301-14-175 L
DATE	2023/01/14
DRAWING NO.	175DA-01.01 E

**S1DA-01.01 E**

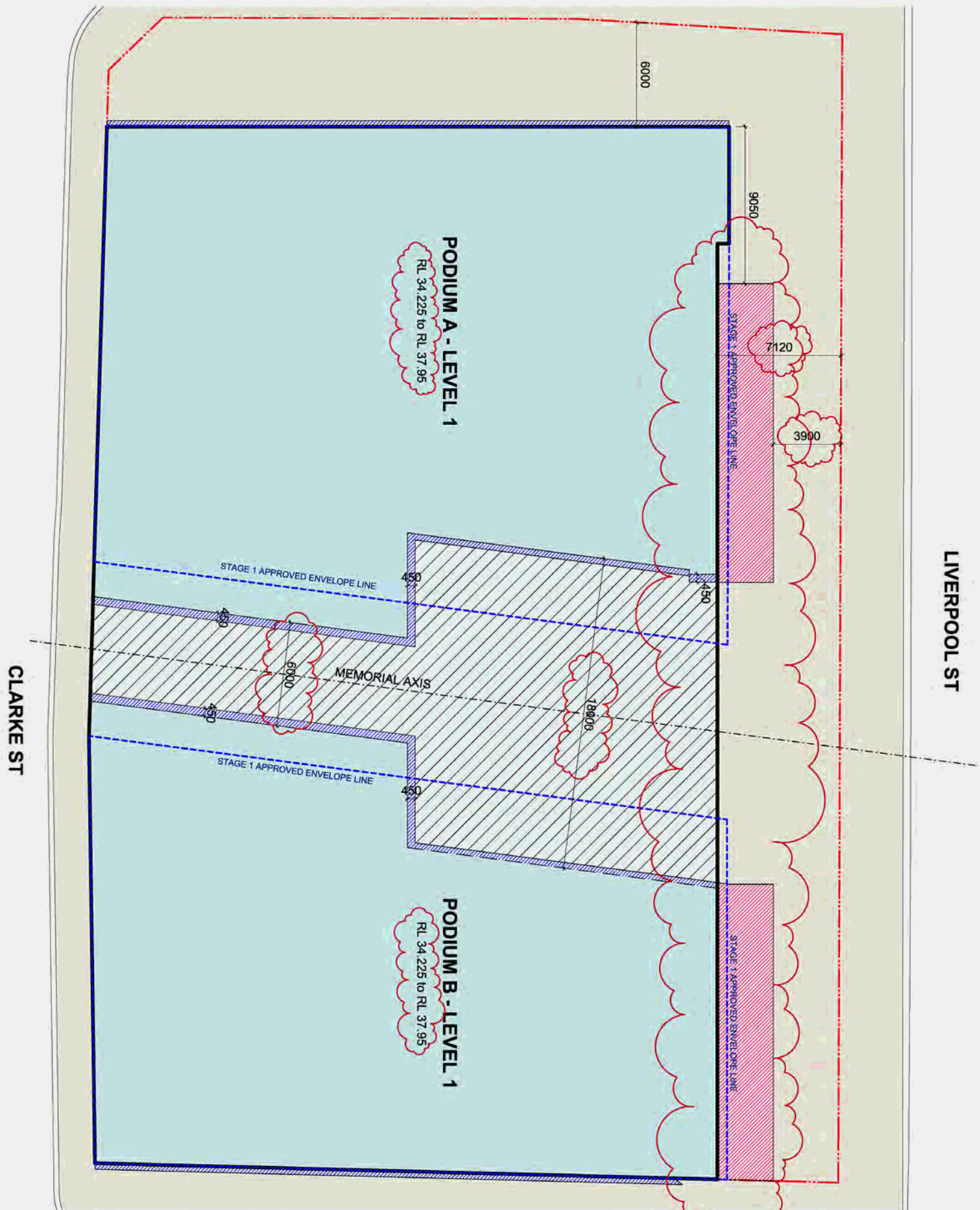
Multipurpose 175 Liverpool Street  
 175 Liverpool Street, Sydney NSW 2000 Australia  
 Tel: 02 9232 1111 Fax: 02 9232 1112  
 Email: sales@batesmart.com.au  
 Website: www.batesmart.com.au

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LIVERPOOL ST

CLARKE ST

PODIUM A - LEVEL 1  
RL 34.225 to RL 37.95

PODIUM B - LEVEL 1  
RL 34.225 to RL 37.95

STAGE 1 APPROVED ENVELOPE LINE

MEMORIAL AXIS

STAGE 1 APPROVED ENVELOPE LINE

STAGE 1 APPROVED ENVELOPE LINE

STAGE 1 APPROVED ENVELOPE LINE

**LEGEND**

- — — — — PROPERTY BOUNDARY
- - - - - STAGE 1 ENVELOPE D0010982
- ▭ PROPOSED DA BUILDING ENVELOPE
- ▨ ARTICULATION ZONE NON-GFA 300mm IN DEPTH EXCEPT WHERE NOTED OTHERWISE
- ▩ GROUND FLOOR COLOUNNAD ZONE

Check all dimensions and the conditions prior to commencement of any work. The project is subject to the provisions of the Building Act 2003 and the Building Regulation 2006. The project is subject to the provisions of the Building Act 2003 and the Building Regulation 2006. Do not reuse drawings, drawings or specifications without the written consent of the author. All dimensions shall be in millimetres unless otherwise stated. All drawings shall be prepared or checked without prior permission from the architect.

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175 LIVERPOOL STREET

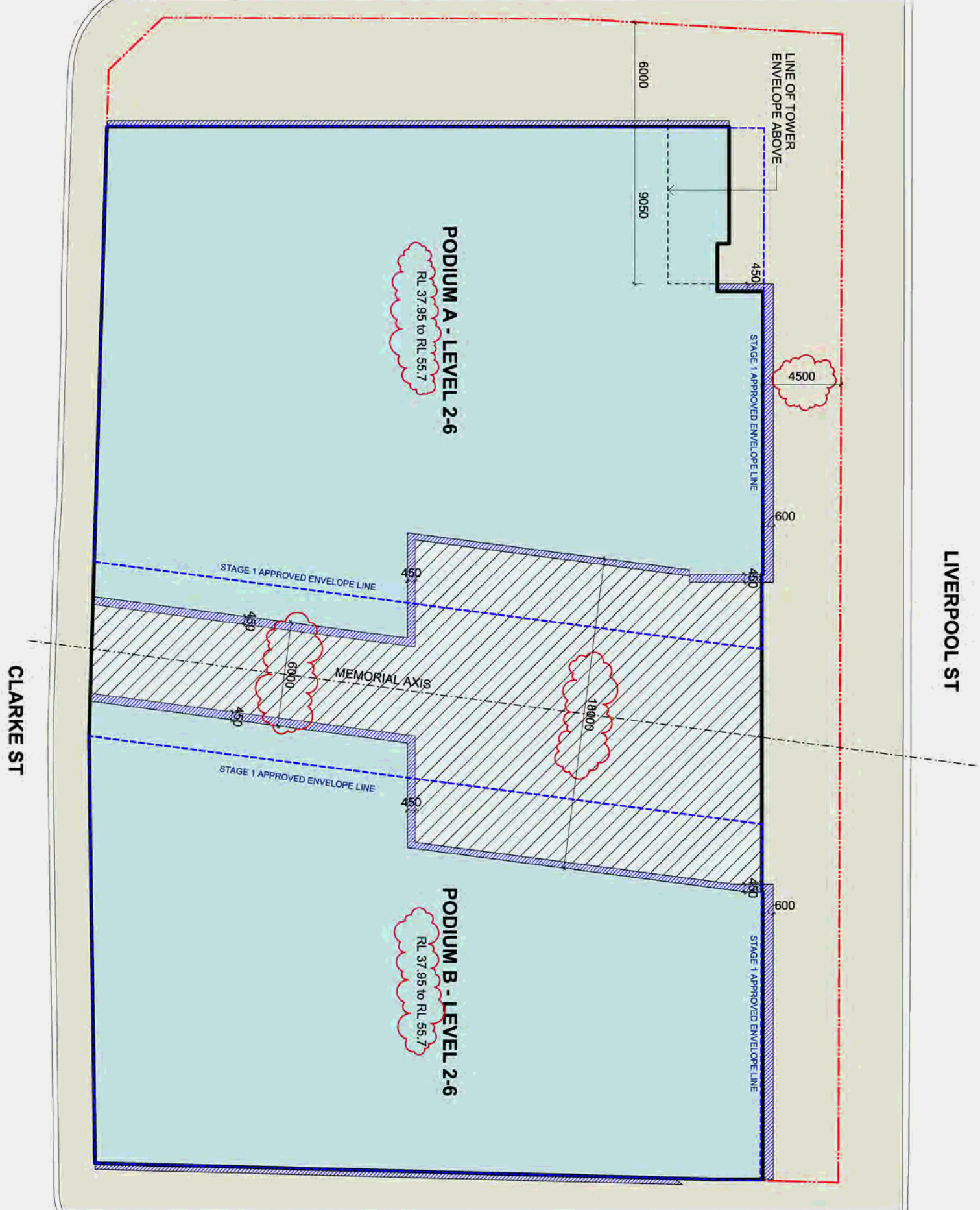
STADIUM BUILDING ENVELOPE PLAN LEVEL 1



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DRAWN	VJA	CHECKED	SH
PROJECT NO.	S12565	DATE	4/2/2024 10:14 AM
DRAWING NO.	S1DA-01.03	REVISION	E

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PODIUM A - LEVEL 2-6  
RL 37.95 to RL 55.7

PODIUM B - LEVEL 2-6  
RL 37.95 to RL 55.7

MEMORIAL AXIS

**LEGEND**

- PROPERTY BOUNDARY
- - - STAGE 1 APPROVED ENVELOPE LINE
- - - PROPOSED DA BUILDING ENVELOPE
- ▨ ARTICULATION ZONE (NON-GFA SKYLINE IN DOTTED) EXCEPT WHERE NOTED OTHERWISE
- ▨ GROUND FLOOR COLONNADAE ZONE

Check all dimensions and the conditions prior to commencement of any work. The drawings are prepared on the basis of the information provided and the designer does not accept liability for any errors or omissions. Do not scale drawings. - Refer to Special Conditions only. Dimensions shall prevail over any dimensions indicated on the drawings. All drawings may not be reproduced or circulated without prior permission from the architect.

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STAGE 1 BUILDING ENVELOPE PLAN LEVEL 2-6



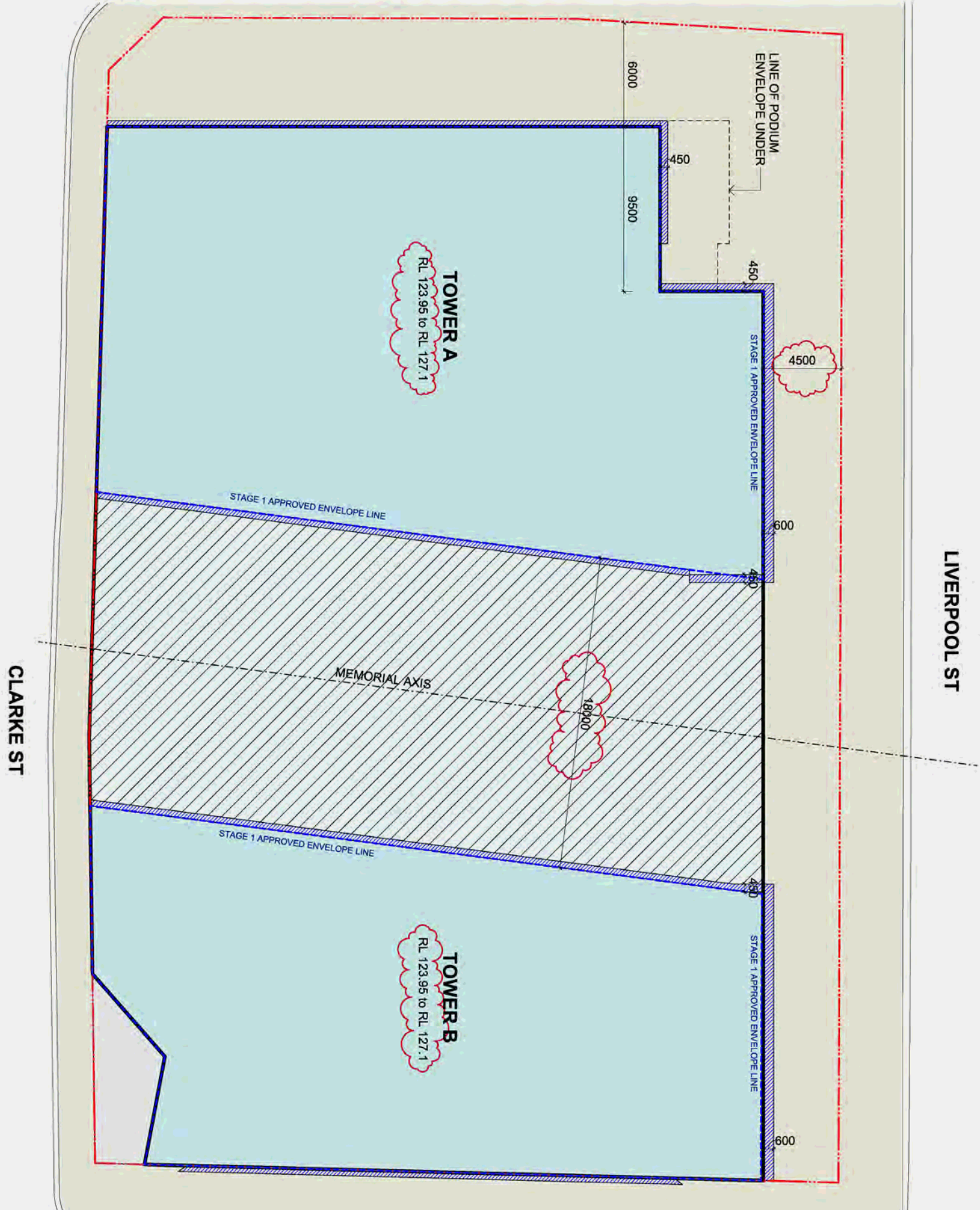
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DRAWN	VJA	CHECKED	SH
PROJECT NO.	S12565	FILED DATE	4/20/2024 4:03:29 PM
DRAWING NO.	S1DA-01.04	REVISION	E

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**LEGEND**

- — — — — PROPERTY BOUNDARY
- - - - - STAGE 1 APPROVED ENVELOPE D20019882
- ▭ PROPOSED DA BUILDING ENVELOPE
- ▨ ARTICULATION ZONE NON - GFA 300mm IN DEPTH, SCISSOR WHERE NOTED OTHERWISE
- ▨ GROUND FLOOR COLOUNNAD ZONE

Check all dimensions and the conditions prior to commencement of any work. The drawings are prepared on the basis of the information provided and the designer does not accept any liability for any errors or omissions. Do not scale drawings. - Refer to Sheet Dimensions only. Any dimensions shall be taken from the drawings. All drawings shall be prepared on A3 paper unless otherwise stated. All drawings shall be prepared on A3 paper unless otherwise stated.

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SICARD BUILDING ENVELOPE PLAN LEVEL 29



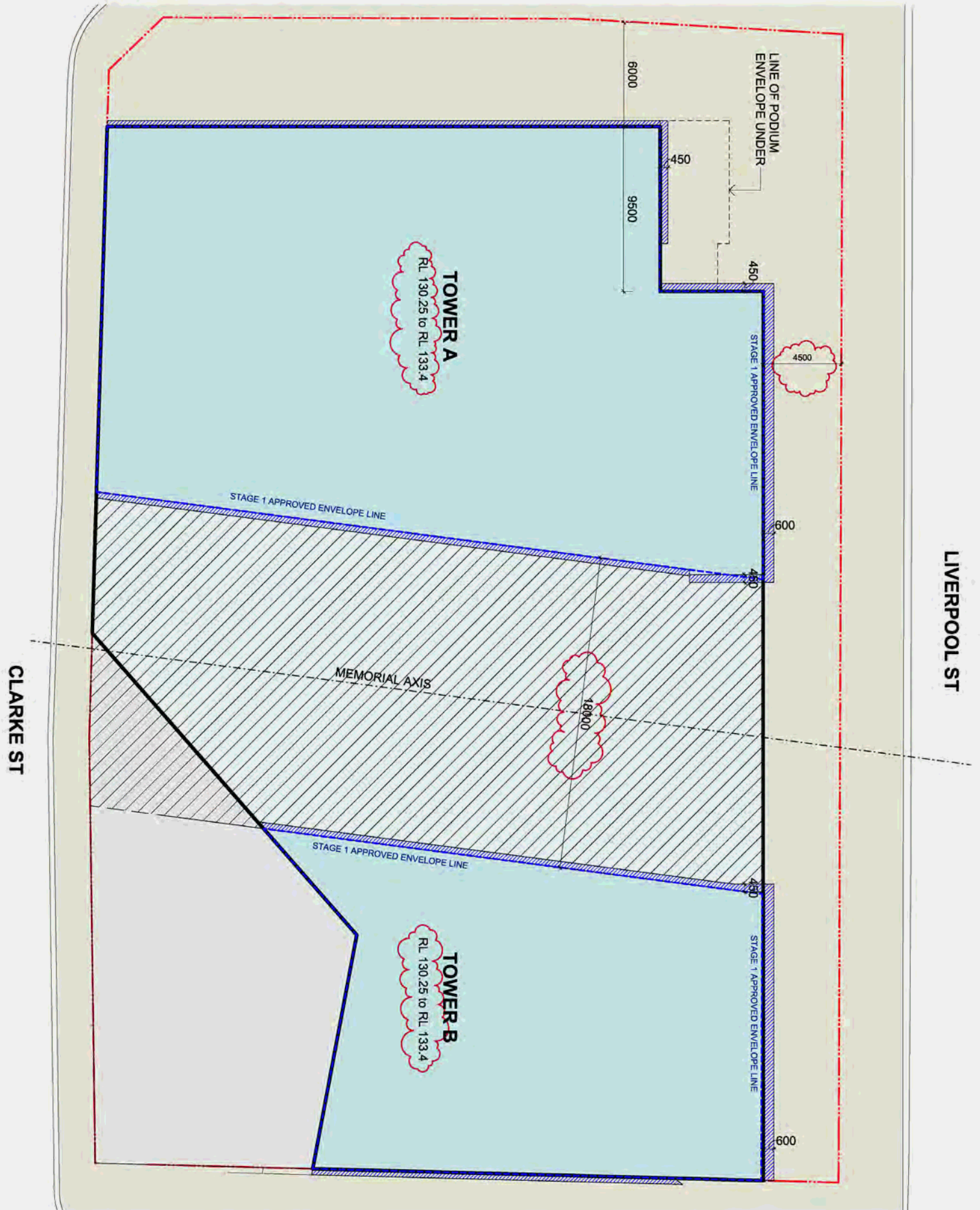
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DRAWN	VJA	CHECKED	SH
PROJECT NO.	S12565	DATE	4/20/2024 10:51 AM
DRAWING NO.	S1DA-01.06	REVISION	E

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 Website: <http://www.batesmart.com.au>







Check all dimensions and the conditions prior to commencement of any work. The proposed building envelopes are not intended to be used as a guide for construction. Do not make drawings, or any other documents, or any other information that is intended to be used for construction, or any other purpose, without the written consent of the architect. All drawings may not be reproduced or distributed without prior permission from the architect.

**LEGEND**

- PROPERTY BOUNDARY
- STAGE 1 APPROVED ENVELOPE
- PROPOSED DA BUILDING ENVELOPE
- ARTICULATION ZONE NON - GFA
- 300mm IN DEPTH SCEPT WHERE NOTED OTHERWISE
- GROUND FLOOR COLOUNNAD ZONE

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B	27.00.00	NOCT 04.00.00	27.00.00	NOCT 04.00.00	27.00.00
A	27.00.00	NOCT 04.00.00	27.00.00	NOCT 04.00.00	27.00.00

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**STDAAT BUILDING ENVELOPE PLAN LEVEL 5/1**

**S1DA-01.08 E**

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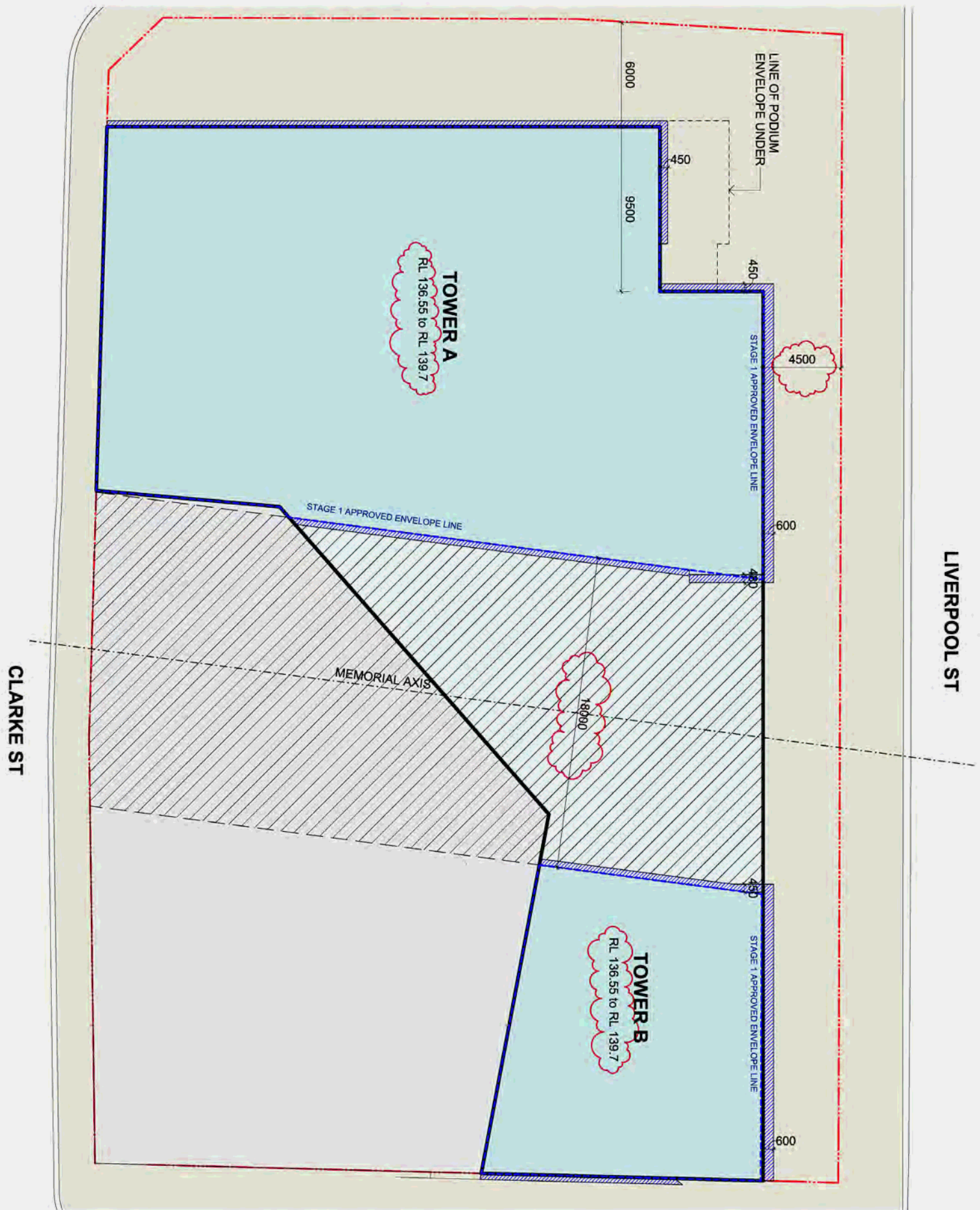
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**S1DA-01.08 E**

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LIVERPOOL ST

CLARKE ST

**LEGEND**

- — — — — PROPERTY BOUNDARY
- — — — — STAGE 1 APPROVED ENVELOPE
- — — — — PROPOSED DA BUILDING ENVELOPE
- ARTICULATION ZONE NON-GFA 300mm IN DEPTH, EXCEPT WHERE NOTED OTHERWISE
- GROUND FLOOR COLOUNNAD ZONE

Check all dimensions and the conditions prior to commencement of any work. The contractor is responsible for ensuring that the building is constructed in accordance with the approved plans and specifications. Any discrepancies shall be immediately notified to the architect by the contractor. All drawings may not be reproduced or distributed without prior permission from the architect.

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S1DA-01.10 E  
BUILDING ENVELOPE PLAN  
LEVEL 53



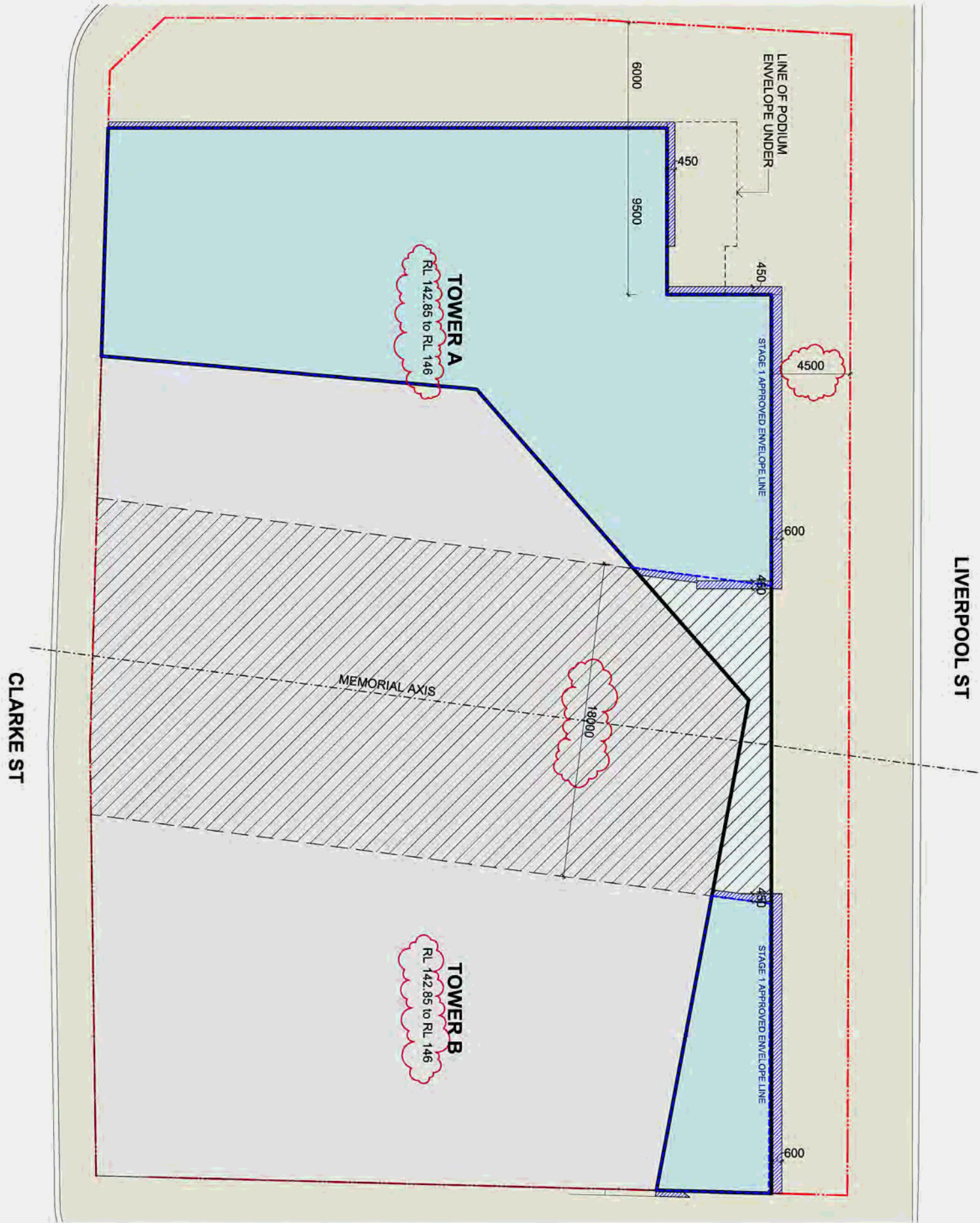
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Rev		
Drawing No.	S1DA-01.10 E	

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**LEGEND**

- PROPERTY BOUNDARY
- STAGE 1 APPROVED ENVELOPE
- PROPOSED DA BUILDING ENVELOPE
- ARTICULATION ZONE NON-GFA 300mm IN DEPTH SICARDT WHERE NOTED OTHERWISE
- GROUND FLOOR CO-CORRIDOR ZONE

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**SICARD BUILDING ENVELOPE PLAN LEVEL 55**

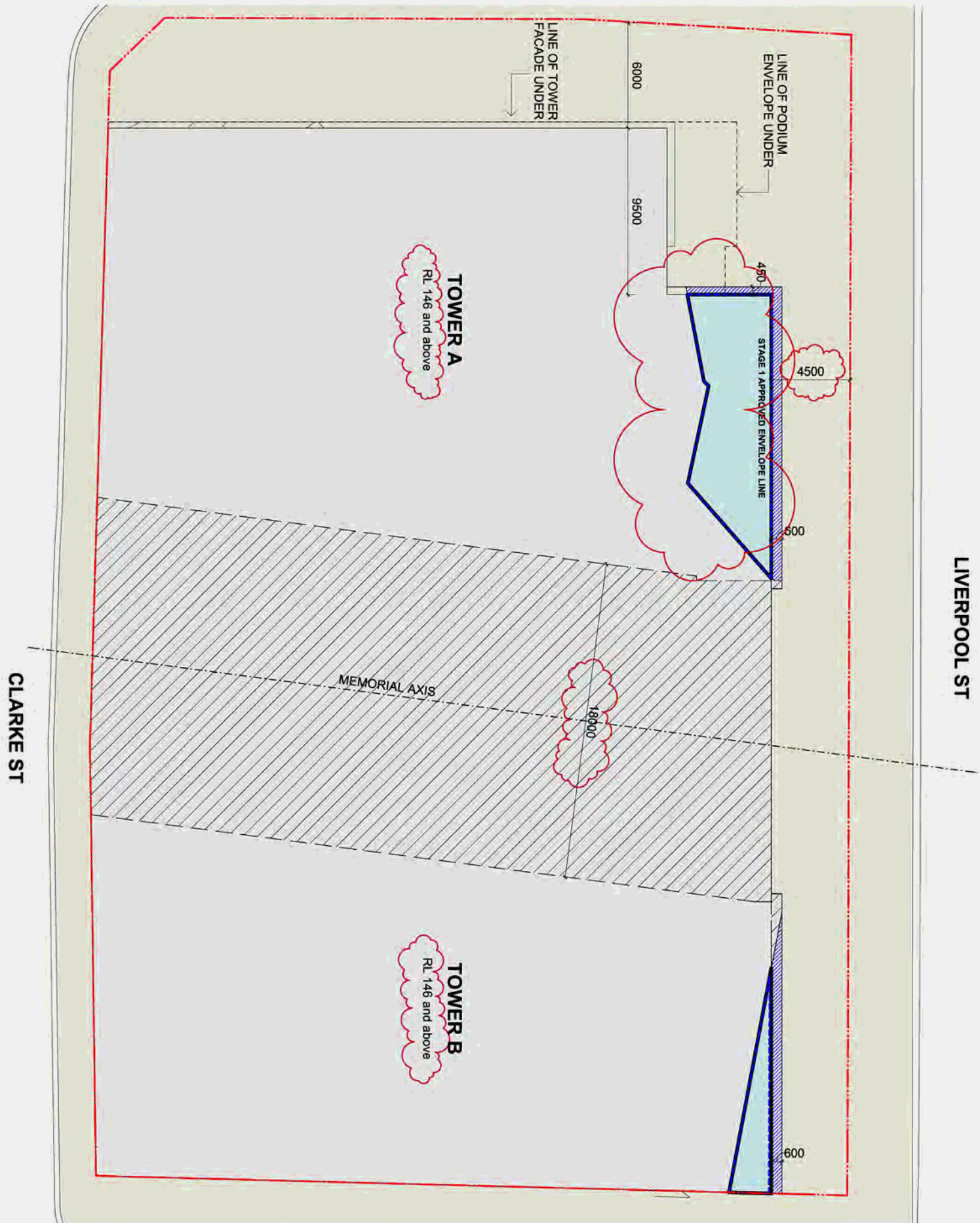
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Client	VIA	Contract
Project No.	S12563	Sheet
File Path	4-2022\1-1712 BA	Revision
Drawn by		

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LIVERPOOL ST

CLARKE ST

MEMORIAL AXIS

TOWER A  
RL 146 and above

TOWER B  
RL 146 and above

18000

6000

9500

LINE OF PODIUM  
ENVELOPE UNDER

LINE OF TOWER  
FACADE UNDER

450

4500

600

600

STAGE 1 APPROVED  
ENVELOPE LINE

**LEGEND**

- — — — — PROPERTY BOUNDARY
- — — — — STAGE 1 BUILDING ENVELOPE
- — — — — PROPOSED DA BUILDING ENVELOPE
- ARTICULATION ZONE NON-GFA 300mm IN DEPTH (SCEPT WHERE NOTED OTHERWISE)
- GROUND FLOOR COLOUNNAD ZONE

Check all dimensions and the conditions prior to commencement of any work. The project is intended as a guide only. The final design and construction shall be determined by the relevant authorities. Do not reuse drawings - reuse is strictly prohibited. Any reproduction shall be made at the user's risk. All drawings may not be reproduced or circulated without prior permission from the architect.

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SICARD BUILDING ENVELOPE PLAN LEVEL 30

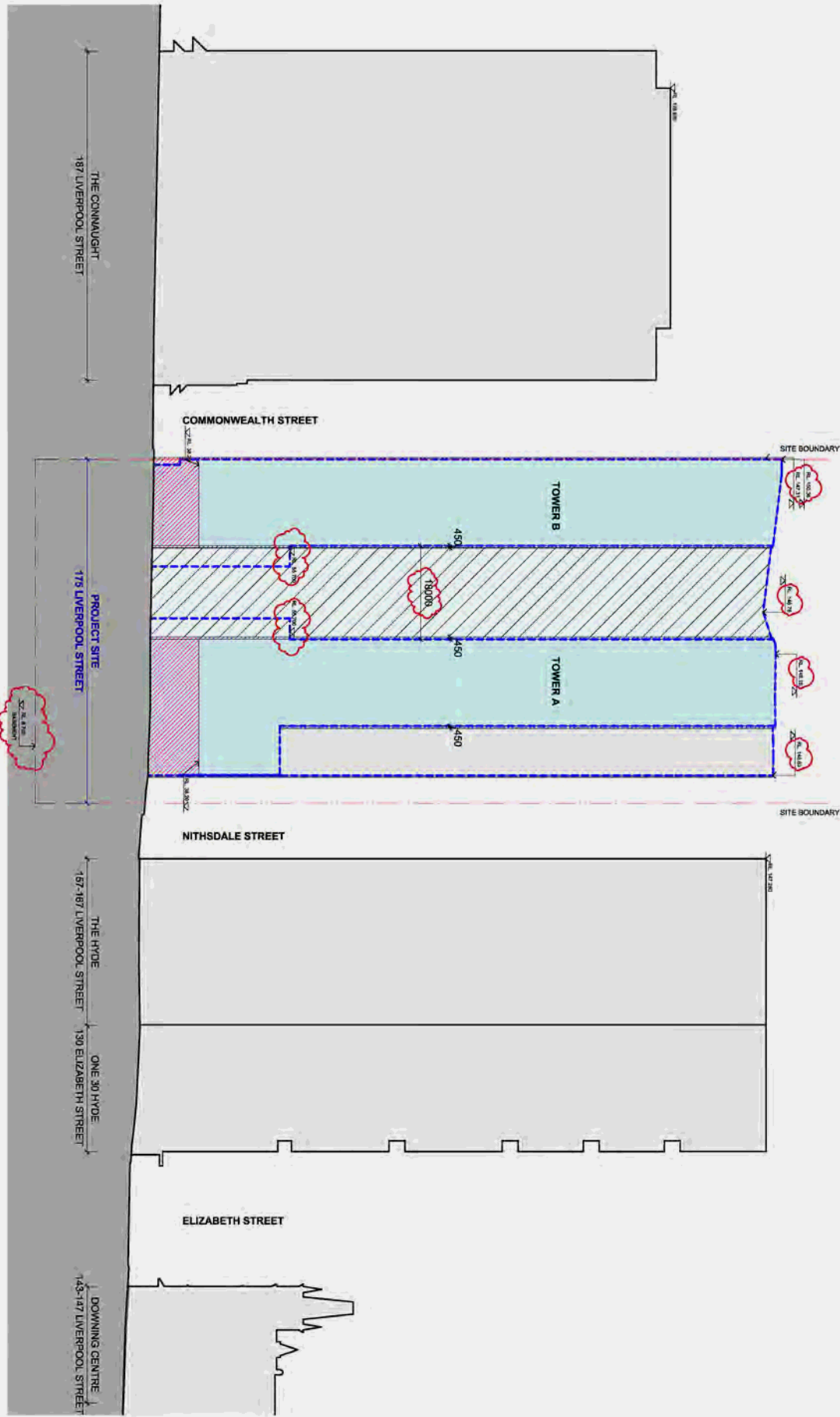


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Client	WVA	Contract	SH
Project No.	S12060		
File Name	4-202214 Level 30		
Drawn by		Reviewed	

S1DA-01.13 F

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- Check all dimensions and the conditions prior to commencement of any work. The purpose of carrying out an evaluation of the proposed development is to ensure that the proposed development is in accordance with the relevant planning controls. This document is for information only. It does not constitute a contract. Any discrepancies shall immediately be referred to the architect for clarification. All drawings may not be reproduced or circulated without prior permission from the architect.
- LEGEND**
- PROPERTY BOUNDARY
  - STAGE 1 BUILDING ENVELOPE D20119992
  - PROPOSED DA BUILDING ENVELOPE
  - ARTICULATION ZONE NON-GFA 300mm MAX DEPTH EXCEPT WHERE NOTED OTHERWISE
  - GROUND FLOOR COLONNADZ ZONE

NO	DESCRIPTION	DATE	BY	CHK
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**175 LIVERPOOL STREET**

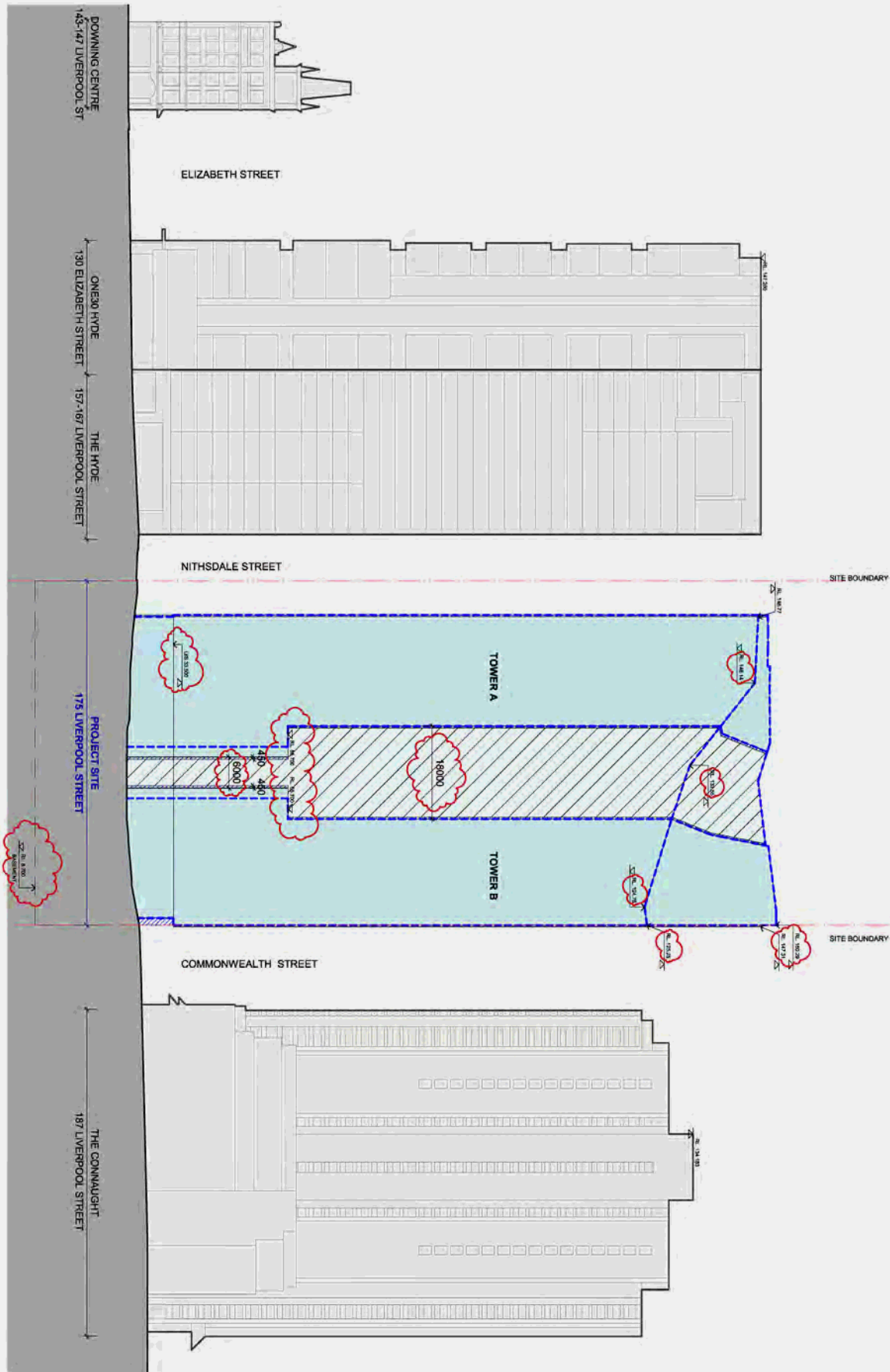
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SCALE	AS INDICATED	DATE	03/11
DRAWN	VJA	CHECKED	SH
PROJECT NO.	S19260		
REV	4/2023 (17.21.24)		

**S1DA-02.01 E**

Downing Centre  
 Melbourne 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**DOWNING CENTRE**  
145-147 LIVERPOOL ST

ONE&O HYDE  
130 ELIZABETH STREET

THE HYDE  
157-167 LIVERPOOL STREET

PROJECT SITE  
175 LIVERPOOL STREET

THE CONNAUGHT  
187 LIVERPOOL STREET

**LEGEND**

- — — — — PROPERTY BOUNDARY
- — — — — STAGE 1 BUILDING ENVELOPE D201/19802
- — — — — PROPOSED DA BUILDING ENVELOPE
- ARTICULATION ZONE NON - GFA 300mm MIN DEPTH EXCEPT WHERE NOTED OTHERWISE
- GROUND FLOOR COLONNADE ZONE

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E	27.00/23.00	FLOOR TO FLOOR 2 - 01/24/2022	361	487
D	27.00/23.00	FLOOR TO FLOOR 2 - 01/24/2022	361	487
C	27.00/23.00	FLOOR TO FLOOR 2 - 01/24/2022	361	487
B	27.00/23.00	FLOOR TO FLOOR 2 - 01/24/2022	361	487
A	27.00/23.00	FLOOR TO FLOOR 2 - 01/24/2022	361	487

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175 LIVERPOOL STREET

STDA2 BUILDING ENVELOPE ELEVATION - SOUTH

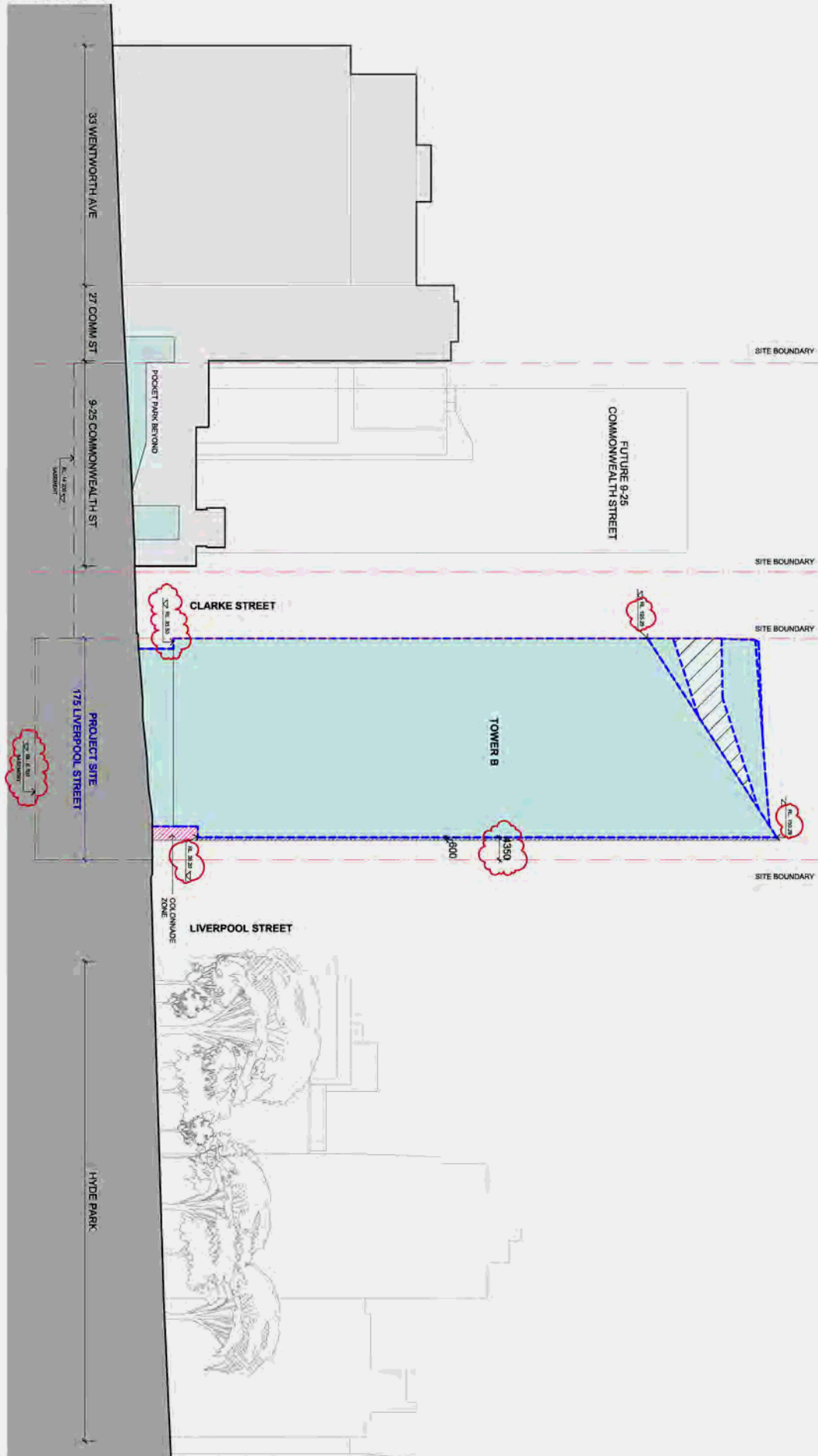
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DRAWN	VJA
CHECKED	SH
PROJECT NO.	S17505
FILED DATE	4/20/2023 17:14:14
NO.	
DRAWING NO.	Revision
	<b>S1DA-02.02 E</b>

Melbourne 110/100/0101  
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Sydney 4/11/100/0101  
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- LEGEND**
- PROPERTY BOUNDARY
  - STAGE 1 BUILDING ENVELOPE D20019992
  - PROPOSED DA BUILDING ENVELOPE
  - ARTICULATION ZONE NON-GFA 300mm IN DEPTH EXCEPT WHERE NOTED OTHERWISE
  - GROUND FLOOR COLONNAD ZONE

NO	DESCRIPTION	DATE	BY	CHK
1	27/09/23 PROJECT START	27/09/23	AM	AM
2	30/09/23 PROJECT START	30/09/23	AM	AM
3	08/10/23 PROJECT START	08/10/23	AM	AM
4	15/10/23 PROJECT START	15/10/23	AM	AM
5	22/10/23 PROJECT START	22/10/23	AM	AM

**SICARD PTY LTD**

**175 LIVERPOOL STREET**

**SICARD BUILDING ENVELOPE ELEVATION - EAST**

SCALE	A4 PREFERRED @ A1
DRAWN	CHANG SHI
CHECKED	VA
PROJECT NO.	S15060
FILE PATH	4-PROJECTS\175 LIVERPOOL STREET
DATE	27/09/23
BY	AM
CHK	AM

**S1DA-02.03 E**

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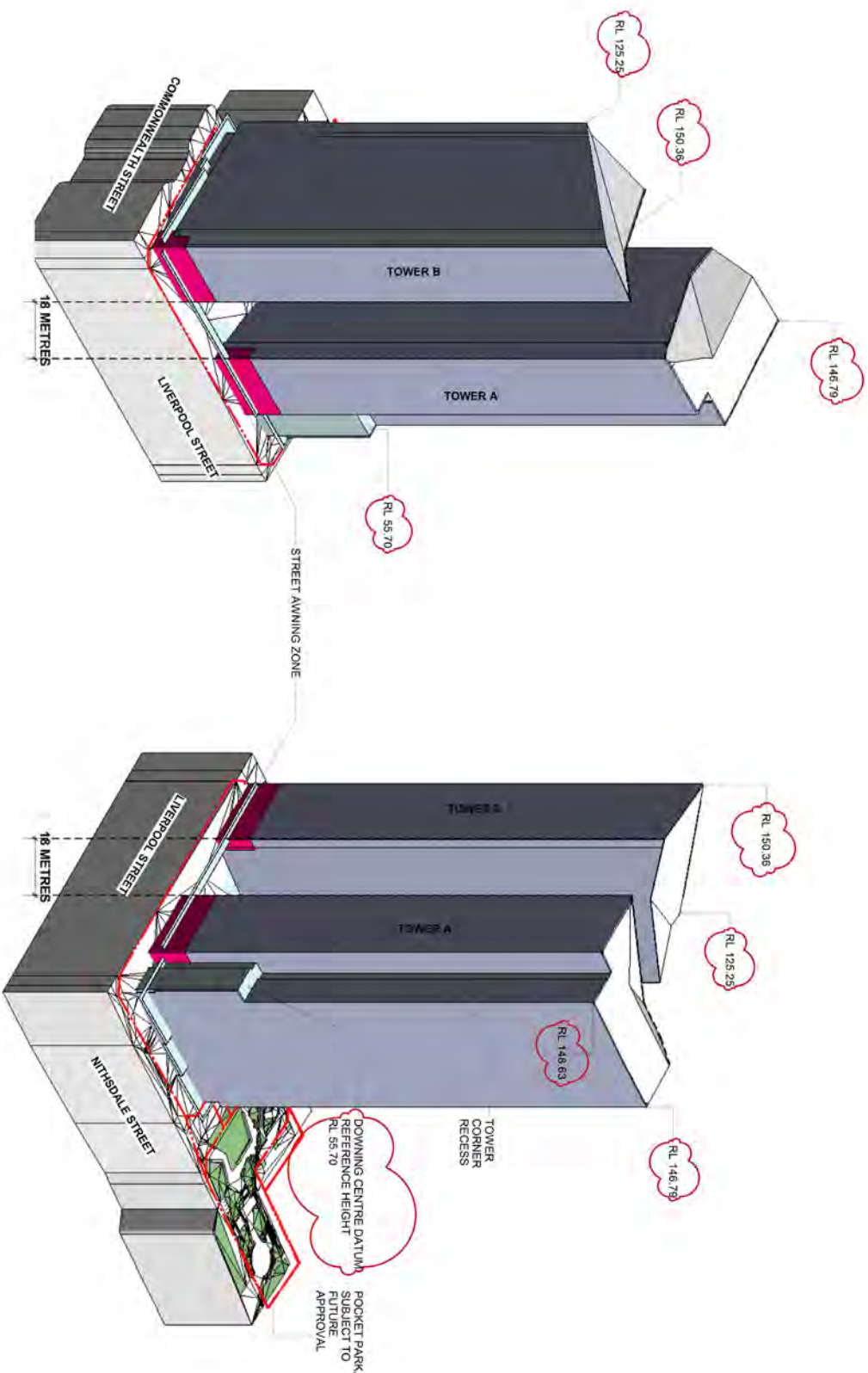
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**LEGEND**

- PROPERTY BOUNDARY
- PROPOSED BA BUILDING ENVELOPE
- ARTICULATION ZONE (NON-GFA 300mm IN DEPTH EXCEPT WHERE NOTED OTHERWISE)
- ORCHARD FLOOR COLONNADE ZONE



NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMIT	15/04/2024	...	...
2	FOR INFORMATION	15/04/2024	...	...
3	FOR INFORMATION	15/04/2024	...	...
4	FOR INFORMATION	15/04/2024	...	...
5	FOR INFORMATION	15/04/2024	...	...

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175 LIVERPOOL STREET  
 SIDA03  
 PROPOSED ENVELOPE  
 ARCHITECTURAL VIEWS

Scale	1:200	© AI
Client	WAL	Contract
Project No.	S1DA03	Sheet
File Name	41812231-01-01.rvt	
Drawn by	...	Checked by
Drawn on	S1DA-03.01 E	Released on

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11/11/2024 10:00 AM  
 175 LIVERPOOL STREET  
 SIDA03  
 PROPOSED ENVELOPE  
 ARCHITECTURAL VIEWS

Document is Restricted

**Item 5.****Development Application: 169-183 Liverpool Street, Sydney - D/2022/614**

File No.: D/2022/614

**Summary****Date of Submission:** 27 June 2022**Amended Plans and Additional Information** 17 March 2023, 27 July 2023, and 11 September 2023**Applicant:** Sicard Pty Ltd**Developer:** Sicard Pty Ltd**Owner:** Sicard Pty Ltd**Architect:** Bates Smart**Planning Consultant:** Ethos Urban**Design Advisory Panel:** 1 September 2022**Cost of Works:** \$380,053,738.00**Zoning:** SP5 - Metropolitan Centre. The proposed uses, as defined as retail premises, commercial premises, and residential accommodation, are permissible with consent in the SP5 zone.**Proposal Summary:** Approval is sought for a new mixed-use development with a maximum height of 117.1m (RL 146 AHD) with commercial, retail and residential land uses.

The proposal includes the demolition of the existing building, retention of the existing basement perimeter walls and further excavation to provide for 6 levels of basement, a 7-storey podium comprising retail and commercial uses, a 30-storey tower and a 28-storey tower containing a total of 259 residential units, the provision of a through-site link, and the retention of an existing publicly accessible pocket park at the rear of the site.

The application is referred to the Central Sydney Planning Committee (CSPC) for determination as the proposed modifications relate to “major development” for the purposes of the City of Sydney Act 1988.

The subject development application requires an amendment of the approved concept building envelope. A Section 4.55(2) modification application (D/2019/992/A) has been lodged separately and has been assessed concurrently. The modification application is also being reported to CSPC and is recommended for approval. Subject to the approval of D/2019/992/A, the subject development application will be consistent with the concept development consent in accordance with Section 4.24(2) of the Environmental Planning and Assessment Act 1979.

A competitive design process was held with Bates Smart selected as the winning scheme. The proposal exhibits design excellence. Therefore, it is eligible for a building height that exceeds the maximum height shown for land on the Height of Buildings Map by up to 10 per cent pursuant to Clause 6.21D(3) of the Sydney Local Environmental Plan 2012 (Sydney LEP 2012).

During assessment, concerns were identified relating to the amendments to the concept envelope, contamination, building expression, floor to floor heights, wintergardens, communal open space, solar access, ventilation, trees, landscaping, public domain works, on-street changes, parking, loading and servicing, waste management and noise impacts.

These issues have largely been addressed through the resubmission of amended plans and additional information. The amended proposal is consistent with the winning scheme and the recommendations of the competitive design process Jury panel.

The application was notified for a period of 28 days between 4 July 2022 and 2 August 2022, with 6 submissions received (4 objections and 2 comments). Concerns raised in submissions include height, privacy impacts, wind impacts, on-site and on-street car parking, and construction-related impacts. These issues are addressed within the report.

Subject to conditions, the proposal is generally consistent with the applicable planning provisions in the Sydney LEP, Sydney Development Control Plan 2012 (Sydney DCP 2012), State Environmental Planning Policy No.65 - Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG).

Any proposed non-compliances have been assessed as having merit in the specific circumstances of the proposal and are addressed in the report.

As a result of the design modifications made to the design, the amended proposal has a high standard of architectural design, materials and detailing. It presents an improved outcome, comprises an appropriate response to the site conditions, as well as a respectful backdrop to the Anzac War Memorial and Hyde Park setting.

**Summary Recommendation:** The development application is recommended for deferred commencement approval.

- Development Controls:**
- (i) Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021
  - (ii) City of Sydney Act 1988 and City of Sydney Regulation 2016
  - (iii) Sydney Airport Referral Act 1996
  - (iv) State Environmental Planning Policy No.65 - Design Quality of Residential Apartment Development and the Apartment Design Guide
  - (v) State Environmental Planning Policy (Transport and Infrastructure) 2021
  - (vi) State Environmental Planning Policy (Resilience and Hazards) 2021
  - (vii) State Environmental Planning Policy (Biodiversity and Conservation) 2021
  - (viii) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
  - (ix) Sydney Local Environmental Plan 2012
  - (x) Sydney Development Control Plan 2023
  - (xi) Central Sydney Development Contributions Plan
  - (xii) City of Sydney Affordable Housing Program

- Attachments:**
- A. Recommended Conditions of Consent
  - B. Selected Drawings



## Recommendation

It is resolved that pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application Number D/2022/614 subject to the conditions set out in Attachment A to the subject report.

## Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to the imposition of conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) The proposal generally satisfies the objectives and provisions of the State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development and the Apartment Design Guide.
- (C) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.
- (D) The proposed development is consistent with the design intent of the winning scheme of a competitive design process, held in accordance with the City of Sydney Competitive Design Policy.
- (E) The proposed development has a height, scale and form suitable for the site and its context, and satisfactorily addresses the heights and setbacks of neighbouring developments, is appropriate in the streetscape context and setting of the Central Sydney locality and is a respectful backdrop to the Anzac War Memorial and Hyde Park.
- (F) The proposed development is consistent with the amended concept approval for the site, being D/2019/992/A, in accordance with Section 4.24(2) of the Environmental Planning and Assessment Act, 1979.
- (G) Subject to the recommended conditions of consent, the proposed development achieves good amenity for the existing and future occupants of the subject and adjoining sites.
- (H) The proposed mix of compatible land uses will support the vitality of the area and do not result in any significant adverse environmental or amenity impacts on the subject or surrounding properties, the public domain and the broader Central Sydney locality, subject to the recommended conditions.
- (I) The public interest is served by the approval of the proposal, as amendments to the development application have addressed the matters raised by the City and the community, subject to recommended conditions imposed relating to the appropriate management of potential environmental impacts associated with the development.

- (J) For the reasons above and as detailed in the assessment report to the Central Sydney Planning Committee, the proposed development is in the public interest subject to conditions.

## Background

### The Site

1. The site has a legal description of Lot 1 in DP 1253429, known as 169-183 Liverpool Street, Sydney.
2. The site is located in the Sydney Central Business District (CBD) directly to the south of Hyde Park and the ANZAC War Memorial, to the south-east of Museum Station and to the south-west of the intersection of Liverpool Street, Oxford Street, College Street and Wentworth Avenue.
3. It is irregular in shape with area of approximately 3,737sqm. It has a primary street frontage to Liverpool Street which is located to the north of the site, and secondary street frontages to Commonwealth Street located to the east, Nithsdale Street located to the west, Nithsdale Lane to the south, Alberta Street to the south-east, and Clarke Street bisecting the site at street level.
4. This latter section of Clarke Street is a stratum lot, with the road surface in public ownership at ground level, and the allotment below ground in private ownership.
5. The site contains a 33-storey commercial office building, formerly known as the Remington Centre, designed by Hoffer Reid and Associates, and completed in 1981 by Stockland Constructions, with:
  - (a) a height of approximately 117 metres;
  - (b) ground level retail uses with a colonnade to Liverpool Street;
  - (c) lower ground loading and servicing to facilities to Clarke Street;
  - (d) four basement levels containing a commercial car park with vehicle access from Nithsdale Street and approximately 200 car parking spaces;
  - (e) 30 commercial office levels; and
  - (f) three plant levels.
6. A pocket park is located on the southern portion of the site, bounded by Nithsdale Street, Nithsdale Lane, Alberta Street and Clarke Street, and comprises landscaped areas, significant mature tree plantings and ventilation stacks serving the basement car park.
7. The northern portion of the site is located within the College Street/Hyde Park special Character Area. The site is not a heritage item nor is it in a heritage conservation area. The site is not identified as being subject to flooding.
8. Photos of the site are provided in Figures 1 to 10.



Figure 1: Aerial view of site in red and surrounding area

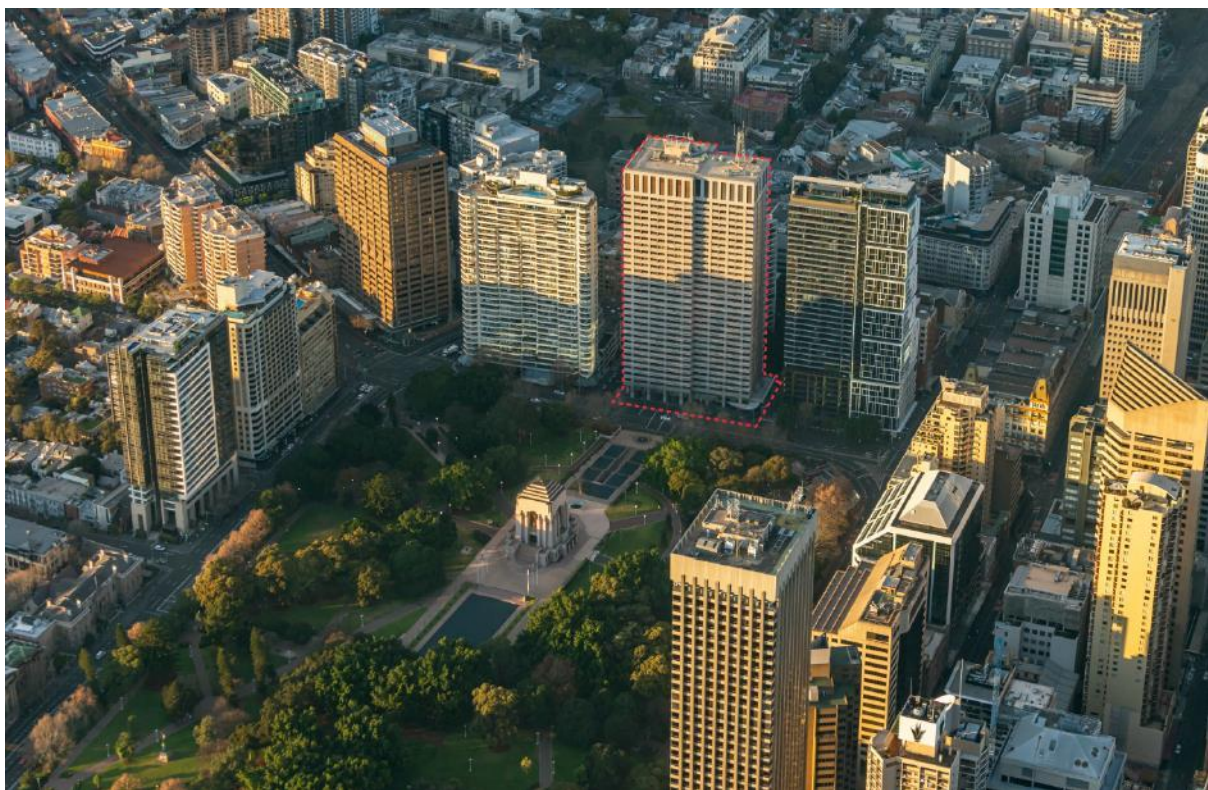


Figure 2: Oblique aerial photograph of subject site in red and surrounding area, looking south-east





**Figure 3:** Site and neighbouring buildings on Liverpool Street, viewed from Anzac War Memorial



**Figure 4:** Site's frontage to Commonwealth Street





**Figure 5:** Site's frontage to Nithsdale Street (site on left)



**Figure 6:** Site's frontage to Clarke Street (existing tower to left, pocket park to right)





**Figure 7:** Alberta Street, view facing north showing the existing tower

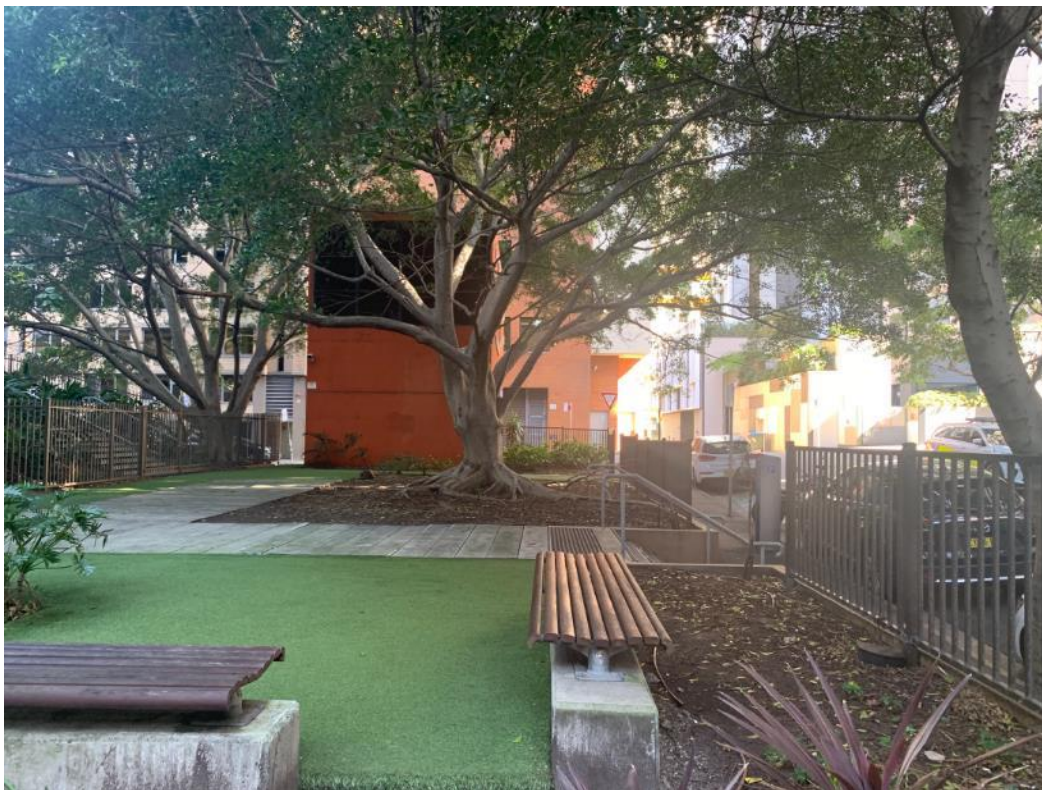


**Figure 8:** Alberta Street, view facing north-west showing the existing pocket park and tower





**Figure 9:** Existing pocket park, view facing south-east



**Figure 10:** Existing pocket park, view facing west



### Surrounding Development

9. The surrounding area is characterised by a mixture of commercial, residential, retail, food and drink premises and tourist and visitor accommodation uses, with a wide range of built forms of varied architectural style and scale.
10. To the north is Hyde Park South and located within the park is the ANZAC War Memorial. Both sites are listed as items of heritage significance on the State Heritage Register (SHR Item Number 01871 and 01822 respectively) and in Schedule 5 of the Sydney LEP 2012 (Item Number I1654 and I1742 respectively).
11. To the north-west within Hyde Park South is Museum Railway Station, which is also listed as a heritage item on the State Heritage Register (SHR Item Number 01207) and in Schedule 5 of the Sydney LEP 2012 (Item Number I1743).
12. To the west at 157-167 Liverpool Street, Sydney, is a 34-storey mixed use residential apartment development known as the Hyde, designed by WOHA Architects and completed in 2010 by Grocon. Further to the west at 130 Elizabeth Street, Sydney, is a 38-storey mixed use residential apartment development known as One30 Hyde Park, designed by Bates Smart and completed in 2019 by Built Holdings.
13. To the east at 185-211 Liverpool Street, Sydney, is a 30-storey mixed use residential apartment development known as the Connaught, which comprises one of Sydney's first high-rise strata buildings, completed in 1984 by Civil and Civic.
14. To the south-east on the eastern side of Commonwealth Street at 13-15 Wentworth Avenue, Sydney, is a part 3 and part 4 storey commercial building. A part 3 and part 4 storey commercial building is located at 9-25 Commonwealth Street, Sydney, to the south. This property was granted development consent (which has since lapsed) for a 33-storey mixed use development comprising retail, hotel accommodation and residential apartment uses, known as the Edition Residences, designed by FJMT.
15. Located to the south at 11 Alberta Street, Sydney, is a 22-storey mixed use residential apartment development known as Aspire Apartments, designed by Marchese Partners and completed in 2015 by Hindmarsh. To the south of the pocket park at 26 Nithsdale Street, Sydney, is a 3-storey commercial terrace.
16. To the south-west at 136-140 Elizabeth Street, Sydney, is an 11-storey commercial building, containing office premises and a place of public worship known as the Salvation Army Sydney Congress Hall. Further to the south-west at 148 Elizabeth Street, Sydney, is a 32-storey mixed use residential apartment development known as Hyde Park Towers, completed in 1995 by Walter Construction Group. This site contains a heritage item of local significance listed in Schedule 5 of the Sydney LEP 2012 known as the former "Mark Foys Parking Station" including facades, internal structure and building elements (Item Number I1744).
17. Figures 11 to 22 show the existing development in the vicinity.



**Figure 11:** Hyde Park and Anzac War Memorial, with existing tower directly behind



**Figure 12:** Museum Station





Figure 13: The Hyde



Figure 14: Street level view of The Hyde and the subject site





Figure 15: Rear view of The Hyde



Figure 16: The Connaught





**Figure 17:** Street level view of The Connaught and the subject site



**Figure 18:** View of buildings along Commonwealth Street, facing south





Figure 19: View of 9-25 Commonwealth Street (to be redeveloped)



Figure 20: 11 Alberta Street





**Figure 21:** 26 Nithsdale Street (right) and entrance to the site's existing car park (right)



**Figure 22:** View of buildings along Nithsdale Street, facing south

## History Relevant to the Development Application

### Development Applications

18. The following applications are of particular relevance to the current proposal:

- **D/2019/992** – Development consent was granted on 22 October 2020 by the CSPC for a concept development application on the subject site for a building envelope and in-principle demolition of the existing commercial tower, retention of the existing basement, refurbishment and renewal of the existing pocket park, indicative construction of two new buildings separated by a through site link, with podium elements containing retail and commercial uses, and residential uses in towers above.
- **D/2019/992/A** – A Section 4.55(2) modification application to the concept development application was lodged with the City on 28 July 2022 and has been assessed concurrently with the subject detailed design development application. The Section 4.55(2) modification application proposes to amend the approved building envelopes and consent conditions.

Specifically, the modifications include:

- amendment to the width of the through-site link at ground level from 10m to 18m in the 'Urban Room' and 6m at the southern extent,
- inclusion of articulation zones on facades,
- inclusion a ground floor and level 1 colonnade zone, and
- changes to the north-western corner of Tower A.

This concurrent modification application is subject to a separate report on this agenda for the CSPC's consideration.

19. The site has previously been the subject of numerous development applications and consents. The applications relevant to the subject applications are detailed below:

- **D/1975/151** – Development consent was granted on 17 June 1975 for a new commercial building.
- **D/1975/493** – Development consent was granted on 23 February 1976 for use of the basement levels as a public parking station.
- **D/2012/1931** – Development consent was approved on 16 August 2013 for alterations to the existing building including conversion of plant rooms to office space, provision of new plant rooms, landscape works to the pocket park, signage to the northern elevation and inclusion of a commercial car wash within the basement car park. It is noted that the approval is generally the same as the approval under D/2009/1771 (except for works which had already been carried out on Levels 1 to 9 inclusive).

Condition 4 of D/2012/1931 required that an easement be registered on the title of the land benefitting the City of Sydney Council prior to the issue of any Occupation Certificate which provides for unrestricted public access to the pocket park. This required easement has not been registered on title, and as a result, compliance action is underway to ensure this (as detailed in the 'Compliance Action' section below).

### **Competitive Design Process**

20. A competitive design process was undertaken for the development site in accordance with the provisions of Clause 6.21D of the Sydney LEP 2012 and the City of Sydney Competitive Design Policy.
21. As a result of this competitive design process the applicant is seeking up to 10 per cent additional height pursuant to Clause 6.21D(3) of the Sydney LEP 2012.
22. The architectural firms who participated in the 'invited' architectural design competition were Bates Smart, Crone + Andrew Burns, Fender Katsalidis + Wong Tung International, PTW + Furtado Sullivan, and SJB.
23. The competitive design process was carried out between 11 October 2021 and 16 February 2022.
24. At the conclusion of the Jury panel's initial deliberations and before a decision could be made, the Jury recommended that further refinements be made to the Bates Smart and PTW + Furtado Sullivan schemes.
25. Following the second-round deliberations, the Jury selected the Bates Smart scheme as the winning scheme. A photomontage of the winning scheme is provided in the figure below:





**Figure 23:** Photomontage of the winning Bates Smart scheme.

26. The Jury considered that the refined, subtle character of the Bates Smart scheme, and its response to the Anzac Memorial were defining elements which differentiated the two schemes.
27. The scheme was commended for its response to the ground plane, providing a successful through-site link and 'Urban Room' that responded to the wind issues on the site, and provided a useable space. The Jury also commended the more solid facade response, with the widened masonry frame providing additional depth in the facade, reducing the tendency for the project to appear as a dark, glazed box and improving its passive solar control. The Jury was satisfied that the scheme was flexible enough to successfully respond to any issues that arise during detailed design.
28. Elements of the scheme which were identified by the Jury to be maintained include:
  - (a) Public Realm, Entry and Through-Site Link:
    - (i) The Liverpool Street ground plane, through-site link and pocket park to the south of the building have all been successfully designed to promote pedestrian movement at the ground plane.
    - (ii) The through-site link, an important element in continuing the historic Hyde Park axis, is considered successful in linking the CBD to Surry Hills.
    - (iii) The Urban Room element of the through-site link is highly successful and is considered to be a very useable space.

- (b) Podium:
    - (i) The masonry frame is successfully extended to the ground plane, creating a pedestrian colonnade on Liverpool Street.
  - (c) Tower:
    - (i) The northern facade of the scheme is successful in responding to the heritage context of the Anzac Memorial. The solidity and depth created by the masonry frame is responsive and respectful of the important axis that this development sits on.
29. Areas of the scheme that were noted by the panel for further refinement are as follows:
- (a) Structure:
    - (i) The structural design of the building needs to be further resolved. This includes the consistent vertical alignment of the cores across the building, and the optimisation of columns and supporting structure.
    - (ii) The use of the masonry frame as a structural component of the tower should be explored.
  - (b) Services and Loading Dock:
    - (i) The plant rooms throughout the building need to be reviewed and confirmed for correct sizes.
    - (ii) The size and operation of the loading dock needs to be resolved in conjunction with a qualified traffic consultant. The provision of loading spaces must be in line with the City of Sydney's requirements.
  - (c) Ground Plane:
    - (i) The design of the lobbies should be considered and rationalised where possible.
    - (ii) The activation of the ground plane, particularly on the southern side of the building, should be reviewed. The Jury felt some of the activation of this ground plane was lost between Round 1 and Round 2.
    - (iii) The residential street address of the towers should be considered and emphasised to reflect the high quality residential apartments commensurate to the site location that this project seeks to create.
  - (d) Tower:
    - (i) The current open design of the roof feature is not supported and should be further considered through design development and resolved potentially without an open 'brise soleil' character.
    - (ii) The design of the podium element located within the north-west notch of the western tower should be further resolved. The stepped and terraced form and colonnade treatment are not cohesively integrated into the overall formal composition. The apartment layouts within this section of the building should be further considered.



- (iii) The wintergardens located on the north-west corner of the western tower are to be further refined, the jury is concerned to ensure they do not read differently to the remainder of the northern facade of the two towers.
  - (iv) The detailed design of the scheme should consider the wind impacts and safety of the wintergardens generally.
  - (v) The facade detailing for cross ventilation and sound attenuations should be further developed.
  - (vi) The relationship and detailed junctions of the Liverpool Street facade grid and the east and west facades requires further resolution.
- (e) Interiors and Planning:
- (i) The planning of the apartments throughout the building should be further refined to reflect and respond to the unique setting, character and desired high quality residential apartments commensurate to the site location.
  - (ii) A consistent curtain strategy should be provided across the building to ensure that the facade appears cohesive when viewed from Hyde Park. No blinds are to be used.
30. Further discussion regarding how the proposal has addressed these recommendations is provided in the 'Discussion' section of this report.

### **Compliance Action**

31. The site is subject to compliance action relating to Condition 4 of D/2012/1931 not being satisfied, with there being no easement registered on title for unrestricted access to the pocket park. The compliance action is still ongoing.
32. A deferred commencement condition is recommended at Attachment A requiring that an easement is registered on title in accordance with Condition 4 of D/2012/1931 prior to the activation of this consent, ensuring that unrestricted public access to the pocket park be maintained with the future development on site.

### **Pre-lodgement Meeting**

33. On 12 May 2022 and 31 May 2022, pre-lodgement meetings were held with Council officers and the applicant and project team. Verbal feedback was provided, as follows:
- (a) a modification to the concept approval was required for any changes to the building envelopes;
  - (b) concern regarding building elements over the boundary on Commonwealth Street;
  - (c) concern regarding the proposed fountain in the 'Urban Room' and the potential for it to overpower the adjacent Reflecting Pool at the Anzac Memorial;
  - (d) questions regarding the design of Clarke Street, i.e. if a zebra crossing or shared zone was proposed;
  - (e) questions in relation to the pocket park and its extension, i.e. ownership and management, if a public benefit offer will be sought, the stormwater strategy etc.;

- (f) any shading elements projecting into the public domain needs to ensure it can protect and accommodate street trees on the surrounding streets;
- (g) Liverpool Street and Oxford Street are regional cycling corridors and therefore, the proposal needs to ensure that sufficient bicycle parking is provided at the Ground Level; and
- (h) for shared access for servicing and loading, a loading dock management plan would be required to ensure that everything operates as required.

### **Assessment History of the Subject Application**

34. On 27 June 2022, the subject application was lodged with Council.

#### Preliminary Information Request

- 35. Following a preliminary assessment of the proposed development by Council Officers, an updated model was requested on 6 July 2022 to address identified discrepancies with the submitted plans.
- 36. An updated model was submitted on 22 July 2022.

#### Design Advisory Panel

- 37. The subject proposal was presented to the City's Design Advisory Panel (DAP) on 1 September 2022. The DAP made the following recommendations:
  - (a) The Panel does not support encroachment of the facade over the Commonwealth Street boundary. It will create additional overshadowing of the public domain. Also, it does not support any further reductions to the 17m tower separation. The separation must be maintained.
  - (b) The colonnade, awning and urban room, and address to Liverpool Street are all supported as positive proposals.
  - (c) Communal open space provisions are unacceptable. The scheme should revert to provisions shown in the competition scheme, including locating communal open space back to the north, overlooking Hyde Park.
  - (d) The Panel supports extension of the pocket park and footpath in principle. However, ownership and boundary issues will need to be resolved.
  - (e) The Panel supports the City's request for more information on noise insulation and ventilation provisions. The Panel noted that when designing ventilation, any reduction in the width and depth of columns expressed on the facade must be resisted.
  - (f) Solar access to apartments needs to be improved. The number of apartments receiving more than two hours of sunlight needs to increase above the 49 per cent as assessed by the City. Given the tower separation provision and surrounding built form, the Panel suggested that the design could achieve around 65 per cent of apartments receiving two hours of solar access in midwinter.

## Public Art Panel

38. A Preliminary Public Art Plan for the development was presented to the Public Art Advisory Panel (PAAP) on 13 September 2022. The PAAP made the following comments and recommendations:
- (a) support the artist and proposed approach;
  - (b) the budget has been increased to \$3.8m (1 per cent cost of development);
  - (c) the proposed water feature has been deleted given the proximity to the ANZAC Memorial and environmental impacts of water features;
  - (d) existing artwork in pocket park to be addressed in terms of deaccession or relocation; and
  - (e) further detailed consideration be given to greening the development and the experience of the wind between the towers.

## Request for Amendments

39. Upon receipt of the DAP and PAAP advice and completion of a full assessment of the application, Council officers issued the applicant with a letter on 18 October 2022 requesting design amendments and additional information to address the following matters relating to both the subject detailed design application as well as the concurrent modification application:
- (a) Draft Public Benefit Offer: Further information required to consider the proposed public benefit offer to embellish, widen and dedicate the pocket park to the City, as well as a widened portion of surrounding footpaths. It is noted that the Applicant was seeking to offset contributions applicable to the proposed development, with the Public Benefit Offer. It should be noted that this draft public benefit offer no longer forms part of the proposal; refer to further discussion below.
  - (b) Amendments to the concept envelope: Any elements that contribute to additional overshadowing to Harmony Park are to be removed. Concerns regarding the decrease in the through site link between the towers, overhang of the eastern facade into Commonwealth Street, and inconsistencies on the southern facade.
  - (c) Contamination: A Preliminary Environmental Suite Investigation (PESI) is required.
  - (d) Building expression: Amendments and further detail required for the 'Urban Room' design, sun protection fins on facades, proposed materials and the building maintenance unit (BMU).
  - (e) Wintergardens and private open space: The wintergardens are to be designed to be consistent with Clause 4.5A Balconies on certain residential buildings of the Sydney LEP 2012, and Section 4.2.3.13 Wind affected balconies of the Sydney DCP 2012.
  - (f) Solar access: Greater solar amenity or compliance could potentially be achieved by changing the apartment mix.

- (g) Ventilation: More information is required regarding noise insulation and ventilation provisions. Natural ventilation has not been clearly demonstrated, with no opening shown on the elevations.
  - (h) Communal open space: The amount of communal open space is to be increased and provided within the towers. If 25 per cent of the site area cannot be met externally, additional common internal spaces should be explored, that are commensurate with the scale of development and provide functions that enhance residential amenity.
  - (i) Trees: Further information required to justify the removal of street trees on Liverpool and Clarke Streets.
  - (j) Landscaping: Amendments and further detail required regarding landscaping elements in the 'Urban Room', podium level and upper terraces.
  - (k) Wind impacts: Clarifications required regarding the submitted Environmental Wind Assessment Report at ground levels, in the through site link, podium and upper terraces.
  - (l) Public domain works: The floor levels off Clarke Street do not appear to comply with the Interim Floodplain Management Policy. Public Domain Levels and Gradients and a Public Domain Works Diagram is to be submitted.
  - (m) On-street changes: Any parking changes and new traffic treatments need to be consulted and submitted to the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) for endorsement. Council and TfNSW do not support the two vehicle drop off zones located on Nithsdale and Commonwealth Streets.
  - (n) Parking: The proposed amount of car parking spaces is to comply with the maximum number allowed as per the Sydney LEP 2012. The staff and visitor bicycle parking and end of trip facilities are to be provided at street level in a convenient location.
  - (o) Loading and servicing: The number of loading/service vehicle spaces be increased to demonstrate compliance with the City's controls.
  - (p) Waste management: The submitted Waste Management Plan (WMP) proposes infrastructure that is inconsistent with the proposed space allocation on the architectural drawings. Amended plans and a revised WMP is to be submitted with improved details of the waste management operations of the development.
  - (q) Noise impacts: Amended Noise Management Plan and Noise and Vibration Assessment to be submitted to provide further detail regarding potential construction and operational noise impacts.
40. Updated information was issued by the Applicant on 17 March 2023 responding to the requested amendments and additional information.
41. As indicated in the 'Compliance Action' section above, on 13 June 2023 a Notice of Intention to Give and Order was issued by Council's Health and Building Unit to the site owner outlining that Condition 4 of Development Consent No. D/2012/1931 has not been complied with, which requires the registration of an easement on title for unrestricted public access to the open space on site (the pocket park).

42. A second request for additional information and amendments was issued to the applicant on 23 June 2023. The request identified the following information and amendments for both applications:
- (a) Amendment to the concept envelope: Updated models are to be provided. The City maintains their concerns regarding the reduction in the through site link between towers, and overhang of the Commonwealth Street facade.
  - (b) Contamination: The submitted Detailed Environmental Site Investigation (DESI) is to be peer reviewed by a NSW EPA Accredited Site Auditor and include either a Section A Site Audit Statement.
  - (c) Floor to floor heights: A detail is required demonstrating that set downs, waterproofing and services can be accommodated within the proposed 3100mm floor to floor height.
  - (d) Wintergardens and private open space: Further detail required.
  - (e) Ventilation: Further information required to demonstrate compliance with the relevant noise criteria, noting plenums may still be required.
  - (f) Communal open space: Although the scheme has been amended to include communal open space areas at podium levels, it is to be further increased to provide a similar amount and amenity of communal open space that was achieved with the indicative design of the concept approval.
  - (g) Trees: The removal of street trees on Clarke Street are not supported.
  - (h) Landscaping: Amended landscape plans are incomplete and require further detail.
  - (i) Wind impacts: Increased balustrades provided to mitigate wind impacts however not consistently shown in the plans.
  - (j) On-street changes: Two drop off zones are still not supported.
  - (k) Parking: Separate entry required for bicycle parking.
  - (l) Waste management: Concerns remain regarding adequate waste storage space and collection.
  - (m) Sustainability: Regarding removal of solar PV to the northern facade as required by Condition 17 of the concept approval, if this commitment is no longer being maintained, it is required that electrification of the building outside of emergency power generation be provided.
43. Updated information was issued by the Applicant on 27 July 2023 responding to the requested amendments and additional information.
44. On 1 September 2023, Council officers advised the Applicant that the City has investigated the draft public benefit offer but is unable to accept the dedication of the pocket park as well as the pocket park extension for the reasons outlined below:
- (a) The pocket park is not an area of open space identified as a future City owned asset in the relevant strategies and plans.



- (b) The offer for the City's ownership of the pocket park sought an offset from the contributions payable from the development. The pocket park is not identified in the Section 7.12 contributions plan, and the City prefers to utilise the monetary contributions from the development towards the items identified in the plan.
  - (c) The pocket park has always intended to be publicly accessible and there is no additional benefit in it being a City owned asset.
  - (d) There is, potentially, uncertain ongoing liability with an underlying basement below a City asset.
45. It should be noted that there is no requirement in the planning controls requiring a public benefit offer in relation to this development or site.
46. Amended plans showing the pocket park in its existing state, with the removal of any extensions of the park and surrounding footpaths, were submitted on 11 September 2023. It is noted that the two drop off zones on Nithsdale Street and Commonwealth Street were deleted.

### **Proposed Development**

47. The application seeks consent for a mixed use development comprising two towers on site with basement levels, retail and commercial uses in the podium, and residential uses in the towers; retention of the existing publicly accessible southern pocket park; and provision of a through site link.
48. A more detailed description of the development is provided below:
- Demolition of the existing building;
  - Retention of the existing basement perimeter walls and further excavation to provide for six (6) levels of a basement including:
    - One (1) basement commercial tenancy
    - Service vehicle spaces (14 spaces)
    - Car share spaces (5 spaces)
    - Residential car parking spaces (214 spaces including 39 accessible)
    - Commercial and retail car parking spaces (16 spaces including 2 accessible)
    - Motorcycle parking spaces (18 spaces)
    - Retail, commercial and visitor bicycle parking spaces
    - End of trip facilities
    - Residential storage
    - Plant rooms and services

- Seven (7) storey podium comprising:
    - Lower ground floor:
      - Vehicular entrance to the basement levels off Clarke Street
      - Four (4) retail tenancies fronting Clarke Street
      - One (1) lower ground commercial tenancy
      - Substation
      - Commercial/retail and residential waste storage areas
      - Loading area
      - Southern portion of the through-site link accessible from Clarke Street
      - Pocket park (the detailed design of the pocket park is subject to future approval, required as a recommended deferred commencement condition at Attachment A).
    - Upper ground floor:
      - Three (3) retail tenancies fronting Liverpool Street
      - Two (2) commercial lobbies accessed from Liverpool Street
      - Two (2) residential lobbies accessed from the through site link and Nithsdale Street for Tower A and Commonwealth Street for Tower B
      - The 'Urban Room' located at the site's entrance off Liverpool Street, which forms the northern part of the through site link. It is covered on the northern vertical frontage and its top with large glass panels.
    - Levels 1-5: Commercial uses
    - Level 6: Communal open spaces, internal communal spaces, and residential uses
  - Two towers comprising a total of 259 residential units:
    - Tower A: Thirty (30) storeys in height, containing 140 residential units
    - Tower B: Twenty-eight (28) storeys in height, containing 119 residential units
49. Proposed photomontages, plans and elevations of the proposed development are provided below.



Figure 24: Photomontage, view looking south from Hyde Park

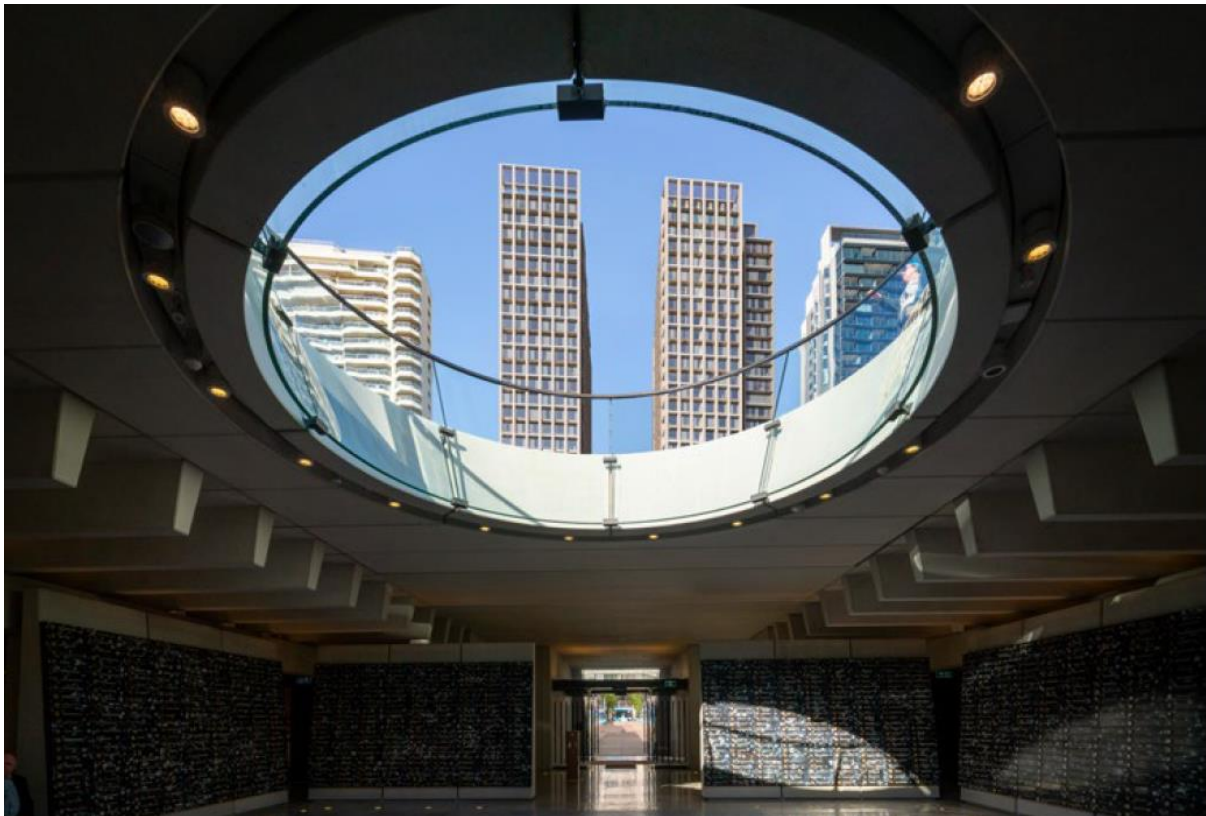


Figure 25: Photomontage, view looking south-east from Liverpool Street



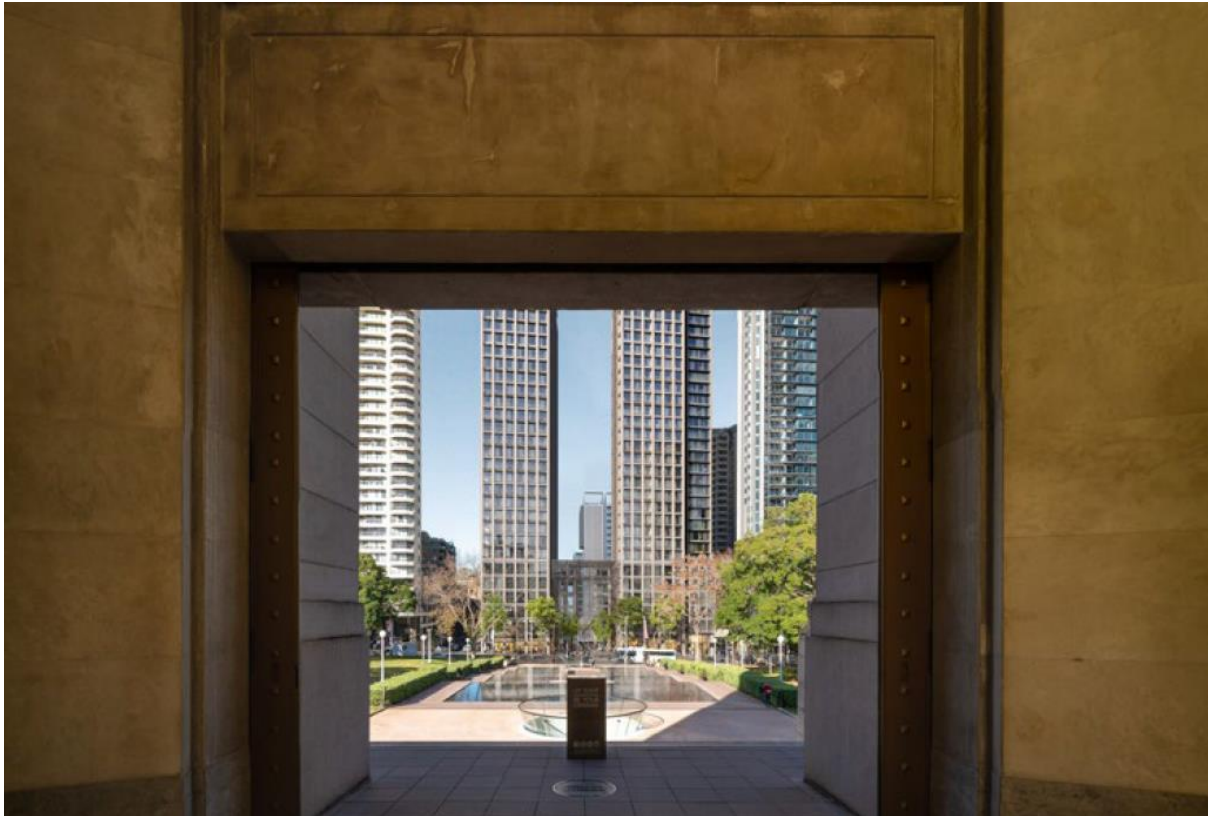


**Figure 26:** Photomontage, view looking north from pocket park (Note: detailed design subject to future approval, and an extension of the pocket park is no longer sought)



**Figure 27:** Photomontage, view looking south from the Hall of Memory within Anzac War Memorial





**Figure 28:** Photomontage, view looking south from the Hall of Service within Anzac War Memorial



**Figure 29:** Photomontage, view from the eastern side of Hyde Park South looking south-west





Figure 30: Photomontage, view from Elizabeth Street south-east

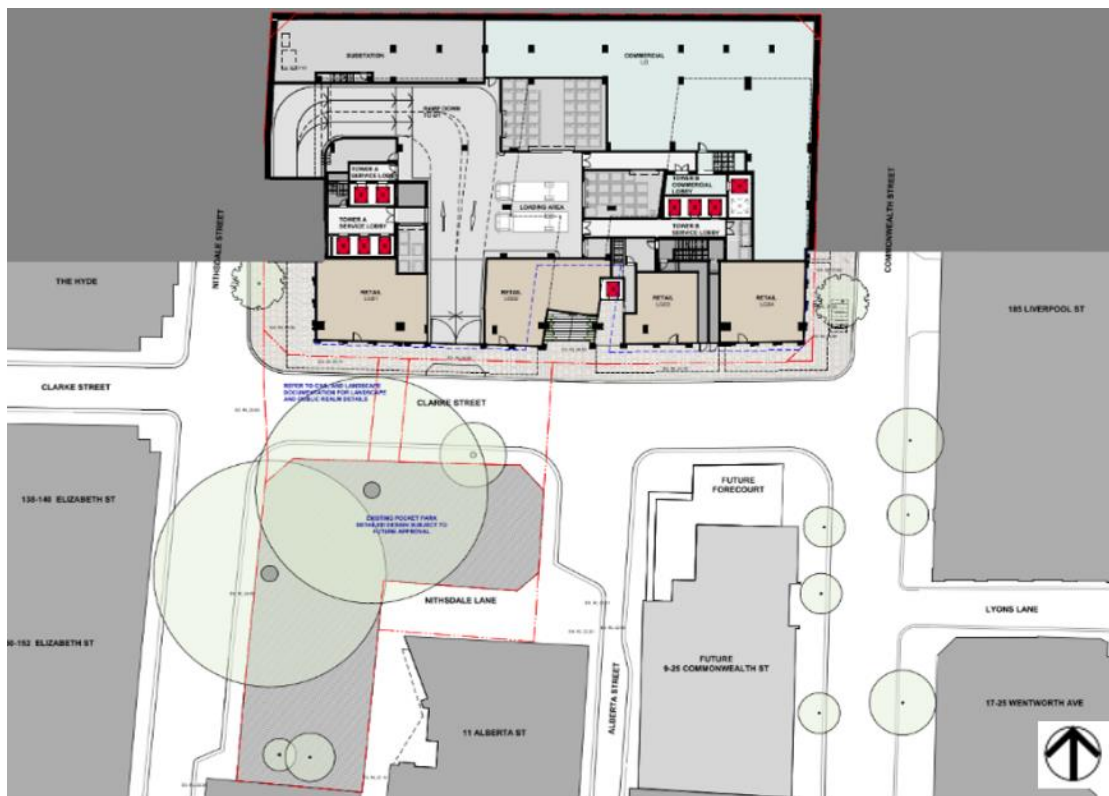


Figure 31: Lower ground precinct plan



Figure 32: Upper ground precinct plan

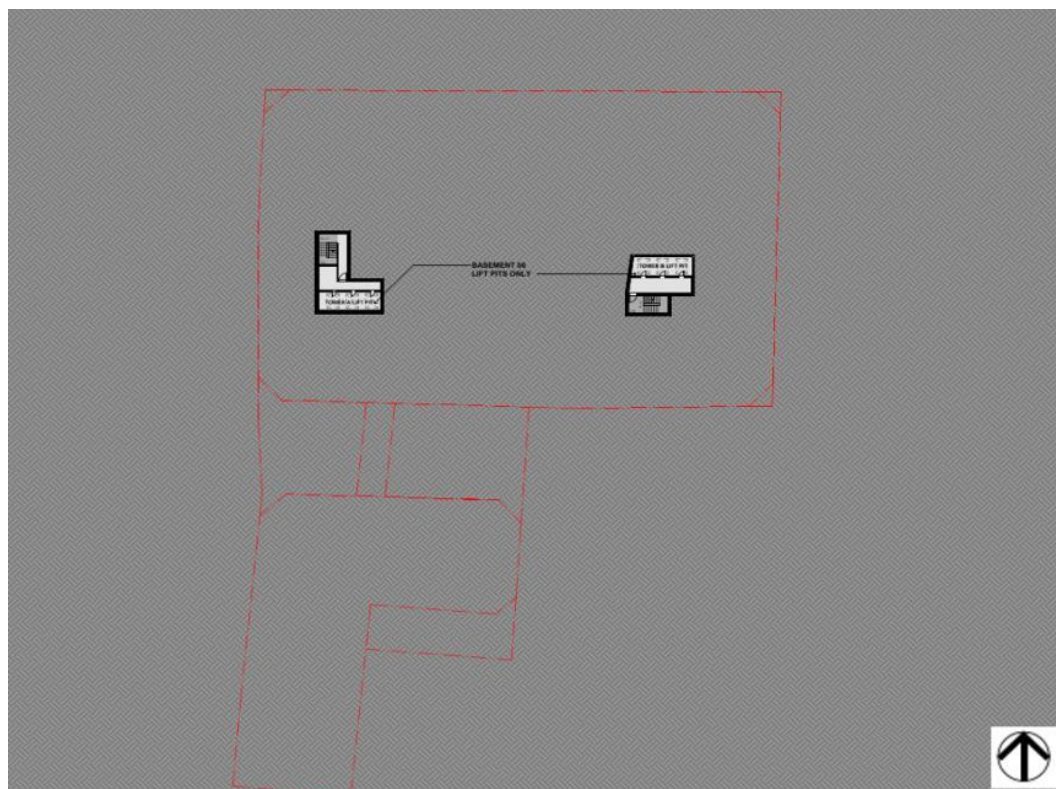


Figure 33: Basement 6 plan



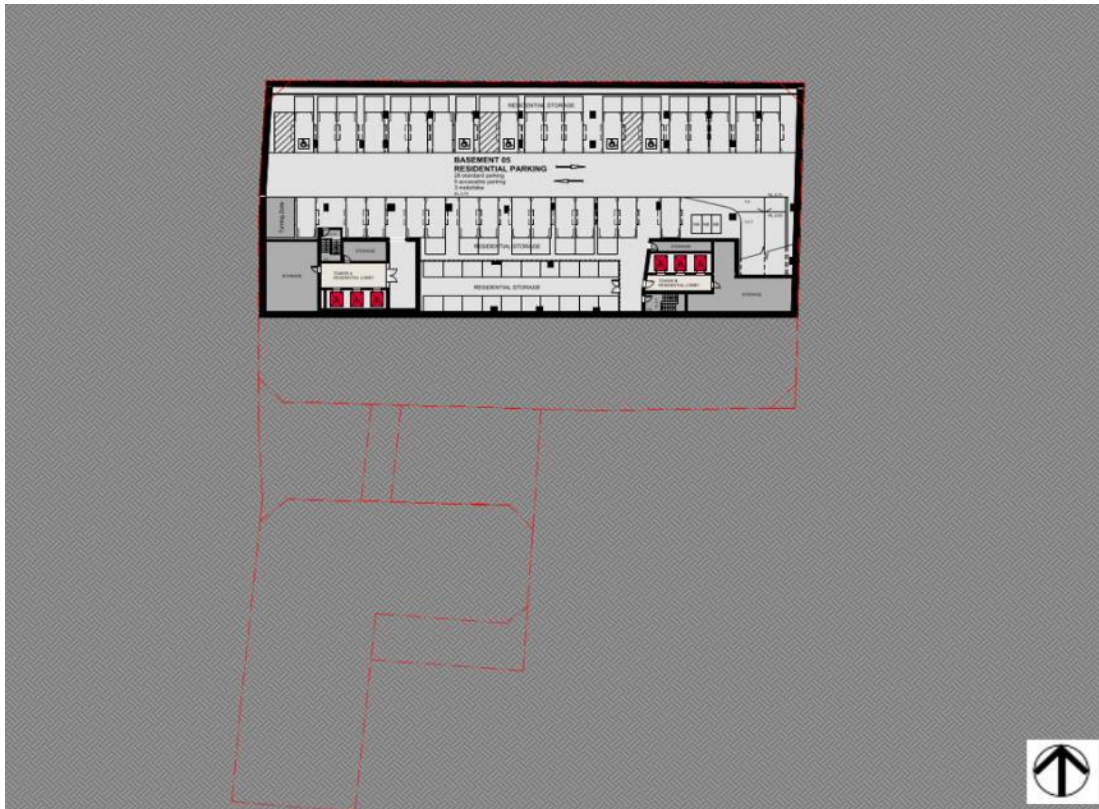


Figure 34: Basement 5 plan

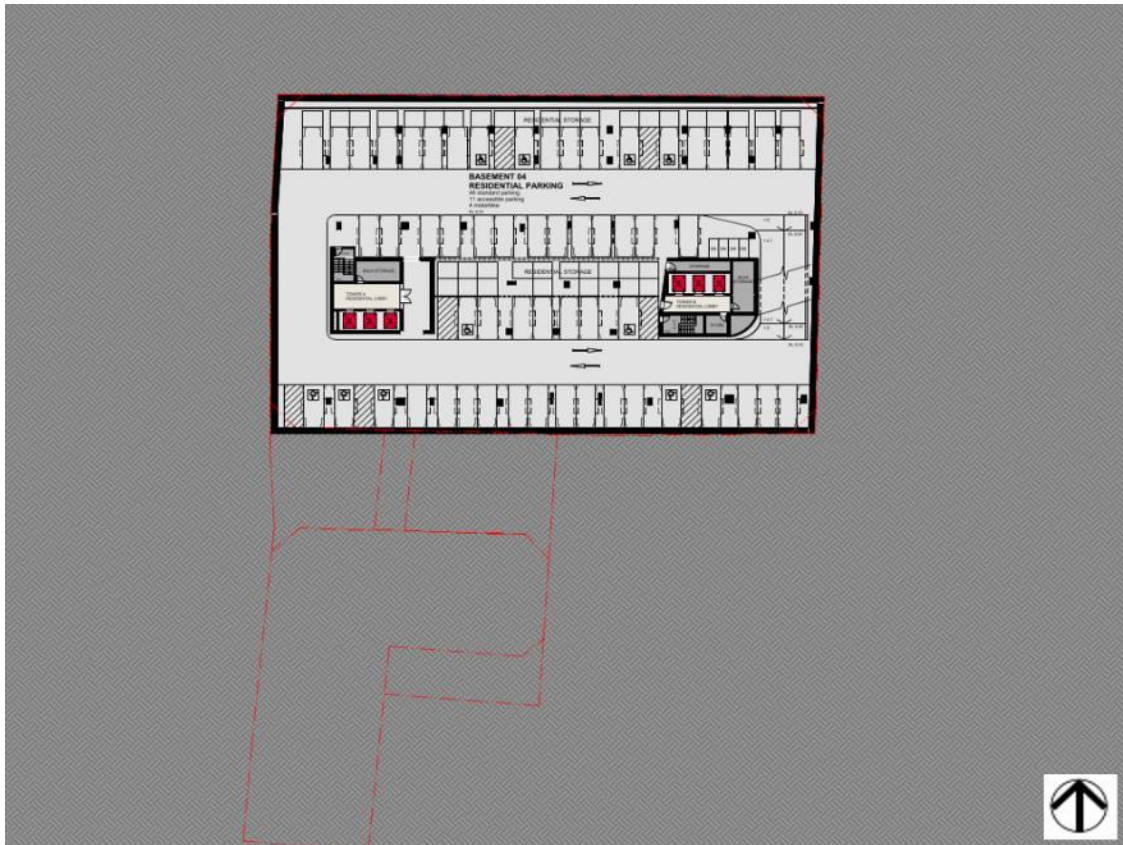


Figure 35: Basement 4 plan



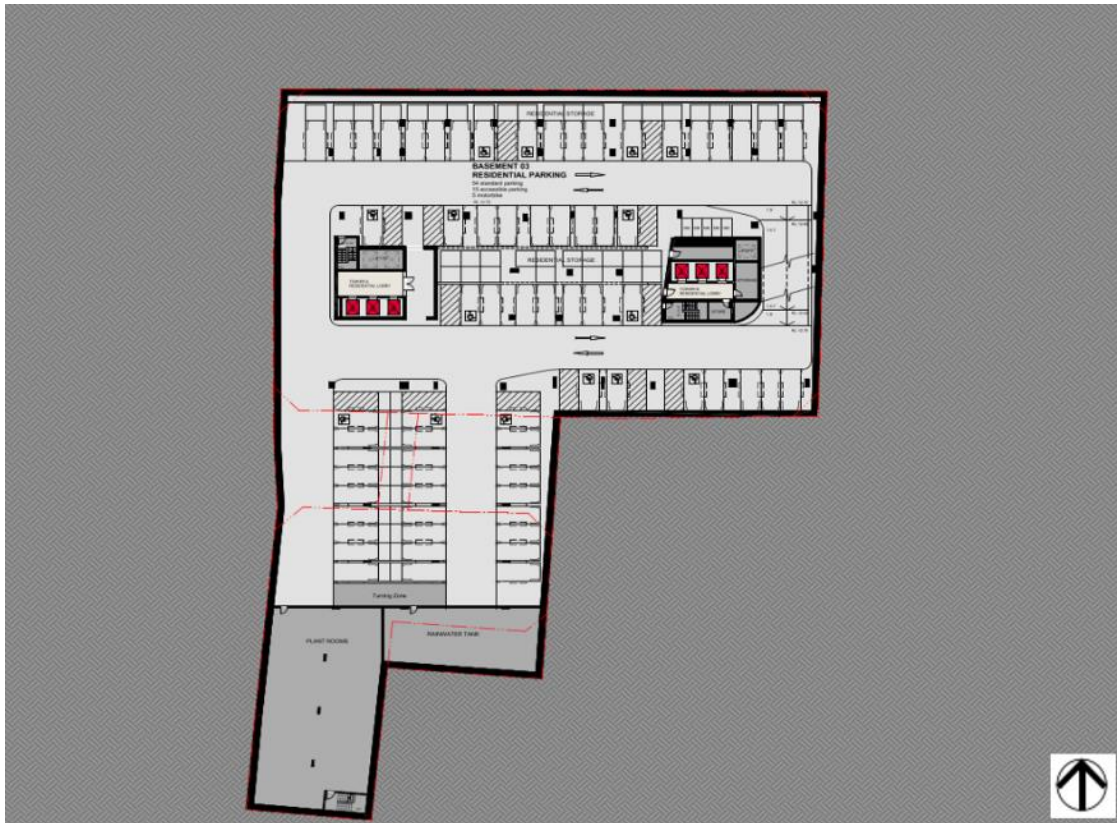


Figure 36: Basement 3 plan



Figure 37: Basement 2 plan

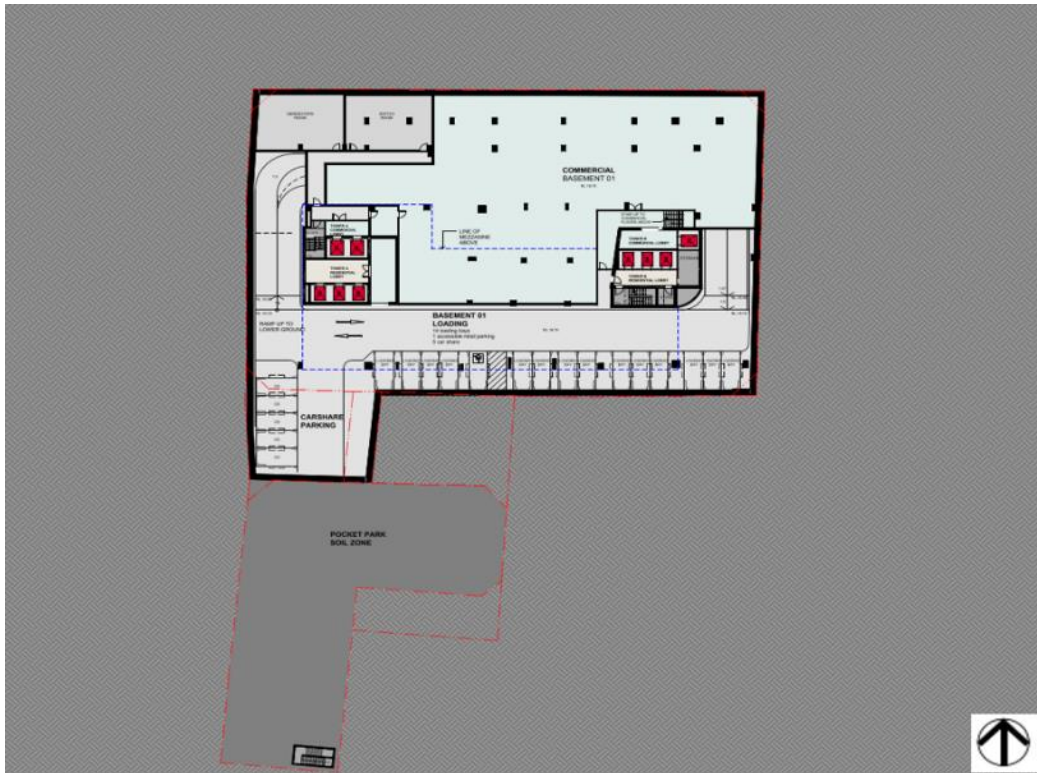


Figure 38: Basement 1 plan

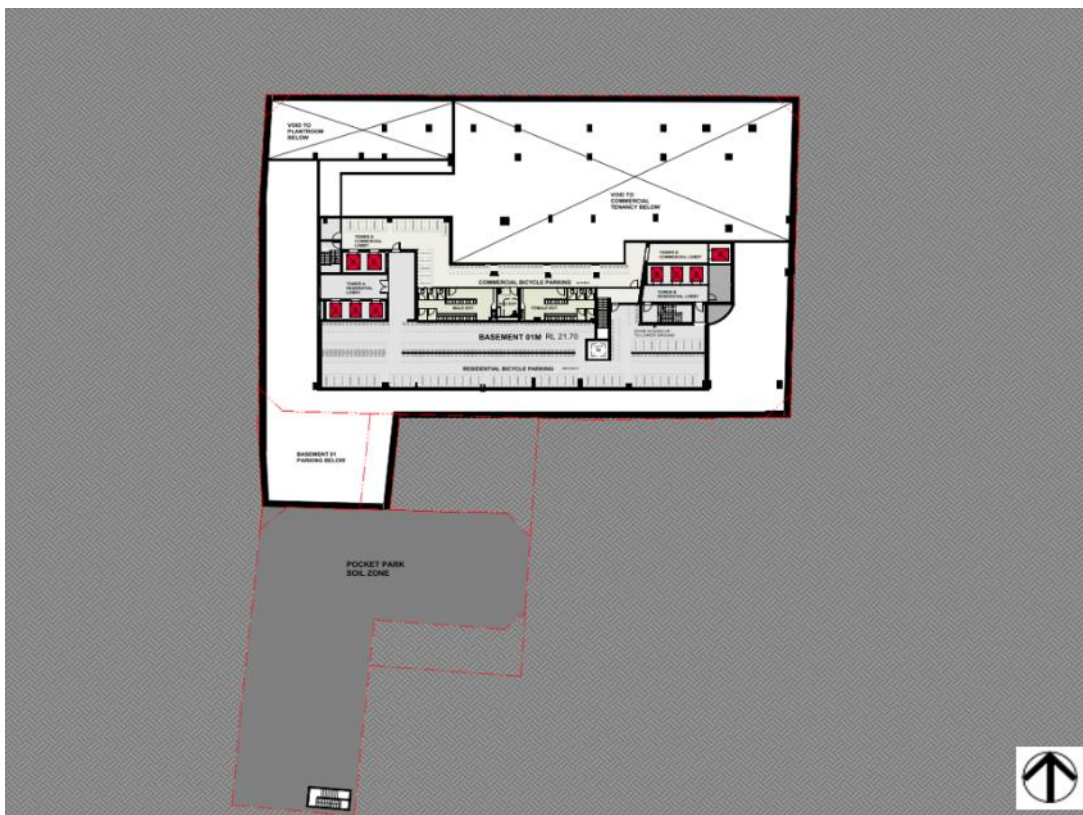


Figure 39: Basement 1 mezzanine plan



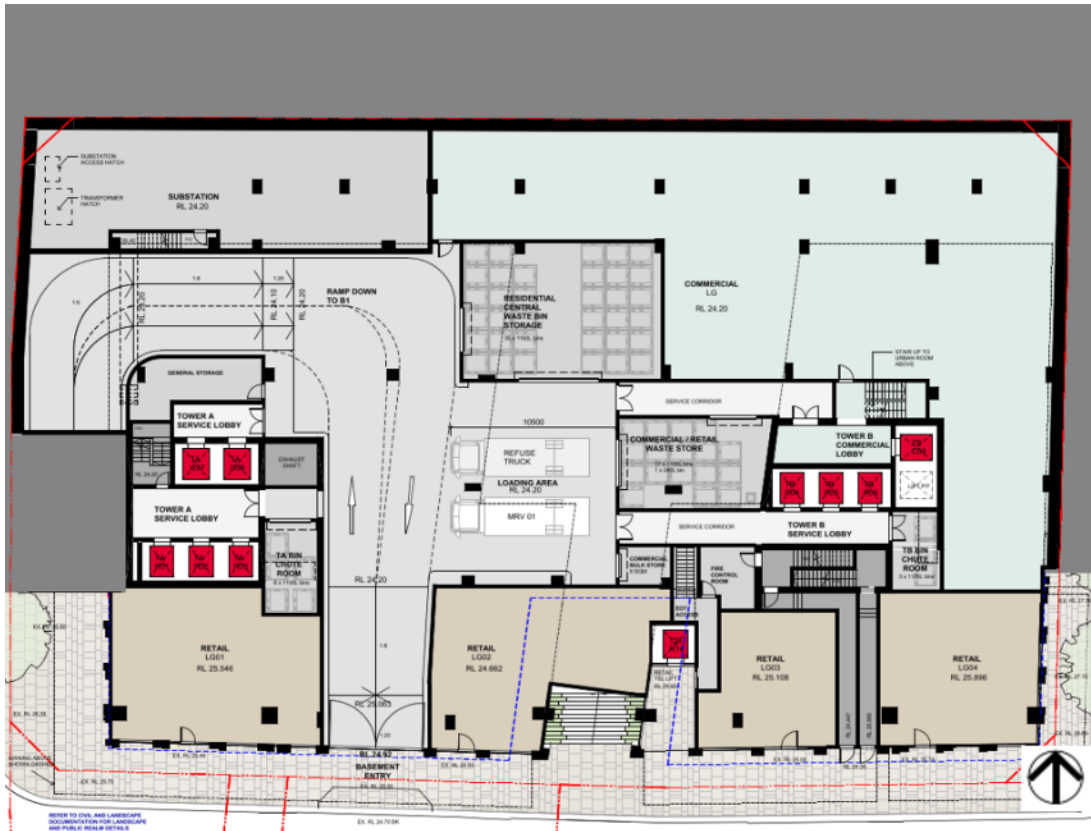


Figure 40: Lower ground plan

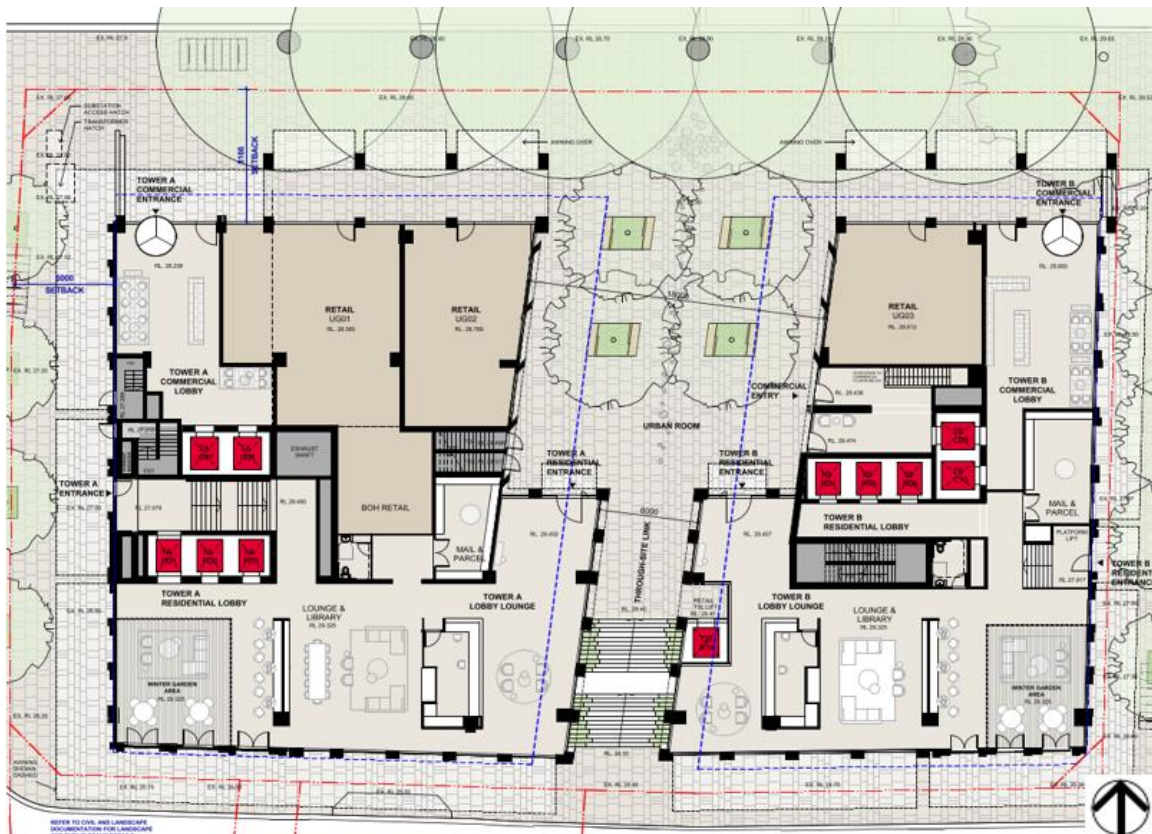


Figure 41: Upper ground plan

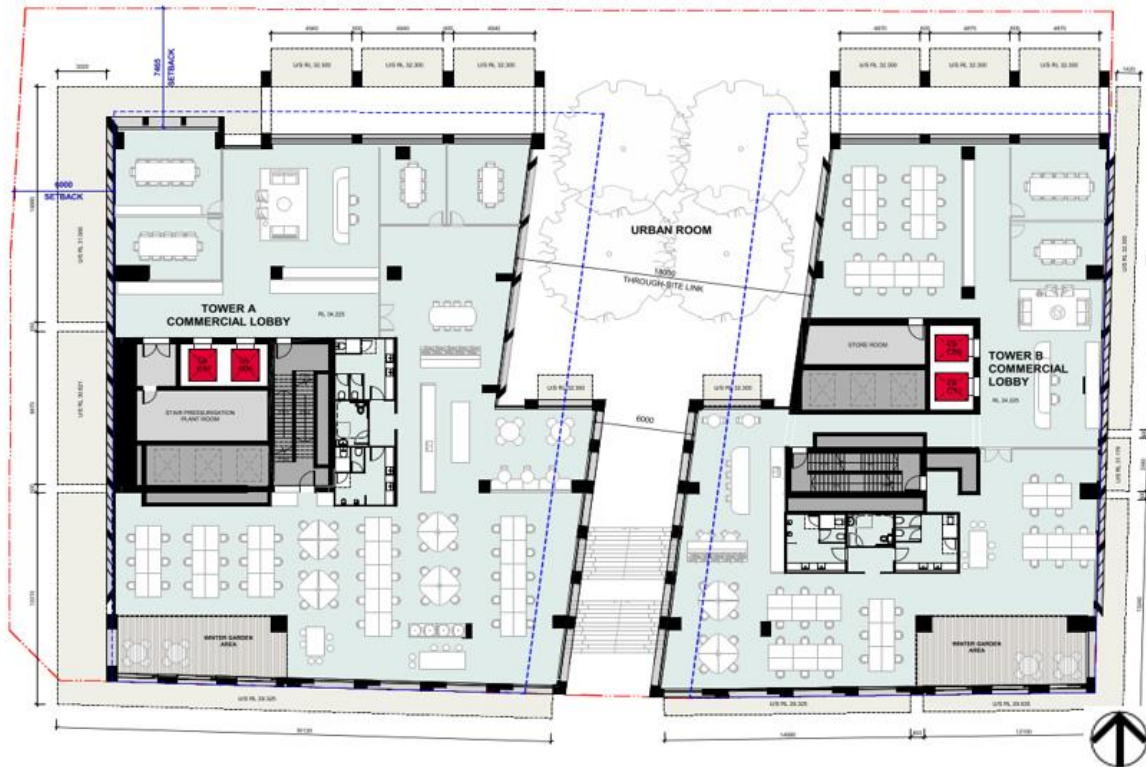


Figure 42: Level 1 plan

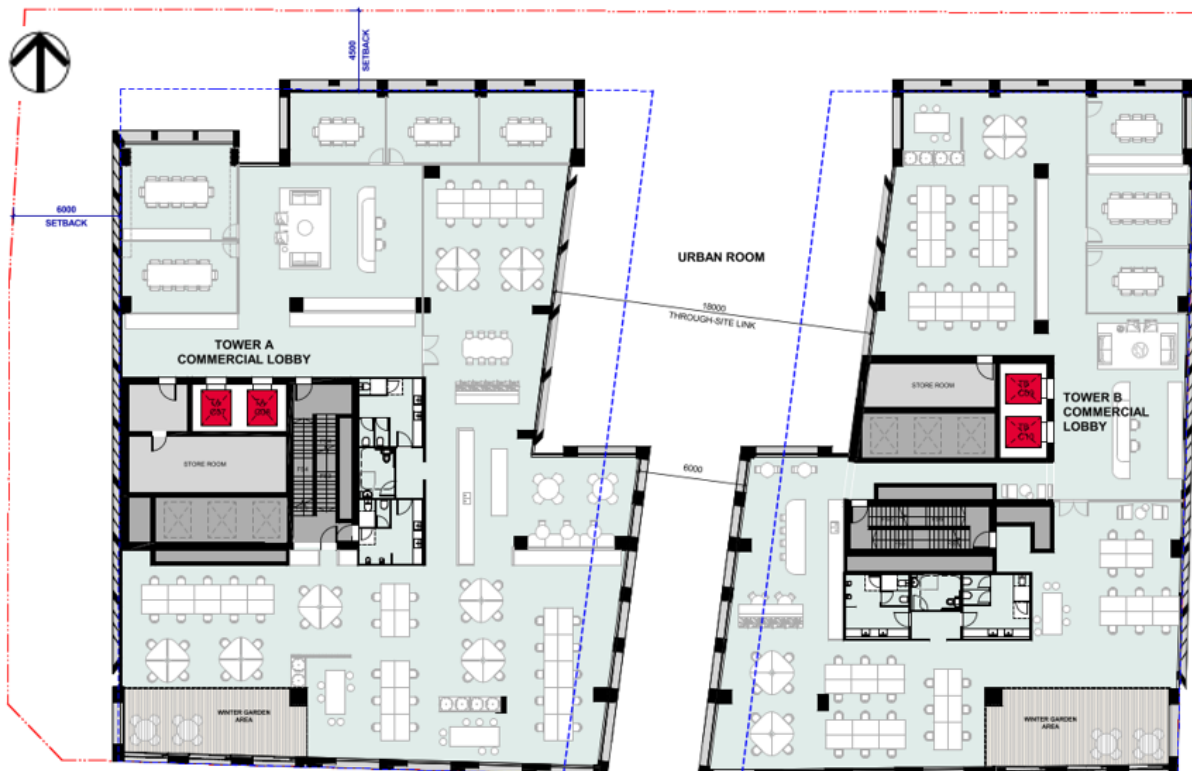


Figure 43: Level 2-5 plan



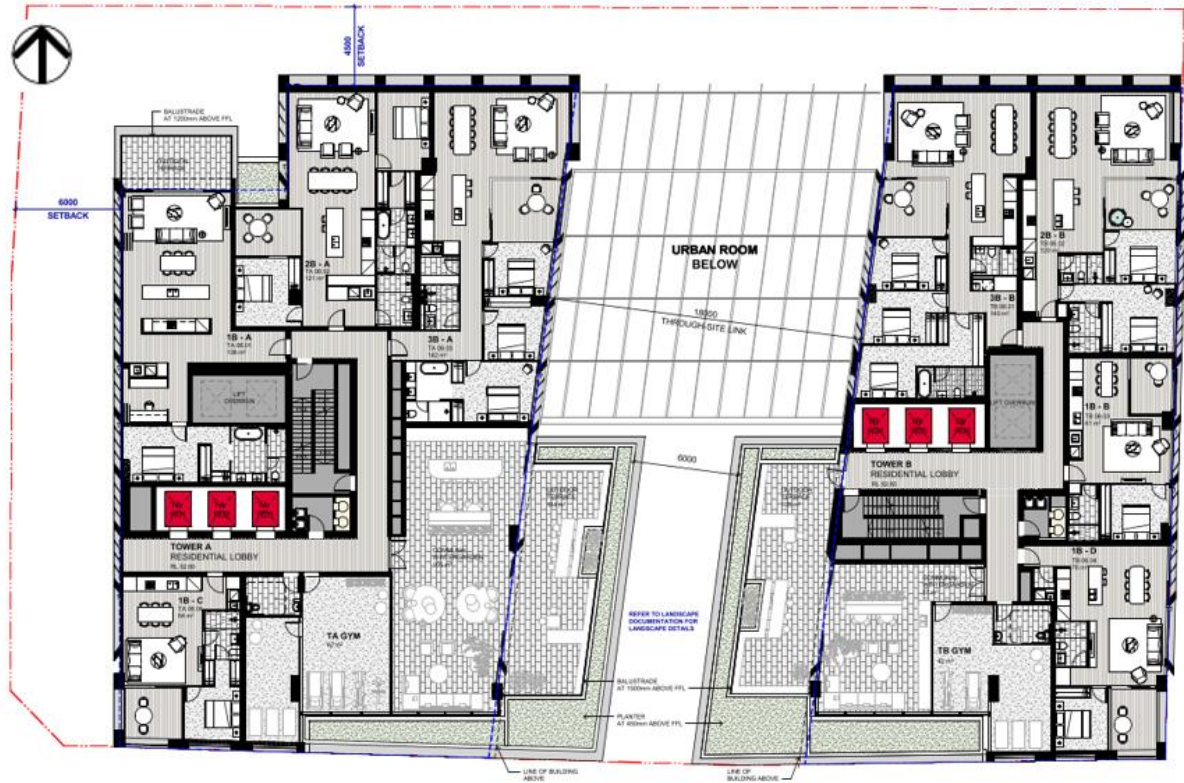


Figure 44: Level 6 plan



Figure 45: Level 7-25 plan

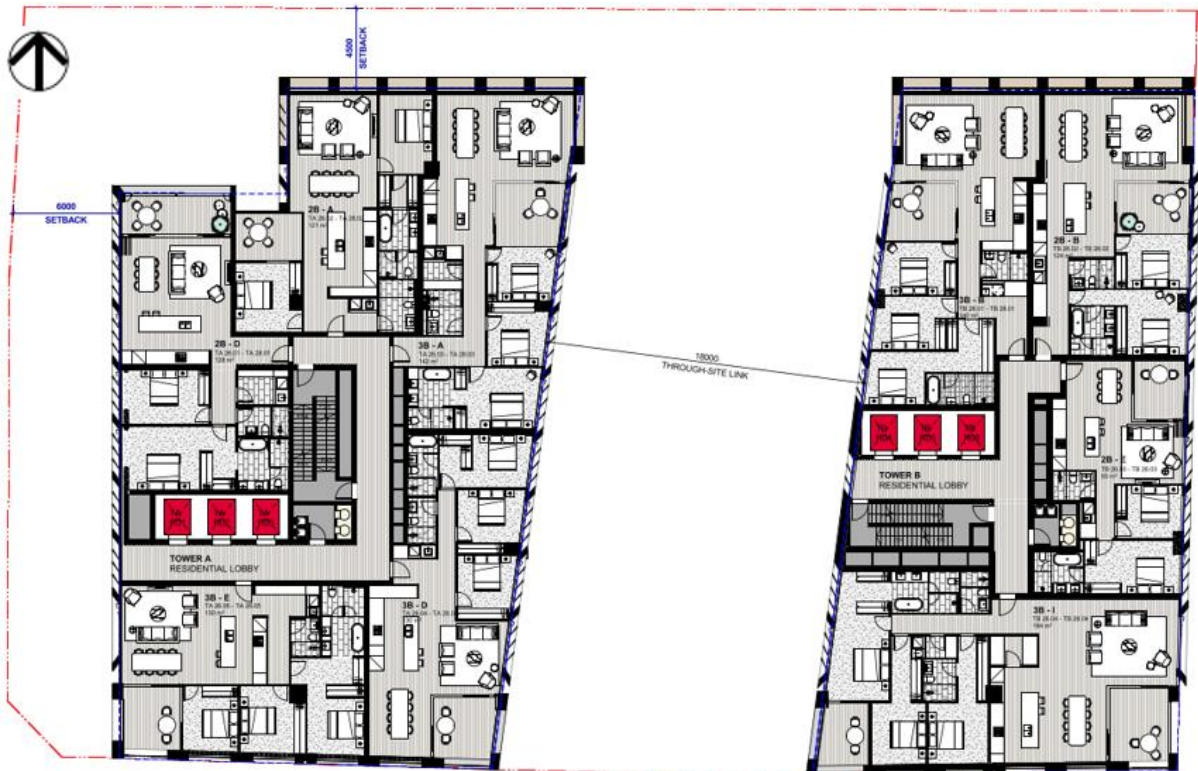


Figure 46: Level 26-28 plan



Figure 47: Level 29 plan



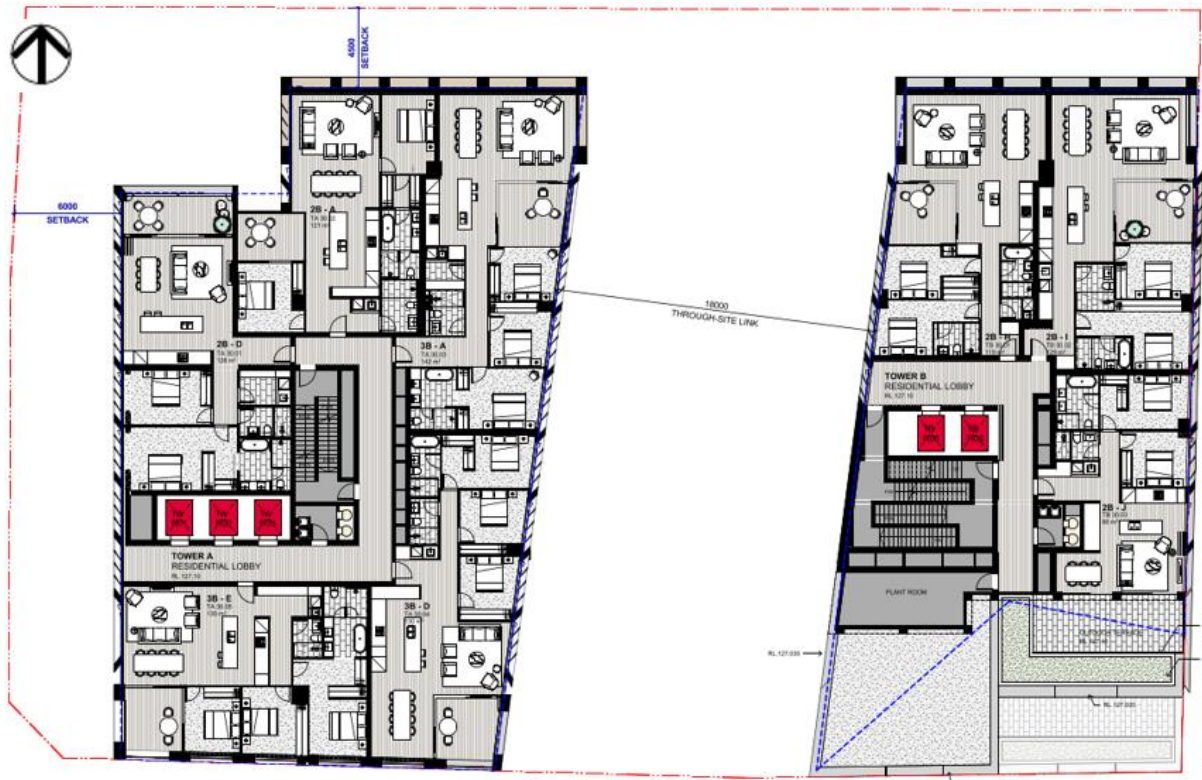


Figure 48: Level 30 plan

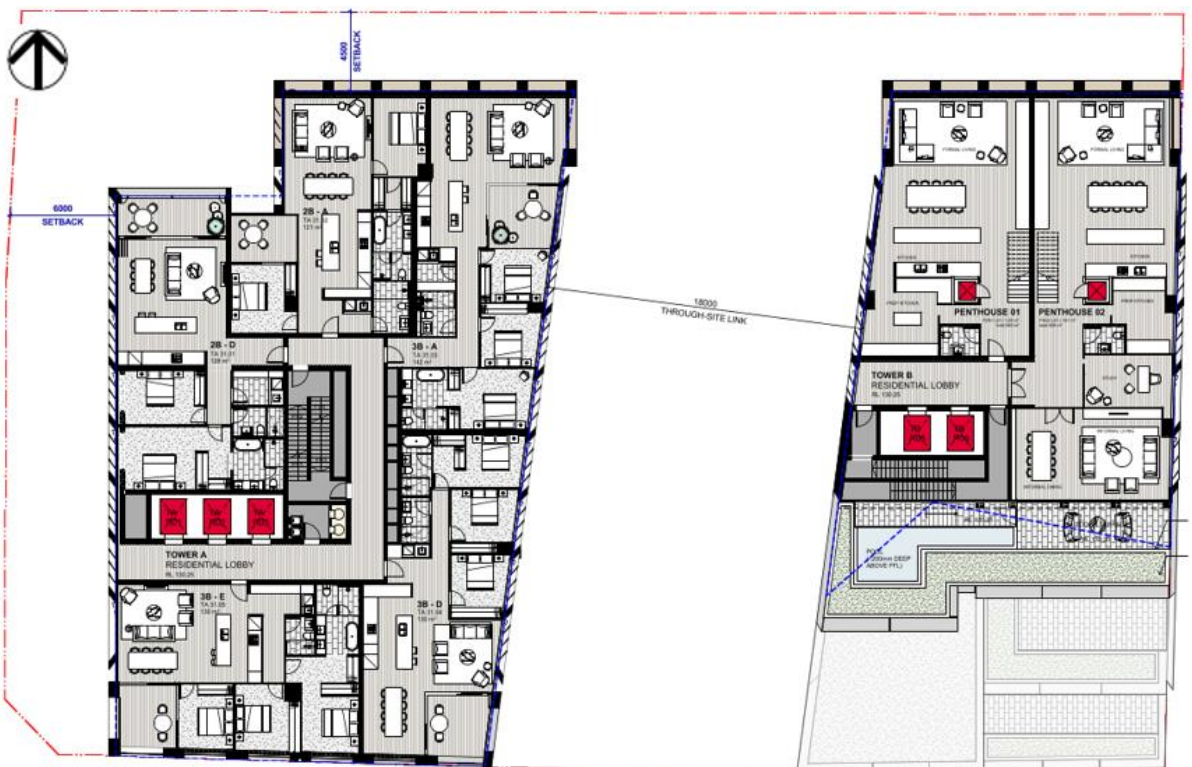


Figure 49: Level 31 plan



Figure 50: Level 32 plan



Figure 51: Level 33 plan



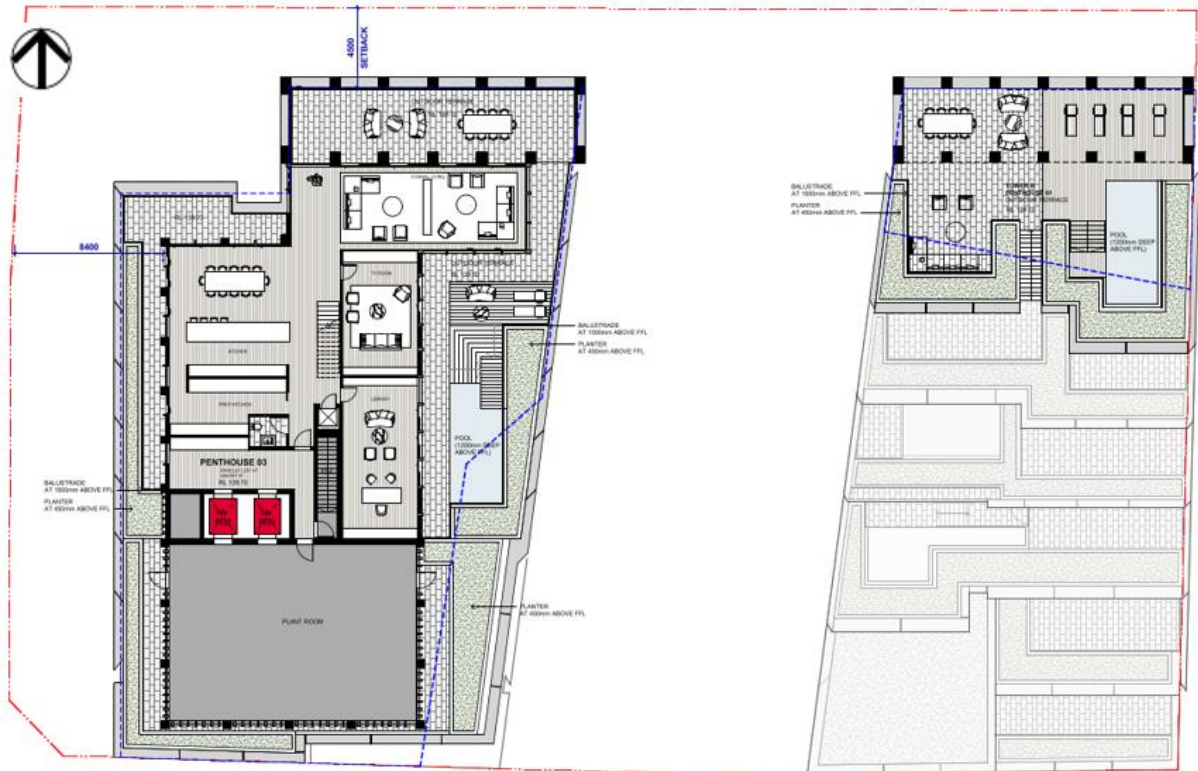


Figure 52: Level 34 plan

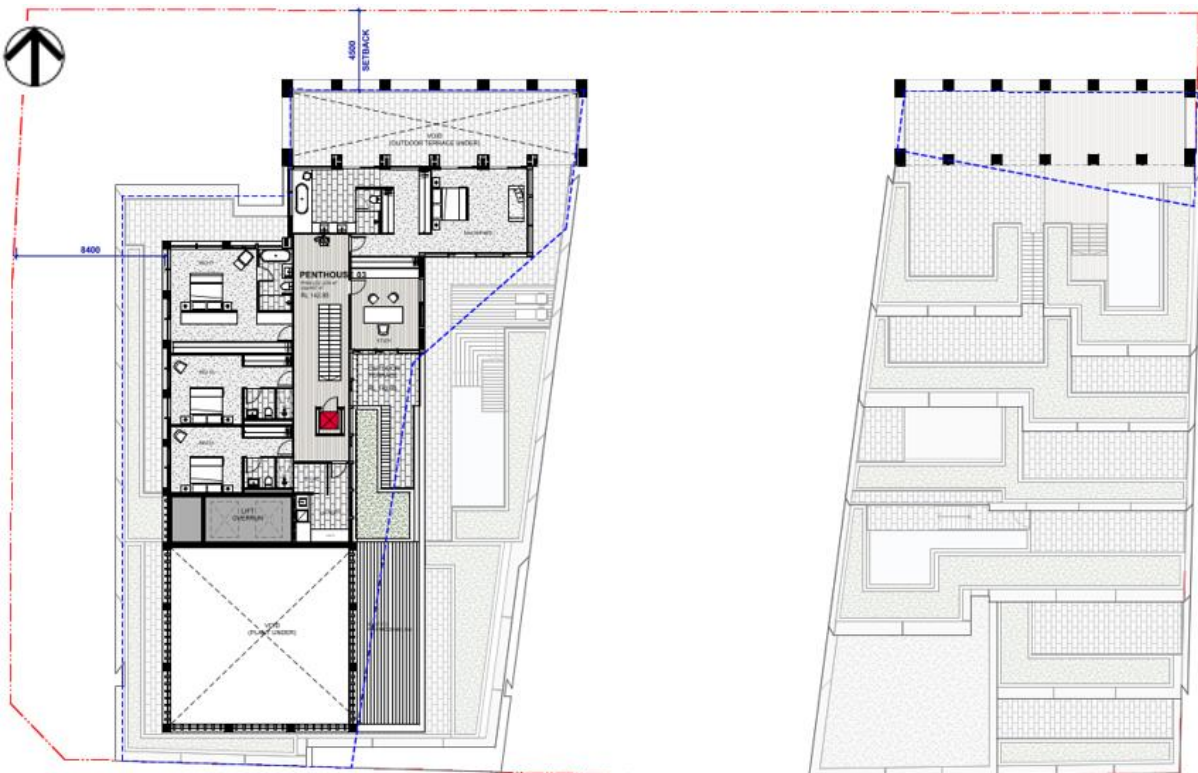


Figure 53: Level 35 plan

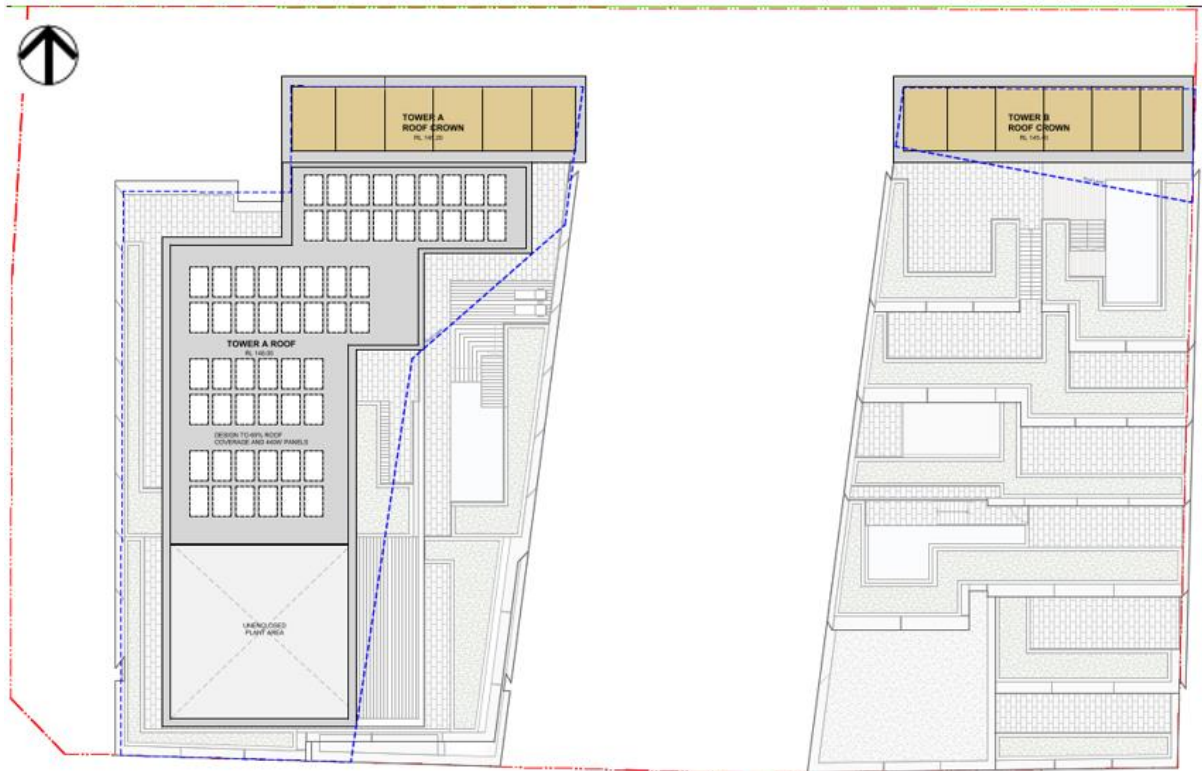


Figure 54: Roof plan

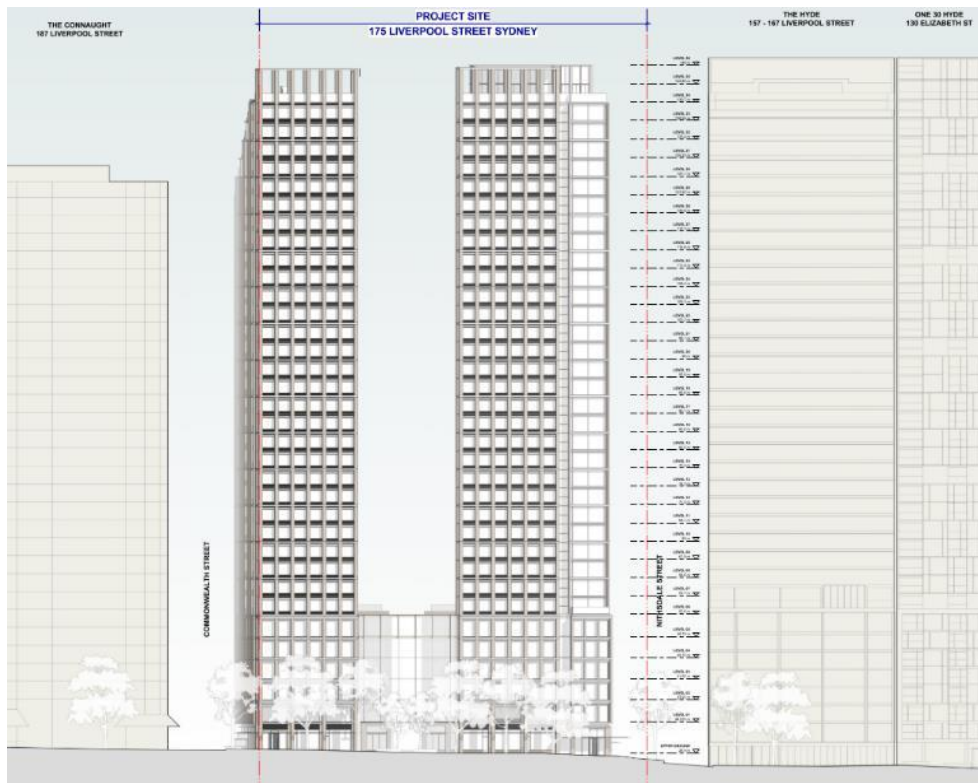


Figure 55: Liverpool Street (north) elevation - Anzac Memorial axis



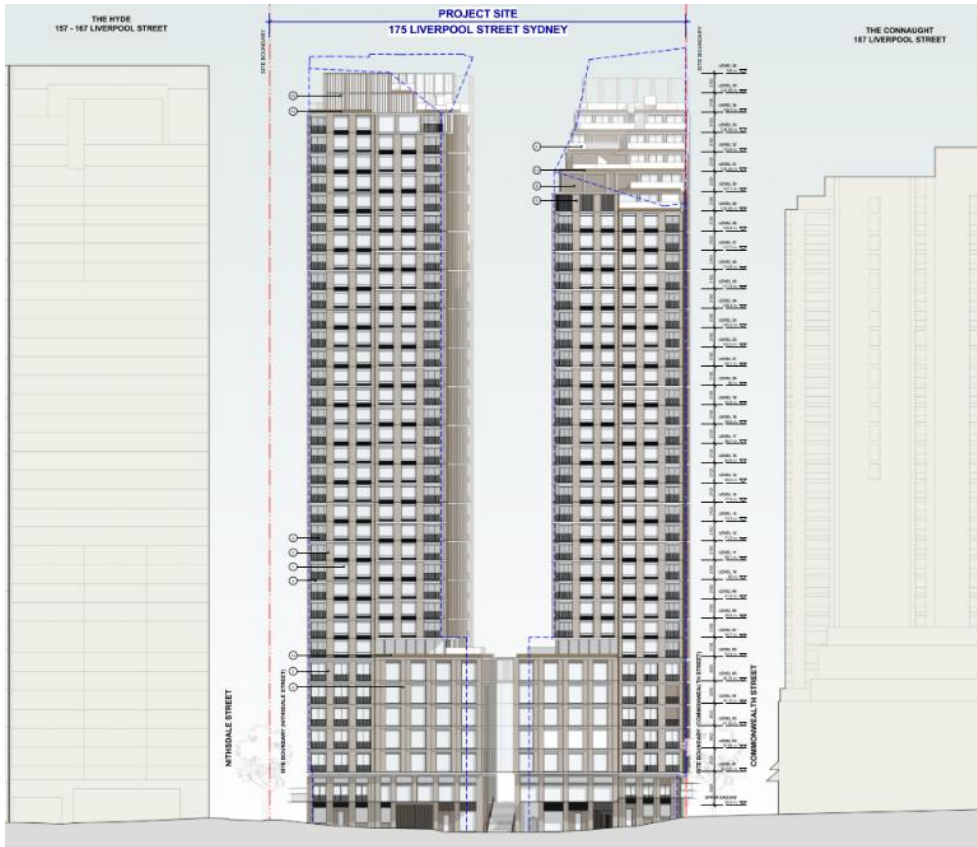


Figure 56: Clarke Street (south) elevation

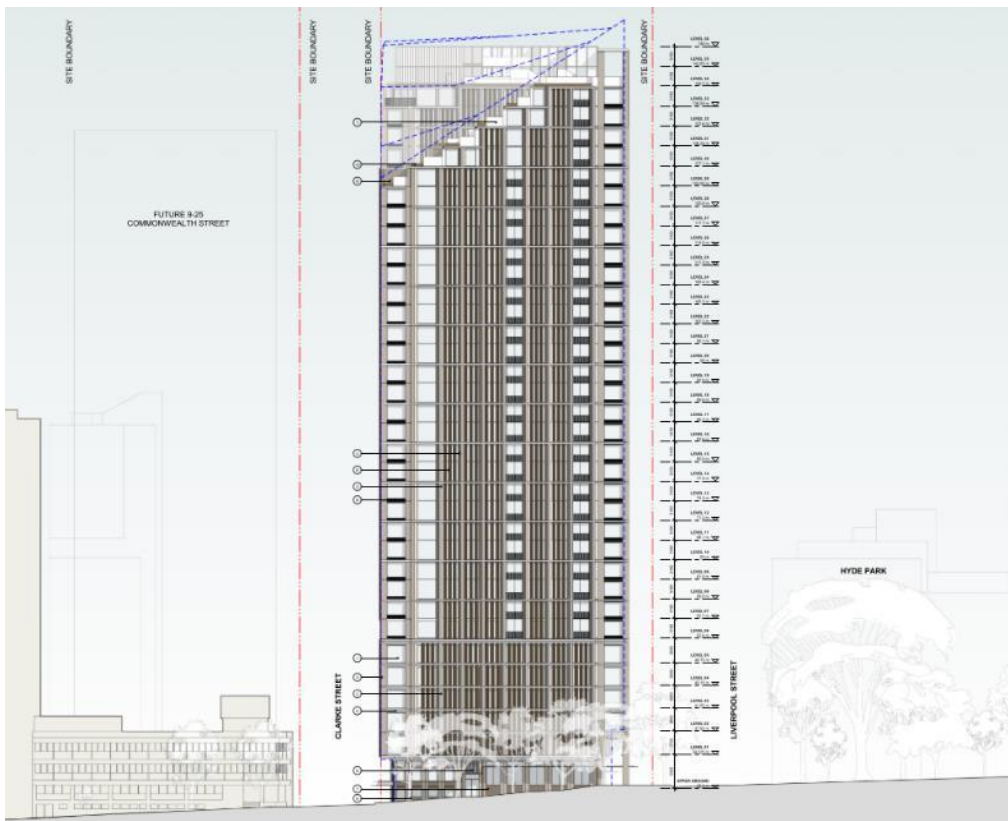


Figure 57: Commonwealth Street (east) elevation

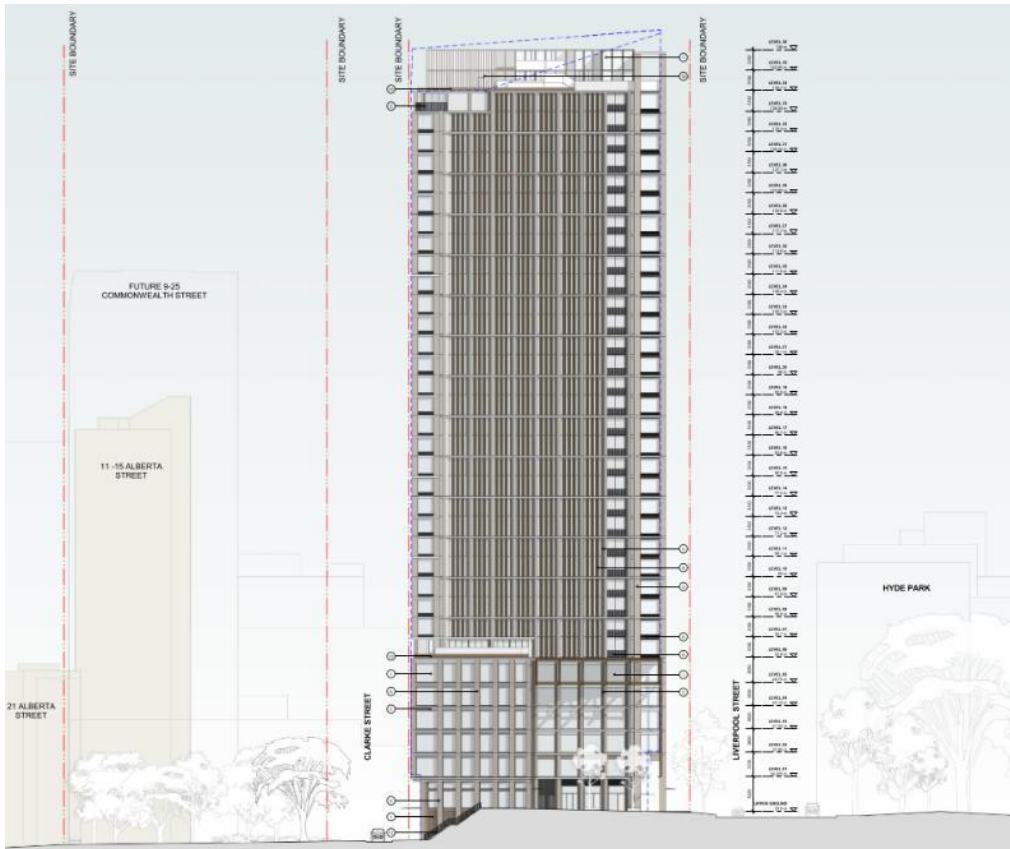


Figure 58: Through site link elevation

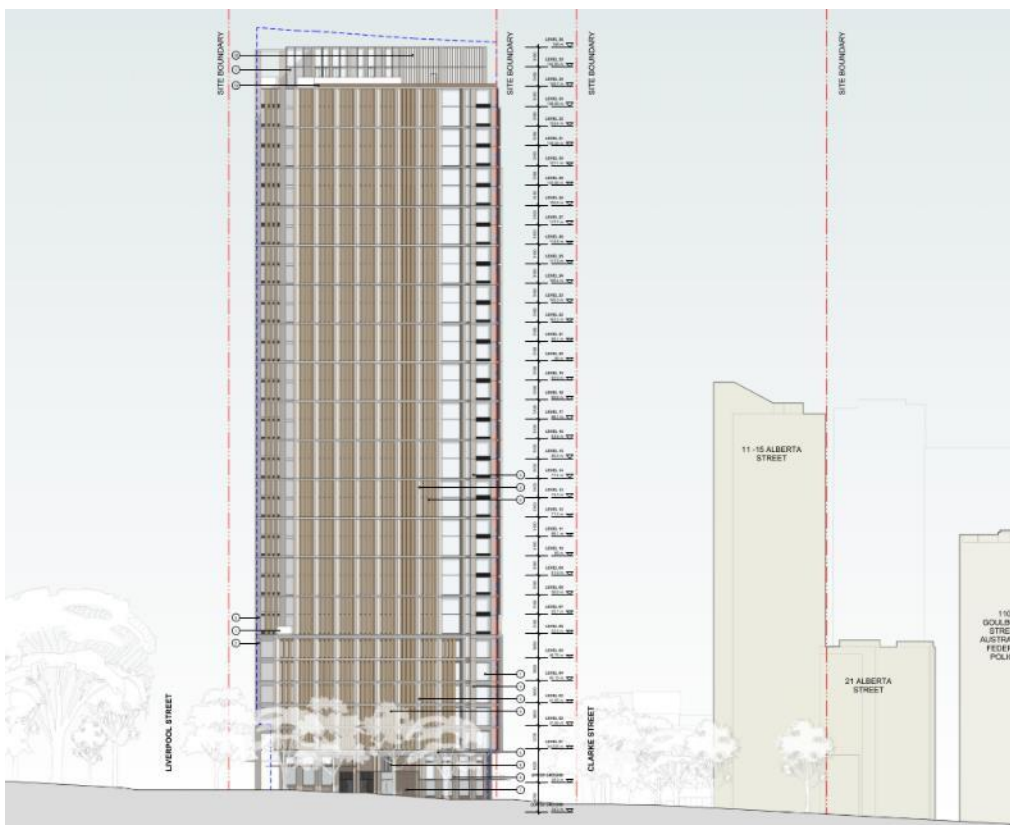


Figure 59: Nithsdale Street (west) elevation

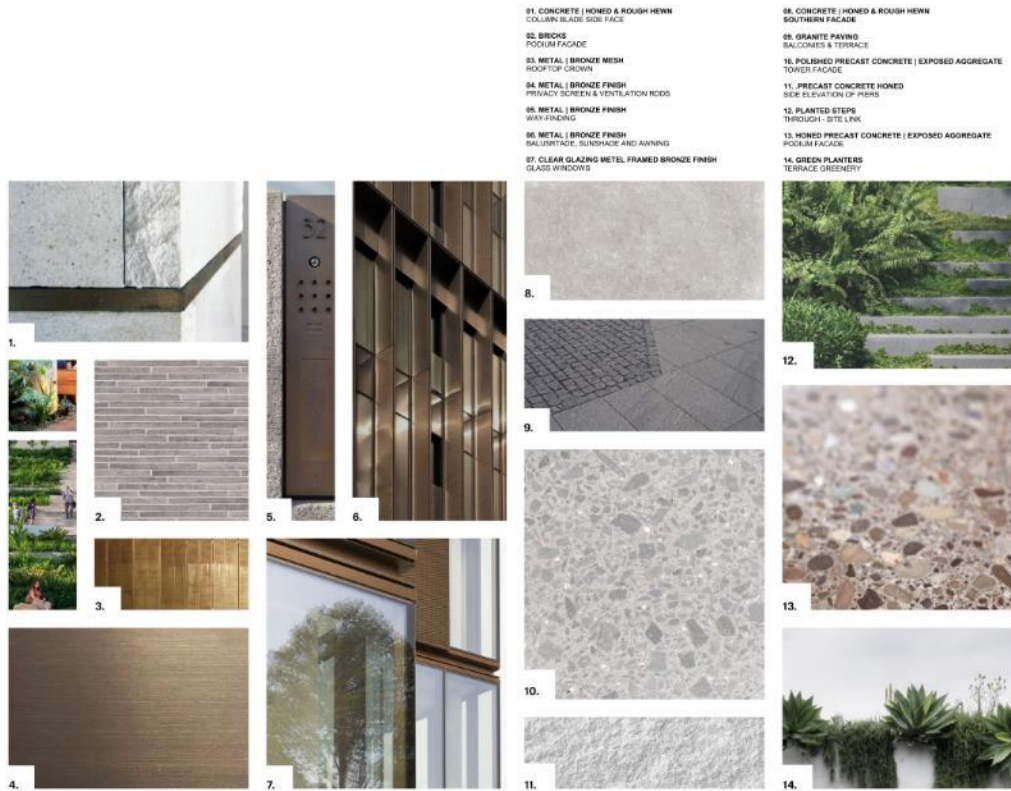


Figure 60: Materials schedule

**Assessment**

50. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

**City Of Sydney Act 1988**

- 51. Prior to Amendment No 48 of the City of Sydney Act 1988, Section 51N required the CSPC to consult with the Central Sydney Traffic and Transport Committee (CSTTC) before it determines a development application that will require, or might reasonably be expected to require, the carrying out of road works or traffic control works likely to have a significant impact on traffic and transport in the Sydney Central Business District.
- 52. During the assessment of the application, the City's Transport and Access Unit reviewed the application and considered that the proposed development did not require consultation with the CSTTC.
- 53. Amendment No 48 of the City of Sydney Act 1988 specifies that the CSTTC is now dissolved.

**Airports Act 1996**

54. Section 182 of the Commonwealth Airports Act 1996 specifies that, amongst other things, constructing a building or other structure that intrudes into a prescribed airspace is a controlled activity.

55. Clause 6(1) of the Civil Aviation (Building Control) Regulations 1988 identifies that 'prescribed airspace' includes 'the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services - Aircraft Operations (PANS-OPS) surface for the airport'.
56. The Outer Horizontal Surface of the OLS above the subject site is at a height of 156 metres above the Australian Height Datum (AHD) and the prescribed airspace above the site commences at RL 156 AHD.
57. On 5 July 2022, correspondence was received from Sydney Airport advising that there was no objection to the erection of the proposed development and concurrence is not required, given the maximum height (RL 146) is below the height of the prescribed airspace at this location.

### **State Environmental Planning Policies**

#### **State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land**

32. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
33. PESI and DESI reports were submitted as part of the subject application. A Remediation Action Plan (RAP) relating to the site, accompanied by a letter of interim advice prepared by an NSW Accredited Site Auditor has also been submitted with the development application.
34. The RAP concludes that the site can be made suitable for the proposed use, and the interim advice concurs with the RAP's conclusions. The interim advice letter also supports the submitted contamination report's recommendation for further sampling.
35. The Council's Health Unit has reviewed the information provided and has recommended conditions of consent to ensure compliance with the remediation measures outlined, and for Council to be notified should there be any changes to the strategy for remediation.
36. Council's Health Unit is satisfied that, subject to conditions, the site can be made suitable for the proposed use.
37. It is noted that there is also an above ground service tank that will require decommissioning removal. A condition of consent requiring this is recommended at Attachment A.

#### **State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development**

38. The aim of SEPP 65 is to improve the design quality of residential apartment development in New South Wales.



39. When determining an application for a residential flat development of three or more floors and containing four or more apartments, SEPP 65 requires the consent authority take into consideration a number of matters relating to design quality, including the design quality principles as set out in Schedule 1.
40. The applicant has submitted a design verification statement and SEPP 65 design report prepared by Guy Lake of Bates Smart (Reg No. 7119) with the application, addressing the design quality principles and the objectives of parts 3 and 4 of the Apartment Design Guide. The statement is deemed to satisfy Clause 29 of the Environmental Planning and Assessment Regulation 2021.
41. An assessment of the proposal against the design quality is provided as follows:
- (a) **Principle 1: Context and Neighbourhood Character**
- (i) The site is located at the south-eastern end of the Sydney CBD, adjacent to buildings of similar height and scale and in proximity to existing public transport infrastructure, including heavy and metro rail stations, multiple bus routes and bicycle lanes. The proposal will contribute to the vitality of the locality and broader City of Sydney LGA.
- (ii) The site is located in the SP5 Metropolitan Centre zone, and the proposal is generally in accordance with the objectives of the Sydney LEP 2012 and the Sydney DCP 2012, subject to the recommended conditions. The proposal is also consistent with the existing and desired future character of the locality.
- (b) **Principle 2: Built Form and Scale**
- (i) The immediate locality along Liverpool Street, Nithsdale Street, Commonwealth Street, Clarke Street and Alberta Street has a diverse range of built forms and scale, with a variety of different architectural building styles and land uses.
- (ii) The proposed form, scale and massing form of the proposed development is contextually appropriate to the site location, and consideration has been given to the surrounding built form, particularly the strong street wall presence of development on the southern side of Liverpool Street, and potential impacts to residential development located to the south.
- (iii) The proposed development adheres to the provisions of the Sydney LEP 2012, including the maximum height prescribed by the Harmony Park sun access plane. The proposal responds satisfactorily to the surrounding urban context, while achieving a suitable form and scale, subject to the recommended conditions.
- (iv) The design of the development provides for a complimentary and respectful backdrop to the adjacent State heritage items, Hyde Park and the Anzac War Memorial. The detailed design maintains the Memorial axis with the separation of the towers and provision of a through site link.

- (v) The inclusion of the 'Urban Room' at the northern extent of the through site link provides for a large covered publicly accessible space that extends the civic scale of the Memorial axis across Liverpool Street and into the site. The southern extent of through site link then transitions into a narrow laneway with steps down to Clarke Street, referencing the fine-grain scale of Surry Hills.
- (c) **Principle 3: Density**
  - (i) The proposal complies with the maximum permissible FSR development standard in Clause 4.4 and accommodation floor space available under Clause 6.4 of the Sydney LEP 2012.
  - (ii) It is consistent with the desired future character envisaged in the locality of the Sydney CBD and the broader City of Sydney LGA.
- (d) **Principle 4: Sustainability**
  - (i) The proposed development meets the minimum requirements for solar access and cross ventilation for apartments, reducing the reliance on artificial lighting, heating and cooling and future energy consumption.
  - (ii) The proposal incorporates passive shading devices to reduce heat gain and improve energy performance, amenity and longevity of the development.
  - (iii) The proposal has also committed to the electrification of the development and the removal of onsite fossil fuel consumption (outside of emergency systems), with its implementation ensured via a recommended condition at Attachment A.
  - (iv) The proposal is compliant with the requirements of BASIX, and a condition is recommended at Attachment A to ensure that the development complies with the commitments contained on its BASIX certificate.
- (e) **Principle 5: Landscape**
  - (i) For the northern portion of the site, due to the building covering the entire site and basement underneath, there is no deep soil proposed which is considered acceptable in the context of Central Sydney.
  - (ii) Landscape solutions are provided throughout the proposed development however, with landscaped areas provided at ground and podium levels, as well as greening of the tower with landscaped areas on the upper level terraces.
  - (iii) For the southern portion of the site, the detailed design for the embellishment of the existing pocket park will be subject to future approval via a deferred commencement condition which is recommended at Attachment A.
- (f) **Principle 6: Amenity**
  - (i) Compliance with amenity is assessed further under the ADG section below.

- (ii) Overall, the proposal provides an acceptable level of residential amenity for future occupants taking into consideration the scale of the development and the site constraints.
  - (g) **Principle 7: Safety**
    - (i) The safety and security of the public domain and the site itself including the pocket park is enhanced by increased activity within the site and casual surveillance of the surrounding streets from residential apartments.
    - (ii) There are secure and separate entrances available for the sole use of residents.
    - (iii) The proposal has generally been designed in accordance with the principles of Crime Prevention through Environmental Design (CPTED).
  - (h) **Principle 8: Housing Diversity and Social Interaction**
    - (i) The proposal provides a mix of apartment types to encourage housing diversity, including adaptable apartments and accessible communal facilities for both passive and active recreation.
    - (ii) There are a range of indoor and outdoor communal facilities to encourage social interaction amongst residents and the proposed development responds well to the social context of its location in Central Sydney, which is in close proximity to established infrastructure, public transport, community and recreational facilities.
  - (i) **Principle 9: Aesthetics**
    - (i) The proposed development provides for a contemporary, well-modulated and articulated mixed use development, which is compatible with the existing and desired future character of the locality.
    - (ii) The detailed design of the development was the result of a competitive design process, which was awarded as the winning scheme and was considered by the selection panel to be capable of exhibiting design excellence.
    - (iii) The proposed built form, expression and composition of the new building will make a positive contribution to the visual quality of the area.
42. The development is acceptable when assessed against the SEPP including the above stated principles and the associated ADG. These controls are generally replicated within the apartment design controls under the Sydney DCP 2012. Consequently compliance with the SEPP generally implies compliance with Council's own controls. A detailed assessment of the proposal against the ADG is provided below.

43.

2E Building Depth	Compliance	Comment
12-18m (glass to glass)	Acceptable	<p>Several apartments exceed the 18m apartment depth, however, in these apartments they both exceed the minimum area requirements and are dual aspect to maximise their amenity.</p> <p>The proposal meets the objectives in that the bulk of the development is consistent with the scale of the existing and desired future context of the locality, and the building depths support apartment layouts that provide for amenity (as detailed in the sections below) for future residents.</p> <p>The proposed bulk is also consistent with the concept building envelope, as proposed to be modified by D/2019/992A.</p>

2F Building Separation and 3F Visual Privacy	Compliance	Comment
<p><b>2F Building Separation</b></p> <p>Five to eight storeys (approximately 25 metres):</p> <ul style="list-style-type: none"> <li>• 18m between habitable rooms / balconies</li> <li>• 12m between habitable and non-habitable rooms</li> <li>• 9m between non-habitable rooms</li> </ul>	Acceptable	<p>The proposed development has been designed in accordance with the concept building envelope, as proposed to be modified by D/2019/992A.</p> <p>The approved concept envelope allows for non-compliant separation distances between the existing adjoining development to the east (the Connaught) and to the west (the Hyde), and also to the approved development to the south-east (the Edition Residences).</p>
<p><b>2F Building Separation</b></p> <p>Nine storeys and above (over 25m):</p> <ul style="list-style-type: none"> <li>• 24m between habitable rooms / balconies</li> <li>• 18m between habitable and non-habitable rooms</li> </ul>		



2F Building Separation and 3F Visual Privacy	Compliance	Comment
<ul style="list-style-type: none"> <li>12m between non-habitable rooms</li> </ul>		consistent with the approved concept envelope.
<p><b>3F Visual Privacy</b></p> <p>Five to eight storeys (25 metres):</p> <ul style="list-style-type: none"> <li>9m between habitable rooms / balconies</li> <li>4.5m between non-habitable rooms</li> </ul>		<p>Most apartment units on a typical apartment floor are designed to have primary views directed to the north and south to minimise visual privacy concerns and cross-viewing between these neighbouring developments. The primary living areas are oriented to the north and south, whilst the bedrooms located on the east and west elevations are designed with privacy screens/fins to direct outlook away from the neighbouring sites.</p>
<p><b>3F Visual Privacy</b></p> <p>Nine storeys and above (over 25m):</p> <ul style="list-style-type: none"> <li>12m between habitable rooms / balconies</li> <li>6m between non-habitable rooms</li> </ul>		<p>It is noted that the south-western and south-eastern units do not have privacy screens, to ensure that the units receive adequate solar access. These units do not directly face towards the neighbouring buildings and are at a distance greater than 18m.</p> <p>While the proposal does not achieve ADG separation requirements, the proposal is consistent with the concept building envelope and provides generally acceptable visual privacy outcomes consistent with Objective 3F of the ADG.</p>

3D Communal and Public Open Space	Compliance	Comment
Communal open space has a minimum area equal to 25% of the site.	Acceptable	<p>The proposal does not provide a minimum of 25% of the site area as communal open space.</p> <p>Notwithstanding this, the design has responded to the constraints of the CBD site and provided future occupants with a variety of outdoor communal spaces on Level 6 as well as internal communal spaces on ground floor and Level 6. These spaces equate to an area of 890sqm, representing 23.8% of the total site area.</p>

3D Communal and Public Open Space	Compliance	Comment
		<p>These outdoor and indoor communal areas are considered to adequately provide for passive recreation as well as opportunities for social interaction of residents and is considered to contribute to residential amenity in a reasonable manner given its dense CBD context.</p> <p>Further, the proposed development includes increased private open space for apartments, and the publicly accessible pocket park within the site provides for an extension of open space for residents to access and use.</p>
<p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two (2) hours between 9am and 3pm on 21 June (midwinter).</p>	<p>Yes</p>	<p>The communal open spaces provided on Level 6 receive direct sunlight between 9.30am and 11.30am for Tower A, and 11.00am and 1.15pm for Tower B.</p>

3E Deep Soil Zones	Compliance	Comment
<p>Deep soil zones are to have a minimum area equivalent to 7% of the site</p>	<p>Acceptable</p>	<p>The site is located in the highly urbanised environment of the Sydney CBD, where a lack of deep soil zones is characteristic of development in the locality.</p> <p>No deep soil zones are proposed, given that opportunities to provide them on the site are constrained, as the existing and proposed building footprint and basement areas occupy the entirety of the site area.</p> <p>No objection to the lack of deep soil zones is raised by Council officers. The proposal includes landscaped areas at ground, on the podium and upper level terraces to assist with offsetting the lack of deep soil.</p> <p>The detailed design for the embellishment of the pocket park (subject to a deferred commencement condition recommended at Attachment A) will further provide for improved</p>

3E Deep Soil Zones	Compliance	Comment
		landscaping and greening opportunities on site.

3G Pedestrian Access and Entries	Compliance	Comment
<p>Building entries and pedestrian access connects to and addresses the public domain.</p> <p>Access, entries and pathways are accessible and easy to identify.</p>	Yes	<p>The residential lifts are provided with direct access from the Tower A lobby on Nithsdale Street and the Tower B lobby on Commonwealth Street, as well as within the 'Urban Room'. These entries are legible and accessible.</p> <p>A condition is recommended at Attachment A requiring the approval of a Signage Strategy including wayfinding signage to assist with easy identification of the residential lobbies.</p>

4A Solar and Daylight Access	Compliance	Comment
<p>70% of units to receive a minimum of two hours of direct sunlight in midwinter to living rooms and private open spaces.</p>	Acceptable	<p>65% or 168 out of 259 apartments achieve a minimum of two hours of direct sunlight in midwinter to living rooms and private open spaces. This is consistent with the recommendation made by the DAP members.</p> <p>Despite the numeric departure, it is considered that the development meets the objective of part 4A in that it optimises the number of apartments that receive sunlight to habitable rooms, primary windows and primary open space areas.</p> <p>The apartments that do not receive the two hour minimum requirement relate to the southern apartments across levels 6-28, which still receive large amounts of sunlight at midwinter. It is also noted that zero apartments receive no solar access.</p> <p>The solar access is considered acceptable and is recommended to be supported.</p>

<b>4A Solar and Daylight Access</b>	<b>Compliance</b>	<b>Comment</b>
Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Yes	Zero apartments achieve no direct sunlight between 9am and 3pm at midwinter.

<b>4B Natural Ventilation</b>	<b>Compliance</b>	<b>Comment</b>
All habitable rooms are naturally ventilated.	Yes, subject to conditions	All habitable rooms are naturally ventilated.  Trickle ventilation systems are also provided throughout the development to ensure that natural ventilation can be maintained to habitable rooms, alongside internal acoustic amenity. Refer to the assessment against Objective 4J below for further detail.
Minimum 60% of apartments in the first nine (9) storeys of the building are naturally cross ventilated.	Yes	81% or 30 out of 38 apartments in the first nine storeys are naturally cross ventilated.
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Yes	The proposal contains several cross-through apartments. Of the cross-through apartments that do exceed 18m in depth, openings are provided on a second aspect before 18m.

<b>4C Ceiling Heights</b>	<b>Compliance</b>	<b>Comment</b>
Habitable rooms: 2.7m	Yes	All residential floor to floor heights of 3.1m are capable of providing 2.7m floor to ceiling heights to habitable rooms.
Non-habitable rooms: 2.4m	Yes	All residential floor to floor heights of 3.1m are capable of providing 2.4m floor to ceiling heights to habitable rooms.
Two-storey apartments: 2.7m for main living area floor, 2.4m for second floor, where it does not exceed 50% of the apartment area.	Yes	All apartments, including two storey apartments, are provided with floor to floor heights of 3.1m, which can achieve 2.7 metre floor to ceiling heights.



4D Apartment Size and Layout	Compliance	Comment
<p>Minimum unit sizes:</p> <ul style="list-style-type: none"> <li>• Studio: 35m<sup>2</sup></li> <li>• 1 bed: 50m<sup>2</sup></li> <li>• 2 bed: 70m<sup>2</sup></li> <li>• 3 bed: 90m<sup>2</sup></li> </ul> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.</p>	Yes	All apartment sizes are above the minimum specified size requirements.
Every habitable room is to have a window in an external wall with a minimum glass area of 10% of the floor area of the room.	Yes	All habitable rooms have access to an external window as required.
<p>Habitable room depths are to be no more than 2.5 x the ceiling height.</p> <p>8m maximum depth for open plan layouts.</p>	Acceptable	<p>Some apartments are significantly larger in area than the minimum internal areas required. As such, habitable room depths are greater than 2.5m x the ceiling height.</p> <p>Due to the generous apartment sizes and their dual aspects of these units, the intent of the Objective of 4D is met, in that the environmental performance of apartments is maximised.</p>
<p>Minimum area for bedrooms (excluding wardrobes):</p> <ul style="list-style-type: none"> <li>• master bedroom: 10m<sup>2</sup></li> <li>• all other bedrooms: 9m<sup>2</sup></li> </ul> <p>Minimum dimension of any bedroom is 3m (excluding wardrobes).</p>	Yes	All apartments achieve the minimum areas and dimensions prescribed for bedrooms.

4D Apartment Size and Layout	Compliance	Comment
<p>Living and living/dining rooms minimum widths:</p> <ul style="list-style-type: none"> <li>• Studio and one-bedroom: 3.6m</li> <li>• Two-bedroom or more: 4m</li> </ul>	Yes	The development results in all dwellings having a living area with a minimum width consistent with the provisions of the ADG.

4E Private Open Space and Balconies	Compliance	Comment
<p>Studio apartments are to have a minimum balcony area of 4m<sup>2</sup> with a minimum depth of 1m.</p> <p>One bed apartments are to have a minimum balcony area of 8m<sup>2</sup> with a minimum depth of 2m.</p> <p>Two bed apartments are to have a minimum balcony area of 10m<sup>2</sup> with a minimum depth of 2m.</p> <p>Three bed apartments are to have a minimum balcony area of 12m<sup>2</sup> with a minimum depth of 2.4m.</p>	Yes	All apartments provide adequately sized private open space in accordance with the ADG.
<p>Private open space for apartments on ground level, on a podium, or similar, must have a minimum area of 15m<sup>2</sup> and a minimum depth of 3m.</p>	Acceptable	<p>It is noted that some of the private open space areas for apartments at the podium level do not meet the minimum area requirements specified under this section.</p> <p>Despite this, these areas are considered to provide for adequate residential amenity and are supplemented by the large communal wintergardens and outdoor terraces also provided at this level.</p>

4F Common Circulation and Spaces	Compliance	Comment
The maximum number of apartments off a circulation core on a single level is eight (8).	Yes	Each lobby services a maximum of five apartments.
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Acceptable	<p>259 apartments are proposed to be serviced by six lifts across the two towers equating to approximately 43 apartments per lift.</p> <p>The development may utilise high speed, smart lifts to serve the apartments, which are able to provide an improved level of service thereby offsetting the increase in apartments serviced.</p>
Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.	Yes	Primary living areas and bedrooms do not open directly on to corridors.
Daylight and natural ventilation are provided to all common circulation spaces.	Yes	Each common circulation space has access to daylight and natural ventilation.

4G Storage	Compliance	Comment
<p>Minimum storage provision facilities:</p> <ul style="list-style-type: none"> <li>• Studio: 4m<sup>3</sup></li> <li>• 1 bed: 6m<sup>3</sup></li> <li>• 2 bed: 8m<sup>3</sup></li> <li>• 3 bed: 10m<sup>3</sup></li> </ul> <p>(Minimum 50% storage area located within unit)</p>	Yes	The apartments appear to be able to accommodate the minimum 50% requirement for storage. Additional storage is provided within the basement levels.

4J Noise and Pollution	Compliance	Comment
<p>Have noise and pollution been adequately considered and addressed through careful siting and layout of buildings?</p>	<p>Yes, subject to conditions</p>	<p>The proposed development has sought to minimise the impact of noise and air emissions from vehicle traffic on Liverpool Street in accordance with the ADG requirements.</p> <p>The design includes the use of a trickle ventilation system and facade design in order to mitigate impacts and act as a buffer between the road and the sensitive residential uses within the building.</p> <p>Conditions of consent are recommended at Attachment A for further detail to fully demonstrate how the windows open and windows closed criteria within the Transport and Infrastructure SEPP will be met for all habitable rooms, as well as the provision of a physical prototype of the trickle ventilation system proposed, prior to Construction Certificate.</p>

**State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

- 44. A BASIX Certificate has been submitted with the development application.
- 45. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A condition of consent is recommended at Attachment A requiring that the BASIX certificate be amended to ensure that gas is removed as an energy source for appliances and systems, and all the measures detailed in the BASIX certificate are implemented.

**State Environmental Planning Policy (Transport and Infrastructure) 2021**

- 46. The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

**Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network**

**Clause 2.48 Determination of development applications – other development**

- 47. The application is subject to Clause 2.48 of the SEPP given that it comprises development likely to affect an electricity transmission or distribution network.
- 48. As such, the application was referred to Ausgrid for a period of 21 days and no objection was raised, subject to the inclusion of recommended conditions provided at Attachment A.



**Division 17, Subdivision 2: Development in or adjacent to road corridors and road reservations****Clause 2.120 – Impact of road noise or vibration on non-road development**

49. The acoustic criteria within Clause 2.120 of the SEPP applies given that the site's location with a frontage to Liverpool Street, which is identified as a road carrying an annual average daily traffic volume of more than 20,000 vehicles.
50. A condition of consent is recommended at Attachment A to ensure that details are provided prior to Construction Certificate for all facade treatments, to fully demonstrate how the windows open and windows closed criteria within the SEPP will be met for all habitable rooms. A condition is also recommended requiring a physical prototype of the trickle ventilation system proposed.

**Clause 2.122 – Traffic-generating development**

51. The application is identified as traffic-generating development in accordance with Schedule 3. As such, the application was referred to TfNSW for a period of 21 days.
52. TfNSW raised concerns with the on-site vehicle drop-off zones on Nithsdale Street and Commonwealth Street, which have now been deleted from the proposed development.
53. TfNSW also recommended conditions including the preparation of a Loading and Servicing Management Plan and Construction Pedestrian and Traffic Management Plan in consultation with TfNSW. These requirements are included within the recommended conditions of consent at Attachment A.

**Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 10 Sydney Harbour Catchment**

54. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
55. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SEPP are not applicable to the proposed development.

**Local Environmental Plan****Sydney Local Environmental Plan 2012**

56. An assessment of the proposed development against the relevant provisions of the Sydney LEP 2012 is provided in the following sections.

**Part 2 Permitted or prohibited development**

<b>Provision</b>	<b>Compliance</b>	<b>Comment</b>
1.8A Savings provisions relating to development applications	Yes	<p>The amendments made to the Sydney LEP 2012 by the Sydney LEP 2012 (Amendment No 64) made on 26 November 2021 do not apply to the subject development application, in accordance with subclause (5)(b)(ii) of Clause 1.8A of the Sydney LEP 2012.</p> <p>These provisions relate to the amendments to the Sydney LEP 2012 to facilitate the Central Sydney Planning Strategy. The controls do not apply given this development application relies on a concept application (D/2019/992, as amended) that was approved before the commencement of those amendments.</p>
2.3 Zone objectives and Land Use Table	Yes	<p>The site is located in the SP5 Metropolitan Centre zone. The proposed development comprises residential accommodation and retail/commercial uses, all of which are permissible with consent in the zone. The proposal generally meets the objectives of the zone.</p>

**Part 4 Principal development standards**

<b>Provision</b>	<b>Compliance</b>	<b>Comment</b>
<p>4.3 Height of buildings</p> <p>6.21D Competitive design process</p> <p>6.17 Sun access planes</p>	Yes	<p>A maximum building height of 110m is permitted.</p> <p>Where a proposal is the winning scheme of a competitive design process and the proposed development demonstrates design excellence, up to 10% additional height (11 metres) is also available under Clause 6.21D(3)(a) of the Sydney LEP 2012.</p> <p>A height of 117.1m is proposed, which complies with the maximum height permitted.</p> <p>The proposed development also complies with the Harmony Park sun access plane.</p>

Provision	Compliance	Comment
4.4 Floor space ratio 6.4 Accommodation floor space	Yes	<p>A maximum base floor space ratio of 8:1 is permitted.</p> <p>The site is identified as being located within "Area 2" and pursuant to Clause 6.4 (and the application being lodged before 30 June 2022), the following additional floorspace is permissible based on the proposed uses:</p> <ul style="list-style-type: none"> <li>Residential accommodation - 6:1</li> <li>Commercial/retail premises - 4.5:1</li> </ul> <p>Based upon the proportion and mix of land uses, the maximum permissible floor space ratio is 13.652:1.</p> <p>An FSR of 13.36:1 or 49,945sqm is proposed, which complies.</p>

#### Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site is located in the vicinity of a number of heritage items of State and local significance, including the Anzac War Memorial and Hyde Park. The site is also located within the College Street/Hyde Park Special Character Area.</p> <p>Overall, it is considered that the proposed development provides for an appropriate and sensitive response to the backdrop of this significant heritage setting.</p> <p>The amended proposal maintains the separation distances of the two towers, which responds to the axis of the Memorial and the north-south boulevard set by Hyde Park.</p> <p>The facades and materiality of the towers with precast, honed and rough-hewn concrete subtly respond to the solidity of the Memorial, and the use of bronze metallic finishes for the window frames, privacy screens and balustrades respond to the detailing of surrounding</p>

Provision	Compliance	Comment
		<p>older buildings including Museum Station and the Downing Centre.</p> <p>Council's Heritage Specialist raises no objection to the proposed development, advising that the impact on the setting of the War Memorial and Hyde Park was duly considered by the design competition scheme, and has been carried through to the detailed design application.</p> <p>Consultation with the Trustees of the ANZAC Memorial Building was also undertaken during the assessment of the application. The Trustees raised no objections to the amended proposal.</p>

#### Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 1 Additional floor space in Central Sydney		
<p>Subdivision 3 Heritage floor space</p> <p>6.11 Allocation of heritage floor space (HFS)</p>	Yes	<p>The site is located in 'Area 2' on land in Central Sydney. Given that the proposal seeks to utilise accommodation floor space with a height that will exceed 55m, an amount of heritage floor space is required to be allocated to the site in accordance with Clause 6.11 of the Sydney LEP 2012.</p> <p>Pursuant to Clause 6.11(1)(a), the amount of heritage floor space to be allocated is equivalent to 50% of the accommodation floor space to be used. The proposal utilises 5.36:1 (20,049sqm) accommodation floor space. This equates to 10,024.5sqm of heritage floor space.</p> <p>Pursuant to Clause 6.11(2)(a) and (b), the amount of heritage floor space may be reduced by up to 50% or 1,000sqm (whichever is the lesser) if the proposed development is the winner of an architectural design competition.</p>

Provision	Compliance	Comment
		As a result, an amount of 9,024.5sqm of heritage floor space is to be allocated to the site.
Division 3 Height of buildings and overshadowing		
6.16 Erection of tall buildings in Central Sydney		<p>The proposed development is consistent with the requirements of this clause as:</p> <ul style="list-style-type: none"> <li>• It provides for an acceptable level of amenity for the occupants of the towers and neighbouring buildings, as detailed in the assessment provided above under the SEPP 65 section.</li> <li>• It does not result in any adverse impacts to the amenity of public places in proximity to the site including Harmony Park, as demonstrated in the submitted shadow diagrams and wind assessment report.</li> <li>• It is compatible with its context in terms of setbacks, height and built form. Its height is consistent with adjacent buildings, and its built form of two towers provides for an appropriate backdrop the Anzac Memorial and Hyde Park.</li> <li>• The design provides for an acceptable level of outlook and sunlight to the residential units, as demonstrated in the suns eye view diagrams submitted with the application.</li> <li>• The design provides for an acceptable level of ventilation within and around the development, subject to conditions.</li> <li>• The proposal provides for active street frontages to Liverpool Street, Clarke Street, Nithsdale Street and Commonwealth Street.</li> </ul>



Provision	Compliance	Comment
Division 4 Design excellence		
<p>6.21C Design excellence</p> <p>6.21D Competitive design process</p>	<p>Yes</p>	<p>The proposal exhibits design excellence as required by Clause 6.21C(2) and is recommended to be awarded an additional 10% height in accordance with Clause 6.21D(3), given it is the winner of an 'invited' architectural design competition and has contained the key elements of the winning scheme.</p> <p>The amended scheme adequately addresses recommendations made by the competition Jury for improvements. These recommendations are addressed in detail below under the 'Discussion' heading.</p> <p>The proposal responds appropriately to the concept approval conditions and planning controls where required. The built form is compatible with the character of the locality and providing an appropriate relationship with the Anzac Memorial and Hyde Park, and the adjacent buildings.</p> <p>The proposal presents a high standard of architectural design, and the overall materiality, articulation and architectural expression of the development is in keeping with the relevant planning controls and reflecting the desired future character of the area.</p> <p>The proposal will have a positive contribution to the public domain through the provision of publicly accessible through site link, the maintenance of a publicly accessible pocket park, the retention and protection of street trees and the provision of active frontages.</p> <p>The development achieves the principle of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants.</p>

Provision	Compliance	Comment
		Overall, the proposal satisfies the considerations in Clause 6.21C(2) of the Sydney LEP 2012 and the development is considered to exhibit design excellence.

### Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.5 Residential flat buildings, dual occupancies and multi dwelling housing 7.7 Retail premises	Yes	The proposed development includes 230 spaces (214 for the residential component of the development and 16 for the retail/commercial uses) which complies with the relevant development standards.
Division 3 Affordable housing		
7.13 Contribution for purpose of affordable housing	Yes	A contribution for the purpose of affordable housing applies to the development (under clause 7.13(1)(d)(ii)), as the proposal involves the demolition of the existing floor area and the subsequent creation of more than 100sqm of GFA.  A condition of consent is recommended at Attachment A to reflect this.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land identified as Class 5 Acid Sulfate Soils and within 480m from land identified as Class 2. The contamination information submitted concludes that the site that Acid Sulfate Soils are unlikely to be encountered during the proposed works and an Acid Sulfate Soils Management Plan is not required.
7.15 Flood planning	N/A	The site is not flood affected.

Provision	Compliance	Comment
7.16 Airspace operations	Yes	The proposed development will not penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for Sydney Airport.
7.19 Demolition must not result in long term adverse visual impact	Yes	While the proposal includes demolition of the existing building, the proposal also includes construction of a new building under the same application. Council officers are therefore satisfied that the site will be comprehensively redeveloped under the consent.
7.20 Development requiring or authorising preparation of a development control plan	Yes	<p>The proposed development is located in Central Sydney and will result in the construction of a building which has a height of greater than 55m. A site specific DCP is required in accordance with this clause. Alternatively, a concept development application can be prepared pursuant to Section 4.23 of the EP&amp;A Act.</p> <p>Subject to approval of the concurrent Section 4.55(2) modification application D/2019/992/A, the development is consistent with the concept approval and therefore satisfies the provisions of the control.</p>

## Development Control Plans

### Sydney Development Control Plan 2012

57. An assessment of the proposed development against the relevant provisions within the Sydney DCP 2012 is provided in the following sections.

#### Section 2 – Locality Statements

58. The site is located within the College Street/Hyde Park Special Character Area. The proposed development is in keeping with the unique character and the design principles in that:
- (a) The proposed development maintains the scale of adjacent buildings along Liverpool Street and will further contribute to the existing street wall, which provides a sense of enclosure to Hyde Park.
  - (b) The proposed development does not impact view lines along key streets into the City.

- (c) The proposal comprises setbacks that are generally consistent with neighbouring developments.
- (d) Due to the location of the site to the south of Hyde Park, the proposed development will not impact on mid-winter lunchtime sun access to Hyde Park.

**Section 3 – General Provisions**

Provision	Compliance	Comment
<p>3.1 Public Domain Elements 3.1.2.2 Through-site links</p>	<p>Yes</p>	<p>The site is not identified on the DCP's through site links map as being required to provide a through-site link.</p> <p>However, the proposed development provides for a through site link situated on the Hyde Park / ANZAC War Memorial axis running through the centre of the site. An indicative through site link was approved as part of the concept application.</p> <p>The proposed through-site link is consistent with the dimensions of the through-site link included as part of the design competition winning scheme and has been designed generally in accordance with the relevant provisions in Section 3.1.2.2 of the Sydney DCP 2012.</p> <p>A condition is recommended at Attachment A requiring right of public access for the through-site link, as well as maintenance, lighting and adequate public liability insurance of the through-site link, via an easement and covenant.</p>
<p>3.1.5 Public Art</p>	<p>Yes</p>	<p>A Preliminary Public Art Plan has been submitted with this application and has been reviewed by the City's Public Art Unit, who supports the direction of the plan, the selected artist (Yhonnie Scarce), and the process it proposes to achieve public art on site.</p> <p>The plan identifies two locations for public art within the site, being the 'Urban Room' and the publicly accessible pocket park to the south.</p> <p>A condition is recommended at Attachment A requiring the provision of a Detailed Public Art Plan with final details</p>

Provision	Compliance	Comment
		of the public artwork to be submitted prior to issue of a Construction Certificate for above ground works.
<p>3.2. Defining the Public Domain</p> <p>3.2.1 Improving the public domain</p> <p>3.2.2 Addressing the street and public domain</p>	Yes	<p>The proposed development satisfactorily addresses the public domain, given that it:</p> <ul style="list-style-type: none"> <li>• minimises the overshadowing effects of the development on public spaces, including Harmony Park;</li> <li>• will not result in unacceptable adverse wind impacts within the public domain;</li> <li>• does not impede on any significant views from the public domain to any public place, parks, heritage buildings or monuments;</li> <li>• incorporates high quality materials and finishes in publicly accessible locations; and</li> <li>• provides multiple pedestrian points of entry into the development and points of visual interest along all street frontages.</li> </ul> <p>Subject to conditions in Attachment A recommended by the City's Public Domain Unit, the proposed development will be designed to appropriately interface and integrate with the public domain.</p>
3.2.3 Active frontages	Yes	<p>The site's Liverpool Street frontage is nominated as Category 1 active frontage. In accordance with this control, over 80% of the frontage is provided as an active frontage with the proposed retail uses, commercial lobbies and access to the sites through site link.</p> <p>The site's frontages to Nithsdale Street and Commonwealth Street, as well as the pocket park side boundaries are nominated as Category 2 active frontage. In accordance with this control, 70% of these frontages are provided as active frontages, with glazing and visual</p>



Provision	Compliance	Comment
		<p>access to retail tenancies and commercial / residential lobbies, and the maintenance of the publicly accessible park.</p> <p>The site also provides for an active frontage to Clarke Street, with the inclusion of several retail tenancies along this frontage, as well as access to the through-site link.</p> <p>The proposal provides appropriate weather protection along all street frontages.</p>
3.2.5 Footpath awnings	Yes	<p>The Liverpool Street frontage of the site is required to have awnings.</p> <p>The proposal includes awnings along the Liverpool Street frontage, which wrap the corners to continue for the length of Nithsdale Street and Commonwealth Street, and then to Clarke Street.</p> <p>The awnings are designed generally in accordance with the provisions of this section.</p> <p>A condition of consent is recommended at Attachment A so that the awnings along Clarke Street are redesigned / reduced in depth to ensure that the street trees along this frontage are retained.</p>
3.2.5 Colonnades	Yes	<p>The proposed development includes the provision of a colonnade on the Liverpool Street frontage of the site, although it not being a requirement under the Sydney DCP 2012.</p> <p>This colonnade is proposed as a result of the Jury's comments during the first round of the competitive design process where it was recommended that further solidity in the facade be explored and that the masonry framework from the tower continue down to Liverpool Street.</p> <p>Amendments to the concept envelope at ground and level 1 to accommodate this colonnade are sought under the concurrent modification application.</p> <p>Council Officers consider the inclusion of the colonnade on Liverpool Street to be</p>

Provision	Compliance	Comment
		<p>acceptable as it will provide for improved pedestrian amenity with all-weather pedestrian access and will also address wind conditions.</p> <p>Further, the proposed colonnade is consistent with the requirements of this section in that it is provided for an entire street block, is designed with finely proportioned vertical elements, and will maintain a high level of visual and physical access to shopfronts.</p>
3.2.6 Wind effects	Yes	<p>An Environmental Wind Assessment Report and an accompanying letter were prepared by Arup and submitted with the application.</p> <p>The assessment details the wind tunnel testing that has been undertaken for the site and demonstrates that the proposal will not adversely affect wind conditions at the street level and within the tower.</p> <p>A condition of consent is recommended at Attachment A to ensure that the proposed development incorporates the recommendations of the report.</p>
3.2.7 Reflectivity	Yes	<p>A Reflectivity Report has been submitted which concludes the light reflectivity from the proposed building materials will not exceed 20%. A condition has been recommended to this effect at Attachment A.</p>
3.2.8 External lighting	Yes	<p>External lighting will be subject to a separate application.</p>
<p>3.3 Design Excellence and Competitive Design Processes</p> <p>3.3.1 Competitive design process</p> <p>3.3.3 Award for design excellence</p> <p>3.3.4 Award additional height</p>	Yes	<p>As noted above under the History Relevant to the Development Application heading, the proposed development has been subject to an architectural design competition and is consistent with the winning scheme by Bates Smart.</p> <p>The competition was carried out prior to the lodgement of the subject application, in accordance with the City of Sydney Competitive Design Policy and a Design Excellence Strategy.</p>

Provision	Compliance	Comment
		<p>In accordance with Clause 6.21D of the Sydney LEP 2012, the proposal seeks an additional 10% height on the basis that design excellence has been achieved through a competitive design process.</p> <p>The proposal has addressed the recommendations made by the competition Jury (as detailed in the 'Discussion' section below) and, as a consequence of the architectural design competition, the amended development is considered to be a "building demonstrating design excellence".</p> <p>As such, it is recommended to be awarded up to an additional 10% height.</p>
3.5 Urban Ecology	Yes	<p>The proposed development seeks the removal of street trees on Commonwealth Street and Clarke Street.</p> <p>The City's Tree Management Unit support the removal of the street trees on Commonwealth Street, subject to the provision of new street trees along this frontage.</p> <p>However, the City does not support the removal of the street trees on Clarke Street to accommodate new awnings, given the healthy condition of these trees. A condition is recommended at Attachment A for the retention of these trees, and for the awnings along Clarke Street to be redesigned to coexist with these existing street trees.</p> <p>The existing trees within the pocket park are also recommended to be retained, until the detailed design of the pocket park is approved.</p>
3.6 Ecologically Sustainable Development	Yes	<p>The proposal will meet the sustainability requirement of BASIX relating to the residential component of the development, and Section J of the BCA which is applicable to the proposed non-residential uses.</p>

Provision	Compliance	Comment
		A condition has been recommended at Attachment A to require compliance with the submitted 'Design for Environmental Performance' report submitted with the application to ensure that all ESD commitments are carried through to the certification and construction phases.
3.7 Water and Flood Management	Yes	The site is not identified as being on flood prone land.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	No subdivision is proposed by the subject application.
3.9 Heritage	Yes	The proposed development is not considered to detract from the heritage significance of nearby heritage items. This has been discussed further in the Sydney LEP 2012 compliance table above.
3.11 Transport and Parking 3.11.1 Managing transport demand	Yes	<p>The proposal comprises a mixed use development including a non-residential development exceeding 1,000sqm of GFA and includes more than 25 dwellings. As such, it generates a requirement for a Transport Impact Study, Green Travel Plan and Transport Access Guide under the relevant provisions of Section 3.11.1 of the Sydney DCP 2012.</p> <p>A Transport Impact Assessment Report and Green Travel Plan have been submitted with the application in accordance with these requirements, which has been reviewed by the City's Access and Transport Unit who has advised that it is acceptable with regard to the controls in Section 3.11.1 of the Sydney DCP 2012.</p> <p>A condition is recommended in Attachment A to ensure the development of a Transport Access Guide for the development.</p>
3.11.2 Car share scheme parking spaces	Yes	The proposal includes the provision of five car share vehicle spaces located within basement 1 and is consistent with the requirements of this provision.

Provision	Compliance	Comment
3.11.3 Bike parking and associated facilities	Yes, subject to conditions	<p>The Sydney DCP 2012 requires a minimum total of 390 bicycle parking spaces including 285 for residents and residential visitors and 105 for commercial and retail staff and visitors.</p> <p>The amended proposal states that there are a total of 454 bicycle parking spaces provided, however the submitted plans do not reflect this amount.</p> <p>A condition of consent is recommended at Attachment A which requires the Sydney DCP 2012 minimum rate of 390 bicycle parking spaces is provided within the development.</p> <p>It is noted that the amended proposal has provided a dedicated bike access point, which is a stairway with bicycle ramp rails on both sides to support the two-way access, with end of trip lift access on the left side of the basement entry. This has been designed to remove any interface with vehicles in and minimise conflict with vehicular movements, being situated away from the main loading dock area. This arrangement is supported.</p>
3.11.6 Service vehicle parking	Yes	<p>Section 3.11.6(1) requires service vehicle parking for the residential, retail and commercial offices uses within the site is to be provided in accordance with the requirements set out in Schedule 7.8.1 of the Sydney DCP 2012.</p> <p>The application seeks consent for 14 service vehicle spaces and is consistent with the requirements of this provision.</p>
3.11.7 Motorcycle parking	Yes	<p>The application proposes 20 motorcycle parking spaces and is consistent with the requirements of this provision.</p>
3.11.9 Accessible parking	Yes	<p>41 car parking spaces are allocated as accessible spaces and is consistent with the requirements of this provision.</p>
3.11.10 Vehicle access for development greater than 1000sqm GFA	Yes	<p>Vehicle access to the site is provided at the south-western corner of the tower block from Clarke Street and satisfies the requirements of this provision.</p>



Provision	Compliance	Comment
3.11.11 Vehicle access and footpaths	Yes	<p>The proposed driveway location along Clarke Street is designed to minimise impacts on pedestrian movements and amenity.</p> <p>Conditions are recommended in Attachment A requiring the preparation of a Detailed Loading and Servicing Management Plan that will outline access arrangements for delivery vehicles, garbage collection, resident/tenant move in/move out arrangements to prevent disruption to public streets and pedestrian movements.</p>
3.11.13 Design and location of waste collection points and loading areas	Yes	<p>Proposed waste storage and collection points are appropriately located close to the loading area at the lower ground level.</p> <p>Suitable access is provided for collection vehicles and the proposal is suitable, subject to compliance with an approved Operational Waste Management Plan.</p>
3.11.14 Parking area design	Yes	<p>Conditions are recommended in Attachment A to require all loading to be carried out on site, parking design in accordance with Australian Standard AS 2890.1.</p>
3.12 Accessible Design	Yes	<p>The application is accompanied by an Access Report which confirms that the design is capable of complying with accessibility requirements under the BCA, DDA standards and the Sydney DCP 2012.</p> <p>The building has been designed to provide accessible entry into retail uses at ground floor levels, to residential and commercial lobbies, and throughout the commercial / office areas.</p> <p>The proposal includes 68 adaptable apartments (which equates to more than 15% of the total number of apartments). The proposal will also ensure 20% of apartments (52 units) as liveable dwellings at Construction Certificate stage.</p>

Provision	Compliance	Comment
3.13 Social and Environmental Responsibilities	Yes	<p>The safety and security of the public domain is enhanced by the proposed increase in activity within the site and casual surveillance of the surrounding streets from the development.</p> <p>The proposal provides separate and secure entrances to the different building uses, adequate passive surveillance and a range of other security measures.</p> <p>Overall, the proposed development is generally designed in accordance with the CPTED principles.</p>
3.14 Waste	Yes	<p>Subject to conditions, waste management facilities including sufficient areas for onsite waste collections have been accommodated within the development and account for all proposed uses on the site including the ability for a Council waste collection vehicle to service the site.</p> <p>A condition has been recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.</p>
3.16 Signage and Advertising	Yes	<p>No signage is proposed under this application. A condition is recommended at Attachment A requiring a separate development application to be submitted for the approval of a comprehensive signage strategy, including wayfinding signage, prior to the erection of any signage on the site</p>

## Section 4 – Development Types

### 4.2 Residential Flat, Commercial and Mixed Use Developments

59. Clause 6A of SEPP 65 states that any DCP provisions pertaining to visual privacy, solar and daylight access, common circulation and spaces, apartment size and layout, ceiling heights, private open space and balconies, natural ventilation and storage are of no effect, as they cannot be inconsistent with the design criteria and guidance provided by the ADG. The remaining provisions are addressed in the following table:

Provision	Compliance	Comment
4.2.1 Building height 4.2.1.2 Floor to ceiling heights and floor to floor heights	Yes	The proposed floor to floor heights are compliant with the Sydney DCP 2012, specifically: <ul style="list-style-type: none"> <li>• The basement 1 level and lower ground level floor to floor heights for the commercial tenancies are in excess of 4.5m</li> <li>• The retail tenancies on the upper ground and lower ground levels have floor to floor heights in excess of 4.5m</li> <li>• The floor to floor heights for the commercial uses from level 1 and above are in excess of 3.6m.</li> </ul>
4.2.2 Building setbacks	Yes	The proposed development has been designed in accordance with the concept building envelope, as proposed to be modified by D/2019/1992/A, which has established the appropriate building setbacks.
4.2.3 Amenity	Yes	The proposal is generally acceptable with regard to residential apartment amenity considerations, subject to the conditions recommended in Attachment A.  Further discussion regarding compliance is provided throughout the table section below as well as the ADG compliance table above.
4.2.3.3 Internal common areas	Yes	The internal common areas, corridors and lift lobbies have access to daylight and an outlook.
4.2.3.4 Design features to manage solar access	Yes	The design includes vertical and horizontal shading devices integrated into the facade design to ensure that glare and sunlight are controllable during the warmer months, but sunlight is not restricted in mid-winter. The proposed

Provision	Compliance	Comment
		design meets BASIX requirements for thermal comfort.
4.2.3.5 Landscaping	Yes	<p>The proposed landscape design has been reviewed by the City's Landscape Assessment Officer, who has provided advice that the design is acceptable, subject to conditions in Attachment A.</p> <p>It is noted that the detailed design of the pocket park is recommended as a deferred commencement condition, to allow for further design resolution.</p>
4.2.3.10 Outlook	Yes	All apartments provide adequate outlook and views, and outlook from the surrounding development has been considered in the site planning and massing of the development.
4.2.3.11 Acoustic privacy	Yes, subject to conditions	<p>As advised above, the proposed development has sought to minimise the impact of noise and air emissions from vehicle traffic on Liverpool Street in accordance with the ADG requirements.</p> <p>The design includes the use of a trickle ventilation system and facade design in order to mitigate impacts and act as a buffer between the road and the sensitive residential uses within the building. Conditions of consent are recommended at Attachment A for further detail.</p>
4.2.3.12 Flexible housing and dwelling mix	Yes	<p>The proposed dwelling mix is generally compliant with the requirements of this section, providing the following mix:</p> <ul style="list-style-type: none"> <li>• 2% (4) one-bedroom apartments</li> <li>• 54% (141) two-bedroom apartments</li> <li>• 44% (114) three+ bedroom apartments</li> </ul>

Provision	Compliance	Comment
4.2.4 Fine grain, architectural diversity and articulation	Yes	<p>The proposal provides an acceptable built form with fine grain architectural character.</p> <p>The expression of the facade reflects the functions within the building. The podium reveals activated spaces within the views to the street. The tower expresses the residential uses through openings and wintergardens while maintaining privacy for occupants.</p>
4.2.6 Waste and recycling Management	Yes	Refer to discussion under Section 3.14 of the Sydney DCP 2012 compliance table.
4.2.7 Heating and cooling infrastructure	Yes	The proposed heating and cooling infrastructure is consolidated in centralised locations throughout the development in order to ensure energy efficiency is achieved and to allow for the accommodation of future environmental technologies.
4.2.8 Letterboxes	Yes	The plans show a mail and parcel room for each tower building at upper ground level, accessed from each lobby. The room is integrated into the design, easily accessible, while being secure to prevent mail left.

### Section 5 – Specific Areas

60. The concept development application (D/2019/992) was approved prior to the adoption of the current objectives and provisions in Section 5.1 of the Sydney DCP 2012.
61. Unlike the savings provisions set out in Clause 1.8A(5) of the Sydney LEP 2012, no such savings or transitional provisions have been provided within the Sydney DCP 2012 for development applications which rely upon a concept development application approved before the commencement of the amendments of Section 5.1 of the Sydney DCP 2012.
62. It is noted that Section 4.24 of the Environmental Planning and Assessment Act 1979 requires that any subsequent Stage 2 development determination cannot be inconsistent with the concept approval.



- 63. The proposed development has therefore been assessed on the basis of the current controls, however a degree of flexibility has been applied in the consideration of the proposal in accordance with Section 4.15(3A)(b) of the Environmental Planning and Assessment Act 1979, with regard to the specific and individual circumstances of the site, and the interaction between the subject proposal and the approved development.
- 64. This flexibility has been applied because the proposal has been assessed as generally achieving consistency with the objectives of the relevant provisions set out in Section 5.1 of the Sydney DCP 2012, which govern the development proposed within Central Sydney.

Provision	Compliance	Comment
Section 5.1 Central Sydney		
5.1.1.2 Street frontage height and street setbacks in Special Character Areas	Assessed as acceptable	<p>The Sydney DCP 2012 requires a street frontage height of 50m to Liverpool Street and 45m secondary frontages, with a minimum street setback of 6m to Liverpool Street and 8m above the street frontage height for secondary frontages.</p> <p>The proposal, which is generally consistent with the approved concept envelope, is setback as a whole from the street alignment on Liverpool Street to align with adjacent developments, and includes a podium form that is approximately 25 metres above the height of ground level, referencing the height of the datum set by the heritage significant Downing Centre to the west on Elizabeth Street.</p> <p>This design satisfies the objectives of Section 5.1.1.2 in that appropriate height transitions are provided that enhance the heritage significance of items and their settings.</p> <p>A setback of 6m to Nithsdale Street and a nil setback to Clarke and Commonwealth Streets are also provided, which are consistent with the approved concept envelope.</p>
5.1.1.3 Side and rear setbacks and building form separations	Assessed as acceptable	<p>The Sydney DCP 2012 requires an 8m side and rear setback above street frontage height, as well as an 8m separation for building forms on the same site.</p> <p>The existing concept approval provides a 6m side setback to Nithsdale Street and nil setbacks to Commonwealth and</p>

Provision	Compliance	Comment
		<p>Clarke Streets. The proposed detailed design maintains these setbacks.</p> <p>Considering these departures from the requirements, the impact of the proposal on wind conditions in the public domain has been considered. The application was accompanied by a Wind Assessment Report and accompanying letters confirming the proposed built form will have a negligible impact on wind conditions around the site and will not significantly impact pedestrian comfort.</p> <p>As such, the setback departures are accepted.</p>
5.1.1.4 Built form massing, tapering and maximum dimensions	Yes	Each tower meets the requirements of this provision in relation to horizontal dimension (<50 metres), as well as building envelope area requirement for the tower form less than 120 metres.
5.1.2 Development outlook and demonstrating compliance	Yes	<p>The proposed development is designed to reduce the impact of additional overshadowing on surrounding public domain areas.</p> <p>The proposed development is generally consistent with the approved concept envelope and approved separations to neighbouring developments, providing residential windows and balconies with a high level of outlook.</p>
5.1.4 Building exteriors	Yes	<p>The proposal will contribute positively to the streetscape with high quality architecture, meeting the objectives in Section 5.1.4 of the Sydney DCP 2012.</p> <p>The materiality and design of the development are distinctive and have been based on the winning scheme of a competitive design process.</p> <p>The design, materials and detailing are considered to be of a high standard and suitable for the site.</p>
5.1.6 Heritage floor space	Yes	Refer to the discussion and assessment provided in relation to the allocation of

Provision	Compliance	Comment
		heritage floor space (HFS) and Clause 6.11 of the Sydney LEP 2012 in the table section above.
5.1.7 Sun protection of public parks and places	Yes	<p>The Harmony Park sun access plane extends to the subject site and the controls require solar access to the park between 10-2pm all year round.</p> <p>The proposed development also complies with the maximum height allowable for the Harmony Park sun access plane.</p> <p>Further, the accompanying shadow diagrams demonstrate there is not additional overshadowing to the park.</p>
5.1.8 Views from public places	Yes	The proposed development will not impact on any of the key views from within Central Sydney including to the Anzac War Memorial from the south-east.
5.1.9 Managing wind impacts	Yes	A Wind Environment Report including the results of wind tunnel testing, as been submitted with the application. The recommendations of the report and accompanying letters satisfy the objectives and provisions set out in Section 5.1.9 of the Sydney DCP 2012 relating to the management of wind impacts.

## Discussion

### Consistency with Concept Approval

65. On 22 October 2020, the concept development application (D/2019/992) was granted by the CSPC for a building envelope containing indicative residential uses in the towers and commercial uses in the podium.
66. Pursuant to Section 4.24 of the Environmental Planning and Assessment Act 1979, any subsequent detailed design development determination cannot be inconsistent with the Stage 1 concept DA consent.

67. To facilitate the amended building envelopes, the concept development consent D/2019/992 must be amended, prior to the determination of this development application. Subject to the approval of the modification concurrently sought under D/2019/992/A, the proposed detailed design sought under the subject application is consistent with the concept consent.
68. The concept development consent included a number of conditions. An assessment of compliance with these conditions, which specifically required detailed to be addressed as part of the detailed design application is provided in the table below.

Condition number	Condition title	Assessment
3	Building envelope modifications	The modified building envelope, as required by the condition, was approved as a condition satisfied matter on 9 December 2020 with stamped plans. The proposed modification to the concept approval and the detailed design sought under this application are consistent with the requirements of the condition.
4	Matters not approved in the concept proposal development consent	Complies. The subject detailed design application seeks consent for the identified items that were not approved with the concept application.
5	Building height	Complies. As detailed in the Sydney LEP 2012 compliance table above, a maximum building height of 121m is permitted, which includes up to 10% additional height (11 metres) in accordance with Clause 6.21D(3)(a) of the Sydney LEP 2012.  A height of 117.1m is proposed, which complies with the maximum height of buildings development standard. The detailed design application also complies with the sun access plane for Harmony Park established by Clause 6.17 of the SLEP 2012.
6	Floor space ratio	Complies. The detailed design application does not exceed the FSR development standard permitted for the site.
7	Compliance with concept envelope heights and setbacks	Complies. The proposed amendments to the approved development are consistent with the concept envelope, as proposed to be amended under D/2019/992/A. The concurrent assessment report to the CSPC for the determination of D/2019/992/A recommends that the amendments to the concept building envelopes be approved.

Condition number	Condition title	Assessment
8	Detailed design to be contained within approved envelope	Complies. The proposed detailed design is contained within the modified concept envelope that is recommended for approval under the concurrent application D/2019/992/A.
9	Competitive design process	Complies. The proposal has been subject to a competitive design process which was carried out prior to lodgement of this application and in accordance with the City of Sydney Competitive Design Policy and the Design Excellence Strategy, which was endorsed by the City.
10	Submission of electronic CAD models prior to competitive design process	Satisfied. Prior to the commencement of the competitive design process an electronic CAD model was submitted and approved by the City's Model officers.
11	Detailed design of buildings	<p><b>Part a):</b></p> <p>The two towers are designed to have the appearance of similar proportion, achieved through the continuous tower separation. To support the symmetrical appearance, the western portion of Tower A is designed to be recessive, achieved through adopting a single level façade module, a proportion that is similar to the buildings along Liverpool Street.</p> <p><b>Part b):</b></p> <p>The setback to the north-western corner of Tower A is designed to be a recessive element, with a recess between the western portion of the tower and the north frame separating this element from the primary massing of the tower. The western portion is visually calmer than the primary volume expressed in a simple 'ladder' frame of horizontals and verticals. The apartment in this western location has been designed to have a north facing wintergarden, whose operability will create very subtle movement.</p> <p><b>Parts c) and d):</b></p> <p>The northern façade is designed to be a calm and recessive backdrop the Anzac War Memorial. The articulation of the northern facades are designed to be in similar proportions to adjacent buildings as well as the Memorial, with the proportions of the</p>



Condition number	Condition title	Assessment
		<p>two storey columns in the tower referencing the pilasters framing the main openings to the Memorial, as well as the lower commercial levels having single storey columns and along with the two-storey colonnade defining a base to the building with the same scale and proportions of the Memorial as a whole.</p> <p><b>Part e):</b></p> <p>The proposed colour scheme and materiality gives consideration to the heritage context of the site, through a recessive palette of polished and honed precast concrete with bronze metallic detailing.</p> <p>The material finishes adjust to the contrasting urban conditions with:</p> <ul style="list-style-type: none"> <li>• The commercial podium consisting of honed precast concrete columns with a concrete mix contains an exposed granite aggregate that uses the same stone as the Memorial.</li> <li>• The residential tower has lighter precast concrete columns with expressed stone aggregate and a polished finish, and bronze aluminium in window frames and sun shading.</li> <li>• The secondary street frontages brickwork facades reference the historic context of Surry Hills.</li> </ul> <p><b>Part f):</b></p> <p>The corners of the towers are designed to respond to the Liverpool Street axis, as well as the through-site link alignment to the Memorial axis. The cranked setback corner gives the northern elevation two tower symmetry definition.</p> <p><b>Part g):</b></p> <p>The facade articulation between the tower forms within and adjoining the site have been designed to mitigate wind effects as well as privacy impacts, with vertical metal fins.</p> <p><b>Parts h) and i):</b></p> <p>Detailed visual analysis of the development from multiple street and park views as well as</p>

Condition number	Condition title	Assessment
		<p>surrounding development was submitted with the application. Some CGI views are included within the 'Proposed Development' section above.</p> <p><b>Part j):</b></p> <p>The approved concept building envelope had a through site link with a consistent width of 10m.</p> <p>Established during the design competition and carried through to the detailed development application, is a through-site link design which includes an 18m wide 'Urban Room' derived from the consistent tower separation from top to bottom to respond to the Anzac Memorial axis. The 'Urban Room' is designed to be at a civic scale to continue the Memorial axis and presents a long-distance view standing from 175 Liverpool Street, similar to the one from the Pool of Reflection standing from the north side.</p> <p>The through site link then scales down in dimension towards the southern end to respond to the Surry Hills neighbourhood character, at a more human scale of 6m intended to be in line with the fine-grain retail character on lower ground.</p> <p><b>Part k):</b></p> <p>Where possible the development is designed to maximise accessibility. The height difference between the upper ground level fronting Liverpool Street and the lower ground level along Clarke Street is addressed through a generous through-site link stairs connection, as well as a dedicated public lift beside it to ensure accessible access is provided.</p> <p><b>Part l):</b></p> <p>A high level of amenity is provided for pedestrians with wide footpaths along all street frontages, and the inclusion of awnings above. Where street trees are recommended for approval, they will be replaced with plantings. Conditions are recommended at Attachment A to ensure the street trees on Clarke Street are retained, with proposed awnings on this elevation to be redesigned.</p>

Condition number	Condition title	Assessment
		<p><b>Part m:</b></p> <p>Vehicular access points have been minimised for the development. Previously there were two vehicular access points off Clarke Street, one into a loading zone and another into the basement, as well as an extra one off Nithsdale Street on the south to access the commercial parking below.</p> <p>The proposed design is to have one centralised access off Clarke Street and limit it to a two-way lane width to allow for more active frontages at lower ground level.</p> <p><b>Part n):</b></p> <p>The proposed development does not exceed the Harmony Park sun access plane and does not result in adverse overshadowing impacts to surrounding developments. The proposed tower design steps and cascades towards the south.</p> <p><b>Part o):</b></p> <p>The plant and lift overruns are incorporated within the roof form, within the stepped geometry of the tower. No plant or lift overruns are readily visible from the public domain and adjoining tower developments.</p> <p><b>Part p):</b></p> <p>No signage is proposed under the subject application. A condition of consent is recommended at Attachment A requiring a signage strategy for the site under a separate application, which specifies that there is to be no signage on the northern façade.</p> <p><b>Part q):</b></p> <p>No spires, towers or flag poles are proposed at the top of the tower.</p> <p><b>Part r):</b></p> <p>The proposed material palette consists of various finishes of concrete of various finishes, as well as bricks to the podium and rear.</p>

Condition number	Condition title	Assessment
		<p><b>Part s):</b></p> <p>There are no proposed open balconies to the western face of Tower A.</p>
12	Through site link design	Complies. The proposed through-site link has been designed in accordance with the winning competition scheme and is consistent with the requirements of Section 3.1.2.2 excluding the requirement being open to the sky for the 'Urban Room' component.
13	Structural integrity of retained building elements	Complies. A Structural Design Report prepared by Arup was submitted with the application which provides a structural analysis of the retained building elements and new tower.
14	Residential land use	An assessment of the proposal against the ADG is provided under the SEPP 65 section of this report.
15	Residential acoustic amenity	Complies. The application is accompanied by a Noise Impact Assessment. The Assessment has been reviewed by the City's Environmental Health Unit who have advised the report is satisfactory, subject to conditions.
16	Sun access modelling	Complies. Detailed design drawings and diagrams are to be submitted providing precise sun access modelling of overshadowing of the public domain, adjoining residential development and public open spaces adjacent to and in proximity to the site.
17	Ecologically sustainable development	<p>Complies, subject to conditions. As discussed above, an ESD Report has been submitted which outlines that the proposed development is capable of achieving the minimum target set out in this condition.</p> <p>It is noted that the concurrent modification application seeks to remove the requirement for the implementation of building integrated photovoltaics to the northern facades of the development.</p> <p>Council's Environmental Projects Officer raises no objection to this change given the commitment to the electrification of the development and the removal of onsite fossil fuel consumption (outside of emergency systems). This will be ensured via a</p>

Condition number	Condition title	Assessment
		recommended condition of consent at Attachment A.
18	Public art	Complies. A Public Art Plan has been prepared and submitted with this application which is supported by the City's Public Art Unit.
19	Landscaping	Landscape plans have been submitted with the application. Conditions of consent are recommended to ensure that additional detailing is provided regarding the proposed landscaping scheme on site, including the detailed design of the pocket park.
20	Signage strategy	N/A. This application does not seek consent for any signage and a condition is recommended at Attachment A requiring that a signage strategy be the subject of a separate development application.
21	Heritage Impact Statement	Complies. A Heritage Impact Statement was prepared by Weir Phillips and submitted with the application.
22	Wind assessment	Complies. A Wind Environment Report including the results of wind tunnel testing has been submitted with the application.
23	Reflectivity	Complies. The application is accompanied by a Reflectivity Report which confirms that the visible light reflectivity from building materials used on the facade of any building does not exceed 20%.
24	External lighting	A condition of consent is recommended to ensure a separate development application is lodged for any external lighting.
25 and 26	Demolition, excavation and construction noise and vibration management plan	A condition of consent is recommended to ensure a Demolition, Excavation and Construction Noise and Vibration Management Plan is submitted and approved prior to issue of any Construction Certificate.
27	Acid sulfate soils	Complies. The application is accompanied by a PESI which includes a Preliminary Acid Sulfate Soil Assessment. The report concludes that the presence of acid sulfate soils is unlikely.



Condition number	Condition title	Assessment
28	Land contamination	Complies. The application is accompanied by a DESI and RAP.
29	Access and facilities for persons with disabilities	Complies. The application is accompanied by an Accessibility Report demonstrating that the building has been designed and is capable of being constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia.
30	Crime prevention through environmental design	Complies. The application is accompanied by a CPTED Report, and the recommendations of the report have been included in the detailed design of the proposal.
31	Street trees	<p>The proposed development seeks the removal of street trees on Commonwealth Street and Clarke Street.</p> <p>The City's Tree Management Unit support the removal of the street trees on Commonwealth Street, subject to the provision of new street trees along this frontage.</p> <p>However, the City doeses not support the removal of the street trees on Clarke Street to accommodate new awnings, given their healthy condition. A condition is recommended at Attachment A for the retention of these trees, and for the awnings along Clarke Street to be redesigned to coexist with these existing street trees.</p> <p>The existing trees within the pocket park are also recommended to be retained, until the detailed design of the pocket park is approved.</p> <p>Changes to this condition are recommended with the concurrent modification to be consistent with the above.</p>
32	Bicycle parking and end of journey facilities	Conditions of consent are recommended to ensure quantum of bicycle parking is compliant with Section 3.11.3 of the Sydney DCP 2012.
33	Car share spaces	Complies. The application proposes car share spaces to be located within the basement levels.

Condition number	Condition title	Assessment
34	Construction traffic management plan	A condition of consent is recommended for the preparation of the plan in consultation with TfNSW.
35	Loading dock design	Complies. The proposal includes a loading area at the lower ground level, which has been reviewed by the City's Transport and Access Unit and is supported.
36	On site loading areas and operation	Complies. The proposed development includes the provision of 14 service vehicle spaces which is consistent with the requirements of Section 3.11.6 and Schedule 7.8.1 of the Sydney DCP 2012.
38	Servicing and loading dock management plan	Conditions are recommended requiring the preparation of a Detailed Loading and Servicing Management Plan that will outline access arrangements for delivery vehicles, garbage collection, resident/tenant move in/move out arrangements to prevent disruption to public streets and pedestrian movements.
39	Transport impact study	Complies. The application was accompanied by a Transport Impact Study and was deemed acceptable by Council's Transport and Access Unit.
40	Vehicle access and egress	Complies. The design of vehicle access and egress allows for all vehicles to be driven onto and off the site in a forward direction.
41	Vehicle access design and location	Complies. Vehicle access to the site is provided at the south-western corner of the tower block from Clarke Street and satisfies the requirements of the Sydney DCP 2012.
42	Vehicle parking provision and design	Complies. The proposed amount of car parking is consistent with the maximum rates under the Sydney LEP 2012.
43	Public domain concept plan	The plan is to be prepared via a recommended condition at Attachment A.
45	Waste management plan and waste facilities	Complies. Adequate information has been provided on waste in accordance with the requirements of this condition. The City's Waste Management Unit have reviewed the proposal and

Condition number	Condition title	Assessment
		are satisfied with the proposed on-site management of waste, subject to conditions.
46	Ausgrid	Complies. The application was referred to Ausgrid, who raised no objections subject to requirements which are included in the recommended conditions of consent.
47	Sydney Water	Complies. A Civil Engineering Report was submitted with the application which details advice provided by Sydney Water outlining that on-site detention is not required.
48	Roads and Maritime Services condition	Complies. The application has been referred to TfNSW who raise no objection to the development, subject to conditions.
49, 50 and 51	Transport for NSW conditions	

**Competitive Design Process Panel Recommendations**

- 69. As discussed in the 'History Relevant to the Development Application' section above, a competitive design process was undertaken which resulted in Bates Smart being selected as the winning scheme. The selection panel resolved that the Bates Smart scheme best demonstrated the ability to achieve Design Excellence as per clause 6.21C of the Sydney LEP 2012 and the competition brief requirements.
- 70. The Jury panel identified a range of matters that needed to be resolved during the design development phase in order to achieve design excellence while maintaining the original design intent. The table below provides a response to these recommendations.

Jury panel recommendation	Response
<p>Structure:</p> <ul style="list-style-type: none"> <li>• The structural design of the building needs to be further resolved. This includes the consistent vertical alignment of the cores across the building, and the optimisation of columns and supporting structure.</li> <li>• The use of the masonry frame as a structural component of the tower should be explored.</li> </ul>	<p>The structure has been carefully integrated with the apartment layouts and overall building planning. Column locations have been optimised and there is consistent vertical alignment of the structure across the building. Along the northern façade the structure has been integrated into the masonry frame so that living spaces are free of internal columns.</p>

Jury panel recommendation	Response
	<p>The masonry frame of the building has been incorporated into the overall structural design of the building. This includes extending the frame to Liverpool Street to create a colonnade, allowing the structure to be integrated into the facade design.</p>
<p>Services and loading dock:</p> <ul style="list-style-type: none"> <li>• The plant rooms throughout the building need to be reviewed and confirmed for correct sizes.</li> <li>• The size and operation of the loading dock needs to be resolved in conjunction with a qualified traffic consultant. The provision of loading spaces must be in line with the City of Sydney’s requirements.</li> </ul>	<p>A Utility Services Report was prepared by Arup and submitted with the application. The plant requirements have been incorporated into the proposed design.</p> <p>The loading dock is sufficient for the proposed uses and is consistent with the requirements of the Sydney SCP 2012.</p>
<p>Ground plane:</p> <ul style="list-style-type: none"> <li>• The design of the lobbies should be considered and rationalised where possible.</li> <li>• The activation of the ground plane, particularly on the southern side of the building, should be reviewed. The Jury felt some of the activation of this ground plane was lost between Round 1 and Round 2.</li> <li>• The residential street address of the towers should be considered and emphasised to reflect the high quality residential apartments commensurate to the site location that this project seeks to create.</li> </ul>	<p>The ground floor includes commercial and residential lobbies alongside retail tenancies, as well as an active through site link. The ground plane is designed to have high passive surveillance on both the upper ground floor and lower ground floor. The lobbies and the relevant access points are clearly identified across the ground plane.</p> <p>The fine grain elements of the southern façade have been reincorporated in the detailed design. Four retail tenancies are proposed along Clarke Street, with their floor levels varying to align with the adjoining footpath. A larger commercial tenancy is located to the northeast with access via a stair and lift located within the 'Urban Room' at the upper ground level.</p> <p>Residential lobby entries are provided from the 'Urban Room' located on either side of the through site link which forms a ceremonial entry to the residential apartments, as well as secondary entries side streets on Nithsdale Street and Commonwealth Street.</p>

Jury panel recommendation	Response
	Residents enter into generously scaled lobbies with concierge facilities and a resident’s lounge and dining that overlooks the pocket park to the south.
<p>Tower:</p> <ul style="list-style-type: none"> <li>• The current open design of the roof feature is not supported and should be further considered through design development and resolved potentially without an open ‘brise soleil’ character.</li> <li>• The design of the podium element located within the north-west notch of the western tower should be further resolved. The stepped and terraced form and colonnade treatment are not cohesively integrated into the overall formal composition. The apartment layouts within this section of the building should be further considered.</li> <li>• The wintergardens located on the north-west corner of the western tower are to be further refined, the jury is concerned to ensure they do not read differently to the remainder of the northern façade of the two towers.</li> <li>• The detailed design of the scheme should consider the wind impacts and safety of the wintergardens generally.</li> <li>• The façade detailing for cross ventilation and sound attenuations should be further developed.</li> </ul>	<p>The roof feature has been retained to provide a defined completion to the towers, however, is no longer “an open ‘brise soleil’ character.” The concrete frame rises two storeys above the top of the building to define the crown. The column and lintel structure creates an open-air loggia on the skyline.</p> <p>The setback portion of the western tower forms has single height expression that defines a simple ‘ladder’ frame that does not compete with the primary frame. The western apartment in Tower A has been redesigned to create a more consistent façade. This allows for the foreground portion of the Tower A to read consistently east to west, with the design language of the setback portion reading separately.</p> <p>A Wind Environmental Assessment was submitted with the application which addresses how the wintergardens are designed with operable glazing to mitigate the effects of wind.</p> <p>81% or 30 out of 38 apartments in the first nine storeys are naturally cross ventilated. Above level 10, all apartments are to be naturally cross ventilated through wintergardens and trickle ventilation systems.</p>
<p>Interiors and planning:</p> <ul style="list-style-type: none"> <li>• The planning of the apartments throughout the building should be further refined to reflect and respond to the unique setting, character and desired high quality</li> </ul>	The proposed layouts have been designed to respond to the separation and visual privacy requirements between the towers on the site and the adjoining residential buildings, as well as solar access and view maximisation.



Jury panel recommendation	Response
<p>residential apartments commensurate to the site location.</p> <ul style="list-style-type: none"> <li>• A consistent curtain strategy should be provided across the building to ensure that the façade appears cohesive when viewed from Hyde Park. No blinds are to be used.</li> </ul>	<p>A consistent curtain strategy is to be implemented across the northern facade via a recommended condition at Attachment A.</p>

71. Overall, it is considered that the detailed design responds to the key recommendations made by the jury panel and retains to the design integrity and key aspects of the winning scheme. The proposal is considered to satisfy the provisions of clause 6.21D of the Sydney LEP 2012 and accordingly is eligible for 10 per cent additional height pursuant to subclause 3(a).

**Design Advisory Panel**

72. The proposal was considered by the City's Design Advisory Panel (DAP) on 1 September 2022.
73. The table below provides a response to the comments by the DAP regarding the proposal.

Panel recommendation	Response
<p>The Panel does not support encroachment of the facade over the Commonwealth Street boundary. It will create additional overshadowing of the public domain. Also, it does not support any further reductions to the 17m tower separation. The separation must be maintained.</p>	<p>As discussed in detail in the concurrent modification application, the projections into Commonwealth Street are considered to be generally consistent with the allowances for projectons under Schedule 4 of the Sydney DCP 2012 as well Section 5.1.4(5) of the DCP 2012, and are acceptable as:</p> <ul style="list-style-type: none"> <li>• They relate to sun shading devices / privacy fins and bay windows than are only 350mm in depth, which is less than the 450mm maximum projection permitted.</li> <li>• These elements are included from level 1 of the development, which is above the minimum 3-3.2m heights specified.</li> <li>• They are not within 800mm from the face of the kerb.</li> </ul>

Panel recommendation	Response
	<ul style="list-style-type: none"> <li>• The shading devices / privacy fins comprise a bronze finish metal, which is non-combustible material.</li> <li>• Although the projections comprise more than 50% of the road frontage, it does not extend the full length of the building elevation, with the northern most extent of the façade closer to Liverpool Street being contained within the site boundary.</li> <li>• The shading devices / privacy fins will ensure that amenity to the adjacent property to the east is maintained, and do not derogate from the existing daylight levels in Commonwealth Street.</li> <li>• The projections do not contain GFA.</li> <li>• The projections are more than 10m away from the Liverpool Street intersection, and although less than 10m has been provided for the Clarke Street intersection, this is considered acceptable given there being less traffic using this side street.</li> </ul> <p>The projections within the through-site link are also acceptable as:</p> <ul style="list-style-type: none"> <li>• The amended proposal maintains the 18m separation between the towers when measured from glass line to glass line.</li> <li>• The privacy and shading fins and horizontal elements included within the articulation zones have been reduced from 450mm to 350mm to address the DAP's concerns.</li> </ul>

Panel recommendation	Response
	<ul style="list-style-type: none"> <li>The Trustees of the Anzac War Memorial raise no concern regarding any impact of these articulation zones within the amended proposal on the Hyde Park / ANZAC War Memorial axis.</li> </ul>
The colonnade, awning and urban room, and address to Liverpool Street are all supported as positive proposals.	These components are retained.
Communal open space provisions are unacceptable. The scheme should revert to provisions shown in the competition scheme, including locating communal open space back to the north, overlooking Hyde Park.	The amended proposal provides for increased communal open space areas at level 6 / the podium rooftop, which overlook Hyde Park and the pocket park.
The Panel supports extension of the pocket park and footpath in principle. However, ownership and boundary issues will need to be resolved.	The pocket park is to remain in private ownership, however, will be publicly accessible (as is the current situation).
The Panel supports the City's request for more information on noise insulation and ventilation provisions. The Panel noted that when designing ventilation, any reduction in the width and depth of columns expressed on the façade must be resisted.	Further information has been submitted during the assessment of the application to demonstrate that the proposed development is capable of complying. Conditions of consent are recommended at Attachment A for the final detailed design of the proposed trickle ventilation system to be submitted, prior to Construction Certificate
Solar access to apartments needs to be improved. Given the tower separation provision, the Panel suggested that amendments be made to achieve around the 65% mark.	Solar access has been improved with amended proposal's change in dwelling mix, resulting in 65% of apartments achieving solar access for a minimum of two hours in midwinter.

## Consultation

### Internal Referrals

74. The application was discussed with Council's:

- (a) Building Services
- (b) Environmental Health

- (c) Heritage and Urban Design
- (d) Public Domain
- (e) Safe City
- (f) Surveyors
- (g) Public Art
- (h) Public Art
- (i) Transport and Access Unit
- (j) Tree Management
- (k) Landscape Officers
- (l) Waste Management
- (m) Environmental Project Officers
- (n) Planning Agreements Officers.

75. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

### **External Referrals**

76. The application was referred to the following external referral bodies for review:

- (a) Ausgrid
- (b) The Trustees of the ANZAC War Memorial
- (c) Transport for NSW
- (d) Sydney Airport
- (e) Sydney Metro
- (f) Sydney Trains
- (g) Ausgrid.

77. Comments received from external referral requirements are addressed in this report and are included in the recommended conditions in Attachment A, where relevant.

## Advertising and Notification

78. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified and advertised for a period of 28 days between 4 July 2022 and 2 August 2022. A total of 1580 properties were notified and 6 submissions were received (four objections and two comments).

79. The submissions raised the following issues:

- (a) **Issue:** Privacy concerns for surrounding buildings, particularly from the apartments facing the western and southern elevations of the proposed development.

**Response:** The separation of the development from adjacent developments has been assessed as acceptable and approved under the concept DA. The proposed development maintains these separation distances. The majority of apartments on a typical apartment floor are designed to have primary views directed to the north and south which minimises visual privacy concerns and cross-viewing between these neighbouring developments. Any openings located on the east and west elevations are designed with privacy screens/fins to direct outlook away from the neighbouring sites.

- (b) **Issue:** Increased height compared to the existing building and potential shadowing and encroachment impacts.

**Response:** The detailed design is consistent with the height of the envelope approved under the concept application. It is noted that this height is also generally consistent with existing building on site, being 117m. The proposed development does not result in adverse shadow impacts to surrounding properties or Harmony Park.

- (c) **Issue:** Potential wind impacts on surrounding streets.

**Response:** An Environmental Wind Assessment Report and accompanying letters were prepared by Arup and submitted with the application, which details the wind tunnel testing that has been undertaken for the site and demonstrates that the proposal will not adversely affect wind conditions at the street level.

- (d) **Issue:** Query as to why the existing building is not being refurbished instead of demolished.

**Response:** The detailed design application is consistent with the approved concept application, which granted consent for in-principle demolition of the existing commercial tower.

- (e) **Issue:** Amount of residential car parking spaces not commensurate with number of residential units.

**Response:** The amended application proposes a total of 214 residential car parking spaces including 39 accessible spaces, which complies with the Sydney LEP 2012 car parking rates.



- (f) **Issue:** Concerns regarding the removal of the loading bays on Alberta Street with the extension of the pocket park.

**Response:** The amended application no longer seeks consent for the extension of the pocket park and associated removal of the loading bays on Alberta Street.

- (g) **Issue:** Concerns regarding the on-street parking changes to Clarke Street.

**Response:** Any parking changes and new traffic treatments need to be consulted and submitted to the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) for endorsement, and are not approved under this development application.

- (h) **Issue:** Concerns regarding any obstruction of vehicular access to 11 Alberta via Nithsdale Lane with proposed tree plantings.

**Response:** Any tree replacement will not obstruct vehicular access to adjoining properties.

- (i) **Issue:** Construction-related impacts (noise, traffic vibration).

**Response:** Conditions of consent are recommended at Attachment A to ensure that any impacts on surrounding sites are appropriately managed during construction.

## Financial Contributions

### Levy under Section 7.12 of the Environmental Planning and Assessment Regulation 2021

80. The cost of the development is in excess of \$250,000. The development is therefore subject to a levy under the Central Sydney Development Contributions Plan 2020.
81. A condition relating to this levy has been included in the recommended conditions of consent at Attachment A. The condition requires the contribution to be paid prior to the issue of a Construction Certificate.

### Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

82. The site is located within the Central Sydney affordable housing contribution area. As the proposed development includes additional floor space, a contribution of 0.5 per cent is required for the non-residential component totalling \$797,986.97 (15,040sqm of total floor area), and a contribution of 1.5 per cent is required for the residential component totalling \$7,085,583.13 (44,515sqm of total floor area).
83. In accordance with Clause 7.13(2B) of the Sydney LEP 2012 the contribution amount has been halved as the development application was lodged prior to 1 July 2022.
84. A condition relating to this levy has been included in the recommended conditions of consent at Attachment A. The condition requires the contribution to be paid prior to the issue of a Construction Certificate.

## Relevant Legislation

85. Environmental Planning and Assessment Act 1979.
86. City of Sydney Act 1988.
87. Airports Act 1998.

## Conclusion

88. The application seeks consent for the detailed design of 133-141 Liverpool Street comprising the construction of a new mixed use development with a maximum height of 117.1m (RL 146.00) with retail, commercial office and residential land uses.
89. The proposal will be consistent with the concept development consent, as proposed to be amended by D/2019/992/A, in accordance with Section 4.24 of the Environmental Planning and Assessment Act, 1979.
90. The proposal is largely compliant with relevant planning provisions including SEPP 65, the ADG, the Sydney LEP 2012 and the Sydney DCP 2012. Conditions are recommended to address non-compliances where appropriate.
91. The proposed development does not pose any significant or unreasonable impacts upon the existing or likely future development surrounding site. The proposed development will improve the interface between the private and public domain and exhibits design excellence in accordance with Clause 6.21C of the Sydney LEP 2012.
92. The proposal will provide new commercial office, retail and residential land uses on a site which is highly accessible to existing and planned employment, services, public transport infrastructure and community facilities.
93. Subject to the recommendation of this report, and the imposition of the conditions in Attachment A, the proposal responds appropriately to the site constraints and contributes positively to the existing and desired future character of Central Sydney.
94. The proposed detailed design of the development is therefore in the public interest and is recommended for approval by the CSPC.

## GRAHAM JAHN, AM

Director City Planning, Development and Transport

Mia Music, Senior Planner

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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**SCHEDULE 1 – DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

**(A) PART A – DEFERRED COMMENCEMENT CONDITIONS**

**(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**

This consent is not to operate until the following condition/s is satisfied, within **24 months** of the date of this determination:

**(1) REGISTRATION OF EASEMENT ON TITLE FOR UNRESTRICTED PUBLIC ACCESS TO THE POCKET PARK**

An easement is to be registered on the title of the land benefitting the City of Sydney Council which provides for unrestricted public access to the pocket park prior to the activation of this consent.

**(2) LANDSCAPING OF THE POCKET PARK**

- (a) A detailed landscape design including plans and details drawn to scale, and technical specification, by a registered landscape architect, must be submitted to and approved by Council's Director City Planning Development & Transport to the satisfaction of Council prior to the activation of this consent. These documents must include:
  - (i) Location of existing and proposed planting on the site including existing and proposed trees, and planting in natural ground, on structure and in pots.
  - (ii) Location and details of existing and proposed surface materials.
  - (iii) Location and details of existing and proposed structures on the site including, but not limited to paved areas, infill pit lids, furniture, water features, removable bollards, bike racks, light poles, signage, drainage, services, shade structures, other features, and all associated footings.
  - (iv) Coordinated services plan including location and approximate depth of all existing and proposed pits, services (electricity, gas, sewer, potable water), proposed plaza drainage, lights and GPO if applicable, fence footings, sign posts etc.
  - (v) Detailed grading plan with existing and proposed levels, falls, and pits, existing levels at the base of retained trees.
  - (vi) Details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.

- (vii) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
  - (viii) Pocket park landscape maintenance plan. This plan is to be complied with during occupation of the property.
  - (ix) Details of drainage, waterproofing and watering systems.
- (b) All landscaping in the approved plan is to be completed prior to any Occupation Certificate being issued.
- (3)** Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.
- (4)** The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.
- (5)** Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation) of the subject report.

**(B) PART B – CONDITIONS OF CONSENT**

**(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2022/614 dated 27 June 2022 and the following architectural drawings prepared by Bates Smart:

Drawing Number	Drawing Name	Date
DA01.01 Rev A	Existing Context Site Plan	10.06.22
DA01.02 Rev A	Existing Site Plan	10.06.22
DA01.03 Rev A	Existing Elevations – Liverpool St	10.06.22
DA01.04 Rev A	Existing Elevations – Clarke St	10.06.22
DA01.05 Rev A	Existing Elevations – Commonwealth St	10.06.22
DA01.06 Rev A	Existing Elevations – Nithsdale St	10.06.22
DA01.07 Rev B	Demolition Plan	08.03.23
DA02.01 Rev D	Context Roof Plan	08.09.23
DA02.02 Rev D	Context Site Plan	08.09.23
DA02.03 Rev D	Lower Ground Precinct Plan	08.09.23
DA02.04 Rev D	Upper Ground Precinct Plan	08.09.23
DA03.00 Rev C	Basement 06	21.07.23
DA03.01 Rev C	Basement 05	21.07.23
DA03.02 Rev C	Basement 04	21.07.23
DA03.03 Rev C	Basement 03	21.07.23
DA03.04 Rev C	Basement 02	21.07.23
DA03.05A Rev C	Basement 01	21.07.23
DA03.05B Rev B	Basement 01 Mezzanine	21.07.23
DA03.06 Rev D	Ground Lower Plan	08.09.23
DA03.07 Rev D	Ground Upper Plan	08.09.23



Drawing Number	Drawing Name	Date
DA03.08 Rev C	Level 01 Commercial	21.07.23
DA03.09 Rev C	Level 02 – 05 Commercial	21.07.23
DA03.10 Rev C	Level 06 – Residential	21.07.23
DA03.11 Rev C	Level 7 – 25 – Residential	21.07.23
DA03.12 Rev B	Level 26 – 28 – Residential	21.07.23
DA03.13 Rev C	Level 29 – Residential	21.07.23
DA03.14 Rev C	Level 30 – Residential	21.07.23
DA03.15 Rev C	Level 31 – Residential	21.07.23
DA03.16 Rev C	Level 32 – Residential	21.07.23
DA03.17 Rev D	Level 33 – Residential	08.09.23
DA03.18 Rev D	Level 34 – Residential	08.09.23
DA03.19 Rev D	Level 35 – Residential	08.09.23
DA03.20 Rev D	Roof Plan	08.09.23
DA09.01 Rev D	Elevation – Liverpool St	08.09.23
DA09.01A Rev B	Elevation – Liverpool St – Memorial Axis	08.09.23
DA09.02 Rev D	Elevation – Clarke St	08.09.23
DA09.03 Rev D	Elevation – Commonwealth St	08.09.23
DA09.04 Rev D	Elevation – TSL	08.09.23
DA09.05 Rev D	Elevation – Nithsdale St	08.09.23
DA09.06 Rev D	Street Elevation – Liverpool St	08.09.23
DA09.07 Rev D	Street Elevation – Clarke St	08.09.23
DA09.08 Rev D	Street Elevation – Commonwealth St	08.09.23
DA09.09 Rev D	Street Elevation – TSL	08.09.23
DA09.10 Rev D	Street Elevation – Nithsdale St	08.09.23
DA10.01 Rev C	Section – East – West	21.07.23

Drawing Number	Drawing Name	Date
DA10.02 Rev C	Section – TB	21.07.23
DA10.03 Rev D	Section – TSL & Urban Room	08.09.23
DA10.04 Rev D	Section – TA & Pocket Park	08.09.23
DA10.05 Rev D	Section – Pocket Park & Loading Dock	08.09.23
DA10.06A Rev B	Urban Room	21.07.23
DA10.06B Rev B	Urban Room	21.07.23
DA10.07 Rev B	Section – TB Rooftop Terrace 01	21.07.23
DA10.08 Rev B	Section – TB Rooftop Terrace 02	21.07.23
DA10.09 Rev B	Section – TB Rooftop Terrace	21.07.23
DA11.01 Rev C	Façade Type 01 – Tower North	21.07.23
DA11.02 Rev C	Façade Type 02 – Tower South	21.07.23
DA11.03 Rev C	Façade Type 03 – TSL	21.07.23
DA11.04 Rev C	Façade Type 04 – Winter Garden	21.07.23
DA11.05 Rev C	Façade Type 05 – Western Setback	21.07.23
DA11.06 Rev A	Façade Type 06 – Podium	10.06.22
DA11.07 Rev A	Façade Type 07 – Resi Lobby Entrance	08.03.23
DA13.01 Rev C	Apartment Types – 3B	21.07.23
DA13.02 Rev C	Apartment Types – 3B	21.07.23
DA13.03 Rev C	Apartment Types – 2B	21.07.23
DA13.04 Rev C	Apartment Types – 2B	21.07.23
DA13.05 Rev C	Apartment Types – 1B	21.07.23
DA13.06 Rev B	Apartment Types – Penthouses	21.07.23
DA13.07 Rev B	Apartment Types – Penthouses	21.07.23
DA13.08 Rev B	Apartment Types – Penthouses	21.07.23
DA41.01 Rev A	Materials Schedule	10.06.22

and as amended by the conditions of this consent.

- (b) Development must be in accordance with the following landscape drawings prepared by Aspect Studios:

Drawing Number	Drawing Name	Date
LA-001 Rev 6	Legend	11/09/23
LA-101 Rev 2	Concept Plan – Zone 1	11/09/23
LA-103 Rev 7	General Arrangement Level 6- Landscape Terrace	11/09/23
LA-104 Rev 6	General Arrangement Level 29- Landscape Terrace	11/09/23
LA-105 Rev 6	General Arrangement Level 30- Landscape Terrace	11/09/23
LA-106 Rev 6	General Arrangement Level 31- Landscape Terrace	11/09/23
LA-107 Rev 7	General Arrangement Level 32- Landscape Terrace	11/09/23
LA-108 Rev 7	General Arrangement Level 33- Landscape Terrace	11/09/23
LA-109 Rev 7	General Arrangement Level 34- Landscape Terrace	11/09/23
LA-110 Rev 8	General Arrangement Level 35- Landscape Terrace	11/09/23
LA-301 Rev 7	Tree Management Plan	11/09/23
LA-400 Rev 5	Planting Palette – Ground floor	11/09/23
LA-501 Rev 3	Section Sheet 1	11/09/23
LA-601 Rev 5	Typical details - Pool interface	11/09/23
LA-602 Rev 4	Typical details – Urban Room	11/09/23
LA-603 Rev 3	Typical details -Upper Level Terraces	11/09/23

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

**Reason**

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

**(2) SECTION 7.12 CONTRIBUTIONS PAYABLE – SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

A monetary contribution is payable to the City of Sydney pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the *Central Sydney Development Contributions Plan 2020*.

The Section 7.12 levy is determined by the development cost, as per the following table:

Development cost *	Levy
Up to and including \$250,000	NIL
More than \$250,000, up to and including \$500,000	1%
More than \$500,000, up to and including \$1,000,000	2%
More than \$1,000,000	2%

The Section 7.12 levy is payable to the City of Sydney 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 that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only) 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, one of the following must be submitted:
  - (i) **For development between \$250,000 and \$3,000,000** – the City of Sydney *Cost Summary Report* must be completed by a suitably qualified person such as the Project Architect or Project Manager and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the *Cost Summary Report* is available from the City's website at [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au); or

- (ii) **For development more than \$3,000,000** – The City of Sydney *Registered Quantity Surveyor's Detailed Cost Report* must be completed by a Quantity Surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate an equivalent qualification and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the *Registered Quantity Surveyor's Detailed Cost Report* is available from the City's website at [www.cityofsydney.nsw.gov.au](http://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 Registered Certifier accordingly.
- (d) The development cost is to be determined in accordance with Section 2.3 of the Central Sydney Development Contributions Plan 2020, located in the version in force at the date of the grant of this consent.

Please contact Council's Planning Administration staff at [Planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:Planningsystemsadmin@cityofsydney.nsw.gov.au) to request a written Statement of Contributions Owing, prior to payment.

#### **Reason**

To ensure development contributions are paid to address the increased demand for public facilities, amenities, and services in Central Sydney by a growing residential and workforce population.

### **(3) AFFORDABLE HOUSING CONTRIBUTION – RESIDUAL LAND OR CENTRAL SYDNEY – PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION – PRIOR TO CONSTRUCTION CERTIFICATE**

- (a) In accordance with the City of Sydney Affordable Housing Program and prior to the issue of a Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council.
- (b) The contribution is \$7,883,570.10 (indexed at October 2023). This is calculated by establishing the sum of the equivalent monetary contribution \$10,611.53 multiplied by 0.5% of the total floor area for non-residential development (15,040sqm) and the equivalent monetary contribution \$10,611.53 multiplied by 1.5% of the total floor area for residential development (44,515sqm).
- (c) If the contribution is paid after the indexation period in which the consent is granted, being March 2023 to February 2024, the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.
- (d) Contribution payable at Time of Payment =  $C \times MDP2 / MDP1$ , where:
  - (i) C is the original total contribution amount payable to the City of Sydney as shown above;

- (ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA taken from the most recent NSW Government Rent and Sales Report at the time of indexation of the equivalent monetary contribution rate; and
- (iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Report used to establish the current equivalent monetary contribution rate, being March 2023 to February 2024.

Contact Council's Planning Assessment Unit at [planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:planningsystemsadmin@cityofsydney.nsw.gov.au) for written confirmation of the amount payable, with indexation as necessary, prior to payment.

**Reason**

To ensure development contributions are paid to contribute to the provision of essential affordable rental housing infrastructure.

**(4) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) The design of the awnings on Clarke Street are to be amended to ensure that the existing street trees on Clarke Street are retained and not damaged.

The modifications are to be submitted to and approved by Council's Director City Planning Development & Transport prior to the issue of a Construction Certificate.

**Reason**

To require amendments to the approved plans and supporting documentation following assessment of the development.

**(5) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 146 (AHD) to the top of the tower development and RL 54.1 (AHD) to the top of the podium level.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

**Reason**

To ensure the constructed development complies with the approved height.

**(6) APPROVED DESIGN ROOF - TOP PLANT**

All roof-top plant and associated equipment must be located within the approved building envelope.



### **Reason**

To ensure the constructed development complies with the approved height.

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

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 13.36:1 in accordance with the Sydney Local Environmental Plan 2012. For the purpose of the calculation of FSR, the Gross Floor Area of the approved development is 49,945sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Sydney Local Environmental Plan 2012 applicable at the time of development consent, to the satisfaction of the Principal Certifier.
- (c) Prior to a Construction Certificate being issued, Council's written verification must be obtained, confirming that 9,024.5sqm of heritage floor space was allocated (purchased and transferred) to the development, being that gross floor area in excess of 8:1 as specified in the Sydney Local Environmental Plan 2012.

### **Reason**

To ensure the constructed development complies with the approved floor space ratio.

### **(8) DESIGN QUALITY EXCELLENCE**

- (a) As the proposal has been awarded bonus floor space or height for achieving design excellence and in order to ensure the design quality excellence of the development is retained to completion:
  - (i) The design architect comprising Bates Smart is to have direct involvement in the design documentation, contract documentation and construction stages of the project including signing off any required certifications at DA, S4.55 applications, Construction Certificate and Occupation Certificate stages;
  - (ii) The design architect(s) is/are to have full access to the site and is/are to be authorised by the applicant to respond directly to Council where information or clarification is required in resolving design issues throughout the life of the project;
  - (iii) Evidence of the design architect's commission must be provided to the Council prior to release of the Construction Certificate.
- (b) The design architect of the project is not to be changed without prior notice and written approval of the Council's Director Planning, Development and Transport.

The Registered Certifier and Principal Certifier must be satisfied that the above matters are complied with prior to the issue of a relevant Construction and Occupation Certificates, in accordance with written confirmation from Council.

**Reason**

To ensure the development maintains design quality excellence throughout all phases of the development.

**(9) USE - SEPARATE DA REQUIRED**

No consent is granted or implied for the fitout or specific use of lower ground, upper ground or basement tenancies.

A development consent or Complying Development Certificate (as appropriate) is required to be obtained for each individual tenancy prior to that fitout or use commencing.

**Reason**

To require separate consent to be obtained for a use.

**(10) SIGNAGE STRATEGY**

(a) A separate development application is to be submitted seeking approval of a signage strategy for the building. The signage strategy is to include:

- (i) Information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.
- (ii) All building identification, all business identification and all wayfinding signage.

(b) No high level, large or highly lit corporate signage to the northern facades of the development is permitted.

**Reason**

To require separate consent to be obtained for a signage strategy.

**(11) EXTERNAL LIGHTING**

A separate development application is required to be lodged and approved prior to any external floodlighting or illumination of the building or site landscaping.

**Reason**

To clarify that consent has not been granted for the external floodlighting or illumination of the development.

**(12) ALLOCATION FOR CAR WASH BAYS**

If car wash bays are provided, spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by all tenants.

**Reason**

To ensure designated areas within the development are maintained as common property.

**(13) ALLOCATION FOR VISITOR PARKING**

Visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building visitors.

All spaces must be clearly marked 'visitor' prior to the issue of any occupation certificate or the use commencing, whichever is earlier. All signs must be maintained in good order at all times.

**Reason**

To ensure designated areas within the development are maintained as common property.

**(14) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES**

For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building.

**Reason**

To ensure accessible vehicle parking spaces are allocated to adaptable units.

**(15) INTERCOM FOR VISITORS**

Where a boom gate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 4m clear of the property boundary, wired to all units. The intercom must comply with *Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23.*

**Reason**

To maintain the orderly operation of vehicle parking areas.

**(16) SIGNS AT EGRESS**

The following signs must be provided and maintained within the site at the point(s) of vehicle egress:

- (a) Compelling drivers to stop before proceeding onto the public way
- (b) Compelling drivers to "Give Way to Pedestrians" before crossing the footway; or compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

**Reason**

To ensure the safety of surrounding pedestrians and cyclists.

**(17) SIGNAL SYSTEM**

A system of traffic lights and/or mirrors must be installed at the ends of any single lane ramp(s), to indicate traffic movement on the ramp(s). This system must be detailed in the application for a construction certificate. Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway.

**Reason**

To maintain the orderly operation of vehicle parking areas.

**(18) SECURITY GATES**

Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the street front property boundary.

**Reason**

To ensure the public domain is kept free from physical obstructions.

**(19) VEHICLE FOOTWAY CROSSING**

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.

All disused or redundant vehicle crossings and laybacks must be removed and footway, kerb, gutter and road restoration 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 any Occupation Certificate.

Note: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

**Reason**

To ensure all relevant approvals for traffic and parking works are obtained and designed in accordance with Council requirements.

**(20) SERVICE VEHICLE SIZE LIMIT**

The size of vehicles servicing the property must be a maximum length of 9.25m.

**Reason**

To maintain the orderly operation of vehicle parking and loading areas.

**(21) 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 constructed in accordance with the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

**Reason**

To ensure all roadway works are designed and constructed in accordance with Council requirements.

**(22) COST OF SIGNPOSTING**

All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

**Reason**

To ensure all associated roadway works costs are borne by the developer.

**(23) CHANGES TO KERB SIDE PARKING RESTRICTIONS**

A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking the City's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use.

The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include chainages to all signs and stems from the kerb line of the nearest intersection.

All costs associated with the parking proposal will be borne by the developer.

Note: As parking in the LGA is at a premium, it is recommended that the applicant should approach the Area Traffic Engineer to discuss the proposal before making a submission.

**Reason**

To require separate consent to be obtained for changes to kerb side parking arrangements.

**(24) SWINGING DOORS OVER PUBLIC WAY**

Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.

**Reason**

To ensure no element of the development obstructs the use of the public way.

## (25) PUBLIC ART

Public art must be installed to the City's satisfaction prior to the issue of any Occupation Certificate.

- (a) The public artwork must be in accordance with the revised Preliminary Public Art Plan, revision dated 17 July 2023, the *Sydney DCP 2012*, the *Public Art Policy*, and the *Interim Guidelines: Public art in private developments*.
- (b) A Detailed Public Art Plan with final details of the proposed public artwork must be submitted to and approved by Council's Director City Planning, Development and Transport prior to issue of any Construction Certificate for above ground works.
- (c) Public artwork must be installed to the City's satisfaction, inspected and approved and the Final Public Art Report submitted and approved by Council's Area Planning Manager prior to the issue of any Occupation Certificate.

Note: Public Art must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at <http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art> Please contact the Public Art Team at [publicartreferrals@cityofsydney.nsw.gov.au](mailto:publicartreferrals@cityofsydney.nsw.gov.au) for further information.

### Reason

To ensure public art is installed to the City's satisfaction.

## (26) TREES APPROVED FOR REMOVAL

- (a) All trees detailed in Table 1 below are approved for removal. Tree removal must not occur until the Construction Certificate has been issued.

Table 1 – Tree Removal:

Tree No	Species:	Location
9-12	Lophostemon confertus	Street trees - Commonwealth Street

Note: Refer to the Arboricultural Impact Assessment prepared by Tree iQ dated 20 June 2022 for tree numbers and locations.

- (b) All tree removal works must be carried out by a qualified Arborist, with a minimum AQF Level 3 and in accordance with SafeWork's Code of Practice – Amenity Tree Industry.

### Reason

To identify the trees that can be removed.



**(27) TREES THAT MUST BE RETAINED**

The existing trees detailed in Table 2 below be retained and protected in accordance with the conditions throughout construction and development.

Table 2 – Tree Retention:

Approval is NOT granted for the removal of the following trees, which Council has determined to be prominent landscape elements.

<b>Tree No</b>	<b>Species:</b>	<b>Location</b>
6, 7, 8	Ficus microcarpa var. Hillii	Street trees – Clarke Street
13, 14, 15, 16, 17, 18	Liriodendron tulipifera	Street trees – Liverpool Street

Note: Refer to the Arboricultural Impact Assessment prepared by Tree iQ dated 20 June 2022 for tree numbers and locations.

**Reason**

To identify the trees that cannot be removed, must be retained and protected.

**(28) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS**

All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

**Reason**

To ensure ground surface indicators, handrails and other elements required to provide access into the building/property are appropriately located.

**(29) NO OBSTRUCTIONS**

All public footways and paths of travel must be free from obstructions. If services are required to be relocated to clear paths of travel then this must be undertaken at the developer's expense. All obstructions are to be removed prior to the issue of any Occupation Certificate.

**Reason**

To ensure there are no obstructions on public footways and paths of travel.

**(30) 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".

**Reason**

To ensure appropriate and safe paving materials are used.

**(31) NO AIR CONDITIONING UNITS TO FACADE OR BALCONIES OF BUILDING**

Approval is not granted for the installation of individual air conditioning units to the facade or balconies of the building.

**Reason**

To clarify the scope of the consent.

**(32) LAND SUBDIVISION – SEPARATE DA REQUIRED**

Any proposal for land subdivision will require a separate application to Council to obtain development consent and the subsequent approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*.

**Reason**

To ensure separate development consent is sought for land subdivision.

**(33) STRATA SUBDIVISION – DEVELOPMENT CONSENT**

Any proposal for strata subdivision will require development consent and therefore the lodgement of a separate development application or complying development application and subsequent approval from Council, or an Registered Strata Certifier, of the Strata Plan – and issue of a Strata Certificate, under the *Strata Schemes Development Act 2015*.

**Reason**

To ensure separate development consent is sought for strata subdivision.

**(34) TELECOMMUNICATIONS PROVISIONS**

- (a) Appropriate space and access for ducting and cabling is to be provided within the plant area and to each apartment within the building within for a minimum of three telecommunication carriers or other providers of broadband access by ground or satellite delivery. The details must be submitted for the approval of the Registered Certifier prior to a Construction Certificate being issued.
- (b) A separate DA must be submitted prior to the installation of any external telecommunication apparatus, or the like.

**Reason**

To ensure the development adequately provides for telecommunications.

**(35) WASTE AND RECYCLING MANAGEMENT - GENERAL**

The proposal must comply with the relevant provisions of Council's *Guidelines for Waste Management in New Developments 2018* which requires facilities to promote the efficient storage, separation, collection and handling of waste to maximise resources recovery.

**Reason**

To ensure that waste and recycling is appropriately managed.

## **PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **(36) MATERIALS AND SAMPLES BOARD – MAJOR DEVELOPMENT**

A physical material sample board which specifies all proposed materials, finishes and colours, (including visible rainwater goods and services) keyed to each building elevation, that is consistent with the approved Materials schedule (Drawing No. DA41.01 Rev A) must be submitted to and approved by Council's Director City Planning, Development and Transport prior to a Construction Certificate being issued. The materials and samples board must not include generic material or colour descriptions or use terminology such as 'or similar'.

#### **Reason**

To require the submission of a materials and samples board following assessment of the development.

### **(37) ADAPTABLE HOUSING**

Prior to a Construction Certificate being issued, information from an appropriately qualified access consultant is to be submitted to the Registered Certifier:

- (a) Confirming that the required number of residential units are able to be adapted for people with a disability in accordance with the *Building Code of Australia*.
- (b) Demonstrating (in a checklist) compliance with Australian Standard AS4299.

#### **Reason**

To ensure the provision of adaptable housing.

### **(38) EXTERNAL WALLS AND CLADDING FLAMMABILITY**

The external walls of the building including attachments must comply with the relevant requirements of the *Building Code of Australia*. Prior to the issue of a Construction Certificate and Occupation Certificate the Registered Certifier and the Principal Certifier must:

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the BCA; and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built.

#### **Reason**

To ensure the external walls and cladding comply with relevant requirements.

**(39) REFLECTIVITY**

Prior to issue of the Construction Certificate the Registered Certifier must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20%.

**Reason**

To ensure the development does not result in adverse reflectivity impacts and to protect the amenity of the public domain.

**(40) WIND MITIGATION**

(a) The wind mitigation strategies recommended in the Environmental Wind Assessment Report Rev 01 prepared by Arup and dated 6 June 2022 and accompanying letter dated 22 February 2023 are to be adopted to address any potential wind impacts.

(b) Despite part (a), any wind mitigation measures that will result in an increased height to the roof top, any protrusion into the sun access plane, and any potential additional shadow impacts, are not approved.

**Reason**

To ensure the development is appropriately designed to mitigate adverse wind conditions and to protect the amenity of the public domain.

**(41) NATURAL VENTILATION – TRICKLE VENTILATION SYSTEM**

(a) A physical prototype of each plenum type to be used in the development is required to be constructed at 1:1 scale and tested to confirm the design of the trickle ventilation system meets the minimum natural ventilation, purge ventilation and pressure loss requirements of the draft City of Sydney Alternative natural ventilation of apartments in noisy environments Performance pathway guideline, available at:

<https://www.cityofsydney.nsw.gov.au/development-guidelines-policies/alternative-natural-ventilation-apartments-noisy-environments-performance-pathway-guideline-dr>

(b) The results of the prototype testing are to include calculation of the devices pressure loss coefficient and must be submitted to and approved by the City's Director City Planning Development and Transport prior to the issue of any Construction Certificate.

(c) The design of the plenums must not result in a floor to ceiling height of less than 2.7 metres in habitable rooms.

(d) Prior to the issue of any Occupation Certificate for the residential component of the development, certification prepared by a suitably qualified engineer, must be submitted to Council's Area Planning Manager and Principal Certifier which certifies that the systems installed are consistent with the approved physical prototype and the performance is not diminished.

- (e) Prior to the issue of any Occupation Certificate, a maintenance report prepared by a suitably qualified engineer which demonstrates how the systems will be maintained by the future body corporate for the life of the development must be submitted to Council's Area Planning Manager and Principal Certifier.
- (f) The systems must be retained for the life of the development and the maintenance report referred to in (f) above must be registered as a positive covenant on the title of all residential apartments and common property and be included in the strata management plan.

**Reason**

To ensure that natural ventilation is achieved.

**(42) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES**

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by Arup, dated 21 July 2023, ref 259655-AC06V3, titled 175 Liverpool Street Stage 2 DA Acoustic Report, Council Ref 2023/448527, must be implemented in the development prior to the commencement of its use.
- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation and must include details of performance of all façade treatments to fully demonstrate how the windows open and windows closed criteria within the State Environmental Planning Policy (Transport and Infrastructure) 2021 2.120 Impact of road noise or vibration on non-road development will be met for all habitable rooms. This must be done by a Suitably Qualified Acoustic Consultant\* (see definition below). This work will be to the satisfaction of the Registered Certifier.
- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant\* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.

*Note: Suitably Qualified Acoustic Consultant* means a consultant who possesses the qualifications to join the Australian Acoustical Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustical Consultants (grade of member firm).

- (d) All physical aspects of the building's structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times.

**Reason**

To ensure all parties are aware of the supporting documentation that applies to the development.



**(43) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

A site-specific noise management plan must be submitted to the Council for comment and approval prior to issue of any Construction Certificate. The Plan must be prepared by a suitably qualified acoustic consultant who is a person who possesses the qualifications to join the Australian Acoustic Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustic Consultants (grade of member firm). The plan must include but not be limited to the following:-

- (a) identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement ( $L_{A90, 15 \text{ minute}}$ ) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

### **Reason**

To ensure an adequate construction noise and vibration management plan is prepared.

### **(44) PARKING DESIGN**

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Registered Certifier prior to a Construction Certificate being issued.

### **Reason**

To ensure parking facilities are designed in accordance with the Australian Standards.

### **(45) ALLOCATION OF PARKING**

The number of car parking spaces to be provided for the development must comply with the table below. Details confirming the parking numbers must be submitted to the satisfaction of the Registered Certifier prior to the issue of a Construction Certificate.

Car Parking Type	Number
Residential spaces	175
Accessible residential spaces	39
Commercial/office and business parking	14
Accessible commercial/office and business parking	1
Accessible retail parking	1
<b>Subtotal</b>	<b>230</b>
Service vehicle spaces	14
Motorcycle parking	18
Medium Rigid Vehicle loading dock(s) (1 x MRV and 1 x 9.25m long Council Waste Collection vehicle)	2
Car share spaces	5
<b>Total</b>	<b>269</b>

### **Reason**

To ensure the allocation of parking is in accordance with the Council's DCP.

### **(46) BICYCLE PARKING AND END OF TRIP FACILITIES**

- (a) The minimum number of bicycle parking spaces and end of trip facilities to be provided within the site boundary for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Residential	259	Spaces must be a class 1 bicycle locker [1]
Residential visitor	26	Spaces must be Class 3 bicycle rails
Non-residential	71	Spaces must be Class 2 bicycle facilities
Non-residential visitor	34	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	11	Separate male and female facilities to be provided
Personal lockers	120	

All bicycle parking spaces and end of trip facility must be provided on private land. The public domain cannot be used to satisfy this condition.

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.
- (b) 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 Registered Certifier confirming prior to and form part of the Construction Certificate being issued.

**Reason**

To ensure the allocation of bicycle parking onsite that is in accordance with Australian Standards and the Council's DCP.

**(47) CAR SHARE SPACES**

- (a) A minimum of 5 car parking spaces for the exclusive use of car share scheme vehicles are to be provided. A revised plan showing these spaces must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge and be accessible to members of the car share scheme at all times.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.

- (e) The car share spaces are to be available at the same time that the car park commences operation.

**Reason**

To ensure car share spaces are provided within the development are maintained as common property.

**(48) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

- (a) A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.
- (b) The approved plan must be complied with during any demolition and/or construction work.

**Reason**

To ensure that the impacts of construction traffic is appropriately managed.

**(49) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)**

Prior to a Construction Certificate being issued, an archival photographic recording of the existing building is to be prepared to Council's satisfaction. The recording is to be in digital form and prepared in accordance with the NSW Heritage Division guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

The form of the recording is to be as follows:

- (a) The Development Application number must be noted on the submitted information.
- (b) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (c) 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 licence 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.
- (d) The report is to be submitted on a USB or digital file transfer in PDF/A format, (created directly from the digital original), with the digital catalogue of images containing the following data for each location, image subject/description and date.
- (e) The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process and avoid duplicate images.

## Reason

To ensure appropriate archival documentation of the building.

### (50) SITE AUDIT STATEMENT

Prior to the issue of a construction certificate associated with the built form of the development (excluding building work directly related to remediation), a Section A Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor and submitted to the Council's Area Planning Manager at email address:-

[hbapplications@cityofsydney.nsw.gov.au](mailto:hbapplications@cityofsydney.nsw.gov.au)

The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remedial Action Plan and clearly state that site is suitable for the proposed use.

- (a) In circumstances where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and must be approved by the Council's Health and Building Unit in writing through the Area Planning Manager before the Site Audit Statement is issued.
- (b) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a S4.55 modification of the consent pursuant to the provisions of the *Environmental Planning & Assessment Act 1979*).
- (c) **No Occupation Certificate is to be issued** by the Principal Certifier unless a Site Audit Statement has been submitted to and approved by Council in accordance with this condition.

## Reason

To ensure that the site is appropriately remediated.

### (51) PUBLIC DOMAIN TREE PLANTING AND MAINTENANCE

- (a) A Tree Planting Plan must be submitted and endorsed by the City's Public Domain Unit prior to the issuing of any Construction Certificate. The plan must include and be consistent with the following requirements:
  - (i) The plan must include new street trees on Commonwealth Street and Nithsdale Street frontages.
  - (ii) Tree species shall be consistent with the City's Street Tree Master Plan (refer to relevant precinct plans) or other relevant guidance document. Species substitutes will not be accepted.
  - (iii) (Tree pits must be located and constructed in accordance with the City's Street Tree Master Plan (Technical Guidelines) or other relevant guidance document.

- (iv) The tree pit design must include structural soils or structural cells to support pavements in accordance with the Street Tree Master Plan (Technical Guidelines).
- (v) Indicate the chosen tree planting arrangement, being a choice of one of two options, being:

Undertake all tree supply, planting, and maintenance requirements to the required standards and to the satisfaction of the City's Tree Management.

OR

Pay a fee for the City to supply, plant, and maintain each required tree on the applicant's behalf. The fee is consistent with the City's Schedule of Fees and Charges.

- (b) If opting to undertake all tree supply, planting, and maintenance requirements, the following requirement must be met:
  - (i) The trees must be a minimum container size of 200 litres at the time of planting.
  - (ii) All new trees must be grown in accordance with the Australian Standard 2303:2015 'Tree stock for landscape use' and meet the requirements of this standard at the time of planting.
  - (iii) Certification from the tree supplier must be submitted to the City's Tree Management Officer and Public Domain Officer, prior to the trees being planted. The certification must confirm the tree(s) have been grown and comply with the requirements of AS2302. Any new trees that do not conform will be rejected by the City.
  - (iv) The trees must be planted by a qualified Arborist or Horticulturist (AQF Level 3) and be planted before the issuing of the final Occupation Certificate.
  - (v) All new trees must be inspected and approved by the City's Tree Management Officer (or their representative) at the following milestones: before planting with planting pits excavated; after planting; and at the end of the maintenance period.
  - (vi) All trees planted in accordance with the approved Tree Planting Plan must be maintained by a qualified Horticulturist or Arborist (minimum AQF Level 3) for a minimum period of six (6) months, commencing from the date of planting. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
  - (vii) At the end of the six (6) month maintenance period, written acceptance of the tree/s must be obtained from the City before release of the public domain bond.



- (viii) If a tree fails to thrive and successfully establish during the maintenance period, then City will request payment for a replacement tree and establishment period according to the City's Schedule of Fees and Charges.

**Reason**

To ensure that details of street trees to be planted are approved, the works are carried out in an appropriate manner and the trees are maintained following installation.

**(52) SITE SUPERVISION AND REPORTING**

- (a) An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone of any tree listed for retention. The Arborist must certify compliance with each key milestone detailed below:
  - (i) The installation of tree protection measures prior to the commencement of any construction works;
  - (ii) During demolition of any ground surface materials (pavers, concrete, grass etc.) within the Tree Protection Zone (TPZ) of any tree to be retained;
  - (iii) During any excavation and trenching within the TPZ which has been approved by Council;
  - (iv) During any Landscape works within the TPZ which has been approved by Council.
- (b) An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and acknowledged by Council's Area Planning Coordinator | Area Planning Manager at each hold point listed below:
  - (i) Certification that tree protection measures have been installed in accordance with these consent conditions;
  - (ii) Certification of compliance with each key milestone listed above within 48 hours of completion;
  - (iii) Monthly reporting for the duration of construction and development works within the site;
  - (iv) Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council.
- (c) A final compliance report must be submitted to and approved by Council's Area Planning Coordinator | Area Planning Manager prior to the issue of any Occupation Certificate.

**Reason**

To ensure the protection and ongoing health of trees on the site.

**(53) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION**

Prior to the issue of a Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with *AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*, and *AS1668.1 – The Use of Ventilation and Air-conditioning in Buildings – Fire and Smoke Control in Buildings*.

**Reason**

To ensure the mechanical ventilation complies with relevant standards.

**(54) ENERGY EFFICIENCY OF BUILDINGS**

The design of the building and its services must achieve a Base Building National Australian Built Environment Rating System (NABERS) Energy Commitment Agreement of 5.5 stars as per the Department of Planning, Industry and Environment (DPIE). This is to be demonstrated by:

- (a) Entering into a Commitment Agreement with DPIE, to deliver this star rating for the base building:

The applicant must provide a copy of the signed Commitment Agreement contract with their Construction Certificate application; and

- (b) Providing a copy of the independent energy assessment report to NABERS administration and submitting the same report with the Construction Certificate application. This report must be based on the same documents as those submitted with the Construction Certificate.

Note: Definitions referred to above are as follows:

- (i) Commitment Agreement means an agreement that is set out in accordance with DPIE. The NABERS Commitment Agreement, which is signed between DPIE and the applicant/building owner/building manager, to design, build and commission the premises to achieve an agreed star rating.
- (ii) Star rating refers to the benchmarking system applied by DPIE for measuring the energy efficiency of a building and known as NABERS the National Australian Built Environment Rating System.
- (iii) Base Building means central services and common areas of a building, as defined under NABERS.

**Reason**

To ensure the building is designed to meet an appropriate energy efficiency standard.

**(55) INSTALLATION OF DUAL-FLUSH TOILETS**

All toilets installed within the development must be of water efficient dual-flush or other water-saving capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the approval of the Registered Certifier, prior to a Construction Certificate being issued.

**Reason**

To ensure the provision of water efficient toilets.

**(56) INSTALLATION OF WATER EFFICIENT URINALS**

New urinal suites, urinals and urinal flushing control mechanisms must use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Systems must include "smart controls" to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Registered Certifier, prior to a Construction Certificate being issued.

**Reason**

To ensure the provision of water efficient urinals.

**(57) INSTALLATION OF WATER EFFICIENT TAPS**

All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details are to be submitted for the approval of the Principal Certifier, prior to any Occupation Certificate being issued.

**Reason**

To ensure the provision of water efficient taps.

**(58) DESIGN FOR ENVIRONMENTAL PERFORMANCE**

(a) Prior to the issue of a Construction Certificate, the Design for Environmental Performance Report prepared by Ella Coleman dated Tuesday, May 2, 2023, (Council Ref: 2022/348051) to be amended as follows:

(i) Section 3 – BASIX

a. BASIX certificate is to be amended, with gas removed as an energy source for appliances and systems. This is to reflect the developments commitment to electrification.

(ii) Section 4 – Energy Efficiency and Greenhouse Gas Abatement

a. Responses are to be emended to remove reference to gas fired condensing hot water heaters. This is to reflect the developments commitment to electrification.

- (iii) Section 5 – Passive Design for Thermal Performance – Building Envelope Design
    - a. Responses are to be amended to reference latest Section J report.
  - (iv) Section 6 – On site Renewable Energy Generation and Storage
    - a. Responses are to be amended upon the finalisation of Solar PV design.
  - (v) Section 7 – Design for Resilience to Climate Change
    - a. Responses are to be amended and be consistent with submitted climate adaptation plan.
  - (vi) Section 8 – Designing for mains potable water savings and water efficiency
    - a. Responses are to be amended upon the finalisation of onsite water balance and completion of detailed design.
- (b) Prior to the issue of any Construction Certificate, the Registered Certifier must be satisfied that those matters listed in the following sections of the approved Design for Environmental Performance report are incorporated into the relevant construction plans and accompanying documentation:
- (i) Section 3 – BASIX
 

A copy of the required completed BASIX certificate(s) accepted as part of this consent/as amended above must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificate(s) must be specified on the plans submitted with the Construction Certificate application.

Note: Any requirement detailed in the accompanying BASIX Certificate must be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the EP&A Regulation, 2000.
  - (ii) Section 4 – Energy Efficiency and Greenhouse Gas Abatement
  - (iii) Section 5 – Passive Design for Thermal Performance – Building Envelope Design
  - (iv) Section 6 – On site Renewable Energy Generation and Storage
  - (v) Section 7 – Design for Resilience to Climate Change
  - (vi) Section 8 – Designing for mains potable water savings and water efficiency
  - (vii) Section 9 – Storm water quality

- (c) Changes to any commitments including those required by part (a) of this condition and as listed in the approved Design for Environmental Performance report must be submitted to and approved by Council's Area Planning Manager/Coordinator prior to the issue of any relevant Construction Certificate.

**Reason**

To ensure the environmental performance of the development.

**(59) REMOVAL OF ON-SITE FOSSIL FUELS**

The development application must include evidence that all land uses on the site will not use on-site fossil fuels after the occupation and use of the development commences.

Note: This provision does not include use of back-up electricity generators.

**Reason**

To ensure that future land uses on site will not use on-site fossil fuels.

**(60) LANDSCAPING OF THE SITE**

This condition relates to trees and planters in the 'Urban Room' and stairs to Clarke Street.

- (a) Plans and details drawn to scale, and technical specification, by a registered landscape architect, must be submitted to and approved by Council's Director City Planning Development & Transport prior to the issue of any Construction Certificate for any above ground works. These documents must be in accordance with the approved landscape drawings in Deferred Commencement Condition 2 of this consent and be prepared by ASPECT Studios. These documents must include:
  - (i) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure.
  - (ii) Location and details of existing and proposed structures on the site including, but not limited to, paving, walls, services, furniture, shade structures, lighting and other features.
  - (iii) Details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.
  - (iv) 'Urban Room' tree pit details over structure with strata cell.
  - (v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.

- (vi) Details of drainage, waterproofing and watering systems.
  - (vii) Landscape maintenance plan. This plan is to be complied with during occupation of the property.
- (b) All landscaping in the approved plan is to be complete prior to an Occupation Certificate being issued.

**Reason**

To ensure the development is supported by a good quality, buildable landscape scheme that meets the City's controls.

**(61) INACCESSIBLE GREEN ROOFS**

This condition relates to inaccessible roof terraces on the podium and tower levels.

- (a) Plans and details drawn to scale, and technical specification, by a registered landscape architect, must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Construction Certificate for any above ground works. These documents must be in accordance with the approved landscape drawings in condition 1 of this consent and be prepared by ASPECT Studios.
- (b) The drawing set must demonstrate full coordination with plans prepared by the architect, engineers and specialist safety experts. These documents must include:
  - (i) Location and details of existing and proposed services, walls, timber decking, pavements, furniture, pool fencing, balustrades, gates, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
  - (ii) Engineers report confirming structural capacity of building for proposed green roof loads.
  - (iii) Details of soil types and depth including any mounding.
  - (iv) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
  - (v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
  - (vi) Green roof maintenance plan. This plan is to be complied with during occupation of the property and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any anchor points, gates, and transport of materials and green waste.



- (vii) A plan outlining the intended strategy for decommissioning if planting works fail. This is to ensure green roof maintained is throughout its life.
- (c) Prior to the issue of an Occupation Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.
- (d) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.
- (e) Inaccessible green roofs must remain inaccessible for the lifetime of the property.

**Reason**

To ensure that the inaccessible green roof is designed to accommodate suitable landscaping and to ensure that adequate maintenance procedures are put in place.

**(62) PUBLIC DOMAIN DAMAGE BOND**

- (a) A Public Domain Damage Deposit calculated on the basis of 430 square metres of stone and 660 square metres of asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.
- (b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.
- (c) The bond in this condition will be released in full when the Public Domain Works Security Bond is lodged with the City.

**Reason**

To allow for the appropriate management and rectification of damage to the public domain.

**(63) PROTECTION OF STONE KERBS**

- (a) The existing stone kerbs on the Liverpool Street, Nithsdale Street, Commonwealth Street, Alberta Street and Nithsdale Lane frontages of the site are to be retained and properly protected during demolition, excavation and construction works.

- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled.
- (c) Note the following:
  - (i) All costs associated with the works are to be borne by the developer.
  - (ii) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
  - (iii) Where new vehicle crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
  - (iv) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers.
  - (v) Council approval is required before kerbs are removed.
  - (vi) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.
  - (vii) Stone kerbs and gutters may be bonded in accordance with the City of Sydney's adopted Schedule of Fees and Charges. If so, this will be included with the Public Domain Damage Bond.

#### **Reason**

To ensure the protection of stone kerbs.

#### **(64) SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY**

Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General. Accordingly, the applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor-General's authorisation to remove or replace marks.

Prior to the issue of any Construction Certificate, documentary evidence must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include either:

- (a) A copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report); or

- (b) A letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor-General's Direction No.11 have been made for the subject site and that no survey infrastructure will be affected by the proposal.

Council's Principal Surveyor may request further information and/or add conditions to any Surveyor-General's Approval at their discretion.

**Reason**

To ensure the preservation of existing survey infrastructure.

**(65) PUBLIC DOMAIN CONCEPT PLAN**

A public domain concept plan, showing all the site frontages and extending a minimum of 5m past the boundary and to the road centreline, must be prepared in accordance with the City's *Public Domain Manual* and *Sydney Streets Code*. It must be submitted to and approved by the City's Public Domain Unit prior to the issue of any Construction Certificate for the development other than for demolition or excavation.

Note: A detailed Public Domain Plan will be required prior to construction (refer to Public Domain Plan Detailed Documentation for Construction condition).

**Reason**

To ensure public domain works comply with Council's requirements.

**(66) PUBLIC DOMAIN LEVELS AND GRADIENTS - MAJOR**

Prior to the issue of any Construction Certificate, a Public Domain Levels and Gradients submission for the building and site frontages must be submitted to and approved by the City's Public Domain Unit. The submission must be prepared in accordance with the City's *Public Domain Manual* and submitted with a completed Application for *Public Domain Levels and Gradients*. Information on how to complete the submission can be downloaded from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Any requirements to comply with Disability Discrimination Act at the entrance to a building or publicly accessible space must be resolved inside the site boundary.

Note: Public Domain Levels and Gradient plans are to be included with the Public Domain Plan – Detailed Documentation for Construction condition submission.

**Reason**

To ensure public domain levels and gradients comply with Council's requirements.

## **(67) STORMWATER DRAINAGE DESIGN**

Prior to issue of any Construction Certificate a detailed stormwater management plan prepared by suitable qualified and experienced professional must be submitted to and approved by the City's Public Domain Unit and must include a certified stormwater drainage design complying with:

- (i) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
- (ii) Council's Sydney Streets Technical Specifications, Standard Drawings;
- (iii) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
- (iv) Council's Stormwater Drainage Manual; and
- (v) All relevant Australian Standards.

This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Note: A Deed of Agreement (Stormwater Deed) for all proposed connections to the City's drainage system, and a Positive Covenant for all OSD systems may be required prior to issue of any Occupation Certificate.

### **Reason**

To ensure stormwater drainage design complies with Council's requirements.

## **(68) STORMWATER ON-SITE DETENTION**

The requirements of Sydney Water with regard to the on-site detention (OSD) of stormwater must be ascertained and complied with. Evidence of the approval must be submitted to Council prior to issue of any Construction Certificate other than demolition.

Where an OSD is not required by Sydney Water one may still be required by the City.

### **Reason**

To ensure the requirements of Sydney Water are complied with.

## **(69) STORMWATER QUALITY ASSESSMENT**

Prior to issue of any Construction Certificate a design certification report prepared by a suitably qualified practitioner engineer (NPER) demonstrating compliance with approved music link targets and parameters must be submitted to and approved by the City's Public Domain Unit.

The report must include a response to all stormwater quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC link reports.

**Reason**

To ensure appropriate stormwater quality on the site.

**(70) FLOOD PLANNING LEVELS**

The development must be constructed to comply with the following flood planning levels:

- (a) Liverpool Street – All entry points to the retail areas, lobbies and through site link are to be a minimum of 300mm above the adjacent gutter invert when measured from the high side of the opening/entry.
- (b) Commonwealth Street – All entry points to habitable areas are to be a minimum of 300mm above the adjacent gutter invert when measured from the high side of the opening/entry.
- (c) Nithsdale Street – All entry points to habitable areas, lift entries and fire stairs are to be a minimum of 300mm above the adjacent gutter invert when measured from the high side of the opening/entry.
- (d) Clarke Street – The basement car park entry is to be a minimum of 300mm above the adjacent gutter invert when measured from the high side of the car park entry.

Entries to the remaining retail areas, lobbies, lift entries and fire stairs are to be a minimum of 250mm above the adjacent gutter invert when measured from the high side of the opening/entry.

Details must be submitted to the Registered Certifier prior to the issue of any Construction Certificate demonstrating that the development will comply with the recommended flood planning levels.

**Reason**

To ensure the development complies with the recommended flood planning levels.

## **(71) PUBLIC DOMAIN LIGHTING UPGRADE**

Prior to issue of any Construction Certificate for excavation, civil construction, drainage or building work (whichever is earlier), a concept Public Domain Lighting Upgrade Plan for pedestrian and street lighting in the public domain must be submitted to and approved by City's Public Domain Unit. The Lighting Plan must be prepared in accordance with the *Sydney Streets Technical Specifications A5 and B8*, *Sydney Lights Design Code* and *Public Domain Manual*. This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

The lighting upgrade plan must cover all adjacent street frontages, being Liverpool Street, Commonwealth Street, Nithsdale Street, Clarke Street, Alberta Street and Nithsdale Lane and shall be designed to include the following requirements: review of public domain lighting on Liverpool Street and Nithsdale Street, and upgrade of lighting to City standards on Commonwealth Street, Clarke Street, Alberta Street and Nithsdale Lane.

Advice on site specific lighting requirements must be obtained from City's Public Domain Unit before proceeding with the preparation of any final lighting design proposals.

### **Reason**

To ensure pedestrian and street lighting in the public domain complies with Council's requirements.

## **(72) DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to an approval for demolition and preparatory works being granted or the issue of any Construction Certificate, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared as described in the Public Domain Manual and submitted for approval by Council's Public Domain Unit. The City's *Public Domain Manual* is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/>

The submission is to 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.

### **Reason**

To establish and document the condition of the public domain for comparison as building work progresses and is completed.



**(73) TEMPORARY DEWATERING DURING CONSTRUCTION**

Prior to discharging any water collected during excavation and construction into the City's stormwater drainage system, approval must be sought from the City's Public Domain Unit. A dewatering management plan must be submitted with an *Application for Temporary Dewatering* available to download on the City's website.

Other options for dewatering include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**Reason**

To ensure dewatering is managed appropriately.

**(74) FOOTPATH AWNINGS**

- (a) Footpath Awnings which are proposed to be constructed above the public domain (including a public footway) must have separate approval(s) obtainable through the lodgement of an application under Section 68 of the Local Government Act 1993 and/or Section 138/139 of the Roads Act 1993 prior to any Construction Certificate for the building.
- (b) Documentation must be submitted to the City's Construction and Building Certification Services Unit with the application demonstrating that the awning height complies with Development Control Plan 2012. Plans are to include dimensions confirming the awning width and setback from the kerb. Awning gutters are to be concealed from the public domain and plans are to confirm downpipes are located within or recessed into the ground floor frontage of the building.

**Reason**

To ensure that awnings are designed to Council requirements.

**(75) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

- (a) The Waste and Recycling Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste and Recycling Management Plan, which meets the requirements as set out in Council's *Guidelines for Waste Management in New Developments 2018*, is to be approved by the Principal Certifying Authority prior to a Construction Certificate being issued.
- (c) All requirements of the approved Waste and Recycling Management Plan must be implemented during construction and operation of the development and include:
  - (i) Dedicated space to be provided within the development for the storage and recycling of bulky waste, problem waste, strip out and food waste.

- (ii) Collection points for waste and recycling must be wholly located within the boundary of the development.
- (iii) The nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by the City's *Guidelines for Waste Management in New Developments 2018*.
- (iv) Provision and storage within the boundary of the development of waste and recycling receptacles and any bulky waste at all times.
- (v) Commercial tenancies must have a commercial waste contract(s) in place prior to commencement of business trading.
- (vi) The path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1,200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:14. The use of a lift is permitted, but consideration should be given to the inclusion of a service lift in this instance.

Note: The building manager/strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's policies, and best practice waste and recycling source separation.

#### UPON COMPLETION OF THE DEVELOPMENT

- (d) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must ensure that waste handling works have been completed in accordance with: the Waste and Recycling Management Plan; other relevant development consent conditions; and Council's *Guidelines for Waste Management in New Developments 2018*.

#### **Reason**

To ensure that waste and recycling is appropriately managed.

#### **(76) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL**

- (a) The Waste and Recycling Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste and Recycling Management Plan including demolition and construction waste and recycling details, is to be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to a Construction Certificate being issued. The plan must comply with the Council's *Guidelines for Waste Management in New Developments 2018*.

- (c) The Waste and Recycling Management Plan must include:
- (i) The path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1,200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:14. The use of a lift is permitted, but consideration should be given to the inclusion of a service lift in this instance.
  - (ii) All nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by Council's *Guidelines for Waste Management in New Developments 2018*.

#### UPON COMPLETION OF THE DEVELOPMENT

- (d) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

#### **Reason**

To ensure that waste and recycling is appropriately managed.

#### **(77) WASTE COLLECTION AND LOADING**

The loading dock must accommodate a 9.25 m waste collection vehicle and provide 2 meters clearance at the back of the vehicle for access and loading of waste bins.

#### **Reason**

To ensure appropriate space for servicing residential waste collection vehicles.

#### **(78) UTILITY SERVICES**

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

### **Reason**

To ensure that utility authorities are advised of the development and their approval is obtained in connection with the relocation and/or adjustment of services affected by the development.

### **(79) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – ALTERATIONS AND ADDITIONS**

A qualified practising registered structural engineer must provide structural certification to the Registered Certifier verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of the *Building Code of Australia* prior to a Construction Certificate being issued. The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building including its performance under earthquake actions (AS1170.4).

### **Reason**

To ensure the existing structure can support the new loads.

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

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
  - (i) A bank guarantee to be provided in the sum of \$934,250 dollars as security for the costs of such works provided that:
    - a. the maximum liability under the Deed must not exceed \$934,250 dollars; and
    - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
  - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
    - a. demolition of the existing building has commenced but not been completed;
    - b. the existing building has been demolished; or

- c. the site has been excavated; or
  - d. the erection of the structure has commenced;
- (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the Consent Authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
- a. make the building safe and of an appearance acceptable to Council at ground level;
  - b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
  - c. for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or
  - d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenantable stage;

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

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:
- (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (iii) to take place on the site; and
  - (ii) in the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.
- (e) The Deed may, if the Director City Planning is satisfied, provide for an adjustment of the guarantee amount during the course of construction to reflect that, as the development progresses, the likelihood and nature of the appropriate site rectification works may change. The stages of reduction will be:
- (i) Stage 1 – Completion of the site excavation and all construction works necessary to complete all parts of the Development to street level, including sealing of the slab at that level.
  - (ii) Stage 2 – Completion of all construction works necessary to complete the structure of the Development to the roof level.
  - (iii) Stage 3 – Issue of the Occupation Certificate.

- (f) If a claim for an adjustment is made, the Deed must also provide that any such claim is to be supported by the following:
  - (i) Certification (from the principal certifier) that the relevant stage is complete;
  - (ii) Detailed schedule of completed works carried out in the relevant stage;
  - (iii) Quantity Surveyors costing of the likely site rectification works required at each remaining stage.

**Reason**

To allow for the appropriate management of sites where development (demolition/excavation/construction) has commenced and there is a suspension in activity resulting in a building site which has an unacceptable appearance.

**(81) INSTALLATION OF ARTWORK AND IMAGES ON SCAFFOLDING (DEMOLITION / CONSTRUCTION WRAPS)**

- (a) Where scaffolding is to be installed to undertake the proposed development an approved artwork / historic image installation must be provided on the scaffolding system to screen the development from the public place, minimise adverse visual impacts on the locality and add visual and public art in the streetscape.
- (b) The artwork installation must be printed, installed and maintained in accordance with Council's *Guidelines for Hoardings and Scaffolding*. Details of the proposed installation must be submitted to and approved by Council prior to the issue of a construction certificate or work commencing.

Note: The scaffolding system on which a required artwork wrap is to be installed must be designed to safely and adequately accommodate and support the wrap mesh material on which the artwork is printed/displayed. This includes designing the scaffold to address potential increased wind loads that may be encountered in the locality.

**Reason**

To minimise adverse visual impacts on the locality.

**(82) SYDNEY AIRPORT CORPORATION APPROVAL**

An approval for the proposed height of the development must be obtained from Sydney Airport Corporation Limited in accordance with the Civil Aviation (Building Control) Regulations 1988 prior to the issue of a Construction Certificate.

**Reason**

To ensure the required approval is obtained from Sydney Airport Corporation Limited.



**(83) ELECTRICITY SUBSTATION**

If required by the applicable energy supplier, 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 approval of Council and Ausgrid, prior to a Construction Certificate being issued or the commencement of the use, whichever is earlier.

**Reason**

To ensure that the provision of a substation to service the development is appropriately incorporated into the design of the building in a manner that minimises streetscape impacts.

## PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

### (84) 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 Certifier:
- (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.
  - (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.)
  - (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
  - (iv) A Waste and Recycling Management Plan – Demolition and Construction for the demolition and or excavation of the proposed development. The plan is to include details of materials that will be excavated and their proposed destination or reuse.
  - (v) Plans and elevations showing the location, construction and installation of temporary site fencing and any temporary structures used in connection with the construction of the development.

Note: Temporary structures, including hoardings and scaffolding, proposed for erection on City-owned and controlled land (footways and roadways), must comply with Council's *Guidelines for Hoardings and Scaffolding* and be approved by Council under the provisions of the Local Government Act 1993 and the Roads Act 1993 prior to installation.

- (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 *Guidelines for Waste Management in New Developments 2018*, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:
- (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
  - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
  - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
  - (iv) The name and address of the transport contractor.
  - (v) The type and quantity of material to be removed from site.

- (vi) Location and method of waste disposal and recycling.
  - (vii) Proposed truck routes, in accordance with this development consent.
  - (viii) 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 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).
  - (ix) Measures to control noise emissions from the site.
  - (x) Measures to suppress odours.
  - (xi) Enclosing and making the site safe.
  - (xii) Induction training for on-site personnel.
  - (xiii) 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 SafeWork NSW.
  - (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW.
  - (xv) Disconnection of utilities.
  - (xvi) 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).
  - (xvii) 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).
  - (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
  - (xix) 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*).
  - (xx) Working hours, in accordance with this development consent.
  - (xxi) Any SafeWork NSW requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

- (d) All waste records from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site. These records must be available for sighting on request by an authorised Council officer.

**Reason**

To ensure that impacts arising from demolition, excavation and construction are appropriately managed.

**(85) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION**

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of the following properties:
  - (i) 147-167 Liverpool Street, Sydney,
  - (ii) 130 Elizabeth Street, Sydney,
  - (iii) 185-211 Liverpool Street, Sydney,
  - (iv) 5-11 Wentworth Avenue, Sydney,
  - (v) 13-15 Wentworth Avenue, Sydney,
  - (vi) 9-25 Commonwealth Street, Sydney,
  - (vii) 11 Alberta Street, Sydney,
  - (viii) 17-19 Alberta Street, Sydney,
  - (ix) 26 Nithsdale Street, Sydney,
  - (x) 136-140 Elizabeth Street, Sydney,
  - (xi) 148 Elizabeth Street, Sydney,
  - (xii) and any other properties identified by the qualified structural engineer engaged to undertake the report.

are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Registered Certifier and the Council prior to the issue of a Construction Certificate.

**UPON COMPLETION OF EXCAVATION/DEMOLITION**

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifier and the Council prior to the issue of any Occupation Certificate.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

#### **Reason**

To ensure that dilapidation reports are prepared and to identify damage to adjoining/nearby properties resulting from building work on the development site.

#### **(86) EROSION AND SEDIMENT CONTROL - MORE THAN 2,500SQM**

Prior to the commencement of any works on site, including, but not limited to demolition, excavation or construction work, a Soil and Water Management Plan (SWMP) must be submitted to and be approved by the Principal Certifier.

- (a) The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:
  - (i) existing site contours;
  - (ii) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater;
  - (iii) location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).

#### **Reason**

To ensure that appropriate erosion and sediment control measures are put in place during construction to protect the environment.

#### **(87) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD**

- (a) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council for such structures.
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:

- (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
- (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
- (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
- (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
- (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
- (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
- (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
- (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
- (ix) ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews/wind vanes any part of the device over the public road, a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be made to Council to obtain approval.

**Note:** 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation 2017*).

### **Reason**

To ensure the necessary approval is obtained for temporary structures over a public road.



**(88) OTHER APPROVALS**

Any activity which is proposed to be undertaken in, on or above a road reserve or the public domain (including a public footway) must have separate approval(s) obtainable through the lodgement of an application under Section 68 of the Local Government Act 1993 and/or Section 138/139 of the Roads Act 1993 prior to the commencement of work/activities within the road reserve/public domain. Such activities include but not limited to:

- (a) installation of construction-related temporary structures including hoardings/scaffolding;
- (b) installation and/or alterations to advertising/business signs;
- (c) installation and/or alterations to street awnings;
- (d) crane operation and other hoisting activities;
- (e) temporary works (e.g. barricading, road openings, mobile hoisting devices);
- (f) works zones (for loading and unloading from the roadway); and
- (g) temporary ground anchoring and shoring to support a roadway when excavating; and
- (h) any other structure or encroachment including facade elements/architectural features.

**Reason**

To ensure use of a public place is managed appropriately.

**(89) HAZARDOUS MATERIALS SURVEY REQUIRED**

A Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) and submitted to the satisfaction of Council's Area Coordinator Planning Assessments / Area Planning Manager prior to any demolition / refurbishment work commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

**Reason**

To ensure that hazardous materials on the site are identified and appropriately managed.

## **(90) DECOMMISSIONING OF ABOVE GROUND PETROLEUM STORAGE TANKS**

- (a) The removal of above petroleum storage tanks must be undertaken in accordance with Safework NSW requirements which includes writing to the Chief Inspector of Dangerous Goods and complying with any conditions imposed and all relevant NSW Environmental Protection Authority/Office of the Environment and Heritage Guidelines and Australian Standards including following:
  - (i) NSW EPA Technical Note: Decommissioning, Abandonment and Removal of UPSS (January 2010),
  - (ii) NSW EPA Technical Note: Investigation of Service Station Sites (April 2014),
  - (iii) AS 1940 –2004: Storage and handling of flammable and combustible liquids,
  - (iv) AS 4976 – 2008: The removal and disposal of underground petroleum storage tanks.
- (b) A site contamination assessment must be conducted in accordance with the Guidelines for Consultants Reporting on Contaminated Sites (NSW Office of the Environment and Heritage 2011) and the Sampling Design Guidelines (NSW Environmental Protection Authority September 1995) to determine whether petroleum has contaminated soil and groundwater in the vicinity of the storage system and whether remediation is required to ensure the land remains suitable for the continued approved land use.
- (c) Subsequent remediation of the site must be undertaken in accordance with the Managing Land Contamination – Planning Guidelines (Department of Urban Affairs and Planning 1998), and the State Environmental Planning Policy (Resilience and Hazards 2021) including notification to Council's Area Planning Manager at the start and completion of land remediation.
- (d) The removal or in-situ decommissioning of the above ground petroleum storage system and any subsequent contamination assessment, preparation of a remediation strategy and final decommissioning reporting must be carried out by a duly qualified person, who has competencies and experience in relation to this area of work that are recognised as appropriate by the relevant industry and the NSW Environmental Protection Authority.

### **Reason**

To ensure the removal of above petroleum storage tanks is appropriately managed.

**(91) ABOVE GROUND PETROLEUM STORAGE SYSTEM**

- (a) The above ground petroleum storage system must be investigated for contamination and a site investigation report obtained from a suitably qualified Environmental Consultant in accordance with NSW Environmental Protection Authority guidelines, must be submitted to Council's Area Planning Manager within 60 days of completion of either validation that no site remediation is necessary or completion of any necessary remediation works. The report must provide confirmation that the site is suitable for continued approved land use or prior approved remediation criteria.
- (b) The report must be undertaken in accordance with clause 13 and 15 of the Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2014 and the NSW Department of the Environment, Climate Change and Water Underground Petroleum Storage System Technical Note: Site Validation Reporting – January 2010 and Guidelines for Consultants Reporting on Contaminated Sites (NSW Office of the Environment and Heritage 2011).
- (c) The decommissioning report must contain:
  - (i) A description of the scale and nature of any contamination originally present,
  - (ii) A description of the remedial methods used, including objectives, where applicable,
  - (iii) A statement about the site's ongoing or future use,
  - (iv) A description of the extent of any remaining contamination and how this was assessed,
  - (v) A site plan delineating the area being validated and any contamination remaining after site works,
  - (vi) A clear conclusion on the suitability of the site for its ongoing or future use.

**Reason**

To ensure the removal of above ground petroleum storage tanks and contamination of the site is appropriately managed.

**(92) STREET TREE PRUNING AND REMOVAL**

- (a) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 30mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

**Reason**

To ensure that approval is obtained for any pruning works to, or removal of, street trees and that such works are carried out in an appropriate manner.

**(93) PUBLIC DOMAIN WORK – CONSTRUCTION APPROVAL UNDER SECTION 138 ROADS ACT 1993**

Prior to the construction of any public domain works, approval under Section 138 / 139 of the Roads Act 1993 must be issued by the City's Public Domain Unit.

**Reason**

To ensure relevant approvals for public domain work are obtained.

**(94) SYDNEY WATER CERTIFICATE (TAP-IN)**

- (a) The approved plans must be submitted to Sydney Water's "Tap-in" online service to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water's "Tap-in" online service is available at [www.sydneywater.com.au](http://www.sydneywater.com.au), (see Plumbing, Building & Development and then Sydney Water "Tap-in").
- (b) The Consent Authority or a Principal Certifier must ensure that Sydney Water has appropriately stamped the plans before the commencement of work.

**Reason**

To ensure the development satisfies Sydney Waters requirements.

## **PART D – WHILE BUILDING WORK IS BEING CARRIED OUT**

### **(95) HOURS OF WORK AND NOISE – CBD**

The hours of construction and work on the development must be as follows:

- (a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Team, prior to works proceeding.

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

#### **Reason**

To protect the amenity of the surrounding area.

### **(96) COMPLIANCE WITH DEMOLITION, EXCAVATION & CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

- (a) All works conducted on site which form part of this development must be carried out in accordance with the approved Demolition, Excavation and Construction Management Plan.

- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP)

Such periods must be set and agreed to by Council's Health and Building Unit.

**Reason**

To ensure all parties are aware of the supporting documentation that applies to the development.

**(97) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**

A site notice is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (d) The approved hours of work, the Principal Certifier including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, and the estimated date of completion of the project are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.
- (f) All notices and signs must be displayed in locations as specified in the City's Guidelines for Hoardings and Scaffolding.

**Reason**

(Prescribed condition EP&A Regulation, clauses 98A (2) and (3)).

**(98) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT**

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* is restricted to the hours of (EHO to specify hours)
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436- 2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

**Reason**

To protect the amenity of the surrounding area.

**(99) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS**

Lighting of the site while any work is undertaken outside of Council's standard hours of construction must ensure that at no time must the intensity, hours of illumination or location of the lighting cause objectionable glare or injury to the amenity of the neighbourhood or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 *Control of the obtrusive effects of outdoor lighting*. If in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.

**Reason**

To protect the amenity of the surrounding area.

**(100) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT**

The immediately adjoining neighbours must be given a minimum of 48 hours notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.

**Reason**

To protect the amenity of the surrounding area.

**(101) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.



- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.

**Reason**

To protect the amenity of the public domain.

**(102) NO OBSTRUCTION OF PUBLIC WAY**

Unless otherwise approved by Council, the public way must not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like. Non-compliance with this requirement may result in the issue of a notice by Council to stop all work on the site.

**Reason**

To protect the amenity of the public domain.

**(103) ACCESS DRIVEWAYS TO BE CONSTRUCTED**

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

**Reason**

To allow adequate vehicular access to the site.

**(104) USE OF MOBILE CRANES**

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.

- (c) The use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of approved hours of construction can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

**Reason**

To ensure mobile cranes are used appropriately.

**(105) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION**

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*.
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the issue of any Occupational Certificate.
- (d) If the discovery is on Council's land, Council must be informed.

**Reason**

To ensure that the archaeology of the site is appropriately managed and protected.

**(106) ASBESTOS REMOVAL WORKS**

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence must be made available to any authorised Council officer on request within 24 hours.

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.

- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW)* December 2011 and the *City of Sydney Managing Asbestos Policy* dated 21 October 2013 and associated guidelines.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

### **Reason**

To ensure that the handling and removal of asbestos from the site is appropriately managed.

**(107) LAND REMEDIATION (Where Site Auditor engaged)**

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by Senversa dated 27 June 2023, reference number RAP V1 (2023/454489) including any identified contingency measures and the Letter of Interim Advice or Section B Site Audit Statement prepared by NSW Environment Protection Authority accredited Site Auditor Douglas Partners dated 30 June 2023 and reference R.001.Rev 2 (2023/454491). All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the Contaminated Land Management Act 1997.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council's Area Planning Manager, the Site Auditor and the Principal Certifier.

Any variations to the approved Remediation Action Plan must be approved in writing by the Site Auditor and Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the commencement of such work.

**Reason**

To ensure that the site is appropriately remediated.

**(108) NOTIFICATION – NEW CONTAMINATION EVIDENCE**

Council's Area Planning Manager and the Principal Certifier must be notified of any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination.

**Reason**

To ensure that the site is appropriately remediated.

**(109) IMPORTED FILL MATERIALS**

All fill imported onto the site must be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

The City may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill must be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

**Reason**

To ensure that imported fill is not contaminated.

**(110) CLASSIFICATION OF WASTE**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the *Environment Operations Act 1997* and the *NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009)*. The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

**Reason**

To ensure that waste from site is classified and disposed of appropriately.

**(111) DISCHARGE OF CONTAMINATED GROUNDWATER**

Contaminated groundwater must not be discharged into the City's stormwater drainage system.

Options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**Reason**

To ensure that the discharge of ground water is appropriately managed.

**(112) STOCKPILES**

- (a) No stockpiles of soil or other materials must be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Team.
- (b) All stockpiles of soil or other materials must be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours must be covered.
- (d) All stockpiles of contaminated soil must be stored in a secure area and be covered if remaining more than 24 hours.

**Reason**

To ensure that stockpiles of soil or other materials are appropriately managed.

### **(113) STREET TREE PROTECTION**

All street trees (unless approved by these conditions of consent) located directly outside the site must be retained and protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

- (a) Tree trunk and major limb protection must be undertaken prior to the commencement of any works (including demolition). The protection must be installed and certified by a qualified Arborist (AQR Level 3) and must include:
  - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, and trucks at all times.
  - (ii) Tree trunk/s, must be protected by wrapped thick underlay carpet or similar padding material to limit damage.
  - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The thick underlay carpet or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.
  - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works and must be removed at the completion of the project.
- (b) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (c) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.
- (d) Young street trees must be protected by installing three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.
- (e) Materials or goods, including site sheds, must not be stored or placed:
  - (i) around or under the tree canopy; or
  - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (f) Any excavation within any area known to or suspected of having tree roots greater than 30mm diameter must be undertaken by hand.
- (g) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within 2 metres of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or redirection of services must be employed where roots greater than 30mm diameter are encountered during installation of any services.

- (h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.
- (i) Any damage sustained to street tree/s as a result of the erection of any construction activities (including demolition) must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

**Reason**

To ensure the protection and ongoing health of the street trees.

**(114) PUBLIC DOMAIN WORKS SECURITY BOND**

A Public Domain Works Security Bond will be required for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual.

The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The bond must be lodged with the City prior to an approval being issued for the approval of the Public Domain Plan.

The bond will be retained in full until all public domain works, including rectification of damage to the public domain, are completed to City's standards and approval and the required works-as-executed documentation are approved. On satisfying the above requirements, and the issue of the Public Domain Works Letter of Completion Operational Acceptance by the City, 90% of the bond will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

**Reason**

To ensure public domain works are completed and any damage to the public domain is rectified.

**(115) DRAINAGE AND SERVICE PIT LIDS**

All existing or proposed drainage and service pit lids throughout the public domain must be to City of Sydney specifications and heel/bicycle safe, slip resistant, infill with material to match surrounding surface, finished flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Infill pit lids are to be detailed where specified by Council's Public Domain Officer. Private pits are not permitted within the public domain. All details of pit lids must be shown on the public domain plan and must be approved by the City's Public Domain Unit prior to the issue of an approval for public domain works.

**Reason**

To ensure drainage and service pit lids within the public domain are appropriately designed and installed.



## **(116) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION**

A detailed public domain plan and all relevant documentation must be submitted to and approved by City's Public Domain Unit prior to the construction of any public domain works. This Plan must document all works required to ensure that the public domain upgrade work complies with the City's specifications and requirements, as outlined in documents such as City of Sydney's *Public Domain Manual*, *Sydney Streets Code*, *Sydney Street Tree Masterplan*, *Sydney Lights: Public Domain Design Code* and *Sydney Streets Technical Specification*. The documentation must be *checked, accurate, and comply with specified requirements*. Plans must be based on an accurate survey, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be for Construction issue and will be approved under Section 138 of the Roads Act.

The Public Domain Manual and all other relevant documents are available for download from Council's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

The Public Domain Plan documentation must be submitted with an Application for Public Domain Plan Assessment and include the approved Public Domain Levels and Gradients documentation. If the proposed detailed design of the public domain requires changes to any previously approved levels, details must be submitted for approval with the public domain plan and additional fees may apply.

### **Reason**

To ensure the public domain complies with Council's requirements.

## **(117) HOLD POINTS**

Prior to an approval being issued for the construction of public domain and / or planning agreement works, including civil, drainage and subsurface works, a set of hold points will be provided by the City's Public Domain Unit in accordance with the City's Public Domain Manual and Sydney Streets Technical Specification. The list of hold point inspections will be included in the Public Domain works approval letter.

These hold point inspections must be adhered to during construction works. Prior to the issue of any Occupation Certificate, confirmation from the City's Public Domain Unit, that hold point inspections have been completed and works have been accepted by the City must be provided to the Principal Certifier.

### **Reason**

To ensure hold points are adhered to during construction works.

### **(118) STORMWATER DRAINAGE CONNECTION**

For approval of a connection into the City of Sydney's drainage system an "Application for Approval of Stormwater Drainage Connections" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges. This must be approved prior to approval being issued for the construction of public domain work.

#### **Reason**

To ensure approval of connection into the Council's drainage system is sought.

### **(119) PUBLIC DOMAIN LIGHTING RETICULATION**

Prior to the issue of any relevant approval for the construction of public domain works, a detailed Public Domain Lighting Reticulation Plan for pedestrian and street lighting in the public domain must be submitted to and approved by the City's Public Domain Unit in accordance with the City's *Sydney Lights Design Code*, *Sydney Streets Code*, *Sydney Streets Technical Specification* and *Public Domain Manual*.

The Public Domain Manual and all other relevant documents are available for download from Council's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

If applicable, this public domain lighting documentation must include pole footing locations and structural details, location and details of underground electrical reticulation including connections and conduits, pit cabling and certifications as described in the City's *Public Domain Manual*. The public domain lighting is to be superimposed on the public domain plan to show any conflicts between lighting and the proposed landscape design.

#### **Reason**

To ensure the public domain lighting documentation complies with Council requirements.

### **(120) VEHICLE CLEANSING**

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

#### **Reason**

To ensure sediment is not tracked onto the roadway.

### **(121) SURVEY**

All footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report, prepared by a Registered Surveyor, must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments by the subject building over adjoining boundaries or roads must be removed prior to continuation of building construction work.

#### **Reason**

To ensure the development does not encroach onto neighbouring properties.

### **(122) SYDNEY WATER CERTIFICATE**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Principal Certifier prior to any Occupation Certificate or subdivision/strata certificate being issued.

#### **Reason**

To ensure the requirements of Sydney Water are met.

## PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

### (123) PHYSICAL MODELS

- (a) Prior to the issue of any Occupation Certificate an accurate 1:500 scale model of the development as constructed must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the City Model in Town Hall House.

#### Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modellers must be consulted prior to construction of the model.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under Section 4.55 of the *Environmental Planning and Assessment Act*) that affect the external appearance of the building.

#### **Reason**

To ensure the provision of an appropriate physical model of the development.

### (124) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE

- (a) Prior to any Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
  - (i) building design above and below ground in accordance with the development consent;
  - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
  - (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

**Reason**

To ensure the provision of an appropriate electronic model of the development.

**(125) RIGHT OF PUBLIC ACCESS – PRIOR TO OCCUPATION CERTIFICATE**

- (a) Prior to the issue of any Occupation Certificate for the building, an easement for public access (24 hour access) created in stratum over the area of the approved through site link must be registered on the title of the land, pursuant to Section 88B of the Conveyancing Act, 1919.
- (b) The plan for the easement for public access must show surveyed offsets to structures located within a metre of the easement, in accordance with the requirements of NSW Land Registry Services
- (c) In addition to the above easement, a positive covenant to ensure maintenance, lighting and adequate public liability insurance in respect of the through site link must be registered on title

The terms of the above easement and covenant must be to the satisfaction of Council and may be obtained from Council's Director City Planning Development & Transport.

**Reason**

To protect the public interest and ensure the orderly development of the land.

**(126) RESTRICTION ON RESIDENTIAL DEVELOPMENT**

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (levels 6 and above) must be used as permanent residential accommodation only and not for the purpose of a boarding house or hostel, hotel or motel accommodation, serviced apartments, tourist and visitor accommodation or the like, other than in accordance with the Sydney Local Environmental Plan 2012.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from residential accommodation as defined in the Sydney Local Environmental Plan 2012. The covenant is to be registered on title prior to any Occupation Certificate being issued or the use commencing, whichever is earlier. The covenant must contain terms reasonably required by Council and will be drafted by Council's solicitor, at the cost of the applicant, in accordance with the City's Fees and Charges.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.

- (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

**Reason**

To ensure the residential accommodation portion of the site is used for permanent residential purposes.

**(127) RESTRICTION ON USE OF CAR SPACES - COMMERCIAL WITH NO STRATA SUBDIVISION**

The following conditions apply to car parking:

- (a) The on-site car parking spaces, exclusive of service car spaces, are not to be used other than by an occupant or tenant of the subject building.
- (b) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary restrictive covenant, is to be registered on the Title of the development site pursuant to section 88E of the *Conveyancing Act 1919*, to the effect of (a) above. The covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- (c) Any future strata subdivision of the site is to include a restriction on User pursuant to section 39 of the *Strata Titles (Freehold Development) Act, 1973* as amended, so burdening all utility car parking allotments in the Strata Plan and/or an appropriate restrictive covenant pursuant to section 88B of the *Conveyancing Act 1919* burdening all car parking part - lots in the Strata Scheme.

**Reason**

To ensure the on-site car parking spaces, exclusive of service car spaces are not to be used other than by an occupant or tenant of the building.

**(128) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL**

The following conditions apply to car parking:

- (a) The on-site car parking spaces are not to be used other than resident of the subject building for parking of vehicles related to residence in the unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.
- (b) The strata subdivision of the site is to include a restriction on user pursuant to Section 39 of the *Strata Schemes (Freehold Development) Act, 1973* as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to Section 88B of the *Conveyancing Act 1919*, burdening all car parking part lots in the strata plan.

### **Reason**

To ensure the on-site car parking spaces are not to be used other than by a resident of the building.

### **(129) REQUIREMENT FOR A CURTAIN STRATEGY**

- (a) A consistent curtain strategy is to be implemented across the northern facade of the development. No blinds are to be used.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms. The covenant is to be registered on title prior to any Occupation Certificate being issued or the use commencing, whichever is earlier. The covenant must contain terms reasonably required by Council and will be drafted by Council's solicitor, at the cost of the applicant, in accordance with the City's Fees and Charges.
- (c) Any future strata subdivision shall provide for the above restriction to be created, burdening all residential lots in the strata plan.
- (d) A restriction burdening common property in a future strata plan only, shall not satisfy this condition.

### **Reason**

To ensure that the facade appears cohesive when viewed from Hyde Park for the life of the development.

### **(130) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT**

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report must be complied with.

Prior to the issue of any Occupation Certificate, certification must be submitted to the Principal Certifier from a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the approved Hazardous Materials Survey Report and that the site is safe for future occupation in accordance with the approved use.

### **Reason**

To ensure that hazardous materials on the site are appropriately managed.

### **(131) WASTE AND RECYCLING COLLECTION CONTRACT**

Prior to any Occupation Certificate being issued, the building owner must ensure that there is a contract with a licensed contractor for the removal of **all waste**. Waste is to be stored and collected from within the curtilage of the site at all times.



**Reason**

To ensure that waste and recycling is appropriately managed.

**(132) PUBLIC DOMAIN WORKS COMPLETION**

The Public Domain works are to be constructed in accordance with the Public Domain Works Approval letter, stamped plans for Public Domain Levels and Gradients, Stormwater, Public Domain Lighting, the City's *Public Domain Manual*, *Stormwater Drainage Manual*, *Sydney Lights Design Code* and *Sydney Streets Technical Specification*.

The public domain work must be inspected and a Public Domain Work Letter of Completion Operational Acceptance must be issued by Council's Public Domain Officer prior to the issue of any Occupation Certificate or before the commencement of use, whichever is earlier.

**Reason**

To ensure the public domain works are completed in accordance with the approved documents and Council's requirements.

**(133) PUBLIC DOMAIN COMPLETION – WORK AS EXECUTED DOCUMENTATION**

Prior to a Public Domain Works Letter of Completion Operational Acceptance being issued for public domain works, works-as-executed (As-Built) plans and documentation, must be submitted to and accepted by the City of Sydney for all public domain works, including where required Stormwater, Public Domain Lighting and road construction. These works must be certified by a suitably qualified, independent professional. Details of the documentation required for approval will be advised by the City's Public Domain Unit.

**Reason**

To ensure Council receives works-as-executed documentation for public domain works.

**(134) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT**

Prior to the issue of any Occupation Certificate:

- (a) The Owner is required to enter into a Deed of Agreement (Stormwater Deed) with the City of Sydney and obtain registration of Title of a Positive Covenant for all proposed connections to the City's underground drainage system. The deed and positive covenant will contain terms reasonably required by the City and will be drafted by the City's Legal Services Unit at the cost of the applicant, in accordance with the City's Fees and Charges.

- (b) A Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection. The positive covenant will contain terms reasonably required by the City and will be drafted by the City's solicitor at the cost of the applicant, in accordance with the City's Fees and Charges.

**Reason**

To protect underground drainage system.

**(135) SURVEY INFRASTRUCTURE – RESTORATION**

- (a) Prior to any Occupation Certificate being issued for the development, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include:
  - (i) Certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with;
  - (ii) Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre Subdivision Certificate works" have been complied with and;
  - (iii) Time-stamped photographic records of all new survey infrastructure relating to the site clearly showing the mark itself and sufficient context to aid in identifying the mark on site.

**Reason**

To ensure all requirements for survey mark removal are complied with.

**(136) CONSTRUCTED FLOOR LEVELS**

A certification report prepared by a suitably qualified practitioner engineer (NER) must be submitted to the Principal Certifier prior to issue of any Occupation certificate stating that the development has been constructed and the required levels achieved in accordance with condition "Flood Planning Levels" within this Notice of Determination.

**Reason**

To ensure the development achieves the required floor levels.

**(137) FLOOD RISK MANAGEMENT**

Prior to the issue of any Occupation Certificate, a certification report prepared by a suitably qualified practitioner engineer (NER), for flood risk management measures including flood planning level/s demonstrating compliance with the approved construction plans must be submitted to and be approved by the Principal Certifier. A copy of the report must be provided to Council for record keeping purposes.

**Reason**

To ensure flood risk management measures are complied with.

**(138) PRODUCTS BANNED UNDER THE BUILDING PRODUCTS (SAFETY) ACT 2017**

- (a) No building products that are banned, or products that are subject to a ban if used in a particular way, under the Building Products (Safety) Act 2017 are to be used in the construction of the development approved in this development consent.
- (b) Prior to the issue of any Occupation Certificate, the principal certifier is to confirm that none of the building products used on the building are subject to a building product use ban under the Building Products (Safety) Act 2017 or, if a product is only subject to a ban if used in a particular way that it is not used in any way contrary to the Building Products (Safety) Act 2017.

**Reason**

To ensure that no banned products are used in the development.

## PART F – OCCUPATION AND ONGOING USE

### (139) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

#### Reason

To ensure the site is authorised for occupation.

### (140) USE OF COMMON AREAS AND FACILITIES

The level 6 communal indoor and outdoor spaces must be available for the use all residents of the building and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

#### Reason

To ensure designated areas within the residential development are maintained as common property.

### (141) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

- (a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA [Noise Policy for Industry 2017 \(NPfI\)](#) unless agreed to by the City's Area Planning Manager. Further:
  - (i) Background noise monitoring must be carried out in accordance with the long-term methodology in [Fact Sheet B](#) of the NPfI unless otherwise agreed by the City's Area Planning Manager.
  - (ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- (b) An  $L_{Aeq,15\text{ minute}}$  (noise level) emitted from the development must not exceed the  $L_{A90, 15\text{ minute}}$  (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
  - (i) The noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.
  - (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premises.
- (c) Corrections in [Fact Sheet C](#) of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

**Reason**

To protect the acoustic amenity of surrounding properties.

**(142) ON SITE LOADING AREAS AND OPERATION**

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

To maintain the orderly operation of vehicle parking areas and to ensure the public domain is kept free from physical obstructions.

**(143) ON-SITE LOADING AREAS AND OPERATION**

- (a) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (b) At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

**Reason**

To maintain the orderly operation of vehicle parking areas and to ensure the public domain is kept free from physical obstructions.

**(144) VEHICLES ACCESS**

The site must be configured to allow all vehicles to be driven onto and off the site in a forward direction.

Reason:

To ensure vehicles can enter and exit the site in a forward direction.

**(145) LOADING AND SERVICING MANAGEMENT PLAN**

- (a) A Loading and Servicing Management Plan must be submitted to and approved by Council prior to the Occupation Certificate for the site/use being granted.
- (b) The Loading and Servicing Management Plan must include the strategy for the management of all servicing of the site including delivery vehicles, garbage collection, service vehicles and should include information such as arrivals to the site, the anticipated numbers of arrivals per week, time of day of the arrivals, length of stay, vehicle type etc. along with how these will be managed to prevent disruption to public streets. The management of the plan needs to be able to respond to changes in the surrounding road environment and be updated accordingly.

- (c) The plan will aim to distribute large truck movements outside the peak hours and must demonstrate how safety will be maintained and manage truck movements in the dock area and entry/exit movements to and from the basements from Clarke Street. The plan will also show the tenants/residents move in/out paths from both the towers to the loading dock. The plan will have a strategy to consolidate (both within the building and external) loading/delivery so that it minimises number of service vehicle trips from and to the development.
- (d) The Plan should be generally in accordance with the Loading and Servicing Management Plan prepared by ARUP F03.2, 08 March 2023 that has submitted as part of the application and revised to address the above matters.
- (e) Once approved, this management plan must be provided to all tenants and external users.

**Reason**

To ensure loading and servicing is appropriately managed on site.

**(146) BICYCLE PARKING SIGNAGE AND WAYFINDING PLAN**

- (a) Signage directing users to the bicycle parking facilities are to be installed from the street level, between the bicycle riders entry point/s at the site boundary and the entry point to the bike parking and End of Trip facilities.
- (b) Signage is to be generally in accordance with signage shown in Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities.
- (c) The signage plan must be submitted to and approved by Council prior to the Occupation Certificate for the site being granted. Signage is to be installed before the issue of any Occupation Certificate.

**Reason**

To clearly indicate where bicycle parking is located on site.

**(147) TRANSPORT ACCESS GUIDE**

- (a) A Transport Access Guide (TAG) must be implemented and maintained by the operator/s of the premises to inform patrons about accessing the site by sustainable transport options including public transport, taxis, cycling and walking or a combination of these modes. A Transport Access Guide (TAG) Implementation Plan including the following shall be submitted to and approved by Council prior to the issue of any Occupation Certificate for the site/use:
  - (b) An outline of all components and communication methods of the Transport Access Guide including but not limited to website/digital information, promotion by staff such as with phone bookings, printed material such as media or letterbox advertising, etc. Copies of any relevant printed material should be submitted with the Implementation Plan, and

- (c) Methods by which the various components of the Transport Access Guide will be communicated to staff and made available to customers.

**Reason**

To ensure sustainable modes of transport are encouraged on site.

**(148) LOADING DOCK SCHEDULE/REGISTER**

The on-site medium rigid vehicle loading dock is also to be available for all residents for use by removal vehicles, bulky good deliveries and similar. This shall be managed either by a schedule showing residents when they can use the dock, or by a register managed on site to allow residents to reserve a time period for their deliveries. This information is to be made available to all residents/tenants of the building.

**Reason**

To ensure that the management of the loading dock allows for use by residents for removal vehicles, bulky good deliveries and similar.

**(149) CAR PARK VENTILATION**

The car park must be ventilated in accordance with the *National Construction Code (previously known as Building Code of Australia)* and, where necessary, Australian Standard AS1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.

**Reason**

To ensure car park ventilation complies with relevant standards.

**(150) WASTE/RECYCLING COLLECTION - COMMERCIAL**

- (a) Waste storage and the collection of waste and recycling must only occur during the designated zone collection times as outlined in the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places 2017.
- (b) Waste and recycling bins must not be placed on the street for collection. Services must be conducted within the property boundary or as a wheel-out/wheel-back service.
- (c) Unimpeded access must be provided for collection vehicles to set down within 10 metres of waste storage areas during zone collection times on collection days.

**Reason**

To ensure that waste and recycling is appropriately managed.



**(151) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS**

All works to the City’s public domain, including rectification of identified defects, are subject to a 6 month defects liability period from the date of Completion. The date of Completion will be nominated by Council on the Public Domain Works – Letter of Completion Operational Acceptance.

**Reason**

To ensure all works to the City’s public domain are protected under a liability period.

**(152) ENCROACHMENTS – PUBLIC WAY**

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council’s footpath area.

**Reason**

To protect the public way.

**(153) EASEMENTS FOR PUBLIC ACCESS**

- (a) Prior to the issue of an Occupation Certificate for the development, a documentary Easement for Public Access, limited in stratum if so desired, is to be created and registered on the Title(s) of the development site at Ground Floor level. The Easement is to be defined over:
  - (i) The strip of lands measured from the outside face of the building wall to the property boundary, extending along the frontages of Liverpool Street, Nithsdale Street, Commonwealth Street and Clarke shown on the approved plans for the development.
- (b) Easements are to be created appurtenant to Council in terms granting rights for public pedestrian access, without vehicles, exclusive of wheelchairs for the disabled, to Council’s satisfaction.
- (c) Prior to the issue of an Occupation Certificate for the development or the commencement of the use, whichever occurs earlier, a documentary Positive Covenant is to be created and registered on the Title of the development site, appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Easement for Public Access, and is to require the maintenance of a \$20,000,000 public indemnity insurance policy to which Council is a named party and is to require the maintenance, upkeep, repair and lighting of the Easement for Public Access in accordance with Council’s requirements and to the satisfaction of Council.

**Reason**

To ensure the orderly public safety and access along the site’s street frontages.

## SCHEDULE 2

### PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2021* apply:

- Clause 69 Compliance with *National Construction Code (previously known as Building Code of Australia)* and insurance requirements under the *Home Building Act 1989*
- Clause 70 Erection of signs
- Clause 71 Notification of *Home Building Act 1989* requirements
- Clause 72 Conditions relating to entertainment venues
- Clause 73 Conditions relating to maximum capacity signage
- Clause 74 Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 2 conditions of development consent of the *Environmental Planning and Assessment Regulation 2021*.

This can be accessed at: <http://www.legislation.nsw.gov.au>

## **SCHEDULE 3**

### **AGENCY CONDITIONS OF CONSENT**

The following conditions have been recommended by NSW State agencies:

#### **AUSGRID**

##### **(154) OVERHEAD POWERLINES**

There are existing overhead electricity network assets on Liverpool ST, Clarke St , Nithsdale St and Commonwealth St.

Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, [www.ausgrid.com.au](http://www.ausgrid.com.au).

Based on the design of the development provided, it is expected that the “as constructed” minimum clearances will not be encroached by the building development. However it remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

##### **(155) UNDERGROUND CABLES**

There are existing underground electricity network assets on Liverpool St, Clarke St, Nithsdale St and Commonwealth St.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.

## **(156) SUBSTATION**

There are existing electricity substation S4091 within 175 Liverpool Street, Sydney.

The existing electricity chamber substation may be impacted by the proposed construction. This type of building is susceptible to damage from subsidence or vibration due to nearby excavation or piling, and also due to building materials and machinery coming into contact with the facade of the building. The use of ground anchors under a substation building is generally not permitted due to the presence of underground cabling and earthing conductors which may be more than 10m deep. A further area of exclusion may be required in some circumstances.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment, or 120/120/120 where there is no oil filled equipment and be constructed of non-combustible material.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 113. Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

For further details refer to Ausgrid's Network Standard 143

## TRANSPORT FOR NSW

### **(157) LOADING AND SERVICING MANAGEMENT PLAN**

- (a) The Loading and Servicing Management Plan is to be updated in consultation with TfNSW and endorsed by the Agency prior to the issue of an Occupation Certificate. The plan should specify, but not be limited to, the following:
- (i) Details of the development's freight and servicing profile, including the forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
  - (ii) Details of the loading and servicing facilities within the subject site which adequately accommodate the forecast demand of the development so as to not rely on the kerbside restrictions to conduct the development's business.
  - (iii) Management of over height vans and utes to unload over height equipment before accessing the spaces on Basement 01 level and vice versa; and
  - (iv) Measures to reduce any impact to on-street kerbside restrictions and the operation of the traffic and transport network within the vicinity of the site from the development's freight and servicing traffic.

### **(158) CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN**

- (a) A Construction Pedestrian and Traffic Management Plan (CPTMP) is required to be prepared in consultation with TfNSW. A copy of the final (CPTMP) should be submitted to [development.sco@transport.nsw.gov.au](mailto:development.sco@transport.nsw.gov.au) for endorsement, prior to the issue of any Construction Certificate or any preparatory, demolition or excavation works, whichever is earlier.

## IMPORTANT ADDITIONAL INFORMATION

### Advisory notes:

1. It is advised that the City of Sydney Neighbourhood Parking Policy may apply to this development. Eligibility for parking permits for residents or users of the development will be determined by the terms of this policy or subsequent future policies.

### The Environmental Planning and Assessment Act 1979 requires you to:

1. Obtain a **Construction Certificate** prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate.
1. ***It is compulsory to lodge digital copies of applications, including plans and documentation if lodging an application with Council. Please refer to Council's website for any further information about digital requirements and electronic files.***

***Note: All applications must be lodged via the NSW Planning Portal.***

2. Nominate a **Principal Certifier** which may be either Council or a registered certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement. Appointment must be made through the Planning Portal <https://www.planningportal.nsw.gov.au/>.
3. Give Council at least two days notice of your intention to commence the erection of a building **before** commencing construction works. You cannot lawfully commence works without complying with this requirement.
4. Obtain an **Occupation Certificate** before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

### You may also need to:

5. Obtain approval through the lodgement of an application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* for an activity which is proposed to be undertaken in, on or above a road reservation (including footways). Such activities include:
  - (a) building elements/façade features;
  - (b) installation of hoardings/scaffolding;
  - (c) installation and/or alterations to advertising/business signs and street awnings;
  - (d) crane operation and other hoisting activities;
  - (e) temporary works (e.g.: barricading, road openings, mobile hoisting devices);
  - (f) works zone (for loading and unloading from the roadway); and
  - (g) temporary ground anchoring and shoring to support a roadway when excavating.

Application forms are available on the City's website.

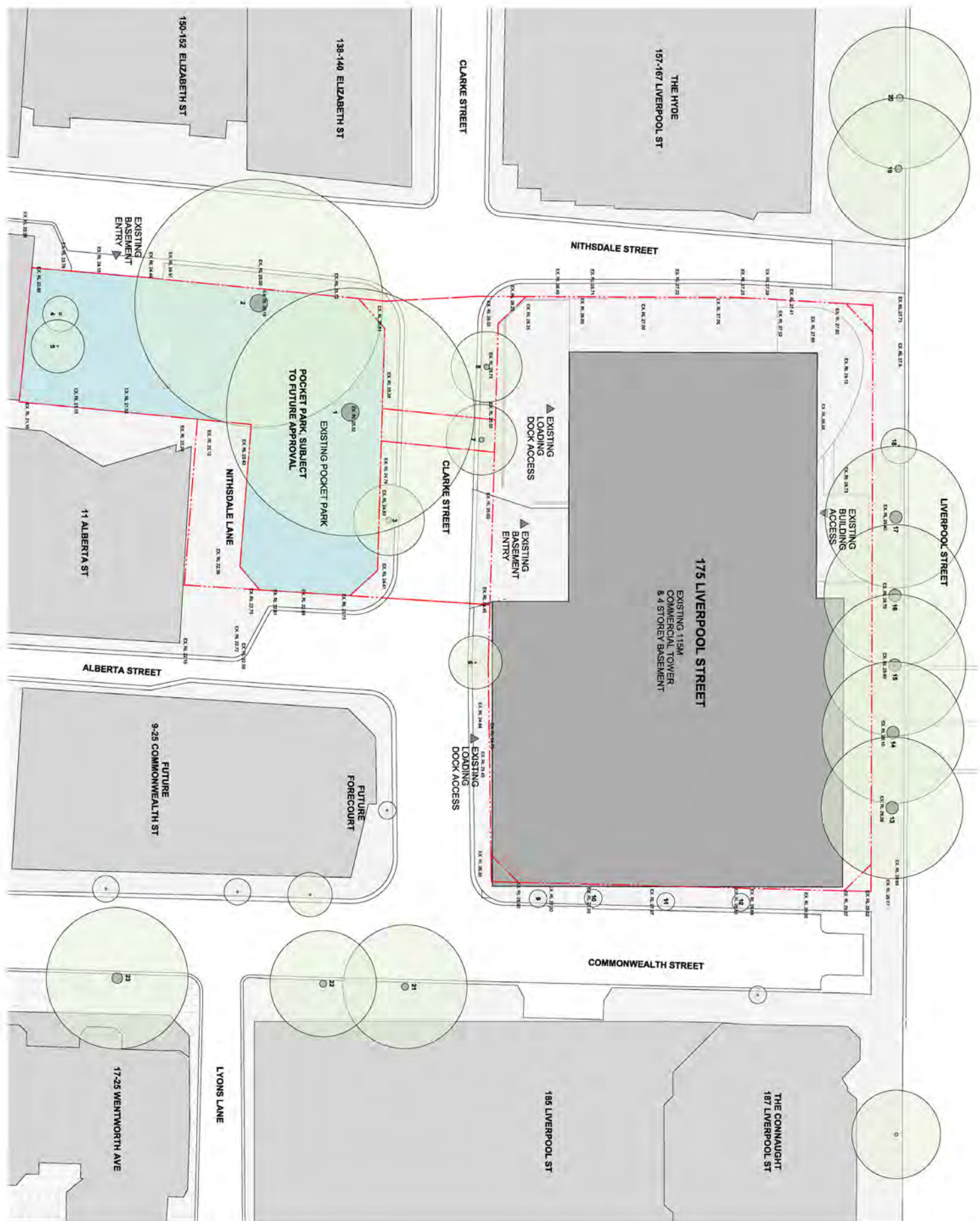
6. Lodge an **Application for Subdivision** to obtain a **Subdivision Certificate** if a land (including stratum) subdivision is proposed and an Application for Subdivision to obtain **Strata Title Subdivision** under the relevant Strata Titles Act if strata title of the development is proposed.
7. Comply with the Food Act 2003, the Australia New Zealand Food Standards Code, Australian Standard 4674 – 2004, and register the business with Council if the premises is used for the manufacture, preparation, packing, storing, conveying or delivering of food or beverage for sale.
8. Contact Sydney Water regarding the water and sewerage services to this development. For further information go to [www.sydneywater.com.au](http://www.sydneywater.com.au).
9. Carry out critical stage inspections in accordance with Section 6.5 of the EP&A Act 1979 and clauses 61, 63 and 65 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation.

# **Attachment B**

<b>Selected Drawings</b>
--------------------------







Check all dimensions and site conditions prior to commencement of any work.  
 The purpose of this plan is to provide a visual representation of the proposed development.  
 Do not scale dimensions - refer to legend for dimensions only. Any dimensions shall  
 be verified by the architect or engineer.  
 All drawings may not be reproduced or distributed without prior permission from  
 the architect.

**SICARD PTY LTD**

**175 LIVERPOOL STREET**  
**DA01**  
**EXISTING SITE PLAN**



Scale	1:200	@ A1
Drawn	SH	Checked
Project No.	S15065	
File Name	0902031275191.rvt	
DA01.02	A	

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<http://www.batesmart.com.au>  
 Dallas Smart Architects Pty Ltd (ASB) 604 040 090  
 1077 Westwood Parkway, Suite 200, Westwood, TX 75091, USA



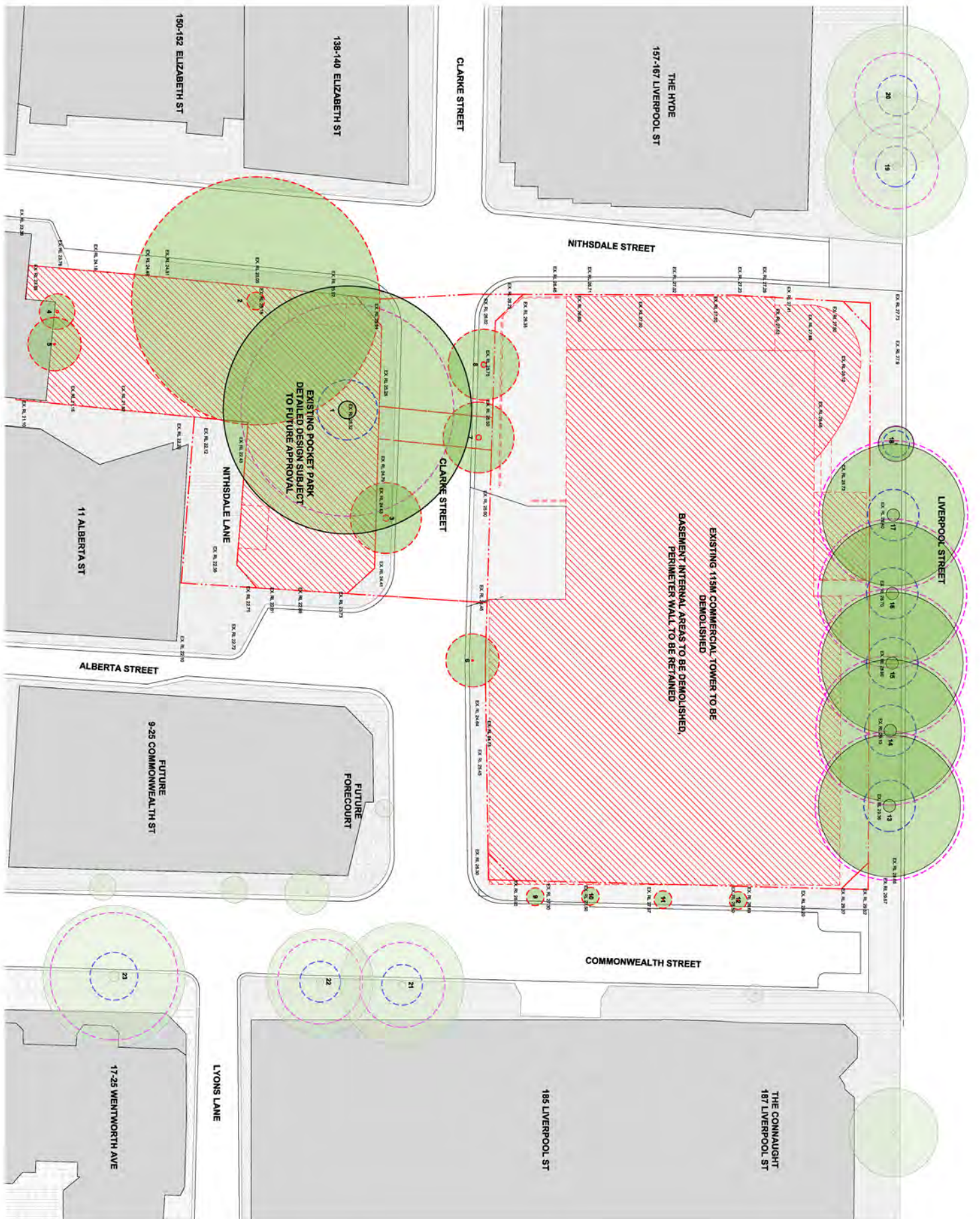












Check all dimensions and the conditions prior to commencement of any work. The contractor is responsible for the safety of the work. The contractor is responsible for the safety of the work. The contractor is responsible for the safety of the work. Do not start demolition - leave to Street for completion. Any dimensions shall immediately be referred to the architect for confirmation. All drawings may not be reproduced or distributed without prior permission from the architect.

**LEGEND - DEMOLITION PLAN**

- TO BE DEMOLISHED
- TO BE RETAINED
- TREE PROTECTION ZONE
- STRUCTURAL ROOT ZONE

1	08/03/2022	PROJECT START	SH	SH
2	10/03/2022	PERMITS/DEMOLITION APPLICATION	SH	SH
3	15/03/2022	PERMITS/DEMOLITION APPLICATION	SH	SH
4	15/03/2022	PERMITS/DEMOLITION APPLICATION	SH	SH
5	15/03/2022	PERMITS/DEMOLITION APPLICATION	SH	SH
6	15/03/2022	PERMITS/DEMOLITION APPLICATION	SH	SH
7	15/03/2022	PERMITS/DEMOLITION APPLICATION	SH	SH
8	15/03/2022	PERMITS/DEMOLITION APPLICATION	SH	SH
9	15/03/2022	PERMITS/DEMOLITION APPLICATION	SH	SH
10	15/03/2022	PERMITS/DEMOLITION APPLICATION	SH	SH

**SICARD PTY LTD**

175 LIVERPOOL STREET  
 DA01  
 DEMOLITION PLAN

**BATESSMART**

DA01.07 B

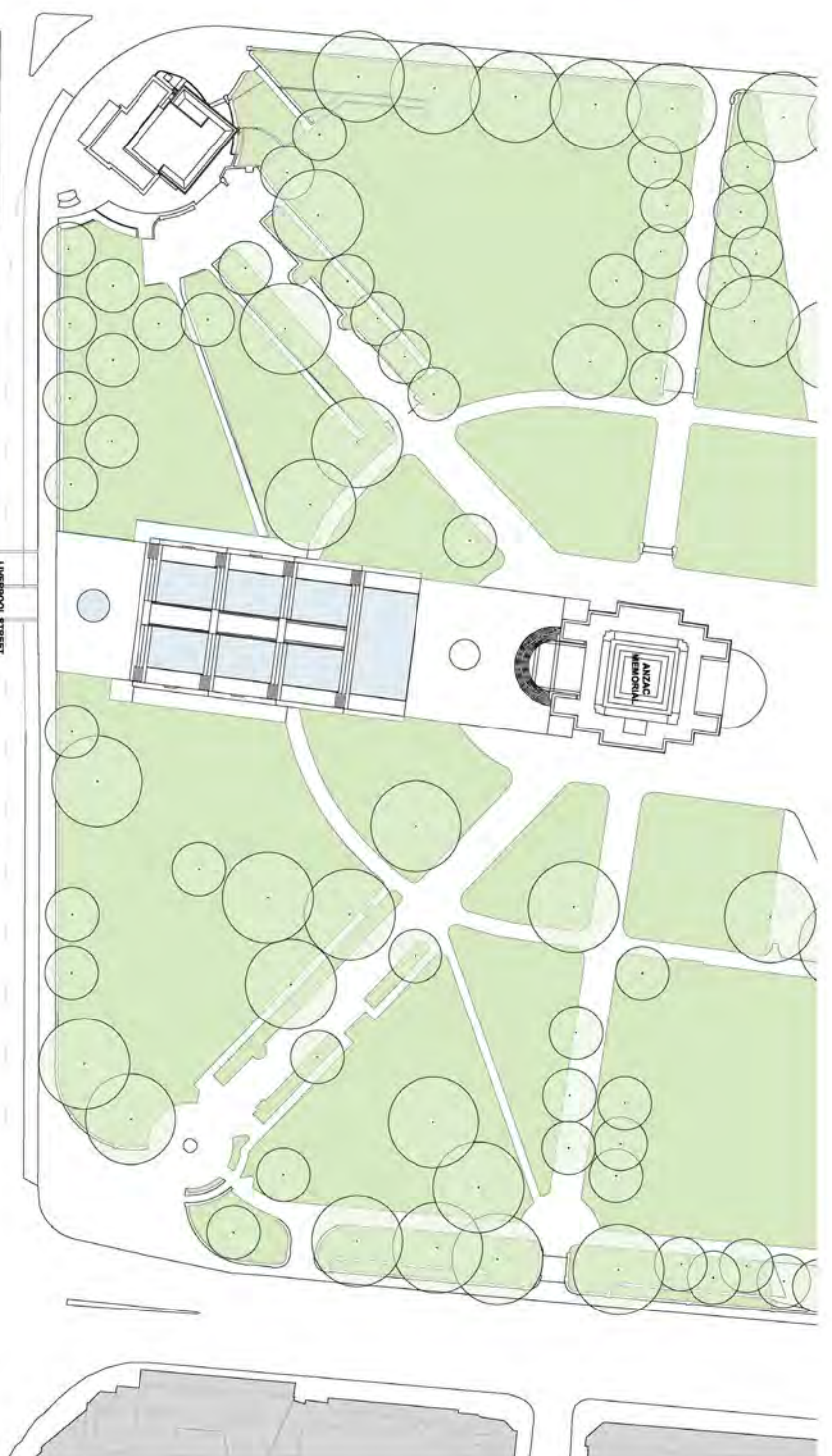
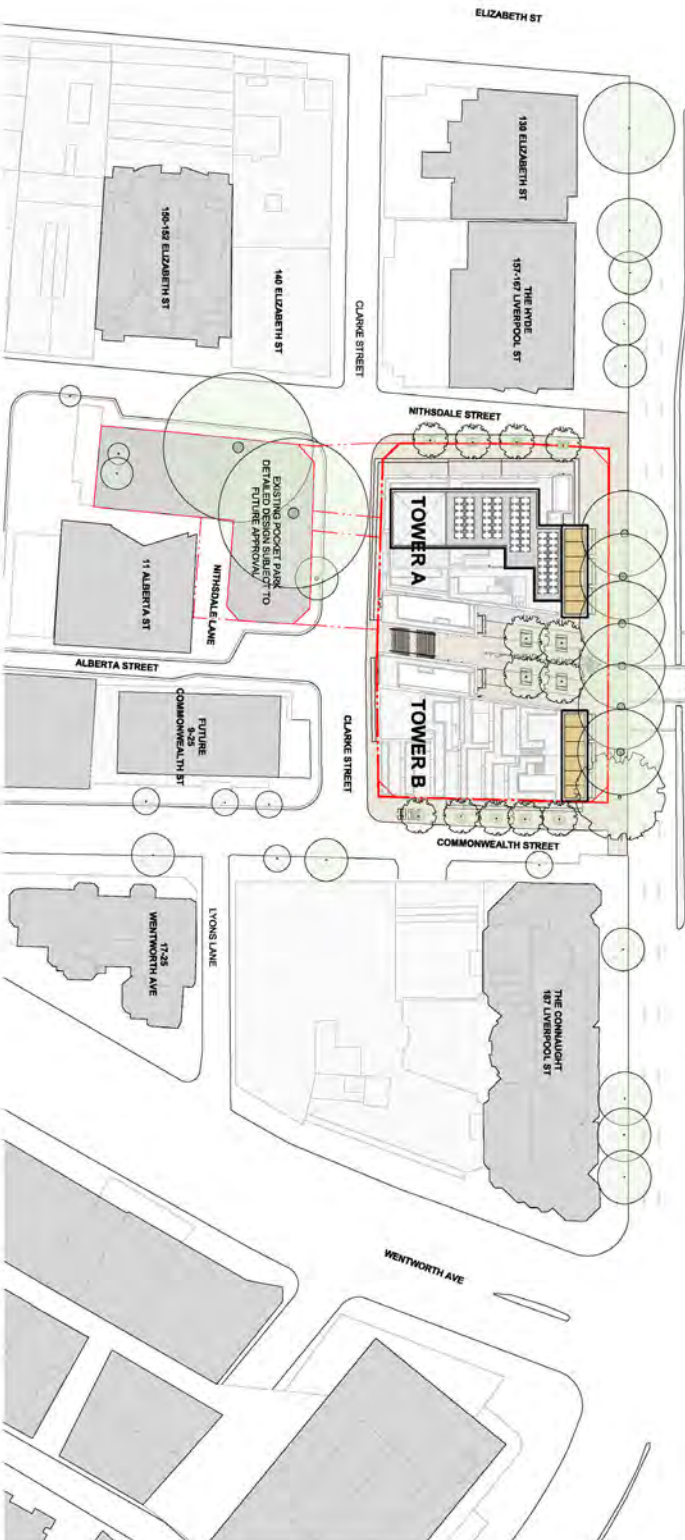
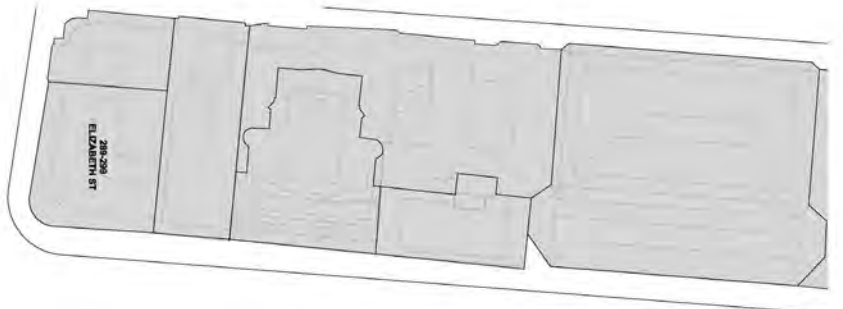
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 Date: As Issued  
 Project No: S17565  
 File Name: 175LIVERPOOL.DWG

Drawn by: [Name]  
 Checked by: [Name]

Melbourne: 1 Nicholson Street, Sydney NSW 2017 Australia  
 Melbourne: VIC 3000 Australia  
 Sydney: 1151 New South Street, Sydney NSW 2017 Australia  
 Sydney: NSW 2017 Australia  
 Tel: 02 9252 1100 / 02 9252 5199  
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 CONTEXT ROOF PLAN

DA02  
 CONTEXT ROOF PLAN

Scale: 1:200 @ A1  
 Date: 01/11/2022  
 Project No: S15065  
 Rev: 01/11/2022

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175 LIVERPOOL STREET  
 CONTEXT ROOF PLAN

Scale: 1:200 @ A1  
 Date: 01/11/2022  
 Project No: S15065  
 Rev: 01/11/2022

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 175 LIVERPOOL STREET  
 CONTEXT ROOF PLAN

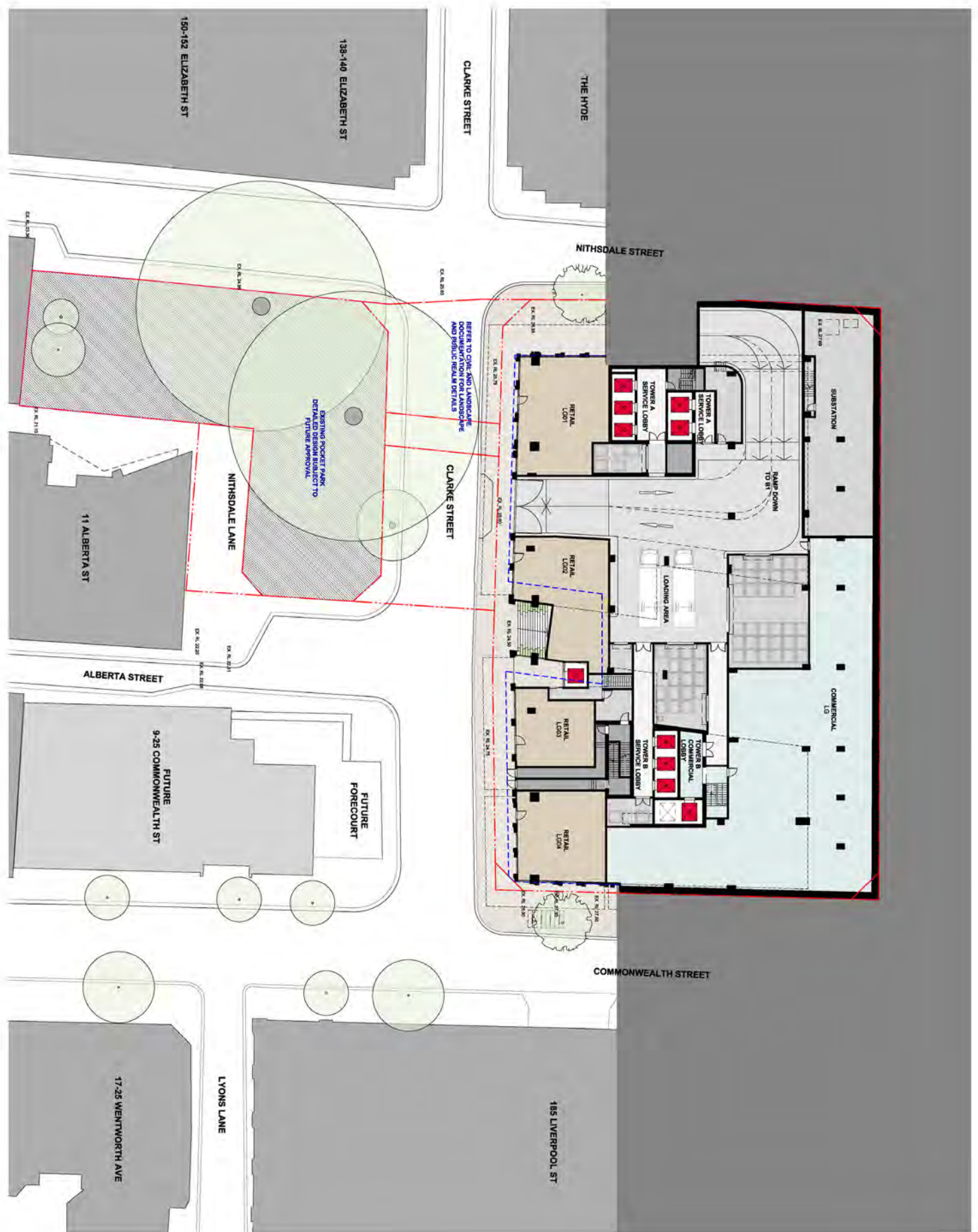
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 Date: 01/11/2022  
 Project No: S15065  
 Rev: 01/11/2022

Check all dimensions and the conditions prior to commencement of any work. The purchaser or contractor is responsible for the accuracy of the information. Do not scale drawings - refer to the printed dimensions only. Any dimensions shall be deemed to be in millimetres unless otherwise stated. All drawings may not be reproduced or distributed without prior permission from the architect.









Check all dimensions and site conditions prior to commencement of any work. The purpose of this drawing is to provide a visual representation of the proposed development. It is not a contract. Do not scale drawings - refer to the notes for dimensions. Any dimensions shall prevail over those shown on the drawing. All drawings may not be reproduced or distributed without prior permission from the architect.

- LEGEND**
- EXISTING TREES TO BE RETAINED
  - PROPOSED TREES
  - PROPERTY BOUNDARY
  - STAGE 1 APPROVED ENVELOPE D2018962

NO	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMIT	15/03/22	DA02.03	DA02.03
2	FOR INFORMATION	15/03/22	DA02.03	DA02.03
3	FOR INFORMATION	15/03/22	DA02.03	DA02.03
4	FOR INFORMATION	15/03/22	DA02.03	DA02.03
5	FOR INFORMATION	15/03/22	DA02.03	DA02.03
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10	FOR INFORMATION	15/03/22	DA02.03	DA02.03

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175 LIVERPOOL STREET  
LOWER GROUND PRECINCT

**DA02 LOWER GROUND PRECINCT PLAN**

SCALE: DEVELOPMENT APPLICATION @ A1  
DATE: 15/03/22  
DRAWN BY: S15565  
CHECKED BY: SH

PROJECT NO.: S15565  
FILE PATH: C:\Users\105\Documents\175 LIVERPOOL ST\_03\_DA\_ARCH\_2022.dwg

DA02.03 D

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Online: Batesmart Pty Ltd ABN 68 094 140 990  
100 Liverpool Street, Sydney NSW 2000 Australia  
Tel: 02 9250 5100  
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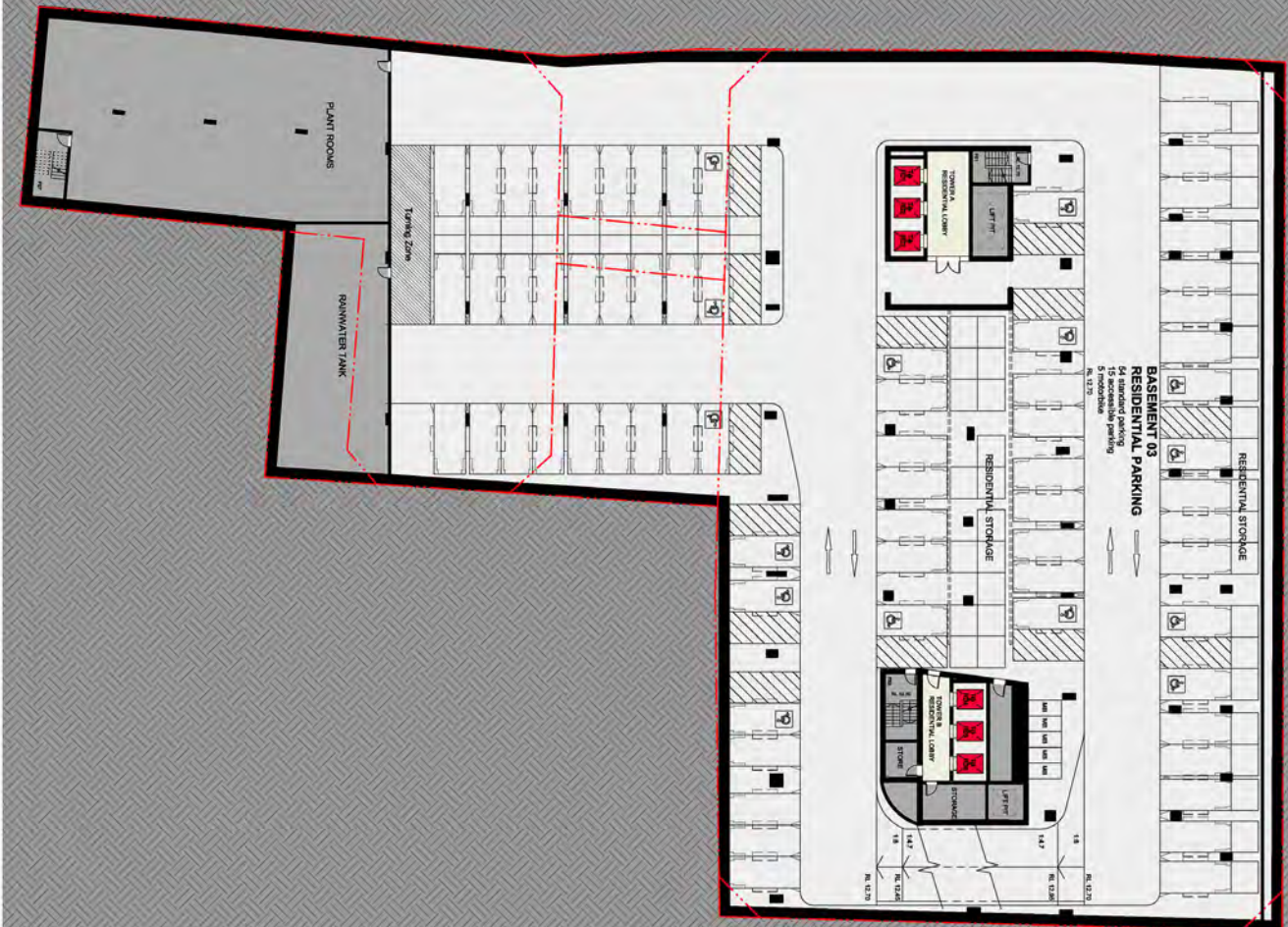












**BASEMENT 03**  
 Residential parking  
 54 standard parking  
 5 motorcycle  
 No. 5173

Level	Family and 1 year	Count
B1	B1.01 TALK CHAIRS/STAIRS 1000 x 1000 Counters	14
B1	B1.02 TALK CHAIRS/STAIRS 1000 x 1000 Counters	1
B1	B1.03 TALK CHAIRS/STAIRS 1000 x 1000 Counters	1
B1	B1.04 TALK CHAIRS/STAIRS 1000 x 1000 Counters	1
B1	B1.05 TALK CHAIRS/STAIRS 1000 x 1000 Counters	1
B1	B1.06 TALK CHAIRS/STAIRS 1000 x 1000 Counters	1
B1	B1.07 TALK CHAIRS/STAIRS 1000 x 1000 Counters	1
B1	B1.08 TALK CHAIRS/STAIRS 1000 x 1000 Counters	1
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**SICARD PTY LTD**  
 175 LIVERPOOL STREET  
 BASEMENT 03

**DA03.03**  
 DEVELOPMENT APPLICATION  
 @ A1  
 CHASER SH  
 S15065

**DA03.03**  
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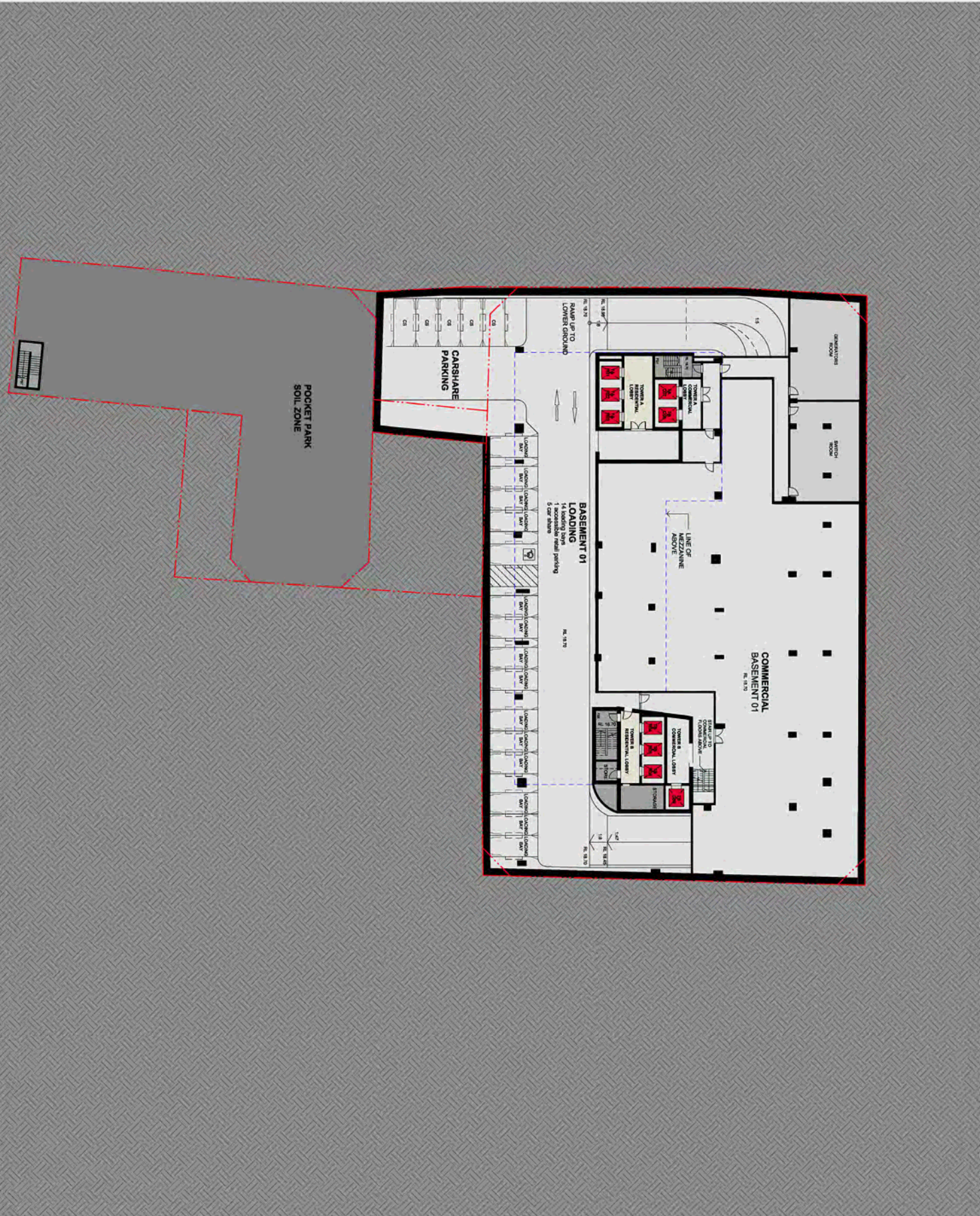
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 Bates Smart Architects Pty Ltd ABN 69 004 140 986  
 100/100 Commercial Avenue, South Yarra, VIC 3142, Australia, Reg 08897  
 100/100 Commercial Avenue, South Yarra, VIC 3142, Australia, Reg 08897









Check all dimensions and the conditions prior to commencement of any work. The purchaser or party of the material, to the extent of the contract, shall be responsible for the accuracy of the dimensions and conditions of the material. Any dimensions shall be in accordance with the contract. Do not assume dimensions - refer to the contract for clarification. All drawings may not be reproduced or distributed without prior permission from the architect.

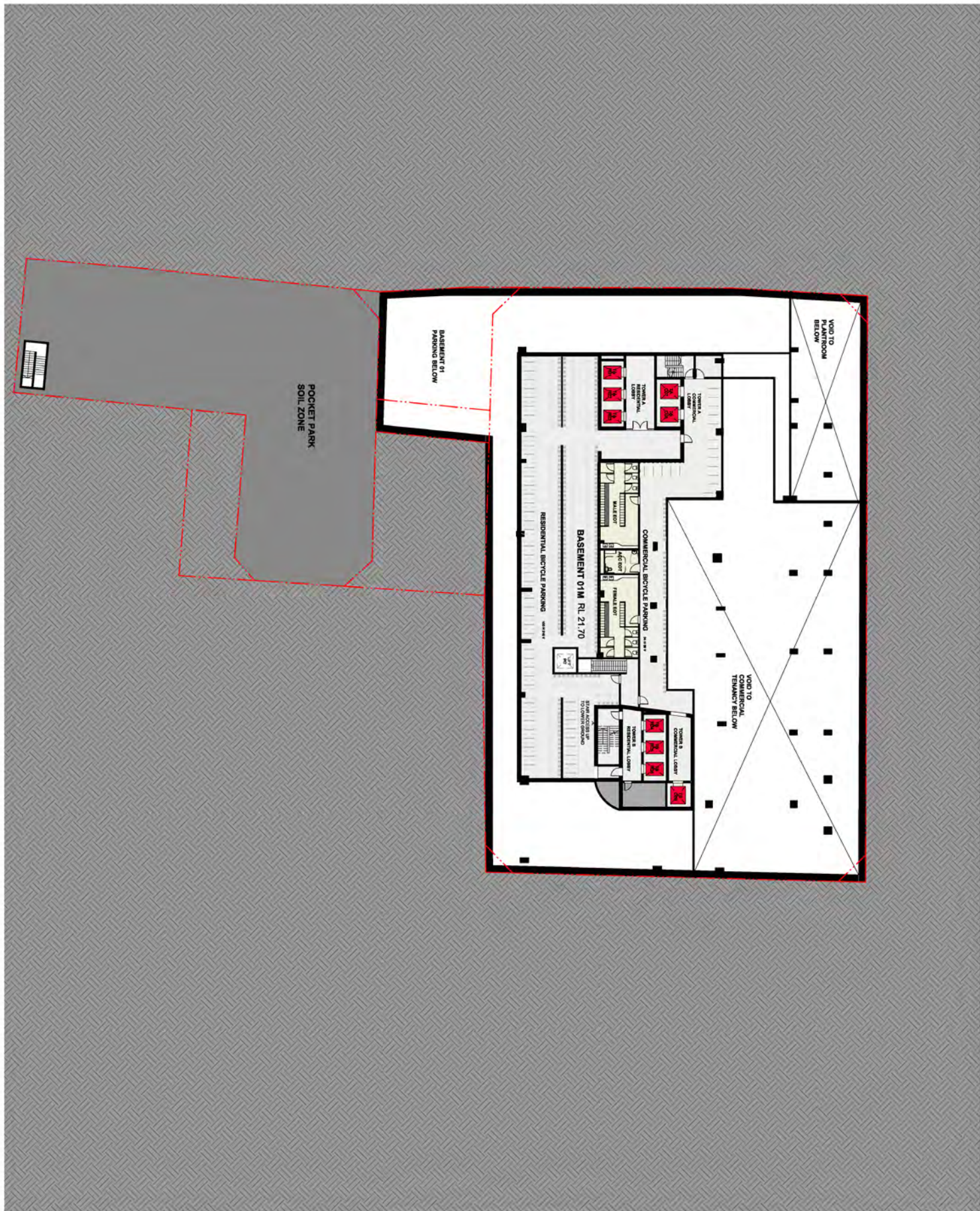
Level	Party and Type	Count
01	18.15' RL, CONCRETE, 5000 x 1000	14
02	18.15' RL, CONCRETE, 5000 x 1000	14
03	18.15' RL, CONCRETE, 5000 x 1000	14
04	18.15' RL, CONCRETE, 5000 x 1000	14
05	18.15' RL, CONCRETE, 5000 x 1000	14
06	18.15' RL, CONCRETE, 5000 x 1000	14
07	18.15' RL, CONCRETE, 5000 x 1000	14
08	18.15' RL, CONCRETE, 5000 x 1000	14
09	18.15' RL, CONCRETE, 5000 x 1000	14
10	18.15' RL, CONCRETE, 5000 x 1000	14
11	18.15' RL, CONCRETE, 5000 x 1000	14
12	18.15' RL, CONCRETE, 5000 x 1000	14
13	18.15' RL, CONCRETE, 5000 x 1000	14
14	18.15' RL, CONCRETE, 5000 x 1000	14
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18	18.15' RL, CONCRETE, 5000 x 1000	14
19	18.15' RL, CONCRETE, 5000 x 1000	14
20	18.15' RL, CONCRETE, 5000 x 1000	14
21	18.15' RL, CONCRETE, 5000 x 1000	14
22	18.15' RL, CONCRETE, 5000 x 1000	14
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24	18.15' RL, CONCRETE, 5000 x 1000	14
25	18.15' RL, CONCRETE, 5000 x 1000	14
26	18.15' RL, CONCRETE, 5000 x 1000	14
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96	18.15' RL, CONCRETE, 5000 x 1000	14
97	18.15' RL, CONCRETE, 5000 x 1000	14
98	18.15' RL, CONCRETE, 5000 x 1000	14
99	18.15' RL, CONCRETE, 5000 x 1000	14
100	18.15' RL, CONCRETE, 5000 x 1000	14

**SICARD PTY LTD**  
 175 LIVERPOOL STREET  
 DA03  
 BASEMENT 01

**DA03.05A C**  
 DEVELOPMENT APPLICATION  
 SCALE: 1:200 @ A1  
 DRAWN: VVA  
 CHECKED: SH  
 PROJECT NO.: S15065  
 FILED DATE: 19/09/2023 2:45:29 PM  
 DWG: DA03.05A C  
 DRAWING NO: 15065

**BATESSMART**  
 15065  
 175 LIVERPOOL STREET  
 SYDNEY NSW 2017 AUSTRALIA  
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 FAX: 02 9251 5109  
 WWW.BATESSMART.COM.AU  
 BATES SMART ARCHITECTS PTY LTD (ABN 69 094 140 986)  
 15065 LIVERPOOL STREET, SYDNEY NSW 2017 AUSTRALIA  
 TEL: 02 9251 5100  
 FAX: 02 9251 5109  
 WWW.BATESSMART.COM.AU





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Level	Party and 1/2m	Count
01	1/2m	14
02	1/2m	14
03	1/2m	14
04	1/2m	14
05	1/2m	14
06	1/2m	14
07	1/2m	14
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96	1/2m	14
97	1/2m	14
98	1/2m	14
99	1/2m	14
100	1/2m	14

175 LIVERPOOL STREET  
**DA03**  
**BASEMENT 01 MEZZANINE**

**SICARD PTY LTD**

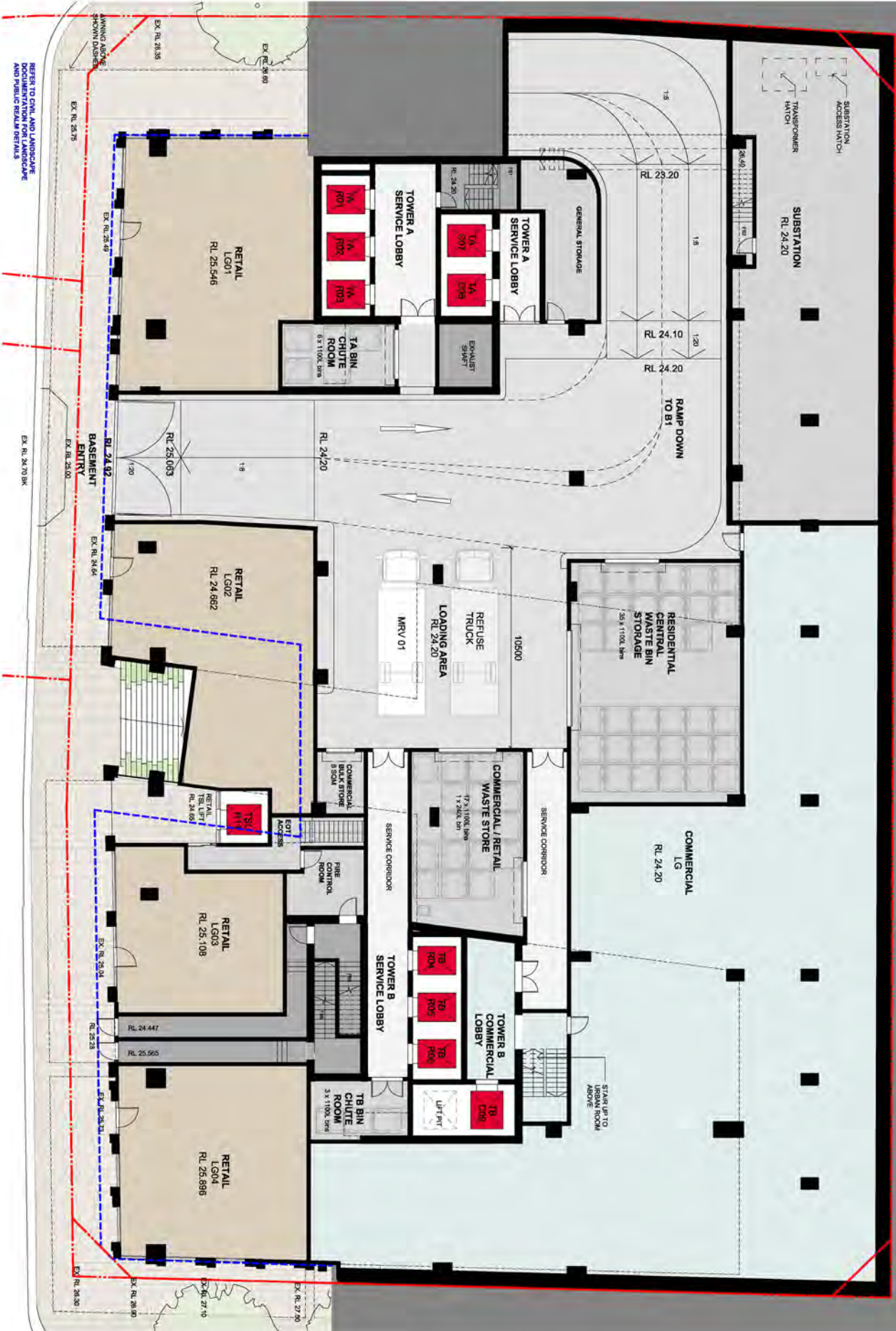
**DA03.05B B**

175 LIVERPOOL STREET  
 MELBOURNE VIC 3000 AUSTRALIA  
 TEL: 03 9494 5300  
 WWW.BATESSMART.COM.AU

**BATESSMART**

Project No: S15065  
 Date: 11/03/2022  
 Scale: 1:200  
 Drawing No: DA03.05B B





REFER TO CIVIL AND LANDSCAPE DOCUMENTATION FOR LANDSCAPE AND PUBLIC REALM DETAILS

**LEGEND**

- EXISTING TREES TO BE RETAINED
- PROPOSED TREES
- PROPERTY BOUNDARY
- STAGE 1 APPROVED ENVELOPE D2218/02

Check all dimensions and the condition prior to commencement of any work. The proposed work is shown in red. Existing trees to be retained are shown in green. Do not start demolition - trees to be retained. Any dimensions shall be confirmed by the architect or consultant. All drawings may not be reproduced or distributed without prior permission from the architect.

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**175 LIVERPOOL STREET**

**DA03 GROUND LOWER PLAN**

Scale	DEVELOPMENT APPLICATION
Client	As instructed @ A1
Drawn	CHAMBER SH
Project No.	S19565
File Name	060003-20-04.rvt
Rev	
Drawn by	Shamoon

**DA03.06** **D**

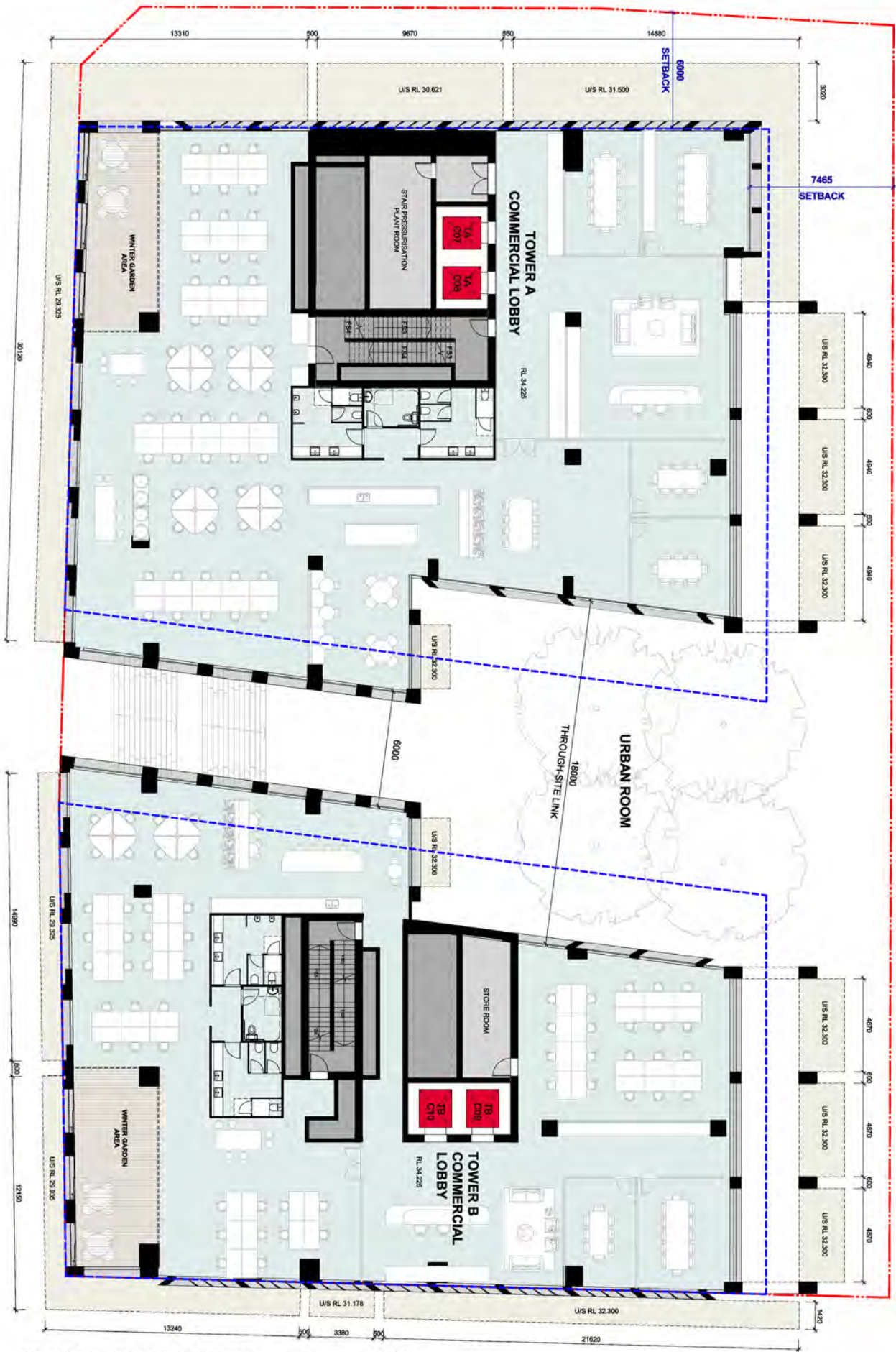
Multiplan 1 (Victoria Street) Sydney NSW 2000 Australia  
 Telephone: +61 2 9250 9500  
 Fax: +61 2 9250 9501  
 Email: [info@bates-smart.com.au](mailto:info@bates-smart.com.au)  
 Website: <http://www.bates-smart.com.au>

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Check all dimensions and the conditions prior to commencement of any work. The purpose of this drawing is to provide a visual representation of the proposed development. It is not a contract. It is not to be used for any other purpose. Any dimensions shall prevail over any other dimensions. Any dimensions shall be rounded to the nearest millimetre. All drawings may not be reproduced or distributed without prior permission from the architect.

**LEGEND**

- EXISTING TREES TO BE RETAINED
- PROPOSED TREES
- PROPERTY BOUNDARY
- STAGE 1 APPROVED ENVELOPE D2218962

1	21.02.22	PROJECT START	581	581
2	18.03.22	PROJECT COMPLETION	581	581
3	15.03.22	PROJECT COMPLETION	581	581
4	15.03.22	PROJECT COMPLETION	581	581
5	15.03.22	PROJECT COMPLETION	581	581
6	15.03.22	PROJECT COMPLETION	581	581
7	15.03.22	PROJECT COMPLETION	581	581
8	15.03.22	PROJECT COMPLETION	581	581
9	15.03.22	PROJECT COMPLETION	581	581
10	15.03.22	PROJECT COMPLETION	581	581

**SICARD PTY LTD**

175 LIVERPOOL STREET  
LEVEL 01 COMMERCIAL

DA03  
LEVEL 01 COMMERCIAL

STATUS: DEVELOPMENT APPLICATION  
SCALE: AS INDICATED @ A1  
DRAWN: MT  
CHECKED: SH  
PROJECT NO.: S17565  
FILE PATH: 175LPOOL\_01\_14.PLT

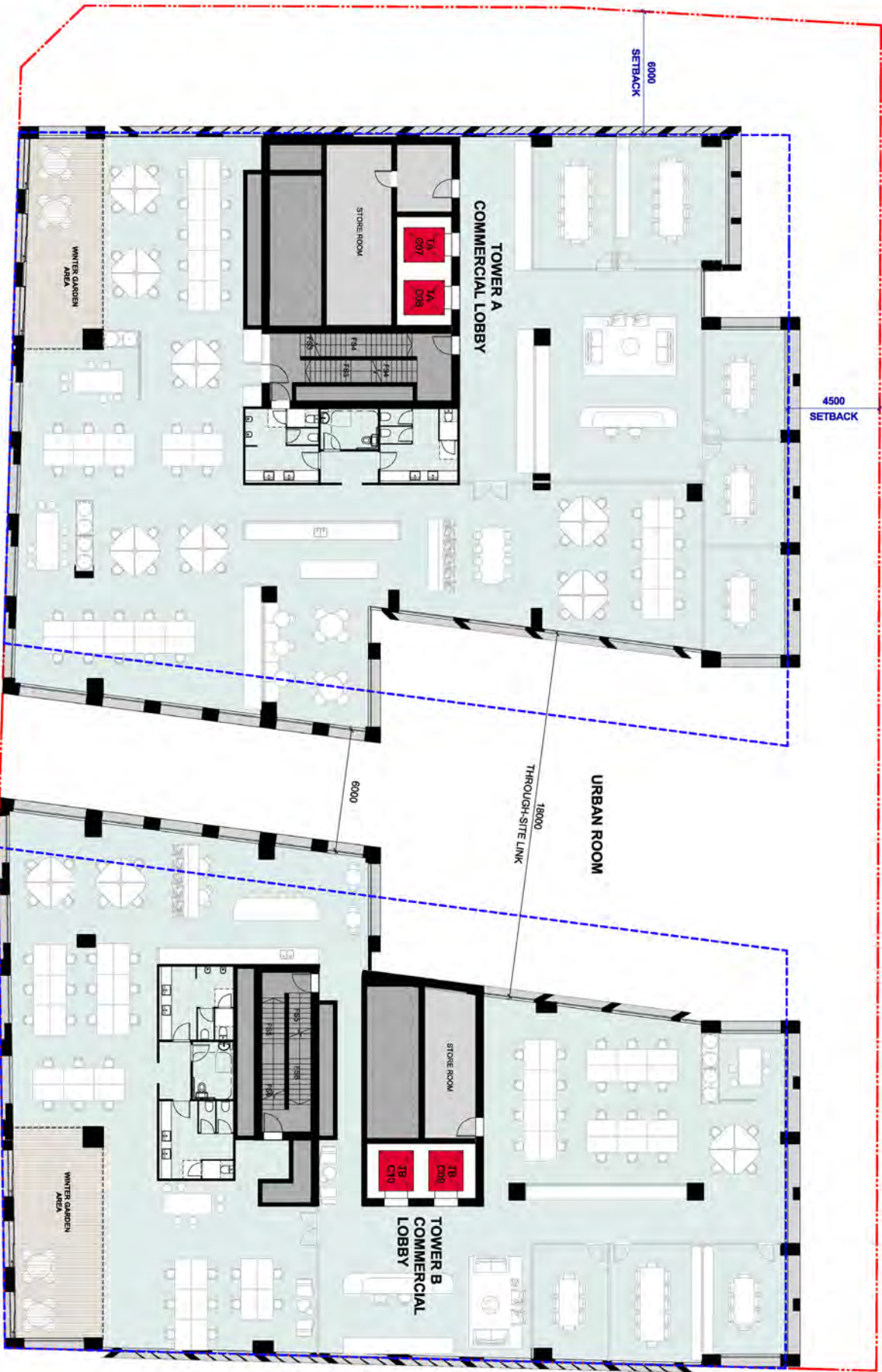
DA03.08 C

Melbourne, 1 Nicholson Street  
Melbourne, VIC 3000 Australia  
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http://www.batesSMART.com.au  
Email: Sales@batesSMART.com.au  
175 Liverpool Street, Level 01, Melbourne, VIC 3000  
175 Liverpool Street, Level 01, Melbourne, VIC 3000

Battery 43, Melbourne Street  
Spring Hill, NSW 2007 Australia  
02 8558 5100 F 02 8558 5199  
http://www.batesSMART.com.au  
175 Liverpool Street, Level 01, Melbourne, VIC 3000





**BATESSMART™**





Check all dimensions and the conditions prior to commencement of any work. The purpose of this drawing is to provide a visual representation of the proposed development. It is not a contract. Do not scale dimensions - refer to the schedule of dimensions. Any dimensions shall prevail over those shown on this drawing. All drawings may not be reproduced or distributed without prior permission from the architect.

**LEGEND**

-  EXISTING TREES TO BE RETAINED
-  PROPOSED TREES
-  PROPERTY BOUNDARY
-  STAGE 1 APPROVED ENVELOPE D2018/02

1	2018/12/15	REVISED SITE PLAN	REVISED	DA
2	2018/12/15	REVISED SITE PLAN	REVISED	DA
3	2018/12/15	REVISED SITE PLAN	REVISED	DA
4	2018/12/15	REVISED SITE PLAN	REVISED	DA
5	2018/12/15	REVISED SITE PLAN	REVISED	DA
6	2018/12/15	REVISED SITE PLAN	REVISED	DA
7	2018/12/15	REVISED SITE PLAN	REVISED	DA
8	2018/12/15	REVISED SITE PLAN	REVISED	DA
9	2018/12/15	REVISED SITE PLAN	REVISED	DA
10	2018/12/15	REVISED SITE PLAN	REVISED	DA

**SICARD PTY LTD**

175 LIVERPOOL STREET

DA03 LEVEL 02 - 05 COMMERCIAL



Scale	As Indicated	© All Rights Reserved
Client	CH	Contract SH
Project No.	S15565	
File Name	175LIVERPOOL_02_05_17.rvt	
Drawn by		Reviewed
Checked by		
DA03.09	C	

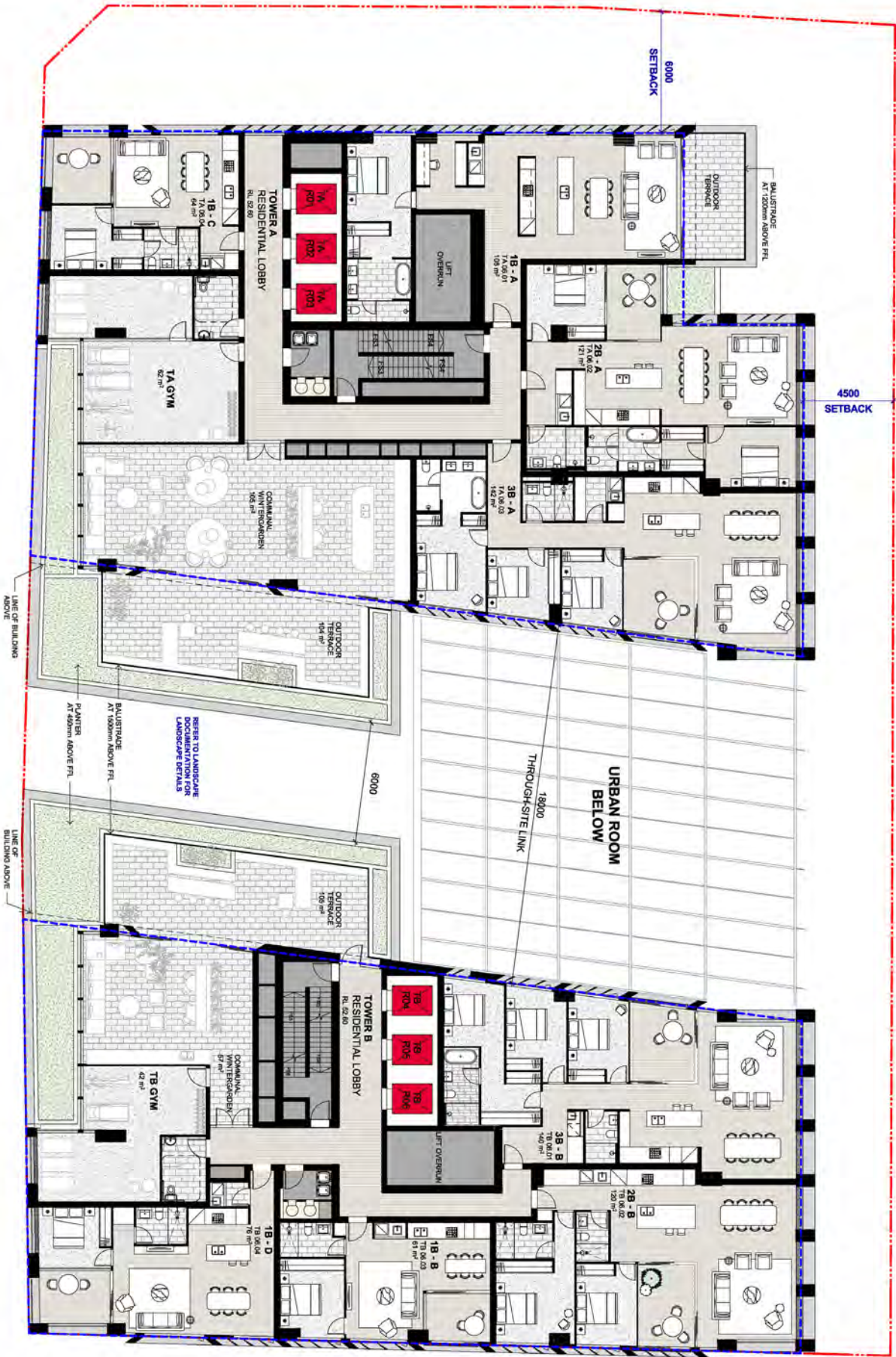
Melbourne 1 Nicholson Street  
 Melbourne VIC 3000 Australia  
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 Fax: +61 3 9000 9001  
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 Email: info@batesmart.com.au  
 Website: www.batesmart.com.au

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**LEGEND**

- EXISTING TREES TO BE RETAINED
- PROPOSED TREES
- PROPERTY BOUNDARY
- STAGE 1 APPROVED ENVELOPE D2018/042

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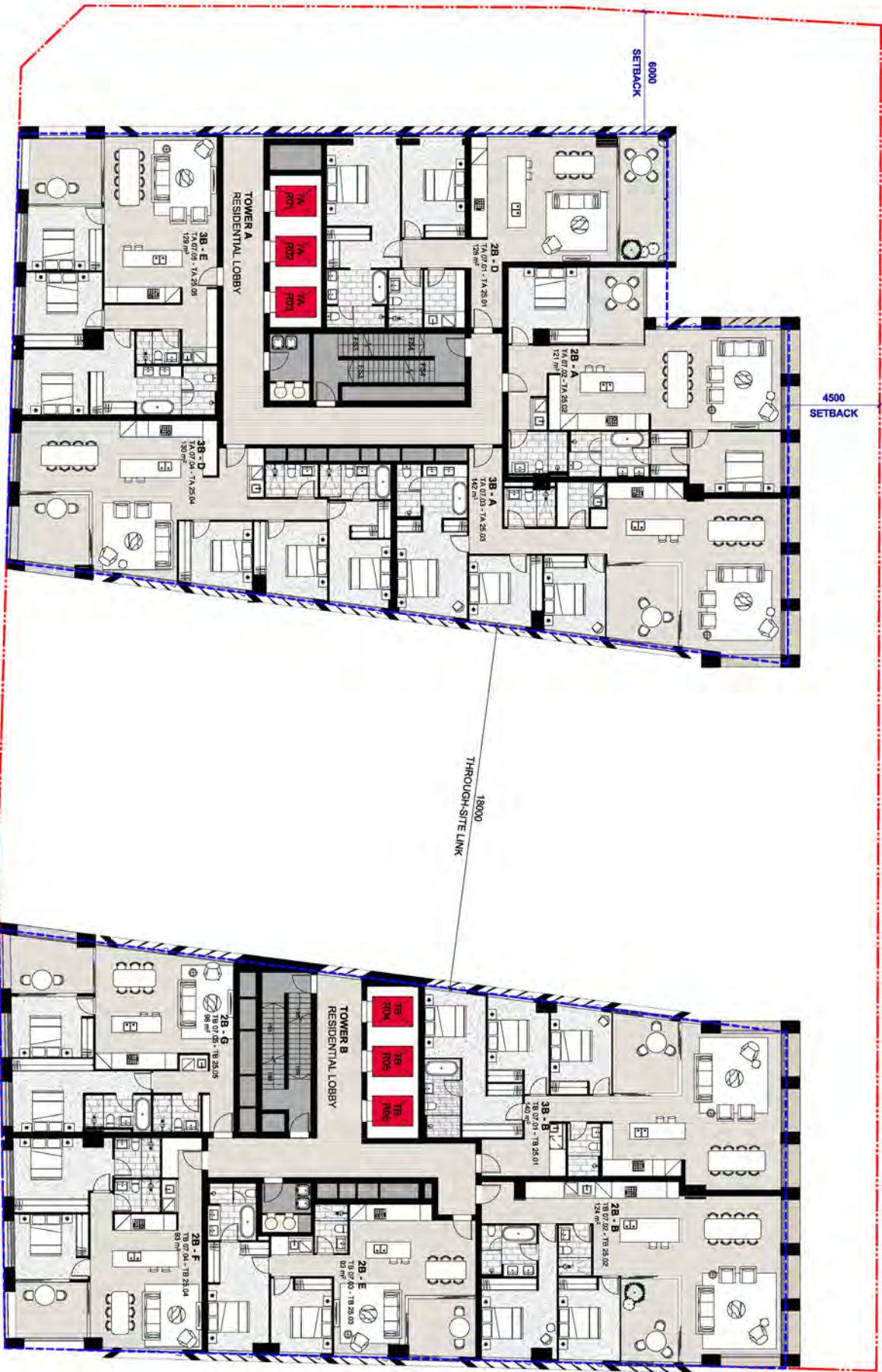
175 LIVERPOOL STREET  
 DA03  
 LEVEL 06 - RESIDENTIAL

Scale	DEVELOPMENT APPLICATION
Drawn	AM HENDERSON @ AM
Checked	CHAMBERS SH
Project No.	S15565
File Path	175LIVERPOOL/DA03.rvt
Drawn by	AM
Checked by	CHAMBERS SH
Project No.	DA03.10
Sheet No.	C

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 Website: www.batesmart.com.au





Check all dimensions and site conditions prior to commencement of any work.  
 The purchaser or owner of the land is advised that the site is not to be used for any purpose other than that for which it is approved.  
 Do not start development - refer to Special Conditions only. Any dimensions shall be measured as indicated by the architect or engineer.  
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**LEGEND**

- EXISTING TREES TO BE RETAINED
- PROPOSED TREES
- PROPERTY BOUNDARY
- STAGE 1 APPROVED ENVELOPE D2018B2Z

1	2017/18 WEST COAST	WEST	20
2	2018/19 WEST COAST	WEST	20
3	2019/20 WEST COAST	WEST	20
4	2020/21 WEST COAST	WEST	20
5	2021/22 WEST COAST	WEST	20
6	2022/23 WEST COAST	WEST	20
7	2023/24 WEST COAST	WEST	20
8	2024/25 WEST COAST	WEST	20
9	2025/26 WEST COAST	WEST	20
10	2026/27 WEST COAST	WEST	20
11	2027/28 WEST COAST	WEST	20
12	2028/29 WEST COAST	WEST	20
13	2029/30 WEST COAST	WEST	20
14	2030/31 WEST COAST	WEST	20
15	2031/32 WEST COAST	WEST	20
16	2032/33 WEST COAST	WEST	20
17	2033/34 WEST COAST	WEST	20
18	2034/35 WEST COAST	WEST	20
19	2035/36 WEST COAST	WEST	20
20	2036/37 WEST COAST	WEST	20
21	2037/38 WEST COAST	WEST	20
22	2038/39 WEST COAST	WEST	20
23	2039/40 WEST COAST	WEST	20
24	2040/41 WEST COAST	WEST	20
25	2041/42 WEST COAST	WEST	20
26	2042/43 WEST COAST	WEST	20
27	2043/44 WEST COAST	WEST	20
28	2044/45 WEST COAST	WEST	20
29	2045/46 WEST COAST	WEST	20
30	2046/47 WEST COAST	WEST	20
31	2047/48 WEST COAST	WEST	20
32	2048/49 WEST COAST	WEST	20
33	2049/50 WEST COAST	WEST	20
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55	2071/72 WEST COAST	WEST	20
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57	2073/74 WEST COAST	WEST	20
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65	2081/82 WEST COAST	WEST	20
66	2082/83 WEST COAST	WEST	20
67	2083/84 WEST COAST	WEST	20
68	2084/85 WEST COAST	WEST	20
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70	2086/87 WEST COAST	WEST	20
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72	2088/89 WEST COAST	WEST	20
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74	2090/91 WEST COAST	WEST	20
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97	2113/14 WEST COAST	WEST	20
98	2114/15 WEST COAST	WEST	20
99	2115/16 WEST COAST	WEST	20
100	2116/17 WEST COAST	WEST	20

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175 LIVERPOOL STREET  
 DA03  
 LEVEL 7 - 25 - RESIDENTIAL



SCALE	DEVELOPMENT APPLICATION
DATE	AS PREPARED @ A1
DRAWN	CH
CHECKED	SH
PROJECT NO.	S12565
REV. DATE	19/03/2014 04:14 PM
REV.	
DRAWING NO.	DA03.11
REVISION	C

Melbourne 1 Nicholson Street  
 Sydney NSW 2000 Australia  
 Tel: 61 61 9393 6200  
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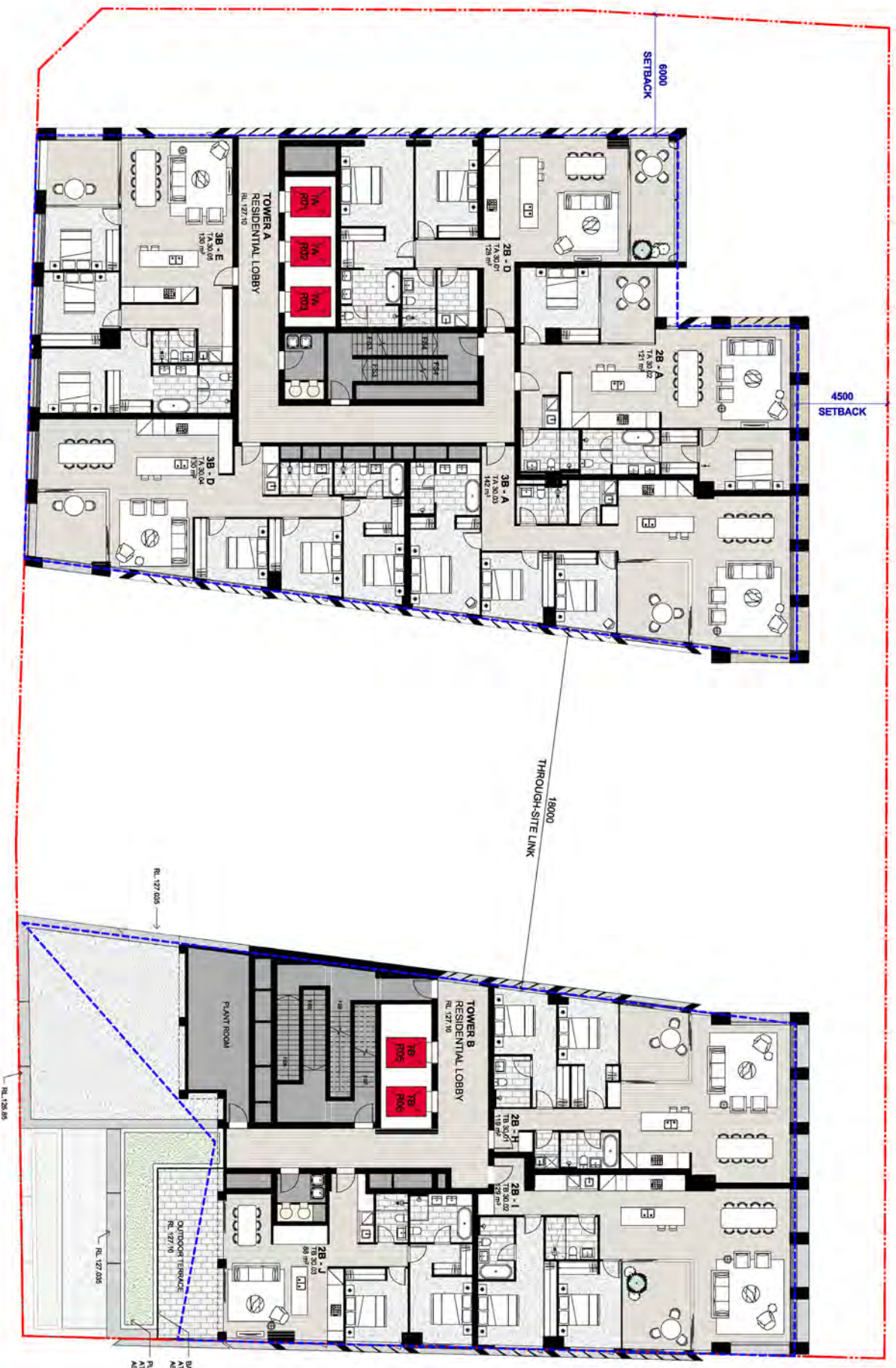












Check all dimensions and site conditions prior to commencement of any work.  
 The purpose of this plan is to show the proposed development and its location on the site.  
 Do not scale dimensions - refer to the schedule of dimensions. Any dimensions shall  
 be referred to the schedule of dimensions.  
 All drawings may not be reproduced or distributed without prior permission from  
 the architect.

**LEGEND**

- EXISTING TREES TO BE RETAINED
- PROPOSED TREES
- PROPERTY BOUNDARY
- STAGE 1 APPROVED ENVELOPE D2018/02

217

NO	REVISION	DATE	BY	CHKD
1	21/07/22	2022-07-21	MM	MM
2	21/07/22	2022-07-21	MM	MM
3	21/07/22	2022-07-21	MM	MM
4	21/07/22	2022-07-21	MM	MM
5	21/07/22	2022-07-21	MM	MM
6	21/07/22	2022-07-21	MM	MM

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175 LIVERPOOL STREET  
 LEVEL 30 - RESIDENTIAL

**DA03**  
 LEVEL 30 - RESIDENTIAL

Scale: DEVELOPMENT APPLICATION  
 Date: As Issued  
 Drawn: SH  
 Checked: CDA

Project No: S17565  
 Rev: 001  
 Date: 20/07/2022

DA03.14 C

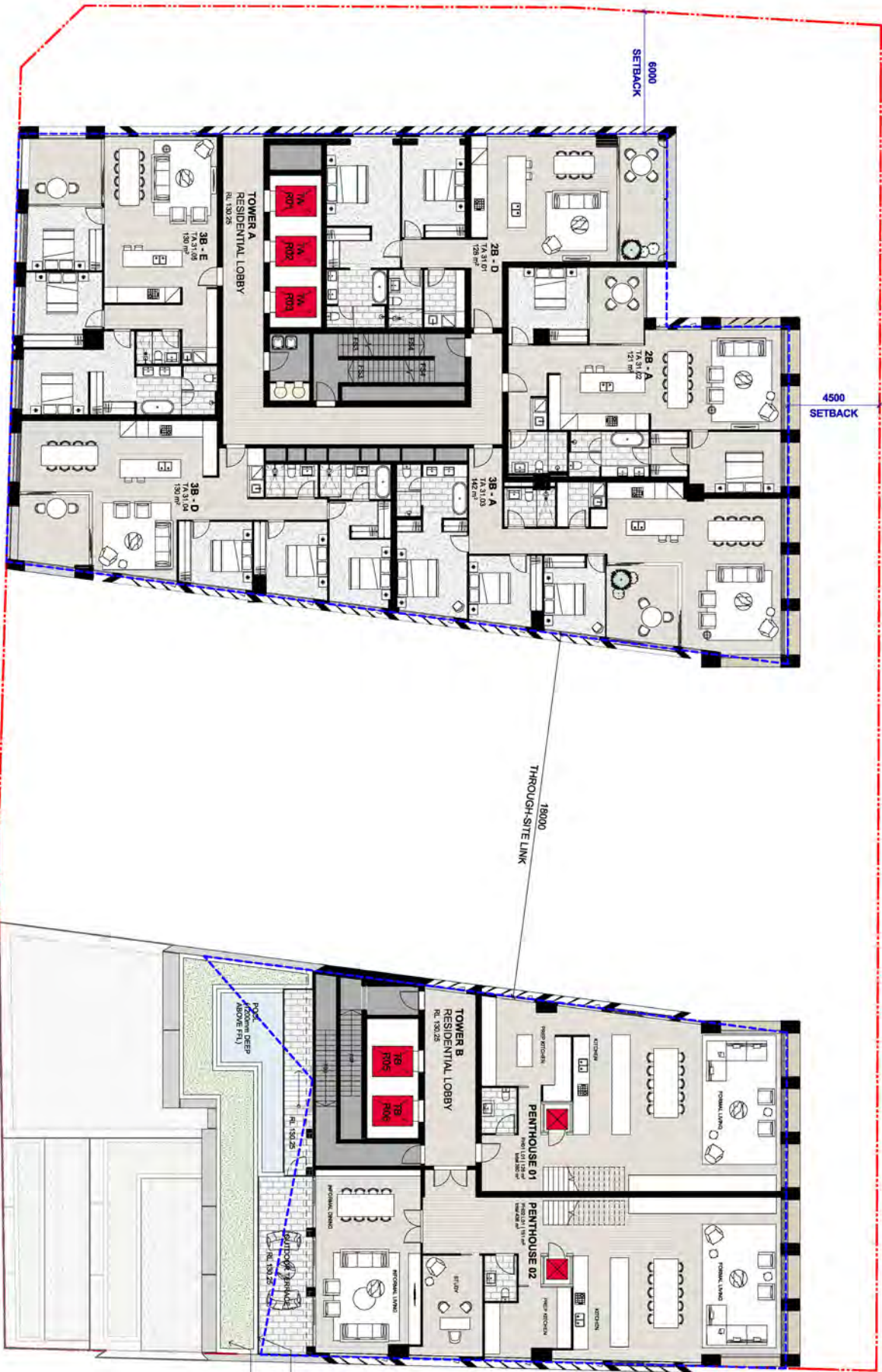
Melbourne: 1 Nicholson Street  
 Melbourne VIC 3000 Australia  
 Tel: 03 9008 6200  
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 Website: www.batesmart.com.au

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 Fax: 03 9008 6200  
 Email: sales@batesmart.com.au  
 Website: www.batesmart.com.au

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Check all dimensions and the conditions prior to commencement of any work. The purpose of this drawing is to provide a visual representation of the proposed development. It is not to be used for construction purposes. Any dimensions shall be in accordance with the approved plans. All dimensions shall be in millimeters unless otherwise stated. All drawings may not be reproduced or distributed without prior permission from the architect.

**LEGEND**

-  EXISTING TREES TO BE RETAINED
-  PROPOSED TREES
-  PROPERTY BOUNDARY

STAGE 1  
APPROVED ENVELOPE  
02/21/2022

NO.	DESCRIPTION	DATE	BY	CHKD
1	21/02/22: REVISED PER 2	21/02/22	SM	SM
2	21/02/22: REVISED PER 2	21/02/22	SM	SM
3	21/02/22: REVISED PER 2	21/02/22	SM	SM
4	21/02/22: REVISED PER 2	21/02/22	SM	SM
5	21/02/22: REVISED PER 2	21/02/22	SM	SM
6	21/02/22: REVISED PER 2	21/02/22	SM	SM
7	21/02/22: REVISED PER 2	21/02/22	SM	SM
8	21/02/22: REVISED PER 2	21/02/22	SM	SM
9	21/02/22: REVISED PER 2	21/02/22	SM	SM
10	21/02/22: REVISED PER 2	21/02/22	SM	SM

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175 LIVERPOOL STREET

DA03  
LEVEL 31 - RESIDENTIAL

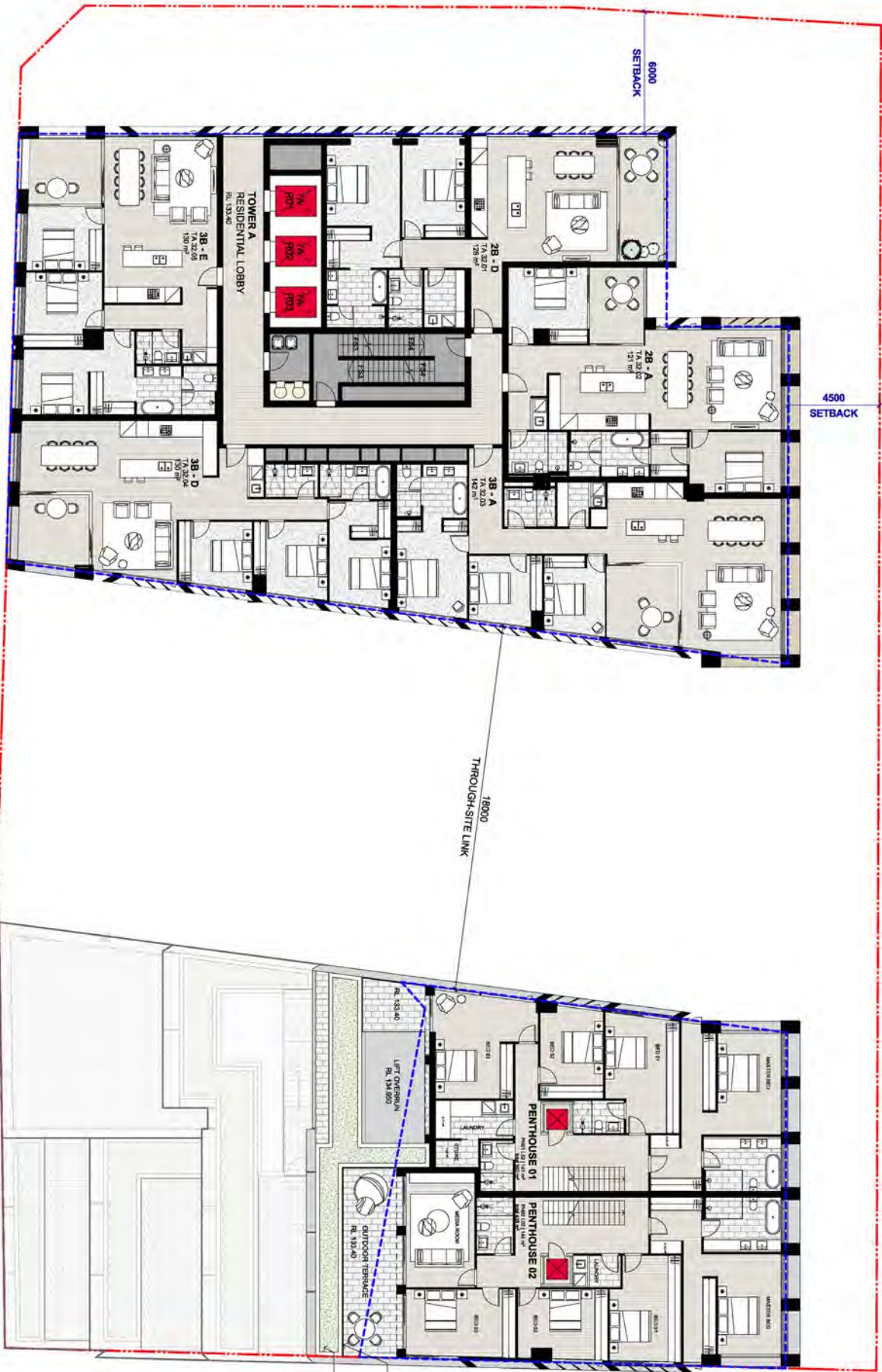


NO.	DESCRIPTION	DATE	BY	CHKD
1	21/02/22: REVISED PER 2	21/02/22	SM	SM
2	21/02/22: REVISED PER 2	21/02/22	SM	SM
3	21/02/22: REVISED PER 2	21/02/22	SM	SM
4	21/02/22: REVISED PER 2	21/02/22	SM	SM
5	21/02/22: REVISED PER 2	21/02/22	SM	SM
6	21/02/22: REVISED PER 2	21/02/22	SM	SM
7	21/02/22: REVISED PER 2	21/02/22	SM	SM
8	21/02/22: REVISED PER 2	21/02/22	SM	SM
9	21/02/22: REVISED PER 2	21/02/22	SM	SM
10	21/02/22: REVISED PER 2	21/02/22	SM	SM

DA03.15 C

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 The purpose of this drawing is to provide a visual representation of the proposed development.  
 Do not scale dimensions - refer to the text for dimensions. Any dimensions shall  
 immediately refer to the particular part of the drawing.  
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 the architect.

**LEGEND**

-  EXISTING TREES TO BE RETAINED
-  PROPOSED TREES
-  PROPERTY BOUNDARY

STAGE 1  
 APPROVED ENVELOPE  
 D2018/982

PLANTERS ABOVE FFL

NO.	DESCRIPTION	HEIGHT	WIDTH	DEPTH	FINISH
1	2100x1200x1200	1200	1200	1200	CONCRETE
2	1800x1200x1200	1200	1200	1200	CONCRETE
3	1500x1200x1200	1200	1200	1200	CONCRETE
4	1200x1200x1200	1200	1200	1200	CONCRETE

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175 LIVERPOOL STREET  
 DA03  
 LEVEL 32 - RESIDENTIAL

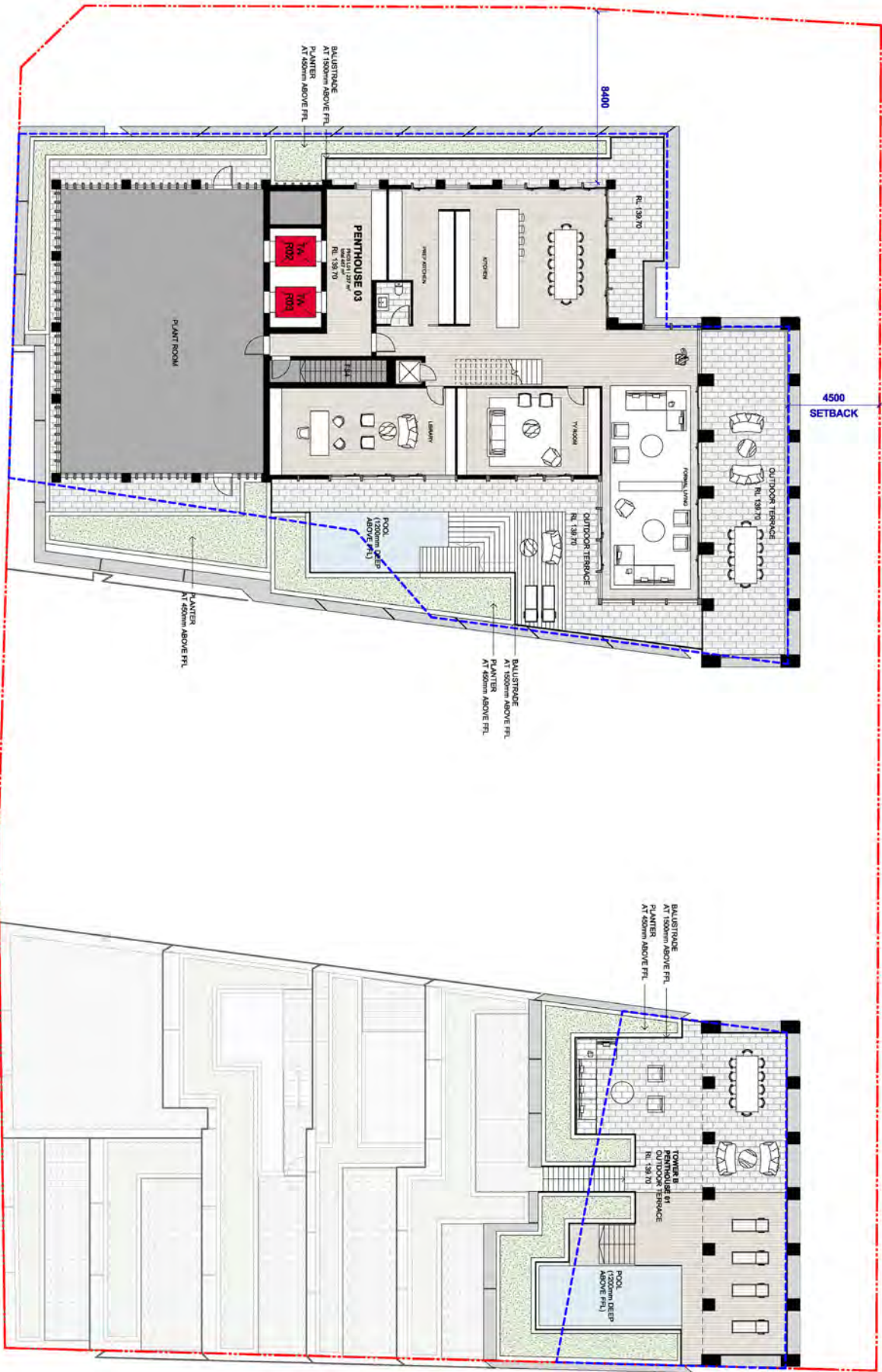


STATUS	DEVELOPMENT APPLICATION	DATE	20/08/2022
SCALE	AS INDICATED	BY	AM
DRAWN	WJT	CHECKED	SH
PROJECT NO.	S19265		
FILE NO.	175LPOOL32-19-19		
DATE	19/08/2022		
DRAWING NO.	DA03.16	REVISION	C

Melbourne, 1 Nicholson Street  
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<http://www.bateessmart.com.au>  
 Bateessmart Architects Pty Ltd (ABN 68 094 740 990)  
 10/97 Leveard, Newcastle Australia, Newcastle NSW, 2300 (Vic) Aus  
 10/97 Leveard, Sydney NSW, 2000 (NSW) Aus  
 10/97 Leveard, Sydney NSW, 2000 (NSW) Aus







**LEGEND**

- EXISTING TREES TO BE RETAINED
- PROPOSED TREES
- PROPERTY BOUNDARY
- STAGE 1 APPROVED ENVELOPE D2018/042

Check all dimensions and the conditions prior to commencement of any work. The purpose of this plan is to show the proposed development. It is not a contract. Do not make alterations - refer to the architect for any dimensions and conditions. All dimensions are in millimeters unless otherwise stated. All drawings are to be read in conjunction with the contract documents. All drawings may not be reproduced or distributed without prior permission from the architect.

NO	REVISION	DATE	BY	CHECKED
1	ISSUE FOR PERMIT APPLICATION	15/03/22	SH	SH
2	ISSUE FOR DEVELOPMENT APPLICATION	15/03/22	SH	SH
3	ISSUE FOR CONSTRUCTION	15/03/22	SH	SH
4	ISSUE FOR OCCUPATION	15/03/22	SH	SH

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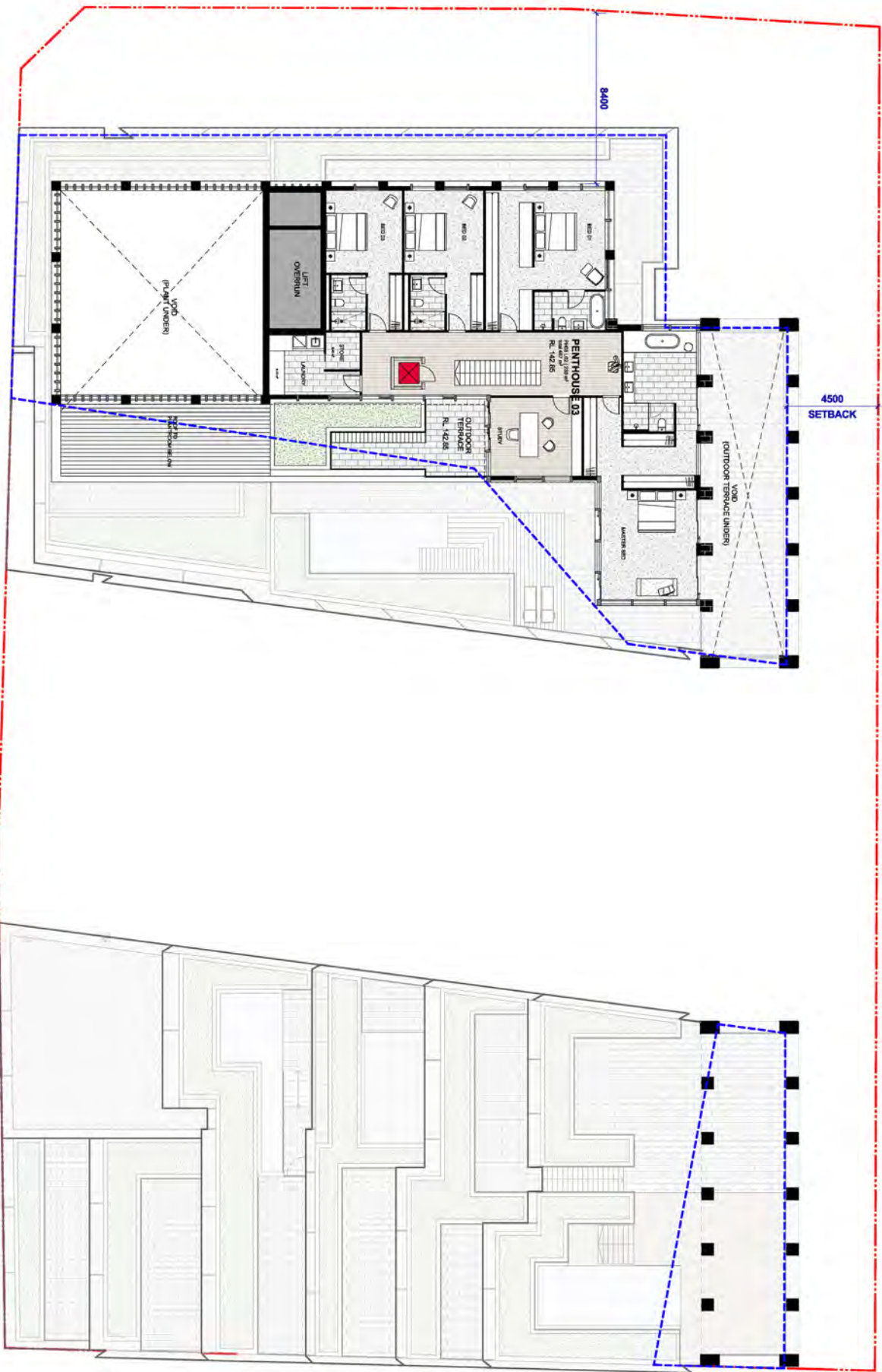
175 LIVERPOOL STREET  
 DA03  
 LEVEL 34 - RESIDENTIAL

Scale	As Indicated	© All Rights Reserved
Drawn	MT	Checked SH
Project No.	S19565	
File Name	175LIVERPOOL341319.rvt	
Drawn by	MT	Reviewed
DA03.18	D	

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Check all dimensions and the conditions prior to commencement of any work.  
 The purchaser or owner of the land is advised that the plan is a preliminary plan and is not a contract.  
 Do not make any alterations to the plan without the written consent of the architect.  
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**LEGEND**

-  EXISTING TREES TO BE RETAINED
-  PROPOSED TREES
-  PROPERTY BOUNDARY
-  STAGE 1 APPROVED ENVELOPE D2018/062

1	56.00.20	NO. 20 ON LOT 20	SH	SH
2	56.00.20	NO. 20 ON LOT 20	SH	SH
3	56.00.20	NO. 20 ON LOT 20	SH	SH
4	56.00.20	NO. 20 ON LOT 20	SH	SH
5	56.00.20	NO. 20 ON LOT 20	SH	SH
6	56.00.20	NO. 20 ON LOT 20	SH	SH
7	56.00.20	NO. 20 ON LOT 20	SH	SH
8	56.00.20	NO. 20 ON LOT 20	SH	SH
9	56.00.20	NO. 20 ON LOT 20	SH	SH
10	56.00.20	NO. 20 ON LOT 20	SH	SH
11	56.00.20	NO. 20 ON LOT 20	SH	SH
12	56.00.20	NO. 20 ON LOT 20	SH	SH
13	56.00.20	NO. 20 ON LOT 20	SH	SH
14	56.00.20	NO. 20 ON LOT 20	SH	SH
15	56.00.20	NO. 20 ON LOT 20	SH	SH
16	56.00.20	NO. 20 ON LOT 20	SH	SH
17	56.00.20	NO. 20 ON LOT 20	SH	SH
18	56.00.20	NO. 20 ON LOT 20	SH	SH
19	56.00.20	NO. 20 ON LOT 20	SH	SH
20	56.00.20	NO. 20 ON LOT 20	SH	SH

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175 LIVERPOOL STREET  
 DA03  
 LEVEL 35 - RESIDENTIAL





Scale	As Indicated	© A1
Client	WPT	Contract SH
Project No.	S12565	
File Name	175LPOOL 35.19.rvt	
Drawn by		Revision
<b>DA03.19</b>	<b>D</b>	

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 Sydney NSW 2017 Australia  
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**LEGEND**

-  EXISTING TREES TO BE RETAINED
-  PROPOSED TREES
-  PROPERTY BOUNDARY
-  STAGE 1 APPROVED ENVELOPE D2018/962

0	56.00.00	ROOF ON AIR TO WATER	SH	SH
1	56.00.00	ROOF ON AIR TO WATER	SH	SH
2	56.00.00	ROOF ON AIR TO WATER	SH	SH
3	56.00.00	ROOF ON AIR TO WATER	SH	SH
4	56.00.00	ROOF ON AIR TO WATER	SH	SH
5	56.00.00	ROOF ON AIR TO WATER	SH	SH
6	56.00.00	ROOF ON AIR TO WATER	SH	SH
7	56.00.00	ROOF ON AIR TO WATER	SH	SH
8	56.00.00	ROOF ON AIR TO WATER	SH	SH
9	56.00.00	ROOF ON AIR TO WATER	SH	SH
10	56.00.00	ROOF ON AIR TO WATER	SH	SH
11	56.00.00	ROOF ON AIR TO WATER	SH	SH
12	56.00.00	ROOF ON AIR TO WATER	SH	SH
13	56.00.00	ROOF ON AIR TO WATER	SH	SH
14	56.00.00	ROOF ON AIR TO WATER	SH	SH
15	56.00.00	ROOF ON AIR TO WATER	SH	SH
16	56.00.00	ROOF ON AIR TO WATER	SH	SH
17	56.00.00	ROOF ON AIR TO WATER	SH	SH
18	56.00.00	ROOF ON AIR TO WATER	SH	SH
19	56.00.00	ROOF ON AIR TO WATER	SH	SH
20	56.00.00	ROOF ON AIR TO WATER	SH	SH
21	56.00.00	ROOF ON AIR TO WATER	SH	SH
22	56.00.00	ROOF ON AIR TO WATER	SH	SH
23	56.00.00	ROOF ON AIR TO WATER	SH	SH
24	56.00.00	ROOF ON AIR TO WATER	SH	SH
25	56.00.00	ROOF ON AIR TO WATER	SH	SH
26	56.00.00	ROOF ON AIR TO WATER	SH	SH
27	56.00.00	ROOF ON AIR TO WATER	SH	SH
28	56.00.00	ROOF ON AIR TO WATER	SH	SH
29	56.00.00	ROOF ON AIR TO WATER	SH	SH
30	56.00.00	ROOF ON AIR TO WATER	SH	SH
31	56.00.00	ROOF ON AIR TO WATER	SH	SH
32	56.00.00	ROOF ON AIR TO WATER	SH	SH
33	56.00.00	ROOF ON AIR TO WATER	SH	SH
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35	56.00.00	ROOF ON AIR TO WATER	SH	SH
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37	56.00.00	ROOF ON AIR TO WATER	SH	SH
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40	56.00.00	ROOF ON AIR TO WATER	SH	SH
41	56.00.00	ROOF ON AIR TO WATER	SH	SH
42	56.00.00	ROOF ON AIR TO WATER	SH	SH
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45	56.00.00	ROOF ON AIR TO WATER	SH	SH
46	56.00.00	ROOF ON AIR TO WATER	SH	SH
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61	56.00.00	ROOF ON AIR TO WATER	SH	SH
62	56.00.00	ROOF ON AIR TO WATER	SH	SH
63	56.00.00	ROOF ON AIR TO WATER	SH	SH
64	56.00.00	ROOF ON AIR TO WATER	SH	SH
65	56.00.00	ROOF ON AIR TO WATER	SH	SH
66	56.00.00	ROOF ON AIR TO WATER	SH	SH
67	56.00.00	ROOF ON AIR TO WATER	SH	SH
68	56.00.00	ROOF ON AIR TO WATER	SH	SH
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70	56.00.00	ROOF ON AIR TO WATER	SH	SH
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76	56.00.00	ROOF ON AIR TO WATER	SH	SH
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78	56.00.00	ROOF ON AIR TO WATER	SH	SH
79	56.00.00	ROOF ON AIR TO WATER	SH	SH
80	56.00.00	ROOF ON AIR TO WATER	SH	SH
81	56.00.00	ROOF ON AIR TO WATER	SH	SH
82	56.00.00	ROOF ON AIR TO WATER	SH	SH
83	56.00.00	ROOF ON AIR TO WATER	SH	SH
84	56.00.00	ROOF ON AIR TO WATER	SH	SH
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93	56.00.00	ROOF ON AIR TO WATER	SH	SH
94	56.00.00	ROOF ON AIR TO WATER	SH	SH
95	56.00.00	ROOF ON AIR TO WATER	SH	SH
96	56.00.00	ROOF ON AIR TO WATER	SH	SH
97	56.00.00	ROOF ON AIR TO WATER	SH	SH
98	56.00.00	ROOF ON AIR TO WATER	SH	SH
99	56.00.00	ROOF ON AIR TO WATER	SH	SH
100	56.00.00	ROOF ON AIR TO WATER	SH	SH

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175 LIVERPOOL STREET

DA03 ROOF PLAN



Scale	As Indicated	© A1
Client	WT	Contract SH
Project No.	S12565	
Proj. Date	30/03/2011 16:11:14	
DA03.20	D	

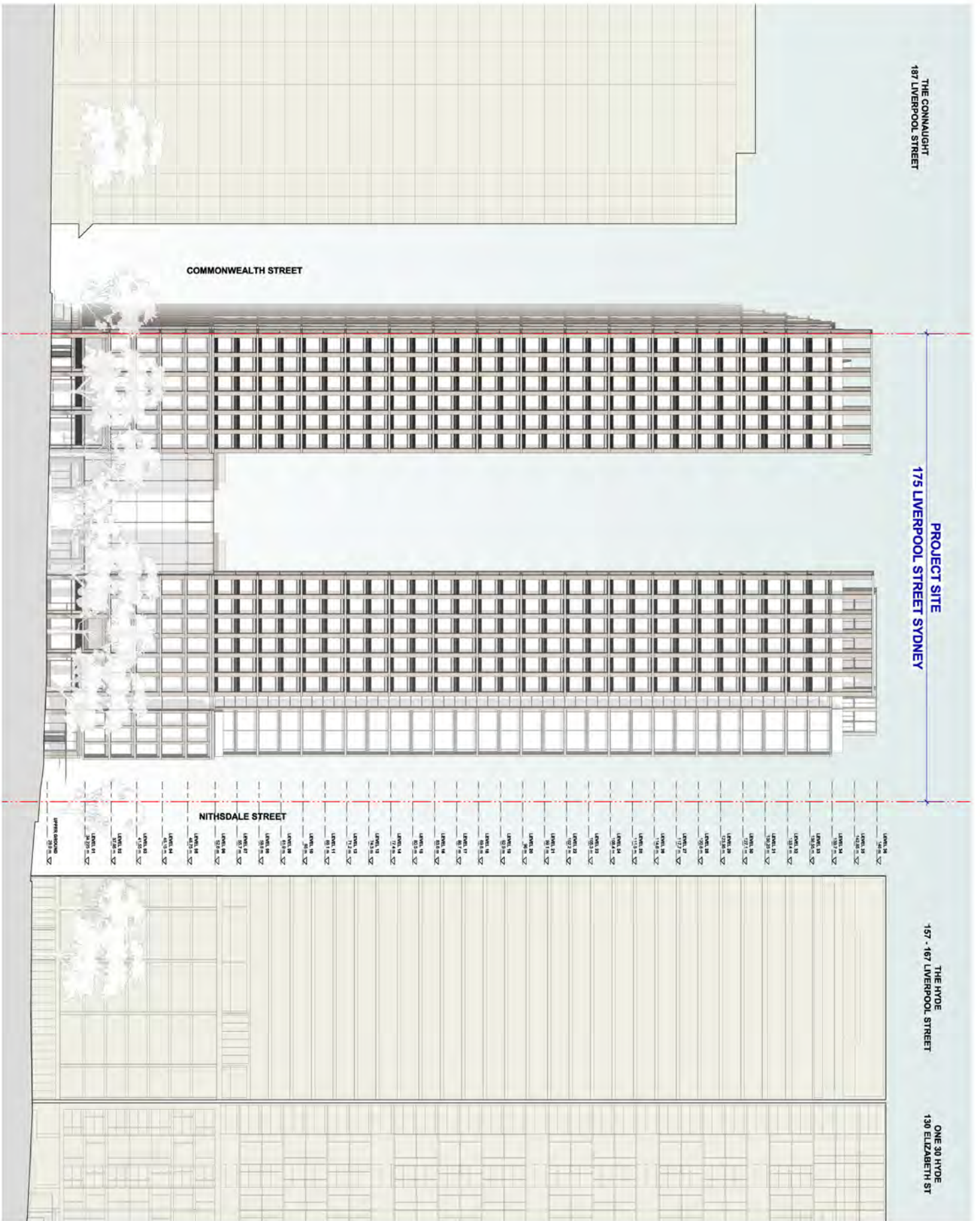
Melbourne 1 Nicholson Street  
 Melbourne VIC 3000 Australia  
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 Fax: 03 9600 0300  
<http://www.batesmart.com.au>

Bates Smart Architects Pty Ltd  
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 Fax: 02 9439 4400  
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THE CONNAUGHT  
187 LIVERPOOL STREET

PROJECT SITE  
175 LIVERPOOL STREET SYDNEY

THE HYDE  
157 - 167 LIVERPOOL STREET

ONE 30 HYDE  
130 ELIZABETH ST

COMMONWEALTH STREET

NITHSDALE STREET

- LEVEL 28 28.000m
- LEVEL 27 27.000m
- LEVEL 26 26.000m
- LEVEL 25 25.000m
- LEVEL 24 24.000m
- LEVEL 23 23.000m
- LEVEL 22 22.000m
- LEVEL 21 21.000m
- LEVEL 20 20.000m
- LEVEL 19 19.000m
- LEVEL 18 18.000m
- LEVEL 17 17.000m
- LEVEL 16 16.000m
- LEVEL 15 15.000m
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- LEVEL 11 11.000m
- LEVEL 10 10.000m
- LEVEL 09 9.000m
- LEVEL 08 8.000m
- LEVEL 07 7.000m
- LEVEL 06 6.000m
- LEVEL 05 5.000m
- LEVEL 04 4.000m
- LEVEL 03 3.000m
- LEVEL 02 2.000m
- LEVEL 01 1.000m
- LIVERPOOL STREET

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**LEGEND**

- PROPERTY BOUNDARY
- STAGE 1 PROPOSED ENVIRONMENT

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175 LIVERPOOL STREET  
DA09  
ELEVATION - LIVERPOOL ST -  
MEMORIAL AXIS

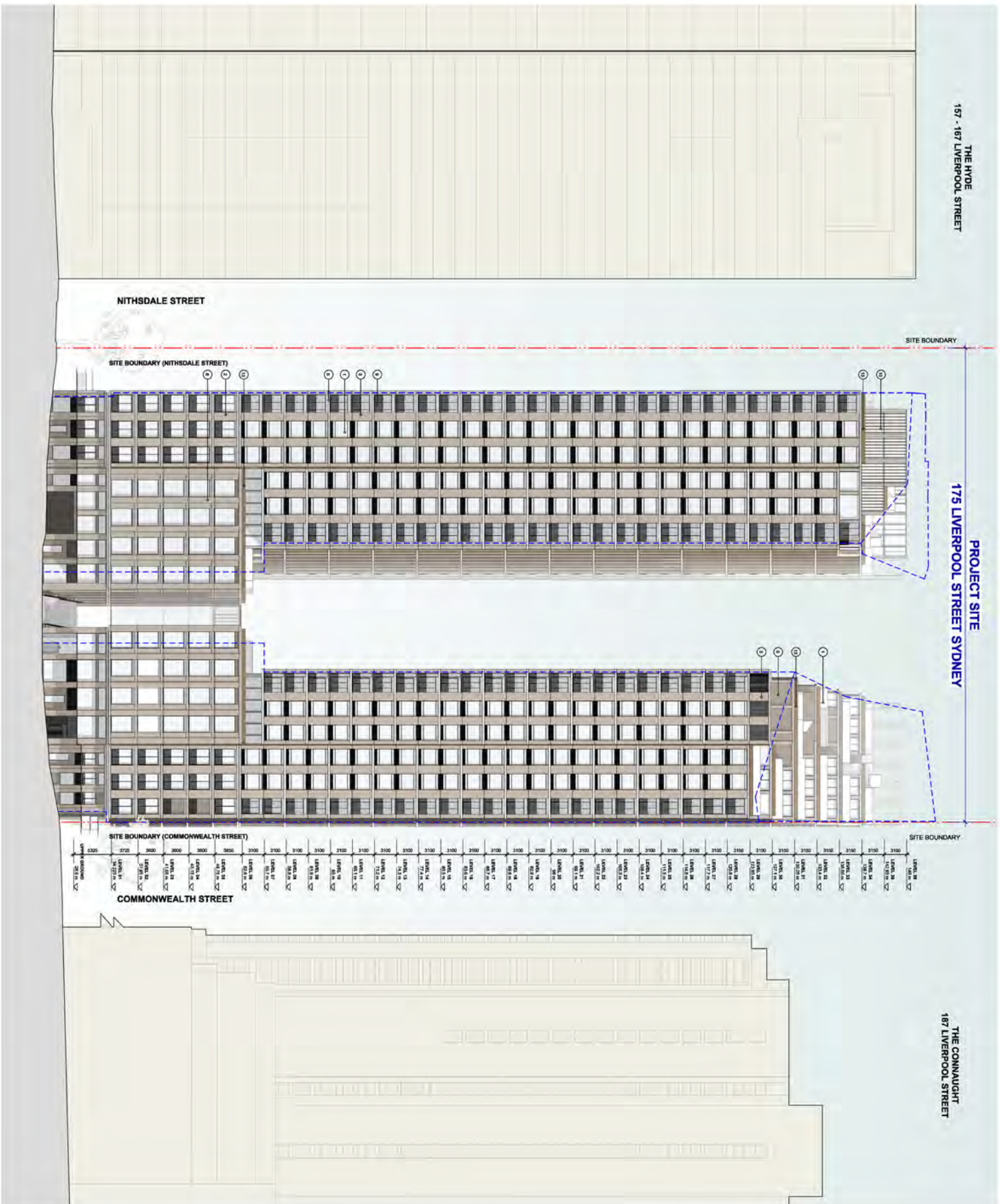
STATUS	DEVELOPMENT APPLICATION	DATE	AS NOTIFIED	BY	AT
DRAWN	SON	CHIEF ARCH	SH		
PROJECT NO.	S15065				
FILE PATH	175LIVERPOOL-14-1-14-14				
DRAWING NO.	DA09.01A	REVISION	B		

**DA09.01A B**

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THE HYDE  
157 - 167 LIVERPOOL STREET

PROJECT SITE  
175 LIVERPOOL STREET SYDNEY

THE CONNAUGHT  
187 LIVERPOOL STREET

**LEGEND**

- — — — — PROPERTY BOUNDARY
- - - - - STAGE 1 PERMITTED ENVELOPE (D2019/892)

**MATERIALS AND FINISHES**

1. CLEAN GLAZING METAL FRAMED | BRONZE FINISH
2. HONED PRECAST CONCRETE | EXPOSED AGGREGATE (POLYUM)
3. POLISHED PRECAST CONCRETE | EXPOSED TOWER
4. CONCRETE | HONED & NOUGH HEWN
5. POLISHED PRECAST CONCRETE | LINTELS AND DOWNSTANDS
6. BRICKS | THIN & ELONGATED SHAPE | HORIZONTAL
7. BRICKS | THIN & ELONGATED SHAPE | SOLID BRICKS | CORNER LINTIL
8. ANODISED ALUMINIUM ROOFS | BRONZE FINISH
9. ANODISED ALUMINIUM | BRONZE FINISH | BALUSTRADE, SUNSHADE, AVENING AND VAWINDING
10. ANODISED ALUMINIUM | BRONZE MESH | ROOFTOP CROWN
11. GRANITE PAVING | BALCONIES & TERRACE
12. PLANTED STEPS | THROUGH - SITE LINK
13. PLANTERS | BRONZE FINISH | TERRACE GREENERY. REFER TO LANDSCAPE ARCHITECTS REPORT FOR PLANT SPECIFICATION (04/11/21) FOR MORE INFORMATION

NO	DESCRIPTION	UNIT	QTY
1	50.00.00 ROOF ON AIR 2000	SqM	28
2	50.00.00 ROOF ON AIR 2000	SqM	88
3	50.00.00 ROOF ON AIR 2000	SqM	88
4	50.00.00 ROOF ON AIR 2000	SqM	88
5	50.00.00 ROOF ON AIR 2000	SqM	88
6	50.00.00 ROOF ON AIR 2000	SqM	88
7	50.00.00 ROOF ON AIR 2000	SqM	88
8	50.00.00 ROOF ON AIR 2000	SqM	88
9	50.00.00 ROOF ON AIR 2000	SqM	88
10	50.00.00 ROOF ON AIR 2000	SqM	88
11	50.00.00 ROOF ON AIR 2000	SqM	88
12	50.00.00 ROOF ON AIR 2000	SqM	88
13	50.00.00 ROOF ON AIR 2000	SqM	88
14	50.00.00 ROOF ON AIR 2000	SqM	88

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175 LIVERPOOL STREET

DA09  
ELEVATION - CLARKE ST

STATUS	DEVELOPMENT APPLICATION	SCALE	A4 HORIZONTAL @ A1
DRAWN	MT	CHECKED	SH
PROJECT NO.	S15565	FILED DATE	19/03/2024 04:44 PM
DRAWING NO.	DA09.02	REVISION	D

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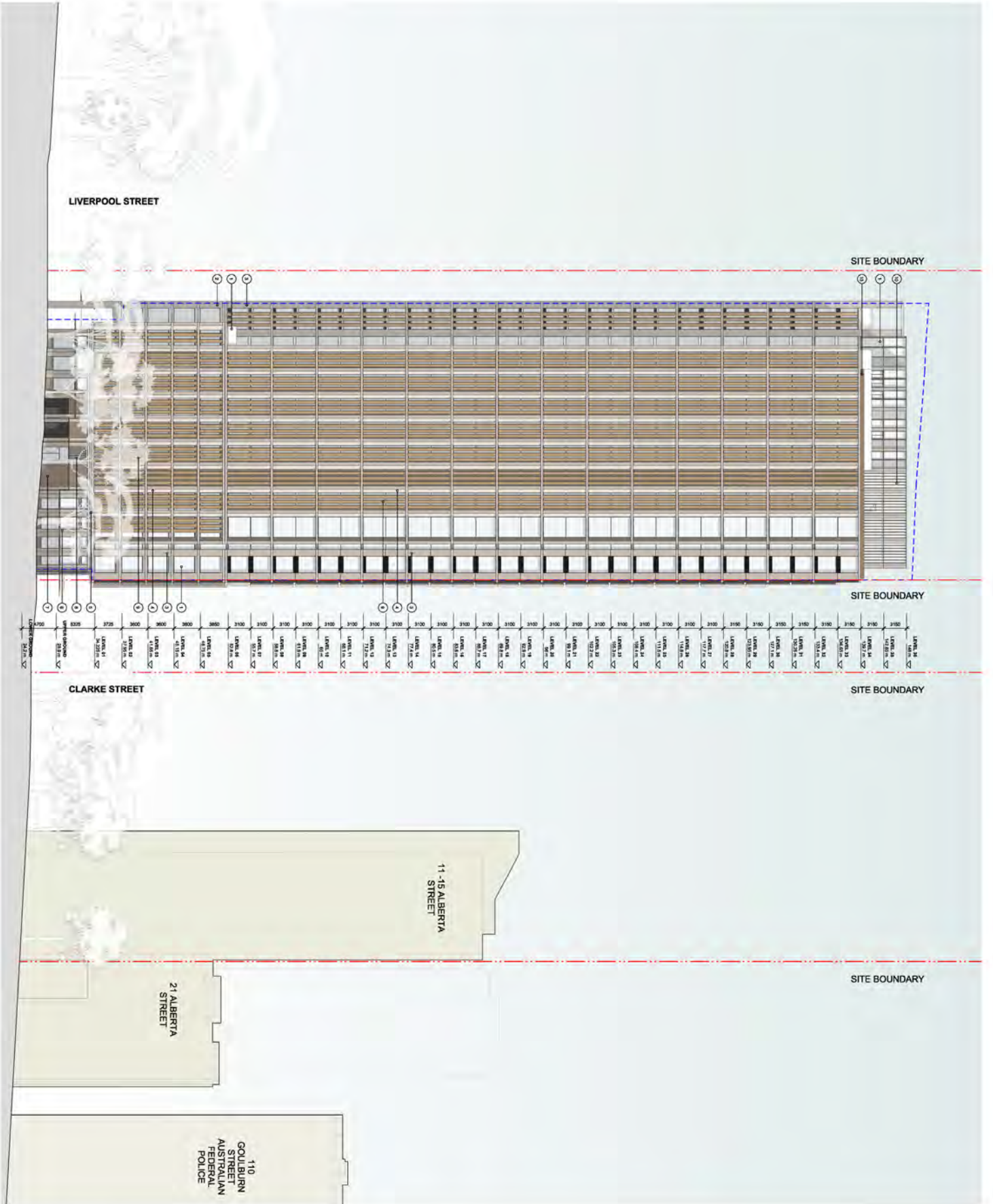
Check all dimensions and the conditions prior to commencement of any work. The purpose of this drawing is to provide a visual representation of the proposed development. It is not a contract document. Any dimensions shall prevail over any dimensions shown on this drawing. All drawings may not be reproduced or distributed without prior permission from the architect.











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**LEGEND**

- PROPERTY BOUNDARY
- - - STAGE 1 DEVELOPED ENVELOPE
- SITE BOUNDARY

**MATERIALS AND FINISHES**

1. CLEAN GLAZING METAL FRAMED | BRONZE FINISH
2. HONED PRECAST CONCRETE | EXPOSED AGGREGATE (POLISHED)
3. POLISHED PRECAST CONCRETE | EXPOSED TOWER
4. CONCRETE | HONED & NOUGH HENK
5. POLISHED PRECAST CONCRETE | EXPOSED LINTELS AND DOWNSTANDS
6. BRICKS | THIN & ELONGATED SHAPE | HORIZONTAL
7. BRICKS | THIN & ELONGATED SHAPE | SOLDIER COURSE INTL
8. ANODISED ALUMINIUM ROOFS | BRONZE FINISH
9. ANODISED ALUMINIUM | BRONZE FINISH
10. ANODISED ALUMINIUM | BRONZE FINISH
11. GRANITE PAVING
12. BALCONIES & TERRACE
13. PLANTED STEPS
14. THROUGH - SITE LINK
15. PLANTERS | BRONZE FINISH
16. TERRACE GREENERY - REFER TO LANDSCAPE ARCHITECTS REPORT FOR PLANT SPECIFICATION

REFER TO MATERIALS AND FINISHES SCHEDULE (M441-01) FOR MORE INFORMATION

NO	DESCRIPTION	UNIT	QTY
1	50.00 SQ M ROOF ON W/ 20 WALLS	SQ M	50
2	50.00 SQ M ROOF ON W/ 2	SQ M	50
3	50.00 SQ M ROOF ON W/ 1	SQ M	50
4	10.00 SQ M ROOF ON W/ 1	SQ M	10
5	10.00 SQ M ROOF ON W/ 2	SQ M	10
6	10.00 SQ M ROOF ON W/ 3	SQ M	10
7	10.00 SQ M ROOF ON W/ 4	SQ M	10
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9	10.00 SQ M ROOF ON W/ 6	SQ M	10
10	10.00 SQ M ROOF ON W/ 7	SQ M	10
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12	10.00 SQ M ROOF ON W/ 9	SQ M	10
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14	10.00 SQ M ROOF ON W/ 11	SQ M	10
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101	10.00 SQ M ROOF ON W/ 98	SQ M	10
102	10.00 SQ M ROOF ON W/ 99	SQ M	10
103	10.00 SQ M ROOF ON W/ 100	SQ M	10

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175 LIVERPOOL STREET  
ELEVATION - NITSDALE ST

DA09  
ELEVATION - NITSDALE ST

NO	DESCRIPTION	UNIT	QTY
1	50.00 SQ M ROOF ON W/ 20 WALLS	SQ M	50
2	50.00 SQ M ROOF ON W/ 2	SQ M	50
3	50.00 SQ M ROOF ON W/ 1	SQ M	50
4	10.00 SQ M ROOF ON W/ 1	SQ M	10
5	10.00 SQ M ROOF ON W/ 2	SQ M	10
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94	10.00 SQ M ROOF ON W/ 91	SQ M	10
95	10.00 SQ M ROOF ON W/ 92	SQ M	10
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97	10.00 SQ M ROOF ON W/ 94	SQ M	10
98	10.00 SQ M ROOF ON W/ 95	SQ M	10
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100	10.00 SQ M ROOF ON W/ 97	SQ M	10

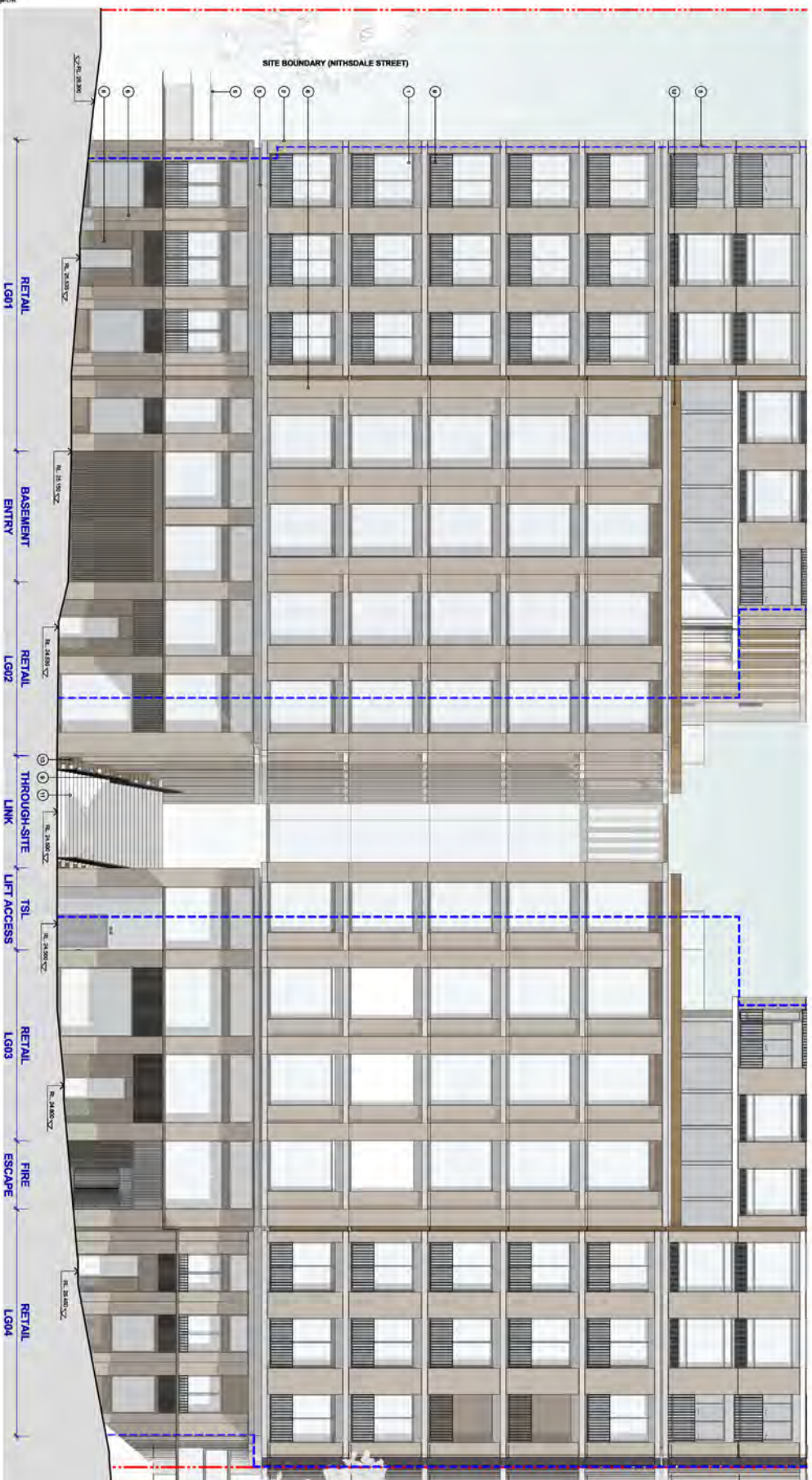
DA09.05 D

110 GOLDBURN STREET AUSTRALIAN FEDERAL POLICE  
21 ALBERTA STREET  
11-15 ALBERTA STREET

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**LEGEND**

- PROPERTY BOUNDARY
- - - - - STAGE 1 EXPOSED BRONZE FINISH
- - - - - STAGE 2 EXPOSED BRONZE FINISH

**MATERIALS AND FINISHES**

1. CLEAN GLAZING METAL FRAMED | BRONZE FINISH
2. HONED PRECAST CONCRETE | EXPOSED AGGREGATE
3. POLISHED PRECAST CONCRETE | EXPOSED TOWER
4. CONCRETE | HONED & MOUCH-HENRI
5. POLISHED PRECAST CONCRETE | LINTELS AND DOWNSTANDS
6. BRICKS | THIN & ELONGATED SHAPE | HORIZONTAL
7. BRICKS | THIN & ELONGATED SHAPE | SOLID
8. ANODISED ALUMINIUM ROOFS | BRONZE FINISH
9. ANODISED ALUMINIUM | BRONZE FINISH | BALUSTRADE, SUNSHADE, AVENING AND VANDERING
10. ANODISED ALUMINIUM | BRONZE MESH | ROOFTOP CROWN
11. GRANITE PAVING | BALCONIES & TERRACE
12. PLANTED STEPS | THROUGH - SITE LINK
13. PLANTERS | BRONZE FINISH | TERRACE GREENERY. REFER TO LANDSCAPE ARCHITECTS REPORT FOR PLANTING SPECIFICATION (M41-01) FOR MORE INFORMATION

**SICARD PTY LTD**

175 LIVERPOOL STREET  
DAGO STREET ELEVATION - CLARKE STREET

Scale	DEVELOPMENT APPLICATION
Drawn	AM HENDERSON @ AT
Checked	ALANBY CHAMBERS
Project No.	ST1565
File Name	175LIV001-11101.rvt
Drawn On	Revision
DA09.07	D

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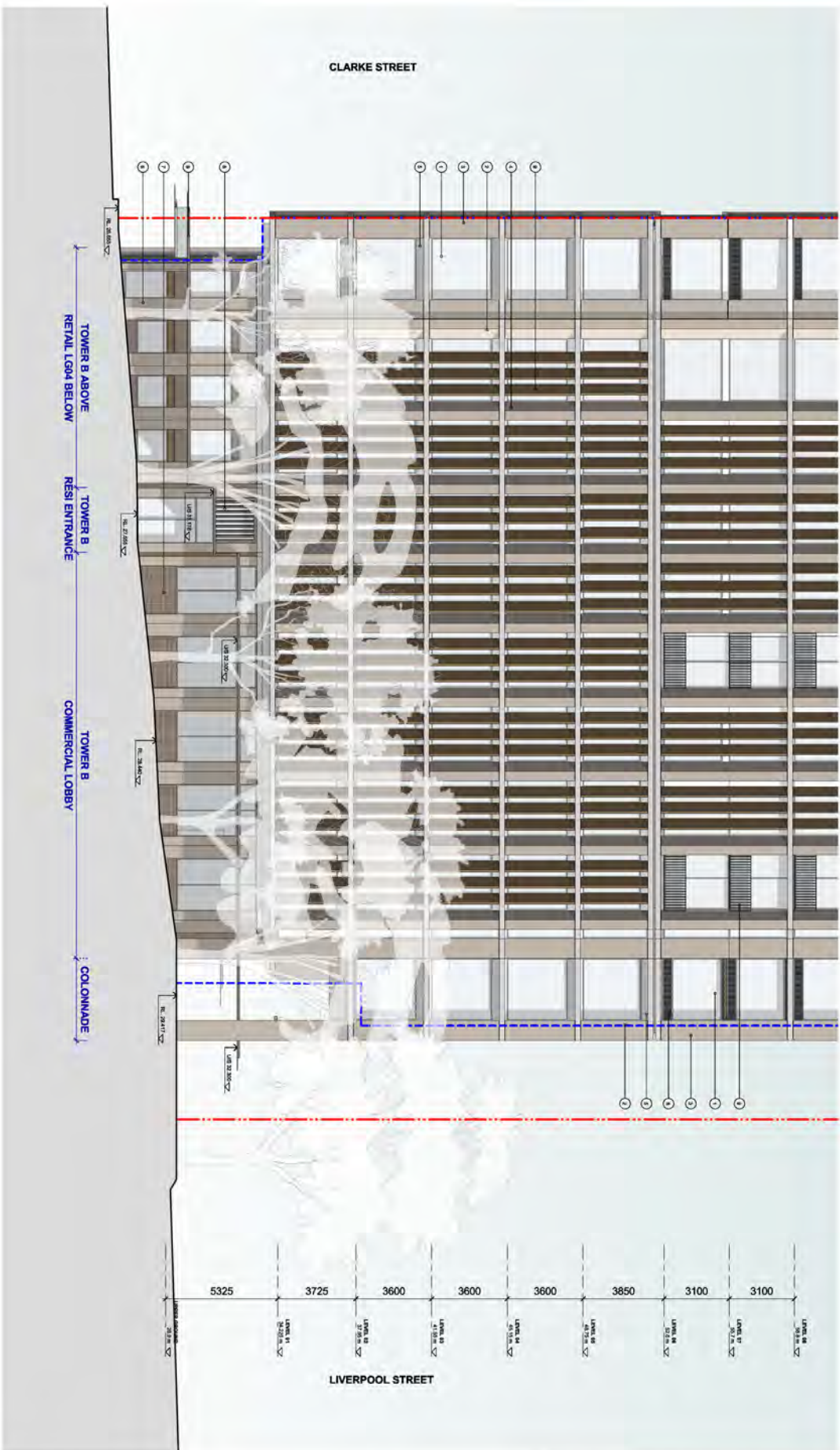
2 Sydney, 1188 New South Street  
Sydney NSW 2017 Australia  
Tel: +61 (0)2 9008 0000  
www.batesSMART.com.au

3 Brisbane, 1000 Adelaide Street  
Brisbane QLD 4000 Australia  
Tel: +61 (0)7 3008 0000  
www.batesSMART.com.au

4 Perth, 1000 Adelaide Street  
Perth WA 6000 Australia  
Tel: +61 (0)8 9008 0000  
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5 Auckland, 1000 Adelaide Street  
Auckland NZ 1010 New Zealand  
Tel: +61 (0)6 3008 0000  
www.batesSMART.com.au





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- LEGEND**
- PROPERTY BOUNDARY
  - STAGE 1 ARCHITECTURAL ENVELOPE
  - MATERIALS AND FINISHES

- MATERIALS AND FINISHES**
1. CLEAN GLAZING METAL FRAMED | BRONZE FINISH
  2. HONED PRECAST CONCRETE | EXPOSED AGGREGATE FOLIUM
  3. POLISHED PRECAST CONCRETE | EXPOSED TOWER
  4. CONCRETE | HONED & NOUGH HEAVY
  5. POLISHED PRECAST CONCRETE | EXPOSED UNITS AND DOWNSTANDS
  6. BRICKS | THIN & ELONGATED SHAPE | HORIZONTAL
  7. BRICKS | THIN & ELONGATED SHAPE | SOLIDER CORNER UNIT
  8. ANODISED ALUMINIUM ROOFS | BRONZE FINISH
  9. ANODISED ALUMINIUM | BRONZE FINISH
  10. ANODISED ALUMINIUM | BRONZE FINISH
  11. GRANITE PAVING
  12. BALCONIES & TERRACE
  13. THROUGH - SITE LINK
  14. PLANTED STEPS
  15. PLANTERS | BRONZE FINISH
  16. TERRACE GREENERY - REFER TO LANDSCAPE ARCHITECTS REPORT FOR PLANT SPECIFICATION
  17. REFER TO MATERIALS AND FINISHES SCHEDULE (04/11/21) FOR MORE INFORMATION

LEVEL	FINISH	FINISH	FINISH
LEVEL 06	3100	3100	3100
LEVEL 05	3100	3100	3100
LEVEL 04	3100	3100	3100
LEVEL 03	3100	3100	3100
LEVEL 02	3100	3100	3100
LEVEL 01	3100	3100	3100
LEVEL 00	3100	3100	3100
LEVEL -01	3100	3100	3100
LEVEL -02	3100	3100	3100
LEVEL -03	3100	3100	3100
LEVEL -04	3100	3100	3100
LEVEL -05	3100	3100	3100
LEVEL -06	3100	3100	3100

**SICARD PTY LTD**

175 LIVERPOOL STREET

DA09 STREET ELEVATION - COMMONWEALTH STREET

Scale: DEVELOPMENT APPLICATION

Drawn: A.M. Checked: A.M.

Project No: S12565

File Name: 175LIVERPOOL-DA09.rvt

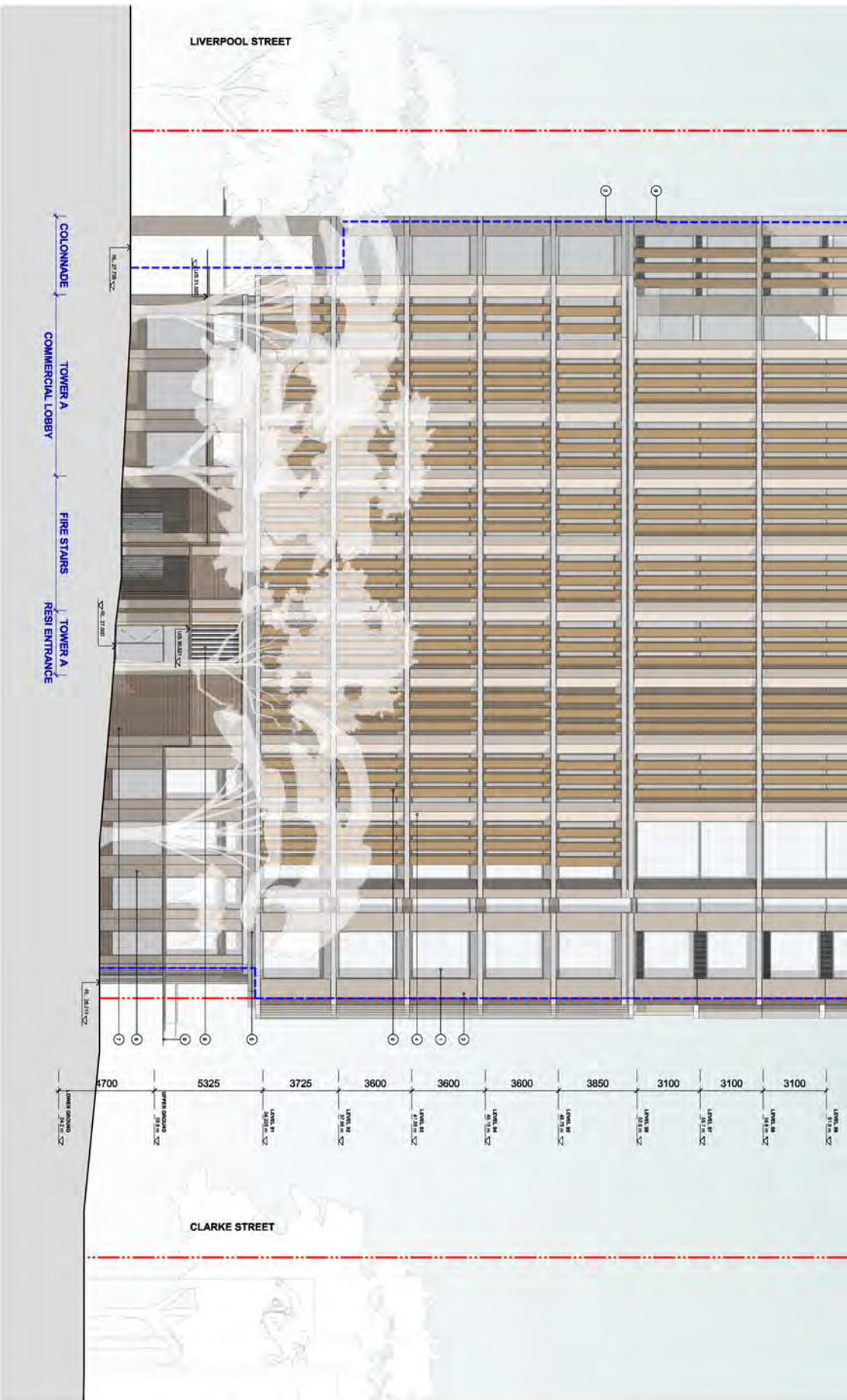
DA09.08 D

Melbourne, VIC 3000 Australia  
 Sydney, NSW 2017 Australia  
 Brisbane, QLD 4000 Australia  
 Perth, WA 6000 Australia  
 Auckland, NZ 1010 New Zealand  
 Wellington, NZ 6140 New Zealand  
 Christchurch, NZ 8013 New Zealand  
 Dunedin, NZ 9016 New Zealand  
 Auckland, NZ 1010 New Zealand  
 Wellington, NZ 6140 New Zealand  
 Christchurch, NZ 8013 New Zealand  
 Dunedin, NZ 9016 New Zealand

**BATESSMART™**







Check all dimensions and the conditions prior to commencement of any work. The purpose of this drawing is to provide a visual representation of the proposed development. It is not a contract. Do not scale dimensions - refer to the notes for clarification. Any dimensions shall immediately be referred to the architect for clarification. All drawings may not be reproduced or distributed without prior permission from the architect.

**LEGEND**

- PROPERTY BOUNDARY
- STAGE 1 PROPOSED ENVELOPE

**MATERIALS AND FINISHES**

- CLEAN GLAZING METAL FRAMED | BRONZE FINISH
  - HONED PRECAST CONCRETE | EXPOSED AGGREGATE (POLIUM)
  - POLISHED PRECAST CONCRETE | EXPOSED TOWER
  - CONCRETE | HONED & POLISH HENK
  - COLUMN BLADE SIDE FACE
  - POLISHED PRECAST CONCRETE | UNITS AND DOWNSTANDS
  - BRICKS | THIN & ELONGATED SHAPE | HORIZONTAL CORNER UNIT
  - ANODISED ALUMINIUM ROOFS | BRONZE FINISH
  - ANODISED ALUMINIUM | BRONZE FINISH BALLSTRADA, SUNSHADE, AVENING AND VANDERING
  - ANODISED ALUMINIUM | BRONZE MESH ROOFTOP CROWN
  - GRANITE PAVING
  - BALCONIES & TERRACE
  - PLANTED STEPS
  - THROUGH - SITE LINK
  - PLANTERS | BRONZE FINISH
  - TERRACE GREENERY - REFER TO LANDSCAPE ARCHITECTS REPORT FOR PLANTING
- SEE MATERIALS AND FINISHES SCHEDULE (DA4.19) FOR MORE INFORMATION

**SICARD PTY LTD**

**175 LIVERPOOL STREET**

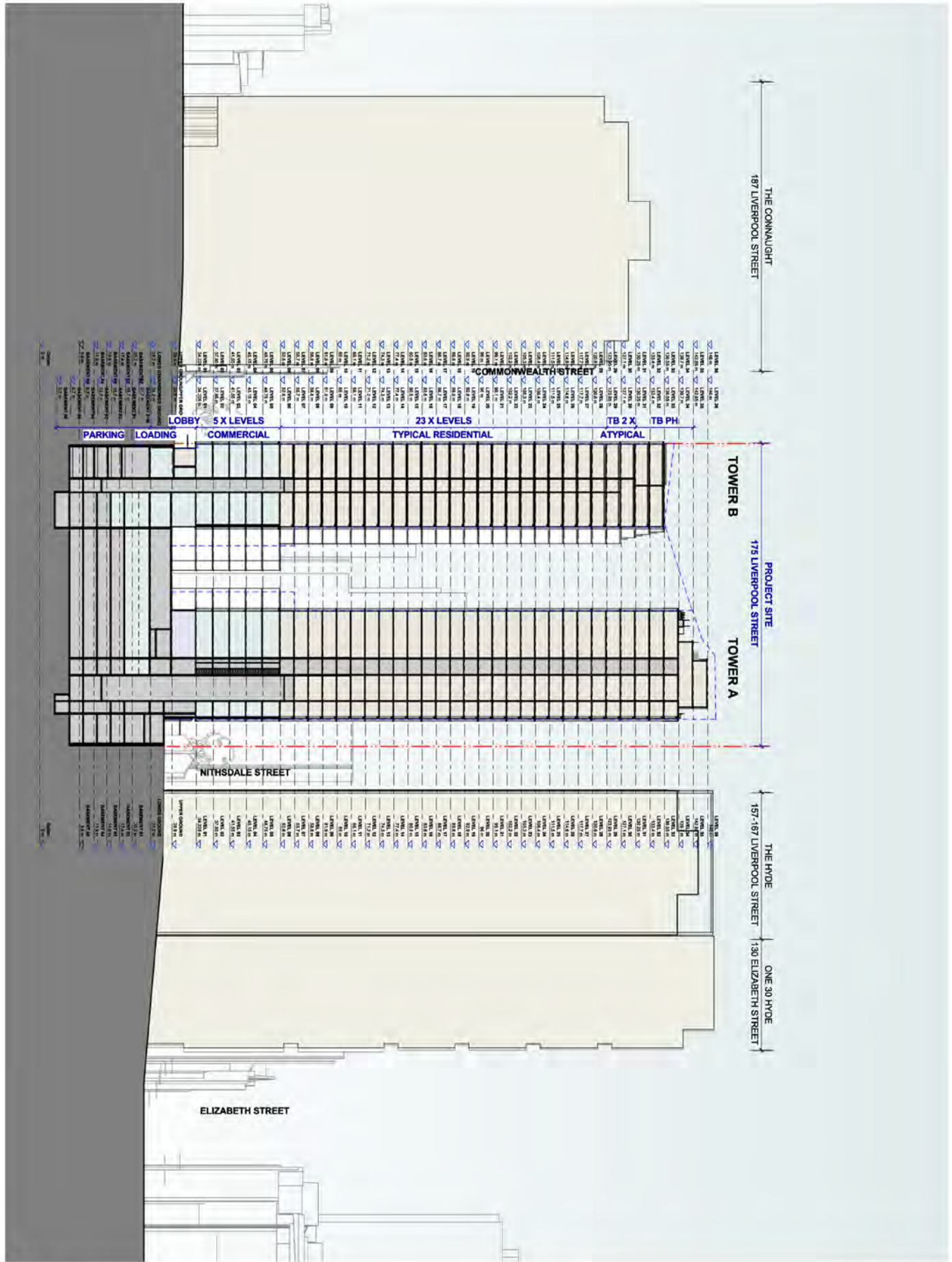
**DA09 STREET ELEVATION - NITTSDALE STREET**

Scale	DEVELOPMENT APPLICATION
Scale	As Indicated @ A1
Drawn	Author
Project No.	512655
File Name	175L1001-411317.dwg
Drawn by	DA09.10
Revision	D

**Melbourne - 1 Nicholson Street**  
 Melbourne VIC 3000 Australia  
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<http://www.batesismart.com.au>

**Sydney - 1155 New South Street**  
 Sydney NSW 2000 Australia  
 Tel: 02 9250 1000  
<http://www.batesismart.com.au>

**Bates Smart Architects Pty Ltd** (ABN 68 094 740 998)  
 1007 Commercial Road, North Melbourne, VIC 3048  
 Tel: 03 9397 1170  
[www.batesismart.com.au](http://www.batesismart.com.au)

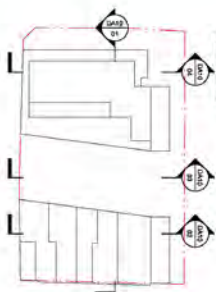


Check all dimensions and site conditions prior to commencement of any work.  
 This plan is for information only. It is not to be used for construction or other purposes.  
 Do not scale drawings - refer to printed dimensions only. Any dimensions shall  
 introduced by reference to the printed by dimension.  
 All drawings may not be reproduced or distributed without prior permission from  
 the architect.

**LEGEND**

- PROPERTY BOUNDARY
- STAGE 1  
PROPOSED ENVELOPE  
D20019992
- RETAIL
- COMMERCIAL
- RESIDENTIAL
- PLANT / STORAGE / PARKING

**KEY PLAN**



1	21/21/21	RETAIL	RETAIL
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98	21/21/21	RETAIL	RETAIL
99	21/21/21	RETAIL	RETAIL
100	21/21/21	RETAIL	RETAIL

**SICARD PTY LTD**

**175 LIVERPOOL STREET**

**DA10 SECTION - EAST - WEST**

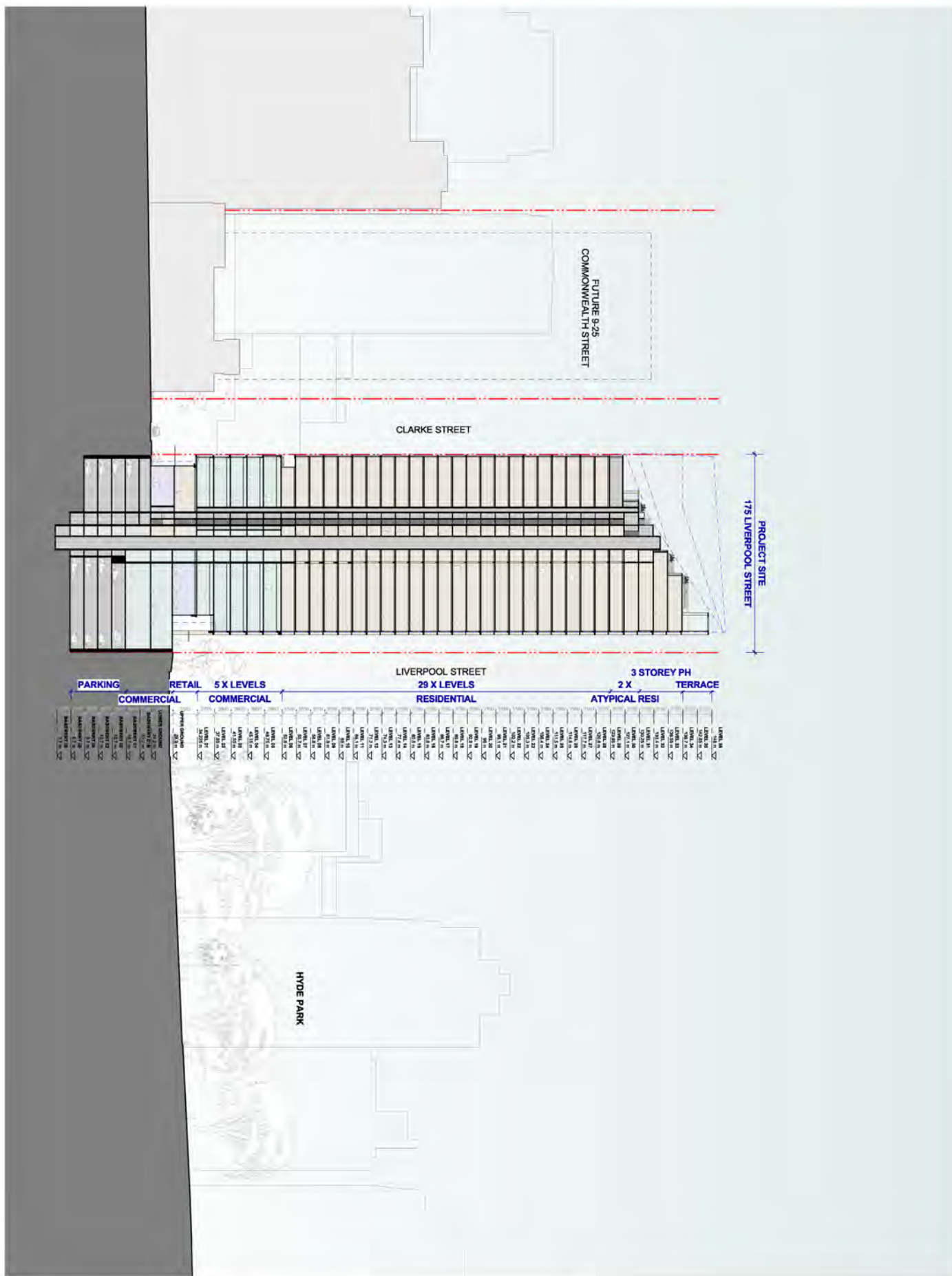
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NO.	98	DATE	22/01/2022
NO.	99	DATE	22/01/2022
NO.	100	DATE	22/01/2022

**DA10.01 C**

175 Liverpool Street, Sydney NSW 2011 Australia  
 Tel: 02 9251 1000  
 Fax: 02 9251 1001  
 Email: info@bates-smart.com.au  
 Website: www.bates-smart.com.au







PROJECT SITE  
175 LIVERPOOL STREET

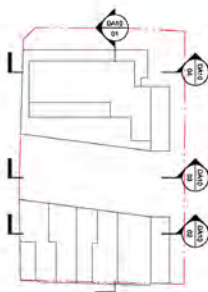
CLARKE STREET  
LIVERPOOL STREET  
3 STOREY PH TERRACE  
2 X ATYPICAL RESI  
29 X LEVELS RESIDENTIAL  
5 X LEVELS COMMERCIAL  
RETAIL COMMERCIAL  
PARKING

HYDE PARK

**LEGEND**

- PROPERTY BOUNDARY
- STAGE 1 PROPOSED BUILD ENVELOPE
- RETAIL
- COMMERCIAL
- RESIDENTIAL
- PLANT / STORAGE / PARKING

**KEY PLAN**



236

NO	DESCRIPTION	DATE	BY	CHKD
1	2D/3D MODEL DEVELOPMENT	15/01/22	SM	SM
2	2D/3D MODEL DEVELOPMENT	15/01/22	SM	SM
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4	2D/3D MODEL DEVELOPMENT	15/01/22	SM	SM
5	2D/3D MODEL DEVELOPMENT	15/01/22	SM	SM
6	2D/3D MODEL DEVELOPMENT	15/01/22	SM	SM
7	2D/3D MODEL DEVELOPMENT	15/01/22	SM	SM
8	2D/3D MODEL DEVELOPMENT	15/01/22	SM	SM
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**SICARD PTY LTD**

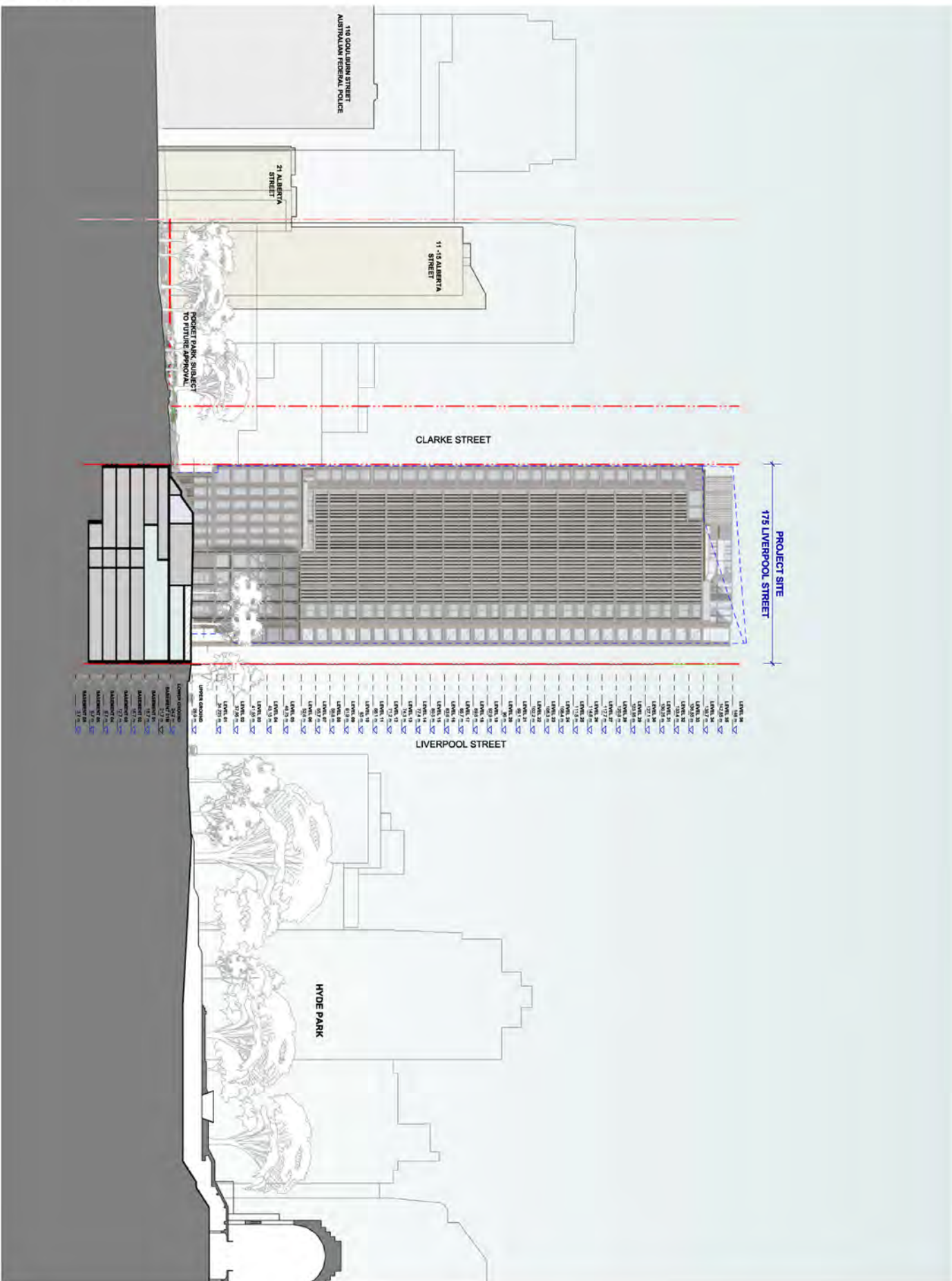
**175 LIVERPOOL STREET**

**DA10 SECTION - TB**

NO	DESCRIPTION	DATE	BY	CHKD
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3	2D/3D MODEL DEVELOPMENT	15/01/22	SM	SM
4	2D/3D MODEL DEVELOPMENT	15/01/22	SM	SM
5	2D/3D MODEL DEVELOPMENT	15/01/22	SM	SM
6	2D/3D MODEL DEVELOPMENT	15/01/22	SM	SM
7	2D/3D MODEL DEVELOPMENT	15/01/22	SM	SM
8	2D/3D MODEL DEVELOPMENT	15/01/22	SM	SM
9	2D/3D MODEL DEVELOPMENT	15/01/22	SM	SM
10	2D/3D MODEL DEVELOPMENT	15/01/22	SM	SM

**BATESSMART™**

175 Liverpool Street, Sydney NSW 2011 Australia  
 Tel: 02 9251 1000  
 www.batesmart.com.au



PROJECT SITE  
175 LIVERPOOL STREET

CLARKE STREET

LIVERPOOL STREET

110 OUL BUNN STREET  
AUSTRALIAN FEDERAL POLICE

21 ALBERTA STREET

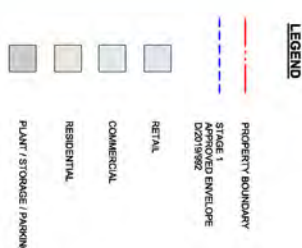
11-13 ALBERTA STREET

POCKET PARK, SUBJECT TO FUTURE APPROVAL

HYDE PARK

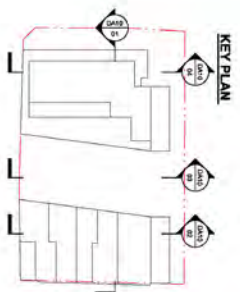
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LEVEL -29	12.7 m	✓
LEVEL -30	12.7 m	✓

Column schedule	
RAILSTEEL 241	12.7 m
RAILSTEEL 242	12.7 m
RAILSTEEL 243	12.7 m
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RAILSTEEL 246	12.7 m
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RAILSTEEL 296	12.7 m
RAILSTEEL 297	12.7 m
RAILSTEEL 298	12.7 m
RAILSTEEL 299	12.7 m
RAILSTEEL 300	12.7 m



LEGEND

- PROPERTY BOUNDARY
- STAGE 1 PROPOSED BUILD ENVELOPE
- RETAIL
- COMMERCIAL
- RESIDENTIAL
- PLANT / STORAGE / PARKING



237

SICARD PTY LTD

175 LIVERPOOL STREET

DA10 SECTION - TSL & URBAN ROOM

STATUS	DEVELOPMENT APPLICATION	DATE	AS INCORPORATED	BY	AI
DRAWN	SH	PROJECT NO.	S15065	CHECKED	
REV		REV DATE	09/02/2013 13:57 PM		
DRAWING NO.	DA10.03	REVISION	D		

Melbourne 1100 Union Street  
 Sneyd Hill NSW 2017 Australia  
 Tel: 61 61 8388 8300  
 Fax: 61 61 8388 8300  
 Email: sales@batesmart.com.au  
 Website: www.batesmart.com.au  
 Bates Smart Architects Pty Ltd ABN 68 094 740 998  
 10/17 Commercial, Macquarie Avenue, North Sydney, NSW, 1585  
 10/17 Commercial, Macquarie Avenue, North Sydney, NSW, 1585  
 10/17 Commercial, Macquarie Avenue, North Sydney, NSW, 1585

BATESSMART





PROJECT SITE  
175 LIVERPOOL STREET

CLARKE STREET

LIVERPOOL STREET

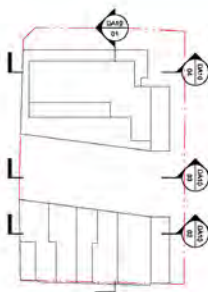
HYDE PARK

LEVEL	DESCRIPTION	FINISH	MARKING
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LEVEL 23	ROOF	ASPH/FL	23
LEVEL 22	ROOF	ASPH/FL	22
LEVEL 21	ROOF	ASPH/FL	21
LEVEL 20	ROOF	ASPH/FL	20
LEVEL 19	ROOF	ASPH/FL	19
LEVEL 18	ROOF	ASPH/FL	18
LEVEL 17	ROOF	ASPH/FL	17
LEVEL 16	ROOF	ASPH/FL	16
LEVEL 15	ROOF	ASPH/FL	15
LEVEL 14	ROOF	ASPH/FL	14
LEVEL 13	ROOF	ASPH/FL	13
LEVEL 12	ROOF	ASPH/FL	12
LEVEL 11	ROOF	ASPH/FL	11
LEVEL 10	ROOF	ASPH/FL	10
LEVEL 9	ROOF	ASPH/FL	9
LEVEL 8	ROOF	ASPH/FL	8
LEVEL 7	ROOF	ASPH/FL	7
LEVEL 6	ROOF	ASPH/FL	6
LEVEL 5	ROOF	ASPH/FL	5
LEVEL 4	ROOF	ASPH/FL	4
LEVEL 3	ROOF	ASPH/FL	3
LEVEL 2	ROOF	ASPH/FL	2
LEVEL 1	ROOF	ASPH/FL	1
LEVEL 0	ROOF	ASPH/FL	0
LEVEL -1	ROOF	ASPH/FL	-1
LEVEL -2	ROOF	ASPH/FL	-2
LEVEL -3	ROOF	ASPH/FL	-3
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LEVEL -73	ROOF	ASPH/FL	-73
LEVEL -74	ROOF	ASPH/FL	-74
LEVEL -75	ROOF	ASPH/FL	-75
LEVEL -76	ROOF	ASPH/FL	-76
LEVEL -77	ROOF	ASPH/FL	-77
LEVEL -78	ROOF	ASPH/FL	-78
LEVEL -79	ROOF	ASPH/FL	-79
LEVEL -80	ROOF	ASPH/FL	-80
LEVEL -81	ROOF	ASPH/FL	-81
LEVEL -82	ROOF	ASPH/FL	-82
LEVEL -83	ROOF	ASPH/FL	-83
LEVEL -84	ROOF	ASPH/FL	-84
LEVEL -85	ROOF	ASPH/FL	-85
LEVEL -86	ROOF	ASPH/FL	-86
LEVEL -87	ROOF	ASPH/FL	-87
LEVEL -88	ROOF	ASPH/FL	-88
LEVEL -89	ROOF	ASPH/FL	-89
LEVEL -90	ROOF	ASPH/FL	-90
LEVEL -91	ROOF	ASPH/FL	-91
LEVEL -92	ROOF	ASPH/FL	-92
LEVEL -93	ROOF	ASPH/FL	-93
LEVEL -94	ROOF	ASPH/FL	-94
LEVEL -95	ROOF	ASPH/FL	-95
LEVEL -96	ROOF	ASPH/FL	-96
LEVEL -97	ROOF	ASPH/FL	-97
LEVEL -98	ROOF	ASPH/FL	-98
LEVEL -99	ROOF	ASPH/FL	-99
LEVEL -100	ROOF	ASPH/FL	-100

**LEGEND**

- PROPERTY BOUNDARY
- STAGE 1 PROPOSED BUILD ENVELOPE
- RETAIL
- COMMERCIAL
- RESIDENTIAL
- PLANT / STORAGE / PARKING

**KEY PLAN**



238

**SICARD PTY LTD**

175 LIVERPOOL STREET

DA10 SECTION - TA & POCKET PARK

Scale	DEVELOPMENT APPLICATION
Drawn	As instructed @ A1
Checked	AM
Project No.	S17565
File Path	090201\DA10.PW
Drawn by	Revision
<b>DA10.04</b>	<b>D</b>

Melbourne 1 Nicholson Street  
 Sydney 155-155/157 Victoria Street  
 Brisbane 200 Queen Street  
 Perth 100 St Georges Terrace  
 Adelaide 100 Rundle Street  
 Gold Coast 100 The Esplanade  
 Cairns 100 Esplanade  
 Mackay 100 Esplanade  
 Townsville 100 Esplanade  
 Darwin 100 Esplanade  
 Alice Springs 100 Esplanade  
 Canberra 100 Esplanade  
 Melbourne VIC 3000 Australia  
 Sydney NSW 2017 Australia  
 Brisbane QLD 4000 Australia  
 Perth WA 6000 Australia  
 Adelaide SA 5000 Australia  
 Gold Coast QLD 4217 Australia  
 Cairns QLD 4870 Australia  
 Mackay QLD 4740 Australia  
 Townsville QLD 4810 Australia  
 Darwin NT 1300 Darwin Way, 500 Darwin, NT 1300  
 Alice Springs NT 1300 Alice Springs Way, 500 Alice Springs, NT 1300

**BATESSMART**

Check all dimensions and site conditions prior to commencement of any work.  
 The purpose of this drawing is to provide a visual representation of the proposed development.  
 Do not scale drawings - refer to dimensions for confirmation. Any dimensions shall  
 ultimately prevail in the event of any discrepancy.  
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Check all dimensions and the conditions prior to commencement of any work. The purpose of providing a preliminary drawing is to provide a general impression of appearance. Do not make drawings - make a drawing for construction. Any dimensions shall be controlled by the architect. All drawings may not be reproduced or distributed without prior permission from the architect.

**SICARD PTY LTD**

**175 LIVERPOOL STREET**

**DATA SECTION - ROCKET PARK & LOADING DOCK**

Scale	1:150	© A1
Drawn	VJA	Checked SH
Project No.	S15565	
File Name	090201-14-175	
Rev		Revision
DA10.05		D

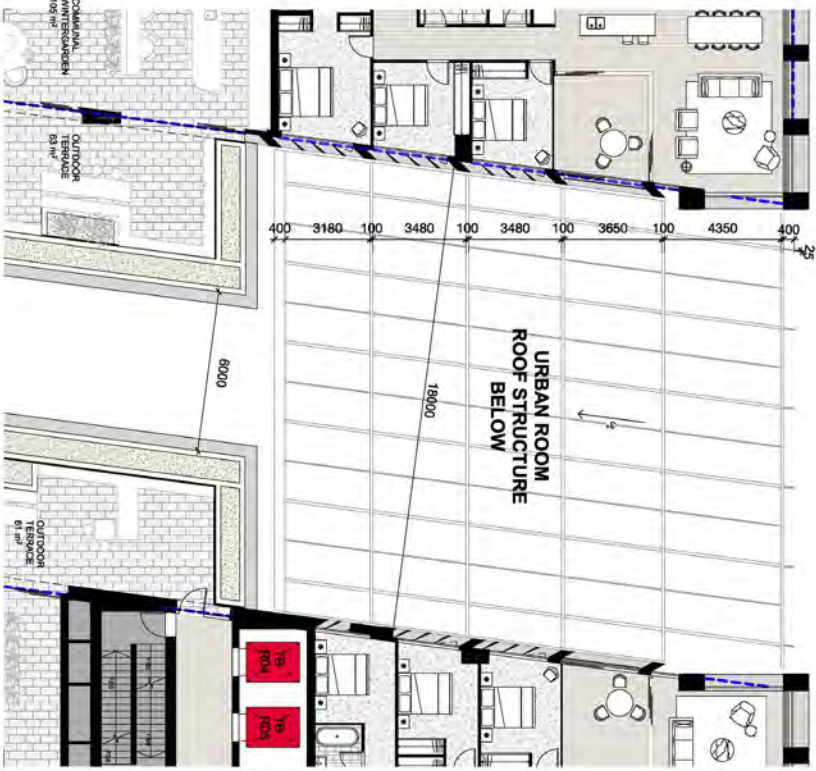
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Perth Western Australia 6004  
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1 URBAN ROOM - L05 PLAN  
1:100



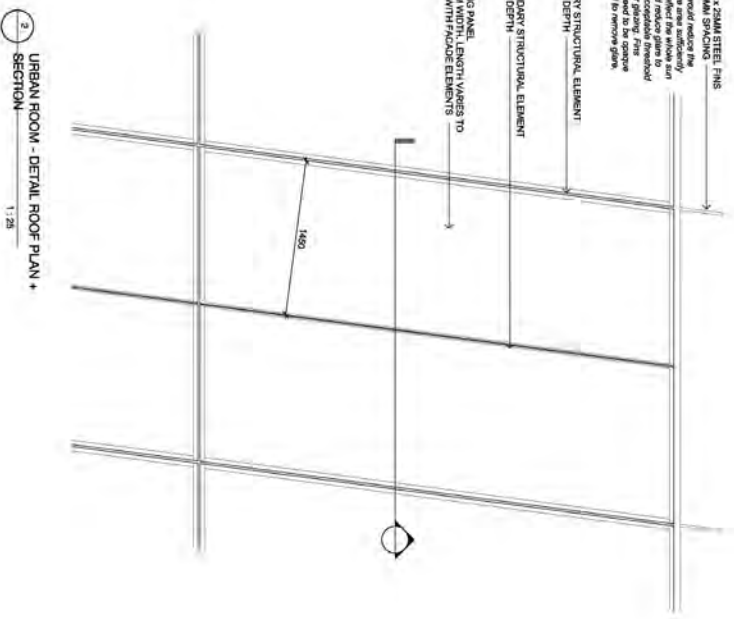
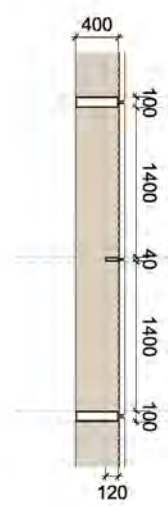
2 URBAN ROOM - TSL ELEVATION  
1:100







3 URBAN ROOM ROOF - L06 PLAN  
1:100



3 URBAN ROOM - DETAIL ROOF PLAN  
1:25

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175 LIVERPOOL STREET  
D410 URBAN ROOM

**SICARD PTY LTD**

24 27 23 ROBERTSON WAY  
SHEPPARD  
VIC 3038  
AUSTRALIA

Scale: DEVELOPMENT APPLICATION @ A1  
 Date: 28/01/2024  
 Project No.: S12565  
 File Name: 175L0011.dwg  
 Drawing No.: D410.06B  
 Revision: B

1 Melbourne, 1 Melbourne Street, Sydney NSW 2017 Australia  
 2 Sydney, 175 Liverpool Street, Sydney NSW 2017 Australia  
 3 Melbourne, VIC 3000 Australia  
 4 Sydney, NSW 2017 Australia  
 5 Melbourne, VIC 3000 Australia  
 6 Sydney, NSW 2017 Australia  
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 98 Sydney, NSW 2017 Australia  
 99 Sydney, NSW 2017 Australia  
 100 Sydney, NSW 2017 Australia

**BATESSMART**



1 TOWER B ROOFTOP TERRACE (WEST)  
1:100



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NO.	DATE	DESCRIPTION	BY	CHKD.
1	27.07.22	ISSUED FOR PERMITS	BA	BA
2	08.03.23	FOR 2D ARCHITECTURE	BA	BA
3	02.04.23	FOR 3D ARCHITECTURE	BA	BA
4	02.04.23	FOR CONSTRUCTION	BA	BA

**SICARD PTY LTD**

175 LIVERPOOL STREET

DA10 SECTION - TB ROOFTOP TERRACE 02

STATUS	DEVELOPMENT APPLICATION	DATE	03/04/2023
SCALE	A4 HORIZONTAL	BY	BA
DRAWN	SHH	CHECKED	SHH
PROJECT NO.	ST2000	FILE NAME	175L20001-15-24-04
FILE NAME	175L20001-15-24-04	DATE	03/04/2023

DA10.08 B

McIntyre Architects Pty Ltd  
200 York Street, Sydney NSW 2000 Australia  
Tel: (02) 9231 3300  
www.mcintyrearchitects.com.au

**BATESSMART**



1-1 TOWER A ROOFTOP TERRACE SECTION  
1:100

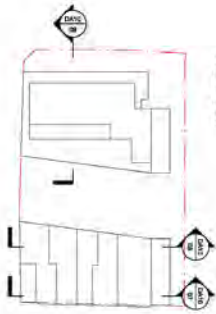


SITE BOUNDARY (NITHDALE STREET)

**LEGEND**

- PROPERTY BOUNDARY
- STAGE 1 PROPOSED ENVELOPE
- RETAIL
- COMMERCIAL
- RESIDENTIAL
- PLANT / STORAGE / PARKING

**KEY PLAN**



244

**SICARD PTY LTD**

175 LIVERPOOL STREET

DATA SECTION - TA ROOFTOP TERRACE

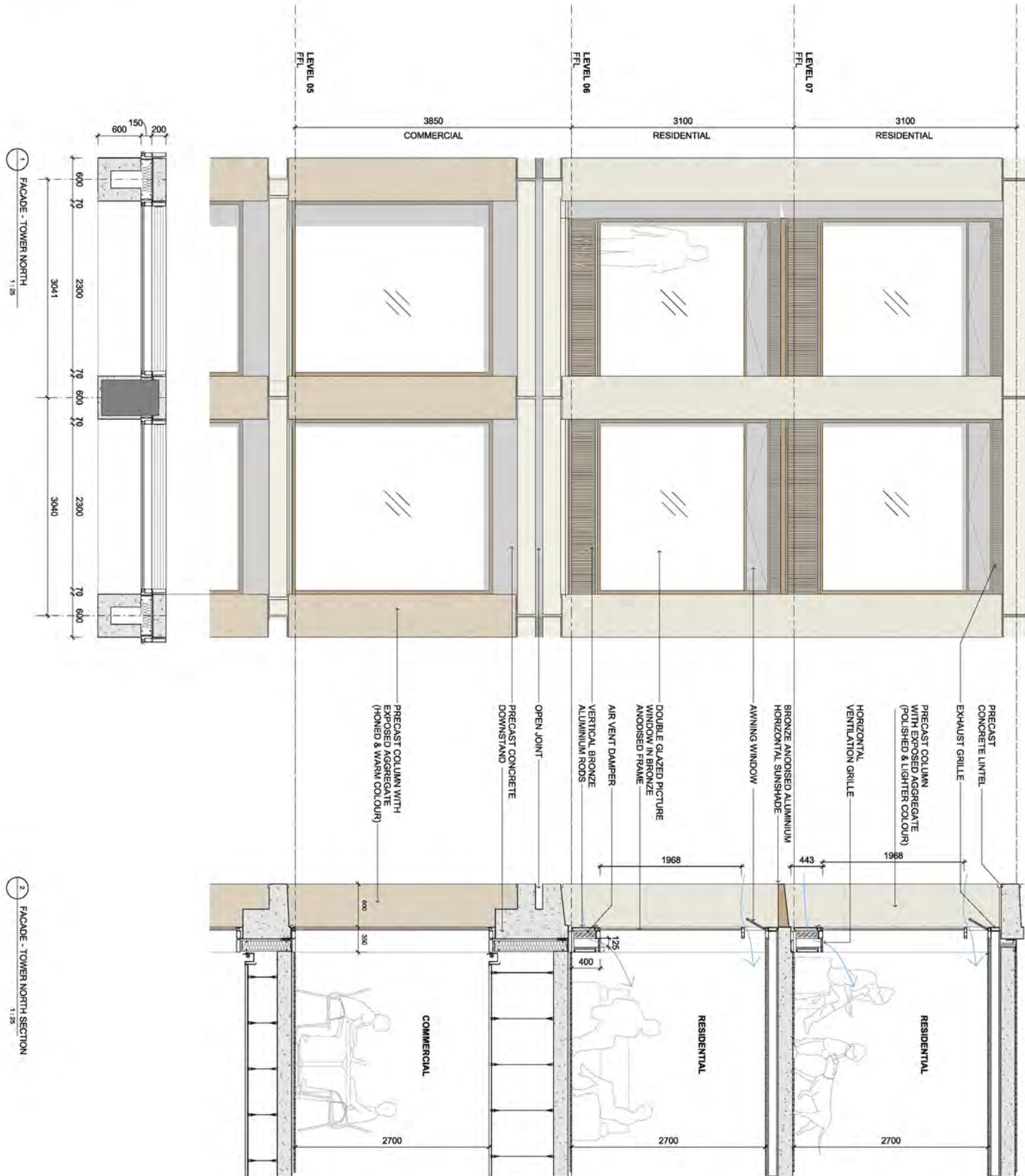
Scale	DEVELOPMENT APPLICATION
State	ACT
Owner	CHANDLER SHI
Project No.	S12565
File Name	175LIVERPOOL.DWG
Client	BATESMART

DA10.09 B

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 02 9550 2000  
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**BATESMART**

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1 FACADE - TOWER NORTH  
1:25

2 FACADE - TOWER NORTH SECTION  
1:25

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**SICARD PTY LTD**  
175 LIVERPOOL STREET  
DA11  
FACADE TYPE 01 - TOWER  
NORTH

Scale	1:25	@ A1
Client	SIC	Contract
Project No.	S12565	Contract
File Name	175LIVERPOOL 150121.PLT	
Drawn by	DA11.01	Revision
DA11.01	C	

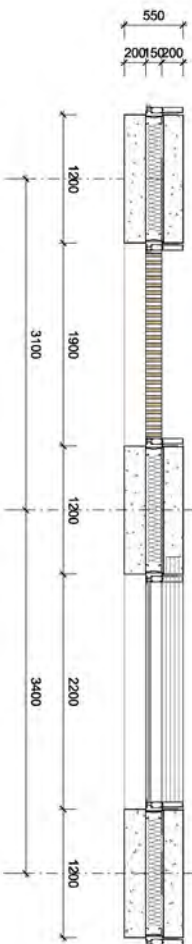
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10/97 Commercial Road, Melbourne VIC 3000 Australia  
10/97 Commercial Road, Sydney NSW 1500 Australia

1 FACADE - TOWER SOUTH  
1:25



2 FACADE - TOWER SOUTH SECTION  
1:25



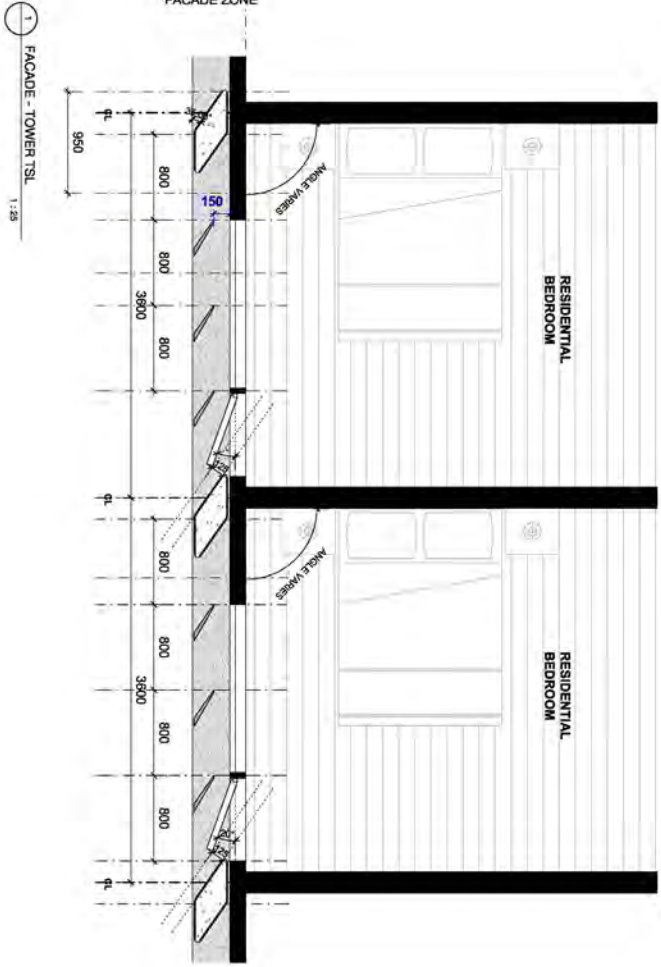
Check all dimensions and the conditions prior to commencement of any work. The contractor is responsible for the accuracy of the drawings and any discrepancies. Do not scale drawings - they are for reference only. Any discrepancies shall be referred to the architect for clarification. All drawings may not be reproduced or distributed without prior permission from the architect.

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175 LIVERPOOL STREET  
DA11  
FACADE TYPE 02 - TOWER  
SOUTH

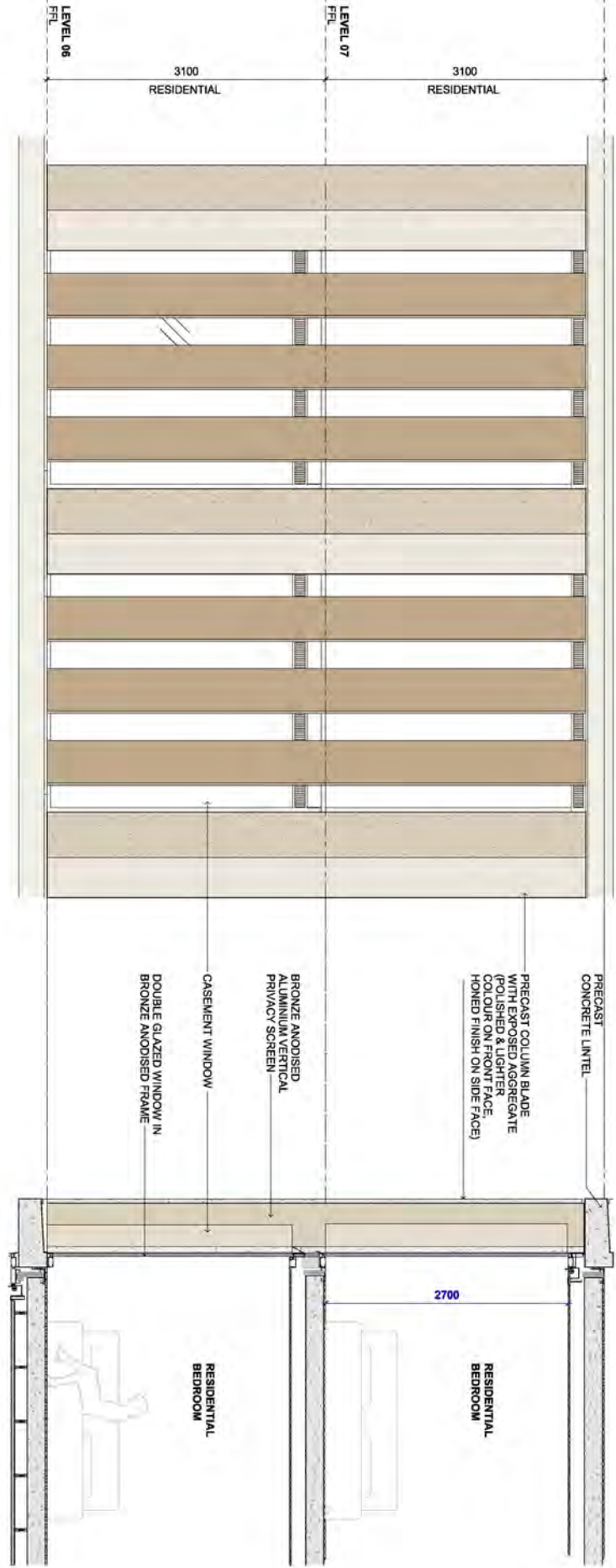
Scale	DEVELOPMENT APPLICATION	@ A1
Drawn	SH	Checked GL
Project No.	S12565	
File Date	20230315 10:31 PM	
Rev		Revision
DA11.02	C	

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Bates Smart Architects Pty Ltd  
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Tel: 03 9008 0200  
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1 FACADE - TOWER TSL  
1:25



2 FACADE - TOWER TSL SECTION  
1:25

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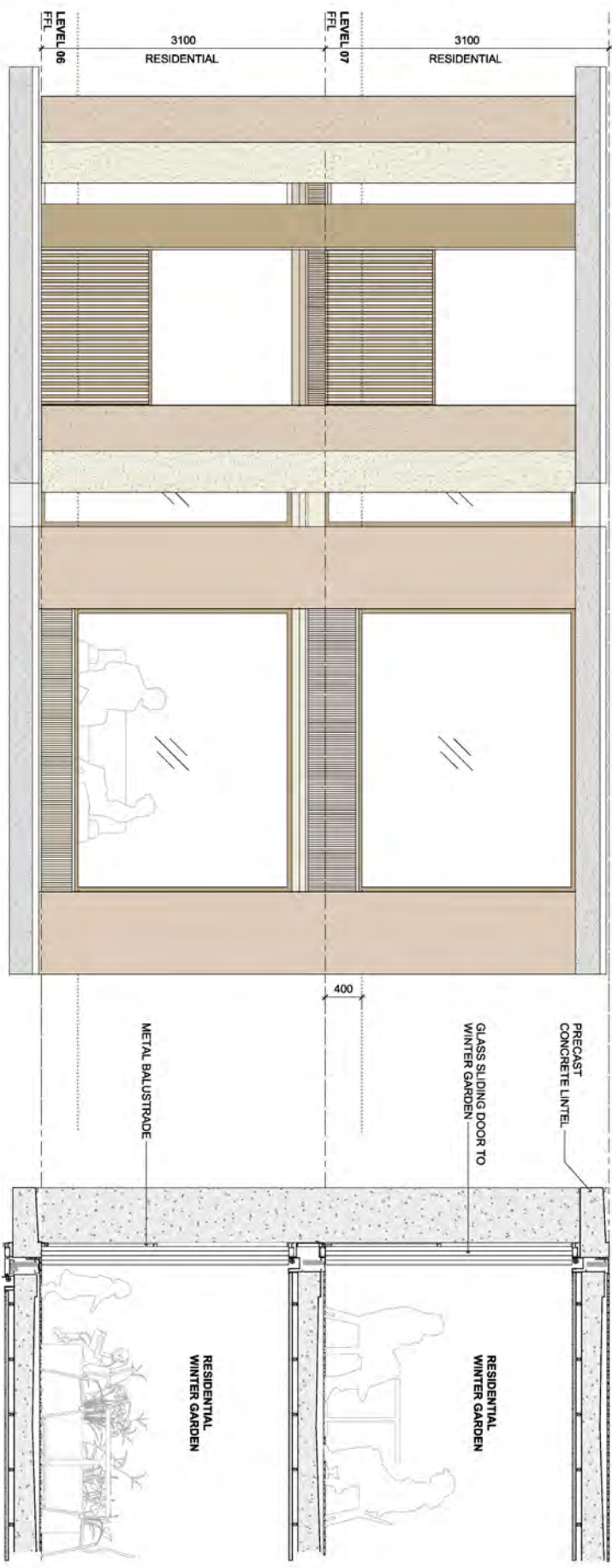
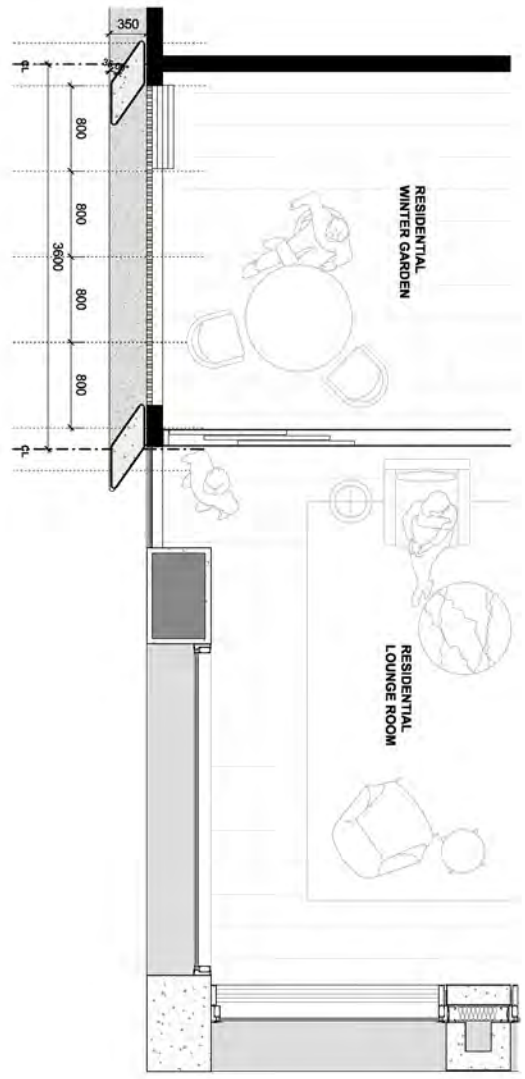
**SICARD PTY LTD**  
175 LIVERPOOL STREET  
DA11  
FACADE TYPE 03 - TSL

Scale	DEVELOPMENT APPLICATION	@ A1
Drawn by	Autor	Checker
Project No.	S12565	
File Name	175LPOOL1.03-175	
Rev		
DA11.03	C	

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 Sydney NSW 2017 Australia  
 02 8204 8100  
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 03 9399 1750  
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1 FACADE - TOWER WINTER GARDEN  
1:25



2 FACADE - WINTER GARDEN SECTION  
1:25

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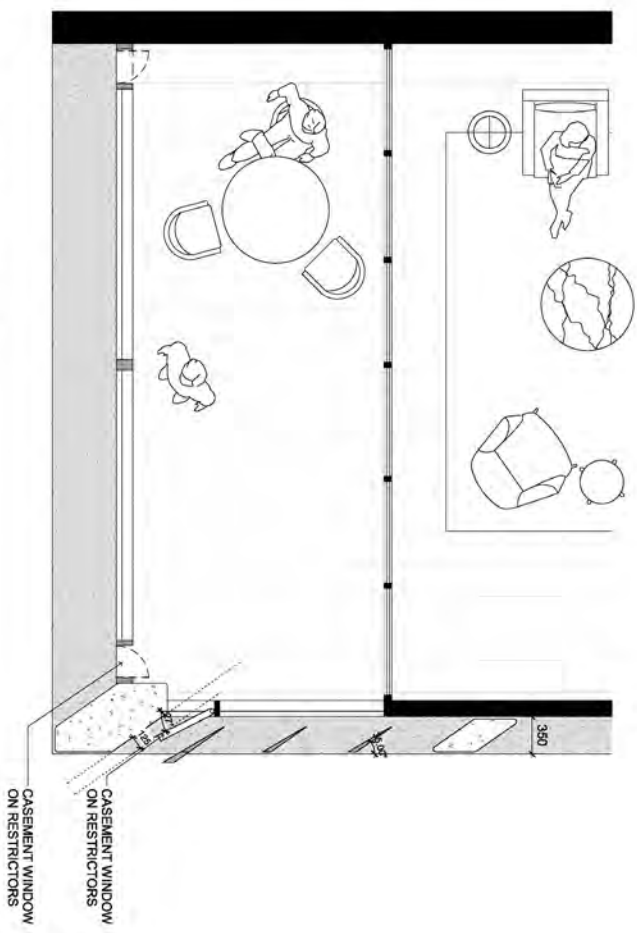
**SICARD PTY LTD**  
175 LIVERPOOL STREET  
DA11  
FACADE TYPE 04 - WINTER  
GARDEN

Scale	DEVELOPMENT APPLICATION	@ A1
Client	SH	Contract QL
Project No.	S15065	
File Name	175LPOOL 15.03.19.rvt	
Rev		
Drawing No.	DA11.04	C

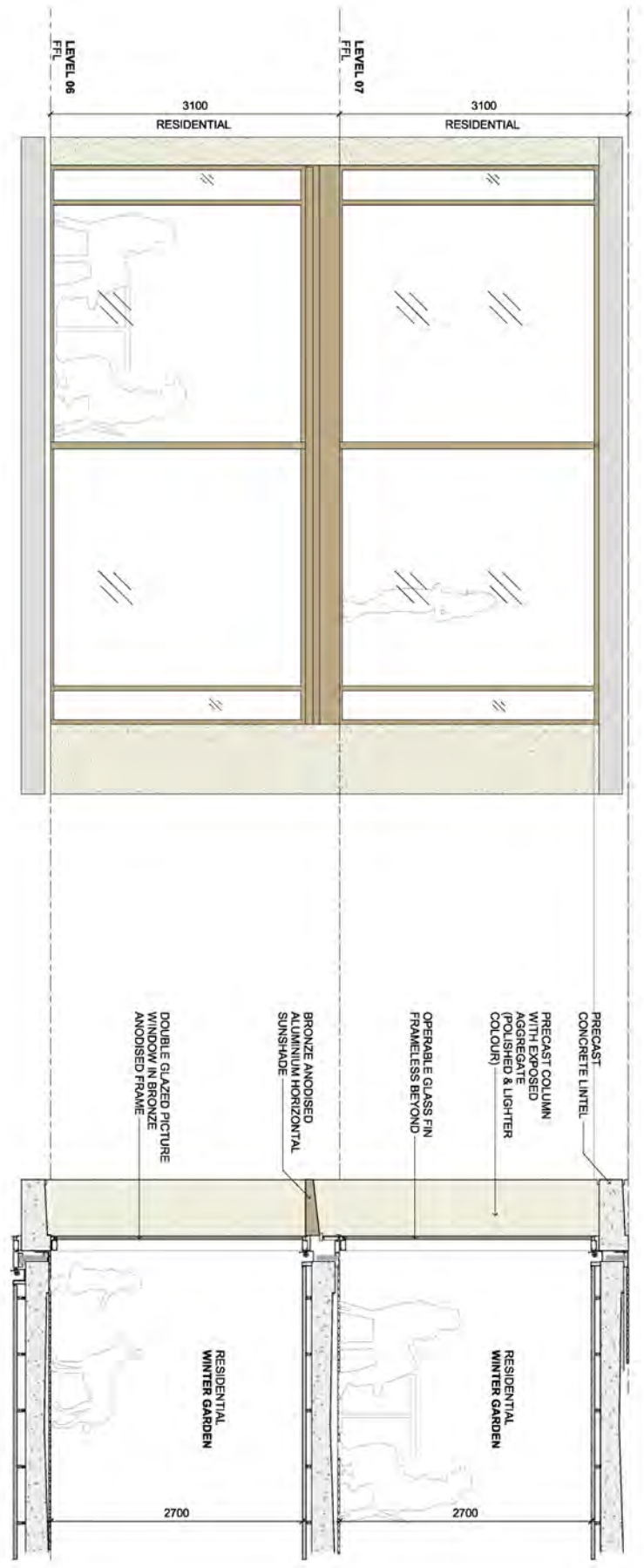
Melbourne 1 Nicholson Street  
 Melbourne VIC 3000 Australia  
 Tel: 03 9098 0200  
<http://www.batesSMART.com.au>  
 Sydney 1151 New South Street  
 Sydney NSW 2017 Australia  
 Tel: 02 9254 5100  
<http://www.batesSMART.com.au>  
 Dallas Smart Architects Pty Ltd ABN 69 004 740 996  
 1000 Commercial Boulevard, Suite 1000, Fort Worth, TX 76104, USA  
 Tel: 817 335 7800  
[www.batesSMART.com](http://www.batesSMART.com)



1 FACADE - TOWER NORTH WESTERN CNR  
1:25



2 FACADE - WESTERN SETBACK SECTION  
1:25



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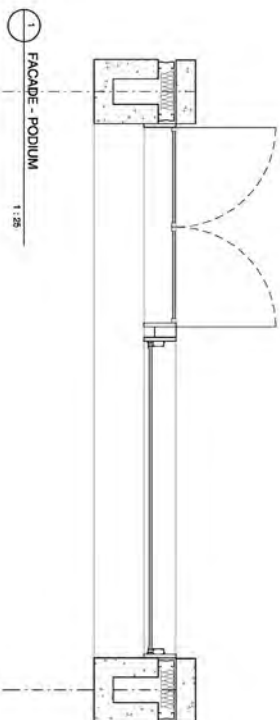
**SICARD PTY LTD**  
175 LIVERPOOL STREET  
DA11  
FACADE TYPE 05 - WESTERN  
SETBACK

Scale	DEVELOPMENT APPLICATION	@ A1
Drawn	SH	Checked GL
Project No.	S19565	
File Name	175LIVERPOOL 15.03.19.rvt	
Rev		Revised
Drawing No.	DA11.05	C

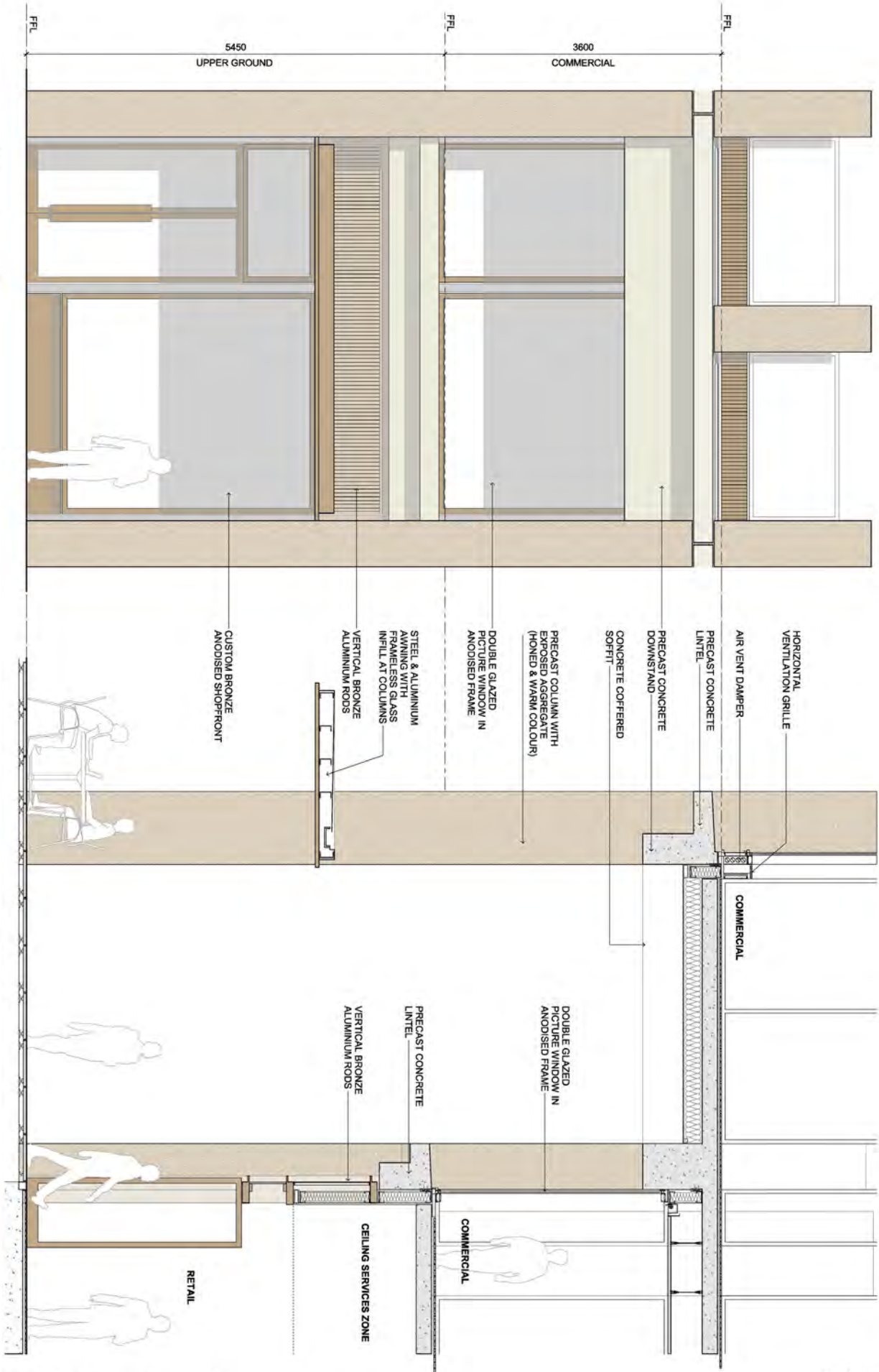
**Melbourne** 1 Nicholson Street  
Melbourne VIC 3000 Australia  
Tel: 03 9008 5500  
Fax: 03 9008 5501  
http://www.batesmart.com.au

**Sydney** 43 Bridge Street  
Sydney NSW 2010 Australia  
Tel: 02 9234 1101  
Fax: 02 9234 5199  
http://www.batesmart.com.au

**Brisbane** Smart Architects Pty Ltd  
Level 10, 100 Adelaide Street  
Brisbane QLD 4000 Australia  
Tel: 07 4600 4400  
http://www.batesmart.com.au



1 FACADE - PODIUM  
1:25



2 FACADE - PODIUM SECTION  
1:25

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1	10/06/22	FOR DEVELOPER APPLICATION	WA	30
2	22/02/22	FOR INFORMATION	WA	30
3	10/06/22	FOR INFORMATION	WA	30
4	10/06/22	FOR INFORMATION	WA	30

**SICARD PTY LTD**

175 LIVERPOOL STREET  
DA11  
FACADE TYPE 06 - PODIUM

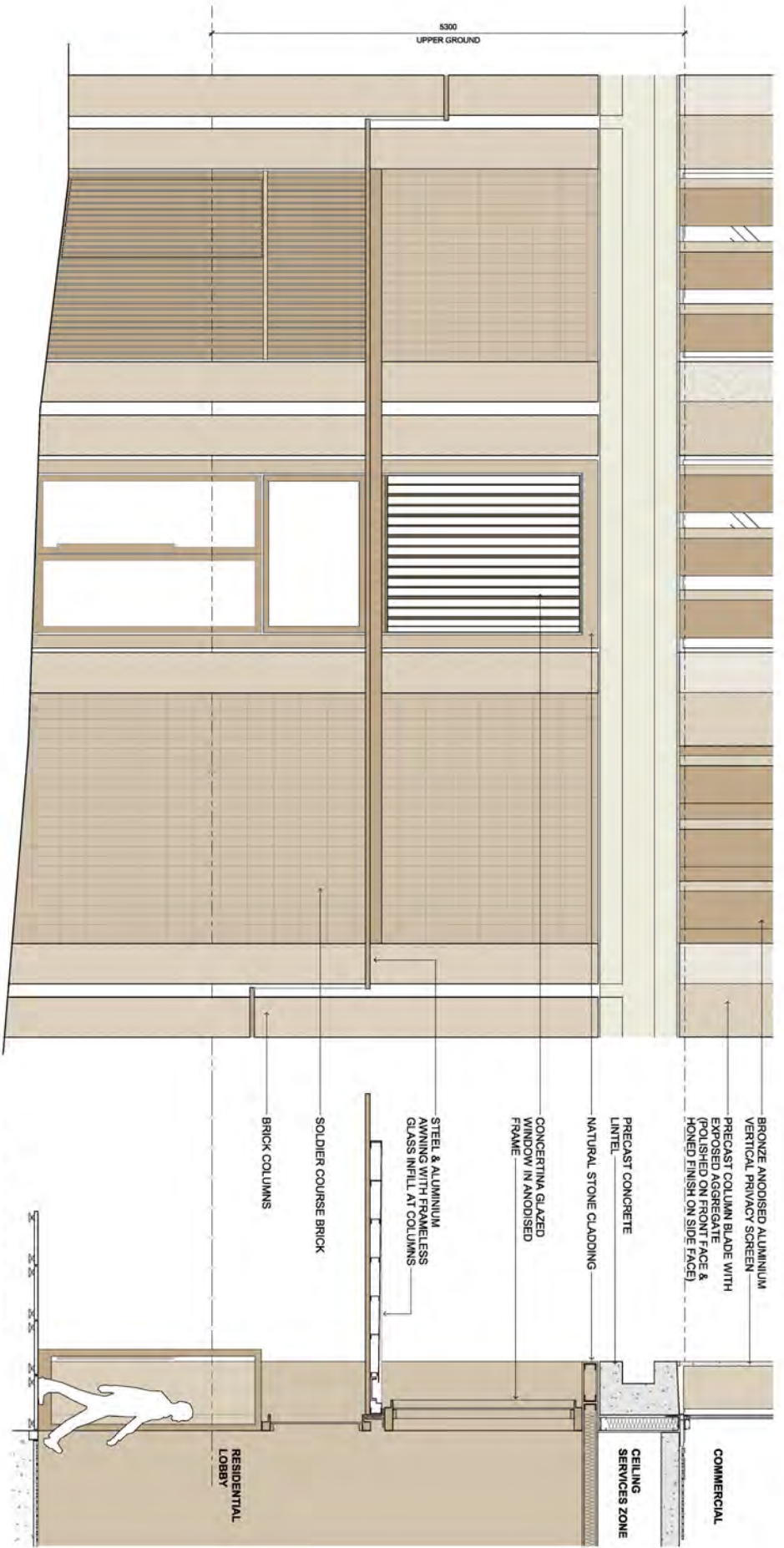
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Scale	1:25 @ A1
Client	SICARD PTY LTD
Project No.	S15065
File Name	175LPOOL1502A1W
Drawn by	Revision

DA11.06 A

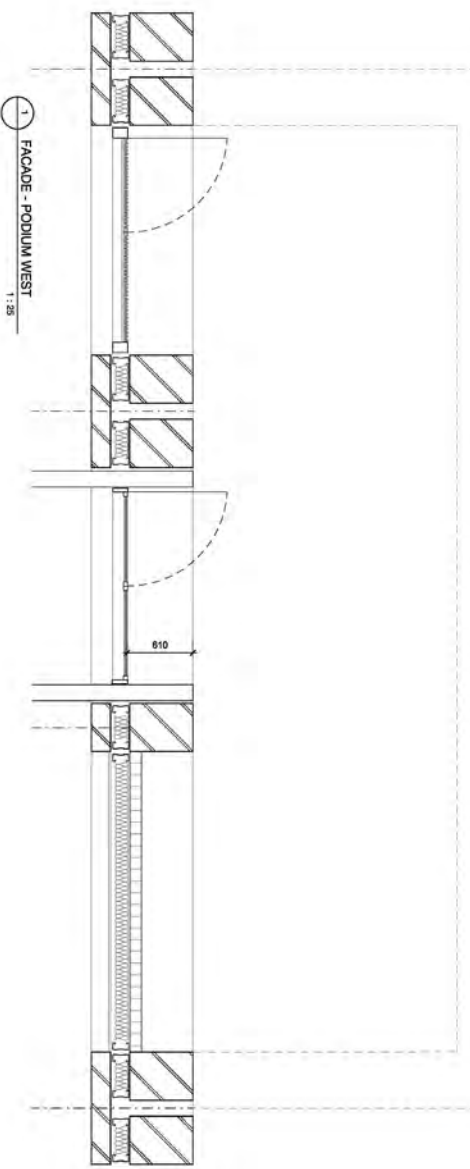
Melbourne 1 Melbourne Street  
Melbourne VIC 3000 Australia  
Tel: 03 9098 0200  
Fax: 03 9098 0201  
http://www.bateessmart.com.au

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Sydney NSW 2017 Australia  
Tel: 02 9098 0200  
Fax: 02 9098 0201  
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Melbourne VIC 3000 Australia  
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2 FACADE - PODIUM WEST SECTION  
1:25



1 FACADE - PODIUM WEST  
1:25

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**SICARD PTY LTD**

175 LIVERPOOL STREET

DA11  
FACADE TYPE 07 - RESI LOBBY  
ENTRANCE

Scale	DEVELOPMENT APPLICATION	@ A1
Drawn	SKH	Checked SH
Project No.	S12565	
File Date	19/02/2023 10:23:19 AM	

DA11.07 A

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Sydney 1188 New South Street  
Brisbane 1111 St George Street  
Perth 1111 St George Street  
Adelaide 1111 St George Street  
Gold Coast 1111 St George Street  
Darwin 1111 St George Street  
Hobart 1111 St George Street  
Launceston 1111 St George Street  
Newcastle 1111 St George Street  
Port Phillip 1111 St George Street  
Shepparton 1111 St George Street  
Traralgon 1111 St George Street  
Warrnambool 1111 St George Street  
Wodonga 1111 St George Street  
Wynyard 1111 St George Street







1 APT UNIT TYPE 3B-F  
1:100  
UNIT TYPE NAME: 3B - F  
UNIT SIZE: 157 m<sup>2</sup>  
BALCONY AREA: 15m<sup>2</sup> (INCLUSIVE)  
STORAGE VOLUME 9.93 m<sup>3</sup>  
COUNT 1  
LEVEL 29



2 APT UNIT TYPE 3B-G  
1:100  
UNIT TYPE NAME: 3B - G  
UNIT SIZE: 116 m<sup>2</sup>  
BALCONY AREA: 25 m<sup>2</sup>  
STORAGE VOLUME 5.16 m<sup>3</sup>  
COUNT 1  
LEVEL 29



3 APT UNIT TYPE 3B-H  
1:100  
UNIT TYPE NAME: 3B - H  
UNIT SIZE: 125 m<sup>2</sup>  
BALCONY AREA: 12 m<sup>2</sup>  
STORAGE VOLUME 5.99 m<sup>3</sup>  
COUNT 33  
LEVEL 33



4 APT UNIT TYPE 3B-I  
1:100  
UNIT TYPE NAME: 3B - I  
UNIT SIZE: 194 m<sup>2</sup>  
BALCONY AREA: 23m<sup>2</sup> (INCLUSIVE)  
STORAGE VOLUME 7.22 m<sup>3</sup>  
COUNT 3  
LEVEL 29&28

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2	04/03/23	POST DATE	DATE
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175 LIVERPOOL STREET  
DN13  
APARTMENT TYPES - 3B

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Project No.	S19565	
File Name	175LIVERPOOL13A1314W	
Rev		
Drawing No.		

DA13.02 C

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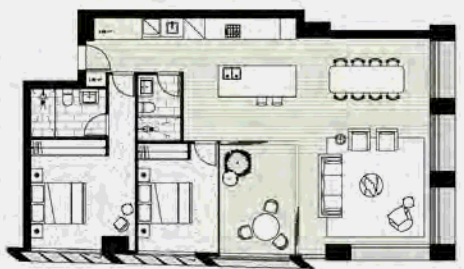




1 APT UNIT TYPE 2B-A LO6  
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 UNIT TYPE NAME: 2B - A LO6  
 UNIT SIZE: 121 m<sup>2</sup>  
 BALCONY AREA: 10 m<sup>2</sup> (INCLUSIVE)  
 STORAGE VOLUME: 6.78 m<sup>3</sup>  
 COUNT: 1  
 LEVEL: 06



2 APT UNIT TYPE 2B-A  
 1:100  
 UNIT TYPE NAME: 2B - A  
 UNIT SIZE: 121 m<sup>2</sup>  
 BALCONY AREA: 10 m<sup>2</sup> (INCLUSIVE)  
 STORAGE VOLUME: 4.25 m<sup>3</sup>  
 COUNT: 27  
 LEVEL: 07-33



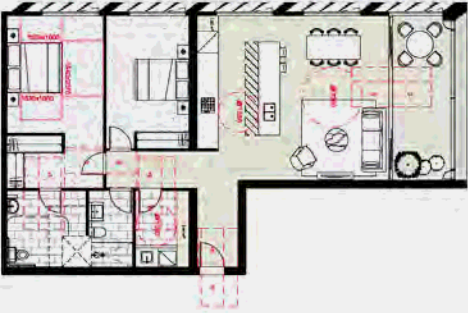
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 UNIT TYPE NAME: 2B - B  
 UNIT SIZE: 120 m<sup>2</sup>  
 BALCONY AREA: 11 m<sup>2</sup> (INCLUSIVE)  
 STORAGE VOLUME: 4.96 m<sup>3</sup>  
 COUNT: 06  
 LEVEL: 06



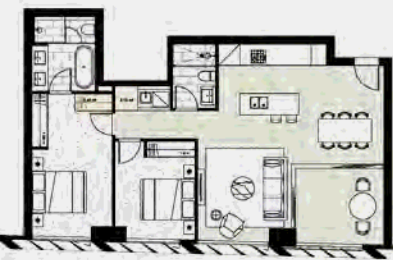
4 APT UNIT TYPE 2B-B  
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 UNIT TYPE NAME: 2B - B  
 UNIT SIZE: 124 m<sup>2</sup>  
 BALCONY AREA: 11 m<sup>2</sup> (INCLUSIVE)  
 STORAGE VOLUME: 4.10 m<sup>3</sup>  
 COUNT: 22  
 LEVEL: 07-28



5 APT UNIT TYPE 2B-D PRE ADAPTION  
 1:100  
 UNIT TYPE NAME: 2B-D  
 UNIT SIZE: 139 m<sup>2</sup>  
 BALCONY AREA: 13 m<sup>2</sup> (INCLUSIVE)  
 STORAGE VOLUME: 4.58 m<sup>3</sup>  
 COUNT: 27  
 LEVEL: 7-33



6 APT UNIT TYPE 2B-D POST ADAPTION  
 1:100



7 APT UNIT TYPE 2B-E  
 1:100  
 UNIT TYPE NAME: 2B-E  
 UNIT SIZE: 120 m<sup>2</sup>  
 BALCONY AREA: 10 m<sup>2</sup> (INCLUSIVE)  
 STORAGE VOLUME: 4.58 m<sup>3</sup>  
 COUNT: 22  
 LEVEL: 7-28

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9	21/27/28 FLOOR PLANS	DATE	08/08/2022
10	21/27/28 FLOOR PLANS	DATE	08/08/2022

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 175 LIVERPOOL STREET  
 DA13  
 APARTMENT TYPES - 2B

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Project No.	ST20060	2/1/2022
File Name	175LIVERPOOL-DA13-175	
Client Ref.		
DA13.03	C	

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1 APT UNIT TYPE 2B-F  
1:100  
UNIT TYPE NAME: 2B - F  
UNIT SIZE: 93 m<sup>2</sup>  
BALCONY AREA: 10 m<sup>2</sup> (INCLUSIVE)  
STORAGE VOLUME: 6.08 m<sup>3</sup>  
COUNT 19  
LEVEL 7-25



2 APT UNIT TYPE 2B-G  
1:100  
UNIT TYPE NAME: 2B-G  
UNIT SIZE: 98 m<sup>2</sup>  
BALCONY AREA: 10 m<sup>2</sup> (INCLUSIVE)  
STORAGE VOLUME: 4.37 m<sup>3</sup>  
COUNT 19  
LEVEL 07-25



3 APT UNIT TYPE 2B-H  
1:100  
UNIT TYPE NAME: 2B - H  
UNIT SIZE: 119 m<sup>2</sup>  
BALCONY AREA: 12 m<sup>2</sup> (INCLUSIVE)  
STORAGE VOLUME: 4.06 m<sup>3</sup>  
COUNT 30  
LEVEL 30



4 APT UNIT TYPE 2B-I  
1:100  
UNIT TYPE NAME: 2B-I  
UNIT SIZE: 131 m<sup>2</sup> (INCLUSIVE)  
BALCONY AREA: 14 m<sup>2</sup>  
STORAGE VOLUME: 5.38 m<sup>3</sup>  
COUNT 30  
LEVEL 30



5 APT UNIT TYPE 2B-J  
1:100  
UNIT TYPE NAME: 2B-J  
UNIT SIZE: 92 m<sup>2</sup>  
BALCONY AREA: 28 m<sup>2</sup>  
STORAGE VOLUME: 8.55 m<sup>3</sup>  
COUNT 30  
LEVEL 30



6 APT UNIT TYPE 2B-K  
1:100  
UNIT TYPE NAME: 2B-K  
UNIT SIZE: 120 m<sup>2</sup>  
BALCONY AREA: 14 m<sup>2</sup> (INCLUSIVE)  
STORAGE VOLUME: 5.54 m<sup>3</sup>  
COUNT 33  
LEVEL 33

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175 LIVERPOOL STREET

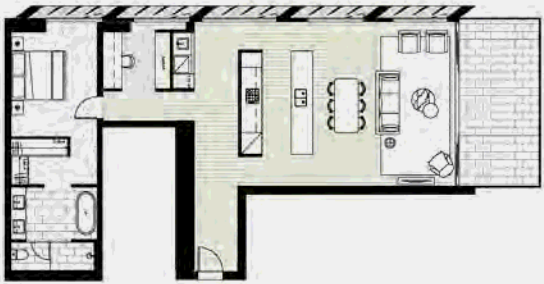
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APARTMENT TYPES - 2B



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Project No.	S12565	
File Name	175LPOOL 14A11.rvt	
Rev	00	

DA13.04 C

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1 APT UNIT TYPE 18-A  
1:100

UNIT TYPE NAME: 18-A  
UNIT SIZE: 108 m<sup>2</sup>  
BALCONY AREA: 19 m<sup>2</sup>  
STORAGE VOLUME: 4.35 m<sup>3</sup>  
COUNT: 1  
LEVEL: 08



2 APT UNIT TYPE 18-A POST ADAPTION  
1:100



3 APT UNIT TYPE 18-B  
1:100

UNIT TYPE NAME: 18-B  
UNIT SIZE: 81 m<sup>2</sup>  
BALCONY AREA: 8 m<sup>2</sup> (INCLUSIVE)  
STORAGE VOLUME: 3 m<sup>3</sup>  
COUNT: 1  
LEVEL: 08



4 APT UNIT TYPE 18-C  
1:100

UNIT TYPE NAME: 18-C  
UNIT SIZE: 84 m<sup>2</sup>  
BALCONY AREA: 9 m<sup>2</sup> (INCLUSIVE)  
STORAGE VOLUME: 3 m<sup>3</sup>  
COUNT: 1  
LEVEL: 08



5 APT UNIT TYPE 18-D  
1:100

UNIT TYPE NAME: 18-D  
UNIT SIZE: 76 m<sup>2</sup>  
BALCONY AREA: 9 m<sup>2</sup> (INCLUSIVE)  
STORAGE VOLUME: 3.21 m<sup>3</sup>  
COUNT: 1  
LEVEL: 08

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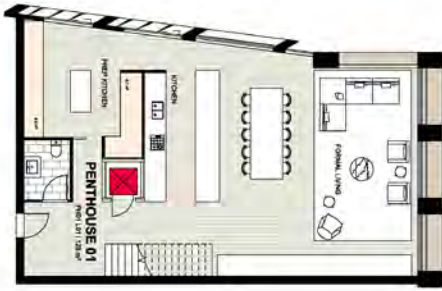
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175 LIVERPOOL STREET  
DA13  
APARTMENT TYPES - 18

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DA13.05	C	

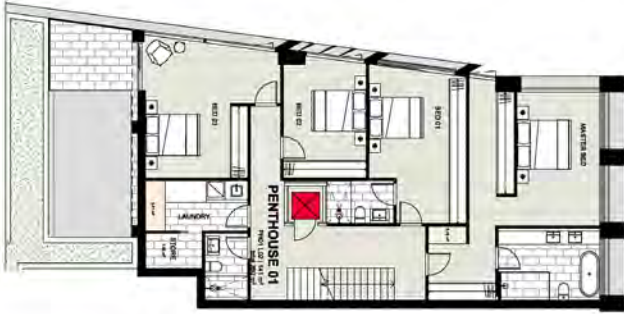
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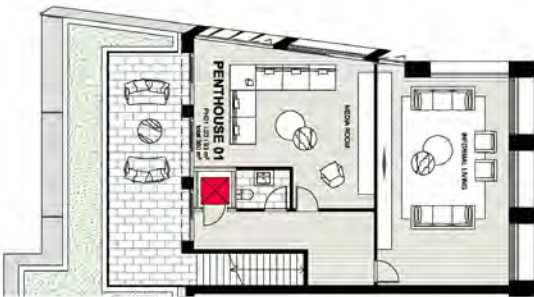


1 APT UNIT TYPE PH01 L1 1:100

UNIT TYPE NAME: PH - 01  
 UNIT SIZE: 380 m<sup>2</sup> TOTAL  
 BALCONY AREA: 145 m<sup>2</sup>  
 STORAGE VOLUME: 22.91 m<sup>3</sup>  
 COUNT LEVEL: 31-34



2 APT UNIT TYPE PH01 L02 1:100



3 APT UNIT TYPE PH01 L03 1:100



4 APT UNIT TYPE PH01 L04 1:100

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Scale: 1:100  
 Date: 15/03/2022  
 Drawing No: DA13.06

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175 LIVERPOOL STREET

DA13  
 APARTMENT TYPES -  
 PENTHOUSES



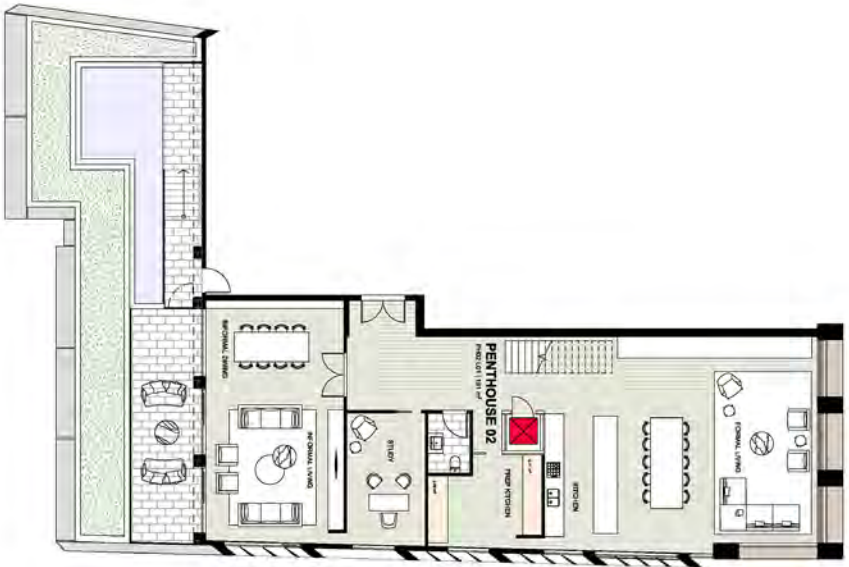
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Project No.	S12565	
File Name	175LIVERPOOL_134-131.rvt	
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Drawing No.	DA13.06	B

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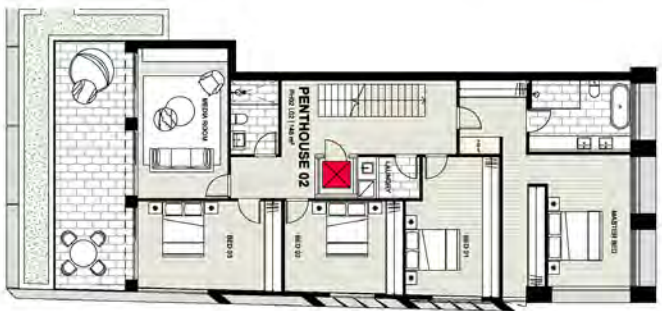


1 APT UNIT TYPE PH02 L1 1:100

UNIT TYPE NAME: PH - 02  
 UNIT SIZE: 438 m<sup>2</sup> TOTAL  
 BALCONY AREA: 80 m<sup>2</sup>  
 STORAGE VOLUME: 13.55 m<sup>3</sup>  
 COUNT: 1  
 LEVEL: 31-33



2 APT UNIT TYPE PH02 L02 1:100



3 APT UNIT TYPE PH02 L03 1:100



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175 LIVERPOOL STREET

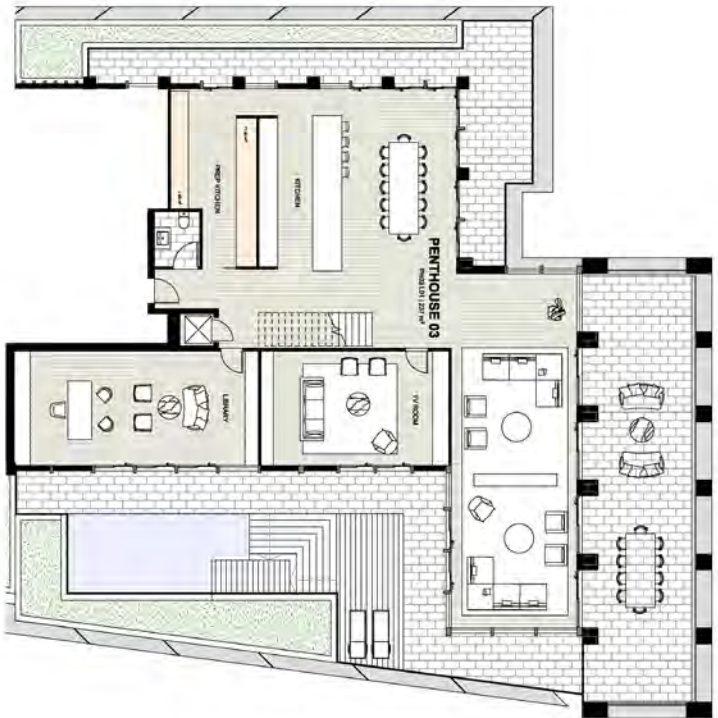
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 PENTHOUSES



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File Name	175LIVERPOOL_14-13.rvt
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Drawing No.	DA13.07
Revision	B

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1 APT UNIT TYPE PH03 L01  
1:100

UNIT TYPE NAME: PH - 03  
 UNIT SIZE: 467 m<sup>2</sup> TOTAL  
 BALCONY AREA: 197 m<sup>2</sup>  
 STORAGE VOLUME: 35.47 m<sup>3</sup>  
 COUNT: 1  
 LEVEL: 34-35



2 APT UNIT TYPE PH03 L02  
1:100

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175 LIVERPOOL STREET

DA13  
 APARTMENT TYPES -  
 PENTHOUSES

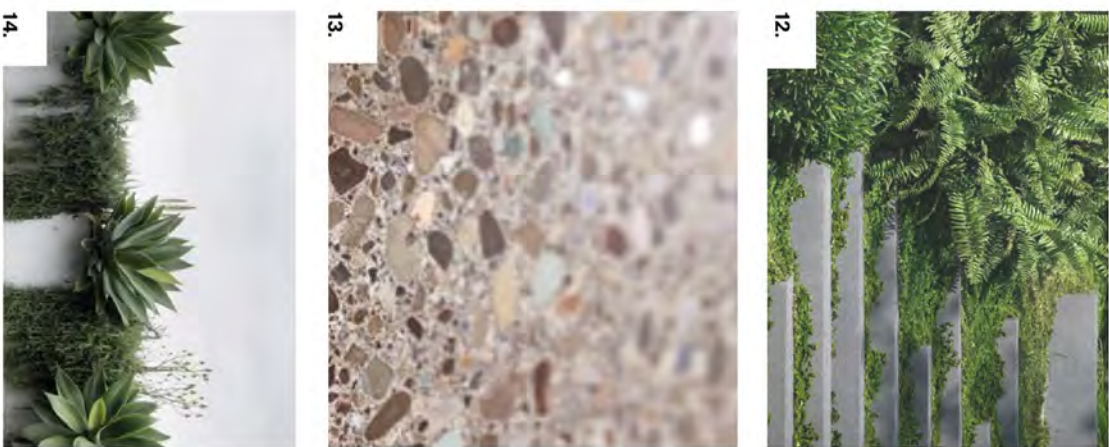
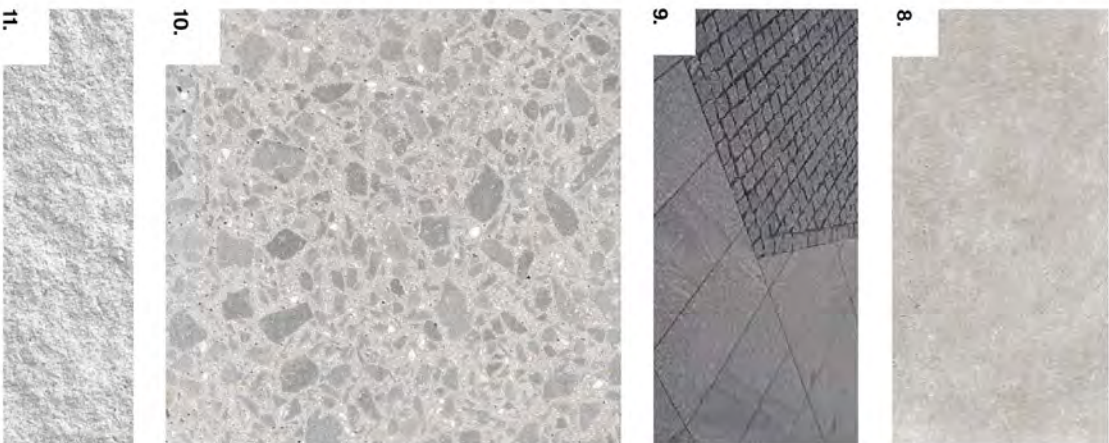
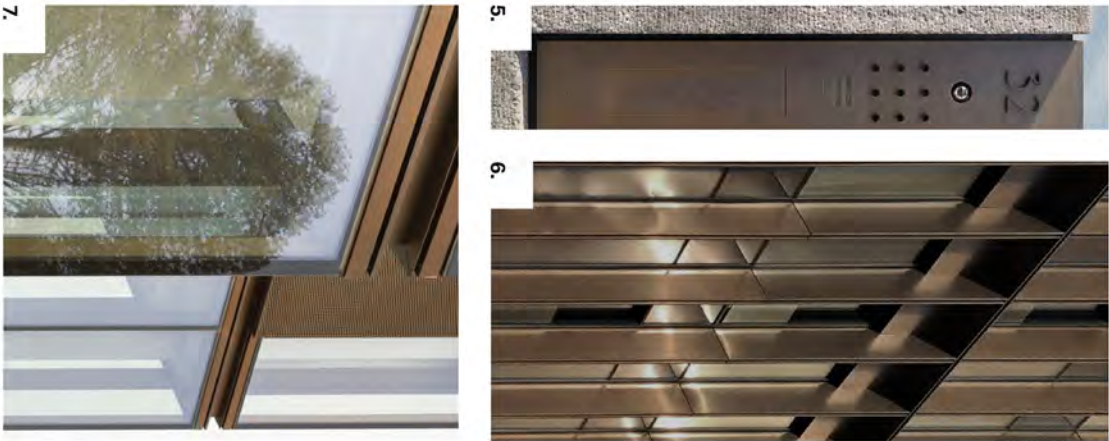
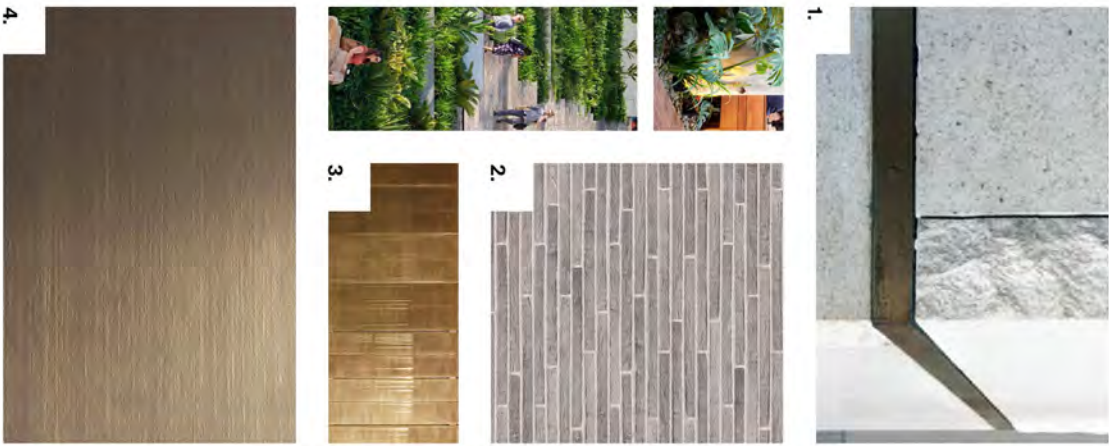


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Checked:	SH
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Drawing No.:	DA13.08 B

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175 LIVERPOOL STREET  
MATERIALS PALETTE



- 01. CONCRETE | HONED & ROUGH HEWN  
COLUMN BLADE SIDE FACE
- 02. BRICKS  
PODIUM FACADE
- 03. METAL | BRONZE MESH  
ROOFTOP CROWN
- 04. METAL | BRONZE FINISH  
PRIVATE SCREEN & VENTILATION RODS
- 05. METAL | BRONZE FINISH  
WAY-FINDING
- 06. METAL | BRONZE FINISH  
BALUSTRADE, SUNSHADE AND AWNING
- 07. CLEAR GLAZING METEL FRAMED BRONZE FINISH  
GLASS WINDOWS

- 08. CONCRETE | HONED & ROUGH HEWN  
SOUTHERN FACADE
- 09. GRANITE PAVING  
BALCONIES & TERRACE
- 10. POLISHED PRECAST CONCRETE | EXPOSED AGGREGATE  
TOWER FACADE
- 11. PRECAST CONCRETE HONED  
SIDE ELEVATION OF PIERS  
THROUGH - SITE LINK
- 12. PLANTED STEPS
- 13. HONED PRECAST CONCRETE | EXPOSED AGGREGATE  
PODIUM FACADE
- 14. GREEN PLANTERS  
TERRACE GREENERY

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1:10000 FOR CONCRETE APPLICATION  
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1:10000 FOR CONCRETE APPLICATION

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175 LIVERPOOL STREET

DA41  
MATERIALS SCHEDULE

SCALE	DEVELOPMENT APPLICATION	DATE
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DRAWING NO.	DA41.01	REVISION
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## Item 6.

### Post Exhibition - Planning Proposal - 90 and 100-104 Brougham Street, Potts Point - Sydney Local Environmental Plan 2012 Amendment

File No: X096329.002

#### Summary

Planning for a diverse visitor accommodation offering that does not rely on a dwelling rental platform in the City of Sydney is an important part of supporting the local, regional and national economies. New hotels create jobs, benefit Sydney's tourism economy, host major events visitors and support local economies.

Prior to Covid-19 Sydney hotels were running at over 80 per cent occupancy per year. This declined to as low as 25 per cent during 2019 and 2020 but saw a revival to around 65 per cent through 2022. In 2023 occupancy rates have edged up towards 80 per cent, with events such as World Pride and the FIFA Women's World Cup seeing peaks of 95 per cent.

The City's Sustainable Sydney 2030-2050 Continuing the Vision and Visitor Accommodation Action Plan (2015) support development of additional visitor accommodation. This planning proposal allows for additional hotel accommodation in a highly accessible location. It will assist in the conservation and activation of the vacant and heritage listed Piccadilly Hotel.

This report follows the public exhibition of a planning proposal to amend Sydney Local Environmental Plan 2012 (the LEP) as it applies to the properties at 90 and 100-104 Brougham Street Potts Point. The amendment will allow for the properties to be used as 'hotel and motel accommodation' subject to a future development application. The Planning Proposal is shown at Attachment B.

The Planning Proposal was approved by Council on 15 May 2023 and the Central Sydney Planning Committee (CSPC) on 11 May 2023 to be submitted for Gateway Determination and for public exhibition. The Council and Central Sydney Planning Committee resolutions are shown at Attachment C.

Exhibition occurred from 12 July to 9 August 2023, during which time the City received 19 submissions. Matters raised in submissions include concerns about a loss of dwelling stock, housing affordability, increased noise and traffic and the effects of construction. A summary of submissions and the City's responses are provided below. A detailed account of and responses to matters raised in submissions is provided at Attachment A.

This report recommends Council and the Central Sydney Planning Committee approve the planning proposal. If approved, then the City will request that Parliamentary Counsel draft the amendment to the Local Environmental Plan.

## Recommendation

It is resolved that:

- (A) the Central Sydney Planning Committee note matters raised in response to the public exhibition of the Planning Proposal, detailed in the Summary of Submissions at Attachment A to the subject report;
- (B) the Central Sydney Planning Committee approve the Planning Proposal - 90 and 100-104 Brougham Street, Potts Point at Attachment B to the subject report, to be made as a local environmental plan under s.3.36 of the Environmental Planning and Assessment Act 1979; and
- (C) authority be delegated to the Chief Executive Officer to make minor variations to the Planning Proposal - 90 and 100-104 Brougham Street, Potts Point to correct any minor errors prior to finalisation.

## Attachments

- Attachment A.** Summary of Submissions
- Attachment B.** Planning Proposal - 90 and 100-104 Brougham Street, Potts Point
- Attachment C.** Resolutions of Council and Central Sydney Planning Committee
- Attachment D.** Gateway Determination

## Background

1. This report follows the public exhibition of a planning proposal to amend Sydney Local Environmental Plan 2012 (Sydney LEP) as it applies to the properties at 90 and 100-104 Brougham Street. 90 Brougham Street is a three-storey modern dwelling, with a rear single car garage and two-storey secondary dwelling above. 100-104 Brougham Street is a four-storey apartment building with 24 studio apartments. The location of the properties is shown in Figure 1. Photographs of 90 and 100-104 Brougham Street are at Figures 2 and 3 respectively.
2. The Piccadilly Hotel at 171-173 Victoria Street, shown in red outline in Figure 1, is a local heritage item which has been vacant since 2015 and is in poor condition. The Hotel, along with 92-98 Brougham Street and 169 Victoria Street, received development consent for use as a hotel in December 2022. The area to which the development consent applies is shown in Figure 1 as orange.

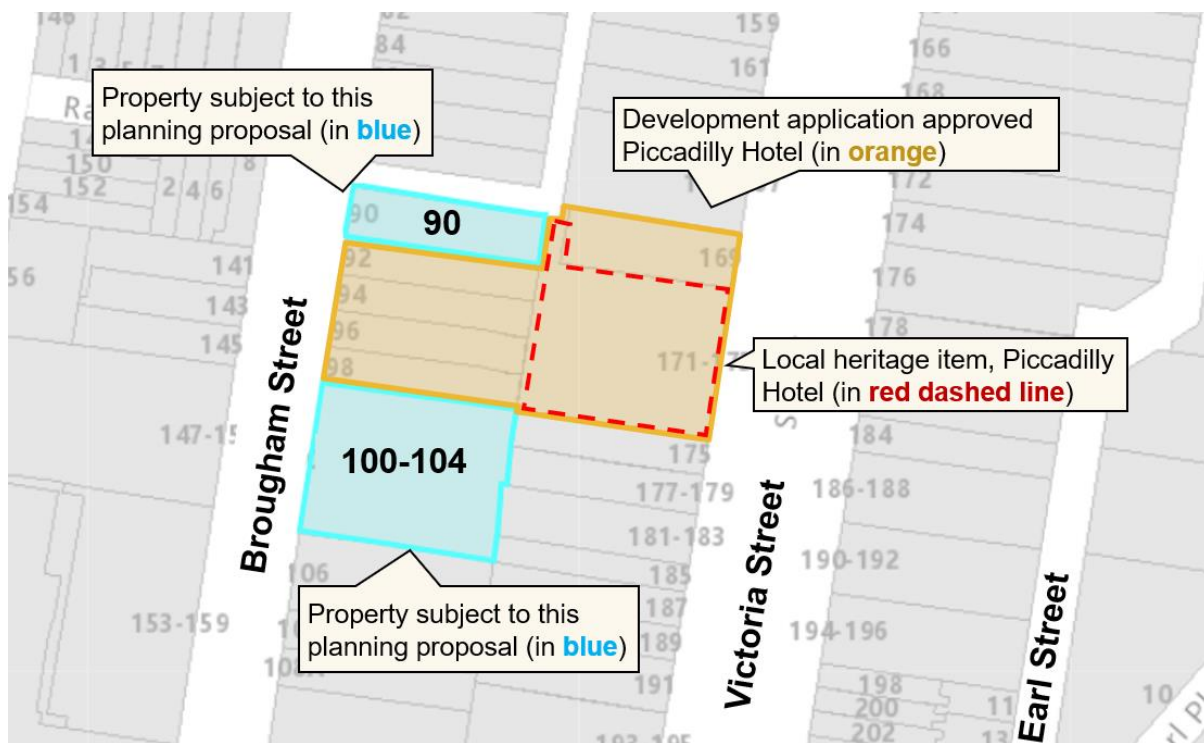


Figure 1. A location plan showing the properties affected by this planning proposal outlined in blue, and the approved Piccadilly Hotel outlined in orange



Figure 2. 90 Brougham Street looking east from Brougham Street



Figure 3. 100-104 Brougham Street looking east from Brougham Street



## Planning proposal

3. This planning proposal would enable expansion of the future hotel to the adjacent sites at 90 Brougham Street and 100-104 Brougham Street, which are shown blue in Figure 1 and in the images in Figures 2 and 3.
4. The exhibited planning proposal is to amend Sydney Local Environmental Plan to include 'hotel and motel accommodation' as a permissible use of the properties. The properties are in the R1General Residential zone where hotel and motel accommodation is not permitted. The proposal will enable 26 additional accommodation rooms to the Piccadilly Hotel development.
5. The planning proposal supports the City's strategic planning objectives for a tourist economy, local employment and the efficient and adaptive reuse of buildings. It will contribute to expanded employment opportunities within the City Fringe area identified as an important focus for jobs in City Plan 2036.
6. The hotel use of the larger consolidated site and its design and operation will be subject to a future development application and detailed assessment, including public consultation.
7. Further details regarding the site, its current planning controls, and the proposal's strategic merit are in the pre-exhibition report to the Transport, Heritage, Environment and Planning Committee and the Central Sydney Planning Committee, available at: <https://city.sydney/brougham-preexreport>.
8. Council on 15 May 2023 and the Central Sydney Planning Committee (CSPC) on 11 May 2023 resolved to approve the planning proposal for public exhibition in accordance with any conditions imposed under the Gateway Determination. Council and the CSPC's resolutions are shown at Attachment C.
9. On 23 June 2023, the Department of Planning and Environment (Department) issued a Gateway Determination for the planning proposal. The Gateway Determination is shown at Attachment D. The Gateway Determination authorises Council to exercise its delegation and liaise directly with Parliamentary Counsel to draft and make the new Local Environmental Plan should the proposed planning controls be approved by Council and the Central Sydney Planning Committee.
10. This report recommends that Council and Central Sydney Planning Committee approve the planning proposal to amend Sydney Local Environmental Plan.

## Public Exhibition

11. The planning proposal was exhibited between 12 July and 9 August 2023, in accordance with the Gateway Determination and the City of Sydney Community and Engagement Strategy and Community Participation Plan. The City sent 1,196 letters to landowners and occupants of neighbouring properties within 75 metres of the site, notifying recipients of the planning proposal's exhibition. The exhibition was also advertised on the City's Sydney Your Say webpage. Public authorities were not notified because this was not required by the Gateway Determination.

12. In response to exhibition, 19 submissions were received including one from the 2011 Residents' Association. Seven submissions expressed support for the planning proposal, 11 raised matters for further consideration, and one requested information about the approved development application for the hotel. Concerns raised in the submissions mainly related to a loss of dwelling stock and affordable housing, the effects of construction, and amenity impacts such as noise and traffic during operation. A detailed account of and responses to matters raised in submissions is shown at Attachment A.

### **Support**

13. Eight submissions supported the planning proposal. Supporting points stated that the planning proposal will:
  - (a) add to the area's liveability, amenity and culture;
  - (b) create jobs and boost tourism in the area;
  - (c) improve the area's character; and
  - (d) help conserve the heritage-listed Piccadilly Hotel.

### **Housing loss and housing affordability**

14. Seven submissions raised concerns that the planning proposal will cause a loss of rental housing stock and lead to a rise in rents and cause significant social impacts. The City's housing audit records 13,064 dwellings in the Macleay Street and Woolloomooloo village area in June 2022. The 24 apartments at 100-104 Brougham Street comprise just 0.18 per cent of the area's dwelling stock. The loss of such a small proportion of the area's housing is not likely to have a noticeable impact on rents and the intended use makes up for the significant loss of hotels converted to residential use over the years..
15. The City's population and housing forecasts expect net growth in the number of dwellings in Macleay Street and Woolloomooloo of 1,035 dwellings to 14,099 in 2041. The City's Housing Monitor notes that 423 private dwellings are in the development pipeline for the area as at June 2022, with the remainder to be completed over the subsequent period.
16. The planning proposal does not prevent the buildings from being used as housing. The land will continue to be zoned R1 General Residential and residential flat buildings and other dwellings will continue to be a permissible use of the land. The planning proposal will allow a hotel use on the land but does not prohibit residential uses.
17. Four submissions expressed concern that the planning proposal would result in a loss of 'affordable housing'. The apartments at 100-104 Brougham Street are not classed as affordable housing. They are not owned or managed by a community housing provider but are privately owned and leased at market rates.
18. Rental rates are considered 'affordable' when they are less than 30 per cent of a household's income. The market rent for the apartments is expected to be above \$650 per week, which is more than 30 per cent of Potts Point's median weekly household income of \$2,041.

19. In this instance, where there is a long-standing hotel use adjacent, the conversion of apartments to additional hotel rooms benefits the local economic development of Kings Cross by providing visitor accommodation that attracts people to the area and its other businesses. The Potts Point area has seen the loss of at least 750 hotel rooms to residential accommodation since 2000. This loss of hotel rooms also impacts supporting businesses such as restaurants, cafes and entertainment and provides characterful diversity.

#### **Landowner consent**

20. The proponent owns 23 of the 24 units at 100-104 Brougham Street. The outstanding owner has indicated they do not support the proposal to include 100-104 Brougham Street within the future Piccadilly Hotel.
21. Under the Environmental Planning and Assessment Act 1979 there is no requirement for landowners' consent to be given for a planning proposal. The planning proposal will not allow any construction nor operation of the hotel – a development application is required for that. Landowners' consent is a requirement for development applications. The City has provided this advice to the outstanding owner and is a matter for any future DA.
22. Local governments do not have a role in the process of terminating a strata scheme, which is outside of the planning system. The application to restructure the strata is a private matter separate to the planning proposal process. Subject to process work by the strata committee and owners corporation, a strata scheme may be terminated where the owner(s) of 75 per cent of the lots agree. The termination of a strata plan is also subject to further consideration from the Land and Environment Court. Strata schemes are administered by the Strata Schemes Development Act 2015.

#### **Residential and neighbourhood character**

23. Five submissions raised concerns about the impacts of a hotel use or development with Brougham Street's predominantly residential character.
24. The planning proposal will not result in any significant change to the character of Brougham Street. It does not allow any additional building height or development for any of the affected properties on Brougham Street. Any future development will be subject to detailed assessment as part of a future development application. Impacts on the character of Brougham Street from the proposed hotel will be considered as part of that assessment.

#### **Traffic, parking and servicing**

25. Six submissions raised concerns about potential traffic impacts to Brougham Street, particularly additional vehicle congestion on Brougham Street, increased competition for car parking spaces and the future hotel's access and servicing.
26. The planning proposal is not expected to generate significant traffic impacts to Brougham Street. The subject properties are 150 metres northeast of Kings Cross Station and in a restricted parking area with limited on-site parking available for the hotel. The approved DA requires the hotel's servicing, including deliveries, waste collection and guest pick up and drop off to occur from Victoria Street rather than Brougham Street. The same arrangement is expected to be part of the future DA.

27. Traffic, parking and servicing will be considered in detail as part of any future development application for operation of the hotel. The proponent will be required to supply a transport impact study as part of that subsequent development application.

### **Noise**

28. Three submissions raised concerns about adverse noise impacts from operation of the hotel. The inclusion of 90 and 100-104 Brougham Street as part of the future hotel will enclose the hotel's central courtyard, allowing for an effective buffer between the hotel use and surrounding residential properties. The subject properties will be used for accommodation rooms and are unlikely to expand the use of the courtyard or food and beverage activities.
29. Noise from the hotel use will be considered as part of any future development application. The future hotel operations will be subject to a Plan of Management and Noise Management Plan which will include noise minimisation strategies for the hotel. An onsite manager will also be available at all times that guests are on the premises, to respond to noise complaints. The development consent for the Piccadilly Hotel, including 92-98 Brougham Street, requires separate approvals to be sought for food and drink premises uses on the site, which will involve the assessment and management of noise. The operator will need to manage this noise for the benefit of their own guests as well as neighbours.

### **Hotel demand**

30. Three submissions said there was no demand for hotel accommodation in the area. The City of Sydney is an important visitor destination and tourism key industry sector contributing to the City's economy. City Plan 2036, the City's Local Strategic Planning Statement notes a need for a variety of visitor accommodation options in the City, including areas outside Central Sydney. The Potts Point area in particular has seen a loss of hotel rooms to residential apartments, with at least 750 rooms lost since 2000.

### **Other submissions**

31. Other issues addressed in the Response to Submissions at Attachment A include:
  - (a) construction impacts;
  - (b) the impact of building demolitions;
  - (c) consistency with State Environmental Planning Policy (Housing) 2021, as well as Ministerial Direction 6.1 Residential Zones;
  - (d) the creation of a 'third place';
  - (e) tree poisoning on Brougham Street; and
  - (f) links between the proponent and the Queensland State Government.
32. No changes are recommended to the planning proposal on the basis of submissions.



## Key Implications

### Strategic Alignment

33. Sustainable Sydney 2030-2050 Continuing the Vision renews the community's vision for the sustainable development of the City to 2050. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. The proposed planning controls are aligned with the strategic directions and objectives.
  - (a) Direction 4 - Design excellence and sustainable development - the planning proposal facilitates the sustainable renewal and reuse of existing buildings for employment purposes.
  - (b) Direction 9 - A transformed and innovative economy - the planning proposal supports the City's objectives to grow the City's tourist and visitor economy and to support employment in the City Fringe area.
34. The proposed planning controls give effect to priorities within the Greater Sydney Commission's Greater Sydney Region Plan and Eastern City District Plan, as well as the City's Local Strategic Planning Statement.

### Relevant Legislation

35. Environmental Planning and Assessment Act 1979.
36. Environmental Planning and Assessment Regulation 2021.
37. Strata Schemes Development Act 2015.

### Critical Dates / Time Frames

38. The Gateway Determination requires the planning proposal to be made by 23 December 2023.
39. The amendment to the Local Environmental Plan will come into effect when published on the NSW Legislation website.

### **GRAHAM JAHN AM**

Director City Planning, Development and Transport

Ben Schneider, Cadet Planner

David Fitzpatrick, Manager Planning Policy

# **Attachment A**

<h2><b>Summary of Submissions</b></h2>
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# Planning Proposal: 90 and 100-104 Brougham Street Submissions Summary

Theme	Matter	Response
<b>Support</b>	<p>The planning proposal will:</p> <ul style="list-style-type: none"> <li>• add to the area's liveability, amenity and culture;</li> <li>• create jobs and boost tourism in the area;</li> <li>• improve the area's character.</li> <li>• Help conserve the heritage listed Piccadilly Hotel</li> </ul>	<p>Supporting submissions are noted.</p> <p><b>Recommended action: no change.</b></p>
<b>Loss of dwellings</b>	<p>The planning proposal will cause a large loss of housing, during a City-wide shortage in rental housing.</p>	<p>The City's Housing Audit records 13,064 dwellings in the Macleay Street and Woolloomooloo Village as at June 2022. The 24 apartments at 100-104 Brougham Street comprise 0.18 per cent of the area's dwelling stock. The conversion of this small number of dwellings in the area to a hotel use is unlikely to cause a significant impact on the rental market.</p> <p>The planning proposal does not prevent the properties from being used as dwellings. The land will continue to be zoned R1 General Residential and residential flat buildings and other dwellings will continue to be a permissible use of the land. The planning proposal will allow a hotel use on the land, but does not require that it is used only for a hotel.</p> <p><b>Recommended action: no change.</b></p>

## Planning Proposal – 90 and 100-104 Brougham Street – Submissions Summary

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The number of residential dwellings in the area should be increased.

The City's population and housing forecasts expect the number of dwellings in Macleay Street and Woolloomooloo area to grow overall by 1,035 dwellings to 14,099 in 2041.

The City's Housing Monitor notes that 423 private dwellings are in the development pipeline for the area as at June 2022. The current development pipeline represents 40 per cent of the forecast growth, which is likely to be delivered over the next five years. The remaining 612 forecast dwellings will be delivered over the following 15 years, with a possibility that growth could be exceeded. The loss of the dwellings affected by this proposal will not significantly affect the supply of dwellings to meet demand from forecast population growth.

**Recommended action: no change.**

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The proportion of dwellings in the area used for short-term rental accommodation (eg Airbnb) in the area has increased, reducing the stock of available dwellings.

Noted.

The dwellings on the site can be used as short-term rental accommodation under their current residential zoning.

The planning framework for short term rental accommodation is set by the NSW Government. The City is investigating the effect of short-term rental accommodation on the availability of rental properties across the City in accordance with a Council resolution (15 May 2023, Item 11.4: <https://city.sydney/15may-straresolution>).

The dwellings that comprise the site can be used as short-term rental accommodation under their current residential zoning.

**Recommended action: no change.**

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### **Affordable housing**

The planning proposal will cause a loss of affordable housing.

There is an undersupply of affordable housing in the area.

The proposal should retain affordable housing in the area.

The apartments at 100-104 Brougham Street are not considered affordable housing. They are privately-owned market housing subject to market rental rates.

Rental rates are considered affordable when they are less than 30 per cent of a household's income. While the apartments are small with a studio format, some have car spaces and harbour views. Comparable apartments in the area currently achieve rental rates of around \$650 and above per week. The 2021 Census identified Potts Point's median weekly household income as \$2,041, with the 30 per cent threshold for affordable rental being \$610 per week. These apartments would rent above the affordable threshold, despite being studios.

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**Planning Proposal – 90 and 100-104 Brougham Street – Submissions Summary**

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The apartments are also not classified as low-rental dwellings by State Environmental Planning Policy (Housing) 2021 (the SEPP). The SEPP defines low-rental dwellings as having a rental rate lower than the local government area median. Median rent for a studio apartment in the City of Sydney during Q2 2023 was \$478 per week, significantly less than the rent expected to be achieved for the apartments, which would be above \$650 per week.

**Recommended action: no change.**

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**Residential and neighbourhood character**

The future hotel will be too large in massing and scale for Brougham Street.

Brougham Street’s streetscape should be improved.

Brougham Street’s character, charm and way of life will be lost.

The planning proposal does not grant any additional building height or development for any of the affected properties on Brougham Street. The proponent’s planning proposal report states that for the existing buildings on Brougham Street ‘built form, orientation and arrangement,’ will remain unchanged through the subsequent Development Application.

The design of the hotel and its impact on the streetscape of Brougham Street will be considered as part of any future development application.

**Recommended action: no change.**

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The future hotel will adversely impact Victoria Street’s character. The planning proposal will facilitate further unwanted development on Victoria Street.

The area should not be turned into a hotel precinct.

This planning proposal is for the properties at 90 and 100-104 Brougham Street. It does not affect any properties on Victoria Street.

Development Application D/2021/927 was approved 16 December 2022. It allows a hotel use at 169 and 171-173 Victoria Street (the Piccadilly Hotel building) and facilitates the restoration of the Piccadilly Hotel. The application was assessed as making a positive contribution to the streetscape of Victoria Street.

Victoria Street currently presents a mixed-use character, with a number of restaurants, cafes and existing tourist and visitor accommodation uses.

**Recommended action: no change.**

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The planning proposal will cause a loss of community and residents.

The dwellings affected by the planning proposal make up a very small part of the overall dwelling stock in the Macleay Street and Woollahooloo Village.

Census data (2021) show that 62.8 per cent of dwellings in Potts Point are a studio layout or have one bedroom, compared with the NSW average, which is 7.3 per

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**Planning Proposal – 90 and 100-104 Brougham Street – Submissions Summary**

It will make the community less economically diverse and displace residents.

cent. The same data show that, of all dwellings in Potts Point, 64.1 per cent are rented (NSW average 32.6 per cent). The conversion of a small fraction of studio apartments is unlikely to significantly change the area’s mix of dwelling types and tenures or its demographic character.

**Recommended action: no change.**

**Traffic, parking, servicing**

The planning proposal will adversely impact traffic flow and congestion on Brougham Street.

The planning proposal will increase competition for street parking, making it harder for existing residents to park their vehicles.

Additional traffic generated by the future hotel will worsen air quality and street noise.

The planning proposal is not expected to generate significant additional car trips or traffic impacts to Brougham Street. The subject properties are located near to Kings Cross Station and local buses, with a taxi rank on Victoria Street. On-site parking and local on-street parking are limited, further restricting the potential for a significant number of additional vehicles.

A further development application will be required to allow hotel use for the properties. Detailed assessment of any additional traffic impacts on Brougham Street from the hotel use will be undertaken as part of the development application.

**Recommended action: no change.**

Concern about servicing, in particular traffic impacts to Brougham Street.

The approved development application requires all loading and servicing to be accommodated within the existing loading zone on Victoria Street.

Any changes to the approved arrangement would be subject to detailed assessment as part of any development application for hotel use at the properties. The proponent will be required to submit a further traffic study as part of that assessment. The study will need to demonstrate that development will not cause unacceptable local traffic impacts.

**Recommended action: no change.**

**Noise**

Concern about noise generated by the operation of the future hotel.

The operation of the hotel and any food and drink premises will be subject to assessment as part of a future development application. Neighbourhood impacts such as noise will be considered as part of that detailed assessment. The approved development application for the Piccadilly Hotel requires a Plan of Management and

## Planning Proposal – 90 and 100-104 Brougham Street – Submissions Summary

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a Noise Management Plan to minimise impacts of the proposal on neighbourhood amenity. This will need to be amended to consider operation of the future hotel in its entirety.

Incorporation of the properties in this planning proposal into the larger Piccadilly Hotel development will allow for better management of noise by creating a stronger buffer between the hotel use and surrounding residential uses. The development approval for the Piccadilly Hotel allows the development of a dining area in the central courtyard in the location of the backyards to the terraces at 92-98 Brougham Street. Expanding the hotel to include 90 and 100-104 Brougham Street will allow the future courtyard to be ‘enclosed,’ avoiding conflicts to sensitive receptors that would have arisen otherwise.

**Recommended action: no change.**

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### Hotel demand

There is no need for a large hotel in the area.

The City’s Visitor Accommodation Action Plan notes a loss of visitor and tourist accommodation in the Potts Point area, with many converted to residential apartments. At least 750 hotel rooms have been lost to apartment buildings over time, along with a significant loss of hospitality jobs. Hotel rooms lost to apartments include:

- The Chateau Hotel, 92 rooms (2000);
- Rex Hotel, 255 rooms (2001);
- The Mansion Hotel, 80 rooms (2011);
- Hampton Court Hotel, ~100 rooms (2011); and
- The Crest Hotel, 227 rooms (2016).

City Plan 2036, the City’s Local Strategic Planning Statement notes a need for a variety of visitor accommodation options in highly visited areas of the City, including areas outside Central Sydney.

The re-opening of the Piccadilly Hotel will bring another visitor accommodation option to the area, along with increased hospitality employment opportunities and economic activity to the local area.

**Recommended action: no change.**

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## Planning Proposal – 90 and 100-104 Brougham Street – Submissions Summary

<b>Sustainability</b>	Demolishing the existing buildings would be unsustainable.	<p>The planning proposal does not allow the demolition of the existing buildings at 90 and 100-104 Brougham Street. The landowner’s intention for the subsequent DA is to retain and upgrade all of the existing the buildings.</p> <p><b>Recommended action: no change.</b></p>
<b>Construction impacts</b>	Concern about adverse amenity impacts arising during construction.	<p>Construction impacts will be managed through a Construction Management Plan, to be submitted by the proponent at the DA stage. This will include dust, noise and vibration management and hours of work. Any traffic impacts from workers and deliveries that may arise during the construction period will be appropriately managed through a Construction Traffic Management Plan, to be required at the development application stage.</p> <p><b>Recommended action: no change.</b></p>
<b>Social impacts</b>	The planning proposal states that there will be no significant social impacts, despite the loss of dwellings.	<p>The dwellings affected by the planning proposal make up a very small part of the dwelling stock in the Macleay Street and Woolloomooloo Village area. Loss of this small number of dwellings is not considered a significant impact. There has been a significant loss of hotel rooms to dwellings for an extended period in Potts Point, and there is expected to be continued growth in the number of dwellings, with 423 to be delivered over the next five years.</p> <p>The planning proposal could also generate positive social impacts:</p> <ul style="list-style-type: none"> <li>• Generating employment, including both through the construction phase and longer-term hospitality jobs through the operations</li> <li>• Attracting economic activity from hotel guests to support other businesses in the area</li> <li>• Improvements to the character and streetscape of the area through investment in the conservation of the Piccadilly Hotel and in the other buildings that comprise the future redevelopment.</li> </ul> <p><b>Recommended action: no change.</b></p>
<b>Landowner consent</b>	The remaining owner in 100-104 Brougham Street	Noted.



## Planning Proposal – 90 and 100-104 Brougham Street – Submissions Summary

will not give consent to the redevelopment.

The proponent owns 23 of the 24 units at 100-104 Brougham Street. The outstanding owner has indicated they do not support the proposal to include 100-104 Brougham Street within the future Piccadilly Hotel.

Under the Environmental Planning and Assessment Act 1979 there is no requirement for landowners' consent to be given for a planning proposal. The planning proposal will not allow any construction nor operation of the hotel – a development application is required for that. Landowners' consent is a requirement for development applications. The City has provided this advice to the outstanding owner.

Local governments do not have a role in the process of winding up a strata scheme, which is outside of the planning system. Subject to process work by the strata committee and owners corporation, a strata scheme may be terminated where the owner(s) of 75 per cent of the lots agree. The termination of a strata plan is also subject to further consideration from the Land and Environment Court. Strata schemes are administered by the Strata Schemes Development Act 2015.

**Recommended action: no change.**

### Planning proposal viewed in isolation

This proposal is being viewed in isolation, not as part of a larger proposal involving 92-98 Brougham Street.

The Planning Proposal describes the relationship between this proposal and the larger redevelopment of the Piccadilly Hotel at pages 11-12. It recognises that these properties will be incorporated into the Piccadilly Hotel along with the terraces at 92-98 Brougham Street.

The planning proposal does not allow operation of the properties as part of the hotel. That would be part of a future development application which would consider issues such as neighbourhood character, amenity, noise, privacy and traffic. Assessment of the development application would have to consider those impacts for the operation of the hotel in its entirety.

**Recommended action: no change.**

### Other

Concern about links between the proponent and the Queensland State Government.

Noted.

## Planning Proposal – 90 and 100-104 Brougham Street – Submissions Summary

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Query regarding the accuracy of the zoning map within the planning proposal.

One submission queried whether the zoning map in the planning proposal was accurate. The zoning map in the planning proposal shows the properties at 92-98 Brougham Street as being zoned R1 General Residential. The submission asked if the R1 General Residential zoning was still correct?

The properties will still be zoned R1 General Residential if the planning proposal is supported by Council. The planning proposal will add an additional permitted use of tourist and visitor accommodation specific to the properties without changing the underlying residential zone. Residential development will still be permissible on the properties.

**Recommended action: no change.**

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Query regarding the planning proposal's alignment with the planning framework

A submission queried the consistency between the planning proposal and State Environmental Planning Policy (Housing) 2021 (the SEPP) and Ministerial Direction 6.1 Residential Zones (Direction 6.1).

The SEPP guides development applications for certain types of residential use including boarding uses, co-living and build-for-rent developments. It does not mandate that all planning proposals must provide housing. The planning proposal remains consistent with the SEPP as the properties will retain their R1 General Residential zoning and dwellings will continue to be a permitted use on the land.

The planning proposal is consistent with Ministerial Direction 6.1. The objectives of Direction 6.1 are to encourage a variety of housing types, and make efficient use of existing infrastructure. Specifically, the Direction states that a planning proposal must not contain provisions which reduce the permissibility of residential development on the land. As noted above, the properties will retain their R1 General Residential zoning and dwellings will continue to be a permitted use on the land.

**Recommended action: no change.**

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Query about 'third space'

One submission requested further information about the 'Third Place' referred in the social benefits section (p5) of the proponent's Economic and Social Impact Assessment, which was exhibited with the planning proposal.

The 'third space' is not part of this planning proposal. The third space benefit refers to an additional space (besides home and work) for the community to congregate and

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## Planning Proposal – 90 and 100-104 Brougham Street – Submissions Summary

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socialise. If the Piccadilly Hotel is to provide such a space it will be considered as part of any future development application.

**Recommended action: no change.**

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Request for information

One submission requested detailed plans for the approved development application at 92-98 Brougham Street. These details were provided by email.

**Recommended action: no change.**

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Tree poisoning

Two submissions raised concerns about suspected street tree poisoning on Brougham Street. One submission stated the trees were opposite the planning proposal properties.

City arborist have confirmed that two mature trees on Brougham Street were removed after poisoning. The trees were opposite numbers 66 and 74 Brougham Street, approximately 100 metres north of the planning proposal properties. Two Water Gums have been planted as replacements.

**Recommended action: no change.**

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# **Attachment B**

**Planning Proposal – 90 and 100-104  
Brougham Street, Potts Point**

# Planning Proposal – 90 and 100-104 Brougham Street, Potts Point





# Contents

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# Executive Summary

The City of Sydney (the City) has prepared this planning proposal in relation to two properties at 90 and 100-104 Brougham Street, Potts Point (the site) following a request from Harrphil Pty Ltd (Harrphil).

The properties are currently zoned R1 General Residential, which prohibits the use of the land for hotel and motel accommodation. The purpose of this planning proposal is to insert hotel and motel accommodation into Schedule 1 of the Sydney Local Environmental Plan 2012 (Sydney LEP) as an additional permitted use for the sites. In doing so this would allow for the consolidation of the site and adjoining properties at 92-98 Brougham Street and 171-173 Victoria Street, that together comprise a concept proposal for a hotel development called the 'Piccadilly Hotel'.

This planning proposal is subsequent to a previous planning proposal, PP-2020-1128, that was also part of the Piccadilly Hotel concept proposal. The purpose of this previous planning proposal was to permit hotel accommodation uses on the properties at 92-98 Brougham Street, which are in-between the properties subject to this planning proposal. The previous planning proposal was made in 2021.

This planning proposal explains the intent and justification for the proposed amendments to the Sydney LEP as applied to the site. It also provides a more detailed assessment of the proposal's strategic and site-specific merit.

# 1. Background

## 1.1. Proponent request

The City of Sydney has received a request from Harphill Pty Ltd seeking to amend the Sydney LEP 2012 to permit 'hotel and motel accommodation' uses on the properties at 90 and 100-104 Brougham Street, Potts Point.

Under the existing R1 General Residential zoning that applies to the land, 'hotel and motel accommodation' is a prohibited use on the subject sites. The proposed amendment is to remove the prohibition.

The proponent intends to repurpose the properties as hotel accommodation rooms. The proponent has not requested any change to the site's existing zoning or built form controls including maximum height of building or floor space ratio (FSR).

## 1.2. Site identification

This planning proposal relates to the properties at 90 and 100-104 Brougham Street, Potts Point. The legal definitions of these properties are summarised in below in Table 1.

**Table 1: Legal descriptions of the affected properties**

Address	Legal definition	Area (sqm)
90 Brougham Street	Lot 15 Sec 4 DP 28 Lot 1 DP 456813	190.3
100-104 Brougham Street	Lots 1, 3-4, 6-12, 14-22 and 24 SP 1560 Lots 25-28 SP 10531	556.4

90 Brougham Street is currently occupied by two contemporary three storey dwellings separated by a courtyard. The existing building at 100-104 Brougham Street is a four storey building with a total of 24 studio apartments above a ground-level covered carpark. The location of the properties is shown in Figure 1.

Figure 1. Aerial image showing the site's location



The site is located in Potts Point approximately two kilometres east of Central Sydney. Uses along Brougham Street are predominantly residential, and the most common building type is three storey terrace dwellings with dormer roofs. There is approval for a hotel use at 92-98 Brougham Street, which sits between these two properties.

The properties are highly accessible. They are 90 metres northwest of the Kings Cross train station, and close to Darlinghurst Road and William Street, which are both well serviced by bus routes.

The site's context is shown below in Figure 2.

Figure 2. Indicative plan showing the site's context and suburb boundaries





## 2. Existing planning controls

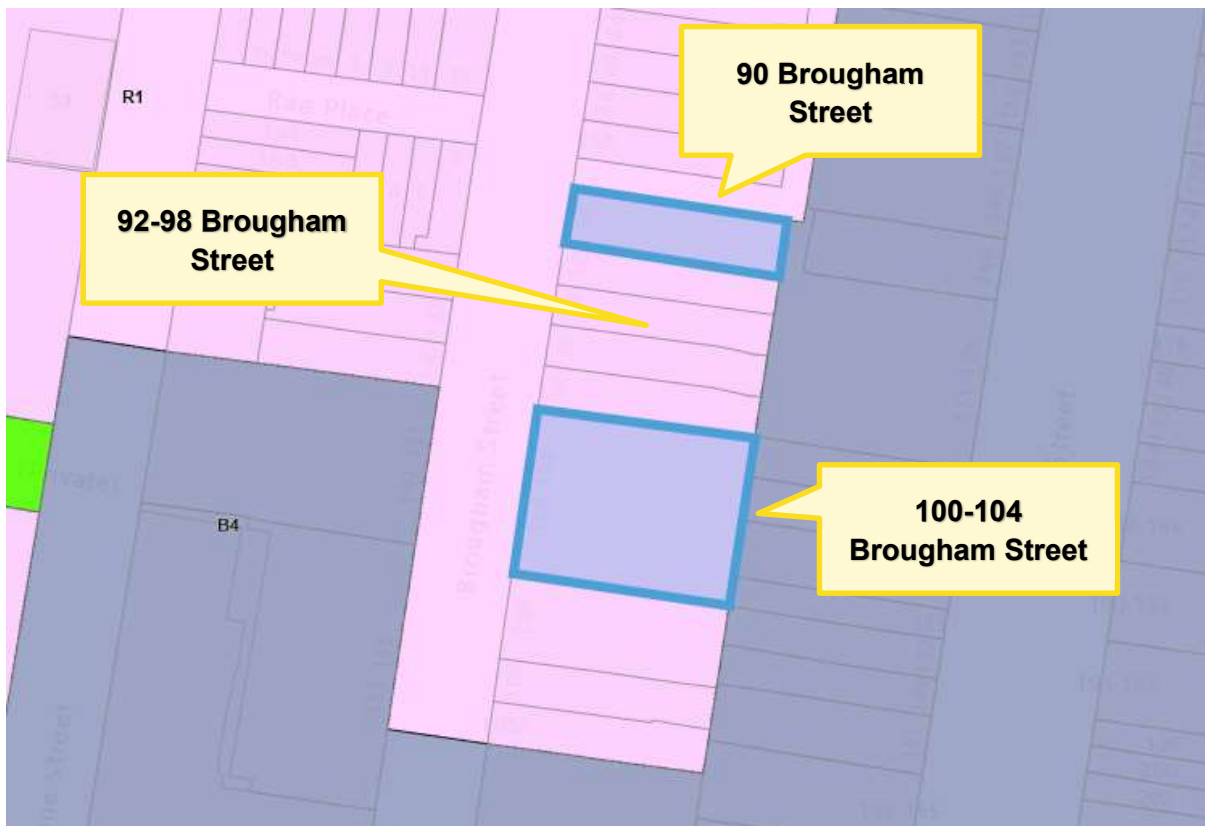
### 2.1 Zoning

The properties are currently zoned R1 Residential in Sydney LEP. Figure 3 shows the two properties outlined in blue. The pink area is the R1 General residential zone and the purple area is the B4 Mixed Use zone.

It is noted this planning proposal is subsequent to a previous planning proposal, PP-2020-1128, that came into effect 2021 and permitted hotel and motel accommodation on the properties at 92-98 Brougham Street, which are in-between the properties subject to this planning proposal, despite their RE1 zoning.

The R1 General residential zone permits a range of uses including residential, as well as neighbourhood shops, bed and breakfast accommodation, community facilities, hostels, shops, and food and drink premises. Hotel and motel accommodation is a prohibited use in the zone.

Figure 3. Excerpt of Sydney LEP zoning map



## 2.2 Development standards

The Sydney LEP determines principal development standards which apply to the properties. These include:

- a maximum building height of 12 metres, and;
- a maximum FSR applied of is 1.5:1.

## 2.3 Heritage

The subject properties, shown in blue at Figure 4, are not heritage items. They are located within the C71 Woolloomooloo conservation area, with 100-104 Brougham identified as a detracting element and 90 Brougham Street a neutral element in Sydney DCP 2012.

This planning proposal will not change any heritage controls that are applied to the land.

Figure 4. Indicative plan showing the locations of heritage items and the boundary of the heritage conservation area



# 3. Objectives and intended outcomes

The objective and intended outcome of this planning proposal is to amend Sydney LEP to allow hotel and motel accommodation on land comprising 90 and 100-104 Brougham Street, Potts Point. The land is zoned R1 General residential.

This will be achieved by adding 'hotel and motel accommodation' as an additional permitted use in Schedule 1 of Sydney LEP.

## 4. Explanation of provisions

To achieve the intended outcomes of this planning proposal, it is proposed to amend Schedule 1 of Sydney LEP to include 'hotel or motel accommodation' as an additional permitted use at 90 and 100-104 Brougham Street. A draft of the proposed amendment to Schedule 1 of the Sydney LEP is shown in **bold**, and ~~strikethrough~~ below:

9 Use of certain land at ~~92-98~~ **90-104** Brougham Street, Potts Point—

1. This clause applies to the following land at ~~92-98~~ **90-104** Brougham Street, Potts Point—
  - a) **Lot 15 Sec 4 DP 28, Lot 1 DP 456813,**
  - b) Lot 1, DP 724376,
  - c) Lot 1, DP 904094,
  - d) SP 17354,
  - e) Lot 100, DP 613011,
  - f) **Lots 25-28 in SP 10531 and Lots 1, 3-4, 6-12, 14-22, 24 in SP 1560**
2. Development for the purposes of hotel or motel accommodation is permitted with development consent.



## 5. Justification

Harphill Pty Ltd seek to incorporate their properties at 90 Brougham Street and 100-104 Brougham Street as part of an expanded hotel proposal for the Piccadilly Hotel (169-173 Victoria Street & 92-98 Brougham Street). Allowing 'hotel and motel accommodation' as additional uses on 90 Brougham Street and 100-104 Brougham Street would enable hotel use subject to future development consent.

The intention is to repurpose these properties as hotel accommodation rooms.

The extent of the future hotel is indicated in Figure 5 showing.

- The area within the orange outline comprises 169-173 Victoria Street & 92-98 Brougham Street. 169-173 Victoria Street is the original Piccadilly Hotel. These properties have development consent for a hotel use (D2021/927, approved 14 December 2022).
- The orange hatched area are former terrace houses at 92-98 Brougham Street.
- The blue coloured area is the properties subject to this planning proposal.

Figure 5. The Piccadilly Hotel





## Strategic merit

This planning proposal would provide additional hotel accommodation rooms in a highly accessible location, contributing to the City’s tourist and visitor accommodation supply. By providing a buffer to nearby residences it will allow for an improved experience for hotel patrons by allowing greater use of courtyard space for eating and dining.

The proposal is consistent with the City’s Tourism Action Plan (2013) and Visitor Accommodation Action Plan (2015) which aim to facilitate development of additional visitor accommodation. It also aligns with The Eastern City District Plan which seeks to strengthen and grow a more competitive Harbour CBD through the growth of targeted industry sectors, including tourist and visitor accommodation. It will support priorities and actions in City Plan 2036 to drive job creation in the City Fringe area.

The properties at 90 and 100-104 Brougham Street currently comprise 2 contemporary three-bed dwellings and 24 private market studio apartments. The loss of these dwellings is and will not impact the overall supply of dwellings against the City’s housing targets.

## Site-specific merit

Incorporating these properties in to an expanded hotel would provide a buffer between the future approved hotel use and neighbouring residences. It will allow for use of the courtyard area proposed for the hotel for outdoor dining without impacting on residential neighbours. The buffer between the expanded hotel and neighbouring residential properties will allow for easier management of any noise and privacy impacts that could arise. These will be assessed as part of any development application against the relevant planning controls. Any impacts will be managed through design approaches and plans of management which is partly made possible by the orientation of the apartments at 100-104 Brougham Street away from neighbouring properties.

This proposal does not propose any changes to the heritage, FSR or building height controls in Sydney LEP. No additional development potential is created through this proposal.

## Section A – Need for the planning proposal

Question	City response
Q1. Is the planning proposal a result of any strategic study or report?	The planning proposal is consistent with the City’s Tourist and Visitor Action Plan and Visitation Action Plan. It supports the priorities and actions in City Plan 2036 and Sustainable Sydney 2030-2050.
Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	Yes. The main objective of this planning proposal is to allow hotel and motel accommodation uses on the site. A planning proposal is required to amend the Sydney LEP and insert this use into Schedule 1, which contains the Additional Permitted Uses.

## Section B – Relationship to the strategic planning framework

Question	City response
Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and the exhibited draft strategies)?	Yes. The Greater Sydney Region Plan and the Eastern District City Plan are both prepared by the NSW Government and are the regional plans relevant to the site. This proposal will help support growth in the tourist and visitor economy sector.
Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?	<p>Yes. The City's vision for land use and planning is set out within City Plan 2036, the City's local strategic planning statement, and Sustainable Sydney 2030-2050. It supports the City Plan 2036 for job growth, particularly within the City Fringe.</p> <p>The site is located in close proximity to the Oxford Street Cultural and Creative precinct. In addition to the supply of visitor accommodation nearby to this area, this planning proposal would support the City's strategic priorities for the precinct.</p>
Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?	Yes, the planning proposal is consistent with applicable SEPPs. See section B2.
Q6. Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?	Yes, the planning proposal is consistent with applicable Ministerial Directions. See section B3.

## Section B2 – Assessment of planning proposal against applicable SEPPs

SEPP	Comment
SEPP (Biodiversity and Conservation) 2021	This planning proposal is consistent.
SEPP (Building Sustainability Index: BASIX) 2004	Not applicable to this proposal.
SEPP (Exempt and Complying Development Codes) 2008	This planning proposal is consistent.
SEPP (Housing) 2021	This planning proposal is consistent.
SEPP (Industry and Employment) 2021	This planning proposal is consistent.
SEPP (Planning Systems) 2021	This planning proposal is consistent.

SEPP	Comment
SEPP (Precincts–Central River City) 2021	Not applicable to this proposal.
SEPP (Precincts–Eastern Harbour City) 2021	This planning proposal is consistent.
SEPP (Precincts–Regional) 2021	Not applicable to this proposal.
SEPP (Precincts–Western Parkland City) 2021	Not applicable to this proposal.
SEPP (Primary Production) 2021	Not applicable to this proposal
SEPP (Resilience and Hazards) 2021	This planning proposal is consistent.
SEPP (Resources and Energy) 2021	This planning proposal is consistent
SEPP No 65 - Design Quality of Residential Flat Development	Not applicable to this proposal.
SEPP (Transport and Infrastructure) 2021	This planning proposal is consistent

## Section B3 – Assessment of planning proposal against applicable Ministerial Directions

Ministerial Direction	Response
Ministerial Direction 1.1 Implementation of Regional Plans	Consistent. The planning proposal will give effect to objectives and priorities of the Greater Sydney Region Plan as detailed in response to Q3 above.
Ministerial Direction 1.2 Development of Aboriginal Land Council Land	Not applicable.
Ministerial Direction 1.3 Approval and Referral Requirements	Consistent. The planning proposal does not include provisions that require the concurrence, consultation or referral of any future development application to a Minister or public authority. Future development in accordance with the proposed amendments will not be designated development.
Ministerial Direction 1.4 Site Specific Provisions	Consistent. The planning proposal will not further restrict the range of uses permissible on the site. Rather, it seeks to expand the existing range of permitted uses.
Ministerial Direction 1.5 Parramatta Road Urban Transformation Strategy	Not applicable.

Ministerial Direction	Response
Ministerial Direction 1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable.
Ministerial Direction 1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
Ministerial Direction 1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
Ministerial Direction 1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable.
Ministerial Direction 1.10 Implementation of the Western Sydney Aerotropolis Plan	Not applicable.
Ministerial Direction 1.11 Implementation of Bayside West Precincts 2036 Plan	Not applicable.
Ministerial Direction 1.12 Implementing of Planning Principles for the Cooks Cove Precinct	Not applicable.
Ministerial Direction 1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable.
Ministerial Direction 1.14 Implementation of Greater Macarthur 2040	Not applicable.
Ministerial Direction 1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable.

Ministerial Direction	Response
Ministerial Direction 1.16 North West Rail Link Corridor Strategy	Not applicable.
Ministerial Direction 1.17 Implementation of the Bays West Place Strategy	Not applicable.
1.18 Implementation of the Macquarie Park Innovation Precinct	Not applicable.
Ministerial Direction 1.19 Implementation of the Westmead Place Strategy	Not applicable.
Ministerial Direction 1.20 Implementation of the Camellia-Rosehill Place Strategy	Not applicable.
Ministerial Direction 1.21 Implementation of the South West Growth Area Structure Plan	Not applicable.
Ministerial Direction 1.22 Implementation of the Cherrybrook Station Place Strategy	Not applicable.
Ministerial Direction 3.1 Conservation Zones	Not applicable.
Ministerial Direction 3.2 Heritage Conservation	Consistent. No heritage items are identified on the site and the planning proposal does not alter existing heritage controls applied to the site. The planning proposal forms a part of a broader concept proposal for the Piccadilly Hotel, which involves the sensitive refurbishment of an existing local heritage item.
Ministerial Direction 3.3 Sydney Drinking Water Catchments	Not applicable.
Ministerial Direction 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable.
Ministerial Direction 3.5	Not applicable.



Ministerial Direction	Response
Recreation Vehicle Area	
Ministerial Direction 3.6 Strategic Conservation Planning	Not applicable.
Ministerial Direction 3.7 Public Bushland	Not applicable.
Ministerial Direction 3.8 Willandra Lakes Region	Not applicable.
Ministerial Direction 3.9 Sydney Harbour Foreshores and Waterways Area	Not applicable.
Ministerial Direction 3.10 Water Catchment Protection	Not applicable.
Ministerial Direction 4.1 Flooding	Consistent. The sites are not identified as flood-affected
Ministerial Direction 4.2 Coastal Management	Not applicable.
Ministerial Direction 4.3 Planning for Bushfire Protection	Not applicable.
Ministerial Direction 4.4 Remediation of Contaminated Land	<p>Consistent. The sites are already used for residential purposes. A preliminary site assessment for contamination was undertaken on the adjoining sites as part of the previous planning proposal. This assessment concluded the land was suitable for a hotel use.</p> <p>A detailed site investigation can be undertaken as part of a development application.</p>
Ministerial Direction 4.5 Acid Sulfate Soils	Consistent.
Ministerial Direction 4.6 Mine Subsidence and Unstable Land	Not applicable.
Ministerial Direction 5.1 Integrating Land Use and Transport	Consistent. The site is located in an area that is well serviced by existing public and private transport options.
Ministerial Direction 5.2	Not applicable.

Ministerial Direction	Response
Reserving Land for Public Purpose	
Ministerial Direction 5.3 Development Near Regulated Airports and Defence Airfields	Not applicable.
Ministerial Direction 5.4 Shooting Ranges	Not applicable.
Ministerial Direction 6.1 Residential Zones	Consistent. The planning proposal does not prevent a residential use from occurring on the site. The site is within a residential zone and development for that purpose will continue to be permissible.
Ministerial Direction 6.2 Caravan Parks and Manufactured Home Estates	Not applicable.
Ministerial Direction 7.1 Business and Industrial Zones	Consistent. The planning proposal will encourage employment growth in a suitable location, as well as protect and support the viability of an area prioritised for hotel accommodation uses.
Ministerial Direction 7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable.
Ministerial Direction 7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.
Ministerial Direction 8.1 Mining, Petroleum Production and Extractive Industries	Not applicable.
Ministerial Direction 9.1 Rural Zones	Not applicable.
Ministerial Direction 9.2 Rural Lands	Not applicable.
Ministerial Direction 9.3 Oyster Aquaculture	Not applicable.
Ministerial Direction 9.4	Not applicable.

Ministerial Direction	Response
Farmland of State Regional Significance on the NSW Far North Coast	

## Section C – Environmental, social and economic impact

Question	City response
Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	No. The planning proposal will not result in any significant ecological impacts.
Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	No. The planning proposal is would not result in any other environmental effects.
Q9. Has the planning proposal adequately addressed any social and environmental effects?	The proposal is for the expansion of a small-scale and existing hotel use on an adjacent property. No significant social or environmental effects are likely as an outcome of this proposal.

## Section D – State and Commonwealth interests

Question	City response
Q10. Is there adequate public infrastructure for the planning proposal?	Yes, there is adequate public infrastructure to support this planning proposal. It is noted that the site is located within close proximity to existing public and active transport infrastructure.
Q11. What are the views of the State and Commonwealth public authorities consulted in accordance with the Gateway determination?	The Gateway Determination will identify the public authorities to be consulted as part of the planning proposal process and any views expressed will be included in this planning proposal following consultation. Formal consultation has not yet commenced.

# 6. Mapping

No amendments to the current Sydney LEP maps are proposed.

## 7. Community consultation

This planning proposal is to be exhibited in accordance with the Gateway Determination once issued by the Department of Planning and Environment.

It is anticipated that the Gateway Determination will require public exhibition for a period of not less than 20 working days in accordance with the Environmental Planning and Assessment Act 1979 and s4.5 of the Department's guide to Preparing Local Environmental Plans.

Notification of the public exhibition will be consistent with the Gateway Determination and the City's Community Participation Plan. This will include publication on the City of Sydney website and notification via letters to surrounding owners and occupiers.

Consultation with relevant NSW agencies, authorities, and other referred entities will be undertaken if and where needed and in accordance with the Gateway Determination.



## 8. Project timeline

The anticipated timeline for the completion of the planning proposal is as follows:

Stage	Timeframe
Commencement / Gateway Determination	June 2023
Government agency consultation	July 2023
Public exhibition	July 2023
Consideration of submissions	August-September 2023
Post-exhibition consideration of proposal	October 2023
Draft and finalise LEP	November-December 2023
LEP made	January 2024
Plan forwarded to the Department of Planning and Environment for notification	January 2024



# **Attachment C**

**Resolutions of Council and the Central  
Sydney Planning Committee**

## Resolution of Council

**15 May 2023**

### **Item 8.4**

**Public Exhibition - Planning Proposal - 2, 2A-8 Arundel Street and 6-12 Parramatta Road, Forest Lodge, 90 and 100-104 Brougham Street, Potts Point, and 85-93 Commonwealth Street, Surry Hills - Sydney Local Environmental Plan 2012 Amendment**

It is resolved that:

- (A) Council approve the Planning Proposal - 2, 2A-8 Arundel Street and 6-12 Parramatta Road, Forest Lodge as shown at Attachment A to the subject report:
  - (i) for submission to the Department of Planning and Environment with a request for Gateway Determination; and
  - (ii) for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (B) Council approve the Planning Proposal - 90 and 100-104 Brougham Street, Potts Point as shown at Attachment B to the subject report:
  - (i) for submission to the Department of Planning and Environment with a request for Gateway Determination; and
  - (ii) for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council approve the Planning Proposal - 85-93 Commonwealth Street, Surry Hills, as shown at Attachment C to the subject report:
  - (i) for submission to the Department of Planning and Environment with a request for Gateway Determination; and
  - (ii) for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;

- (D) Council seek authority from the Department of Planning and Environment to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposals: 2, 2A-8 Arundel Street and 6-12 Parramatta Road, Forest Lodge; 90 and 100-104 Brougham Street, Potts Point; and 85-93 Commonwealth Street, Surry Hills; and
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposals: 2, 2A-8 Arundel Street and 6-12 Parramatta Road, Forest Lodge; 90 and 100-104 Brougham Street, Potts Point; and 85-93 Commonwealth Street, Surry Hills, to correct any drafting errors or to ensure consistency with the Gateway Determination.

Clause (A) was carried on the following show of hands:

Ayes (7) The Chair (the Lord Mayor), Councillors Davis, Gannon, Jarrett, Kok, Scott and Worling

Noes (2) Councillors Ellsmore and Weldon.

Clauses (B) to (E) were carried unanimously.

X082392



# Resolution of Central Sydney Planning Committee

**11 May 2023**

## Item 6

### **Public Exhibition - Planning Proposal - 2, 2A-8 Arundel Street and 6-12 Parramatta Road, Forest Lodge, 90 and 100-104 Brougham Street, Potts Point, and 85-93 Commonwealth Street, Surry Hills - Sydney Local Environmental Plan 2012 Amendment**

Moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

It is resolved that:

- (A) the Central Sydney Planning Committee approve the Planning Proposal - 2, 2A-8 Arundel Street and 6-12 Parramatta Road, Forest Lodge as shown at Attachment A to the subject report:
  - (i) for submission to the Department of Planning and Environment with a request for Gateway Determination; and
  - (ii) for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
  
- (B) the Central Sydney Planning Committee approve the Planning Proposal - 90 and 100-104 Brougham Street, Potts Point as shown at Attachment B to the subject report:
  - (i) for submission to the Department of Planning and Environment with a request for Gateway Determination; and
  - (ii) for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;

- (C) the Central Sydney Planning Committee approve the Planning Proposal - 85-93 Commonwealth Street, Surry Hills, as shown at Attachment C to the subject report:
  - (i) for submission to the Department of Planning and Environment with a request for Gateway Determination; and
  - (ii) for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage, Environment and Planning Committee on 8 May 2023 that Council seek authority from the Department of Planning and Environment to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposals: 2, 2A-8 Arundel Street and 6-12 Parramatta Road, Forest Lodge; 90 and 100-104 Brougham Street, Potts Point; and 85-93 Commonwealth Street, Surry Hills; and
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposals: 2, 2A-8 Arundel Street and 6-12 Parramatta Road, Forest Lodge; 90 and 100-104 Brougham Street, Potts Point; and 85-93 Commonwealth Street, Surry Hills, to correct any drafting errors or to ensure consistency with the Gateway Determination.

Carried unanimously.

X082392

# **Attachment D**

## **Gateway Determination**

## Gateway Determination

**Planning proposal (Department Ref: PP-2023-724):** to amend the Sydney LEP 2012 to by inserting 'hotel or motel accommodation' as a permissible use at 90 and 100-104 Brougham Street, Potts Point, under Schedule 1.

I, the Director, Eastern District City of Sydney, at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Sydney Local Environmental Plan 2012 to insert 'hotel or motel accommodation' as a permissible use at 90 and 100-104 Brougham Street Potts Point, through a site specific clause under Schedule 1 should proceed subject to the following conditions should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of **20 working days**; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
2. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
3. Given the nature of the planning proposal, Council is authorised to be the local plan-making authority to make this plan.
4. The LEP should be completed on or before 23 December 2023.

Dated 23 day of June 2023.



**Katie Joyner**  
**Director, City of Sydney and Eastern**  
**District**

**Planning and Land Use Strategy**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning and**  
**Public Spaces**



## **Item 7.**

### **Proposed Schedule of Central Sydney Planning Committee Meetings and Briefings for 2024**

**File No:** X094355

#### **Summary**

This report requests that the Central Sydney Planning Committee approve the draft Schedule of Central Sydney Planning Committee Meetings and Briefings for 2024.

#### **Recommendation**

It is resolved that the Central Sydney Planning Committee adopt the draft Schedule of Central Sydney Planning Committee Meetings and Briefings for 2024, as shown at Attachment A to the subject report.

#### **Attachments**

**Attachment A.** Draft Schedule of Central Sydney Planning Committee Meetings and Briefings for 2024

## **Background**

1. Each year the Central Sydney Planning Committee considers a meeting schedule for the upcoming year.
2. The draft schedule proposes 10 meetings and 10 briefings for the calendar year 2024.

## **Relevant Legislation**

3. City of Sydney Act 1988.
4. Local Government Act 1993.

## **Critical Dates / Time Frames**

5. The schedule follows the same pattern as previously approved by the Central Sydney Planning Committee. Meetings are generally scheduled in the same week as meetings of the Council's Transport, Heritage and Planning Committee.
6. The commencement time for the public meeting of the Central Sydney Planning Committee will be 5.00pm.
7. Briefings are generally held the week prior to the Central Sydney Planning Committee meeting.
8. Following endorsement by the Central Sydney Planning Committee, meeting dates will be available on the City's website.

## **GRAHAM JAHN AM**

Director City Planning, Development and Transport

Erin Cashman, Manager OCEO

# **Attachment A**

**Draft Schedule of Central Sydney Planning  
Committee Meetings and Briefings for 2024**

## SCHEDULE OF CENTRAL SYDNEY PLANNING COMMITTEE MEETINGS AND BRIEFINGS FOR 2024

DATE	MEETING
THURSDAY 8 FEBRUARY	• CSPC BRIEFINGS
THURSDAY 15 FEBRUARY	• CSPC MEETING
THURSDAY 29 FEBRUARY	• CSPC BRIEFINGS
THURSDAY 7 MARCH	• CSPC MEETING
THURSDAY 21 MARCH	• CSPC BRIEFINGS
THURSDAY 28 MARCH	• CSPC MEETING
THURSDAY 2 MAY	• CSPC BRIEFINGS
THURSDAY 9 MAY	• CSPC MEETING
THURSDAY 13 JUNE	• CSPC BRIEFINGS
THURSDAY 20 JUNE	• CSPC MEETING
THURSDAY 18 JULY	• CSPC BRIEFINGS
THURSDAY 25 JULY	• CSPC MEETING
THURSDAY 8 AUGUST	• CSPC BRIEFINGS
THURSDAY 15 AUGUST	• CSPC MEETING
THURSDAY 17 OCTOBER	• CSPC BRIEFINGS
THURSDAY 24 OCTOBER	• CSPC MEETING
THURSDAY 14 NOVEMBER	• CSPC BRIEFINGS
THURSDAY 21 NOVEMBER	• CSPC MEETING
THURSDAY 5 DECEMBER	• CSPC BRIEFINGS
THURSDAY 12 DECEMBER	• CSPC MEETING